

NORTH CAROLINA COMMISSION OF INQUIRY ON TORTURE
Seeking accountability for our state's role in extraordinary rendition
Declaration of Intent: February 15, 2011

INTRODUCTION

Request: Individuals and organization are invited to recognize the need for formal examination of North Carolina's role in extraordinary rendition by endorsing the outline of the **Citizens' Commission of Inquiry** presented below.

Background: In April 2010, a three-day conference in Durham, NC, focused on achieving accountability for North Carolina's role in extraordinary rendition and the U.S.-led torture of the post-9/11 era. The conference was sponsored by North Carolina Stop Torture Now, the Duke Human Rights Center, the Immigration & Human Rights Policy Clinic at the University of North Carolina School of Law and the International Human Rights Law Society at Duke University Law School.

With guidance from locally and nationally recognized authorities on transitional justice and human rights, a proposed framework has been developed for a **Citizens' Commission of Inquiry** on North Carolina's role in extraordinary rendition and torture.

The Convention Against Torture requires the United States government to take affirmative action to investigate and seek justice when it has engaged in torture. In light of our government's failure to do so, a citizen-developed truth commission can create a public record and advance efforts toward justice.

We recognize that acceptance of U.S. engagement in torture overseas desensitizes us to detainee mistreatment closer to home. This includes the abuse of inmates in U.S. prisons, and the failure to comply with both domestic and international standards in the treatment of detained immigrants.

A North Carolina commission may serve as a model for a national process already envisioned by leaders in the torture accountability movement. We are committed to a full and transparent investigation that exposes not only the facts of the program, but also the climate of fear and the culture of acceptance – and even encouragement – of official misconduct involving patterns of grave human rights abuse.

To accomplish our goals, we must overcome disinterest and resistance among political leaders.

There must be meaningful, committed support from a broad constituency with geographic, political, religious, ethnic, and socio-economic diversity.

We are specifically asking endorsing organizations to provide:

An identified individual or committee willing to reach out to other organizations and opinion leaders in the community with this same request; and/or

Monetary contributions needed to increase a small but significant seed fund as a means to leverage additional financial support; and/or

An agreement to, read, analyze, discuss and consider other action put forward in the report and recommendations of **the Citizens' Commission**.

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BACKGROUND – JUSTICE DENIED:

“Extraordinary rendition” refers to the secret transfer of captives by the U.S. government to locations in Europe, Asia, Africa, or the Middle East where they can be held secretly and tortured during interrogation. A large body of evidence leaves little doubt that the CIA has maintained important infrastructure for its extraordinary rendition program at the taxpayer-funded airports in Johnston and Lenoir counties, North Carolina. Flight records show that planes linked to extraordinary rendition have also visited other public airports in North Carolina.

For years, North Carolina has provided infrastructure allowing the CIA to ferry prisoners to secret overseas “black sites” and to third-country jails where they have been held indefinitely and subjected to inhumane treatment and barbaric tortures. In addition, credible reports suggest that the Joint Special Operations Command (JSOC) of the U.S. Department of Defense, headquartered in Fayetteville, may have helped maintain overseas “black sites” where detainees were held secretly and tortured. Centurion Aviation, based at Fayetteville Regional Airport, has been linked to extraordinary rendition and “black sites.”

Torture is immoral and a violation of international and U.S. laws. Yet at all levels our government has failed to discharge its legal duty to create a system of accountability. The CIA’s affiliate, Aero Contractors, is based at the Johnston County Airport and may still be flying missions for the CIA that involve secret detention and abuse of detainees. Strong evidence ties Aero Contractors to the transport for torture of many specific people, including Mohamed Bashmilah, Binyam Mohamed, Khaled el-Masri, Bisher al-Rawi, and Abou el-Kassem Britel. Claiming that state secrets would be compromised, the Bush and Obama administrations have consistently argued that these men should be denied legal recourse. All branches of the federal government are avoiding their obligation to seek justice, and North Carolina’s state and county officials have refused to investigate our state’s documented role in torture.

While extraordinary rendition has caused serious damage to those who were kidnapped and tortured, as a state and a nation we are all harmed. The highest U.S. officials ordered soldiers and secret agents into criminal conduct without regard for the cost to those individuals’ personal integrity and psychological well-being, or the risk of undermining community support for their service and sacrifice.

Torture makes us less safe. Interrogation experts know that torture generates unreliable intelligence, and that resources are squandered chasing bad leads. Images from Abu Ghraib and the stories of innocent men who were crippled or whose families were threatened only serve to recruit new terrorists. Abusing human beings overseas goes hand-in-hand with heightened disregard for human life in our own communities, prisons, and detention centers.

The United States’ resort to torture and secret detention and its leaders’ refusal to confront those violations have robbed us of some of our most precious birthrights. Among those are the rule of law and the goodwill and respect of millions around the world.

Across our differences, Americans are united by common goals for our communities and our country. We all want safety and peace for our children. We all value human life and are ready to stand up for democracy. Together, we can acknowledge what went wrong and bring it to the light of day. We can seek out those who were harmed, hear their stories, establish an historical record, offer apologies where appropriate, and begin to make amends.

CITIZENS' COMMISSION OF INQUIRY:

To be effective, a North Carolina commission of inquiry on torture must be as diverse in its representation of our state as possible. Support must come from faith-based organizations, youth groups, elected officials, civic groups, labor, various political parties, and representatives of different racial and ethnic groups.

We propose the following process:

After this **Declaration of Intent** has been endorsed by a list of organizations and opinion leaders of appreciable diversity and demonstrated commitment, a **Steering Committee** will be created to develop a formal **Mandate** for the North Carolina Commission of Inquiry to guide and direct the Commissioners as they discuss and agree upon their goals, scope, and process.

The **Steering Committee** will also be responsible for recruiting a wide array of North Carolinians to serve on a broadly inclusive **Selection Panel**.

The job of the **Selection Panel** will be to solicit and receive nominations and then to interview and select **Commissioners**. The political and geographic breadth of the Selection Panel will be essential to its credibility. The **Selection Panel** will winnow the list, interview the finalists, and choose the **Commissioners**.

The **Commission of Inquiry** will consist of an odd number of **Commissioners**, between 7 and 11. **Commissioners** will be served by a small professional staff responsible for acquiring, collating and explaining existing public records and new information as evidence of North Carolina's involvement with extraordinary rendition and torture.

The professional staff must also provide logistical and operational support to the **Commission's** efforts to raise funds, and may need to enlist and coordinate the support of an established community foundation either to seed or wholly underwrite the effort.

The Commission will receive testimony at several well-publicized public hearings, held in different parts of the state and will compile findings from the testimony and evidence into a report that formulates legal and policy recommendations for county, state, and federal governments regarding the use of state and county facilities in extraordinary rendition and torture.

The Report will be formally announced and distributed publicly, including to co-sponsors and endorsers whose organizations have earlier committed to receive, read and analyze, discuss, and react to the report.

**The Organizing Committee
for the
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For more information: accountabilityfortorturenc.org

Contributions may be made via checks payable to:
NC Stop Torture Now or to our fiscal sponsor: **Twin Streams Educational Center** (A 501(c)(3) organization)
(please indicate: "Commission" in memo line of check)

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