

# UN officials call for criminal prosecution of US torturers

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The US is legally obliged to prosecute all high-level government officials involved in organizing the Central Intelligence Agency's (CIA) torture programs, top UN human rights officials said Wednesday. The torture programs violated international law, UN special rapporteur on counterterrorism and human rights Ben Emmerson said.

Responding to the release of the Senate report on CIA torture, Emmerson said in an official statement Wednesday that the report left no doubt that systematic torture programs set up by the US government led to massive violations of the 1994 UN Convention Against Torture.

Emmerson called on the US Attorney General to "bring criminal charges against those responsible" for torture. There is "no excuse for shielding the perpetrators from justice any longer," he said.

"As a matter of international law, the US is legally obliged to bring those responsible to justice," said Emmerson. "The UN Convention Against Torture and the UN Convention on Enforced Disappearances require States to prosecute acts of torture and enforced disappearance where there is sufficient evidence to provide a reasonable prospect of conviction. States are not free to maintain or permit impunity for these grave crimes."

Bush administration policies, "orchestrated at a high level," led to "systematic crimes and gross violations of international human rights law," he added.

The involvement of officials at the highest levels only makes criminal prosecutions all the more necessary, the UN official said.

"The fact that the policies revealed in this report were authorized at a high level within the US government provides no excuse whatsoever," Emmerson said. "Indeed, it reinforces the need for criminal

accountability."

Individuals involved in torture at all levels must be held accountable. "It is no defense for a public official to claim that they were acting on superior orders," he said.

"However, the heaviest penalties should be reserved for those most seriously implicated in the planning and purported authorization of these crimes, Emmerson said. "Former Bush administration officials who have admitted their involvement in the programme should also face criminal prosecution for their acts."

In a separate statement, UN high commissioner for human rights Zeid Raad al-Hussein similarly called for US government officials involved in torture to be prosecuted. Top US officials "cannot simply be granted impunity because of political expediency," al-Hussein said.

"The Convention lets no one off the hook – neither the torturers themselves, nor the policy-makers, nor the public officials who define the policy or give the orders."

An opinion piece published in the *Los Angeles Times* Tuesday, "Prosecute the torturers: It's the Law," by Erwin Chemerinsky, a law professor and dean at the UC Irvine School of Law, similar argued that the CIA's torture programs violate US and international law.

"Torture is a federal crime, and those who authorized it and engaged in it must be criminally prosecuted," Chemerinsky writes, citing the Federal Torture Act (FTA). The Senate report "leaves no doubt" that the torture programs also violate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Chemerinsky wrote.

The FTA states that even if the acts are committed "outside the United States," anyone who commits

torture should receive a 20-year prison sentence at minimum, and possibly the death penalty, Chemerinsky notes.

In light of the new report, President Obama's decision not to prosecute officials from the Bush administration is now "clearly unacceptable," he wrote.

"The debate should not be about whether the torture worked. The federal criminal law and the treaty have no exception for effective torture," Chemerinsky wrote. "Those responsible should be held accountable, and President Obama should announce that criminal investigations and prosecutions are beginning immediately."

These reports, coming from pillars of the political and academic establishment, confirm that the entire US ruling elite, including both big business parties and their representatives in Congress, is implicated in historic and unspeakable crimes.

Within the US official political and media circles, such demands for criminal prosecutions against US government torturers are nowhere to be found. Neither Senator Feinstein nor any other member of the Senate Intelligence Committee saw fit to demand criminal prosecutions against officials they know to have organized torture. The 528-page executive summary proposes not a single action or punishment for the crimes it documents exhaustively.

The Obama administration has extended and deepened the open repudiation of international law by the Bush administration. The failure of the Senate Intelligence Committee and the Obama administration to hold accountable torturers who acted on behalf of the US government is itself a violation of international law.

By shielding officials who have admitted to setting up torture programs, including then-President George W. Bush and Vice President Dick Cheney, and adamantly refusing to carry out any investigations of officials involved in torture, the Obama administration and leading senators now act as direct accomplices of torture.



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