

# CounterPunch

JAN. 1-15, 2011

ALEXANDER COCKBURN AND JEFFREY ST. CLAIR

VOL. 18, NO. 1

## **Criminal Kosovo America's Gift to Europe**

By Diana Johnstone

United States media have given more attention to hearsay allegations of Julian Assange's sexual encounters with two talkative Swedish women than to an official report accusing Kosovo's prime minister, Hashim Thaci, of running a criminal enterprise which, among almost every other crime in the book, has murdered prisoners in order to sell their vital organs on the world market.

The report by Swiss liberal senator Dick Marty was mandated two years ago by the Parliamentary Assembly of the Council of Europe. Not to be confused with the European Union, the Council of Europe was founded in 1949 to promote human rights, the rule of law and democracy, and has 47 member states (compared to 27 in the EU).

While U.S. legal experts feverishly try to trump up charges they can use to demand extradition of Assange to the United States, to be duly punished for discomfiting the empire, U.S. State Department spokesman Phillip Crowley piously reacted to the Council of Europe allegations by declaring that the United States will continue to work with Thaci because "any individual anywhere in the world is innocent until proven otherwise."

The report was mandated by the European Union precisely because judicial authorities were ignoring evidence of serious crimes. In her 2008 memoir in Italian, *La caccia. Io e i criminali di guerra* (The Hunt. Me and the War Criminals), the former prosecutor at the International Criminal Tribunal for former Yugoslavia in The Hague, Carla del Ponte, complained that she had been

## **Sparks Amid the Moral Darkness**

A Page From The Abolitionists' handbook:

"Ending U.S.-Sponsored Torture Forever"

By JoAnn Wypijewski

January 11, 2011: so begins the tenth year that Americans have lived with the knowledge that theirs is a torture state. On January 11, 2002, the first prisoners arrived at Guantanamo. The initial sight of them, shackled and hooded like a cove of medieval slaves, was a shock to the system. Old people might have told their children and grandchildren that these were prisoners of war, no different from the German and Italian soldiers who were mustered in more than 500 camps in the U.S.A. during World War II. But even the old-timers must have had an itch of something worse.

In photographs, those earlier POWs are always bareheaded, facing the camera, in shirt-sleeves, often picking crops or felling trees, or standing in groups in a gymnasium. Back in the 1990s I came upon a plaque in Aliceville, Alabama, touting the arrival of the German prisoners there as the impetus for a sports arena and playing field, a theater, bakery, and other appurtenances of bustling society. A museum displays specimens of the Germans' pottery, mementos of their productions of *Faust*, their concert performances of Wagner and Beethoven, their newspaper, *Der Zaungast*. However varnished that past may be, in 2002 it was not remotely believable that prisoners stumbling in hoods on their way to indefinite detention on occupied territory of a foreign land, closed off from civilian intercourse and in a netherworld for American law, would ever indulge in such activities.

There was never any great secret about what would happen to the Guantanamo prisoners. Even when the details were fuzzy, the images advertised cruelty, and

President George W. Bush's suspension of adherence to the Geneva Conventions conditioned the public to prepare for the worst. Torture could be surmised, and soon enough it was known. The cages, the isolation, the blindfolds, the incessant music and light, the use of dogs and sex, and "fear up" techniques that Defense Secretary Donald Rumsfeld approved for use by the U.S. military in the Global War on Terror: these became known in such specificity – through so many lawyers' accounts and government documents, so many articles and books and movie or television dramas, so much media repetition once the Abu Ghraib pictures and subsequent volumes of Pentagon reports revealed that Guantanamo techniques had "migrated" to Iraq, along with the prison camp's commandant, Maj. Gen. Geoffrey Miller – that torture became an accepted feature of life.

On January 11, the television that was playing nonstop in the house where I write this did not deviate from chatter about the "demonic" visage of Jared Loughner to remember Guantanamo's anniversary in this hellish system of violence, contrived by quite sane and honored men, and stretching from Guantanamo to Bagram air base in Afghanistan, to the CIA's black sites around the world. In Washington, D.C., meanwhile, 173 people, representing the 173 men still languishing in Guantanamo, were making a grim procession of orange jumpsuits and black hoods from Lafayette Park to the Justice Department to demand the shutdown of the prison camp. The nation's most amplified megaphones for constitutional veneration did not muster reporters to interview representa-

prevented from carrying out a thorough investigation of reports of organ extraction from Serb and other prisoners, carried out by the Kosovo Liberation Army (KLA) in Albania. Indeed, rumors and reports of those atrocities, carried out in the months following the occupation of Kosovo by NATO-led occupation forces, have been studiously ignored by all relevant judicial authorities.

