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## **USA: CALL FOR HUMAN RIGHTS VETTING AS DEPUTY CIA DIRECTOR ANNOUNCED**

On 2 February 2017, the Director of the Central Intelligence Agency (CIA), Mike Pompeo, announced that President Donald Trump had selected Gina Haspel to be the new Deputy Director of CIA.

The announcement noted that Gina Haspel joined the agency in 1985 and had held “numerous senior leadership positions at CIA, including as Deputy Director of the National Clandestine Service, Deputy Director of the National Clandestine Service for Foreign Intelligence and Covert Action, Chief of Staff for the Director of the National Clandestine Service, and in the Counterterrorist Center.” It also stated that Gina Haspel has “extensive overseas experience and served as Chief of Station in several of her assignments.” The statement did not elaborate on this.

This post does not require Senate confirmation.

Amnesty International neither supports nor opposes the appointment of particular individuals to government positions when they are not reasonably suspected of crimes under international law. At the same time, the organization calls on government to thoroughly vet candidates in regard to any human rights concerns arising from their prior conduct. Anyone against whom there is admissible evidence of involvement in crimes under international law should be brought to trial in proceedings that fully comply with international fair trial standards.

For anyone who is already in post, he or she should be removed in the event that their involvement in crimes under international law is established.

Gina Haspel’s previous positions at the CIA during a time that crimes under international law are known to have been committed raise some serious questions. Of particular relevance here, as noted in the CIA Director’s statement, these positions included Chief of Staff for the Director of the National Clandestine Service and Chief of Staff to the Director of the Counterterrorist Center. In addition, and of very particular concern, it is reported that she was Chief of Station in Thailand in 2002.

After the attacks of 11 September 2001, the USA turned to committing multiple violations of international human rights in what it dubbed the “war on terror”. Among other things, the CIA operated a secret detention and interrogation programme under authority granted to the agency by President George W. Bush on 17 September 2001.

Scores of individuals were held in the programme, hallmarks of which came to include torture, enforced disappearance, and impunity for those responsible for these crimes under international law.<sup>1</sup> Those whom Amnesty International believes should be subjected to criminal investigation in relation to this programme include former President Bush himself.<sup>2</sup>

The CIA operated secret detention facilities, which it called “black sites”, in various countries. The locations for these sites has not been confirmed by the US authorities, except in the case of Guantánamo Bay in Cuba where the CIA held detainees in secret in 2003 and 2004. Other locations are believed to include Afghanistan, Thailand, Poland, Romania, Morocco and Lithuania.

The alleged Thailand “black site” operated from April to December 2002. The first detainee to be taken there was Zayn al Abidin Muhammad Husayn, also known as Abu Zubaydah. He was subjected to torture and other ill-treatment at the facility, as well as to enforced disappearance. A second detainee, ‘Abd Al-Rahim Hussein Muhammed al-Nashiri, was taken to the site in November. Both were transferred out of the site in December 2002 and secretly transferred to another “black site”, believed to be in Poland.

Both men are still in US custody, at Guantánamo, where they have been since early September 2006. A medical expert who has examined ‘Abd al-Nashiri has concluded that he “suffers from complex posttraumatic stress

<sup>1</sup> USA: Crimes and impunity: full Senate Committee report on CIA secret detentions must be released, and accountability for crimes under international law ensured, April 2015, <https://www.amnesty.org/en/documents/amr51/1432/2015/en/>

<sup>2</sup> USA: Bringing George W. Bush to justice: International obligations of states to which former US President George W. Bush may travel, November 2011, <https://www.amnesty.org/en/documents/AMR51/097/2011/en/>

disorder as a result of extreme physical, psychological, and sexual torture inflicted upon him by the United States. Indeed, in my many years of experience treating torture victims from around the world, Mr Al-Nashiri presents as one of the most severely traumatized individuals I have ever seen”.<sup>3</sup>

It is reported that at that time, Gina Haspel was the Chief of Station in Thailand, and to have overseen the “black site” there, at the time these two men were held and tortured there in 2002.

