

United States of America

NGO assessment of actions government has taken on issue since review

CAT/C/USA/CO/3-5

Nov. 28, 2014 (adoption of the Concluding Observations)

Nov. 28, 2015 (Deadline for the State follow-up report)

Current Status: Report of the State submitted on November 27, 2015

Chicago Torture Justice Memorials

Chicago Torture Justice Memorials (CTJM) aims to honor and to seek justice for the survivors of Chicago police torture, their family members and the African American communities affected by the torture.

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Follow up Recommendation Report will assess: Recommendation paragraph 26(c) - Provide effective remedies and rehabilitation to the victims and 26(d) - Provide redress for the Chicago Police Department torture survivors by supporting the passage of the ordinance entitled Reparations for the Chicago Police Torture Survivors.

As of 26/FEBRUARY/2016

Assessment Grades of the Human Rights Committee for the State follow-up Reply/Action:

Reply/Action of the State party satisfactory:

A: Response largely satisfactory

Reply/Action of the State party partially satisfactory:

B1: Substantive action taken, but additional information required

B2: Initial action taken, but additional information and measures required

Reply/Action of the State party not satisfactory

C1: Response received but actions taken do not implement the recommendation

C2: Response received but not relevant to the recommendations

No cooperation with the Committee (NOT APPLICABLE FOR NGO REPORT)

D1: No response received within the deadline, or no reply to a specific question in the report

D2: No response received after reminder(s)

The measures taken are contrary to the Committee's recommendations

E: The response indicates that the measures taken are contrary to the Committee's recommendations

Paragraph 26 (c) and (d) (Excessive use of force and police brutality): *“The Committee is concerned about the numerous reports of police brutality and excessive use of force by law enforcement officials, in particular against persons belonging to certain racial and ethnic groups, immigrants and LGBTI individuals. It is also concerned about racial profiling by police and immigration offices and the growing militarization of policing activities. The Committee is particularly concerned at the reported current police violence in Chicago, especially against African-American and Latino young people, who are allegedly consistently profiled, harassed and subjected to excessive force by Chicago Police Department officers. It also expresses deep concern at the frequent and recurrent shootings or fatal pursuits by the police of unarmed black individuals. In that regard, the Committee notes the alleged difficulties of holding police officers and their employers accountable for abuses. While noting the information provided by the State party’s delegation that over the past five years, 20 investigations had been opened into allegations of systematic police department violations, and over 330 police officers had been criminally prosecuted, the Committee regrets that there is a lack of statistical data on allegations of police brutality, as well as a lack of information on the results of the investigations undertaken in respect of those allegations. With regard to the acts of torture committed by former Chicago Police Department Commander Jon Burge and others under his command, between 1972 and 1991, the Committee notes the information provided by the State party that a federal rights investigation did not gather sufficient evidence to prove beyond*

reasonable doubt that prosecutable constitutional violations had occurred. However, the Committee remains concerned that, despite the fact that Jon Burge was convicted for perjury and obstruction of justice, no police officer has been convicted for the acts of torture due to the statute of limitations. While noting that several victims were ultimately exonerated of the underlying crimes, the vast majority of those tortured — most of them African Americans —, have not received any compensation for the extensive injuries suffered (arts. 11, 12, 13, 14 and 16)."

<p>Recommendation by the Committee</p>	<p><i>(c) Provide effective remedies and rehabilitation to the victims;</i> <i>(d) Provide redress for CPD torture survivors by supporting the passage of the Ordinance entitled Reparations for the Chicago Police Torture Survivors.</i></p>
<p>Actions taken by the State party</p>	<p>Armed with the UN Committee Against Torture’s recommendation that the United States Government support the passage of the ordinance entitled Reparations for the Chicago Police Torture Survivors, organizations, including the Chicago Torture Justice Memorials, Amnesty International, USA, Project NIA and We Charge Genocide, pressed for the passage of the Burge torture reparations ordinance during the City of Chicago’s mayoral and aldermanic election in the Winter of 2014 and the Spring of 2015. After the election, CTJM and Amnesty International agreed to a legislative reparations package with City of Chicago Mayor Emanuel’s administration, which Chicago’s City Council unanimously passed on May 6, 2015. The reparations legislation includes: a formal apology from the City of Chicago for the torture under Burge’s command; specialized counseling services for the torture survivors and their family members; free enrollment and job training in City Colleges for survivors and their family members (including grandchildren) as well as prioritized access to other City programs; a history lesson about the Burge torture cases taught in Chicago Public schools; the construction of a permanent public memorial about the Burge torture cases; and it sets aside \$5.5 million dollars in a Reparations Fund that allows Burge torture</p>

