

## Could “Bloody” Gina Haspel Face Arrest as a Serial Torturer If She Travels Abroad?

An interview with International Law Expert, Francis Boyle, on the pro-torture Trump nominee to head-up Central Intelligence, and the dangerous and continuing illegal Israeli bombing of Syria.

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*Francis Boyle is professor of international law at the University of Illinois College of Law. He is the author of many books on International Law and an outspoken critic of US policy in the Middle East. Boyle's books include Foundations of World Order and the sequel, Destroying World Order. In the following interview with Pacifica Radio host Dennis J Bernstein, Boyle warns that, among other things, given her background as key implementer of the US torture program, Gina Haspel is vulnerable to be arrested for war crimes and crimes against humanity if she travels abroad.*

Dennis Bernstein spoke with Francis Boyle on May 10th, 2018.

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Dennis Bernstein: You may have heard by now that Israel is blaming Iran for attempting to target the occupied Golan Heights with missiles, and they say that they are responding. But there have been reports that Israel opened fire only hours after the US pulled out of the Iran deal. Francis Boyle, who do you believe in terms of who is firing missiles at whom? Who has the motivation?

Francis Boyle: It appears that Israel has decided to escalate, with a green light from the Trump administration. It also appears that this has been coordinated with Trump pulling out of the nuclear agreement.

You have to understand that Iranian troops are in Syria with the legitimate consent of the Syrian government under the right of collective self-defense, recognized under UN Charter Article 51. The reason Iran went in there was because, starting with Clinton and Obama, the United States decided to overthrow the government of Syria in violation of international law, including the decision of the International Court of Justice in the Nicaragua case.

As for Israel in the Golan Heights, it is clearly there illegally. Israel stole the Golan Heights in 1967 and they have refused to leave. They have refused to negotiate in good faith with Syria, except when Prime Minister Rabin did negotiate a comprehensive peace settlement with Syria along the lines of the peace settlement with Egypt. Of course, he was assassinated by religious fundamentalists for that reason. Netanyahu has made it clear that Israel is not going to leave the region. It is a very dangerous situation we are in today.

DB: You talked about Israel essentially taking off the gloves. We have seen many presidents side with Israel when it slaughters Palestinians. Is there something new here? Is there going to be that final attempt at regime change in Syria?

FB: General Wesley Clark says it all in his memoirs. After 9/11 he went to the Pentagon—then under the control of the Bush, Jr. neocons—and the Pentagon told him that there was a plan to take over and destroy several different Muslim states. Iraq was on the list, Afghanistan, Sudan, Libya, Lebanon, Iran and Syria. Clearly Syria has been in the crosshairs from at least that time.

DB: There is another subject that you have been addressing for several years and that is illegal torture programs. It looks like we are going to have a new CIA director who likes to get her hands dirty and participate directly in torture. She has also been actively involved in making sure nobody finds out that torture takes place.

FB: “Bloody” Gina Haspel is her nickname at the CIA. She was directly involved in the extraordinary rendition program, which is a euphemism for the enforced disappearance of human beings and their consequent torture. This was in the complaint I filed against Bush and company in 2010 with the International Criminal Court for this crime against humanity.

Last fall the ICC prosecutor, Fatou Bensouda, said she is going to open up an investigation into the entire CIA extraordinary rendition program for violating the Rome Statute. Although the United States is not a party to the Rome Statute, these actions took place on the territorial sovereignty of Rome Statute states, and therefore the ICC does have jurisdiction. In my opinion, Gina Haspel is a presumptive war criminal and torturer. It looks like she might get confirmed, and then we will have a torturer and war criminal as head of the CIA.

As I have argued in anti-CIA cases here in the United States, the CIA is an organized criminal conspiracy like the SS and the Gestapo. We argued that successfully back in 1987 at University of Massachusetts, Amherst. I was involved in large numbers of CIA protest cases back in the 1980’s because of what was going on in Central America, with 35,000 dead in Nicaragua, 75,000 dead in El Salvador, and perhaps a quarter of a million in Guatemala. Most of those killed were Mayan Indians, which meant outright genocide.

DB: Will it be difficult for our director of the CIA to travel abroad? Maybe she has to be covert forever.

FB: That is correct. Under international law today—following a terrible decision by the International Court of Justice—heads of state and foreign ministers have diplomatic immunity while there are in office. But that is not going to apply to the head of the CIA.

I have a whole dossier here against Bush, Jr. and the rest of them for the extraordinary rendition program. We scared him out of Switzerland over that. A Swiss prosecutor demanded that Bush be prosecuted if he showed up in Switzerland. I know that Amnesty International and the Center for Constitutional Rights also have extensive dossiers against high-level US officials involved in these torture programs, including Haspel. She would be a sitting duck for international human rights lawyers. The evidence is there.

We have a 600-page executive summary of the Senate Foreign Intelligence Committee’s report on the extent of torture and extraordinary disappearances by the CIA. This is an official US government document. She was not personally named in there, but she was a

high-level official who was personally involved. She certainly supervised the operation in Thailand. Under international law, there is a command responsibility. She is denying that she herself physically tortured anyone, but she supervised others doing the torturing. Under international criminal law, she is accountable for the criminal behavior she oversaw.

DB: She admitted at the hearing that she had the tapes of these torture sessions but she considered it prudent to destroy them.

FB: The Senate Committee had just announced their investigation so her boss, Jose Rodriguez, ordered her to destroy the tapes. Arguably, this would be obstruction of justice. Unless something happens within the next couple weeks, we are going to be seeing a notorious international criminal heading up the CIA. In my opinion, any senator who votes to confirm her becomes an accessory after the fact to her crimes: torture, war crimes, crimes against humanity, and violations of the Geneva Conventions and the Convention against Torture.

DB: This is a very difficult time. We are all worried about our friend Ray McGovern, a former CIA analyst who was brutalized while protesting the Haspel nomination. Obviously, they are very serious about shutting up anyone protesting torture.

FB: Ray arguably has the defense of prevention of crimes under international law. I am not saying it would be a winner, because it is always tough going into a federal court and defending anyone protesting and resisting criminal behavior by the United States government.

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