



Friday, January 28th, 2005

Michael Ratner: Gonzales "Has His Hand Deep in the Blood of the Conspiracy Of Torture"

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A contentious senate debate for the confirmation of Attorney General nominee Alberto Gonzales is expected next week, we speak with Center for Constitutional Rights attorney Michael Ratner about Gonzales' role in laying the legal groundwork for torture at Abu Ghraib and Guantanamo Bay. [includes rush transcript]

- **Michael Ratner**, president of the [Center for Constitutional Rights](#). He is the author of *Guantanamo: What the World Should Know* and his writings appear in a new book by Seven Stories press titled *America's Disappeared: Secret Imprisonment, Detainees, and the "War on Terror."* Last week he was awarded the Columbia Law School's Medal for Excellence, the university's highest award to its alumni.

RUSH TRANSCRIPT

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AMY GOODMAN: We talk to now the Center for Constitutional Rights president Michael Ratner about the latest news of torture and how it relates to the man who could be Attorney General, Alberto Gonzales. Welcome to Democracy Now!, Michael.

MICHAEL RATNER: Thank you for having me.

AMY GOODMAN: Why don't we start off with these hearings and what you think was raised and wasn't, what's important to understand about Alberto Gonzales?

MICHAEL RATNER: I think the clip you played of President Bush being asked: "What about cruel, inhuman degrading treatment, isn't there a loophole where you can still do that basically inhumane treatment to foreigners overseas?" and he answers, "We have a policy against torture," really says a lot of it because what Gonzales said here is that,

"Yes, I'm against torture," -- and we can talk about that in a second -- "but I don't think the prohibition of the torture convention prohibiting cruel and inhuman and degrading treatment applies to foreigners held overseas." Well, you can drive a huge truck through that. That's basically saying if you are a non-citizen held outside the United States, you can be treated inhumanely. What does it mean? It's defined in the law. All this kind of stuff, stress positions, stripping, hooding, all that kind of stuff is considered cruel, inhuman and degrading treatment, violates international law, violates treaty agreements of United States. This is not just about Gonzales and what the government has done in the past. This is about what they're doing right now and currently. So that is the first thing I want to say about Gonzales. The second thing is we're putting in someone who really has his hands deep in the blood of the conspiracy of torture in this country. He is the one who wrote the memo saying the Geneva Conventions shouldn't apply. He is the one who asked for the memo, redefining torture so narrowly that the worst abuses we've seen would not constitute torture under his definition. Here's what they've done to this guy. Not only has he basically said he agreed with those conclusions, but they put him in as the chief law enforcement officer of the United States. That means that it is now a conspiracy to continue the cover-up so that this does not go to the higher ups at all, so that nobody, not Rumsfeld, not Cambone, not Gonzales will obviously ever be investigated. These are the people responsible, these are the people who lower level soldiers are really angry at because they're the ones who got led into this by these guys at the top.

AMY GOODMAN: What about these guys who have been released from Guantanamo? Four men from Britain have just returned home and in Australia as well.

MICHAEL RATNER: You know, I got called just as Mamadou Habib arrived in Australia, and I have to tell you it was incredible to me and incredibly moving. After three years in a prison where this man Habib where first he was sent to Egypt and tortured for six months in Egypt, electro-shock, the whole thing and then recent revelations by Mr. Habib about the use of women and even, whether it was real or fake, menstrual blood, rubbing it on his face as a way of making him unclean, taking away water from him so that he couldn't wash himself and that therefore he couldn't communicate with God in any sense at all. These are recent revelations that have come out. In fact, recently the last couple of days there are some revelations about one of the people who was in Guantanamo, one of the interrogators, a soldier, trying to write a book about this and revealing how women were used in this way. That's Mr. Habib's story. Torture in Egypt, women being used in a sexual way.

AMY GOODMAN: Women interrogators?

MICHAEL RATNER: Right. These are women interrogators who either stripped in front of the men or in this case it was menstrual blood, whether it was real or not, we don't know. But they certainly, the Muslim men may have thought it was real, and it was done specifically, specifically to make the Muslim man feel unclean so that he could not pray in the Muslim way.

