



June 26th Organizing Guide

UN INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE



DENOUNCE TORTURE: STOP IT NOW!

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OVERVIEW and INTRODUCTION

June 26th marks the date on which the *U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* took effect, and on which we commemorate the suffering and courage of torture victims and survivors worldwide. On this day, we also recognize both the progress made and the work remaining to be done to ensure that the practice of torture is eliminated.

For decades, Amnesty International has campaigned against torture and ill-treatment of prisoners worldwide regardless of where it happens or who commits it. Torture is immoral, illegal and ineffective and Amnesty International will fight it.

For over three years Amnesty International has reported allegations of torture, ill-treatment and deaths of those held in US custody in Iraq, Afghanistan, Guantanamo, and elsewhere. As the now-famous photographs and news stories from Iraq make clear, the example the United States is setting is at best a mixed one. The treatment of people in US custody echoes the abuses inflicted by oppressive governments worldwide and serves as a horrible example that repressive leaders may now choose to manipulate to attempt to justify their own mistreatment of captives. Acts of torture and ill-treatment are not isolated in detention centers outside the borders of the United States. In the United States, Amnesty International has documented cases of torture and other forms of cruel, inhumane and degrading treatment by law enforcement personnel and prison guards. As citizens of this country and of the world, we must respond.

Take to the Streets! Join Amnesty International USA's special initiative Denounce Torture: Stop It Now! and demonstrate your opposition to torture and ill-treatment of those detained in US custody, while denouncing the plight of torture victims everywhere. There are three levels on which people can act to commemorate June 26th and take a stand against torture.

1. Organize demonstrations or vigils in your communities to raise public awareness of AI's concerns. This is an important opportunity to educate the public about the harms of torture and ill-treatment and state unequivocally that it is immoral and illegal.
2. Write an op-ed or letter to the editor of your local paper to raise awareness about June 26th as well as torture and ill-treatment.
3. Make your opposition to torture known in the halls of Congress by writing to your legislators in Washington in support of an independent commission of inquiry into abuses at Abu Ghraib and at all US detention facilities around the world. Also, encourage your congressional representatives to support Representative Markey and Senator Leahy's legislation that will end the practice of extraordinary rendition.

This Organizing Guide provides event-planning tips, guidelines, media resources, background information and petitions against torture in preparation for June 26th.

Of course, you needn't wait until June 26th to take action. We urge you to take action as often and as frequently as you can. However, we are hoping for a concerted effort on June 26th, and hope that you will take a public stand against torture on that date. If you need any further assistance, please contact your regional office at 866.A.REGION, or Eric Sears (Project Manager of the Denounce Torture initiative) at esears@aiusa.org.



PLANNING A DEMONSTRATION OR VIGIL ON JUNE 26TH

These guidelines are intended to advise Amnesty International activists in their planning and participation in public events denouncing torture. Included are suggestions for various types of events, the basics of planning, and background information. Please keep in mind that June 26th is a day to demonstrate support for ALL victims of torture, and be prepared to talk about Amnesty International's broad and long-standing commitment to the eradication of torture. Key messages and talking points revolve around Amnesty International's position and recommendations regarding torture and ill-treatment in general; the impact of torture on the individual and the society; Amnesty International's responses to allegations of torture and ill-treatment in US detention centers around the world; and Amnesty International's positions regarding the US record on torture.

Steps to Organizing a Successful Demonstration or Vigil

Step 1. Choose a format.

The manner in which you choose to demonstrate may vary depending on your organizing capacity and what you feel would be most effective in your community. **A silent vigil (in commemoration of the victims)** -- at which participants carry signs, wear armbands, hold candles, pass out brochures, etc. while refraining from speaking or chanting at all - can be very effective. A variation on this would be a **vigil** during which specific deviations to the general silence consist of planned statements, and periodic, planned chants. At a **demonstration (denouncing torture)**, the group may be much more vocal, and may choose to arrange speakers, engage in street theatre, chant slogans, or more actively interact with passers-by. Think about the nature of your group and your community when deciding what will work best for you. As always, consult with your Area Coordinator (AC), Student Area Coordinator (SAC), or regional office staff if you need guidance or assistance.

