

American and International Opinion on the Rights of Terrorism Suspects

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Knowledge Networks is a polling, social science, and market research firm based in Menlo Park, California. Knowledge Networks uses a large-scale nationwide research panel which is randomly selected from the national population of households having telephones and is subsequently provided Internet access for the completion of surveys (and thus is not limited to those who already have Internet access).

The Center for International and Security Studies at Maryland (CISSM), at the University of Maryland’s School for Public Policy, pursues policy-oriented scholarship on major issues facing the United States in the global arena. Using its research, forums, and publications, CISSM links the University and the policy community to improve communication between scholars and practitioners.

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INTRODUCTION

In recent weeks, the landscape of U. S. policy on the treatment of detainees has changed dramatically. The Supreme Court's decision against the Bush administration's military commissions to try the detainees at Guantanamo Bay was followed by a memo from the Defense Department's number-two official, stating that the standards of the Geneva Conventions' Common Article 3 now apply to detainees who are members of al Qaeda. These developments are in contrast to the Bush administration's long-held view that al Qaeda-style terrorists are illegal combatants that do not come under protections of the Geneva Conventions. Congress now begins to consider whether or not to craft legislation for such military tribunals. Some members of Congress have called for making the rights of detainees narrower than what article 3 provides.

What does the American public think about these human rights issues? First, do Americans embrace the existing framework of international treaties governing the treatment of detainees? More centrally, do Americans—as many claim—see the war on terrorism as creating an overarching imperative that makes the limits set by international law too restrictive? When terrorism suspects are captured abroad, do Americans think that they should have the rights afforded by the Geneva Conventions? When terrorism suspects are arrested in the United States should they have the rights accorded by U.S. law? Should non-US citizens be treated differently than U.S. citizens?

No less important is the question of how the treatment of terrorism suspects is viewed abroad, especially in countries that have suffered terrorist attacks. Do people in other countries accept the argument that terrorists pose a unique threat that requires a narrowing of the rights of detainees provided in international treaties? Do they believe the United States has violated international law? Historically, the United States has been seen as a leader in the promotion of international human rights. Does this continue to be the case?

The issue of extraordinary renditions—the secret transfer of terrorist suspects to a different country, sometimes one with a reputation for torturing prisoners—has been a thorny one in transatlantic relations, and is better known to publics abroad than to Americans. Do Americans accept such renditions? Do they think the practice could lead to torture? And to what degree do foreign publics believe their leaders should cooperate with the United States on such transfers?

News reports have mentioned cases of individuals, especially in Afghanistan or Iraq, who were captured and kept in prison, not as terrorist suspects but because of their presumed intelligence value. How do Americans feel about this question, which has not received wide attention in the media?

No aspect of detention issues has been presented to the public more vividly than the abuses at Abu Ghraib prison in Iraq. Two years later, how does the public evaluate what happened at Abu Ghraib and assess the corrective actions that have been taken?

The trials resulting from the Abu Ghraib scandal raise the wider issues of accountability and command responsibility. Do publics in the United States and other countries take similar or different positions on whether officers are responsible for abuses committed by those under their command, sometimes without their knowledge?

In order to probe public attitudes on detention, torture, rendition, and the rights of terrorism suspects, the Program on International Policy Attitudes, together with Knowledge Networks, conducted a poll of 1,059 American adults from June 27 to July 2. Local pollsters asked a smaller selection of questions to national samples in Britain, Germany, Poland, and India. Britain and Germany were selected as long-time U.S. allies: British troops are deployed in Iraq, and both British and German

troops are serving in Afghanistan. Poland and India were selected because polls have shown these countries to be among the most sympathetic to the United States. Britain, India and Germany are also countries that have suffered significant terrorist attacks. No less than Americans, they face the question of how to balance individual rights and national security.

In the United States, the poll of 1059 respondents was fielded June 27-July 2 with a margin of error of +/- 3.1-4.3% depending on the sample size for each question. The poll was fielded by Knowledge Networks, using its nationwide panel, which is randomly selected from the entire adult population and subsequently provided internet access. For more information about this methodology, go to www.knowledgenetworks.com/ganp.

Polls in Germany, Britain and India were conducted by partners in the GlobeScan network. In Germany, the nationwide poll of 1,002 Respondents was conducted by telephone June 6-25 and was fielded by Ri*Questa GmbH. In Great Britain, the nationwide poll of 1,004 respondents was conducted by telephone June 13-25 and was fielded by ICM Direct. Both of these polls had a margin of error of is of +/- 3.2 percent. In India, the nationwide poll of 1,639 respondents was conducted June 19-25 using face-to-face interviews and was fielded by C-Voter with a margin of error of +/- 2.5 percent.

In Poland, the nationwide poll of 1,005 respondents was conducted June 9-13 using face-to-face interviews and was fielded by TNS-OBOP. The margin of error was +/- 3.2 percent.

Limited polling was conducted in Russia, with a nationwide sample of 1600 respondents, conducted June 9-14 using face-to-face interviews and fielded by the Levada Center (margin of error of +/- 2.5%).

