

November 22, 2011

Dear Senator:

The undersigned organizations urge you to oppose Amendment 1068 to the National Defense Authorization Act for Fiscal Year 2012 (S. 1867). Amendment 1068 offered by Senator Kelly Ayotte (R-NH) threatens to revive the use of torture and other cruelty in U.S. interrogations, flying in the face of American values and U.S. legal obligations as well as obstructing U.S. military missions and endangering troops deployed abroad.

Senior military officers and interrogation experts agree that U.S. interrogators need not and should not resort to so-called enhanced methods of interrogation because they are unnecessary and counterproductive. When General David Petraeus, then commander of U.S. forces in Afghanistan currently Director of the Central Intelligence Agency, was asked to respond to calls to bring back the “enhanced interrogation techniques,” he unequivocally stated that “we should not go there.” The military does not use such so-called “enhanced” techniques, Petraeus explained, because “a) we think they are not necessary and b) we think they are wrong”.¹ General Petraeus has also repeatedly remarked that cruel interrogation comes to “bite you in the back side in long run” and that “you undermine your cause by practices such as waterboarding and other so-called enhancements.”²

The authorization of cruel and coercive interrogation techniques—including wall slamming, sleep deprivation, induced hypothermia and forced standing—against prisoners in U.S. custody led to widespread abuses and tarnished the international standing of the United States. The photos from Abu Ghraib and revelations of abuses elsewhere incited outrage from the American people and others around the world, costing the United States hearts and minds that are critical to U.S. counterterrorism and counterinsurgency efforts. In response, Congress overwhelmingly passed the Detainee Treatment Act (DTA), with the Senate voting 90-9 in favor, to, in part, prohibit the military from using interrogation techniques not enumerated in the Army’s Field Manual on interrogation (AFM).

Amendment 1068 would dangerously roll back the DTA interrogation restrictions by allowing military interrogators involved in the High Value Detainee Interrogation Group to go outside the Army’s interrogation manual. The amendment would also require the administration to adopt a classified annex to that manual, which Department of Defense decided against in 2006 because such an annex would inhibit training and ally collaboration.³ Amendment 1068 thereby threatens to reopen the door to cruel interrogation techniques that senior military officers and interrogation experts agree are unnecessary and counterproductive.

Former Navy General Counsel Alberto Mora described in specific detail the negative impact that detainee abuse has on military operations. Mora testified before Congress that U.S. detainee abuses caused our allies to hesitate to participate in joint combat operations and to refuse to train or coordinate on joint detainee operations. Moreover, Mora stated that serving U.S. flag-rank officers maintain that the abuses that occurred at Abu Ghraib and Guantánamo were “the first and second identifiable causes of U.S. combat deaths in Iraq – as judged by their effectiveness in recruiting insurgent fighters into combat.”⁴

Prisoner abuse not only boosts enemy recruitment and undermines our ally relationships; it also frustrates the collaboration with local communities that the military relies upon. The 2006 joint Army-Marine Corps Counterinsurgency Manual describes why detainee abuses negatively impact counterinsurgency efforts:

¹ Remarks at the Young Atlanticist Summit, Lisbon, *transcript available at*: <http://www.acus.org/event/rasmussen-petraeus-stavridis-and-ban-highlight-young-atlanticist-summit/petraeus-transcript>.

² *Id.*

³ U.S. Department of Defense, News Transcript: Remarks of Army Deputy Chief of Staff for Intelligence Lt. Gen. John Kimmons, *at* <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=3712>.

⁴ *Hearing on the Treatment of Detainees in U.S. Custody Before the S. Comm. on Armed Servs.*, 109th Cong. (June 17, 2008) (statement of Alberto J. Mora) *available at* <http://armed-services.senate.gov/statemnt/2008/June/Mora%2006-17-08.pdf> (last visited June 8, 2009).

Efforts to build a legitimate government through illegitimate action—including unjustified or excessive use of force, unlawful detention, torture, or punishment without trial—are self-defeating.... Any human rights abuses or legal violations committed by U.S. forces quickly become known throughout the local population and eventually around the world because of the globalized media and work to undermine the [counterinsurgency] effort.⁵

U.S. troops on the ground rely on information provided by local community members to identify enemy cells, locate improvised explosive devices, and to build support for democratic reform. When the United States subjects individuals in its custody to cruel and inhuman treatment, it impedes local willingness to cooperate with U.S. troops, quashing cooperation that is essential to their mission's success.

The United States cannot afford to return to practices that degraded our country in the eyes of the general public, inhibited collaboration with allies and wasted our intelligence resources. We urge you to act in the interest of our nation's security, American values, and the rule of law and oppose Amendment 1068.

Sincerely,

Advocates for Survivors of Trauma and Torture
American Civil Liberties Union
Amnesty International USA (AIUSA)
Appeal for Justice
Bellevue, NYU Programs for Survivors of Torture, NYU Center for Health and Human Rights
Bill of Rights Defense Committee
The Center for Justice and Accountability
Center for National Security Studies (CNSS)
The Center for the Study of Human Rights in the Americas, University of California-Davis
Center for Victims of Torture (CVT)
Friends Committee on National Legislation (FCNL)
Heartland Alliance, Marjorie Kovler Center
High Road for Human Rights
Human Rights Center, University of California-Berkeley
Human Rights First
Human Rights Program, Carter Center
Human Rights Watch
Human Rights USA
International Justice Network
Japanese American Citizens League (JACL)
Lutheran Immigration and Refugee Service
National Institute for Military Justice
National Association of Criminal Defense Lawyers (NACDL)
National Religious Campaign Against Torture (NRCAT)
No More Guantánamos
North Carolina Stop Torture Now
Northern Virginia Family Service
Open Society Policy Center
Physicians for Human Rights (PHR)
The Quaker Initiative to End Torture (QUIT)
The Roderick MacArthur Justice Center at Northwestern University School of Law
The Rutherford Institute
Survivors Collaborative of the St. Louis Mental Health Board
Survivors of Torture International
Unitarian Universalist Service Committee (UUSC)

⁵ U.S. Department of Defense, FM 3-24/MCWP 3-33.5, Counterinsurgency, (Dec. 2006), p. 1-19.