

The US Senate Torture Report: “Crime Without Punishment”

Democrats and Republicans largely in Lockstep

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Theme: [Police State & Civil Rights](#)

Longstanding US policy reflects business as usual. Ruthless and then some. With bipartisan support.

Democrats and Republicans largely in lockstep. Rhetoric alone separating them.

Supporting permanent wars of aggression. State terror at home and abroad. Abrogation of fundamental democratic principles.

Systematic breaches of international, constitutional and US statute laws. Supporting wealth, power and privilege exclusively. Letting popular needs go begging.

Burying hard truths. Substituting Big Lies. Including about torture remaining official US policy. At home and abroad.

In US prisons. Federal, state and local ones. Global black sites. In dozens of countries. Authorized by Bush and Obama.

Guantanamo the tip of the iceberg. Unknown thousands brutalized worldwide. Some murdered. Others traumatized into zombies.

Coverup and denial buries the worst of what remains ongoing. Sadism writ large.

The Senate Intelligence Committee torture report excluded what most needs explaining.

Stopped short of demanding accountability. Punishing wrongdoers to the full extent of the law.

Including CIA, Pentagon and administration officials. Congressional members supporting wrong over right.

Federal courts approving indefinite detentions and torture. Official Obama administration policy.

Torture is illegal at all times under all circumstances with no allowed exceptions. Earlier US Supreme Court rulings condemned force and other forms of ill-treatment.

Saying they constitute torture. Including harsh interrogations. Threats. Sleep and food deprivation.

Prolonged isolation. Beatings. Cruel and unusual punishment of any kind. Prohibited by America's Eight Amendment.

Laws forbidding torture are jus cogens. Higher compelling laws. No nation may pass legislation permitting what's impermissible.

No courts may justify the unjustifiable. Jus cogens prohibitions allow no immunity from criminal liability. Justice remains denied.

October 17, 2006 remains a day of infamy. The Military Commissions Act (MCA) became law. With bipartisan support.

Authorizing the unjustifiable. Tyranny by any standard. Torture. Other sweeping unconstitutional powers.

Detaining, harshly interrogating, and prosecuting alleged suspects and collaborators. Including US citizens.

Holding them indefinitely in military prisons. Charged or uncharged. Without trials. Denying habeas and other constitutional protections.

Obama continuing what Bush began. "Unlawful enemy combatants" became "unprivileged enemy belligerents."

Lawlessness maintained. Guantanamo remains open. Despite Obama's pledge to close it within 12 months of taking office.

His January 22, 2009, his Executive Order saying:

"By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to effect the appropriate disposition of individuals currently detained by the Department of Defense at the Guantánamo Bay Naval Base (Guantánamo) and promptly to close detention facilities at Guantánamo, consistent with the national security and foreign policy interests of the United States and the interests of justice..."

Promising "immediate review of all" detainees within 30 days. "Humane standards of confinement."

He lied. He's a serial liar. Breaking every major promise made. Guilty of the highest of high crimes. Continuing unabated.

Including torture. Other forms of ill-treatment and abuse. Enforced MCA lawlessness.

Sweeping police state powers. Scrapping habeas protection. For US citizens and non-citizens alike. Rights dating back to the 1215 Magna Carta.

MCA remains the law of the land. Stating "(a)ny person is punishable...who...aids, abets, counsels, commands, or procures..." In so doing helps a foreign enemy.

Provides "material support" to alleged terrorist groups. Engages in spying. Commits other offenses previously handled in civil courts.

Targeted suspects are pronounced guilty by accusation. Innocence is no defense. No credible evidence needed.

Key provisions authorize secret detentions. Indefinite ones. With or without charges or trials.

Torture. Against anyone. By presidential diktat. Denying detainees international law protection. Constitutional ones for US citizens.

Letting presidents convene military commissions by diktat. Letting torture coerced confessions be used as evidence at trial. Despite Supreme Court decisions calling them illegal.

Permitting hearsay and so-called secret evidence. Manufactured out of whole cloth.

Congress and Obama authorized indefinite detentions. With or without charges or trial.

Permitting so-called enhanced interrogation methods. Torture by any standard. Targeting anyone based solely on suspicions, baseless allegations or none at all.

Potentially affecting anyone anywhere. US citizens and foreign nationals alike. Giving presidents unchecked authority. Rule by diktat.

Targeting anyone accused of potentially posing a threat. Subjecting them to harsh interrogation methods. Torture by any standard. Worse than anything at Abu Ghraib.

At currently operating global black sites. Methods still used include long term isolation (sensory deprivation).

Water-boarding. Beatings. Including with electric cables. Electro-shocking. Sleep deprivation.

Chained naked. In painful stress positions. In intense heat or extreme cold. For extended periods. Causing excruciating pain.

Hooded, slapped, kicked, punched and dragged naked down a long corridor. Bombarded with deafening sounds. Round the clock for weeks.

Thrown against walls forcefully. A procedure called walling. Ceiling suspension so toes barely touch the ground. Confinement in coffin-like boxes. Rectal hydration.

Force-feeding hunger strikers for justice. Causing excruciating pain. Torture by any standard.

To extract confessions, detainees told “(w)e’re not going to kill you. But we’re going to take you to the brink of death and brought back.” Repeatedly.

