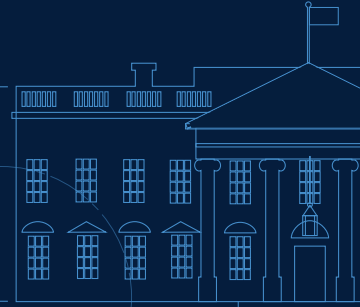




The U.S. Torture Program:



A Blueprint for Accountability

With the release of the Senate Intelligence Committee's several-hundred-page summary of its landmark investigation into the CIA's use of torture, the United States has a critical opportunity to demonstrate its commitment to the rule of law and provide long-overdue accountability for the Bush administration's illegal torture program.

During the Bush administration, many hundreds of people were tortured and abused by the CIA and Department of Defense, primarily in Afghanistan, Guantánamo, and Iraq, but also in other countries after unlawful rendition. Our government's embrace of torture as official state policy shattered lives, shredded our nation's reputation in the world, and compromised our national security as well as our diplomatic efforts to promote human rights. These conclusions are once again borne out by the Intelligence Committee's report. Yet, to date, there has been little accountability for these wrongs.

In January 2009, shortly after entering office, President Obama took important steps to dismantle the torture program. But in the following years, the Obama administration undermined that early promise by thwarting accountability for torture. It succeeded in extinguishing lawsuits brought by survivors of U.S. torture and secret imprisonment. It fought to keep secret many documents that would

allow the public to understand the extent of the abuse. And it failed to conduct a robust investigation of torture architects and perpetrators.

The long-awaited release of the summary of the Senate Intelligence Committee's report brings our nation—and the Obama administration—to a crossroads. As the United States has repeatedly told other nations that commit human rights violations, a nation cannot move forward without reckoning with the abuses of the past. Whether President Obama is willing to pursue justice and accountability for torture will help determine the human rights legacy he leaves for the United States and the world.

By taking steps in the **five key areas** described below, the Obama administration can begin to redress the abuses perpetrated in our names, comply with U.S. obligations under international law, and rebuild American moral authority and credibility when holding other nations to account for human rights abuses. Most importantly, by pursuing accountability for torture, President Obama and his administration can help ensure that the United States never tortures again.

Accountability for torture is a moral, legal, and national security imperative.

Appoint a Special Prosecutor

The attorney general should appoint a special prosecutor with full authority to conduct an independent and complete examination of the previous administration's torture program, including the role played by the senior officials most responsible for it and by those who tried to cover up crimes. The special prosecutor must also conduct a full investigation into the cover-up of any crimes by CIA personnel or contractor—including the infiltration by CIA staff of the Senate Intelligence Committee's computer system. If there is sufficient evidence of criminal conduct, the offenders should be prosecuted. The U.S. government must also cooperate with pending investigations and legal actions concerning the torture program.

In our system, no one should be above the law or beyond the law's reach, no matter how senior the official. The record has long been clear that the Bush administration's torture program was devised at the highest levels, with the involvement of the White House, the Department of Justice, the CIA, and the Department of Defense. The record now also shows that the architects and perpetrators of torture misled the public, Congress, and other institutions charged with oversight of government agencies about the scope and extent of torture, the significance of various prisoners, the concreteness of various alleged plots, and the significance of information obtained through torture.

This record of official torture and falsehoods is absolutely without parallel in American history. Yet our nation has failed to hold to account any of the officials who authorized the use of torture or oversaw its implementation. Only a handful of mainly low-level soldiers and a CIA contractor have been prosecuted for prisoner abuse. In the principal Justice Department investigation into torture by CIA agents, the prosecutor was charged with investigating interrogators who allegedly inflicted unauthorized abuses. Full accountability requires investigation of those who approved the torture policies, not just those who went beyond them.

The lack of criminal accountability for officially sanctioned torture is a scandal. As a matter of [international law](#), it violates the United States' obligation to investigate and prosecute torture. Continuing impunity would undermine the universally recognized prohibition on torture and send the dangerous signal to government officials at home and abroad that there will be few consequences for torture and other brutality. Accountability today is critical to stopping torture tomorrow.

Reform the CIA

By taking two key steps, Congress and the president can ensure that the CIA never again engages in torture or unlawful detention. First, Congress must permanently ban the CIA from operating any detention facility or holding any person in its custody. Second, Congress should subject the CIA to the same interrogation rules that apply to the military. Congress and the president must together repair the broken system of checks and balances that has left the CIA virtually unrestrained by any of the three branches of government.

The torture and cruel treatment of prisoners have long been crimes. By executive order, President Obama closed the CIA secret prisons, barred the CIA from holding people except in transitory detention, and applied to the CIA the same interrogation rules that apply to the military. However, these executive order prohibitions are only as good as any president's commitment to enforcing them, and a future president could eliminate them with the stroke of a pen. Congress must therefore pass legislation to ensure stronger, permanent prohibitions.

Even with those prohibitions in place, the CIA cannot be trusted to act lawfully unless Congress and the president also repair the broken system of checks and balances. For at least a dozen years, the CIA has been uncontrolled—and seemingly uncontrollable—by any of the three branches of government. It has lied to the White House, it has lied to and spied on Congress, and it has successfully invoked secrecy and immunity doctrines to prevent accountability for its illegal actions in courts. Steps necessary to restore

checks and balances include: open congressional oversight hearings, additional and bolstered internal CIA watchdogs, additional Senate-confirmed CIA leadership positions, and new legislation to limit the circumstances in which the CIA can invoke the state secrets doctrine.

Provide Apology & Compensation

President Obama should publicly acknowledge and apologize to the victims of U.S. torture policies. To comply with [international law](#), the Obama administration should appoint an independent body to provide compensation and rehabilitation services to those who suffered torture or other cruel, inhuman, or degrading treatment.

With a handful of exceptions, the hundreds of men, women, and children victimized by U.S. torture policies have received no official acknowledgment of their [suffering](#), apology for the wrongs inflicted upon them, compensation for their mistreatment, or assistance in recovering from their physical and psychological injuries. This must be corrected.

Recognizing, apologizing to, and compensating victims will begin to heal the wounds our government has inflicted and help rebuild American credibility as a defender of human rights.

Honor Courage

President Obama should [formally honor](#) the members of the military, the CIA, and other public servants who, when our nation went off course, stayed true to our most fundamental ideals.

Even as top Bush administration officials were crafting and implementing torture policies, an untold number of U.S. service members and civilian officials risked their careers by objecting to official torture and other cruelty. They recognized that torture would harm lives, violate the law, undermine national security,

and corrupt important national institutions—including the military. However, the stories of these [American heroes](#) are still largely unknown. A public acknowledgement from the president would send a clear message to other government officials that standing against injustice and unlawful acts is honorable, and it would demonstrate to the world our values as a nation.

More Transparency

The Obama administration should release still-secret records that would shed further light on the extent of U.S. government abuse, and on the responsibility of senior officials in ordering it. To start, the Obama administration should release the following records with only those redactions that are necessary to protect legitimate sources and methods:

1. The Senate Intelligence Committee's full investigative report into the use of torture and abuse by the CIA.
2. President Bush's September 17, 2001 memo authorizing the CIA to establish secret overseas prisons, known as "black sites."
3. CIA cables relating to the use of waterboarding and other brutal interrogation techniques.
4. Photographs evidencing abuse of prisoners at detention facilities throughout Iraq and Afghanistan.