

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD, WALID  
MUHAMMAD SALIH MUBARAK BIN  
'ATASH, RAMZI BIN AL SHIBH, ALI  
ABDUL-AZIZ ALI, MUSTAFA AHMED  
ADAM AL HAWSAWI

AE321C (AAA)

**Mr. al Baluchi's Reply to**  
Government Response to  
Defense Motion to Permit Telephonic Access  
with Family Members

14 November 2014

1. **Timeliness:** This reply is timely filed, per AE321-4(Rul)(WBA) Ruling.

2. **Facts:**

Mr. al Baluchi denies that "HVDs and their families . . . may communicate with each other by mail or through video messages,"<sup>1</sup> as alleged by the prosecution, and demands strict proof thereof. Mr. al Baluchi has very limited communication with his family through ICRC messages, but has never had access to mail or videoteleconference facilities. When Mr. al Baluchi has attempted to send mail, JTF-GTMO has refused to accept the item, and told him he may only communicate through the ICRC.

3. **Argument:**

**A. Mr. al Baluchi is a law-of-war prisoner, and his conditions of confinement are governed by the law of war.**

The United States claims the authority to detain Mr. al Baluchi consistent with the law of war, but disclaims the responsibility to detain him consistent with the law of war. The law of war is a package deal: the same authorities which permit his detention govern his detention. Those authorities are the basic rules of international humanitarian law (IHL), particularly the Fourth

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<sup>1</sup> AE321B Government Response to Defense Motion to Permit Telephonic Access with Family Members at 3.

Geneva Convention and Common Article 3, as supplemented by international human rights law (IHRL).

Clearly, the United States purports to detain Mr. al Baluchi under IHL, also known as the law of war or the law of armed conflict.<sup>2</sup> From April 2003 to September 2006, Mr. al Baluchi was an arbitrary detainee, held in secret detention in flagrant violation of IHL and IHRL.<sup>3</sup> From September 2006 to May 2008, Mr. al Baluchi was a civilian internee held under the Authorization for Use of Military Force<sup>4</sup> but not charged with any offense.<sup>5</sup> From May 2008 until January 2010, Mr. al Baluchi was a civilian internee charged with war crimes.<sup>6</sup> From January 2010 until April 2012, Mr. al Baluchi was again a civilian internee not charged with any offense. From April 2012 to the present, Mr. al Baluchi has been a civilian internee charged with war crimes. The

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<sup>2</sup> See, e.g., United Nations Committee Against Torture, *Periodic Report of the United States of America*, at 15 (2013) [hereinafter U.S. Report to CAT], available at <http://www.state.gov/documents/organization/213267.pdf>. The prosecution cites this document only as “2013 CAT Report.” AE321B at 8. This Report is from the United States to the Committee Against Torture, not the other way around. Thus, while the Report is an authoritative statement of the United States’ view of the law, it cannot be relied upon as a self-serving statement of the actual conditions at Guantanamo Bay.

<sup>3</sup> See, e.g., United Nations Human Rights Council, *Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism*, pp. 2, 46 (Feb. 19, 2010); cf. *Hamdi v. Rumsfeld*, 542 U.S. 507, 521 (2004) (“[I]ndefinite detention for the purpose of interrogation is not authorized.”); *Trial of Josef Alstötter (The Justice Trial)*, VI Law Reports of Trials of War Criminals 57 (1948) (describing *incommunicado* detention under the Night and Fog Decree as inhumane).

<sup>4</sup> Pub. L. No. 107-40, § 2(a), 115 Stat. 224 (2001).

<sup>5</sup> See *Hamdi*, 542 U.S. at 518; see also, e.g., *Uthman v. Obama*, 637 F.3d 400, 401 (D.C. Cir. 2011). The United States has stretched law-of-war detention far beyond its purpose “to detain enemy combatants for the duration of hostilities so as to keep them off the battlefield and help win the war.” *Ali v. Obama*, 736 F.3d 542, 545 (D.C. Cir. 2013); see *Khairkhwa v. Obama*, 703 F.3d 547, 550 (D.C. Cir. 2012) (explaining that AUMF allows detention of individuals who did not engage in combat); *Hussain v. Obama*, 718 F.3d 964, 967 (D.C. Cir. 2013) (explaining that AUMF allows detention of individuals outside the chain of command).

