



Amnesty International

Orange County

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October 2006

<http://www.aiusaoc.org>

USA: AI Deeply Disappointed In Detainee Bill

This article is taken from the October 2006 AI Connect.

Amnesty International stated its profound disappointment September 29 at Senate passage the previous day of legislation that AI said calls into question the United States' commitment to fundamental principles of justice and fair trials. The "Military Commissions Act," first approved by the House on September 27 fails to provide clarification of basic standards for treatment of persons in detention. Instead, AI argues, the bill adds "more confusion where illumination was sought."

"Many have looked to the United States, as the world's sole superpower, to set the standard for human rights," said Larry Cox, Amnesty International USA Executive Director. "However, Congress has sent the wrong message by refusing to affirm basic, universal standards recognized under human rights and humanitarian law. Rather than steering a clear course to uphold established standards of U.S. and international law, the bill creates new standards that appear to fall short and raise questions about the U.S. Government's commitment to American values of due process and integrity."

"Amnesty International commends the Senators and Members of Congress who voted against this legislation. They took a principled stand by casting an important vote in favor of human rights, the rule of law and our nation's standing in the international community," added Cox.

The bill strips persons held in the U.S.-controlled detention center in Guantanamo Bay, Cuba—many for almost five years without charge or meaningful judicial review—and other alleged "enemy combatants" in U.S. custody of yet another right: the ability to file a writ of habeas corpus. It also would bar anyone in detention from going to court to protect his or her rights under the Geneva Conventions.

"By cutting off any opportunity for meaningful judicial review, Congress chose to rely on an honor system in which the 'trust us' promises of the President and his Administration are considered sufficient to ensure that people in U.S. custody and control are treated humanely and detained properly," said Jumana Musa, AIUSA Advocacy Director for Domestic Human Rights and International Justice. "Past practices have proven that such assurances do not constitute a guarantee that people will be treated in accordance with U.S. and international law."

Anyone determined to be an "unlawful enemy combatant" could be detained by the U.S. Government anywhere in the world for an act as minor as writing a check in a country far from any battlefield. This far-reaching definition twists on its head the concept of what constitutes a combatant.

An "unlawful enemy combatant" is defined as anyone de-

termined by the U.S. Government to have engaged in hostilities, to have "purposefully and materially supported hostilities against the United States or its cobelligerents," or anyone deemed as such by a "Combatant Status Review Tribunal" or another competent tribunal established under the authority of the President or the Secretary of Defense. This characterization allows the U.S. Government to use a law of war rationale in place of a human rights framework to detain people—on or off a battlefield—indefinitely without charge or access to judicial review.

Amnesty International is also concerned about other provisions in the legislation including:

- Creation of a new tribunal system to try a wide variety of people in a military commissions system that is discriminatory and lacks fundamental due process protections because it establishes a dual track system of justice, one for Americans and another for foreign nationals that has minimal safeguards.
- Redefinition of fundamental areas of the law; returning to an outdated definition of rape and sexual abuse increases the difficulty of prosecuting individuals responsible for such acts.
- Retroactive immunity for those who may have been implicated in creating policies or participating in abuse and other acts long believed to be torture or cruel, inhuman or degrading treatment.

"The Supreme Court's decision in *Hamdan v. Rumsfeld* was a distinctive opportunity for setting the United States back on course to affirm American principles of justice and reverse years of flawed and failed policies. Unfortunately, the Congress turned bad administration policy into bad law," said Musa.

"Instead of focusing on accountability and providing clarity, the days ahead will be spent muddling through a deeper mess, striving to interpret the bill, reestablishing adherence to international human rights and humanitarian law and, sadly, more time arguing the legislation in court," said Cox. "The administration and Congress put the American people through a maze that led to a faulty policy and, in the process, lost a little more of its standing with the global community and the American public."

"Amnesty International will focus on holding the administration accountable, not only to upholding its obligations under international human rights and humanitarian law, but also to fulfilling the expectations of Americans who believe in justice for all. The America we believe in leads the world on human rights," added Cox.

