

By Binoy Kampmark

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Re-Opening the Investigation

They certainly sought to please in those initial dark days when a position at the NATO table was at stake. This was something of a New World Order – the attacks after September 11, 2001 did certainly allow Washington to make that spurious case. The stakes were high, and the “need” for pressing intelligence saw a crude clipping of various liberties and protections.

Unfortunately, in so doing, willing allies and proxies lined up their maps, their facilities, and their accomplices in what became a global program of interrogation and torture. These locations willingly offered by host states came to be known as “black sites” and proved all too attractive to powers and institutions.

Lithuania's case is a particularly conspicuous one. Its authorities have been reluctant to admit providing cover for CIA activities, let alone any specific location. A parliamentary inquiry held during 2009-2010 went so far as to suggest that such a provision had, in fact, been made, advising that prosecutors take the lead. The report in question noted a detention centre set up near Vilnius in 2004-2006.

But it also spoke in tones of reservation – CIA aircraft had landed in Lithuania, but it was not clear whether human cargo had accompanied it. (Why such aircraft would be found on Lithuanian soil without such cargo is an odd point in itself.)

Four years ago, the prosecutors dropped the investigation like a steaming hot potato. The action suggested that something foul was afoot – such a procedure did not look good for the US-Lithuanian relationship, and uncovering any more details than was necessary would have proven, at least in the public eye, impairing.

This has not stopped such actions as those of Saudi-born Abu Zubaydah, who became a near cult figure of the extraordinary rendition program during the Bush years. Zubaydah's recourse has been through the European Court of Human Rights, where he is seeking to show that Lithuania violated the European Convention on Human Rights. He is [arguing](#) that Lithuania is responsible for his unlawful detention, torture and ill-treatment, the deprivation of the right to private and family life, the unlawful transfer from Lithuania, and ongoing violations of his right to legal recourse.

Then came the Senate Intelligence Committee Report on the CIA's interrogation program, one waged with tentacle-like spread across a range of jurisdictions and continents. Its lurid subject matter got various prosecutors in a range of countries concerned. Had they been too slow off the mark? Much evidence suggested that they had.

The detention centre "Violet" noted in the Senate report seemed eerily close to the descriptions put forth in the Lithuanian parliamentary investigation. The Senate report noted how an amount approximating to \$1 million was provided by the US to "show appreciation" for its creation, money which was conveyed via various "complex mechanisms" to evade the government ledgers.

Initially, it did not seem that much would change. Last month, Loreta Grauziniene, speaker of the Lithuanian parliament, [told Reuters that](#), "No new inquest will be considered, because there is no longer sufficient support for it among parliamentary members." In making such an observation, the speaker merely affirmed the link between state criminality and the will behind prosecuting it. Former president Valdas Adamkus typifies such indifference, insisting that "there were no prisons or prisoners in Lithuania," a view he would maintain till seeing the incriminating "documents before my eyes".

This month saw a slight modification of the stance. Lithuania's senior prosecutor, Irmantas Mikelionis, "decided on January 22 to cancel the January 21, 2011 decision of prosecutors to stop the investigation into possible abuse, and has restarted the investigation." According to Rita Stundiene, a [spokeswoman for the prosecutors](#), "The prosecutor renewed a previously terminated probe and merged it with the ongoing pre-trial investigation [into the case of Mustafa al-Hawsawi]."

Emphasis will be directed at the alleged violation of two articles of the Lithuanian criminal code: the illegal transportation of a foreigner through Lithuanian territory (the case on CIA prisoner Mustafa al-Hawsawi provides a classic example); and the abuse of power by a state employee resulting in significant harm. In themselves, these read like misdemeanours, minor procedural blots. In actual fact, such conduct was the hallmark of CIA interrogatory procedures, aided and abetted by various state authorities.

Whether the renewed investigation is going to do anything more than keep the common record busy for a time is hard to know. As one of Zubaydah's lawyers, Helen Duffy, argues, the gesture on the part of the Lithuanian prosecutors might also be construed as a tactic to ward off [more concrete legal scrutiny](#) in Strasbourg. "There is every reason to be sceptical about whether this is a meaningful investigation." Any investigation, to be effective, had to be total.

Such prosecutorial actions tend to be kept on the books, and rarely move off them into the realm of action and consequence. Too much is deemed at stake for such alliances. Justice, in that sense, takes the most distant of backseats, while the soiled hands of the torturers remain in service.

Lithuania's politicians generally have less of an interest in seeing CIA operatives, and their accomplices, behind bars than holding the fort against what is seen as a viable Russian threat from the east. Bigger enemies loom. Prosecutorial grit, in other words, is lacking.

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