May 12, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Obama,

June 26 is the International Day in Support of Victims of Torture. We urge you to use this June 26th, your final in office, as an opportunity to reaffirm the universal prohibition on torture and take executive action to provide redress and other forms of accountability to survivors of torture committed by U.S. officials in the name of national security.

Your strong affirmation of the prohibition of torture is crucial because this country is at an inflection point. We are witnessing a dangerous shift in U.S. public discourse on torture, even compared to the previous decade. Whereas, under the administration of former president George W. Bush, top U.S. officials claimed to reject torture as morally abhorrent (even while ordering and encouraging it), some public figures now openly celebrate torture. In a perverse effort to win public approval, they trivialize the horror and inhumanity of torture and signal they would support a return to its systematic use.

Poll results, while limited by multiple factors, suggest an alarming increase in U.S. approval of torture. In March 2016, a Reuters poll reported that nearly two-thirds of Americans surveyed believed torture can be justified to extract information from “suspected terrorists.” In contrast, in 2007, a Pew poll showed that only about forty percent of Americans surveyed believed torture could be justified to get key information. According to the same polls, while in 2007 a majority of 54 percent said torture was never or rarely justifiable, in 2016 only fifteen percent of those polled said it should never be used.

This current situation underscores that, since you took office, proponents of torture have in some ways succeeded in rewriting recent history. In late 2014, the Senate Intelligence Committee released a summary of its report on torture that included graphic, disturbing details of abuse. This should have led to a national moment of reckoning, and in some ways it did. Yet, instead of responding with regret and reflection, former administration officials touted their role in the CIA torture program as proof of their commitment to protecting U.S. security. Now, a new generation of public figures is doing the same: they promote torture in an effort to prove their national security bona fides. They are priming the U.S. public for a return to systematic torture in the name of national security.

No matter what the next administration pursues, this rhetoric has dealt significant damage to global protection of human rights and U.S. leadership. The appearance and actuality of U.S.
support for torture provides foreign governments an excuse to flout their own obligations. It also undermines the ability of the U.S. government to promote human rights globally and seek enforcement of other governments’ international legal obligations.

Your words and actions can repudiate the pro-torture agenda that is gaining momentum in this country. By acknowledging and addressing the U.S. government’s own recent use of torture, your administration can prevent torture proponents from re-writing this history. Through concrete steps to provide redress, you can establish strong precedents that will contribute to the global anti-torture movement.

In your first days in office, you unequivocally rejected torture by signing Executive Order 13491 on lawful interrogations. In the annex to this letter, we outline specific actions you can take in your final months in office to realize this vision: A United States that leads the world in promoting the right to be free from torture.

Thank you for your time and consideration.

Sincerely,

Margaret Huang
Interim Executive Director
Amnesty International USA
**RECOMMENDED ACTIONS TO SUPPORT THE BAN ON TORTURE**

**Reaffirm the universal prohibition on torture**

We urge your administration to make a series of public statements regarding torture, in particular, on June 26 and the days that follow. In these statements, we urge you to express the following:

- **Torture can never be justified.** It is wrong, self-defeating and poisons the rule of law, replacing it with terror. As Amnesty International put it in 1973, in its first international review of the use of torture: “No act is more a contradiction of our humanity than the deliberate infliction of pain by one human being on another, the deliberate attempt over a period of time to kill a man without his dying.”

- **No one is safe when governments allow its use.** History shows that torture is never limited to ‘just once.’ As soon as a government permits its use once, for example in the frequently cited example of a bomb plot, the logic extends to people who might plant bombs, or people who might think of planting bombs, or people who defend the kind of person who might of planting bombs. To justify torture in “special cases” is to invite its spread to every case.

- **This is a matter of our shared humanity.** Torture is an affront to human dignity and justice. The world’s governments recognized these fundamental truths when, in the aftermath of the atrocities of the Second World War, they adopted the Universal Declaration of Human Rights in 1948. This enshrined the basic right of all of us, everywhere, to live free from torture, free from cruelty. This right is at the heart of our shared humanity.

- **This is a matter of U.S. leadership.** The U.S. was a leader in efforts to establish the international legal framework banning torture.

- **Resorting to torture should never be considered an option.** Torture is unequivocally prohibited by international law. It is a crime in all places and all times. Indeed, torturers are considered *hostis humani generis*—enemies of all humanity.

- **No threat can justify torture.** There are no circumstances—war, threat of war, attacks by armed groups, or national emergency—under which torture can be justified.
• **Every country, including this one, must seek to stand between the torturer and the tortured.** That requires holding those responsible for torture accountable. As the International Military Tribunal at Nuremberg stated, “[c]rimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.” By pursuing cases against torturers, governments forcefully voice their condemnation of such acts and put future perpetrators on notice. All governments that are party to the UN Convention against Torture should exercise “universal jurisdiction” over the crime of torture.