Summary of US Poll Findings

1. Rights of Detainees Suspected of Terrorism

Americans strongly support according terrorism suspects the civil and human rights provided by international treaties and U.S. law. These include: the right to a hearing, to a lawyer, to not be held in secret or imprisoned indefinitely without charges, and to be neither tortured nor threatened with torture. Americans also believe that U.S. facilities holding such detainees should be monitored by the Red Cross. By a two-to-one margin most Americans believe that the rules governing the treatment of terrorism suspects should be the same for citizens and non-citizens. Americans are divided on the question of whether the U.S. government currently allows interrogators to torture suspected terrorists to get information.....7

2. Guantanamo Bay

A slight majority of Americans believe that current U.S. policies regarding the treatment of detainees at Guantánamo Bay are legal under international law. However, when told that the U.N. Commission on Human Rights determined U.S. practices at Guantánamo were contrary to international law and that the US should change its practices a majority favored abiding by U.N. prescriptions. Large majorities believe that the way the United States has treated the detainees at Guantánamo weakens its ability to win international cooperation in the war on terror. They also believe that the treatment of detainees makes Muslims angrier, increasing their support for anti- American groups, such as al Qaeda.10

3. *Extraordinary Renditions*

A majority believes that the United States should not send terrorism detainees to countries known to interrogate suspects under torture. A very large majority believes that when suspects are sent to such countries, it is likely that they are tortured, despite assurances to the contrary..... 10

4. *Holding Detainees Simply for Intelligence*

Most Americans say that the United States does not have the right to hold suspects indefinitely simply because it believes they may have useful information in the war on terrorism. An even larger majority believes that other countries have no right to hold American citizens to obtain useful information. Nonetheless, a large majority believes that the U.S. officials do detain people indefinitely to obtain information..... 11

5. *Abu Ghraib and Detainee Abuses*

A large majority believes that the kinds of prisoner abuse that occurred at Abu Ghraib prison in Iraq have diminished but are still occurring to some extent, and that only a few of those responsible have been tried and punished. Slight majorities believe that the decisions that led to the Abu Ghraib abuses were made by military, not civilian, leaders, and that low-ranking soldiers acted on their own, without authorization. Americans are divided about whether there should be an independent commission to determine responsibility for the Abu Ghraib abuses or if this should be left to the military. 12

6. *Accountability*

A large majority believes that government officials who engage in—or order others to engage in—torture or cruel and humiliating treatment should be tried and punished. A majority also believes that officers should be held responsible if those under their command torture or humiliate detainees, even if they did not order the treatment and were unaware that it was taking place. 13

7. *Using Private Contractors for Interrogations*

A large majority of Americans believes that the United States should not use private contractors to conduct interrogations and a slight majority believes, incorrectly, that the United States does not do so. 14

Summary of International Poll Findings

1. *US Seen as Violating International Law on Detainees*

Majorities or pluralities in all countries polled believe that the United States has violated international law in its treatment of detainees at Guantanamo Bay and has permitted detainees to be tortured..... 14

2. *Extraordinary Renditions*

Majorities or pluralities in the four countries say the United States should not be allowed to fly through their airspace when transporting terrorism suspects to a country that reputedly tortures prisoners. 15

3. *US Performance in Advancing Human Rights*

The British and Germans no longer believe the United States is an effective international advocate for human rights. A majority of Russians also believes the United States is doing a poor job advancing

human rights in the world. A slight majority of Poles and a plurality of Indians think the United States is doing a good job on human rights.16

4. Views of Limits on the Treatment of Detainees

As a general principle majorities or pluralities in all countries polled reject the argument that the threat of terrorism requires departure from the conventions on the treatment of detainees. However support in other countries for specific treaty-based limitations on the treatment of detainees is inconsistent, especially in Britain, and generally lower than in the US. At the same time there is general agreement that military commanders should be held accountable for torture committed under their command, even if they claim they were unaware of it.16

Findings of US Poll

1. Rights of Detainees Suspected of Terrorism

Americans strongly support according terrorism suspects the civil and human rights provided by international treaties and U.S. law. These include: the right to a hearing, to a lawyer, to not be held in secret or imprisoned indefinitely without charges, and to be neither tortured nor threatened with torture. Americans also believe that U.S. facilities holding such detainees should be monitored by the Red Cross. By a two-to-one margin most Americans believe that the rules governing the treatment of terrorism suspects should be the same for citizens and non-citizens. Americans are divided on the question of whether the U.S. government currently allows interrogators to torture suspected terrorists to get information.

Rights of Detainees in General

As a general principle Americans show high levels of support for giving detainees full legal protections. Respondents were presented a list of “some legal requirements for the treatment of detainees that are part of international laws the United States has agreed to” and asked whether they favor or oppose them.

Large majorities endorsed according detainees all of the rights listed including:

- “the right to request and receive a hearing where the detainee can make the case for why he should not be detained” (84% favor)
- “the right to have the detainee’s home government and family informed of the detainee’s capture and his location” (80% favor)
- “the right to have one’s treatment monitored by an international humanitarian organization like the Red Cross (84% favor)
- “the right to not be tortured” (79%)
- “the right to not be threatened with torture”(63%).

The majorities were all bipartisan, with Democrats only slightly more supportive than Republicans. The only exception was on the issue of whether detainees had the right to not be threatened with torture. The majority favoring this right was smaller among Republicans (55%) than Democrats (77%).

A separate sample also strongly endorsed treaty-based rules “that limit what a government can do to pressure detainees to give information.” Respondents were presented a list of methods and asked whether they “approve of having a rule against it or if you think such a rule is too restrictive.” Large majorities approved of the rules against “using physical torture” (75%), “threatening physical torture” (60%), “treating detainees in a way that is humiliating or degrading” (61%), and “using mental torture—such as making someone think that they or their family members will be killed” (64%). These majorities were also bipartisan, with Democrats only modestly more supportive than Republicans.

