



## THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.

President Joseph R. Biden  
1600 Pennsylvania Ave., NW  
Washington, D.C. 20500

January 20, 2020

Dear Mr. President:

The Center for Justice and Accountability (CJA) is a U.S.-based human rights organization dedicated to deterring torture, crimes against humanity, extrajudicial killings, and other serious human rights abuses. Through high-impact litigation and transitional justice initiatives, CJA works with communities impacted by atrocity to seek truth, justice, and redress. CJA has more than two decades of experience seeking legal accountability for human rights crimes in the United States and courts around the world. Today, on your inauguration as the 46<sup>th</sup> President of the United States of America, we urge you to seize the opportunity to rebuild better for justice and human rights at home and abroad.

From pardoning war criminals to cozying up with countries accused of the most serious human rights abuses, the Trump administration made a mockery of the rule of law and America's historic leadership role in human rights. The isolationist "America First" policies of the past four years disrupted the international order, endangered human rights defenders, and undermined the work of international bodies seeking to combat atrocity crimes. Through inconsistent and self-serving engagement with the international human rights framework, the administration rejected universally established human rights principles. And all the while, human rights abuses raged on at home – from police killings to immigration policies constituting torture.

We urge your administration to take meaningful action to advance human rights and the rule of law.

***First, the United States must take steps to combat human rights abuses taking place at home.*** 2020 saw renewed outrage over the extrajudicial killings of Black Americans by police, and the January 6 insurrection at the Capitol laid bare the gross disparities in the way law enforcement engages with non-white communities. These extrajudicial killings are a result of the legacy of structural racism against Black Americans and communities of color, and the persistent lack of accountability and redress for centuries of violence. In the United States, police officers and departments are rarely held

accountable for excessive use of force. Despite obligations in international human rights law to investigate, and where appropriate, prosecute and provide reparations for excessive use of force by state agents, 98.3% of killings by law enforcement from 2013 to 2020 have resulted in no accountability. We urge your administration to take steps to end impunity for state violence against Black Americans and ensure reparations for current and past human rights violations committed against Black communities, beginning with the immediate implementation of the recommendations set out by the Inter-American Commission on Human Rights in its [2018 report](#) on racism and state violence in the United States.

***Second, we urge your administration to take concrete action to restore U.S. global leadership on human rights.*** As an organization dedicated to advancing international justice, we are greatly encouraged by your pledge to rejoin the international order. As part of that reengagement, we urge you to resurrect America's leadership role on human rights, including reengaging with the United Nations Human Rights Council.

Restoring our historic role as an international leader in human rights means we must support international justice. We urge your administration to support through financing and cooperation international accountability bodies such as the International Criminal Court, the United Nation's International, Impartial and Independent Mechanism investigating international law violations in Syria, and the Independent Investigative Mechanism for Myanmar. We ask that you immediately rescind Executive Order 13928, the "Executive Order on Block Property of Certain Persons Associated With The International Court." As you are aware, President Trump issued EO 13928 in response to the Court's investigation of potential war crimes committed by the United States. If America is to restore its standing in the international community, it cannot be above the law.

***Finally, we ask that your administration take steps to strengthen our domestic institutions to ensure that survivors of human rights abuses have an opportunity to seek justice and redress.*** We urge you to support legislative reform to expand criminal and civil accountability for a broader range of human rights violations, including crimes against humanity. This includes efforts to expand the Torture Victims Protection Act to include additional causes of action for international human rights violations beyond torture and extrajudicial killing.

We also urge your State Department to address policies around immunity for foreign officials accused of committing atrocity crimes. Protecting war criminals and human rights violators is never in our national interest. The State Department should end the practice of issuing suggestions of immunity in U.S. courts for foreign officials accused of

committing violating *jus cogens* norms in international law. We must ensure that victims of the most serious rights abuses have a remedy in U.S. courts.

You once said, “No president of the United States could represent the United States were he not committed to human rights.” We could not agree more. As our country turns a new page on this historic day, it is our hope that your administration will take meaningful action to renew our nation’s commitment to human rights and accountability at home and around the world.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Carmen Cheung', with a long, sweeping underline.

Carmen Cheung  
Executive Director  
Center for Justice and Accountability