



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

Office of the President

**PRESIDENT**

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

Dear Representative Markey:

I write on behalf of the Association of the Bar of the City of New York. 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.

The Association strongly supports H.R. 4674, your proposed legislation to end the extra-judicial transfer of individuals to countries in which they may be tortured or subjected to cruel, inhuman or degrading treatment or punishment – a practice known as “extraordinary rendition.” The bill would reinforce prohibitions on extraordinary rendition that are already binding on the United States under international law. Laws banning the return or transfer of individuals to countries where they are likely to be tortured are articulated in a number of treaties to which the United States is a party. These include, most prominently, the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights. By enacting the Foreign Affairs Reform and Restructuring Act of 1998, the United States reaffirmed its policy not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

The Association has been gravely concerned about the practice of extraordinary rendition since reports surfaced in the press in early 2002 alleging that the United States was involved in transferring individuals to countries in which torture is a documented practice. These reports, which have been supplemented in recent months by first-hand accounts of rendered individuals, such as Maher Arar, a Canadian citizen rendered to Syria from the United States, demonstrate the need for legislation like H.R. 4674.

The Association is currently preparing a report that will analyze the legal prohibitions on extraordinary rendition under domestic and international law. Our research has identified certain gaps in the enforcement of this legal obligation – gaps that your proposed legislation is aimed at closing. For example, while the regulations implementing domestic legislation offer protection from removal or extradition to torture-practicing countries to individuals present within the United States, no similar protection is afforded to individuals who are held by or on behalf of the United States in other countries. With the enactment of H.R. 4674, however, such country-to-country transfers could be prohibited.

Because the bill clearly proscribes extraordinary rendition, rejects diplomatic assurances as insufficient, and creates crucial protections for those most at risk of being transferred to torture or cruel treatment, the Association strongly supports H.R. 4674.

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

Respectfully,

Bettina B. Plevan

President, Association of the Bar of  
the City of New York