	<p>survivors who are still living to receive financial compensation for the torture they endured. Each eligible claimant could receive up to \$100,000 dollars.¹ Although the passed legislation contains every essential ingredient of the ordinance originally filed, which intended to provide public acknowledgment, financial compensation, restitution, and rehabilitation to the Burge torture survivors and others in Chicago in conformance with General Comment 3, the City did not commit to expend \$20 million dollars for the entire redress package and the City of Chicago has not yet committed to providing specialized psychological counseling, rehabilitative services for all law enforcement violence victims in the City of Chicago as the UN Committee Against Torture recommended in 26(c), but has indicated it may be willing to depending on the initial use of the community center.</p>
<p>Current situation / Update of the Issue</p>	<p>CTJM is working with City of Chicago to implement the legislation.</p> <p>In January and February of 2016, the City of Chicago distributed financial compensation to 57 individuals most of whom received the entire \$100,000.00 dollars (a few less than \$100,000.00 because they previously settled with the City for small amounts).</p> <p>The City of Chicago is also providing \$150,000.00 dollars for the planning and preparation of the community center on the south side of Chicago that will provide specialized trauma services to the Burge torture survivors and their family members. The City has also committed to funding these services for the following three years. The organizers of the center, known as the Community Center for Survivors and Families of Police Torture, are hopeful to create a center that can serve the needs of all law enforcement violence victims in the City and hope the City of Chicago and United States Government will live up to its obligations to provide funding for the treatment of all individuals as required by the UN Convention Against Torture.</p> <p>The pilot history lesson is expected to be taught in the Chicago Public schools in Spring 2016.</p>

¹ [City Council Makes History in Passing Reparations Legislation for Burge Torture Survivors; Amnesty International USA, Chicago City Council Passes Landmark Police Torture Reparations Ordinance](http://www.cityofchicago.org/city/en/depts/dol/supp_info/burge-reparations-information/burge-reparations--frequently-asked-questions.html), (May 6, 2015); see also City of Chicago for Burge Torture Victims- Frequently Asked Questions, http://www.cityofchicago.org/city/en/depts/dol/supp_info/burge-reparations-information/burge-reparations--frequently-asked-questions.html.

	<p>CTJM is also working with members of the City of Chicago to enroll reparations recipients in Chicago City Colleges and job training programs this spring and fall and to develop plans to create the public memorial.</p>
<p><i>Impact of the Action of the State party (if any)</i></p>	<p>The passage of the reparations legislation for the Burge torture survivors is the first time a municipality in the United States has provided “reparations” for racially motivated police violence. By passing the reparations package, the City of Chicago acknowledged its responsibility for gross human rights violations and it committed to provide significant resources to begin to help repair the harms inflicted on the Burge torture survivors, their families, and their communities. It provides financial compensation to men who otherwise had no legal recourse to receive any financial compensation due to the passage of the statute of limitations on their civil claims. The passage of the reparations package also provides long awaited and deserved holistic redress to Burge torture survivors and their family members if it is properly implemented.</p>
<p><i>Other Comments</i></p>	<p>While there has been much progress, many survivors of police torture under former police commander Jon Burge still suffer. To this day there are approximately 20 or so Burge torture survivors and others who allege they were tortured by Chicago Police Detectives (some of whom worked with former Commander Burge and others who did not), who continue to languish behind bars due to wrongful convictions based in whole or in part on their physically coerced confessions.² The Committee should call on the United States Government to support new evidentiary hearings for the torture survivors behind bars to ensure they can meaningfully challenge their wrongful convictions with the wealth of new evidence documenting the pattern and practice torture by several Chicago Police detectives. Furthermore, the Committee should recommend the United States Government provide funding for the provision of specialized psychological and other trauma services to individuals who are tortured or subjected to cruel, inhuman, or degrading treatment or punishment by all law enforcement officials in the United States, as</p>

² Adeshina Emmanuel, Human Rights Practices Inform Chicago Ordinance in Police Torture Case, Chicago Reporter (May 6, 2015), <http://chicagoreporter.com/human-rights-practices-inform-chicago-ordinance-in-police-torture-case/>.

	the U.S. government provides such funding for individuals who have been tortured outside the United States.
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<p style="text-align: center;">Overall NGO Grades for the follow-up Action of the State party:³</p> <p>A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required;</p> <p>C1: Some actions taken, but recommendations are not really implemented; C2: No action taken; E: measures taken are contrary to the recommendations</p>	B2
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³ The NGO Grades are made in accordance with the assessment grades of the HR Committee (see the page 1) so that both grades can be directly compared