Earlier Supreme Court decisions ruled torture extracted confessions illegal. *Brown v. Mississippi* (February 1936) saying “(t)he rack and torture chamber may not be substituted for the witness stand.”

Fisher v. State (November 1926) stating:

“Coercing the supposed state’s criminals into confessions and using such

confessions so coerced from them in trials has been the curse of all countries. It was the chief iniquity, the crowing infamy of the Star Chamber (the notorious 15 – 17th century English court), and the Inquisition, and other similar institutions. The Constitution recognized the evils that lay behind these practices and prohibited them in this country... (W)herever the court is clearly satisfied such violations exist, it will refuse to sanction such violations and will apply the corrective.”

In other words, torture extracted confessions are illegal. Inadmissible at trial.

Evidence obtained through FOIA requests showed few Guantanamo detainees committed violent acts. Or other crimes.

Around 95% were sold for bounty – \$5,000 per claimed Taliban; \$25,000 for alleged Al Qaeda members.

Including young children. Tortured like adults. Suspects held at secret black sites. Isolated. Denied legal help. Or family contacts.

Obama continues what Bush began. ACLU director Anthony Romero saying earlier he “utterly failed” to uphold humanitarian and human rights laws.

Authorizing “indefinite detention without charge or trial, as well as illegal military commissions...” Breaching his promise “to close Guantanamo...” Imprisoning scores of innocent victims.

The Center for Constitutional Rights (CCR) compiled damning evidence of Guantanamo detainees subjected to “torture and cruel, inhuman, and degrading treatment.”

Most detainees held in brutalizing solitary confinement. “Virtually none” ever charged or tried.

Many remaining prisoners are zombie-like. Resembling the living dead. Appalling treatment continues out of sight and mind. Media scoundrels say nothing.

UK-based Reprieve investigates, educates and litigates on behalf of injustice victims. Executive Director Clare Algar commented on the Senate Intelligence Committee’s torture report, saying:

It’s “a good start, but...far from the whole picture. The names of many victims of rendition and torture are absent... (N)ot least that of Khadija al Saadi, who was just 12 years old when she was ‘rendered’ along with her entire family to Gaddafi’s Libya, in a joint CIA – MI6 operation. She, her younger brothers and sister, and so many others are still owed an apology. Instead, those responsible for signing off on her abuse are feted on book tours and chat shows. We are still a long way from acknowledging the horrors of the CIA’s torture programme, and achieving real accountability. We already know the UK was up to its neck in the CIA’s rendition and torture programme. Yet the British Government continues to fight against real accountability in the UK courts, and have broken its promise to hold an independent, judge-led inquiry into (its) role in CIA torture. This is not the behaviour of a government committed to transparency and democratic accountability.”

Center for Constitutional Rights (CCR) legal director Baheer Azmy issued the following statement, saying:

"The long-delayed Senate report proves what we have been saying since 2006: that the CIA engaged in a sophisticated program of state-sanctioned torture, notable for its elaborate planning and ruthless application. We have witnessed firsthand the devastating human consequences in meetings with our clients at Guantanamo. The report also exposes the CIA's lies about how the program operated and the utility of the information obtained: False claims about the usefulness of that information were used to justify and cover up monstrous crimes. We renew our demand for accountability for those individuals responsible for the CIA torture program. They should be prosecuted in US courts; and if our government continues to refuse to hold them accountable, they must be pursued internationally under the principles of universal jurisdiction."

ACLU executive director Anthony Romero issued a statement saying:

"This is a shocking report, and it is impossible to read it without feeling immense outrage that our government engaged in these terrible crimes. This report definitively drags into the light the horrific details of illegal torture, details that both the Bush and Obama administrations have worked hard to sweep under the rug. The government officials who authorized illegal activity need to be held accountable. The administration's current position - doing absolutely nothing - is tantamount to issuing tacit pardons. Tacit pardons are worse than formal ones because they undermine the rule of law. The CIA's wrongful acts violated basic human rights, served as a huge recruiting tool for our enemies, and alienated allies world-wide. Our response to the damning evidence in this report will define us as a nation. This should be the beginning of a process, not the end. The report should shock President Obama and Congress into action, to make sure that torture and cruelty are never used again. The Department of Justice needs to appoint a special prosecutor to hold the architects and perpetrators of the torture program accountable for its design, implementation, and cover-ups. Congress must assert its constitutional role in the system of checks and balances, and oversee the CIA, which in this report sounds more like a rogue paramilitary group than the intelligence gathering agency that it's supposed to be. The president needs to use the moral authority of his office to formally recognize both the torture program's victims and those in government who resisted this shameful and illegal policy."

Torture extracted information produced no valuable intelligence. None! Former CIA directors George Tenet, Michael Hayden and others lied claiming otherwise. Calling innocent victims "terrorists."

A joint statement saying in part:

"The Senate Intelligence Committee's report...missed (an) opportunity to deliver a serious and balanced study of an important public policy question. The committee has given us instead a one-sided study marred by errors of fact and interpretation - essentially a poorly done and partisan attack on the agency that has done the most to protect America after the 9/11 attacks."

CIA operatives ignore fundamental rule of law principles. Remain unaccountable.

Rewarded for committing high crimes too serious to ignore. Gestapo-like and then some.

Revealing America's dark side. Ruthless by any standard. Torture continuing out of sight and mind.

Accountability nowhere in sight. Obama forbids it. Justice remains denied.

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