



Amnesty International

Orange County

GROUP 141 ORANGE • GROUP 175 LONG BEACH
GROUP 178 IRVINE • GROUP 596 HUNTINGTON BEACH

November 2003

USA: "We don't torture people in America"

This article is taken from an October 20 news release issued by the International Secretariat of Amnesty International.

In Australia on October 18, asked in a television interview whether two Australian nationals held in US custody in Guantánamo Bay were being tortured, President George Bush offered a categorical denial: "No, of course. We don't torture people in America. And people who make that claim just don't know anything about our country".

On the same day, 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.

President Bush's denial echoed an earlier statement by a military spokesman at the US Air Base in Bagram, Afghanistan. There have been persistent allegations of ill-treatment and torture of detainees held in Bagram, subjected to so-called "stress and duress" techniques including blindfolding, prolonged forced kneeling, sleep deprivation, and cruel use of shackles. Asked about one such case, the spokesman, Colonel Rodney Davis, replied: "I don't know the specific case you're referencing but I think you would have to agree, America, and for the most part the other countries involved in this coalition, don't have a reputation for treating individuals in an inhumane way. It's not part of our culture."

Such responses smack of complacency. After all, the USA is a country where some 3,600 people, including scores of juvenile offenders and mentally ill inmates, await execution, and tens of thousands of others are held in "super-maximum" security facilities in conditions—solitary confinement and reduced sensory stimulation—which the United Nations Committee against Torture, has referred to as "excessively harsh".

Two Afghan men 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. Colonel Davis said that, while this was true, the case was an example of the USA's culture of openness: "We tend to share the good, the bad and the ugly, and we've fessed up, if you will, to a few mishaps we've had here since we've engaged in the war on terrorism."

Deaths in custody as "mishaps"? Is that how the military will explain to the relatives of Dilawar and Mullah Habibullah how the two men died? Ten months on, the US authorities have not announced the results of the investigation into the deaths.

Judge Richard Goldstone, a justice on the Constitutional Court of South Africa, and former chief prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, has said that in his opinion the "stress and duress" techniques alleged at Bagram would constitute torture under

the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee against Torture, established to oversee implementation of the treaty, has expressly held that restraining detainees in very painful positions, hooding, threats, and prolonged sleep deprivation are methods of interrogation which violate the prohibition on torture and cruel, inhuman or degrading treatment.

Article 16 of the Convention Against Torture requires governments to "undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture". When it ratified the Convention in 1994, the USA lodged a reservation agreeing to be bound by the prohibition on cruel, inhuman or degrading treatment only to the extent that this term matched the constitutional ban on "cruel and unusual" punishments. In effect, the reservation can severely limit US obligations under the Convention. In 2000, the Committee against Torture said that the US reservation should be withdrawn. The USA has not done so.

The detainees held in Guantánamo, Bagram and elsewhere are at the mercy of the executive. None has access to any US court to be able to challenge the circumstances of their arrest, the conditions of their detention or their treatment during interrogation. The US Government continues to challenge every attempt to obtain 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 plea arrangement made with the government. John Walker Lindh alleged that he was subjected to 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 "puts to rest his claims of mistreatment by the United States military, and all claims of mistreatment are withdrawn."

Amnesty International considers that the totality of the conditions in which most of the hundreds of detainees in Guantánamo Bay in Cuba have been held can amount to cruel, inhuman and degrading treatment. In recent months, the International Committee of the Red Cross (ICRC), the only non-governmental organization to have had access to the detainees, has taken the unusual step of making public its concerns on this issue (its findings are generally confidential).

Continued on page 2

October Meeting Minutes

Group #175 Long Beach

Attendees

Kevin Gaffney, Deidre Jackson, Jim Roberts, Jamie Skaluba, Obee Landrum, Mary Kay Dunn, Naomi Steinfeld, Becky Stahly.

Letter-Writing

The group wrote a total of 28 letters to Vietnam, China, and to Colin Powell (about the Congo).

