

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 51/124/2006 (Public)
News Service No: 198
28 July 2006

USA: UN expert body critical of US human rights record

Responding to the UN Human Rights Committee conclusions regarding the USA's compliance with the International Covenant on Civil and Political Rights (ICCPR), Amnesty International said that the United States government must recognize that it is failing to meet a range of fundamental human rights obligations at home and abroad.

Amnesty International said that the USA continues to promote itself as the champion of human rights in the world. The shortcomings identified by the Human Rights Committee show how far the USA's conduct is from justifying that sort of label. At the same time, the USA now has an opportunity to live up to its claims, by implementing the Human Rights Committee's recommendations fully and in good faith.

The Committee expressed concern at a wide range of US practices -- including, secret and incommunicado detentions, the use of interrogation methods that violate the prohibition on torture and on cruel, inhuman or degrading treatment or punishment, the policies of "rendition", police brutality, gender discrimination and the use of electro-shock weapons such as Tasers.

Amnesty International said that once again a body of UN experts has found serious and deep deficiencies in the USA's human rights record at the domestic level and in the context of the 'war on terror'. The organization also called on the US authorities to give full and serious consideration to the Committee's observations and set about implementing its recommendations as a matter of priority.

The USA appeared before the Human Rights Committee on 17 and 18 July in Geneva. It was only the second time that the USA had reported to the Committee, and the first time since it launched the "war on terror" following the attacks of 11 September 2001 in the USA.

Amnesty International said that despite President Bush's repeated assertion that the USA is committed to the 'non-negotiable demands of human dignity', the world has frequently seen the emptiness of such rhetoric. Whether one considers the abuse of detainees in Guantánamo, Afghanistan and Iraq; the use of secret incommunicado detentions in the "war on terror"; the execution of mentally ill prisoners on US death rows; the abuse of electro-shock weapons; the sentencing of children to life imprisonment without the possibility of parole; the long-term isolation of inmates held in 'super-maximum' security prisons; or the shackling of women prisoners during labour – it is clear that there is much work to be done to ensure that the ICCPR's guarantee of respect for the inherent dignity of the human person becomes a reality for those men and women in US custody.

A fundamental issue of contention between the Human Rights Committee and the USA at the Geneva hearing is the US government's view that the ICCPR does not apply extraterritorially – that is, that the treaty does not apply to those held by the USA outside US territory, which today includes thousands of

detainees in Iraq, Afghanistan, Guantánamo and secret locations. The Committee, like other international bodies and experts, rejects this US interpretation of its obligations under the treaty. It concluded that the USA applies an unacceptably “restrictive interpretation” of its obligations, including a refusal to accept the applicability of the ICCPR to its operations abroad. “It is deplorable that the US authorities refuse to apply fundamental human rights protections under the Covenant to those held outside the USA”, Amnesty International said. “More than four years into the ‘war on terror’, systemic human rights violations at the hands of US forces clearly demonstrate the need for an end to this unacceptable face of US exceptionalism”.

As well as restating its position on extraterritoriality and calling on the US authorities to review its approach and interpret the ICCPR in good faith, the Committee made recommendations on a number of issues, including that the USA should:

- Abolish all secret detention facilities, grant prompt access to the International Committee of the Red Cross to any person detained in connection with an armed conflict and only detain persons in places in which they can enjoy the full protection of the law;

- Conduct prompt and independent investigations into all allegations of suspicious deaths and torture or cruel, inhuman or degrading treatment or punishment by its agents in detention facilities in Guantánamo, Afghanistan, Iraq and other overseas locations, and provide reparation to the victims of these practices;

- Take all necessary steps to ensure that no-one is returned to another country if there are substantial reasons for believing that they would be in danger of being subjected to torture or cruel, inhuman or degrading treatment or punishment;

- Ensure that all those detained in Guantánamo are entitled to proceedings before a court to decide without delay on the lawfulness of their detention or order their release if the detention is not lawful;

- Review federal and state legislation with a view to restricting the number of offences carrying the death penalty, assess the extent to which the death penalty is disproportionately imposed on ethnic minorities and low-income population groups and adopt measures to address the problem. The Committee also stressed that the US authorities should place a moratorium on capital sentences, “bearing in mind the desirability of abolishing death penalty.”

- Increase efforts towards the elimination of police brutality and excessive use of force by law enforcement officials and ensure that restraint devices and electro-shock weapons are only used in situations where greater or lethal forces would otherwise have been justified;

- Scrutinize conditions of detention in prisons, in particular in maximum security prisons;

- Prohibit the shackling of detained women during childbirth;

- Ensure that no child offender is sentenced to life imprisonment without parole, and adopt all appropriate measures to review the situation of all persons already serving such sentences.

- Ensure to everyone ICCPR rights and equal protection of the law without discrimination on the basis of sexual orientation.

Background Information

The UN Human Rights Committee is the expert body established by the ICCPR to monitor countries’ compliance with that treaty. The ICCPR, which the USA ratified in 1992, protects fundamental rights, including the right not to be subjected to arbitrary detention, discrimination, or to torture and other cruel, inhuman or degrading treatment or punishment. The treaty protects the right to life as well as the right to fair trial.

Amnesty International briefed the Human Rights Committee on a range of the organization’s concerns under the International Covenant on Civil and Political Rights in relation to US policies and practices inside and outside US territory (see <http://web.amnesty.org/library/Index/ENGAMR511112006>). In addition, the organization attended the hearing in Geneva on 17 and 18 July. Amnesty International will continue to campaign for the USA to bring its conduct fully into line with international law and standards. Amnesty International also provided information to the Human Rights Committee at this session regarding implementation of the ICCPR by UNMIK (UN Interim Administration Mission in Kosovo).

In May 2006, the UN Committee Against Torture issued conclusions highly critical of the USA's failure to comply with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both at home and abroad. The US administration was initially dismissive of the Committee Against Torture's criticisms. Amnesty International has called on the administration to ensure that its enduring response will be more constructive and one of fully implementing the Committee's recommendations (see <http://web.amnesty.org/library/Index/ENGAMR510932006>).