

# Center for Constitutional Rights

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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## Public Facing Advocacy Writing

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May 9, 2018, New York In response to today's Senate confirmation hearing for Gina Haspel to head the CIA, the Center for Constitutional Rights issued the following statement:

Gina Haspel could not answer one of the most basic questions in the torture debate: whether she believes torture some of its most overt kinds, like waterboarding is immoral. Instead, she simply repeated the refrain, the CIA follows the law. But let us be clear. The question was about right and wrong. And the law does not condone torture. It prohibits torture universally, no matter the circumstances. The law the CIA relied upon during the Bush administration was a deliberate distortion of that fundamental, universal principle.

Haspel's other defense of her actions that she was just following orders and not the one making decisions flies in the face of the senior and supervisory roles she occupied during her 33-year career at the CIA, including running a CIA blacksite in Thailand. Indeed, she is being nominated for head of the CIA precisely because of her leadership roles in the agency.

Not only did she participate in a torture conspiracy, she took part in its cover-up. The disposal of 92 interrogation videotapes was a comprehensive destruction of evidence. The CIA destroyed the tapes because they contained flesh and blood images of torture. The fact that written transcripts may exist is not the same. Images speak much more loudly than words, as the government knows from trying to prevent disclosure of other photographs and videotapes of torture since 9/11.

If what we know about Gina Haspel isn't troubling enough, consider what we don't know, and the fact that decisions about the information we do and do not have access to are being made by none other than the nominee herself. As Acting Director of the CIA, Haspel is the gatekeeper of the CIA's information about her record.

Haspel sought to hide behind the circumstances of 9/11 and the accusations against Khaled Sheikh Mohammed (KSM) in particular, as if these provided a blank check to torture. The Geneva Conventions and the Convention Against Torture which the United States played a leading role in drafting and has incorporated into domestic criminal law are designed to regulate conduct at precisely such extreme times as war or national emergencies. Again, the law is clear: torture is prohibited without exception.

Haspel's answers today show she's unwilling or unable to acknowledge the magnitude of the crimes that were committed in the CIA torture program, and raises serious concerns about the risks of future abuses by CIA under her leadership.

We will say it again: Gina Haspel should be prosecuted, not promoted to the helm of the CIA. Her confirmation would send an even more unambiguous signal that the United States thinks torture is permissible. That signal would be broadcast loud and clear: domestically, to intelligence agencies, police, and prison wardens, and internationally, to dictators, authoritarian regimes, and those opposed to human rights.

This should not be a partisan issue. Every self-respecting senator should stand up and do what is right: vote against the confirmation of Gina Haspel to head the CIA.

Center for Constitutional Rights clients, including men still detained at Guantanamo, were subjected to the CIA torture program, men like [Sharqawi Al Hajj](#), [Guled Hassan Duran](#), and [Majid Khan](#).

*The Center for Constitutional Rights has led the legal battle over Guantanamo for more than 16 years representing clients in two Supreme Court cases and organizing and coordinating hundreds of pro bono lawyers across the country, ensuring that nearly all the men detained at Guantanamo have had the option of legal representation. Among other Guantanamo cases, the Center represents the families of men who died at Guantanamo, and men who have been released and are seeking justice in international courts.*

*The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at [ccrjustice.org](https://ccrjustice.org).*

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