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The Honorable Donald Rumsfeld
Secretary of Defense
Office of the Secretary
The Pentagon
Washington DC
USA

7 January 2002

Dear Secretary of Defense

Amnesty International welcomes the recent statements made by a senior US military official in Afghanistan that prisoners moved from Shibarghan prison into US custody will be given adequate food, shelter and medical care, and urges that all suspects in US custody be treated humanely with full respect for the USA's obligations under international standards. However, we are concerned by photographs which have recently appeared in the press showing Al-Qaeda suspects hooded while under guard by US troops prior to being taken to custody facilities where they would be interrogated. The United Nations (UN) Committee against Torture has condemned the hooding and blindfolding of suspects during interrogation as incompatible with the absolute prohibition of torture or other cruel, inhuman or degrading treatment contained under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).¹ The prohibition of torture and other cruel or inhuman treatment is also contained under the Geneva Conventions applicable to prisoners of war and any other persons *hors de combat*.

Amnesty International considers that the hooding of suspects in detention generally may constitute cruel treatment. The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that: "The term 'cruel, inhuman or degrading treatment or punishment' should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or his awareness of place and the passing of time". Keeping prisoners hooded or blindfolded also prevents them from observing or identifying any custody officials who may engage in abuses.

The Committee against Torture has ruled that as well as hooding, the following methods of interrogation may not be used in any circumstances as they violate the prohibition of torture

¹The international treaty monitoring body which monitors ratifying states' compliance with their obligations under the Convention against Torture. It has condemned, for example, the routine blindfolding of suspects during interrogation in Turkey and hooding of suspects during interrogation in Israel.

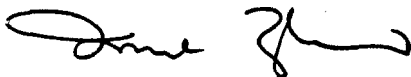
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and ill-treatment: restraining in very painful conditions; playing of loud music; prolonged sleep deprivation; threats, including death threats; violent shaking; and using cold air to chill the detainee.²

Amnesty International has strongly condemned the attacks of 11 September and has called for those responsible to be brought to justice, in accordance with international human rights standards. We would draw your attention to a recent statement issued by the Committee against Torture in which, in condemning the attacks of 11 September and expressing condolences for the victims, the Committee reminded States Parties to the Convention against Torture of the non-derogable articles of most of the obligations undertaken by them in ratifying the Convention.³ The Committee cited in particular Articles 2 (whereby “no exceptional circumstances whatsoever may be invoked as a justification of torture”), 15 (prohibiting confessions extorted by torture being admitted in evidence, except against the torturer) and 16 (prohibiting cruel, inhuman or degrading treatment or punishment) as three such provisions which must be observed in all circumstances. We trust that you will take all necessary measures to ensure that these provisions are fully adhered to in the treatment of those in US custody following military operations in Afghanistan, and that no one will be subjected to interrogation techniques which breach such standards. We would also appreciate receiving clarification of the legal status of those detained.

Yours sincerely



Irene Khan
Secretary General

²UN Doc. CAT/C.SR.297, reporting on Israel’s compliance with the Convention against Torture: the committee recommended that interrogation by Israeli security officers applying these methods, including hooding, “cease immediately”.

³Statement of the Committee against Torture 22/11/2001 (CAT/C/XXV11/Mis.7)