

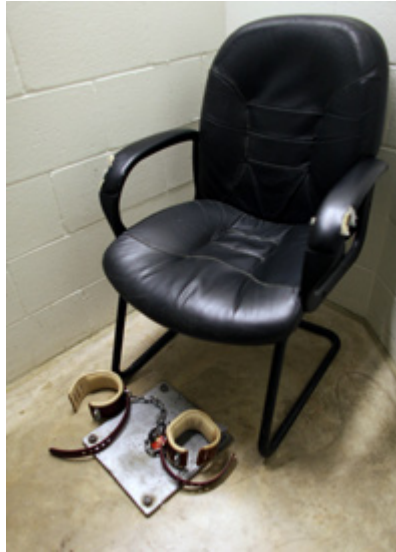


Written by [Thomas R. Eddlem](#) on August 26, 2009

CIA Torture Investigation Declassified

The declassification of the CIA Inspector General's report on torture of detainees provided more hard evidence of what most Americans already knew: the CIA engaged in a pattern of felony torture against detainees in their custody in the "war on terror."

The essence of the CIA policy of EIT (Extraordinary Interrogation Techniques) was to cause the most pain possible without leaving a mark, i.e., to torture them, though the CIA often failed to accomplish the last part of that goal. In [at least a dozen cases \(and possibly many more\)](#), CIA interrogators left more than a mark — they left a corpse.



The [CIA IG report](#) focused upon several of the high-value detainee interrogations and found widespread instances of violations of the felony torture statute. CIA interrogators threatened Abd al-Rahim Al-Nashiri with immediate execution by a handgun that had been used in an adjacent cell. They also threatened his family, saying "that if he did not-talk," "We could bring your mother in here," and, "We can bring your family in here." Khalid Sheik Mohammad's family was also threatened with death. He was told: "We're going to kill your children" if you don't talk.

The U.S. felony torture statute [explicitly prohibits these interrogation techniques as a form of torture](#), explaining that "torture" includes "the threat of imminent death; or the threat that another person will imminently be subjected to death, severe physical pain or suffering."

While Attorney General Eric Holder [appointed](#) Assistant Deputy Attorney General John Durham August 24 to investigate torture by CIA interrogators, Durham's mandate to investigate torture was limited to CIA interrogators who went beyond the unbelievably lax guidelines set out by the Bush administration. But Physicians for Human Rights has persuasively argued that the lax Bush guidelines and lack of accountability actually led by design to the widespread "innovation" of torture techniques used by CIA agents around the world. The group argued in a [report Broken Lives](#) that:

The permissive environment created by implicit and explicit authorizations by senior US officials to "take the gloves off" encouraged forms of torture even beyond the draconian methods approved at various times between 2002 and 2004. In an environment of moral disengagement that countenances authorized techniques designed to humiliate and dehumanize detainees, it is not surprising that other forms of human cruelty such as physical and sexual assault were practiced. The fact that these unauthorized torture practices happened over extended periods of time at multiple US detention facilities suggests that a permissive command environment existed across theatres and at several levels in the chain-of-command. This climate allowed both authorized and unauthorized techniques to be practiced, apparently without consequence.

The group has some serious former Bush administration back-up in this analysis. Retired two-star General Anthony Taguba, who was charged with overseeing the Abu Ghraib abuse investigation in 2004, [agrees](#) that "the Commander-in-Chief and those under him authorized a systematic regime of



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torture." Taguba [argues](#) that additional proof of a widespread policy of torture is unnecessary:

After years of disclosures by government investigations, media accounts, and reports from human rights organizations, there is no longer any doubt as to whether the current administration has committed war crimes. The only question that remains to be answered is whether those who ordered the use of torture will be held to account.

But the man who was for eight years just a heartbeat away from the top law enforcement job in the country, former Vice President Dick Cheney, has taken a much more lax attitude toward the widespread commission of felony torture under his watch. "The people involved deserve our gratitude," Cheney [stated publicly](#) August 24 as the CIA report was released. "They do not deserve to be the targets of political investigations or prosecutions."

A handful of other neo-conservatives have also crawled out of the sewers to defend an executive branch that is above the law. Long Island Republican Congressman Peter King of New York went even further than Cheney to defend CIA torture. "It's bulls***," King [said](#) of Durham's appointment. "It's disgraceful. You wonder which side they're on." One would hope, a reply could be given to King, that the Obama administration is on the side of the rule of law. King obviously isn't.

It's understandable that Cheney would publicly condemn the investigation, since the chain of responsibility points primarily to him personally on this issue. Cheney's own hide could — and should — be on the line in any meaningful investigation of torture. The last thing the nation needs is a series of fall guys within the CIA to take the blame for law-breaking politicians who would be immunized from their crimes.

The current torture investigation is not unlike the beginning of the movie [A Few Good Men](#), with the exception that Dick Cheney and George Bush don't have the combat experience Jack Nicholson's character had in the movie. President Bush and Vice President Cheney ordered the "code red" — in this case, the torture — and they are the ones who are primarily responsible for the violations of law and should bear the brunt of the punishment for the crimes.

The lawyer appointed to conduct the investigation in *A Few Good Men*, Lt. Daniel Kaffee (played by Tom Cruise), was appointed because higher-level officials believed he would unwittingly assist in the cover-up of the crime. So it is with John Durham, who's mandate was only to investigate unapproved torture, as opposed to officially approved torture. Attorney General Holder [stated](#) at Durham's appointment that "the Department of Justice will not prosecute anyone who acted in good faith and within the scope of the legal guidance given by the Office of Legal Counsel regarding the interrogation of detainees."

The limited appointment of Durham to head a "preliminary review" — instead of drawing up a series of indictments based upon what Taguba notes is an overwhelming body of evidence proven by "years of disclosures by government investigations, media accounts, and reports from human rights organizations" — means that the cover-up is being designed from the top.

The nation should hope that John Durham, like Lt. Kaffee in the movie, ruins the official script and is up to the task.

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