



*stopping torture and other human rights  
abuses through bold and innovative  
litigation*

December 2, 2008

The Honorable Barack Obama  
President-elect of the United States  
1800 F Street NW  
Washington, DC 20405  
Fax: (202) 228-5417

Presidential Transition Office  
Kluczynski Federal Building  
230 S. Dearborn St., 38th Floor  
Chicago, IL 60604

**Re: Accountability for Torture and Other Violations  
of U.S. and International Law**

Dear President-elect Obama:

Congratulations on your historic election to become the 44<sup>th</sup> President of the United States. Americans have expressed their overwhelming confidence in your ability to lead our country to realizing its full potential.

We write to you today as human rights advocates to express our appreciation for your long-standing commitment to human and civil rights. From the beginning of your campaign, you have said that one of your main priorities as President will be to restore America's moral stature in the world. Americans' faith in its leaders was shaken by the United States Government's response to the terror attacks of September 11<sup>th</sup>. The irresponsible policies of the past seven years have diminished the United States' reputation as a world leader in advancing and protecting human rights. Our country went from being a beacon of liberty to a leading purveyor of torture.

With the prospect of a new administration, guided by your leadership, Americans are hopeful that things *will* change – for the better. We believe that under your administration, the rule of law will receive the respect it deserves. Recently, you renewed your pledge to close the Guantánamo Bay detention facility, which is a significant – and commendable – first step in renewing our nation's commitment to its human rights obligations. As you said, following the passage of the Military Commissions Act of 2006, fundamental human rights should be bigger than politics.

We agree.

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But, President-elect Obama, we are concerned by recent news reports that seem to indicate that politics may yet trump human rights under your administration. In an article published by the Associated Press on Tuesday, November 18<sup>th</sup>, two of your advisers, who asked to remain anonymous, reported that there is “little – if any – chance that [your] Justice Department will go after anyone involved in authorizing or carrying out interrogations that provoked worldwide outrage.”<sup>1</sup>

Following the nomination of Alberto Gonzales for Attorney General, you asked, “[h]ow, if we are willing to rationalize torture through legalisms and semantics, can we claim to our children, and the children of the world, that America is different, and represents a higher moral standard?” Let us put this question another way: How, if we are willing to allow people – representatives of our government, at that – to torture with impunity, can we claim to future generations that America is different, and represents a higher moral standard?

### ***If Our Goal is to End Torture, Here is What We Need to Do***

You have said, throughout your campaign and in the weeks after your election, that putting an end to torture was among your priorities for your administration. The policies pursued by our government over the past several years have set a dangerous precedent that is likely to be repeated by future administrations – unless we set a minimum standard that puts future generations on notice that this country does not, and will not, tolerate impunity for torturers.

We are asking for you, and for other members of your new administration, to take your commitment to protecting human rights one step further: please put “justice” back in the Justice Department. We are not asking you to make a formal commitment to prosecutions of specific individuals. We are asking you, at this point in time, to keep the option of criminal investigations and prosecutions on the table.

When the time comes, direct your Attorney General to appoint independent counsel to initiate an investigation into criminal wrongdoing by government officials related to detainee abuse and torture. Ensure that the independent counsel receives the authority and resources he or she needs to properly and thoroughly conduct the investigation. And if the independent counsel does find any evidence of criminal wrongdoing, ensure that the Attorney General grants him or her sufficient power to prosecute officials who have violated not only the laws of the United States, but also the trust of the American people.

In your speech on the night of November 4<sup>th</sup>, you called on all Americans to make the change they wish to see. For the past several months, Human Rights USA, in collaboration with TASSC International, has been drafting a criminal complaint in support of our request for criminal investigations and, where warranted, prosecutions of U.S. officials responsible for authorizing or directing detainee abuse and torture. We are not alone in this request for accountability.<sup>2</sup>

We understand that you cannot do it alone. But understand that the decision to initiate investigations, and the decision to hold accountable those individuals who have done so much damage to our nation and to the individuals who were abused, tortured, and killed, must come from you.

President-elect Obama, you were correct in saying that there is no challenge too great that America cannot overcome. We see the promise that the future holds for this country, and, like you, we want to be the generation that makes future generations proud of what we did.

Sincerely,

### **Organizations**

#### **World Organization for Human Rights USA**

Theresa Harris, Executive Director  
Washington, DC

#### **Torture Abolition Support and Survivors' Coalition International (TASSC)**

Demissie Abebe Gebremedhin, Executive Director  
Washington, DC

#### **Backbone Campaign**

Bill Moyer, Executive Director  
Vashon, WA

#### **CODEPINK**

Gael Murphy, Cofounder

#### **National Economic and Social Rights Initiative (NESRI)**

Cathy Albisa, Executive Director  
New York, NY

#### **Society of American Law Teachers (SALT)**

Hazel Weiser, Executive Director  
Central Islip, NY

#### **U.S. Labor Against the War (USLAW)**

Michael Eisenscher, National Coordinator  
Washington, DC

#### **Voces de la Frontera: Workers' Center**

Christine Neumann-Ortiz, Executive Director  
Milwaukee, WI

### **Individuals\***

#### **Sandra Babcock**

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#### **Michael Ratner**

President  
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#### **Cindy Sheehan**

Gold Star Mother and Human Rights' Activist

#### **David Swanson**

Co-Founder  
After Downing Street

#### **Dean Lawrence R. Velvel**

**\*The individual signatories to this letter have signed on in their individual capacity. Institutional affiliations are listed for information and identification purposes only.**

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<sup>1</sup> Lara Jakes Jordan, Associated Press Writer, *Obama advisers: No charges likely vs. interrogators*, Associated Press, Nov. 18, 2008, available at [http://hosted.ap.org/dynamic/stories/O/OBAMA\\_INTERROGATORS?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2008-11-18-00-21-27](http://hosted.ap.org/dynamic/stories/O/OBAMA_INTERROGATORS?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2008-11-18-00-21-27).

<sup>2</sup> American Civil Liberties Union, *Actions for Restoring America*, Oct. 20, 2008, at 2, available at [http://72.3.233.244/images/asset\\_upload\\_file45\\_37256.pdf](http://72.3.233.244/images/asset_upload_file45_37256.pdf); Physicians for Human Rights, *Broken Laws, Broken Lives*, June 2008, at 10, available at [http://brokenlives.info/?page\\_id=69](http://brokenlives.info/?page_id=69); Amnesty International, *Counter Terror With Justice: A Checklist for the Next U.S. President*, Nov. 5, 2008, at 2, available at <http://www.amnesty.org/en/library/asset/AMR51/117/2008/en/f5aa6a76-a5db-11dd-98b9-d503e38a5523/amr511172008en.pdf>; University of California, Berkeley, Human Rights Center and International Human Rights Law Clinic, *Guantanamo and Its Aftermath: U.S. Detention and Interrogation Practices and Their Impact on Former Detainees*, November 2008, p. 80, available at <http://hrc.berkeley.edu/pdfs/Gtmo-Aftermath.pdf>; Seymour M. Hersh, *The New Yorker*, *The General's Report*, June 25, 2007, available at [http://www.newyorker.com/reporting/2007/06/25/070625fa\\_fact\\_hersh?printable=true](http://www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh?printable=true) American (statement by Ret. General Antonio Tabuba, who headed an investigation into detainee abuse at Abu Ghraib, whose findings were reported in the Taguba Report); Human Rights First, *How to End Torture and Cruel Treatment: Blueprint for the Next Administration*, Oct. 2008, at 2, available at <http://www.humanrightsfirst.org/pdf/etn-end-torture-blueprint.pdf>.