Statement by Representative Edward J. Markey
On Amendment to Stop Funds for the Outsourcing of Torture
March 15, 2005

Mr. Speaker, I have an amendment at the desk.

The amendment I am offering today simply reaffirms the U.S. commitment to the Convention Against Torture. The U.S. signed this treaty under President Reagan, and the Senate ratified it in 1994.

Despite our commitments under this treaty and the recent statements made by the Administration emphasizing that the U.S. is emphatically and unambiguously against the use of torture, reports keep growing of the U.S. sending detainees to countries where they are likely to face torture, including to countries notorious for human rights violations. Just this week, the government announced that thousands of prisoners at Guantanamo Bay will be sent to foreign countries. This CIA practice known as "Extraordinary Rendition," amounts to nothing more than Outsourcing Torture.

The practice of extraordinary rendition is shrouded in secrecy. An unmarked plane arrives in the middle of the night carrying men wearing plain clothes and black hoods, to take custody of the prisoners, cut off their clothes, drug them on the spot, shackle them, and fly off into the night. President Bush signed a secret directive reported to speed up the process by eliminating the case by case evaluation. And while unofficial estimates put the number of renditions since 9/11 to be between 100 and 150, the actual number of renditions remains a secret.

The Administration maintains that it is in full compliance with the Convention Against Torture. Compliance, they say, is guaranteed by the dubious practice of asking countries known to torture prisoners for "promises" that they will not torture *our* prisoners. These so-called "diplomatic assurances" then provide the cover for sending a suspect to that country to undergo interrogation.

The list of countries where the detainees have been rendered includes Syria, Uzbekistan, Saudi Arabia and Egypt.

So here is the sand on which the Administration stands -- at the same time that we exhort the international community to isolate Syria for thumbing its nose at UN resolutions to get out of Lebanon, the United States is apparently willing to accept Syrian promises that it will comply with the Convention Against Torture.

Here is what the State Department's annual human rights report says about Syria's methods of interrogation:

"administering electrical shocks, pulling out fingernails, forcing objects into the rectum, …" And the list goes on.

How about Uzbekistan? -- "suffocation, electric shock, rape, beatings, and boiling prisoners to death…" And the list goes on.

These so-called "diplomatic assurances" not to torture are not credible, and the Administration knows it. Just last week CIA Director Porter Goss could not stand by these assurances stating: "*But of course once they're out of our control, there's only so much we can do*." Attorney General Alberto Gonzales confirmed this, saying "*Once someone is rendered, we can't fully control what that country might do*."

This amendment I am offering today prohibits the use any funds included in this supplemental to the contravention of our legal obligations under the Convention Against Torture, U.S. Law, and regulation. While I would have liked to expand this amendment to cover all fiscal year 2005 appropriations and to include language on the unreliability of diplomatic assurances, I have not done so out of recognition that such an amendment would go beyond the scope of this bill. On other occasions the Congress will have the opportunity to speak out more on torture. What we can do today is take the first step by having the U.S. Congress reaffirm that it does not support or condone torture, or rendition to counties likely to torture an individual.

Throughout United States history we have encountered and defeated brutal enemies, inhumane and monstrous dictators and met with hideous violence. We take pride in that we have never become what we have beheld. We take pride that even as our nation fought for its survival against the Nazis and the Japanese Empire during World War II, that we did not ask our "Greatest Generation" to engage in torture or other war crimes. The legacy of the U.S. then, and now, is that we uphold our commitment to justice in the face of shadows of terror and war. The test of a nation is found as much in how it wages war as in how it promotes the values of peace and democracy. That is what we must do today.

I urge you to vote yes on this amendment, and say NO on torture.