

The Torture Chronicle: CIA “Lying and Obfuscation” on the So-called War on Terror

A classified Senate Intelligence Committee report shows the futility of “enhanced interrogation techniques.”

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If there is one word missing from the United States government’s post-9/11 lexicon it is “accountability.” While perfectly legal though illicit sexual encounters apparently continue to rise to the level of high crimes and misdemeanors, leading to resignations, no one has been punished for malfeasance, torture, secret prisons, or extraordinary renditions.

Indeed, the Obama administration stated in 2009 that it would not punish CIA torturers because it prefers to “look forward and not back,” a decision not to prosecute that was recently [confirmed](#) by Attorney General Eric Holder in two cases involving the deaths of detainees after particularly brutal Agency interrogations. What the White House decision almost certainly means is that the president would prefer to avoid a tussle with the Republicans in congress over national security that would inevitably reveal a great deal of dirty laundry belonging to both parties.

The bipartisan willingness to avoid confrontation over possible war crimes makes the recently completed 6,000 page long Senate Intelligence Committee report on CIA torture an extraordinary document. Though it is still classified and might well never see the light of day even in any sanitized or bowdlerized form, its principal conclusions have been leaking out in the [media](#) over the past two weeks. It directly addresses the principal argument that has been made by Bush administration devotees and continues to be advanced regarding the CIA torture agenda: that vital information obtained by “enhanced interrogation techniques” led to the killing of Osama bin Laden. According to the report, no information obtained by torture was critical to the eventual assassination of the al-Qaeda leader, nor has it been found to be an indispensable element in any of the other terrorism cases that were examined by the Senate committee.

What exactly does that mean? It means that torture, far from being an essential tool in the counter-terrorism effort, has not provided information that could not be obtained elsewhere and using less coercive methods. Senator Diane Feinstein, who sits on the Senate Intelligence Committee and has had access to the entire classified document, elaborated, explaining that the investigation carried out by the Senate included every detainee held by CIA, examining “the conditions under which they were detained, how they were interrogated, the intelligence they actually provided and the accuracy or inaccuracy of CIA descriptions about the program to the White House, Department of Justice, Congress and others.” It “uncovers startling details about the CIA detention and interrogation program...” The report has 35,000 footnotes and investigators perused 6 million pages of official records, which is why it has taken more than two years to produce.

The Senate inquiry's conclusions inevitably lead to the assumption that there has been a whole lot of lying and obfuscation going on in connection with the so-called war on terror. To recap major developments, 9/11 unleashed a counter-offensive by the CIA's Counter Terrorism Center (CTC), which was at the time [headed](#) by Cofer "the gloves come off" Black. Secret prisons were established in Europe and Asia, torture was used extensively in the interrogation of suspects, and some detainees were shipped off to friendly intelligence services in places like Egypt for even more aggressive questioning. This was referred to as rendition. Some suspects were snatched off the streets in European and Asian cities before being rendered.

The Justice Department gave its approval for the harsh interrogation techniques in a notorious secret memo drafted by John Yoo and Jay Bybee in 2005 only months after a 2004 public [statement](#) in which the selfsame Justice Department declared that torture would not be acceptable. On October 5th 2007 President George W. Bush restated the official position, "This government does not torture people. We stick to U.S. law and our international obligations." But he also contradicted himself, [elaborating](#) that his administration's interrogation methods included questioning carried out by "highly-trained professionals." He explained, "When we find somebody who may have information regarding an attack on America, and you bet we're going to detain them, you bet we're going to question them. The American people expect us to find out information, this actionable intelligence, so we can help protect them. That's our job."

Since that time the issue of torture itself has become an ideological abstraction, with the neoconservatives, many Republicans, and even some conservative Democrats reflexively supporting it. It has also frequently been debated in the intelligence community. There are undeniably some who believe that all terrorist suspects should be tortured even unto death to tell what they know, but an increasing number of former intelligence officers have expressed doubts over the efficacy of the procedure, a conclusion that is now supported by the Senate findings. To cite one example of what torture can produce, prominent al-Qaeda figure Khaled Sheikh Mohammed, commonly referred to as KSM, was arrested in 2003 in Pakistan was reportedly water-boarded 183 times and "broken" by his CIA interrogators. He subsequently confessed to being involved in virtually every terrorist act carried out in the previous 20 years, including 9/11, the beheading of journalist Daniel Pearl, and the bombing of the destroyer USS Cole. He clearly was not actually involved in many of the incidents, but he was willing to admit to anything.

There are also other good reasons to oppose torture and torture by proxy through CIA rendition. Most people and governments worldwide believe that torture is immoral, a view that is generally shared by most Americans. Legally there is also a long tradition condemning torture. German and Japanese officers were executed after the Second World War for torturing prisoners and the principle was firmly established that torture, specifically including waterboarding, is a war crime. The US is signatory to the UN's anti-torture convention and both the United States Code and specific acts of congress require prosecution of any government employee engaging in such activity. In practical terms, torture also opens up a door that should never be opened by anyone who genuinely cares about US soldiers, diplomats, and intelligence officers stationed at their peril around the world. To put it succinctly, if we do it to them, they will do it to us.

Mistakes are inevitable when one accepts that it is okay to break the rules in favor of more coercive interrogation. To cite one example of how intelligence operations can go wrong, on

December 13th, the European Court of Human Rights [ruled](#) that the United States kidnapped German citizen Khaled el-Masri and taken to an airport where he was “Severely beaten, sodomized, shackled and hooded” before being sent on to Afghanistan for more of the same. It turned out to be a case of mistaken identity while subsequent attempts to obtain recompense through the US courts were blocked by the Obama administration, which claimed state secrets privilege. Another well-documented rendition case, of Canadian citizen Maher Arar, [consigned](#) an innocent man to torture in Syria. Yet another rendition, of Milan-based Muslim cleric Abu Omar turned into a prime example of an intelligence operation designed by Monty Python, employing a cast of hundreds at a cost of many millions of dollars. It [continues](#) to play out in the Italian courts. Abu Omar was tortured in Egypt and eventually released when it turned out that he had no information of value.

Torture advocates have assiduously cultivated a number of myths, most prominent of which is the “ticking time bomb.” This is a particular [favorite](#) of the redoubtable Alan Dershowitz and a number of prominent neocons. It goes like this – a terrorist is captured who has knowledge of an impending attack on a major civilian target, but he won’t cooperate. How to get the information? Simple. Get an accommodating judge to issue a legal finding that enables you to torture him until he talks, thereby saving lives of innocent civilians. The only problem with the Dershowitz narrative is that there has never been an actual ticking time bomb. No terrorist has ever been captured, subjected to torture, and provided information that foiled an attack, not even in Israel where routine torture of suspected terrorists captured in flagrante used to be the case (but is now illegal). Advocating a policy of torture, with all that entails, based on a “what if” is fighting evil with more evil, not a solution.

Torture brutalizes and degrades the individual carrying it out, the organization he or she represents, and the government that approves of the practice. The Senate committee report should finally put paid to the arguments being made that it is a reliable interrogation tool, but there still remains the question of accountability. A recent [book](#) by Jose A. Rodriguez, who approved and oversaw the CIA torture regime while he served as head of the Counter Terrorism Center and later as Deputy Director of the Clandestine Services, demonstrates that there are still zealots who believe in “extreme measures” in spite of any evidence presented to the contrary. The book is entitled “Hard Measures: How Aggressive CIA Actions after 9/11 Saved American Lives.” Well, apparently that is just not true and perhaps Jose owes the surviving victims of “hard measures” an apology.

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