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# First Prosecution in the United States for Torture Committed Abroad: The Trial of Charles ‘Chuckie’ Taylor, Jr.

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## INTRODUCTION

ON DECEMBER 6, 2006, the United States Department of Justice indicted Charles “Chuckie” Taylor, Jr., son of former Liberian President Charles Taylor, for committing torture in Liberia. The case, which is scheduled to go to trial in September 2008, is significant on a number of levels. First, it stands in contrast to what has been widespread impunity for human rights violations in Liberia. Second, the charges are brought under a U.S. federal law that has been unique in its criminalization of human rights violations committed outside U.S. territory. Third, although torture committed abroad has been a crime in the United States for more than a decade, the case against Chuckie Taylor is the first prosecution for the crime.

Human rights advocates hope that this case will be the first of many in the United States. All too often, national courts in countries where torture and other serious human rights violations have been committed have little or no capacity to prosecute such crimes. International and hybrid international-national criminal tribunals play a crucial role in closing the “impunity gap” in such situations, but their jurisdiction and resources remain limited. U.S. federal prosecutions of serious crimes committed abroad, along with similar prosecutions by other countries, can thus make a vital contribution to ensuring that perpetrators of atrocities face justice.

This article will discuss 1) the U.S. federal law that makes it a crime to commit torture abroad; 2) the case against Chuckie Taylor for alleged torture committed in Liberia; 3) important developments to date in the case against Taylor, Jr.; and 4) ensuring more prosecutions of this kind in the future.

## THE EXTRATERRITORIAL TORTURE LAW

### ELEMENTS OF THE LAW

The law criminalizing torture abroad is codified at 18 U.S.C. §§ 2340 and 2340A (the “Extraterritorial Torture Statute”). 18 U.S.C. § 2340A(a) states:

Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death, or imprisoned for any term of years or for life.

Torture is defined under the statute as:

[A]n act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

Notably, the statute prohibits torture committed not only by US citizens, but by non-citizens present in the United States. 18 U.S.C. § 2340A(b) states:

There is jurisdiction over the activity prohibited in subsection (a) if (1) the alleged offender is a national of the United States; or (2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

As such, the Extraterritorial Torture Statute operates on the basis of universal jurisdiction, whereby certain crimes, due to their gravity, may be prosecuted in any state. Universal jurisdiction laws exist, and are increasingly applied, in a number of countries, especially in Europe.<sup>1</sup>

The Extraterritorial Torture Statute has nevertheless been exceptional in its jurisdictional reach among U.S. federal laws relating to human rights violations. For example, until last year, genocide was only punishable if committed within the United States or by a U.S. national. War crimes remain punishable only if the victim or alleged perpetrator is a U.S. national or member of the U.S. armed forces.<sup>2</sup>

### LEGISLATIVE HISTORY OF THE EXTRATERRITORIAL TORTURE STATUTE

The Extraterritorial Torture Statute was passed in order to implement U.S. obligations as a state party to the Convention

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Sierra Leonean rebels from the Revolutionary United Front and Armed Forces Revolutionary Council in Monrovia, Liberia.

Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT). Article 5 of the CAT requires that State's Parties prosecute torture regardless of where it is committed when alleged perpetrators are in their territory.

The CAT was adopted by the United Nations (UN) General Assembly in 1984 and entered into force in 1987. On April 18, 1988, U.S. President Ronald Reagan signed the CAT, and on October 27, 1990 the US Senate gave its advice and consent to ratify the treaty with several reservations, understandings, and declarations.

In March 1992, President George H.W. Bush called on Congress to enact legislation implementing the CAT when signing the Torture Victim Protection Act of 1991, and on September 24, 1992, Representative Dante B. Fascell introduced a bill, H.R. 6017, to do just that. The House of Representatives passed the bill and referred it to the Senate. Recognizing Congress's delay in implementing the CAT following the Senate's advice and consent to ratification, one of the bill's co-sponsors, Representative Gus Yatron, urged Congress to ratify the CAT before the 1993 World Conference on Human Rights.

On October 7, 1992, Senator Joseph R. Biden introduced an amendment to a larger crime bill in the Senate, S.3349, that incorporated the language from the House bill, but this

bill and a subsequent one were not adopted. The following year, another bill to implement the CAT, H.R. 933, was re-introduced in the House of Representatives. Nevertheless, it was not until April 30, 1994 that the House and the Senate passed the Extraterritorial Torture Statute as section 506 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. Pursuant to the legislation and Article 27 of the CAT, the Extraterritorial Torture Statute went into effect on November 20, 1994, thirty days after the United States ratified CAT.

