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Gheibi, Shahnaz (L-HRR)

From: Gaffney, Francis M (SBU)
 Sent: Tuesday, November 04, 2003 1:58 PM
 To: Gaffney, Francis M (SBU); Dolan, JoAnn (SBU)
 Cc: Legal-L-HRR (SBU)
 Subject: RE: OSCE Meeting on Prevention of Torture (6-7 Nov 2003): IHF Report on Torture in the OSCE Region

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-----Original Message-----

From: Gaffney, Francis M (SBU)
 Sent: Tuesday, November 04, 2003 1:53 PM
 To: Dolan, JoAnn (SBU)
 Cc: Legal-L-HRR (SBU)
 Subject: FW: OSCE Meeting on Prevention of Torture (6-7 Nov 2003): IHF Report on Torture in the OSCE Region

JoAnn --

Here's the detailed excerpt from the attached IHF report:

Since the US government launched a war against terrorism, increasing reports of misconduct by US officials towards detainees in US custody in Guantánamo, Bagram and other places around the world have raised suspicions of practices that amount to torture or cruel, inhuman or degrading treatment under the CAT. Moreover, keeping detainees *incommunicado* for indefinite periods -- without access to a lawyer, relatives or a court of law -- facilitates torture and other forms of unacceptable conduct by interrogators and is in violation of due process standards. Detainees cannot challenge the circumstances of their arrest, the conditions of their detention or their treatment during interrogation.

US authorities have categorically denied allegations that suspects in US custody have been tortured or ill-treated. On 18 October 2003, the day President Bush reiterated this denial, it was revealed that eight US soldiers had been charged with acts of brutality against prisoners of war in Iraq. One of the prisoners had died.

The US government continues to challenge every attempt to seek justice in the courts for the detainees. The one US national who has had access to the courts and alleged ill-treatment by US agents during his capture in and transfer from Afghanistan later withdrew those allegations as part of a settlement made with the government.

- John Walker Lindh alleged that he was subjected to the cruel use of shackling, blindfolding, and that he was bound naked to a stretcher in a shipping container without light or heat for two or three days. He alleged that he was threatened with death and torture. Just before a court was to hold a hearing on the claims, the two sides agreed to a plea bargain by which the defendant "put to rest his claims of mistreatment by the United States military, and withdrew all claims of mistreatment."

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: SHARON E AHMAD
 DATE/CASE ID: 14 DEC 2004 200303827
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Even the International Committee of the Red Cross (ICRC), the only non-governmental organization to have had access to the detainees in Guantánamo, said in August that it had "observed a worrying deterioration in the psychological health of a large number of [the detainees]." This, and other similar statements related to detainees in Guantánamo, have been unusual as the ICRC's findings are generally confidential. As of October 2003, there have been over 30 suicide attempts among the detainees.

According to media reports, detainees in Bagram Air Base have been subjected to "stress and duress" interrogation techniques amounting to torture and cruel, inhuman or degrading treatment. These techniques reportedly include restraining detainees in very painful positions, hooding, threats, and prolonged sleep deprivation and, in some cases, beatings.

- Two Afghan men, Dilawar and Mullah Habibullah, died in US custody in Bagram Air Base in December 2002. The autopsy reports gave the cause of death as "homicide" and "blunt force injuries" were found in both cases. The responsible colonel played the incident down as a "mishap" in the war on terrorism. By October 2003, the US authorities had not published results of the investigation into the deaths.

According to a new HRW report, the US military is failing to conduct proper investigations into civilian deaths resulting from the excessive or indiscriminate use of force by its members in Baghdad, Iraq. HRW confirmed 20 deaths in the Iraqi capital alone between 1 May and 30 September 2003. In total, HRW collected credible reports of 94 civilian deaths in Baghdad, involving questionable legal circumstances that warrant investigation. This number does not include civilians wounded by US troops. The precise number of Iraqi civilians killed by US soldiers since the end of major military operations is unknown, and, astonishingly, the US military says that it keeps no statistics on civilian deaths. By late October, the military had concluded only five investigations above the division level into alleged unlawful deaths. Of these, soldiers were found to have operated "within the rules of engagement" in four cases, in the fifth case a helicopter pilot and his commander face disciplinary action. However, according to HRW investigation, in two of these five cases, evidence suggested that soldiers had used excessive force. In some cases, US forces faced a real threat, which gave them the right to respond with force. But that response was sometimes disproportionate or indiscriminate, harming civilians or putting them at risk. In the meantime, the lack of timely and high-level investigations into many questionable incidents has created an atmosphere of impunity.

In addition to allegations of excessive or indiscriminate use of force by the US military in Iraq, there have been reports about other inadequate conduct towards detainees.

On 25 April 2003, the Norwegian newspaper *Dagbladet* published photos that showed American soldiers escorting naked Iraqi men through a park in Baghdad. The pictures revealed that someone had written the words "Ali Baba - Haram(i)" -- which means Ali Baba - thief -- in Arabic on the prisoners' chests. The article quoted a US military officer as saying that this treatment is an effective method of deterring thieves from entering the park and is a method which will be used again; another US military officer was quoted as saying that US soldiers are not allowed to treat prisoners inhumanely.

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