

# Feinstein report: UN expert calls for prosecution of CIA officers and other US Government officials

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GENEVA (9 December 2014) – *Statement by United Nations Special Rapporteur on counter terrorism and human rights, Ben Emmerson, concerning the publication of the summary of the Feinstein report on crimes committed by the Bush-era CIA:*

“I welcome the belated publication of the summary report by the United States Senate Select Committee on Intelligence into the crimes of torture and enforced disappearance of terrorist suspects by the Bush-era CIA. It has taken four years since the report was finalised to reach this point. The Administration is to be commended for resisting domestic pressure to suppress these important findings.

In my 2013 report\* to the Human Rights Council as Special Rapporteur, I called on the US Government to release the report without further delay, and to ensure that it was published in full, without excessive and unnecessary redactions.

The summary of the Feinstein report which was released this afternoon confirms what the international community has long believed - that there was a clear policy orchestrated at a high level within the Bush administration, which allowed to commit systematic crimes and gross violations of international human rights law.

The identities of the perpetrators, and many other details, have been redacted in the published summary report but are known to the Select Committee and to those who provided the Committee with information on the programme.

It is now time to take action. The individuals responsible for the criminal conspiracy revealed in today’s report must be brought to justice, and must face criminal penalties commensurate with the gravity of their crimes.

The fact that the policies revealed in this report were authorised at a high level within the US Government provides no excuse whatsoever. Indeed, it reinforces the need for criminal accountability.

International law prohibits the granting of immunities to public officials who have engaged in acts of torture. This applies not only to the actual perpetrators but also to those senior officials within the US Government who devised, planned and authorised these crimes.

As a matter of international law, the US is legally obliged to bring those responsible to justice. The UN Convention Against Torture and the UN Convention on Enforced Disappearances require States to prosecute acts of torture and enforced disappearance where there is sufficient evidence to provide a reasonable prospect of conviction. States are not free to maintain or permit impunity for these grave crimes.

It is no defence for a public official to claim that they were acting on superior orders. CIA officers who physically committed acts of torture therefore bear individual criminal responsibility for their conduct, and cannot hide behind the authorisation they were given by their superiors.

However, the heaviest penalties should be reserved for those most seriously implicated in the planning and purported authorisation of these crimes. Former Bush Administration officials who have admitted their involvement in the programme should also face criminal prosecution for their acts.

President Obama made it clear more than five years ago that the US Government recognises the use of waterboarding as torture. There is therefore no excuse for shielding the perpetrators from justice any longer. The US Attorney General is under a legal duty to bring criminal charges against those responsible.

Torture is a crime of universal jurisdiction. The perpetrators may be prosecuted by any other country they may travel to. However, the primary responsibility for bringing them to justice rests with the US Department of Justice and the Attorney General.”

(\*) Check the Special Rapporteur's full report:

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-52\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-52_en.pdf)

Ben Emmerson (United Kingdom) is the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. On 1 August 2011, he took up his functions on the mandate that was created in 2005 by the former United Nations Commission on Human, renewed by the UN Human Rights Council for a three year period in December 2007, in September 2010 and again in March 2013. As Special Rapporteur he is independent from any Government and serves in his individual capacity. Learn more, log on to: <http://www.ohchr.org/EN/Issues/Terrorism/Pages/SRTerrorismIndex.aspx>

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UN Human Rights, country page – United States of America:

<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/USIndex.aspx>

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