Discussion

We briefly discussed the situation in the DRC (Congo). There was mention of the movie Lumumba which shows when they first gained independence in 1961 and the turmoil of leadership. It was asked that if anyone sees it on HBO again to please tape it so we may show it at a meeting.

Jim Roberts talked about the current situation with our prisoner, which is status quo for now. We discussed working with the Viet Nam Human Rights Network who we have had contact with before. Jim also discussed the situation with Aung San Suu Kyi and her house arrest. Jim will keep the group posted via the email list.

We discussed human rights in China and the spread of HIV from blood and plasma transfusion. Naomi had just come from China and let us know that the blood is often "pooled" together for plasma which can lead to the spread of HIV. This is not government sponsored, but still something to be aware about.

We also discussed the Western Regional Conference in Redondo Beach. Six members of the group ended up attending! We will all talk about what we had learned at the next meeting.

At the next meeting, we will be doing the Holiday Card Action and cards for both Cosette Thompson and Michelle Williams who will be leaving AI as staff members. Both will be missed in our hearts and in our minds.

We also threw the idea around about maybe having a meeting sometime at the pub again, or because the pub is so loud, a Vietnamese restaurant. Stay tuned for more details.

Upcoming Events

Upcoming events besides the conference were the Voices from the Inside Forum which took place on November 4 and a speaking engagement by the mother of Amy Biehl (killed in South Africa) on November 17 at Sage School.

October Meeting Minutes

Group #178 Irvine

Actions and Campaigns

We wrote letters for the current actions that were brought to the meeting.

Jacques Kilchoer reported on the new campaign about the Democratic Republic of the Congo.

Fundraiser

Julie Ralls, group coordinator, raised more than \$100 by donating the proceeds of a henna-painting event she organized to benefit Group 178. She will do this again in the near

future.

National Weekend of Faith in Action

Group participated in the National Weekend of Faith in Action on the Death Penalty by tabling at the Orange Coast Unitarian Universalist Church in Costa Mesa. Many people signed our petitions and several signed a "Declaration of Life" document stating that if they were the victim of the violent crime they would not want their accuser to receive a death sentence. A notary public was on hand to notarize the documents.

Write-a-thon

The group will participate in the Orange County Amnesty International Write-a-Thon at the Orange Coast Unitarian Universalist Church in Costa Mesa on Saturday, December 13, 3:00-10:00 PM. See the website for further details and the announcement in this newsletter.

October Meeting Minutes

Group #596 Huntington Beach

Last meeting we had Beverly Anderson come and speak about Israel and Palestine. Beverly Anderson is a human rights activist who has traveled with teams to Central America and Mexico, as well as in West Asia to investigate human rights violations committed with U.S. supplied arms. She was recommended by Kevin Gaffney and she did a great job! We all found it quite informative.

We wrote 60 letters and sent out 3 petitions.

For November we will be doing a planning session for 2004: campaigns we want to focus on, fundraising and ideas for speakers at the monthly meetings throughout 2004. Please come with your ideas!

We will not have a meeting in December, but will try to participate in the letter writing marathon on December 13 with the Irvine group.

For January, we will have Joann Baker speak about South Africa and the AIDS epidemic in that region.

USA: Torture

Continued from page 1

In July, ICRC spokespersons described how the absence of "any clear legal framework" had had "a very adverse impact on their physical and mental well-being". In August, the ICRC posted on its website that it had "observed a worrying deterioration in the psychological health of a large number of [the detainees]". On October 9, an ICRC spokesperson told the New York Times that "the open-endedness of the situation and its impact on the mental health of the population has become a major problem." To date, there have been over 30 suicide attempts among the detainees. Perhaps they are not being subjected to direct physical torture. However, there can be little doubt about the cruelty of Guantánamo's indefinite and isolating regime.

Judge Richard Goldstone has said: "I do indeed believe that a future American President will have to apologise for Guantánamo." Amnesty International urges President Bush to act now to end the legal limbo of the detainees, allowing them access to justice and the rule of law.