<sup>6</sup> Cf. *al Bahlul v. United States*, 767 F.3d 1, 8 (D.C. Cir. 2014) (*en banc*) (noting the IHL basis of military commissions).

United States has never claimed any authority other than IHL to imprison Mr. al Baluchi at Guantanamo Bay.

In his Supplement, Mr. al Baluchi cited overwhelming IHL and IHRL authority governing military detention. The government claims that Mr. al Baluchi's authorities are distinguishable because they concern "pre-trial or post-conviction prisoners in the United States, not detainees being detained under the Authorization for Use of Military Force (AUMF) *as informed by the principles of the laws of war* as enemy belligerents."<sup>7</sup> The prosecution has this claim exactly wrong: the Geneva Conventions, relied upon by Mr. al Baluchi, embody "the principles of the laws of war"; *Turner v. Safley*,<sup>8</sup> relied upon by the prosecution, concerns civilian prisons. In *Hatim v. Obama*,<sup>9</sup> the D.C. Circuit relied on *Turner* for guidance because it had no alternative body of law: the Military Commissions Act of 2006 prohibited it from applying the Geneva Conventions in a civil action, a restriction that does not apply in this military commission.<sup>10</sup>

Because Mr. al Baluchi is a civilian internee in an occupied territory, the Fourth Geneva Convention, in conjunction with other elements of IHL and IHRL, regulates the conditions of his confinement. As the D.C. Circuit has held, "The Geneva Conventions and their commentary

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<sup>7</sup> AE321B at 7 (emphasis added). Of concern, but not important to this motion, is the improper use of the phrase "enemy belligerent." A civilian who takes up arms, unless he or she performs a continuous combat function, forfeits immunity from targeting for the period of time he or she takes a direct part in hostilities. This civilian becomes an unprivileged combatant, who may be prosecuted for a war crime, but not a belligerent who may be targeted on the basis of status alone. This distinction is the reason that the United States may imprison Mr. al Baluchi under the AUMF, but not simply kill him.

<sup>8</sup> 482 U.S. 78 (1987).

<sup>9</sup> 760 F.3d 54, 58-59 (D.C. Circ. 2014).

<sup>10</sup> Section 5(a) of the Military Commissions Act of 2006 prohibits reliance on the Geneva Conventions "in any habeas corpus or other civil action or proceeding." Pub. L. 109-366, 120 Stat. 2631, *codified as* Note following 18 U.S.C. § 2241. This military commission is clearly not a civil action or proceeding.

provide a roadmap for the establishment of protected status.”<sup>11</sup> Tellingly, the prosecution does not contest the applicability of the Fourth Geneva Convention, which requires family visits, to Mr. al Baluchi.

The prosecution’s use of the phrase “as informed by the principles of the laws of war” is no accident. The official position of the United States is, “The detention authority conferred by the AUMF is necessarily informed by principles of the laws of war.”<sup>12</sup> As recently as this week, the United States formally represented to the Committee Against Torture its official position that, “the law of armed conflict is the controlling body of law with respect to the conduct of hostilities and the protection of war victims,” as supplemented by IHRL.<sup>13</sup> The prosecution does not argue that IHL does not govern Mr. al Baluchi’s detention, because it is not free to do so.

Moreover, IHL has visibly influenced U.S. domestic law and policy. “Congress and the President can and often do incorporate international-law principles into domestic U.S. law by way

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<sup>11</sup> *Yahia v. Obama*, 716 F.3d 627, 631 (D.C. Cir. 2013); see *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006) (plurality op.); Joint Publication 3-63, *Detainee Operations*, Ch. I-3 (May 30, 2008). But see *Al-Bihani v. Obama*, 619 F.3d 1, 21 (D.C. Cir. 2010) (Kavanaugh, J. concurring in the denial of reh’g *en banc*) (“[T]he 1949 Geneva Conventions are non-self-executing.”).

