



NOTE: THIS IS A MODIFIED VERSION¹ OF A LETTER IN SUPPORT OF TWO PLAINTIFF-SPECIFIC CRIMINAL COMPLAINTS THAT THE UNDERSIGNED ORGANIZATIONS AND INDIVIDUALS HAD INTENDED TO FILE WITH THE PROSECUTOR ON 7 FEBRUARY 2011 IN GENEVA, WHEN THE COMPLAINTS WERE FILED. ON THE EVE OF THE FILING OF THE COMPLAINTS, GEORGE W. BUSH CANCELLED HIS TRIP TO GENEVA. ALTHOUGH THE PLAINTIFFS' COMPLAINTS WERE NOT FILED, THE UNDERSIGNED RELEASE THIS LETTER TODAY TO DEMONSTRATE THE GLOBAL SUPPORT FOR THE INVESTIGATION AND PROSECUTION OF GEORGE W. BUSH FOR TORTURE.

7 February 2011

To: The General Prosecutor of the Canton of Geneva

Re: Letter of Denunciation in Support of the Two Complaints Filed Against George W. Bush for Torture

We, the undersigned human rights non-governmental organizations and individuals, are writing this statement in full support of the two criminal complaints filed against George W. Bush, former President of the United States. The complaints are filed pursuant to Article 6(1) of the Swiss Criminal Code and request the General Prosecutor of the Canton of Geneva to open a preliminary investigation and prosecution against Mr. Bush upon arrival in Switzerland, for substantive breaches of the United Nations Convention Against Torture (CAT). The complaints set forth reasonable grounds to believe that a person who is scheduled to be present on Swiss territory has committed an act of torture.

The Case Against George W. Bush

The two complaints allege that George W. Bush, in his capacity of former president of the United States, bears individual responsibility for acts of torture and/or cruel, inhuman and degrading treatment committed against detainees held in U.S. custody, in that he ordered, authorized, condoned, planned or otherwise aided and abetted such acts, or failed to prevent or punish subordinates for the commission of such acts.

¹ Reference to the individual plaintiffs and their specific case against George W. Bush for torture has been removed.

As a former head of state, facing a criminal complaint brought under the Convention Against Torture (CAT) for acts of torture, and present in a State which is a State Party to CAT, Mr. Bush enjoys no immunity from prosecution.

As set forth in detail in the complaints, and supported by documentary evidence in the form of *inter alia* official memoranda issued by Mr. Bush or subordinates in his chain of command, U.S. government reports (including the Central Intelligence Agency Inspector General Report), and reports by the International Committee of the Red Cross and the United Nations, there are reasonable grounds to believe that Mr. Bush has committed acts of torture, including:

- Bush authorized the U.S. Central Intelligence Agency to capture suspected terrorists, and detain them in secret detention sites, where they would be subjected to so-called “enhanced interrogation techniques”
- Bush authorized “enhanced interrogation techniques,” such as waterboarding, stress positions, sleep deprivation, manipulation of food and temperature which have been found to amount to torture
- Bush authorized the detention of suspected terrorists at Guantánamo Bay, without access to counsel or courts, and subjected to treatment and interrogation techniques that have been found to amount to torture

Notably, the complaints are also supported by statements made by George W. Bush, himself, acknowledging his role in the creation of the CIA secret detention program and the approval of interrogation techniques that have been found to constitute torture. Indeed, Mr. Bush recounted in his memoir that when he was asked in 2002 if it was permissible to waterboard a detainee held in secret CIA custody outside the United States, he answered “damn right.”

Nine years ago today, on 7 February 2002, Mr. Bush determined that the Geneva Conventions did not apply to the conflict with al Qaeda, and that Common Article 3 of the Geneva Conventions, prohibiting inhumane treatment and acts of torture, did not apply to either al Qaeda or Taliban detainees. As was officially acknowledged by a bipartisan U.S. Senate Armed Services Committee report, Mr. Bush’s memorandum paved the way for the abuse of detainees held in the context of the so-called “war on terror” and the use of techniques such as waterboarding and stress positions.

Mr. Bush played a central role in the creation of CIA secret detention program, which he personally authorized through a 17 September 2001 Presidential directive. Under this program, the disappeared detainees were subjected to a regime now widely acknowledged to amount to torture.

The CIA Inspector General Report from 2004 confirms that Mr. Bush was fully briefed on the specific “enhanced interrogation techniques” used by the CIA –techniques which the United Nations, the International Committee of the Red Cross, and the Council of

Europe, amongst others, have all found to amount to torture and cruel, inhuman, or degrading treatment.

Mr. Bush's personal responsibility for these techniques is not a question: in his memoir, *DECISION POINTS*, Mr. Bush states unequivocally that he authorized the torture, including waterboarding, of individuals held in U.S. custody. He further admits and acknowledges his role in selecting and approving the interrogation techniques.

