

IGCP

Information Group on Crimes against the Person

Група інформації за злочинами проти особи

Группа информации по преступлениям против личности

**The Exterritorial Enforcement of the American Legislation
against Foreign Nationals in Third-Party Countries**

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INTRODUCTION

A big push to this IGCP report were the regular problems that many Russian citizens have recently faced abroad. These problems have arisen out of unilateral actions taken by U.S. secret services, directly responsible for the exterritorial administration of the U.S. legislation elsewhere.

Due to these actions of the American government, an overall sense of fear continues to build up while unsuspecting Russian nationals in most of the foreign countries are in danger of detention and, in some cases, actual abduction and transfer to the U.S., where they are subject to a very peculiar, politically biased sort of justice.

The U.S. are de facto responsible for the installation of a legal and organizational system that carries out detention and rendition of certain individuals to either U.S. Mainland, or its military bases, or both. These are individuals whom, for some reason, Washington is willing to label as criminals, hostile elements, or enemy combatants. This seems to be fully in line with the vision so popular among American law enforcement agencies, that the 21-century America need to target hostile individuals or separate enemy groups rather than enemy states.

This legal system, as well as law enforcement system that the U.S. have created are based on the American national law and legal relations, which are imposed on other countries' context. Under this system, the actors of law enforcement are the American police forces, secret services, and the military. The system relies on a densely branched network of Central Intelligence Agency (CIA) agents, Defense Intelligence Agency (DIA) agents, as well as a worldwide web of military bases.

One important thing is worth mentioning. The American law enforcement agencies and secret services are aggressively trying to spread their law-enforcing practice all over the world. However, this practice looks questionable when it comes to universal international legal norms and standards.

Any person in the world may fall victim to the American repressive machinery. This may happen both in countries that once agreed with the U.S. on the procedure, as well as in those that did not. One thing an individual need to do is visit a country that has an extradition agreement with the U.S. There are 111 such countries in the world so far.

Potential targets may be unaware of the fact that the very peculiar and intricate American legal system would regard some of their actions as unlawful.

Experts say there are many actions that have been criminalized in the U.S., though are still legal in other civilized countries.

This research is crucial for studies in history and current American practice in the field of ‘fighting international terrorism’, as well as for understanding the large-scale abduction and torture system this country created after 9/11, targeting anyone who fell under their suspicion as terrorists.

We have to admit that a very heated public discussion has been – and still is – underway in the U.S. about whether this apparently unlawful response to the terrorist challenge was appropriate. Many Democrats believe that, instead of taking its ranger-style actions, Washington should have focused on a different counter-terrorism system, layered, international, and based on law.

However, neoconservatives in the George W. Bush administration chose an old and proven strategy of strengthening the role of secret services as well as enhancing the tasks and functions of the military abroad. Although promises to stop lawlessness and to close the notorious Guantanamo prison brought Barack Obama to power, he could do almost nothing.

This paper does not inquire into any connection of extraordinary renditions with extrajudicial and extraprocedural liquidation of so-called “enemy combatants” carried out by the U.S. However, we also need to mention that extraprocedural killings in which America uses special forces and drones are on par with other unlawful actions, such as cases of extraprocedural detention and extraprocedural imprisonment.

1. Undermining International Law for Political Reasons: Fundamental Violations Accompanying American Law Enforcement Practice when Administered in Third-Party Countries

The United States have de facto extended the area where American law is made valid, as well as exercised. Today, this area includes the whole world. The U.S. have extradition agreements with 111 countries and cooperate with a significant number of foreign secret agencies, not only in NATO member states but also in many others.

As a result, such phenomena as provocative action and torture are now spread far beyond American jurisdiction and territory. It is worth mentioning that for most of the Russian detainees, provocative action was widely used, often involving American secret services acting *undercover*.

The Criminal Procedure Code of the Russian Federation forbids the method of provocative action. No information or evidence, including video, if obtained using provocative action, can be examined during legal proceedings in Russian courts. This also contravenes the case law practice of the European Court of Human Rights (ECHR).

