

Calls Mount to Investigate Bush Era Officials for Torture

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WASHINGTON, Jul 12, 2011 (IPS) - Senior officials under the former George W. Bush administration knowingly authorised the torture of terrorism suspects held under United States custody, a Human Right Watch (HRW) report released here Tuesday revealed.

Titled "Getting Away with Torture", the 107-page report presents a plethora of evidence that HRW says warrants criminal investigations against former Vice President Dick Cheney, former Secretary of Defense Donald Rumsfeld, former Central Intelligence Agency (CIA) Director George Tenet and Bush himself, among others.

Newly de-classified memos, transcriptions of congressional hearings, and other sources indicate that Bush officials authorised the use of interrogation techniques almost universally considered torture - such as waterboarding - as well as the operation of covert CIA prisons abroad and the rendition of detainees to other countries where they were subsequently tortured.

HRW also criticised the United States under the current Barack Obama administration for failing to meet its obligations under the United Nations Convention Against Torture to investigate acts of torture and other inhumane treatment.

"President Obama has defended the decision not to prosecute officials in his predecessor's administration by arguing that the country needs 'to look forward, not backward,'" said HRW executive director Kenneth Roth. "[He] has treated torture as an unfortunate policy choice rather than a crime."

To date, both the Bush and Obama administrations have successfully prevented courts from reviewing the merits of torture allegations in civil lawsuits by arguing that the cases involve sensitive information, which, if revealed, might endanger national security.

Last year, Bush defended the use of waterboarding on the grounds that the Justice Department deemed it legal. In 2002, lawyers in the Office of Legal Counsel had drafted memos approving the legality of a list of abusive interrogation techniques, including waterboarding. However, HRW documents evidence that shows senior administration officials pressured the politically-appointed lawyers to write these legal justifications.

"Senior Bush officials shouldn't be allowed to shape and hand-pick legal advice and then hide behind it as if were autonomously delivered," Roth said.

HRW further recommends that Congress establish an independent, nonpartisan commission

to examine the mistreatment of detainees in U.S. custody since the Sep. 11, 2001 terrorist attacks against the World Trade Centre and the Pentagon and compensate victims of torture, as required by the U.N. Convention Against Torture.

“Without [a commission], torture very much remains within the toolbox of accepted policies. People are not going to back away from it until there is accountability,” Karen Greenberg, executive director of New York University’s Centre on Law and Security and author of “The Least Worst Place: Guantanamo’s First 100 Days”, told IPS.

In 2009, U.S. Attorney General Eric Holder appointed a special prosecutor to investigate detainee abuse, but limited the mandate to only “unauthorised” acts, which effectively excluded violations like waterboarding and forcing prisoners to maintain stress positions that were approved by the Bush administration.

But on Jun. 30 of this year, the Justice Department announced that it would continue probing only two of nearly 100 allegations of torture. The open cases involve the deaths of two men – Manadel al-Jamadi, an Iraqi, and Gul Rahman, an Afghan – in CIA custody.

Human and civil rights group criticised the narrow scope of the torture investigations, while HRW said they failed to address the systematic character of the abuses.

“The U.S. government’s pattern of abuse across several countries did not result from acts of individuals who broke the rules,” Roth said. “It resulted from decisions made by senior U.S. officials to bend, ignore, or cast aside the rules.” If the U.S. does not pursue criminal investigations, HRW is urging other countries to exercise universal jurisdiction under international law and prosecute the aforementioned officials.

A number of former detainees have already taken this step by filing criminal complaints in courts outside of the U.S.

In February 2011, alleged victims of torture living in Switzerland planned to file a suit against Bush, causing him to cancel his trip there.

Another investigation is underway in Spain, where the Centre for Constitutional Rights and the European Centre for Constitutional and Human Rights requested a subpoena for a former commander of the Abu Ghraib prison to explain his role in the alleged torture of four detainees.

Washington’s failure to investigate its own citizens for abuses like torture ultimately undercuts its efforts to hold other governments accountable for human rights violations, according to HRW.

“The U.S. is right to call for justice when serious international crimes are committed in places like Darfur, Libya, and Sri Lanka, but there should be no double standards,” Roth said.

“When the U.S. government shields its own officials from investigation and prosecution, it makes it easier for others to dismiss global efforts to bring violators of serious crimes to justice,” he added.

Failing to prosecute ultimately sends the message that “if you are powerful, you can get away with even torture,” Greenberg said.

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