

# The Torture Outsourcing Prevention Act

## Fact Sheet

*Today, individuals in the custody or control of the United States are being transferred for interrogation or detention to countries where they are likely to be tortured. Known as “**extraordinary rendition**,” this practice amounts to the United States outsourcing torture of detainees suspected of connections to terrorism, and violates U.S. and international law. **The Torture Outsourcing Prevention Act will close once and for all the loopholes in U.S. law that have been exploited to allow this misguided program to go forward.***

### **Extraordinary Rendition:**

- **Endangers U.S. troops and personnel overseas.** Universal compliance to international human rights standards and the threat of prosecution for violation of these standards is the only defense for the most vulnerable American troops – those captured on the battlefield. Extraordinary rendition threatens to undermine international adherence to international standards for the treatment of detainees and POWs.
- **Violates U.S. and international law**, which guarantee that no individual shall be transferred to “a country where there are substantial grounds for believing the person would be in danger of being subjected to torture.”
- **Is premised on “diplomatic assurances.”** The Bush Administration accepts non-legally binding assurances from torturing countries that they will not mistreat transferred individuals. The Administration, in other words, accepts an inherently untrustworthy and unverifiable pledge from known torturers that “this time we won’t torture.”
- **Produces bad intelligence.** Torture is widely known to produce unreliable intelligence, as an individual will say or sign anything to make the pain stop. That’s why U.S. military interrogators have said that torture is useless from an intelligence perspective.
- **Damages the moral authority and international standing of the United States.** How can the United States call for improved human rights standards around the world when we are sending suspects to the worst abusers of human rights for “interrogation?”

### **The Torture Outsourcing Prevention Act will:**

- **Bar the transfer of individuals** in the custody or control of the U.S. government or contractors to any country known for the use of torture, regardless of that individual’s citizenship or location of seizure.
- **Bar the use of “diplomatic assurances”** as the basis for determining that the threat of torture does not exist.
- **Allow treaty-based extraditions** to countries that do not torture to continue unimpeded.
- **Provide the Secretary of State with waiver authority** to permit transfers when there is either verifiable mechanism in place to assure that the person transferred will not face torture, or if the country no longer practices torture.

The Torture Outsourcing Prevention Act is supported by a broad coalition of human rights organizations, including Amnesty International, Human Rights Watch, the American Civil Liberties Union, and Human Rights First. For more information, please contact Will Huntington at (202) 225-2836 or [will.huntington@mail.house.gov](mailto:will.huntington@mail.house.gov).