

Daily Times

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Thursday, January 15, 2009

comment: Extraordinary rendition - Niloufer Siddiqui

While preventing possible future terrorist attacks is justifiably paramount among a state's foreign policy concerns, to do so in a manner which comports with international laws and treaties is essential both to building global alliances necessary to combating terrorism and to ensuring that the rule of law is upheld

Recent news reports detailing the harrowing experience of Pakistani national Muhammad Saad Iqbal, released to his home in Lahore after six years in American captivity, provide further evidence — if more was needed — of the policies adopted by the Bush administration in the name of national security and in blatant disregard of international norms of human rights.

On January 7, the New York Times reported that Iqbal had been captured in Jakarta, Indonesia, transferred to Egypt, and then kept captive at the Bagram Air Base in Afghanistan. After a year of torture and interrogation, and having yet to be charged with any crime, he was transferred to the Guantanamo Bay detention facility, where he was to remain for five years.

Such cases are not rare and far between.

In late 2003, Khaled El Masri, a German citizen of Lebanese descent, was captured in Macedonia and taken to Afghanistan, where he was interrogated and tortured in a secret CIA-run detention and interrogation facility known as the "Salt Pit". El Masri was released five months later, with no explanation provided to him for his detention.

A year earlier, Italian citizen Abou Elkassim Britel was apprehended in Lahore by Pakistani authorities, and was allegedly tortured and interrogated by Pakistani intelligence officials before being sent to a detention centre in Morocco. His repeated requests to speak with the Italian embassy were ignored in Pakistan, and he remains today imprisoned in Morocco, sentenced for his alleged involvement in terrorist activities in a local trial that failed to comport with internationally recognised trial standards.

The mysterious circumstances surrounding the disappearance of Aafia Siddiqui, now a well-publicised story, also point to her having been rendered from Karachi and held in Bagram in solitary confinement for many years.

And these are just the better-known examples. With growing media coverage and increasing public outrage, causing more countries to seek accountability from their governments, it is likely that more information about these clandestine activities will soon be revealed.

Extraordinary rendition — the practice of abducting terrorism suspects and transferring them from one foreign state to another for interrogation, detention or arrest - is an example of a policy that has marked the post-9/11 era.

Effectively an extralegal system that denies suspects fundamental legal safeguards, including the opportunity to challenge their transfers, extraordinary rendition has come to be seen as synonymous with the 'outsourcing of torture'. Because the countries to which the suspects are transferred are those which do not have functioning legal systems, or which do not conform to international legal standards, critics argue that rendition permits the use of harsh interrogation procedures not permitted under US laws.

Pakistan's role in this clandestine policy has been made apparent partly through the accounts of persons who were rendered and subsequently released. In his account *Enemy Combatant*, former Guantanamo detainee Moazzem Begg outlines his experience of being abducted from his home in Islamabad. The investigative work of a handful of journalists has also successfully traced the flight logs of these so-called 'ghost planes', depicting the routes of the flights which transported terror suspects in complete secrecy from one interrogation centre to another.

Pakistan is just one of the many countries which has aided and abetted the United States in carrying out its extraordinary rendition programme. While speaking on NBC's *Meet the Press* in 2005, Egyptian Prime Minister Ahmed Nazif confessed that the Egyptian government had assisted the CIA with between 60 and 70 renditions.

Additionally, a Council of Europe report released in 2006 implicated numerous European countries in being complicit in the CIA's extraordinary rendition programme. The report claims that the CIA ran secret prisons in Poland and Romania between 2002 and 2005, where suspects could be interrogated free of legal restraints, and that other countries, including Britain, Italy and Germany, provided the CIA use of their airspace to enable the renditions. Dick Marty, Swiss Senator and author of the report, claimed that the "the highest state authorities were aware of the CIA's illegal activities on their territories."

International law is categorical about the inadmissibility of torture against any detainee. The International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture are two examples of international treaties which the US has ratified and which specifically prohibit torture.

While the ICCPR recognises that in times of emergency, states may take measures derogating from treaty obligations, it nonetheless limits this provision by ensuring that certain rights are fundamentally non - derogable - including the right to be free from torture and cruel, inhuman or degrading treatment or punishment. Article 3 of the Convention against Torture states, "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

To deny persons, even suspected terrorists, the right to due process and the right to redress is against the basic norms of inter-state conduct and an infringement of fundamental rights. Both the ICCPR and the Convention against Torture require that detainees be provided a right to seek redress for torture and an opportunity to challenge their detention in independent courts.

While preventing possible future terrorist attacks is justifiably paramount among a state's foreign policy concerns, to do so in a manner which comports with international laws and treaties is essential both to building global alliances necessary to combating terrorism and to ensuring that the rule of law is upheld, even in the most challenging of circumstances.

As the world's attention is focused on President-elect Barack Obama and his campaign promise for change, he is sure to face numerous challenges when he steps into office on January 20. Not least of these will be the need to reformulate a balance between national security, in a world arguably more unsafe today than it was eight years ago, and protection of human rights and regard for international opinion.

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