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TELEGRAM

March 24, 2004

RELEASED IN PART
B6

To: SECSTATE WASHDC - PRIORITY

Action: IO

From: USMISSION GENEVA (GENEVA 824 - PRIORITY)

TAGS: PHUM

Captions: None

Subject: LETTER FROM SPECIAL RAPPORTEUR ON TORTURE TO AMBASSADOR
BREMNER REGARDING FOUR MEN BEING HELD IN BASRA, IRAQ

Ref: None

1. Mission has received a letter dated March 12, 2004 from Theo van Boven, Special Rapporteur on Torture regarding the detention of four individuals in Basra, Iraq.

2. Begin text of letter:

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on torture pursuant to Commission on Human Rights resolution 2001/62.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding [redacted]

[redacted]

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[redacted] The four men are reportedly held incommunicado detention at the "Intelligence Directorate" in Basra; Basra being currently under control of the United Kingdom military.

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The "Intelligence Directorate" was reportedly formed a few months ago by the Badr organization, the alleged armed wing of the political group, the Supreme Council for the Islamic Revolution in Iraq. Several people are said to have been held incommunicado and tortured at the directorate's headquarters in Basra. The methods of torture reportedly include lashing on various parts of the body, specifically on the back with an iron stick inserted inside a plastic pipe.

In view of their alleged incommunicado detention, it is feared that they may be at risk of torture or ill-treatment.

Without in any way implying any determination of the facts of the case, I should like to appeal to your Excellency to seek clarification of the circumstances with a view to ensuring that the right to physical and mental integrity of the above-named persons is protected. Under Articles 3 and 4 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, the Coalition Provisional Authority, as the occupying power is obliged to respect the rights of civilians in occupied territories, including the prohibition of cruel treatment, torture, and humiliating and degrading treatment. Moreover, this is set forth, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Protection of All Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. I would also like to draw your Excellency's attention to Commission on Human Rights resolution 2001/62 and 2003/32 which remind all States that "prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person." (paras 10 and 14 respectively).

I would greatly appreciate receiving information from your Excellency's Government concerning the steps taken by the competent authorities in compliance with the provisions contained in the international legal instruments referred to above, as they apply to the aforementioned persons.

Accept, Excellency, the assurances of my highest consideration.

Theo van Boven

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Special Rapporteur on Torture

End text of letter.

2. Mission will transmit by fax a copy of the letter to IO/SHA, attention Thomas Johnson.

Moley

Additional Addressees:

HQ COALITION PROVISIONAL AUTH BAGHDAD

cc:
None

Distribution:

TED0633
ACTION IO-00

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SECSTATE WASHDC PRIORITY 9640

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CPA FOR AMBASSADOR BREMMER
STATE FOR IO/SHA, DRL/MLA, NEA/NGA

E.O. 12958: N/A

TAGS: PHUM

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