

**The Bush Administration's
Torture Policy:
*Outright Disregard for the Rule of
Law and Human Rights***

By
Lyndsay Wehrum

Submitted in partial fulfillment of the requirements
for Honors in the Department of Political Science

UNION COLLEGE
March, 2009

ABSTRACT

WEHRUM, LYND SAY The Bush Administration's Torture Policy: Outright Disregard for the Rule of Law and Human Rights. Department of Political Science, March 2009.

September 11, 2001 was an infamous day in American history that shocked not only the U.S. but also the World; it generated turmoil and distress for the economy, security, citizen's lives, and U.S. power. The Bush administration's response was a "war on terror" which involved a complete manipulation and disregard for national and international laws and the essential authorization of torture at U.S. controlled foreign detention centers. These policies spread by moving down the "chain of command" and into the hands of guards and interrogators that abused, humiliated, and in some cases killed detainees in U.S. control. If anything, the torture response put America in graver danger as the country aided in tarnishing its reputation and legitimacy, in addition to creating further anti-American extremists. The larger implications behind the Bush administration's torture policy include the undermining of constitutional law and executive power, as well as the false justifications and usage of "military necessity." It is my contention that the American public needs to be informed that the Bush administration has undermined the law with their torture policy and that it did not provide actionable intelligence, but rather abused and killed individuals. Furthermore, because of these actions, America has been placed in a precarious situation that the whole nation is left to deal with. If the country is to learn anything, it is that violence is not the answer and more so that violence cannot be retaliated with greater violence or injustices.

Table of Contents

Chapter 1: Torture and Its Discontents	1
Chapter 2: “Harsh Interrogations” and Detainment	16
Chapter 3: “The Worst of the Worst”	42
Chapter 4: Does the End Justify the Means?	65
Conclusion: Moving Forward	81
Bibliography	89

Chapter 1

Torture and Its Discontents

“After the attacks on September 11, 2001, the White House made torture its secret weapon in the war on terror” – Alfred McCoy

“The disrespect for the rule of law and the constructive role it plays both domestically and internationally is appalling” – Karen Greenberg

The American public received a rude awakening to the acts of torture their nation had been pursuing at overseas detention centers when they saw the naked, hooded, beaten, and bloodstained pictures from Abu Ghraib. These pictures proved that the United States was in fact torturing individuals. The U.S. has not only signed numerous international agreements stating torture is an illegal, inhumane, and ineffective practice, but was at the forefront of advocating the creation of such laws.

Since its founding, America has viewed itself above not just practices such as torture, but above other nations as well. America perceives itself as a nation of freedom, liberty, and opportunity. Unlike other nations, the U.S. escaped persecution and tyranny to create a country that gives people freedoms and protections such as due process and habeas corpus, all of which are inherent as American citizens. While England was ruled by the Royal family, America has always been ruled by a democratic government chosen by the people, for the people. U.S. laws and democratic principles are what have and continue to distinguish America from all other nations. America is not only a nation of laws but a sponsor of international laws that reflect the country's own sense of law, principles, and ideals.

Coinciding with this “castle on the hill” mentality about America and the country's democratic principles and freedoms, the U.S. has also set a precedent to others

by outlawing immoral and inhumane acts, such as torture. In his farewell address, George Washington vowed that "...unlike the British, who tortured enemy captives, this new country in the New World would distinguish itself by its humanity" (Mayer, "Dark Side" 9). In times dating as far back as the Revolutionary War, America has been in opposition to torture. It is evident from President Washington's statement that torture was viewed as inhumane and not an act the U.S. wanted to be associated with.

The first international law that declared the illegality of torture was in 1929 with the *Third Geneva Accords*. Provisions of this accord included that prisoners "shall at all times be humanely treated and protected, particularly against acts of violence" ("International Humanitarian Law" Art. 2); "No pressure shall be exercised on prisoners to obtain information regarding the situation in their armed forces or their country. Prisoners who refuse to reply may not be threatened, insulted, or exposed to unpleasantness or disadvantages of any kind whatsoever" ("International Humanitarian Law" Art. 5); and "The food ration of prisoners of war shall be equivalent in quantity and quality to that of the depot troops" ("International Humanitarian Law" Art. 1). As this document reveals, nearly all aspects of a detainee's imprisonment was regimented, with an overarching idea that regardless of the individual, he/she was to be treated humanely.

