

1 [Resolution Against Torture]

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3 **Resolution urging the United States Government to comply with international law**  
4 **regarding the use of torture.**

5  
6 WHEREAS, San Francisco is proud to have been the birthplace of the United Nations;  
7 and,

8 WHEREAS, San Francisco remains dedicated to the principles articulated in that  
9 Charter, including the pledge to reaffirm faith in fundamental human rights, in the dignity and  
10 worth of the human person and to establish conditions under which justice and respect for the  
11 obligations of international law can be maintained; and,

12 WHEREAS, Members of the United States armed forces and their affiliates have used  
13 torture, as documented in two reports, by an Army panel chaired by Major Gen. George Fay  
14 and by a commission headed by former Defense Secretary James Schlesinger; and

15 WHEREAS, The torture has been conducted on a widespread scale, suggesting a  
16 serious failure of governmental policy, if not actual official acceptance; and,

17 WHEREAS, Official government statements have authorized or permitted the use of  
18 interrogation techniques that clearly violate the common sense meaning of the word "torture,"  
19 as well as its interpretations given by the courts of the United States and by international  
20 tribunals; and,

21 WHEREAS, The threat or use of torture is universally condemned under international  
22 law, including the Four Geneva Conventions, the International Covenant on Civil and Political  
23 Rights and the United Nations Convention Against Torture, and admits of no exceptions or  
24 derogations; and

1           WHEREAS, The threat or use of torture places the United States government in  
2 violation of these international treaties to which it is a party; and,

3           WHEREAS, The use of torture violates the US Constitution in (a) the Fourth  
4 Amendment's right to be free of unreasonable search or seizure (which encompasses the  
5 right not be abused by the police), (b) the Fifth Amendment's right against self-incrimination  
6 (which encompasses the right to remain silent during interrogations), (c) the Fifth and the  
7 Fourteenth Amendments' guarantees of due process (ensuring fundamental fairness in  
8 criminal justice system) and (d) the Eighth Amendment right to be free of cruel or unusual  
9 punishment; and,

10           WHEREAS, The use of torture violates our commitment to the rule of law as a protector  
11 of the integrity and dignity of the human person; and,

12           WHEREAS, The secrecy which attends the use of torture violates our commitment to  
13 open government and the dissemination of true and accurate information of our government's  
14 actions; and,

15           WHEREAS, The use of torture by the United States armed forces or its affiliates  
16 undermines the moral authority of United States' endeavors to improve international human  
17 rights and the human conditions at home and abroad; and,

18           WHEREAS, The use of torture increases the likelihood that members of the United  
19 States armed forces will be subjected to torture in the future; and,

20           WHEREAS, The use of torture by the United States armed forces sets a bad example  
21 for domestic security policies and increases the likelihood that torture could be condoned  
22 domestically within States and Municipalities, like the City and County of San Francisco; now,  
23 therefore be it

1 RESOLVED, That the Board of Supervisors hereby urges the United States  
2 government to renounce forevermore the covert or public use or threat of torture, for any  
3 purpose whatsoever; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors hereby condemns the use or  
5 threat of torture by the United States government as a barbarous violation of human rights,  
6 intellectual freedom, and the rule of law; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors urges the United States  
8 government to (a) comply fully with the four Geneva Conventions of August 12, 1949,  
9 including timely compliance with all provisions that require access to protected persons by the  
10 International Committee of the Red Cross; (b) observe the minimum protections of their  
11 common Article 3 and related customary international law; and (c) enforce such compliance  
12 through all applicable laws, including the War Crimes Act and the Uniform Code of Military  
13 Justice; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors urges the United States  
15 government to take all measures necessary to ensure that all foreign persons captured,  
16 detained, interned or otherwise held within the custody or under the physical control of the  
17 United States are treated in accordance with standards that the United States would consider  
18 lawful if employed with respect to a captive American; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors urges the United States  
20 government to take all measures necessary to ensure that no person within the custody or  
21 under the physical control of the United States is turned over to another government when the  
22 United States has substantial grounds to believe that such person will be in danger of being  
23 subjected to torture or other cruel or inhuman or degrading treatment or punishment; and, be  
24 it

25  
SUPERVISOR CHRIS DALY  
BOARD OF SUPERVISORS

1           FURTHER RESOLVED, That the Board of Supervisors urges the President and  
2 Congress to establish an independent, bipartisan commission with subpoena power to  
3 prepare a full account of detention and interrogation practices carried out by the United  
4 States, to make public findings, and to provide recommendations designed to ensure that  
5 such practices adhere faithfully to the Constitution and laws of the United States and treaties  
6 to which the United States is a signatory, including the Geneva Conventions, the International  
7 Covenant on Civil and Political Rights, the Convention Against Torture, and other Cruel,  
8 Inhuman or Degrading Treatment or Punishment, and related customary international law,  
9 including Article 75 of the 1977 Protocol 1 to the Geneva Conventions; and, be it

10           FURTHER RESOLVED, That the Board of Supervisors urges the United States  
11 government to comply fully and in a timely manner with its reporting obligations as a State  
12 Party to the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or  
13 Punishment; and, be it

14           FURTHER RESOLVED, That the Board of Supervisors urges that, in establishing and  
15 executing national policy regarding the treatment of persons within the custody or under the  
16 physical control of the United States government, Congress and the Executive Branch should  
17 consider how the United States practices may affect (a) the treatment of United States  
18 persons who may be captured and detained by other nations and (b) the credibility of  
19 objections by the United States to the use of torture or other cruel, inhuman or degrading  
20 treating or punishment against United States persons; therefore, be it

21           RESOLVED, That Board of Supervisors requests the Clerk of the Board send a copy of  
22 this resolution to President George Bush, Secretary of Defense Donald Rumsfeld, Secretary  
23 of State Condoleezza Rice, Attorney General Alberto Gonzales, Senator Dianne Feinstein,  
24 Senator Boxer, Congresswoman Nancy Pelosi and Congressman Tom Lantos.

25  
SUPERVISOR CHRIS DALY  
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 050259

Date Passed:


Resolution urging the United States Government to comply with international law regarding the use of torture.

February 22, 2005 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050259

I hereby certify that the foregoing Resolution was ADOPTED on February 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

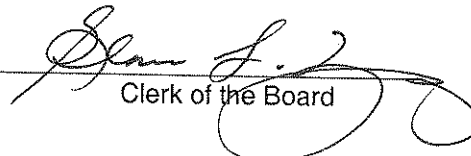
  
Gloria L. Young  
Clerk of the Board

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Mayor Gavin Newsom

Date: March 4, 2005

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

  
Clerk of the Board

File No.  
050259