Upcoming Events

15th Annual Candlelight Walk for Human Rights

This event will take place on Sunday, December 7, approximately 5:00–8:00 PM, to commemorate International Human Rights Day, December 10, at the Oceanside Amphitheater and Pier. For information, contact Kathy Ford at (760) 731-0735 or swamiwilly@aol.com or see the website www.amnestygroup471.org. There are expecting about 300 attendees. Look for more information later as well as opportunities to carpool.

Amnesty International Write-a-Thon

Amnesty International of Orange County is sponsoring the Fourth Annual Amnesty International Write-a-Thon. Join other Amnesty International groups throughout the world as we send out letters to promote human rights! This worldwide event, originally conceived by an Amnesty International group in Poland, is happening on this date throughout the world. Do your part in Orange County!

Date: Saturday, December 13

Time: 3:00–10:00 PM

Place: Orange Coast Unitarian Universalist Church, 1259 Victoria Street, Costa Mesa, (949) 646-4652

Food and drinks will be provided. We will be watching human rights informational videos and other movies during the letter-writing. Come any time between 3:00 and 10:00 PM and stay as long as you wish.

From the Executive Director

World Opinion Does Matter

This column, by AIUSA Executive Director Bill Schulz, is taken from the October 2003 Monthly Mailing

Among all the world's human rights organizations, Amnesty International is unique—in the proper, not just the rhetorical, sense of that word—because it is truly international, created as a global movement and sustained by 1.7 million members in dozens of countries around the world. That is one reason the recent tendency of the United States Government to ignore or even defy international opinion when it comes to such things as the International Criminal Court, the Kyoto treaty on climate change and the war in Iraq has been particularly painful for us in Amnesty International USA. We want our country to be seen as a good citizen on the world stage, respectful of the values and opinions of the international community.

In that regard it is worth noting that the importance of world opinion was reinforced a few weeks ago by an un-

likely protagonist. In his majority opinion striking down U.S. sodomy laws (*Lawrence v. Texas*), Supreme Court Justice Anthony Kennedy—no one's idea of a wild-eyed lefty—cited both a 1957 recommendation from a committee advising the British Parliament that laws against homosexual conduct should be repealed in the United Kingdom and a recent decision by the European Court of Human Rights supporting gay rights. Both, he said, along with the fact that only 13 U.S. states had retained sodomy laws on their books and only four of those enforced them, support the conviction that the Court's 1986 decision upholding such laws should be overturned.

Lawrence v. Texas is of course a most welcome decision in and of itself and long overdue. But the citation of international opinion adds icing to the cake and the recognition that grassroots pressure contributed to the Court's change of mind might be considered the crowning decoration. Nor is this the first time the Court has given the nod to the value of both global precedent and citizen pressure, for both were influential in the decision a few months ago to outlaw the execution of the mentally retarded.

All of which underscores how crucial it is that human rights be grounded in community activism, as they are at Amnesty International, and not just in government decree, and that they be understood as international in scope, not just derivative from the Constitution.

Both principles are under considerable threat these days, as I make clear in my new book, *Tainted Legacy: 9/11 and the Ruin of Human Rights*, published in September by Nation Books, affiliated with *The Nation* magazine, and about which you'll read more soon.

Even since I completed the manuscript, the government has tried to strike two more blows against internationalism. It is seeking to pressure Belgium and other countries that had been prosecuting torturers and war criminals under the principle of universal jurisdiction to stop the practice. And it is attempting to persuade U.S. courts to shield U.S. companies doing business with human rights abusing regimes overseas from lawsuits here at home.

Our work can get discouraging but every once in awhile a small triumph shows its pretty face and that is what happened in *Lawrence v. Texas*. It wouldn't have happened either without international human rights mechanisms like the European Court and citizen activism, such as Amnesty has sought to nurture for forty-two years. So all of you who have supported us over the years deserve to share in the victory. Thank you for keeping the faith.

