

## RESOURCES

Prepared for the  
Quaker Initiative to End Torture  
QUIT Conference

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Guilford College  
Greensboro, NC

Note: This represents a work in progress. It will appear on our website: <http://www.quit-torture-now.org>. We ask that you join our listserv and make additions and corrections to this list of resources. We also hope that you will share useful items in this list with your meetings.

## Table of Contents

Religious Statements Against Torture .....	3
International and National Law Related to Torture .....	4
Reports on Torture and Cruel, Inhuman or Degrading Treatment .....	15
Fact Sheets and Teaching Aids .....	16
What to Do: Suggestions from AFSC .....	22
Articles .....	26
Some Recommended Books .....	59
Some Useful Websites .....	61

## Religious Statements Against Torture

In its March 24, 2006 edition, *The National Catholic Reporter* reported the findings of an October 2005 poll conducted by the Pew Research Center for the People & the Press, revealing that most Americans identifying themselves as religious support the use of torture under some circumstances. [http://ncronline.org/NCR\\_Online/archives2/2006a/032406/032406h.htm](http://ncronline.org/NCR_Online/archives2/2006a/032406/032406h.htm).

Friends' Statements, see statements condemning torture and cruel, inhuman and degrading treatment and punishment and statements supporting the Quaker Initiative to End Torture at <http://www.quit-torture-now.org/Pages/QuitWebEndorse.html>.

National Council of Churches, November 2005, General Assembly issues "A Statement on the Disavowal of Torture." See <http://www.nccusa.org/news/060515torture.html>.

National Religious Campaign Against Torture (Christians, Jews, Muslims, Sikhs) issues "Torture Is a Moral Issue" statement and seeks signatories at <http://www.nrcat.org/>.

World Council of Churches, Message from Pastor Samuel Kobia, General Secretary of the Council of World Churches on the 30th anniversary of Actions by Christians Against Torture, December 2004. See [http://ww2.fiacat.org/en/article.php3?id\\_article=375](http://ww2.fiacat.org/en/article.php3?id_article=375).

International Federation of Actions by Christians for the Abolition of Torture (FIACAT) encourages 2006 Campaign : Proposals for a Joint Declaration from all Churches on the Abolition of Torture. See [http://ww2.fiacat.org/en/rubrique.php3?id\\_rubrique=83](http://ww2.fiacat.org/en/rubrique.php3?id_rubrique=83).

"5 Reasons Torture Is Always Wrong," by Dr. David P. Gushee (leading evangelical theologian), *Christianity Today*, February 2006. <http://www.christianitytoday.com/ct/2006/002/23.32.html>. Also, see below, reprint of Dr. Gushee's article before editing from his website, <http://www.davidgushee.com>.

US Conference of Catholic Bishops – <http://www.usccb.org/>.

- Statement on Abuse of Iraqi Prisoners, May 14, 2004  
<http://www.usccb.org/sdwp/international/torturestm.htm>.
- Letter to House and Senate Conferees on Human Rights and Torture, by Bishop John H. Ricard, July 12, 2004 - <http://www.usccb.org/sdwp/torture.htm>
- Letter to Conferees on Punishment of Persons Under Custody  
<http://www.usccb.org/sdwp/international/senateTortureLetterConferee100405.pdf>.

Pax Christi, "A Christian Call to STOP Torture Now."  
[http://www.paxchristiusa.org/news\\_events\\_more.asp?id=1002](http://www.paxchristiusa.org/news_events_more.asp?id=1002).

Rabbis for Human Rights – North America – <http://www.rhr-na.org>.  
Rabbinic Letter on Torture, January 27, 2005 - <http://www.rhr-na.org/torture/letter012705B.html>.

Union for Reform Judaism, Resolution on Torture, adopted by the 68<sup>th</sup> General Assembly, November 2005. [http://urj.org/Articles/index.cfm?id=8994&pge\\_prg\\_id=34230&pge\\_id=162](http://urj.org/Articles/index.cfm?id=8994&pge_prg_id=34230&pge_id=162)

## International Law and National Law Related to Torture

### Universal Declaration of Human Rights (December 10, 1948)

\* \* \*

#### **Article 5.**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

\* \* \*

FULL TEXT AVAILABLE AT <http://www.un.org/Overview/rights.html>.

### International Covenant on Civil and Political Rights (signed by the United States October 5, 1977, ratified by the United States June 8, 1992)

\* \* \*

#### **Article 7**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

\* \* \*

FULL TEXT AVAILABLE AT <http://www.ohchr.org/english/law/ccpr.htm>.

### Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (signed by United States April 18, 1988, ratified by the United States October 21, 1994)

#### **Article 1**

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

## **Article 2**

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

## **Article 3**

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

## **Article 4**

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

## **Article 5**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
  - (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
  - (b) When the alleged offender is a national of that State;
  - (c) When the victim is a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.                   \*                   \*                   \*

FULL TEXT AVAILABLE AT <http://www.ohchr.org/english/law/cat.htm>.

## United States Constitution, Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## United States Code, Title 18, Part 1 Crimes, Subchapter 113C Torture

### **18 U.S.C. § 2340. Definitions**

As used in this chapter -

(1) "torture" means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

(2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from -

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

(3) "United States" includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 46501 (2) of title 49.

### **18 U.S.C. § 2340A. Torture**

(a) Offense. - Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) Jurisdiction. - There is jurisdiction over the activity prohibited in subsection (a) if -

(1) the alleged offender is a national of the United States; or

(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

### **18 U.S.C. § 2340B. Exclusive remedies**

Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.

[The McCain Amendment]

Detainee Treatment Act of 2005, enacted December 31, 2005 ()

(as included in the Department of Defense Appropriations Act, 2006 and agreed to by the US House and Senate and signed by President Bush, December 30, 2005 [incorporating the McCain Amendment and the Graham-Levin Amendment on detainees]). Text from

<http://jurist.law.pitt.edu/gazette/2005/12/detainee-treatment-act-of-2005-white.php>.

## TITLE X--MATTERS RELATING TO DETAINEES

### SEC. 1001. SHORT TITLE.

This title may be cited as the 'Detainee Treatment Act of 2005'.

### SEC. 1002. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) In General- No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) Applicability- Subsection (a) shall not apply with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) Construction- Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

### SEC. 1003. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) In General- No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) Construction- Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) Limitation on Supersedure- The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) Cruel, Inhuman, or Degrading Treatment or Punishment Defined- In this section, the term 'cruel, inhuman, or degrading treatment or punishment' means the cruel, unusual, and inhumane

treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

#### SEC. 1004. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AUTHORIZED INTERROGATIONS.

(a) Protection of United States Government Personnel- In any civil action or criminal prosecution against an officer, employee, member of the Armed Forces, or other agent of the United States Government who is a United States person, arising out of the officer, employee, member of the Armed Forces, or other agent's engaging in specific operational practices, that involve detention and interrogation of aliens who the President or his designees have determined are believed to be engaged in or associated with international terrorist activity that poses a serious, continuing threat to the United States, its interests, or its allies, and that were officially authorized and determined to be lawful at the time that they were conducted, it shall be a defense that such officer, employee, member of the Armed Forces, or other agent did not know that the practices were unlawful and a person of ordinary sense and understanding would not know the practices were unlawful. Good faith reliance on advice of counsel should be an important factor, among others, to consider in assessing whether a person of ordinary sense and understanding would have known the practices to be unlawful. Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(b) Counsel- The United States Government may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation of an officer, employee, member of the Armed Forces, or other agent described in subsection (a), with respect to any civil action or criminal prosecution arising out of practices described in that subsection, under the same conditions, and to the same extent, to which such services and payments are authorized under section 1037 of title 10, United States Code.

#### SEC. 1005. PROCEDURES FOR STATUS REVIEW OF DETAINEES OUTSIDE THE UNITED STATES.

(a) Submittal of Procedures for Status Review of Detainees at Guantanamo Bay, Cuba, and in Afghanistan and Iraq-

(1) IN GENERAL- Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on the Judiciary of the Senate and the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives a report setting forth--

(A) the procedures of the Combatant Status Review Tribunals and the Administrative Review Boards established by direction of the Secretary of Defense that are in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay or to provide an annual review to determine the need to continue to detain an alien who is a detainee; and

(B) the procedures in operation in Afghanistan and Iraq for a determination of the status of aliens detained in the custody or under the physical control of the Department of Defense in those countries.

(2) DESIGNATED CIVILIAN OFFICIAL- The procedures submitted to Congress pursuant to paragraph (1)(A) shall ensure that the official of the Department of Defense who is designated by the President or Secretary of Defense to be the final review authority within the Department of Defense with respect to decisions of any such tribunal or board (referred to as the 'Designated Civilian Official') shall be a civilian officer of the Department of Defense holding an office to which appointments are required by law to be made by the President, by and with the advice and consent of the Senate.

(3) CONSIDERATION OF NEW EVIDENCE- The procedures submitted under paragraph (1)(A) shall provide for periodic review of any new evidence that may become available relating to the enemy combatant status of a detainee .

(b) Consideration of Statements Derived With Coercion-

(1) ASSESSMENT- The procedures submitted to Congress pursuant to subsection (a)(1)(A) shall ensure that a Combatant Status Review Tribunal or Administrative Review Board, or any similar or successor administrative tribunal or board, in making a determination of status or disposition of any detainee under such procedures, shall, to the extent practicable, assess--

(A) whether any statement derived from or relating to such detainee was obtained as a result of coercion; and

(B) the probative value (if any) of any such statement.

(2) APPLICABILITY- Paragraph (1) applies with respect to any proceeding beginning on or after the date of the enactment of this Act.

(c) Report on Modification of Procedures- The Secretary of Defense shall submit to the committees specified in subsection (a)(1) a report on any modification of the procedures submitted under subsection (a). Any such report shall be submitted not later than 60 days before the date on which such modification goes into effect.

(d) Annual Report-

(1) REPORT REQUIRED- The Secretary of Defense shall submit to Congress an annual report on the annual review process for aliens in the custody of the Department of Defense outside the United States. Each such report shall be submitted in unclassified form, with a classified annex, if necessary. The report shall be submitted not later than December 31 each year.

(2) ELEMENTS OF REPORT- Each such report shall include the following with respect to the year covered by the report:

(A) The number of detainees whose status was reviewed.

(B) The procedures used at each location.

(e) Judicial Review of Detention of Enemy Combatants-

(1) IN GENERAL- Section 2241 of title 28, United States Code, is amended by adding at the end the following:

`(e) Except as provided in section 1005 of the Detainee Treatment Act of 2005, no court, justice, or judge shall have jurisdiction to hear or consider--

`(1) an application for a writ of habeas corpus filed by or on behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba; or

`(2) any other action against the United States or its agents relating to any aspect of the detention by the Department of Defense of an alien at Guantanamo Bay, Cuba, who--

`(A) is currently in military custody; or

`(B) has been determined by the United States Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in section 1005(e) of the Detainee Treatment Act of 2005 to have been properly detained as an enemy combatant.'.

(2) REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION-

(A) IN GENERAL- Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal that an alien is properly detained as an enemy combatant.

(B) LIMITATION ON CLAIMS- The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien--

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) SCOPE OF REVIEW- The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of--

(i) whether the status determination of the Combatant Status Review Tribunal with regard to such

alien was consistent with the standards and procedures specified by the Secretary of Defense for Combatant Status Review Tribunals (including the requirement that the conclusion of the Tribunal be supported by a preponderance of the evidence and allowing a rebuttable presumption in favor of the Government's evidence); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to make the determination is consistent with the Constitution and laws of the United States.

(D) TERMINATION ON RELEASE FROM CUSTODY- The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the release of such alien from the custody of the Department of Defense.

### (3) REVIEW OF FINAL DECISIONS OF MILITARY COMMISSIONS-

(A) IN GENERAL- Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision rendered pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order).

(B) GRANT OF REVIEW- Review under this paragraph—

(i) with respect to a capital case or a case in which the alien was sentenced to a term of imprisonment of 10 years or more, shall be as of right; or

(ii) with respect to any other case, shall be at the discretion of the United States Court of Appeals for the District of Columbia Circuit.

(C) LIMITATION ON APPEALS- The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to an appeal brought by or on behalf of an alien--

(i) who was, at the time of the proceedings pursuant to the military order referred to in subparagraph (A), detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a final decision has been rendered pursuant to such military order.

(D) SCOPE OF REVIEW- The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on an appeal of a final decision with respect to an alien under this paragraph shall be limited to the consideration of--

(i) whether the final decision was consistent with the standards and procedures specified in the military order referred to in subparagraph (A); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to reach the final decision is consistent with the Constitution and

laws of the United States.

(4) RESPONDENT- The Secretary of Defense shall be the named respondent in any appeal to the United States Court of Appeals for the District of Columbia Circuit under this subsection.

(f) Construction- Nothing in this section shall be construed to confer any constitutional right on an alien detained as an enemy combatant outside the United States.

(g) United States Defined- For purposes of this section, the term 'United States', when used in a geographic sense, is as defined in section 101(a)(38) of the Immigration and Nationality Act and, in particular, does not include the United States Naval Station, Guantanamo Bay, Cuba.

(h) Effective Date-

(1) IN GENERAL- This section shall take effect on the date of the enactment of this Act.

(2) REVIEW OF COMBATANT STATUS TRIBUNAL AND MILITARY COMMISSION DECISIONS- Paragraphs (2) and (3) of subsection (e) shall apply with respect to any claim whose review is governed by one of such paragraphs and that is pending on or after the date of the enactment of this Act.

#### SEC. 1006. TRAINING OF IRAQI FORCES REGARDING TREATMENT OF DETAINEES.

(a) Required Policies-

(1) IN GENERAL- The Secretary of Defense shall ensure that policies are prescribed regarding procedures for military and civilian personnel of the Department of Defense and contractor personnel of the Department of Defense in Iraq that are intended to ensure that members of the Armed Forces, and all persons acting on behalf of the Armed Forces or within facilities of the Armed Forces, ensure that all personnel of Iraqi military forces who are trained by Department of Defense personnel and contractor personnel of the Department of Defense receive training regarding the international obligations and laws applicable to the humane detention of detainees, including protections afforded under the Geneva Conventions and the Convention Against Torture.

(2) ACKNOWLEDGMENT OF TRAINING- The Secretary shall ensure that, for all personnel of the Iraqi Security Forces who are provided training referred to in paragraph (1), there is documented acknowledgment of such training having been provided.

(3) DEADLINE FOR POLICIES TO BE PRESCRIBED- The policies required by paragraph (1) shall be prescribed not later than 180 days after the date of the enactment of this Act.

(b) Army Field Manual-

(1) TRANSLATION- The Secretary of Defense shall provide for the United States Army Field Manual on Intelligence Interrogation to be translated into arabic and any other language the Secretary determines appropriate for use by members of the Iraqi military forces.

(2) DISTRIBUTION- The Secretary of Defense shall provide for such manual, as translated, to be provided to each unit of the Iraqi military forces trained by Department of Defense personnel or contractor personnel of the Department of Defense.

(c) Transmittal of Regulations- Not less than 30 days after the date on which regulations, policies, and orders are first prescribed under subsection (a), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of such regulations, policies, or orders, together with a report on steps taken to the date of the report to implement this section.

(d) Annual Report- Not less than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

President Bush's Statement at the Signing of the Detainee Treatment Act of 2005, December 30, 2005, quoted in pertinent part from <http://www.whitehouse.gov/news/releases/2005/12/20051230-8.html>.

The executive branch shall construe Title X in Division A of the Act, relating to detainees, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power, which will assist in achieving the shared objective of the Congress and the President, evidenced in Title X, of protecting the American people from further terrorist attacks. Further, in light of the principles enunciated by the Supreme Court of the United States in 2001 in *Alexander v. Sandoval*, and noting that the text and structure of Title X do not create a private right of action to enforce Title X, the executive branch shall construe Title X not to create a private right of action. Finally, given the decision of the Congress reflected in subsections 1005(e) and 1005(h) that the amendments made to section 2241 of title 28, United States Code, shall apply to past, present, and future actions, including applications for writs of habeas corpus, described in that section, and noting that section 1005 does not confer any constitutional right upon an alien detained abroad as an enemy combatant, the executive branch shall construe section 1005 to preclude the Federal courts from exercising subject matter jurisdiction over any existing or future action, including applications for writs of habeas corpus, described in section 1005.

US Army Field Manual 1987  
FM 34-52  
INTELLIGENCE INTERROGATION

**Chapter 1**  
**Interrogation and the Interrogator**

**PROHIBITION AGAINST USE OF FORCE**

1. The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind is prohibited by law and is neither authorized nor condoned by the US Government. Experience indicates that the use of force is not necessary to gain the cooperation of sources for interrogation. Therefore, the use of force is a poor technique, as it yields unreliable results, may damage subsequent collection efforts, and can induce the source to say whatever he thinks the interrogator wants to hear. However, the use of force is not to be confused with psychological ploys, verbal trickery, or other nonviolent and noncoercive ruses used by the interrogator in questioning hesitant or uncooperative sources.

The psychological techniques and principles outlined should neither be confused with, nor construed to be synonymous with, unauthorized techniques such as brainwashing, mental torture, or any other form of mental coercion to include drugs. These techniques and principles are intended to serve as guides in obtaining the willing cooperation of a source. The absence of threats in interrogation is intentional, as their enforcement and use normally constitute violations of international law and may result in prosecution under the UCMJ.