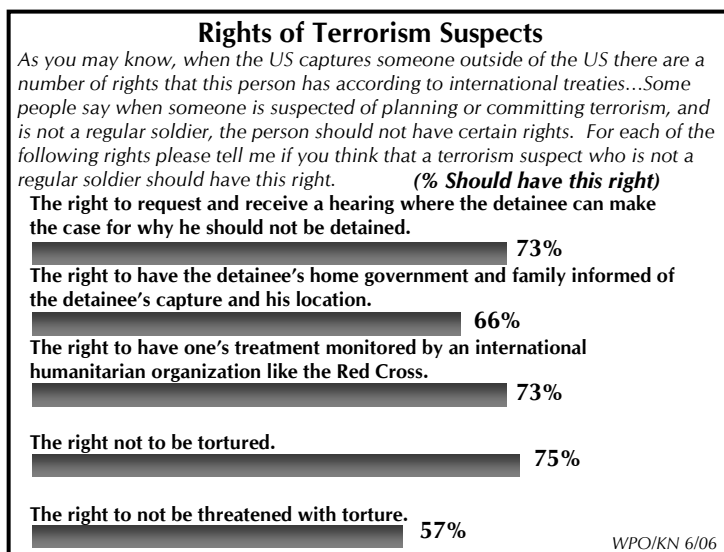
Rights of Terrorism Suspects

A key question is whether Americans’ support for these principles also applies when dealing with detainees who are suspected of terrorism. Based on questions formulated in several ways, it appears that support is quite strong.

Respondents were presented a broad question that introduced the issue as follows: “As you may know, the United States has signed treaties that prohibit governments from holding people in secret and that require that the International Committee of the Red Cross have access to them.” They were then allowed to choose between two positions: that such treaties were “too restrictive, because our government needs to have all options available when dealing with threats like terrorism” or that they were “important for making sure governments treat people humanely.” Seven in ten (73%) said that the treaties were important to assure humane treatment; just two in ten (23%) said that they were too restrictive. Partisan differences were minor.

Half of the sample was asked about terrorism suspects captured outside of the United States who are not ordinary soldiers. Respondents were told that such prisoners had a number of rights according to international treaties, but that “some people say when someone is suspected of planning or committing terrorism, and is not a regular soldier, the person should not have certain rights.” They were then presented a series of rights and asked whether “a terrorism suspect who is not a regular soldier should have this right.”

Support was robust in every case: the right to request and receive a hearing where the detainee can make the case for why he should not be detained” (73%); “the right to have the detainee’s home government and family informed of the detainee’s capture and his location” (66%); “the right to have one’s treatment monitored by an international humanitarian organization like the Red Cross” (73%); “the right to not be tortured” (75%); and “the right to not be threatened with torture” (57%). Partisan differences were minor except for the case of threatening torture, which was endorsed by just 50 percent of Republicans but 67% of Democrats.



However, the size of the majority supporting such rights for terrorism suspects specifically was a bit lower than for these rights in general. Separate samples were asked about detainee rights in general and about the rights of terrorism detainees. Significantly fewer respondents favored legal protections for those suspected of terrorism, with differences ranging from 4 to 14 points.

Another sample was asked about the treatment of terrorism suspects who are “arrested in the United States.” Respondents were told that, in general, those arrested have certain rights under U.S. law, but that “some people say when someone is suspected of planning or committing terrorism, the person should not have certain rights.” They were then asked whether they thought “that someone who is suspected of terrorism should have this right.”

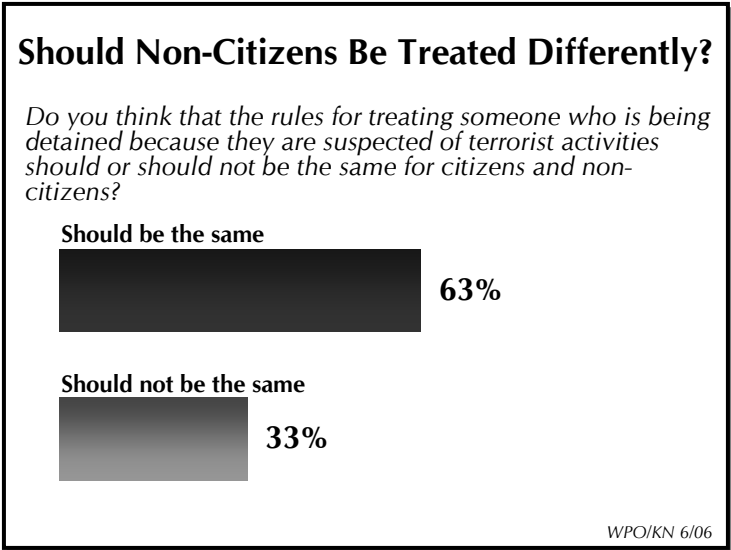
Large majorities said that terrorism suspects should be given:

- “the right to a lawyer” (77%),
- “the right to not be held indefinitely without charges or a trial” (60%),
- “the right to not be tortured,” (76%)
- “the right to not be threatened with torture” (61%).

Curiously, “the right to not be held in a secret prison” was endorsed by a plurality of only 49 percent: Given that 66 percent believed that detainees captured outside of the United States should enjoy the right to “have their home government and family informed of their capture” and that 73 percent thought the treatment of such detainees should be “monitored by an international humanitarian organization like the Red Cross,” we assume that the question’s wording was confusing. Some respondents may have thought the choice was between holding detainees in a secret prison or letting them go free.

