

TORTURE AND TRUTH

Yesterday, I posted on a Harvard study showing that the press, after an established tradition of referring to waterboarding as torture, stopped doing so once it became clear the US engaged in the practice. Our press, in other words, refused to tell what they had previously presented as “the truth” (that is, that waterboarding was unquestionably torture) when it became politically contentious to do so.

Now I want to focus on one detail of the documents Craig Murray released yesterday in anticipation of the British inquiry into whether it was complicit with torture. The Brits are debating among themselves whether the question will be, “Did the UK order up torture?” or “Did the UK knowingly use information gathered using torture?” (Rather, the powers that be are trying hard to limit the inquiry to the former question.) So Murray posted a series of British Foreign Office communication set off when he asked both whether it was **legal** to receive information known to have been collected using torture, and what civil servants and Ministers thought about receiving information gathered using torture.

I would be grateful for the opinion of Sir Michael Wood on the legality in both international and UK domestic law of receiving material there are reasonable grounds to suspect was obtained under torture, and the position of both Ministers and civil servants in this regard.

That is, is it legal and is it the accepted practice of the government to accept information gathered using torture (ironically, at almost exactly the same moment, Jane Harman, having been assured that torture was legal by CIA General Counsel Scott Muller, was asking him whether it was the formal Bush policy).

The answers to those questions, as you can see by reading the thread of communication, were “yes” and “yes.” It’s the latter “yes” that the Brits don’t want to admit publicly in their inquiry.

That’s all politics. But what I’m most interested in is a paragraph Linda Duffield, the Director, Wider Europe, wrote on March 10, 2003, memorializing a meeting between her, Murray, and two others. In it, she describes explaining to Murray that she appreciated his concern about information collected using torture, but that the “moral issues” raised by it had to be weighed against other moral concerns. And the competing “moral” issue—as she lays out—is the necessity to “piec[e] together intelligence material from different sources in the global fight against terrorism.”

I said that he was right to raise with you and Ministers (Jack Straw) his concerns about important legal and moral issues. We took these very seriously and gave a great deal of thought to such issues ourselves. There were difficult ethical and moral issues involved and at times difficult judgements [sic] had to be made weighing one clutch of “moral issues” against another. **It was not always easy for people in post (embassies) to see and appreciate the broader picture, eg piecing together intelligence material from different sources in the global fight against terrorism.** But that did not mean we took their concerns any less lightly. [my emphasis]

Duffield is claiming to acknowledge the moral problems of torture, but suggests that the “moral” (and ethical) necessity to piece together intelligence on terrorism—not to keep the country safe, but to piece together intelligence—balances out those moral problems.

At least from her minutes, there’s no indication

she considered the reliability of the intelligence collected using torture. And that's in a string of communications in which Murray described an incident of probably unreliable intelligence collected using torture.

I have seen with my own eyes a respected elder break down in court as he recounted how his sons were tortured in front of him as he was urged to confess to links – I have no doubt entirely spurious – with Bin Laden.

The string of communications that Murray published not only show the British government institutionally deciding that it would accept information collected using torture. But also—at least in that one paragraph—prioritizing the collection of intelligence, per se, over the collection of reliable intelligence and placing that, but not protecting the country, in moral counterweight to torture.

Also, it bears mentioning that these minutes were written within a week of Dick Cheney's last ditch attempt to claim Iraq had ties to al Qaeda in the lead-up to the Iraq war (the intelligence community managed to vet that specious claim) and about the time KSM's 183 waterboardings started. Note, too, Murray's observation that much of the redacted information in these communications describe the CIA soliciting and brokering such information.

The censorship has removed all mentions of the role of the CIA in procuring the torture intelligence from the Uzbek security services, and passing it on to MI6. Protection of the CIA appears to be the primary aim of the censor.

So as bad as this makes the Brits look, it implicates the US far more.

Duffield's sentence, describing the collection of intelligence (no matter how reliable) as a moral necessity that counterbalances the moral

problem of torture itself, is an awful snapshot of the mindset of our governments at a key moment in time, just as the war on terror morphed into a war of choice against Iraq. This is the “truth” that drove our war efforts.