Step 2. Build interest by reaching out to individuals and organizations.

The best way to ensure a successful vigil or demonstration is to obtain commitments from people to attend in advance. Reach out to organizations seeking their co-sponsorship of the event and ask that they commit to bringing a specific number of attendees. Consider looking to other human rights and peace and justice organizations as well as communities of faith (churches, mosques, synagogues, etc.) and labor unions. Are there organizations which work against police brutality or towards prison reform in your city? If yes, these are generally good organizations to approach. Finally, reaching out to torture survivor treatment centers is very important, so be sure check if one exists in your city - your regional office will be able to help you with this if needed.

Note: Amnesty International groups are able to sponsor or co-sponsor protests and events only when they can articulate Amnesty International's concerns as a component of the event. Ideally, an Amnesty International representative will speak about the organization's concerns regarding torture and ill-treatment, and, as necessary, distinguish between the positions of Amnesty International and others that may be advocated at the event. Amnesty International groups and members may join events with other groups who share Amnesty International concerns about a given human rights situation. However, members and groups must of course clearly state Amnesty International's positions and adhere to Amnesty International's policies as summarized in this guide in any statements/banners/leaflets etc.

For further guidance, see **The Activist Toolkit: Working with Other Organizations** at http://www.amnestyusa.org/activist_toolkit/runyourgroup/organizations.html, or consult your SAC/AC or regional office staff.

Step 3. Complete logistics and preparations for your event well in advance.

This includes obtaining necessary permits for the demonstration or vigil site (if you need guidance, contact your regional office), inviting speakers (consider local community leaders, religious leaders, survivors of torture, etc.), and familiarizing yourself with background materials and with Amnesty International's positions. Also, be sure to select slogans and prepare large signs, banners, flyers and petitions before your event (Amnesty International banners are available through your regional office).

Step 4. Advertise your event widely.

Send public service announcements to radio stations and/or place ads with your local media; post signs; talk it up with friends, family and co-workers. Contact other local institutions: colleges and universities, communities of faith, clubs, etc., as they might announce the event or advertise it in one of their publications. Also, be sure to post your event on the Amnesty International website by visiting <http://www.amnestyusa.org/events/>. *Please ensure that all advertisements are consistent with AI policy: for example, "Vigil to Denounce Torture" is okay; "Rally to Remove Rumsfeld" is not (this is outside AI policy). Advice on appropriate slogans and messages appears later in this section.*

Step 5. Week leading up to the event.

During the week leading up to the event you should reconfirm all speakers, make sure the signs, literature and petitions are ready, send out your media advisory (should be done 6-7 days before the event with follow up calls the day before), and have a couple of pre-appointed press spokes people who will be on hand at the event (more on reaching out to the media later in the organizing guide).

Step 6. Report out about your event!

Amnesty International is eager to hear about your event. Please send the following information: date and location of the event, type of event (vigil, demonstration, etc), number of attendees, press who attended (including press clippings would be very useful), and a list of any groups that co-sponsored the event with you. Information should be emailed to Eric Sears (Project Manager of the Denounce Torture Initiative) at esears@aiusa.org, or mailed to Amnesty International USA, Att: Eric Sears, 600 Pennsylvania Ave SE 5th Fl, Washington DC, 20003.

KEY MESSAGES AND TALKING POINTS

At your demonstration or vigil, it will be particularly important that, while representing Amnesty International, you clearly convey the organization's messages regarding torture. Below are AI's key messages - some with expanded talking points. If you have any questions, you should call your regional office at 866.A.REGION.

THE RIGHT TO FREEDOM FROM TORTURE AND OTHER FORMS FOR CRUEL, INHUMANE AND DEGRADING TREATMENT IS ABSOLUTE AND CAN NEVER BE RESTRICTED.

- The right to freedom from torture and other forms of cruel, inhuman and degrading treatment is so absolute that it can never be restricted - unlike other freedoms, such as the right to liberty, which in times of national emergency may lawfully be limited.