Following its enactment, not a single indictment under the Extraterritorial Torture Statute was issued until the case against Chuckie Taylor twelve years later. During this period, the UN Committee Against Torture expressed disappointment that no prosecutions had been initiated and urged the United States to take effective measures to prosecute torturers under the law.

## THE CASE AGAINST CHUCKIE TAYLOR FOR TORTURE

### BACKGROUND

Chuckie Taylor is the Boston-born son of former Liberian president Charles Taylor. Taylor became president in 1997 following an eight-year conflict in which there was an implicit threat that the rebel force Taylor headed would resume fighting unless Taylor were elected. Soon after his father was inaugurated, Chuckie Taylor went to Liberia to head a newly established elite pro-government military unit, the Anti-Terrorist Unit (ATU).

The ATU was initially used to protect government buildings, the international airport, and foreign embassies. In 1999, the ATU's responsibilities were expanded, however, to include combat and other war-related duties after rebels began operating in Liberia.

During Chuckie Taylor's tenure as head of the ATU, the unit was notorious for human rights abuses. According to reporting by Human Rights Watch and Amnesty International, the unit committed torture, including violent assaults, beating people to death, rape, and burning civilians alive. The unit also committed war crimes, including extrajudicial killing of civilians and prisoners, rape and other torture, abduction, and child soldier recruitment during Liberia's armed conflict from 1999 to 2003.

### THE CHARGES AGAINST CHUCKIE TAYLOR: FROM PASSPORT FRAUD TO TORTURE

Chuckie Taylor was taken into U.S. custody in March 2006 after attempting to enter the United States at Miami International Airport. He was charged a month later with using a U.S. passport which he had obtained through false statements in violation of 18 U.S.C. § 1542.<sup>3</sup> Specifically, he allegedly lied about the identity of his father on his passport application. Notably, Charles Taylor had been surrendered the previous day to the Special Court for Sierra Leone to face charges of war crimes and crimes against humanity committed during Sierra Leone's decade-long conflict that ended in 2002.

With Chuckie Taylor in U.S. custody, human rights organizations, including Human Rights Watch, publicly called for an investigation with a view to his prosecution for torture and war crimes committed in Liberia. This request was made because an investigation was believed to be not only crucial for victims in Liberia, but also necessary to demonstrate U.S. commitment to apply laws prohibiting human rights violations committed

abroad. Human Rights Watch also submitted a memorandum to the Department of Justice regarding serious abuses in which Chuckie Taylor is implicated.

In September 2006, Chuckie Taylor pleaded guilty to the passport violation. He was scheduled to be sentenced on December 7, 2006, which could have led to his release soon thereafter.<sup>4</sup> One day prior to the sentencing, however, a federal grand jury indicted him for torture in Liberia.<sup>5</sup> The indictment charged Taylor with one count of torture, one count of conspiracy to torture, and one count of using a firearm during the commission of a violent crime in violation of 18 U.S.C. §§ 2340-2340A. The initial indictment alleged that in conducting an interrogation in 2002, Chuckie Taylor and his co-conspirators repeatedly burned a victim at gun-point, with scalding water and a hot iron; shocked various parts of the victim's body; and rubbed salt into the victim's wounds.

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While the original indictment was based on the alleged torture of a single victim, six more victims and one new count, conspiracy to use a firearm during a crime of violence, have been added to the charges in two superseding indictments. The superseding indictments also include allegations that between 1999 and 2003, Taylor summarily shot three victims selected at random from a group of rebels; locked a group of individuals in a hole in the ground covered with iron bars and barbed wire; ordered the execution of numerous individuals; ordered cutting the genitals of prisoners; and committed numerous acts of burning and shocking body parts of prisoners.

#### **IMPORTANT DEVELOPMENTS IN THE CASE AGAINST CHUCKIE TAYLOR FOR TORTURE**

Whether before international or national courts, it is vital that trials of serious crimes under international law be fair and effective consistent with international standards. As the first-ever prosecution for torture committed abroad, not surprisingly, the case against Chuckie Taylor has been characterized by extensive pre-trial motion practice. Some of the filings raise issues that have important implications for this prosecution and future cases

of this kind in the United States. Several of the most notable of the filings are discussed below. They relate to the constitutionality of the federal torture statute; ensuring respect for the rights of the accused, including the right to adequate time to prepare; and the protection of victims and witnesses.