JUAN GONZALEZ: Michael, there's also been reports in the past week that conditions at Guantanamo got so bad for some of the detainees that there were attempts at a protest in terms of suicide hangings. Do you have any information on that or any speculation about –

MICHAEL RATNER: There's been attempts at suicide throughout the Guantanamo period and serious ones, and the United States decided they don't like the word "suicide" so they called them self-injurious behavior or, you know, words that don't use that. This one happened about a year ago, it was 23 people who attempted to commit a mass suicide. Got stopped. Some of them had to be hospitalized. But that is about the conditions. When we talk about Alberto Gonzales, we cannot separate him from Guantanamo. Guantanamo is where the stuff began. It's where -- it is an experiment in torture and cruel, inhuman and degrading treatment and it is not just Habib in Australia. The other people who were released, the other four British people also subject to all of this kind of stuff from dogs to stripping to the whole range of stuff. The sad thing is it's still going on. It's still going on, whether it's in Guantanamo or Abu Ghraib.

JUAN GONZALEZ: But it seems that the more revelations come out about how systemic this kind of treatment was, the less attention it is getting in the U.S. corporate media compared to obviously when the Abu Ghraib scandal first broke. You are getting less and less actual coverage or even outrage about how systemic this has been.

MICHAEL RATNER: You know, I don't get it. It's not only systemic, you had Gonzales essentially admitting it, essentially saying this is the way we do it. This is what we're willing to do and these guys are going to confirm this guy. I think almost anybody who votes for him could conceivably be, if this were Germany, part of a conspiracy to commit and cover-up war crimes that are being committed at the highest level of officials. We're having that vote next week, we have a Senate that's 55-45 in favor of the Republicans. I don't know what the vote will be like. That eight Democrats finally voted against him -- I think had there been a screaming outcry in the beginning against Gonzales by all these -- all human rights organizations, all the Democrats, it's possible the guy could have been beaten. But I agree with you. The media has been a disaster here. I'm saying to you right now no one is complaining in any of the major media about the fact that we are saying we can inhumanly treat people right now as we speak who are non-citizens all over this globe.

AMY GOODMAN: Speaking of Germany, Michael Ratner, you went to Berlin. We spoke to you when you filed suit against Donald Rumsfeld, the war secretary, the Defense Secretary. He is now not going to a conference in Germany in February because the German government did not quash this suit. Can you explain?

MICHAEL RATNER: There is actually a lot going on here in Germany right now. There was an article in the *Washington Post* today that said that the Pentagon denies that he isn't going because of the lawsuit. What I think is really happened here is floated a – it's not a rumor, it may be true he's not going – but floated it as a way of putting pressure on the German government to say: "Get rid of this lawsuit." This is serious business,

we're considering not sending Rumsfeld there. But on the high -- on the level of calling them, "No, no, no, this isn't what this is about." And I think what the conferences February 11 and 12, it is the major security conference for Europe, the Secretary of Defense has been going for 40-some years. My view is we're reaching a point in this lawsuit in Germany where something is going to give. We're filing major new papers, actually, today and Monday. One of them, of course, names Alberto Gonzales now as an additional defendant in the case. His testimony is one that really they could have put into a war crimes trial in Germany and said, "You're convicted." Someone told me this incredible story about Germany and what happened with torture. One of the key people, Keitel, who got a death sentence in Germany was the man who scrawled on a memo to the high command about Russian soldiers that said, "Geneva Conventions? Obsolete rubbish." Remember the word that Gonzales used to describe Geneva, "obsolete". And when they sentenced Keitel to death, what they said was one of the reasons we're giving you the death penalty is for basically saying the Geneva Conventions are obsolete. So this is a very serious issue in Germany. We hope to have some really big news about this case in terms of our filing next week. But one of the things we've done is add Alberto Gonzales. Again, this is crunch time. I mean, if there's listeners out there who want to support this case or oppose Gonzales, go to the center website, it's ccr-ny.org. Send a letter to the German prosecutor, send a letter to your Senator about Gonzales. It's just critical. I mean, we should not be implicated, as Americans, in what our government is doing right now.

