

The Universal Periodic Review of United States of America

Third Cycle
Human Rights Council

Submitted by Mothers of Still Incarcerated Chicago Police Torture Survivors: Mrs. Mary L Johnsonⁱ, (son Michael Johnson), and Mrs. Bertha Escamilla, (son Nick Escamilla); Mamas Activating Movements for Abolition and Solidarity (MAMAS)ⁱⁱ Campaign to Free Incarcerated Survivors of Police Torture (CFIST); and The US Human Rights Network (USHRN) People of African Descent Working Group

1. **TOPIC: *Beyond Reparations – Update on the Chicago Police Torture Conspiracy, Still Incarcerated Torture Survivors, Families in Limbo, and Justice Denied***

2. **ISSUE:**

The Chicago police torture of at least 200 men and some women, primarily African American but increasingly Latinx as well, has been condemned at the local, national, and international levels including several UN bodies, yet numerous individuals who were convicted based on documented tactics and tortured confessions, still languish in prison.¹

3. **RELEVANT HISTORY**

The most infamous example of Chicago police department (CPD) torture, former Commander Jon Burge’s “Midnight Crew” spent two decades forcing criminal confessions from more than 100 Black men and boys. From 1972 to 1991, Burge and the detectives who worked under his supervision used beatings, suffocation, electrical shocks to various body parts including the genitals, burns, and starvation to torture their victims (Berlatsky, 2014). The impact on families, communities, and neighborhoods of those decades of police violence is clear: Countless jobs were lost, countless families traumatized and torn apart. Children have grown up with an incarcerated parent. Some victims, incarcerated throughout the prime of their life, could not have families. Although Burge was eventually convicted of perjury and obstruction of justice and spent four years in federal prison, he was never prosecuted for the torture itself. Further, many of those who survived the “Midnight Crew” and their sadistic, illegal, racist techniques, remain in prison today.

The world became fully aware of this human rights nightmare perpetrated by the Chicago police force and the entire law enforcement system that covered up their torture crimes, when a community group called Black People Against Police Torture (BPAPT)² led by civil rights attorney/activist Attorney Stan Willis and his solo law office, built a broad-based coalition of activists, lawyers, educators, and members of the Black community including directly impacted individuals, to internationalize these police crimes and pursue a human rights strategy for justice approximately 15 years ago. With first the Inter-American Commission, then CAT, CERD and UPR attention and condemnation of these police torture crimes, as well as that of several Rapporteurs, a measure of justice was finally won with the long delayed prosecution and 4-year sentencing of one police commander

¹ Organizations such as the [Campaign to Free Incarcerated Survivors of Police Torture](#) (CFIST) have documented approximately 200 cases of police torture.

² <https://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1514&context=pilr>

(for perjury, not torture, since the statute of limitations had expired during the coverup of several decades). A handful of those who were tortured (some mere teens at the time) were exonerated, often after serving decades in prison. BPAPT created the legislation that established the Illinois Torture Inquiry Relief Commission (TIRC) in 2009 which provides potential judicial review of otherwise closed cases. The TIRC has freed some survivors, but has a list of nearly 500 torture cases to review and it continues to be marginalized by budget allocation challenges, attacks by a prior state attorney and the fraternal order of police (FOP), and other measures to limit its full potential. Some of the survivors shared in a partial 'reparations' package of \$5 million which fell far short of the original concept and demands for full reparation envisioned by the Black community group and allies advocating for full redress, as called for under the international human rights concept of remedy or repair.

4. FAILURE TO ACT ON RELEVANT HISTORY

Importantly, no other perpetrators of this horrendous physical and psychological torture were ever held accountable, and even more troubling is that many of those torture victims still languish in prison today, years after the multiple UN and domestic findings of structural racism, corruption, lies, and complicity in police crimes which set these victims up, then locked them down and threw away the key. In the meantime, additional officers trained in the same or subtly different torture techniques, have continued to perpetrate their misdeeds on African descendant and Latinx youth and adults, while the prosecutors, judges and some legislators turn a blind eye. As we speak, the city is delinquent on its DOJ Consent decree reporting obligations.

