

Americans Support Full Due-Process Rights for Terrorism Suspects

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Majorities Oppose Rendition of Suspects to Countries that Practice Torture

Most Believe Abu-Ghraib-type Abuses Still Occurring

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In the wake of the U.S. Supreme Court's decision overturning Bush Administration plans to try hundreds of foreign detainees before special military commissions, Congress has begun to grapple with the tough issue of how to set legal standards for the treatment and trial of those detained in the worldwide war on terror.

Crucial to this debate is whether the American people support due-process and human rights for terrorism suspects. A new poll by WorldPublicOpinion.org shows that the U.S. public, whether Republican or Democrat, strongly supports such protections. Robust majorities said that detainees should have the right to not be held indefinitely without charges or a trial, to have a lawyer, to have their treatment monitored by the Red Cross, and to neither be tortured nor threatened with torture.

A detainee is escorted to the medium-security facility at the U.S. Naval Station Guantánamo Bay, Cuba. (David P. Coleman/US Navy)

Americans also oppose the Bush Administration's controversial policy of extraordinary renditions or sending detainees to countries known to interrogate prisoners under torture. Fifty-seven percent said military and intelligence agencies should not be allowed to carry out such secret transfers.

The findings demonstrate that Americans reject the argument that al Qaeda-style terrorists are illegal combatants who should not enjoy the protections of U.S. and international law. They also oppose denying due process rights on the basis of

Rights of Terrorism Suspects

As you may know, when the US captures someone outside of the US there are a number of rights that this person has according to international treaties...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. For each of the following rights please tell me if you think that a terrorism suspect who is not a regular soldier should have this right. (% Should have this right)



citizenship. By a two-to-one margin, most Americans said that the rules governing the treatment of terrorism suspects should be the same for citizens and non-citizens.

In addition, Americans are concerned that the way the U.S. government has treated detainees is undermining efforts to win international cooperation in the war on terror. And they believe that such treatment has angered Muslims around the world, increasing support for anti-American terrorist groups, such as al-Qaeda.

The [WPO Survey](#) was conducted in the United States by Knowledge Networks, which interviewed 1,059 Americans June 27 to July 2. A [similar poll](#) was conducted in Great Britain, Germany, Poland and India.

Should Terrorism Suspects Have Due Process Rights?

Americans, whether Republican or Democrat, show high levels of support for giving detainees due-process protections whether they are captured outside or arrested inside U.S. borders. They also believe that the legal protections accorded terrorism suspects should be the same for U.S. citizens and non-citizens.

Respondents were asked about terrorism suspects captured outside of the United States who are not ordinary soldiers and 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.” Nonetheless in every case, support for legal protections was robust: 73 percent said such suspects should have the right to request and receive a hearing; 66 percent said their home government and families should be informed of their capture and location; 73 percent said their treatment should be monitored by the Red Cross or another international organization; 75 percent said they should not be tortured and 57 percent said they should not be threatened with torture.

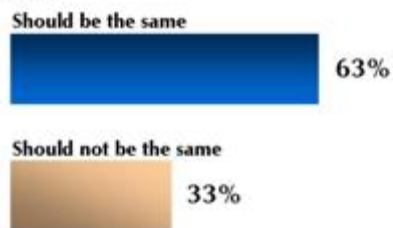
Partisan differences were minor, except on the issue of whether interrogators should be allowed to threaten torture. Prohibiting such threats was supported by 67 percent of Democrats but only 50 percent of Republicans.

Another sample was asked a similar series of questions about the treatment of terrorism suspects “arrested in the United States.” Seventy-seven percent said such suspects should be given access to a lawyer; 60 percent said they should not be held indefinitely without charges or a trial; 76 percent they should not be tortured and 61 percent said they should not be threatened with torture. Once again partisan differences were minor.

However, the size of the majority supporting such rights was a bit lower for terrorism suspects than for suspects in general. Separate samples were asked about the rights of detainees in general and about the rights of those suspected of terrorism. Significantly

Should Non-Citizens Be Treated Differently?

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?



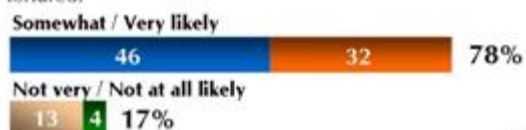
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Extraordinary Renditions

Do you think the US should or should not permit US military and intelligence agencies to secretly send terrorism suspects to other countries that are known to use torture?



