



National Religious Campaign Against Torture

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“Well, this is just terrible.” “I feel sick about this.” “What’s this country coming to?” These comments reflect the reactions from all across the United States to passage of the president’s Military Commissions Act of 2006, which repudiates important U.S. Geneva Convention obligations, grants presidential authority to carry out abusive interrogations in secret prisons, and allows indefinite detention with no hope of any independent judicial review.

Congress is now in recess while members campaign, in their home districts and states, for the November elections. How do the federal candidates of all political parties in your home district and state respond to questions about U.S.-sponsored torture? What are their positions on the various issues concerning torture? extraordinary rendition? adherence to the Geneva Conventions? You can find out, using the attached **Questions for Candidates**.

These questions can be used in two ways:

- **“Bird-dogging”:** Federal candidates need to know that torture is an important issue to the voters in their district and state. If questions about torture are asked often at public meetings, candidates will develop policy positions on the issue, and those in the audience will have the benefit of the exposure to the issues as well. Find out from each candidate’s campaign headquarters when the candidate will appear at public events. You and your friends who share a concern about torture can take turns attending these events and use the question-and-answer time to ask one or more of the attached questions. It would be helpful to join forces with a number of people for this project so that the candidates come to understand that many people have these concerns. This process also spurs candidates to take a public position on the issue.
- **Questionnaire:** Send the whole questionnaire to campaign headquarters of each candidate in your district. Be politely persistent in your efforts to urge each candidate’s campaign staff to return the completed questionnaire. Then, pull together a comparison of the answers, and release the comparison of the candidates’ position on torture to the press and the public.

The website for the National Religious Campaign Against Torture (www.nrcat.org) has resources about U.S.-sponsored torture issues and links to other websites that have helpful information. *Important:* please consider endorsing NRCAT’s statement “Torture is a Moral Issue” on-line, and consider taking the petition form of the statement (also available at www.nrcat.org) with you to the candidate’s public events.

Thank you for your concern and your action. Let us work together to abolish U.S.-sponsored torture now, with no exceptions.

Questions for Candidates on U.S. Torture Policy and Practices
Outlaw Torture Now, with No Exceptions.

Background

Since the beginning of the U.S. military campaign in Afghanistan, none of the senior Pentagon and administration officials in the chain of command have been held accountable for policy decisions that led to the continued use of “harsh interrogation techniques.” As former CIA General Counsel Jeffrey H. Smith recently told the *Washington Post* regarding accusations of illegal activities by CIA officials, “The fault here is with more senior people who authorized interrogation techniques that amount to torture” and should now be liable, instead of “the officers who carried [them] out.”

In addition,

- President Bush has announced that he intends to continue a CIA program that detains individuals in secret prisons without access to the protections of the International Red Cross;
- U.S. personnel have sent captured individuals to other countries where they are likely to be tortured through a process known as “extraordinary rendition;”
- Recent legislation denies the *habeas corpus* safeguard to the hundreds of individuals detained at Guantanamo Bay without charges and to anyone captured and designated as an “enemy combatant.” *Habeas corpus* is the procedure by which a prisoner can challenge the legality of his or her imprisonment.
- In the *Hamdan* decision, the U.S. Supreme Court held that Common Article 3 of the Geneva Conventions – the baseline standard for treatment and trial of individuals in an armed conflict – applies to all individuals detained by the U.S., even those classified as “enemy combatants”.

Questions to Ask Candidates

We want to know where you stand on U.S. torture policy and practices. We would appreciate your answers to the following questions:

1. The U.S. Congress approved Senator John McCain’s amendment last year to *ban torture* by all U.S. government agencies. This move recognized that a ban on torture is not only a moral necessity but also essential to ensure the same protections for U.S. soldiers. Recent legislative action, however, allows harsh interrogation techniques to be used by non-military interrogators. Will you support future legislation that bans all U.S.-sponsored torture, with no exceptions and directs all U.S. agents to abide by the Geneva Conventions?
2. The federal War Crimes Act of 1996 defines a war crime as any “grave breach” of the Geneva Conventions’ Common Article 3. This standard ensures that those who commit such abuses, including against our own troops, do not go unpunished. Do you believe the United States should maintain an unwavering commitment to Common Article 3?

3. The president acknowledged the existence of a CIA program that indefinitely detains “enemy combatants” in secret sites outside the rule of law and without access to the International Committee of the Red Cross (ICRC). Individuals detained in such locations are afforded no safeguards of due process and may be subject to unchecked abuses. Will you call upon the United States to cease all secret detentions and provide the ICRC access to all U.S. prisoners, as required by our international treaty obligations?
4. Under the practice of “extraordinary rendition,” the United States transports individuals from one country to another without judicial oversight to face criminal charges in the receiving country. Diplomatic assurances from the receiving government are designed to protect the human rights of the detainee, but many officials have confirmed that the U.S. has no capacity to ensure humane treatment under these circumstances. Do you support a prohibition on transfers of individuals in U.S. custody to other countries where they are likely to be tortured regardless of assurances otherwise?
5. Recent legislation will permit—for the first time in the history of the United States—individuals to be convicted based on evidence obtained through abuse or torture (admitted through hearsay evidence). Will you oppose this practice, even for trials involving terrorism suspects?
6. By making War Crimes Act changes that are retroactive to Sept. 11, 2001, Congress has immunized all top government officials and CIA agents against prosecution for interrogation policies that resulted in the abuses at Abu Ghraib, Guantanamo Bay, and in secret government torture cells around the globe. Should top government officials, private contractors, and CIA officials be given blanket immunity for their past conduct?
7. More than two years after the Abu Ghraib photos were published — and nearly four years after the first abuse-related deaths in U.S. custody as part of the “war on terror” — we are still not in a position to say that we know how this situation came about so that we can ensure that such abuses never happen again. Do you support the establishment of an independent commission to investigate U.S. detention and interrogation policies and practices since Sept. 11, 2001, and to hold those who authorized and carried out abuses accountable?
8. Under recent legislation, the president will be permitted to authorize acts that are prohibited by Common Article 3 of the Geneva Conventions and the Army Field Manual on Intelligence Interrogations, without the possibility of court review of this authority. This strips the courts of their historical and constitutional role as a check on the executive branch. Do you oppose this broad expansion of executive powers, allowing the president to choose to follow or not follow international treaties, and that will side-step the authority of our courts system?