

nose and mouth of the prisoner and the pouring of water in the towel until the prisoner began to move, jerk, or otherwise indicate that he was suffocating and/or drowning."

The four defendants were convicted, and the sheriff was sentenced to 10 years in prison.

We know that U.S. military tribunals and U.S. judges have examined certain types of water-based interrogation and found that they constituted torture. That's a lesson worth learning. The study of law is, after all, largely the study of history. The law of war is no different. This history should be of value to those who seek to understand what the law is -- as well as what it ought to be.

Evan Wallach, a judge at the U.S. Court of International Trade in New York, teaches the law of war as an adjunct professor at Brooklyn Law School and New York Law School.

ACTIONS

1. Write / call your congressperson and senators demanding that those who practice or condone waterboarding be prosecuted to the full extent of the law, including those in the highest offices.

Contact Senators / Representative at <http://www.congress.org/congressorg/dbq/officials/> or by calling the Congressional Switchboard at 202-224-3121 and ask for them by name. If you don't know who they are, tell

the operator your zip code and s/he will connect you to the appropriate persons.

2. Share this leaflet with others (friends, family, coworkers and your faith community) and encourage them to contact their elected officials also.

Local contact:

8th Day Center for Justice



205 W. Monroe St.
Chicago IL 60606
312-641-5151 8thday@claret.org
www.8thdaycenter.org

WATERBOARDING IS LEGAL, WHITE HOUSE SAYS

Greg Miller, Los Angeles Times,
February 7, 2008

The White House said Wednesday that the widely condemned interrogation technique known as waterboarding is legal and that President Bush could authorize the CIA to resume using the simulated-drowning method under extraordinary circumstances.... The technique has been traced to the Spanish Inquisition and has been the subject of war-crimes trials dating back a century.

Waterboarding is torture...period

Malcolm W. Nance, Oct.31, 2007
<http://smallwarsjournal.com/blog/2007/10/waterboarding-is-torture-perio/>

Waterboarding is not a simulation. Unless you have been strapped down to the board, have endured the agonizing feeling of the water overpowering your gag reflex, and then feel your throat open and allow pint after pint of water to involuntarily fill your lungs, you will not know the meaning of the word.

Waterboarding is a controlled drowning that, in the American model.... **It does not**

simulate drowning, as the lungs are actually filling with water. There is no way to simulate that. The victim is drowning. How much the victim is to drown depends on the desired result (in the form of answers to questions shouted into the victim's face) and the obstinacy of the subject. A team doctor watches the quantity of water that is ingested and for the physiological signs which show when the drowning effect goes from painful psychological experience, to horrific suffocating punishment to the final death spiral.

Waterboarding is slow motion suffocation with enough time to contemplate the inevitability of black out and expiration –usually the person goes into hysterics on the board. For the uninitiated, it is horrifying to watch and if it goes wrong, it can lead straight to terminal hypoxia. When done right it is controlled death. Its lack of physical scarring allows the victim to recover and be threaten with its use again and again. [It has long term psychological impact.]

Malcolm W. Nance, is a former Master Instructor and Chief of Training at the US Navy Survival, Evasion, Resistance and Escape School (SERE) in San Diego, CA

Waterboarding Used to Be a Crime

Evan Wallach, November 4, 2007
http://www.washingtonpost.com/wp-dyn/content/article/2007/11/02/AR2007110201170_pf.html

The United States knows quite a bit about waterboarding. The U.S. government -- whether acting alone before domestic courts, commissions and courts-martial or as part of the world community -- has not only condemned the use of water torture but has severely punished those who applied it.

After World War II, we convicted several Japanese soldiers for waterboarding American and Allied prisoners of war. At the trial of his captors, then-Lt. Chase J. Nielsen, one of the 1942 Army Air Forces officers who flew in the Doolittle Raid and was captured by the Japanese, testified: "I was given several types of torture. . . . I was given what they call the water cure." He was asked what he felt when the Japanese soldiers poured the water. "Well, I felt more or less like I was drowning," he replied, "just gasping between life and death.".....

Nielsen's experience was not unique. Nor was the prosecution of his captors. After Japan surrendered, the United States organized and participated in the International Military Tribunal for the Far East, generally called the Tokyo War Crimes Trials. Leading members of Japan's military and government elite were

charged, among their many other crimes, with torturing Allied military personnel and civilians. The principal proof upon which their torture convictions were based was conduct that we would now call waterboarding.....

[A] number of Japanese prison-camp officers and guards were convicted of torture that clearly violated the laws of war. They were not the only defendants convicted in such cases. As far back as the U.S. occupation of the Philippines after the 1898 Spanish-American War, U.S. soldiers were court-martialed for using the "water cure" to question Filipino guerrillas.

More recently, waterboarding cases have appeared in U.S. district courts. One was a civil action brought by several Filipinos seeking damages against the estate of former Philippine president Ferdinand Marcos. The plaintiffs claimed they had been subjected to torture, including water torture. The court awarded \$766 million in damages, noting in its findings that "the plaintiffs experienced human rights violations including, but not limited to . . . the water cure, where a cloth was placed over the detainee's mouth and nose, and water producing a drowning sensation."

In 1983, federal prosecutors charged a Texas sheriff and three of his deputies with violating prisoners' civil rights by forcing confessions. The complaint alleged that the officers conspired to "subject prisoners to a suffocating water torture ordeal in order to coerce confessions. This generally included the placement of a towel over the