• **The U.S. must reckon with its own history of torture.** In the name of countering terrorism, hundreds of people were subjected to torture and other human rights abuses from 2001 and 2009. From Abu Ghraib prison in Iraq came images of systematic abuse at the hands of the U.S. personnel—images of physical abuse and humiliation that rightly shocked and outraged the world. Guantanamo was designed to be a “battle lab” for torture, where detainees were subjected to experimental techniques including sexual humiliation and assault. This is a history of torture that the U.S. should never repeat.

• **Furthermore, the United States stands virtually alone on the world stage in incarcerating at least 80,000 people in solitary confinement on any given day.** The UN Special Rapporteur on Torture has stated that holding prisoners in isolation for more than 15 days can amount to torture or cruel, inhuman or degrading treatment or punishment—yet prisoners in the U.S. have been left to languish in solitary confinement for years or decades. The Justice Department’s 2015 report on restrictive housing represent a momentous break with this shameful legacy, but the work to reform solitary confinement is not yet through.

• **Reparations for torture survivors, including rehabilitation, restitution, and compensation are a critical part of the struggle against impunity.** In the absence of such ameliorative efforts, victims will continue to suffer long after their physical and emotional scars fade from public conscience.
Announce executive action to provide redress and other forms of accountability

We urge you to take the following actions:

- **Ensure that torture survivors at Guantanamo have genuine access to medical assessment and care, including rehabilitative services appropriate to torture survivors**
  - Appoint independent, qualified medical providers to Guantanamo to assess, diagnose and where appropriate treat physical and mental health problems of detainees
  - Direct the Department of Defense to establish a process for detainees and their representatives to request medical attention, distinct from requests related to litigation
  - Provide appropriate medical treatment to Mustafa al-Hawsawi, who suffers from a torn rectum and other medical conditions arising from torture by the CIA.

- **Acknowledge wrongdoing and apologize to individuals subjected to unlawful rendition and detention under the Bush administration**, including Maher Arar, who was sent to Syria and tortured. Make known the name, nationality and circumstances of detention of all those who were detained as part of the programs of rendition and secret detention under the Bush administration.

- **Declassify information relating to the CIA programs of rendition, detention and interrogation authorized between 2001 and 2009, with redactions only where strictly necessary**, including:
  - All government documents providing authorization or legal clearance or discussion of secret detention, rendition and so-called enhanced interrogation by the CIA or other agencies
  - All statements made by detainees setting out allegations of enforced disappearance, torture or other ill-treatment in US custody, including detainees held in the CIA’s secret detention program;
  - Information on the Justice Department’s preliminary review into CIA interrogations, and the investigation into CIA videotape destruction, including whether the mandate included examining the role of high-level officials in the authorization and implementation of measures related to the treatment of detainees in violation of the international prohibition of
enforced disappearances, torture and other cruel, inhuman or degrading treatment

- Information on the Justice Department’s review and assessment of the full Senate Intelligence Committee report and the reasons for not reopening and expanding investigations into torture, enforced disappearances and other human rights violations committed in the course of the CIA secret detention program
- The Memorandum of Notification signed by President George W. Bush for the CIA on 17 September 2001.
- Any other documents that provide information about human rights violations authorized and committed in the CIA secret detention program or other detention operations
- Amend Executive Order 13292 on Classified National Security Information, itself an amendment to Executive Order 12958, to make it clear that information cannot be classified or remain classified if, by design or effect, to do so would conceal past or current violations of international human rights or humanitarian law, such as torture and other ill-treatment

- **Declassify and publicly release all U.S. government reports regarding use of diplomatic assurances against torture**, including agency reports recommended by the 2009 Special Task Force on Interrogations and Transfer Policies.

- **Respond truthfully and in full to all formal requests for mutual legal assistance** (MLAT) from foreign governments seeking information about the CIA’s secret detention and interrogation programs for use in ongoing criminal investigations or to commence such investigations.

- **Support the Justice Department to reopen and expand investigation into CIA secret detention, rendition and interrogation programs and practices.** The Justice Department should look into the exact role and involvement in these programs and practices of the US government personnel mentioned in the Senate Select Committee on Intelligence report and in other materials, proceed to a prompt and impartial investigation wherever sufficient grounds exist and prosecute those who are suspected of being involved in crimes under international law.
**Take actions in support for the global ban on torture**

We urge you to do the following before leaving office:

- Grant the U.N. Special Rapporteur on Torture and other Cruel, Inhuman Degrading access with acceptable terms of reference for visits to both Guantánamo and mainland prisons without further delay.
- Sign the Optional Protocol to the Convention against Torture, which establishes a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other ill-treatment.
- Sign the Inter-American Convention to Prevent and Punish Torture and other human rights instruments of the Organization of American States
- Afford the greatest measure of assistance to foreign governments and international tribunals and courts investigating claims of torture, provided that these cases are pursued in a manner consistent with international law and standards guaranteeing the right to a fair trial.