

Bart Gerald

From: "Lawyers Against The War" <law@portal.ca>
To: <Undisclosed-Recipient:;>
Sent: Tuesday, September 08, 2009 4:19 PM
Subject: Advocates around the world call for investigation and prosecution of U.S. officials responsible for torture. Please post and distribute

OPEN LETTER TO ATTORNEY GENERAL HOLDER

We, the undersigned, are writing to request that you hold firm against any attempts by former Vice President Dick Cheney and the media to silence those who demand that the United States hold accountable those who have committed and authorized torture.

We call on you to appoint a special independent prosecutor who is not part of the Department of Justice to investigate and prosecute all those who ordered, approved, justified, abetted or carried out the torture and abuse. The people who are held accountable should not be limited to low-level operatives.

We are particularly disturbed by the efforts of the reporters at the *Washington Post* to distort the facts and ignore the illegality of torture. They cited anonymous sources who allegedly said that torture works; these "reports" contradict the newly released report of the CIA's Inspector General.

Cheney's claim that your decision to open an investigation into the conduct of the CIA is a politicization of this issue is shameful. If anything, political pressure has led to your office taking too narrow an approach to the investigation.

The world community has expressed its revulsion at the use of torture in any form. Torture is illegal under all circumstances. The prohibition against torture is considered in international law on par with laws against genocide, slavery and wars of aggression. Under the Rome Statute for the International Criminal Court, it is a crime against humanity.

The United States is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Geneva Conventions. Both treaties expressly require the United States to either extradite or initiate prosecution of persons who are reasonably accused – this is a legal obligation. The U.S. Torture Statute that Congress passed to fulfill our obligations under the CAT outlaws torture committed outside the United States. The U.S. War Crimes Act punishes torture as a grave breach of the Geneva Conventions. In 2006, the Supreme Court affirmed in *Hamdan v. Rumsfeld* that *all* prisoners in U.S. custody are protected by the Geneva Conventions.

There are many who claim we should ignore the facts and the law and refuse to hold accountable all those responsible for the use of torture. Whether actionable intelligence was gained is not the issue. Nor is the morale in the CIA.

We believe the oath of office you took requires that you not pick and choose those laws you will enforce.

National Lawyers Guild
Center for Constitutional Rights
American Association of Jurists

International Association of Democratic Lawyers
 Psychologists for Social Responsibility
 The Coalition for an Ethical Psychology
 Torture Abolition and Survivors Support Coalition International
 Lawyers Against the War (Canada)
 Droite-Solidarité (France)
 Japanese Lawyers International Solidarity Association
 National Association of Democratic Lawyers in South Africa
 European Lawyers for Democracy and Human Rights
 Haldane Society of Socialist Lawyers (England)
 Marjorie Cohn, Professor, Thomas Jefferson School of Law; President, National Lawyers Guild
 Michael Ratner, President, Center for Constitutional Rights
 Bill Quigley, Legal Director, Center for Constitutional Rights
 Jeanne Mirer, President, International Association of Democratic Lawyers
 Roland Weyl, First Vice President, International Association of Democratic Lawyers
 Vanessa Ramos, President, American Association of Jurists
 Max Boqwana, General Secretary, National Association of Democratic Lawyers in South Africa
 Bill Bowring, Professor of Law, University of London; President, European Lawyers for
 Democracy and Human Rights; International Secretary, Haldane Society
 Sister Dianna Ortiz, U.S. Torture Survivor and founder of the Torture Abolition and Survivors
 Support Coalition International
 Harold Nelson, Advocacy Coordinator, Torture Abolition and Survivors Support Coalition
 International
 Gail Davidson, Chair, Lawyers Against the War
 Osamu Niikura, President, Japanese Lawyers International Solidarity Association
 George Hunsinger, Princeton Theological Seminary
 Richard Falk, Albert G. Milbank Professor of International Law Emeritus, Princeton University
 Dr. Thomas Ehrlich Reifer, University of San Diego; Associate Fellow, Transnational Institute
 Jordan J. Paust, Mike and Teresa Baker Law Center Professor, University of Houston Law
 Center
 Terry Karl, Gildred Professor of Political Science and Latin American Studies
 Department of Political Science, Stanford University
 Marc Falkoff, Assistant Professor, Northern Illinois University College of Law
 John W. Lango, Philosophy Professor, Hunter College of the City University of New York
 Elizabeth M. Iglesias Professor of Law & Director, Center for Hispanic & Caribbean Legal
 Studies, University of Miami School of Law
 Ray McGovern, Veteran Intelligence Professionals for Sanity (VIPS)
 Michael Avery, Professor, Suffolk Law School
 Michael E. Tigar, Professor of the Practice of Law, Duke Law School; Emeritus Professor,
 Washington College of Law
 Andy Worthington, journalist and author of "The Guantanamo Files"
 Tom Hayden
 Michael Rooke-Ley, Professor of Law Emeritus, Nova Southeastern University
 William J. Aceves, Professor, California Western School of Law
 Phyllis Bennis, Fellow, Institute for Policy Studies
 Noam Chomsky, Institute Professor, retired, Dept of Linguistics & Philosophy, MIT
 Daniel Ellsberg
 Alfred W. McCoy, J.R.W. Smail Professor of History, University of Wisconsin-Madison
 Susan Rutberg, Professor, Golden Gate University School of Law
 John Ehrenberg, Professor and Chair of Political Science, Long Island University, Brooklyn, NY
 Radhika Balakrishnan, Professor, Rutgers University

Lawyers Against the War

Tel: +1 604 738-0338

Fax: +1 604 736-1175

Email: law@portal.ca

Website: www.lawyersagainsthewar.org