

Bush Openly Confesses that He Authorized Torture – Coincides with Announcement that No Prosecutions for CIA Tape Destruction: Why We Care – and Why Bush Should Worry

In his memoir “Decision Points,” George W. Bush admitted that he enthusiastically authorized that certain detainees be waterboarded – or tortured, a crime under domestic and international law. When asked if he would authorize the torture of one detainee, Bush declared “Damn right!”

The release of Bush’s memoir coincides with reports that no one will face criminal charges for the destruction of CIA videotapes which contained interrogations using waterboarding.

The Center for Constitutional Rights (CCR) and the European Center for Constitutional and Human Rights (ECCHR) jointly intervened in an open criminal investigation in Spain that is examining the role of former civilian and military officials from the Bush Administration in the commission of international law violations, including torture. The investigation is ongoing and includes the crimes that former president George W. Bush admitted he authorized. Upon publication of Bush’s admission and the news of no prosecutions for destruction of CIA videotapes said to depict acts of torture, CCR and ECCHR issue the following statement:

“The Center for Constitutional Rights and the European Center for Constitutional and Human Rights are appalled by the admission of the former president of the United States that he authorized acts of torture, which violate federal and international law. We are also genuinely disturbed by the apparent lack of concern on behalf of the American public and the Department of Justice that a former president committed such grave violations – and flouts his impunity proudly.

As Attorney General Eric Holder stated during his confirmation hearings, waterboarding is torture. Calling these acts what they are – torture – is not the result of differing legal “opinion,” as Bush states; it is a matter of law. Harold Koh, the State Department Legal Adviser, confirmed this in Geneva last week, stating during the U.S. Universal Periodic Review that “the Obama administration defines waterboarding as torture as a matter of law” and it is not a “policy choice.” There are no circumstances or excuses – including “national security” – under domestic and international law that allow for the use of torture. And there is an obligation to investigate and prosecute torture.

Bush’s decision to authorize torture and other illegal acts purportedly against a limited number of detainees held in U.S. custody led to the use of torture at Guantánamo, in Iraq, Afghanistan, and in secret prisons by U.S. forces, and contractors, certain allies and the national forces in Iraq and Afghanistan. His decision led to Abu Ghraib. The result of Bush’s actions are now clear to all, including him – the systematic use of torture and cruel, inhuman, and degrading treatment that has damaged and endangered the United States’ for years to come – and cannot and must not be minimized.

Debates as to whether or not waterboarding of detainees led to intelligence or make the nation “safer” are not relevant questions. The only valid question is: Can we torture? And the answer is no.

Without accountability it is impossible to ensure that such actions are never authorized by any future president or other U.S. official. No immunity protects Bush from prosecution for acts which violate federal and international law. The *Pinochet* precedent demonstrates that the law eventually catches up with former presidents – even those who flout their impunity.

Bush states that accountability “would set a terrible precedent for our democracy.” We answer that not doing so is failing our democracy – yet again. We therefore urge the Obama administration and the Department of Justice to act upon their recognition that waterboarding is torture as a matter of law, to investigate and prosecute acts of torture and other serious violations carried out by officials of the former administration, including George W. Bush.

But we will not wait any longer for the Obama administration to act – we will continue seeking justice and accountability under the principle of universal jurisdiction and as counsel in the ongoing investigation in Spain.”