

United States Senate



# CIA Black Sites: Investigating Legal and Ethical Implications in Intelligence Operations

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## **History of the Committee**

The United States Senate was created as a key part of the government during the drafting of the U.S. Constitution in 1787. One of the biggest debates at that time was about how states should be represented in this new body. While many agreed on the idea of having two separate houses in the legislature, the question of how to represent states in the Senate caused a lot of disagreement. Smaller states worried about losing power to larger states, so they strongly opposed any plan that would lessen their influence. This issue was finally resolved with the Connecticut Compromise, which decided that each state, no matter its size, would have two senators.

The Senate first met in 1789, and its name comes from the ancient Roman Senate, where "senate" meant "council of elders." The Senate was set up to balance power between the states, ensuring that all had equal representation. Article Five of the Constitution made this balance official by stating that no amendment could take away a state's equal representation in the Senate without that state's consent.

Over time, the Senate has developed a unique and powerful role in the government. It has stricter rules of conduct and special powers, such as approving treaties and appointments. The Constitution sets the qualifications for senators: they must be at least 30 years old, have been U.S. citizens for at least nine years, and live in the state they represent. These rules were designed to make sure senators had the experience and stability needed for their duties.

In addition to its legislative functions, the Senate plays a crucial oversight role through its




various committees. One of the most significant is the Senate Select Committee on Intelligence, which was established in 1976 following revelations of widespread abuses by the CIA and other intelligence agencies. This committee is tasked with overseeing the CIA's operations and ensuring they align with U.S. laws and national security objectives. Through regular reviews, hearings, and investigations, the committee monitors the CIA's activities, including covert operations and intelligence gathering, maintaining a delicate balance between the need for secrecy and the public's right to accountability.

## **Introduction**

The investigation into the legal and ethical implications of CIA black sites is a critical undertaking by the U.S. Senate, reflecting its commitment to upholding the principles of transparency, accountability, and adherence to the rule of law within intelligence operations. CIA black sites, covert facilities used for the detention and interrogation of individuals outside the traditional legal framework, have sparked widespread concern and controversy. These sites, often located in foreign nations, have raised serious questions about potential human rights violations, including the use of torture and the circumvention of international legal norms.

The significance of this issue lies not only in its immediate impact on those directly affected but also in its broader implications for U.S. foreign policy, national security, and the country's standing on the global stage. The ethical dilemmas and legal challenges posed by such operations necessitate thorough examination and oversight. The Senate, through its Select Committee on Intelligence, plays a vital role in this process, ensuring that intelligence activities




are conducted in a manner that aligns with the United States' legal obligations and ethical standards. This inquiry is essential for maintaining the integrity of the intelligence community, safeguarding civil liberties, and reinforcing the democratic values that underpin the nation's governance.

### **Historical context**

The issue of CIA black sites is rooted in a complex historical context that dates back to the early days of the Cold War, when intelligence operations increasingly operated in the shadows to counter perceived threats to national security. Over the decades, the role of intelligence agencies like the CIA expanded significantly, particularly during times of global conflict and heightened tensions. The post-9/11 era marked a turning point, as the U.S. government intensified its efforts to combat terrorism through a variety of covert operations, including the use of black sites—secret detention facilities located in undisclosed locations worldwide, where suspected terrorists were detained and interrogated without legal oversight.

These secret detention facilities were established as part of the broader "War on Terror," aimed at gathering intelligence from suspected terrorists. The methods used at these sites included enhanced interrogation techniques, a euphemism for practices that involve physical and psychological pressure to extract information. These techniques, such as waterboarding (which simulates drowning), sleep deprivation, and stress positions, were intended to break down detainees' resistance but quickly drew international criticism for their inhumane nature and their dubious effectiveness in obtaining reliable intelligence. The use of black sites was largely




justified by the urgent need to prevent further attacks, but over time, reports of human rights abuses and violations of international law began to surface. Notable examples include the reported mistreatment of detainees at the black site in Poland and the death of detainee Gul Rahman in a CIA-run facility in Afghanistan, which led to widespread condemnation.

Historically, several key events and legal frameworks have shaped the discussion around CIA black sites. The Geneva Conventions, which outline the standards of international law for humanitarian treatment during war, are often cited in arguments against the use of such facilities. Additionally, the United Nations Convention Against Torture, ratified by the United States in 1994, explicitly prohibits torture and other forms of cruel, inhuman, or degrading treatment. Despite these agreements, the existence and operation of black sites have raised serious questions about adherence to these international commitments.

Some specific cases include the black site just outside of Kabul, Afghanistan. Specific location where several prisoners were tortured by their U.S. captors with the enhance interrogation techniques created by John Bruce Jessen and James Elmer Mitchell. These psychologists were targets of a lawsuit made by victims Suleiman Abdullah Salim, Mohamed Ahmed Ben Soud, and the family of the late Gul Rahman. These cases evidenced the psychological and physical dangers that traumatized prisoners in these facilities. These victims along with 116 other prisoners were subjected to the methods designed by Jessen and Mitchell which included prolonged sleep deprivation and nudity, starvation, beating, water dousing, and extreme forms of sensory deprivation.