<sup>12</sup> Respondents’ Memorandum Regarding the Government’s Detention Authority Relative to Detainees Held at Guantanamo Bay, in re: Guantanamo Bay Detainee Litigation (Mar. 13, 2009), available at <http://www.usdoj.gov/opa/documents/memo-re-det-auth.pdf>; see also Harold Koh, *The Obama Administration and International Law: Address at the Annual Meeting of the American Society of International Law* (Mar. 25, 2010) (“[I]nternational law informs the scope of our detention authority. Both in our internal decisions about specific Guantanamo detainees, and before the courts in habeas cases, we have interpreted the scope of detention authority authorized by Congress in the AUMF as informed by the laws of war.”), available at <http://www.state.gov/s/l/releases/remarks/139119.htm>. This position derives in part from *Hamdi*, 542 U.S. at 521 (plurality op.), where the Supreme Court explained that, “our understanding [of the AUMF] is based on longstanding law-of-war principles.”

<sup>13</sup> United Nations Committee Against Torture, *Opening Statement on Behalf of the United States* (Mary E. McLeod, acting Legal Counsel, U.S. Dep’t of State) (Nov. 12, 2014), available at <https://geneva.usmission.gov/2014/11/12/acting-legal-adviser-mcleod-u-s-affirms-torture-is-prohibited-at-all-times-in-all-places/> (Attachment B).

of a statute (or executive regulations issued pursuant to statutory authority) . . . .”<sup>14</sup> Congress and the President, along with Department of Defense policymakers, have done so in the Detainee Treatment Act (DTA) of 2005,<sup>15</sup> Executive Order 13491,<sup>16</sup> Department of Defense Directive No. 2310.01E,<sup>17</sup> and Army Regulation 190-8.<sup>18</sup> Through these instruments, “the relevant international-law principles become part of the domestic U.S. law that federal courts must enforce . . . .”<sup>19</sup>

The DTA is an example of Congressionally-mandated “war-related restrictions on the Executive.”<sup>20</sup> The DTA applied Fifth and Eighth Amendment standards, as articulated in the Reservations, Understandings, and Declarations to the ratification of the Convention Against Torture (CAT), to U.S. detainees regardless of nationality or geographic location.<sup>21</sup> This week, the United States announced a new policy that the “territory” referred to in Articles 2 and 16 of the CAT includes Guantanamo Bay,<sup>22</sup> such that CAT now duplicates the protections of the DTA.<sup>23</sup>

Executive Order 13491 is not a restriction on the President’s war power, but rather an exercise of the President’s power as Commander-in-Chief to domesticate international law and treaty obligations regarding military detention. E.O. 13491 repeatedly invokes the provisions of

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<sup>14</sup> *Al-Bihani*, 619 F.3d at 10 (Kavanaugh, J. concurring in the denial of reh’g *en banc*).

<sup>15</sup> Detainee Treatment Act of 2005, Pub. L. No. 109-148, 119 Stat. 2680, *codified as* Note following 10 U.S.C. § 801.

<sup>16</sup> Exec. Order No. 13491, 74 Fed. Reg. 4893, Sec. 6 (Jan. 22, 2009).

<sup>17</sup> U.S. DEP’T OF DEF. DIR. 2310.01E, DOD DETAINEE PROGRAM (19 August 2014).

<sup>18</sup> Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees, Army Reg. 190-8 (Oct. 1, 1997).

<sup>19</sup> *Al-Bihani*, 619 F.3d at 30 (Kavanaugh, J. concurring in the denial of reh’g *en banc*).

<sup>20</sup> *Id.* at 10 (Kavanaugh, J. concurring in the denial of reh’g *en banc*).

<sup>21</sup> See Michael John Garcia, Congressional Research Service, *Interrogation of Detainees: Requirements of the Detainee Treatment Act* 3-4 (Aug. 26, 2009). Section 6(c) of the Military Commissions Act of 2006 contained a similar provision. 42 U.S.C. 2000dd.

<sup>22</sup> See Att. B.

<sup>23</sup> See Garcia, *supra* n. 21, at 3 n. 13 (suggesting that the DTA had already resolved the ambiguity over the extraterritorial reach of CAT Art. 16).

