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Gonzales: Prisoner Abuse doesn't Qualify as Torture

U.S. attorney general says legal definition not met

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Despite reports of widespread abuse of prisoners in Iraq, Afghanistan and Guantanamo Bay, U.S. Attorney General Alberto Gonzales on Friday said much of the abuse falls short of the legal definition of torture.

Gonzales, who grew up in Houston, said many of the widely publicized incidents of abuse by the military and civilian contractors cannot be prosecuted as torture.

"Torture, as a matter of prosecution, is defined by Congress as the intentional infliction of severe physical and mental pain or suffering," Gonzales said in an interview at the offices of Houston U.S. Attorney Michael Shelby.

"Congress intended a very high bar here in order to be prosecuted for engaging in torture," he said. "There may be conduct that you may find offensive that falls far short of torture."

Nevertheless, he said his office would prosecute anyone who has engaged in torture.

"This president has said consistently that the United States does not condone torture and does not as a matter of policy engage in torture, and if anyone is in violation of the president's directive or the law, they will be held accountable," he said.

Gonzales, who took office Feb. 3, was criticized by Democrats during his confirmation hearing for approving a memo in August 2002 while he was White House counsel saying that laws prohibiting torture do "not apply to the president's detention and interrogation of enemy combatants."

The memo also said that to qualify as torture, the pain must include "injury such as death, organ failure, or serious impairment of body functions."

A January 2002 memo by Gonzales said the war against terrorism "renders obsolete" the Geneva Convention treatment of prisoners of war.

He said thwarting domestic terrorism remains the top priority of the U.S. Justice Department and that its policies struck the right balance between protecting the country from threats and protecting civil liberties.

"We live in a new world now, post 9/11, where in order to successfully deal with the war on terror we have to win the war of information and get as much information as we can and do it in a way that is consistent with our values and consistent with our obligations under the law," Gonzales said.