September Meeting Minutes

Group #141 Orange

Letter-Writing Actions

The group wrote 30 letters and signed several petitions. These included letters to Secretary of State Condoleezza Rice dealing with the situation in Darfur and expressing support for suspending transfer of U.S.-made cluster bombs; to the Jamaican prime minister asking her to take measures to protect women and girls from sexual violence; to Senators Boxer and Feinstein dealing with military commissions; and to Ugandan officials regarding harassment of lesbians in that country.

Artists Village Tabling

The group tabled at the Santa Ana Artists Village Open House on Saturday, October 7. The response from passersby was very positive and we gathered many signatures on petitions.

100 Days of Action in Darfur

Deidre discussed Amnesty's Summer Action Series: 100 Days of Action on Darfur. During this campaign, which began June 26, Amnesty International groups, individuals and other organizations around the nation are mobilizing, raising awareness and taking action to ensure the safety and security of people in the Darfur region.

Human Rights Day Event

The Orange County and Long Beach Amnesty groups, in conjunction with the Orange County chapter of the United Nations Association, are planning a write-a-thon to commemorate Human Rights Day, Sunday, December 10. Assuming we receive the necessary approvals, we're planning to hold this at the Lab Anti-Mall in Costa Mesa, from 11:30 AM to 5:30 PM. The event will be broken into three two-hour blocks, each devoted to a current human rights concern: the situation in Darfur in the Sudan, violence against women, and the "war on terror" and the Air Torture Campaign. Some of the ideas being considered include showing movies at the Gypsy Den, having live music in the "living room" area of the Lab, and selling items from the United Nations Association store.

AI Activists Press Congress for Action on Darfur

In the largest district office mobilization in Amnesty International USA history, activists visited more than 245 Congressional offices in Washington, DC, and across the country in September in an effort to get U.N. boots on the ground in Darfur. The transition from African Union troops to U.N. peacekeepers was planned for October 1, but thus far Sudanese President Omar al-Bashir has vehemently refused to allow U.N. troops, while at the same time agreeing to an extension for African Union forces.

The Congressional visits were part of three weeks of intensive government advocacy, during which AIUSA activists participated in a week of calls to the White House (September 18–22) and actress Mira Sorvino testified on behalf of AIUSA at a U.S. House Africa Subcommittee hearing (September 20). The

bulk of the 245 Congressional visits occurred in late September. AIUSA also delivered more than 4,000 signed "ration cards" to the Chadian Embassy; these represent the cards that displaced civilians from Darfur and Eastern Chad must present to receive their allotted humanitarian aid. AIUSA reiterated its request to Chad to protect displaced persons.

"The African Union's extension of its mission in Darfur is a critical stopgap measure, but it is not nearly enough to end this devastating crisis," said AIUSA Executive Director Larry Cox. "President al-Bashir's bluster and rhetoric are merely a cover for the wrath that his government unleashes on its people. The U.S. must continue to press Sudan and its allies to acquiesce to U.N. peacekeeping troops."

On August 31 the U.N. Security Council adopted Resolution 1706, inviting the Sudanese Government to consent to a U.N. peacekeeping mission that would expand the U.N.'s presence in Sudan to Darfur. President al-Bashir has repeatedly rejected the resolution. On September 19 President Bush announced the appointment of U.S. Special Envoy Andrew Natsios, and the next day the African Union Peace and Security Council agreed to extend the A.U. peacekeeping mission in Sudan through the end of 2006.

Success Stories!

Honduras Frees Focus Case Prisoners

Marcelino and Leonardo Miranda became the second and third AIUSA Special Focus Case prisoners in Honduras to be freed this year when they were released from prison in July and August, respectively. Marcelino was freed on July 12, following a decision by the Honduran Supreme Court in June that acquitted Marcelino and his brother Leonardo of a 2001 murder for which they were wrongfully imprisoned. On August 15, a lower court commuted Leonardo's sentence on another charge, resulting in his release. Amnesty believes the two brothers and another indigenous rights activist, Feliciano Pineda, were jailed in connection with their efforts to secure communal land titles for their communities in Montaña Verde. Pineda was released from detention in February 2006.