The *Geneva Accords* were revised in 1949, in order to "...close any loopholes, ensuring that all categories of people caught in international armed conflicts were protected from the shockingly inhumane abuse of captives..." (Mayer, "Dark Side" 85). One of the most important provisions of the 1949 accords was in Common Article 3 which banned "cruel treatment, torture and outrages on personal dignity" (Sands 52). In addition to Article 3, Article 13 states that "prisoners of war must at all times be

humanely treated,” while Article 87 bars “corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty” (McCoy, “Question” 15). These documents were created by international consensus and were forcefully advocated by the U.S. in order to protect all people and were meant to be upheld.

Beyond the *Geneva Accords*, the illegality of torture and proper treatment of prisoners is detailed in the *Universal Declaration of Human Rights*, *U.S. War Crimes Statute*, *Army Field Manual 34-52*, *Uniform Code of Military Justice*, and the *United Nations Convention against Torture*. All of these documents ban the practice of torture and also ban the lack of morality and principles behind torture (McCoy, “Question” 11). The *Army Field Manual 34-52* (Intelligence Interrogation), specifically outlines the ineffectiveness and unlawfulness of torture stating that “physical or mental torture and coercion revolve around eliminating the source’s free will, and are expressly prohibited” (McCoy, “Question” 102). In addition, the *Army Field Manual 34-52* states that coercion is not an effective technique to obtain reliable information as it produces “unreliable results, including false confessions” (Mayer, “Dark Side” 189). The *Uniform Code of Military Justice* is an additional legally binding agreement which prohibits U.S. forces from engaging in “cruelty, maltreatment, or oppression of prisoners in any way.” It considers both “physical assault and threats of injury as felonies, whether they were committed in the course of interrogation or not” (Mayer, “Dark Side” 189).

Definitions of Torture

What exactly is torture? A major issue in all of the agreements that prohibit torture is there is not one concrete definition used in each. This has caused a problem in having a definitive definition of torture, an issue which the Bush administration took advantage of. In his book Torture and Democracy, Darius Rejali defines torture by referring to the *United Nations Declaration against Torture* which states that “torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed, or intimidating him or other persons” (Rejali 37). As Rejali later mentions, *state* officials are left out of this definition, a loophole meaning that these individuals would technically be able to engage in torture practices. The *U.S. War Crimes Statute*, is an additional law which prohibits torture, defines it as “the act of a person who commits, or conspires, or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.” The result of committing such an offense is that he/she “shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death” (“Annex I” 1).

The *Army Field Manual* definition, unlike other definitions, does not explicitly state physical or mental actions but defines torture simply as “the infliction of intense

pain to body or mind to extract a confession or information” (McCoy, “Question” 102).

Torture researchers Jane Mayer and Philippe Sands use the *1984 Convention Against Torture (CAT)* to define torture in their books, The Dark Side and Torture Team. “In the definition of torture, three elements had to be satisfied: the act must intentionally inflict ‘severe pain or suffering, whether physical or mental’; it must be intended to obtain from the detainee or third person information or a confession; and it must be inflicted by, or at the instigation of, or with the consent or acquiescence of, a public official” (Sands 169).

Of all the agreements, the CAT is the most concrete in its specifications and wording to completely prohibit torture. The CAT stresses that there are “no circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency,” that could be “invoked as a justification of torture” or “other acts of cruel, inhumane or degrading treatment” used to get prisoners to divulge information” (Mayer, “Dark Side” 150). As the CAT reveals, there are no loopholes in this definition, as it clearly states that torture is banned “absolutely.” The CAT came to a head in 1988 when President Reagan sent the agreement to Congress with the words “our desire to bring an end to the abhorrent practice of torture” (McCoy, “Question” 100).

The State and Justice Departments under the Reagan administration wanted to clarify any uncertainties in the CAT and further defined psychological torture as: “Prolonged mental harm caused by...(1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) the administration...of mind-altering substances...; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death...or other procedures calculated to disrupt profoundly the senses or personality” (McCoy, “Question” 100). The leading researchers of torture Alfred McCoy, Jane

Mayer, and Darius Rejali, who use these same documents to define torture in their books, are in a general consensus that torture is an act that inflicts severe pain or suffering, is cruel, inhumane, and/or degrading, and most importantly, is banned absolutely.

