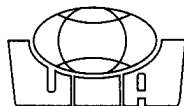


UNION INTERNATIONALE DES AVOCATS

INTERNATIONAL ASSOCIATION OF LAWYERS
INTERNATIONALE ANWALTS-UNION



UNION INTERNACIONAL DE ABOGADOS
UNIONE INTERNAZIONALE DEGLI AVVOCATI

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Paris, June 28, 2004

Mr. Georges W. BUSH

President of the United States of America

The White House, Office of the President

1600 Pennsylvania Avenue

Washington DC 20500

USA

Mr. President,

Subject: Guantanamo

The Union Internationale des Avocats (UIA – International Association of Lawyers), of which I have the honor of being the President, is the first international organization of lawyers to have been set up – in 1927 – and today, it has more than 200 bars and law societies among its members, in over 110 countries, thereby representing over 2 million lawyers.

Apart from its objectives concerning the promotion and defense of the fundamental values of the legal profession, the UIA aspires to contribute towards the establishment of an international legal order based on the principle of justice among nations through law and in the cause of peace (Article 3 of the Statutes).

The UIA had sent you letters earlier, dated May 12, 2003 and February 19, 2004, with regard to the detention of minors in Guantanamo.

True to the democratic tradition of the USA and its concern for the respect of the “rule of law”, you took our request into consideration, and I would like to believe that the approach adopted by a number of international organizations, including the UIA, might have had some role to play in the recent release of minor detainees.

Nonetheless, it is my duty to address you once again. Indeed, the UIA has noted that more than two years after the arrival of the first detainees at the Guantanamo naval base, the United States Government still holds several hundred persons of over 40 different nationalities in

detention there, in total violation of the most fundamental rules of the protection of human rights and the state of law, in conditions bordering on torture.

Apart from the fact that the status of prisoner of war has not been granted to these detainees, as required by the third Geneva Convention, the guarantees stipulated in the New York Covenant on Civil and Political Rights have also not been observed.

It is regrettable that the US Administration has put in place a detention regime in Guantanamo that is contrary to Article 9 (4) of the New York Covenant on Civil and Political Rights-ratified by the United States in 1992-, according to which, “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.”

This provision is applicable even in the event of an emergency situation and each State that ratified the Covenant undertook to grant the protection and guarantees therein mentioned to all persons in its jurisdiction.

There is no question that the Guantanamo base falls under the United States’ jurisdiction and neither the territorial sovereignty of Cuba nor issues of national security are acceptable justifications – in the eyes of international standards – of the situation prevailing in this detention center.

The procedures proposed or put in place by the US Administration are not acceptable, since they only grant jurisdiction to military commissions, which are executive bodies and not impartial courts of law, especially in the sense of the above-mentioned provision of the New York Covenant.

The UIA was deeply concerned by the public statements made by US Army officers with regard to the approval by the US government of special interrogation techniques.

The UIA, as well as several organizations that work for the defense of human rights, fear that this amounts to a *carte blanche* for the use of torture on certain “uncooperative” prisoners, which is not just a violation of various international instruments to which the United States is a party, but also an infringement according to American law.

The Union Internationale des Avocats staunchly urges you, Mr. President, to take into consideration the concerns it has expressed with regard to the condition of the detainees in Guantanamo as well as those expressed by the entire international community, and requests you to grant the Guantanamo detainees the guarantees due to them by virtue of international human rights law and international humanitarian law and, consequently:

- Grant the status of prisoner of war to all the detainees captured during the armed conflict in Afghanistan
- Inform the persons detained of the charges against them and of their rights by virtue of international standards

- Issue a bill of indictment to the persons against whom there are sufficient charges
- Immediately release all other persons who have been detained
- Give every detainee the right to contest his detention before an impartial court of law and release him if his detention is recognized as illegal
- Give each detainee the right to be assisted by a lawyer of his choice or, failing which, designate an independent lawyer and suspend all proceedings or enquiries against him till such time that the said right has not been guaranteed
- Grant the benefit of legal assistance to all indigent detainees
- Provide each detainee the possibility of communicating with his family
- Abolish all special military commissions
- Cancel all proceedings pending in the special military commissions and transfer them to an impartial and independent court of law.

Furthermore, the UIA requests you, Mr. President:

- To disallow the death penalty from being pronounced against the Guantanamo detainees
- To prohibit all transfers of detainees to a State where they may be subjected to the death penalty, torture or any other inhuman or degrading treatment, or where they may have to face proceedings without the requisite guarantees of impartiality
- To reject all requests for extradition by any other State until impartial proceedings have been concluded and rule out extradition if the person concerned may be subject to torture or any other inhuman or degrading treatment or be sentenced to the death penalty in the country making the request.

Thanking you in anticipation, Mr. President, for the necessary actions that you may graciously take in the light of this letter

Yours sincerely,



Jacques LEROY