U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE REPORT ON CIA TORTURE

BACKGROUND

What is the SSCI Report and what did it investigate?
In 2009, the Senate Select Committee on Intelligence (SSCI)—charged with providing “vigilant” oversight to the intelligence activities of the United States—voted 14-1 to investigate the Central Intelligence Agency’s (CIA) detention and interrogation program from 2001-2009. The committee reviewed 6.3 million pages of documents and wrote a 6,700 page report, which was completed in 2012.

According to Senator Dianne Feinstein, SSCI Chairman, it includes “details of each detainee in CIA custody, the conditions under which they were detained, how they were interrogated, the intelligence they actually provided and the accuracy – or inaccuracy – of the CIA descriptions about the program to the White House, Department of Justice, Congress and others.”

What are the findings of the report?
It reportedly finds that at least 26 people were subject to CIA abuse under the program. Senators on the SSCI have said that the report reveals “shocking” and “startling” new information. Senator Feinstein, said the CIA’s program involved abuse that was “chilling” and “far more systematic and widespread than we thought.” Several senators, including John McCain describe its findings as “torture.” Portions of the report leaked to the media show that the CIA evaded or impeded any oversight of the program by Congress, the White House, or the Office of the Inspector General.

Why has the report not been released?
The details of the CIA’s detention and interrogation program remain classified. Therefore, the information in the report must be declassified by the executive branch. In April 2014, the SSCI voted 11-3 to send the nearly 600-page executive summary, findings, and conclusions to the executive branch for declassification. Thus, for over seven months, members of the executive branch and the SSCI have been negotiating over redactions.

Senators note that the CIA’s initial redactions of the executive summary make it virtually unintelligible and the agency redacts information that has already been declassified. As Juan Méndez, UN Special Rapporteur on torture noted, the “whole truth” will not come out “when the perpetrators are the ones holding the black marker.”

Which articles of the CAT are implicated?
Articles 2, 4, 7(a), 12, 13, and 14

OTHER UN BODIES ON THE SSCI REPORT

UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment Juan Méndez has called on the United States to release the entire report, not just the executive summary that SSCI members have voted to release, with as few redactions as possible. He states that in order to “once again become a full partner in the global movement for human rights” the United States must confront “its dark side and atone for its torturous transgressions.”
UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism Ben Emmerson stated that it was time for "a reckoning with the past" and called on the United States to release the SSCI report because failure to do so indicates "a policy of de facto immunity for public officials who engage in acts of torture.[vi]

In its April 2014 Concluding Observations, the Human Rights Committee said the United States should "make public the report of the [SSCI] into the CIA secret detention programme."vii

SUGGESTED QUESTIONS

- In light of the reported findings, how will the United States comply with its obligations under the CAT specifically as it relates to its obligations to investigate and prosecute credible allegations of torture and cruelty, prosecute were necessary, and provide redress and remedy to victims of torture?

SUGGESTED RECOMMENDATIONS

- The United States executive branch should negotiate in good faith with the Senate Select Committee on Intelligence over redactions in the SSCI’s report on the CIA’s detention and interrogation program and should not use redactions as an excuse to avoid accountability.

- The United States should declassify and release the entire SSCI report as soon as possible, with as little redactions as possible.

- The United States should ensure the prohibition against torture and inhumane treatment – in law and practice - are firmly in place; fully investigate credible allegations of torture, and prosecute where necessary; and ensure victims of torture are provided redress, including the right to rehabilitation.

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v Id.
