

By Nat Hentoff

From [Stardem](#) | Original Article

Judgment day for U.S. torture chiefs - Part I

By executive order on Aug. 4, President Barack Obama refused entry to the United States of war criminals and human-rights violators ([jurist.org](#), Aug. 4). He ignored, as he often does, the deeply documented factual evidence of war crimes committed by the Bush-Cheney administration along with grim proof that the Obama administration also violates our anti-torture laws and the U.N. Convention Against Torture we signed. Take, for example, right now under Obama, "The CIA Secret Sites in Somalia" (the [nation.com](#), July 12).

In what will be an historic 108-page report, "Getting Away with Torture: The Bush Administration and Mistreatment of Detainees," Human Rights Watch is further accelerating the rising insistence here on accountability from George W. Bush, Dick Cheney, Donald Rumsfeld and former CIA director George Tenet for having not only authorized these war crimes, but also failing "to act to stop mistreatment, or punish those responsible after they became aware of serious abuses" (www.hrw.org/sites/default/files/reports/us0711webwcover.pdf).

Not only has President Obama rejected an independent criminal investigation of these highest-profile officials, but also, adds Human Rights Watch, of Condoleezza Rice, John Ashcroft, David Addington (counsel to Cheney) and, among others, John Yoo, author of the unsparingly cruel, aptly dubbed "torture memos" from the Ashcroft Justice Department that gave "legal cover" to allow torture.

Moreover, as Stephen Rohde, constitutional lawyer and chairman of the ACLU Foundation of Southern California, discloses ([truthout.org.getting-away-with-torture](http://truthout.org/getting-away-with-torture), July 28), Freedom of Information lawsuits filed by the ACLU and the Center for Constitutional Rights have yielded more than 100,000 pages of documents detailing these war crimes.

As others and I have reported in articles and books, there is additional evidence, including from actual Defense Department records, of the deaths of "detainees" in our custody. Because unknown numbers of these deaths are very likely to have also taken place in CIA "black sites" and during CIA "renditions" to countries known for torturing, there is no way of knowing how many other "ghost prisoners" have disappeared into eternity because such information remains classified.

It is also worth noting as Jane Mayer, a key historian of this "dark side" of our history, emphasized the impact on some CIA agents of their involvement in these crimes. As I have reported ("History Will Not Absolve Us: Leaked Red Cross report sets up Bush teams for international war-crimes trial," Village Voice, Aug. 27, 2007):

"She quotes a former CIA officer: 'When you cross over that line of darkness, it's hard to come back. You lose your soul. You can do your best to justify it, but ... you can't go back to that dark a place without it changing you.'"

CIA agents are also human beings.

For those growing number of Americans who are concerned with what has been and still is done in our names, it's important to know exactly the warning in this regard in the U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that was signed by President Ronald Reagan in 1988 and ratified by our government in 1994:

"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

"An order from a superior officer or a public authority may not be invoked as a justification of torture."

The United States also signed the Geneva Conventions, which mandates and please pay attention to this, President Obama each contracting party "shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave

breaches (of the Geneva Conventions), and shall bring such persons, regardless of their nationality, before its own courts."

This means that you, President Obama, are obligated to bring the foregoing list of war criminals during the Bush presidency into our courts or, before that, be subject to an independent criminal investigation. Next week, reasons to believe that you and your administration have also been violating the Geneva Conventions, the Convention Against Torture and U.S. laws.

Also, Americans of all political parties, faiths and backgrounds are themselves obligated to insist that this administration, like Bush-Cheney's stop preventing lawsuits on these war crimes from even being heard in our courts under the perversion of "the state secrets" doctrine.

We owe it to our next generation and those following to take responsibility for our worldwide shame of having become a torture nation. As we condemn other nations' crimes against their citizens Syria, Libya, Zimbabwe, et al our government makes it easier for those countries to escape accountability by utterly denying our own complicity in the cruel, inhumane, degrading torture that has given terrorists around the world so valuable a means for recruiting more terrorists.

Not one of the aspiring Republican candidates for the presidency next year has said a word about this. And Obama cherishes their silence.