



**The Association of the Bar of the City of New York
Center for Human Rights & Global Justice, NYU School of Law**

Statement of Margaret Satterthwaite
Press Conference in support of the
Torture Outsourcing Prevention Act, H.R. 952
March 10, 2005

Good afternoon. I would like to thank Congressman Markey for his leadership on this issue.

I am pleased to be here today to speak on behalf of the Association of the Bar of the City of New York and the NYU Center for Human Rights and Global Justice. We strongly support the legislation that Representative Markey introduced on February 17, 2005. The “Torture Outsourcing Prevention Act” seeks to end the United States’ direct or indirect use of “extraordinary rendition,” the extra-judicial transfer or return of persons to countries where torture or other inhuman treatment of persons occurs. Extraordinary rendition is prohibited by both domestic and international law, and we commend Congressman Markey’s efforts to end this odious practice.

In October 2004, the Association and the CHRGGJ jointly issued a report entitled *Torture by Proxy: International and Domestic Law Applicable to “Extraordinary Renditions,”* which presented an in-depth legal analysis of extraordinary rendition and related practices. The report concluded that extraordinary renditions clearly violate both United States and international law.

Despite this, recent reports indicate that agents of the United States’ intelligence community have been and are practicing extraordinary rendition, often as an interrogation technique. In fact, use of extraordinary rendition appears to be on the rise. Congressman Markey’s proposed legislation would reinforce prohibitions on extraordinary rendition that are already binding on the United States under international law by unequivocally requiring that transfers of individuals to other countries occur with due process guarantees and in conformity with United States’ international obligations.

The bill would clarify that extraordinary renditions are plainly prohibited – no matter where they take place, and no matter whether they are conducted by a government agency or by a contractor of such an agency. The bill would also prevent officials from

circumventing the prohibitions against extraordinary rendition by obtaining an “assurance” from a foreign government that it will not torture or ill-treat a specific person who is being transferred to its custody. Available evidence indicates that assurances obtained from governments of states where torture is known to occur are highly unreliable.

Importantly, the bill would permit transfers to countries where there are substantial grounds for believing that torture or cruel, inhuman, or degrading treatment is commonly used *only* where the Secretary of State has certified to specified Congressional committees that the receiving government has ended all acts of torture or cruel, inhuman, or degrading treatment, and that there is a verifiable mechanism that assures the United States that a person transferred to the requesting government will not be tortured or subjected to cruel, inhuman, or degrading treatment. Finally, Congressman Markey’s bill would fill in certain gaps in domestic law that have facilitated the continued use of extraordinary renditions by government agents in contravention of the United State’s obligations under international law.

Congressman Markey, we thank you for your leadership to end the practice of extraordinary rendition and hope that this important bill will be taken up and passed as soon as possible.