



Unfinished Business:

March 21, 2012

In April 2009, a few months after taking office, the Obama administration sought membership in the United Nations Human Rights Council (UNHRC) a

In the long term, the United States should heed domestic and international calls to bring an end to the use of capital punishment.¹⁸ Immediately, the Obama Administration should fulfill its explicit commitment to undertake a new federal study examining the racial disparities in the application of the death penalty. In light of the most recent USSC study, the Justice Department should also reexamine its support of existing mandatory minimum sentences and, at the very least, refuse to support any new mandatory sentences that are proposed.

NATIONAL SECURITY

3. Provide U.N. Special Rapporteurs unimpeded access to Guantanamo Bay¹⁹

During the UPR process the United States committed to:

Consider the possibility of inviting relevant mandate holders as follow-up to the 2006 joint-study by the 5 special procedures, in view of the decision of the current Administration to close the Guantanamo Bay detention facility.²⁰

4. Provide Accountability and Remedies for Torture & Prevent Transfers to Torture²³

During the UPR process the United States committed to:

*[E]radicate all forms of torture and ill-treatment of detainees by military or civilian personnel, in any territory of jurisdiction, and that any such acts be thoroughly investigated.*²⁴

Interrogations and Transfer Policies recommendations and the resulting reports on transfers of the Inspectors General of the State and Defense Departments.³²

institute a robust racial profiling complaint and investigation procedure; and decline to initiate removal proceedings against individuals shown to have been subjected to racial profiling.

7. End Excessive Use of Force by Customs and Border Protection Agents⁴⁹

During the UPR process the United States committed to:

*Prohibit, prevent and punish the use of lethal force in carrying out immigration control activities.*⁵⁰

While it is unclear whether the United States has taken any steps to address the escalating

statement-doj-maricopa-county.shtm. DHS continues to operate S-Comm in several other jurisdictions with records of discriminatory policing including New Orleans, Suffolk County, New York, Alamance County, North Carolina, Puerto Rico, and Alabama. *Is Secure Communities Keeping Our Communities Secure?*, Hearing by the House Judiciary Subcommittee on Immigration Policy and Enforcement, 112th Cong. (2011) (statement of the American Civil Liberties Union), available at http://www.aclu.org/files/assets/aclu_statement_re_scomm_hearing_11_30_11_final.pdf.

⁴⁴ Inter-American Commission on Human Rights, *Report on Immigration in the United States: Detention and Due Process* (December 30, 2010), available at http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/03.17.2011_ReportOnImmigrationInTheUnited%20States-DetentionAndDueProcess.pdf.

⁴⁷ United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, at 72, 74, U.N. Doc A/HRC/16/11 (January 4, 2011).

⁴⁸ Such information should include: circumstances and basis for contacts with individuals issued immigration detainers and/or placed in deportation proceedings; (b) the race and ethnicity of those contacted; and (c) the prosecutorial and judicial disposition of arrests that lead to detainers and/or deportation proceedings.

⁴⁹ Press Release, American Civil Liberties Union, *Border Patrol Shoots, Kills Rock Thrower* (June 22, 2011), available at <http://www.aclu.org/criminal-law-reform/border-patrol-shoots-kills-rock-thrower>.

⁵⁰ Humanrights.gov, *supra* note 6, at ¶¶ 208-209. In accepting these recommendations the United States noted that “law enforcement and immigration officers are lawfully permitted to use deadly force under