Another important point is that, during the extraprocedural detention of Russian nationals, major violations of their procedural rights take place. In particular, detainees are denied the opportunity to hire attorneys, inform their relatives or Russian diplomatic missions in the country they are in. This contradicts the international human rights obligations once assumed by the United States. Moreover, third-party countries fall under American pressure not to inform the local Russian consulates of the arrest of a Russian citizen. This contravenes the Vienna Convention of Consular Relations of April 24, 1963, Article 36, paragraph 1. Judging from facts mentioned above, the U.S.A. and their vassal states are regular and violent perpetrators of a number of key international human rights conventions.

The Universal Declaration of Human Rights, 1948: All are equal before the law and are entitled without any discrimination to equal protection of the law. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. No one shall be subjected to arbitrary arrest, detention or exile. Everyone has the right to leave any country, including his own, and to return to his country.

The International Covenant on Civil and Political Rights, 1966: Everyone

has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.

2. Actors that Impose American Law Abroad: Secret Services, Department of Justice, and Additional Platforms

As far as the detention of foreign nationals is concerned, actors responsible for the extension of the American national legislation abroad are:

Department of Defense. The Pentagon was particularly active detaining Russian citizens and other foreign nationals during military operations in Iraq. It is worth noting that, between 2002 and 2008, they used to label their detainees as “enemy combatants”, therefore authorizing their extrajudicial imprisonment. Often some of those ‘hostile’ detainees were executed by fire squad and secretly buried, meaning that the Pentagon alone was to decide whom and where they needed to detain and what measures were needed against the detainees; moreover, the DoD was never punished for that kind of action.

Defense Intelligence Agency (DIA). A branch of the Pentagon, the D.I.A. used to carry out mass detention of foreigners abroad, mainly in the military operation area in Iraq and Afghanistan, but also notably in Yemen and North Africa. Not all of those detained are transferred to prisons, part of them are subject to summary executions, human rights activists report.

Central Intelligence Agency (CIA, for overseas operations). The most notorious thing about the C.I.A. were its “secret prisons”, or classified exterritorial places of confinement where U.S. authorities said they kept terrorist suspects. International human rights activists and world press made information on these classified objects public. Starting from November 2, 2005, this information have appeared in the American mass media. In 2006, George W. Bush formally acknowledged the existence of the jails, noting that these places had once been crucial for security reasons, and the prisoners included none but dangerous special terrorist suspects.

The C.I.A. is also responsible for the detention of terrorist suspects all over the world, particularly in Europe, one notorious case being the abduction of an Egyptian citizen named Hassan Mustafa Osama Nasr by C.I.A. operatives in Italy.

Drug Enforcement Administration (DEA). Acting as part of U.S. Department of Justice, the D.E.A. enforces the American law in the field of drug control. The key element of the Administration’s activity are detentions of foreign nationals overseas.

The agency is also partly responsible for the provocative action taken against Russian national Viktor Bout.

The D.E.A. boasts the most efficient resources of human intelligence in Latin America, as well as a dense network of undercover agents, which they use for the detention of suspects.

American diplomatic missions to other countries and international organizations (serving as additional platforms for personal data collection and undercover bases for the secret services' exterritorial activity).

Networks of fixed-post C.I.A. and D.I.A. spies, acting undercover as parts of U.S. embassies, carry out data collection on individuals whom America regard as "enemy combatants". Furthermore, the C.I.A. and the D.I.A. render close support for the rendition of these "enemy combatants". Whenever complications or even conflicts with the local authorities may arise, C.I.A. and D.I.A. agents working undercover as diplomats often abuse their diplomatic immunity and its advantages.

For the purposes of extraprocedural detention of foreigners, the U.S. Federal Government is using a worldwide network of American military bases, particularly Ramstein (Germany), Aviano (Italy), as well as several bases in Afghanistan and Iraq.

Human rights activists believe Americans use their military bases for the purposes of imprisonment for individuals they may regard as "enemy combatants". Restricted areas beyond Iraqi and Afghan control, U.S. military bases become places of torture, and even killing, of prisoners. In these prisons, massive use of de-humanizing methods is underway, meaning that prison officers treat prisoners like animals. Multiple cases of violent sexual harassment are reported, as well as involvement in humiliating sexual roleplay in which prisoners are forced to behave like animals, etc.

The involvement of the U.S. Secret Service acting under the U.S. Department of Homeland Security in these activities is questionable, however, one can often find information about this in the U.S. media, including one version that Secret Service agents are behind the 2014 abduction, and transfer to the U.S., of Roman Seleznev, a Russian national.

