

# OUTSOURCING AMERICA'S BAD HUMAN RIGHTS REPUTATION

Given all the attention to the Administration's decision, thus far, to neither Mirandize nor charge Dzhokhar Tsarnaev, I wanted to point back to two things that happened last week.

First, in a hearing before the House Appropriations Committee, in response to Congressman Frank Wolf's frustrated declaration (for a variety of totally justified – such as Holder's delay in implementing a prison rape preventing program – and totally bogus reasons) that he was just going to ignore Eric Holder, Holder made a case that his DOJ is doing a great job. Josh Gerstein describes his little speech:

I'm proud of what we've done across the board at the Justice Department in the last four and a half years. I'm proud of what I've done as attorney general. The department that we have now is fundamentally different than the department I found when I got there. We don't hire people on the basis of political orientation. We don't do things as was done in the previous administration. **We don't write memos that say that torture is appropriate when dealing with interrogation techniques.** [my emphasis]

No. As far as we know, at least (given the secrecy of the Administration), they have not written memos saying torture is appropriate when dealing with interrogation. They have, however, written memos stretching the concept of public exception beyond its intended function. They have also written memos reinterpreting due process before execution to mean "what John Brennan says in secret."

In other words, Eric Holder's DOJ has written

memos authorizing practices that are alternatives, but arguably not much better, than the policies his predecessors rubber stamped.

Meanwhile Micah Zenko has a great post summarizing how many of the counterterrorism acts presumably conducted in cooperation with US forces – if not by US forces yet blamed on local ones – fall under the State Department’s definition of human rights violations.

Today—eighty-nine days past its legal deadline—the State Department released its annual *Country Reports on Human Rights Practices for 2011*. The new, user-friendly interface allows you to find and read individual country chapters much more quickly and easily (and might explain the delay). For all its flaws, the report remains a must-read for its reporting and candor. It serves as a generally honest counter to the rosier assessments of U.S. partners and allies’ human rights practices.

From my vantage point of trying to understand the Obama administration’s policies and practices of target killings, the report is also notable for what it does not include; namely, any mention of U.S. involvement in or responsibility for such operations.

The chapter on Yemen, for instance, has an entire section dedicated to “killings:”

The government also employed air strikes against AQAP and affiliated insurgents in Abyan, with some strikes hitting civilian areas. Although some accused the government of intentionally striking civilians in Abyan, most if not all noncombatant casualties from these bombardments were attributed to a lack of air

force training and technical capability.

First, because U.S. targeted killings in Yemen are “covert,” the State Department cannot acknowledge American complicity or collusion. But it stands to reason that some, if not a majority, of these air strikes were carried out by CIA or Joint Special Operations Command (JSOC) drones, or even U.S. Navy assets offshore.

Zenko goes on to point to passages criticizing human rights abuses in Turkey, Somalia, and Pakistan that likely have US involvement.

It’s bad enough that the Attorney General’s measurement of his Department’s performance is measured against John Yoo’s standards, not the law, but we’re probably helping other countries violate State’s own standards for human rights.

All the while dodging the real shame that ought to come from such abuses.