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Secretary General, Kazuko Ito

For Immediate release

Upper house reveals the CIA's "enhanced interrogation techniques":

The Obama administration should investigate and prosecute the former personnel who involved in the reported grave human rights violations

1. In December 2014, the Senate Select Committee on Intelligence of the United States released an executive summary on the Central Intelligence Agency's "Detention and Interrogation program", revealing the CIA's numerous brutal tortures clearly against the international law practiced after 9/11. Although the media has brought up the CIA's secret detention and interrogation before, it is the first time ever for a part of the Senate's report to be made public.

Human Rights Now (HRN), a Tokyo-based international human rights NGO, demands the Obama Administration to ensure accountability by prosecuting high government officials of the Bush Administration including the CIA (officials) who were involved in these grave human rights violation, and implement effective measures to prevent against future use of torture.

2. According to the report, the CIA detained at least 119 individuals in secret detention facilities, of whom at least 26 had been found to have no connection with terrorist activities. It is further reported that at least 39 individuals of 119 detained were subjected to the CIA's enhanced interrogation techniques.¹

Labelled as "enhanced interrogation techniques", the report portrays that the 2001 – 2007 detention and interrogation program used techniques such as; sleep deprivation, waterboarding, facial slap, stress positions, use of insects, cramped confinement, and complete isolation. Interrogations techniques were repeatedly used in a combination, and often while a detainee was naked, sleep deprived, or severely starved. It is evident that these acts constitute as torture which is against the laws of the United States of America, the Convention against Torture that the US ratified, and Geneva Conventions.

The Senate reported, for example, that sleep deprivation of detainees had involved prisoners kept awake for up to 180 hours, usually standing or in stress positions with their arms shackled above or behind themselves. At least 5 detainees were subjected to "rectal rehydration" or rectal feeding without medical necessity, and numerous detainees subjected to ice water baths. The CIA detainees were kept in complete darkness and continually shackled in isolated cells with loud noise or music, and lack of heat at the facility likely contributed to the death of a detainee. There were several detainees who were threatened that they would never be allowed to leave the facility alive, and that they would kill or rape their families.²

¹ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Finding and conclusion

² Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Finding and conclusion, pp.3-4

3. In the Senate's executive summary, detention, interrogation and torture against only a few of 119 detainees are described.

Abu Zubaydah, one captive who was subjected to "the CIA's enhanced interrogation techniques", was detained for 47 days in complete isolation, and was then tortured for 17 straight days with varying combinations, including 2 to 4 times of waterboarding several times a day.³ Waterboarding distressed him to the level that caused he at least once became completely unresponsive, even losing consciousness.⁴

Moreover, he was locked up in a coffin-sized confinement box for straight 266 hours in total, then locked up in a small confinement box for 29 hours, being threatened that the only way he would leave the facility was in the coffin-shaped box.⁵

Gul Rahman was removed of his clothing and left shackled, after which he likely died from hypothermia.⁶

With respect to Al-Najjar, the CIA indicated interrogation measures such as continuous noise, sleep deprivation, lowering the quality of his food. He was kept shackled and hooded, isolated in total darkness keeping him in cold temperature, and was wearing a diaper due to no access to toilet facilities.⁷

The report found that al-Nashiri was blindfolded, threatened with a gun and drill, like a mockery of execution, without official approval.⁸

One detainee, Abu Hudhaifa, was subjected to ice water baths and standing sleep deprivation for 66 hours before being released after the CIA discovered he was likely not the person whom he was believed to be.⁹

All of these were extremely brutal and inhumane, and it is evident that there are seriously illegal in the light of international law.

Although the Senate has not released the whole report amounting up to 6,700 pages, every illegal act and human rights violation committed against the victims must be clarified.

4. Now that this report was released and the grave human rights violations are revealed, the Obama Administration, especially the Department of Justice should identify responsible persons and prosecute them in criminal procedure in order to pursue justice and accountability.

Of course, the responsible CIA officials are subject to criminal punishment, but high-ranking officials of the Department of Justice and the White House under Bush Administration are also not immune from the decision (on authorizing the torture techniques).

