

United Nations condemns US, Britain and other states over rendition

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A report issued by the United Nations Human Rights Council this week strongly condemns the United States, Britain and other states for breaching basic human rights and international law.

The document, drafted for the UN General Assembly by Special Rapporteur Martin Scheinen, indicts the US specifically for numerous violations of international law, including the use of torture.

It goes on to state, however, that Washington could not have carried out these crimes without the aid of numerous allies. The help extended to it, moreover, has had the effect of "corrupting the institutional culture of the legal and institutional systems" of many additional countries. And, in some instances, states have used the war on terror to switch from ordinary law enforcement to the use of special intelligence agencies so as to circumvent democratic safeguards.

Scheinen notes that since the 9/11 terror attacks, ever broader powers have been granted to intelligence agencies internationally that have "led to several violations of the right to privacy and the principle of non-discrimination" and even "violations of *jus cogens* norms [a fundamental principle of international law] such as the prohibition against torture and other inhuman treatment".

He reiterates, "The prohibition against torture is an absolute and peremptory norm of international law. States must not aid or assist in the commission of acts of torture, or recognize such practices as lawful, including by relying on intelligence information obtained through torture".

Scheinen states that he is "deeply troubled that the United States has created a comprehensive system of extraordinary renditions, prolonged and secret detention, and practices that violate the prohibition against torture and other forms of ill-treatment".

Furthermore, other states have followed the US in violating democratic norms. As the system requires an

international exchange of information, "it has created a corrupted body of information which was shared systematically with partners in the war on terror" and that has corrupted legal and institutional systems in those states.

The other countries are by no means unwilling accomplices, the report makes clear. "While this system was devised and put in place by the United States, it was only possible through collaboration from many other States", the report notes. These include Bosnia and Herzegovina, Canada, Croatia, Georgia, Indonesia, Kenya, the former Yugoslav Republic of Macedonia, Pakistan and the United Kingdom of Great Britain and Northern Ireland.

All of these states have either provided intelligence "or have conducted the initial seizure of an individual before he was transferred to (mostly unacknowledged) detention centres in Afghanistan, Egypt, Ethiopia, Jordan, Pakistan, Morocco, Saudi Arabia, Yemen, Syria, Thailand, Uzbekistan, or to one of the CIA covert detention centres, often referred to as 'black sites'. In many cases, the receiving States reportedly engaged in torture and other forms of ill-treatment of these detainees".

As for the extraordinary powers granted to intelligence agencies internationally since 2001, the report notes that "giving powers of arrest, detention and interrogation to intelligence agencies is not as such a violation of international law" on the proviso that "these agencies comply with all relevant human rights standards regarding arrest and detention and with domestic constitutional and other provisions prescribed for ordinary law enforcement agencies".

However, Scheinen registers his concern that all such provisos have been bypassed by a number of states. More importantly, he writes that in several instances this shift from ordinary law enforcement agencies to intelligence agencies to counter terrorism was carried out "precisely to

circumvent such necessary safeguards in a democratic society, abusing thereby the usually legitimate secrecy of intelligence operations".

The UN cites the "increasing use of state secrecy provisions" as a point, accusing the US, Britain, Germany, Italy, Poland, Romania and the former Yugoslav Republic of Macedonia of concealing "illegal acts from oversight bodies or judicial authorities".

The case of Bisher al-Rawi

The Human Rights Council also cites its "major concerns" that false intelligence has resulted in innocent people being seized and tortured. It cites the case of Bisher al-Rawi, a British resident, who was seized in Gambia in 2002 when the British intelligence agency MI5 contacted the CIA. Such has been the extent of innocent people being targeted as "terror suspects" in the past eight years that the report could have listed thousands of other cases.

Al-Rawi travelled to Gambia in November 2002 on a business trip to assist his elder brother Wahab set up a peanut-oil processing plant. He also travelled with Abdullah el Janoudi (a British citizen) and Jamil al-Banna (a British resident). The three men plus Wahab al-Rawi were arrested at Banjul airport in Gambia November 8, 2002. While his brother was subsequently released, Bisher was transported to first to Bagram Airbase in Afghanistan where he was held for several months. In Afghanistan he was detained in the CIA's notorious "Dark Prison", where he was deprived of all light for 24 hours a day in a cell with temperatures so low that ice formed on his food and water.

In March 2003, he was sent to the US prison camp at Guantanamo Bay. During his four years of captivity without charges, Al-Rawi was questioned more than 50 times. He was finally released on March 30, 2007.

The Human Rights Council report was released just days after the release from Guantanamo Bay of Binyam Mohamed, a British resident. Mohamed was originally arrested in Karachi, Pakistan, in April 2002 and was subsequently "rendered" to Morocco, Afghanistan and finally to Guantanamo Bay. He spent just under seven years in captivity, suffering from regular torture and abuse before being eventually released without ever being charged. Following his arrival back in Britain, Mohamed

has spoken out about his incarceration and the fact that MI5 colluded in his torture and interrogation in Morocco.

Citing a study by the Center for Constitutional Rights in the US entitled "Foreign interrogators in Guantanamo Bay", the document states, "Evidence proves that Australian, British and United States intelligence personnel have themselves interviewed detainees who were held incommunicado by the Pakistani ISI in so-called safe houses, where they were being tortured".

It adds, "Many countries (Bahrain, Canada, China, France, Germany, Italy, Jordan, Libya, Morocco, Pakistan, Saudi Arabia, Spain, Tajikistan, Tunisia, Turkey, United Kingdom, Uzbekistan) have sent interrogators to Guantanamo Bay".

Another report cited is the "The Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantanamo Bay and Iraq", produced in 2005 by the UK cabinet office Intelligence and Security Committee. This government-sanctioned report revealed that "United Kingdom intelligence personnel for instance conducted or witnessed just over 2,000 interviews in Afghanistan, Guantanamo Bay and Iraq".

A flagrant violation of international law condemned in the report is "the detention and interrogation powers of the intelligence services in counter-terrorism operations and investigations" that have no "clear statutory basis". In this regard, the report cites Morocco, Jordan and Pakistan as being in breach of established international law. It states that the "arrest and detention of persons on grounds which are not clearly established in domestic law is a violation of article 9, paragraph 1, of the International Covenant on Civil and Political Rights".

It continues, "Without such a legal framework there is a danger that intelligence services arrest people on the basis of sheer assumptions, which might be based only on a 'guilt by association' pattern".



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