The Secret Service is engaged in preventive action during presidential visits to countries where situation is volatile. Experts believe, sometimes there are cases of extraprocedural detention of suspects. The Secret Service makes preparations for presidential visits in cooperation with permanent groups of C.I.A. and D.I.A. agents.

National Security Agency (NSA) uses its vast, worldwide-spread media technology to cover acts of extraprocedural detention and physical liquidation of the so-called "enemy combatants".

No conclusive evidence is available so far on private military contractors (PMC), such as Blackwater, Sullyport Global Holdings, taking part in the abduction and transfer activities, nor in the assassinations of foreign nationals. However, there are leaks from the press and the contractors themselves showing the U.S. have been the most active using PMCs for this kind of purposes in Iraq and Afghanistan.

Drones are a rather frequent tool used in “enemy combatant” detentions against objects of prime American interest, particularly for surveillance and tracking purposes. This means that special *drone* units are engaged. American secret agencies and the military are active users of *drones* for the purposes of physical liquidation of those whom America treats as “enemy combatants”.

3. Evidence of Foreign Nationals Detention Carried Out by the U.S.: General Information and Particular Cases

The most publicized case of violent detention of a foreign national abroad took place in 1990 as American military forces captured Manuel Noriega, Panama's National Guard Commander-in-Chief, on the charges of drug smuggling.

Noriega was arrested on January 4, 1990. A helicopter took him to Howard Air Force at the end of the Panama Canal and then to Miami. On July 10, 1992 Noriega was sentenced to 40 years in prison for drug smuggling and torture, but his longtime previous involvement with the C.I.A. helped reduce his term of imprisonment down to 30 years. He later served his sentence in the Federal Correctional Institution in Florida. By the end of the trial he had acquired his legal status as a prisoner of war, which resulted in a more comfortable cell he was incarcerated in. In 2010, Noriega was extradited to France where he once again faced the trial for criminal participation in drug smuggling and money laundering. On December 11, 2011 he was extradited back to Panama where he is still in jail on other charges. The detention operation was coordinated by the D.E.A.

Another case of extraprocedural extradition was in 1995 when terrorist Ramzi Yousef was transferred from Pakistan to the U.S. One of the perpetrators of the 1993 World Trade Center bombing, he was brought to justice in America.

In 2001, Americans in Pakistan detained Murat Kurnaz, a Turkish citizen and a legal permanent resident in Germany. At first he was incarcerated at their military base in Kandahar and later transferred to Guantanamo Bay. Journalists say he was subject to torture at both places of confinement. After 4 years, Americans took him to Ramstein Air Base, Germany and released without apology. We need to mention that German secret agencies also took part in the extraprocedural interrogation of the prisoner while he was still at Guantanamo.

On December 18, 2001, the C.I.A. helped kidnap Ahmed Agiz and Mohammed al-Zery, two Egyptian nationals who had arrived in Sweden and applied for political asylum. The two were transferred to Egypt and later jailed and tortured.

In 2002, Americans detained Palestinian Abu Zubaydah in Pakistan. The human rights activists who represent Zubaydah's interests say he had been held in a secret Lithuania-based C.I.A. jail for a while before they sent him to Guantanamo.

On September 2, 2002, U.S. authorities arrested Maher Arar, a Canadian citizen, at New York City's JFK airport and transferred him to Syria. Arar spent more than one year in a Syrian prison without any charges brought against him. Mr. Arar remembered afterwards that he had been repeatedly tortured and compelled to sign false confessions. On October 5, 2003, he was released when the Syrian government admitted that there was no evidence against him. Later, Arar received \$10.5 million in compensation from the Canadian government.

In 2003, Macedonian police arrested Khaled El-Masri, a German citizen of Arabic origin, and gave him in charge of the C.I.A. The detainee had been subject to 23 days of interrogation in a hotel room before they took him to an Afghan prison, where he was tortured for several months, as the European Court of Human Rights later established. He was released in 2004 as Americans realized they had captured the wrong man. In 2012, the Grand Chamber of the ECHR stated that Macedonia was a perpetrator of Articles 3, 5, 8 and 13 of the European Convention on Human Rights in relation to Masri.

