

Comment by Michael C H Jones

President Barack Obama has stated categorically "America does not do torture" meaning during his 'watch'. But it has and did under the Presidency of the younger George Bush.

Now the US Supreme Court, the highest judicial authority in the USA, has rejected the appeal of Canadian citizen Maher Arar against his arrest at JFK Airport, rendition and torture for 10 months in Syria. This puts the US in direct "confrontation" with the Canadian political and legal system which found Arar "completely innocent and "which impaneled a commission to investigate the incident, issued a 1,000-plus-page report on the matter, held its own intelligence forces responsible for their role in the screw-up, then apologized and paid Arar \$9.8 million".

There are at least two aspects to this decision; firstly the impact on American society domestically and secondly the esteem and reputation of the USA internationally as a country 'subject to laws not men'.

In the words of the article on the question of torture "each time an American court declines to address this issue because it's novel, or complicated, or a matter best left to the elected branches, it reaffirms yet again that there is no precedent for doing justice in torture cases. By declining to find torture impermissible, they are helping to make it acceptable".

But far more importantly for the democratic nations of the world, and therefore including Australia, is the self-evident accusation that in the USA "each of the three branches of government has worked together to prevent a national reckoning over torture" which "doesn't mean such a reckoning won't happen". Rather "it will simply happen elsewhere, without U.S. participation or involvement or acceptance of responsibility".

America's 'day of reckoning' is fast approaching. My son if not myself will witness a US high level official being charged, tried, convicted and jailed by an International Court of Justice for 'crimes against humanity'. The sending of a torture victim abroad to get justice is just the beginning. How else is the vaunted 'Free World' of conservatives' dreams to insist that rising countries like China abide by the 'rule of law' both domestically and internationally?