

# Obama administration defends torturers

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All of the Obama administration's rhetoric about "change you can believe in," government transparency and democratic ideals went up in smoke Monday morning in a San Francisco federal courtroom.

A federal attorney representing President Barack Obama and his attorney general, Eric Holder, rose to announce that the new administration will be standing pat on the position taken by George Bush and his Justice Department in a case involving some of the most heinous crimes of the previous administration.

Like his predecessor, Obama is invoking the state secrets privilege to quash a case brought on behalf of individuals who were abducted by the CIA, held in secrecy and without charges and transported to third countries to be interrogated under torture.

The practice, known as "extraordinary rendition," has come to symbolize for people all over the world everything that was lawless, sadistic and reactionary about the Bush administration. Contained within this lawless act of the US government were all of the most nightmarish features of a police-state dictatorship.

People were torn from their homes and families by jackbooted men dressed in black and wearing masks to become "disappeared" persons, their very existence in US custody denied by Washington. Denied any protections afforded to either criminal suspects or prisoners of war, they were detained in many cases for years without charges while subjected to the most barbaric forms of torture.

The case in San Francisco involves five victims of this state crime. It was brought against not the CIA and the government, but rather one of their corporate accomplices, Jeppesen DataPlan, a Boeing subsidiary that organized—and profited from—the secret CIA rendition flights in which those abducted were flown in supposedly private aircraft, hooded, shackled and often drugged, to "black sites," foreign prisons and torture chambers around the world.

Though not a defendant in this civil case, the Bush Justice Department intervened, invoking the state secrets privilege and claiming that going forward in any way with the proceedings would present a threat to national security. A lower court concurred, and the hearing Monday was held before the Ninth US Circuit Court of Appeals, where attorneys for the five abducted men sought the lawsuit's reinstatement. Obama's

representative intervened, once again, to have it thrown out on the very same grounds.

Ben Wizner, an American Civil Liberties Union (ACLU) attorney who argued the case for the plaintiffs, condemned the action. "We are shocked and deeply disappointed that the Justice Department has chosen to continue the Bush administration's practice of dodging judicial scrutiny of extraordinary rendition and torture," he said. "This was an opportunity for the new administration to act on its condemnation of torture and rendition, but instead it has chosen to stay the course."

The claim that allowing the case to go forward would endanger national security is ludicrous on its face. The practice of extraordinary rendition has not only been exposed by human rights organizations and the media, but has been openly defended by US government officials. Rather, the government's aim in suppressing any legal challenge is to protect those responsible for war crimes and to prevent new evidence of official criminality from surfacing.

The hideous nature of these crimes is spelled out in the complaint filed by the lawyers for the five men. One of them was Binyam Mohamed, an Ethiopian national who was a British resident for seven years before being abducted in Pakistan and then flown by the CIA to Morocco. There, according to the legal complaint: "He was routinely beaten, suffering broken bones and, on occasion, loss of consciousness due to the beatings. His clothes were cut off with a scalpel and the same scalpel was then used to make incisions on his body, including his penis. A hot stinging liquid was then poured into open wounds on his penis where he had been cut. He was frequently threatened with rape, electrocution, and death."

It continues: "He was placed in a damp, moldy room with open sewage for a month at a time. He believed his food to be drugged, but when he refused to eat he was forcibly hooked up to two different IVs. These IVs alternated pumping different substances into his body, the combination of which forced him to undergo painful withdrawal symptoms."

After a year and a half of this torture, he was transferred to the so-called "Dark Prison" run by the CIA at the Bagram air base in Afghanistan, where his "captors repeatedly hit his head against the wall until he began to bleed." He was held in a cold cell measuring six foot square, chained to the floor and kept in pitch darkness 23 hours a day. He was also "hung from a pole" and subjected to loud noises piped into the cell. Fed raw rice,

beans and bread, over the course of four months of this detention he lost between 40 and 60 pounds.

Now at Guantanamo, the US government is preparing to release Mohamed, having produced not a shred of evidence linking him to any terrorist activity.

Then there is the case of Ahmed Agiza, 45, an Egyptian pharmacist who was seized by the CIA in Sweden, where he had sought political asylum. The CIA flew him back to Egypt where, the document states, he "was severely and repeatedly beaten and routinely subjected to electric shock treatment. Mr. Agiza was stripped naked and strapped to a wet mattress. Electrodes were then applied to his ear lobes, nipples, and genitals, so that an extremely strong electric current could be introduced causing his body to rise and fall. A doctor was present throughout to ensure he did not die from torture." He was subsequently sentenced to 25 years in prison by an Egyptian military tribunal for belonging to a proscribed political organization.

Similar appalling details are provided in the court document [PDF] regarding the treatment of the other plaintiffs in the case.

In seeking to suppress this case, the Obama administration has taken full ownership of these savage crimes.

The Bush administration's use of the state secrets privilege, which it invoked dozens of times over the course of its eight-year tenure, was a hallmark of its increasing assumption of extraordinary and at times near-dictatorial powers. The use of this same heavy-handed legal tactic by the Obama administration has unmistakable and far-reaching implications.

While Washington is attempting to use the departure of Bush and the ascension of Obama to refurbish the abysmal image of US government both at home and abroad, the action taken in the San Francisco federal court is only one of a number of recent developments making it clear that the essential contours of US imperialist policy and both the criminal and police-state measures that it has engendered will not be transformed by the change in personnel in the White House.

Highly revealing in this regard was the Senate testimony last Friday by Obama's nominee for CIA director, Leon Panetta.

Asked specifically about extraordinary rendition, Panetta claimed that the administration had forbid by executive order "that kind of extraordinary rendition where we send someone for the purpose of torture or for actions by another country that violate our human values."

He added, however, that the CIA could still abduct suspects and send them to third countries for interrogation, provided it received assurances that they would be treated humanely. Of course, the Bush administration routinely claimed that it had just such assurances from countries like Egypt and Morocco.

Under sharp questioning from Republican Senator Kit Bond of Missouri, Panetta explicitly repudiated his earlier assertion that detainees had been tortured. "On that particular quote, that people were transferred for the purposes of torture, that was not the policy of the United States," he declared. "To that extent,

yes, I would retract that statement."

What is involved here is not merely the formal denial of past crimes that are well known to people all over the world, but a signal that the CIA will continue to carry out such crimes with impunity.

Then there is the report, published in the *Washington Post* Saturday, that the Obama administration is revamping the National Security Council (NSC), endowing it with sweeping new powers that suggest the formation of something akin to a fourth branch of government.

Heading this agency is national security adviser James L. Jones, a retired Marine general described by the *Post* as a "proponent of a 'pro-active military' in noncombat regions," who "has advocated military collaboration with the oil and gas industry."

Directing much of the reconfiguring of the NSC, according to the *Post*, is John O. Brennan, a former senior CIA official who is both Obama's adviser for counterterrorism and homeland security and Jones's deputy. Obama had reportedly wanted to place him at the head of the CIA, but was forced to withdraw his name for consideration after it became known that Brennan was a vocal advocate of the extraordinary rendition program and a defender of the CIA's "enhanced coercive interrogation techniques," i.e., torture.

Less than three weeks after the inauguration, it is becoming ever more apparent that the new administration has been brought into office to defend the same social and class interests as the previous one, is utilizing similar methods and relying on the same personnel within the national security apparatus responsible for the criminal activities of the past eight years.

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