

NATIONAL UNIVERSITY OF IRELAND, GALWAY

European Master's Degree in Human Rights and Democratisation
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*"But they told us they would not torture them..."**

vs.

*"If you want a serious interrogation, you send a prisoner to Jordan. If you want them to be tortured, you send them to Syria. If you want someone to disappear—never to see them again—you send them to Egypt."***

A legal, political and philosophical analysis of US extraordinary renditions and European involvement therein.



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ABSTRACT

The purpose of this paper is to examine the US extraordinary renditions to torture and the European involvement therein from a legal, political and moral point of view. I am advancing my analysis through a comparative case study approach, comparing Denmark and Ireland. Both are small countries and both have been accused of facilitating the US renditions, however, not necessarily for the same reasons. In the paper, I set out to examine and compare the involvement of the two countries in the renditions. However, Denmark and Ireland cannot be regarded in isolation from the US. Thus, the analysis of the legal, political and moral aspects of the extraordinary renditions is necessarily centered around the US. In this analysis I expect to establish that the US or US officials have committed several crimes under international law by running the CIA Rendition, Detention and Interrogation programme and that by assisting the US, several European countries, including Denmark and Ireland, have become accomplices to these crimes. I further expect to establish that, unfortunately, the international conventions that the US was (and in part still is) violating are rather "toothless", in that the UN cannot force the US to comply with them, nor can the UN punish the US or US officials for non-compliance, however, that those very same international conventions may be invoked against some of the European accomplices - and if not, the ECHR can. Moreover, it is my thesis that a case could be brought against the US (or US officials) by other signatories to said conventions, including the European signatories - but that this is not happening. However, there might be a case for a conviction of the US or US officials by the International Criminal Court. I then set out to discuss the reasons why smaller European countries like Denmark and Ireland do not bring a case against the US - which I expect might be linked to the reasons why they assisted the US in the renditions in the first place. Here it is my thesis that this generally has to do with the US' position as a hegemon, but that Denmark and Ireland may also have their own particular reasons for not bringing a case/assisting in the renditions. Moreover, I contend that it cannot be excluded that at least part of the leadership in these two countries – along with the US administration in fact thought that torture could be morally justified in some of the rendition cases - but argue that this belief is flawed and that torture should never be allowed. Finally, I make the case that extraordinary renditions to torture do not produce any useful results, rather quite the contrary.

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