



D I S T R I C T O F C O L U M B I A
International Law Section

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June 17, 2004

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SUMMARY OF INTERNATIONAL LAW SECTION PROPOSED PUBLIC STATEMENT

The Steering Committee of the International Law Section, on behalf of the Section's members, has prepared a letter to members of Congress concerning potential violations of international law in connection with reported incidents involving the U.S. Government's detention of persons since September 2001.¹ The letter expresses the views summarized below.

The U.S. Government has detained persons around the world, including at the U.S. bases in Guantanamo Bay, Cuba, Afghanistan and Iraq, for months and even years without affording them any access to independent courts, lawyers or other due process. According to official investigations of the U.S. Government and reports of international organizations, such as the International Committee of the Red Cross, U.S. Government officials have engaged in violations of the rights under international law of those held in detention.

The response to these findings and reports by U.S. Government officials to date has not been encouraging. The public has learned that violations of international standards coincide with official high-level policies designed to extract intelligence through methods that are inconsistent with international conventions and international law. Some high-ranking officials of the U.S. Government have criticized publicly the validity of fundamental guarantees of rights of detainees, as contained in instruments such as the Geneva Conventions.

At a time when our Government and the international community are demanding adherence to and improvement of international law and international organizations in order to prevent terrorism and prosecute terrorists, the world's superpower cannot publicly question or ignore the rule of law. Doing so endangers the security and credibility of American people, both in the United States and abroad, and causes damage to those laws and institutions we seek to strengthen. The International Law Section strongly urges you to act quickly and decisively to thoroughly and comprehensively investigate any alleged abuses and violations of law and take all appropriate action to ensure that such incidents do not recur.

¹ The views expressed herein represent only those of the International Law Section of the District of Columbia Bar and not those of the D.C. Bar or its Board of Governors. This letter was principally prepared by Section member Bruce Zagaris, a past Chair of the Section's Public International and Criminal Law Committee, and May Pat Michel, a member of the Section's Steering Committee. The letter was endorsed by the Steering Committee on behalf of the Section's members. Steering Committee member Peter Choharis abstained from taking a position on the letter.



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Dear [Congressperson/Senator]:

The International Law Section of the D.C. Bar is writing to express our concern about the number and gravity of reported incidents involving the U.S. Government's detention of persons since September 2001.¹ These incidents appear to show serious violations of and indifference to international law on the part of some of those in official military and government positions.


The U.S. Government has detained persons around the world, including at the U.S. bases in Guantanamo Bay, Cuba, Afghanistan and Iraq, for months and even years without affording them any access to independent courts, lawyers or other due process. According to official investigations of the U.S. Government and reports of international organizations, such as the International Committee of the Red Cross, U.S. Government officials have engaged in violations of the rights under international law of those held in detention. A U.S. military inquiry has found "systemic and illegal abuse of detainees" at Abu Ghraib. In some cases, the United States has turned detainees over to foreign intelligence services in countries such as Syria, whose international human rights records, according to the U.S. Government and civil society, are deplorable.

The response to these findings and reports by U.S. Government officials to date has not been encouraging. The public has learned that violations of international standards coincide with official high-level policies designed to extract intelligence through methods that are inconsistent with international conventions and international law. Some high-ranking officials of the U.S. Government have criticized publicly the validity of fundamental guarantees of rights of detainees, as contained in instruments such as the Geneva Conventions. Shockingly, the field commander of U.S. troops in Iraq admitted to not knowing the contents of the Geneva Conventions and other applicable humanitarian and international law. Despite expressions of concern from individuals and organizations around the world, the U.S. Government has failed to initiate a comprehensive and independent investigation that will truly establish the sources

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of suspected violations or take effective action to address the conduct of those involved.

At a time when our Government and the international community are demanding adherence to and improvement of international law and international organizations in order to prevent terrorism and prosecute terrorists, the world's superpower cannot publicly question or ignore the rule of law. Doing so endangers the security and credibility of American people, both in the United States and abroad, and causes damage to those laws and institutions we seek to strengthen. The International Law Section strongly urges you to act quickly and decisively to thoroughly and comprehensively investigate any alleged abuses and violations of law and take all appropriate action to ensure that such incidents do not recur. Only then will the United States be able to maintain its leadership role in espousing liberty and democracy throughout the world.



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Co-Chair
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