TORTURE IS BANNED, EVEN DURING WAR, BY THE WAR CRIMES ACT, TORTURE ACT OF 2000, THE 1949 GENEVA CONVENTIONS, BY THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING PUNISHMENT, AND BY OTHER INTERNATIONAL LAWS AND STANDARDS.

- The War Crimes Act is federal law that makes grave breaches of the Geneva Conventions a crime in federal law.
- The Torture Act of 2000 is federal law that is derived from the United States obligation's under the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment.
- The US played a leading role in developing international laws against torture. It helped draft the UN Convention against Torture, which explicitly states that there is no justification for torture under any circumstances. The United States ratified the Convention Against Torture in 1994 and is legally bound by it. In 2003, the US was the largest contributor to the UN Voluntary Fund for Victims of Torture.
- Torture is forbidden by the US Constitution.
- In order to invoke the absolute prohibition on torture for United States citizens and service members abroad, the US must respect these prohibitions and the laws that govern them when they detain foreign nationals. When the US does not comply with its obligations under US and international law, it has no standing to invoke those laws to protect its citizens and military personnel abroad, putting them at risk of torture and ill-treatment by others.

THE USE OF TORTURE WILL NOT INCREASE SECURITY. TORTURE LEADS TO FALSE INFORMATION, FALSE CONFESSIONS, WRONGFUL CONVICTIONS, AND VICTIMS BROKEN IN MIND AND BODY.

- No country can reasonably claim to stand for freedom and human rights while at the same time engaging in inhuman and degrading treatment of its detainees. The measure of a society's commitment to human rights is the degree to which it holds to its proclaimed values even during times of struggle.

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- Torture is equally abhorrent no matter who the perpetrator or who the victim. There is no justification that makes torture acceptable. Torture by agents of the United States is no different than torture in Albania, China, Egypt, Kenya or Mexico; torture by governments is no more excusable than torture by armed groups.
 - Acts of “terrorism” are an affront to basic human rights. The response to those acts must not be a further affront to basic human rights. To condone torture would undermine the rule of law at home and abroad, and give a green light to torturers the world over.
 - Amnesty International’s experience shows that torture cannot be “regulated” or confined to the “ticking bomb” scenario used by its apologists. Once torture is justified for one purpose, other purposes follow.

TORTURE DEGRADES AND BRUTALIZES BOTH THE VICTIM AND THE TORTURER. IT CORRUPTS ANY SOCIETY THAT ALLOWS IT.

AMNESTY INTERNATIONAL HAS DOCUMENTED AND REPORTED ABUSES BY US AND UK FORCES AGAINST DETAINEES IN IRAQ FOR OVER THREE YEARS. THESE ALLEGATIONS OF TORTURE, ILL-TREATMENT, AND DEATHS IN CUSTODY MAY CONSTITUTE WAR CRIMES.

- In April 2003, Iraq saw the end of a regime in which torture such as beating, electric shock, and rape was part of a pattern of gross human rights violations.
- Since May 2003, Amnesty International has reported torture and abuse of those held in custody of the US and other Coalition forces across Iraq. Reported abuses included hooding, beating, prolonged sleep deprivation, electric shock, and sexual abuse.
- Amnesty has repeatedly presented evidence of torture and other violations by US and UK forces in Iraq to high levels of both governments.

FAR FROM BEING ISOLATED ACTS, THE ABUSES PHOTOGRAPHED AT ABU GHRAIB ARE CONSISTENT WITH ALLEGATIONS OF TORTURE AND ILL-TREATMENT REPORTED ACROSS IRAQ AND IN US DETENTION FACILITIES IN AFGHANISTAN, GUANTANAMO, AND ELSEWHERE IN CONNECTION WITH THE UNITED STATES’ “WAR ON TERROR,” SUGGESTING A PATTERN OF SYSTEMIC ABUSE.