Should Non-citizens be Treated Differently?

Most Americans believe that suspected terrorists should be accorded legal protections whether or not they are U.S. citizens. Respondents were asked, “Do you think that the rules for treating someone who is being detained because they are suspected of terrorist activities should or should not be the same for citizens and non-citizens?” Sixty-three percent say that the rules should be the same, while 33 percent say they should not. A slightly smaller majority of Republicans (53%) said the rules should be same; 46 percent of Republicans favored different rules for American and foreign detainees.



Is the US Allowing Torture?

Americans are divided, along partisan lines, about whether the United States allows interrogators to torture terrorism detainees. Respondents were asked whether they believed the US government was “currently allowing interrogators to use torture to get information from suspected terrorists,” or whether it was “making every effort to make sure that interrogators never use torture.” Forty-seven percent say they believe U.S. officials allow torture while 45 percent think they do their best to stop it.

The Republicans’ responses were a mirror image of the Democrats’. Fifty-nine percent of Democrats believe the U.S. government allows suspects to be tortured, 59 percent of Republicans think the U.S. government does not allow torture. Thirty-five percent of Democrats think the government does not allow torture, 37 percent of Republicans believe they do.

As discussed below, however, a large bipartisan majority said they think that the kinds of abuses that took place at the Abu Ghraib prison in Iraq have continued to some extent.

2. *Guantanamo Bay*

A slight majority of Americans believe that current U.S. policies regarding the treatment of detainees at Guantánamo Bay are legal under international law. However, when told that the U.N. Commission on Human Rights determined U.S. practices at Guantánamo were contrary to international law and that the US should change its practices a majority favored abiding by U.N. prescriptions. Large majorities believe that the way the United States has treated the detainees at Guantánamo weakens its ability to win international cooperation in the war on terror. They also believe that the treatment of detainees makes Muslims angrier, increasing their support for anti- American groups, such as al Qaeda.

A slight majority of Americans—52 percent—said they believe that the United States is treating the detainees held at Guantánamo in accordance with international law. Thirty-eight percent believed that U.S. treatment of the detainees is not legal, and 9 percent declined to answer. But there are strong partisan differences on this issue. Among Republicans, 74 percent said the U.S. policies toward the detainees is legal by international standards (22% not legal). Among Democrats, 55 percent said the policies are not legal, (38% legal).

However, this was not a highly crystallized view. Respondents were told:

As you may know, the United States participates in the U.N. Commission on Human Rights, which reviews human rights standards in various countries including the U.S. Recently, the Commission evaluated how the United States treats detainees at Guantanamo Bay and determined that the U.S. has held certain individuals for interrogation for several years without charging them with a crime, contrary to international conventions.

Respondents were then asked whether “the U.S. should or should not change this practice according to the prescriptions of the U.N. Commission on Human Rights.” Sixty-one percent said the United States should change its practices at Guantánamo, while 31 percent say it should not. Republicans were slightly in favor of changing U.S. policy in accordance with U.N. prescriptions (51% for, 43% against) while Democrats were strongly in favor of such a change (73% for, 24% against).

Large majorities believe that the way that the United States has treated detainees in Guantánamo weakens its ability to gain the cooperation of other countries in the war on terrorism. Respondents were told that “the way the United States has treated detainees at Guantanamo Bay has been strongly criticized” and that “there is a debate about whether this negative reaction has important consequences.” Asked whether this reaction weakens anti-terrorism cooperation or whether it makes little or no difference, 62 percent said it “weakens America’s ability to get other countries to cooperate,” while 35 percent said it makes little or no difference. A higher 67 percent said the negative reaction to Guantánamo “makes people in the Muslim world angrier at the United States and more ready to support anti-American groups like al Qaeda,” while just 28 percent believe it makes little difference. Only 47 percent of Republicans said the reaction weakens cooperation against terrorism, compared to 75 percent of Democrats. However, 58 percent of Republicans said the reaction increases support for al-Qaeda, as did 80 percent of Democrats.

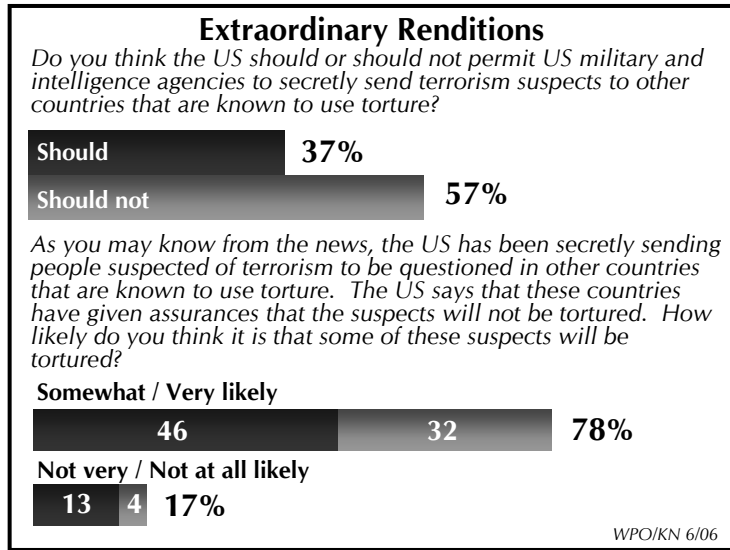
3. *Extraordinary Renditions*

A majority believes that the United States should not send terrorism detainees to countries known to interrogate suspects under torture. A very large majority believes that when suspects are sent to such countries, it is likely that they are tortured, despite assurances to the contrary.

