



## **Questions and Answers on Guantánamo, Illegal U.S. Detentions, and Torture**

### **What is Amnesty International's position on terrorism?**

Amnesty International condemns the acts of terrorism on September 11<sup>th</sup>, 2001. Those responsible must be held to account, given a fair trial, and punished accordingly.

Instead, the U.S. government has subjected people who have not been charged with or convicted of any crime to torture, illegal detention, denial of legal rights, and other human rights violations. These practices are wrong. They are illegal under U.S. and international law, and they violate American principles of justice. Military and intelligence experts have said these practices are ineffective.

We call on the U.S. government to respect human rights and counter terror with justice.

### **What is Guantánamo?**

Guantánamo is a detention facility located within the U.S. Naval Base at Guantánamo Bay, Cuba. By choosing Guantánamo, the Bush administration sought to send detainees to a place where they believed neither U.S. nor international law applied. This concept is an affront to human rights and the rule of law—no one can be held outside of the law.

Despite international outrage and the U.S. authorities' own stated wish to close the camp, Guantánamo is still holding detainees illegally, without charge and with little hope of a fair trial. Hundreds languish in cruel, inhuman, and degrading conditions—including detainees who have been cleared for release.

Guantánamo is only one part of a wider detention regime removed from the protection of U.S. and international law. Hundreds of detainees, for example, remain in indefinite detention without charge or trial at the U.S. airbase at Bagram in Afghanistan, without access to lawyers or the courts. Over the years, at Guantánamo, Bagram, other U.S. facilities, and at CIA "black sites," detainees have been subjected to torture and other cruel, inhuman, or degrading treatment.

Detainees continue to be transferred to Guantánamo from secret CIA custody and elsewhere, confirming the camp's role at the heart of the U.S. network of illegal detention. Guantánamo is a global symbol of injustice and abuse. It must be closed.

### **If Guantánamo is closed, what happens to the people held there?**

Amnesty International is calling on U.S. authorities to charge Guantánamo detainees with recognizably criminal offenses and provide them with a fair trial before an independent and impartial tribunal, such as a U.S. federal court, or release them immediately and unconditionally.

## What is torture?

Torture is defined by the United Nations Convention Against Torture as "...the intentional infliction of severe physical or mental pain or suffering for purposes such as obtaining information or a confession, or punishing, intimidating or coercing someone." Many detainees alleged they were tortured while in U.S. custody. Several years after photos of torture at Abu Ghraib were released, no high-level military or civilian leaders have been held accountable for policies or practices that lead to abuse of detainees.

## What is waterboarding? Is it torture?

Waterboarding is an interrogation technique in which detainees are subjected to simulated drowning. It is torture. On February 5, 2008, CIA Director Michael Hayden stated that the CIA had waterboarded three detainees. One month later, president Bush vetoed a bill that would have prevented the CIA and other U.S. agents from using waterboarding, sexual humiliation, dogs and other techniques that amount to torture and ill-treatment. Majorities of both the U.S. House of Representatives and the Senate voted in favor of such limits

## Is torture ever justified?

No. Torture and other cruel, inhuman, or degrading treatment are illegal under U.S. and international law:

- The United States Bill of Rights (1789) Amendment 8: "...nor (shall) cruel or unusual punishment be inflicted.
- U.N. Convention Against Torture (1984): "No state may permit or tolerate torture...Exceptional circumstances such as a state of war...or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman, or degrading treatment or punishment."
- Geneva Conventions (1949) Article 99, Third Convention: "no moral or physical coercion may be exerted on a prisoner of war in order to admit himself guilty of the act of which he is accused."

Furthermore, the prohibition of torture has a special status in international law. It is part of customary international law, which means it is binding on all states, whether they have ratified any of the international human rights treaties. The prohibition on torture is also a "peremptory norm," which means that it cannot be overruled by any other law or local custom.

## What about the "ticking time-bomb" scenario?

A former FBI special agent (1977 – 2002) named Jack Cloonan had this to say about the "ticking time-bomb" scenario:

*"I have been hard pressed to find a situation where anybody can tell me that they've ever encountered the ticking-bomb scenario... a show like 24...makes all of us believe that this is real—it's not. Throw that stuff out, it doesn't happen."* ([www.foreignpolicy.com/story/cms.php?story\\_id=4193](http://www.foreignpolicy.com/story/cms.php?story_id=4193))

Regardless, torture is never justified. It is immoral and illegal. Those who authorized and implemented torture and other cruel, inhuman, and degrading treatment must be held accountable.

## What can I do?

- Add your name to [tearitdown.org](http://tearitdown.org), Amnesty International's global online petition to end illegal U.S. detentions and close Guantánamo. Visit [amnestyusa.org/torture](http://amnestyusa.org/torture) take additional action.