

Minute on the Abolition of Torture

North Pacific Yearly Meeting of the Religious Society of Friends

Minute on the Abolition of Torture

We condemn the use of torture. An act of torture is an act of evil. No exceptional circumstance 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 for torture. Torture by any means, whether directly or by proxy, is immoral. Torture degrades the humanity of the tortured, the torturer and those who have knowledge of it.

We are shocked, revolted and saddened by our government's use of torture in violation of the U.S. Constitution and Supreme Court precedents that have historically denounced physical and psychological cruelty. We do not accept use of language to redefine torture as "enhanced interrogation" or any other attempt to obscure the truth.

The Geneva Conventions and the United Nations Convention Against Torture are the standards of moral conduct for nations that respect human dignity. We call upon the United States of America to abide by these internationally accepted norms and definitions of torture.

We call for an impartial, nonpartisan and independent Commission of Inquiry. Understanding the causes, nature and scope of U.S. sponsored torture is essential for preventing future torture. U.S. law determines the extent of any criminal culpability.

As people of faith, we know that brokenness can be healed in both individual lives and the life of the nation. Learning the truth can set us on a path to national healing and renewal.

Action Requested of the Yearly Meeting:

Adopt the Minute on the Abolition of Torture evidencing unequivocal opposition to torture under any circumstances.

Recommend Monthly Meetings, Preparative Meetings and Worship Groups review and support the 12-point Program for the Prevention of Torture by Agents of the State issued by FCNL on 11/17/2004 (attached).

Recommend Monthly Meetings, Preparative Meetings and Worship Groups send copies of the Minute and FCNL's 12 points with a cover letter to their Congressional Representatives.

Implementation Statement:

The Clerk of North Pacific Yearly Meeting will ensure the distribution of the Minute on the Abolition of Torture to all Monthly Meetings, Preparative Meetings and Worship Groups along with action steps adopted at the Annual Session.

The Peace and Social Concerns Committee shall contact all Monthly Meetings, Preparative Meetings and Worship Groups to determine any assistance and encouragement needed relevant to the Minute on the Abolition of Torture.

12-point Program for the Prevention of Torture by Agents of the State

11/17/2004

1. Condemn torture. The highest authorities of every country should demonstrate their total opposition to torture. They should condemn torture unreservedly whenever it occurs. They should make clear to all members of the police, military, and other security forces that torture will never be tolerated.

2. Ensure access to prisoners. Torture often takes place while prisoners 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 detention and interrogation. 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 treatment of prisoners and take into account the needs of members of particularly 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 statements and other evidence obtained through torture may not be invoked in any 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. Officials should be instructed that they have the right and duty to refuse to obey any order to torture.

10. Provide reparation. Victims of torture and their dependents 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 without reservations international treaties containing safeguards against torture, including the UN Convention Against Torture, with declarations providing for individual and inter-state complaints. Governments should comply with the recommendations of international bodies and experts on the prevention of torture.

12. Exercise international responsibility. Governments should use all available channels to intercede with the governments of countries 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.