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Russia and the U.S. Play the Blame Game

By Ian Bond

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The U.S. Senate Intelligence Committee's recently released report on CIA torture of terrorist suspects makes stomach-churning reading. It was impossible to disagree with the Russian Foreign Ministry's human rights envoy, Konstantin Dolgov, when he said in a statement on Dec. 11 that its content was shocking.

The attacks of Sept. 11, 2001 were appalling, and it is understandable that Americans wanted to find and punish those responsible. But too many people lost their moral compass. The Nazi defendants in the Nuremberg trials, guilty of infinitely worse crimes than any of those detained by the CIA, were treated much more humanely when captured.

Even if one accepts that the aim of the CIA was to prevent further terrorist attacks on America and its allies, the ends could never have justified the brutal means; and as the report shows, the ends were not achieved. There is no evidence that torturing detainees produced any vital intelligence. The director of the CIA, John Brennan, claimed that valuable intelligence was acquired from detainees after they were subjected to the so-called "enhanced interrogation

techniques"; but even he admitted that whether their use actually caused detainees to give information was "unknown and unknowable."

Senator John McCain, who was himself tortured by the North Vietnamese government, was blunter, saying in a powerful statement in the Senate on Dec. 9 that "I know from personal experience that the abuse of prisoners will produce more bad than good intelligence."

Both America and its allies, particularly in Europe, now face difficult questions about what they will do to deal with the abuses uncovered. The United States signed the United Nations Convention Against Torture in 1988 while Ronald Reagan was president and ratified it in 1994. The convention states that no exceptional circumstances, such as war or a state of emergency, may be used to justify torture; and that torture and complicity in torture must be criminal offenses and subject to legal penalties.

Parties to the convention are obliged either to prosecute those alleged to have carried out torture, or to extradite them to other countries for prosecution. So far, however, the U.S. Department of Justice has said it will not be prosecuting anyone.

Other European countries, which are also parties to the UN convention, are starting to look at their own responsibility in what happened. In Britain, the Parliamentary Intelligence and Security Committee is already investigating how British intelligence treated detainees and whether any British personnel were complicit in torture; the chairman of the committee has said he will ask the U.S. authorities for any information in the Senate report that relates to Britain, including whether any British officials were present when people were being tortured.

Former Polish President Aleksander Kwasniewski has admitted that Poland hosted one of the CIA's secret prisons, though he says that they asked the Americans to close it in 2003 because they were concerned about what was going on there. Since 2008, Polish prosecutors have been investigating allegations by three men who say they were mistreated at the site; the European Court of Human Rights has already ruled in the case of two of them that the treatment to which they had been subjected amounted to torture, and that Poland had facilitated what happened when it should have prevented it.

So Dolgov is right to call this a "dark page in history." But before the Russian government crows too loudly about the sins of America and its allies, they should examine Moscow's own record, particularly in Chechnya and other areas of the North Caucasus, and in areas of Ukraine including Crimea and parts of Donetsk and Luhansk. Russia too is a party to the Convention Against Torture.

The European Court of Human Rights has found in a number of cases that the Russian authorities used torture against several Chechen residents in the early 2000s and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, an official body of the Council of Europe, reported in 2011 on ill-treatment amounting to torture of detainees in Chechnya, Dagestan and North Ossetia.

This year the Council of Europe's Commissioner for Human Rights has called for an investigation into the "severe physical ill-treatment and arbitrary detention" by the de facto authorities in Crimea; and the Office of the UN High Commissioner for Human Rights has

reported numerous instances of torture and inhumane treatment of detainees by Russian-influenced separatists in eastern Ukraine. So far, no one has been held to account in any of these cases.

This is not to play a Western version of the old Cold War game of responding to every claim of human rights violations in the Soviet Union with a claim of similar violations in the U.S.

There should be no impunity for such acts, whoever commits them and whatever their motivation. Governments should not encourage the use of torture, by their own officials or others; and those leaders who do so should themselves face the law.

The U.S. has taken its first, hesitant steps toward admitting what its intelligence agencies did wrong, even if real accountability seems far away. Where are the State Duma or Federation Council investigations of what has been going on in Chechnya and elsewhere? What has the Russian government done to prosecute those responsible for the torture identified by international organizations?

The Russian government should avoid the temptation to justify its own human rights abuses by saying, "The Americans are as bad as we are." Instead, it should focus on meeting its own international obligations to root out torture.

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