As the controversy grew, various governments and international organizations called for




greater transparency and accountability in intelligence operations. The Senate Select Committee on Intelligence took on the responsibility of investigating these issues, leading to a broader examination of how the U.S. conducts its covert activities. This culminated in the release of the Senate Intelligence Committee's report on CIA torture in 2014, which documented the extent of abuses at black sites and sparked renewed debate over the balance between national security and human rights.

### **Current Issue**

The current issue surrounding CIA black sites continues to be a focal point of debate and concern, reflecting ongoing challenges in balancing national security with human rights. While many of these facilities have reportedly been closed, the legacy of their operation still impacts contemporary discussions on intelligence practices.

Recent reports and investigations have revealed that some CIA black sites were operational in various countries, including Poland, Romania, and Lithuania, as recently as the mid-2000s. In Poland, for example, a facility known as "Stare Kiejkuty" was used to detain and interrogate high-profile suspects, including Khalid Sheikh Mohammed, the alleged mastermind behind the 9/11 attacks. Detainees at these sites were subjected to harsh interrogation methods, such as "walling," where a detainee is repeatedly slammed against a flexible wall, and prolonged isolation, which often led to severe psychological distress. Despite the closure of many of these sites, the revelations of their existence have led to ongoing scrutiny of past practices and their implications for current U.S. intelligence operations. The Senate Select Committee on




Intelligence has been actively involved in reviewing these issues, culminating in the release of a comprehensive report in 2014 that detailed the use of enhanced interrogation techniques and their effectiveness. The report revealed that these techniques often failed to produce actionable intelligence, raising significant questions about their legality and ethics.

The current debate revolves around several key areas. Firstly, there is a continued discussion about the legality and ethicality of the techniques used at black sites, including allegations of torture. Critics argue that these methods violate international law, particularly the United Nations Convention Against Torture, and undermine the United States' commitment to human rights. Proponents of enhanced interrogation techniques contend that they were necessary for preventing terrorist attacks and obtaining critical intelligence, although this claim has been increasingly challenged by the findings of various investigations and reports.

Major stakeholders in this issue include various U.S. government agencies, human rights organizations, and international bodies. The CIA and other intelligence agencies have defended their actions by emphasizing national security concerns and the need to protect citizens from terrorism. Human rights groups and international organizations, on the other hand, have condemned the use of torture and called for greater transparency and accountability in intelligence practices, urging the U.S. to adhere more strictly to international legal standards.

### **Past Actions**

The main initiatives taken by the U.S. Senate against these unlawful methods of intelligence agencies are mostly credited to their participation in international treaties such as the




Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR). Though they are purposed for a strict prevention of torture, they have had little to no effect on the usage of black site by the CIA. Aside from these international agreements other projects are worth taking notice by the U.S. Senate like a report released in 2014 detailing suspicious activity related to torture and black sites related to intelligence agencies. Such efforts conducted by the U.S. senate are a display of cooperation towards the treaties the U.S. is allied to.

Among many others, some of the most important treaties of United Nations prevent torture and inhumane treatment. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which was adopted in 1984 is a fundamental document that requires signatory states to take effective measures aimed at preventing torture within their territories. This convention imposes an absolute prohibition on torture irrespective of the circumstances including those related to national security concerns.

Together with CAT, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) also recognize the right not to be subjected to any form of torture and cruel treatment. These documents have contributed significantly to shaping international standards against tortures.

Though raising awareness and installation of legal frameworks have been successful to some extent, some huge challenges still remain. For instance, the U.S. Senate Intelligence Committee reported on CIA torture in 2014, pointing out that enhanced interrogation techniques had been used by the agency. There was immense criticism, and consequently, the report resulted





in increased scrutiny and calls for reform within the U.S. intelligence community.

Yet, with all these efforts put together, many critics argue that accountability has come too little, too late. The lack of prosecutions for those involved in the implementation of torture policies, coupled with the continued existence of practices geared toward circumventing legal protections, underlines an ongoing struggle against torture.

On the whole, while there have been highly commendable efforts through international treaties, U.N. resolutions, and NGO advocacy related to torture and CIA black sites, results have been patchy at best: difficulties persist in ensuring accountability and adherence to human rights standards.


### **Subtopics**

#### *Historical Setting of the CIA Torture Sites:*

Study of the history or the origin of CIA black sites; when, how, and why these sites came into being would help provide a solid foundation for the discussion. Insight into all this is important in understanding their motives for their existence and the political atmosphere that allowed them to thrive.

#### *International Laws and Treaties Against Torture:*

This will be a subtopic and will delineate the meaning and understanding of the international



laws and treaties that explicitly prohibited torture, among them being the UN Convention Against Torture and Geneva Conventions. They are very important to understand because of the benchmarks for judgment of the actions of the CIA.

*Justification of Enhanced Interrogation Techniques by the CIA:*

This would necessarily be a study of the perspective from the CIA's point of view and their justifications for using enhanced interrogation techniques to help one understand their viewpoint. At the very least, this forms a basic prerequisite if one is to argue in a balanced discussion or present views in critical analysis.