Additionally, the inability to carry out a threat of violence or force renders an interrogator ineffective should the source challenge the threat. Consequently, from both legal and moral viewpoints, the restrictions established by international law, agreements, and customs render threats of force, violence, and deprivation useless as interrogation techniques.

The U.S. Army Field Manual is available online at  
<http://www.globalsecurity.org/intell/library/policy/army/fm/fm34-52/>.

Note: The U.S. Army Field Manual is currently undergoing revision. A controversy, however, has arisen between the Department of Defense and selected members of Congress over drafts of the revisions, which reportedly is delaying the release of the revisions. The DoD seeks to define interrogation methods less stringently for “enemy combatants” than for prisoners of war, according to a May 29, 2006 article by LA Times columnist Julian E. Barnes.  
<http://www.cantonrep.com/index.php?ID=288705&Category=23>.

## Reports

Report of the United Nations Economic and Social Council, Report of five-person working group investigating detentions at Guantanamo Bay, Cuba, to Commission on Human Rights, February 15, 2006 (recommending closure of Guantanamo Bay). See [http://www.ohchr.org/english/bodies/chr/docs/62chr/E.CN.4.2006.120\\_.pdf](http://www.ohchr.org/english/bodies/chr/docs/62chr/E.CN.4.2006.120_.pdf).

Report of the Committee Against Torture, 36<sup>th</sup> Session, 1-19 May, 2006, “Consideration of Reports Submitted by States Parties Under Article 19 of the Convention [Against Torture],” May 18, 2006. See <http://www.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.USA.CO.2.pdf>.

For the non-governmental human rights organizations’ submissions to the Committee on Torture, as well as the state party submissions by the United States, see the comprehensive documents provided by the Association for the Prevention of Torture at [http://www.apr.ch/cat2006\\_36/usa\\_alt.shtml](http://www.apr.ch/cat2006_36/usa_alt.shtml).

## Frequently Asked Questions About Torture – Asylum Network

### **What is torture?**

In the Convention Against Torture of 1984, torture is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

### **What are the most common forms of torture?**

Physical torture may include suspension, beatings, electric shock, deprivation of food and water, sexual abuse and forced ingestion of chemicals. Other types of torture that have primarily psychological effects include solitary confinement, threats, witnessed torture or execution, sham executions, deprivation of sleep, and monopolization of perception.

### **What are the effects of torture on its victims?**

Survivors of torture often suffer from a combination of physical and psychological effects. Physical effects may include scars, broken bones, muscle swelling, stiffness or atrophy, chronic pain, headaches, deafness, blindness and loss of teeth. Victims often suffer from psychological symptoms such as lack of sleep, nightmares, problems with concentration, anxiety, depression, irritability, adjustment disorders, impotence, and feelings of powerlessness, shame and guilt.

### **How common is torture among individuals living in the United States?**

Between 5 - 10% of foreign-born individuals in large, urban HMOs have been tortured in foreign countries according to one study cited in "The Role of the Physician and the Medical Profession in the Prevention of International Torture and in the Treatment of its Survivors" (American College of Physicians Annals of Internal Medicine, April 15, 1995.) According to the Bellevue Hospital/New York University Program for Survivors of Torture ([www.survivorsoftorture.org](http://www.survivorsoftorture.org)) there are as many as 400,000 people now living in the United States who are survivors of torture who fled from their home countries to the safety of this country.

### **What is the role of the health professional in documenting torture?**

Health professionals can provide expert testimony on behalf of individuals seeking asylum. Physicians can help judges understand the effects of torture and other human rights violations on the asylum seeker's demeanor. This expert testimony can validate an applicant's claim by showing that his or her symptoms are consistent with the applicant's account of trauma. By joining the Physicians for Human Rights Asylum Network, you could provide assistance for torture survivors in the form of an evaluation. Please contact Samantha Morse at 617-695-0041 x. 216 or [smorse@phrusa.org](mailto:smorse@phrusa.org) for more information.

**What other resources are available for torture survivors?**

There are a number of centers across the United States that provide medical and psychological treatment for torture survivors. They are listed on this web site, or you may visit the Survivors International website at [www.survivorsintl.org/info/tcenters/html](http://www.survivorsintl.org/info/tcenters/html) for a listing of torture treatment centers.

From Physicians for Human Rights, [http://www.phrusa.org/research/torture/tort\\_faq.html](http://www.phrusa.org/research/torture/tort_faq.html), accessed May 30, 2006.

## **Questions and Answers About US Sponsored Torture and US Security**

### **1. Question: What does our constitution say about the use of torture?**

Answer: Torture has been banned in this country since the days of Patrick Henry. As he pointed out, most of the original colonists fled to this country to escape the rack, the screw and the Star Chamber in the “Old World.” If such barbaric practices were allowed here, he declared, then “we are lost and undone.” Our constitution has reflected this core value from the outset. Police brutality, for example, is barred by the constitution, as is cruel or unusual treatment of prisoners, or abuse of any persons within official control, such as patients in a state or federal institution.

### **2 . Question: Why are there no constitutional cases in the courts by detainees who have suffered torture?**

Answer: The Supreme Court has ruled that the constitution does not apply outside of the US. Guantánamo, however, has been ruled to be part of the United States. Unfortunately the recent Graham amendment just stripped the courts of the right to hear any civil claims by detainees there. This will be the subject of a fierce court battle.

### **3. Question: Are there any available US laws to prohibit torture then?**

Answer: Yes, our 1996 statute, 18 USC 2340 et seq. makes torture a felony.

### **4. Question: How does this law define torture?**

Answer: Physical torture includes any actions which would inflict severe physical pain. Mental torture includes threats to kill or harm family, mock executions, and any other methods or drugs that would disrupt the prisoner’s personality. This covers virtually all current interrogation practices.

### **5. Question: Has the US carried out actual torture, or have our agents just embarrassed the prisoners by putting women’s underpants on their heads, and similar methods?**

Answer: Unfortunately we have gone far beyond mere embarrassment. Many prisoners have been killed outright. For example, Mr. Dilawar in Afghanistan was beaten across the leg until he died. The US forensic doctor described his leg as “pulpified.” It was later learned that he was innocent. Other prisoners have been thrown head first into walls and died of head injuries. Survivors report being suspended from the ceiling until their limbs turn black, attacked by dogs, deprived of sleep, and anally raped.

### **6. Question: Is water-boarding torture?**

Answer: Of course. Although the CIA describes it as a pool dunking, it in fact means the prisoner is held under water until he or she convulses, and loses consciousness. It qualifies as both mental and physical torture under 18 USC 2340, as well as the Convention Against Torture, which we have signed. Sen. McCain himself describes this technique as very “exquisite torture.”

**7. Question: What about Extraordinary Renditions?**

Answer: When we capture a prisoner, bind and drug him and send him on a CIA plane to Egypt or Syria, hand over a list of questions to be asked, and offer funding knowing that torture will be used, then we have more than satisfied the elements of conspiracy. Again, 18 USC 2340 would make this a felony.

**8. Question: Why has no one been prosecuted if these actions are felonies?**

Answer: Because Alberto Gonzales, as our Attorney General, would have to indict. Yet he himself authored memos to the President supporting these techniques. The administration has insisted these methods are “merely” cruel and degrading but not torture. Of course, the correct interpretation would be up to the courts. However, Gonzales is preventing court review by not indicting.

**9. Question: Didn't the McCain bill take care of this?**

Answer: Not really. It made cruel and degrading treatment also illegal, but provided numerous new legal defenses to torturers and stripped the courts of power to hear detainee complaints. In short, it granted immunity. The courts will determine the validity of these provisions. To meet international standards, they must be found void.

**10. Question: Are enemy combatants even covered by the Geneva Conventions?**

Answer: Absolutely. They are not prisoners of war, but saboteurs, insurgents, and even people carrying out acts of deadly force against us, are specifically covered by the Fourth Geneva Convention. They may be arrested, tried and imprisoned but not tortured.

**11. Question: Don't we need to use torture to get good information though?**

Answer: Although the Administration says that we do, in fact intelligence experts around the world agree that information obtained through torture is completely unreliable. Most people will say anything under torture. Others, better trained, will say anything false to buy time for their colleagues. A good example is the case of Al Libi. FBI agents first interrogated him with conventional methods and insisted that he was beginning to cooperate.

However, he was then turned over to CIA agents who humiliated him and sent him to Egypt to be tortured. There he “confessed” that Iraq had links to Al Qaeda and on that basis we went to war. Similarly, an Iraqi detained tortured in Abu Ghraib admitted that he was Osama Ben Laden in disguise.

**12. Question: How do we get good intelligence from a prisoner then?**

Answer: Both the FBI and police have worked out time tested methods for productive interrogations. These include careful questioning combined with investigations of the prisoner's responses, the “good cop- bad cop” technique, incentives and disincentives, and the building of a rapport. Intriguingly, experts in the Middle East suggest sending in a Muslim religious leader to

“de-program” an extremist. Although these methods may seem tame, in real life they have proven to be the most effective.

**13. Question: What if there was a nuclear bomb about to go off under Grand Central Station?**

Answer: This situation has never actually occurred. If it did occur, as noted above, torture would not work. Anyone willing to die in a nuclear blast could handle a few hours of pain, and would either remain silent or give false information. Even if the prisoner did give honest information, his or her colleagues would be aware of the capture, promptly move the bomb, change all codes, and flee the region.

These are basic covert action techniques that the CIA itself uses. The true solution is better preventative action and more effective and coordinated intelligence gathering. The next time the White House receives a memo entitled “Al Qaeda Determined to Attack within the US,” perhaps urgent protective measures should be taken.

**14. Question: If torture did prevent a nuclear disaster should the agent be punished?**

Answer: This is a bit like asking what to do if the moon turns green some day. This skewed hypothetical has been used repeatedly by the Administration to frighten the public into accepting torture in the context of routine warfare. As a result, torture has become rampant without any such “ticking bomb.” All of this violates the Geneva Conventions, the Convention Against Torture, and our own criminal statutes.

Torture is a Pandora’s Box which must never be opened, because the results cannot be controlled. We must learn from the Israeli experience. The Landau Commission originally permitted Israeli interrogators to use moderate force in cases of an imminent bombing. Years later, Israeli civil rights lawyers submitted evidence that virtually all Palestinian prisoners were being tortured. The Court reversed its position and banned all physical abuse, noting that: “It may be that a democracy must fight with one hand tied behind its back, but at least it is the upper hand.”

Condoning torture under any circumstances simply leads to more torture. It becomes impossible to draw the line. For example, if the suspect may be tortured, why not his wife and young daughter, or even a neighborhood child who might have witnessed something important? Must the explosion be expected in hours, days or just be a vague possibility in the future? For this reason TASSC maintains its position of zero tolerance regardless of the circumstances. Some may disagree with this position but there is no need to change our laws. Our legal system already has adequate flexibility for such extraordinary situations as the “ticking bomb”. Presidential clemency is one example. Again, beware of the consequences.

**15. Question: Is this the first time the United States has carried out torture?**

Answer: Unfortunately not. Most of the torture techniques we are seeing now have been practiced for decades by the CIA and other US intelligence agents. For example, the iconic photograph from Abu Ghraib of the hooded man on the box reflects an old practice. It is known

in intelligence circles as “The Vietnam.” The use of extreme cold and heat was also used in Vietnam. Many torture survivors from Latin America recognized the Abu Ghraib techniques as well. They had suffered precisely the same techniques, many of them in the presence of a North American. Many had suffered attacks by terrifying dogs, water-boarding, extreme sleep deprivation, and excruciating stress and duress positions. The water pit now used in Afghanistan was also used in Guatemala. When US agents were not physically present, they knowingly paid for such tortures. In short, torture by proxy is nothing new.

**16 . Question: Aren’t these harsh methods needed to keep us safe?**

Answer: To the contrary, creating rage and hatred against us throughout the Muslim World greatly endangers us. The first to pay the price are our young soldiers. If water boarding is declared legal, then it can be done to our troops as well if captured.

**17. Question: Don’t people recover pretty quickly from the techniques we are using?**

Answer: People may physically survive torture, but they suffer for the rest of their lives. So do the soldiers whom we teach to torture. Look at Lynndie England.

**18. Question: What about the new McCain bill?**

Answer: It made cruel and degrading treatment illegal. Unfortunately, it also provided numerous defenses for anyone charged with torture or cruel treatment. In short, it is all illegal now but no one will go to jail. Hence the torture will continue.

**19. Question: What happens if the torturers are never brought to justice here?**

Answer: If we refuse to comply with our own laws and treaties, our allies in Europe will be forced to bring us to trial abroad, either under their own laws, or under the doctrine of Universal Jurisdiction, which was used in the Pinochet case. As citizens of the United States, we should clean house ourselves.

For questions and information, please contact Jennifer Harbury: (202) 529-299 ~  
jharbury@tassc.org

From TASSC International. See <http://www.tassc.org/>.

## What You Can Do

### *Torture*

*Both tortured and torturer are victims of the evil from which no human being is immune. Friends, however, believe that the life and power of God are greater than evil, and in that life and power declare their opposition to all torture. The Society calls on all its members, as well as those of all religious and other organizations, to create a force of public opinion which will oblige those responsible to dismantle everywhere the administrative apparatus which permits or encourages torture, and to observe effectively those international agreements under which its use is strictly forbidden.*

Friends World Committee for Consultation, 1976

From Quaker Faith & Practice, Christian discipline of the Yearly Meeting of the Religious Society of Friends (Quakers) Britain, 1995

The United Nations has designated June 26 as the International Day in Support of Survivors and Victims of Torture. This year a coalition of human rights, civil liberties and faith organizations ([http://www.tortureawareness.org/organization\\_sponsors.html](http://www.tortureawareness.org/organization_sponsors.html)) have declared June “Torture Awareness Month” in an effort to respond to the growing evidence that the United States government is engaging systematically in the use of torture and inhuman treatment as part of the “war on terror.” We suggest that you use these occasions as opportunities to engage in the actions listed below.

### **EDUCATE YOURSELF**

1. **READ ALTERNATIVE PRESS.** Check out <http://www.afsc.org/pacificmtn/alternative-info.htm> and the articles on <http://www.actagainsttorture.org/>.
2. **JOIN QUIT LISTSERVE.** Go to [listserv@mtsac.edu](mailto:listserv@mtsac.edu). No subject is needed in your message, but in the body of the message put **SUBSCRIBE QUIT-L** your first and last name (it doesn't have to be lowercase). If you are successful, you will be asked to confirm by typing "ok" (without the quotes) and hitting your reply button.
3. **TALK TO PEOPLE.** When you hear or read something about torture or detentions, talk to people about it. Discuss it with friends and co-workers. Martin Luther King Jr. said: “Our lives begin to end the day we become silent about things that matter.”
4. **FORM A STUDY GROUP OR BOOK CLUB** around the 99 page reflection *The Pear Tree: Is Torture Ever Justified?* by Eric Stener Carlson, human rights worker who delves deeply into his own reactions to torture, challenging us at the same time. Available at the conference bookstore and at <http://www.claritypress.com>.

### **ORGANIZE AND ACT**

1. **SPEAK OUT.** Participate in rallies and demonstrations in your area. Keep informed about events through your local Indymedia site. Get an “Act Against Torture” bumper sticker and put it on your bike, car or backpack. Email: [actagainsttorture@riseup.net](mailto:actagainsttorture@riseup.net).

2. **HOLD MEDIA ACCOUNTABLE.** Keep an eye on the alternative and foreign press, watching for stories the U.S. mainstream media doesn't cover accurately. Write a letter to the editor of your local newspaper and mention ActAgainstTorture.org. Organize friends and neighbors to write and call editors and station managers to demand coverage of what's really going on.
3. **POST.** Print internet posters (<http://squat.net/mapakh/tenagainsttorture/materials.html>) or make your own and post them at work, in your window, or on the street.
4. **SPREAD THE WORD.** When you read an article that's not in the mainstream media, make copies and pass them on to friends, co-workers, or neighbors. Write ActAgainstTorture.org on the front page so people know where to get more information.
5. **DISSEMINATE.** Print out information cards (<http://squat.net/mapakh/tenagainsttorture/materials.html>) and leave them in cafes, schools, your work place, or in the pockets of clothes in the store.
6. **ENCOURAGE TEACHERS** in your school to use these curricula below or the theatrical/reading pieces in Action Suggestion 14 below  
<http://www.teachablemoment.org/high/torturedbq.html>;  
<http://www.forusa.org/programs/iraq/tortureresources.html>.
7. **DONATE.** Donate \$10 or more to an organization working to end torture and indefinite detentions. Support groups that work with victims of torture (see directory below of organizations throughout the U.S.) (<http://www.cja.org/relatedLinks/relatedLinks.shtml>)
8. **ORGANIZE.** Support friends in taking these actions. Become an organizer.
9. **GET TOGETHER.** Hold a house meeting with your friends and neighbors to plan an action against torture.
10. **HANG A BANNER.** Hang a banner over freeways, alter billboards: don't let anyone in your town forget what is happening. Check out the Freeway Blogger (<http://www.freewayblogger.com/>) for banner-hanging ideas and instructions.
11. **HOLD AN EVENT.** Convince your faith group, union, or school to host a speaker or lead a discussion about torture and detention.
12. **ORGANIZE A VIGIL.** A group of people standing on a busy street corner at rush hour, with signs, banners, candles, chants, or whatever your friends and neighbors come up with, lets folks know that there's a growing local movement against torture and indefinite detention.
13. **HOLD A TEACH-IN** or series of teach-ins.
14. **PERFORM STREET THEATER** or **ORGANIZE A PUBLIC READING.** Get together with creative friends and do something dramatic in a public place to encourage people to actively confront and oppose torture and indefinite detention. The Center for Constitutional Rights (CCR) is encouraging public readings of the play *Guantánamo: 'Honor Bound to Defend Freedom'* to "focus attention detentions at the U.S. naval base in Guantánamo Bay, Cuba. Hold a reading of CCR's play by downloading it for public reading from their website, <http://www.ccr-ny.org/v2/gac/grp/readings/>.
15. **EXPOSE COMPLICITY.** Amnesty International UK's "Below the Radar" notes that Hudson, NY-based private aviation company was part of hundreds of rendition flights that have occurred. Join their campaign to expose and hold accountable contractors complicit in

torture or extraordinary rendition for torture.

