

Report to UN condemns US government's "international criminal program of torture"

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A recent report to the UN Committee Against Torture concludes that the US presidential administrations of George W. Bush and Barack Obama are responsible for far-reaching violations of international law for directing and covering up a global torture program developed by the US Central Intelligence Agency in the years following the September 11, 2001 attacks.

The report, prepared by the "Advocates for US Torture Prosecutions," Dr. Trudy Bond, Prof. Benjamin Davis, Dr. Curtis F. J. Doebbler, and The International Human Rights Clinic at Harvard Law School, states unequivocally that entire sections of the state apparatus are responsible for "breathhtaking" crimes against international law.

"Civilian and military officials at the highest level created, designed, authorized and implemented a sophisticated, international criminal program of torture," the report states.

The report details the vast scale of the torture system, noting that detainees were tortured not just at the US Guantanamo Bay Military Base in Cuba, but in numerous secret black sites worldwide, including in "Bosnia-Herzegovina, Canada, Djibouti, Egypt, Indonesia, Iraq, Italy, Jordan, Libya, Lithuania, Mauritania, Morocco, Pakistan, Poland, Romania, Russia, Syria, Thailand, the United Arab Emirates, the United Kingdom (Diego Garcia), and Yemen."

Having been "conceived and authorized at the highest levels" of the US government, responsibility for the crimes committed is shared by numerous top officials, the report concludes, including "President George W. Bush, then Vice President Dick Cheney, then Director of the Central Intelligence Agency (CIA) George Tenet, then National Security Advisor Condoleezza Rice, then Defense Secretary Donald Rumsfeld, then Secretary of State Colin Powell, and then Attorney General John

Ashcroft."

The torture techniques were devised by the CIA in collaboration with intelligence officers from the Egyptian and Saudi regimes, according to the report.

"The techniques in question, sometimes styled as interrogation techniques and sometimes as detention procedures, included near-drowning ('waterboarding'), sleep deprivation for days, and forced nudity," the report notes.

"They have caused many people intense suffering, including severe mental harm and, in some cases, death," the report notes.

"Retroactive legal approval" was then contrived by US government lawyers at the Justice Department's Office of Legal Counsel (OLC).

In order to justify the new methods of "enhanced interrogation," the torture lawyers of the Bush administration drew up an "absurdly narrow" definition of torture to justify the administration's policies.

As a CIA lawyer commented to personnel at Guantanamo Bay when summarizing the content of the Bush administration torture memos, "...it is basically subject to perception. If the detainee dies you're doing it wrong."

"The fact is that senior officials in the United States government solicited information on how to use aggressive techniques, redefined the law to create the appearance of their legality, and authorized their use against detainees," notes a report by the US Senate Armed Services Committee, cited in the new report to the UN.

Using the definition advanced under Bush, former Iraqi leader Saddam Hussein himself "would be exculpated" for the systematic torture carried out by his regime, Yale Law School Dean Harold Koh told the rapporteurs.

Far from being limited to the Bush administration, the report makes clear that the Obama administration, the Justice Department and multiple federal courts have upheld the conception that those involved in “waterboarding, dietary manipulation, walling, long-time standing, sleep deprivation and water dousing” should receive immunity, and that these techniques do not constitute torture.

The Obama administration has sought to safeguard all the senior Bush administration officials most directly responsible for torture from prosecution or any form of legal or punitive action for their involvement in torture.

As the report notes, all senior US government officials have received blanket immunity for their involvement in orchestrating a worldwide torture network, and “courts-martial and administrative proceedings for acts of torture have been almost exclusively limited to low-level private contractors or soldiers.”

The authors conclude that the “enhanced interrogation” methods violated the UN Convention Against Torture or Other Cruel, Inhuman and Degrading Treatment and Punishment, which builds on the ban on torture contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The report maintains that “the prohibition against torture is absolute,” rejecting the legal concepts of the Bush administration and calling for the prosecution of top Bush administration lawyers, including the drafter of the three main “Torture Memos,” Deputy Assistant Attorney General John Yoo.

The failure of the US government to hold accountable any of the leadership elements that organized the torture is undermining the “preemptory norm against torture,” according to the report. Torture is becoming more widespread and viewed as more acceptable by states everywhere in response to the unabashed repudiation of international law by the US.

In its concluding recommendation to the UN Committee Against Torture, the legal scholars demand that the US government adopt a legal and policy course that is 180 degrees opposed to that followed by the Obama administration since taking office.

“The United States should promptly and impartially prosecute senior military and civilian officials responsible for authorizing, acquiescing or consenting

in any way to acts of torture committed by their subordinates,” the rapporteurs write.

Were the demands of the report to be implemented, the result would be the prosecution of command elements and numerous individuals within the upper layers of the most powerful agencies of the American government, including the CIA, the military and the Department of Justice, together with numerous high-ranking members of the Bush and Obama administrations.

Countless figures, many now ensconced in academia and the corporate establishment, would face long jail sentences.

No such accountability will be forthcoming from any section of the political establishment, however, given that the torturers and their defenders are the preeminent political servants and military-intelligence specialists of the capitalist class.

The torture program was developed and implemented as part of an explosion of American militarism, as the ruling class has sought to maintain its global position through war and violence in every corner of the globe. It is also part of a wholesale assault on democratic rights, directed fundamentally against any opposition to the policies of the corporate and financial elite.

Far from prosecuting those responsible, the Obama administration is currently seeking to prevent the release of a Senate Intelligence Committee summary on CIA torture, working closely with the spy agency itself to cover up its crimes.

The author also recommends:

The CIA torture cover-up continues
[31 October 2014]



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