

## **Criminal complaint against ex CIA director Tenet is just the beginning**

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As I read the US Senate's report on torture last Wednesday I was filled with a cold rage. I've known about the reports of beatings, sleep deprivation and waterboarding for over ten years. For the last decade my colleagues and I have been pursuing legal action against the architects and planners of this post 9/11 systematic torture – with varying degrees of success. What really struck me this time though was the response of the senior figures involved.

Reading, for instance, how the former CIA director Michael V. Hayden went about defending internally what the CIA euphemistically calls the “unjustified” detention of German citizen Khaled Al-Masri. The CIA agents, he claimed, had adhered to all given standards. Five months of detention and torture, the destruction of a man's life, all because of a mix-up over names – and these CIA agents and politicians want it to go unpunished?

Al-Masri filed lawsuits with civil courts in the USA seeking compensation but was, like all other survivors of the US torture program, unsuccessful with his claims. You could start to despair, the way you do when you hear about (systematic) torture and impunity for torture crimes in Syria, in Iraq, in Russia or in the USA. But I expect more from the US legal system than I do from the Syrian or Russian systems. The USA, after all, has signed up to be bound by international law and human rights standards. So I'm left temporarily speechless when I learn that no new criminal or civil legal action will be taken in the USA in the wake of this report. Where then, if not in America?

A week after the report was published I was asked to appear at the German parliamentary committee on human rights in connection with the Al-Masri case. Federal prosecutor Harald Range announced that his department was making efforts to obtain and translate the full report and then commence a legal examination of the case. This is a swift and worthy initiative. My colleagues and I have also taken action. The European Center for Constitutional and Human Rights (ECCHR) [submitted a criminal complaint against former CIA director George Tenet and others](#). With this new complaint we want to ensure that criminal investigations are not limited to those agents directly involved in the abductions and abuse. The prosecutor should also examine the criminal liability of the most senior figures, i.e. Tenet and members of the Bush administration.

The authorities should begin investigations or preliminary investigations straight away, even if none of those responsible at a high level are planning to enter Germany. It seems that all those involved in the torture program – from CIA agents to Bush – are avoiding travel to Europe amid fears of prosecution. It's difficult to say how likely prosecution is in a given case. But the US suspects are paying attention and are not taking any risks.

The task now for us here in Germany, Spain, France and Belgium is to bring about genuine criminal investigations. This will prove useful should one of the suspects decide to travel to Europe for business or private reasons. The arrest of former Chilean dictator Augusto Pinochet during a visit to London in October 1998 was possible only because the Spanish judiciary had prepared in advance, hearing witness testimony, assessing documents and analysing Pinochet's legal liability. The German justice system should follow their example.