According to the report, the then Deputy Assistant Attorney General John Yoo of the Department of Justice Office of Legal Counsel (OLC), on 13 July 2002, expressed the view that the 12 proposed interrogation techniques were "legal".¹⁰ Also, it is reported that, on 24 July 2002, then Attorney General John Ashcroft approved interrogation techniques including the facial slap, walling, stress positions, sleep deprivation, use of diapers, and use of insects, later even approving the use of waterboarding on 26 July.¹¹ In addition, on 31 July 2002, then National Security Advisor Rice, while expressing her view that she would not object to the above stated techniques if the attorney general determined them to be legal, she did not brief the President about the torture techniques such as waterboarding¹²

³ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, pp.40-42

⁴ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, p.43

⁵ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, p.42

⁶ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, p.54

⁷ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, p.53

⁸ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, pp.68-70

⁹ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, p.16, footnote 32

¹⁰ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, pp.33-34

¹¹ Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, pp.36-37

¹² Senate Select Committee on Intelligence, *Committee Study of the CIA's Detention and Interrogation Program*, Executive Summary, pp.38

The report indicates that there had been no immediate briefing on the interrogation techniques including the waterboard to then Secretary of Defense Donald Rumsfeld nor to then Secretary of State Collin Powell, and that then President Bush had not been briefed until 8 April 2006.¹³

After 9.11, however, “permissible interrogation techniques” have been considered also in the Defense Department, and “the use of stress positions for straight 4 hours, using detainees individual phobias (such as fear of dog), removal of clothing, use of isolation for up to 30 days, the use of 20-hour interrogation, deprivation of light and auditory stimuli, interrogating a detainee in an environment other than the standard interrogation booth (cold weather, smell), sleep deprivation” were determined “permissible”.¹⁴ The then Secretary of Defense Donald Rumsfeld left a comment on the memo approving these interrogating techniques that said “However, I stand for 8-10 hours A day. Why is standing limited to 4 hours?”¹⁵ Although the CIA’s interrogation techniques are more brutal, many of the Pentagon’s interrogation techniques greatly resemble those of the CIA’s.

Further, Former Vice President Cheney, defending the CIA’s interrogation in a TV interview after the executive summary was released, expressed his view that tactics such as waterboarding and rectal rehydration have previously been tested, and stated that the President Bush was likely to know about the CIA’s interrogation techniques.¹⁶

Even if the President Bush first learned about the practiced torture on 8 April 2006, he bears grave responsibility for not investigating or prosecuting, considering that the detention and torture were still continuing on that day. He signed a memorandum that removes application of the Geneva Convention relative to the Treatment of Prisoners of War from combatants of al-Qaeda and Taliban on 7 February 2002 in the first place, and that position was the departure point of torture without brake since 9/11. Human Rights Now (HRN) strongly urges the Obama administration as well as the Department of Justice to, considering the publication of such a summary report by the Upper house, to identify those all the personnel who are responsible for the act of tortures and conduct a criminal prosecution. And necessary remedies must to be taken for all the victims.

Recommendations

Human Rights Now recommends (for)

- The Upper House to release the entire 6700-pages-long report detailing the Central Intelligence Agency’s (CIA) detention and interrogation program.
- The government of the U.S. and the Department of Justice to identify all the high-level government officials who had engaged in, led, and helped the tortures as criminal activities under the previous administration, investigate the criminal responsibilities of each personnel and conduct a criminal prosecution
- The government of the U.S. to take remedial measures to the victims according to the gravity of their sufferings
- The CIA and other European states that conspire detention and the interrogation procedures to disclose all the information they gained and ensure accountabilities
- To hold criminal prosecutions within the US Department of Justice as they have the primary responsibility, yet face investigation and criminal prosecution for their acts by any other country they may travel to due to the universal jurisdiction

¹³ Senate Select Committee on Intelligence, *Committee Study of the CIA’s Detention and Interrogation Program*, Executive Summary, pp.38-40

¹⁴General Council of the Department of Defense (December, 2 2002) , *Action memo*, retrieved from <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/02.12.02.pdf> accessed on Dec. 16th 2014, p.10

¹⁵General Council of the Department of Defense , (December, 2 2002) , *Action memo*, retrieved from <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/02.12.02.pdf> accessed on Dec. 16th 2014, p.1

¹⁶Bloomberg, (114December 2014) <http://www.bloomberg.com/news/2014-12-14/cheney-says-bush-fully-informed-about-cia-interrogation-tactics.html> accessed on Dec. 16th 2014

- The prosecutors of the International Criminal Court, considering the gravity of the matter, to begin investigating the acts of tortures conducted within all the States Parties to the Rome Statute of the International Criminal Court and prosecuting involved personnel accordingly.

Human Rights Now ~Protecting Human Rights for All~

Human Rights Now is a Tokyo based international human rights NGO comprising a body of experienced legal professionals dedicated to protecting and promoting human rights around the world, with a special focus on Asia. The activity includes monitoring/ fact-finding of human rights, human rights education and advocacy work. Human Rights Now has special consultative status with the Economic and Social Council since August 2012.
