

THE TRUTH ABOUT TORTURE

For more than five years, the ACLU has been fighting to unearth government documents that would show the origins and scope of the Bush administration's torture program.

In October 2003, the ACLU and other organizations—the Center for Constitutional Rights, Physicians for Human rights, Veterans for Common Sense, and Veterans for Peace—filed a request under the Freedom of Information Act (FOIA) for documents concerning the treatment of prisoners held by the United States overseas. The FOIA request was meant to determine whether the government's interrogation policies were consistent with domestic and international law.

The Bush administration initially stonewalled. In April 2004, however, CBS's "60 Minutes" broadcast photographs of prisoners being abused by U.S. military personnel at Abu Ghraib prison in Iraq, sparking outrage around the world. The ACLU filed a lawsuit to enforce its request for documents.

The court, clearly influenced by the Abu Ghraib photographs, issued a strongly worded ruling, ordering the government to respond to the ACLU's request. The court wrote: "If the documents are more of an embarrassment than a secret, the public should know of our government's treatment of individuals captured and held abroad."

Since that ruling, the FOIA litigation has yielded more than 100,000 pages of government documents, some of them critical to the public's understanding of the government's interrogation and detention policies.

Collectively, the documents show that the administration's lawyers invented a new legal framework—what President Bush once called a 'new paradigm'—meant to permit barbaric interrogation practices and to insulate interrogators and officials from prosecution for war crimes. Relying on this new legal framework, interrogators subjected prisoners to abuse and even torture. The documents show that the abuse of prisoners was systemic, not limited to Abu Ghraib, and indeed that hundreds of prisoners have died in the custody of the U.S. military and that many others have disappeared into the CIA's secret detention system.



ACCOUNTABILITY

Despite the voluminous evidence that senior Bush administration officials authorized torture, the only people who have been held accountable for the maltreatment of prisoners are low-ranking soldiers. This is unacceptable. If we want to turn the page on the Bush administration's torture policies, we need to begin with meaningful accountability.

- **Transparency.** The Obama administration should disclose the torture files that are still secret.
- **Criminal investigation.** No one—not even senior government officials—should be above the law. The Justice Department should appoint an independent prosecutor to examine criminal responsibility for the Bush administration's torture program.
- **Congressional oversight.** Congress should form a select committee with subpoena power to review past and present national security laws and activities and recommend legislative changes to prevent gross human rights abuses by future administrations.

You can support the ACLU's call for accountability by signing a petition at www.aclu.org/investigatetorture. And you can learn more about the ACLU's efforts to uncover the torture files at www.aclu.org/torturefoia.

Through litigation under the Freedom of Information Act (FOIA), the ACLU and its partners have obtained more than 100,000 pages of government documents relating to the abuse of prisoners in U.S. military and CIA detention centers around the world. But the documents were released only after the ACLU filed a lawsuit to enforce the public's right of access to information about government conduct. Since October 2003, the ACLU has filed dozens of legal briefs to enforce this right, and courts in New York have issued dozens of orders requiring the government to comply with the law. More than five years after the ACLU's initial FOIA request, some crucial documents are still being withheld.