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Friday, January 28th, 2005

U.S. Claims Maher Arar "Extraordinary Rendition" Lawsuit Jeopardizes National Security

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The U.S. government is attempting to dismiss a lawsuit brought by Canadian citizen Maher Arar, claiming the litigation would jeopardize national security. Arar was jailed by the U.S. and secretly deported to Syria where he was held for almost a year without charge and repeatedly tortured. [includes rush transcript]

The U.S. government is attempting to dismiss a lawsuit brought by Canadian citizen Maher Arar, claiming the litigation would jeopardize national security.

Two years ago the Syrian-born software engineer was detained by US official while on a stopover in New York. He was then jailed and secretly deported to Syria. He was held for almost a year without charge in an underground cell not much larger than a grave where

he was tortured. Time Magazine in Canada recently named him the country's newsmaker of the year.

The Centre for Constitutional Rights launched Arar's lawsuit last January alleging that outgoing attorney-general John Ashcroft, former homeland security secretary Tom Ridge and other officials within President Bush's administration knew Arar would be tortured when he was deported. Arar alleges he was a victim of the US government's controversial "extraordinary rendition" policy of sending suspects to countries that routinely use torture in their prisons to circumvent local laws.

The US government is attempting to have the lawsuit dismissed. Invoking the rarely used "state secrets privilege" the Justice Department claims that any release of information on Arar could jeopardize "intelligence, foreign policy and national security interests of the United States."

In a moment we're going to take a look at his case with Michael Ratner, president of the Center for Constitutional Rights, but first we wanted to play an interview we did with Maher Arar in November 2003 -- a few weeks after he was freed by Syrian officials. He joined us on the line from his home in Canada.

- **Maher Arar**, Democracy Now! interview, November 7, 2003.
- **Michael Ratner**, president of the Center for Constitutional Rights. He is the author of *Guantanamo: What the World Should Know* and his writings appear in a new book by Seven Stories press titled *America's Disappeared: Secret Imprisonment, Detainees, and the "War on Terror."* Last week he was awarded the Columbia Law School's Medal for Excellence, the university's highest award to its alumni.

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AMY GOODMAN: Michael Ratner, talk about Maher Arar. Talk about that case.

MICHAEL RATNER: Well there's another case. You know that there are some memos that the Senate Judiciary Committee asked Gonzales for. Those are memos about rendition, which is the sending of people to other countries for torture. Arar was a Canadian citizen who was sent to Syria, kept in an underground prison for 10 months, probably would have never seen the light of day except that he was Canadian and it was a big stink made about it. But when they asked Gonzales for these memos, they refused to turn them over -- about the U.S. policy of sending people to countries where they can be tortured -- of course totally, utterly against the law.

AMY GOODMAN: Now he was coming back to Canada from a holiday with his family and did a transit stop. Had to switch planes.

MICHAEL RATNER: He had a stop at Kennedy. They pulled him off the plane for 10 days, interrogated him heavily. They don't let him really have any access to his attorney, held a midnight hearing Sunday night at 12:00 where no attorney could ever be there. He complains, "I'll be tortured if I'm send back to Syria." He left Syria when he was 16 years old. They put him on one of these private, white, C.I.A. jets that are flying around all these places where they're taking people out for torture and take him into an underground cell in Syria. There is now a major public inquiry going on in Canada, which is an official inquiry and one of the things that was said now, the U.S. wrote a letter to Congressman Markey. Congressman Markey has been actually on this case and saying, "What happened here?" And the U.S. wrote a letter saying we got information from the Canadians that he was on a terrorist watch list and, therefore, we acted on that. Of course, we had our own independent evaluation, b.s. , and we did this to him. If this is one case, Gonzales again, if and when we got the memos, up to his neck in this stuff. This is a terrible moment, really, in terms of our adherence to law and in terms of our deep involvement in torture.

AMY GOODMAN: We want to turn to a clip, when we interviewed Maher Arar when he was sent back to Canada.