The Bush administration's manipulation and rewriting of national and international laws in regards to interrogation methods, began with creating a new definition of torture. In a document written on August 1, 2002 by the Office of Legal Council but primarily by John Yoo and Jay S. Bybee, they stated that in order for an act to qualify as torture, there must be "the intent to inflict suffering 'equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death'" ("I. Official Sanctions" 3). Bush's legal team additionally stated that "there is (a) significant range of acts that though they might constitute cruel, inhuman, or degrading treatment or punishment fail to rise to the level of torture" (Mayer, "Dark Side" 152). Top officials, advisors, and lawyers chose to avoid using the word "torture" because it is not only a term with a negative and harsh connotation, but was also an act which was and is prohibited. In place of the word "torture," the Bush administration used euphemisms such as "enhanced interrogations, robust interrogations, and special interrogations" (Mayer, "Dark Side" 151), alternative words for the same activity. The government's definition of torture included further provisions, such that in order to "qualify as torture, the infliction of pain had to be the 'precise objective' of the abuse, rather than a by-product" (Mayer, "Dark Side" 152). In documents written by Yoo and Bybee to government officials regarding interrogation and the definition of torture, both policymakers quoted the *Torture Convention's* definition adding emphasis to one word, "*severe* pain or suffering." Their main argument being that

the *Torture Convention's* definition of torture was open to interpretation as it did not specify the term “severe” (Brooks 1). It can therefore be assumed that the OLC was searching for loopholes in the definitions of torture in order to create their own, loose, definition, which in reality was permitting the practice of torture. From the photographs, medical reports, autopsies, journal reports, books, and testimonies, all which detail the practices, abuses, treatment, and torture that occurred, it appears as if the OLC's way to “redefine” torture was actually a maneuver in which to allow the outlawed practice. What policies regarding the issue of torture and interrogation of detainees were being created behind closed doors in the U.S. government after September 11, 2001?

“War on Terror”

The atrocities against the U.S. on September 11, 2001 shocked, awed, and threatened the country and its people, its safety, economy, and power, in a matter of minutes. The smoke, dust, debris, and bodies from that infamous day will forever be embedded in the American public's hearts and memories. Two of the most prominent buildings and symbols in America were destroyed, contributing to the 2,752 lives taken that day (Hirschorn 1). The attacks against America were so well calculated and caused such immense destruction, that the country was in a panic about what could be next? The U.S. was in a state of emergency and overcome with fear, sadness, and anger and many felt that action and revenge needed to be taken to reclaim America's status and safety. The Bush administration was frantic because for the first time in American history, the country was attacked on its own soil and they knew nothing. The terrorist attack was a

complete surprise and U.S. intelligence had failed. The administration was responsible and therefore needed to protect itself and its citizens from the possibility of a second wave and sleeper cells. The White House also needed to prepare for the possibility of further attacks and weapons of mass destruction, including chemical and biological weapons. Knowledge is power, and the U.S. needed knowledge and facts, fast.

Immediately, two models concerning ways to respond to the attacks emerged: the criminal justice model and the “war on terror” model. The criminal justice model or police response was investigative: including finding individuals believed to be terrorists or dangerous to the U.S., accumulating evidence and information against these people, trying them in a court of law, and if found guilty, imprisoning them so they are no longer a danger to America or other countries. The major setback to the criminal justice model is that although it is safer, it is very time consuming work, time that the administration felt they did not have and could not spare. More importantly, the U.S. would need to greatly guard sources and methods to keep their police work completely hidden. If for instance, a suspected terrorist with evidence built up against him were to be tried in a criminal court, the manner in which the U.S. accumulated the information would need to be disclosed. Divulging this secret could put the country in greater danger as future terrorists or enemies could then discover techniques to block U.S. investigation methods.

The second model was the administration’s response, a “war on terror,” which involved military action. This included finding as many people as possible that could be threats to the U.S. and doing whatever necessary to get information from them. According to the *History News Network*, on September 11, 2001, President George W. Bush issued his White House staff secret orders, saying, “I don’t care what the

international lawyers say, we are going to kick some ass” (McCoy, “History” 5). Five days later, Vice President Dick Cheney, on *Meet the Press* said, “We’ve got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies, if we’re going to be successful” (“I. Official Sanctions” 2). From these statements by the two highest ranking officials in the country, it can be seen how the pattern of the U.S. government acting “in the shadows” and against international agreements all began.

It was determined that the terrorist attacks were carried out by al-Qaeda and the government of Afghanistan, the Taliban, who gave aid and shelter to al-Qaeda. Both, as it was decided, had to be destroyed and eliminated. The U.S. had knowledge of al-Qaeda training camps in Afghanistan and that there were thousands of non-Afghani foreign fighters in training, including Yemenis, Saudis, Algerians, and Egyptians. The problem with this was that these people were being trained by al-Qaeda, while at the same time protected by the Afghan government at the time, the Taliban. With knowledge of enemies in Afghanistan, the U.S. began what the Bush administration dubbed, “the fight against terrorism,” with the invasion of Afghanistan in October of 2001, known as “Operation Enduring Freedom.”

