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## **Memo to the Record**

**To:** LP-GWB Archivists

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THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

ID# 564732

PAGE 1

DATE RECEIVED: 06/18/2003

NAME OF CORRESPONDENT: MR. KENNETH ROTH

SUBJECT: EXPRESSES CONCERN REGARDING VIOLATIONS OF HUMAN RIGHTS IN IRAQ, AFGHANISTAN  
AND THE DEMOCRATIC REPUBLIC OF CONGO

		ACTION		DISPOSITION		
ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
NATIONAL SECURITY COUNCIL	STEVE HADLEY	ORG	2003/06/18			

ACTION COMMENTS

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ADDITIONAL CORRESPONDENTS: 0

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REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590 KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.

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The looting and violence of recent weeks have shown the urgency of establishing an effective security presence throughout Iraq. We are aware that elements of the existing police forces may be needed to maintain security in the short term. But G8 members should commit to supporting longer-term police reforms, including the vetting of all local officials, police, and other security personnel, and the establishment of an effective monitoring system to hold local officials accountable and prevent abuse. G8 members should also support urgent programs to reform Iraq's judicial system to ensure that it meets international standards, including for the protection of women and children.

Ensuring justice and accountability for past crimes will be critical in rebuilding respect for the rule of law in Iraq. The discovery of numerous mass graves in recent weeks confirm that the Saddam Hussein government was responsible for the gravest abuses, including genocide and crimes against humanity. The gravity of these crimes calls for an international response. The Iraqi judiciary, corrupted and destroyed by years of Saddam Hussein's rule, does not have the independence, impartiality or capacity to try cases of this complexity. Nor will it be easy to find other Iraqi exiles or jurists with the requisite sophistication and emotional distance to provide fair trials. The best option would be for G8 members to support the establishment of an international tribunal to prosecute those responsible for these terrible crimes. Pending the establishment of such a justice process, G8 members should impress upon the United States and United Kingdom, as occupying powers, the urgency of protecting all grave sites and preserving forensic and documentary evidence that might be used in future prosecutions. G8 members should also offer the assistance of forensic pathologists and other specialists to lead or advise on exhumations and to train Iraqis in the necessary skills.

### **Afghanistan**

It is not too late to address the deteriorating security situation in Afghanistan. We welcome the priority given by the G8 foreign ministers last week to extending the Karzai government's authority and disarming local warlords. Current plans for disarmament and demobilization in Afghanistan are small scale, and lack coherent enforcement mechanisms or strategies for dealing with entrenched commanders. Plans with weaknesses like these have failed in other contexts: Cambodia is a recent example.

We are aware of the continuing reluctance of many nations, both within and outside the G8, to send additional troops for peacekeeping in Afghanistan. We understand that several nations are in discussion with the United States on current plans to expand provisional reconstruction teams (PRTs) under the umbrella of Operation Enduring Freedom, to other provinces outside of Kabul. The planned teams, however, consist of only 60 to 80 troops, and many observers on the ground think a stronger presence will be needed. Human Rights Watch urges G8 members to support a significant expansion of peacekeeping forces and monitors in Afghanistan to provide security, to address human rights problems, and to pave the way for demobilization of warlord militias.

### **Democratic Republic of Congo (DRC)**

Human Rights Watch urges you also to focus urgently on the humanitarian crisis in the Ituri province in northeastern DRC. Thousands of civilians continue to be at risk of attack by opposing Hema and Lendu ethnic militia groups. Tens of thousands are believed to have fled Bunia, the capital of Ituri, and their fate is unknown. Militias from each ethnic group have committed mass killings and targeted rapes based on the ethnic identity of the victim, yielding a spiral of deadly reprisal attacks.

Last June, at your summit in Kananaskis, the G8 made important commitments to support peace, security and sustainable development in Africa through the G8 Africa Action Plan. The G8 pledged to assist African efforts to resolve the principal armed conflicts on the continent and to "provide additional support to efforts to bring peace in the Democratic Republic of Congo" and to "support post-conflict development in the Great Lakes region."

Now is the time to fulfil those commitments by pledging troops, financial assistance, and logistical support for the deployment of a rapid reaction force, pending an agreement by the Security Council on the expansion and strengthening of the United Nations Organization Mission in the Democratic Republic of Congo's (MONUC) mandate and the deployment of its reinforced troops. Any military action should be undertaken with full respect for international human rights and humanitarian law. The rapid reaction force should have a robust mandate to ensure the protection of civilians both in and beyond Bunia and the delivery of humanitarian assistance to civilian populations in need. In accordance with previous G8 commitments and U.N. Security Council resolutions, the protection of children from military recruitment and women and girls from sexual violence should be a priority, and relevant advisors and protection officers should accompany the mission.