The Marty Report has uncovered corroborating evidence, including testimony by witnesses whose lives would be in danger if their names were revealed. The conclusion of the report is a demand to competent authorities to undertake judicial proceedings capable of hearing all the evidence and issuing a verdict.

The Marty Report makes specific allegations against the KLA's "Drenica group," led by Hashim Thaci. Despite refusal by Albanian authorities to cooperate, there is ample proof that the KLA operated a chain of "safe houses" on Albanian territory during and after the 1999 NATO war against Serbia, using them to hold, interrogate, torture and sometimes murder prisoners. One of these "safe houses," belonging to a family identified by the initial "K," was cited by Carla del Ponte and media reports as "the yellow house" (since painted white). To

quote the Marty Report:

"There are substantial elements of proof that a small number of KLA captives, including some of the abducted ethnic Serbs, met their death in Rripe, at or in the vicinity of the K. house. We have learned about these deaths not only through the testimonies of former KLA soldiers who said they had participated in detaining and transporting the captives while they were alive, but also through the testimonies of persons who independently witnessed the burial, disinterment, movement and reburial of the captives' corpses..."

"An undetermined but apparently small number of prisoners were transferred in vans and trucks to an operating site near Tirana international airport, from which fresh organs could be flown rapidly to recipients.

## **Captives included persons...taken into central Albania to be murdered immediately before having their kidneys removed in a makeshift operating clinic.**

"The drivers of these vans and trucks – several of whom would become crucial witnesses to the patterns of abuse described – saw and heard captives suffering greatly during the transports, notably due to the lack of a proper air supply in their compartment of the vehicle, or due to the psychological torment of the fate that they supposed awaited them."

Captives described in the report as "victims of organised crime" included "persons ... taken into central Albania to be murdered immediately before having their kidneys removed in a makeshift operating clinic."

These captives "undoubtedly endured a most horrifying ordeal in the custody of their KLA captors. According to source testimonies, the captives 'filtered' into this final subset were initially kept alive, fed well and allowed to sleep, and treated with relative restraint by KLA guards and henchmen who would otherwise have beaten them up indiscriminately."

"The testimonies on which we based our findings spoke credibly and consistently of a methodology by which all

of the captives were killed, usually by a gunshot to the head, before being operated on to remove one or more of their organs. We learned that this was principally a trade in 'cadaver kidneys,' i.e., the kidneys were extracted posthumously; it was not a set of advanced surgical procedures requiring controlled clinical conditions and, for example, the extensive use of anaesthetic."

The Marty Report also emphasizes what is common knowledge in Europe, namely, that Hashim Thaci and his "Drenica Group" are notorious criminals. While "liberated" Kosovo sinks ever further into poverty, they have amassed fortunes in various aspects of illicit trade, notably enslaving women for prostitution and controlling illegal narcotics across Europe.

"Notably, in confidential reports spanning more than a decade, agencies dedicated to combating drug smuggling in at least five countries have named Hashim Thaci and other members of his 'Drenica Group' as having exerted violent control over the trade in heroin and other narcotics."

"Similarly, intelligence analysts working for NATO, as well as those in the service of at least four independent foreign governments, made compelling findings through their intelligence-gathering related to the immediate aftermath of the conflict in 1999. Thaci was commonly identified, and cited in secret intelligence reports, as the most dangerous of the KLA's 'criminal bosses.'"

The leftists who fell hook, line and sinker for the "war to rescue the Kosovars from genocide" propaganda that justified NATO's debut as aggressive bomber/invaser in 1999 readily accepted the absurd identification of the Kosovo Liberation Army as a national liberation movement deserving their support.

Assassinating policemen, the KLA specialty prior to being given Kosovo by NATO, is an ambiguous activity. Is the target "political oppression," as claimed, or simply law enforcement?

What have Thaci and company done with their "liberation"? First of all, they allowed their American sponsors to build a huge military base, Camp Bondsteel, on Kosovo territory, without asking permission from anyone. Then, behind a smoke-screen of talk about building democracy, they have terrorized ethnic minorities, eliminated their political rivals, fostered

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rampant crime and corruption, engaged in electoral fraud, and ostentatiously enriched themselves thanks to the criminal activities that constitute the real economy.

The Marty Report recalls what happened when Yugoslav President Slobodan Milosevic, under NATO threat of wiping out his country, agreed to withdraw from Kosovo and allow a U.N. body called The Kosovo Force (KFOR, quickly taken over by NATO) to occupy Kosovo.

