



Written by on January 26, 2009

## UN Official Wants to Prosecute Bush, Rumsfeld for Torture

Nowak asserted that because the United States has ratified the UN Convention on Torture, which states that "all means, particularly penal law" are to be used to bring proceedings against anyone violating the convention, then charges against the two American are justified. "We have all these documents that are now publicly available that prove that these methods of interrogation were intentionally ordered by Rumsfeld," said Nowak. "But obviously the highest authorities in the United States were aware of this."



A report in the *Telegraph* (UK) observed that when he was asked about the likelihood of legal action being brought against Bush and Rumsfeld, Nowak replied: "In principle yes. I think the evidence is on the table." He added that the question of whether "American law will recognize these forms of torture" was still at issue.

A bipartisan Senate report released on December 11 found Rumsfeld and other top Bush administration officials responsible for the abuse of detainees at Guantanamo. The *Los Angeles Times* noted on December 12, 2008 that the report directed its most pointed criticism at Rumsfeld's decision in December 2002 to authorize the use of harsh interrogation techniques at the Guantanamo Bay facility. The report described Rumsfeld's directive as "a direct cause for detainee abuse" at Guantanamo and concluded that it "influenced and contributed to the use of abusive techniques, including military working dogs, forced nudity and stress positions, in Afghanistan and Iraq."

Torture is illegal under U.S. law. The Bush administration claimed that its harsh interrogation techniques such as waterboarding are not torture and that it therefore did not break the law. But that claim could be challenged in the U.S. judicial system under our own laws without need to apply any UN conventions or treaties.

But bringing charges against Bush and Rumsfeld on the basis of a UN convention would be a major step toward further raising the stature of and empowering the world body. And that empowerment would include defining "torture" on the basis of the UN treaty.

An "Insider Report" in *The New American* magazine for June 19, 2000 observed that on May 15 of that year, the United Nations Committee against Torture, in its first ever report on human rights conditions in the United States, recommended that the U.S. government modify its behavior and fulfill its treaty obligations under the Convention against Torture. The panel urged the United States to prohibit the use of electro-shock stun belts and restraint chairs, claiming that they "almost invariably" violate the terms ratified in the Convention against Torture. The panel also expressed its concerns about what it perceived as the torture and mistreatment of prisoners by police and prison guards at maximum security prisons, including prisoner chain gangs and "excessively harsh" conditions. The panel also



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suggested that the United States make torture, as defined in the convention, a federal crime, thereby harmonizing U.S. law with international law.



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