

# Obama executive orders continue “extraordinary renditions,” secret CIA prisons

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Analysis of the executive orders US President Barack Obama signed on January 22 shows that the United States will continue to be heavily involved in illegal practices including kidnapping, secret detention and torture. The orders ostensibly ended torture and a network of secret Central Intelligence Agency (CIA) prison camps.

The *Los Angeles Times* published a report on the executive orders, however, showing that they allow the continued use of "extraordinary rendition" by the CIA, whereby the US secretly abducts individuals it claims are terrorists, sending them to nations that practice torture. (See "Obama preserves renditions as counter-terrorism tool.")

Obama is not only contemplating preserving rendition; he foresees using it more than the Bush administration. The *Los Angeles Times* cites unnamed US intelligence officials who say, "The rendition program might be poised to play an expanded role going forward because it was the main remaining mechanism—aside from Predator missile strikes—for taking suspected terrorists off the street."

The newspaper quoted an anonymous official from the Obama administration defending extraordinary rendition. "Obviously you need to preserve some tools—you still have to go after the bad guys," the official said. "The legal advisors working on this looked at rendition. It is controversial in some circles and kicked up a big storm in Europe. But if done within certain parameters, it is an acceptable practice."

The revelations underscore the real content of the three executive orders issued in his first days in office, which were much ballyhooed by the press as a repudiation of the foreign policy of the Bush administration. These orders in fact leave untouched both the framework and the criminal

practices justified by the "the war on terrorism."

Extraordinary rendition is among the most infamous practices of US imperialism. Because the US insists that it is not accountable to release the names of those who have been abducted, it is difficult to know how many cases of rendition have taken place. The number is likely in the thousands. An investigation carried out by the European Parliament determined that the CIA operated 1,245 flights through European airspace or made stops at European airports between 2001 and 2005.

Rendition is patently illegal under international and US law, as well as the laws of the nations from which the abducted have been seized. Victims of extraordinary renditions have no means of challenging their seizure, or even knowing the charges or evidence against them. There have been numerous documented cases of mistaken identity. Moreover, it is known that the abductees have been sent to nations where they have been tortured, such as Afghanistan, Syria, Jordan, Egypt and Morocco.

In one case, a German citizen, Khaled Masri, was seized in Macedonia in 2003 and handed over to the CIA. Masri described his ordeal in 2007: "I was handed over to the American Central Intelligence Agency and was stripped, severely beaten, shackled, dressed in a diaper, injected with drugs, chained to the floor of a plane and flown to Afghanistan, where I was imprisoned in a foul dungeon for more than four months." Masri's account of his abduction corresponds to how others who have managed to make their way out of the CIA-run gulag have described the process.

In 2002, a Canadian citizen, Maher Arar, was arrested at New York's JFK Airport. According to Arar's web site ([www.maherarar.ca](http://www.maherarar.ca)), "Twelve days later, he was chained, shackled and flown to Syria, where he was held in a tiny 'grave-like' cell for ten months and ten days before he

was moved to a better cell in a different prison. In Syria, he was beaten, tortured and forced to make a false confession." A Canadian Commission of Inquiry ultimately determined that Arar had been falsely arrested.

In another infamous case, an Egyptian cleric residing in Italy, Abu Omar, was abducted and sent to his native land where he said he was tortured. The CIA agents who carried out the operation are under criminal indictment in Italy, but have fled the country to avoid prosecution.

Meanwhile, Obama's order ostensibly shutting down the CIA's network of secret prisons allows an exception for "facilities used only to hold people in short-term, transitory basis." What constitutes "short-term" is not defined.

This provision will allow the CIA's secret prison system to function more or less as it did in the Bush administration. While under the Bush administration prisoners could be held indefinitely in CIA-run black holes, in many cases the CIA prisons—many of which were located in eastern Europe—acted as way stations for prisoners who were to be shipped off to regimes where the abductees were subjected to torture.

Obama has not challenged the Bush administration's pseudo-legal claim that the president can, without judicial review, claim any individual—US citizen or not—an "enemy combatant," subject to secret arrest and indefinite detention. Nor has Obama undone the military tribunal system of kangaroo-court justice for those caught up in the US dragnet.

In relationship to the use of torture by the US military and the CIA, Obama left himself ample room for maneuver. While one order claimed to end forms of interrogation not sanctioned by the Army Field Manual, Obama has proposed the creation of a task force that would study ways of changing the Manual to allow for new forms of interrogation.

Even Obama's celebrated order ending of the prison camp at Guantánamo Bay changes nothing. The current Guantánamo inmates, as well as future "detainees," may be subject to extraordinary rendition based on executive fiat.

Moreover, Obama has made assurances that his administration will not investigate or prosecute those officials—including former Bush administration officials such as Dick Cheney, Donald Rumsfeld and Alberto Gonzales—who were responsible for the policies of torture and illegal detention.

The Obama administration is asking a San Francisco federal judge to throw out a case against former Justice Department official John Yoo, who penned the infamous

torture memos for the Bush administration. The case has been brought by Jose Padilla, the US citizen who was held in a US naval brig and tortured for several years. The Justice Department is also seeking the dismissal of another Padilla-related case against former Defense Secretary Donald Rumsfeld, former deputy Defense Secretary Paul Wolfowitz and former Attorney General John Ashcroft.

Insofar as the "war on terrorism" continues—and Obama has promised that it will—all the illegal practices bound up with it will continue as well. The war on terrorism is in fact the euphemism given to Washington's intensification of military violence abroad and attacks on democratic rights within the US, carried out in defense of the interests of American capitalism.

Obama's preservation of the criminal elements of the war on terrorism, albeit with somewhat different packaging, should come as no surprise. Torture, extraordinary rendition, military tribunals, secret prisons—these are in fact the consensus policies of the US ruling elite, defended by the Democratic Party as well as the Republicans. All these measures were communicated to, and approved by, leading Democrats in Congress during the Bush administration. The Democrats did nothing to reverse these policies after their sweeping victory in the congressional elections of 2006, and they will do no more now.

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