



## Kriss Worthington

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### CONSENT CALENDAR

October 10, 2006

To: Honorable Mayor and  
Members of the City Council

From: Councilmember Kriss Worthington

Subject: Resolution against torture and other cruel, inhuman or degrading treatment or punishment

#### RECOMMENDATION:

That the Berkeley City Council adopt a resolution urging California Senators and Congressmembers to not violate the U.S. Constitution by ignoring the U.S.-signed 1994 International Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.

#### BACKGROUND:

Torture is still torture, no matter what you call it. The U.S. Senate and House of Representatives are currently preparing to vote on a proposal by President George W. Bush to change the definition of "torture" in United States law. The Bush Administration's proposal could severely alter the current definition and may violate agreements and treaties protected under the U.S. Constitution. In 1994, the United States ratified the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This treaty, is protected under the Constitution, Article VI, clause 2. This resolution would affirm the City Council's opposition to the violation of this treaty and urge U.S. Senators and Congressmembers to consider the United States' past commitment against torture and inhuman treatment.

#### FINANCIAL IMPLICATIONS:

NONE

#### CONTACT PERSON:

Councilmember Kriss Worthington 981-7170.

RESOLUTION NO.

-N.S.

RESOLUTION TO NOTIFY CALIFORNIA SENATORS AND CONGRESSMEMBERS NOT TO VIOLATE THE U.S. CONSTITUTION BY IGNORING RATIFIED A RATIFIED TREATY – THE INTERNATIONAL CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

WHEREAS, the Berkeley City Council is meeting on October 10, 2006, as the U.S. Senate and House are preparing to vote on a proposal by President George W. Bush to change the definition of “torture” in U.S. law; and

WHEREAS, the Bush administration, the Attorney General, and the Secretary of State have not mentioned that the United States in 1994, ratified the International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and

WHEREAS, a treaty is the supreme law of the land under the U.S. Constitution, Article VI, clause 2; and

WHEREAS, this Convention has developed a comprehensive definition of torture and other cruel, inhuman or degrading treatment or punishment based on actions of governments in recent decades, and these definitions are specific and are the supreme law of the United States, as a treaty signatory; and

WHEREAS, this Convention, and the United Nations Charter, which is also a treat ratified by the United States in 1945, specifically respect the right to human dignity of every human being; and

WHEREAS, the dangers to residents of the United States will be increased if the U.S., by itself, seeks to ignore and modify the definitions of these crimes adopted by 74 other nations that have also ratified this treaty; and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley quickly inform Senators Barbara Boxer and Diane Feinstein and Congresswoman Barbara Lee that we expect them to keep in mind the U.S. ratification of this treat in their votes on any proposal by the President or anyone else concerning the treatment of prisoners, detainees, or anyone in U.S. custody of any category anywhere in the world; and

BE IT FURTHER RESOLVED that we urge each of them to make a presentation to the Senate and the House before the vote is taken, informing their fellow Senators and Congressmembers about U.S. ratification of this treaty and the U.S. commitment to obey its terms; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the United Nations High Commissioner for Human Rights in Geneva directed to the UN Committee Against Torture.