

**Inter-American Commission on Human Rights  
Thematic Hearing on the  
Human Rights Situation of People Affected by the United States’  
Rendition, Detention, and Interrogation Program**

156<sup>th</sup> Ordinary Period of Sessions

October 23, 2015

**Oral Submission: Introduction  
Margaret Satterthwaite**

Good morning. My name is Margaret Satterthwaite. I am a Professor of Clinical Law at NYU School of Law, and it is my honor to begin our presentation today.

The American Civil Liberties Union (ACLU) and the Global Justice Clinic at New York University School of Law (Global Justice Clinic), thank the Inter-American Commission for Human Rights for granting Petitioners’ request for a hearing to address the **Human Rights Situation of People Affected by the United States’ Rendition, Detention, and Interrogation Program**.

In December 2014, the Senate Select Committee on Intelligence released the summary, findings and conclusions of its four-year investigation into the Central Intelligence Agency’s Rendition, Detention and Interrogation Program (SSCI Report). This report confirmed what many already knew: following the September 11 terrorist attacks, the CIA secretly detained and tortured individuals it deemed suspect, violating international legal obligations, human rights standards, domestic law, and American values; values that are admired and emulated across the globe.<sup>1</sup> Between 2002 and 2007, in collaboration with an expansive global network of at least fifty-four countries, the CIA forcibly disappeared, detained, interrogated, and tortured dozens of men.<sup>2</sup>

Though the SSCI Report sheds light on the RDI Program, including those responsible, the human rights violations perpetrated, and the torture and cruel, inhuman and degrading treatment of at least 119 victims and survivors of the Program, there has been no accountability in the United

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<sup>1</sup> SENATE SELECT COMMITTEE ON INTELLIGENCE, 113TH CONG., COMMITTEE STUDY OF THE CENTRAL INTELLIGENCE AGENCY’S DETENTION AND INTERROGATION PROGRAM 8, app. 2 (Comm. Print 2014) (Declassification Revisions December 3, 2014) [hereinafter SSCI Report]; Senator Dianne Feinstein’s Forward, at 2.

<sup>2</sup> The C.I.A. detained individuals in its Torture Program from 2002 to 2008. The Agency’s use of its most coercive interrogation methods (so-called “enhanced interrogation techniques”) was ended in 2007. *See* SSCI Report, Executive Summary, at 166, 168; OPEN SOCIETY JUSTICE INITIATIVE, GLOBALIZING TORTURE: CIA SECRET DETENTION AND EXTRAORDINARY RENDITION 61-118 ((David Berry ed., Open Society Foundations 2013) (listing participating countries and setting forth evidence of their participation) [hereinafter Globalizing Torture].

States for these violations, and no remedies and reparations for the victims and survivors. Moreover, the report fails to capture the full scope of the Torture Program's impact, as it excludes individuals who the CIA did not detain, but rendered instead to foreign governments for detention and interrogation, often under torture.<sup>3</sup> The actual number of victims and survivors of the Program is therefore significantly higher.<sup>4</sup>

In contrast to this U.S. impunity, many foreign States and government officials who participated in the CIA's Torture Program have been held accountable by administrative tribunals, the courts, and regional human rights mechanisms. For example, in Canada, following a three year-long public inquiry, the government acknowledged its role in the extraordinary rendition by the United States of Canadian citizen Maher Arar, awarded him compensation, and issued a public apology for its participation. Last month, Canada also initiated a criminal prosecution of Mr. Arar's Syrian torturer.<sup>5</sup>

The European Court of Human Rights has also held states accountable for their collusion in the CIA's Torture Program. Complicit states, including Macedonia and Poland, have been compelled to provide reparations to survivors.<sup>6</sup> In its rulings, the Court recognized the CIA's Torture Program and the United States' central role in these human rights violations.<sup>7</sup> In its most recent decisions, the Court found that Poland enabled U.S. authorities to subject the victims to torture and ill-treatment on its territory and to transfer the victims from its territory despite the existence of a real risk that they would be subjected to torture or to cruel, inhumane or degrading treatment or punishment.<sup>8</sup>

Honorable Commissioners, the United States is aware of its legal and moral obligations to provide reparations, and has a long history of providing reparations for survivors of torture and unlawful detention, including during time of war. Examples of good practices by the U.S. and other governments are detailed in our written submission. Despite this record, to date, the United States has failed to provide any remedies or reparations to victims and survivors of its Torture Program.