USA: Charges Dropped Against Border Aid Workers

On September 1, U.S. District Judge Raner Collins dismissed the case against humanitarian aid workers Shanti Sellz and Daniel Strauss. Sellz and Strauss had been charged with transporting undocumented migrants after providing assistance to three men found in apparently life-threatening condition in the Arizona desert last July.

Guantanamo Detainee, Murat Kurnaz Released

The U.S. Government released Murat Kurnaz from captivity on Guantánamo Bay on August 24. AIUSA Group 550 in South Hampton, NH, had taken up the case and campaigned for his release. Kurnaz, a Turkish national born in Germany, had been held for four years and eight months without charge or trial. His case was featured in AIUSA's 2005 Holiday Card Action. Kurnaz's lawyer told Amnesty International, "He is now again in the circle of his family. Their joy at embracing their lost son again is indescribable."

From the Executive Director Now Is The Time To Speak Out

This is a moment of truth-for our country and for our movement. On September 21 President Bush and several members of the Senate struck a deal on human rights. In the process, they dealt away America's commitment to fundamental human rights principles.

The President of the United States, a country which has prided itself on being a leader in fighting for the protection of human rights, has been pulling out all the stops, putting as much pressure as possible, fighting as hard as he can for the right to "clarify" the Geneva Conventions so that the U.S. can continue to use what he calls "alternative" techniques on persons accused of terrorist acts. No one, not in the United States and not around the world, is fooled by this spin. The President is fighting for the right to torture. The "alternative techniques" Bush supports have long been considered torture by the United States itself when carried out by other countries. We have known for a long time that the President has authorized others to break international law. By going to Congress he has sought to make all of us complicit in those crimes.

The deal the President struck with several leading members of the Senate is clever. It does not reinterpret the Geneva Conventions but it allows the President to "interpret" the Conventions and creates the distinct possibility that the President's "interpretation" will allow him to continue practices such as sleep deprivation, use of extreme heat and cold, and water boarding, or simulated drowning, that the Conventions were designed to prevent. The Bill would also allow immunity for those who carry out such acts and it would strip prisoners of access to U.S. courts to gain some protection against the abuse against them. It does not challenge the holding of people in secret detention sites which the Committee on Torture has itself called a clear form of torture.

This "compromise" is a betrayal of the America we believe in. It is a betrayal also of victims of torture around the world who once believed they could count on the United States to be on their side. It is a gift to dictators and brutal regimes around the world. And it is a gift to those who advocate and use terror who will see it as one more propaganda tool to be used against an America that is losing its moral credibility. This is a moment of truth. Nothing less than the soul of our nation is at stake.

And it is a test for our movement. AI activists around the country have been leading in this fight and we need to continue. No human rights activist can remain on the sidelines in the days

ahead. No matter what has happened in Congress, we need to continue to show the world that there is a different America than the one they see in Washington. This is the America we believe in!

As citizens of this great nation we must not remain silent or passive. I have confidence in you and in the power of the collective voice. We are taking action—and we will succeed. Human rights must be protected for all people or they belong to no one.

Edward R. Murrow once insightfully said, "We can deny our heritage and our history, but we cannot escape responsibility for the result. There is no way for a citizen of a republic to abdicate his responsibilities. We proclaim ourselves, as indeed we are, the defenders of freedom, wherever it continues to exist in the world, but we cannot defend freedom abroad by deserting it at home."

On September 11, 2006 President Bush declared that "we will lead the 21st century into a shining age of human liberty." The only way that will be possible is if our government has the courage to stand by our fundamental principles of liberty and freedom. The America we believe in leads the world on human rights. I know all of you will continue to fight for that America and for the human rights that Amnesty International was created to defend. Thank you for your commitment, dedication and support.

Larry Cox, Executive Director

Privatizing Torture

Two new documentaries shine a harsh light on military contractors. Amnesty has partnered with the films, *Iraq For Sale* and *Shadow Company* to raise awareness about human rights abuses involving private military contractors, particularly in the "war on terror."

