



United States Mission to the OSCE

Statement on Humane Treatment of Detainees in the Ongoing War on Terrorism

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Thank you for the opportunity to participate in this international forum. Although this is my first time to attend this conference, I have heard many good things about your dedication and concerns. For this reason, I welcomed and looked forward to this opportunity.

The United States has always been, and remains today, one of the world's staunchest advocates for freedom and human rights.

It is important to note that even today, in light of how global terrorism fundamentally altered our world, - all of our worlds - that America still stands by its commitments and fundamental principles. Despite the destructive nature of terrorists and their malicious intent, the U.S. remains unshakenly committed to our treaty obligations, including the Geneva Conventions and the Convention Against Torture, our domestic laws, and respected international standards. Indeed, America was a country founded on values of democracy, the rule of law, and individual human rights. Everything we do rests on that commitment. We uphold the principles of individual liberty and freedom not just for ourselves, but for all nations.

The terrorists who attack us profess allegiance to no country, hide in the shadows, and deliberately target innocents - from Spain to Indonesia, from Kenya to Iraq, Russia, Turkey, and the United States. Terrorists are willing to use any means necessary to accomplish their goals. And although this enemy does not fight according to the accepted law of war, demonstrated by kidnappings and beheadings, the U.S. Government remains steadfastly committed to upholding the Geneva Conventions and the values and principles that make us strong.

What does that mean?

For one thing, it means that our Armed Forces will treat all detainees humanely and not subject them to physical or mental abuse, or cruel treatment.

During my time here I would like to share with you what the United States, and specifically the Department of Defense, is doing to ensure adherence to this policy and to prevent abuses before they occur.

And although it's important to talk specifically about Abu Ghraib, I want to highlight how we handle all the detainees we hold worldwide - in Afghanistan, Guantanamo Bay

and Iraq - noting that each of these locations presents us with a different set of circumstances and challenges.

For example, in Afghanistan - we are still fighting a war, and the enemy combatants we capture there may provide information that can be used to save lives, stabilize the government, and identify other terrorists and their support networks.

In Iraq - we're helping an interim government committed to the transition to a free and democratic Iraq against enemies seeking to destabilize Iraq's political future through violence and to disrupt the efforts of everyday Iraqis in trying to lead a normal life.

In Guantanamo - we continue to hold some of the most dangerous enemy combatants captured in the Global War on Terror. Every day our efforts are helping us to understand and learn about the global terrorist network. This information continues to contribute to our success in thwarting terrorist attacks worldwide. The need to question enemy combatants remains critical to saving innocent civilian lives. But as I have already noted, we will not compromise our core values and our commitment to the rule of law.

A common thread in all of these locations is our sustained commitment to humane treatment of detainees. Detention operations are designed to reduce the threat and number of lives lost. Does that mean we're immune to problems? Or that a tragic mistake, a violation of law, or a breakdown in discipline will not occur? Unfortunately, no.

All incidents of detainee abuse are terrible, regardless of where they take place. However, the actions that were depicted at Abu Ghraib were not the result of U.S. policy, they were not condoned by Department of Defense officials, and they will not be tolerated.

While we are ashamed of the abuses at Abu Ghraib and elsewhere, this history also is about a chain of command that followed procedures appropriately, soldiers who brought wrongdoing to light, and investigators who continue working to bring those who commit misconduct to justice. When mistakes occur, when errors in judgment are made, when misconduct and transgressions of the law occur, we take action.

One of the differences that sets America apart from our enemies in the Global War on Terror is how we respond to wrongdoing such as detainee abuse. We do not hide it from the world; we do not sweep it under the carpet; we do not turn a blind eye. Why? Because we do not condone or tolerate it.

What we do is address it head on by:

1. conducting vigorous and transparent investigations,
2. holding individual wrongdoers accountable based on a thorough review of all the facts, and
3. learning from our experience (whether good or bad), and improving our policy and controls to prevent the possibility of future incidents.

Abu Ghraib is a good example of those processes put into action and in the remainder of my time I want to discuss all three of them.

It is important to remember that we had begun the process of assessing detainee operations, investigating allegations of abuse, and implementing change at Abu Ghraib well before the media began focusing on detainee abuse. Both before and after the public disclosure of these abuses, the Department of Defense pursued swift and thorough investigations of problems.

Many of the most horrible abuses at Abu Ghraib were brought to light on January 14, 2004 by an Army soldier who found photographic evidence of the abuse and provided it to the Army's Criminal Investigation Division. That soldier recognized the wrongdoing for what it was - wrong and contrary to the nation's and the U.S. Armed Forces' values. He notified his superiors. This soldier is a credit to the vast majority of U.S. service members who day in and day out act in a professional and ethical manner in service to their country.

In response, a criminal investigation was initiated that same day. So far, that investigation into abuse at Abu Ghraib has led to criminal charges against several soldiers, a variety of other disciplinary actions against others, and numerous other inquiries into detention operations. U.S. Central Command publicly announced the probe into allegations of detainee abuse at Abu Ghraib on January 16, 2004, and a major television network first reported on those charges on January 20th, 2004.

As Secretary Rumsfeld has said: "One of the great strengths of our nation is its ability to recognize failures, deal with them, and to strive to make things better. Indeed, the openness with which these problems are being dealt is one of the strengths of our free society. ...Which is why it is so important that we investigate them publicly and openly and hold people accountable in similar fashion. And that is exactly what we are doing."

Four months after the Department of Defense's public announcement, the horrible photos that we have all seen were aired on another television network. By that time, however, the Department of Defense was already engaged in multiple criminal investigations and reviews of our detention processes. The Department of Defense did not attempt to squelch the issue, as some have suggested.

Instead, we have conducted:

- 8 major reviews, inspections and investigations,
- based on 950 individual interviews and
- produced 15,000 pages or documents.

As a result of the broad investigations and focused inquiries into specific allegations, already over 40 individuals have been referred for court martial and dozens of others have been disciplined, removed from command or separated from the Armed Forces.

While some of us may be frustrated by the seemingly slow criminal and administrative processes, their virtue is that they are durable, transparent and fair. It is important that we go where the facts lead us.

But we will not stop there. Our response to abuse - investigation and holding individuals accountable - is incomplete until we take those lessons, learn from them, and use them to improve future policy and procedures.

The Department is always looking to do better - to improve our detention operations. For this reason, within the Department, my job and the office of the Deputy Assistant Secretary of Defense for Detainee Affairs was established. Already, among other ongoing efforts:

- we have new policies with regard to procedures for responding to reports from the International Committee of the Red Cross, for investigating the death of any detainee in the custody of U.S. Armed Forces, and
- also initiated a department-wide review of detainee-related policy directives has been initiated.

During the past year, the U.S. Army has revised regulations on detainee operations; developed clearer lines of responsibility between Military Police and Military Intelligence; established an executive agent for detainee operations, improved detention facilities, and developed detainee operations plans that address everything from policy and doctrine to training and facilities.

We are realigning our resources to reflect our goals and the reality of what is likely to be a long war against terrorism. Organizational changes are being made to reflect our long-term focus on detainee issues.

We share the OSCE's dedication to "ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy while working to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society."

This annual discussion and exchange of information is important in promoting understanding and open dialogue on our shared global challenges. The only way to defeat this enemy of freedom and human rights is for all of us to stand and work together.

Thank you for this opportunity to speak with you today. I will now be happy to respond to your questions.