<http://www.amnestyusa.org/news/document.do?id=ENGAMR510542006>

16. **SUPPORT BANNING CRUEL PUNISHMENTS.** Some Islamic penal codes promote whipping, limb amputations, and death by stoning/beheading. Support groups such as North America Progressive Muslims ([www.pmuna.org](http://www.pmuna.org)) and The Islamic Dream ([www.islamicdream.org](http://www.islamicdream.org)).
17. **ORGANIZE A DELEGATION.** See Witness Against Torture (<http://www.witnesstorture.org/>) for information about organizing a delegation to Guantanamo. Demand to speak directly to the prisoners and their guards.
18. **TAKE TIME TO TAKE CARE OF YOURSELF.** Take time to act, but also take time out as needed as this is a concern that is most troubling.

### **TAKE POLITICAL ACTION**

1. **ADOPT MINUTES.** Get groups and organizations to which you belong to adopt minutes calling for the abolition of torture and specifically for U.S.-sanctioned torture. Post them to the FCNL website ([http://www.fcnl.org/issues/issue.php?issue\\_id=70](http://www.fcnl.org/issues/issue.php?issue_id=70)), and publish them as opinion pieces in your local paper.
2. **HOLD YOUR REPRESENTATIVES ACCOUNTABLE.** Write letters to the President and to your congressional representatives. Good letter writing information can be found at the websites of Witness Against Torture (<http://www.witnesstorture.org/>), Amnesty International (<http://web.amnesty.org/pages/stoptorture-index-eng>), The Center for Constitutional Rights (<http://www.ccr-ny.org/v2/gac/>), Quaker Initiative to End Torture (<http://www.quit-torture-now.org/>) or at the FCNL website ([www.fcnl.org](http://www.fcnl.org)).
3. **SUPPORT CONGRESSIONAL LEGISLATION.** This year Senator Leahy-VT (S. 654 “Convention Against Torture Implementation Act” and Rep. Ed Markey-MA (H.R. 952 “Torture Outsourcing Prevention Act”) may try to attach their bills as amendments to a spending bill. Follow the legislation (<http://thomas.loc.gov/>) and call on your Senators and Representatives to support this action.
4. **SUPPORT THE UNITED NATIONS “Draft International Convention for the Protection of All Persons from Enforced Disappearances”** and get Quaker organizations to support ([http://www.fidh.org/article.php3?id\\_article=3183](http://www.fidh.org/article.php3?id_article=3183)).
5. **SUPPORT THE LEGAL STRATEGY** of claims against torturers led by San Francisco-based The Center for Justice and Accountability (<http://www.cja.org/>).
6. **BIRD-DOG candidates** in 2006 elections in orange jumpsuits to get them to comment on their stand on torture or for use in street theater. Suits available from [http://www.nationaltextile.us/correctional\\_clothing](http://www.nationaltextile.us/correctional_clothing).

### **SUPPORT ORGANIZATIONS**

1. Support QUIT Quaker Initiative to End Torture ([www.quit-torture-now.org](http://www.quit-torture-now.org)).
2. Support Torture Abolition and Survivors Support Coalition International (<http://www.tassc.org/>).

3. Join and have your faith group join in the National Religious Campaign Against Torture ([www.nrcat.org](http://www.nrcat.org)) which currently has Jewish, Christian, and Human Rights First materials for study and action.
4. Check out and post to the Friends Committee on National Legislation's Calendar of Anti-Torture Events Nationwide ([www.fcnl.org](http://www.fcnl.org)).
5. Support other groups work: Christian Peacemaker Teams Public Witness ([http://www.cpt.org/publicwitness/public\\_witness.php](http://www.cpt.org/publicwitness/public_witness.php)); Human Rights Watch (<http://www.hrw.org/doc/?t=torture>); Unitarian Universalist Service Committee's STOP Campaign (<http://www.uusc.org/programs/STOP/index.html>).



Produced by AFSC Anti-Torture Peacebuilding Workgroup.  
Contact [smcneil@afsc.org](mailto:smcneil@afsc.org)  
May 27, 2006

## Articles

“Hypothetical Torture in the ‘War on Terrorism’,” Kim Lane Scheppelle, *Journal of National Security Law & Policy*, vol 1, No. 2, 2005.

<http://www.mcgeorge.edu/jnslp/media/01-02/04%20Scheppelle%20Master%20c.pdf>

(A close examination and refutation of the “ticking time-bomb” hypothetical often cited as the circumstance in which torture would be justified and used to begin skiing down the slippery slope.)

See other articles in this issue of *JNSLP* with two symposia, “Fighting Terrorism with Torture: Where To Draw the Line?” and “Lawyers’ Roles and the War on Terror.” See

<http://www.mcgeorge.edu/jnslp/>.

Jane Mayer’s excellent articles in *The New Yorker*:

- “THE MEMO: How an internal effort to ban the abuse and torture of detainees was thwarted,” by JANE MAYER, *New Yorker*, February 27, 2006. Online at [http://www.newyorker.com/fact/content/articles/060227fa\\_fact](http://www.newyorker.com/fact/content/articles/060227fa_fact).
- Q. & A: In Gitmo. Jane Mayer talks about the treatment of detainees at the United States military detention center in Guantánamo Bay, Cuba. Online at [http://www.newyorker.com/online/content/articles/050711on\\_onlineonly01](http://www.newyorker.com/online/content/articles/050711on_onlineonly01).
- A REPORTER AT LARGE: “Can the C.I.A. legally kill a prisoner?” by JANE MAYER *The New Yorker*, Issue of 2005-11-14 at [http://www.newyorker.com/fact/content/articles/051114fa\\_fact](http://www.newyorker.com/fact/content/articles/051114fa_fact).
- A REPORTER AT LARGE: “The military trains people to withstand interrogation. Are those methods being misused at Guantánamo?” by JANE MAYER, *The New Yorker*, Issue of 2005-07-11 and 18, at [http://www.newyorker.com/fact/content/articles/050711fa\\_fact4](http://www.newyorker.com/fact/content/articles/050711fa_fact4).

The December 26, 2005 issue of *The Nation* was devoted to The Torture Complex and included a number of useful articles by Anthony Lewis, Jonathan H. Marks, Lisa Hajar and others. See <http://www.thenation.com/issue/20051226>.

P. Sabin Willett, “Who’s at Guantanamo, Anyway?” an address at Woodrow Wilson School of Public and International Affairs, February 27, 2006. (An attorney representing Guantanamo detainees tells about who is actually being held there.)

[http://www.fairgofordavid.org/pubdocs/willett\\_princeton\\_20060227.pdf](http://www.fairgofordavid.org/pubdocs/willett_princeton_20060227.pdf).

David Gangsei, Ph.D., “Torture Treatment Programs Provide Holistic Care, Seek Pain Professionals’ Participation,” *American Pain Society Bulletin*, March/April 2003.

<http://www.ampainsoc.org/pub/bulletin/mar03/path1.htm>.

## Torture and Other Secrets<sup>1</sup>

*John Calvi is a Quaker healer who has worked with tortured refugees since 1988. His website is [www.johncalvi.com](http://www.johncalvi.com).*

There are things we don't talk about much, secrets, because they are difficult. They are difficult because we don't have ways of thinking about them. We may not have ways to talk about them. We don't have much information on them. And, most importantly, they are ugly and scary. Each culture has a list of these secrets. The list changes as information escapes into conversation and ways of learning become possible for something previously obscure. In my own lifetime the list of American secrets has changed considerably so that subjects which were unknowable and impossible to speak about before have now become topics of study and common knowledge -- such as cancer, homosexuality, lynching, post-traumatic stress disorder in soldiers, incest, addiction, rape, and the holocaust.

A secret on this list moves slowly upward towards light as more people come to understand that something has parts and pieces and even logic and is not just a huge horror. The topics named here have shifted on the list as culture changes and progresses. What is still at the bottom of this list is torture. It is a great American secret still holding all the requisite characteristics: huge and horrible, ugly and scary, unknowable from so little information available, and present throughout many generations but especially today.

Like the car wreck we saw on the way home, we try not to see it again in our minds, though each image lingers with some part of us wanting to understand its meaning in our lives. The push not to see what is so ugly, and the desire to sort out what it is, push against each other. The battle is joined by American popular culture with its bias for bright shiny things for sale, and fast and shallow content giving only glimpses. Thus, torture stays on the list of things we don't see or know and therefore can't change.

Sometimes people are so sure they can't handle a profound and constant awareness of such terrible realities as torture or rape, that they shrink from acquiring *any* understanding. It will always be true that only a certain number of people will choose to work deeply in these areas as healers, witnesses, and teachers. But many more people can listen, think, and wonder a bit to learn what torture is and what it means for a society.

The spiritual consequences of secrets are well-known -- sudden potholes in integrity, surprise areas where knowledge is lacking, the panic of cover-ups, and the confusing combination of these three to create a response for which there seems to be no logic. Most obvious is the extraordinary effort to keep a secret hidden rather than open to wonder, wonder being the most basic posture of spiritual life.

The spiritual consequences of living in a world with torture are also quite specific. Either you are moved to act against it, or you stifle and smolder. For each of us who have paid for torture through our taxes, the dilemma is a cultural watershed. We have the cultural myth of the

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<sup>1</sup> This article appeared in the November 2005 issue of *Peacework*, published by the New England Regional Office of the American Friends Service Committee, and reprinted with their permission.

independent force of the individual making change and doing good. But often this myth meets with a fierce don't-rock-the-boat mentality at home, at work, and in public spaces.

Choosing to act in resistance, in whatever way we can, has the light of integrity that comes from being one with our deepest feelings of justice, and this is always good for mental and spiritual health. It will also make for some disappointment, loneliness, and the need to explain yourself.

The other choice -- not to act -- is the more common response. It is common because life is already full, what might one do anyway, and aren't I in enough trouble already. These are the overt reasons to stuff and numb oneself. The more quiet reason is that it hurts to see and know what is. It's disturbing and we could let this one go by and forget. How much awareness do I need to keep up with anyway? The monster is too big for me to address. Both acting and not acting require energy and effort. Only acting has a payoff.

To have torture as part of the heritage we, as US Americans, have provided the world (think of the American wars in Southeast Asia and Central America), is to carry the loss of integrity, the ignorance, and panic of discovery in each of our hearts whether or not we approve of torture.

Torture has always been easy to justify but it has never rested within the human awareness to be comfortably carried. As a burden, it resembles the addict's stash or the bruise hidden under clothing -- maybe known of by others, unable to be laid down, and always a greater pain than is understood.

To have our leadership participate, deny, spin, and wink over the use of torture, lingers within us like glimpsing the car wreck, the neighbor's or family member's bruise, the addict's stash. We can't bear to know its scary ugliness but we can't get it out of our minds. There is no moral force in our country's leadership to say what we all know -- that torture injures all who know any aspect of it from any distance, that it shames all other good works done over hundreds of years, and that to do anything other than admit and stop is to participate. This is how a list of secrets is kept as heritage and burdens our children.

## When the Torturers Come Home<sup>2</sup>

*Liz Keeney lives in Gambier, Ohio where she is a tutor, chaplain, and baker. She is a member of the Delaware, Ohio Monthly Meeting of Friends.*

Around the dinner table with my outwardly respectable family, my father's contributions to conversation were often tales of his exploits in World War II. I didn't know until much later that other children didn't have to sit through descriptions of horrific actions taken against "the enemy" by Army Intelligence and pretend that these were acts of heroism. I did, however, know early on that there was something wrong about them. I knew with the conviction of a child that it was wrong to throw grenades into crowded basements and then brag about it, or to laugh about machine-gunning deer for fun. And at some level, I guess I knew it was wrong to be able to talk about it with sufficient detachment that one could simultaneously be eating dinner, as though one were talking about baseball or the garden.

I also knew early on that my father was not always safe to be around. He was brilliant and successful --- and he was abusive and dangerous. Trying to figure out who was there at any given moment was hard. These days I think more about the time we spent in the family vegetable garden, building a vacation house, or fishing, than I do about the abuse he perpetrated on me and others, but it has taken fifty years to get here. I don't think he understood himself any better than those of us around him did. One moment he was the father who in 1960 gave me, a six-year old girl, a toolbox with real tools and let me put the bottom two rows of shingles on the new house. The next moment he would be sexually or physically or emotionally abusing me and acting as though that were perfectly normal.

I think he was himself an abused child. The photos taken of him before about age four and those taken later show markedly different affects. There is also a history of bipolar disorder in the family. My father's ability to dissociate, however, was more powerful than that of anyone I have ever known personally or professionally and I believe the war played a large role in that. One night he rose from the dinner table, took a wounded baby rabbit away from the family cat, walked to the kitchen disposal, dispatched it, and then returned to the table and resumed eating. A minute or two later he noticed that no one was eating, not my brother, mother or me, not the couple there as guests. "What?" he said, looking perplexed. "What's the matter?"

My father's threats about the awful things that would befall me if I told about what he was doing to me were frequent and real. I knew full well that he could and would kill me. The clincher was when he told me that even when he couldn't see me, God could -- and if I told, God would get me. The fact that I was trapped on a small fishing boat with him and he was calmly killing a fish as he told me this, made vivid what God would do. And I was very, very scared. Somehow, the idea that he would kill me had lost some of its edge. I think if you live with a threat long enough that happens, but in pulling God in, my father upped the ante.

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<sup>2</sup> This article appeared in the November 2005 issue of *Peacework*, published by the New England Regional Office of the American Friends Service Committee, and is reprinted with their permission.

He also left me not wanting much to do with God for a long time. And when I did come back to God, I found myself angrier at my father than I had been in years because in my view he had, in using God as a threat, abused God as well as me. Thankfully, I was a seminary student at the time of this grappling and surrounded by loving friends and teachers who helped me to process the anger into grief and then begin to repair that piece of damage.

I think it takes a lot to wound someone so badly that they can do the kinds of things my father did, and over the years that is the way I have made at least a certain degree of peace with the side of him that was abusive of me and of others. I think that what he experienced and saw during the war turned a vulnerable young man into someone who could and did torture others, first in the context of war, then in the context of an ongoing relationship with the civilian intelligence community, and finally in the context of family.

I worry a lot about the young people who are experiencing today's Iraq war in our name. What will the legacy of their time in combat be? How many will participate in torture directly or indirectly? What will the impact be on them? What will be their legacy? It's harder for me to find compassion for the leaders who have sanctioned the abuse and who continue to protect each other. I have to work at remembering to pray for people who are abusive, and as the stories of Abu Ghraib and Guantánamo continue to emerge, those at the top seem much guiltier to me than those caught up in the system. Perhaps some day I will understand and forgive, but of course what I really want is a world in which young children don't have to wrestle with the demons their mothers and fathers bring home from war.

## Arrested Development

By Arlie Hochschild

Published: June 29, 2005

Berkeley, Calif.

LAST month John Miller, director of the State Department's Office to Monitor and Combat Trafficking in Persons, said that half the victims of human trafficking may be children under 18. Children are "at the center" of the problem of trafficking, which, Mr. Miller noted, is one of the great human rights issues of the 21st century. Yes, children should be at the heart of our concern for human rights. But that concern should start with the children detained in American prisons in Afghanistan, Iraq and Guantánamo Bay.

Forum: Op-Ed Contributors

Under international law, the line between childhood and maturity is 18. In communications with Amnesty International and Human Rights Watch, the Pentagon has lowered the cutoff to 16. For this reason among others, we don't know exactly how many Iraqi children are in American custody. But before the transfer of sovereignty from the Coalition Provisional Authority to an Iraqi interim government a year ago, the International Committee of the Red Cross reported registering 107 detainees under 18 during visits to six prisons controlled by coalition troops. Some detainees were as young as 8.

Since that time, Human Rights Watch reports that the number has risen. The figures from Afghanistan are still more alarming: the journalist Seymour Hersh wrote last month in the British newspaper *The Guardian* that a memo addressed to Defense Secretary Donald Rumsfeld shortly after the 2001 invasion reported "800-900 Pakistani boys 13-15 years of age in custody."

Juvenile detainees in American facilities like Abu Ghraib and Bagram Air Base have been subject to the same mistreatment as adults. The International Red Cross, Amnesty International and the Pentagon itself have gathered substantial testimony of torture of children, bolstered by accounts from soldiers who witnessed or participated in the abuse.