The U.S. practice of extraordinary renditions—secretly transporting detainees to another country, without charges or legal process—has generated international controversy. Some of the receiving countries have well-documented histories of using torture, but the United States says it seeks and receives assurances from foreign officials that torture will not be used.

A clear majority (57%) thought “the United States should not permit U.S. military and intelligence agencies to secretly send terrorism suspects to other countries that are known to use torture,” while 37 percent disagreed. At the same time, a very large majority—78 percent—thought it somewhat (46%) or very (32%) likely that some of these suspects are tortured, even when told the United States says it has received assurances to the contrary.

Americans divide along partisan lines on the issue of extraordinary renditions. Fifty-four percent of Republicans said U.S. agencies should be allowed to secretly transfer detainees to such countries, while 41 percent said the practice should not be permitted. Among Democrats, 72 percent said these renditions should not be permitted. Democrats and Republicans, however, are largely in agreement on whether rendition leads to torture. Seventy-five percent of Republicans and 84 percent of Democrats said that the torture of such detainees is somewhat or very likely.



4. Holding Detainees Simply for Intelligence

Most Americans say that the United States does not have the right to hold suspects indefinitely simply because it believes they may have useful information in the war on terrorism. An even larger majority believes that other countries have no right to hold American citizens to obtain useful information. Nonetheless, a large majority believes that the U.S. officials do detain people indefinitely to obtain information.

Another major human rights issue is whether a state has the right to detain individuals for the sole purpose of getting information about terrorist activities. Respondents were given two scenarios—one involving “an individual in Afghanistan” and the other “an American citizen.” In both cases, they were told that the person held “is not suspected of having any involvement in terrorism,” but “might have useful information about a terrorist group.” Respondents were also told to suppose that the person “denies having such information.” They were then asked whether they “think the U.S. does or does not have the right to put this person in prison indefinitely as a way of putting pressure on him to talk.”

In both cases, a majority said that the United States does not have such a right. Fifty-eight percent said the United States does not have the right to hold an Afghan citizen indefinitely for questioning, while 37 percent said it does. Sixty-three percent said the U.S. does not have the right to detain an American to get information, while 34 percent said it does.

Majorities of both Republicans and Democrats—52 percent and 60 percent, respectively—think the US has no right to imprison an Afghan citizen simply for interrogation. Sixty percent of Republicans and 70 percent of Democrats believe the US has no such right to imprison an American.

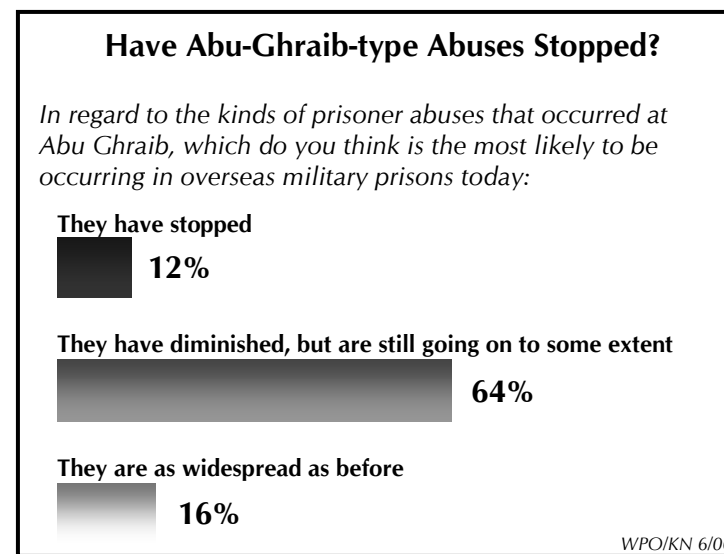
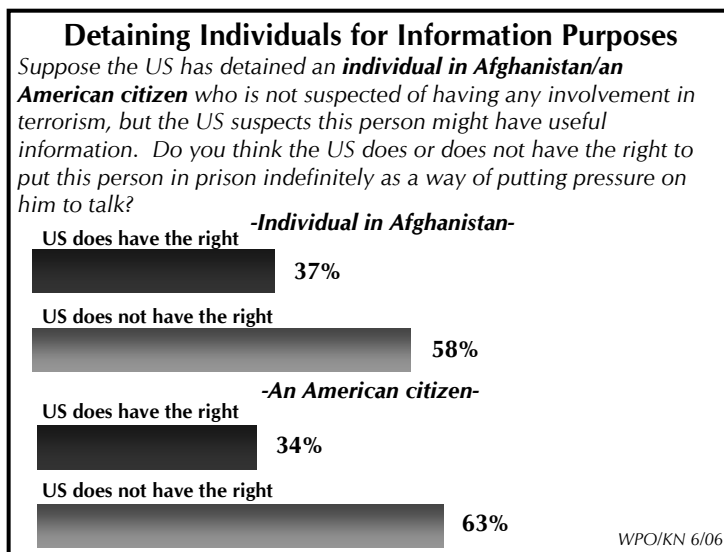
When asked whether they think the United States does imprison people “who are not suspected of having any involvement in terrorism, but who it suspects might have useful information about a terrorist group,” a large, bipartisan majority—72 percent—says they believe the United States does. Sixty-eight percent of Republicans and 80 percent of Democrats thought this is U.S. practice.

