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United States: No impunity for torture

The ICJ today called on the United States to comply with its international legal obligation to conduct a thorough investigation and prosecute officials who authorized and engaged in the international crime of torture.

"Without holding to account the authors of a policy of torture and those executing it, there cannot be a return to the rule of law", said Wilder Tayler, Acting Secretary General of the ICJ. "When the President speaks of the US a nation of law, it includes the respect for its international treaty obligations to conduct an independent investigation and to prosecute those responsible for torture", he added.

The comment is made in reference to president Obama's statement upon the release by the Justice Department of four memos authorizing interrogation techniques that amount to torture and cruel, inhuman or degrading treatment under international law. In the statement the president declared that the US will not seek to prosecute those who carried out their duties on the basis of these legal memos. The Justice Department further stated that it would legally protect those who acted on the basis of such instruction.

"These memos are a very shocking read", said Wilder Tayler. "No one can doubt that they officially authorized interrogation techniques that are nothing less than torture." The ICJ notes that accountability needs to be ensured at all levels, including for the architects of this policy, those who sought to give legal cover and those who executed torture. Superior orders, official authorization or similar defences cannot shield responsibility for the crime of torture under international law.

These memos reaffirm an urgent need for an independent, comprehensive and transparent investigation into the full scope of these practices. Legitimate grounds of national security may protect sensitive intelligence from divulgence, but state secrecy consideration cannot legitimately shield from accountability for gross human rights violations and crimes under international law. The US in fact prosecuted Japanese interrogators at war crimes trials after World War II for waterboarding and other methods detailed in the memos now released.

"If a nation committed to law is not willing or capable to hold those responsible who authorized some of the worst crimes under international law it sends a terrible message to the rest of the world. It does great harm to the universal prohibition of torture", said Wilder Tayler.

For more information, please contact Gerald Staberock at the International Commission of Jurists (+41 22 9793800).

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 91, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org