

CIA Stonewall: Agency Won't Release 7,000 Documents Related to Torture Program

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After identifying some 7,000 pages of classified memos, e-mails and other records relating to its forced disappearance, secret detention and torture program, the Central Intelligence Agency has refused to release the documents.

Responding to a Freedom of Information Act (FOIA) lawsuit filed last June in federal district court in New York by Amnesty International USA (AIUSA), the Center for Constitutional Rights (CCR) and the International Human Rights Clinic at NYU School of Law (NYU IHRC), the CIA has filed a motion for summary judgement (dismissal) to avoid turning over the files.

Concluding that criminal, administrative or civil investigations resulting from its "black" programs were "virtually inevitable," the CIA sought legal advice from the Bush administration's Office of Legal Counsel (OLC), a division of the Justice Department, according to documents filed by Agency lawyers in New York federal court Wednesday, [The Washington Post](#) reported.

The CIA claims that the materials cannot be released because they relate to communications between CIA and Justice Department attorneys, or discussions with the White House. Concluding the documents included guidance on the "legality of certain interrogation techniques," the Agency admitted that it requested, and received, legal advice from OLC attorney John Yoo's torture shop.

[ABC News](#) revealed earlier this month that the National Security Council's Principals Committee held high-level discussions at the White House on the use of torture at CIA and Special Operations Command "ghost prisons" in Europe, Central Asia, the Middle East and at Guantánamo Bay's Camp Delta detention facility. The meetings included choreographed demonstrations of waterboarding and other harsh interrogation techniques by CIA officers.

According to ABC News, one of the "principals," former U.S. Attorney General John Ashcroft said: "Why are we talking about this in the White House? History will not judge this kindly."

Curiously enough prior to 9/11, Ashcroft told acting FBI Director Thomas Pickard after multiple briefings related to "imminent terrorist attacks" on the United States by al-Qaeda, that "he did not want to hear this information anymore."

Seemingly protected behind an impenetrable wall of impunity built by the Bush administration in the wake of the 9/11 attacks, the CIA is now attempting to shield its top

officers from legal and congressional scrutiny by refusing to release these documents.

In response to requests from the U.S. Senate Intelligence Committee, the Justice Department informed Congress “that American intelligence operatives attempting to thwart terrorist attacks can legally use interrogation methods that might otherwise be prohibited under international law,” [The New York Times](#) reported Sunday.

Times' journalist Mark Mazzetti avers,

The legal interpretation, outlined in recent letters, sheds new light on the still-secret rules for interrogations by the Central Intelligence Agency. It shows that the administration is arguing that the boundaries for interrogations should be subject to some latitude, even under an executive order issued last summer that President Bush said meant that the C.I.A. would comply with international strictures against harsh treatment of detainees. ...

“The fact that an act is undertaken to prevent a threatened terrorist attack, rather than for the purpose of humiliation or abuse, would be relevant to a reasonable observer in measuring the outrageousness of the act,” said Brian A. Benczkowski, a deputy assistant attorney general, in the letter, which had not previously been made public. (Mark Mazzetti, “Letters Give C.I.A. Tactics a Legal Rationale,” *The New York Times*, April 27, 2008)

Senator Ron Wyden (D-OR), a committee member, said that the Bush administration’s new rules put Geneva Convention restrictions against torture on a “sliding scale.”

According to the [Center for Constitutional Rights](#),

AIUSA, CCR, and NYU IHRC have filed FOIA requests with several U.S. government agencies, including the CIA. These FOIA requests sought information about individuals who are-or have been-held by the U.S. government or detained with U.S. involvement, and about whom there is no public record. The requests also sought information about the government’s legal justifications for its secret detention and extraordinary rendition program. Comprehensive information about the identities and locations of prisoners in CIA custody-as well as the conditions of their detention and the specific interrogation methods used against them-has never been publicly revealed. This lack of transparency continues to prevent scrutiny by the public or the courts and leaves detainees vulnerable to abuse and torture. (“CIA Acknowledges It Has More than 7,000 Documents Relating to Secret Detention Program, Rendition, and Torture,” Center for Constitutional Rights, Press Release, April 23, 2008)

Curt Goering, AIUSA senior deputy executive director told [IPS](#),

“Given what we already know about documents written by Bush administration officials trying to justify torture and other human rights crimes, one does not need a fertile imagination to conclude that the real reason for refusing to disclose these documents has more to do with avoiding disclosure of criminal activity than national security.” (William Fisher, “Groups Wrangle with CIA over

'Ghost Prisoners'," IPS, April 25, 2008)

The Agency acknowledged in its legal filings that its disappearance and torture program "will continue." Human rights reports "indicate that the fate and whereabouts of at least 30 people believed to have been held in secret U.S. custody remain unknown," according to CCR.

To this day, comprehensive information about the identities and location of "ghost prisoners," the conditions of their imprisonment and the specific interrogation techniques used against them to induce "compliance" have never been revealed.

The organizations involved in the FOIA lawsuit against the CIA will file their response brief next month in U.S. federal court.

Tom Burghardt is a researcher and activist based in the San Francisco Bay Area. In addition to publishing in Covert Action Quarterly, Love & Rage and Antifa Forum, he is the editor of Police State America: U.S. Military "Civil Disturbance" Planning, distributed by [AK Press](#).

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