

RELEASE OF TORTURE SCORECARD
Statement of Christina Cowger, NC Stop Torture Now
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Today we're issuing a scorecard on the current administration's first year of actions on torture. But this in no way suggests that we're somehow attempting to exonerate the previous administration. We are not trying to argue that current top officials are somehow mainly responsible for violations of international and national law.

On the contrary – we are most disappointed with our current government precisely for failing to hold the *previous* administration accountable for barbaric and systematic use of torture.

The United States is bound by the Convention Against Torture and its own federal laws. These require our country not only to *forbid* its own personnel from torturing prisoners or conspiring for them to be tortured. We must also hold our citizens to account when they violate those laws and norms.

In a shocking reversal of 60 years of policy, the current administration has chosen to ignore the Nuremberg Principles. Nuremberg established that the law applied to the powerful and the ordinary alike. Nuremberg Principle IV specifically prohibited the way in which the current administration has let its predecessors off the hook for torture because they were “only following orders”:

- Principle IV: *"The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him."*

Justice Robert Jackson was the chief U.S. prosecutor at the Nuremberg Trials, as well as an associate justice of the U.S. Supreme Court. He said: “The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power....” (11/21/1945, Part 04, in Trial of the Major War Criminals before the International Military Tribunal)

They say that sunshine is the best disinfectant. The problem is in part that the current Administration refuses to shine its own light on the abuses:

- For example: on the infamous memos written by John Yoo and Jay Bybee in 2002 and 2003 to justify the use of tortures that were already underway, we have just learned that the Justice Department's Office of Professional Responsibility is issuing a report that clears them of all responsibility – a report that they were allowed to review and edit.

But the problem goes farther: the current Administration is trying to block other countries from shining a light:

- For example: In May 2009, this administration sent the British High Court in London a letter threatening to stop sharing intelligence if the court makes public the gruesome details of how Binyam Mohamed was

tortured. Binyam was freed from Guantanamo last year, and had been held and tortured for 2 years by Morocco at the direction of the U.S. and MI5, and also at the U.S.-run “Dark Prison” in Afghanistan.

And the current Administration has interfered in a civil lawsuit -- in which it was not even a defendant – in an attempt to block the sunshine:

- This case is called Mohamed v. Jeppesen. Five survivors of extraordinary rendition have sued Jeppesen DataPlan, a Boeing subsidiary, for providing critical flight planning and logistical support services to aircraft and crews used by the CIA to forcibly disappear these five men to torture, detention and interrogation. Last February, the current Department of Justice asserted that the entire subject matter of the case is a state secret – despite the fact that most of the details of the case are already long since in the public record.

We need some rays of sunshine on the special system of torture known as “extraordinary rendition,” in which our state plays a leading role. North Carolina has hosted the planes, pilots and crews at our taxpayer funded airports that have transported dozens of detainees to their torture chambers. I’m talking about the CIA airline Aero Contractors, headquartered in Smithfield and which for a period of time had its own hangar at the Kinston Global TransPark.

The torture has occurred in Thailand, Romania, Syria, Jordan, Morocco, Afghanistan, Poland. But it’s our tax dollars that have been used to build, maintain, and upgrade the airports used in hundreds of missions over at least several years, and perhaps into the present. (A presidential task force recommended in August 2009 that extraordinary rendition, and that is now policy.)

In a landmark civil lawsuit, a survivor of this rendition system, the Canadian man Maher Arar, alleges that U.S. officials conspired with Syrian officials to have him tortured in Syria, delivered him to his torturers, provided them with a dossier on him and questions to ask him, and then obtained the answers tortured out of him. The Canadian government has cleared him of all suspicion of terrorism, and has awarded him \$10.5 million for its role in support U.S. actions against him. The previous administration won at the district and appeals court levels with its claim that state secrets should prevent the hearing of Mr. Arar’s suit in the U.S. Yesterday, Arar’s appeal was filed with the U.S. Supreme Court – the first of its kind.

We urge North Carolinians to contact Attorney General Holder and ask that Maher Arar be issued a public apology, removed from the Terror Watch List, and receive compensation, as Canada has done.

Not only is accountability for torture the right thing to do. It’s also urgently necessary for our national security. As long as the U.S. allows those who order and carry out torture to have impunity, we will continue to harvest the wrath of millions around the world. Americans may have looked the other way, but most people on this planet are well aware

that no one is being held accountable here for terrible crimes of disappearance and torture. The supply of those willing to do anything to harm the United States will be inexhaustible. Holding torturers responsible will go a long way toward re-establishing the U.S.'s credibility and restoring the global rule of law.

It has been five years since North Carolinians first began urgently calling our state leaders' attention to the fact that North Carolina hosts the torture taxis of Aero Contractors at our public airports. We've met with the staff of two governors and the Attorney General. We've met with numerous state legislators, and gotten a bill introduced. We've met with and written to our federal representatives and senators. We've appealed to the Johnston County Commissioners. We've held vigils, marches, and rallies; we've organized petition drives and postcard campaigns. Some of our state and Federal legislators have joined us in calling for an investigation of possible crimes with the aid of North Carolina facilities. But the response of the state and federal executive branches has so far been consistent – no, we will not investigate, it is someone else's job.

Accordingly, we are launching an effort to achieve accountability from the ground up. The first step is a conference on April 8-10 at Duke University. It's called "Weaving a Net of Accountability: Taking on Extraordinary Rendition at the State and Regional Level." The conference is sponsored by the Duke Human Rights Center; The International Human Rights Law Society at Duke Law School; the Immigration & Human Rights Policy Clinic at UNC School of Law in Chapel Hill; and NC Stop Torture Now. North Carolinians will come together to examine our state and local governments' role in extraordinary rendition, and learn from international, national, and local experts. A key goal of the conference is to form a plan to create a grassroots Commission of Inquiry for North Carolina.

We still need our governments to do the right thing. We call on the Johnston County Commissioners, the State of North Carolina, and the U.S. government to let the sunshine in, stop extraordinary rendition, and allow justice to proceed.

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