

CIA “Black Sites”, Rogue Activities and the Senate Torture Report

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Global Research, December 11, 2014

Region: [USA](#)

Theme: [Intelligence](#), [Law and Justice](#)

The US Senate report on CIA torture, the work of the Senate Select Committee on Intelligence (SSCI) is causing a storm of debate. Not that the realm of torture should ever be up for debate – either it is done, or not, but gray areas have a habit of providing alibis to those who use it. The one to come out the worst in this is the Central Intelligence Agency and its personnel, who were engaged in a global program of torture with executive blessing.

The executive summary of the report itself runs for just under 500 pages – but that is merely the declassified version. The actual full version of the report runs for roughly 10 times that, and suggests, among other things, that 119 detainees were held at what were termed “black sites” at various global locations. Such detainees were subjected to a range of actions, including rectal rehydration “as a means of behaviour control”, sexual abuse and an assortment of other threats.

Those implicated in the report in terms of foreign operations could be facing legal avenues straight to the International Criminal Court. “If I was one of those people,” suggested Michael Bochenek, director of law and policy at Amnesty International, “I would hesitate before making any travel arrangements” (*Guardian*, Dec 10).

Bochenek is so keen to press his point he suggests that, “say, one of them goes on holiday in Paris, then France would have a clear obligation to arrest and prosecute the individual. States have clear obligation in cases of torture.”

Richard Dicker, director of Human Rights Watch’s international justice program, feels that the first “bite” of the prosecutor’s cherry should be based in the United States. That said, a certain reluctance exists on the subject: “we have not seen any persuasive indicators that the department of justice is willing to step up to its responsibilities.”

This finger pointing at the CIA does obscure a fundamental point. The organisation was not operating in the vacuum of bureaucratic enterprise, dabbling in rogue activities in fits of sadistic rage while lawyers were kept in the dark. Intelligence officials are in the business of misleading – that is their prerogative.

Former NSA and CIA director Michael Hayden proved particularly adept at it, with numerous references in the report suggesting he misled governments about CIA activities. But Hayden had the most misleading, and openly mendacious of administrations, to egg him, and his personnel, on.

It can also be argued that they were given various green lights to pursue the program, be it the infamous John Yoo torture memorandum, which did much to hollow out international jurisprudence with notions of “illegal” combatants, or murmurings of approval from the

Pentagon, which deployed that distasteful term “enhanced interrogation” to wrangle information out of a detainee. Designate individuals in a suitably appropriate way, and the insidious rationale will follow. If the Geneva conventions do not apply, the subject ceases to be a human one.

What the report also risks doing is deflecting blame of regimes complicit in the torture program. Black sites run on foreign soil were favourite haunts of CIA rendition practices, covering the Baltic states, Romania, Poland, Afghanistan and Thailand. Reports in 2013, notably from the Open Society Foundation, suggested that some 50 regimes were involved in the outsourcing of the CIA torture system.[1]

While these were certainly off the books in an official sense, they were very much on the books in terms of awareness from local authorities, who engaged in the rather distasteful complicity that comes with such cooperative enterprises. The denials have already begun, with former Lithuanian president Valdas Adamkus, insisting that “there had been no jails and no prisoners from there [in Lithuania].”

Another example is provided by former Polish president Aleksander Kwasniewski, who had full knowledge that the CIA was busying itself on Polish soil. Washing his hands with Pilate-like determination, he claims to have “told Bush that this cooperation must end and it did end.”

Poland’s current president, Bronislaw Komorowski sees the possibility that oxygen will be added to flagging efforts to get an investigation in Poland underway into the use of such black sites. “I also think that it will provide, if not new information, then guidance as to the conduct of the investigation in Poland.”

The Senate report on torture has not merely placed a “putrid stain upon the reputation – and yes, honour – of the United States” – it has also gotten those in the legal fraternity eager to go about their work.[2] The biggest fish will, however, remain uncaught. They always are.

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Notes

[1] <http://www.wired.com/2013/02/54-countries-rendition/>

[2] <http://blogs.spectator.co.uk/coffeehouse/2014/12/the-cias-torture-regime-shames-the--united-states-it-will-not-be-forgotten/>

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