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No guarantee the US won't torture again

Washington's reckoning begins, not ends, with release of Senate report
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by [Lauren Carasik](#) [@LCarasik](#)

The Senate Intelligence Committee's [release on Tuesday](#) of its much-anticipated torture report, which chronicles the CIA's rendition, detention and interrogation program in the aftermath of 9/11, has unleashed a cascade of recriminations that threatens to eclipse the committee's stark findings. The portion of the report that was released — the 480-page executive summary — paints a haunting picture of brutality that shocks the conscience, and demolishes the myth that torture was effective, limited in scope and only perpetrated by a few rogue actors. Instead, the report reveals the brutal, systematic and sanctioned nature of the program.

The report concluded that the CIA misled the public, Department of Justice investigators and government officials about the efficacy of torture. The CIA's program was far more brutal than previously disclosed and its Enhanced Interrogation Techniques (EITs) did not uncover information that aided in the disruption of plots or the apprehension of terrorists.

The report failed to provide an overarching analysis of how U.S. policy became so unmoored from its moral groundings and to erode impunity that has shielded both the U.S. operatives who tortured people and their superiors. Its narrow focus on the CIA's misdeeds did, however, [insulate many of the nation's political leaders](#), including some who did not relinquish their roles in the previous administration, whose consciences should be heavy. While the report's findings constitute clear violations of [domestic](#) and international law, the committee did not analyze the program's legality. Given these failings, the report should signal the beginning, not the end, of Washington's reckoning.

Even today's partial release — the full 6,000-page report, which cost taxpayers \$40 million and took nearly six years to complete, is still classified — was hamstrung by months of negotiations between the CIA, President Barack Obama's administration and the committee, headed by Dianne Feinstein, D-Calif. Feinstein has been under intense pressure to release the report, especially since the impending Republican control of the Senate and the Intelligence Committee left the report's future disclosure in doubt.

The release was marred by delays and fear mongering up until the eleventh hour. But fear is exactly what prompted us to lose sight of human decency and the rule of law in the first place. The final delays apparently centered on fierce disagreements on whether further redaction would undermine the report's coherence and analysis, or safeguard national security. Even as the negotiators reached agreement, the report's release remained uncertain. On Dec. 5, U.S. Secretary of State John Kerry [called on Feinstein](#) to ensure that "foreign policy implications were appropriately factored into timing." Whether that was the Obama administration's last-ditch attempt to delay or block the release or merely a way to distance itself from any risk, Kerry's comments launched the parade of commentary decrying the endangerment of American lives abroad.

Until we impose real accountability, we have no guarantees that this conduct will not be repeated. In fact, just as Obama banned torture shortly after taking office, his successor can easily reinstate it.

When the report's release became clear late last week, opponents began [pre-emptive rebuttals](#) in earnest, and their spin was both vigorous and predictable: Enhanced interrogation was justified, authorized and effective in keeping our vulnerable nation safe. "The CIA workforce will feel as if it has been tried and convicted in absentia since the Senate Democrats and their staff didn't talk to anyone actively involved in the program," [former CIA director Michael Hayden warned](#) on Dec. 7. The scaremongers also claimed that the disclosure could encourage attacks against the U.S. interests and personnel abroad and make

future cooperation from other countries politically risky. The narrative should sound familiar: Truth and justice are secondary to and often incompatible with national security. Even former President George W. Bush appeared on CNN, lauding those who participated in the CIA program as patriots. The counteroffensive only picked up steam once the report was made public, muddying its conclusions.

Appalling practices

The report recounts ruthless techniques such as “rectal rehydration,” threatening to rape a detainee’s mother and torturing those who were already injured. For one detainee, the interrogators never even tried to determine if he would cooperate, opting instead to diminish his resistance through use of brute force before even questioning him. Among the report’s other chilling revelations is that 26 of the 119 known detainees in CIA custody were “wrongfully held,” some long after the agency knew they were innocent. For instance, Afghan national Gul Rahman, [who froze to death while in CIA’s custody](#) in the secret prison called the “Salt Pit,” was a case of mistaken identity. An officer involved with Rahman’s detention was later recommended for a \$2,500 cash bonus for his “[consistently superior work](#).” Similarly, while some interrogators objected to continuing the enhanced interrogation of [Zain Abidin Mohammed Husain Abu Zubaydah](#), who nearly drowned from waterboarding, they were ordered by CIA headquarters to continue.

The report presumes that Washington’s illegal practices have been curtailed. But some [current practices are still problematic](#), including those listed in an Army Field Manual and indefinite detention of 136 detainees at Guantánamo Bay, Cuba. The canard that these men are the worst of the worst, justifying their ongoing incarceration, is belied by the fact that the U.S. government has cleared 67 of them for transfer.

Last month, the United Nations Committee Against Torture concluded that the indefinite detention of inmates at Guantánamo is a per se violation of the Convention Against Torture. International law obligates the United States to

investigate and prosecute those who perpetrate torture, and provide a remedy to victims. But Obama has signaled his unwillingness to do so, justifying his disinclination to prosecute by arguing they were following orders, a defense discredited since Nuremburg.

What's more, the CIA failed to vet its interrogators, enlisting one agent who had a history of sexual assault and another with an anger management problem. And despite assertions that its program was authorized, the report reveals the agency engaged in EITs even before its conduct was sanctioned by the DOJ, and some of its later techniques also exceeded the authorized parameters. But until we impose real accountability, we have no guarantees that this conduct will not be repeated. In fact, just as Obama banned torture shortly after taking office, his successor can easily reinstate it.

The report provides a harrowing view of cruel behavior that inflicted unspeakable damage on its victims and on the United States moral standing in the eyes of the world — all for naught. Far from making us more secure, torturing people made us less safe. “The world knows we tortured, but does the world know yet that we’ll hold up our values and hold our government accountable?” Sen. Claire McCaskill, D-Mo., [said during an interview with CBS](#) on Monday. Obama has failed to uphold accountability. But those of us who value honor, justice and the rule of law should demand that the officials and operatives who tortured people in our name answer for the harm they have inflicted. Until we do, there is no guarantee our country will never torture again.

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