In the meantime, Americans also detained Yemeni terrorist Said Ali Al-Shihri. He was held and tortured at the Guantanamo Bay camps until 2007 when he was given freedom, to become a deputy leader of the Yemeni Al-Qaeda branch. He was later killed in a U.S. drone strike. Since then, America has been referring to the Al-Shihri case as a precedent justifying the need to continue their practice of extraprocedural detention and unlawful confinement in special prisons.

In 2003, C.I.A. agents abducted Hassan Mustafa Osama Nasr, an Italian resident and Egyptian citizen, also known as Imam Abu Omar. The C.I.A. operatives took him to an American air force base in Aviano, Italy and then to Ramstein, Germany. There they took him on board a Gulfstream IV airplane, No. N85M, to deliver to Egypt. The detainee suffered from torture practiced by prison attendants in this mid-Eastern country.

Meanwhile in the Middle East, Americans arrested a terrorist supporter named Ibrahim Sulayman Muhammad al-Rubaish. He was a Guantanamo prisoner, but after his release in 2006 he once again joined the secret terrorist movement. This is also the case Americans have been using to justify the need to continue their practice of extraprocedural detention and unlawful confinement in special prisons.

In 2008, the D.E.A. initiated the arrest of British national Andrey Smulyan in Thailand, as part of Viktor Bout proceedings. He was extradited in the U.S. and sentenced to five years in prison by an American court.

In 2010, an Israeli citizen named Chanoch Miller was abducted in Panama and transferred to the United States. The charges against him were illegal arms trade with the Somalian government. The arrest was carried out using provocative

action, in which American law enforcement agencies introduced themselves as buyers of weapons and then used the negotiations they recorded as a ground for capturing the foreign national.

During military operations in Iraq and Afghanistan, U.S. authorities detained 779 foreigners, most of them were assigned the “enemy combatant” status.

4. The Most Publicized Arrests of Russian Nationals:

1. **Mingazov, Ravil Kamilevich**, a prisoner at Guantanamo special prison since 2002.

Mr. Mingazov was arrested in Pakistan in 2002 and then extradited to the U.S. American authorities regarded Mingazov as a suspected Al-Qaeda terrorist link.

The recent information is that American authorities are ready to release R. K. Mingazov from the Guantanamo Bay special prison where he has already spent 13 years. However, it is still not clear when exactly they are going to release him. No charges have been drawn against him so far, but, according to a special Administration commission, he is no longer found to be a threat to American interests.

2. **Yaroshenko, Konstantin Vladimirovich**. Arrested May 20, 2010 in Liberia by N.S.A. operatives on the charge of preparing the delivery of vast amounts of cocaine.

It is noteworthy that Yaroshenko's arrest is made using provocative action methods, forbidden under the Russian Criminal Code. After the arrest, the detainee was subject to coercion, as well as granted no access to a lawyer. Moreover, Russia received no notification on Yaroshenko's arrest in due time and course, in defiance of the Vienna Convention of Consular Relations, 1963. Later, Department of State said it was due to some technical fault that Russia was not timely informed.

On May 30, 2010, Liberian authorities gave Yaroshenko on charge of the Drug Enforcement Administration on the basis of an arrest warrant issued by the U.S. District Court for the Southern District of New York. After that, a sort of banishment rather than formal extradition to the U.S. followed. On September 7, 2011, the American court used far-fetched evidence to sentence him to 20 years in prison.

3. **Bout, Viktor Anatolievich**. A Russian businessman who was sentenced to 25 years in prison in 2012 on the allegations that he had been planning an illegal arms deal. Bout has been in jail since 2008 and never admitted his guilt.

In 2008, DEA agents pretending to be Colombian rebels lured him to meet in Bangkok where Thai police detained him. The arrest warrant was issued by a Thai court on charges including the support of Colombian terrorists, which were in fact American agents. Thus, Viktor Bout case is a textbook example of provocative action.

Mr. Bout was extradited to the U.S. on November 16, 2010, then had to spend about 15 months in total isolation while held in a one-man cell without windows or any fresh air inflow, exposed to artificial light only.

On November 2, 2011, the jury found Viktor Bout guilty of conspiracy to kill Americans and U.S. officials, to sell missiles and to aid terrorism through cooperation with the Colombian FARC armed group. Bout was sentenced to 25 years in prison.

