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'US president not bound by laws banning torture'

[The Hindu](#) | [June 7 2004](#)

Washington, June 7. (PTI): The President of United States is not bound by laws prohibiting torture in the war against terror and government agents who might torment prisoners at his direction could not be prosecuted by the Justice Department, a secret report prepared by the Bush Administration says.

The advice was part of a classified report on interrogation methods prepared for Defence Secretary Donald Rumsfeld in March 2003, after commanders at Guantanamo Bay in Cuba complained that they were not getting enough information from prisoners, the Wall Street Journal said today.

The report outlined US laws and international treaties forbidding torture and why, in the opinion of the Bush Administration lawyers, these restrictions might be overcome by national security considerations or legal technicalities.

At the core of the report is the "exceptional" argument that because nothing is more important than "obtaining intelligence vital to the protection of American citizens," normal strictures on torture might not apply, the paper says.

The President, despite domestic and international laws constraining the use of torture, has the authority as Commander-in-Chief to approve almost any physical or psychological actions during interrogation, up to and including torture, the report argued.

In a March 6, 2003 draft of the report reviewed by Journal, passages were deleted as was an attachment listing specific interrogation techniques and whether Rumsfeld himself or other officials

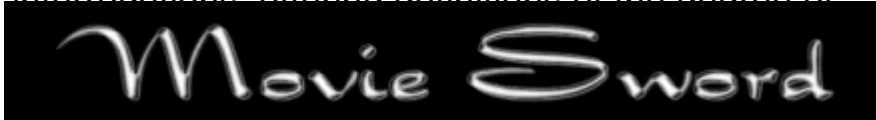


and whether Rumsfeld himself or other officials must grant permission before they could be used.

The complete draft document was classified "secret" by Rumsfeld and scheduled for declassification only in 2013.

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... report, which exceeds 100 pages, said the deals with a range of legal issues related to interrogations, offering definitions of the degree of



The report was compiled by a working group appointed by the Defense Department's General Counsel William J Haynes II.

PRISON PLANET.com

Air Force General Counsel Mary Walker headed the group, which comprised top civilian and uniformed lawyers from each military branch and consulted with the Justice Department, the Joint Chiefs of Staff, the Defense Intelligence Agency and other intelligence agencies, according to Bush Administration officials, she said.

It is not known, however whether President Bush has ever seen the report, she said.