We therefore urge the General Prosecutor of the Canton of Geneva to act in accordance with Switzerland's obligations under domestic and international law by detaining George W. Bush while he is present in Geneva, and opening a preliminary investigation into the allegations brought against him.

SIGNED

Center for Constitutional Rights (CCR), United States
European Center for Constitutional and Human Rights (ECCHR), Germany
International Federation for Human Rights (FIDH), France
Theo van Boven, former United Nations Special Rapporteur on Torture (2001-2004)
Leandro Despouy, former United Nations Special Rapporteur on the Independence of Judges and Lawyers (2003-2009)
Shirin Ebadi, Nobel Peace Prize Winner, 2003
Mr. Pérez Esquivel, Nobel Peace Prize Winner, 1980
Sister Helen Prejean
Sister Dianna Ortiz
Asamblea Permanente de Derechos Humanos (APDH), Bolivia
Asociación Pro Derechos Humanos (APRODEH), Peru
Association mauritanienne des droits de l'Homme (AMDH), Mauritania
Association nigérienne pour la défense des droits de l'Homme (ANDDH),
Niger
Cambodian League for the Promotion and Defense of Human Rights (LICADHO),
Cambodia
Canadian Centre for International Justice, Canada
Center for Justice Accountability, United States
Centro de Capacitacion Social de Panamá (CCS), Panama
Centro de Derechos y Desarrollo (CEDAL), Peru
Centro de Estudios Legales y Sociales (CELS), Argentina
Centro Nicaraguense de Derechos Humanos (CENIDH), Nicaragua
Civil Liberties Organisation (CLO), Nigeria
Colectivo de Abogados "JAR", Colombia
Comisión de Derechos Humanos de El Salvador (CDHES), El Salvador
Comisión de Derechos Humanos de Guatemala (CDHD), Guatemala
Comision Ecumenica de Derechos Humanos (CEDHU), Ecuador
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH),
Mexico
Comité de Acción Jurídica (CAJ), Argentina
Committee on the Administration of Justice Ltd (CAJ), United Kingdom

Committees for the Defense of Democracy Freedoms and Human Rights in Syria (CDF), Syria
 Corporación de Promoción y Defensa de los Derechos del Pueblo (CODEPU), Chile
 DITSHWANELO – The Botswana Centre for Human Rights, Botswana
 Finnish League for Human Rights, Finland
 Fundación Regional de Asesoría en Derechos Humanos (INREDH), Ecuador
 Groupe LOTUS, Democratic Republic of Congo
 Human Rights Center in Georgia (HRIDC), Georgia
 Human Rights Center of Azerbaijan, Azerbaijan
 Human Rights in China, USA
 Human Rights Monitoring Institute (HRMI), Lithuania
 Instituto Latinoamericano de Servicios Legales Alternativos (ILSA), Colombia
 International Association of Democratic Lawyers (IADL)
 International Commission of Jurists, Switzerland
 Internationale Liga für Menschenrechte, Germany
 International Rehabilitation Council for Torture Victims (IRCT), Denmark
 Iranian League for the Defence of Human Rights (LDDHI), France
 Justiça Global, Brazil
 Kenya Human Rights Commission (KHRC), Kenya
 Kyrgyz Committee for Human Rights (KCHR), Kyrgyzstan
 Latvian Human Rights Committee (LHRC), Latvia
 Lawyers Against the War (LAW), Canada
 Legal Clinic “Adilet”, Kyrgyzstan
 Libyan League for Human Rights, Switzerland
 Liga Argentina por los Derechos del Hombre (LADH), Argentina
 Liga Mexicana por la Defensa de los Derechos Humanos, Mexico
 Liga Moçambicana dos direitos humanos (LMDH), Mozambique
 Ligue belge des droits de l’Homme, Belgium
 Ligue des Droits et Libertés (LDL), Canada
 Ligue des Electeurs (LE), Democratic Republic of Congo
 Ligue ivoirienne des droits de l’Homme (LIDHO), Côte d’Ivoire
 Memorial, Russia
 National Lawyers Guild International Committee, United States
 Observatoire congolais des droits de l’Homme (OCDH), Congo Brazzaville
 Observatorio Ciudadano, Chile
 Organisation Marocaine des Droits de l’Homme (OMDH), Morocco
 Philippine Alliance of Human Rights Advocates (PAHRA), Philippines
 Physicians for Human Rights (PHR), United States
 Rencontre Africaine pour la Défense des Droits de l’Homme (RADDHO), Senegal
 REDRESS, United Kingdom
 Reprieve, United Kingdom
 Republikanischer Anwältinnen und Anwälteverein (RAV), Germany
 Unione Forense per la Tutela dei Diritti Umani, Italy
 Witness Against Torture, United States
 World Organisation Against Torture (OMCT), Switzerland