ON SEPTEMBER 6, 2006, President Bush admitted publicly what had been surmised for some time: that the U.S. government was holding unnamed alleged terrorist “enemy combatants” in secret detention centers throughout the world as part of the Global War on Terror (GWOT). Some prisoners are in U.S. custody; others have been rendered to third countries. This “extraordinary rendition” program, as it has euphemistically been dubbed, has been vociferously criticized in the United States and abroad as both unlawful and ill-conceived.… The stories of the individuals “outsourced” as a result of the U.S. rendition program are lurid in their details, involving hooded detainees, who are spirited away in the dead of night and sent in chartered aircrafts to remote countries where they typically suffer torture and maltreatment. In the words of one former CIA agent: “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.”

The use of torture by Americans and foreign governments acting as surrogates for the United States should not come as a surprise. Given the wealth of information on coercive interrogation tactics that has emerged from reports on conditions at Guantanamo Bay, as well as the sickening photo and video footage emanating from Abu Ghraib prison, it would be naive to assume otherwise.… Given the insistence of the White House on provisions retroactively amending the Federal War Crimes Act of 1997, which effectively amnestied those committing offenses under the prior law, it is hard to ignore the tacit admission in the recently enacted Military Commissions Act (MCA) that the United States has embarked on an official policy inconsistent with current international definitions of torture.

Although it was initially believed that the number of prisoners rendered abroad has been relatively few, it now appears that the number may be scores or even hundreds. The covert nature of the operations and the allegations of prisoner mistreatment raise very troubling questions about the U.S. rendition program, which has been labeled by [an] EU Parliamentary Committee as “criminal” and “illegal.”

Many experts have applied themselves to an understanding of the deeper logic of terrorism and its causes, which is not our subject here. Those studies, however, in no way suggest that the kind of human rights abuses that currently taint the conduct of the