#### **CONSTITUTIONALITY OF THE EXTRATERRITORIAL TORTURE STATUTE**

Adequate laws are central to prosecution of human rights violations. Chuckie Taylor's defense has filed many motions arguing that the case should be dismissed because the Extraterritorial Torture Statute is unconstitutional. In these motions, the defense challenges the U.S. government's authority to enact a statute that seeks to oversee "the internal and wholly domestic actions of a foreign government."<sup>6</sup>

The court has rejected the defense's claims, holding that the Extraterritorial Torture Statute is a proper exercise of Congressional authority to implement binding treaty obligations and to define offenses against the law of nations. In upholding the constitutionality of the statute, the court makes the following noteworthy observations:

The prohibition against official torture has attained the status of a *jus cogens* norm, not merely the status of customary international law . . . . It is beyond peradventure that torture and acts that constitute cruel, inhuman or degrading punishment, acts prohibited by *jus cogens*, are similarly abhorred by the law of nations.<sup>7</sup>

In rejecting the defense's arguments, the court nevertheless based some of its reasoning on the fact that the defendant is a U.S. citizen. Accordingly, a future constitutional challenge to the statute may yet raise issues of first impression if a non-citizen is facing prosecution. The constitutionality of the statute also may be raised in any appeal in the Chuckie Taylor case.

A secondary argument raised in these motions is that international law does not recognize conspiracy as a criminal offense and that the CAT does not provide a basis to prosecute conspiracy to torture, which was added to 18 U.S.C. § 2340A by the USA Patriot Act of 2001. The court rejected this argument, finding that the conspiracy provision of the statute is proper given its consistency with the CAT.<sup>8</sup>

#### **VICTIM WITNESS PROTECTION AND ENSURING RIGHTS OF THE ACCUSED**

In prosecutions of serious crimes, witnesses, some of whom may be victims, can face serious security, psychological, and physical challenges related to their appearance in court. Measures must therefore be taken to protect the physical and mental well-being of these individuals. Such measures must not, however, compromise the fundamental rights of the accused, including the right to prepare his or her defense. At international and hybrid international-national criminal tribunals, protection measures have included restricting the disclosure of identities through the use of pseudonyms and holding certain proceedings in closed session.

Disclosure of the identities of the victims and witnesses has been a major issue in the Chuckie Taylor case. The U.S. government did not name the alleged victims or co-conspirators in



Fighters with the National Patriotic Front of Liberia, led by Charles Taylor, in Monrovia, Liberia.

the indictments and resisted requests by the defense to disclose their identities without restrictions. The defense argued that the U.S. government was impeding its ability to prepare by failing to allege sufficient facts in the indictment, while the government argued that the indictment alleged sufficient facts by describing the alleged acts of torture and providing the locations where they occurred.<sup>9</sup> The U.S. government also raised concerns that disclosing identities of the victims and witnesses early in the case could create the risk of retaliatory attacks and jeopardize the safety of witnesses in Liberia.<sup>10</sup>

The court held that an indictment need not include victim and co-conspirator identities to give the defendant adequate notice of the charges against him.<sup>11</sup> In a separate ruling, however, the court held that the defendant is entitled to know the victims' identities.<sup>12</sup> The court then ordered the government to reveal the identities of victim witnesses and their attorneys, along with the names of any co-conspirators known to the government, subject to limited protections, including non-disclosure to the public.<sup>13</sup> Notably, despite arguments over disclosure of victim identities, the identity of the victim in the original indictment was unintentionally publicly disclosed by the victim's own attorney in a court filing in June 2007.<sup>14</sup>

Disclosure of the identities of witnesses the government intends to call who are not described in the indictment are subject to different limitations. Specifically, such disclosure must be made to the defense only three calendar weeks before trial.<sup>15</sup>

#### **ADEQUATE TIME TO PREPARE A DEFENSE**

Adequate time to prepare a defense is a fundamental right under international fair trial standards, as enshrined in Article 14 of the International Covenant on Civil and Political Rights. Cases involving serious crimes are complex, and requests for additional time to prepare have arisen before international and hybrid criminal tribunals. What constitutes adequate time in a specific case depends on a variety of factors, including the difficulty of the case and the amount of material to be reviewed.

Chuckie Taylor's defense has made several requests to postpone the start of his trial to allow additional time to prepare.

