



American Civil Liberties Union Statement to the UN Human Rights Council

Delivered by Jamil Dakwar, Director, ACLU Human Rights Program

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Mr. President,

We welcome the report of Mr. Emmerson and wholly support his call for accountability for the CIA-run program of torture, secret and arbitrary detention, “extraordinary renditions” and forced disappearances.

Definitive evidence has come to light that Bush administration officials committed serious crimes in violation of both U.S. and international law by authorizing the torture and abuse of detainees in U.S. custody.

Although the current administration has rightly disavowed torture, it has shielded former senior government officials who authorized torture and abuse from accountability, civil liability, and public scrutiny. To date, no senior government official responsible for the creation and implementation of the Bush administration’s torture program has been charged with a crime. Furthermore, in August 2012, the U.S. Attorney General closed the last two open criminal inquiries into abusive interrogations by CIA officials, meaning that not a single CIA official will be prosecuted in federal courts for the abuse, torture, and even death that took place at the hands of CIA officers and contractors. To the contrary, some architects of the torture program have received official honors for their work in government, or have been appointed to more prominent government positions.

Moreover, through invoking immunity doctrines and an over-expansive interpretation of the “state secrets” privilege, the U.S. government has sought to end civil lawsuits brought by torture victims seeking redress, and the courts have deferred to those arguments. Last June, the U.S. Supreme Court refused to review an appeals court’s dismissal of a civil lawsuit against senior Bush administration officials for their roles in the unlawful detention and torture of U.S. citizen Jose Padilla.

In sum, not a single victim of the Bush administration’s torture regime has received his day in a U.S. court, and torture survivors have been denied recognition as victims of illegal U.S.

government policies and practices, compensation for their injuries, and even the opportunity to present their cases. Finally, the U.S. government continues to withhold from the public key documents relating to the CIA's rendition, detention, and interrogation program, including by suppressing the statements of torture victims who remain in United States custody at Guantanamo.

Continued impunity is a dark chapter in American history that threatens to undermine the universally recognized prohibition against torture and other abusive treatment and sends the dangerous message to U.S. and foreign officials that there will be no consequences for future abuses.

Without accountability, the U.S. would join the sorry company of nations that tolerate impunity for torture, undermine the rule of law and turn their back on bedrock principles of international law and humanity.

Today, more than a decade after the tragic events of 9/11 the stain of torture remains on America; a signal to the rest of the world of how far we departed from our commitment to human rights and the rule of law. An honest reckoning is the first step to repairing some of that damage and restoring our commitment to these long-standing principles. Therefore it is imperative that the U.S. Congress release publicly, with as few redactions as possible, a 6,000-page report, adopted by the Senate Intelligence Committee, that details the CIA torture program and is based on an analysis of more than six million pages of government records, detailing the findings of the committee's three-year investigation into the program. According to the Chairwoman of this Committee, the "coercive and abusive treatment of detainees in U.S. custody was far more systematic and widespread than we thought."

Mr. President,

We unequivocally reject President Obama's statement that "we need to look forward as opposed to looking backwards." Impunity for torture is abhorrent and we will continue to press for accountability – both in the United States and overseas – for the designers, facilitators, overseers and perpetrators of torture and abuse. We know from the experiences of sister organizations and victims of torture in Latin America that the struggle for accountability for human rights violations and the search for truth can be a long and difficult journey. Yet the United States has much to gain from rejecting impunity, returning to the rule of law and providing adequate redress to the dozens and dozens of people so brutally abused.

We hope our government will follow that path.

Thank you Mr. President.