

## **President Obama and Congress: Respect Human Rights and Counter Terror With Justice**

### **Introduction:**

President Obama and a number of members of Congress have resisted full accountability for torture, and have endorsed indefinite detention and unfair military commissions. Further, loopholes for torture and abuse remain and U.S. detentions at Bagram and other facilities in Afghanistan and Iraq do not meet human rights standards. The U.S. government is required by law to end human rights violations and ensure accountability for them. Human rights violations are immoral, illegal and—according to military and intelligence experts—ineffective and counterproductive. There is an alternative: call on President Obama and Congress to respect human rights, follow the law and counter terror with justice.

### **Dates for Action**

8/10/09 through 8/10/11

### **Targets**

- Your Members of Congress
- President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500  
Phone: 202.456.1111  
Fax: 202.456.2461

### **Subject Lines for Sample Letter**

Draft up to five

1. Your legacy shouldn't include human rights violations
2. There is an alternative: counter terror with justice
3. Follow the law: counter terror with justice

## **Sample Letter**

Dear President Obama and members of Congress,

I welcome President Obama's executive orders to close Guantanamo and end the use of torture. Further, I welcome the appointment of a Special Prosecutor to investigate a number of cases of detainee abuse as a positive steps toward accountability. However, I am deeply concerned that human rights violations—and impunity for human rights violations--continue. This in spite of the fact that human rights violations are immoral, illegal and—according to military and intelligence experts—ineffective and counterproductive.

There is an alternative. I am writing to urge you to respect human rights, follow the law and counter terror with justice:

- Ensure accountability for torture and abuse, as required by law. Set up or support an independent commission of inquiry to investigate torture and other human rights violations committed by the U.S. government in the name of countering terrorism; ensure that all those who broke the law are prosecuted; and ensure redress and remedy to victims;
- Reject indefinite detention and unfair military commissions. Guantanamo detainees must either be charged with a crime and fairly tried in U.S. federal court, without recourse to the death penalty, or be released, to countries where their human rights will be respected;
- Bring U.S. detentions at Bagram and other U.S. facilities in Afghanistan and Iraq into compliance with international law and human rights standards;
- Close all possible loopholes for torture and other ill-treatment, and end any use of rendition and secret detention by or on behalf of the U.S. authorities anywhere.

The U.S. government is required by law to respect human rights and to ensure accountability for human rights violations. I call on you to follow the law.

**Sincerely,**

## **Background Information**

Amnesty International welcomed President Obama's steps within his first week in office to close Guantanamo and end the use of torture, as well as these reassuring words from his inaugural address:

*"[W]e reject as false the choice between our safety and our ideals. Our Founding Fathers, faced with perils that we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man...Those ideals still light the world, and we will not give them up for expedience sake."*

We hoped these words and steps meant that President Obama and Congress would reject all of the immoral, illegal and—military and intelligence experts have said—ineffective and counterproductive counterterrorism measures of the past.

Disturbingly, this does not seem to be the case. President Obama and a number of Members of Congress have endorsed unfair trials, in the form of revised, yet still unfair, military commissions. They have endorsed indefinite detention without charge and they have denied that detainees held at Bagram in Afghanistan have the right to habeas corpus.

President Obama and a number of Members of Congress have also rejected an independent commission of inquiry to investigate torture and abuse, in favor of piecemeal Congressional and military investigations. Some of these have dragged on for years, and have only looked down the chain of command, not up—leaving foot soldiers to take the fall for a torture program that evidence indicates originated in the White House. Meanwhile, loopholes remain that could result in torture, other ill-treatment and rendition, and recent reports have surfaced suggesting that treatment of Guantanamo detainees has worsened.

The right way to achieve security and justice is through strengthening the human rights framework, not through undermining it by resorting to practices such as torture, unfair trials and illegal detention.