

107TH CONGRESS
2D SESSION

H. CON. RES. 431

Condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2002

Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. CARDIN, and Mr. HASTINGS of Florida) submitted the following concurrent resolution; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices.

Whereas the Eighth Amendment to the United States Constitution prohibits “cruel and unusual punishments” and torture is prohibited by law throughout the United States without exception;

Whereas the prohibition against torture in international agreements is absolute, unqualified, and non-derogable under any circumstance, even during a state of war or national emergency;

Whereas an important component of the concept of comprehensive security in a free society is the fundamental service provided by law enforcement personnel to protect the basic human rights of individuals in society;

Whereas individuals require and deserve protection by law enforcement personnel and need the confidence in knowing that such personnel are not themselves agents of torture or other forms of cruel, inhumane, or degrading treatment or punishment, including extortion or other unlawful acts;

Whereas individuals who are incarcerated should be treated with respect in accordance with the inherent dignity of the human person;

Whereas there is a growing commitment by governments to eradicate torture and other forms of cruel, inhumane, or degrading treatment or punishment, to provide in law and practice procedural and substantive safeguards and remedies to combat such practices, to assist the victims of such practices, and to cooperate with relevant international organizations and nongovernmental organizations with the goal of eradicating such practices;

Whereas torture and other forms of cruel, inhumane, or degrading treatment or punishment continues in many countries despite international commitments to take effective legislative, administrative, judicial and other measures to prevent and punish such practices;

Whereas the rape of prisoners by prison officials or other prisoners, tolerated for the purpose of intimidation and abuse, is a particularly egregious form of torture;

Whereas incommunicado detention facilitates the use of torture and other forms of cruel, inhumane, or degrading

treatment or punishment, and may constitute, in and of itself, a form of such practices;

Whereas the use of racial profiling to stop, search, investigate, arrest, or convict an individual who is a minority severely erodes the confidence of a society in law enforcement personnel and may make minorities especially vulnerable to torture and other forms of cruel, inhumane, or degrading treatment or punishment;

Whereas the use of confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment in legal proceedings runs counter to efforts to eradicate such practices;

Whereas more than 500,000 individuals who are survivors of torture live in the United States;

Whereas the victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment and their families often suffer devastating effects and therefore require extensive medical and psychological treatment;

Whereas medical personnel and torture treatment centers play a critical role in the identification, treatment, and rehabilitation of victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment; and

Whereas each year the United Nations designates June 26 as an International Day in Support of Victims of Torture: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

3 (1) condemns the use of torture and other
4 forms of cruel, inhumane, or degrading treatment or

1 punishment in the United States and other coun-
2 tries;

3 (2) recognizes the United Nations International
4 Day in Support of the Victims of Torture and ex-
5 presses support for all victims of torture and other
6 forms of cruel, inhumane, or degrading treatment or
7 punishment who are struggling to overcome the
8 physical scars and psychological effects of such prac-
9 tices;

10 (3) encourages the training of law enforcement
11 personnel and others who are involved in the cus-
12 tody, interrogation, or treatment of any individual
13 who is arrested, detained, or imprisoned, in the pre-
14 vention of torture and other forms of cruel, inhu-
15 mane, or degrading treatment or punishment, in
16 order to reduce and eradicate such practices; and

17 (4) encourages the Secretary of State to seek,
18 at relevant international fora, the adoption of a
19 commitment—

20 (A) to treat confessions and other evidence
21 obtained through torture or other forms of
22 cruel, inhumane, or degrading treatment or
23 punishment, as inadmissible in any legal pro-
24 ceeding; and

- 1 (B) to prohibit, in law and in practice, in-
- 2 comunicado detention.