The impunity, and total lack of law enforcement accountability must cease now in order to finally end this city's practice of police torture, false confessions, related wrongful convictions, coverups, and multi-million-dollar payouts from taxpayer's money for some exonerees after decades of wrongful imprisonment. We continue to demand justice, forced to watch as the cycle repeats itself, and yet another generation of young men and women of color is victimized by the criminal torturing public servants who are paid to serve and protect while they do just the opposite in targeted communities. The time is long overdue to free all still-incarcerated torture victims of the disgraced Chicago police department and restore them to their families and communities with full redress as called for in the statutes and conventions against torture. The COVID-19 pandemic brings the urgency of this demand into sharp focus. Their life sentences now carry the very real threat of a death sentence, with little protection from the lethal coronavirus behind bars³. We, the mothers, families, and community of these tortured loved ones implore the UN representatives to urge the U.S. to meet its obligations under the US constitution, the various treaties to which it is a party, and to global human rights standards in this matter. Free them now and hold the perpetrators accountable.

5. REQUESTED RECOMMENDATIONS:

The U. S. Government must:

³ <https://www2.illinois.gov/idoc/facilities/Pages/Covid19Response.aspx> ; State officials released about 3,400 people early from Illinois prisons by June 1, with 43% of prisoners released being White despite representing only 32% of the prison population compared to 54% of inmates being Black. <https://www.injusticewatch.org/news/2020/covid-release-disparity/>

- i. Immediately grant executive pardons and free all survivors of police torture and other police crimes
- ii. Provide full remedy and redress to all police torture survivors and their families.
- iii. Hold the individual officers, states attorneys, assistant states attorneys, judges, medical examiners, prison officials and any other complicit parties or offices accountable for torture
- iv. Remove legal protections and barriers to accountability for criminal police officers by repealing Qualified Immunityⁱⁱⁱ protections for police and addressing the Fraternal Order of Police and its contracts.
- v. Prohibit police interrogation of witnesses or suspects without counsel.^{iv}
- vi. Fully fund and amend the Torture Inquiry and Relief Commission (TIRC) Act to:
 - a. Bring its definition of torture into compliance with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
 - b. Expand its scope to the entire State of Illinois and to remove any deadline on filing claims.
- vii. Ensure that Illinois proactively addresses the policing, criminal punishment, and racial discrimination findings of the various Rapporteurs^v, UN Working Groups (African Descendants/UNWGEPAD^{vi}, Arbitrary Detention/UNWGAD)^{vii}, Committee Against Torture (CAT)^{viii}, Convention to Eliminate All Forms of Racial Discrimination (CERD)^{ix}, International Covenant on Civil and Political Rights (ICCPR) and Universal Periodic Review (UPR)^x, including recommendations for compensation and/or full redress.

6. CONTACT INFORMATION:

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ⁱ <http://www.kzoo.edu/praxis/a-mother-confronts-police-torture-in-chicago/>

ⁱⁱ <https://msmagazine.com/2020/09/30/mothers-of-victims-of-police-dont-want-your-pity-they-want-solidarity-and-justice/>

ⁱⁱⁱ https://truthout.org/articles/judge-and-elected-officials-challenge-key-law-shielding-police-from-liability/?utm_campaign=Truthout+Share+Buttons&fbclid=IwAR1Mp0e60VYiuZCyhsvi9F9PdvJB0gZV6YL_DowN5XItnU0HDPe8h4LEeR4

^{iv} <https://www.macarthurjustice.org/case/letusbreathe-collective-v-city-of-chicago/>

^v <https://news.un.org/en/story/2011/10/392012-solitary-confinement-should-be-banned-most-cases-un-expert-says>

^{vi} https://ccrjustice.org/sites/default/files/attach/2016/09/UNWGEPAD_FinalReport_20160915.pdf

^{vii} <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/193/37/PDF/G1719337.pdf?OpenElement>

^{viii} <https://www.commondreams.org/views/2014/11/29/un-committee-against-torture-calls-out-chicago-police-brutality-excessive-use-force>

^{ix} https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/USA/CO/7-9&Lang=En

^x <https://www.aclu.org/other/aclu-us-universal-periodic-review-22nd-session-un-human-rights-council-working-group-upr-may>