The defense initially based its requests on the need to address novel and unique legal issues in the case and new allegations following the issuance of the superseding indictments. Later, the defense focused on the difficulties of conducting investigations in Liberia. These difficulties include the remote location of potential witnesses; the poor condition of roads; limitations on movement due to safety; and overall lack of infrastructure such as electricity, running water, and telecommunication services. The court has granted each of the

requests for postponement on the basis that the "interests of justice . . . outweigh any interest of the public or the [d]efendant in a speedy trial." The court has indicated, however, that no further postponements will be granted. The trial is now scheduled to start on September 15, 2008, approximately 19 months after the initially scheduled start date.<sup>16</sup>

#### **ENSURING FUTURE U.S. PROSECUTIONS OF ALLEGED HUMAN RIGHTS VIOLATIONS COMMITTED ABROAD**

THE SIGNIFICANCE OF THE PROSECUTION of Chuckie Taylor for torture committed abroad has not been lost on U.S. officials. On the issuance of the indictment, Assistant Attorney General Alice Fisher of the Department of Justice said, "This marks the first time the Justice Department has charged a defendant with the crime of torture . . . Crimes such as these will not go unanswered." Julie L. Myers, Department of Homeland Security Assistant Secretary for Immigration and Customs Enforcement, said, "This is a clear message that the United States will not be a safe haven for human rights violators."<sup>17</sup>

This September's trial will be an important moment. For the United States to play its role in ensuring justice for the victims of atrocities, however, it is vital that such prosecutions become a much more regular occurrence.

Whether the case against Chuckie Taylor will be the first of many in the United States remains an open question. In recent years, the Departments of Justice and Homeland Security have taken important steps to enhance efforts to prosecute human rights violations committed abroad. Such steps include the creation of an ad hoc interagency working group to increase coordination among the many agencies involved in avoiding allowing safe haven for human rights violators in the United States. The Department of Justice also has a subdivision, the Domestic Security Section, which focuses on investigating and prosecuting human rights violations committed abroad. Designating primary responsibility for such cases within one section is important. Western European practice suggests that concentration of relevant expertise in specialized units is one of the most important elements in the successful prosecution of these types of cases.<sup>18</sup>

Given such efforts, it is in some respects surprising that there has been only a single U.S. prosecution for torture committed

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abroad. According to U.S. authorities, a number of investigations have been initiated and “although criminal charges have not been brought, [] immigration charges have resulted.”<sup>19</sup>

The dearth of cases is due at least in part to the significant challenges of investigation and prosecution of serious crimes committed abroad. Analysis of similar cases in Western Europe suggests that such cases involve major difficulties caused by any mix of several factors, including language barriers; complex and unfamiliar political and historical contexts; the need for evidence that is tough to track down and obtain access to; the importance of conducting extraterritorial investigations to identify evidence and witnesses; and having to prove crimes that may never have been previously adjudicated.

Another challenge relates to the need for witnesses who may face serious threats if they become involved in a prosecution. Even though the power to protect witnesses remains with the authorities in the state where the witness is located, at-risk witnesses must be monitored by the prosecuting authorities to ensure they do not face harm. A related issue is that witnesses brought to testify in the forum state may seek asylum. Witness testimony can be taken abroad through various measures, including video link. However, if the witness’s evidence is significant, and the witness has a well-founded fear of persecution, due consideration should be given to asylum claims or to ensuring witness relocation.

Inadequate laws and theories of criminal liability can create further obstacles. Recent efforts to criminalize genocide and child recruitment when committed abroad by persons found in the United States, regardless of nationality, should be applauded.<sup>20</sup> The full range of serious crimes under international law should be punishable on this basis.

Prosecutions should also be brought on all relevant bases of criminal liability, including the crucial theory of command responsibility. The theory of command responsibility is often integral to cases against perpetrators who are leaders far removed from the scenes of crimes. This basis of liability has been expressly recognized in the U.S. military code, upheld by the U.S. Supreme Court, and recognized in several civil cases in federal courts involving human rights violations. Nevertheless, the Department of Justice has hedged on whether this theory will be applied in torture cases.<sup>21</sup> The charges against Chuckie Taylor notably involve only his alleged direct involvement in torture, even though charges based on command responsibility would seem to have been an obvious option given available information concerning the ATU, which he headed.

A number of the challenges to prosecuting human rights violations committed abroad have been expressly acknowledged by U.S. officials.<sup>22</sup> How best to overcome them needs increased attention.