THE US ROUTINELY EMPLOYS INHUMANE AND ILLEGAL TACTICS THAT ARE KNOWN TO CREATE CONDITIONS IN WHICH TORTURE IS MORE LIKELY TO OCCUR: DENIAL OF ACCESS TO HUMAN RIGHTS MONITORS, INCOMMUNICADO DETENTION, THE PRACTICE OF EXTRAORDINARY RENDITION, AND THE MERGING OF INTELLIGENCE-GATHERING AND DETENTION FUNCTIONS.

- Transparency, access and accountability are the most effective measures against torture and ill-treatment; the US should truly lead by example by employing these measures, and by making clear it opposes torture and other forms of cruel, inhuman and degrading treatment.
- Extraordinary rendition is the practice in which the United States is transferring individuals for interrogation to countries with a record of using torture. This practice is also referred to as “outsourcing torture”. US laws and international treaties prohibit the transfer of suspects to countries where they are likely to face torture. Nonetheless, the US Government is reported to have sent or been complicit in sending individuals to countries such as Jordan, Uzbekistan, Morocco, Syria, and Egypt - all countries the US has criticized for practicing torture.

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- Torture thrives on secrecy. Amnesty's repeated requests for access to US detention facilities have been denied.

AMNESTY INTERNATIONAL CALLS ON THE US GOVERNMENT:

- To undertake full, independent, and impartial investigations of all allegations of torture, ill-treatment and deaths in US custody; the scope of these investigations must include not only those who have perpetrated abuse but also those responsible for creating a command climate that has facilitated such abuse; the results of the investigations must be made public. The independent commission must have subpoena power and have the ability to investigate all levels of military and civilian command structures. Anyone found responsible for committing or condoning such abuse must be brought to justice and prosecuted by special counsel; reparations - including compensation - must be paid to the victims or their families;
- To establish clear policy and practices to prevent the recurrence of these violations of US law and international human rights and humanitarian law. We urge the US to grant the International Committee of the Red Cross, Amnesty International and other international human rights monitors unfettered access to all prisons and detention facilities;
- To end the practice of extraordinary rendition - the practice in which the United States is transferring individuals for interrogation to countries with a record of using torture. This practice is also referred to as "outsourcing torture". US laws and international treaties prohibit the transfer of suspects to countries where they are likely to face torture.
- To reaffirm publicly its commitment to uphold the provisions of the Geneva Conventions, the Convention Against Torture, and other international human rights and humanitarian law.

DO SAY AND DON'T SAY:

Do SAY

- Torture and ill-treatment are inhumane, immoral and illegal in all circumstances; torture by the US is no different than torture by other states or armed groups.
- Amnesty International has worked to abolish torture for decades.
- The US must abide by United States law which applies to torture and other forms of cruel, inhuman and degrading treatment; the Geneva Conventions; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; and other relevant international human rights and humanitarian law standards.
- All allegations of torture and ill-treatment must be investigated fully and independently, those responsible at any level be held to account, and policies be established to ensure that torture and ill-treatment are neither condoned nor encouraged.
- Rally/Vigil for Human Rights; Rally/Vigil Against Torture.

DON'T SAY:

- Anything that predetermines the outcome of investigations.
- Anything that distracts from the main concerns of Amnesty International.
- Anything that suggests that Amnesty International calls for the ouster of specific government officials. (We don't take such positions.)
- Anything you're unsure about.

SUGGESTED SLOGANS

The list below of suggested slogans is certainly not exhaustive. Feel free to create slogans that are in the same spirit. Be sure to have a good mix of general statements opposing torture since **June 26th** is a day in support of all victims of torture.

- Torture: Immoral, Inhumane and Illegal
- Human Rights are Fundamental Rights
- Dignity is a Human Right
- End Torture
- Stop Torture NOW
- Denounce Torture!
- Uphold the Geneva Conventions
- Uphold the Convention Against Torture
- The US Is NOT Above the Law
- Lead by Example, Not by Torture
- Prosecute ALL Torturers
- Torture is immoral, illegal, and does not work
- Not in my name (Don't torture in my name)
- End renditions NOW!
- No more outsourcing of torture

USING THE MEDIA

This section is divided into two parts. Part one will look at getting the media to cover your vigil or demonstration and part two will cover writing letters to the editor.