Under the G8 Africa Action Plan, the G8 also proposed to establish, with the U.N. Secretary-General and other influential partners, "contact groups or other similar mechanisms to work with African countries to resolve specific African conflicts." We urge you to invoke this mechanism now, by establishing a special high-level commission representing G8 and New Partnership for Africa's Development (Nepad) members to make an urgent visit to the DRC, including Ituri province, and neighboring countries to assess the situation and to send a strong message to governments and armed groups in the region that they must stop attacks against civilians immediately and cease all financial or military support to those responsible for such abuses. The special commission should report back to G8 leaders with recommendations for action and for the mobilization of further international assistance.

### **Conflict resources**

The crisis in the DRC highlights the degree to which many conflicts are fueled by natural resources and the revenues they provide to warring parties. In October 2002, the third report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms

of Wealth of the DRC (S/2002/1146) identified several companies based in G8 countries that were allegedly indirectly involved in the illegal exploitation of resources in the Democratic Republic of Congo.

Human Rights Watch commends G8 leaders for the priority attention they have given to security and development in Africa since the G8 Genoa summit in 2001, particularly in the context of support for Nepad. Nepad rightly reflects a commitment to measures to promote development in the mining and energy sector, but fails to address the critical role that natural resources play in fuelling many African conflicts. In recent years, the G8 has shown what concerted action can achieve in countering the illicit trade in diamonds and the financing of terrorist activities. There is an urgent need to broaden this approach to other legal and illicit economic activities in areas of armed conflict and to help build African capacity for the effective enforcement of sanctions and other measures against illicit trade.

In the G8 Action Plan for Africa announced at your summit last year in Kananaskis, the G8 pledged to:

*“Work with African governments, civil society and others to address the linkage between armed conflict and the exploitation of natural resources – including by:*

- Supporting United Nations and other initiatives to monitor and address the illegal exploitation and international transfer of natural resources from Africa which fuel armed conflicts, including mineral resources, petroleum, timber and water;*
- Supporting voluntary control efforts such as the Kimberley Process for diamonds, and encouraging the adoption of voluntary principles of corporate social responsibility by those involved in developing Africa’s national resources;*
- Working to ensure better accountability and greater transparency with respect to those involved in the import or export of Africa’s natural resources from areas of conflict;*
- Promoting regional management of trans-boundary natural resources, including by supporting the Congo Basin Initiative and trans-border river basin commissions.”*

Since the Kananaskis Summit, the African Union has made further commitments to address these issues. In July 2002, the first standing conference of African heads of state and government on Security, Stability, Development and Cooperation in Africa (CSSDCA) tasked the African Union’s proposed Peace and Security Council with developing by 2005 *“a framework for addressing the problem of illegal exploitation of resources in Africa and combating, in a concerted manner, all networks plundering the resources of Africa and using them to fuel conflicts.”*

Human Rights Watch urges G8 members to follow up on this initiative with their Nepad partners by establishing a joint G8/Nepad working group on conflict resources. The G8 has played a leadership role in the development of measures to counter the financing of terrorism (the Rome group) and transnational organized crime (the Lyon Group). The G8 could make a similar contribution in the field of conflict resources by developing and promoting the implementation of measures and safeguards against economic activity that fuels conflict. In fact, many of the recommendations developed in the context of the Rome and Lyon groups could be adapted and applied to this field. The working group should be tasked with reporting back to the G8 within one year. The working group, in particular, should develop proposals

for a binding framework for corporate conduct by business entities headquartered in G8 countries that are invested or operating in conflict prone countries in Africa. It should also develop proposals for a protocol on these issues to the Convention on Transnational Organised Crime.

### **Revenue Transparency**

The G8 should also take effective measures to prevent the revenues generated by countries' natural wealth from being squandered at the expense of human rights. As a member of the Publish What You Pay coalition, we encourage the G8 to require that resource extraction companies publish their payments to, and relevant contractual arrangements with, governments in all countries where they operate, and to monitor their compliance. The G8 should also press international financial institutions and export credit agencies to adopt guidelines that would ensure that recipient governments or companies meet similar standards. The United Kingdom's Extractive Industries Transparency Initiative (EITI) is developing a positive international model for publishing company payments and government revenues. We encourage other G8 governments to support this initiative and to encourage companies and governments in resource-rich countries to implement the model.