MAHER ARAR: Really, I mean, when I arrived there, I just couldn't believe it. I thought first it was a dream. I was crying all the time. I was disoriented. I wished I had something in my hand to kill myself. Because I knew I was going to be tortured and this was my -- that's all I was thinking about when I was on the plane. And I arrived there, I was crying all time. So, one of them started questioning me and the others were taking notes. The first day it was mainly routine questions, between 8 and 12. The second day, that's when the beatings started because, you know, on the first day, they did not find anything strange about what I told them and they started beating me with a cable, threaded cable, and they would beat me for three, four times. They would stop again and they would ask me questions again and they always kept telling me you are a liar and things like that. So, the beating continued for the first two weeks. The most -- the most intensive -- the intensive beating was really the first week and then after that, it was mostly slapping, punching on the face and hitting. So, on the third day when they didn't find anything, they -- in my view, they just wanted to please the Americans and they had to find something on me. So, because I was accused of being an al Qaeda member, which is nowadays synonymous with Afghanistan, they told me you've been to a training camp in Afghanistan. And I said, "No." And they started beating me. And I said -- well, I had no choice. I didn't -- I wanted the beating to stop. I said, "Of course I've been to Afghanistan." I was ready to confess to anything just to stop the torture.

AMY GOODMAN: Maher Arar, Syrian-Canadian who spoke to us after he was returned from Syria to Canada. Juan?

JUAN GONZALEZ: Michael, he has an ongoing lawsuit. Could you explain what's happening with that and what's been some of the government's arguments on it?

MICHAEL RATNER: The Center for Constitutional Rights sued Ashcroft and other people in the Justice Department who deported him, essentially knowing he was going to be tortured, really for the purpose of torturing. Recently, the government filed some papers in the case saying they're taking what they call "states secrets privilege", for national security, which means we can't give you any information at all about why we took Arar and sent him to Syria. They won't even admit any of this stuff, that he went into this underground torture stuff. I don't think it will be upheld. I think actually, it's hard for me to say how long it will last. But the courts are now slightly better than the Bush administration, which is just mired in secrecy, torture, and blood.

AMY GOODMAN: National security?

MICHAEL RATNER: What's the national security? Exactly. It's about what their criteria are for presumably sending a guy over to be tortured. You understand that Arar was just –

AMY GOODMAN: He was never charged?

MICHAEL RATNER: He was never charged with anything. He's completely – I mean whether he was charged or not, we took him over there to be tortured, but the guy is completely innocent of everything. It was nothing. He has a couple of kids sitting up in Canada. It was devastating for his family. He was never charged. They never gave him an attorney. We've said Syria's tortured for the last 10 years in our State Department reports and then Ashcroft said, "I received assurances from the Syrians that they wouldn't torture the guy," and we send him to the very branch of security that does the torture, and we fed them the questions. I mean this is set-up. This is Arar in Syria, this is Habib in Egypt. This is x number of people, hundreds of people possibly, really in detention facilities in other countries that the U.S. is implicated deeply in their torture. This is what's going on right now. These are memos we haven't seen. This is what Gonzales' role –

JUAN GONZALEZ: This is very similar -- reminds me back in the days of the Central American wars when the government, in order to get around the congressional ban on funding, then began to get other countries, Israel and others to help, and that led eventually to the big scandal of Ollie North and Poindexter and so now instead of just shipping arms, they're getting up these other countries involved in torture.

MICHAEL RATNER: You know, it is similar to that, Juan. I think that is absolutely right. I think -- I'm not sure that there is a difference, because they we're almost proud of that also after it was exposed: "We had to do this. We had to do this to win the wars in Central America." What you can't get over about the torture scandal is they're proud of this stuff. They really believe in this stuff. They don't want to back off from it. This whole December 30 memo where they backed off on the definition of torture. They didn't back off of anything. They still believe they can do this stuff and it is open and notorious.

AMY GOODMAN: Michael Ratner, I want to thank you for being with us. President for the Center For Constitutional Rights and congratulations on your awards from Columbia Law School.

MICHAEL RATNER: I'm embarrassed.

AMY GOODMAN: Getting the Medal Of Excellence, the university's highest award to an alumni. Thank you so much.

MICHAEL RATNER: Thank you.

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