Bush, Rice defend US abductions, torture, secret prisons

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The Bush administration faced a new barrage of questions and criticism Tuesday over the US policy of kidnapping and torturing suspects in the so-called "war on terror." One victim of the illegal US practice of "rendition" filed suit against the US government in a Washington-area federal court, while Secretary of State Condoleezza Rice faced mounting political controversy in the course of her European trip.

President Bush was compelled to make his own pro forma disavowal of torture, as reporters shouted questions during a brief press appearance with the head of the World Health Organization, visiting Washington for a discussion of the dangers of worldwide spread of avian flu. Reciting the same lines spoken by Rice before she left Washington Monday, Bush said, "We do not render to countries that torture. That has been our policy, and that policy will remain the same."

Like Rice, he refused to discuss news reports about the network of secret prisons established by the CIA over the past four years to hold prisoners allegedly linked to Al Qaeda. The CIA has detained some 3,000 people worldwide during this period, and at least a significant fraction of them are believed to be held in secret prisons in nearly a dozen countries, under constant interrogation and physical torture, and with no right to challenge the basis of their detention in any court.

The lawsuit was filed by American Civil Liberties Union in a federal district court in Alexandria, Virginia, across the river from the US capital, on behalf of Khaled al-Masri, a German citizen of Lebanese descent who was kidnapped by US intelligence operatives in 2003.

The suit charges that al-Masri was seized while on holiday in Macedonia, flown on a CIA jet to Afghanistan, then beaten and tortured for five months because the US believed he was an Al Qaeda operative. Eventually, the CIA realized that it had the wrong man, and al-Masri was flown back to the Balkans and released.

The suit is the first to challenge the practice of rendition as a violation of US and international law. It charges that then-CIA director George Tenet and other agency officials were responsible for ordering "prolonged arbitrary detention, torture and other cruel, inhuman, or degrading treatment."

Al-Masri, 42, tried to fly from his home in Stuttgart for the event, but was barred from entering the United States on Saturday at the airport in Atlanta. US Customs and Border Protection agents told him that he had a "law enforcement record" and therefore could not be admitted. The agency refused to say whether the "record" referred to his illegal abduction and imprisonment by the US government.

Appearing by satellite hookup from Germany, al-Masri spoke at the ACLU news conference announcing the suit. "I want to know why they did this to me and how it ever came about," he said, speaking through an interpreter. The attack has done lasting damage, he said. "I don't think that I am the human being, the man I used to be." The kidnap victim is seeking damages of $75,000 and an apology from the US government.

Earlier in the day, German Chancellor Angela Merkel discussed the case at a press conference with Secretary of State Rice, in the first stop on her four-country trip. Merkel indicated that the US government had admitted a "mistake" in the al-Masri case, although Rice refused to make any public comment.

Merkel gave a demonstratively warm reception to the US representative, signaling her desire for a rapprochement with Washington after the public conflicts between the Bush administration and the previous Schröder government over the decision to go to war in Iraq.

From Germany, Rice traveled to Romania to sign an agreement that will give the United States its first military base in a former Soviet bloc country. The facility, Mihail Kogalniceanu Air Base, is believed to be the site of the one of the secret CIA prisons, according to reports by several human rights organizations. It has been used for several years for supply flights to US forces in Afghanistan and Iraq.

The ABC television network in the US reported Monday that the prisoners at the CIA's East European sites were removed late last month, after the exposure of the CIA network in the *Washington Post* and in advance of Rice's trip. At least a dozen prisoners were transferred to another CIA facility somewhere in North Africa. Both ABC and the *Post* have agreed to keep the names of the countries secret, at the request of the CIA.

Rice hailed Romania under President Traian Basescu as one of America's "best allies." The transfer of the air base was a "symbol of burgeoning and brightening relations," she said. Basescu flatly denied allegations that Romania had hosted a covert CIA prison, calling the charges "baseless," although human rights groups have provided detailed records of the movement of planes operated by CIA front companies.

According to one press report, "some officials acknowledged that parts of the installation were off-limits to Romanian

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authorities, and the country's main intelligence service, SRI, has said it had no jurisdiction there." Former Prime Minister Adrian Nastase, who held office from 2001 to 2004, said, "There were some bases we put at the Americans' disposal. We can't know what happened there." Now the head of the lower house of parliament, Nastase called for a probe by the legislature.

