

ACLU: “NO PROHIBITION AGAINST MONSTROUS CONDUCT” WITHOUT AJUDICATION OF TORTURE

The ACLU just finished up a conference call on the status of accountability for torture. Jameel Jaffer talked about accountability generally, Ben Wizner gave an update on the Jeppesen lawsuit (which he will argue next Tuesday, Alex Abdo gave an update on the torture FOIA, and Christopher Anders gave an update on the long-awaited OPR report.

While there were a range of questions, most of the answers converged on one theme best summed up by an answer explaining the cost to our judicial system in holding up the legal judgments on torture. Until we have a binding decision on these cases, Ben Wizner argued, there is “no prohibition against monstrous conduct.”

To a later question, Chris Anders talked about the significant repercussions this has around the world: so long as we don’t hold anyone accountable for torture, then other countries “do not have to be accountable for their actions.”

Here are some comments from Obama’s speech in Oslo today:

To begin with, I believe that all nations – strong and weak alike – must adhere to standards that govern the use of force.

[snip]

Furthermore, America – in fact, no nation – can insist that others follow the rules of the road if we refuse to follow them ourselves.

[snip]

Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. And even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war. That is what makes us different from those whom we fight. That is a source of our strength. That is why I prohibited torture. That is why I ordered the prison at Guantanamo Bay closed. And that is why I have reaffirmed America's commitment to abide by the Geneva Conventions. We lose ourselves when we compromise the very ideals that we fight to defend. (Applause.) And we honor – we honor those ideals by upholding them not when it's easy, but when it is hard.

[snip]

First, in dealing with those nations that break rules and laws, I believe that we must develop alternatives to violence that are tough enough to actually change behavior – for if we want a lasting peace, then the words of the international community must mean something. Those regimes that break the rules must be held accountable.

Obama talked a lot about consequences today. But he fails to demand any for his own government. And until he does, that means torture will still be used.