








SCORECARD ON TORTURE: THE OBAMA ADMINISTRATION'S FIRST YEAR

North Carolina Stop Torture Now regrets to report our disappointment with the first year of the Obama Administration. On human rights, thus far, the Administration has offered a blend of promising rhetoric and frightening actions. This administration continues to actively prevent accountability for past crimes by concealing evidence of the abuses of "disappearance" and torture under the Bush Administration. Indeed, the current Administration has hardened the stance that detainees in the so-called "war on terror" lack constitutional and human rights.

These actions further alienate the U.S. from the Muslim world, and ensure an inexhaustible supply of those willing to lay down their lives to attack us.

Holding torturers accountable is a key element of securing U.S. citizens' safety, reclaiming our national integrity, and rejoining the global community with a commitment to protect, enhance, and expand human rights.

ON DOMESTIC ACCOUNTABILITY: WHAT ACTIONS HAS THE U.S. ADMINISTRATION TAKEN?

	Banned the use of torture in interrogations. http://www.whitehouse.gov/the_press_office/EnsuringLawfullInterrogations/
	Ordered closure of CIA administered secret prisons. http://www.whitehouse.gov/the_press_office/EnsuringLawfullInterrogations/
	Ordered release of some torture memos written by previous administration officials. http://www.guardian.co.uk/world/2009/apr/16/torture-memos-bush-administration
	Failed to keep a commitment to close the Guantánamo prison camp by January 23, 2010.
	Is weighing a Department of Justice recommendation to continue holding detainees indefinitely, without charge, and with no opportunity to challenge their detention. http://news.bbc.co.uk/2/hi/americas/8476358.stm
	Continues to capture and disappear individuals to a secret prison facility in Afghanistan, refusing the prisoners any right to challenge their detention, and blocking the International Committee of the Red Cross (ICRC) from monitoring their condition and treatment. <i>"There is absolutely no difference between the Bush administration and the Obama administration's position with respect to Bagram detainees' rights," said Tina Foster, attorney for Bagram detainees.</i> http://www.salon.com/news/feature/2009/09/21/bagram/
	Opposed or blocked legal actions aimed at gaining release of torture evidence, including a public commitment to release photographs of U.S. personnel engaging in torture of detainees in Iraq and Afghanistan. http://washingtonindependent.com/65751/obama-signs-law-authorizing-suppression-of-torture-photos



Worked to deny restorative justice to victims and survivors of U.S. torture, by arguing that perpetrators are shielded from civil remedies by the state secrets doctrine.

<http://www.slate.com/id/2210915/> (Analysis by Dahlia Lithwick)



Has delayed or is now withholding release of internal investigative reports on potential war crimes by former high U.S. government officials.

<http://washingtonindependent.com/68276/holder-says-opr-report-will-be-released-by-the-end-of-the-month>



Ignored Nuremberg precedents regarding the responsibility of policymakers for crimes by lesser officials carrying out their instructions.

"We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow." – Justice Robert H. Jackson, Opening Statement to the Nuremberg Tribunal:

<http://www.law.umkc.edu/faculty/projects/ftrials/nuremberg/jackson.html>



Threatened to end intelligence cooperation with Britain if an investigation there into torture of British nationals at Guantánamo and other U.S. facilities proceeds.

<http://www.nytimes.com/2009/05/15/world/europe/15britain.html>



Failed to direct an adequate investigation into the death of Guantánamo detainee, Mohammed al-Hanashi, an elected leader among the detainees, whom the U.S. military claims killed himself days after finally winning the right to be represented by legal counsel.

"What happened to Mohamed al-Hanashi, and why? The fact that no one can answer this question yet means that even in Barack Obama's America, as in Stalin's Russia or Ahmadinejad's Iran, people can simply be disappeared without trial." – Naomi Wolf

<http://www.project-syndicate.org/commentary/nwolf15/register>

<http://www.truthout.org/article/murder-guantanamo>



Opposed efforts to establish an independent public commission to investigate charges of torture and war crimes by US officials, intelligence operatives, and contractors.

<http://www.time.com/time/nation/article/0,8599,1900035,00.html>



Evaded direct inquiries about its effort to quash war crimes investigations by officials in Spain.