According to Amnesty International, 13-year-old Mohammed Ismail Agha was arrested in Afghanistan in late 2002 and detained without charge or trial for over a year, first at Bagram and then at Guantánamo Bay. He was held in solitary confinement and subjected to sleep deprivation. "Whenever I started to fall asleep, they would kick at my door and yell at me to wake up," he told an Amnesty researcher. "They made me stand partway, with my knees bent, for one or two hours."

A Canadian, Omar Khadr, was 15 in 2002 when he was captured in Afghanistan and interned at Guantánamo. For 2½ years, he was allowed no contact with a lawyer or with his family. Seventeen-year-old Akhtar Mohammed told Amnesty that he was kept in solitary confinement in a shipping container for eight days in Afghanistan in January 2002.

A Pentagon investigation last year by Maj. Gen. George Fay reported that in January 2004, a leashed but unmuzzled military guard dog was allowed into a cell holding two children. The intention was for the dog to " 'go nuts on the kids,' barking and scaring them." The children were screaming and the smaller one tried to hide behind the larger, the report said, as a soldier allowed the dog to get within about one foot of them. A girl named Juda Hafez Ahmad told Amnesty International that when she was held in Abu Ghraib she "saw one of the guards allow his dog to bite a 14-year-old boy on the leg."

Brig. Gen. Janis Karpinski, formerly in charge of Abu Ghraib, told Maj. General Fay about visiting a weeping 11-year-old detainee in the prison's notorious Cellblock 1B, which housed prisoners designated high risk. "He told me he was almost 12," General Karpinski recalled, and that "he really wanted to see his mother, could he please call his mother."

Children like this 11 year old held at Abu Ghraib have been denied the right to see their parents, a lawyer, or anyone else. They were not told why they were detained, let alone for how long. A Pentagon spokesman told Mr. Hersh that juveniles received some special care, but added, "Age is not a determining factor in detention." The United States has found, the spokesman said, that "age does not necessarily diminish threat potential."

It's true that some of these children may have picked up a stone or a gun. But coalition intelligence officers told the Red Cross that 70 percent to 90 percent of detainees in Iraq are eventually found innocent and released. Many innocent children are swept up with their parents in chaotic nighttime dragnets based on tips from unreliable informants. "We know of children under 15," Clarisa Bencomo of Human Rights Watch told me, " held for over a year at Guantánamo Bay, whom the government later said were not security risks." Even if a child is found guilty, he or she should be treated humanely, rather than tortured or "rendered," as the C.I.A. puts it, to third parties that torture.

AMBASSADOR MILLER is right. Children matter. To really place them "at the center" of our human rights concerns, the United States should hasten to ratify the Convention on the Rights of the Child, from which only we and Somalia abstain. And if the Pentagon must detain children, it should do so in separate facilities, with access to family, and under humane conditions that include the offer of rehabilitation and education.

Finally, the Pentagon should open all prisons to human rights inspectors. By taking these steps, the United States could begin to reverse some of the terrible harm that continues to be done to children in our name.

Arlie Hochschild is a professor of sociology at the University of California, Berkeley, and the co-editor of "Global Woman: Nannies, Maids and Sex Workers in the New Economy."

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## 'There is no responsible use of torture'

# A dangerous shift of norms

By Brita Sydhoff

If the entertainment industry, not least Hollywood, reflects a prevailing state of mind in the United States and the West in general, torture may be steadily gaining acceptance as a means of extracting information from suspects.

Or is it just a coincidence that the entertainment industry increasingly appeals to its audience through scenes of torture and violence at just this time when politicians and intellectuals are arguing in favour of interrogation methods that amount to torture, as a countermeasure in the so-called war on terror? In an earlier season of the popular Fox television series 24, Counter Terrorist Unit (CTU) agent Jack Bauer fought a radical Islamist plot to cause meltdown at US nuclear power plants.

The series is highly entertaining, but it is also a test of its audience's views on the ticking-bomb scenario: are they prepared to condone torture if thousands of innocent lives are at stake? Is it acceptable, for example, when a CTU agent tortures his colleague's husband with electric cables in an attempt to extract the information that could possibly prevent the meltdown?

The fact that 24 presents the enemies of the US as dehumanised beings who are willing to kill even their own children in their terrorist fight against a democratic society suggests that the upholders of law and life are left with no alternatives, so that torture becomes acceptable in extreme situations.

The series also gives the impression that torture is not always as bad as its reputation. In one scene a CTU director used a stun gun repeatedly against a female staff member who was assumed to have knowledge that could prevent the meltdown. What was her reaction when the director realised she was not involved in the plot? She was disappointed with her superior for mistrusting her, but then demanded a pay rise and went back to her desk. Just another bad day at work.

This presentation of what we can call the torture dilemma, combined with the minimisation of the effects of torture, make it necessary to reiterate two facts that are increasingly questioned in anti-terrorism provisions:

- The prohibition against torture in international law is absolute: nothing can justify torture. This principle is reflected in the United Nations Convention Against Torture amongst other international law instruments. The logic is that allowing torture in exceptional circumstances would open a Pandora's box and would lead to a situation in which states would be at liberty to respond to perceived extraordinary crises by diluting existing definitions of torture.

In the words of the British law lord, Lord Hope of Craighead: "A single instance, if approved to meet the threat of international terrorism, would establish a principle with the power to grow and expand so that everything that falls within it would be regarded as acceptable."

The US detention camp at Guantánamo aptly illustrates the problem. The UN has recently criticised the US for using interrogation methods amounting to torture against detainees at the camp. The US government denies the charges, relying instead on its own interpretation of what constitutes torture, an interpretation that is far narrower than that of the UN convention, to which the US is a signatory.

- In the real world torture is even worse than its reputation. Torture is not only about the immediate pain; it is also about the all-encompassing fear associated with being completely at the mercy of one's torturers.

In most cases the actual physical and/or psychological abuse coupled with complete helplessness makes the victim's subsequent life a hell of depression, rage, anxiety, nightmares and feelings of guilt, which are a few of the common consequences of torture. The victim's family is heavily affected too. And all of this happens whether the victim is in fact "guilty" or not.

These two crucial factors - the slippery slope associated with questioning the absoluteness of the prohibition against torture, and the effects of torture in the real world - must be at the forefront of the debate at a time when leading democratic countries have implicitly and explicitly expressed reservations as to that absoluteness.

Any attempt to open a Pandora's box, in entertainment or the real world, should raise deep concern. Torture is not something you walk away from with a disappointed shrug, whether at the hands of your boss at the office, hooded thugs in a soundproof room at the back of the local police station, or foreign soldiers in the dungeons of Abu Ghraib. And it is no less torture when secret agents working for democratic governments use stun guns and electric cables to interrogate another human being than when the henchmen of dictatorships extract their victims' fingernails or burn them with irons.

Those who claim otherwise are playing a dangerous game, and contributing to a treacherous discourse that has developed in the context of the war on terror, a discourse that has caused a slow but unmistakable shift of norms and values to the point that it has become plausible to suggest that torture can be used in a responsible and morally sound fashion. It cannot.

In empirical terms, history does not give us one single example to support the claim that there can be such a thing as responsible use of torture. No torturing governments in the history of humanity, whether dictatorships or democracies, have limited their use of torture to indisputable ticking-bomb scenarios. If anything, the present US government's unclear policies on torture and the resulting abuses at detention facilities in Iraq and Afghanistan have confirmed the lesson that any opening, however small, that allows the use of torture will turn instantly into a festering gap, even when the perpetrator is a leading democracy.

The claim that there can be responsible use of torture ignores the fact that, even in theoretical terms, foolproof safeguards against mistakes (such as that of the stun gun incident in 24) are not possible. Nothing can establish beyond doubt that the guy in custody is the right guy. That the information leading to his arrest is 100% reliable. That he does not just look convincingly like the real guy. That he has not been set up.

The logical next step is to allow torture on the grounds of justified suspicion. And so it goes. Accept a shift of norms, however small and well argued, and you blow the lid off Pandora's box. Allow a little torture and no one will be entirely safe.

***Brita Sydhoff is the secretary general of the International Rehabilitation Council for Torture Victims***

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Op-Ed Columnist  
The Torturers Win  
By BOB HERBERT  
Published: February 20, 2006, The New York Times

Justice? Surely you jest.

Terrible things were done to Maher Arar, and his extreme suffering was set in motion by the United States government. With the awful facts of his case carefully documented, he tried to sue for damages. But last week a federal judge waved the facts aside and told Mr. Arar, in Effect, to get lost. We're in a new world now and the all-powerful U.S. government apparently has free rein to ruin innocent lives without even a nod in the direction of due process or fair play. Mr. Arar, a Canadian citizen who, according to all evidence, has led an exemplary life, was seized and shackled by U.S. authorities at Kennedy Airport in 2002, and then shipped off to Syria, his native country, where he was held in a dungeon for the better part of a year. He was tormented physically and psychologically, and at times tortured.

The underground cell was tiny, about the size of a grave. According to court papers, "The cell was damp and cold, contained very little light and was infested with rats, which would enter the cell through a small aperture in the ceiling. Cats would urinate on Arar through the aperture, and sanitary facilities were nonexistent."

Mr. Arar's captors beat him savagely with an electrical cable. He was allowed to bathe in cold water once a week. He lost 40 pounds while in captivity. This is a quintessential example of the reprehensible practice of extraordinary rendition, in which the U.S. government kidnaps individuals (presumably terror suspects) and sends them off to regimes that are skilled in the fine art of torture. In terms of vile behavior, rendition stands shoulder to shoulder with contract killing. If the United States is going to torture people, we might as well do it ourselves. Outsourcing torture does not make it any more acceptable.

Mr. Arar's case became a world-class embarrassment when even Syria's torture professionals could elicit no evidence that he was in any way involved in terrorism. After 10 months, he was released. No charges were ever filed against him.

Mr. Arar is a 35-year-old software engineer who lives in Ottawa with his wife and their two young children. He's never been in any kind of trouble. Commenting on the case in a local newspaper, a former Canadian official dryly observed that "accidents will happen" in the war on terror. The Center for Constitutional Rights in New York filed a lawsuit on Mr. Arar's behalf, seeking damages from the U.S. government for his ordeal. The government said the case could not even be dealt with because the litigation would involve the revelation of state secrets. In other words, it wouldn't matter how hideously or egregiously Mr. Arar had been treated, or how illegally or disgustingly the government had behaved. The case would have to be dropped. Inquiries into this 21st-century Inquisition cannot be tolerated. Its activities must remain secret at all costs. In a ruling that basically gave the green light to government barbarism, U.S. District Judge David Trager dismissed Mr. Arar's lawsuit last Thursday. Judge Trager wrote in his opinion that "Arar's claim that he faced a likelihood of torture in Syria is supported by U.S. State Department reports on Syria's human rights practices."

But in dismissing the suit, he said that the foreign policy and national security issues raised by the government were "compelling" and that such matters were the purview of the executive branch and Congress, not the courts. He also said that "the need for secrecy can hardly be doubted." Under that reasoning, of course, the government could literally get away with murder. With its bad actions cloaked in court-sanctioned secrecy, no one would be the wiser. As an example of the kind of foreign policy problems that might arise if Mr. Arar were given his day in court, Judge Trager wrote:

"One need not have much imagination to contemplate the negative effect on our relations with Canada if discovery were to proceed in this case and were it to turn out that certain high Canadian officials had, despite public denials, acquiesced in Arar's removal to Syria."

Oh yes, by all means, we need the federal courts to fully protect the right of public officials to lie to their constituents.

"It's a shocking decision," said Michael Ratner, president of the Center for Constitutional Rights. "It's really saying that an individual who is sent overseas for the purpose of being tortured has no claim in a U.S. court."

If kidnapping and torturing an innocent man is O.K., what's not O.K.?

## Roots of Abu Ghraib in CIA techniques 50 years of refining, teaching torture found in interrogation manuals<sup>3</sup>

By JAMES HODGE and LINDA COOPER

Last April when Americans found themselves looking at photographs of U.S. soldiers abusing naked and hooded Iraqis at Abu Ghraib prison, it's a safe bet that most didn't realize they were looking at torture techniques refined by the Central Intelligence Agency over the last half century.

The Bush administration worked overtime to convince Americans that what they were seeing was the work of a "few bad apples," whom the president said exhibited "disgraceful conduct" that "dishonored our country and disregarded our values."

Even as late as July, the Army's inspector general, Paul Mikolashek, claimed that "these abuses should be viewed as what they are: unauthorized actions taken by a few individuals."

A month later, after human rights groups pointed to evidence of much wider culpability, two government reports -- one released by an Army panel chaired by Major Gen. George Fay, the other by a commission headed by former Defense Secretary James Schlesinger -- confirmed what many already sensed: that the abuse went far beyond the seven arrested MPs.

The 171-page Fay report cites more than two-dozen military intelligence officers, along with several military contractors. It details some 44 incidents, including the stripping, hooding and sodomizing of detainees; subjecting them to temperature extremes; leading them around naked on leashes; and attaching electrical wires to their genitals. In one case, two naked youths were terrorized by snarling, unmuzzled military dogs held by military personnel who competed to try to make the teenagers defecate.

The two reports have been presented as sweeping indictments of U.S. military leadership, but Human Rights Watch, the largest U.S. human rights group, said the reports utterly fail to assess the obvious: the role that official government policies played in bringing about the horrendous abuse.

While the Schlesinger report notes administration policies -- such as the Aug. 1, 2002, Justice Department opinion that redefined torture as pain "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death" -- it fails to evaluate whether the policies played a role in contributing to the abuses.

The Schlesinger panel, whose members were handpicked by Defense Secretary Donald Rumsfeld, "seems to go out of its way not to find any relationship between Rumsfeld's approval of interrogation techniques designed to inflict pain and humiliation and the widespread

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<sup>3</sup> This article was the cover story on The U.S. and Torture in the November 5, 2004, issue of *The National Catholic Reporter*. © The National Catholic Reporter Publishing Company, 115 E. Armour Blvd., Kansas City, MO 64111 All rights reserved.

mistreatment and torture of detainees in Iraq, Afghanistan and Guantánamo,” said Reed Brody, special counsel with Human Rights Watch.

Not only do they leave the dots unconnected, but they fail to make critical links to the past, said Alfred McCoy, professor of history at the University of Wisconsin-Madison and author of “Closer Than Brothers,” a study of the impact of the CIA’s torture methods on the Philippine military.

In an interview with NCR and in his own writings, McCoy described the photos at Abu Ghraib as snapshots of “CIA torture techniques that have metastasized over the last 50 years like an undetected cancer inside the U.S. intelligence community.”

Throughout the 1950s and early ’60s, the CIA -- the lead agency doing interrogations at Abu Ghraib -- financed and conducted secret research on coercion and human consciousness, McCoy said. “The scale of that research should not be minimized. By the late ’50s, it reached a billion dollars a year. The agency was providing the majority of the funding for a half-dozen leading psychology departments.”

The research ranged from using electric shock, to giving LSD to unsuspecting subjects, to employing sensory deprivation. It was the latter experiments that bore fruit, he said, producing a revolutionary new psychological torture paradigm that was superior to various physical methods that had been used for 2,000 years, from ancient Rome’s hot irons to the medieval rack and wheel.

“People will say anything to stop pain,” McCoy said. “The information extracted is inherently unreliable. And that’s the problem the CIA solved with these psychological methods.”

The basic techniques -- the use of stress positions, sensory deprivation and sexual humiliation -- are aimed at making victims feel responsible for their own pain and suffering. But McCoy added that while it appears less abusive than physical torture, the psychological torture paradigm causes deep psychological damage to both victims and their interrogators, who can become capable of unspeakable physical cruelties.

The results of the CIA torture experiments were codified in 1963 in a secret manual known as “KUBARK Counterintelligence Interrogation.” Four years later, the CIA was operating some 40 interrogation centers in Vietnam as part of its Phoenix Program, McCoy said. Eventually the CIA’s psychological methods were spread worldwide through the U.S. Agency for International Development’s Public Safety program and U.S. Army Mobile Training Teams.

In 1983, the KUBARK manual provided the model for the CIA’s “Human Resource Exploitation Training Manual,” whose methods were used by the brutal, U.S.-trained Honduran Battalion 3-16 during the tenure of then-U.S. ambassador to Honduras John Negroponte, now ambassador to Iraq.

About the same time, the CIA compiled the “Psychological Operations in Guerrilla Warfare” manual for the Nicaraguan contra commandos, then seeking to overthrow the Sandinista government with the aid of the Reagan administration.

That's not all. Six manuals, also linked to a CIA program, were used at the U.S. Army's School of the Americas and distributed across Latin America by Army Mobile Training Teams in the 1980s. They advocated everything from executions of guerrillas to extortion, coercion and false imprisonment.

A 1992 Pentagon investigation, whose findings were kept a secret of state under then-Secretary of Defense Dick Cheney, said the six manuals "evolved from lesson plans used in an intelligence course at [the School of the Americas]. They were based, in part, on old material dating back to the 1960s from the Army's Foreign Intelligence Assistance program, titled 'Project X.' This material had been retained in the files of the Army intelligence school at Fort Huachuca, Ariz."

Project X documents, which have been linked to the CIA's Phoenix Program, were destroyed in 1992 by the Defense Department, but a telling reference to Fort Huachuca is buried in the Fay report on Abu Ghraib. A five-member U.S. Army Mobile Training Team from Fort Huachuca was sent to the Iraq prison, the report says, "to conduct an overall assessment of interrogation operations, present training and provide advice and assistance."