*Case Studies of Torture and Black Sites:*


There is a need to examine specific reported cases of torture and instances where black sites were used. These real-life examples bring reality to the forefront and allow insight closer to reality.

*Human Rights Perspective:*

This would be the view of human rights organizations on the matter. The subtopic will introduce research on the work done by organizations like Amnesty International or Human Rights Watch and their advocacy in exposing such issues to the public and in pursuit of justice.


**Positions**

1. National Security Advocates: This group of senators, primarily from the




Republican party, prioritizes national security over other considerations. They generally support the use of aggressive interrogation techniques, viewing them as essential tools in preventing terrorist attacks. Senators in this group argue that enhanced interrogation techniques, while controversial, were necessary in the immediate aftermath of 9/11 to gather intelligence and prevent further attacks. They contend that the CIA's actions were justified given the extreme circumstances and believe intelligence agencies need broad authority to protect the country effectively. These senators often oppose efforts to curtail the powers of intelligence agencies, arguing that restrictions could undermine U.S. security. They have been critical of the 2014 Senate report on CIA black sites, suggesting that it jeopardizes ongoing intelligence operations and unfairly demonizes the intelligence community.

2. Human Rights and Legal Standards Advocates: Primarily composed of Democrats and some Independents, this group of senators is deeply concerned about the legal and ethical implications of CIA black sites. They believe that the U.S. must adhere to international legal standards and protect human rights, even in the context of national security. These senators argue that the use of torture and the operation of black sites are not only illegal under international law but also counterproductive to U.S. interests and values. They emphasize that such practices damage the U.S.'s global standing and undermine its moral authority.



This group has led efforts to increase transparency and accountability within the intelligence community. They support the declassification of documents related to CIA black sites and advocate for reforms to prevent the recurrence of such practices. The release of the 2014 Senate report on CIA torture was a key victory for this group, as it brought public attention to the abuses committed and spurred calls for change.

3. Moderates and Pragmatists: This group includes senators from both parties who seek a balanced approach, recognizing the importance of both national security and adherence to legal and ethical standards. They advocate for a measured response that addresses the concerns of both sides. Moderates acknowledge the complexities of intelligence operations in a post-9/11 world but argue that the U.S. must maintain its commitment to legal norms and human rights. They believe that while some level of secrecy and discretion is necessary in intelligence work, it should not come at the cost of violating fundamental principles. These senators often support efforts to review and reform intelligence practices to ensure they align with U.S. laws and international agreements. They call for increased oversight of the intelligence community and support the declassification of key documents to ensure accountability while safeguarding essential national security interests.
4. Democrats: Democrat party members are generally opposed to the use of




enhanced interrogation techniques. This opposition is mostly based on their support of ethical, humanitarian, legal, and social concerns. Their opposition is also shown in their lack of support for Gina Haspel as CIA chief as she was involved in the black sites located in Thailand. Their opposition is clearly shown in their legislative actions which are looking to stop the recurrence of these humanitarian violations. Aside from this the party is also known for their lack of endorsement of the CIA compared to republicans. Nonetheless, more recently they have shown mixed opinions due to operations such as the killing of Osama Bin Laden which have garnered international praise.

5. Republicans: Republicans have communicated sparse and varied responses to the use of CIA black sites. While some support the report released by the U.S. senate, others reiterate how this document does not provide a comprehensive picture of the program. Some politicians have shown clear support such as Donald Trump and Liz Cheney who have stated the importance of such tactics for national security. Republicans have also shown some involvement to legislative actions looking to ban torture, but a vast amount of members of the party lack this involvement by stating the possible endangerment of the country that could be followed by this ban.

### **Conflicting Interests and Alliances**

*U.S. and European Relations:* The cooperation between the U.S. and European countries in the

A decorative illustration of a dark grey dragon with a spiky back and a long, flowing tail, set against a light green background with stylized foliage.

CIA's rendition program has led to tensions and conflicting interests. European countries have faced legal and political risks for their involvement, which has affected their willingness to participate in future U.S. operations.


*International Accountability:* The ECHR's judgments and the calls for prosecutions by international organizations have highlighted the need for accountability. This has created a conflict between the U.S.'s national security interests and the international community's demand for adherence to human rights standards.

*Internal U.S. Conflicts:* Within the U.S., there have been significant debates and conflicts over the use of torture and black sites. The nomination of Gina Haspel as CIA director, despite her ties to the agency's past use of torture, reflects the ongoing controversy and differing perspectives within the U.S. government.

### **Guiding questions**

How did the use of CIA black sites evolve over time, and what were the key factors that led to their establishment?

How has the U.S. government's stance on the use of torture and black sites changed over



different administrations? What factors have influenced these changes?

What efforts have been made to ensure accountability for the use of torture and black sites? Were these steps adequate, and if not, why?


What policies could be adopted and pursued by the U.S. Senate to help prevent the future use of black sites and ensure accountability for the past?

How have the revelations about CIA black sites changed the U.S.'s relations with other countries in general and particularly those hosting those sites?

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