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Torture whitewash from The Dark Side

By Pepe Escobar
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It's a script worthy of Freddie Krueger, the fictional character from the *A Nightmare on Elm Street* films. Nearly five years after the irruption of the Abu Ghraib prison scandal in Iraq, here's another chamber of horrors, another glimpse of how The Dark Side really works.

But the George W Bush torture memos released by the Barack Obama administration last week, written in legalese by Jay Bybee and Stephen Bradbury, are just a preview. Many will relish the newspeak. ("We conclude that - although sleep deprivation and use of the waterboard present more substantial questions in certain aspects under the statute and the use of tile waterboard raises the most substantial issue - none of these specific techniques, considered individually, would violate the prohibition in sections 134:0•2340A.") As for the whole movie - a 21st century remix of a D W Griffith epic - it could be called *Death of a Nation*.

The US [Senate](#) report, also just released, reads like deja vu all over again: the US establishment under Bush was a replay of the Spanish Inquisition. And it all started even before a single "high-profile al-Qaeda detainee" was captured. What Bush, vice president [Dick Cheney](#), defense secretary Donald [Rumsfeld](#) and assorted little inquisitors wanted was above all to prove the non-existent link between Saddam Hussein's Iraq and al-Qaeda, the better to justify a pre-emptive, illegal war planned by the now-defunct Project for the New American Century (PNAC) in the late 1990s. The torture memos were just a cog in the imperial machine.

The New York Times, in a fit of decency, at least has already demanded that Congress

impeach the lawyerly Bybee, who got his lifetime seat in a federal appeals court from ... Bush.

Everyone knew about the torture. Former deputy secretary of state [Richard Armitage](#), who along with Karl "Machiavelli" Rove and Lewis "Scooter" Libby was one of the leakers of the identity of Central Intelligence Agency (CIA) agent Valerie Plame in the infamous Niger yellowcake affair, admitted to al-Jazeera that "in hindsight", "maybe" he should have resigned. Former executive director of the 9/11 Commission Philip Zelikow, very close to secretary of state Condoleezza Rice, also has joined the swelling crowd of "I was against it, too, but in the end I did not resign".

More crucially, Armitage also told al-Jazeera why this may well end up being ... just another whitewash. "I don't think the members of the Senate particularly want to look into these things because they will have to look at themselves in the mirror. Where were they? ... They were AWOL, absent without leave." Nobody should expect madam speaker Nancy Pelosi to investigate herself. In Washington, torture seems to be a bipartisan sport.

Armitage also told al-Jazeera how he and his then-boss, secretary of state [Colin Powell](#), "lost" the battle to respect the Geneva Conventions during Bush's first term. Japanese officers were tried for war crimes after World War II - by the United States - because they, among other practices, used ... waterboarding. That does not seem to apply to Bush administration officials. Welcome to another instance of American exceptionalism.

Whitewash

The question is not that the torture memos should have been kept secret - as the CIA and Dick "Angler" Cheney wanted. The question is how to apply justice and uphold the rule of law. Austrian law professor Manfred Nowak, the Geneva-based United Nations [Human Rights](#) Council's top torture investigator, is adamant: "President [Barack Obama's](#) decision not to prosecute CIA operatives who used questionable interrogation practices violates international law."

As with the lies that led to the war on Iraq, nobody should expect from US corporate media anything other than ... whitewash. Wall Street Journal's Peggy Noonan, carping about the role of a "great nation" but sounding like a Johnny Walker commercial, said "sometimes in life you just wanna keep walking".

Law-abiding citizens walking all across the world, for their part, were hoping that the so-called "Bush Six" - former [attorney general](#) Alberto Gonzales, former under secretary of defense Douglas Feith, Cheney's former chief of staff David Addington, John Yoo and Bybee from the Justice Department, and Pentagon lawyer William Haynes - would one day catch a flight to Europe for some deluxe rest and recreation and be arrested on the spot by judges claiming universal jurisdiction over crimes against humanity, just as it happened in England to that notorious, now deceased, torturer/dictator Augusto Pinochet from Chile. But it won't happen. Spanish prosecutors literally put the ball back in the US court.

And what about Bush telling Fox News last year "they gave me a list of tools and I said, 'Are these tools deemed to be legal?' and so we got legal opinions, before any decision was made, and I think when people study the history of this particular episode they'll find out that we gained good information".

Well, if The Great Decider had "studied the history" he would have learned he didn't protect anything, as even US interrogators have dismissed torture as useless in extracting crucial intelligence. And apparently legal counsel also told The Great Decider it was OK to torture alleged 9/11 mastermind Khalid Sheikh Mohammed's children with ... swarms of bugs.

Unfazed, the CIA still insists waterboarding works. But with 183 waterboarding sessions, 15 seconds a session, spread over one month, who did Khalid Shayk Mohammed think he was, Iron Man? Moreover, an analyst told Vanity Fair 90% of what he revealed was "bullshit".

As for Cheney, he will never deviate from his own "mission accomplished" script. As he recently told CNN, "My general sense ... is that we accomplished nearly everything we set out to do." Paraphrasing Tacitus, that's quite an accomplishment - to destroy the cradle of civilization in Mesopotamia and call it ... victory.

Obama has emitted his own muted version of "Never Again!" Well, not really. Under Obama's executive orders passed in January, the CIA is still engaged in extraordinary renditions and shipping suspects to ... overseas contractors, torture-friendly US allies in the Middle East and Eastern Europe.

Pressure, anyway, kept mounting from all quarters. The White House was forced to back down. Obama now has left the door open to prosecution of the lawyerly minions. Cheney, of course, is not backing down. Still convinced that torture is swell, he wants other memos - which allegedly demonstrate torture's effectiveness - declassified. So ideally the Obama administration should come up with a special prosecutor or better yet, a truth commission - and call Cheney's bluff. And all this is happening while an even more damning Dark Side memo has not even been declassified.

Next train to The Hague

This whole drama is shaping up as a case of American exceptionalism one cannot believe in. Without accepting full responsibility for torture - and illegal, pre-emptive wars - and without accountability, there can be no catharsis in America. Obama is enough of a smart operator to know that if his "going forward" is perceived like "look the other way", this whole thing will come back to haunt and even destroy his presidency. And if it walks and talks like a whitewash, that's because it must be ... a whitewash.

Supposing the Obama Justice Department appoints a special prosecutor and we end up with the "Bush Six" or even Bush-era top dogs in the slammer, and not only a few minions and go-betweens, the whole Washington establishment would literally collapse -

a Tower of Babel of scum and corruption. Would Obama ever muster the balls to carry it out? That's unlikely.

That would mean in practice burying the American empire - and as Obama has provided plenty of proof in his nearly 100 days in power (from the Afghan surge to his CIA coddling) he doesn't want to go down in history as the man who unraveled the American empire. Seize the moment? No, he won't. All that's left for the rest of walking humanity is just the dream of shipping Cheney to a really accomplished destination - The Hague, so he can be duly tried for treason and crimes against humanity.