One of the mobile team members, identified as SFC Walters, told the Fay panel that he "may have contributed to the abuse at Abu Ghraib." When questioned by a military contract employee for ideas on how to get the prisoners to talk, the report says, "Walters related several stories about the use of dogs as an inducement."

Walters also gave advice about how detainees are most susceptible during the first few hours after capture: "The prisoners are captured by soldiers, taken from their familiar surroundings, blindfolded and put into a truck and brought to this place (Abu Ghraib); and then they are pushed down a hall with guards barking orders and thrown into a cell, naked; and that not knowing what was going to happen or what the guards might do caused them extreme fear."

But the report concludes that it "is unclear and likely impossible to definitively determine" the extent to which "word of mouth" techniques were passed to the interrogators in Abu Ghraib by the Mobile Training Team from Fort Huachuca.

It also proved impossible for the Fay and Schlesinger panels to determine the extent of the CIA's role because neither had sufficient access to the agency. Both, however, pointed fingers in its direction.

The Fay report notes that the CIA's detention and interrogation practices "led to a loss of accountability, abuse, reduced interagency cooperation, and an unhealthy mystique that further poisoned the atmosphere at Abu Ghraib." It also states that CIA officers held "Ghost Detainees" -- including an Iraqi citizen later found dead in a shower, handcuffed with a sandbag over his head, and "three Saudi national medical personnel working for the coalition in Iraq" who were held under false names. The Army allowed the CIA to imprison unidentified and unaccounted-for detainees, thereby circumventing the "reporting requirements under the Geneva Conventions."

Likewise, the Schlesinger panel found that the “CIA’s detention and interrogation practices contributed to a loss of accountability at Abu Ghraib,” but it claims it did not have a mandate or “sufficient access to CIA information” to pursue the matter.

Fay concludes that techniques such as “removing clothing, isolating people for long periods of time, using stress positions, exploiting fear of dogs and implementing sleep and light deprivation” were “new ideas” that some U.S. interrogators at Abu Ghraib learned while working in Afghanistan and the U.S. Navy base in Guantánamo Bay, Cuba.

The methods, however, are anything but “new.” An examination of CIA interrogation manuals shows that they date back before the Vietnam War, supporting charges by human rights advocates that Abu Ghraib is no aberration. What is new is that photographic evidence became public.

#### Interrogation manual

The authors of the CIA’s 1963 KUBARK interrogation manual -- a guide on the art of using fear, threats and pain to cause debility or psychological regression -- were fully aware of the illegality of their methods: “KUBARK’s lack of executive authority abroad and its operational need for facelessness make it particularly vulnerable to attack in the courts or the press.”

The Fay report noted that the death of the Iraqi found in the shower remained unsolved due partly to the fact that “CIA officers operating at Abu Ghraib used alias’ [sic] and never revealed their true names.”

The KUBARK manual notes that prior approval “must be obtained for the interrogation of any source against his will and under any of the following circumstances: If bodily harm is to be inflicted” or “if medical, chemical or electrical methods or materials are to be used.”

Before using an interrogation site, “it should be studied carefully. ... The electric current should be known in advance, so that transformers and other modifying devices will be on hand if needed.”

It notes that psychological rather than physical debility will break a suspect sooner: “The threat of coercion usually weakens or destroys resistance more effectively than coercion itself. The threat to inflict pain can trigger fears more damaging than the immediate sensation of pain.” Elsewhere, it notes, “Intense pain is quite likely to produce false confessions, concocted as a means of escaping from distress.”

The manual, which cites numerous psychological studies and says all detainees should be given a psychological assessment, contains descriptions of different personality types and which techniques to use to interrogate them.

“If a coercive technique is to be used, or if two or more are to be employed jointly, they should be ... carefully selected to match his personality.”

“Persons with intense guilt feelings,” it advises, “may cease resistance and cooperate if punished in some way because of the gratification induced by punishment.”

All of the basic techniques used in Iraq are found in the manual’s pages: sexual humiliation, the use of stress positions and sensory deprivation.

The manual first advises that a suspect’s clothes should be taken. It later notes, “In the simple torture situation the contest is one between the individual and his tormenter. When the individual is told to stand at attention for long periods, an intervening factor is introduced. The immediate source of pain is not the interrogator but the victim himself.”

The manual lists the principal coercive techniques of interrogation as “deprivation of sensory stimuli through solitary confinement or similar methods, threats and fear, debility, pain, heightened suggestibility and hypnosis, narcosis [use of drugs] and induced regression.”

The response to coercion, it says, typically contains “at least three important elements: debility, dependency and dread.”

“Disrupting normal time patterns like sleep and food” can cause disorientation, fear, helplessness and regression. “Deprivation of stimuli induces regression by depriving the subject’s mind of contact with an outer world,” noting that inducing regression will dissolve resistance and create dependence.

“Results produced only after weeks or months of imprisonment in an ordinary cell can be duplicated in hours or days in a cell which has no light ... which is soundproofed, in which odors are eliminated, etc. An environment still more subject to control, such as water tank or iron lung, is even more effective.”

The manual also suggests threatening a detainee suspected of feigning mental illness by telling him that he might need “a series of electric shock treatments or a frontal lobotomy.”

The 1963 KUBARK manual -- and its descendant, the “Human Resource Exploitation Training Manual 1983” -- were both released in the 1990s with numerous deletions after The Baltimore Sun threatened the CIA with a lawsuit. The newspaper sought the manuals in connection with its 1995 series about the CIA-trained Honduran Battalion 3-16, a secret army unit whose torture methods mirrored those in the manuals.

Honduras, which shares borders with Nicaragua and El Salvador, was used by the Reagan-Bush administration in the 1980s as a base to fight Salvadoran rebels and to topple the Nicaraguan Sandinista government with the CIA-trained contra rebels.

Washington’s key man in Honduras was Gen. Gustavo Álvarez, a graduate of the U.S. Army’s School of the Americas, who created 3-16 with the CIA’s help and who worked closely with U.S. Ambassador John Negroponte, whose reports gave the impression that the Honduran military respected human rights.

However, Battalion 3-16 atrocities were detailed in a 1988 New York Times story, headlined “Testifying to Torture.” Florencio Caballero, a 3-16 interrogator who later fled to Canada, told the Times that the CIA trained him and two dozen others in psychological methods. They were taught “to study the fears and weaknesses of a prisoner. Make him stand up, don’t let him sleep, keep him naked and in isolation, put rats and cockroaches in his cell, give him bad food, serve him dead animals, throw cold water on him, change the temperature.”

Caballero said the CIA taught that psychological coercion was more effective than physical torture, but that interrogations often degenerated into physical torture. He told of a 24-year-old woman named Ines Murillo who was stripped, starved, deprived of sleep, beaten, burned, electrically shocked and sexually molested.

Fay’s Abu Ghraib report makes the same point about dehumanizing interrogations degenerating: “What started as nakedness and humiliation, stress and physical training, carried over into sexual and physical assaults.”

Human Rights Watch makes a similar point, saying that U.S. forces operating in Iraq, Guantánamo and Afghanistan have “used interrogation techniques including hooding, stripping detainees naked, subjecting them to extremes of heat, cold, noise and light, and depriving them of sleep -- in violation of the Geneva Conventions and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This apparently routine infliction of pain, discomfort and humiliation has expanded in all too many cases into vicious beatings, sexual degradation, sodomy, near drowning and near asphyxiation. Detainees have died under questionable circumstances while incarcerated.”

The 1983 CIA Human Resource Exploitation Training Manual states, “While we do not stress the use of coercive techniques, we do want to make you aware of them and the proper way to use them.” It states that if they are to be used, they always require “prior HQS approval.”

The Schlesinger report says U.S. interrogators at Guantánamo were required to get approval from Rumsfeld or the U.S. Southern Command before using certain methods such as hooding, stripping, 30-day isolations, stress positions and playing on a detainee’s phobias.

The 1983 manual advises that a subject should be arrested in the early morning when the subject “least expects it” and when it would cause “intense feelings of shock, insecurity and psychological stress.” He should be “rudely awakened and immediately blindfolded and handcuffed” and transported “by circuitous route.” Excessive force should not be used because “if they break the subject’s jaw, he will not be able to answer questions.”

Similarly, the Fay report on Abu Ghraib notes, “It became a common practice for maneuver elements to round up large quantities of Iraqi personnel in the general vicinity of a specified target as a cordon and capture technique. Some operations were conducted at night, resulting in some detainees being delivered to collection points only wearing night clothes or under clothes.”

The 1983 manual advises that the subject should be “completely stripped and told to take a shower. Blindfold remains in place while showering and guard watches throughout. Subject is given a thorough medical examination, including all body cavities.”

The Fay report noted that nudity likely “contributed to an escalating ‘de-humanization’ of the detainees and set the stage for additional and more severe abuses to occur.” Meanwhile, Dr. Robert Jay Lifton, writing in the July issue of the *New England Journal of Medicine*, said that evidence is mounting “that U.S. doctors, nurses and medics have been complicit in torture and other illegal procedures in Iraq, Afghanistan and Guantánamo Bay.” Doctors, he said, have “turned over prisoners’ medical records to interrogators who could use them to exploit the prisoners’ weaknesses or vulnerabilities.”

The “exploitation” manual goes on to say the interrogation room is the “battleground” where the interrogator “has total control over the subject” and can manipulate the environment “to create unpleasant or intolerable situations to disrupt patterns of time, space and sensory perception.”

The Fay report blames many of the abuses at Abu Ghraib on misinterpretations of a paragraph in an “outdated” 1987 Army field manual, which reads in part: “The interrogator should appear to be the one who controls all aspects of the interrogation to include the lighting, heating and configuration of the interrogation room, as well as the food, shelter and clothing given to the source.”

The 1983 interrogation manual states the subject should be placed in a soundproof cell and not allowed to relax. Furthermore, “there should be no built-in toilet facilities,” and the subject should “either be given a bucket or escorted by a guard to the latrine. The guard stays at his side the entire time.”

Cells should have windows that can be “covered to disrupt the sense of night and day.”

“Heat, air and light should be externally controlled.” Interrogators should disrupt the subject’s patterns of eating and sleeping. “Meals and sleep should be granted irregularly” to disorient the subject and destroy his capacity to resist. “If successful,” a handwritten note adds, “it causes serious psychological damage and therefore is a form of torture.”

The handwritten note was added in the mid-1980s after another CIA manual was made public and caused a public fury. Other revisions have also been written in, but the original text is still easily readable.

The manual also states, “Many psychologists consider the threat of inducing debility to be more effective than debility itself.”

Like KUBARK, the 1983 exploitation manual lists various personality types and how to deal with them during questioning. It advises making a psychological assessment to determine which personality category the subject fits in, noting “any psychological abnormalities ... what his potential vulnerabilities are. How he views his potential for surviving his situation.”

The subject must be convinced that the interrogator “controls his ultimate destiny.” The number of variations in techniques, the manual says, “is limited only by the experience and imagination” of the interrogator.

“The torture situation is an external conflict, a contest between the subject and his tormentor. The pain which is being inflicted upon him from outside himself may actually intensify his will to resist. On the other hand, pain which he feels he is inflicting upon himself is more likely to sap his resistance.” One example given was requiring the subject “to maintain rigid positions, such as standing at attention or sitting on a stool for long periods of time.”

In a section named “Coercive Techniques,” interrogators are advised not to make empty threats. “If a subject refuses to comply once a threat has been made, it must be carried out. If it is not carried out, then subsequent threats will also prove ineffective.”

“The purpose of all coercive techniques is to induce psychological regression in the subject.” However, if “the debility-dependency-dread state is unduly prolonged, the subject may sink into a defensive apathy from which it is hard to arouse him.” The symptoms most commonly associated with solitary confinement and sensory deprivation are “hallucinations and delusions.”

In an ambiguous note, interrogators are advised to ask themselves a cautionary question: If the subject is released, “will he be able to cause embarrassment by going to the newspapers or courts?”

The CIA developed the “Psychological Operations in Guerrilla Warfare” manual to help train Nicaraguan contras, whom the Reagan administration armed and financed in an effort to overthrow the Sandinista government in the 1980s.

Unlike the 1963 KUBARK and 1983 interrogation manuals, the CIA contra guide deals not with counterinsurgency measures, but with creating an insurgent force. Nevertheless, it is noteworthy in that it sheds light on the Reagan administration’s use of an abusive proxy army, its snubbing of international law, and again on John Negroponte, who was the ambassador to Honduras when the contras used Honduras as a staging ground to attack Nicaragua.

The manual, which The Associated Press exposed in a 1984 story, advocates that contras assassinate Nicaraguan officials, seize power through acts of torture and terrorism, and create “martyrs” by placing their supporters in “confrontation with the authorities, in order to bring about uprisings or shootings, which will cause the death of one or more persons, who would become the martyrs.”

The training manual, along with the CIA’s mining of Nicaraguan harbors, played a part in a ruling by the International Court of Justice that the United States had broken international law, should pay reparations and stop its war against Nicaragua. But the Reagan administration refused to recognize the court’s jurisdiction.

The current Bush administration has adopted the same stance toward the International Criminal Court, refusing to join the world’s first permanent war crimes tribunal, partly out of fear that the court could prosecute U.S. military personnel and their superiors. In addition, the Bush administration has withheld military aid and training to nations that refuse to sign “Article 98 waivers,” agreements stating that they will not extradite U.S. citizens accused of war crimes to the Hague for prosecution by the court.

## SOA manuals

The six manuals used at the U.S. Army School of the Americas and distributed across Latin America by Mobile Training Teams were used from 1982 to 1991, throughout most of the Reagan and Bush administrations.

They carried the titles “Handling of Sources,” “Revolutionary War and Communist Ideology,” “Terrorism and the Urban Guerrilla,” “Interrogation,” “Combat Intelligence,” and “Counterintelligence.”

A 1992 Pentagon investigation of the manuals found that they advocated executions of guerrillas, extortion, physical abuse and coercion. The findings were kept secret until September 1996 when the Pentagon disclosed them, fearing that Congressman Joseph Kennedy had obtained a copy of the manuals.

Kennedy, who conducted a five-year campaign to close the school, told the media later that “according to the Pentagon’s own excerpts, School of the Americas students were advised to imprison those from whom they were seeking information; to ‘involuntarily’ obtain information from those sources -- in other words, torture them; to arrest their parents; to use ‘motivation by fear’; pay bounties for enemy dead; execute opponents; subvert the press; and use torture, blackmail and even injections of truth serum to obtain information.”

The “Revolutionary War” manual offers perhaps the most timely tie-in: maintaining that an insurgent “does not have a legal status as a prisoner of war under the Geneva Convention.” The current Bush administration has tried to reclassify POWs held at Guantánamo as “unlawful combatants” to strip them of protections under the Geneva Conventions.

Another manual advised counter-intelligence agents to use fear and false imprisonment. Up to 90 percent of the detainees at Abu Ghraib were falsely detained and had no connection whatever with terrorism, according to the International Committee of the Red Cross.

The School of the Americas, renamed in 2000 the Western Hemisphere Institute for Security Cooperation, has produced hundreds of human rights abusers, which the Pentagon has repeatedly called “a few bad apples.” Its 1992 Pentagon investigation also claimed that the manuals had been compiled from outdated instructional material, an argument also made by the Fay panel in its Abu Ghraib report.

The 1992 Pentagon report on the School of the Americas called it “incredible” that the use of the manuals “evaded the established system of doctrinal controls.” Nevertheless, the investigators “could find no evidence that this was a deliberate and orchestrated attempt to violate Department of Defense or Army policies.”

Kennedy, who did his own investigation, said the manuals were assembled at Fort Huachuca under the supervision of Maj. Richard L. Montgomery, who had worked in the CIA’s Phoenix program in Vietnam.

Despite the Pentagon's insistence that the material was not properly reviewed, Kennedy said, the training material was sent to the Pentagon for review, and it was returned to the School of the Americas approved and unchanged.

A similar defense has been mounted for the other interrogation manuals. The Reagan administration, for example, claimed that the CIA's contra manual had not been officially approved and was the work of an "overzealous freelancer" under contract with the CIA.

It's the photographic evidence that separates the current scandal from those in the past.

"We were caught red-handed," said Peter Kornbluh, a senior analyst for the National Security Archive. "I think the types of abuses and human rights atrocities committed by our allies like Augusto Pinochet had a degree of separation for the American public. But this scandal eliminates that distance. The abuse was not only committed directly by the U.S. military but it was captured on digital camera."

James Hodge and Linda Cooper are the authors of *Disturbing the Peace: The Story of Father Roy Bourgeois and the Movement to Close the School of the Americas*, published this fall by Orbis Books.

When seeking comment on the evidence that the torture techniques used at Abu Ghraib are not new, but have a 50-year history, NCR first talked to a Sgt. Watson at the Defense Department's press office.

Watson referred the call to Lt. Col. Barry Venable, who said he couldn't comment, that he was "not too familiar with the whole detainee operation." Venable turned the call over to his colleague, Lt. Col. John Skinner, who said he was not an interrogation expert and couldn't speak to what's been used in the past. Skinner, in turn, recommended calling the U.S. Army, which he said is "the executive agent for detention operations" and could provide a historical look at what "they might have used in previous conflicts."

Skinner suggested NCR call Army public affairs officer Dov Schwartz. Upon hearing the question about the history of the techniques, Schwartz referred us to Skinner. When told that Skinner had just sent the call to him, Schwarz then said to call Lt. Col. Barry Johnson in Iraq.