All of the respondents who said that the US *does* have a right to imprison individuals simply for information were also asked a follow-on question: did they think other countries had the right to imprison American citizens for the same reason? Just 25-26 percent (of the full sample) said other countries have this right, while 9-10% said they do not.

5. Abu Ghraib and Detainee Abuses

A large majority believes that the kinds of prisoner abuse that occurred at Abu Ghraib prison in Iraq have diminished but are still occurring to some extent, and that only a few of those responsible have been tried and punished. Slight majorities believe that the decisions that led to the Abu Ghraib abuses were made by military, not civilian, leaders, and that low-ranking soldiers acted on their own, without authorization. Americans are divided about whether there should be an independent commission to determine responsibility for the Abu Ghraib abuses or if this should be left to the military.

Asked about the kinds of abuses that occurred at Abu Ghraib, a large majority—64 percent—said that they “have diminished but are still going on to some extent,” while another 16 percent said these abuses “are as widespread as before.” Only 12 percent said the abuses have stopped. There is no significant difference on this issue between Republicans and Democrats.



When asked how many of “the key people responsible for the mistreatment of prisoners at Abu Ghraib prison have been tried and punished,” fully three in five (60%) said “just a few.” Only 20 percent believe most (16%) or all (4%) of those responsible have been punished, while 12 percent said none have been punished. More Democrats believe that few or none have been punished, but 66 percent of Republicans shared this view.

There is less agreement on the question of responsibility for the Abu Ghraib scandal. A slight majority of 53 percent believes that the decisions that led to the abuse of Iraqi prisoners were “made entirely within the military.” Only 36 percent think “civilian leaders in the administration authorized policies” that allowed such practices. An equally slim majority (52%) thinks low-ranking soldiers acted on their own. Only 40 percent believe they were “authorized by higher-ups in the military chain of command.”

These views reflect partisan differences. Republicans are more likely to say that the decisions were made by military rather than by civilian leaders (62%), and that low-ranking soldiers acted on their own (70%). Democrats are divided about whether the decisions were made by military or civilian leaders (45% to 47%). They are more likely think military higher-ups were involved (56%) than that low-ranking soldiers acted on their own (39%).

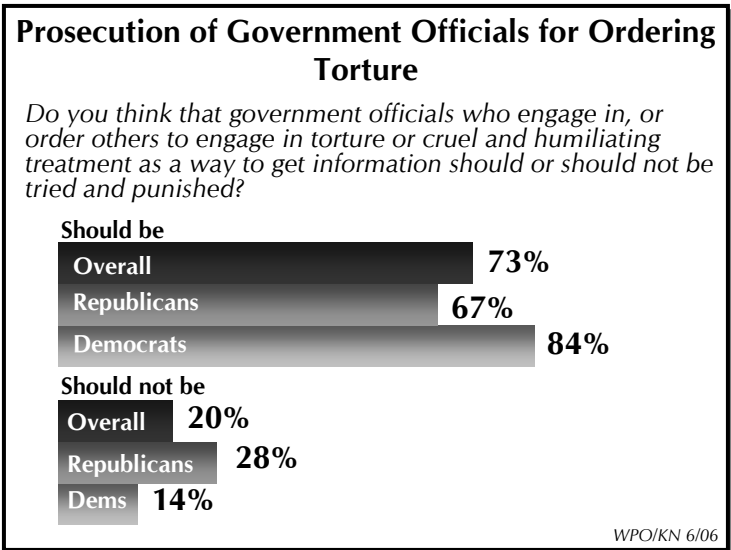
Americans are divided on the issue of whether “there should be an independent commission to determine who is responsible for the abuse of prisoners at Abu Ghraib,” or whether “this job should be left to the military.” Forty-seven percent supported an independent commission, while 47 percent did not. The division falls along political lines. Sixty-five percent of Republicans—but only 36 percent of Democrats—opposed an independent commission. Sixty percent of Democrats—but only 32 percent of Republicans—supported such a commission.

6. Accountability

A large majority believes that government officials who engage in—or order others to engage in—torture or cruel and humiliating treatment should be tried and punished. A majority also believes that officers should be held responsible if those under their command torture or humiliate detainees, even if they did not order the treatment and were unaware that it was taking place.

In human rights cases, those who give orders and initiate courses of action—not only those who carry them out—are generally held responsible. Further, the military understanding of command responsibility holds that officers bear some responsibility for the actions of those under their command. Claiming ignorance may provide grounds for charges of negligence.

Respondents were asked: “Do you think that government officials who engage in, or order others to engage



in, torture or cruel and humiliating treatment as a way to get information should or should not be tried and punished?” Seventy-three percent said that such an official should be tried and punished. This included 67 percent of Republicans and 84 percent of Democrats. Only 20 percent disagreed with this position.

Another question focused on the military meaning of command responsibility in cases involving torture. Respondents were asked: “When acts of torture have been committed by military personnel, but their commander says that he or she did not order it and was not aware of it, should the commander be held responsible or not held responsible?” A smaller majority of 58 percent said the commander should be held responsible; 37 percent said he or she should not be held responsible for acts of torture committed by subordinates. A bare majority of Republicans (51%) said the commander should be held responsible, while 47 percent said he should not. Among Democrats, over two-thirds (68%) said the commander should be held responsible (30% should not).

