

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2009/04/16/us-investigate-those-responsible-authorizing-torture>

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Release of Justice Department Memos Underscores Need for Investigation

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(New York) The release of four US Justice Department memos detailing abusive interrogation techniques authorized for use on terrorism suspects underscores the need for an investigation into those who authorized and conducted torture and other abuse, Human Rights Watch said today.

President Obama said there was nothing to gain by laying blame for the past, said Stacy Sullivan, counterterrorism advisor at Human Rights Watch. But prosecuting those responsible for torture is really about ensuring that such crimes don't happen in the future.

In a statement released with the memos, President Barack Obama said that although his administration had repudiated the interrogation techniques authorized by his predecessor, his administration would not prosecute those who carried out their duties relying in good faith upon legal advice from the Department of Justice.

Notably, the president left open the possibility of prosecuting those higher up the chain who wrote the opinions and authorized the CIA to use abusive interrogation techniques and torture.

If the Obama administration is to adhere to the law, it is not enough to ensure that torture does not take place in the future, said Sullivan. It must apply the law prohibiting torture to those who violated it in the past.

The memos were written by the Justice Department's Office of Legal Counsel to provide the legal framework for the CIA's use of enhanced interrogation techniques including waterboarding, which has been prosecuted as a war crime in the United States for more than 100 years.

A 2002 memo detailed the techniques authorized on Abu Zubaida, an alleged al-Qaeda operative whom the CIA believed had information about terrorist operations that were yet to be executed. In addition to waterboarding and walling (slamming a prisoner into a flexible false wall), the techniques included placing Abu Zubaida in a box with what he was told was a stinging insect. The memo provides a legal analysis to justify methods that are on their face torture or cruel, inhuman, or degrading treatment banned by US and international law.

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