Iraq for Sale, by producer/director Robert Greenwald, examines contractor fraud and waste, non-competitive awarding of contracts, and inadequate protection of contractors in conflict areas. *Shadow Company*, by Nick Bicanic and Jason Bourque, is a documentary that explores the history of mercenaries, the PMC industry and its regulation, along with exclusive interviews with security contractors, journalists, historians and owners of contracting companies. With tens of thousands of armed contractors in Iraq alone, it is clear that the rules of war have changed.

AIUSA's Corporate Action Network (CAN) is asking members to host house parties to view these films. Then hold a discussion afterwards. Limited copies of these films are available free for loan from Amnesty CAN.

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 shown with annual dues of \$10.00. Dues cover the costs of this newsletter and of stamps used for saving lives. Your address label contains your membership expiration date. Join us!

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

Calendar

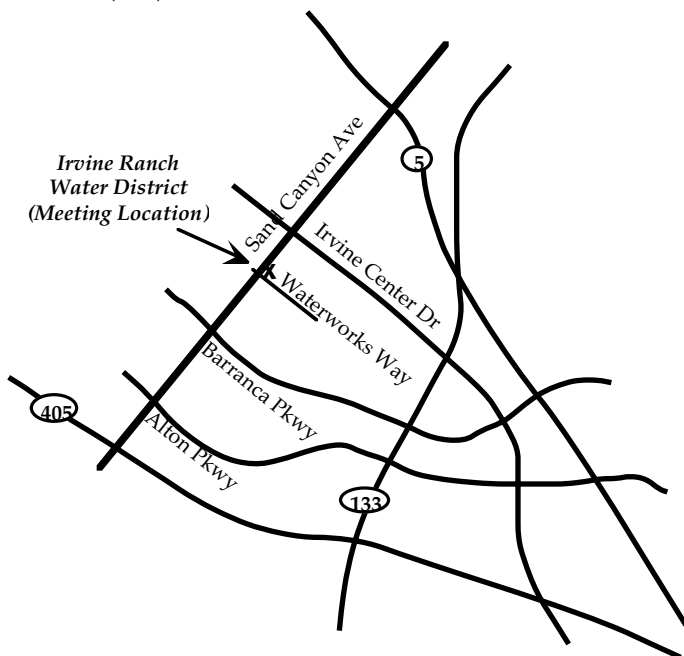
October

17 Tuesday 7:00 PM

Group #141 Orange Monthly Meeting in Classroom 3 at the Sisters of St. Joseph, 480 S. Batavia Street, in Orange. Look for the classroom/auditorium building behind the main building. Drive around and to the back. Group #141 meets the third Tuesday of each month. For further information about the group, contact Kevin Gaffney at xhuskr@aol.com.

18 Wednesday 7:00 PM

Group #175 Long Beach Monthly Meeting at the Unitarian Universalist Church, Rooms 1 and 2, 5450 Atherton Street, Long Beach. Letter-writing from 7:00–7:30. For further information about the group, contact Norma Edwards at (562) 425-4353.



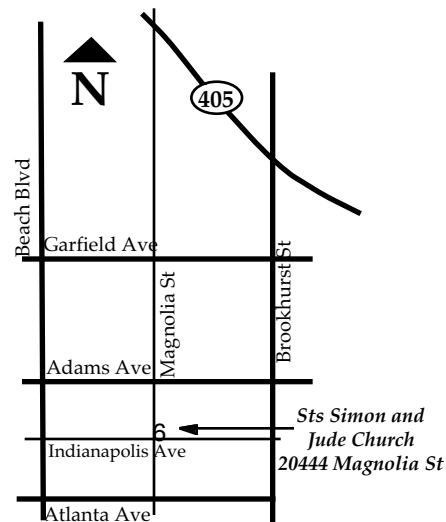
Group #178 Irvine Meeting Location

30 Monday 7:00 PM

Group #596 Huntington Beach Meeting at Saints Simon and Jude Church, Adult Center, 20444 Magnolia Street in Huntington Beach. See details on the website <http://www.hbamnesty.com/main.htm>.

31 Tuesday 7:00 PM

Group #178 Irvine Monthly Meeting at the Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, between the 5 and 405 freeways. See details on the web page <http://www.aiusaoc.org>. For more information about the group, contact Glen Nielsen at nielsen-electric@cox.net.



Group #596 Huntington Beach Location

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