CAT and the Geneva Conventions, and “directs that individuals detained in any armed conflict shall in all circumstances be treated humanely, consistent with U.S. domestic law, *treaty obligations* and U.S. policy . . . .”<sup>24</sup>

DOD Directive No. 2310.01E expresses the policy of the Department of Defense that the Geneva Conventions and other customary international law are binding on the United States. The purpose of Directive No. 2310.01E is “to ensure compliance with . . . the law of war, including the Geneva Conventions.”<sup>25</sup> It provides as a matter of policy that, “All persons subject to this directive”—which includes the military judge, JTF-GTMO, defense counsel, and most of the prosecutors—“will comply with the law of war with respect to the treatment of all detainees.”<sup>26</sup> It defines “the law of war” as “all international law applicable to the conduct of military operations in armed conflicts that is binding on the United States or its individual citizens, including treaties or international agreements to which the United States is a party (e.g., the Geneva Conventions of 1949), and applicable customary international law.” The Directive specifically defines “humane treatment” to include “appropriate contacts with the outside world (including, where practicable, exchange of letters, phone calls, and videoteleconferences with immediate family or next of kin, as well as family visits).”<sup>27</sup>

Finally, Army Regulation 190-8 “implements international law, both customary and codified, relating to” military detention, specifically including the Geneva Conventions.<sup>28</sup> “Army Regulation 190-8 is domestic U.S. law,” which a detainee may invoke as a source of protection.<sup>29</sup>

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<sup>24</sup> U.S. Report to CAT at 11 (emphasis added).

<sup>25</sup> Directive No. 2310.01E at ¶ 1(a).

<sup>26</sup> *Id.* at ¶ 3(a).

<sup>27</sup> *Id.* at ¶ 3(b)(1)(B).

<sup>28</sup> AR190-8, § 1-1(b); *see also Al-Bihani*, 619 F.3d at 14 n.3 (Kavanaugh, J. concurring in the denial of reh’g *en banc*).

<sup>29</sup> *Yahia v. Obama*, 716 F.3d 627, 630 (D.C. Cir. 2013); *see also Al-Bihani*, 619 F.3d at 12

Indeed, AR 190-8 provides that, “In the event of conflicts or discrepancies between this regulation and the Geneva Conventions, the provisions of the Geneva Conventions take precedence.”<sup>30</sup> AR190-8, like the Fourth Geneva Convention, permits family visits and telegrams, although it prohibits telephone calls.<sup>31</sup>

Whether the CAT is a self-executing treaty,<sup>32</sup> therefore, has nothing to do with whether Mr. al Baluchi has a right to family visits and simultaneous communications. The Fourth Geneva Convention is binding on the DoD, both by its own force and as a matter of domestic law and policy. The CAT is binding on the DOD, both as an expression of a *jus cogens* norm<sup>33</sup> and as a matter of domestic law and policy. The humane treatment requirement is binding on the DOD, both through Common Article 3 and domestic law and policy. This military commission should enforce these legal protections.

**B. This military commission has authority to order the detaining authority to bring Mr. al Baluchi’s conditions of confinement into compliance with government law-of-war authorities.**

Military judges possess independent authority to review the manner in which pre-trial confinement is implemented and, if necessary, remedy violations. “Prisoners’ complaints regarding the conditions of their confinement are matters properly within [a military court’s]

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(Kavanaugh, J. concurring in the denial of reh’g *en banc*).

<sup>30</sup> AR 190-8, § 1-1(b)(4).

<sup>31</sup> AR 190-8, §§ 6-7(b), 6-8(k); *see also* Fourth Geneva Convention Art. 116.

<sup>32</sup> AE321B at 8. Mr. al Baluchi has never argued that CAT is a self-executing treaty.

<sup>33</sup> *See* AE200 (AAA Sup.), Mr. al Baluchi’s Notice of Joinder, Factual Supplement & Argument to Defense Motion to Dismiss Because Amended Protective Order #1 Violates the Convention Against Torture at 3-4. The military commission rejected the significance of *jus cogen* norms in AE200II Order.

jurisdiction,”<sup>34</sup> and the military courts “are ideally suited to review the conditions of pretrial confinement.”<sup>35</sup> Although military judges often remedy unlawful conditions of confinement retrospectively, military judges also possess authority to remedy ongoing violations of the Fifth and Eighth Amendments, whether organically or through the DTA.<sup>36</sup> Although the military commissions do not have an express grant of authority to direct a remedy for violations, neither is there such an express grant under the Uniform Code of Military Justice.