"First, the withdrawal of the Serb security forces from Kosovo had ceded into the hands of various KLA splinter groups, including Thaci's 'Drenica Group,' effectively unfettered control of an expanded territorial area in which to carry out various forms of smuggling and trafficking." NATO's KFOR and the United Nations Mission in Kosovo (UNMIK) "were incapable of administering Kosovo's law enforcement, movement of peoples, or border control, in the aftermath of the NATO bombardment in 1999. KLA factions and splinter groups that had control of distinct areas of Kosovo (villages, stretches of road, sometimes even individual buildings) were able to run organised criminal enterprises almost at will, including in disposing of the trophies of their perceived victory over the Serbs.

"Second, Thaci's acquisition of a greater degree of political authority (Thaci having appointed himself prime minister of the Provisional Government of Kosovo) had seemingly emboldened the 'Drenica Group' to strike out all the more aggressively at perceived rivals, traitors, and persons suspected of being 'collaborators' with the Serbs."

In short, NATO drove out the existing police, turning the province of Kosovo over to violent gangsters. But this was not an accident. Hashim Thaci was not just a gangster who took advantage of the situation. He had been hand-picked by U.S. Secretary of State Madeleine Albright and her right-hand man, James Rubin, for the job.

### **"You ought to be in movies..."**

Until February 1999, Hashim Thaci's only claim to fame was in Serbian police records, where he was wanted for various violent crimes. Then, suddenly, at a French chateau called Rambouillet, he was thrust into the world spotlight by his

American handlers. It is one of the most bizarre twists to the whole Kosovo saga.

Albright and Richard Holbrooke were eager to use the ethnic conflict in Kosovo to make a display of U.S. military might by bombing the Serbs, in order to reassert U.S. dominance of Europe via NATO. But some European NATO country leaders thought it politically necessary to make at least a pretense of seeking a negotiated solution to the Kosovo problem before bombing. So, a fake "negotiation" was staged at Rambouillet, designed by the United States to get the Serbs to say No to an impossible ultimatum, in order to claim that the humanitarian West had no choice but to bomb.

For that, they needed a Kosovo Albanian who would play their game.

Belgrade sent a large multiethnic del-

## **Thaci was commonly identified, and cited in secret intelligence reports, as the most dangerous of the KLA's 'criminal bosses.'**

egation to Rambouillet, ready to propose a settlement giving Kosovo broad autonomy. On the other side was a purely ethnic Albanian delegation from Kosovo, including several leading local intellectuals experienced in such negotiations, including the internationally recognized leader of the Albanian separatist movement in Kosovo Ibrahim Rugova who, it was assumed, would lead the "Kosovar" delegation.

But, to the general surprise of observers, the seasoned intellectuals were shoved aside, and leadership of the delegation was taken over by a young man, Hashim Thaci, known in law enforcement circles as "the Snake."

The American stage managers chose Thaci for obvious reasons. While the older Kosovo Albanians risked actually negotiating with the Serbs and, thus, reaching an agreement that would prevent war, Thaci owed everything to the United States, and would do as he was told. Moreover, putting a "wanted" criminal at the top of the delegation was an affront to the Serbs that would help scuttle negotiations. And, finally, the Thaci image appealed to the Americans' idea of what a "freedom fighter" should look like.

Albright's closest aide, James Rubin, acted as talent scout, gushing over Thaci's good looks, telling him he was so handsome he should be in Hollywood. Indeed, Thaci did not look like a Hollywood gangster, Edward G. Robinson style, but a clean-cut hero with a vague resemblance to the actor Robert Stack. Joe Biden is said to have complained that Madeleine Albright was "in love" with Thaci. Image is everything, after all, especially when the United States is casting its own Pentagon superproduction, "Saving the Kosovars," in order to redesign the Balkans, with its own "independent" satellite states.

The pretext for the 1999 war was to "save the Kosovars" (the name assumed by the Albanian population of that Serbian province, to give the impression that it was a country and that they were the rightful inhabitants) from an imaginary threat of "genocide." The official U.S. position was to respect the territorial integrity of Yugoslavia. But it was always quite obvious that, behind the scenes, the United States had made a deal with Thaci to give him Kosovo as part of the destruction of Yugoslavia and the crippling of Serbia. The chaos that followed

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**Published twice monthly except July and August, 22 issues a year.**

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the withdrawal of Yugoslav security forces enabled the KLA gangs to take over and the United States to build Camp Bondsteel.

