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USA: President Obama sends mixed messages on counter terrorism in first 100 days

Amnesty International today described US President Barack Obama's first 100 days when it comes to counter terrorism policies as "promises for change with only limited action".

"President Obama's actions - within 48 hours of taking office - to close Guantánamo within a year, end secret CIA detentions and break with the secrecy of the Bush administration was very welcome," said Irene Khan, Secretary General of Amnesty International.

"Closure and disclosure will not be complete until the US Government follows through by ending all unlawful detentions, bringing to justice all those responsible for torture and other serious human rights violations carried out during the Bush administration, and providing real remedies to victims."

"We have seen some important positive developments in the first 100 days but there are still some steps that are either incomplete or remain to be taken, for instance on Bagram where hundreds are still detained with no solution in sight," said Irene Khan.

Amnesty International's assessment comes as the organization issued a report analysing the new Administration's actions on counter-terrorism detention policies.

The document highlights a number of **positive developments** during President Obama's first 100 days, including the issuing of executive orders on the closure of Guantánamo, an end to the CIA programme of long-term secret detentions, and imposing new standards for interrogations, which should exclude so-called "enhanced interrogation" techniques, on his third day in office.

Amnesty International also saw a number of **mixed messages**, specifically when President Obama and his administration:

- Made public four memos giving the CIA legal approval to use interrogation techniques that constituted torture or other ill-treatment against detainees in secret CIA custody. He condemned the practice of torture but said that those who carried out these crimes would not be brought to justice if they were following legal advice from the Department of Justice, emphasising that he preferred to look forwards than backwards. He then said it was up to the Attorney General as to whether to initiate investigations "with respect to those who formulated those legal decisions", and that he did not want to "prejudge" that.
- Issued an executive order on the future closure of the detention centre at Guantánamo, but did not commit to every detainee being either charged in a civilian court or released, leaving the future

uncertain for the 240 detainees.

- Promised that cases of Guantánamo detainees would be reviewed on a “rolling basis and as promptly as possible” to determine who can be transferred or released but after years of detention and months under the current Administration only one person has been released since January and none has been charged. Indeed a number of detainees remained in indefinite detention months after US federal judges ordered their immediate release.
- Ordered the CIA to close its secret detention facilities and prohibited the Agency from operating any such facility in future but left open the possibility of the CIA abducting and detaining people in “short, term transitory” facilities.
- Issued an executive order banning the use of torture and other ill treatment, but endorsing without qualification the US Army Field Manual, which may permit prolonged sleep deprivation and isolation as well as manipulation of the detainee’s fears in a manner that would violate the international prohibition of torture and other ill-treatment.
- Signalled that he would move away from the secrecy of the Bush Administration, but invoked the state secrets doctrine, effectively blocking remedy for human rights violations, and withholding information about the estimated 500 men held in the US military base in Bagram from the public.
- Apparently stopped using the phrases “war on terror” or “enemy combatant”, but continued to rely on the laws of war, rather than criminal justice and human rights, as the overarching framework for counter-terrorism measures.

Amnesty International’s report also found that President Obama and his administration have so far **failed to deliver** on human rights when they:

- Stated that CIA agents who relied on legal advice from the US Department of Justice in carrying out their duties will not be subject to prosecution, apparently even if they committed torture (for instance by “waterboarding” someone); this amounts to giving immunity to some of those responsible for acts of torture, and is itself in violation of international law.
- Opposed any right of judicial review in US courts for foreign nationals held in the US air base in Bagram, Afghanistan.
- Failed to take substantive steps to ensure that there is accountability for the widespread human rights violations associated with the “war on terror”. Towards the end of the 100 days, however, President Obama indicated a degree of support for a bipartisan process to examine past policies and practices. Amnesty International has been calling since 2004 for a full independent commission of inquiry into all aspects of the USA’s detention and interrogation practices in what the Bush administration dubbed the “war on terror”.

“The question we are asking is whether President Obama’s promise of change and the initial steps taken by his Administration herald an ultimately substantial and enduring shift towards respect for human rights in the fight against terrorism. We will continue to campaign for such change in the days, months and years ahead,” said Irene Khan.

See Amnesty International’s report [“Mixed messages: Counter terror and human rights President Obama’s first 100 days”](#)

**For a summary of Amnesty International's broader human rights concerns in the US, please see:
www.amnesty.org**

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