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## A Failure of Democracy and Human Rights

### A Sad Day

by CESAR CHELALA

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It is a sad day for democracy when 12 Nobel Peace Laureates write a letter to President Barak Obama urging him to close one of the darkest chapters of recent U.S. history by acknowledging, and then rejecting, the “flagrant use of torture and other violations of international law” that had been conducted with the excuse of “fighting for terrorism” since 2001. That the recipient of the letter is a Nobel Peace Prize Laureate himself makes the situation ludicrous. That he presides over the country purported to be one of the world’s leading democracies makes the situation even more incongruous.

For those of us who used to admire President Obama for his avowed stand on human rights, his reelection seemed to give him the opportunity to fulfill the promises he made regarding the closure of Guantanamo, the use of torture and the killing of innocent people in several countries in conflict.

However, we are still to see a determined action from him on the human rights front, to which he only paid so far lip service. And it makes us wonder who really holds power in the U.S.? How is it possible that the president of the most powerful country in the world is unable to rally the support necessary to end one of the most disgraceful policies of the U.S. government?

Although six months have passed since the Senate’s Select Committee on Intelligence voted to release its 480-page executive summary of its review of the nation’s “enhanced interrogation” program, the release of the unabridged and uncensored summary has not yet happened.

The reasons for this situation are not a secret. As the Committee's leader, California's Senator Dianne Feinstein stated last April, "The report exposes brutality that stands in stark contrast to our values as a nation. It chronicles a stain in our history that must never again be allowed to happen."

In a two-year study, the Constitution Project, a U.S. independent group, concluded that it was indisputable that U.S. forces had employed torture as well as "cruel, inhuman or degrading" treatment in many interrogations; that "the nation's most senior officials" bear ultimate responsibility for allowing and contributing to the spread of these techniques; and that there is substantial evidence that information obtained by these methods was neither useful nor reliable.

The U.S. Supreme Court has held since the 1890s that punishments that involve torture are prohibited under the Eighth Amendment that states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The U.S. is a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which originated in the United Nations General Assembly on December 10, 1984, and that was signed by President Ronald Reagan in 1988 and ratified by the Senate on October 27, 1990.

In addition, the U.S. is a party to the following conventions that prohibit torture: the American Convention on Human Rights and the International Covenant on Civil and Political Rights signed in 1977 and ratified in 1992.

In 2006 the military issued field manuals on intelligence collection and counterinsurgency that stressed that "no person in the custody or under the control of the Department of Defense, regardless of nationality or physical location, shall be subject to torture or cruel, inhuman or degrading treatment or punishment, in accordance with and as defined in U.S. law.

However, despite these guidelines, the U.S. military systematically violated these rules both at Guantánamo, in Abu Ghraib and in more than 17 countries where both U.S. citizens and foreign nationals were transferred to U.S. administered detention facilities, where they were held incommunicado for periods of months and even years. That happened in spite of the fact that the Convention Against Torture proscribes signatory states from transferring a detainee to other countries "where there are substantial grounds for believing that he would be in danger of being subjected to torture."

Those actions, taken in full knowledge of the President of the United States led the Nobel Peace Prize Laureates to say, "We have reason to feel strongly about torture. Many of us among the Nobel Peace Prize laureates have seen firsthand the effects of the use of torture in our own countries. Some are torture survivors ourselves. Many have also been involved in the process of recovery, of helping to walk our countries and our regions out of the shadows of their own periods of conflict and abuse."

"It is with this experience that we stand firmly with those Americans who are asking the US to bring its use of torture into the light of day, and for the United States to take the necessary steps to emerge from its dark period of its history, never to return."

