

Obama's tentative steps against torture

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At a recent discussion it was suggested that maybe nothing has changed at all since Barack Obama took office in January 2009 in terms of counterterrorism efforts and the US stance on the use of torture during interrogations. I responded that sweeping statements like those ignore the small but important steps, interim measures, decisions and positions that have been won from the US government by activists, victims and lawyers in a series of different disputes. It is, of course, a scandal that the Guantánamo detention center is still in existence after almost fifteen years and that people continue to be illegally detained there – despite the fact that President Obama announced six years ago that the center would close. And yet: that announcement itself represents both an admission that Guantánamo is a place where injustices occur and a promise that torture will no longer be part of government policy. It was in effect the rejection of Guantánamo as a model for the future.

What is disappointing, however, is how little has changed since the publication a year ago of the US Senate report on CIA torture methods. Despite the new and very significant evidence of wrongdoing in the report, US authorities have not opened any criminal investigations, not even against the low-ranking culprits. At first, civil rights organizations in the US were of the view that civil lawsuits had no chance of success: too many proceedings have been lost since September 2001, and too many legal obstacles have been put in place by the court. But then the American Civil Liberties Union (ACLU) started taking action in October 2015. On behalf of two torture survivors, Suleiman Abdullah Salim and Mohamed Ahmed Ben Soud, as well as relatives of Gul Rahman – who was tortured to death in a CIA prison in Afghanistan – the ACLU brought legal action against the psychologists [James Mitchell and Bruce Jessen](#) who developed brutal interrogation techniques for the CIA. At a federal court in Washington State the claimants are calling for reparations of at least 75,000 dollars. Experts say the proceedings could well be successful. Over the past year there have been innumerable events and meetings aimed at breaking impunity for US government torture. The Inter-American Commission on Human Rights in Washington, the United Nations in Geneva, the European Parliament in Brussels and the prosecutors of the International Criminal Court in The Hague have all turned their attention to the issue.

All that, of course, is still not enough given the gravity of the crimes and their consequences. The systematic abuse of detainees is not the only way the USA is breaching national and international law; its failure to take legal action on the torture program and its cover-up represent ongoing violations. Under the UN Convention Against Torture and the International Covenant on Civil and Political Rights, the USA is obliged to offer victims reparation, compensation and rehabilitation.

While not enough has been done overall, there have been some small steps forward. The task now is to defend this hard-won ground. In the USA several Republican presidential candidates are calling for a return to illegal policies. In Europe you can also hear the voices of those who want to make torture and inhumane treatment acceptable. We will continue to oppose these positions.

Those wanting to know more can read the recent Human Rights Watch report [No More Excuses. A Roadmap to Justice for CIA Torture](#). The recommendations from this New York based human rights organization are aimed primarily at those most responsible within the US: the president, the executive and Congress. But the report also addresses other states – those

who supported the US torture program as well as those whose prosecutors and courts could lead criminal proceedings against those responsible for torture. The report names in particular the UK, Italy, Spain, France and Germany. The German federal prosecutor is called on to open general investigations into US torture to pave the way for future criminal proceedings in Germany and elsewhere. A decision from the prosecutor is expected in the coming months. The German government is also asked to formally request the extradition from the USA of the thirteen CIA agents for whom arrest warrants have been issued in connection with the abduction and torture of German citizen [Khaled El Masri](#). For Germany, taking these two steps would be a good contribution to the cause of justice as well as the prevention of torture.