The authority of a military judge over confinement is independent from the chain of command, in that such decisions cannot be overridden by commanders, only reheard or appealed within the judiciary.<sup>37</sup> Military review is proper regardless of whether the conditions of confinement directly interfere with legal proceedings or relate to the alleged offense,<sup>38</sup> in contradiction of the Prosecution’s argument that there must be a “nexus to these legal proceedings.”<sup>39</sup> Indeed, the language the prosecution quotes from AE18T recognizes that, “The Commission is responsible to ensure appropriate legal protections for the [defendant] and will intervene when it is established the daily operations of the detention facility adversely affect the

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<sup>34</sup> *United States v. Ouimette*, 52 M.J. 691 (C.G.C.C.A. 2000). *Ouimette* dealt with then-ongoing issues with the conditions of the appellant’s post-sentencing confinement. It is worth highlighting that pre-trial confinement affords substantially greater legal protections in most regards.

<sup>35</sup> *United States v. Palmiter*, 20 M.J. 90, 96-97 (C.M.A. 1985).

<sup>36</sup> *Id.* at 96-97; see *United States v. Miller*, 46 M.J. 248, 250 (C.A.A.F. 1997); *United States v. Coffey*, 38 M.J. 290, 291 (C.M.A. 1993).

<sup>37</sup> *United States v. Malia*, 6 M.J. 65 (C.M.A. 1978).

<sup>38</sup> See *United States v. Kinsch*, 54 M.J. 641, 645 (A.C.C.A. 2000) (holding that the military court possessed jurisdiction over a prisoner’s conditions of confinement claims, even though the claims arose after the conviction under review and therefore did not directly relate to the conviction under review); see also *Miller*, 46 M.J. at 249 (regarding work detail impacting on religious practice); *Palmiter*, 20 M.J. at 93 (regarding comingling of pre-trial confinee with sentenced prisoners during work details).

<sup>39</sup> AE321B at 5. Furthermore, Mr. al Baluchi will demonstrate the effect of the extraordinarily harsh conditions of confinement, including isolation from family, at the evidentiary hearing on this and related motions.

Commission's ability to proceed *or* the [defendant's] rights."<sup>40</sup> If the conditions of confinement violate the defendant's rights, the military commission may craft a remedy.

Oddly, the prosecution invokes the separation of powers between the Executive and Judicial Branches in support of its attempt to apply *Turner v. Safley*.<sup>41</sup> While this distinction may be sound in judicial review of civilian prison policy, where a court is often separated from the prison by hundreds of miles and sometime several years, it makes little sense in the present context. Not only is the military commission an Article I body, it is the authority closest in time, space, and culture to JTF-GTMO. In contravention to the general rule that challenges to conditions should be raised while violations are ongoing,<sup>42</sup> the prosecution seems to suggest Mr. al Baluchi should save his complaints for sentencing, or perhaps *habeas corpus*. Military commission review of Mr. al Baluchi's conditions of confinement allows for the development of a clear factual record and prompt amelioration of ongoing deficiencies in his confinement conditions.

Finally, the prosecution's advocacy of absolute deference to confinement policy begs the question of why the military commission would defer to the policy decisions of persons in the local command over those in policy-making positions. The Under Secretary of Defense for Policy has defined humane treatment to include family telephone calls, videoteleconferences, and visits; this considered policy determination is entitled to greater deference than the ever-shifting policies of a

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<sup>40</sup> AE321B at 4 (quoting AE018T/AE032PP/AE049B/AE144W Privileged Written Communications Ruling). Following this reasoning, the military commission ruled on the emergency motion in AE093 that Mr. al Baluchi had not carried his burden, not that the military commission has no authority over conditions of confinement.

<sup>41</sup> AE321B at 3.

<sup>42</sup> *United States v. White*, 54 M.J. 469, 472-73 (C.A.A.F. 2001). The related issue of illegal pretrial punishment may be considered waived if not raised before the trial court. *See United States v. Inong*, 58 M.J. 460, 461 (C.A.A.F. 2003).

series of JTF-GTMO commanders.

Mr. al Baluchi is a civilian internee, and JTF-GTMO should treat him as a civilian internee. The military commission has the authority and obligation to remedy JTF-GTMO's violation of established IHL principles by ordering family visits and simultaneous communication.

**4. Attachments:**

A. Certificate of Service

B. United Nations Committee Against Torture, *Opening Statement on Behalf of the United States* (Mary E. McLeod, acting Legal Counsel, U.S. Dep't of State) (Nov. 12, 2014).

