

Statement on the United States' Engagement with the Universal Periodic Review Process (UPR)

Accountability

• **The U.S. government has failed to hold U.S. officials accountable for torture and other serious violations of international law at Guantánamo and other U.S. detention sites.** Despite its promise of a new era of respect for the rule of law, the Obama administration has repeatedly acted to ensure impunity for those under the Bush administration who planned, authorized, and committed torture. The Obama administration must honor its commitment to restore the rule of law by conducting a comprehensive investigation into well-documented and grave human rights abuses at Guantánamo, in Iraq and elsewhere, including torture. Specifically, the Attorney General should appoint an independent prosecutor with a mandate to investigate and prosecute those responsible for torture and other war crimes, as far up the chain of command as the facts may lead. Moreover, President Obama should condemn newly revealed pressure by his own administration to obstruct efforts within the Spanish judiciary to investigate egregious violations of international law, including the torture of former Guantánamo detainees and other individuals who have been subjected to the U.S. torture program, and fully cooperate with the proceedings in Spain. To date, there is **no pending independent criminal investigation into torture**; the U.S. government has made clear that neither the authors of the Bush Administration's "torture memos" nor those who relied on these memos would be subject to investigation. There is also **no prosecution for the destruction of evidence of torture in at least 92 interrogation videotapes**, including of detainees who are still in Guantánamo. Moreover, **the U.S. government has opposed every civil action brought against U.S. officials**, shutting the courthouse doors to torture victims and other victims of U.S. so-called "national security policies."

• **The U.S. government has failed to fully investigate the deaths of individuals who have died in detention, including the three men who died in Guantánamo in June 2006.** Initially reported as suicides, new evidence from four soldiers stationed at the base has raised serious questions about the circumstances surrounding their deaths. Until now, the Obama administration has not only failed to conduct an independent and thorough investigation of the deaths but has opposed inquiry and review by the courts. These men were never charged with any crime.

• **The U.S. government has failed to hold private military contractors accountable for serious violations of international law, and is at the same time increasing its use of contractors.** The U.S. must ensure that any accountability gaps for contractors are closed, and until it has demonstrated that contractors can be held fully accountable for serious violations under the law, and that victims of such violations can achieve meaningful redress, it must end its outsourcing of core governmental functions to contractors, particularly in the context of military operations. Those contractors who have been implicated in serious domestic and international law violations such as torture and murder must be investigated, and where appropriate, prosecuted for their conduct.

• **The U.S. government must support holding corporations accountable for human rights abuses.** CCR's joint report on corporate accountability cited numerous examples of private companies allegedly responsible for serious human rights abuses, including private military contractors in Iraq and Afghanistan responsible for extrajudicial killings and torture, Chiquita's complicity in war crimes, Bridgestone use of forced and child labor in Liberia and Kellogg Brown & Root human trafficking of Nepali laborers. The U.S. must firmly state its commitment to not support business activities which fail to respect internationally-recognized human rights standards, ensure that transnational businesses are held accountable when violations of international law are committed (including corporations that contract with the U.S. government), and that victims of human rights violations have access to a meaningful and effective remedy.

Leahy Laws Limiting Assistance to Foreign Military Units

• **The U.S. Government Must Ensure Compliance with the Leahy Laws, and transparency in the Leahy Process.** The Leahy Laws prohibit the provision of security assistance to foreign military units that engage in a pattern of gross

violations of human rights. While the U.S. government asserts that it has applied these laws to “all countries receiving U.S. security assistance” and that it responds “appropriately” to abuses, it has rejected calls to bring transparency to the Leahy Law process by making information about its decision-making process publicly available, including information about the units reviewed, the publically available documents or sources relied upon to conduct the review, the outcome of the review and the reasons for that outcome, and the follow-up steps taken in cases where abuse has been established. The U.S. government’s insistence on cloaking the Leahy review process in secrecy is seriously misguided and conflicts with the very human rights principles the laws are intended to promote.

Guantánamo

- **The U.S. government has failed to end over 9 years of arbitrary and indefinite detention of exclusively Muslim and Arab men at Guantánamo.** The Obama administration should fairly try or release the 172 men still held there, abandon its plan for indefinite detention without charge or trial, and lift the blanket ban on repatriating Yemeni men, who like all detainees must be individually evaluated on the basis of what they have done, not punished based on their nationality or the alleged actions of others. The administration’s repeated promises to close Guantánamo are otherwise meaningless. The administration must also stop its practice of forcibly repatriating men to countries, including Algeria, where they have credible fears of torture or persecution.

Targeted Killings

- **The U.S. government’s lack of transparency about its targeted killing practices is preventing meaningful review of its international obligations.** The United States is targeting individuals for killing not only within recognized zones of armed conflict, but in countries such as Yemen where it is not engaged in hostilities rising to the level of war. It is not only targeting Al Qaeda suspects, but loosely defined “associated” forces. And it is not only conducting these killings using its regular armed forces, but with unaccountable secret forces and the CIA. The U.S. government has said that it supports recommendations “calling for prohibition and vigorous investigation and prosecution of any serious violations of international law.” The government should back up its stated support with adequate information and transparency to allow for more than a one-sided assessment of its international obligations.

Civil, Political, Religious Rights

- The Obama administration must review the reasons for designation of all prisoners currently held in Communications Management Units, and correct those designations made for arbitrary, discriminatory or retaliatory reasons.
- The Obama administration should ensure that all prisoners in the federal system (including those held in CMUs) have meaningful access to their family, including contact visitation, unless there is a documented and individualized reason to deny access.
- The Department of Justice should review the convictions of all COINTELPRO/Civil Rights Era activists in federal or state custody to identify and address civil and human rights violations.

Racial Discrimination

- The U.S. government should establish a national Plan of Action or Strategy to eliminate structural racial discrimination and it should pass the End Racial Profiling Act to ensure compliance at the Federal Level.
- The United States is failing to fulfill its obligations under ICERD, specifically with respect to implementation of ICERD at the local level. To date, New York State, the New York City government and the New York Police Department have not created or sustained effective mechanisms or measures towards upholding ICERD at the local level, especially with regards to its continued use of stop-and-frisk.
- The U.S. government has increasingly encouraged the involvement of state and local police in the enforcement of federal immigration law leading to a staggering increase in detention and deportations in this country while violating civil and human rights.
- The Department of Homeland Security should terminate all federal immigration enforcement programs that rely on state and local criminal justice systems and ultimately undermine public safety and community policing.

Visit www.ccrjustice.org/upr . Follow [@theCCR](https://twitter.com/theCCR) . 666 Broadway, 7fl, New York, NY 10012