We commend the Commission for its long-standing and historic role in advancing truth and accountability for grave violations in the OAS Region. We echo the Commission's calls on the United States to carry out a full investigation into the Torture Program; to prosecute and punish those responsible; and—in keeping with the Commission's influential, longstanding tradition—

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<sup>3</sup> SSCI Report at 9, n.5.

<sup>4</sup> See, e.g., *Globalizing Torture* at 29-30.

<sup>5</sup> On September 1, 2015, Canada's national police force laid criminal charges against Colonel George Salloum, a Syrian military intelligence officer who stands accused of carrying out and overseeing the torture of Maher Arar while he was illegally imprisoned in a Syrian jail cell between October 2002 and October 2003.

<sup>6</sup> *El-Masri v. The former Yugoslav Republic of Macedonia*, Eur. Ct. H.R. 2 (2012), *available at* <http://hudoc.echr.coe.int/eng?i=003-4196815-4975517>; *Al Nashiri v. Poland*, Eur. Ct. H.R. (2014), *available at* <http://hudoc.echr.coe.int/eng?i=001-146044>; *Husayn (Abu Zubaydah) v. Poland* Eur. Ct. H.R. (2014), *available at* <http://hudoc.echr.coe.int/eng?i=001-146047>.

<sup>7</sup> *El-Masri v. Macedonia* at para. 270; *Al-Nashiri v. Poland* at para. 595; *Husayn v. Poland* at para. 567.

<sup>8</sup> *Al Nashiri v. Poland*, Eur. Ct. H.R. (2014), *available at* <http://hudoc.echr.coe.int/eng?i=001-146044>, *Husayn (Abu Zubaydah) v. Poland* Eur. Ct. H.R. (2014), *available at* <http://hudoc.echr.coe.int/eng?i=001-146047>.

to recommend that the State provide integral reparations to victims, including restitution, compensation, rehabilitation, satisfaction, and measures of non-repetition.<sup>9</sup>

President Obama was not responsible for the creation and operation of the Torture Program; in fact, he ended it. However, his legacy will be marked by how he responded to its existence and to the men whose lives it destroyed. Will President Obama's Administration be known for impunity, or will it ensure accountability and prevent the repetition of these grave abuses?

Today, we will provide the Commission with an overview of the United States' legal obligations to provide remedies and reparations to victims and survivors of the Torture Program. Providing such redress is not only a legal requirement but a moral imperative.

Honorable Commissioners, our presentation will proceed as follows:

- The Commission will next hear from Steven Watt of the ACLU, who will address the lack of accountability, remedies, and reparations in the United States.
- Following this, Professor Juan Mendez, UN Special Rapporteur on Torture, will speak about the right to redress with an emphasis on the importance of apology, official acknowledgment, and truth and reparations.
- Next, Mohamed al Shuraeyya bin Saud, will provide testimony by audio recording on his experience while detained and tortured within the CIA Program, and his desire for justice, accountability, and reparation.
- Finally, Jamil Dakwar of the ACLU will present our recommendations to the Commission.

In closing, I call your attention to our written submission, which provides more detail on each issue we address here today.

Thank you.

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<sup>9</sup> See Press Release, Inter-American Commission on Human Rights, IACHR Calls on the United States to Investigate and Punish Acts of Torture Established in the Senate Intelligence Committee Report (Dec. 12, 2014), [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/152.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/152.asp).