<http://motherjones.com/mojo/2009/04/white-house-joking-about-torture-investigation>




Decided to continue "extraordinary rendition," or sending prisoners to be interrogated in countries where torture has been routine. Many of those flights have been conducted by North Carolina-based planes and pilots. http://www.nytimes.com/2009/08/25/us/politics/25rendition.html?_r=1&hpw



Covered up suspicious deaths of detainees, apparently involving torture, at a secret CIA black site, "Camp No," at Guantanamo, and opposed lawsuit (Al-Zahrani v. Rumsfeld) by family members of detainees who died. <http://www.harpers.org/archive/2010/01/hbc-90006368>

<http://washingtonindependent.com/63786/obama-doj-adopts-bush-position-in-torture-cases>

By contrast, with the notable exceptions shown below, individual nations and the European community as a whole are moving in a positive direction on accountability, in spite of U.S. resistance:

	<p>ENGLAND: Parliamentary & judicial investigation of U.K. role in U.S. torture programs are underway, in spite of resistance from Ministry of Defense and others. On allegations of complicity or conduct of torture of Binyam Mohammed: http://www.timesonline.co.uk/tol/news/uk/article6830938.ece On allegations of torture in Iraq: http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/6567529/Iraq-Investigation-into-new-claims-of-torture-by-British-soldiers.html</p>
	<p>ITALY: Tried and convicted <i>in absentia</i> 23 Americans, including CIA agents and Aero Contractors pilots, for the kidnapping and extraordinary rendition of Abu Omar. http://news.bbc.co.uk/2/hi/8343123.stm</p>
	<p>SPAIN: Rises to meet international obligation to investigate top U.S. officials' direction to torture Spanish nationals http://www.guardian.co.uk/world/2009/apr/29/spain-court-guantanamo-detainees-torture</p>
	<p>LITHUANIA: Lithuanian President Dalia Grybauskaite ordered an investigation, which confirmed that Lithuania operated two secret illegal US prisons there. <i>"If this is true," Grybauskaite said, "Lithuania has to clean up, accept responsibility, apologize, and promise that it will never happen again."</i> http://news.bbc.co.uk/2/hi/8426028.stm</p>
	<p>GERMANY: Has kept indictments open against CIA operatives, including Aero Contractors pilots. http://www.spiegel.de/international/world/0,1518,622757,00.html</p>
	<p>POLAND: Poland's National Prosecutor's office has been investigating the issue of a secret CIA prison in Poland, including allegations of torture there since August 2008. http://www.salon.com/news/feature/2009/04/28/poland_prison/index.html</p>
	<p>COUNCIL OF EUROPE: Continent-wide monitoring & reports continue. http://www.cpt.coe.int/en/about.htm</p>
	<p>RUMANIA: In April a parliamentary committee denied that there were ever CIA secret prisons there. Numerous other investigations contradict this report. <i>"In Romania, a parliamentary investigation unconvincingly dismissed accusations of a 'black site' ..."</i> —Human Rights Watch http://www.hrw.org/en/news/2009/09/24/europe-must-come-clean-its-involvement-cia-torture</p>
	<p>PORTUGAL: A parliamentary investigation into CIA torture flights using Portuguese airports and facilities was blocked in mid-summer; some Portuguese Members of Parliament are continuing calls for a deeper investigation. U.S. pressure to bury the probe was acknowledged. http://legalift.wordpress.com/2009/07/07/portugal-mep-requests-reopening-of-investigations-in-cia-rendition-fights/</p>

North Carolina Stop Torture agrees with Justice Brandeis that "the only title in our democracy superior to that of president is the title 'citizen'."

Accordingly, we ask our neighbors to join us in calling on:

The Johnston County Board of Commissioners, Governor Perdue, and our Congressional delegation to immediately investigate North Carolina's role in extraordinary rendition and promptly intervene to sever the state's ties to this abuse. Specifically, we urge local, state and federal law enforcement officials to investigate Aero Contractors, Centurion Aviation, and any other rendition-related operations or individuals in our state.

The Obama administration to

- **launch a thorough and transparent investigation of recent revelations that the Joint Special Operations Command (JSOC), based at Fort Bragg, has operated "black sites" at which prisoners were tortured to death**
- **move swiftly to provide Guantánamo detainees either with fair trials in a U.S. court or competent international tribunal, or prompt release to conditions of freedom and safety;**
- **cooperate with international investigations of torture and war crimes allegations, by promptly releasing all remaining internal investigative reports; and**
- **renounce "extraordinary rendition" and all use of secret, extra-judicial, and indefinite detention without charges.**

The U.S. Department of Defense to provide the ICRC unrestricted access to the Bagram prison and all other similar facilities.

The U.S. Department of Justice to

- **drop resistance to prisoners' ability to challenge their detention in U.S. Courts, and**
- **substantially restrict the use of "state secrets" to deny victims and survivors of torture a fair hearing of claims to restorative justice in U.S. civil proceedings.**