Part One: Getting Media Coverage at Your Vigil/Demonstration

The first important step in getting media coverage is properly alerting the media to your event. This should generally be done through a “media advisory”. Below are a few important points to keep in mind when writing a media advisory for your event:

- A media advisory should simply announce an event, along with relevant details (who-what-when-where-why). It should be as short and to the point as possible. It should also contain a key message along with a quote stating AI’s position on a relevant issue. Keep the message clear and concise, and use your follow up call as an opportunity to provide additional information.
- A media advisory should be sent to all relevant local media by fax or e-mail ideally one week before the event, but at least two or three days in advance. Follow up with a phone call and e-mail one to two days before the event, and perhaps again the day of the event as a reminder. Be prepared to resend the advisory to those who say they have not received it.
- It is always best to identify the person you want to send it to beforehand. Address faxes and letters to them directly, and ask to speak to them when you follow up with phone calls. Get e-mail addresses whenever possible, so you can minimize the risk of individuals not receiving your advisory via fax.
- When you follow up with reporters, always ask them if they have a moment to talk. If they do, keep your conversation with journalists about the event brief and courteous at all times -- they are often on deadline and might not have time to speak with you; inquire when you should call back. The best time to place these calls is usually during the morning hours.

To see a sample media advisory, visit: http://www.amnestyusa.org/activist_toolkit/promote/sample_mediaadvisory.pdf

Be sure to have a couple of appointed media spokespersons ready at your event. If media shows up, it is necessary to keep things simple and streamlined. Unless you’re doing an extended radio or television interview, you will be limited to about 7-10 seconds on radio and TV, and 2-3 sentences in the newspaper. In that short amount of time, it is essential to drive home the primary points that need to be communicated to the public. The media messages below consist of three points, setting forth the problem, the solution, and our call to action. This is a useful format to follow if you need to adjust these messages to suit your group’s plans.

PRIMARY MEDIA MESSAGES:

1. Amnesty International has received frequent reports of torture and ill-treatment in US detention facilities in Iraq, Afghanistan, Guantanamo and elsewhere, virtually none of which have been independently investigated.
2. The reputation and credibility of the United States hinges on guaranteeing a fully independent, impartial and public investigation into all allegations of torture, and officials must insure that those responsible for human rights abuses will be held accountable - no matter how high up the investigation goes.
3. Come out to the [community forum/protest/event] and demand that the United States lead by example and take immediate actions to demonstrate to the rest of the world that torture, abuse, and ill-treatment will not be tolerated under any circumstances.

ADDITIONAL STATEMENTS:

- The US is relinquishing its moral authority on human rights issues and helping to validate bad behavior of nations with consistently poor records on human rights.
- Nations with some of the worst human rights records in the world can now justifiably say, "We are not doing anything the United States isn't doing." Does the US really want to provide cover for Saudi Arabia, China, and Pakistan?
- In order to invoke the absolute prohibition on torture for US citizens and service members abroad, the US must respect these prohibitions and the laws that govern them when they detain foreign nationals. When the US does not comply with its obligations under US and international law, it has no standing to invoke those laws to protect its citizens and military personnel abroad, putting them at risk of torture and ill-treatment by others.
- Armed groups use examples of the torture, abuse, and ill-treatment of US detainees to recruit new members determined to retaliate against the United States.
- When the US violates its obligations under the US Constitution and international law, it is breaking its word and turning its back on its commitments to its friends and allies.

PART TWO: LETTERS TO THE EDITOR AND OP-EDS

Letters to the editor and opinion articles (Op-Eds) are great ways to inform a public audience on any situation and have your message heard. Like all of Amnesty International's media work, our outreach on torture is carried out on three levels: international (by AI's international headquarters in London), national (by AIUSA staff) and local (by you). The media work of student and local groups is of enormous value to the organization -- generating support for our concerns, building interest in group work, and multiplying the impact of national media coverage. More people read and trust their local and regional newspapers than national newspapers.

