

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## **Anti-Torture Provision in Defense Bill 'Significant Step Forward'**

**WASHINGTON, D.C.** -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comment on President Obama's signing earlier today of the National Defense Authorization Act for Fiscal Year 2016 (NDAA):

"The NDAA includes a strong prohibition against the kind of government-sanctioned torture and cruel treatment that marked the CIA's notorious post-9/11 detention and interrogation program for suspected terrorists. It shows America's strong, bipartisan commitment to never again repeat the interrogation-related mistakes of the past. Although TCP is sorely disappointed that Congress continues needlessly to obstruct closing the detention facility at Guantanamo Bay, this new anti-torture provision is a significant step forward in ensuring our nation adheres to our laws and values.

Section 1045 of the FY2016 NDAA has four main features:

- it extends the 2005 Detainee Treatment Act by restricting all U.S. government agents - not just the military - to only those interrogation techniques listed in the Army's Field Manual on human intelligence collection, while still allowing law enforcement and immigration officials to use authorized, non-coercive interrogation and interview methods not specifically listed in the Army manual. This restriction applies at all times, not just during war;
- it requires that the Army's interrogation manual remain public, and that any changes to it be made public prior to taking effect;
- it mandates a periodic review of the Army's manual - considering best practices for interrogations - to ensure that the methods the manual sets out are lawful and do not allow for the use or threat of force; and
- it requires prompt access by the International Committee of the Red Cross to any wartime detainee held by the U.S. government.

In April 2013, The Constitution Project Task Force on Detainee Treatment -- a [bipartisan, blue ribbon panel](#) -- made a [number of recommendations](#) aimed at safeguarding against a return to government-

sanctioned torture, including closing the Guantanamo Bay detention facility and tightening U.S. laws against torture.

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**[About The Constitution Project®](#)**

*Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*