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*file: Human Rights  
Torture*

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De/From :	Debra Long	To	Ambassador Kevin Moley
Fax N° :	+ 4122 -919 21 80	Page N° :	3
Date :	11 May 2004	N/réf :	
		Fax N° :	022 749 4880

**Re: Open Letter to Heads of State of Coalition Forces in Iraq**

Your Excellency,

Please find attached for your information an open letter, which was sent today to your Head of State.

Yours sincerely

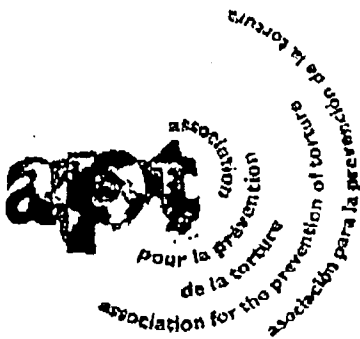
Debra Long  
UN & Legal Programme Officer

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: HARRY R MELONE  
DATE/CASE ID: 24 MAR 2005 200303827

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Mr. George W. Bush  
The President  
The White House  
1600 Pennsylvania Avenue  
Washington DC 20500  
United States of America

11 May 2004

Dear President,

The Association for the Prevention of Torture (APT) is appalled at the recent graphic evidence of allegations of torture and other cruel, inhuman and degrading treatment or punishment of Iraqi detainees by Coalition Forces, in particular of the USA and United Kingdom (UK). However, we are not surprised that abuses such as these have now come to light. They are symptomatic of the current climate wherein the rights of persons deprived of their liberty have been increasingly and systematically undermined. Political rhetoric in the fight against terrorism has sown the seeds upon which ill-treatment is borne and steps must be taken immediately to correct these wrongs and prevent their reoccurrence.

These current cases in Iraq are a wake-up call for all States and crucial lessons must be drawn from the revelations of these brutalities. The APT believes that torture and other cruel, inhuman and degrading treatment or punishment can occur anywhere in the world when there are inadequate controls in place to prevent such acts.

The ICRC report on the Coalition Forces' treatment of persons held in Iraq, highlights an alarming failure to provide certain necessary safeguards. The lack of appropriate training, inadequate systems of oversight and monitoring, a breakdown in the chain of command, coupled with a failure to investigate and to take action against the perpetrators created an atmosphere of impunity and an environment within which abuse could all too easily occur.

Therefore, it is timely for the APT to recall some of the measures that should be taken and controls put in place, by all States, to effectively prevent torture and other forms of ill-treatment, not only in Iraq, but in any given context:

• **Condemnation**

It is essential that all States and their leaders condemn in absolute terms acts of torture and other cruel, inhuman and degrading treatment or punishment. It must be made clear that under international law such acts can never be justified or tolerated under any circumstances.

• **Accountability**

In order to combat impunity, all allegations of torture and other forms of ill-treatment must be investigated promptly and impartially. Perpetrators must be brought to justice in proceedings compatible with international standards of fair trials. Victims or their families must also receive appropriate redress for the suffering caused.

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• **Guarantee fundamental safeguards**

International humanitarian and human rights law impose upon States a range of obligations to ensure the right to be free from torture and other forms of ill-treatment.

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Regular monitoring of places of detention by external, independent bodies is one of the most effective means to prevent these types of abuses from occurring. Visits enable independent experts to examine, at first hand, the treatment of persons deprived of their liberty and conditions of detention. Many problems stem from inadequate procedures, which can be improved through regular monitoring.

Yet, as shown by the limited impact the ICRC was allowed to have so far in Iraq, visits are only effective if there is a corresponding willingness by appropriate authorities in charge of detained persons to make use of this preventive instrument. Full cooperation means that governments give access to all places and persons at any time and also that the highest authorities give immediate attention to the reports and subsequently initiate investigation of the allegations and implement the recommendations. Further, the authorities need to demonstrate their respect for the independence of the visiting mechanisms.

States are urged to ratify the new Optional Protocol to the UN Convention against Torture, which provides for a system of regular international and national visits to places of detention in order to prevent torture and other forms of ill-treatment. So far only Malta, Albania and the UK have become State Parties.

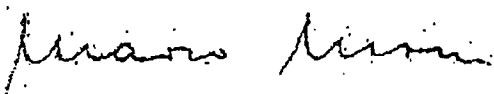
**• Training and promotion of professionalism**

All persons in charge of or involved with the care of persons deprived of their liberty must receive appropriate training in international humanitarian and human rights law. Training will help to promote professionalism amongst the law enforcement, security or military personnel, which, coupled with an effective chain of command, will assist in creating an environment wherein safeguards for the rights of persons deprived of their liberty are respected. In the present Iraq context, the ICRC would appear to be ideally placed to assist in the provision of this training and advice.

Taken together, these measures will help to create a culture of prevention within places of detention throughout the world. Recent atrocities in Iraq have shown that it is clearly time for States, including the Coalition Forces, to take the rights of all persons deprived of their liberty far more seriously, especially within the current context of the fight against terrorism.

The APT remains ready to assist States that are sincere about preventing torture. We would welcome your response to the concerns and proposals raised in this letter, which has been sent to all the political leaders of the Coalition Forces with army or police in Iraq.

Yours sincerely



Marco Mona  
President



Mark Thomson  
Secretary General