

--Now that you have watched the videos with the opinions of Manfred Nowak and Juan Mendez, how do you position yourself on the issue of the duty to prosecute?

--What arguments would you invoke in favor, or against, the choice of not prosecuting such crimes?

My argument I would invoke in favor of prosecuting torture crimes: If you are a country that has agreed to abide by the "torture is a crime that will be punished if proven after investigation" clause in the treaty, then you are ignoring your obligation to abide by the treaty you ratified.

My argument I would invoke in favor of NOT prosecuting torture crimes: If you are a country that has ratified the "torture is a crime that will be punished if proven after investigation" clause in the treaty, but you have found that a compromise should be made in order to prevent some further conflict from happening, then I have heard in my International Criminal Law class I took online from CASE Western last semester, that there are cases when people who have committed crimes (even the terrorist themselves, not someone that tortured to get information from a suspected terrorist), that in some cases these people are not prosecuted, as a compromise thing to prevent further bad things from happening.

However, in general, I am in favor of standing by a treaty that you have ratified to investigate and prosecute crimes of torture. There are cases though that I've heard, where compromises are made, torture crimes ignored, to prevent some further conflict from happening that could be even worse to mankind.

Also, in the previous open response question, it asked if we were in favor of torturing people for information. I'm not in favor of it in general, but I did agree that there are cases and each one should be reviewed individually with common sense, where I would agree to the tactic. Those were if you were 100% certain of guilt of a terrorist, and that terrorist had planted a bomb that could be prevented from going off and killing many people, or some children had been kidnapped and would die if not found, then if you are 100% of a person's guilt, then I am not against torture in these examples, to gain the information from that person that might prevent a building filled with many people from dying from a bomb that has not yet gone off, or to save young kidnapped children hidden somewhere that could still be saved.

So these examples go against the treaty too, but in these specific cases, I would say that torture was not a crime, since you are 100% certain of guilt of the person, and you might save many other lives by applying some torture tactics. However if you are not 100% certain of someone's guilt and torture is applied, that person may confess just to make the torture stop, and serve a sentence for a crime they did not commit, so unless a life can be saved and you are certain a person is guilty, I would say torture is a crime.

In general though, I am against torture unless you are 100% certain that a person is guilty and lives can be saved by applying it. Also, I am in general in favor of prosecuting those that have committed torture and not pardoning them unless there is a good reason for doing so. I have heard though, that sometimes there are cases of compromise where these crimes are ignored to prevent further bad things from happening.

Has your country lived through similar circumstances, and what decision did it take with respect to the issue of prosecuting the crime of torture?

I am from the USA, and the example you provided was done by the last 2 Presidents of my country, President Bush (2000-2008) and it was my current President, President Obama, who ignored the obligation to investigate those who committed torture to terrorist suspects. In order to support President Obama in this case, I would have to say that I hope he ignored the crimes of torture and did not abide by the obligation of the treaty to investigate and prosecute those who committed torture was done to prevent something worse to mankind from happening, and it appears to be some secret we have not

been told.

Also, although I am against torture in all cases where you are either not certain of guilt of a person or no life can be saved in doing it, there are cases where people's lives can be saved by applying it, but only if you are 100% certain of someone's guilt.

So in these cases too, if they were certain of guilt and it was going to prevent many people from dying when they applied torture to get information from a terrorist, I would say it was the correct decision not to prosecute people who did it.

However, in general, if you have a large group of people and you do not know which ones are guilty and which ones are not guilty, and it also won't save any lives by applying the torture tactic, then it is the wrong decision to apply the torture to the person. And if the torture is discovered and there was no compromise that prevents some other bad thing from happening, then if my President ignored the treaty just to pardon people and there was no good reason to do so, then it would be the wrong decision, and I would not be supportive of it.