



John Culligan

Eric Kim

## TOPIC 1: Defining Torture and Extraordinary Rendition

### Introduction:

According to *Webster's New Millennium Dictionary of English*, **extraordinary rendition** is "the practice of seizing and transferring a criminal suspect to a country where covert interrogation and torture are allowed, esp. in relation to suspected terrorists; also called irregular rendition." The etymology of the term is dated 1983.

According to the London paper, *The Independent*, extraordinary rendition "applies to a growing number of cases in which terror suspects are arrested by the CIA and flown to another state, usually the suspect's home country, where they are subject to torture."

In the 1984 United Nations Convention Against Torture, it was stated that:

"Since the 1980s, the United States has increasingly turned to rendition as a judicial and extra-judicial method of dealing with foreign defendants. The advantage for the American intelligence and security services is that they can get other countries to torture suspects in conditions that would be unlawful under US law."<sup>1</sup>

The first publicized case of rendition occurred in 1982, when US Air Force jets forced a plane carrying hijackers to land at NATO base in Italy. The Palestinian hijackers were taken to the United States for trial in the hijacking of the *Achille Lauro* passenger ship, and the murder of an American citizen onboard the ship.

During the Clinton administration, Extraordinary Rendition had been proven to have been authorized by the CIA.

### Current Situation:

"Guantanamo Bay in Cuba is the best example of post-9/11 extraordinary rendition. Hundreds of suspects, newly termed "enemy combatants", were picked up in Afghanistan, Iraq, Pakistan and Somalia and flown to Guantanamo Bay."<sup>2</sup>

Swiss MP Dick Marty is the author of the Council of Europe report which claims that 14 European countries have "colluded" with the United States in extraordinary rendition since September 11, 2001. (According to dictionary.com, collude means "to act together through a secret understanding, esp. with evil or harmful intent; to conspire in a fraud")

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<sup>1</sup> Verkaik, Robert. "The big questions: What is extraordinary rendition, and what is Britain's role in it?" *The Independent*. June 3, 2006. London.

<sup>2</sup> Verkaik

On September 6, 2006, President George Bush acknowledged that the CIA runs secret detention centers that have been ordered to close. Bush also stated that 14 prisoners were then awaiting transfer to Guantanamo.

A November 2006 European Parliament report denies that European countries were ignorant of US-led extraordinary renditions. “Many governments cooperated passively or actively” with the CIA, said Giovanni Claudio Fava, the reporter leading a special inquiry. “They knew.”<sup>3</sup> This report concluded that at least 1,245 flights stopped over in European countries or flew in European airspace while participating in extraordinary rendition.

The US government claimed in response that extraordinary rendition has been on hold since 2003.

In February 2007, the Italian government announced the indictment of 25 persons involved in a CIA kidnapping in Milan. According to the Washington Post, “Overseas opponents of American foreign policy are increasingly turning to judicial proceedings against individual American officials as a means of reformulating or frustrating U.S. aims...”<sup>4</sup>

This much-publicized case of extraordinary rendition occurred in 2003, when Osama Mustafa Hassan Nasr was seized in Milan and sent to Egypt, where he claims he was tortured. The authors of the Post article state that extraordinary rendition is “a long-standing and legal practice that generally involves the cooperation of two or more governments in the capture and transportation of a criminal suspect outside of normal extradition proceedings. It was through such a rendition that the terrorist “Carlos the Jackal” was delivered for trial in France from Sudan in 1994.”

### Questions to Consider:

1. The U.S. has reportedly transferred suspected terrorists to countries known to employ harsh interrogation techniques that may rise to the level of torture. With the moral foundation of the country’s origins in mind, is extraordinary rendition constitutional?
2. As a recognized international power, is extraordinary rendition a justified means of restoring international peace?
3. With the explicit purpose of NATO, as defined in its charter as a collective defense organization, how is NATO responsible in regulating extraordinary rendition?
4. With the following suggestions of British Parliament in mind, how should NATO remedy the international problem of extraordinary rendition? Why? Be prepared to discuss each suggestion’s potential benefits and flaws. British Parliament suggested:

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<sup>3</sup> Knowlton, Brian. “Report assails collusion in Europe with CIA; Some claims of innocence are rejected.” *The International Herald Tribune*. November 30, 2006.

<sup>4</sup> Rivkin Jr., David B., and Lee A. Casey. “Europe’s Runaway Prosecutions.” *The Washington Post*. February 28, 2007.

- a. Close Guantanamo Bay
- b. Investigate cases of collusion efforts led by the United States
- c. Improve the dialogue on security between the European Union and the United States
- d. Monitor all intelligence activities in Europe
- e. Pass national laws regulating activities by third-country secret services on national territory

**Sources:**

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United States Department of Defense, Detainee Affairs

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United States Federal Bureau of Investigation, Guantanamo Bay Inquiry

<http://foia.fbi.gov/foiaindex/guantanamo.htm>

UN Committee Against Torture

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UN ECOSOC, Situation of Detainees at Guantanamo Bay

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