

UN hearing: US acknowledges it “crossed the line” on torture

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During a two-day hearing before a United Nations panel this week, representatives of the Obama administration said that the US had “crossed the line” in torturing prisoners, but made clear that it would continue covering up for these crimes and blocking any accountability.

“In the wake of the 9/11 attacks, we regrettably did not always live up to our own values, including those reflected in the Convention [Against Torture],” said Mary McLeod, US acting legal adviser at the State Department. “As President Obama has acknowledged, we crossed the line and we take responsibility for that.”

The State Department adviser, along with other Obama administration representatives, spoke before the Committee Against Torture, a UN body established to monitor implementation of the Convention Against Torture. The convention, adopted by the UN General Assembly in 1984, both prohibits torture and requires all signatories to investigate and prosecute instances of torture.

In addition to reviewing torture by the CIA and military at secret sites and at Guantanamo Bay, the panel also addressed police brutality and the horrific conditions in US prisons and immigration centers.

McLeod spoke as the representative of a government that has done everything it can to block any serious investigation into torture carried out by US government agencies including the CIA, while opposing efforts to prosecute those who ordered it, including top officials in the military, intelligence agencies and the Bush administration—many of whom have continued to serve under Obama.

McLeod’s comments echoed those made by Obama earlier this year when he said that the US “tortured some folks.” In the months since, the White House has worked closely with the CIA to obstruct the release of a

Senate Intelligence Committee report, completed in 2012, on torture under the Bush administration. Obama’s CIA director, John Brennan, is himself implicated in developing the torture policy while serving as Bush’s counterterrorism adviser.

The Senate investigation, while documenting what one source has called “medieval” torture methods, reportedly absolves top executive, military and intelligence officials of any direct responsibility.

As evidence of its commitment to investigate torture, US officials cited a Justice Department investigation in 2008-2009 that did not result in any charges. This included a decision not to prosecute anyone in the CIA for the decision to destroy dozens of videotapes documenting torture.

The Justice Department investigation did not even interview many of the victims of CIA torture, a fact that the US delegation refused to acknowledge this week. Laura Pitter of Human Rights Watch, in an email to the *New York Times*, responded by saying, “We know absolutely that key witnesses ... were not interviewed.”

Tom Malinowski, the assistant secretary of state for human rights, said in his testimony that the proof of whether a country is committed to the “rule of law” is “not whether it ever makes mistakes, but whether and how it corrects them,” claiming that the US has implemented aggressive action against torture.

In other words, it is okay to break the law as long as you say you are sorry. With utter cynicism, Malinowski cited the Senate investigation as proof of its determination to hold those guilty of torture accountable.

“We’ve had an honest public accounting,” Malinowski said. “Our government has been open and truthful, even when releasing information has been painful and uncomfortable.”

This too is a fraud. In addition to working to block the Senate report, the Obama administration has resisted an effort by the American Civil Liberties Union and journalists to force the release of 2,100 photographs of torture carried out by the US military—documenting crimes that are said to be more disturbing than those revealed in the infamous Abu Ghraib photographs.

Malinowski added, “Our goal is to move forward, but we know that to avoid falling backward, we must be willing to look backward and to come to terms with what happened in the past.” The Obama administration official was echoing Obama’s own remarks in 2009 that “we need to look forward as opposed to looking backwards”—the rationale that was used to justify the refusal to prosecute anyone guilty of crimes.

The Obama administration is also continuing to hedge on the scope of the Convention Against Torture. In the run-up to this week’s hearing, there was speculation that the White House would revise a secret Bush administration decision that the CAT does not apply outside of the United States. There was reportedly an intense debate among different government agencies on this question.

In the end, the Obama administration decided to accept that treaty’s language—that a country is prohibited from carrying out torture in “any territory under its jurisdiction”—applies outside the physical boundaries of the United States. The scope, however, is limited, in the words of one member of the US delegation, to “all places that the state party controls as a government authority,” which includes the “sovereign territory of the United States,” Guantanamo Bay and “US registered ships and aircraft.”

This definition notably excludes CIA “black sites” and other detention centers.



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