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'Rendition' Realities

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Washington Post
March 9, 2005

Torture is immoral and illegal, and the refusal to allow cruel interrogation techniques is one measure of a civilized society. But this ironclad moral argument doesn't necessarily apply to the practice known as "extraordinary rendition."

Rendition is the CIA's antiseptic term for its practice of sending captured terrorist suspects to other countries for interrogation. Because some of those countries torture prisoners -- and because some of the suspected terrorists "rendered" by the CIA say they were in fact tortured -- the debate has tended to lump rendition and torture together. The implication is that the CIA is sending people to Egypt, Jordan or other Middle Eastern countries because they can be tortured there and coerced into providing information they wouldn't give up otherwise.

The problem with this argument is that it assumes that the CIA believes that torture works. But in 30 years of writing about intelligence, I've never encountered a spook who didn't realize that torture is usually counterproductive. Professional intelligence officers know that prisoners will confess to anything under intense pain. Information obtained through torture thus tends to be unreliable, in addition to being immoral.

The unreliability of torture as an interrogation technique was conveyed powerfully by Jane Mayer in an article in the New Yorker last month. She cited the case of a Syrian-born terrorist suspect named Maher Arar, who was seized at New York's John F. Kennedy Airport in September 2002 as he was traveling back to his home in Canada. He was then sent to Syria under the CIA's program of "extraordinary rendition" and, by his account, whipped repeatedly on the hands with two-inch-thick electrical cables.

"Although he initially tried to assert his innocence, he eventually confessed to anything his tormentors wanted him to say," wrote Mayer. She quoted Arar as explaining his false confession this way: "You just give up. You become like an animal." The Syrians eventually concluded that Arar was innocent. He was released without charges.

Such stories rightly shock the conscience, and they make you wonder how anyone could ever advocate rendition. But in conversations over the past several years with senior CIA officials and the heads of several Arab intelligence services, I've heard explanations for why the practice is used. These arguments for rendition at least ought to be understood as Congress and the public struggle with the moral issues involved.

What's gained by transferring a prisoner to his home country for interrogation is emotional leverage, according to Arab and American intelligence chiefs. A hardened al Qaeda member often can't be physically coerced into giving up information, no matter how nasty the interrogator. But he may do so if confronted by, say, his mother, father, brother or sister. That family contact is possible if he's near home; it's impossible if he's in an orange jump suit and warehoused at Guantanamo Bay.

I asked the head of an Arab intelligence service once about the widespread belief in his country that prisoners were tortured. People sometimes referred to his headquarters as the "fingernail factory," I said, because they assumed that vicious methods were used, such as ripping out prisoners' nails. This official insisted that torture didn't work. He cited cases in which prisoners had been broken through softer and more clever measures -- applying family pressure or, in one

remarkable case, ignoring a defiant, self-important prisoner until he all but demanded to be questioned.

The head of another major Arab intelligence service explained how his men cracked an al Qaeda suspect who had refused to talk to the Americans; their main "weapon," he said, was that they prayed five times a day in the man's presence.

These "nice" interrogation stories don't change the fact that hideous methods have been used in rendition cases. And in some instances, the CIA should have known that torture was likely -- and stopped it. That's wrong; no agency of the U.S. government should ever turn a blind eye to torture. But I think you can oppose torture and still find circumstances where rendition might be appropriate.

Before you make an easy judgment about rendition, you have to answer the disturbing question put to me by a former CIA official: Suppose the FBI had captured Mohamed Atta before Sept. 11, 2001. Under U.S. legal rules at the time, the man who plotted the airplane suicide attacks probably could not have been held or interrogated in the United States. Would it have made sense to "render" Atta to a place where he could have been interrogated in a way that might have prevented Sept. 11? That's not a simple question for me to answer, even as I share the conviction that torture is always and everywhere wrong.