

The Bush administration and the CIA prisons: a new campaign of lies

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In a White House press conference Friday, and in statements of government officials over the weekend, the Bush administration has mounted a new campaign of lies and intimidation to justify the repudiation of international law and a government policy of torture.

The administration claims that Common Article 3 of the Geneva Conventions, which sets standards for the interrogation of wartime prisoners and proscribes “outrages against human dignity, in particular humiliating and degrading treatment,” is too “vague,” and that in order to continue a CIA detention program that has “saved innocent lives,” it is necessary to alter the US War Crimes Act and “clarify” the Geneva Conventions.

This propaganda offensive in defense of torture has arisen because of the defection of several prominent Republican senators, who are blocking an administration-backed bill that would grant congressional sanction to the military tribunals Bush established by executive order after 9/11, and which were struck down as unconstitutional by the US Supreme Court last June.

The high court rejected Bush’s military commissions, which were set to begin trying detainees at Guantánamo, because they violated basic due process principles laid down by the US Constitution—allowing the use of secret evidence, coerced testimony and hearsay evidence, and even permitting trials to be held in the absence of the defendant. The court also declared that all those held by the US had to be treated in accordance with Common Article 3 of the Geneva Conventions.

The administration’s bill on the military commissions retains the trial procedures rejected by the Supreme Court and seeks to evade the court’s injunction regarding Common Article 3 by “clarifying” its meaning in such a way as to emasculate it and allow cruel and abusive methods of interrogation. In a September 14 editorial, the *Washington Post* summed up the substance of the administration’s bill as “legislation that would authorize the CIA to engage in interrogation tactics the world understands as torture, rewrite America’s obligations under the Geneva Conventions, and authorize trials whose fairness many people at home and abroad will question.”

Last Thursday, four Republicans on the Senate Armed Services Committee—Chairman John Warner of Virginia, John McCain of Arizona, Lindsey Graham of South Carolina and Susan Collins of Maine—refused to back Bush’s bill and instead backed an alternate, somewhat less brazenly repressive measure, which was passed by the committee with the support of its Democratic members.

This is what prompted Bush’s angry news conference Friday and subsequent statements of administration officials, who declare that opponents of the administration’s bill are undermining the CIA prisons and the agency’s interrogation of purported Al Qaeda operatives and thereby aiding and abetting the terrorists.

In addition to redefining Common Article 3 of the Geneva Conventions, one of the aims of the administration’s legislation is to amend the War Crimes Act, a US law that criminalizes war crimes, including violations of the Geneva Conventions. In essence, this law allows US courts to enforce international law and prosecute war criminals.

The administration is arguing that the aim of this change is to protect CIA interrogators. In fact, the main aim would be to protect high-level officials in the Bush administration, including the president himself, from future prosecution for war crimes.

The War Crimes Act includes in its definition of a “war crime” any violation of Common Article 3. The Supreme Court has ruled that Common Article 3 must be applied to all detainees. The CIA program has been violating Common Article 3 for a period of five years, since it was first implemented under the order of the president.

Therefore, the president and other administration officials have acted in violation of the War Crimes Act. According to this law, anyone who commits a war crime shall be fined, imprisoned, or, “if death results to the victim, shall also be subject to the penalty of death.” Certain prisoners under the control of the CIA have been killed while being tortured.

In order to protect administration officials, the Bush bill would change the War Crimes Act to state that only “serious violations of common Article 3” would constitute war crimes. These “serious crimes” include torture and “cruel or inhuman treatment.” The latter term is defined so narrowly as to exclude virtually any method the administration has authorized or would seek to authorize.

It does not require a great deal of insight or sophistication to puncture Bush’s arguments in favor of his bill and expose them for what they are: a foul defense of torture.

First, the contention that Common Article 3 of the Geneva Conventions is “vague” is an obvious red herring. The article is no more vague than the alternate standard proposed by the administration, which would prohibit measures that “shock the conscience” and violate the US Constitution’s ban on “cruel and unusual punishment.”

If “humiliating and degrading treatment” is too vague a standard, then so too must be “cruel and unusual punishment.” In other words, when it comes to interrogating prisoners—whether foreigners or American citizens—and meting out punishment, anything goes!

