



# The Center for Victims of Torture Rehabilitation for Victims of U.S. Torture

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**The United States must provide torture survivors it has created with legal remedies and as full a rehabilitation possible as required by the [Convention Against Torture](#).**

**BACKGROUND** Under current law, efforts to hold the United States accountable for using torture as a means of interrogation have failed. Maher Arar, a native of Syria and a Canadian citizen, sued U.S. Attorney General John Ashcroft in federal court, asserting claims for civil damages under the Torture Victim Protection Act (TVPA) and the Due Process clause of the 5<sup>th</sup> Amendment. Arar was stopped in a U.S. airport while returning to Canada after vacationing in Tunisia. Detained for several days, U.S. officials spirited Arar to Syria where he was interrogated and tortured for nearly a year. The court dismissed the case, ruling that TVPA authorizes remedies for torture under foreign law, not U.S. law. Maher Arar is just one example of the torture victims produced as a result of U.S. policies and actions.

## **ANALYSIS**

**A Ban on torture is an empty gesture without recourse for victims.**

Highly publicized Congressional efforts to ban torture are hollow unless a law is passed to create a civil remedy for survivors of US-sanctioned torture. Criminal prosecution of human rights violators, even if successful, legally pits perpetrators against victims, rather than advocating on behalf of those who have suffered. U.S.-sanctioned torture has been systematic and approved at the highest level of government. The only way to provide relief to victims of torture is to ensure that U.S. officials are held liable for their actions.

**Claims by victims of US-sanctioned torture cannot be effectively judged under current statute.**

Though claims against US officials responsible for torture have been pursued, most fail. Foreign citizens who are tortured on foreign soil do not have the constitutional rights to be free from torture. Legal actions against the United States are also proscribed by sovereign immunity for claims “arising out of combatant activities of the military or naval forces...during a time of war.” Congress has waived sovereign immunity from some tort claims in the Federal Tort Claims Act (“FTCA”), effectively banning most civil suits for U.S.-sanctioned torture.

**The United States is obligated to those who have suffered.**

Torture is not a partisan issue. While the United States has agreed to the Geneva Conventions and a host of international treaties, we have also contributed to the use of torture around the world. Our willingness to deny or weaken the ability of survivors to seek redress for human rights violations undermines our belief as Americans that people around the world are entitled to human rights protections. By using torture or outsourcing torture to other governments, we have created an obligation to those that have suffered. Rehabilitation and legal remedies must be part of the political equation.

## **SUMMATION**

- **Change** federal law to create a civil remedy for victims of U.S.-sanctioned torture;
- **Fully** fund the Torture Victims Relief Act and support domestic and international torture treatment and rehabilitation centers.