Letters to the editor and opinion pages in newspapers are widely read and can be used very effectively to promote Amnesty International's work. Submissions are often edited for length, so it is important to make them as concise as possible (less than 200 words is best) while still including key messages. Use the Messages and Talking Points that are provided in this organizing guide to craft a submission that highlights key concerns regarding torture. When submitting something for publication, be sure to give your contact information - including telephone number(s) - and identify yourself as a local Amnesty International member. Letters can be made up to two weeks in advance, but making your submission as timely as possible will increase the likelihood of it being published. This is why it is important to frame it in response to a new development or in response to an editorial opinion piece, feature or letter you recently read regarding torture. In this case, your submissions should focus on the occasion of the United Nations International Day in Support of Victims of Torture on June 26th.

TAKING ACTION

In this section of the organizing guide, you will find a couple of action opportunities in the form of petitions. Be sure to print plenty of copies of both petitions and take them to the June 26th event you are organizing. Even if you are not organizing an event, you are encouraged to get as many signatures on each petition as possible!

1. The first petition is a personal “Statement Against Torture” in which we are attempting to get 250,000 signatures by the end of 2005. It is very important that copies of the petition get sent to the Amnesty International USA’s Washington, DC Office as noted at the bottom of the petition.
2. The second is a petition to President Bush, urging him to call for the establishment of an independent commission of inquiry and the appointment of a special counsel to conduct investigations into the reports of abuse in US detention centers in Iraq, Afghanistan, Guantanamo and elsewhere.



STATEMENT AGAINST TORTURE

Torture and other cruel, inhuman and degrading treatment are despicable, immoral, illegal and always wrong. The highest authorities in my country should publicly denounce these acts in the strongest possible terms, and never utilize them, not least in my name.

Governments around the world should not only condemn but prosecute to the full extent of the law any of these acts by our own agents, whether in this country or anywhere else we have control. No one should be held in secret, beyond the eyes of the law, where such acts can flourish.

Governments around the world should not return anyone anywhere where such acts are known to be routine or possible. The use of torture and other cruel, inhuman and degrading treatment does not ensure safety or yield good intelligence.

Security is best achieved through governments' adherence to human rights and the rule of law, including the absolute prohibition on torture. The use of torture is an affront to human dignity that can never be justified and must be opposed in every country of the world.

Name

Address

Email

Signature

Please send copies of signed petitions to:
Denounce Torture, 600 Pennsylvania Ave SE 5th Fl, Washington DC, 20003

The Honorable George W. Bush
The President of the United States
1600 Pennsylvania Avenue NW
Washington DC 20500



Dear Mr. President:

I am deeply concerned by the US record of torture and ill-treatment that continues to emerge from Iraq, Afghanistan, Guantanamo, and beyond. Amnesty International has interviewed former detainees released from US run facilities in Iraq, Afghanistan, Guantanamo and elsewhere who reported being subjected to torture or other cruel, inhuman or degrading treatment during interrogation and detention. Extensive research by Amnesty International suggests that these are not isolated incidents. Although Amnesty International has presented this information on several occasions to US government officials, the organization has not received a full response to these allegations. Moreover, there are numerous indications that high ranking government officials have worked to block restrictions on extreme interrogation techniques that amount to torture.

During the past year, the US government has engaged in a series of high profile investigations into the subject of detainee treatment. However, none have met the standards of investigation necessary to gain a full accounting of command responsibility for the ever-growing numbers of allegations of torture and ill-treatment of detainees in US custody.

Mr. President, I urge you to call for the establishment of an independent commission of inquiry with subpoena power and the appointment of a special counsel to conduct public investigations into the reports of abuse in US detention centers in Iraq, Afghanistan, Guantanamo and elsewhere; to establish whether acts of torture, cruel, inhuman and degrading treatment and other violations of relevant federal statutes have been committed; and to recommend safeguards to prevent further torture and ill-treatment. In addition, the special counsel should prosecute those who perpetrated crimes and those up the chain of military and civilian command responsible for creating a climate that has facilitated such crimes.

