

QUESTIONS FROM SENATOR BENJAMIN L. CARDIN

NOMINATION OF ATTORNEY GENERAL

JUDGE MICHAEL MUKASEY

SENATE JUDICIARY COMMITTEE

OCTOBER 25, 2007

Federal law, 18 USC 2340A, specifies that U.S. citizens, U.S. nationals, and individuals on U.S. soil who commit torture whether here or overseas “shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.”

1. As Attorney General, will you order the Justice Department to prosecute individuals who have under 18 USC 2340-2340A committed acts of torture?

Federal law, 18 USC 2340A, specifies that “[a] person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.”

2. As Attorney General, will you order the Justice Department to prosecute of individuals who have participated in conspiracy to commit torture?

Article 2 of the Convention Against Torture states: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

- 3. Do you believe that any “exceptional circumstances” exist that would justify torture?**
- 4. As Attorney General, would you authorize the use of torture in any circumstances?**