

**JOINT RESOLUTION CONDEMNING USE OF  
TORTURE**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. McCoy**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This joint resolution of the Legislature condemns the use of torture by the United States Government.

**Highlighted Provisions:**

This resolution:

- ▶ affirms international laws prohibiting torture and condemns the use or threatening the use of torture by the United States Government; and
- ▶ opposes statements by the United States Government that torture is acceptable in a "state of emergency."

**Special Clauses:**

None

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*Be it resolved by the Legislature of the state of Utah:*

WHEREAS, the use of torture and coercive interrogative practices is inhumane, illegal, and destructive of the democratic sensibilities of a free society;

WHEREAS, torture, regardless of circumstance, humiliates and debases the torturer and the tortured alike;

WHEREAS, the threat or use of torture and similar practices of coercing testimony, confessions, or information is universally condemned under international law, including the



Geneva Convention and the Universal Declaration of Human Rights of 1948;

WHEREAS, torture denies the preciousness of human life and the dignity of every human being by reducing its victims to the status of despised objects, no matter how noble the cause for which it is employed;

WHEREAS, the right to be free of unreasonable search or seizure, which encompasses the right not to be abused by the police, is guaranteed by the Fourth Amendment to the United States Constitution;

WHEREAS, the Constitution's Fifth Amendment protections against self-incrimination encompass the right to remain silent during interrogations;

WHEREAS, the Constitution's Fifth and Fourteenth Amendments guarantees of due process ensure fundamental fairness in the criminal justice system;

WHEREAS, the Constitution's Eighth Amendment guarantees the right to be free of cruel and unusual punishment;

WHEREAS, the United States Government has proven its readiness to use torture, including practices such as hooding, shackling, drugging, and sleep deprivation, in the interrogation of suspected terrorists or suspected accomplices in its "war on terror";

WHEREAS, the secrecy which attends the use of torture violates the nation's history of commitment to open government and the necessity of true and accurate information regarding our government's actions;

WHEREAS, the violence of torture violates America's commitment to the rule of law as a protector of the integrity and dignity of the human person;

WHEREAS, the barbarity of torture fundamentally violates America's commitment to the preservation of the human spirit; and

WHEREAS, on November 9, 2005, the General Assembly of the National Council of Churches USA and Church World Service declared as unacceptable "any and all use of torture," and stated that it was "contrary to U.S. and international legal norms":

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah affirms that the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment is absolute and nonderogable.

BE IT FURTHER RESOLVED that the Legislature condemns the use or threat of use of torture by the United States Government as a barbarous violation of human rights,

59 intellectual freedom, and the rule of law.

60 BE IT FURTHER RESOLVED that the Legislature opposes the suggestion by the  
61 United States Government that under a "state of emergency" in this nation, or in territories it  
62 occupies, torture is an acceptable tool in pursuit of the nation's goals.

63 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of  
64 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
65 States House of Representatives, and to the members of Utah's congressional delegation.

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**Legislative Review Note**  
**as of 1-10-06 3:38 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SJR005**

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**Joint Resolution Condemning Use of Torture**

*18-Jan-06*

*5:13 PM*

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**State Impact**

Mailing requirements of this resolution can be handled within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**