

# US refuses to sign UN ban on renditions and secret detention

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Fifty-seven countries signed a UN treaty on Tuesday that bans governments from carrying out forced disappearances and holding individuals in secret detention. Washington, as well as a number of European governments, including Britain, Germany, Spain and Italy, refused to sign.

At the treaty signing in Paris, French Foreign Minister Philippe Douste-Blazy commented, “Our American friends were naturally invited to this ceremony; unfortunately, they weren’t able to join us.”

US State Department spokesman Sean McCormack commented simply that the treaty “did not meet our expectations.” It is clear from the provisions of the treaty, however, precisely why this is the case.

The International Convention for the Protection of All Persons from Enforced Disappearance calls for nations to adopt an “absolute ban” on secret detentions and provides for the tracing of the whereabouts of the “disappeared.” It also obliges each state party to ensure that victims of renditions and secret detention have the right to reparations.

It requires each nation signing on to submit for prosecution by competent authorities any person suspected of carrying out forced disappearances anywhere in the world. The convention also establishes a committee charged with monitoring the implementation of the treaty and to take action in individual cases.

Agents of the Central Intelligence Agency who have been actively involved in renditions around the world—and top US officials who have commissioned them—would be in direct violation of the treaty. Their actions have been authorized and defended by George W. Bush and other members of his administration. Last September, the US president openly acknowledged the existence of a network of secret prisons run by the CIA,

and insisted that they continue to operate.

The US practice of sweeping up alleged suspects in the name of the “war on terror” has been condoned as well by US Congress, which adopted in late September the Military Commissions Act of 2006, which rubber-stamped the incarceration of prisoners at Guantanamo Bay and other US-run detention camps around the world—large numbers of them secret. Prisoners released from Guantanamo and other US-run prison camps have described conditions of torture at the facilities.

French officials who led the effort to institute the ban counted more than 51,000 people who have been disappeared by their governments in over 90 countries since 1980. The vast majority of these individuals—41,000—have never been accounted for and their whereabouts and fate remain a mystery.

Families of the disappeared and human rights organizations have lobbied the UN for years for an international treaty banning such abductions. Washington is determined that the role played by US intelligence agents in such disappearances remains secret and that those responsible be immune from prosecution by either US or international courts.

A number of the European governments that refused to sign the treaty have been implicated as collaborators in the CIA’s illegal kidnapping and torture of terrorist suspects. Following media accounts of European collusion in these practices—including reports of the existence of detention facilities in eastern Europe—the Council of Europe commissioned a report to investigate the allegations.

The Council’s report described a “global spider web” of detention facilities run by US government agencies—many of them “shrouded in secrecy.” It determined that allegations made against the US and 14 European governments were “substantially true.” The

former Stalinist-ruled countries—Poland, Romania, and the former Yugoslav republics of Macedonia and Bosnia-Herzegovina—have played a critical role in collaborating with the CIA.

The report prepared by Dick Marty, a rapporteur for the council, compiled flight logs of planes run by CIA-front organizations and matched them with reports of known abductions. It also provided detailed accounts of 17 people who say they were abducted, rendered and subsequently tortured in US-run prison camps.

These victims reported being shackled, blindfolded and searched by groups of masked CIA agents, who abducted them. The detainees' clothes were cut from their bodies and they were subject to a full-body cavity search. Some were beaten, and there were cases of a "foreign object being forcibly inserted into the man's anus."

Afterwards the victim was shackled, his ears muffed and a bag placed over his head, and he was flown off to an unknown location. "In some cases the man is drugged and experiences little or nothing of the actual rendition flight," the report noted.

The report described the case of Binyam Mohamed al Habashi, an Ethiopian citizen with residence status in the UK. Al Habashi was seized in Pakistan and subjected to torture while held in Morocco, according to letters and first-hand accounts by his family and legal counsel. He was subsequently transferred to Guantánamo.

British Prime Minister Tony Blair dismissed the Council of Europe report, claiming it contained "nothing new," and at the same time defended the practice of rendition as perfectly legal. Britain has refused to sign the new treaty banning the practice.

Two ongoing criminal cases concerning the activities of CIA agents in Europe—and the collaboration of European governments—have focused renewed attention on the illegal practice of rendition.

On January 31, the public prosecutor's office in Munich issued arrest warrants against 13 suspected CIA agents accused of the kidnapping, rendition and torture of German citizen Khaled el-Masri. El-Masri, a German citizen of Lebanese descent, was arrested in December 2003 in Macedonia as a terrorist suspect and abducted by the US intelligence agents to Afghanistan, where he was interrogated and tortured for a period of four months. After it became clear he had been arrested

in error, el-Masri was flown to the Balkans and abandoned in a forest near the Albanian border.

A parliamentary commission of inquiry is also investigating el-Masri's case, attempting to determine the extent to which German authorities were informed of—or were actually involved in—the abduction and detention of el-Masri.

Chancellor Angela Merkel (Christian Democratic Union) has attempted to distance the German government from the case. Germany has also refused to sign the new treaty banning secret detention.

In Italy—another European country declining to sign the ban—the public prosecutor's office has issued warrants against another 26 CIA agents involved in the 2003 abduction of Muslim cleric Abu Omar.

Abu Omar was kidnapped in broad daylight in Milan and transported by minibus to the US Air Force base at Aviano. He was then transported by plane to the US Air Force base in Ramstein, Germany and eventually flown to Cairo, where he was thrown in prison and tortured. To this day he remains in the notorious Thora prison in Cairo and has been denied any trial.

The former director of the Italian military secret service (SISMI) faces indictment on suspicion of aiding the CIA rendition. One of the main obstacles to the trial proceeding against the CIA agents is the role of Italian Prime Minister Romano Prodi, who has stated that important information relating to the cooperation between the CIA and SISMI constitutes a state secret.



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