

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify today before the Committee as it considers the nomination of the Honorable Alberto R. Gonzales as Attorney General of the United States of America. I have submitted my written testimony and request that it be accepted for the record.

Mr. Chairman, it is a pleasure to appear before you because you were the primary champion behind the Torture Victims Protection Act. The TVPA has been welcomed by human rights advocates around the world as a model of a new tactic in the arsenal of torture prevention.

The Center for Victims of Torture was established in 1985 as the first specialized institution in the United States to provide rehabilitation to victims of government-sponsored torture and to work for the abolition of torture. As CVT's Executive Director for 16 years, I offer to you our expertise and experience about the realities of torture.

It is CVT's policy not to comment on the qualifications of specific individuals for government posts.

In global human rights campaigns against torture, one key focal point is the minister of justice or attorney general, who has three important roles: (1) to establish policies and procedures that diminish the incentive to use torture, such as regulating the role that confessions play in the overall administration of justice; (2) to prosecute or sanction torturers or persons who ill-treat detainees, and (3) to eliminate both the reality and the appearance of impunity among interrogators. These roles require a clear understanding of what torture is and why it is wrong, as well as very practical ideas on how to prevent its use.

Torture has a human cost.

CVT has provided care for more than 7500 people from 80 different nations. Although there are different physical symptoms associated with the form of torture they endured, there is a remarkably common pattern of profound emotional reactions and psychological symptoms that transcends cultural and national differences. The effects can include but are not limited to emotional numbing, depression, dissociation/ depersonalization, atypical behaviors such as impulse-control problems and high-risk behavior, psychosis, substance abuse, and neuropsychological impairment such as the loss of short-term or long-term memory, perceptual difficulties, loss of ability to sustain attention or concentration, and the loss of ability to learn.

The main psychiatric disorders associated with torture are posttraumatic stress disorder (PTSD) and major depression (DSM IV). While it is important to recognize that not everyone who has been tortured develops a diagnosable mental disorder, it is equally important to recognize that for many survivors, the symptoms and aftereffects of torture endure for a lifetime. We know that torture can profoundly damage relationships

between family members and between the victim and their community. This level of trauma affects future generations, as we see higher rates of suicide and depression among the children of survivors. Torture is said to be one of the most effective weapons against democracy as survivors usually break ties with their community and retreat from public life.

The White House Counsel memoranda are replete with legal errors, political miscalculations, and moral lapses. They disregard the human suffering caused by torture and inhumane treatment. They are based on faulty premises, even fantasies, about the benefits/payoffs of torture. What is striking about all of these memoranda is the lack of recognition of the physical and psychological damage of torture and inhumane treatment.

The assumption behind the memoranda, particularly the Bybee memorandum and the later report by the Working Group on Interrogation, is that some form of physical and mental coercion is necessary to get information to protect the American people from terrorism. These are unproven assumptions based on anecdotes from agencies with little transparency. But they have been popularized in the American media by endless repetition of what is called the “ticking time bomb” scenario.

Based on our experience with torture survivors and understanding the systems in which they have been abused, we believe it is important that these discussions not be shaped by speculation but rather through an understanding of how torture is actually used in the world. There are eight broad lessons we have learned from working with torture survivors:

1. Torture does not yield reliable information.
- 2., Torture does not yield information quickly.
3. Torture will not be used only against the guilty.
4. Torture has a corrupting effect on the perpetrator.
5. Torture has never been confined to narrow conditions.
6. Psychological torture results in long-term damage.
7. Stress and duress techniques are forms of torture.
8. We cannot use torture and still retain the moral high ground.

The costs to America of abandoning strict opposition to all forms of torture are far reaching, from the disillusionment and fear of individuals, on the one hand, to complications in our ability to conduct foreign policy, on the other.

It is up to all of us, to members of this Senate, and to the U.S. Attorney General to be clear that torture is a line we will not cross under any circumstances or for any purpose. It is imperative that the Attorney General is in agreement with American values and will use the full scope of American and international law to prevent torture and prosecute torturers.

To that end I respectfully call on the Senate Judiciary Committee to keep torture on its agenda and to require a routine report from the Department of Justice on its work to stop and prevent the use of torture. I ask the Committee to be vigilant in your oversight until it is clear in both our tacit and explicit policies and in our actions that the U.S. is back on course and is in full compliance with national and international law and American values.

When speaking on the Senate Floor in support of ratification of the Convention Against Torture, Senator Nancy Kassebaum said “I believe we have nothing to fear about our compliance with the terms of the treaty. Torture is simply not accepted in this country, and never will be.” Let us also make it true today.

Thank you.