From late 2005, José Rodriguez became head of the CIA’s newly-established National Clandestine Service and before that, from spring 2002, he was director of the Counterterrorist Center, the branch of the CIA delegated by its then Director George Tenet to run the detention program. In his 2012 memoirs, José Rodriguez asserts that “I was responsible for helping develop and implement the Agency’s techniques for capturing the world’s most dangerous terrorists and collecting intelligence from them, including the use of highly controversial ‘enhanced interrogation techniques’.”<sup>4</sup>

In his memoirs, Rodriguez confirmed what had already been revealed during litigation under the Freedom of Information Act, namely that it was he who approved the destruction in November 2005 of videotapes of CIA interrogations at the “black site”, believed to be in Thailand, including recordings of “water-boarding”.<sup>5</sup> The destruction of the tapes may have concealed crimes by state agents. Concealing evidence of a crime may constitute criminal complicity. Complicity in torture is expressly recognised as a crime under international law. In 2010, however, the US Department of Justice announced that no-one would be prosecuted for the destruction of the tapes.<sup>6</sup> Amnesty International considers that Rodriguez’s own admissions of his role in a program in which detainees were subjected to enforced disappearance and interrogation techniques and conditions of detention that violated the prohibition of torture and other ill-treatment, and his admission that he ordered the destruction of the interrogation tapes, warrant the opening by the US authorities of a criminal investigation into his involvement.

It is also reported that Gina Haspel was involved in the destruction of the interrogation tapes.

As a US federal judge noted in 2011, following his close scrutiny of the litigation around the CIA’s destruction in 2005 of the videotapes of Abu Zubaydah’s and Abd al-Nashiri’s interrogations: “news accounts suggest the interrogation sessions took place at a facility in Thailand.”<sup>7</sup>

President Obama terminated the CIA programme in 2009, but his administration blocked accountability, remedy and truth in relation to the human rights violations committed in it. The findings of a Senate Select Committee on Intelligence review of the programme, contained in a 6,000+ page report, remain classified top secret. Such secrecy serves to block accountability and remedy, and also contradicts the USA’s obligations to ensure the full truth about human rights violations.

On 2 February 2017, Senator Ron Wyden and Senator Martin Heinrich wrote to President Trump, stating:

“We write to express our concern at the announcement today that Ms. Gina Haspel has been named as the Deputy Director of the CIA. Her background makes her unsuitable for the position. We are sending separately a classified letter explaining our position and urge that the information in that letter be immediately declassified.”

These Senators are both members of the Senate Select Committee on Intelligence.

In an interview on 25 January 2017, President Trump voiced support for torture, while stating that he would “rely” upon Secretary of Defense James Mattis, CIA Director Mike Pompeo, and others in deciding whether the USA should use torture. He said he was “a little surprised” when General Mattis told him “he’s not a believer in torture”, but added that he had “spoken to others in intelligence. And they are big believers in, as an example, waterboarding”.<sup>8</sup>

UN treaty monitoring bodies have repeatedly called on the USA to comply with its international law obligations to properly investigate the crimes under international law associated with the former CIA detention and interrogation programme and to bring those responsible to justice.

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<sup>3</sup> USA: Broken promises: Failure to close Guantánamo is part of a deeper human rights deficit, January 2017, <https://www.amnesty.org/en/documents/amr51/5433/2017/en/>

<sup>4</sup> José A. Rodriguez, Jr., *Hard measures: How aggressive CIA actions after 9/11 saved American lives*. Threshold Editions (2012). Preface, ‘Who I am’. See also, ‘I ran the CIA interrogation program. No matter what the Senate report says, I know it worked.’ Jose A Rodriguez, Jr., *Washington Post*, 4 April 2014, [http://www.washingtonpost.com/opinions/i-ran-the-cia-interrogation-program-no-matter-what-the-senate-report-says-i-know-it-worked/2014/04/04/69dd4fae-bc23-11e3-96ae-f2c36d2b1245\\_story.html](http://www.washingtonpost.com/opinions/i-ran-the-cia-interrogation-program-no-matter-what-the-senate-report-says-i-know-it-worked/2014/04/04/69dd4fae-bc23-11e3-96ae-f2c36d2b1245_story.html)

<sup>5</sup> *Hard measures*, *Op. cit.*, especially pages 183-196.

<sup>6</sup> See USA: Another door closes on accountability. US Justice Department says no prosecutions for CIA destruction of interrogation tapes, 10 November 2010, <http://www.amnesty.org/en/library/info/AMR51/104/2010/en>

<sup>7</sup> *ACLU et al v. Department of Defense, et al*. Opinion and order denying motion to hold defendant Central Intelligence Agency in civil contempt. US District Court for the Southern District of New York, 5 October 2011.

<sup>8</sup> See In First TV Interview, President Trump Says Torture ‘Absolutely’ Works, [https://www.democracynow.org/2017/1/26/in\\_first\\_tv\\_interview\\_president\\_trump](https://www.democracynow.org/2017/1/26/in_first_tv_interview_president_trump)