

U.S. Should Close Prison in Cuba, U.N. Panel Says

THE NEW YORK TIMES
May 20, 2006

[UNITED NATIONS](#), May 19 — An important United Nations panel roundly criticized the United States on Friday for its treatment of terrorism suspects, and called for shutting down the detention camp at Guantánamo Bay, Cuba.

The panel's criticism came as military officials at Guantánamo disclosed the most serious disturbances by prisoners there since the camp opened four years ago, and reported new suicide attempts that had left two detainees hospitalized and unconscious.

The disturbances, which took place on Thursday, included a violent attack on guards that was put down by antiriot soldiers firing shotgun blasts and pepper spray, and an episode involving two other groups of detainees who tore apart their quarters and attacked guards in a showcase unit for the camp's most compliant inmates.

Military officials said the prisoners' actions were apparently aimed at raising political pressure on the Bush administration over its detention policy. Pressure was also ratcheted up by the report issued in Geneva by the United Nations Committee Against Torture.

After a lengthy review of United States policies, the committee dismissed several basic legal arguments the Bush administration had offered to justify such practices as the incommunicado detention of prisoners overseas and the secret transfer, or "rendition," of suspects for interrogation by other governments.

The panel, which monitors compliance with the Convention Against Torture, the main international treaty that bans such conduct, also concluded that the [Central Intelligence Agency's](#) widely reported practice of holding detainees in secret prisons abroad constitutes a clear violation of the convention.

The United States "should investigate and disclose the existence of any such facilities and the authority under which they have been established," the committee said in its 11-page preliminary report. It also called on the Bush administration to "publicly condemn any policy of secret detention."

The recommendations of the committee are not legally binding. But they are likely to be more influential than previous international reviews, in part because the Bush

administration clearly took the process seriously, sending a delegation of more than two dozen officials to Geneva earlier this month to present its legal case.

On Friday, some of those administration officials responded to the report by defending the United States' treatment of suspected terrorists, and criticizing the committee's evaluation as flawed and superficial.

"I think the committee was guided more by popular concerns than by a strict reading of the convention itself," said the State Department's legal adviser, John B. Bellinger III, who led the delegation.

"It obviously causes us to question whether our extensive presentation was worth it," Mr. Bellinger said.

"Unfortunately, I think the committee really had essentially written its report" beforehand, he said.

The report was delivered as part of the committee's periodic review of actions by signers of the torture convention, which the United States ratified in 1994.

The committee's report "welcomed" and "noted with satisfaction" several steps by the United States, including the administration's formal statement that all United States officials are prohibited from engaging in torture at all times and in all places.

But the panel, which is made up of 10 independent human rights experts from around the world, was hardly generous in its praise.

It took a broad swipe at the administration's argument that some of its policies — like the indefinite detention of prisoners without charge at Guantánamo — were defensible under laws of armed conflict.

It called for the United States to immediately end its practice of refusing to register some of the so-called high-value terrorism suspects it holds overseas or make them accessible to the International Committee of the Red Cross. The Bush administration, the panel wrote, "should ensure that no one is detained in any secret detention facility under its de facto effective control."

The committee also urged the United States to make sure that its interrogation methods did not violate the convention, and it specifically called for an end to techniques like sexual humiliation and "water-boarding," a form of simulated drowning that reportedly has been used by the C.I.A.

In their presentation to the panel, Bush administration officials insisted that although abuses had taken place, those who committed them were consistently punished. But the panel appeared less than convinced, saying the United States should "promptly, thoroughly and impartially investigate any responsibility of senior military and civilian officials authorizing, acquiescing or consenting, in any way, to acts of torture committed by their subordinates."

The committee also recommended that the United States enact a federal criminal law against torture to supplement the prohibitions already in place. It also insisted that United States officials "should investigate, prosecute and punish" American citizens who are guilty of torturing people overseas.

"None of this is binding," said Kenneth Roth, the executive director of the advocacy group Human Rights Watch. "The U.S. can just reject the judgment. But this is the judgment of the authoritative body of experts for interpreting the convention."

He called the panel's conclusions "a complete repudiation of virtually every legal theory that the Bush administration has offered for its controversial detention and interrogation policies."

The committee's appeal to close Guantánamo is only the latest in a recent series of calls from around the world. The senior Pentagon official in charge of detainee affairs, Charles D. Stimson, indicated that the administration was no more persuaded by the committee than it had been by others.

"That is one body's opinion," Mr. Stimson, a deputy assistant secretary of defense, said in an interview.

In recent remarks, President Bush and other officials have suggested that they would readily do away with the Guantánamo prison if they had a better alternative.

Meanwhile, the nearly 500 detainees appear determined to increase pressure on their captors.

The suicide attempts on Thursday came four months after military officials broke a wave of hunger strikes by force-feeding detainees while they were strapped into "restraint chairs" for hours at a time. But before the attacks on the guards, Guantánamo commanders said they had been gaining steadily greater compliance from the detainees, in part by improving their living conditions.

"This was probably the most violent outbreak here," the new commander of the detention camp, Rear Adm. Harry B. Harris, Jr., said Friday. "This is a way to bring attention to their detention."

At a briefing for reporters unusual for its candor and detail, Admiral Harris said the disturbances began Thursday morning when a prisoner was found unconscious after ingesting "a large quantity" of anti-anxiety drugs that had apparently been hoarded by detainees.

In the early afternoon, guards discovered a cache of drugs hidden in the toilet of a cell. Minutes after that, a second prisoner was found in his cell, Admiral Harris said, "frothing at the mouth."

Both of the detainees were stable but still unconscious more than 24 hours after being hospitalized. Two other detainees also complained to the guards of nausea, military officials said, including one who said he tried to kill himself but did not have enough drugs.

At about 6:30 p.m., military officials said, guards noticed a detainee who appeared to be preparing to hang himself from the ceiling with sheets in Camp 4, the showcase, medium-security wing where detainees live together in dormitories.

But the guards were set upon by detainees who had slickened the floor with urine, soapy water and feces. After the prisoners hit the guards with blades from ceiling fans, pieces of metal and other improvised weapons, a riot-control unit was sent in with batons and shields.

The military police officer in charge of Guantánamo's detention operations, Col. Michael Bumgarner, said the detainees had continued fighting, even jumping off beds onto the guards. "Frankly, we were losing," he said.

At that point, Colonel Bumgarner said, guards shot five rounds of "nonlethal" pellets from a 12-gauge shotgun, and a rubber grenade from an M-203 launcher.

Rioting then broke out in two other blocks of Camp 4, as some 50 detainees demolished their quarters to make weapons to attack the guards. It was an hour, Colonel Bumgarner said, before the disturbances were entirely brought under control.

A military spokesman said 60 of the detainees were later transferred to more secure areas of the camp.