When asked if Johnson would know the history, Schwartz replied: "I don't know if any of us are going to know the history, but he's the best one I'm going to be able to give you."

Several calls to Johnson each ended in a recording that said, "The customer you have dialed is unavailable." There was no voice mail to leave a message.

National Catholic Reporter, November 5, 2004

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## Against Torture<sup>4</sup>

David P. Gushee

*“Amazingly, the evangelical community in America remains grotesquely silent about [torture]. Silence in a court of law implies agreement, and the court of world opinion watches and waits for an evangelical response.” --CT reader Dan Karns*

### I. Vignettes of Torture

“Three marines in Mahmudiya used an electric transformer, forcing a detainee to ‘dance’ as the electricity coursed through him.”

“On another occasion DETAINEE-07 was forced to lie down while M.P.’s jumped on his back and legs. He was beaten with a broom and a chemical light was broken and poured over his body....During this abuse a police stick was used to sodomize DETAINEE-07 and two female M.P.’s were hitting him, throwing a ball at his penis, and taking photographs.”

In Guantanamo, “burning cigarettes were placed in the ears of detainees.”

“A dog was allowed in the cell of two male juveniles and allowed to go ‘nuts.’ Both juveniles were screaming and crying, with the youngest and smallest trying to hide behind the other juvenile.”

“They threw pepper on my face and the beating started. This went on for a half hour. And then he started beating me with the chair until the chair was broken. After that they started choking me...And then they started beating me again. They concentrated on beating me in my heart until they got tired from beating me.” –accounts from US government and officially authorized investigations

A detainee “had been hooded, handcuffed in the back, and made to lie down, on a hot surface during transportation. This had caused severe skin burns that required three months’ hospitalization...” –International Committee of the Red Cross, February 2004

“In November 2002, an inexperienced CIA case officer allegedly ordered guards to strip naked an uncooperative young detainee, chain him to the concrete floor, and leave him there overnight without blankets. He froze to death, according to four U.S. government officials.” –Washington Post, November 2, 2005.

“al-Qatani was forced to perform dog tricks on a leash, was straddled by a female interrogator, forced to dance with a male interrogator, told that his mother and sister were whores, forced to wear a woman’s bra and thong on his head during interrogation, and subjected to an unmuzzled dog to scare him.” –Newsweek, November 21, 2005

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<sup>4</sup> This is the longer unedited version of the cover article in the February 2006 issue of *Christianity Today*. The unedited version was taken from Dr. Gushee’s website, <http://www.davidgushee.com>. The published version is available online at <http://www.christianitytoday.com/ct/2006/002/23.32.html>, along with related links and other articles.

“A former Iraqi general “died of asphyxiation after being stuffed head-first into a sleeping bag...at an American base in Al Asad.” –New York Times, October 23, 2005

Over 83,000 people have been detained in the “war on terror.” Roughly 14,500 are currently in custody. Over two hundred have been detained for more than two years. One-hundred-eight have died in US custody as of March 2005. Twenty-six of these deaths are being investigated as criminal homicides. --AP report, November 2005

## II. Understanding Torture

The word “torture,” tellingly, comes from the Latin *torquere*, to twist. Amris and Arenas define it as “the infliction of *severe pain* (whether physical or psychological) by a *perpetrator* who acts *purposefully* and *on behalf of the state*” (italics in original). Webster’s Dictionary says that torture is “the inflicting of severe pain to force information and confession, get revenge, etc.”

According to international law scholar Lisa Hajjar, the governmental context is the key to understanding torture. It involves “purposefully harming someone who is in custody—unfree to fight back or protect himself or herself and imperiled by that incapacitation.” For Hajjar, the definition of torture hinges not so much on the specific details of various kinds of harm that human beings can do to one another, but on the fact that the tortured are prisoners in the custody of a government. They are persons upon whom suffering is inflicted for some public purpose.

This helps us understand our current moment. The debate in our nation today concerns whether various kinds of harm can be inflicted by those serving our government upon prisoners who are in our custody. Most particularly, the current debate focuses on what kinds of measures legitimately can be taken to extract information from prisoners held by us in the “war on terror” and/or the wars in Afghanistan and Iraq. As such, it is a debate about the proper use of government power in a liberal democracy.

As to the exact kinds of acts that constitute torture, there is no single precise definition—they seem to fall along on a continuum, but this does not signify that the meaning of the term is infinitely elastic. International agreements that deal with torture provide some clues. The 1948 Universal Declaration of Human Rights simply states that “no one shall be subjected to torture or to cruel, inhuman, or degrading treatment.” Article 17 of the Third Geneva Convention (1949) asserts that “no physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war,” but instead, “persons taking no active part in the hostilities...shall in all circumstances be treated humanely.” The 1985 UN Convention Against Torture defines it as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.” The United States is a signatory to all of these international declarations and historically has incorporated their principles into military doctrine. For example, the 1992 (current, though under revision) U.S. Army Field Manual tells soldiers that “[Geneva] and U.S. policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats [or] insults...as a means of or aid to interrogation.”

Mark Bowden, a military scholar and author of *Black Hawk Down*, reminds us that torture is “a crude and ancient tool of political oppression,” practiced by governments for various reasons through the centuries and by many still in our own time. The kinds of acts most often classified

as torture make for a dreary catalog of pain. They include slicing tongues out, beatings with clubs, use of electric cattle prods, employment of mind-altering drugs, sticking pins under or through fingernails, cutting off fingers, hands, ears, noses, or other body parts, and so on. There is no end to inventive ways of harming the bodies and minds of other human beings.

When the current U.S. president says of the United States that “we do not torture,” perhaps these kinds of acts are what he has in mind. But it is now clear that since September 11, 2001 the Bush Administration, chafing under the perceived constraints of the ban against torture, has attempted to carve out room for acts that brush up against the boundary line separating aggressive interrogation from torture without (they believe) crossing over it. Called “enhanced interrogation techniques,” “professional interrogation,” “moderate physical pressure,” or even (by outside analysts) “torture lite,” these have included a variety of measures, some approved as policy by our government and others not publicly acknowledged or approved but found by both independent and government investigators to have occurred in our detention facilities.

Among the sometimes approved measures have been prolonged standing, removal of detainees’ clothing, sensory deprivation, hooding (often with smelly hoods), prolonged interrogations, use of dogs, shaving of beards, grabbing, poking, or pushing, sleep adjustment/deprivation, and waterboarding (dripping water onto a wet cloth over the detainee’s face, which feels like drowning).

Among the (apparently) unapproved but practiced measures, some of which were mentioned at the beginning of this article, have been punching, slapping, and kicking detainees, religious and sexual humiliation, prolonged shackling, exposure to severe heat or cold, food or toilet deprivation, mock or threatened executions, letting dogs threaten and in some cases bite and severely injure detainees, and taking photographs of such things as well as of dead detainees.

The abuses (that is, unapproved measures) appear to have been particularly prevalent in military intelligence interrogations, among private U.S. contractors serving the military, and among the underprepared and poorly trained military police at places like Abu Ghraib. There are also profound worries and disturbing allegations about what is going on with “high value” detainees in CIA interrogations at undisclosed locations, and certainly about what is happening to prisoners “rendered” to other countries (many known to practice torture) by our government. Lack of any access to such sites or prisoners makes it impossible to know what is happening in these cases.

Internal Bush Administration documents reveal various efforts to define either acts or prisoners in such a way as to permit at least the approved measures just described. *Techniques* that many consider torture, or tantamount to torture, have been renamed as “enhanced interrogation.” While “torture” has been officially rejected, the Administration balks at any legal restriction on “cruel, inhuman, or degrading” treatment of detainees, at least if not held on U.S. soil. *Prisoners* held in the war on terror generally have been viewed as “unlawful combatants” and thus beyond the reach of American criminal, civil, or most military law protections or of international law. By defining torture and the applicability of law narrowly--and military necessity in the “war on terror” broadly--the U.S. government has made official room for acts against detainees that have never before been officially approved by our government, whether we would choose to classify them as “torture lite” or “torture” or something else. The question before us is whether, as

Christians, we can support our government in this movement into the neighborhood of torture and sometimes across the borderline into torture. I believe the answer is a clear No.

### III. Where and how is torture prohibited?

The ban on torture in international law, as Hajjar notes, “is stronger than almost any other human right because the prohibition of torture is absolutely non-derogable and because the law recognizes no exceptions. What this means is that no one—ever, anywhere—has a ‘right’ to torture, and that everyone—always, everywhere—has a right not to be tortured. It also means that anyone who engages in or abets torture is committing a crime.”

The prohibition on torture has been understood since the late 1940s as both a matter of fundamental human rights and a right accorded to prisoners of war. In other words, no human being may be tortured, just because they are human. And no prisoner of war may be tortured, not just because they are human but particularly because they are prisoners of war and as such are covered by various protections in international law. Both understandings were deeply affected by the atrocities that occurred against civilians and P.O.W.’s during World War II.

This ban on torture has roots deep in the emergence of liberal democracy, because, as Michael Ignatieff has written, “liberal democracy stands against any unlimited use of public authority against human beings, and torture is the most unlimited, most unbridled form of power that one person can exercise against another.” Therefore it is one of the strongest international legal prohibitions in existence; once ratified and codified by states it becomes part of each nation’s law as well. Hajjar points out that at least in legal terms the right not to be tortured is actually stronger than the right to life: “There are many circumstances in which people legally can be killed, but none under which people legally can be tortured.” For example, it is perfectly legal (however tragic) to kill an enemy combatant in wartime, but not at all legal to take that same person into custody, disarm him, and then torture him.

And this prohibition on torture in international law quite explicitly admits no exceptions. The UN Convention Against Torture puts it this way: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.”

The U.S. ratified this convention in 1994, before September 11<sup>th</sup>, before our launch of the war on terror. Now many Americans and certain leading Administration officials believe that acts at least tantamount to torture are indeed morally permissible in the exceptional case posed by Islamist terrorism. As State Department official Cofer Black famously put it: “All I want to say is that there was before 9/11 and after 9/11. After 9/11 the gloves came off.” Here is why I believe that, regardless of 9/11, the absolute prohibition of torture remains a moral and legal norm that should not be weakened.

### IV. A Moral Analysis of Torture

Let me begin by granting the obligation of government to preserve public order and protect the security of its population. This principle is recognized in international law, moral thought, and public opinion. For Christians, it is clearly stated in Romans 13:1-7. Government deters

violations of peace and order, punishes wrongdoers, and does all it can to advance the common good within the limits of its mandate. This work of government does involve the sword; that is, coercion, and in necessary cases, violence. Various legal and moral restrictions are placed on government as it exercises this fearsome power. It is generally understood that government officials must use the minimum force necessary to accomplish their missions.

Let me also grant that the terrorist attacks of September 11<sup>th</sup> were one of the most heinous acts ever visited upon this nation and a clear violation of the laws of war and of any kind of civilized moral code. Terrorist acts around the world since then remind us that our nation, along with many others, faces the threat of enemies who do not adhere to the kinds of moral scruples that we are considering in this essay.

Finally, I also grant the point that Mark Bowden makes in arguing that there is a built-in tension between what he calls the “warrior ethic” and the “civilian ethic.” For the warrior, the goal is to accomplish the mission. For the civilian, the goal is to preserve the rule of law. Even if we grant that well-intentioned warriors also recognize the importance of the rule of law, and that well-intentioned civilians recognize the importance of accomplishing the mission, their passions and priorities tend to differ. They will always stand in some tension with one another. Managing this tension is a major challenge in any civilized society. I acknowledge that I write from the civilian side.

So I do not write to demonize those who believe that protecting our nation’s security, and preventing the horror of another September 11, requires the use of interrogation techniques that could be classified as at least borderline torture. But I do believe that the case against this move is far stronger than the case for it. Here is why:

*(1) Torture violates the intrinsic dignity of the human being, made in the image of God.*

The human person is a creation of God. Every inch of the human body and every aspect of the human spirit come from God and bear witness to his handiwork. We are made in the image of God (Gen. 1:26-28). Human dignity (value, worth) comes as a permanent and ineradicable endowment of the Creator, to every person.

Recognition of the intrinsic dignity of the human being requires a corresponding restraint in our behavior toward all human beings. Christians, at least, should be trained to see in every person the imprint of God’s grandeur. This should create in us a sense of reverence or even sacredness. Here, we say—and we say it even of detainees in the war on terror—is a human being sacred in God’s sight, made in God’s image, someone for whom Christ died. No one is *ever* “subhuman” or “human debris,” as Rush Limbaugh has described some of our adversaries in Iraq. An inchoate sense of the proper reverence due to every human person makes its way even into “secular” and public codes, such as international legal documents. These texts may not be able to say why human beings should be treated with respect but they know that this is in fact a binding obligation. Christians can say why: because this “detainee,” even this “terrorist,” if he is one, is a child of God, made in God’s image.

A moral commitment to the dignity of the human person is sometimes fleshed out in terms of human rights. Just because they are human, on this view, people have rights to many things,

including the right not to be tortured. Christians sometimes debate the legitimacy of “rights-talk,” partly because it is a language often overused in modern debate and partly because we think about how Jesus gave up all of his “rights.” Just because someone claims a “right” does not mean that it is a right. But I believe that at least an implication of a biblical understanding of human dignity is the existence of a set of human rights. Among the most widely recognized of these in both legal and moral theory is the right to bodily integrity; that is, the right not to have intentional physical and psychological harm inflicted upon oneself by others. The ban on torture is one expression of the right to bodily integrity.

The absoluteness of such human rights can be debated. Following the categories of Catholic moral reasoning, Robert G. Kennedy has argued that even the most widely recognized human rights, such as the right to life or the right not to be tortured, are absolute in *existence* but not *extent*. What this means is that while the right not to be tortured applies to all persons, like all rights it can, at least in theory, be qualified by other rights and by the requirements of justice. Kennedy argues that “defensive interrogatory torture” (and only this kind of torture) may be morally legitimate under very carefully qualified conditions. And yet he goes on to argue that “it is quite likely that most instances in which interrogatory torture is employed would not conform to these principles and so would be immoral.”

Whether we open the door to torture just a crack, as Kennedy suggests, or keep it firmly shut as an absolute ban, as I believe, the principle of human dignity and its correlated rights remains a transcendently important reason to resist the turn toward torture. And because rights correspond with obligations, all of us who recognize the human right not to be tortured have an obligation to protect those rights. This is an obligation—I say it with sorrow—that as Christians, and as Americans, we have not been meeting in the last four years.

## *(2) Torture mistreats the vulnerable and thus violates the demands of public justice*

Lisa Hajjar points out that torture, by definition, is something that a government does to a person in its custody. Imprisoned people are vulnerable people. Whatever they did, or may be suspected of having done, once in our hands they are completely vulnerable to us.

Justice has many meanings and can be defined in many ways. But it is clear in the Scriptures that God’s understanding of justice tilts in the direction of the vulnerable. “Do not mistreat an alien or oppress him, for you were aliens in the Egypt. Do not take advantage of a widow or an orphan. If you do and they cry out to me, I will certainly hear their cry” (Ex. 22:21-23). As this text suggests, primary forms of injustice include the violent abuse and domination of the powerless by the powerful and their exclusion from participation in a community that cares about their rights and needs.

One reason why there are so many layers of procedures and protections given to accused and imprisoned persons in our legal system (and to prisoners of war in international law) is precisely their powerlessness at the hands of government authority. Justice requires attempting to balance the scales so that defenseless people are not overpowered or abused by governments. This is especially important in any legal system, which has the power to deprive people of their liberty, and sometimes their lives.

The 83,000 people who have been detained by our government and military in the last four years are, by definition, as prisoners, vulnerable to injustice. Those of them who have been abused or mistreated by representatives of our nation—as in the examples cited in this essay—are victims of injustice, however carefully we may define or excuse the treatment that we have meted out to them. They were in our hands and we abused our power over them. They were dominated, harmed, abused, and sometimes violated physically, even murdered. Christians must learn to care about justice—more, we must develop a deep passion for justice, the kind of passion for justice that God has, the one who hears the cries of the oppressed and dominated (Ex. 2:23-25). Torture is an injustice and must be protested as such.

*(3) Authorizing any form of torture trusts government too much*

Human beings are sinful through and through (Rom. 3:10-18). We are not to be trusted. We are especially dangerous when unchecked power is concentrated in our hands. This applies to all of us.

So certainly it is likely that authorizing even the “lightest” forms of torture risks much abuse. As Richard John Neuhaus puts it, “We dare not trust ourselves to torture.” Or as Gary Haugen recently wrote, “Because the power of the state over detainees is exercised by fallen human beings, that power must be limited by clear boundaries, and individuals exercising such power must be transparently accountable.”

Haugen rightly emphasizes both the procedural and substantive regulation of detainee interrogation. Given human sinfulness, it’s not just that people should be told not to torture, but also that structures of due process, accountability, and transparency must buttress those standards to make them less likely to be violated and subject to redress if violated. This is what is so dangerous about the discovery of secret CIA prisons in Europe and “ghost detainees” who are located no one knows where. As Manfred Nowak, UN special rapporteur on torture said at the time the CIA’s secret prisons were revealed, “Every secret place of detention is usually a higher risk for ill treatment, that’s the danger of secrecy.” Just because U.S. government officials say that we can be trusted to act “in keeping with our values”—without due process, accountability, and transparency—does not make it so. No government is so virtuous as to be able to overturn the too often verified laws of human nature, or to be beyond the need for democratic checks and balances.

