U.S. Says Rendition to Continue, but With More Oversight

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WASHINGTON — The Obama administration will continue the Bush administration's practice of sending terrorism suspects to third countries for detention and interrogation, but pledges to closely monitor their treatment to ensure that they are not tortured, administration officials said Monday.

Human rights advocates condemned the decision, saying that continuing the practice, known as rendition, would still allow the transfer of prisoners to countries with a history of torture. They said that promises from other countries of humane treatment, called "diplomatic assurances," were no protection against abuse.

"It is extremely disappointing that the Obama administration is continuing the Bush administration practice of relying on diplomatic assurances, which have been proven completely ineffective in preventing torture," said Amrit Singh, a lawyer with the American Civil Liberties Union, who tracked rendition cases under President George W. Bush.

Ms. Singh cited the case of Maher Arar, a Syrian-born Canadian sent in 2002 by the United States to Syria, where he was beaten with electrical cable despite assurances against torture.

The announcement, by President Obama's Interrogation and Transfer Policy Task Force, seemed intended in part to offset the impact of the release on Monday of a long-withheld report by the C.I.A. inspector general, written in 2004, that offered new details about the brutal tactics used by the C.I.A. in interrogating terrorism detainees.

Though the Obama administration previously signaled that it would continue the use of renditions, some civil liberties groups were disappointed because, as a presidential candidate, Mr. Obama had strongly suggested...
he might end the practice. In an article in Foreign Affairs in the summer of 2007, Mr. Obama wrote, “To build a better, freer world, we must first behave in ways that reflect the decency and aspirations of the American people.”

Mr. Obama continued, “This means ending the practices of shipping away prisoners in the dead of night to be tortured in far-off countries, of detaining thousands without charge or trial, of maintaining a network of secret prisons to jail people beyond the reach of the law.” In January, the president ordered secret prisons run by the C.I.A. to be shut down.

The task force has proposed a more vigorous monitoring of the treatment of prisoners sent to other countries, but Ms. Singh said the usual method of such monitoring — visits from American or allied consular officials — had been ineffective. A Canadian consular official visited Mr. Arar several times, but the prisoner was too frightened to tell him about the torture, a Canadian investigation found.

The administration officials, who discussed the changes on condition that they not be identified, said that unlike the Bush administration, they would operate more openly and give the State Department a larger role in assuring that transferred detainees would not be abused.

“The emphasis will be on ensuring that individuals will not face torture if they are sent overseas,” said one administration official, adding that no detainees would be sent to countries known to conduct abusive interrogations.

Rendition began to be used regularly under President Bill Clinton and its use expanded rapidly under President Bush after the terrorist attacks in September 2001. American intelligence agencies often appeared to send detainees to other countries to avoid the legal complications of bringing them to the United States.

Some human rights advocates said they thought the Obama administration was maintaining the rendition program out of fear that its elimination would force the government to accept additional detainees on American soil and threaten Mr. Obama’s pledge to close the detention center at Guantánamo Bay, Cuba, by January.

The task force that recommended the modified transfer policy was set up in January to study changes in rendition and interrogation policies under an executive order signed by President Obama.

Another recommendation approved by Mr. Obama was a proposal to establish a multiagency interrogation unit within the Federal Bureau of Investigation, to oversee the interrogations of top terrorism suspects using largely noncoercive techniques approved by the administration earlier this year.

The creation of the new unit will formally strip the C.I.A. of its primary role in questioning high-level detainees, but agency officials said they would continue to play a substantial role.

“The C.I.A. took active part in the work of the task force, and the agency’s strong counterterrorism knowledge will be key to the conduct of future deb briefings,” said Paul Gimigliano, a C.I.A. spokesman. “That won’t change.”

The new unit, to be called the High Value Interrogation Group, will be made up of analysts, linguists and other personnel from the C.I.A. and other intelligence and law enforcement agencies. It will operate under policies set by the National Security Council.

The officials said all interrogations would comply with guidelines contained in the Army Field Manual, which outlaws the use of physical force. The group will study interrogation methods, however, and may add additional noncoercive methods in the future, the officials said.

Tom Malinowski of Human Rights Watch said the new interrogation policy represented a
significant step toward more humane treatment, though he expressed dismay that administration officials failed to impose stricter limits on rendition.

But he praised the Obama administration’s overall approach to difficult counterterrorism issues, saying the government had adopted “some of the most transparent rules against abuse of any democratic country.”