7. Using Private Contractors for Interrogations

A large majority of Americans believes that the United States should not use private contractors to conduct interrogations and a slight majority believes, incorrectly, that the United States does not do so.

A complicating factor in Iraq is the use of private contractors to interrogate prisoners. Respondents were told that “news and government reports indicate that the U.S. has been using private contractors to conduct interrogations in Iraq.” They were then asked whether they approve of this, or think that only military personnel or U.S. intelligence agents should question detainees.

Over two-thirds (68%) believed private contractors should not conduct interrogations in Iraq; only 26% approved of this practice. Sixty-two percent of Republicans and 77 percent of Democrats thought only military or intelligence personnel should interrogate Iraqi prisoners.

Before being told about the use of private contractors, respondents were asked about their impressions of U.S. practices. Fifty-one percent assumed that the United States only used American military or intelligence personnel to interrogate detainees in Iraq. Forty percent were aware that private contractors are sometimes used. These perceptions did not differ according to party: 55 percent of Republicans and 49 percent of Democrats held the mistaken belief that private contractors were not used by the United States to interrogate Iraqis.

Findings of International Poll

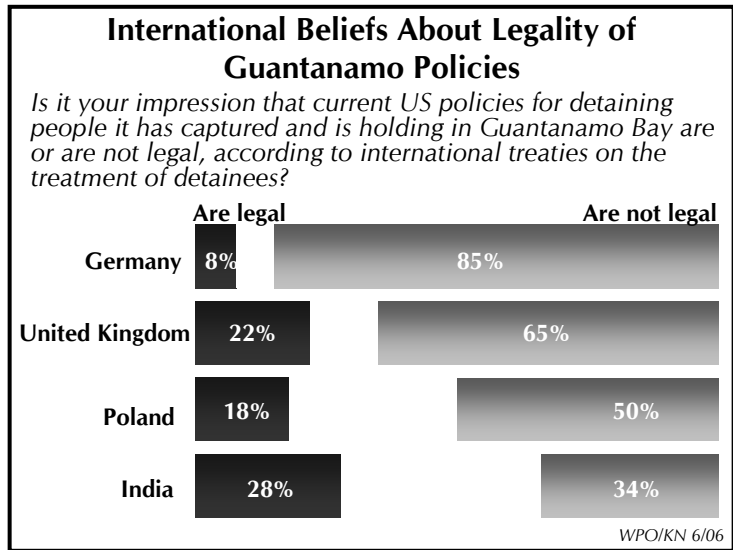
1. US Seen as Violating International Law on Detainees

Majorities or pluralities in all countries polled believe that the United States has violated international law in its treatment of detainees at Guantanamo Bay and has permitted detainees to be tortured.

Large majorities in Great Britain and Germany, along with pluralities in Poland and India, believe that the United States has broken international law in its treatment of prisoners held at the military detention center on Guantanamo Bay in Cuba. Respondents were asked, “Is it your impression that current U.S. policies for detaining people it has captured and is holding in Guantanamo Bay are or are not legal, according to international treaties on the treatment of detainees?” Majorities in Great

Britain (65%) and Germany (85%) said such U.S. policies are not legal. Pluralities in Poland (50% to 18%) and India (34% to 28%) agree. In both of the latter countries, however, large percentages did not answer (Poland 30%, India 38%).

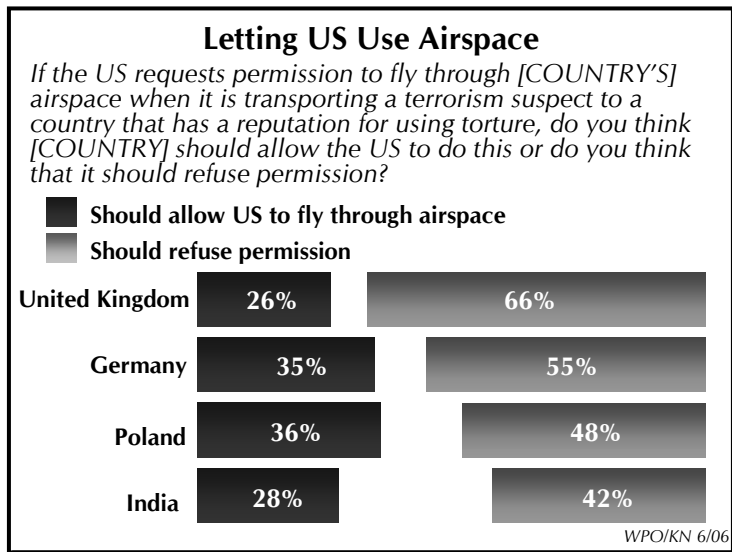
Large majorities in Great Britain and Germany believe that the United States has permitted Guantánamo prisoners to be tortured during interrogations, in violation of international law. Pluralities in Poland and India also believe this. Respondents were asked whether they thought that the U.S. government was “currently allowing interrogators to use torture to get information from suspected terrorists” or if it was “making every effort to make sure that interrogators never use torture.” Large majorities of the British (62%) and Germans (76%) said they think the United States allows Guantánamo detainees to be tortured. Forty-nine percent of Poles also said that the U.S. officials allow torture (24% do not allow, 27% no answer) as do a third (33%) of Indians (23% do not allow, 44% no answer).



2. Extraordinary Renditions

Majorities or pluralities in the four countries say the United States should not be allowed to fly through their airspace when transporting terrorism suspects to a country that reputedly tortures prisoners.