The management of Iraq's oil revenues will be an important test of the G8's commitment to transparency and accountability. Human Rights Watch supports the requirement contained in U.N. Security Council Resolution 1483 to audit both incoming oil revenues and the Development Fund for Iraq. However, we believe that the expenditures from the Fund should also be audited; that the audits should be conducted on at least a quarterly basis; and that the audits should be made public.

### **Counter-terrorism**

The G8 continues to play a leadership role in the development of measures to combat terrorism. We noted the commitment made by the G8 foreign ministers last week to developing an action plan in support of the U.N. Counter-Terrorism Committee. But we remain deeply concerned that many governments around the world – including some G8 members – continue to violate human rights in the name of counter-terrorism. Since the September 11 attacks, the fight against terrorism has been used to curb civil liberties unnecessarily, arbitrarily tighten restrictions on refugees, asylum-seekers and non-citizens, and even to justify human rights abuses against internal opponents.

In the United Kingdom, for instance, the government's response to the September 11 attacks has resulted in laws, policies, and practices that undermine fundamental human rights protections, including the right to seek asylum and prohibitions against arbitrary detention and mistreatment. Many of the measures adopted by the U.S. government after the September 11 attacks have also violated fundamental provisions of international human rights and humanitarian law. These included the arbitrary detention of non-citizens suspected of links to or with knowledge of terrorism, secret immigration hearings, the authorization of substandard military commissions to try non-citizen terrorist suspects that do not comply with

international legal requirements, a failure to abide by the Geneva Conventions in the treatment of detainees held in U.S. military custody in Cuba and elsewhere, the military detention without charge or access to counsel of U.S. citizens designated as "enemy combatants," and the use of "stress and duress" interrogation techniques that amount at least to prohibited cruel, inhuman and degrading treatment.

China, which will be represented at the meeting for the first time this year, has blurred the distinction between peaceful activists and those who resort to violence in its stepped-up campaign against Uighur separatists in Xinjiang province. Russia continues to describe its actions in Chechnya as a tightly focused counter-terrorism operation, but it has been responsible for numerous extrajudicial executions, forced disappearances and other serious rights violations. According to unpublished government statistics, 1,132 civilians were killed in Chechnya in 2002 alone. During a March mission, Human Rights Watch documented the forced disappearances at the hands of federal forces of forty-four men, twenty-six of which occurred between late December 2002 and late February 2003 – an average of about three "disappearances" per week. We also documented five extrajudicial killings and twelve cases of torture, all of which occurred after December 2002.

As the G8 charts the next phase of actions against terrorism, Human Rights Watch urges you to affirm, clearly and strongly, that counter-terrorist measures must comply fully with international human rights, humanitarian, and refugee law. This clear statement of principle should guide the work of G8 justice ministers and the G8's experts groups on counter-terrorism (the Rome Group) and transnational organized crime (the Lyon Group). You should include independent human rights experts in these working groups and require them to address implications for human rights and refugee protection explicitly in their reports and recommendations. You should also invite the U.N. High Commissioner for Human Rights and relevant experts of the U.N. Commission on Human Rights to analyze and make recommendations on G8 measures against terrorism and transnational organized crime.

### **Small arms and landmines**

The G8 in the past has rightly focused on the uncontrolled spread and rampant misuse of small arms worldwide, which threaten human rights, fuel violent conflict, and undermine conflict prevention and recovery. It has made progress in some areas, but work in other areas has lagged. We urge you to use this summit to reinvigorate key commitments made at the Okinawa summit three years ago, especially commitments to exercise a high degree of government responsibility in arms transfers and to tackle the misuse of small arms. In particular, G8 members should ensure that their own arms trade practices are fully consistent with their commitment to reject arms transfers to human rights abusers. They also should work at the national, regional, and international levels to promote the development of binding instruments on arms transfers that contain strong human rights and humanitarian criteria, such as the proposed international Arms Trade Treaty. To fight the misuse of small arms, the G8 should advance what it has described as the challenge of security sector reform. By highlighting these two issues, the G8 can make a major contribution to the forthcoming U.N. biennial conference on small arms, to be held in July and chaired by Japan.

The G8 summit also presents an ideal opportunity to promote the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty) and to reaffirm the emerging international norm against antipersonnel landmines. Eradicating the scourge of landmines is central to achieving the G8 goals of promoting global security and economic growth.

We thank you for your attention to these important issues and look forward to continued dialogue in the months ahead.

Yours sincerely,



Kenneth Roth  
Executive Director

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**FACSIMILE COVER SHEET**

**Date:** May 29, 2003  
**To:** President Bush  
**From:** Kenneth Roth, Executive Director  
**Fax:** (202) 456-2461  
**Number of Pages (including this sheet):** 8

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