*(4) Torture invites the dehumanization of the torturer*

In reflecting on torture, Mark Bowden concludes that sometimes it is the right choice. But even so, he worries, “how does one allow it yet still control it? Sadism is deeply rooted in the human psyche. Every army has its share of soldiers who delight in kicking and beating bound captives. Men in authority tend to abuse it—not all men, but many. As a mass, they should be assumed to lean toward abuse.”

Loosening longstanding restrictions on physical and mental cruelty toward prisoners risks the dehumanization not just of the tortured but the torturers. What may be intended as carefully calibrated interrogation techniques easily tempt their implementers in the direction of sadism—pain infliction for the sheer fun of it, especially in the heat of military conflict, in a climate of

fear and loathing of the enemy, and in the context of an endless war on terror. How many of us could be trusted to draw the line consistently between the permitted “grabbing, poking, and pushing,” on the one hand, and the banned “punching, slapping, and kicking,” on the other? How much self-control can we reasonably expect people to exercise? And once the line has been crossed to torture, as Michael Ignatieff claims, it “inflicts irremediable harm on both the torturer and the prisoner.”

Frederick Douglass commented famously on how holding a slave slowly ruined the character of the woman who owned him. Martin Luther King frequently talked about how in a sense the greatest victims of segregation were the white people whose souls were deformed by their own hatred. Alexander Solzhenitsyn, reflecting on the Soviet Gulag, said that “our torturers have been punished most horribly of all: they are turning into swine, they are departing downward from humanity.”

War threatens the dehumanization of all sides and all parties. This is why there are so many limits placed on how wars may be fought. The ban on torture is one of those limits, and for good reason.

*(5) Torture erodes the character of the nation that tortures*

A nation is a collective moral entity with a character, an identity across time. Causes come and go, threats come and go, but the enduring question for any social entity is who “we” are as a people. This is true of a family, a church, a school, a civic club, or a town. It is certainly true of a nation.

Senator John McCain, who has led the Republican charge against the drift toward torture, has said, “This isn’t about who they are. This is about who we are. These are the values that distinguish us from our enemies.” In a November *Newsweek* article, he put it this way: “What I . . . mourn is what we lose when . . . we allow, confuse, or encourage our soldiers to forget that best sense of ourselves, that which is our greatest strength—that we are different and better than our enemies, that we fight for an idea, not a tribe, not a land, not a king . . . but for an idea that all men are created equal and endowed by their Creator with inalienable rights.”

McCain is saying something very important here. His worry is that any move toward torture threatens our national character, our shared values, and our goodness as a nation. He rightly acknowledges that our Islamist terrorist enemies do not share our commitment to the rule of law, to human rights, to procedural justice, to limits on what can be done for the cause, however holy. This is tragic, even evil, and it makes them a particularly lethal and insidious threat, but it does not somehow settle the question of how we as a nation should respond.

We often say in church circles that people of integrity respond to life on the basis of scriptural principles, not preferences, feelings, or circumstances. We act on the basis of who we are, not who others are. If someone is ruthless to us at work this does not authorize biblical people to be equally ruthless in return. If someone violates their covenant with us it does not authorize us to do the same to them. Mature persons, and nations, know what their core values are and seek to act in every circumstance in a manner consistent with those values. If they abandon those values when severely tested, it raises real questions as to how deeply such values were ever held.

*(6) Torture risks negative consequences at many levels*

Those who know anything about moral theory know that the argument for torture is essentially a utilitarian one. Some are willing to torture because they believe it is the best means available to protect the 300 million people who live in this country. Hundreds/thousands of (foreign) detainees suffer as the price of protecting millions of us. Thus we achieve the greatest good for the greatest number of people.

Utilitarianism is a deeply flawed moral theory, as has been shown by many. In emphasizing intrinsic human dignity, and concerns about both personal and national character, I have implicitly rejected any purely utilitarian argument for (or against) torture. Indeed, because I believe that torture is intrinsically wrong, it poses a risk to the very argument I am making even to entertain utilitarian considerations. But because many policymakers and citizens at least implicitly operate from a utilitarian framework, it must be addressed here.

The greatest gain promised by the resort to torture is that it might extract information from suspects that would otherwise be unavailable. In the most sensational and widely discussed scenario—the so-called ticking bomb case—utilitarians argue strongly that the torture of one terrorist at a pivotal moment could in turn save thousands of lives, and thus it must be permitted.

In a brilliant utilitarian analysis of what an institutionalized torture regime might look like, and what its consequences might be, Jean Marie Arriga has suggested a number of difficulties even for a utilitarian approach to torture.

For example, and as many others have noted, there is abundant evidence that people will say anything under torture, just to stop the pain. It is not just that they will be intentionally deceptive, but even more that after sufficient torture they may lack the mental ability to distinguish between truth and falsehood or to convey the truth. If the goal of torture is to extract critical information, these problems are obviously profound. Several news agencies have reported that information apparently gained from torture has proven false—after being announced as an important intelligence score by the U.S. government. The overall reliability of intelligence gained from torture remains the subject of great controversy.

The ultimate goal in gaining this information is to protect national security. However, there is good reason to wonder whether the use of torture more deeply motivates extant terrorists, and turns more people from concerned bystanders into hardened terrorists, than any intelligence benefit that might be gained. An editorial in the Vancouver Sun put it well: “Those subjected to physical torture usually conceive undying hatred for their torturers.” One must therefore also consider the greater likelihood that American civilians (here or especially abroad) and American troops overseas will be subject to torture (or terror) by aggrieved enemies.

Further, as has already happened, sometimes the consequences of torture are worse than intended, as when victims die prematurely due to the physical or mental toll. From a utilitarian perspective the main problem here is that a dead person cannot give you any information whatsoever. And, of course, as news of deaths trickle out, moral outrage scandalizes the

torturer's own people, the families and communities of the persons who have died in custody, and general world opinion.

Arriga's most original insights concern the unintended but likely institutional consequences that can and often do flow from a torture regime. For example, medical and psychological practitioners become involved in enhancing and medically managing torture techniques, thereby risking the corruption of these institutions which are supposed to serve as agents of healing—or evoking their opposition. Biomedical specialists are recruited to study and develop torture, and torture resistance, techniques. Special torture interrogation units are established, with training in especially sophisticated methods of torture and a consequent demoralization and negative effect on other governmental and security institutions. The use of rogue torture interrogation services, such as organized crime, covert U.S. torture agencies, and brutal foreign intelligence services also poses severe problems in terms of command and control of torture operations and the empowerment of rogue elements here and abroad. Arriga's article was published in 2004; one wonders how many of her concerns already are uncomfortably close to hitting their mark in our own case.

The “ticking bomb” case is theoretically important but in actuality a red herring. It has been wisely said that “bad cases make bad law” and this is true here. The percentage of such ticking bomb cases among the 83,000 people we have detained must be less than infinitesimal. It is just as foolish to legitimize the practice of torture because of this rare possible exception as it would be, say, to legitimize the practice of adultery because of the possibility that someone might have to commit adultery to save their child's life from a criminal who demands sex in exchange for the child's survival.

Much ink has been spilled considering how to handle these very rare ticking bomb cases. Perhaps the most widely discussed proposal has been Alan Dershowitz's suggestion that we permit torture only through a “torture warrant” signed by a judge or a very high government official, such as the president himself, who would therefore bear full legal, political, and moral responsibility.

This would certainly be better than what we are doing now. But I think that any potential resort to torture in rare, ticking bomb cases would be better handled within the context of an outright ban. The grand moral tradition of civil disobedience, for example, specifies that there are instances in which obedience to laws must be overridden by loyalty to a higher moral obligation. These are usually unjust laws but this is not always the case. Dietrich Bonhoeffer participated in an assassination plot against Hitler but did not argue for the rewriting of moral prohibitions of political assassinations. He was prepared to let God and history be his judge. If a one-in-a-million instance were to emerge in which a responsible official believed that the ban on torture must be overridden as a matter of emergency response, let him do so knowing fully that he would have to answer for his action before God, law, and neighbor. This is a long way from an authorized torture regime.

## V. Against Torture

Long ago, German philosopher Immanuel Kant wrote about the perennial human tendency to find exceptions to binding moral rules when those obligations bind just a bit too tightly on *us*.

“Hence there arises a natural...disposition to argue against these strict laws of duty and to question their validity, or at least their purity and strictness; and, if possible, to make them more accordant with our wishes and inclinations, that is to say, to corrupt them at their very source, and entirely to destroy their worth.”

I believe that this is the best explanation for what is happening on the issue of torture in our nation. *Our current crisis represents our succumbing to the temptation to waive moral rules that we have every reason to know are applicable to us.* They are part of international law, military law, and moral law. We would certainly not want our troops or our “detainees” or ourselves to be tortured were the shoe on the other foot. We know that torture is wrong, but just not now, not in our exceptional case, not in this global war on terror. We are tempted to follow the logic of a *Time* magazine article when it says, “In the war on terrorism, the personal dignity of a fanatic trained for mass murder may be an inevitable casualty.”

And yet we are queasy enough about even this “inevitable casualty” that we do not want to call torture torture. We do not want to expose our policies, or our prisons, or our prisoners, to public view. We deny that we are torturing, or we deny that our prisoners are really prisoners, or when pushed to the wall we remind one another of how evil the enemy is. We give every evidence of the kind of self-deception so characteristic of the descent into sin.

It is past time for evangelical Christians to remind both government and society of perennial moral values that also just happen to be international and domestic laws. We must shake free *now*, without any further delay, from our sluggish inattention to this issue, and from our overall tendency toward comfortable partnership with (Republican) American government. We must speak truth to power here. We say we care about moral values and that we vote on the basis of such values. Many of us say that we care deeply about human rights violations around the world. Now it is time to raise our voice about human rights violations directed and permitted by our own government.

This is a call to say a clear and unequivocal No to torture, ultimately on religious grounds, but not on the basis of any kind of idealistic withdrawal from realistic engagement with the world. It is time that we raise our voices and make ourselves heard in our churches, in Congress, in the judiciary, in the executive branch, in the military, and in public opinion.

Christians have dual loyalties that do not always easily cohere. We are loyal to our nation but also, and always more fundamentally, loyal to Jesus Christ. Sometimes these loyalties conflict. In this case, though, rightly understood, they do not.

We serve a tortured, crucified Savior. In the politics of a long ago Empire, reasons of state appeared to require his torture and death. “It is better for you that one man die for the people than that the whole nation perish” (Jn. 11:50).

I have sought to show that a proper understanding of our national well-being requires the rejection of torture. Now I want to close by saying that for Christians a proper understanding of our ultimate loyalty—to Jesus the tortured one—makes any support of torture unthinkable.

## Some Recommended Books<sup>5</sup>

Brecher, Jeremy, Jill Cutler and Brendan Smith, eds. *In the Name of Democracy: American War Crimes in Iraq and Beyond*. Metropolitan Books (October 13, 2005). ISBN 0805079696. (Anthology including interviews, FBI documents, legal briefs, and statements by soldiers turned resisters, re the war crimes committed by the U.S., in starting, and in conducting the war in Iraq.)

Carlson, Eric S. *The Pear Tree: Is Torture Ever Justified?* Clarity Press (February 28, 2006). ISBN: 0932863450. (International human rights advocate, who worked on genocide in former Yugoslavia and on the Argentine disappeared, writes a highly readable and deeply personal examination of this question.)

Danner, Mark. *Torture and Truth: America, Abu Ghraib, and the War on Terror*. DEL-New York Review Books (October 28, 2004). ISBN: 1590171527. (580-page book presents a documentary history of the Abu Ghraib prisoner-torture scandal. The paper trail includes policy statements concerning prisoner treatment signed by Attorney General Ashcroft and President Bush, reports on prisoner mistreatment generated within the United States armed forces themselves and material (including photographs) from outside agencies.)

Gill, Lesley. *The School of the Americas: Military Training and Political Violence in the Americas (American Encounters/Global Interactions)*. Duke University Press (October 30, 2004). ISBN: 0822333929. (American University anthropologist visited inside School of the Americas and reports on the folkways and rhetoric of the school and traces the careers of some of the 60,000 graduates of the school, tying them directly to the torture and death of "Latin American peasants, workers, students [and] human rights activists"—i.e., "opposition.")

Greenberg, Karen J., ed. *The Torture Debate in America*. Cambridge University Press (November 28, 2005). ISBN: 0521674611. (Captures the arguments on torture advanced by legislators, human rights activists, and others. It raises the key moral, legal, and historical questions that have led to current considerations on the use of torture. Divided into three sections, the contributions cover all sides of the debate, from absolute prohibition of torture to its use as a viable option in the War on Terror.)

Greenberg, Karen J. and Dratel, Joshua L., eds. *The Torture Papers: The Road to Abu Ghraib*. Cambridge University Press (January 26, 2005). ISBN: 0521853249. (Documents the so-called 'torture memos' and reports which US government officials wrote to prepare the way for, and to document, coercive interrogation and torture in Afghanistan, Guantanamo, and Abu Ghraib.)

Harbury, Jennifer K. *Truth, Torture, and the American Way : The History and Consequences of U.S. Involvement in Torture*. Beacon Press (September 15, 2005). ISBN: 0807003077. (Offers well-documented evidence of the CIA's continuous involvement in torture tactics since the 1970s, moving personal testimony from many victims, and provides solid, convincing arguments against the use of torture in any circumstances.)

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<sup>5</sup> A limited supply of these titles is available at the Conference Bookstore made possible by Pendle Hill. If we run out of a title, you may order the book through Pendle Hill at 800-742-3150, extension 2, or online at [www.pendlehill.org](http://www.pendlehill.org).

Harbury, Jennifer K. *Searching for Everardo: A Story of Love, War, and the CIA in Guatemala*. Diane Pub Co (December 1997). ISBN 0446520365. (Account of Harbury's persistent search for her husband, a Mayan leader in Guatemala, who was tortured and killed in 1992 by members of the Guatemalan army, and struggles with both the Guatemalan and US governments to find out truth that paid CIA informants were involved.)

Hersh, Seymour M. *Chain of Command : The Road from 9/11 to Abu Ghraib*. HarperCollins (September 1, 2004). ISBN: 0060195916. (Book from keen investigative reporter for the *New Yorker* reveals that conditions suffered by "enemy combatants" at Guantánamo presaged detainee abuses at Abu Ghraib and that not only Rumsfeld, but the President and Vice President were in on it.)

Levinson, Sanford. *Torture: A Collection*. Oxford University Press USA (October 28, 2004). ISBN: 0195172892. (Brings together leading lawyers, political theorists, social scientists, and public intellectuals to debate the advisability of maintaining the absolute ban on torture and to reflect on what it says about our societies if we do--or do not--adhere to it in all circumstances.)

McCoy, Alfred. *A Question of Torture : CIA Interrogation, from the Cold War to the War on Terror*. Metropolitan Books (January 10, 2006). ISBN: 0805080414. (McCoy skillfully traces the use of interrogation methods from the Phoenix program in Vietnam—which was designed to ferret out high-level Vietcong, although of the more than twenty thousand people it killed most were civilians—to the actions of agency-trained secret police in Honduras in the nineteen-eighties, and the treatment of hooded detainees at Abu Ghraib.)

Nelson-Pallmeyer, Jack. *School of Assassins: Guns, Greed, and Globalization*. Orbis Books (November 2001). ISBN: 1570753857. (Exposé of the School of the Americas and its successor and their shifting roles as U.S. foreign policy tools have changed with growing corporate globalization.)

Ratner, Michael, and Ellen Ray. *Guantanamo: What the World Should Know*. Chelsea Green Publishing Company (June 30, 2004). ISBN: 1931498644. (Ratner, president of and civil rights attorney with the Center for Constitutional Rights representing several Guantanamo detainees, details conditions at Guantanamo.)

Risen, James. *State of War: The Secret History of the C.I.A. and the Bush Administration*. Free Press (January 3, 2006). ISBN: 0743270665. (The book's disclosures about secret prisons, "renditions"-the transfer of suspects to countries which may torture them-and domestic wiretaps are likely to be talking points for some time, but its lasting value will be as a record of how the CIA came so tantalizingly close to the truth about Iraq's nonexistent nuclear arsenal.)

## Some Helpful Websites:

This list does not purport to be comprehensive, and your web browsing will undoubtedly turn up others. Information contained below was taken from the websites listed within the two weeks preceding the conference. However, websites do change.

### ► Act Against Torture

Act Against Torture is a coalition of activists based in the San Francisco Bay Area working to abolish torture and indefinite detention, to end U.S. intervention in Iraq and Afghanistan, and to prevent future wars. Their website has downloadable fact sheets, posters, postcards, etc. that can be used in an educational and consciousness-raising campaign. See

<http://actagainsttorture.org/materials.html>.

### ► Advocates for Survivors of Torture and Trauma (ASTT)

The mission of ASTT is to alleviate the suffering of those who have experienced the trauma of torture, to educate the local, national, and world community about the needs of torture survivors, and to advocate on their behalf. Based in Baltimore, Maryland, it operates a satellite office in the Washington, D.C. suburb of Wheaton. Its work includes specialized mental health services and social services for survivors of torture and war trauma. The website also includes useful resources on torture, its consequences, and the needs of survivors, as well as links to other organizations active in this field. <http://www.astt.org/index.html>. Among other resources, a very useful article on “Understanding Torture and Its Effects” can be found at <http://www.astt.org/torture.html>. Among other useful links provided on its Links page (<http://www.astt.org/links.html>), are links to other North American treatment centers for survivors of torture and trauma.

