

**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**

156th Ordinary Period of Sessions

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Oral Submission: Recommendations
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Good morning. My name is Jamil Dakwar. I am director of ACLU Human Rights Program.

On December 12, 2014, this honorable [Commission](#) reiterated its calls to the United States “to carry out a full investigation in order to clarify the facts, and prosecute and punish all persons within its jurisdiction responsible for acts of torture or other cruel, inhuman or degrading treatment or punishment; and to provide integral reparations to the victims, including restitution, compensation, rehabilitation, satisfaction and measures of non-repetition, pursuant to international standards.”

While we strongly support this call, we are also disappointed that very little progress has been made towards the goal of ending impunity and providing legal redress to victims of torture. We therefore make the following specific recommendations:

Criminal Accountability:

The United States must ensure that all cases of unlawful killing, torture or other ill-treatment, unlawful detention, or enforced disappearance are effectively, independently, and impartially investigated through the appointment of a special prosecutor to conduct a comprehensive criminal investigation including all acts authorizing or ordering unlawful conduct.

Right to Truth and Increased Transparency:

The United States must release documents relating to the enforced disappearance, torture, and mistreatment of detainees. Steps required include:

- a. The declassification and release of the full Senate torture report.
- b. The declassification and release of the memorandum issued by President Bush on September 17, 2001 authorizing the CIA to establish secret overseas interrogation facilities.
- c. The declassification and release of hundreds of CIA cables describing the use of waterboarding and other forms of torture.

d. The amendment of FOIA guidance and policies allowing for the use of the *Glomar* response (“we can neither confirm nor deny”) to requests for documents pertaining to the CIA’s Torture program, especially by detainees concerning their own treatment and detention.

Official Apology and Reparations:

The United States should publicly acknowledge and apologize to the victims of U.S. torture program.

The United States should appoint of an independent body to provide compensation and rehabilitation services to those who suffered torture or other cruel, inhuman, or degrading treatment in the CIA’s Torture Program.

Legislative Reform:

The United States should reform laws that deny victims the right to truth, justice and reparations by specifically passing legislation that limits the circumstances in which the U.S. government can invoke the state secrets doctrine and repeal laws that limit victims’ access to legal redress including under section 7 of the Military Commission Act.

Meanwhile, the U.S. Executive Branch should refrain from invoking “state secrets privilege” as an alternative form of immunity that has been used to shield the government and its agents from accountability for systemic violations of the Constitution and core human rights principles.

Case Processing:

We also call on this honorable Commission to expedite the review and processing of pending petitions filed on behalf of victims of the CIA torture program, which raise critical issues concerning denial of legal remedies and right to effective remedy. By doing so, the Commission will provide survivors an historic opportunity to hold the U.S. accountable, tell their story, and seek appropriate redress consistent with international law.

Finally, we call on the Commission to consider preparing a thematic report on the right to legal remedies and reparations for victims of human rights violations committed in the name of national security.

Victims of the CIA torture program have received no official acknowledgment of their suffering, apology for the wrongs inflicted upon them, compensation for their mistreatment, or assistance in recovering from their physical and psychological injuries. This must be corrected. Respecting their right to truth and legal redress, recognizing, apologizing to, and compensating victims and their families will begin to heal the wounds the U.S. government has inflicted and help ensure that such crimes are not repeated.

Thank you for your attention.