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USA: Torture in the name of ‘civilization’

President Bush vetoes anti-torture legislation

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Make no mistake: every regime that tortures does so in the name of salvation, some superior goal, some promise of paradise. Call it communism, call it the free market, call it the free world, call it the national interest, call it fascism, call it the leader, call it civilization, call it the service of God, call it the need for information...

Ariel Dorfman, May 2004

On 2 December 2002, US Vice President Dick Cheney said, “Since the hour of the attacks on September 11th, our country has been fighting an unprecedented kind of war.... As the President has said, this is a fight to save the civilized world.” On the same day, Secretary of Defense Donald Rumsfeld signed a memorandum authorizing the authorities at Guantánamo to use interrogation techniques that included stress positions, isolation, sensory deprivation, hooding, removal of clothing, and exploiting the individual phobias of detainees, such as fear of dogs.

Asked in an interview on 14 February 2008 whether he could say, after all the revelations about US detentions in the “war on terror”, that the USA “occupies the moral high ground”, President George W. Bush replied that he could. “Absolutely”, he said, “We believe in human rights and human dignity”. Ten days earlier, the Director of the Central Intelligence Agency, General Michael Hayden, had confirmed that among the “enhanced” interrogation techniques used by the CIA as part of its secret detention program had been “waterboarding” – a form of torture that simulates drowning. Then on 8 March 2008, President Bush vetoed legislation aimed at preventing the agency from using this and other “enhanced” techniques again. In a national radio address, he said that “we need to ensure our intelligence officials have all the tools they need to stop the terrorists”.

Speaking on the eve of the veto, Vice President Cheney said: “We’ve interrogated high-value detainees, and gotten information that has saved American lives... The war on terror is a battle for the future of civilization... [O]ur purposes are right and just. We stand for the highest ideals: liberty and equality; the dignity of the individual; and representative government.”

Half a century ago, Jean-Paul Sartre wrote that torture “is a plague infecting our whole era... Disavowed – sometimes very quietly – but systematically practised behind a façade of democratic legality, torture has now acquired the status of a semi-clandestine institution... It is up to us to clean out our own backyard, and try to understand what has happened *to us*, the French.” Sartre’s words appeared in his preface to the account by Henri Alleg, the editor of an Algerian newspaper, of torture at the hands of French paratroops during his secret detention in Algiers in mid-1957. Among other brutalities, Henri Alleg was subjected to the form of water torture that has become known in the USA as waterboarding:

“When everything was ready, [the interrogator] said to me: ‘When you want to talk, all you have to do is move your fingers.’ And he turned on the tap. The rag was soaked rapidly. Water flowed everywhere: in my mouth, in my nose, all over my face. But for a

while I could still breathe in some small gulps of air. I tried, by contracting my throat, to take in as little water as possible and to resist suffocation by keeping air in my lungs for as long as I could. But I couldn't hold out for more than a few moments. I had the impression of drowning, and a terrible agony, that of death itself, took possession of me. In spite of myself, all the muscles of my body struggled uselessly to save myself from suffocation. In spite of myself, the fingers of my two hands shook uncontrollably. 'That's it! He's going to talk,' said a voice."¹

Some 45 years later, Abu Zubaydah, Khalid Sheikh Mohammed and Abd al-Rahim al-Nashiri were waterboarded in secret CIA custody in order to get them to "talk". In a policy memorandum on detentions issued not long before they were tortured, President Bush had asserted that the USA would treat detainees "humanely", "including those who are not legally entitled to such treatment". Such people, of course, do not exist. Everyone has the legal right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Every government official, every soldier, every interrogator, every intelligence agent, every contractor – everywhere – is bound by this legal prohibition. No exceptional circumstances whatsoever, including a state of war, threat of war, or any public emergency of any kind, can be invoked as justification for torture. The same goes for enforced disappearance. Both are crimes under international law. The USA has turned to both in its "war on terror".

The US government is now moving towards the possibility of executions after show trials of those it has subjected to systematic human rights violations. Six detainees who have all been subjected to enforced disappearance or torture, or both, are facing a joint trial by military commission at which the government wants to pursue the death penalty. Confirming the existence of the CIA's secret detention program in September 2006 and calling on Congress to authorize him to convene military commissions, President Bush had said "We're engaged in a global struggle – and the entire civilized world has a stake in its outcome."

Vetoing the intelligence authorization bill on 10 March 2008, the President said he remained committed to the CIA detention program "that complies with our legal obligations and our basic values as a people". His reference to "the people" calls to mind Henri Alleg's appeal at the end of his torture account: "All this, I have had to say for those Frenchmen who will read me. I want them to know that the Algerians do not confuse their torturers with the great people of France, from whom they have learnt so much and whose friendship is so dear to them. But they must know what is done IN THEIR NAME". In an interview in 2007, Henri Alleg, now 86 years old, said that no-one who had undergone waterboarding could say it was not torture. He added that "all tortures are illegal, and it is unacceptable for a civilized country today."

Perhaps the US administration is today working with the notion that if something is repeated often enough people may come to believe it. Deny enough times that waterboarding and other "enhanced" interrogation techniques are torture, repeatedly call them "lawful", reiterate at every possible opportunity that their use has "saved innocent lives", and perhaps people may be persuaded that their government is on the right side of morality and legality. Perhaps, if the government is successful, those so persuaded may include military judges assigned to oversee military commission trials at Guantánamo. If so, even statements extracted under water torture will be rendered admissible in a system set up as part of a detention regime designed to avoid independent judicial scrutiny of government action.

In his 14 February 2008 interview, President Bush suggested that "history will judge the decisions made during this period of time as necessary decisions". Amnesty International suggests that history will not look favourably on enforced disappearances, torture or unfair trials. Or those who authorized them.

¹ Henri Alleg. *The Question*. John Calder Publishers Ltd (1958).