Friend and speaker Karen Hanscom is executive director of ASTT.

### ► American Civil Liberties Union (ACLU)

“The ACLU is our nation's guardian of liberty. We work daily in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States. Our job is to conserve America's original civic values: the Constitution and the Bill of Rights.”

The ACLU has been active in many ways in seeking the protection of constitutional guarantees in the post-9/11 United States, including opposing features of the USAPATRIOT Act, successfully suing the government under the Freedom of Information Act to obtain release of records essential to letting the public know of detainee torture and abuse, advocating the closure of Guantánamo and providing fair and judicially reviewable trials of those detained there as enemy combatants.

ACLU's homepage is <http://aclu.org>. Within its website, two areas will supply most pertinent information related to human rights abuses, "International Human Rights" at <http://aclu.org/intlhumanrights/index.html> and "National Security" at <http://aclu.org/natsec/index.html>. These sites will direct you to a wide array of reports, news releases, and background materials.

### ► American Friends Service Committee – Prison Watch Project

The Prison Watch Project monitors human rights concerns, violations, and abuses of prisoners in the U.S. federal and state prison system, with a regional focus on New Jersey and New York. A special emphasis is maintained on the inappropriate use of isolation and devices of torture. Staff advocate resolution of the complaints through appropriate channels and report abuses to national and international monitoring groups. Staff speak widely on prison issues and provide technical assistance to students, media and authors. Visit <http://www.afsc.org/nymetro/criminalJustice/prisonwatch.htm>.

### ► Amnesty International (AI)

AI is a worldwide movement of people who campaign for internationally recognized human rights. AI's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. In pursuit of this vision, AI's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

AI is independent of any government, political ideology, economic interest or religion. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

Among its many activities worldwide, AI is devoting resources to a Stop Torture Campaign. See <http://web.amnesty.org/pages/stoptorture-index-eng>. The ban on torture and other cruel, inhuman and degrading treatment – the most universally accepted of human rights – is being undermined. In the "war on terror", governments are not only using torture and ill-treatment, they are making the case that this is justifiable and necessary.

AI also maintains a section of its website devoted to issues related to detainment and treatment of prisoners at Guantánamo. See <http://web.amnesty.org/pages/guantanamobay-index-eng>.

AI sponsored a conference "The Global Struggle Against Torture: Guantánamo Bay, Bagram and Beyond," November 19-21, 2005. Proceedings from the conference are available at <http://web.amnesty.org/pages/stoptorture-211205-conference-eng>.

## ► Amnesty International USA (AI-USA)

AI-USA is conducting the **Denounce Torture Initiative**, which aims to build a diverse array of Americans who rigorously oppose the use of torture and ill-treatment in the context of the U.S. led "war on terror," hold every person accountable who has been involved in these acts or fostered the environment under which they occurred, and to stop the practice of extraordinary rendition, also called "outsourcing of torture." Information about this campaign can be found at <http://www.amnestyusa.org/stoptorture/index.do>.

In particular, note that AI-USA is focusing some of its efforts on Stopping the Torture Trade, exposing manufacturers and distributors of the torturers' tools of the trade, shackles, thumb screws, etc. See

<http://www.amnestyusa.org/stoptorture/document.do?id=322965EBCE4B1979802569FA003EC90E>.

## ► Cageprisoners.com

Cageprisoners.com is a non-sectarian Islamic human rights website that exists solely to raise awareness of the plight of the prisoners at Guantanamo Bay and other detainees held as part of the War on Terror. The web-site is not aligned to any Islamic group or organisation. The site was launched in October 2003 during the Muslim holy month of Ramadan by individual Muslim volunteers who came together to (1) educate the public by being a comprehensive resource of information on detainees; (2) campaign for repatriation and asylum and to ensure their human rights; (3) support families of those detained emotionally and financially; (4) motivate others to take organized political and legal actions locally and internationally; (5) cooperate with other individuals and organizations for these ends; and (6) prevent similar treatment of other communities in the future.

Very comprehensive website, reportedly used by lawyers for detainees and journalists, as well as former detainees and family members of detainees.

<http://www.cageprisoners.com/index.php>.

## ► The Center for Constitutional Rights (CCR)

CCR is a non-profit legal and educational organization dedicated to protecting and advancing the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. CCR uses litigation proactively to advance the law in a positive direction, to empower poor communities and communities of color, to guarantee the rights of those with the fewest protections and least access to legal resources, to train the next generation of constitutional and human rights attorneys, and to strengthen the broader movement for constitutional and human rights.

Among many other legal actions, CCR brought the landmark case of *Rasul v. Bush*, which successfully challenged the Bush Administration's policy of holding foreign nationals captured abroad indefinitely at Guantánamo without access to counsel and without charges or trial. <http://www.ccr-ny.org/v2/home.asp>. CCR maintains a special segment of its website, The Guantánamo Action Center, where they suggest action items in addition to providing up-to-date information about Guantánamo. <http://www.ccr-ny.org/v2/gac/>.

### ► Center for Human Rights and Global Justice (CHRGJ)

Based at New York University Law School, CHRGJ focuses on issues related to 'global justice', and aims to end the marginalization of much of the human rights debate by relating it directly to the most pressing issues on the globalization and social justice agendas in the contemporary era. . . . CHRGJ emphasizes research productivity in all aspects of its endeavors and thus aims to contribute strong and innovative analyses of the key issues which must be addressed in the context of the emerging human rights agenda for the twenty-first century. One of their projects focuses on “Human Rights Abuses in the ‘War on Terror.’” Research papers and symposia on such topics as “extraordinary rendition,” secret detention sites, and effective “disappearances” can be found by following the links here: <http://www.nyuhr.org/waronterror.html>.

### ► The Center for Justice & Accountability (CJA)

CJA works to deter torture and other severe human rights abuses around the world by helping survivors hold their persecutors accountable. CJA is the leading center in the United States that represents survivors in civil suits against persecutors who live in or visit the United States. CJA is pioneering an integrated approach to the quest for justice that combines legal representation with referrals for needed medical and psychosocial services, and outreach to schools, community organizations and the general public. CJA currently represents more than 40 survivors from twelve countries: Bosnia, Chile, China, East Timor, El Salvador, Guyana, Haiti, Honduras, Somalia, Spain and two Middle Eastern countries (whose names we must keep confidential until the cases are filed). <http://www.cja.org/>.

We sue rights abusers who live in or visit the United States, and set precedents and disseminate information that can help bring other perpetrators to justice.

We provide information and training to U.S. Government agencies to help them pursue, prosecute and/or deport human rights abusers within the United States.

We help refugees who survived torture or whose family members were killed to break the silence that enables abusers to live in impunity, find meaning in their survival and gain hope in the possibility of justice.

We enlist the American public in supporting legislation and policies that advance justice and accountability.

### ► Friends Committee on National Legislation (FCNL)

FCNL conducts legislative lobbying at the national level on behalf of the Religious Society of Friends. It addresses many issues as determined by its General Committee of 220 Friends from around the country. It maintains a very current and comprehensive website with links to important documents related to Torture. See [http://www.fcnl.org/issues/issue.php?issue\\_id=70](http://www.fcnl.org/issues/issue.php?issue_id=70).

### ► Historians Against the War

Historians opposing the Iraq War and associated loss of civil liberties offer resources for teachers and speaker bureaus. They prepared the pamphlet “Torture American Style,” which is included in the conference packet. The articles in the pamphlet may be read and downloaded at <http://haw.yachana.org/resources/torture/>.

### ► Human Rights First (HRF)

HRF is a leading human rights advocacy organization based in New York City and Washington, DC. Since 1978, we have worked in the United States and abroad to create a secure and humane world – advancing justice, human dignity, and respect for the rule of law. All of our activities are supported by private contributions. We accept no government funds. (<http://www.humanrightsfirst.org>)

Among its several human rights campaigns is one entitled “U.S. Law and Security,” under which heading it writes: “The United States government has failed to take much-needed steps to stop torture and abuse from taking place in U.S. detention facilities around the world. Human Rights First has launched a campaign to investigate the abuses, analyze U.S. policy on torture and recommend corrective action. The resources located here bring much needed clarity to a complex and growing scandal.”

HRF maintains an excellent and very current webpage with many resources for those wishing to keep up with the latest developments in this area: [http://www.humanrightsfirst.org/us\\_law/etn/index.asp](http://www.humanrightsfirst.org/us_law/etn/index.asp).

### ► Human Rights Watch (HRW)

HRW is dedicated to protecting the human rights of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all. HRW is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.

HRW's homepage is <http://hrw.org/>. Among the many campaigns it undertakes around the world, HRW monitors and reports on Torture and Abuse. <http://hrw.org/doc/?t=torture>. One project is the U.S. Torture and Abuse of Detainees. More information can be found at <http://hrw.org/campaigns/torture.htm>.

### ► International Committee of the Red Cross (ICRC)

Among its activities of providing humanitarian relief and the promoting international humanitarian law, the ICRC is mandated by the international community, under the Geneva Conventions, to visit prisoners of war and civilian internees to verify whether they are being treated according to relevant international standards. Homepage is <http://www.icrc.org>.

At <http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/detention?OpenDocument>, can be found position papers and documents on how the ICRC operates with respect to visiting detainees and how the ICRC strives to ensure the humane treatment of prisoners of war and other detainees held during war or situations of internal violence, testimonies from former detainees and ICRC publications on detention and related subjects.

Note: The ICRC does not publicize its reports on conditions it finds during visitations but works with the governments involved diplomatically to correct perceived abuses of international humanitarian law.

### ► National Religious Campaign Against Torture (NRCAT)

Founded in January 2006, the NRCAT mission statement reads:

“As men and women of faith and conscience, we are joined together on a non-partisan basis in profound opposition to torture and cruel and inhuman practices by anyone for any purpose. As United States-based organizations, we feel particular responsibility for the abusive practices being utilized by the United States government today. The United States has historically been a leader in outlawing these practices. The ever-increasing evidence, however, makes it all too clear that current grim abuses are not isolated incidents, but rather constitute a widespread pattern.

“Although our beliefs are rooted in many different religions, and although we worship in different ways and in different languages, we stand firmly united and unswerving on this crucial moral issue. Together we will work for the immediate cessation of torture by the United States, whether direct or by proxy, within our territory or abroad. We reject all proffered justifications and distorted definitions. Our condemnation of torture is not based on any political opinion or on the laws or treaties of any nations. Rather, we are guided by a higher law that serves as a compass for all of humanity.”

NRCAT is soliciting the signatures of religious organizations (your monthly, quarterly and yearly meetings, among others) and leaders to a statement (“Torture Is a Moral Issue”) calling,

among other things, for an end to extraordinary rendition, Red Cross admission to US detention facilities, an independent investigation of human rights abuses at US detention facilities. See <http://www.nrcat.org/>. It also has prepared resources for use in adult religious education programs and Christian religious observances. See <http://www.nrcat.org/resources/>.

### ► Not in MY name!

A collection of quotes on the past, present, and future of the practice of torture, selected and arranged by Ella Mazel. Very useful series of quotations arranged topically. See <http://www.ellamazel.org/notinmyname/index.htm>.

### ► Physicians for Human Rights

Tens of thousands of people from all over the world seek asylum in the United States. Many of these individuals have been physically or psychologically tortured in their native countries. To assist them in their searches for safety and freedom from persecution, Physicians for Human Rights operates the Asylum Network. See [http://www.phrusa.org/campaigns/asylum\\_network/activism.html](http://www.phrusa.org/campaigns/asylum_network/activism.html).

### ► Quaker Initiative to End Torture (QUIT)

Resources useful to Quakers on the torture issue, including meeting minutes, proceedings of the first conference of QUIT. Join the listserv: Go to [listserv@mtsac.edu](mailto:listserv@mtsac.edu). No subject is needed in your message, but in the body of the message put SUBSCRIBE QUIT-L your first and last name (it doesn't have to be lowercase). If you are successful, you will be asked to confirm by typing "ok" (without the quotes) and hitting your reply button. <http://www.quit-torture-now.org>.

### ► Rabbis for Human Rights – North America (RHR-NA)

RHR-NA was founded in 2002 by a group of American rabbis inspired by the work of RHR in Israel. RHR-North America is a rabbinic organization dedicated to education, advocacy, prayer, and action in support of human rights. Our initial focus has been on supporting the work of Rabbis for Human Rights in Israel. New initiatives are now underway focusing on human rights in the United States as well. One activity is the **Campaign Against Torture**. See <http://www.rhr-na.org/torture/torture.html> for information on the activities of the organization, links to reports, and materials developed for use in Jewish religious observances. The organization and its members are active in NRCAT, as well.

## ► School of the Americas Watch (SOAW)

SOAW is an independent organization that seeks to close the US Army School of the Americas, under whatever name it is called (currently Western Hemisphere Institute for Security Cooperation or WHINSEC), through vigils and fasts, demonstrations and nonviolent protest, as well as media and legislative work. In these schools for the past 60 years, the US military has trained Latin American military officers in counterinsurgency techniques, sniper training, commando and psychological warfare, military intelligence and interrogation tactics. These graduates have consistently used their skills to wage a war against their own people. Union organizers, student leaders, and religious workers have been tortured, raped, assassinated, “disappeared,” massacred, and forced into refugee status by graduates of SOA/WHINSEC. <http://www.soaw.org/new/>

Note: There is currently legislation pending that would de-authorize future spending for WHINSEC, H.R. 1217 “The Latin America Military Training Review Act of 2005,” which has 133 bipartisan cosponsors as of May 24. It is up for a vote imminently. For more detailed information, see <http://www.soaw.org/new/article.php?id=96>.

## ► Survivors International

Survivors International is a 501 (c)(3) non-profit organization dedicated to providing essential psychological and medical services to survivors of torture who have fled from around the world to the San Francisco Bay Area. SI aims to help survivors put the pieces back together by providing the support they need to re-establish healthy and productive lives after their experiences of torture. See <http://www.survivorsintl.org/>.

## ► TASSC International (Torture Abolition and Survivor Support Coalition)

TASSC is a coalition of torture survivors, currently representing more than 60 countries and ethnic groups. In the spirit of nonviolence we:

- Work towards the abolition of torture and ill treatment currently practiced by more than 150 governments.
- Work toward the implementation of Article 5 of the Universal Declaration of Human rights, and all other treaties and conventions pertaining to the eradication of torture.
- Break the silence surrounding torture through education, advocacy, and legislation.
- Call for an end to military assistance and arms sales to governments that use torture. Call for an end to impunity for those who torture and order torture.

### What is TASSC's Mission?

TASSC International is the only organization founded by and for survivors of torture. It was established in 1998, on the guiding principles that torture is a crime against humanity and that survivors are the strongest and most effective voice in the campaign to end the practice of torture. The mission of TASSC International is to end the practice of torture wherever it occurs. TASSC operates independently of any political ideology, government, or economic interest.

### What Does TASSC Do?

TASSC does many things, among them....

- Create international Communities of Healing for torture survivors and their families.
- Influence domestic and international policy through advocacy, social action, public testimony, and targeted media campaigns.
- Monitor human rights violations in nations where TASSC members may be at risk.
- Protect and defend the rights of all torture survivors.
- Coordinate activities to commemorate the annual UN International Day in Support of Torture Victims and Survivors (June 26).

<http://www.tassc.org>.

► **The Unitarian-Universalist Service Committee (UUSC)** advances human rights and social justice around the world, partnering with those who confront unjust power structures and mobilizing to challenge oppressive policies.

Early on it mounted a campaign to **Stop Torture Permanently (STOP)**. “The right to be free of torture is one of the most fundamental human rights recognized by the global community today. In the United States, torture has been deemed abhorrent to our values and legal principles since the framing of the Constitution. Patrick Henry himself spoke passionately on the subject, insisting that the rack and the screw were barbaric practices that must be left behind in the Old World, "or we are lost and undone." It is the firm position of the Unitarian Universalist Service Committee that any government-sponsored acts of torture under any circumstances are profoundly immoral, unjustified, and illegal. This includes any such actions by the United States. We are committed to bringing such practices to an end.”

<http://www.uusc.org/programs/STOP/index.html>. Its Frequently Asked Questions about Torture are very useful for handing out to those who are just becoming familiar with the legal landscape of the Geneva Conventions, the Convention Against Torture, etc. See <http://www.uusc.org/programs/STOP/faqs.html>.

### ► **Witness Against Torture**

In December 2005, a group of 24 friends, following the nonviolent tradition of Dorothy Day and the Catholic Worker walked to Guantanamo to visit the prisoners, calling themselves "Witness Against Torture." When they returned, they launched the "Campaign to Shut Down Guantanamo," which consists of public education and community outreach, networking and resource sharing, and acts of nonviolent civil disobedience to draw attention to the plight of prisoners in Guantanamo, and victims of the war on terrorism everywhere. See <http://www.witnesstorture.org/>.

In addition to direct action suggestions, the website contains several creative ideas for actions to raise awareness and to provide direct support to Guantanamo detainees. For example, building a Guantanamo cage to display at vigils and protests, and writing letters to detainees and providing them with seeds for their gardening projects. See [http://www.witnesstorture.org/what\\_you\\_can\\_do](http://www.witnesstorture.org/what_you_can_do).