Polish officials denied reports that Szymany Airport has been the site of a secret CIA prison. At the same time, officials of Morocco, Algeria and Tunisia would not comment on the ABC report that the CIA had shifted prisoners to North Africa. Egypt is also a possible destination, and even Libya, where the CIA has established close relations with the regime of Muammar Gaddafi since his dismantling of a primitive nuclear weapons effort.

Amnesty International announced Monday that it had obtained the flight logs of six planes that have been used in CIA renditions, making 800 flights in and out of European airspace. Dr. William F. Schulz, executive director of Amnesty International USA, said the logs were "irrefutable proof that the United States is 'disappearing' people into secret facilities where they are held incommunicado without charge, trial, or access to the outside world."

Secretary of State Rice had sought to make a preemptive strike over the rendition issue with a statement issued Monday in Washington before she left for Europe. But the language of this statement, carefully vetted by Bush administration lawyers, has come under mounting attack by human rights groups both in the US and Europe.

Rice evaded the central issue in the torture revelations—the existence of a network of secret CIA prisons, some of them in Europe—confining her remarks to the subject of rendition, which she defended as permitted under international law and frequently practiced by previous US administrations and by European governments.

Some of the assertions in Rice's statement are not only brazen lies, but contradict other lies told in the past by the Bush administration. For instance, Rice reiterated the theme of the "war against terrorism," adding that "For our country this war often takes the form of conventional military operations in places like Afghanistan and Iraq."

This directly contradicts the position taken by the Bush administration that prisoners captured in Afghanistan, whether supporters of the Taliban, Al Qaeda operatives, or mere Afghan conscripts, are not entitled treatment as POWs under the Geneva Convention. Hundreds of those captured in Afghanistan during the US-backed offensive by the Northern Alliance in October-November 2001 remain imprisoned at Guantánamo Bay as "illegal combatants," long after the overthrow of the Taliban regime.

The legal sophistries in Rice's statement are equally revealing. After declaring that the United States was complying with international law and US law in its handling of CIA prisoners—itself a lie—she added, "The United States has respected—and will continue to respect—the sovereignty of other countries."

This wording carefully avoids saying that the US complies with the laws of the countries where its secret prisons are located, or whose airspace and airports are used by US rendition flights. The operations of the CIA in kidnapping and secretly detaining prisoners are illegal under the human rights provisions of the European Union and the laws of most European countries.

Rice justified rendition on the grounds that the US government "must track down terrorists who seek refuge in areas where governments cannot take effective action, including where the terrorists cannot in practice be reached by the ordinary processes of law." As critics have pointed out, however, most of those now held in the secret prisons were captured in urban centers like Karachi, Bangkok, Milan, and even New York City, where Canadian citizen Maher Arar was detained at Kennedy International Airport, and shipped to Jordan, then Syria for torture.

Claiming that the Bush administration was inventing nothing new in its practice of rendition, Rice cited as precedents the case of the terrorist "Carlos the Jackal," kidnapped from the Sudan by French agents and returned to France for prosecution, and that of Ramzi Yousef, detained in Pakistan and then "rendered" to the United States for trial for his role in the first World Trade Center bombing in 1993.

Whatever the circumstances of their capture, which likely involved violations of international law, Yousef and Carlos were brought from countries where they were hiding, Pakistan and the Sudan, to countries where their crimes had taken place and where they were put on trial and imprisoned. The purpose of the Bush administration's rendition policy is just the opposite—to remove prisoners from public view and from any possibility of a judicial proceeding, so they can be interrogated indefinitely and tortured at will.

As for Rice's repeated declarations that "The United States does not permit, tolerate, or condone torture under any circumstances," now repeated by Bush, such words mean nothing. The Bush administration has publicly redefined torture so that the term excludes all the coercive and violent methods that it acknowledges carrying out against CIA prisoners. These measures include "waterboarding," forcing prisoners to stand for 20 hours or more, several kinds of blows to the face and stomach, and dousing with cold water followed by exposure (which has led to several confirmed deaths in Iraq and Afghanistan).

Moreover, with prisoners at the secret facilities deprived of any contact with families, lawyers or the media (and where the International Red Cross is excluded, in violation of international law) there is no way to confirm that the CIA does not engage in still more brutal methods of physical torture, using electric shock, drugs and primitive mechanical devices. Such methods are routinely practiced by the intelligence agencies of Syria, Jordan, Saudi Arabia, Egypt and other countries that serve as torturers-on-contract for their American paymasters. Some renditions have been carried out to Uzbekistan, a country where a favored technique of the secret police is to plunge prisoners into vats of boiling water.

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