Cheered on by a virulent Albanian lobby in the United States, Washington has defied international law, violated its own commitments (the agreement ending the 1999 war called for Serbia to police Kosovo's borders, which was never allowed), and ignored muted objections from European allies to sponsor the transformation of the poor Serbian province into an ethnic Albanian "independent state." Since unilaterally declaring independence in February 2008, the failed statelet has been recognized only by 72 out of 192 U.N. members, including 22 of the European Union's 27 members.

A few months later, the European Union set up a European Union Rule of Law Mission in Kosovo (EULEX), intended to take over judicial authority in the province from UNMIK that had ostensibly exercised such functions after NATO drove out the Serbs. The very establishment of EULEX was proof that the EU's recognition of Kosovo's independence was unjustified and dishonest. It was an admission that Kosovo, after being delivered to KLA bands (some in war against each other), was unable to provide even a semblance of law and order, and, thus, in no way prepared to be "an independent state."

Of course the West will never admit this, but it was the complaints of the Serb minority in the 1980s that they could not count on protection by police or law courts, then run by the majority ethnic Albanian Communist Party, that led to the Serbian government's limitation of Kosovo's autonomy, portrayed in the West as a gratuitous persecution motivated by racial hatred of Hitlerian proportions.

The difficulties of obtaining justice in Kosovo are basically the same now as they were then – with the difference that the Serbian police understood the Albanian language, whereas the UNMIK and EULEX internationals are almost entirely dependent on local Albanian interpreters, whose veracity they are unable to check.

A second report submitted this month to the Council of Europe by rapporteur Jean-Charles Gardetto on witness protection in war crimes trials for former Yugoslavia notes that there is no wit-

ness protection law in Kosovo and, more seriously, no way to protect witnesses that might testify against fellow ethnic Albanians.

"Moreover, when a witness does come forward, there is a real threat of retaliation. This may not necessarily put them in direct danger, losing their job for example, but there are also examples of key witnesses being murdered. The trial of Ramush Haradinaj, the former leader of the Kosovo Liberation Army, well illustrates this. Mr. Haradinaj was indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) during the war in Kosovo but was acquitted. In its judgment, the Tribunal highlighted the difficulties that it had had in obtaining

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evidence from the 100 prosecution witnesses. Thirty-four of them were granted protection measures and 18 had to be issued with summonses. A number of witnesses who were going to give evidence at the trial were murdered. These included Sadik and Vesel Muriqi, both of whom had been placed under a protection program by the ICTY."

### **Europe's Dilemma**

European accomplices in putting the Thaci gang in charge of Kosovo have been quick to dismiss the Marty Report. Tony Blair and his apologist, former Labour minister Dennis MacShane, wrote in *The Independent*, "There is not one single name or a single witness to the allegations that Thaci was involved in the harvesting of human organs from murdered victims." In fact, Marty has made it clear that he can supply names of witnesses to competent judicial authorities. Thaci himself acknowledged that they exist, when he stated that he would publish the names of Marty's witnesses – a statement understood as a death threat

by those familiar with the Pristina scene.

One of the most prominent Europeans to hope that the Marty Report will disappear is the French media "humanitarian" Bernard Kouchner, until recently Sarkozy's foreign minister, who officially ran Kosovo as the first head of UNMIK after the NATO occupation. Contrary to Kouchner's protests of ignorance, the UNMIK police chief in 2000 and 2001, Canadian Captain Stu Kellock, has called it "impossible" that Kouchner was not aware of organized crime in Kosovo. The first time a reporter queried Kouchner about the organ transplant accusations, a few months ago, Kouchner responded with a loud horse laugh, before telling the reporter to go have his head examined. After the Marty Report, Kouchner merely repeated his "skepticism," and called for an investigation... by EULEX.

The Marty Report itself concludes with a clear call on EULEX "to persevere with its investigative work, without taking any account of the offices held by possible suspects or of the origin of the victims, doing everything to cast light on the criminal disappearances, the indications of organ trafficking, corruption and the collusion so often complained of between organized criminal groups and political circles" and "to take every measure necessary to ensure effective protection for witnesses and to gain their trust."

This is a tall order, considering that EULEX is ultimately dependent on EU governments, deeply involved in ignoring Kosovo Albanian crime for over a decade. Still, some of the most implicated personalities, such as Kouchner, are nearing the end of their careers, and there are many Europeans who consider that things have gone much too far, and that the Kosovo cesspool must be cleaned up.

