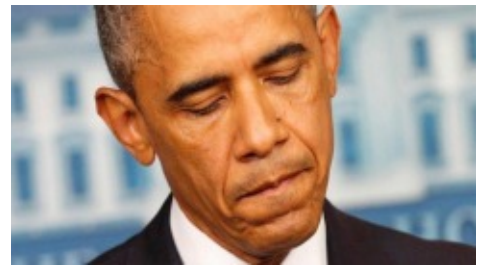


Obama: America “Exceptional” So We Don’t Prosecute Torturers

[Jon Queally](#) | [Commondreams](#)



Despite executive summary of Senate panel’s report on Tuesday, President Obama is still unwilling to pursue real accountability for those who designed, approved, and executed the CIA’s torture program under his predecessor, George W. Bush. (Photo: AP file)

Legal experts and human rights advocates says prosecutions must follow Senate’s report on CIA torture as president says grave violations of domestic and international law should be kept “where they belong—in the past”

In his first official remarks following [Tuesday’s release of the Senate Intelligence Committee’s report](#) on the torture program conducted by the CIA during the presidency of George W. Bush, President Barack Obama on Tuesday night indicated

that the abuses detailed in the report conducted in the name of the American people—described as “horrific,” “ruthless” and “much more brutal than previously thought”—should not be followed by further inquiries or prosecutions as many have long urged.

In his remarks, Obama acknowledged that “no nation is perfect,” but argued that “one of the strengths that makes America exceptional is our willingness to openly confront our past, face our imperfections, make changes and do better.”

“This is a wake-up call to the USA, they must disclose the full truth about the human rights violations, hold perpetrators accountable and ensure justice for the victims. This is not a policy nicety, it is a requirement under international law.”

—Erika Guevara, Amnesty International

Backed by his interpretation of “American Exceptionalism,” Obama suggested that the release of the report—which his administration fought tirelessly to restrict—was all that was necessary in order for the nation to move forward.

“Rather than another reason to refight old arguments,” Obama continued, “I hope that today’s report can help us leave these techniques where they belong—in the past.”

Legal experts and human rights advocates, however, have taken a decidedly different approach to the report as many renewed a simple message in the wake of [Tuesday’s release](#), saying: If gross crimes were committed, prosecutors should be assigned and the criminals should be tried and punished.

The [executive summary of the committee’s investigative report](#) (pdf) spans 525 pages and chronicles many of the internal machinations and communications relating to how the CIA conducted its abuse of suspected terrorism suspects—including [tactics and abuses much more brutal](#) than previously been acknowledged by any government agency. Though

many of the lawmakers who have endorsed the report, as well as current and former U.S. officials, have mirrored Obama's position by saying or suggesting its release should "close this disgraceful chapter" of American history, organizations like the ACLU, the Center for Constitutional Rights, Amnesty International, and a host of other groups and individuals argue that if justice and the rule of law mean anything, the report should be the beginning—not the end—of accountability for those who designed, approved, and executed this program.

"The long-delayed Senate report proves what we have been saying since 2006: that the CIA engaged in a sophisticated program of state-sanctioned torture, notable for its elaborate planning and [ruthless application](#)," [said](#) Baher Azmy, the legal director of the Center for Constitutional Rights. "We renew our demand for accountability for those individuals responsible for the CIA torture program. They should be prosecuted in U.S. courts; and if our government continues to refuse to hold them accountable, they must be [pursued internationally](#) under the principles of universal jurisdiction."

"Instead of focusing on the illegal nature of the torture, investigators worked to document torture's ineffectiveness. The debate, now, is whether torture worked. It clearly didn't. But the debate should be: Why the hell aren't these torturous liars in jail?"

—Trevor Timm, Freedom of the Press Foundation
The ACLU has put forth a [blueprint for accountability](#) which includes appointing a special prosecutor; deeply reforming the CIA; apologies and compensation to the victims of torture; honoring those officials who resisted or refused to participate in the program; and pushing for transparency beyond what is contained in the Senate report. The full Senate report is more than 6,000 pages, and thousands of other pages of documents related to the CIA program were withheld by the White House for review.

Hina Shamsi, who heads the ACLU's national security project, said the story of U.S. torture under the Bush presidency should not end with impunity for those involved.

"The release of the report is a tipping point and a reminder that the United States has never fully reckoned with a past that includes waterboarding, stress positions, beatings, sleep deprivation, threats of harm to children and other family members, among many devastatingly cruel acts," Shamsi said. "Once again, Americans, all of us, have an opportunity to choose how we end this story, whether that's responsibly, with a full return to our laws and values, or shamefully, by failing to act now that the report summary is released."

Erika Guevara, head of the Americas division of Amnesty International, said that under international law, the U.S. really should have no choice other than to prosecute.

"The declassified information contained in the summary, while limited, is a reminder to the world of the utter failure of the USA to end the impunity enjoyed by those who authorized and used torture and other ill-treatment," Guevara said in a statement. "This is a wake-up call to the USA, they must disclose the full truth about the human rights violations, hold perpetrators accountable and ensure justice for the victims. This is not a policy nicety, it is a requirement under international law."

Though the Senate's exhaustive report has been praised by many, those advocating for prosecutions of the torture program's architects—including high-ranking officials like former president George W. Bush, vice president Dick Cheney, and others—point out the panel's investigation into torture spent too much time obsessing over whether or not torture garnered "actionable" or "valuable" intelligence information, a question that should have no bearing when it comes to violations of domestic and international law, not to mention deep moral codes.

As Trevor Timm, executive director of the Freedom of the Press Foundation, wrote in the immediate wake of the report's release: "Instead of focusing on the illegal nature of the torture, Senator Dianne Feinstein's investigators worked to document torture's ineffectiveness. The debate, now, is whether torture worked. It clearly didn't. But the debate should be: Why the hell aren't these torturous liars in jail?"

As the ACLU's Shamsi points out, "The crime of torture has no statute of limitations when torture risks or results in serious injury or death, and the U.S. government has the obligation under international law to investigate any credible evidence that torture has been committed. If there's sufficient evidence of criminal conduct—and it's hard to see how there isn't—the offenders should be prosecuted. In our system, no one should be above the law, yet only a handful of mainly low-level personnel have been criminally prosecuted for abuse."

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