



# The Association of the Bar of the City of New York

Office of the President

**PRESIDENT**

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February 24, 2005

Representative Edward J. Markey  
United States House of Representatives  
Washington, D.C. 20515

Dear Representative Markey:

The Association of the Bar of the City of New York strongly supports H.R. 952, which you introduced on February 17, 2005. Your proposed bill seeks to end the United States' direct or indirect use of "extraordinary rendition," the extra-judicial transfer or return of persons to countries where torture or other inhuman treatment of persons occurs. Extraordinary rendition is prohibited by both domestic and international law, and we commend your efforts to end this odious practice.

The Association is an independent non-governmental organization of more than 22,000 lawyers, judges, law professors and government officials. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world. In October 2004, the Association issued a report entitled *Torture by Proxy: International and Domestic Law Applicable to "Extraordinary Renditions,"* which presented an in-depth legal analysis of extraordinary rendition and related practices. The report, which the Association issued jointly with the Center for Human Rights and Global Justice (CHRGJ) at New York University School of Law, concluded that extraordinary renditions clearly violate both United States and international law.<sup>1</sup>

Your bill comes at a critical time. Recent reports indicate that agents of the United States' intelligence community have been and are practicing extraordinary rendition, often as an interrogation technique, and, in fact, use of extraordinary rendition appears to be on the rise. Your proposed legislation would reinforce prohibitions on extraordinary rendition that are already binding on the United States under international law by unequivocally requiring that transfers of individuals to other countries occur with full due process guarantees and in conformity with United States' international obligations. The bill would clarify that extraordinary renditions are unequivocally

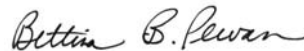
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<sup>1</sup> The full text of the report is available on the Association's website, [www.abcny.org](http://www.abcny.org).  
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prohibited – no matter where they take place, and no matter whether they are conducted by a government agency or by a contractor of such an agency. The bill would also prevent officials from circumventing the prohibitions against extraordinary rendition by obtaining an “assurance” from a foreign government that it will not torture or ill-treat a specific person who is being transferred to its custody. (Available evidence indicates that assurances obtained from governments of states where torture is known to occur are highly unreliable.) Importantly, your bill would permit transfers to countries where there are substantial grounds for believing that torture or cruel, inhuman, or degrading treatment is commonly used only where the Secretary of State has certified to specified Congressional committees that the receiving government has ended all acts of torture or cruel, inhuman, or degrading treatment, and that there is a verifiable mechanism that assures the United States that a person transferred to the requesting government will not be tortured or subjected to cruel, inhuman, or degrading treatment. Finally, your bill would fill in certain gaps in domestic law that have facilitated the continued use of extraordinary renditions by government agents in contravention of the United States’ obligations under international law.

We thank you for your work to end the practice of extraordinary rendition and hope that this important bill will be taken up and passed as soon as possible.

Respectfully,

A handwritten signature in cursive script that reads "Bettina B. Plevan".

Bettina B. Plevan