



Legislation Text

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Res. No. 397

Resolution denouncing the use of torture and other inhumane treatment of Iraqi prisoners and detainees by some members of the United States Armed Forces and other American personnel at the Abu Ghraib prison near Baghdad, and urging the United States Congress to conduct a full and open investigation of the abuse at the Abu Ghraib prison and to adopt legislation affirming a no tolerance of torture policy that would hold accountable violators, as well as the supervisors of any violators, of the human right to not be subjected to torture or other cruel, inhumane treatment or punishment.

By Council Members Martinez, Koppell, Barron, Clarke, Comrie, James, Lopez, Sanders, Stewart, Vann and Weprin

Whereas, The United States is currently engaged in military operations in Iraq that were designed to remove Saddam Hussein from power and free the Iraqi people from his oppressive regime; and

Whereas, The Abu Ghraib prison was used by Saddam Hussein and members of his oppressive regime to inflict cruel and inhumane punishment and torture against the Iraqi people and is a symbol of the pain and suffering that they have had to endure for more than twenty years; and

Whereas, The United States has criticized the oppressive and inhumane treatment against the Iraqi people and human rights violations by Saddam Hussein as a travesty against the Iraqi people and as an indicator of his threat to the world; and

Whereas, Over the course of the American military campaign, the United States Armed Forces have detained many Iraqis at the Abu Ghraib prison near Baghdad; and

Whereas, Recent photographs and videos from Iraq have documented the mistreatment, torture and sexual humiliation of Iraqi prisoners at the Abu Ghraib prison in Baghdad by some members of the United States Armed Forces as well as other American personnel; and

Whereas, The photographs and videos show members of the United States Armed Forces, as well as

other American personnel, engaged in numerous sadistic and blatant criminal abuses against Iraqi prisoners that appear to violate international law and humanitarian rules; and

Whereas, Article 84 of the Fourth Geneva Conventions require the housing of prisoners of war and "persons deprived of liberty for any other reason" in facilities that afford "every guarantee of hygiene and healthfulness;" and

Whereas, The torture or inhumane treatment against prisoners of war or detainees is generally regarded as a grave and blatant breach of the standards and code of conduct set forth by the Geneva Conventions; and

Whereas, The United Nations' Convention against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment, of which the United States is a signatory, recognizes Article 6 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, providing that no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment and that protection from such treatment is an equal and inalienable right of all human beings; and

Whereas, The inhumane acts committed by some members of the United States Armed Forces and other American personnel are contrary to the principles of freedom, democracy and justice so valued by the American people; and

Whereas, The inhumane acts committed by some members of the United States Armed Forces and other American personnel are also contrary to the objectives of the United States in its quest to form a new Iraqi government that will lead the Iraqi people toward freedom and democracy; and

Whereas, The prohibition against torture is universal and covers all countries and persons, whether in captivity or free, regardless of nationality, whether a person is being held in the U.S. or in another country, or whether a person is deemed a combatant or civilian; and

Whereas, All applicable international human rights laws apply to U.S. officials operating abroad and domestically, now, therefore, be it

Resolved, That the Council of the City of New York denounces the use of torture and other inhumane

treatment of Iraqi prisoners and detainees by some members of the United States Armed Forces and other American personnel at the Abu Ghraib prison near Baghdad; and, be it further

Resolved, That the Council of the City of New York urges the United States Congress to conduct a full and open investigation of the abuse at the Abu Ghraib prison and to adopt legislation that would affirm a no tolerance of torture policy that would hold accountable violators, as well as the supervisors of any violators, of the human right to not be subjected to torture or other cruel, inhumane treatment or punishment.

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