

For more info on US torture practices:

- Waterboarding is not simulated drowning -- it is drowning

<http://www.salon.com/opinion/feature/2007/11/09/nance/>

- Waterboarding Used to Be a Crime

www.washingtonpost.com/wp-dyn/content/article/2007/11/02/AR2007110201170.html

- Torture? It probably killed more Americans than 9/11

www.independent.co.uk/news/world/middle-east/torture-it-probably-killed-more-americans-than-911-1674396.html

ACTIONS

1. Contact President Obama, your Senators and Representative. Tell them you want them to support a transparent process -- which is open to indictments and trials -- to get to the bottom of the torture practiced under the Bush administration.

Pres. Obama: Call 202-456-1111 Write: www.whitehouse.gov/contact/

2. US Senate switchboard 202-224-3121; **US House** switchboard 202-225-3121.

Ask for your Senators / Representative by name. If you don't know their names, tell the operator your zip code and s/he will connect you.

3. 8th Day's other peace leaflets may be found at www.8thdaycenter.org/resources/leaflets.html for your use at vigils, classrooms, etc.

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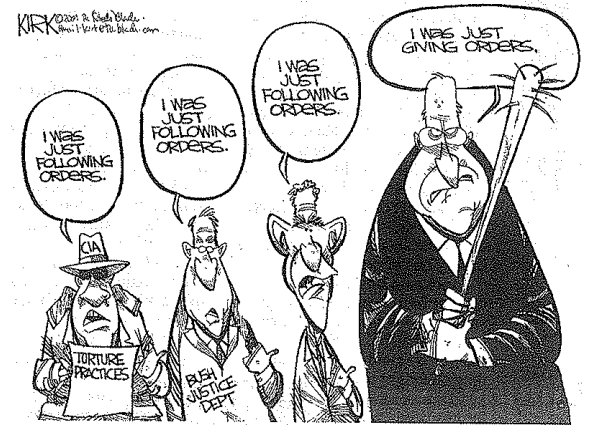
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Local contact:

OBAMA, HOLD TORTURES ACCOUNTABLE

Ten day ago President Obama released ... four [torture] memos in response to a Freedom of Information Act request by the ACLU. They describe unimaginably brutal techniques and provide "legal" justification for clearly illegal acts of torture and cruel, inhuman or degrading treatment.



In the face of monumental pressure from the CIA to keep them secret, Obama demonstrated great courage in deciding to make the grotesque memos public. At the same time, however, in an attempt to pacify the intelligence establishment, Obama said, "it is our intention to assure those who carried out their duties relying in good faith upon legal advice from the Department of

Justice that they will not be subject to prosecution."

The memos justify 10 techniques, including banging heads into walls 30 times in a row, prolonged nudity, repeated slapping, dietary manipulation, and dousing with cold water as low as 41 degrees. They allow shackling in a standing position for 180 hours, sleep deprivation for 11 days, confinement of people in small dark boxes with insects for hours, and waterboarding {or drowning a victim but stopping just before they die}. Moreover, the memos permit many of these techniques to be used in combination for a 30-day period. They find that none of these techniques constitute torture or cruel, inhuman or degrading treatment.

U.S. law prohibits torture and cruel, inhuman or degrading treatment, and requires that those who subject people to such treatment be prosecuted. The Convention against Torture [of which the US is a signatory,] compels us to refer all torture cases for prosecution or extradite the suspect to a country that will undertake a criminal investigation.

[O]ne of the newly released torture memos reveals that [Khalid Sheikh] Mohammed was waterboarded 183 times and [Abu Zubaydah] Zubaydah was waterboarded 83 times. One of [top Justice lawyer] Stephen Bradbury's 2005 memos asserted that "enhanced techniques" on Zubaydah yielded the identification of Mohammed and an alleged radioactive bomb plot by Jose Padilla. But FBI supervisory special

agent Ali Soufan, who interrogated Zubaydah from March to June 2002, wrote in the New York Times that Zubaydah produced that information under traditional interrogation methods, **before the harsh techniques were ever used.**

[T]he FBI uses normal methods of interrogation to build up trust even when they are investigating a kidnapping and time is of the essence. [I] would do the same, even if my mother was on a bus with a hypothetical ticking bomb on board. It is quite untrue to imagine that torture is the fastest way of obtaining information - Major Matthew Alexander, who personally conducted 300 interrogations of prisoners in Iraq.

Why, then, the relentless waterboarding of these two men? It turns out that high Bush officials put heavy pressure on Pentagon interrogators to get Mohammed and Zubaydah to reveal a link between Saddam Hussein and the 9/11 hijackers, **in order to justify Bush's illegal and unnecessary invasion of Iraq in 2003**, according to the newly released report of the Senate Armed Services Committee. That link was never established.

Obama has made a political calculation to seek amnesty for the CIA torturers. However, good faith reliance on superior orders was rejected as a defense at Nuremberg and in Lt. Calley's Vietnam-era trial for the My Lai Massacre [and Nuremberg after WW II]. The Torture

Convention provides unequivocally, "An order from a superior officer or a public authority may not be invoked as a justification for torture."

Obama told AP's Jennifer Loven in the Oval Office: "With respect to those who formulated those legal decisions, I would say that is going to be more of a decision for the Attorney General within the parameters of various laws, and I don't want to prejudge that." If Holder continues to carry out Obama's political agenda by resisting investigations and prosecution, Congress can, and should, authorize the appointment of a special independent prosecutor to do what the law requires.

The President must fulfill his constitutional duty to ensure that the laws are faithfully executed.

Obama said that "nothing will be gained by spending our time and energy laying blame for the past." He is wrong.

There is more to gain from upholding the rule of law. It will make future leaders think twice before they authorize the cruel, illegal treatment of other human beings.

This leaflet is from "Torture Used to Try to Link Saddam with 9/11" by Marjorie Cohn who is a professor at Thomas Jefferson School of Law and president of the National Lawyers Guild. For the full article, see www.truthout.org/042609A