

The Washington Times

times.com

MONDAY, NOVEMBER 13, 2006

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Hayden denies reality on interrogations Administration speaks with forked tongue on torture

By Nat Hentoff

Along with the president, CIA Director Michael Hayden was every pleased when the Military Commissions Act of 2006 was passed by Congress and signed into law. Not only is the CIA free to continue its "coercive" interrogations and "secret prisons," but also, said Mr. Hayden to his staff, "We can be confident that our program remains — as it always has been — fully compliant with U.S. law, the Constitution and our international treaty obligations."

This denial of reality by Mr. Hayden is a pristine example of doublespeak — as when White House press secretary Tony Snow said on Oct. 27: "We don't torture, we don't condone torture, we don't do torture." We have heard the same indignant protestations from President Bush, Secretary of State Condoleezza Rice and Vice President Cheney (who acknowledges wryly that he has been described as "the vice presi-

dent for torture" as he dismissed such nonsense). With regard to future likelihood of torture, the Republican-controlled Congress — in passing the Military Commissions Act of 2006 — has given the president considerable leeway in deciding what forms of interrogation are not war crimes under our War Crimes Act and the Geneva Conventions.

Congress' trust in the president was so strong that when Sen. Jay Rockefeller, West Virginia Democrat, offered an amendment to the legislation requiring the CIA to at least keep the Senate and House Intelligence Committees informed about its resourceful techniques on prisoners, the amendment was defeated with only one Republican vote against it, Sen. Lincoln Chafee. Even Mr. Rockefeller finally voted for the Military Commissions Act.

Had there been a public hearing before the Rockefeller amendment was cast aside, the New York-based Center for

Constitutional Rights would have told the illuminating story of its client, Canadian citizen Maher Arar, one of the many victims of the CIA's "extraordinary renditions" by which it sends prisoners — outside of U.S. law — to countries where they've been tortured to extract information.

Canadian intelligence officials had given the CIA what turned out to be false information that Mr. Arar had al Qaeda connections, and he was flown to Syria in a CIA-hired plane. Held for more than 10 months in a cell 7 feet high, 3 feet wide and 6 feet deep, Mr. Arar was viciously tortured continually, and still bears the psychological wounds.

The Syrians finally released Mr. Arar because of total lack of evidence against him. On Sept. 18, after a long, exhaustive investigation, the Canadian government, in a 1,200-

page report, also declared Mr. Arar innocent of any terrorist connections, stating "categorically, there is no evidence" that he was or is a security risk. There was no apology to him from the top level of the Canadian government, but Royal Canadian Mounted Police Commissioner Giuliano Zaccardelli did, at an Ottawa news conference, apologize "for the terrible injustices that you experienced and the pain that you and your family endured."

There has been no apology to Mr. Arar from the CIA or the rest of our government. Indeed, as Sen. Patrick Leahy, Vermont Democrat, said in a Sept. 26 letter to Attorney General Alberto Gonzales: "Public reports indicate that the United States refused to cooperate with the (Canadian) commission" conducting the investigation on Canada's turning Mr. Arar over

to the CIA. And then — in a statement that should shame this country around the world — our chief law enforcer, Mr. Gonzales, actually said, when asked at a press conference if the Department of Justice owes an apology to Mr. Arar:

"We were not responsible for [Mr. Arar's] removal to Syria. I'm not aware that he was tortured, and I haven't read the commission report... He was initially detained because his name appeared on terrorist lists, and he was deported according to our [immigration] laws." (By the way, Mr. Arar is now banned from entering the United States. Why?)

Mr. Gonzales wasn't aware that Mr. Arar was tortured? The story, in detail, was in mainstream American newspapers, as well as in the foreign press. Also, in a new, fully documented and footnoted book, Mr. Arar's "terrible injustice" appears, along with those suffered by other victims of CIA renditions." The book, which I particularly recommend to the

attorney general and the CIA director, is "Ghost Plane: The True Story of the CIA Torture Program" by Stephen Grey, who has reported for the New York Times, CNN, CBS' "60 Minutes," the BBC, et al.

The plane that took Mr. Arar to his Syrian cell, Mr. Grey notes, was a CIA-hired chartered jet, among others the CIA has used for its "renditions."

On Oct. 31, a tiny New York Times item reported that the secretary of state, answering an official Canadian protest on our treatment of Mr. Arar, pledged that any future taking of Canadians against their will by the United States to a third country will be preceded by our consultation with the Canadian government.

The news story ended: "Ms. Rice did not address a request that the United States acknowledge 'inappropriate conduct.' Of course, there was no apology to Mr. Arar from her. Is there any wonder why — among citizens of countries who are U.S. allies — our leaders are regarded as hypocrites when they preach democracy and such American values as the rule of law?"

Nat Hentoff's column for The Washington Times appears on Mondays.