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U.S. Defends Rights Record Before U.N. Panel in Geneva

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By TOM WRIGHT

Published: May 6, 2006

GENEVA, May 5 — American officials appeared before an international legal panel on Friday to argue that in its fight against terrorism, the [United States](#) had not violated its treaty obligations to prevent the torture of prisoners.

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Nicholas Ratzenboeck/Associated Press

John B. Bellinger III, the legal adviser to the State Department, left, speaks as Barry F. Lowenkron, assistant secretary of state for democracy looks on at the United Nations headquarters in Geneva, Switzerland today.

It was the first time since Sept. 11, 2001, that a United States delegation had answered questions from an international body about abuses by soldiers and intelligence officers.

The delegation's report to the [United Nations](#) panel, meeting in Geneva, did not break new ground. The officials contended that despite instances of abuse in Afghanistan, Iraq and Guantánamo Bay, Cuba, the United States has not systematically mistreated prisoners and remained committed to a global ban on torture.

"The timing of our report comes at a difficult time for the United States," said the State Department's legal adviser, John B. Bellinger III, who led the delegation. "But we did not shy away from coming."

In fact, the delegation's appearance was perhaps most significant for its size — it included more than two dozen officials — and its attitude of respect after years in which Bush administration officials have argued that international human rights laws should not constrain the conduct of United States forces.

Under the Convention Against Torture, a 1987 treaty that is a centerpiece of international human rights law, the United States was supposed to have reported to the United Nations panel on its compliance by 1999.

The panel, known as the Committee Against Torture, will review the American report and issue findings later this month, but it has no power to enforce its conclusions.

Members of the panel appeared skeptical about some aspects of the American presentation. One, Fernando Mariño Menendez of Spain, cited data from human rights groups saying that of 600 American service members or intelligence officers accused of having been involved in the torture or murder of detainees, only 10 have received prison terms of a year or more.

The committee raised a number of other concerns, which the delegation is to answer in detail on Monday. These include Washington's reported policy of sending prisoners to countries with poor human rights records for questioning, C.I.A.-run prisons and the role of controversial interrogation techniques like waterboarding, in which prisoners are led to believe that they are going to drown.

By sending its delegation here, the Bush administration sought to restore credibility to its record on prisoner treatment by affirming support for the Convention Against Torture. Under the treaty, the 140 signatories must periodically submit reports and appear before the United Nations to show that they are following the rules.

Gabor Rona, international legal director for Human Rights First, a nongovernmental group that followed the Geneva meeting, said the Americans "failed to resolve serious questions about the U.S. commitment to fully implement Congress's recently enacted ban on cruel, inhuman and degrading treatment."

Investigators for the European Parliament said last month that they had evidence that the C.I.A. had flown 1,000 undeclared flights over Europe since 2001, in some cases transporting terrorist suspects abducted within the [European Union](#) to countries known to use torture.

Mr. Bellinger said the allegation that all of those planes carried terror suspects was an "absurd insinuation." In cases where the government has sent prisoners to countries with poor human rights records — a policy the administration defends, saying it helps to get dangerous individuals out of the United States — it has sought assurances that they will not be tortured, Mr. Bellinger added.

The panel was dubious. "The very fact that you are asking for diplomatic assurances means you are in doubt," said Andreas Mavrommatis, chairman of the committee. He said the United States must be above reproach in promoting human rights and should lead by example.

Mr. Bellinger also responded to questions raised in a committee report late last year by defending the United States' decision not to grant prisoners held in Guantánamo Bay, Afghanistan and Iraq rights under the Geneva Conventions.

Terrorist suspects could pose a threat to security if allowed to meet with representatives of the International Committee of the Red Cross, as stipulated by the Geneva Conventions, Mr. Bellinger said.

The delegation included representatives from the State, Defense, Justice and Homeland Security Departments, but not from the C.I.A.

Mr. Bellinger said he was not authorized to talk about any intelligence activities that the committee questioned in its report. The committee said it had evidence that the United States had established secret prisons where detainees are given no access to their families or human rights organizations, and in most cases would not even acknowledge that the prisoners were being held.

Guibril Camara, a committee member from Senegal, said it was the committee's interpretation — not that of the United States — that would set the global definition of torture.

"One of the parties is going to have to give way," Mr. Camara said. "And I think it's probably going to have to be you."

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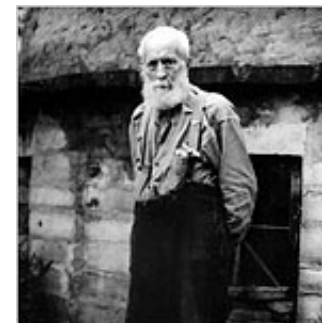


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