EULEX is already prosecuting an organ-trafficking ring in Kosovo. In November 2008, a young Turkish man who had just had a kidney removed collapsed at Pristina airport, which led police to raid the nearby Medicus clinic where a 74-year-old Israeli was convalescing from implantation of the young man's kidney. The Israeli had allegedly paid 90,000 Euros for the illegal implant, while the young Turk, like other desperately poor foreigners lured to Pristina by false promises, was cheated of the money promised. The trial is currently underway in Pristina of seven

defendants, charged with involvement in the illegal Medicus organ-trafficking racket, including top members of the Kosovo Albanian medical profession. Still at large are Dr. Yusuf Sonmez, a notorious international organ trafficker, and Moshe Harel, an Israeli of Turkish origin, accused of organizing the illicit international organ trade. Israel is known to be a prime market for organs because of Jewish religious restrictions that severely limit the number of Israeli donors.

But EULEX prosecution of the Medicus case does not automatically mean that the European judicial authorities in Kosovo will pursue the even more criminal organ-trafficking denounced in the Marty Report. One obstacle is that the alleged crimes took place on the territory of Albania, and so far Albanian authorities have been uncooperative, to say the least. A second inhibition is fear that the attempt to prosecute leading KLA figures would lead to unrest. Indeed, on January 9, several hundred Albanians carrying Albanian flags (not the Western-imposed flag of Kosovo) demonstrated in Mitrovica against the

Marty Report shouting, "UCK, UCK" (KLA in Albanian). Still, EULEX has indicted two former KLA commanders for war crimes committed on Albanian territory in 1999, when they allegedly tortured prisoners, ethnic Albanians from Kosovo either suspected of "collaborating" with legal Serb authorities or because they were political opponents of the KLA.

A striking and significant political fact that emerges from the Marty Report is that:

"The reality is that the most significant operational activities undertaken by members of the KLA – prior to, during, and in the immediate aftermath of the conflict – took place on the territory of Albania, where the Serb security forces were never deployed."

Thus, to a very large extent, the Serbian province of Kosovo was the object of a foreign invasion from across its border, by Albanian nationalists keen on creating "Greater Albania," and aided in this endeavor by Diaspora lobbies and, decisively, NATO bombing. Far from being an "aggressor" in its own historic province, Serbia was the victim of a

major two-pronged foreign invasion.

Thaci has played the role assigned to him by the American empire. Still, considering the history of American disposal of collaborators who have outlived their usefulness (Ngo Dinh Diem, Noriega, Saddam Hussein, etc.) he has reasons to be uneasy.

The West, that is, the United States, the European Union and NATO may be able to agree on a "curse on both their houses" approach, concluding that the Serbs they persecuted and the Albanians they helped are all barbarians, unworthy of their benevolent intervention. What they will never admit is that they chose and, to a large extent, created the wrong side in a war for which they bear criminal responsibility. And whose devastating consequences continue to be borne by the unfortunate inhabitants of the region, whatever their linguistic and cultural identity. **CP**

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tives from the Center for Constitutional Rights, Witness Against Torture, Amnesty International, September 11 Families for Peaceful Tomorrows, and other human rights groups calling the U.S. government uphold the fundamental right, the great writ of liberty, protecting against detention without charge or trial. Since the right wing wasn't there, the press didn't pay a lot of attention.

The front pages of *The New York Times* and *Washington Post* the next day bore no sign of the milestone of American degradation and the protest marking it by the country's most committed and courageous forces for freedom from fear.

Torture American-style did not begin with George Bush Jr. and the justifications of his legal team, John Yoo and Co., just as it has not ended, except on paper, with Barack Obama's Executive Order of January 2009. As Alexander Cockburn outlined on the *CounterPunch* website the weekend before the Guantanamo anniversary, the past was hardly one long pleasant Aliceville memory:

"Covertly, there was always plenty of torture, just as there were assassinations,

high and low. After World War II the CIA's predecessor, OSS, imported Nazi experts in interrogation techniques. But this was the era of Cold War competition: Uncle Sam the Good against the dirty Russians and Chinese.

"The US government went to desperate lengths to counter accusations that

**"Yeah, we waterboarded Khalid Sheikh Mohammed. I'd do it again to save lives."**

its agents in the CIA or USAID practiced torture. One famous case was that of Dan Mitrione, working for the U.S. Agency for International Development, teaching refinements in torture techniques to Brazilian and Uruguayan interrogators. Mitrione was ultimately kidnapped by the Tupamaro guerrillas and executed in 1970, becoming the subject of Costa Gavras' movie *State of Siege*. The CIA mounted major cover-up operations to try to discredit the accusations against Mitrione."

