



## **THE REPORT OF THE TASK FORCE ON DETAINEE TREATMENT OF THE CONSTITUTION PROJECT**

On April 16, 2013, the bipartisan Task Force on Detainee Treatment sponsored by The Constitution Project issued its comprehensive report on the interrogation and treatment of detainees, particularly those taken into U.S. custody in the aftermath of 9/11. Based on its work over a two year period, the Task Force concluded that the United States indisputably engaged in torture and cruel, inhuman, and degrading treatment (CID) in violation of U.S. and international law and for which, notwithstanding the climate of fear after 9/11, there was no justification. The torture “occurred in many instances and across a wide range of theaters.” The Task Force also concluded that our top political leaders, through both their actions and failures to act, bore the ultimate responsibility for the use of torture and CID. The Task Force found that “the arguments that the nation did not engage in torture and that much of what occurred should be defined as something less than torture are not credible.”

The 11 member bipartisan Task Force was chaired by Asa Hutchinson, a former Under Secretary of the Department of Homeland Security for President George W. Bush and a former Republican member of Congress from Arkansas, and James Jones, a former Democratic member of Congress from Oklahoma who was Ambassador to Mexico.

The Task Force report describes how government lawyers manipulated the law in order to claim that torture was legal when, in fact, it was clearly illegal. It describes admirable attempts made by individuals in the armed forces and civilian agencies to stand up for U.S. law and American morality, and it shows how our political leaders and some of their handpicked lawyers found ways around them.

Drawing on public records and interviews with a number of eye witnesses and involved persons, the report describes in detail numerous examples of torture, including several cases where individuals were literally tortured to death.

The report describes the confusion and fear that was endemic in our government’s response to 9/11. It shows how the U.S. captured and held people who likely had no connection to terrorism, how our government mistreated detainees in capriciously cruel ways, and the many ways in which setting aside law and morality in the name of national security hurt our country. Tragically, it also describes how our frontline troops were left to fend for themselves in absence of moral leadership from above.

Key findings of the Task Force include:

- There is no firm or persuasive evidence that the use of torture produced significant information of value. In fact, the Task Force found substantial evidence that much of the information obtained from torture was not useful or reliable.
- The U.S. used interrogation techniques that it had previously condemned as illegal when used by others, including waterboarding, stress positions, extended sleep deprivation, sexual humiliation and prolonged solitary confinement.
- Our top political leaders, through both their actions and failures to act, bore ultimate responsibility for the use of torture and CID.
- The Office of Legal Counsel “repeatedly gave erroneous legal sanction” to torture and CID.
- The U.S. “violated its international legal obligations in its practice of the enforced disappearances and arbitrary detention of terror suspects in secret prisons abroad.”

- Medical professionals violated their professional ethical obligations when they participated in torture and CID.
- “The high level of secrecy surrounding the rendition and torture of detainees since September 11 cannot continue to be justified on the basis of national security.”
- The U.S. has failed to comply with its legal duty to provide redress and compensation to victims of torture.
- The U.S. has failed to comply with its legal duty to investigate all acts of torture.
- The Army Field Manual was amended in 2006 in ways that weakened some of its key protections against cruel, inhuman and degrading treatment.
- A majority of the Task Force found the indefinite detention at Guantanamo “abhorrent and intolerable.”

Key recommendations of the Task Force include:

- The American people should have all of the facts on torture – and in particular the Senate Intelligence Committee report on CIA interrogations should be released to the public.
- The laws against torture should be strengthened to prevent a repeat of past mistakes.
- The U.S. should not transfer detainees to countries where torture is likely to occur, and should not rely solely on diplomatic assurances of humane treatment with respect to such transfers.
- The Office of Legal Counsel (OLC) should be required to publish its opinions and tell the public when it is issuing a classified opinion. There should be increased notice of OLC opinions to Congress.
- The DOD and the CIA “should ensure adherence to health professional principles of ethics.” Also, physicians should be required to report abuses to authorities.
- The Executive Branch should declassify evidence regarding the CIA’s and military’s abuse and torture of captives.
- “Congress should pass legislation that makes clear that acts of torture, war crimes, and crimes against humanity are not legitimate ‘intelligence sources and methods’ under the National Security Act.”
- The state-secrets privilege should not be invoked to dismiss lawsuits by victims of torture and CID at the pleadings stage.
- Congress should amend the Army Field Manual to eliminate Appendix M, and “[l]anguage prohibiting the use of stress positions and abnormal sleep manipulation that was removed in 2006 should be restored.”
- The International Committee of the Red Cross should always be granted access to all detainees, and the Obama Administration should publicly confirm its requirements for doing so.
- The United States should sign and ratify the International Convention for the Protection of All People from Enforced Disappearance.
- The “forced feeding of detainees at Guantanamo is an abuse and must end.”
- A majority of the Task Force recommend that Guantanamo be closed by no later than the end of 2014.

The National Religious Campaign Against Torture encourages everyone to read the Task Force report, educate others about its findings, and advocate for its recommendations.

For more information visit [www.nrcat.org/TaskForce](http://www.nrcat.org/TaskForce).