Interest by the recently established Senate Judiciary Committee’s Subcommittee on Human Rights and the Law is welcome in this regard. On November 14, 2007, that subcommittee held a first-ever hearing on ensuring that the United States is not a safe haven for human rights violators. Subcommittee members expressed an interest in better understanding the difficulties involved in cases against alleged perpetrators so that Congress can help ensure that the necessary tools are available to guarantee their successful prosecution. At the same time, members raised questions as to the extent of the Department of Justice’s commitment to prosecutions of human rights violations committed abroad, given that there are only about seven attorneys working for the Domestic Security Section on such cases.<sup>23</sup>

One obvious critical element in prosecuting human rights violations is political will which would include ensuring the passage and application of appropriate laws and the procurement of adequate resources to conduct effective investigations where the complexities that are described earlier in this section exist. Support also is needed to facilitate exchange of information and best practices with practitioners in other countries. The European Union has established a network of persons who work on prosecuting serious crimes, and Interpol also has a working group on such cases.

Congress and the Departments of Justice and Homeland Security are well placed to intensify scrutiny of the challenges and to strengthen law and practice to surmount them. This is essential if perpetrators of heinous abuses are to be held to account and if the case against Chuckie Taylor is to be more than an anomaly in US practice.

**HRB**

## ENDNOTES: First Prosecution in the United States for Torture Committed Abroad

<sup>1</sup> See Human Rights Watch, *Universal Jurisdiction in Europe: The State of the Art*, available at <http://www.hrw.org/reports/2006/ij0606/> (last visited May 15, 2008).

<sup>2</sup> See 18 U.S.C. § 1091 (2007); 18 U.S.C. § 2441 (2006).

<sup>3</sup> Indictment, United States v. Charles McArthur Emmanuel (a.k.a. “Chuckie Taylor”), No. 06-20263 (S.D. Fla., Apr. 28, 2006).

<sup>4</sup> See Testimony of the United States Dept. of Justice on Passport Fraud before the Sentencing Commission (Mar. 17, 2004), available at [http://www.usc.gov/hearings/03\\_17\\_04/Zuckerman-Col-DOJ.pdf](http://www.usc.gov/hearings/03_17_04/Zuckerman-Col-DOJ.pdf) (last visited May 15, 2008); Curt Anderson, *Taylor Son Pleads Not-Guilty to Torture, Gets 11 Months on Fraud*, ASSOCIATED PRESS (Dec. 7, 2006), available at <http://www.jacksonville.com/apnews/stories/120706/D8LS6EN81.shtml> (last visited May 15, 2008).

<sup>5</sup> See Indictment, United States v. Roy M. Belfast (a.k.a. “Chuckie Taylor”), No. 06-20758 (S.D. Fla., Dec. 6, 2006) (hereinafter “Torture Indictment”).

<sup>6</sup> See, e.g., Defendant’s Motion to Dismiss The Indictment And Memorandum Of Law In Support Thereof, Based On The Unconstitutionality Of 18 U.S.C. 2340A, Both On Its Face And As Applied To The Allegations Of The Indictment, *Belfast* (S.D. Fla., filed Mar. 2, 2007) (No. 38-1), 1.

<sup>7</sup> See Order On Defendant’s Motion To Dismiss The Indictment at 17, *Belfast* (S.D. Fla., filed July 5, 2007) (No. 148), 17.

<sup>8</sup> Order at 6, *Belfast* (S.D. Fla., entered Mar. 16, 2007) (No. 328).

<sup>9</sup> Motion To Dismiss Indictment Due to Factual Insufficiency at 8, *Belfast* (S.D. Fla., filed Jan. 11, 2007) (No. 21); Government’s Response in Opposition to Defendant’s Motion to Dismiss Indictment Due to Factual Insufficiency at 5–14, *Belfast* (S.D. Fla., filed Jan. 26, 2007) (No. 25).

<sup>10</sup> Government’s Response in Opposition to Defendant’s Motion to Continue Trial and For Leave to File Ex Parte Pleading in Support at Exhibit 1, *Belfast* (S.D. Fla., filed Feb. 7, 2008) (No. 314-1).

<sup>11</sup> Magistrate Judge Report and Recommendation at 2, *Belfast* (S.D. Fla., entered Mar. 16, 2007) (No. 45). See also Order on Defendant’s Objections to Report and Recommendation at 1, *Belfast* (S.D. Fla., entered Feb. 12, 2007) (No. 30).