Mitrione was 50 when he died. Had he lived into retirement, it is unlikely

he would have been welcomed into polite conversation with TV presenters to explain his decision-making process about inflicting pain. The old war criminal Henry Kissinger dined at the finest tables, but there was no cultural space for a torturer to swagger as Bush did last summer while hawking his memoirs in Grand Rapids, Michigan, telling a cheering crowd, "Yeah, we waterboarded Khalid Sheikh Mohammed. I'd do it again to save lives." There is no independent evidence that Bush-era torture saved any American lives.

In that, Bush was a throwback to the common soldier of a 100 years earlier, whose brash accounts of torturing in the Philippines at the dawn of this country's imperial adventures regularly found their way into the country's morning papers.

It was common for U.S. soldiers writing home to refer to the Filipinos as "niggers." Back in the U.S.A., for 100 years after the legal end of slavery, white men talking among themselves surely said, "Yeah, we made the nigger scream. I'd do it again." But there was a reason most returning veterans from World War II, Korea and Vietnam were mum about what they did in the war, and those who

did speak loudly mostly did not do so as a boast.

The bravado that had accompanied America's ruthless slog through the Philippines, like the joyous white rallies and obsessive photographic documentation of torture/lynchings in the same period, had been replaced by more decorous behavior: silence or romanticization about violence abroad; prison sentences and judicially sanctioned executions, burning the tops off people's heads in Old Sparky, the electric chair, in walled death houses at home.

Torture had not ended; it changed shape – a victory for reformers, regulators and advocates for the rule of law, and a goad for a cottage industry of radical muckrakers and modern abolitionists dedicated to exposing and eliminating state-sanctioned violence. Some moral economy was at work. Because of the Geneva Conventions (and, it has to be said, the color of the prisoners), Aliceville was better than U.S. concentration camps in the Philippines had been, and better than Guantanamo would be. Because of civil and prisoners' rights advocates, the criminal justice system was an improvement on mobs castrating and flaying men alive. In time, the official machinery of capital punishment stopped, at least briefly. Vietnam was a horror, but the GI rebellion, which by 1971 involved more than half of U.S. ground forces, according to the Pentagon, drew strength from the broader revulsion to the war that also reverberated in the press. Progress was palpable.

Now, something has gone awry. After all the words spilled on torture since 2002, all the investigations and the scandals, the pictures and the trials, all the stories of the Arab taxi drivers or other common workers sucked into the American gulag because they were in the wrong place at the wrong time; stripped and humiliated because they fell into the hands of the wrong soldiers at the wrong time, or the right soldiers at the wrong time; psychically damaged from the well-documented effects of sensory deprivation; killed because – whether they had information or not, whether they were “high-value detainees” or not – someone had the power and the means and the go-ahead to hurt them: after all that, there is no shame and, more important, no danger for an ex-president to say, “Yeah, we waterboarded.” And no

shame or danger for a sitting president to maintain essential features of his predecessor's legal posture toward detention of “enemy combatants” or to put another soul through the wringer.

Again, as Alexander Cockburn described:

“For the past seven months 22-year-old U.S. Army Private Bradley Manning, first an Army prison in Kuwait, now in Quantico, Virginia, has been held 23 hours out of 24 in solitary confinement in his cell, under constant harassment. If his eyes close between 5 a.m. and 8 p.m., he is jolted awake. In daylight hours, he has to respond ‘yes’ to guards every five minutes. An hour a day he is taken to another cell, where he walks figures of eight. If he stops, he is taken back to his other cell.

“Manning is accused of giving documents to Wikileaks. He has not been tried or convicted. Visitors report that

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Manning is going downhill mentally as well as physically. His lawyer's efforts to improve his condition have been rebuffed by the Army. Accusations that his treatment amounts to torture has been indignantly denounced by prominent conservatives and some liberals. Mike Huckabee and others have called for him to be summarily executed.”

Julian Assange is on deck for the same or worse if the UK gives in to American extradition demands, yet some liberals distract themselves from incontrovertible principles – presumption of innocence, freedom from fear of torture – to fighting over something they are in no position to judge: what Assange did or didn't do sexually with two women and whether to “believe the victim.”

Words fail. People supposedly on high alert for any threat to liberty are listless or confused. Fear floats freely, whether of imagined communism or real decline, and horror gets a pass.

In early 2006, after publishing a long article in *Harper's* magazine on the trials of the three most visible actors in the Abu Ghraib torture scandal, Cpl. Charles Graner, Spc. Sabrina Harman and PFC Lynndie England, I attended an event at New York City's Ethical Culture Center against torture. The solemn hall was sparsely filled. Speakers were giving reports on the state of *habeas corpus* cases before the Supreme Court, the work of doctors at Bellevue Hospital who deal with the problems of people who have been tortured, the prospect for an international prosecution of Donald Rumsfeld, the status of the campaign to close Guantanamo.