Consistent with their belief that United States has broken international law in its treatment of detainees, majorities in Britain and Germany, and pluralities in Poland and India, oppose cooperating with the U.S. government in renditions of terrorism suspects. Asked whether their governments should allow the United States to use their airspace “when it is transporting a terrorism suspect to a country that has a reputation for using torture,” 66 percent of British and 55 percent of German respondents said it should not. Pluralities of 48% in Poland (36% should, 16% no answer) and 42% in India (28% should, 30% no answer) were also opposed.



3. US Performance in Advancing Human Rights

The British and Germans no longer believe the United States is an effective international advocate for human rights. A majority of Russians also believes the United States is doing a poor job advancing human rights in the world. A slight majority of Poles and a plurality of Indians think the United States is doing a good job on human rights.

The belief that the United States has violated international treaties on the treatment of detainees appears to have contributed to a sharp decline in British and German perceptions of the United States' performance on human rights. In 1998, the U.S. Information Agency asked the British and Germans to evaluate how well the United States was doing in "in the area of advancing human rights in other countries." At that time, 59 percent of the British and 61 percent of Germans said the United States did a good job promoting human rights, while only 22 percent and 24 percent, respectively, said it did a bad job. However, the current poll shows dramatic increases in the numbers who rate the United States poorly in this area. Among British respondents, the percentage saying the United States is doing a bad job has surged 34 points to 56 percent and among Germans, it has risen an extraordinary 54 points to 78 percent. The proportions saying the United States does a good job advancing human rights has plunged 20 points in Great Britain to 39 percent, and 45 points in Germany to 16 percent.



In conjunction with this study the Levada Center in Russia also polled Russians on this question (unfortunately, no trend line is available). A majority of Russians (56%) also said the United States is doing a bad job, while only 24 percent say it does a good job.

Poles and Indians, however, take a more positive view of the United States on human rights. A slight majority of Poles (52%) and a plurality of Indians (46%) say the United States does a good job promoting human rights abroad, while 33 percent and 19 percent respectively, say the United States is doing a bad job. This is in line with other polls in Poland and India that finds a uniquely positive view of U.S. foreign policy.

4. Views of Limits on the Treatment of Detainees

As a general principle majorities or pluralities in all countries polled reject the argument that the threat of terrorism requires departure from the conventions on the treatment of detainees. However support in other countries for specific treaty-based limitations on the treatment of detainees is inconsistent, especially in Britain, and generally lower than in the US. At the same time there is general agreement that military commanders should be held accountable for torture committed under their command, even if they claim they were unaware of it.

In most of the countries polled, strong majorities support compliance with international conventions on the treatment of detainees, rejecting the argument that such treaties are “too restrictive because our government needs to have all options available when dealing with threats like terrorism.” Instead, 64 percent in Great Britain, 72 percent in Germany, and 60 percent in Poland endorsed the argument that “these treaties are important for making sure governments treat people humanely.” In India, a plurality of 42 percent also took this position, while 26 percent say such treaties are too restrictive (32 percent declined to answer). (In the United States, 73 percent endorsed such treaties while 23 percent say they are too restrictive.

However, support for specific, treaty-based standards for the treatment of detainees is inconsistent in the four countries, and generally lower than it is among the American public. Three prohibitions were presented to respondents—against using physical torture, against threatening physical torture, and against humiliating or degrading treatment.

Germans and Poles supported most strongly the ban on “using physical torture,” at 76 percent and 67 percent, respectively. Among the British, majority support for such a ban was slimmer, 53 percent to 45 percent. Indians leaned slightly toward finding the prohibition on torture too restrictive (39%), while 35 percent approved of one and 27 percent did not answer. Americans were virtually identical to Germans, with 75 percent approving a torture ban.

There was less consistent support for a prohibition against threatening physical torture. Majorities in Germany (69% vs. 28%) and Poland (54% vs. 38%) approved of prohibiting such threats. A majority of Britons (53%), however, said such a standard was too restrictive (43% approved). In India, a 39-percent plurality also said it is too restrictive while 33 percent approve (28% no answer). Among Americans, a strong 60 percent said threats of torture should be outlawed while 37 percent disagree.

The prohibition against “treating detainees in a way that is humiliating or degrading” receives a similarly mixed response. Germans were the most supportive of a ban on such treatment, with 72 percent approving. Fifty-nine percent of Poles also approved of a ban (32% say too restrictive). A modest majority of Britons (53%) once again said such a ban is too restrictive, while 43 percent approved of one. In India, a clear plurality opposed prohibiting the humiliation of detainees: 42 percent said a ban would be too restrictive while 32 percent approved of one (25% no answer). Sixty-one percent of Americans said humiliating treatment should be prohibited (36% not).

Understanding why support is so much lower in Britain and India for prohibiting the mistreatment of detainees requires more research. In Britain, support for such prohibitions rises significantly with education. But in India, income, not education, had an effect on responses. Those lower on the income scale tended to be more supportive of standards to protect detainees.

However, across all of the countries polled, there is general agreement that military commanders should be held accountable for torture committed under their command, even if they claim they were unaware it was taking place. The British strongly endorse this principle of responsibility, with 73 percent saying commanders should be held accountable for the acts of subordinates. Most Germans also think commanders should be held responsible (72%). The Poles’ responses (59% responsible, 31% not) are similar to Americans’ (58% to 37%). In India, a clear plurality of 41 percent says commanders should be held responsible (27% disagree, 32% don’t know).

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