<sup>12</sup> Motion for Protective Order Regulating Disclosure of Victim’s Identity at 3, *Belfast* (S.D. Fla., filed Mar. 29, 2007) (No. 47-1); Defendant’s Response in Opposition to Government’s Motion For Protective Order at 5-6, *Belfast* (S.D. Fla., filed Apr. 13, 2007) (No. 53); Order Denying Motion For Protective Order Regulating Disclosure of Victim’s Identity at 1, *Belfast* (S.D. Fla., entered Apr. 13, 2007) (No. 55); Order Denying Reconsideration of Protective Order Regulating Disclosure of Victim’s Identity at 10, *Belfast* (S.D. Fla., entered Apr. 26, 2007) (No. 66).

<sup>13</sup> Defendant’s Motion For Bill Of Particulars at 2, *Belfast* (S.D. Fla., filed Apr. 27, 2007) (No. 78); Omnibus Order, *Belfast* (S.D.

Fla., entered June 29 2007) (No. 138; United States’ Motion To Extend Magistrate Judge’s Order at 1, *Belfast* (S.D. Fla., filed June 19, 2007) (No. 219); Standing Discovery Order at 4 (S.D. Fla., entered Sept. 10, 2007) (No. 220). Efforts to obtain details on the specific protection measures currently in place were unsuccessful.

<sup>14</sup> See Billy Shields and Julie Kay, *Public Records: Torture victim’s identity mistakenly revealed*, THE BLOG OF LEGAL TIMES, July 20, 2007.

<sup>15</sup> Order, *Belfast* (S.D. Fla., entered Mar. 4, 2008) (No. 333).

<sup>16</sup> See Defendant’s Motion To Continue Trial And For Leave To File Ex Parte Pleading In Support, *Belfast* (S.D. Fla., filed Jan. 29, 2008) (No. 333); Defendant’s Reply To Government’s Response To His Motion To Continue Trial For Six Months, *Belfast* (S.D. Fla., filed Nov. 12, 2007) (No. 259); Defendant’s Motion To Continue Trial For Six Months, *Belfast* (S.D. Fla., filed Nov. 7, 2007) (No. 254); Defendant’s Unopposed Motion To Continue Trial Until Late January 2008, *Belfast* (S.D. Fla., filed July 13, 2007) (No. 157); Order Continuing Trial, *Belfast* (S.D. Fla., filed Feb. 14, 2008) (No. 324); Order Continuing Trial, *Belfast* (S.D. Fla., filed Feb. 20, 2008) (No. 329).

<sup>17</sup> *Torture Charges Announced Against Roy Belfast Jr.*, U.S. Dept. of Justice, Press Release (Dec. 6, 2006), available at <http://www.usdoj.gov/usao/fls/PressReleases/061206-01.html> (last visited May 15, 2008).

<sup>18</sup> See Human Rights Watch, *Universal Jurisdiction in Europe: The State of the Art*, “Developing Expertise in Prosecuting International Crimes: Specialized Units,” available at [http://www.hrw.org/reports/2006/ij0606/2.htm#\\_Toc137876499](http://www.hrw.org/reports/2006/ij0606/2.htm#_Toc137876499) (last visited May 15, 2008).

<sup>19</sup> U.N. Committee Against Torture, *Consideration of Reports Submitted by State Parties Under Article 19 of the Convention, Second Periodic Reports of States Parties Due in 1999*, Addendum, ¶ 50, U.N. Doc. CAT/C/48/Add.3/Rev.1 (Jan. 13, 2006). See also *No Safe Haven: Accountability for Human Rights Violators in the United States: Hearing Before the Senate Judiciary Committee’s Subcommittee on Human Rights and the Law* (Nov. 14, 2007), available at <http://judiciary.senate.gov/hearing.cfm?id=3028> (last visited May 15, 2008).

<sup>20</sup> See Genocide Accountability Act of 2007, Pub. L. No. 110-151, 112 Stat. 1821 (2007); Child Soldiers Accountability Act of 2007, S. 2135 (2007).

<sup>21</sup> *Letter from Brian A. Benzko, Principal Deputy Asst. Att’y Gen. of the United States, to Richard Durbin, Chairman, and Tom Coburn, Ranking Minority Member of the Senate Subcommittee on Human Rights and the Law* (Jan. 24, 2008).

<sup>22</sup> See *No Safe Haven*, *supra* note 19.

<sup>23</sup> *Id.*