Bill Schulz

If you would like to continue receiving this newsletter and supporting the work of the Orange County and Long Beach Amnesty International groups, please return this coupon to the address below with annual dues of \$10.00. Dues are used to cover the costs of this newsletter and of letters on behalf of prisoners. Your address label contains your membership expiration date.

Name _____

Address _____

City, State & Zip _____

Return to:

Amnesty International

P.O. Box 864

Orange, CA 92856

For (check one):

☐ Orange Group

☐ Irvine Group

☐ Huntington Beach

☐ Long Beach

Please make your check payable to Amnesty International. Contributions to AI are tax-deductible. Thank you for your interest and support!

Calendar

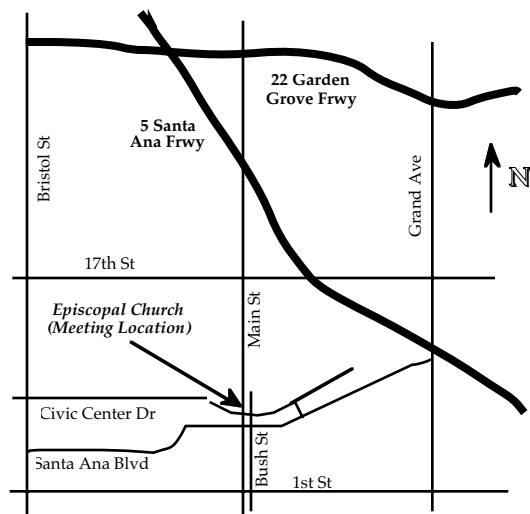
November

18 Tuesday 7:00 PM

Group #141 Orange Monthly Meeting in the choir room at the Episcopal Church of the Messiah, on the corner of Main Street & Civic Center Drive in downtown Santa Ana. Park at the Hands Together Day Care center across the street. Group #141 meets the third Tuesday of each month. For further information about the group, contact Deidre Jackson at (562) 430-7381.

24 Monday 7:00 PM

Group #596 Huntington Beach Meeting at Saints Simon and Jude Church, Room 7A, 20444 Magnolia Street in Huntington Beach. Group #596 meets the last Monday of each month. For further information about the group, contact Darcie Guy at (949) 650-5375.



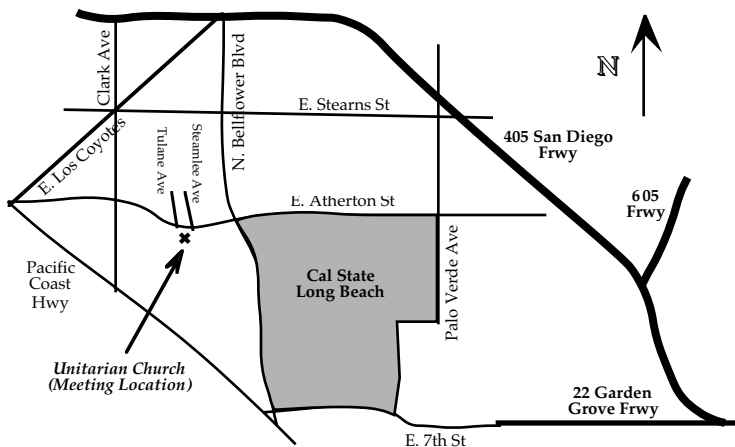
Group #141 Orange Meeting Location

25 Tuesday 7:00 PM

Group #175 Long Beach Monthly Meeting at the Unitarian Universalist Church, 5450 Atherton Street, Long Beach. Letter-writing from 7:00–7:30. Group #175 meets on the fourth Tuesday of each month. For further information about the group, contact Bobbi Kendig at (562) 420-1155.

25 Tuesday 7:30 PM

Group #178 Irvine Monthly Meeting at Full Spectrum Yoga, 2018 Quail Street, Newport Beach (across from John Wayne Airport). Group #178 meets the last Tuesday of each month. For more information about the group, contact Jacques Kilchoër at (714) 557-8427.



Group #175 Long Beach Meeting Location

Amnesty International Local Group 178
Post Office Box 16243
Irvine, California 92623-6243