It is worth noting that, soon after Federal Judge Shira A. Scheindlin stepped down, she was quoted by the NY Times as saying that the verdict to the Russian national had been excessively harsh and inadequate.

4. **Khamidullin, Irek Ilgizovich.** Detained by U.S. representatives in Afghanistan in 2009 as a Taliban combatant. Brought before an American court of law on charges of terrorist activities in Afghanistan. Sentenced to life in prison in December 2015. Accused persons are often isolated before they appear in court, according to Amnesty International, a non-governmental think-tank. It is worth nothing that, before the Russian citizen was convicted, so-called special administrative measures were taken in the Nothern Neck regional jail pretrial detention unit, such as banning visits (except for the lawyer and consular officers) or telephone calls to relatives.

5. **Ustinov, Dmitry Aleksandrovich.** Detained by Lithuanian authorities upon an American request in April 2013, he was then extradited to the U.S.

6. **Seleznev, Roman Valerievich.** Abducted in 2014 on the Maldives by the U.S. Secret Service, he was first transferred to Guam and then to the United States. R. V. Seleznev is charged with participation in 40 criminal acts under 4 Articles, as well as estimated damage of \$170 million.

7. **Burkov, Alexey Yuryevich.** Arrested in 2015 in Israel upon request from the U.S. American authorities insist on his extradition to the U.S., allegedly in connection with some accusations of cybercrime.

8. **Senakh, Maksim Valerievich.** Detained upon American request, he was extradited to the U.S. by Finnish authorities in January 2016.

9. **Sergeyev, Aleksandr Yevgenyevich.** Detained in 2015 in Finland upon American request. In January 2016, the Finnish ministry of justice decided to extradite him to the United States.

10. **Ukrainsky, Dmitry Vitalievich.** Arrested July 15, 2016 in Thailand upon a warrant issued by a Thai court. Delivered to the immigration police temporary holding facility in Bangkok. The arrest was carried out upon American request for extradition on the charges of alleged participation of the Russian citizen in money laundering in the U.S.

11. **Mironov, Sergey.** Detained upon American request in Armenia on August 26, 2016. However, on August 29, 2016 an Armenian court decided to release the Russian national.

According to the information available, there were no less than 10 other Russian nationals (never covered by the media) also arrested on foreign soil by U.S. authorities. Some of the detainees succeeded in asserting their rights and then coming back to normal life.

5. Imprisonment Conditions for Foreigners Arrested Abroad

- in American prisons

In this case, foreigners are taken to prison under the existing American legislation. The treatment of such inmates is better than of those kept at Guantanamo Bay camp or in C.I.A. secret prisons. However, they get apparently long terms of imprisonment (longer than in Russia or the EU), to which American courts usually sentence people subject to American justice. Such option as death penalty is also worth noting, as one impossible in Russia or the EU.

- overseas

The U.S.A. keeps using the Guantanamo Bay camp as the main place of confinement for the foreign detainees. From 2002 till 2012, 779 people were prisoners there. These are men captured by the U.S. military during the operations in Afghanistan and Iraq. About 600 of them were released after having spent significant time behind bars, without any charges drawn against them.

Another notorious place is the so-called Salt Pit prison in Afghanistan, right beside Bagram air force base. There U.S. authorities used to keep people labeled as ‘enemy combatants’.

Abu-Ghraib prison in Iraq is yet another notorious example. It was located in the U.S. forces control zone, serving as a place of confinement for persons labeled as “enemy combatants”. These persons were subject to torture as well as degrading and humiliating action.

The imprisonment of foreigners in so-called secret jails is a research issue that has never been studied in perspective. In 2009, Lithuania had a parliamentary investigation on whether C.I.A. secret jails had existed on its territory. The investigation revealed that two secret centers really existed in Lithuania, operated by American secret agencies. However, parliament members found no evidence of using them as prisons. The prosecutor-general’s office was also in charge of the investigation. It established “signs of disciplinary infraction” in the activities for which the former top officials from the State Security Department of Lithuania, who cooperated with the C.I.A., were responsible. However, early in the year 2011 the case was closed due to the lapse of time. Meanwhile, human rights activists that represent the abducted Palestinian, Abu Zubayda, say he was a prisoner at a C.I.A. secret jail in Lithuania.