The language of Common Article 3, moreover, has been in place for nearly 60 years, since the Geneva Conventions were ratified. Why is it that the language has suddenly become so “vague” that it needs “clarification”? It was not too vague during the Korean and Vietnam wars, so why is it impossibly vague now?

It is clear that the administration wants to “clarify” Common Article 3 in order to extricate American officials and operatives from its authority. Why? So they can continue torturing detainees without fear of being prosecuted for war crimes.

This policy of torture is part and parcel of the turn by US imperialism to a policy of unbridled militarism, for which the events of 9/11 provided the pretext. In the name of the “war on terror,” the US government repudiated the Geneva Conventions in regard to its treatment of Al Qaeda and Taliban forces captured during the US invasion of Afghanistan in 2001.

The US government then adopted a policy of “preventive war,” which itself violates the post-World War II body of international law, including the Nuremberg principles, which reject war as a legitimate instrument of foreign policy and declare it to be justified only under conditions of genuine self-defense.

It is well-established international and domestic law that the types of interrogation methods approved by the Bush administration and used in Iraq, Afghanistan, Guantánamo Bay and at the CIA’s secret prisons are illegal. In demanding that the US government conform to the language of Common Article 3, the US Supreme Court was merely upholding legal standards that have been in place—though not infrequently violated in practice—at least since 1949.

A *Washington Post* article from September 16 gives some indication of the methods the administration wants to continue: “One well-informed source said the techniques include prolonged sleep deprivation and forced standing or other stress positions.” Other techniques the CIA has used in the past include “waterboarding,” which involves simulated drowning, naked exposure to extreme temperatures, and subjection to loud music and other sensory abuse. By any objective standard, all of these methods fall under the category of torture, and violate Common Article 3’s prohibition of “outrages against personal dignity” and “degrading treatment.”

Another claim made by the administration is that it must legalize the CIA program and modify Common Article 3 because otherwise it would be impossible to obtain information from alleged terrorists. Terrorist attacks have been halted because of this program, we are told, and the program is necessary to prevent future attacks.

First, it should be noted that “intelligence” obtained through torture is notoriously unreliable, since the victim is compelled to say whatever he or she thinks will stop the hand of the torturer. Moreover, all torture regimes, from the Nazis to some of Washington’s current allies such as Jordan and Egypt, have used the need for information and the requirements of national security

as justification for employing such barbaric methods. What is new is that the US government and a significant section of the American media and “intelligentsia,” including erstwhile liberals, now openly endorse these methods.

In justifying its use of torture, the administration has made a series of unsubstantiated claims of supposed plots that have been foiled. As always, no concrete information is provided to substantiate the existence of these plots, and no evidence is provided to support the claim that prisoner abuse was needed to halt them. We are supposed to take the government at its word—a government so steeped in lies that it feels compelled to repeat the canard that Saddam Hussein had ties to Al Qaeda even after a bipartisan congressional panel stated that there was no foundation for this claim, having previously come to the same conclusion about the “weapons of mass destruction” claims used to justify the invasion of Iraq.

All of this, we are told, is a necessary component of the “war on terror,” which Bush declares to be the great ideological struggle of the 21st century. If this is the case, one is entitled to ask: What is the content of the ideology promoted by the American government? How can the struggle for “freedom,” “liberty,” and “democracy” require the use of barbaric methods always associated with tyranny and dictatorship?

Clearly, the content of this ideology violently conflicts with the Enlightenment principles that guided the founding fathers of the American republic and are codified in the Declaration of Independence and the Bill of Rights of the US Constitution.

Bush, of course, chooses not to deal with this glaring contradiction of the “war on terror”—assuming that he is capable of grasping it—and no one in the media or in the Democratic Party raises it. Every faction of the political establishment has endorsed this sham war, which forms the central ideological framework for American imperialism’s drive for global domination.

The open attack on the Geneva Conventions by the president of the United States and his defense of torture express in a concentrated manner the decay and degradation of American bourgeois democracy. This has the most profound and ominous implications for the democratic rights of the American people. There is no iron wall between foreign and domestic policy. A regime that employs torture as part of its foreign policy will sooner or later employ the same methods against its political opponents at home.



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