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Towards the Globalization of CIA Torture and Rendition

by Jeff Lincoln

March 20, 2013

A report released in early February by the Open Society Justice Initiative titled “Globalizing Torture: CIA Secret Detention and Extraordinary Rendition” establishes that the Central Intelligence Agency, acting under the direction of the highest levels of the US government, has utilized a global network of secret prisons, foreign intelligence agents, and interrogation and torture centers to send detainees to without any legal protections.

This arrangement is worldwide and includes the involvement of at least 54 different countries touching almost every continent.

There is enormous diversity among the countries involved. They include Middle Eastern countries such as Egypt, Pakistan, Syria and Jordan, which carried out the torture on suspects that the CIA rendered to them. Poland, Lithuania, Romania and Thailand hosted secret prisons operated by the CIA where detainees could be held clandestinely and have interrogations or torture conducted directly by American intelligence operatives.

European nations such as Macedonia, Georgia, and Sweden detained and delivered suspects to the CIA to be tortured. Larger countries such as Britain or Germany conducted some of the interrogations themselves while smaller countries such as Iceland, Denmark, Belgium, or Greece provided intelligence, logistical support, use of airspace, etc.

On the whole, the report stands as an indictment against all of Washington's allies and client states in its self-proclaimed "war on terror."

The Australian government stands implicated in the rendition of Mamdouh Habib, an Australian national, to Egypt where he was tortured and then later transferred to Guantanamo Bay where he was detained until he was released without charge in 2005.

Egypt stands as the country that has interrogated, tortured and abused the most people subject to extraordinary rendition. The relationship between the US and Egypt dates back to the Clinton administration that used the country almost exclusively for its rendition program, which was dramatically ramped up after September 11, 2001.

Italy's secret services played a role in the abduction of Abu Omar, an Egyptian cleric who was previously given asylum in Italy but was abducted in Milan in 2003; he was then placed on a flight to Egypt. Italian authorities authorized some 46 stopovers by CIA operated aircraft at Italian airports.

The United Kingdom, the country that enjoys the closest relationship with US imperialism, has extensive involvement with America's rendition program. In addition to providing airspace, MI6 and other British intelligence worked hand in glove with the CIA to abduct and interrogate suspects. Omar Deghayes, a Libyan national but a British resident was arrested in 2002 and transported by US and British intelligence agents to Bagram, where he was subjected to abuse. After interrogation by MI5 agents, he was sent to Guantanamo where he underwent further physical abuse, suffering a broken finger, a broken nose, and damage to his right eye.

In 2004, the British government arranged to have a former member of the Libyan Islamic Fighting Group, Sami al-Saadi, rendered into Libyan custody by approaching him in China and convincing him to fly to the British embassy in Hong Kong where he would be allowed to return to the UK. Instead, his whole family was taken into custody in Hong Kong and flown over to Libya where Mr. al-Saadi remained for six years and was subjected to torture by physical beatings and electric shocks.

While the report sheds some light on what countries are involved, the numbers of individuals subjected to rendition remains unknown. By 2005, it is estimated that about 150 persons were rendered to foreign countries according to admissions made by then-president George W. Bush. The real number is likely much higher, as Egypt alone has had to acknowledge that it received sixty to seventy terror suspects since September 11, 2001. Human Rights Watch has attempted to compile a list of persons who have been held in CIA prisons, and they have identified almost forty people who have either gone missing or whose whereabouts are unknown.

There are dozens more countries detailed in the report than just the ones mentioned above. Still, the report is extremely limited in scope in that it does not document transfers or detentions by any agency other than the CIA. It does not include the detention practices of the Defense Department, for example, and its notorious facilities in Guantanamo Bay or Afghanistan. Moreover, what is known is only based on the experiences of 139 individuals who have been released from custody. Nevertheless, it is now clear that the US government has been running a detention and "enhanced interrogation" operation with tentacles that span the globe.

It appears likely that the United States intentionally sought out the widespread involvement of so many countries to ensure that those who might later nominally reject these practices would

themselves be so implicated that they would be unwilling to publicly expose the details of Washington's dirty deeds.

Indeed, none of the countries mentioned in the report, save one, has even admitted any culpability for their participation in gross human rights violations. The lone exception is Canada, which assisted in the rendition of Canadian citizen Maher Arar in 2002 to Syria where he was tortured. A hastily conducted commission placed blame on the Royal Mounted Police but absolved those higher up in government of any responsibility. Other nations, such as Britain, Sweden and Australia have quietly settled lawsuits alleging their participation but have made no admission of liability.

As a matter of fact, far from acknowledging their complicity in abduction, rendition, and torture, many of the countries in the report were publicly denouncing these practices by the US government at the same time they were secretly abetting them.

A number of liberal and human rights organizations have reacted to the revelations in the Open Society Justice Initiative report by calling for and supporting the efforts of international tribunals to hear cases brought against officials of some of the countries complicit in assisting in the rendition of persons by the US Government.

While there are some actions pending in the European Court of Human Rights and other high courts against some of the countries named in the report for their role in assisting in rendition, the cases will have no impact on the operations of the CIA.

Setting aside the obvious fact that cases can only be brought by individuals whom the CIA has already decided to release, the outcome of these actions hinge on the narrow issue of the extent to which the participating countries knew or should have known torture was likely to occur. This glosses over the more fundamental issue that, unlike extradition, extraordinary rendition is, by definition, a transfer without legal process. In fact, the whole CIA program is designed to place detainee interrogations completely beyond the reach of law. Moreover, the US government has refused to recognize the jurisdiction of international courts of human rights.

President Barack Obama for his part, despite making claims of reversing the Bush-era CIA policies, has further escalated the crimes committed by his predecessor.

In January 2009, Obama issued a series of executive orders that purported to close down then existing CIA detention facilities and also created a task force to examine rendition practices and make recommendations to ensure humane treatment. These orders were nothing more than a sham to conceal the fact that, rather than restricting the ability of the CIA to conduct extraordinary renditions, the orders were purposely crafted to preserve it.

While Obama has ordered the CIA to shut down certain detention facilities, the directive specifically exempts facilities designed to hold people on a temporary or transitory basis. In other words, the executive order essentially codifies the CIA's authority to detain suspects and then to render them to other countries to face interrogation, trial, or worse. Furthermore, if the CIA wanted the detainees to remain in the custody of the United States, they could be sent to a facility operated by the Department of Defense or kept offshore on a Navy vessel.

The task force created by Obama's order functions merely as a fig leaf for the continuation of Bush-era policies. The report, which was completed in 2009, has not been made public and is not binding on any agency. However, as an example of its toothlessness, a Justice Department press

release disclosed that one of the recommended safeguards was relying on assurances from the receiving country that the detainees would be treated humanely.

The Justice Department under Obama appointee Eric Holder has closed inquiries into the treatment of over 100 detainees who were in CIA custody overseas, including several who died while in custody, stating that no criminal charges would be pursued.