Thank you for your attention to this important matter.

Name

Address

Signature

Please send copies of completed petitions to Denounce Torture, 600 Pennsylvania Ave SE 5th Fl,
Washington DC, 20003

This section contains an overview of the international legal protections against torture and other forms of cruel, inhuman and degrading treatment; Amnesty International's 12 Point Program for the prevention of torture by agents of the state; and a short list of additional web-based Amnesty resources as well as resources outside the organization.

Legal Protections Against Torture

Under international law, torture and cruel, inhuman and degrading treatment are prohibited at all times and in all circumstances. The conduct of the US armed forces, private contractors, and government agents must reflect respect for the provisions of the Geneva Conventions and international human rights and humanitarian law and treaties; the US is under obligation to respect the provisions of the human rights conventions and treaties to which it is a party.

Furthermore, **The Human Rights Committee**, set up under the **International Covenant on Civil and Political Rights (ICCPR)**, and other bodies monitoring the implementation by states of their human rights obligations under the treaties they have ratified, have consistently ruled that such obligations extend to any territory in which a state exercises jurisdiction or control, including territories occupied as a result of military action. International human rights law complements provisions of international humanitarian law, for example by providing content and standards of interpretation, such as on the use of force to respond to disorders outside combat situations or with regard to safeguards for criminal suspects.

The following have differing legal status. Some are treaties that are legally binding on the states that have agreed to be bound by them. Others (non-treaty standards) represent the consensus of the international community as to what states should aspire to. Together they constitute an international framework of fundamental safeguards against torture.

General Protections Against Torture and Ill-Treatment.

Article 27 of the *Fourth Geneva Convention* states that "protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity."

Article 147 of the *Fourth Geneva Convention* and **Article 130 of the *Third Geneva Convention*** list the following acts as grave breaches if committed against persons protected by the Convention: willful killing, torture or inhuman treatment and willfully causing great suffering or serious injury to body or health.

Article 146 of the *Fourth Geneva Convention* and **Article 129 of the *Third Geneva Convention*** require each state party "to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts."

Grave breaches, as confirmed by **Article 85 (5) of Protocol I Additional to the Geneva Conventions**, “shall be regarded as war crimes.”

Article 7 of ICCPR states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 2(2) of the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that “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.”

Access to Legal Counsel.

UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) was adopted by consensus by the UN General Assembly in 1988 and its requirements apply to “any person deprived of personal liberty”. The Body of Principles stresses the need to ensure the right of detainees to be assisted by legal counsel and be allowed adequate time and facilities for confidential consultation (Principles 17 and 18).

The UN Basic Principles on the Role of Lawyers state that “all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention” (Principle 6).

The UN Special Rapporteur on Torture has recommended that anyone who has been arrested be given such access “no later than 24 hours after the arrest” (UN Doc. E/CN.4/1990/17).

Family Notification.

The Body of Principles requires notification to the family or other appropriate person of the detainee’s choice “promptly after arrest and after each transfer from one place of detention or imprisonment to another” (Principle 16.1).

Notification may only be delayed “for a reasonable period where exceptional needs of the investigation so require” (Principle 16.4).

A detainee “shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world” (Principle 19).

In any case, “communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days” (Principle 15).

The Right to Challenge the Lawfulness of Detention.

All people deprived of their liberty - not just those detained in connection with a criminal offense - have the right to take proceedings before a court to challenge the lawfulness of their detention. **The Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities** have called on states “to maintain the right to such a procedure at all times and under all circumstances, including during states of emergency.” This is essential for the protection of other rights, including to be free from arbitrary detention and other human rights violations such as torture.

