



The
CENTER for
VICTIMS of
TORTURE

A Call to Reject Torture

We, the undersigned, call on all of our fellow Americans and public officials to reject torture unequivocally and without exception, in keeping with American law and values.

OUR CURRENT MOMENT

The specter of torture as an instrument of US policy has returned.

- (1) Recent terrorist attacks have prompted calls among public figures for a return to the use of torture in counterterrorism interrogations.
- (2) These discussions have also taken place in the context of the 2016 election cycle, which has witnessed a disturbing rise in the use of rhetoric explicitly approving torture as a tool to ensure national security.
- (3) This disturbing development is not entirely unexpected in light of security fears, terror attacks, and the dynamics of highly contested political campaigns.
- (4) The return of pro-torture rhetoric may also be linked to unresolved issues related to US policy after the terrorist attacks of September 11, 2001, in which the US government authorized and used “enhanced interrogation techniques” that came near to or crossed over the line to torture.
- (5) Despite longstanding bipartisan opposition to torture, post 9/11 policies, once publicly revealed, weakened the prior national consensus rejecting torture.
- (6) The discussion of a return to torture as an instrument of US policy is deeply disturbing and evokes our response.

TORTURE IS LEGALLY BANNED IN AND BY THE UNITED STATES WITHOUT EXCEPTION

To support torture is to support direct and explicit violations of the rule of law.

- (7) Torture is defined in the following way by US law: “[A]n act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering ... upon another person within his custody or physical control.”
- (8) Torture is explicitly banned, without exception, by US law in the following provisions: 18 U.S. Code § 2340A (Torture Convention Implementation Act of 1994) and 18 U.S. Code § 2441 (War Crimes Act of 1996). Torture also violates rights under the U.S. Constitution, including the Eighth Amendment’s right to be free of cruel or unusual punishment.

- (9) Torture is explicitly banned, without exception, by the Uniform Code of Military Justice and Army Regulation 190-8.
- (10) Torture is explicitly banned, without exception, by the following treaties which the United States has ratified: UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Covenant on Civil and Political Rights, and Article 3 Common to the Four Geneva Conventions.
- (11) Torture is explicitly banned, without exception, under customary international law, which binds all countries even in the absence of treaty ratification. Further, the ban on torture is an ironclad principle that no country can ever derogate from or suspend, even in times of war or national emergency.

TORTURE IS BANNED BECAUSE IT IS IMMORAL AND IMPRUDENT

To support torture is to support a practice that violates the inherent dignity of human beings and undermines US interests.

- (12) Torture consists of acts that are intrinsically wrong due to their cruelty and abusiveness; violates human dignity and humanity; violates human bodily, mental, and spiritual integrity; and is a wanton abuse of power over disarmed persons.
- (13) Torture inflames hatred, both on the part of the torturer and the tortured and those loyal to both.
- (14) Even a "limited" regime of torture against select enemies tends toward slippage to a broader pattern of abuse and torture.
- (15) Torture increases the likelihood that United States personnel will be tortured if captured by enemies.
- (16) Torture damages the US reputation in the world and with our allies.
- (17) Torture undermines respect for the rule of law both domestically and internationally.
- (18) Torture undermines respect for the very concept of human rights and for secure constraints against US violation of human rights.
- (19) Torture shames, degrades, and coarsens the torturer. The torturer who is unaffected by routinely inflicting severe physical and psychological pain becomes a true sadist, while the torturer whose conscience is shattered by practicing torture is a true casualty of war.
- (20) Torture tends to corrupt the military and security services charged with developing and implementing a secret torture protocol.
- (21) Given that evidence obtained through torture is not admissible in courts, torture renders the delivery of justice more difficult.

CONCLUSION

We call on the people of the United States to reject torture absolutely.

We call on all public officials to explicitly disavow torture and to adhere to legal bans on torture.

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