



***NOTE: THIS IS A MODIFIED VERSION<sup>1</sup> 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.

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<sup>1</sup> 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.”

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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 Dianna Ortiz  
Sister Helen Prejean  
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  
 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