Very respectfully,

//s//  
JAMES G. CONNELL, III  
Learned Counsel  
  
Counsel for Mr. al Baluchi

//s//  
STERLING R. THOMAS  
Lt Col, USAF  
Defense Counsel

## **Attachment A**

**CERTIFICATE OF SERVICE**

I certify that on the 14th day of November, 2014, I electronically filed the foregoing document with the Clerk of the Court and served the foregoing on all counsel of record by email.

*//s//*

JAMES G. CONNELL, III

*Learned Counsel*

## **Attachment B**

US Mission Geneva > Human Rights > Acting Legal Adviser McLeod: U.S. Affirms Torture is Prohibited at All Times in All Places

## Acting Legal Adviser McLeod: U.S. Affirms Torture is Prohibited at All Times in All Places

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### Opening Statement

**Mary E. McLeod**  
Acting Legal Adviser  
U.S. Department of State

### Committee Against Torture

November 12-13, 2014 – Geneva

Distinguished Chair, Members of the Committee, on behalf of the United States, it is my honor and privilege to address the Committee Against Torture and to present the Third Periodic Report of the United States on implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



The United States is proud of its record as a leader in respecting, promoting, and defending human rights and the rule of law, both at home and around the world. But in the wake of the 9/11 attacks, we regrettably did not always live up to our own values, including those reflected in the Convention. As President Obama has acknowledged, we crossed the line and we take responsibility for that.

The United States has taken important steps to ensure adherence to its legal obligations. We have engaged in ongoing efforts to determine why lapses occurred, and we have taken concrete measures to prevent them from happening again. Specifically, we have established laws and procedures to strengthen the safeguards against torture and cruel treatment. For example, immediately upon taking office in 2009, President Obama issued Executive Order 13491 on ensuring lawful interrogations. This Executive Order was clear: consistent with the Convention Against Torture and Common Article 3 of the 1949 Geneva Conventions, as well as U.S. law, any individual detained in armed conflict by the United States or within a facility owned, operated, or controlled by the United States, in all circumstances, must be treated humanely and must not be tortured or subjected to cruel, inhuman, or degrading treatment or punishment. The Executive Order directed all U.S. officials to rely only on the U.S. Army Field Manual in conducting interrogations in armed conflict. And it revoked all previous executive directives that were inconsistent with the Order including legal opinions regarding the definition of torture. Executive Order 13491 also created a Special Task Force on Interrogations and Transfer Policies Issues, which helped strengthen U.S. policies so that individuals transferred to other countries would not be subjected to torture.

In addition to these steps, the United States has sought to make its interrogation operations more transparent to the American public and to the world. We have made public a number of investigations of the treatment of detainees in the post 9/11 time-period. We are expecting the public release of the Findings and Conclusions of a detailed congressional investigation into the former detention and interrogation program that was put in place in the immediate aftermath of 9/11. President Obama has made clear that this document should be released, with appropriate redactions to protect national security.

In an effort to ensure that we are doing the utmost to prevent torture and cruel treatment, the United States has carefully reviewed the extent to which certain obligations under the Convention apply beyond the sovereign territory of the United States and is prepared to

clarify its views on these issues for the Committee today.

In brief, we understand that where the text of the Convention provides that obligations apply to a State Party in "any territory under its jurisdiction," such obligations, including the obligations in Articles 2 and 16 to prevent torture and cruel, inhuman or degrading treatment or punishment, extend to certain areas beyond the sovereign territory of the State Party, and more specifically to "all places that the State Party controls as a governmental authority." We have determined that the United States currently exercises such control at the U.S. Naval Station at Guantanamo Bay, Cuba, and with respect to U.S. registered ships and aircraft. Although the law of armed conflict is the controlling body of law with respect to the conduct of hostilities and the protection of war victims, a time of war does not suspend operation of the Convention Against Torture, which continues to apply even when a State is engaged in armed conflict. The obligations to prevent torture and cruel, inhuman, and degrading treatment and punishment in the Convention remain applicable in times of armed conflict and are reinforced by complementary prohibitions in the law of armed conflict.

There should be no doubt, the United States affirms that torture and cruel, inhuman, and degrading treatment and punishment are prohibited at all times in all places, and we remain resolute in our adherence to these prohibitions.

In closing, we welcome the opportunity to engage with the Committee during this presentation and we look forward to answering your questions.