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HOUSE JOINT RESOLUTION

2 WHEREAS, As elected officials of the State of Illinois, we
3 have an obligation to uphold the laws that govern the State of
4 Illinois, the Constitution of the United States of America, and
5 all international treaties to which the United States is party,
6 including the Geneva Conventions of 1949, the International
7 Covenant on Civil and Political Rights, the Convention Against
8 Torture and Other Cruel, Inhuman or Degrading Treatment or
9 Punishment, and related standards of international human
10 rights; and

11 WHEREAS, The use of torture and other cruel, inhuman, or
12 degrading treatment upon any person under the physical control
13 of and inflicted by any federal authority, including civilian
14 contractors, constitutes a violation of the law of nations in
15 that customary international law prohibits torture as
16 reflected, expressed, and defined in multilateral treaties and
17 other international instruments, international and domestic
18 judicial decisions, and other authorities; and

19 WHEREAS, The use of torture and other cruel, inhuman, or
20 degrading treatment upon any person under the physical control
21 of and inflicted by any federal authority, including civilian
22 contractors, constitutes a violation of the United States
23 Constitution; these acts of mistreatment constitute a
24 violation of the Fifth Amendment and of the Eighth Amendment's
25 prohibition on cruel and unusual punishment; and

26 WHEREAS, The use of torture and other cruel, inhuman, or
27 degrading treatment upon any person under the physical control
28 of and inflicted by any federal authority, including civilian
29 contractors, constitutes a violation of specific protections
30 afforded by the Third and Fourth Geneva Conventions, including,
31 but not limited to, Article 3 common to all 4 Geneva
32 Conventions; violations of Article 3 of the Geneva Conventions

1 are treaty violations as well as violations of customary
2 international law; and

3 WHEREAS, The use of torture and other cruel, inhuman, or
4 degrading treatment upon any person under the physical control
5 of and inflicted by any federal authority, including civilian
6 contractors, constitutes a violation of Articles 7 and 10 of
7 the International Covenant on Civil and Political Rights
8 (ICCPR); violations of these provisions of ICCPR are treaty
9 violations as well as violations of customary international
10 law; and

11 WHEREAS, The use of torture and other cruel, inhuman, or
12 degrading treatment upon any person under the physical control
13 of and inflicted by any federal authority, including civilian
14 contractors, constitutes a violation of the Convention Against
15 Torture and Other Cruel, Inhuman, or Degrading Treatment or
16 Punishment (CAT), and where applicable also constitute a
17 violation of Section 2340A of Chapter 18 of the United States
18 Code, enacted by Congress to fulfill obligations under CAT;
19 violations of CAT are treaty violations as well as violations
20 of customary international law; and

21 WHEREAS, The use of torture and other cruel, inhuman, or
22 degrading treatment as a method of extracting intelligence
23 information may lead to inaccurate and misleading information;
24 the Army Field Manual on Intelligence Interrogation states,
25 "the use of torture and other illegal methods is a poor
26 technique that yields unreliable results, may damage
27 subsequent collection efforts, and can induce the source to say
28 what he thinks the interrogator wants to hear"; and

29 WHEREAS, The use of torture and other cruel, inhuman, or
30 degrading treatment upon a foreign national in the custody of
31 the United States may have the effect of radicalizing the
32 victim's own moderate political, social, or religious

1 ideologies; these acts of mistreatment may also have the effect
2 of radicalizing the ideologies of the society from where the
3 victim originates, and radicalized ideologies may increase the
4 threat of terrorism against Americans; and

5 WHEREAS, The use of torture and other cruel, inhuman, or
6 degrading treatment upon a foreign national in the custody of
7 the United States may increase the likelihood that kidnapped or
8 captured American citizens and military personnel will be
9 subjected to similar acts of mistreatment; the U. S. Army Field
10 Manual on Intelligence and Interrogation states, "[The use of
11 torture and other illegal methods] may also place U.S. and
12 allied personnel in enemy hands at a greater risk of abuse by
13 their captors"; and

14 WHEREAS, The use of torture and other cruel, inhuman, or
15 degrading treatment undermines the rule of law and
16 delegitimizes the United States government as an advocate for
17 democracy; the U.S. Army Field Manual on Intelligence
18 Interrogation states, "Revelation of use of torture by U.S.
19 personnel will bring discredit upon the U.S. and its armed
20 forces while undermining domestic and international support
21 for the war effort"; and

22 WHEREAS, The U.S. Army Field Manual on Intelligence and
23 Interrogation states that binding international treaties and
24 United States policy "expressly prohibit acts of violence or
25 intimidation, including physical or mental torture, threats,
26 insults, or exposure to inhumane treatment as a means of or aid
27 to interrogation. Such illegal acts are not authorized and will
28 not be condoned by the U.S. Army."; the Manual specifically
29 defines physical torture to include "infliction of pain through
30 chemicals or bondage", "forcing an individual to stand, sit or
31 kneel in abnormal positions for prolonged periods of time",
32 "food deprivation", and "any form of beating"; therefore, be it

1 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
2 NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
3 SENATE CONCURRING HEREIN, that we condemn the use of torture
4 and all cruel, inhuman, or degrading treatment upon any person
5 under the physical control of any federal authority, including
6 civilian contractors; and be it further

7 RESOLVED, That we call on the President of the United
8 States and the Congress of the United States to affirm the
9 domestic and international obligations of the United States of
10 America to the rule of law and end the use of torture and all
11 other cruel, inhuman, or degrading treatment as a matter of
12 policy and to condemn the aforementioned acts of mistreatment;
13 and be it further

14 RESOLVED, That suitable copies of this resolution be
15 delivered to the President and Vice President of the United
16 States, to the Speaker of the House of Representatives of the
17 Congress of the United States, to the President pro tempore of
18 the Senate of the Congress of the United States, and to each
19 Senator and Representative from the State of Illinois in the
20 Congress of the United States.