

Bush Administration Rules Out Using Cruel Treatment to Fight Terrorism

A Joint Statement Concerning UN Torture Victims Recognition Day
By Human Rights Organizations and Torture Victim Treatment Centers

Today is UN Torture Victims Recognition Day celebrating the day that the Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment came into effect and recognizing the suffering of countless victims of torture and other cruel and inhuman treatment around the world. Like the US Constitution, the Convention prohibits both torture (Article 2) and other forms of cruel, inhuman and degrading treatment (Article 16).

The prior Bush Administration sought Senate approval for the Convention and the US is a party. In ratifying the Convention the United States said that it "considers itself bound by the obligation under Article 16" in addition to the obligations of Article 2, which it pledged to apply insofar as it meant the same thing as the Constitution's prohibition on "cruel and unusual" punishment.

The Bush Administration deserves credit for the work it is doing to address the problem of torture and other cruel and inhuman treatment outside of the United States. The United States is a leading contributor to the UN Voluntary Fund for the Victims of Torture. The annual State Department human rights reports address torture and "other cruel, inhuman and degrading treatment" around the world. Many US officials work hard to combat cruel treatment overseas.

The demise of the Taliban and Saddam Hussein governments also brought to an end two regimes that used torture and cruel treatment on a massive scale. At the same time, the war against terrorism raised serious concerns about the treatment of suspects both abroad and in the United States.

Therefore, we welcome President Bush's statement issued today making clear that the United States will neither "torture" terrorist suspects, nor use "cruel and unusual" treatment to interrogate them. We also strongly welcome the further elaboration of that statement in a letter today from Department of Defense General Counsel William Haynes to U.S. Senator Patrick Leahy. The letter states that "United States policy is to treat all detainees and conduct all interrogations, wherever they may occur, in a manner consistent" with the longstanding U.S. interpretation of the prohibition of cruel, inhuman and degrading treatment in the Convention Against Torture. The letter also makes clear that any illegal conduct by U.S. personnel will be investigated, and, if appropriate,

prosecuted.

There has been a great deal of speculation concerning numerous media reports over the last six months alleging that the United States was using cruel, inhuman and degrading interrogation practices known euphemistically as “stress and duress.” The President and the Defense Department have today unequivocally rejected the use of any techniques to interrogate suspects that would constitute “cruel” treatment prohibited by the US Constitution.

The Bush Administration has already stated, in a brief submitted to the Supreme Court in Hope v. Pelzer, that handcuffing a prisoner to a “hitching post” in the hot sun for seven hours clearly violates the Constitution’s prohibitions on “cruel and unusual” punishments. The President’s statement, based on the existing caselaw interpreting the “cruel and unusual” standard, clearly bars most if not all of the kinds of conduct that have been alleged in recent media reports: physical abuse, shackling prisoners or making them stand in uncomfortable positions for long periods of time, prolonged sleep deprivation, exposure to extreme heat and cold, or withholding water, food or medicines.

The welcome message that the Bush Administration has sent today would be reinforced if it granted full access to independent human rights monitors to assure the world that this pledge is being fully redeemed in practice.

President Bush’s statement repeats the pledge that his father’s Administration made to the Senate and that the United States made to the world when it ratified the Convention – to unequivocally forbid the use of any cruel and unusual treatment in the detention and interrogation of suspects. We welcome this important statement.



A handwritten signature in black ink, appearing to read "William Schulz".

William Schulz
Amnesty International USA



A handwritten signature in black ink, appearing to read "Ken Roth".

Ken Roth
Human Rights Watch



A handwritten signature in black ink, appearing to read "Gay McDougall".

Gay McDougall
International Human Rights Law Group



INTERNATIONAL LEAGUE
FOR HUMAN RIGHTS

Louise Kantrow

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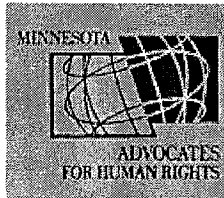
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LAWYERS COMMITTEE
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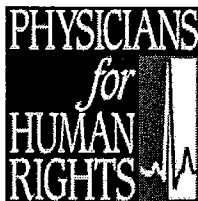
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