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AMNESTY INTERNATIONAL

BRIEFING PAPER

Amnesty International Renews Calls for Accountability for Torture and for Closure of Guantanamo

In light of testimony by James Mitchell and Bruce Jessen over the past two weeks at Guantanamo during a pre-trial hearing in the September 11 case, Amnesty International renewed its long-standing call for accountability for crimes under international law including torture, ill-treatment, arbitrary detention and enforced disappearance. The organization also renewed its call to close the detention facilities at Guantanamo and either prosecute detainees fairly in federal court without recourse to the death penalty or release them. The USA is required by international law to respect and ensure human rights, to thoroughly investigate violations of those rights, and to bring perpetrators to justice, no matter their level of office or former level of office.

As Amnesty International has urged since 2004, the US government should immediately set up an independent commission of inquiry into all aspects of the US government's use of torture, ill-treatment, enforced disappearance, and other human rights violations committed in the name of national security after the attacks in the USA on September the 11th, 2001. The investigation should span the CIA, Department of Defense, FBI, contractors, and all other relevant agencies and personnel, as well as the complicity of other governments and their personnel, including those that hosted CIA secret prisons and facilitated the torture that detainees suffered in those black sites. The US government must declassify all information that may contain evidence of human rights violations and the names of personnel who ordered, authorized, enabled, and carried out those human rights violations. The US should release all relevant documents and reports, including the full Senate Select Committee on Intelligence report, a summary of which was released in December 2014.

The US government must ensure an effective and independent investigation of all those reasonably suspected of crimes under international law and, where there is sufficient admissible evidence, their prosecution in fair trials without resort to the death penalty. From those at the very top of the US government who authorized or ordered such violations, to those who directly participated, justice must be done. Given that former US President George W. Bush specifically admitted to authorizing the waterboarding of several individuals whose subjection to this torture technique has been confirmed, he must be brought to justice. Criminal investigations should move forward into the role of other top US officials who authorized and ordered torture and other crimes under international law, including former Vice President Dick Cheney, and relevant former heads of the CIA, Department of Defense, Department of Justice, and others.

Criminal investigations should also be opened immediately into Mitchell and Jessen given Mitchell's sworn testimony at Guantanamo that they personally carried out waterboarding, prolonged sleep deprivation, and other techniques that amount to torture and ill-treatment. Such investigations should also be opened into other CIA interrogators as well as other CIA officials and any other US or non-US officials or contractors who led, managed, carried out, enabled, medically or psychologically supervised, encouraged, or participated in US torture or other crimes under international law. Mitchell's

testimony described in graphic detail the brutal treatment the high value detainees suffered not only at his own hands but at the hands of other CIA interrogators.

Limited US Department of Justice investigations into CIA interrogations ended in 2012 without anyone being charged. Likewise, the CIA's destruction of videotapes of interrogation sessions--containing possible evidence of crimes under international law--did not result in any charges. States may not relieve those responsible for such violations from personal responsibility through general amnesties, legal immunities or indemnities or other similar measures.

Classification orders gagged defense teams these past weeks from saying aloud in court the names of other countries that hosted black sites and facilitated the CIA's forced disappearance and torture of detainees. The European Court of Human Rights has already issued public judgments against Poland, Romania, and Lithuania for complicity in those crimes under international law. Secret detention centers operated in all three EU member states between 2002 and 2006. Those governments must fully implement the judgments from the ECtHR and conduct effective investigations into any individuals who cooperated with the CIA in the establishment of the black sites and who facilitated the torture and other ill-treatment that occurred in them.

The victims and survivors of the September 11 attacks have the right to justice. The fundamentally unfair Guantanamo military commissions are incapable of delivering that justice and should be abandoned. The September 11 defendants should be prosecuted fairly in US federal court, with no reliance on torture-tainted evidence and without recourse to the death penalty, as should anyone else currently held at Guantanamo who the government plans to prosecute. The five detainees already cleared for transfer from Guantanamo should be immediately transferred to safe countries of their choice, and the detainees held in indefinite detention should either be charged and fairly tried in federal court or be released, and the Guantanamo detention facilities should be closed. Efforts to repatriate or resettle in third safe countries the detainees who will not be charged and prosecuted must be resumed. Victims of torture and other human rights violations have the right to truth and remedy, including guarantees of non-repetition, apology, compensation, and restitution.

No person is above the law. It's well past time for the US government to close this horrific chapter by ensuring accountability and justice for all.

Further Reading

[USA: Crimes and Impunity](#)

[USA: Investigation, Prosecution, Remedy: Accountability for Human Rights Violations in the 'war on terror'](#)

[USA: Bringing George W. Bush to Justice](#)

[EUROPE: Breaking the Conspiracy of Silence: USA's European 'Partners in Crime' Must Act after Senate Torture Report](#)