It was, in other words, a fairly underdogged meeting until a man who has spent his life in the trenches on behalf of civil liberties took the podium. He was central to organizing the extraordinary network of legal representation for Guantanamo prisoners and the strategy that ultimately won two *habeas* rulings in the Supreme Court. He gave an old-time fighting talk, passionate and hopeful.

“I am excited that you're so optimistic,” I said to him afterward. I was under my own little gray cloud at the time, astonished that Terry Badger of the Associated Press and myself were the only reporters who had sat through all of the three major torture trials at Fort Hood, and disappointed that of all the stories I've written for *Harper's* this one had got the least response. In fact, almost none.

What the trials, followed in their entirety, had revealed was that the three military police had been punished for the most salacious, not the worst, things they had done in the prison. The sexual humiliation of Iraqi common criminals was their own little pastime, ugly but small change in the scheme of their job. Their job, what they did every night at the prison and not just on one or two well-documented occasions, was to enforce a regimen of sensory deprivation now being applied in a different setting to Bradley Manning.

They kept certain prisoners awake; they made noise; they administered a food plan, a sleep plan; they kept cells cold or hot; they kept people scared, and ignored those crying out in pain. “Not many people know this shit goes on,” Sabrina Harman wrote in a letter to her girlfriend, describing one night on the job “mess[ing] with” prisoners. “I don't

know if I can take it mentally, what if that was me in their shoes. These people will be our future Terrorists.” For such activity, the MPs were not prosecuted; how could they when whole companies were doing the same? The Army’s prosecutors at Fort Hood had repeatedly said, “We don’t torture,” but, if the Abu Ghraib scandal is reducible to a single motto, it is, instead, “We don’t torture for fun, and certainly not for pornography; we torture for information and control.”

I expressed my own blues briefly to my friend that night in New York, to explain why his upbeat words had had such a tonic effect. “I’ve been thinking people just don’t care anymore,” I said. “Oh, I’m totally depressed,” he confided, “but you can’t say that at a meeting.”

### How the Left Neutralized Itself

In 2006, the splintering anti-war movement made a tactical decision to let the midterm elections play out without much pressure on the Democrats to put forth a solidly anti-war, anti-torture, investigative and disciplined reformist agenda. The public had turned against the war, and Democrats made the necessary campaign bleatings. They won back Congress but with an ideologically raggedy caucus, including war mongers and conservatives, that has bedeviled any substantive progressive move, including closing Guantanamo, transferring legitimate criminal cases to American courts, banning extraordinary rendition, banning torture (including sensory deprivation) not only in the fields of battle but in American civilian prisons.

Barack Obama may have been genuine in opposing the Iraq war, Guantanamo and the American gulag, but, as a politician, he also sensed opportunity. In 2008 anti-war votes were his by default, but by then the movement was a husk, without direction, discipline or energy. Even if there had been the will to pressure him from the left, the unity and commitment that existed in 2003 had vanished. Schisms among progressives over war on Afghanistan, which were apparent immediately after 9/11 and which had been papered over by agreement on Iraq, were now plain.

Obama, with his talk of “a stupid war” versus “the right war,” therefore perfectly embodied a standard-issue U.S. progressive (and even some otherwise radical union activists) circa late 2001.

His Executive Order of January 2009 on Guantanamo was a bow to this split-personality constituency: sentimentally supportive of human rights but practically inclined to accommodate terror for the sake of the “war on terror.”

In this year’s protest in Washington on the anniversary of Guantanamo, Obama was the target. It’s not good enough for him to blame Congress for failing to support him, one speaker said. He could do more. He could take the bully pulpit.

It’s always fair to target the president, especially when he plans to formalize indefinite detention without trial by Executive Order. (On January 7, 2011, Obama signed the Defense Appropriations Act which contained a provision barring inmates held in Guantanamo from being brought to the U.S. for trial.) One can’t ignore the realities of politics. In the absence of a potent countervailing force, the U.S. presidency

### **Bold follow-through on Guantanamo, etc., in the nanosecond before right-wing reaction coalesced, was not going to happen without a broad, sustained public demand, and there was none.**

defaults to war crime. As Obama took office, timid or actually malign Democrats held the whip hand, at least in part, because the left fell down. Bold follow-through on Guantanamo, etc., in the nanosecond before right-wing reaction coalesced, was not going to happen without a broad, sustained public demand, and there was none. When Eric Holder raised a firestorm by saying he’d bring Khalid Sheikh Mohammed to New York to stand trial, there was no equivalent fire on the left. When Obama made early, tentative squeaks supportive of justice for Palestine, there was no clamor from the streets for Palestinians and against Israel’s regime of torture and state terror. True to the Alinskyism of his earlier life, Obama is that politician who is moved by the forces that exert the most pressure, have the most juice. Sentiment is fine, power is better, and at the moment the power is on the right.

