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Liberty Beat

The CIA's 'Black Sites'

What are we going to do with the secret prisoners who cannot be tried in our courts?

by Nat Hentoff

The CIA's top counterterrorism official [Robert Grenier] was fired last week because he opposed detaining Al Qaeda suspects in secret prisons abroad, sending them to other countries for interrogation, and using forms of torture such as "waterboarding," [making a prisoner believe he is about to be drowned] intelligence sources have claimed. *The Sunday Times*, London, February 12

For more than three years, I've been reporting on what has been increasingly, but fragmentarily, revealed about secret CIA prisons around the world. On September 17, 2001, the president, in a classified order, gave the CIA these "special powers" (as Attorney General Alberto Gonzales agreed during his confirmation hearings).

These "black sites"—as they are called in CIA, White House, and Justice Department files— escaped attempted congressional oversight until December 2005. But in the National Defense Authorization Act, the Senate finally called for regular reports on where those prisons are, what plans there are for the ultimate release of their prisoners, and "a description of the interrogation procedures used." Ted Kennedy and John Kerry introduced the resolution.

A similar December requirement was passed by the House (226 to 187) in a nonbinding resolution to urge the House and Senate negotiators to shine a shaft of sunlight on these "dark sites" in the final National Defense Authorization Act for 2006. But secretly, both the Senate and House resolutions were killed by the conference committee.

This February, Human Rights Watch, the ACLU, Human Rights First, and Amnesty International urged the House International Relations Committee to support three new resolutions of inquiry into American use of torture, citing the fact that "there is still a strong perception in many parts of the world that the United States continues to facilitate or willfully ignore torture by rendering individuals to countries where they are likely to be tortured, and by holding detainees in secret locations closed to the International Committee of the Red Cross." (Emphasis added.)

But on February 10, in a party line vote, the House International Relations Committee defeated all three resolutions.

There has been hardly any notice in the press or anywhere else about these congressional setbacks as part of the Bush administration's continued success

in suppressing news of what actually goes on in those "black sites" in the name of the United States and its citizens.

As I have noted in previous columns, there has been a debate for more than two years inside the CIA about the legality of these secret prisons and how to eventually dispose of the prisoners. They cannot be tried in American courts because they have been wholly denied due process under our constitution and so are wrongfully held.

Two years ago, FBI veteran Jack Cloonan, who had been the senior agent on the FBI's bin Laden squad in New York and later was in charge of investigating Al Qaeda master planner Khalid Shaikh Mohammed (now in some CIA "black site"), asked on ABC's Nightline:

"What are we going to do with these people [in the CIA secret cells]? . . . Are they going to disappear? Are they stateless? . . . What are we going to explain to people when they start asking questions about where they are? Are they dead? Are they alive? What oversight does Congress have?"

The present answer to Jack Cloonan's last question is this: There is no congressional oversight. Congress has been blocked—by its Republican leadership, the president, Donald Rumsfeld, and CIA chief Porter Goss—from having any oversight at all. The constitutional separation of powers has also fallen into a black hole.

There is, however, a quick look into one of those secret prisons in a December 19, 2005, Human Rights Watch report, "U.S. Operated Secret 'Dark Prison' in Kabul."

Eight "detainees" now being held at Guantánamo, another extralegal U.S. prison, have told their attorneys what it was like when they were individually held, at various times between 2002 and 2004, in a secret U.S. facility for more than six weeks before being transferred to Guantánamo. That secret prison was apparently closed after the transfer. This is their story, as told in the HRW report:

"The detainees, who called the facility the 'dark prison' or 'prison of darkness,' said they were. . . shackled to rings bolted into the walls of their cells, deprived of food and drinking water. . . for days at a time . . . and kept in total darkness with loud rap, heavy-metal music, or other sounds blaring for weeks at a time. . . . Some detainees said they were shackled in a manner that made it impossible for them to lie down or sleep."

One of the prisoners added that he was put in "an underground place," and "during the interrogations, he says, an interrogator threatened him with rape."

Ethiopia-born Benyam Mohammed, who grew up in Britain, told his attorney, in English, "[At one point] I was chained to the rails [of my cell] for a fortnight. . . . The CIA worked on people, including me, day and night. . . . Plenty lost their minds. I could hear people knocking their heads against the walls and the doors, screaming their heads off."

Bush, Rumsfeld, Gonzales, et al. regularly intone, in chorus, that the U.S. does not torture and always acts within the law. But if the fearful facts in the darkness in those CIA prisons are ever documented by an independent prosecutor in a future administration, it will finally be proved that, as Human Rights Watch emphasizes, the CIA is responsible—along with the president who gave it "special powers"—for "serious violations of U.S. criminal law, such as the War Crimes Act and the Anti-Torture Statute. . . . The mistreatment of detainees also violates the [International] Convention Against Torture and the International Covenant on Civil and Political Rights, both of which the United States has ratified, and the laws of war."

There is a rising focus around the country on this year's midterm elections. During the campaigning, will there be any mention of the screams in the CIA's underground prisons of darkness? And if there is, how many Americans will care enough to be repelled by their own silent, passive complicity in the growing moral darkness of this nation's leadership?