

Please accept my profound thanks for honoring me with this award. I hope you will forgive the necessity for me to give my remarks in English.

I would like to begin my remarks by thanking Professor Dr. Hassemer for his kind words and lauditorio. I am very grateful to the Jury, Professor Mayer-Goßner, Dr. Hans Holzhaider, Margarethe Gräfin von Galen, and Werner Leitner of the Criminal Law Committee of the German Bar Association for selecting me to receive this high honor. There are many other attorneys and prosecutors around the world that are equally deserving of recognition, and I consider myself blessed to be honored in this manner.

My three years spent working on the Guantánamo Bay military prosecutions were the most difficult of my career. I have many friends and family to thank for their support during that trying time. I especially want to thank my wife Kim, my sons Stuart and Matthew, and the rest of my family including my mother Kay Randolph, who is with me here in Berlin. This award is as much theirs as it is mine, for without their love and support I would not be here today.

While my experience has become one of the newsworthy stories related to the issue of detainee treatment at Guantánamo, the focus needs to be on the message and not the messenger, and the message is this: the torture or cruel treatment of any human being, for any reason, is wrong. I believe a state-sanctioned policy of cruelty is incompatible with the American tradition of respect for human rights. From a more practical perspective, cruel treatment of detainees is ineffective for obtaining truthful evidence that is admissible in a criminal prosecution. As Cesaere Beccaria, the famed Italian legal theorist of criminal law observed: “Torture is a certain method for the acquittal of robust villains and for the condemnation of innocent but feeble men.”¹

The Judeo-Christian ethic which recognizes the dignity of all people is a consistent theme that runs throughout American jurisprudence and political thought, and is readily apparent in our Declaration of Independence, our Constitution, and the Bill of Rights. It is also expressed in the Universal Declaration of Human Rights, beginning with Article I: “All human beings are born free and equal in dignity and rights. They are endowed with reason

¹ *On Crimes and Punishments.*

and conscience and should act towards one another in a spirit of brotherhood.”

Respect for inherent human dignity is the ideal that led William Wilberforce to begin the movement to abolish slavery in Europe in the late eighteenth century, a movement that ultimately spread to America. Respect for inherent human dignity was the guiding principle that led the Reverend Martin Luther King, Jr. to inspire the civil rights movement in America. Respect for inherent human dignity is the common denominator of the long and contentious debate over legalized abortion in America. And on a much smaller, personal level, it was the recognition of inherent human dignity as a basic tenet of my own Christian faith that, in the context of the facts and law I found in the Slahi case, led me to the difficult decision I made not to participate in his prosecution. Judging by the outpouring of support and correspondence I have received since my experiences with Guantánamo were first reported in the U.S. media in 2007, it is clear to me that the moral and ethical treatment of detainees are ideas that resonate with Americans from across the spectrum of political and religious ideology. Given the similar interest in my story by the European media, I conclude there exists a common sentiment on your side of the Atlantic as well.

I unequivocally reject the post-modern notion that “the ends justify the means” when such logic is applied to sanctify inhumane treatment of any person. In my view, the policy of cruelty employed with some of the terrorist suspects now in custody of the United States has compromised the well-intentioned efforts of our Nation to prosecute those accused of complicity in the attacks of September 11, 2001. The treatment of a select few of these suspects during their interrogations has called into question our American values of fair play and justice. Given the consequences of this conduct, I view the challenge for America today is to deal with this tragic mistake in such a way that we ensure future administrations will never employ a policy of cruelty again. As the French political philosopher Alexis de Tocqueville observed in 1835, “the greatness of America lies not in being more enlightened than any other nation, but rather in her ability to repair her faults.”²

To be sure, the appropriate treatment of fellow human beings should be a politically nonpartisan issue, and my hope is that our Nation’s collective deliberations over it will transcend the usual acrimony of political discourse.

² *Democracy in America.*

This issue is simply too important to be used by either party for political gain, and reason is on our side. Our Nation needs to lay claim to the humane treatment of detainees not as Republicans or Democrats, but as Americans who recognize the inherent worth and value of fellow human beings, regardless of the despicable criminal acts they may have committed. Recalling the legislative debate in the United States Senate over detainee treatment back in 2005, I think Senator John McCain was correct when he observed: “It’s not about them, it’s about us.” These words have credibility when spoken by a man who was himself tortured and treated cruelly at the hands of his captors during the war in Vietnam.

Up until now, much of the legal debate in America over detainee treatment has centered on what we can do with respect to permissible interrogation techniques. I would like to see an equally vigorous moral debate about what we should do as law-abiding Americans and human beings. Humane treatment of inhumane people is not a novel concept for people in the military, and I believe that Americans are up to the challenge now that we are engaged in a global war on terrorism. Our enemy will lose this war because we and our allies are better than they are, not because we are more inhumane.

I think it is appropriate that you, my German colleagues, have seen fit to honor me with this award here in Berlin, the former home of my personal hero and great Christian martyr, Dietrich Bonhoeffer. His writings on Christian ethics and belief have had a profound influence on my life. A recurrent theme in Bonhoeffer's work is this same Christian ethic of inherent human dignity that we celebrate here today, and his words provide a timely admonition for all of us to consider:

Do what is right not only to respectable citizens, but especially to the disrespectable ones as well; be at peace not only with those who are peaceable, but especially with those who do not wish to let us live in peace. Even the heathen can live at peace with those who are peaceable to them. But Jesus Christ died not for those who are respectable and peaceable, but for sinners and enemies, for the disrespectful, for the haters and killers.³

I would like to close my remarks by giving thanks to God, the author of all things and without whom I am nothing. He is due any credit or award

³ *A Testament to Freedom.*

that may be accorded me, but does not share in any blame for my inadequacies. In the words of the Old Testament prophet Micah, He has told me what is good and what He requires of me, and that is to do justice, and to love mercy, and to walk humbly with Him.

Thank you.