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McCain Continues Drive to Ban Torture by US.

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Senator John McCain, the Arizona Republican, continued negotiations yesterday with the White House and lawmakers towards passing legislation that would prohibit US personnel from subjecting detainees to inhumane abuse anywhere in the world.

The White House wants Mr McCain, who is pushing for legislation prohibiting US personnel from engaging in "cruel, inhumane and degrading" treatment of detainees anywhere, to carve out an exemption that would protect some intelligence operatives from prosecution.

Congressional aides say Mr McCain is unwilling to consider such an exemption to his amendment, which is attached to the 2006 defence spending bill. Instead, he has offered to allow intelligence operatives to employ a defence sometimes used in the military, where a defendant can argue that a "reasonable" person would conclude that they were following lawful orders.

Mr McCain, who was tortured as a prisoner of war in Vietnam, has been pushing for the measure following the Abu Ghraib prison scandal and reports of abuses in Afghanistan and Guantanamo Bay. In addition to the White House negotiations, Mr McCain and Senate and House lawmakers are negotiating over the form in which the McCain measure will appear in the defence bill. Duncan Hunter, the chairman of the House armed services committee, said yesterday that the McCain measure would be "strongly manifested" in the final defence bill. But one congressional aide said Mr McCain was insisting that his measure not be diluted at all.

The White House originally threatened to veto any legislation that included the McCain amendment. It later reduced its opposition, saying it would accept the measure if Central Intelligence Agency operatives were exempt. However, facing increasing pressure to accept the amendment, Stephen Hadley, the White House national security adviser, has in recent days been trying to reach a deal on a narrower exemption.

Condoleezza Rice, the secretary of state, signalled a shift in US policy on Wednesday, saying all US personnel were prohibited from engaging in "cruel, inhumane and degrading" treatment of detainees as outlined in the United Nations international convention against torture (CAT). But while the administration says its policy requires US personnel to abide by provisions in the torture convention, it has not changed its view that it is not legally required to do so.

The White House has not clearly defined what treatment it would consider "cruel, inhumane and degrading", raising questions on whether interrogation techniques such as water-boarding - where a detainee is made to feel as though he is drowning - which was reportedly used by the CIA would be permitted.

The American Civil Liberties Union this week brought a lawsuit against George Tenet, the former CIA director, on behalf of a German national who was allegedly abducted and tortured by the CIA. Khaled el-Masri, a German national of Lebanese descent, claimed he was beaten and sodomised after being kidnapped in Macedonia while on vacation.