

“Black Site” Survivor Relates Horrific Tale: Enforced disappearance and torture at several CIA “black sites”

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NEW YORK, Dec 19 (IPS) - As human right lawyers sought to block U.S government efforts to stop a lawsuit against a Boeing subsidiary accused of flying detainees to “black sites” where they were tortured, a legal advocacy group published the first testimony of a victim of the Central Intelligence Agency’s “enhanced interrogation” programme.

In the first-ever report of its kind, the Centre for Human Rights and Global Justice (CHRGJ) at New York University School of Law released a firsthand account of a survivor of enforced disappearance and torture at several CIA “black sites”. The 63-page report, “Surviving the Darkness: Testimony from the U.S. ‘Black Sites’”, is an in-depth account of a former CIA detainee’s experience in his own words.

The bone-chilling narrative tells the story of Mohamed Farag Ahmad Bashmilah, a Yemeni national who spent more than a year and a half in the CIA’s secret detention programme. He was never charged with a terrorism-related crime.

The CHRGJ charges that Bashmilah was “illegally detained by the Jordanian intelligence service in October 2003, tortured into signing a false confession, and then handed over to an American rendition team.”

The group says he spent the next 18 months in the U.S. secret detention network — in sites believed to be in Afghanistan and possibly Eastern Europe. In May 2005, he was transferred to the custody of the Yemen government, which held him in proxy detention at the behest of the U.S. until he was put on trial and finally released in March 2006.

Bashmilah’s story was made public as the American Civil Liberties Union (ACLU) filed legal papers opposing the CIA’s attempt to throw out a lawsuit against Boeing subsidiary Jeppesen Dataplan, Inc. for its participation in the CIA’s “extraordinary rendition” programme.

The ACLU charged that the U.S. government is improperly invoking the “state secrets” privilege to avoid judicial scrutiny of this unlawful policy.

Steven Watt, an attorney with the ACLU’s Human Rights Programme, told IPS, “Five men have been brutally abused with the help of a U.S. corporation, and they are entitled to their day in court.”

“Jeppesen must not be given a free pass for its profitable participation in a torture programme,” he said. “And the government should not be allowed to use the national security defence as a way to cover up its mistakes or, worse, its egregious abuses of human rights.”

The ACLU filing comes in a lawsuit brought on behalf of five victims of the rendition programme who were kidnapped and secretly transferred by the CIA to U.S.-run overseas prisons or foreign intelligence agencies where they were interrogated and tortured.

According to the lawsuit, Jeppesen knowingly provided flight planning and essential logistical support to aircraft and crew used by the CIA for the clandestine rendition flights.

After the lawsuit was filed, the U.S. government intervened to seek its dismissal, contending that further litigation of the case would be harmful to national security. But the ACLU contends that the information needed to pursue this lawsuit, including details about the rendition programme, is already in the public domain.

It adds, “Jeppesen’s involvement in the programme is also a matter of public record. It has been confirmed by extensive documentary evidence and eyewitness testimony, including the sworn declaration of a former senior Jeppesen employee, which was submitted in support of the ACLU filing.”

In recent years, the government has asserted the once-rare “state secrets” claim with increasing regularity in an attempt to throw out lawsuits and justify withholding information from the public not only about the rendition programme, but also about illegal wiretapping, torture, and other breaches of U.S. and international law.

It has been 50 years since the United States Supreme Court last reviewed the use of the “state secrets” privilege. The Supreme Court recently refused to review the “state secrets” privilege in a lawsuit brought by Khaled El-Masri, a German citizen also represented by the ACLU, who was kidnapped and rendered to detention, interrogation, and torture in a CIA “black site” prison in Afghanistan.

Meanwhile, more than 250 people once held in Iraqi prisons, including Abu Ghraib, have filed suit against a U.S. military contractor for alleged torture of detainees. The Centre for Constitutional Rights filed the lawsuit seeking millions of dollars in compensatory and punitive damages against CACI International Inc. of Arlington, Virginia.

The complaint alleges that CACI interrogators who were sent to Iraqi prisons directed and engaged in torture between 2003 and 2004. The lawsuit charges that the detainees were repeatedly beaten, sodomised, threatened with rape, kept naked in their cells, subjected to electric shock and attacked by unmuzzled dogs, among other humiliations.

The court action also names two CACI employees — Stephen Stefanowski, known as “Big Steve”, and Daniel Johnson, known as “DJ” — accusing them of participating in the abuse of prisoners at Abu Ghraib. The suit alleges that the two CACI contractors directed Corporal Charles Graner and Sergeant Ivan Frederick. Graner was sentenced to 10 years in prison for this role in the Abu Ghraib scandal; Frederick is serving an eight-year jail term.

“These corporate guys worked in a conspiracy with those military guys to torture people,” said Susan Burke, the lead attorney in the case.

“And now the military have been held accountable, but the company guys and the company have not been,” she said.

The legal status of U.S. private contractors in Iraq and elsewhere abroad remains cloudy. The Iraqi government says they should be subject to Iraqi law, a position rejected by the U.S. It remains unclear whether they are subject to U.S. law. No U.S. court has yet decided a relevant case, though lawsuits have been brought against a number of contractors, including Blackwater, whose employees are accused of killing 17 unarmed Iraqi civilians in a shooting incident in September.

In the CACI case, to the surprise of some legal observers, the government did not intervene on behalf of the contractors and the court ruled that the litigation could go forward.

In a related development, the New York Times reported Wednesday that Pakistan’s military and intelligence agencies, “apparently trying to avoid acknowledging an elaborate secret detention system, have quietly set free nearly 100 men suspected of links to terrorism, few of whom were charged.”

Human rights groups in Pakistan say those released are some of the nearly 500 Pakistanis presumed to have disappeared into the hands of the Pakistani intelligence agencies cooperating with Washington’s fight against terrorism since 2001.

The Times reported that no official reason has been given for the releases. But it quoted Pakistani sources as saying that as pressure has mounted to bring the cases into the courts, “the government has decided to jettison some suspects and spare itself the embarrassment of having to reveal that people have been held on flimsy evidence in the secret system.”

Among those pressing to bring the cases into court was the chief justice of Pakistan’s Supreme Court, Iftikhar Muhammad Chaudhry. He was dismissed by President Pervez Musharraf and remains in detention, although Musharraf last Saturday lifted the state of emergency he imposed in November.

The Times reported that the prisoner releases were “particularly galling to lawyers” because Musharraf had accused the courts of being soft on terrorists, and had used that claim as one justification for imposing emergency rule.

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