

RESOLUTION

In Support of State and Federal Legislative Action to Establish the Crime of Torture

**Sponsored by
THE HONORABLE EARLEAN COLLINS, COUNTY COMMISSIONER**

WHEREAS, Cook County is a home rule unit of local government pursuant to Article VII Section 6(a) of the 1970 Illinois Constitution, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on April 24, 2002, the Hon. Paul Biebel, Presiding Judge of the Criminal Division of the Circuit Court of Cook County, appointed Edward J. Egan as Special State's Attorney and Robert D. Boyle as Chief Deputy Special State's Attorney to investigate allegations that Area 2 Violent Crimes Commander Jon Burge and Chicago Police officers under his command had systematically tortured scores of African American citizens at the Area 2 and 3 police headquarters; and

WHEREAS, the investigation conducted by special prosecutors Egan and Boyle consumed over four years and cost the tax payers of Cook County \$7 million dollars; and

WHEREAS, Egan and Boyle acknowledged that there was evidence beyond a reasonable doubt that certain individuals had been abused by Burge and Area 2 and 3 detectives under his command, and that there was reason to believe that abuse occurred in "many other cases,"; and

WHEREAS, special prosecutors Egan and Boyle sought no indictments at the conclusion of their investigation, claiming that the statute of limitations under Illinois barred prosecution of any of the perpetrators of Area 2 and 3 abuse; and

WHEREAS, an act of torture is not only a crime but a serious international human rights violation that breaches several international human rights treaties and customary laws that honor basic tenets of decency and respect for human dignity; and

WHEREAS, acts of torture not only cause excruciating physical pain but also cause long lasting detrimental psychological effects to the victim; and

WHEREAS, the act of torture is not explicitly proscribed as a crime under the laws of the State of Illinois or the United States; and

WHEREAS, although an act of torture may be criminally prosecuted under various laws of the State of Illinois and the United States, such a prosecution is limited by the respective statute of limitations; and

WHEREAS, the United States has an obligation under Article IV of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and

Punishment to “ensure that all acts of torture are offences under its criminal law” and to “make these offences punishable by appropriate penalties which take into account their grave nature;” and

WHEREAS, the crime of torture, similar to the crime of murder, should have no statute of limitations due to grave nature of the offense and the importance of deterring others from committing these crimes and human rights violations; and

WHEREAS, the crime of torture is defined under Article I of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

NOW THEREFORE BE IT RESOLVED, that the Cook County Board of Commissioners recommends to the legislature of the State of Illinois and the Congress of the United States the pass legislation explicitly proscribing the crime of torture as defined by Article I of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment and provide that there be no statute of limitations for this crime.

Approved and adopted this ____ day of _____.

TODD STROGER, President
Cook County Board of Commissioners

(SEAL)

Attest: _____
DAVID ORR, County Clerk