The U.S.A. exploit penitentiary resources of their partner states. There is information about U.S. authorities sending the detainees to Egypt-, Morocco-, Uzbekistan-, Azerbaijan-, Qatar-, Saudi Arabia- and Thailand-based prisons.

Of course, U.S. authorities have repeatedly declared that they make all recipient countries pledge they would not torture the detainees. The reality is, however, that Washington used to turn a blind eye to the facts of torture in those states. In this context, it is worth noting that White House Press Secretary Scott McClellan failed to answer the question from American journalists about the purpose of transferring detainees to Uzbek prisons. The official White House reaction was so awkward that the media concluded Federal Government had consciously chosen prisons in Uzbekistan for the detainees to be subject to physical violence.

6. World Feedback on the Detention of Foreigners Overseas. Criticism of the American Law Enforcement System Expressed by International Organizations in relation to Foreigner Detention Abroad

In 2002, Great Britain expressed concern with three British nationals held along with imprisoned Al-Qaeda and Taliban members at Guantanamo Bay, Cuba.

In 2005, British Foreign Minister Jack Straw sent a letter to Secretary of State Condoleezza Rice, demanding explanation on the issue of the use of the European air domain for the transportation of terrorist suspects.

In 2005, the Human Rights League of France and the International Federation for Human Rights based in France announced that they were suing to a court of law against the flights of C.I.A. flying prisons over the territory of French state.

In January 2006, EU Parliament set up the Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners.

In 2006, British Attorney-General Peter Goldsmith said the military camp of Guantanamo Bay was unacceptable, and called for its closure. The official said, the existence of such a camp was undermining confidence in the American system of values that used to be crowned by the principle of freedom.

Swedish reporters from the 'Kalla Fakta' (Cold Facts) TV show made a documentary on the C.I.A.-sponsored repatriation of Ahmed Agiza and Mohammed al-Zery from Sweden to Egypt. This movie triggered a great number of articles in Swedish media in which America was criticized as a violator of international law.

Italy investigated the circumstances in which C.I.A. operatives had kidnapped Hassan Mustafa Osama Nasr in 2003. In the end, charges were drawn against 22 C.I.A. operatives. However, they were never punished.

The American practice of detaining foreign nationals abroad is constantly criticized by a number of international organizations.

On August 1, 2006, Amnesty International issued a report called "Partners in Crime: Europe's Role in U.S. Renditions". This report critically analyzes facts of cooperation between the U.S.A. and European countries on unlawful reprisals against people captured by Americans.

In January 2007, there was a report published on the basis of the investigation by the PACE special temporary committee, called "On the Alleged Use of

European Countries by the CIA for the Transportation and Illegal Detention of Prisoners”.

It is noteworthy that a lot of criticism comes, first and foremost, from within the United States, mainly from Democrats. Meanwhile, Barack Obama could do little in this field after coming to power.

Conclusion

The United States always take the superiority of American law over international law as a starting point. This is why it never makes sense for the Americans when someone is trying to speak with them of European human rights standards.

Following that logic, Washington is unwilling to sign international human rights conventions. A report on human rights in the U.S., issued by the Russian Ministry of Foreign Affairs, says that America's participation in international human rights issue still include only 3 of 9 major agreements that imply control mechanisms. That is why it is problematic to use their provisions in respect of foreigners detained by America, nor do the detainees have an opportunity to appeal to any supranational or international authority in their case.

The unlawful methods of provocative action, interrogation and detention that Americans use to arrest foreign nationals all over the world are a flagrant violation of the international obligations that country once took upon, these are: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the U.N. Convention against Torture. Actions of this kind deprive the detainees of their basic procedural guarantees as provisioned by almost every Constitution in the world. Besides, U.S. authorities continue to ignore the annual recommendations issued by the U.N. Human Rights Council.

In this paper, we outline the existing problems and give real examples of foreigner detention in third-party countries, carried out by the U.S. against international law and the bilateral treaties in force. Now, we are addressing our call for the international community and international non-governmental organizations to pay close attention to this unlawful practice and put pressure on the American government in order to prevent the extraterritorial administration of the American legal system.