

EDWARD J. MARKEY  
7TH DISTRICT, MASSACHUSETTS

ENERGY AND COMMERCE COMMITTEE

RANKING MEMBER  
SUBCOMMITTEE ON  
TELECOMMUNICATIONS AND  
THE INTERNET

SELECT COMMITTEE ON  
HOMELAND SECURITY

RESOURCES COMMITTEE

Congress of the United States  
House of Representatives  
Washington, DC 20515-2107

2108 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2107  
(202) 225-2836

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101  
MEDFORD, MA 02155  
(781) 396-2900

188 CONCORD STREET, SUITE 102  
FRAMINGHAM, MA 01702  
(508) 876-2900  
[www.house.gov/markey](http://www.house.gov/markey)

June 23, 2005

The Honorable George W. Bush  
President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C.

Dear Mr. President:

I am writing to you regarding press reports that indicate for more than two years United Nations (UN) human rights experts have been denied the access to the prison at Guantánamo Bay, Cuba necessary to investigate allegations of torture and other forms of cruel, inhuman and degrading treatment of detainees.

These press reports quote United Nations human rights experts who say that in 2002 they began requesting a visit to the prison "based on information, from reliable sources, of serious allegations of torture, cruel, inhuman and degrading treatment of detainees, arbitrary detention, violations of their right to health and their due process rights." The U.N. experts have stated that "many of these allegations have come to light through declassified (U.S.) government documents."<sup>1</sup>

This follows leaks to the press last fall of portions of a report made by the International Committee of Red Cross (ICRC), whose observers have been allowed onto the base at Guantánamo. The report alleged that interrogation techniques at Guantánamo included: "humiliating acts, solitary confinement, temperature extremes, use of forced positions."<sup>2</sup> The ICRC report also alleged that medical files were used by interrogators to "break" detainees. Other recent reports have suggested that minors are being held at Guantánamo.<sup>3</sup>

Manfred Nowak, the UN special investigator on torture, has said that his team needed full access to Guantánamo's facilities and prison population, but that the U.S. has refused to guarantee him the right to speak to detainees in private. This has led the UN experts to issue a statement expressing their "regret that the government of the United States has still not invited us to visit those persons arrested, detained or tried on grounds of alleged terrorism or other violations."<sup>4</sup>

<sup>1</sup> "U.N. Uncovers Torture at Guantanamo Bay," *Associated Press*, June 23, 2005.

<sup>2</sup> "Red Cross Finds Detainee Abuse in Guantanamo," *The New York Times*, November 30, 2005.

<sup>3</sup> "Some Held at Guantanamo Are Minors, Lawyers Say," *The New York Times*, June 13, 2005.

<sup>4</sup> "U.N. Uncovers Torture at Guantanamo Bay," *Associated Press*, June 23, 2005.

When asked about the allegations of torture at Guantánamo Bay on June 20, 2005, you responded:

*“Those of us who espouse freedom...and those who espouse human rights have an obligation...to live up to those words, and I believe we are in Guantánamo. In the long run, the best way to protect ourselves is to spread freedom and human rights and democracy.”*

In fact, you urged any reporter who doubted the humane conditions of detainees at Guantánamo to go see for themselves:

*“You’re welcome to go down there yourself...taking a look at the conditions. I urge members of our press corps to go down to Guantánamo and see how they’re treated...and to look at the facts.”*

Guantánamo Bay should be opened to the press, but it should also be opened to U.N. human rights experts. If the United States has nothing to hide, if the detainees are being treated humanely and in accordance with our obligations under international law, why not allow the U.N. to visit the facility and see firsthand?

There is no question that the United States needs to protect itself in the War on Terror, and the Guantánamo facility undoubtedly holds many individuals who are hostile to the U.S. and the values for which we stand. However, many are skeptical that in fighting this war we are complying with our obligations under international law to treat detainees humanely. The best, and perhaps the only way, to reassure others is to open Guantánamo to appropriate human rights monitoring.

I therefore urge you to immediately allow the U.N. human rights experts to visit the prison at Guantánamo Bay. If there are no abuses taking place at Guantánamo, such a visit will only serve to clear the air of suspicion and mistrust that currently exists around the world regarding what is taking place at this facility. On the other hand, if abuses have taken place at Guantánamo, affording the UN human rights inspectors access to the facility will show the world that the U.S. is prepared to confront such abuses head on and hold those responsible accountable.

Thank you for your assistance and cooperation in this matter.

Sincerely,



Edward J. Markey  
Member of Congress