As you may know from the news, the US has been secretly sending people suspected of terrorism to be questioned in other countries that are known to use torture. The US says that these countries have given assurances that the suspects will not be tortured. How likely do you think it is that some of these suspects will be tortured?



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fewer respondents favored legal protections for terrorism suspects, with

differences ranging from 4 to 14 points.

Should Non-citizens be Treated Differently?

Most Americans believe that foreign detainees should be given the same legal protections as American citizens. “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?” respondents were asked. Sixty-three percent replied 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.

Should Suspects Be Sent to Countries that Use Torture?

The Bush Administration’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 U.S. officials say they seek and receive assurances from foreign officials that the detainees will not be interrogated under torture.

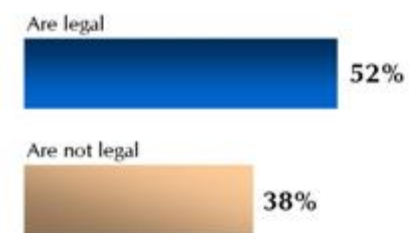
Most Americans believe that the United States should not send terrorism detainees to countries known to torture prisoners. A very large majority believes that when suspects are sent to such countries, they probably are tortured, despite promises to the contrary.

A clear majority (57%) said “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—believed it somewhat (46%) or very (32%) likely that some of these suspects were tortured even if officials say they would not be.

This issue is one of the few where Americans divide along partisan lines. 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. Most Democrats and Republicans, however, agreed that rendition led to torture. Seventy-five percent of Republicans and 84 percent of Democrats said that the torture of such detainees was somewhat or very likely.

American Beliefs About Legality of Guantanamo Policies

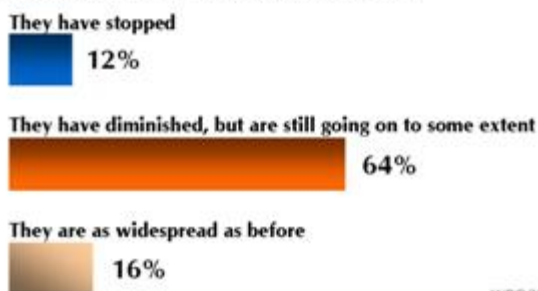
Is it your impression that current US policies for detaining people it has captured and is holding in Guantanamo Bay are or are not legal, according to international treaties on the treatment of detainees?



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Have Abu-Ghraib-type Abuses Stopped?

In regard to the kinds of prisoner abuses that occurred at Abu Ghraib, which do you think is the most likely to be occurring in overseas military prisons today:



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Should the United States Follow U.N. Prescriptions at Guantánamo?

A slight majority of Americans—52 percent—said they thought the United States was treating the detainees held at Guantánamo in accordance with international law. However, when told that the U.N. Commission on Human Rights had determined U.S. practices at Guantánamo violated international conventions, a majority favored abiding by U.N. prescriptions. Sixty-one percent said the United States should change its practices at Guantánamo, while 31 percent said it should not.

Most Americans believe that the way the United States has treated the detainees at Guantánamo makes it harder to win international cooperation in the war on terror. Asked whether the negative international reaction to Guantánamo “weakens America’s ability to get other countries to cooperate,” 62 percent said it did. An even larger majority of 67 percent said that U.S. treatment of the detainees “makes people in the Muslim world angrier at the United States and more ready to support anti-American groups like al Qaeda”

Republicans were more skeptical than Democrats about the idea that U.S. detainee policies affected international support for the war on terror. Only 47 percent of Republicans, compared to 75 percent of Democrats, thought Guantánamo had undermined support. But there was bipartisan agreement that the negative reaction to Guantánamo had increased support for groups like al Qaeda: 58 percent of Republicans agreed as did 80 percent of Democrats.

Have Abuses Stopped at Military Prisons Overseas?

A majority of Americans believe that the kinds of abuses that occurred at Abu Ghraib prison in Iraq are still occurring, at least to some extent, in U.S. military prisons overseas. They also believe that only a few of those responsible have been punished, though most also think that low-ranking soldiers acted on their own without authorization.

Asked whether they thought the kinds of abuses that occurred at Abu Ghraib might still be occurring at overseas military prisons today, only 12 percent said they thought such treatment had stopped. A large majority of 64 percent said that such abuses “have diminished but are still going on to some extent,” while 16 percent said they “are as widespread as before.” There was 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 believed most or all of those responsible had been punished, while 12 percent said none had been punished. More Democrats (82%) believed that few or none had been punished, but 66 percent of Republicans shared this view.