
amnesty international

OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2006

STATEMENT IN WORKING SESSION 6: Access to Justice

Amnesty International has expressed grave concerns about the involvement of the **USA** and many **European states** in the unlawful practice of "rendition" – an unlawful practice in which numerous men have been illegally detained and secretly flown to countries where they have suffered additional crimes, including torture and enforced disappearance.

Albania, Macedonia, Bosnia and Herzegovina, Turkey and EU member states Germany, Italy, Sweden and the UK are all implicated in the six rendition cases detailed in AI's report *Partners in crime: Europe's role in US renditions* (AI Index: EUR 01/008/2006, 14 June 2006). In each case, men have been bundled onto planes and transferred abroad, without due process, to detention sites where they all say they have been tortured or otherwise ill-treated. While the way in which each state is implicated differs -- from allowing airports and airspace on their territory to be used, to participating in the arrest or abduction of people and handing them over to US Secret Services -- their action, or lack of action, contravened their obligations under international law.

On 6 September 2006 US President Bush announced that 14 men held in secret CIA custody had been transferred to Guantánamo, thus admitting what had long been reported – that, in the 'war on terror', the USA has been resorting to secret detentions. As the UN Human Rights Committee and the Committee against Torture had stressed to the US government only weeks earlier, secret detention violates the USA's international legal obligations. In some cases, Amnesty International considers that the secret detentions constituted enforced "disappearance", a crime under international law. The organization is also concerned by evidence that the "alternative" interrogation techniques used by the CIA have violated the prohibition on torture or other cruel, inhuman or degrading treatment.

On 27 September, the US House of Representatives passed an administration-backed bill authorizing the use of military commissions to try foreign nationals held as "unlawful enemy combatants", following the US Supreme Court's ruling in June that the commissions President Bush had established were unlawful. Amnesty International is deeply concerned by the legislation. The military commission trials envisaged would violate the prohibition on the discriminatory application of fair trial rights. Among other things, the commissions would be able to admit coerced evidence, and would have the power to hand down death sentences. The legislation has many disturbing attributes, including provisions to strip US courts of the jurisdiction to consider *habeas corpus* appeals from "enemy combatants"; provisions to prohibit anyone from invoking the Geneva Conventions or their protocols as a source of rights in any action in any US court; and provisions endorsing wide-ranging executive detention powers.

Amnesty International has been calling for a full independent commission of inquiry, with international expert input, into all the USA's 'war on terror' detention and interrogation practices. President Bush's admission that the US government has used secret detention highlights the urgent need for such an investigation, rather than for new laws 'legalising' such action. A special prosecutor should also be appointed to conduct a criminal investigation into the conduct of any US personnel, including administration officials, against whom there is evidence of involvement in crimes in the "war on terror".