Amnesty International's 12-point Program for the Prevention of Torture by Agents of the State

- 1. Condemn torture** The highest authorities should condemn torture in all its forms whenever it occurs. They must make clear to all members of the security forces and judiciary that torture will never be tolerated. The leaders of armed political groups must also make clear to their forces that torture is always unacceptable.
- 2. Ensure access to prisoners** Torture often takes place while the victims are held incommunicado -- unable to contact people outside who could help them or find out what is happening to them. The practice of incommunicado detention should be ended. Governments should ensure that all prisoners are brought before an independent judicial authority without delay after being taken into custody. Prisoners should have access to relatives, lawyers and doctors without delay and regularly thereafter.
- 3. No secret detention** In some countries torture takes place in secret locations, often after the victims are made to "disappear". Governments should ensure that prisoners are held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made available immediately to relatives, lawyers and the courts. Effective judicial remedies should be available at all times to enable relatives and lawyers to find out immediately where a prisoner is held and under what authority and to ensure the prisoner's safety.
- 4. Provide safeguards during interrogation and custody** All prisoners should be immediately informed of their rights. These include the right to lodge complaints about their treatment and to have a judge rule without delay on the lawfulness of their detention. Judges should investigate any evidence of torture and order release if the detention is unlawful. A lawyer should be present during interrogations. Governments should ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particular vulnerable groups. The authorities responsible for detention should be separate from those in charge of interrogation. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.
- 5. Prohibit torture in law** Governments should adopt laws for the prohibition and prevention of torture incorporating the main elements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other relevant international standards. All judicial and administrative corporal punishments should be abolished. The prohibition of torture and the essential safeguards for its prevention must not be suspended under any circumstances, including states of war or other public emergency.
- 6. Investigate** All complaints and reports of torture should be promptly, impartially and effectively investigated by a body independent of the alleged perpetrators. The methods and findings of such investigations should be made public. Officials suspected of committing torture should be suspended from active duty during the investigation. Complainants, witnesses and others at risk should be protected from intimidation and reprisals.

7. Prosecute Those responsible for torture must be brought to justice. This principle should apply wherever alleged torturers happen to be, whatever their nationality or position, regardless of where the crime was committed and the nationality of the victims, and no matter how much time has elapsed since the commission of the crime. Governments must exercise universal jurisdiction over alleged torturers or extradite them, and cooperate with each other in such criminal proceedings. Trials must be fair. An order from a superior officer must never be accepted as a justification for torture.

8. No use of statements extracted under torture Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings, except against a person accused of torture.

9. Provide effective training It should be made clear during the training of all officials involved in the custody, interrogation or medical care of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. Provide reparation Victims of torture and their dependants should be entitled to obtain prompt reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.

11. Ratify international treaties All governments should ratify international instruments containing safeguards and remedies against torture, including the UN Convention against Torture with declarations providing for individual and inter-state complaints.

12. Exercise international responsibility Governments should use all available channels to intercede with governments where torture is reported. They should ensure that transfers of training and equipment for military, security or police use do not facilitate torture. Governments must not forcibly return a person to a country where he or she risks being tortured.

Amnesty International Web-Based Resources:

Denounce Torture section of Amnesty International USA website
<http://www.amnestyusa.org/stoptorture/index.do>

Abu Ghraib: One Year Later, Who is Accountable?
<http://www.amnestyusa.org/stoptorture/agfactsheet.html>

Human Dignity Denied: Torture and Accountability in the 'war on terror'
<http://www.amnestyusa.org/stoptorture/document.do?id=9DEF4263FC2E35CA80256FE7004FE4C0>

About Torture, <http://www.amnestyusa.org/stoptorture/about.html>

Torture Test, <http://www.amnestyusa.org/stoptorture/torturetest/>

Torture and the Law, <http://www.amnestyusa.org/stoptorture/law.html>

Issue Brief: Extraordinary Renditions - 'Outsourcing of Torture'
<http://www.amnestyusa.org/uspolicy/document.do?id=E6A40455594AF12685256FC5007801C5>

External Resources and Links:

U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. http://www.unhchr.ch/html/menu3/b/h_cat39.htm

Statement of President George W. Bush on International Day in Support of Victims of Torture, June 26, 2003. http://www.usembassy.it/file2003_06/alia/A3062613.htm

The Torture Abolition and Survivors Support Coalition www.tassc.org