

UN LISTS FOUR WAYS US HAS IMPEDED JUSTICE FOR VICTIMS OF TORTURE

The UN just released its report on US compliance with the Convention Against Torture. It is scathing, in many respects (including with respect to cops shooting black men).

In addition, it includes four different criticisms about our failure to provide justice for torture.

It criticizes the Durham investigation, especially the failure to interview torture victims.

The Committee expresses concern over the ongoing failure to fully investigate allegations of torture and ill-treatment of suspects held in U.S. custody abroad, evidenced by the limited number of criminal prosecutions and convictions. In this respect, the Committee notes that during the period under review, the Department of Justice (DoJ) successfully prosecuted two instances of extrajudicial killings of detainees by Department of Defense and CIA contractors in Afghanistan. It also notes the additional information provided by the State party's delegation regarding the criminal investigation undertaken by Assistant U.S. Attorney John Durham into allegations of detainee mistreatment while in U.S. custody at overseas locations. The Committee regrets, however, that the delegation was not in a position to describe the investigative methods employed by Mr. Durham or the identities of any witnesses his team may have interviewed. Thus, the Committee remains concerned

about information before it that some former CIA detainees, who had been held in U.S. custody abroad, were never interviewed during the investigations, casting doubts as to whether this high-profile inquiry was properly conducted. The Committee also notes that the DoJ announced on 30 June 2011 the opening of a full investigation into the deaths of two individuals while in U.S. custody at overseas locations. However, Mr. Durham's review concluded that the admissible evidence would not be sufficient to obtain and sustain convictions beyond a reasonable doubt. The Committee shares the concerns expressed at the time by the UN Special Rapporteur on Torture over the decision not to prosecute and punish the alleged authors of these deaths. It further expresses concern about the absence of criminal prosecutions for the alleged destruction of torture evidence by CIA personnel, such as the destruction of the 92 videotapes of interrogations of Abu Zubaydah and 'Abd al-Nashiri that triggered Mr. Durham's initial mandate. The Committee notes that in November 2011 the DoJ determined, based on the Mr. Durham's review, not to initiate prosecutions of those cases (arts. 2, 12, 13 and 16).

It expresses regret that DOD hasn't provided enough information to know whether that agency's investigations are adequate.

The information provided by the State party's delegation indicates that the U.S. Department of Defense (DoD) has conducted "thousands of investigations since 2001 and prosecuted or disciplined hundreds of service members for mistreatment of detainees and other misconduct". However, the Committee regrets that in the course of the

dialogue, the delegation provided minimal statistics on the number of investigations, prosecutions, disciplinary proceedings and corresponding reparations. It has also received insufficient information about the sentences and criminal or disciplinary sanctions imposed on offenders, or on whether the alleged perpetrators of these acts were suspended or expelled from the U.S. military pending the outcome of the investigation of the abuses. In the absence of this information, the Committee finds itself unable to assess whether the State party's actions are in conformity with the provisions of article 12 of the Convention (arts. 2, 12, 13, 14 and 16).

And it express serious concern over the way secret in military commissions is preventing any justice for torture.

The Committee expresses its serious concern at the use of State secrecy provisions and immunities to evade liability. While noting the delegation's statement that the State party abides by its obligations under article 15 of the Convention in the administrative procedures established to review the status of law of war detainees in Guantanamo, the Committee is particularly disturbed at reports describing a draconian system of secrecy surrounding high-value detainees that keeps their torture claims out of the public domain. Furthermore, the regime applied to these detainees prevents access to an effective remedy and reparations, and hinders investigations into human rights violations by other States (arts. 9, 12, 13, 14 and 16).

It also complains that no one has been held

accountable for the Chicago Police Department's torture under Jon Burge.

With regard to the acts of torture committed by CPD Commander Jon Burge and others under his command between 1972 and 1991, the Committee notes the information provided by the State party that a federal rights investigation did not develop sufficient evidence to prove beyond a reasonable doubt that prosecutable constitutional violations occurred. However, it remains concerned that, despite the fact that Jon Burge was convicted for perjury and obstruction of justice, no Chicago police officer has been convicted for these acts of torture for reasons including the statute of limitations expiring. While noting that several victims were ultimately exonerated of the underlying crimes, the vast majority of those tortured —most of them African Americans—, have received no compensation for the extensive injuries suffered (arts. 11, 12, 13, 14 and 16).

Funny. Since last Monday, President Obama and Eric Holder keep talking about the rule of law. The UN doesn't think we abide by it, at least not as it pertains to torture.