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Still Torture After All These Years

By John Laforge
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Thomas Buergethal, 81, was a judge for the International Criminal Court (ICC) for 10 years. Last July he said the architects of systematic torture in the G.W. Bush Administration, Dick Cheney in particular, will eventually be prosecuted. Last year, President Obama also stated, “we tortured some folks,” which is an admission to both a federal crime under the Federal Torture Act and a violation of the UN Convention against Torture.

Judge Buergenthal told *Newsweek*, “Some of us have long thought that Cheney, and a number of CIA agents who did what they did in those so-called black [sites], should appear before the ICC.” As if to taunt the Fates, Cheney has said, “I’d do it again in a minute” when asked about the use of torture.

Additionally, according to two Senate reports, one in 2009 from the Armed Services Committee and one in 2014 from the Intelligence Committee, the American Psychological Association (APA) acted in the Bush/Cheney torture program as enablers. Singled out by name were psychologists James Mitchell and Bruce Jessen, who designed U.S. military and CIA torture methods and “were instrumental in persuading the CIA to adopt stress positions, temperature and dietary manipulation, sleep deprivation and waterboarding in interrogations,” the Guardian reports.

The APA asked U.S. attorney David Hoffman to investigate complaints by some of its members over “collusion with the Bush administration to promote, support or facilitate” torture. The APA’s strict code of conduct forbids its members from aiding in the torture, although the rules permit involvement with military interrogations. In July, Hoffman completed his report and the APA’s ethics chief Stephen Behnke – who stifled internal dissent over the collusion, suppressed ethics complaints, and manipulated membership resolutions and voting – quickly resigned.

The U.S. government knows who committed the crimes – and who destroyed videotape evidence – but Obama refuses to prosecute and his administration stands accused of actively hampering investigations into secret CIA torture sites. In fact, the only CIA officer ever prosecuted in this ongoing scandal was John Kiriakou. In 2007, he was imprisoned for two years *for divulging the truth* about the CIA torture. The agents breaking the laws remain free.

Both Kiriakou and Jihad Ahmed Mujstafa Diyab are owed official pardons by Obama. Diyab is a Syrian who has been imprisoned at Guantanamo Bay since 2002. He was cleared for release – without being accused of a crime – in 2009 but remains imprisoned. Diyab is being brutalized by the “force-feeding” because of his long-lasting hunger strike. Steven Miles, a University of Minnesota Professor of Medicine, told the *New York Times* that being strapped into a restraint chair and having a tube pushed into your nose and down to your stomach is painful to endure. Dr. Miles says the prison has turned force-feeding into “a penal strategy dressed up to look a medical procedure.” A lawyer for Diyab, Eric Lewis, told a federal court last October that the force-feeding constitutes torture because it inflicts “additional and gratuitous suffering” in order to compel prisoners to stop nonviolent protesting.

The UN Human Rights Committee has called for further investigations into the “unlawful killings and the use of torture in overseas operations” used by the U.S. The UN Committee against Torture has raised concerns over current interrogation rules used by the U.S., its failure to fully investigate allegations of torture, and the “draconian system of secrecy” and indefinite detention without charge or trial at Guantanamo Bay.

A full accounting and criminal investigation of the torture regime must be made, including disclosure of videotapes of CIA interrogations under Bush and of force-feeding under Obama. There is no other way to demonstrate that law binds U.S. presidents, to ensure that such crimes are not repeated, to recover the right to condemn torture by other states, and to reduce the

chances that captured U.S. soldiers will not be tortured using the same sickening rationale that Cheney still spews on Sunday talk shows.