The Rev. Rich Killmer of the National

Religious Campaign Against Torture (NRCAT) strikes a match amid the gloom. Five years ago, NRCAT announced its arrival in the form of banners that suddenly festooned churches and other religious institutions, declaring, “Torture Is a Moral Issue.” In New York, one appeared on the Riverside Church, another – on the Friends Seminary at Stuyvesant Square, a third – on a Protestant Church on Fifth Avenue. Traveling the country, I have spotted them now and again. For a time the message called out from a billboard in Texas. Maybe it still does.

The object from the start was to organize religious institutions to address the question with the aim of gathering a large group of people who believe that torture is always wrong. Not that it is illegal, or doesn’t “work,” or diminishes America’s standing in the world, or exacts a cost in the life of the torturer and the country that supports him, as well as the victim. All of those are valid arguments, but this campaign rips a page from the Abolitionists’ handbook. Slavery was morally wrong and had to stop. Torture is morally wrong and has to stop, period.

Like the slogans of the right, it is simple and has the benefit of being true. Against it stand the arguments of the Dick Cheneys, who call us to be monsters, and of the Alan Dershowitzes, who temper monstrosity with suggestions for torture warrants and sterilizing needles before jabbing them under fingernails.

“We’re not discouraged,” Killmer told me the other day. “We feel somewhat hopeful. We’re not going away.” The number of congregations that have signed on since the group began in 2006 has grown, he said. More than 250 showed and discussed its video, *Ending U.S.-Sponsored Torture Forever*. Pretty much every major religious community is involved, and the group is aiming for more participation than it now has among Evangelicals and Catholics. Even in the recession, neither funding nor action has diminished. Education continues, and there have been no furloughs in NRCAT’s staff of 12 and no cuts in its relatively humble budget of \$800,000.

I told Killmer I felt discouraged – by the weight of cultural acceptance (or what feels like it), the brutality of a country that has more people locked in prison than any other in the world, the absence of a left, the ascendance of the right, the

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weakness of Obama, the constant prayers for the troops in churches I've visited, with only the rarest supplication to end the wars and no comment on imprisonment or torture. He would have none of it.

"There are reasons for being discouraged, of course, but I've seen more movement on this issue for a longer time than any other issue I've been involved with in all my years of religious social justice work." That's 42 years, some of them with the National Council of Churches, working on environmental, peace, justice, anti-nuclear issues. Killmer considers Obama's January 2009 Executive Order a signal advance: "Bush is saying 'I'd waterboard,' and Obama signed an order that halts torture. On a policy level, that is very, very important. That doesn't mean there aren't rogue elements, and I don't know what they're doing in Bagram or in secret places." The question then, as Killmer puts it, is how everyone who cares about the issue can work to make the ban real without exception and to make it permanent through legislation.

"We worked hard with the White House in 2009 to urge a commission of

inquiry on U.S.-sponsored torture since 9/11, and they declined. They think looking backward is going to cause more harm than good, and that's something we totally disagree with. How do you insure something will never occur again unless you know what happened in the

## **NRCAT aims to abolish torture in U.S. prisons as well, meaning eliminating long-term solitary confinement, the internal gulag of 45 SuperMax prisons, and other forms of isolation warehousing.**

first place?" From the example of the Catholic Church in Guatemala and Chile, which launched their own inquiries into their countries' dirty pasts when the government would not, NRCAT and other groups are now strategizing toward such an independent commission. "We'll get a commission of inquiry. In two years, I doubt it; but in the next six years, I do re-

ally believe it."

Maybe people are fatigued, Killmer acknowledged. Maybe they're depressed and don't want to think about torture, and are so pummeled by a brutish culture that they can't see a way through. But the moral issue is a strong cocktail. "With any social movement," he said, "it's really hard to get a majority of people involved. You'll never get a majority. But there are a lot of people who care who I think eventually will prevail. It's going to take a while. It takes everyone a while. Look how long it took to abolish child labor and slavery." NRCAT aims to abolish torture in U.S. prisons as well, meaning eliminating long-term solitary confinement, the internal gulag of 45 SuperMax prisons that hold some 62,500 souls, and other forms of isolation warehousing that hold thousands in standard prisons.

Killmer is betting, like Dr. King, that the arc of the moral universe really does bend toward justice. It sure is long. **CP**

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