At the onset of the Afghanistan invasion, in order for the U.S. to win quickly, the Bush administration had to discover who exactly al-Qaeda and the Taliban were and each individual’s level of responsibility for the attacks, both of which they could not answer. People were quickly under American control, either through capture by the U.S. or other forces, handed over to the U.S. by figures such as warlords, and even paid bounties for by

the U.S. These people were thought to be America's enemy, and from this stemmed three crucial questions: 1) What classification will these individuals fall under in regards to U.S. and international doctrines? 2) Where should these individuals be detained once captured, and 3) How will they be dealt with, in terms of interrogation practices, confinement, and treatment while detained by the U.S.?

Manipulating the Law

The first crucial issue the U.S. had to face once they were holding individuals captive was how to classify them. The U.S. government knew the exact provisions of the domestic and international agreements and that the legal spirit and letter of the laws banned torture absolutely. There were no gray areas or loopholes in these definitions through which torture was permitted or was remotely accepted. Therefore, the only way in which the White House could make torture part of their policy, was the complete distortion and manipulation of established laws. The Bush administration violated the law but in an effort to cover themselves, created their own definition of torture and rewrote the law by declaring "the military no longer needed to follow Geneva's rules in their handling of Al Qaeda and Taliban prisoners" (Mayer, "Dark Side" 123). This order became effective on January 11, 2002, "when the first Afghan captives started arriving at the Pentagon's prison in Guantanamo Bay, Cuba" and "Rumsfeld denied them legal status as prisoners of war: "Unlawful combatants do not have any rights under the Geneva Convention" (McCoy, "Question" 114). Classifying the detainees under this new status meant that laws which were created to protect prisoners of war did not apply to the

“unlawful combatants.” This resulted in the Bush administration believing that extended policies and interrogation methods were permitted. Furthermore, although torture and practices that could amount to torture are banned in countless legal agreements, torture was still able to enter the U.S. government and penetrate through the walls of detention centers, black sites, secret prisons, and other detainee prisoner camps because of the administration’s violations. Gonzales’ justification for this action was that it would “...preserve the U.S.’s ‘flexibility’ in the war against terrorism” (“I. Official Sanctions” 2).

On the same day President Bush declared that these individuals would not be granted the rights listed in the *Geneva Accords*, he stated that the “...United States Armed Forces shall continue to treat detainees humanely...so long as it was consistent with ‘military necessity’” (Mayer, “Dark Side” 125). The 1984 *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, specifically states that there are “no circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency,” that could be “invoked as a justification of torture” or “other acts of cruel, inhumane or degrading treatment” used to get prisoners to divulge information” (Mayer, “Dark Side” 150). As mentioned before, this would therefore nullify the Bush administration’s justification of “military necessity.” Legal advisor to Colin Powell, William Howard Taft IV, warned about the U.S.’ actions in overriding the *Geneva Conventions*, remarking that “if the United States took the war on terror outside the Geneva Conventions, not only could U.S. soldiers be denied the protections of the Conventions-and therefore be prosecuted for crimes,

including murder-but President Bush could be accused of a “grave breach” by other countries...” (Mayer, “Dark Side” 123).

Once America’s enemy received the new classification as “unlawful combatants,” which was not in accordance with international laws, the next crucial question was where to detain these individuals? (This question will be answered in detail in Chapter two). Therefore, the final question to answer was how to treat these people that were now under U.S. control, given that they may have information and/or be a threat to America. This answer was also becoming even more precarious over time as the US government had captured people but had yet to receive any useful information. Part of the solution came in August of 2002, when one of the leading individuals in drafting documents that essentially legalized torture, Jay Bybee, stated that “torturing al-Qaeda detainees in captivity abroad ‘may be justified,’ and that international laws against torture ‘may be unconstitutional if applied to interrogations’ conducted in the war on terrorism” (“I. Official Sanctions” 3). The OLC declared that the President “had inherent powers to order any interrogation technique he chose and under this interpretation, U.S. laws and treaties banning torture-despite having been signed into law by earlier Presidents-were deemed unconstitutional and therefore null” (Mayer, “Dark Side” 152). According to John Yoo, there were special conditions in regards to torture and the President’s power when he stated “Congress doesn’t have the power to ‘tie the President’s hands in regard to torture as an interrogation technique...The only way to block a President from torturing, Yoo argued, was to impeach him ” (Mayer, “Dark Side” 153). All of these statements point to the fact that torture was going to be the answer to the third question of

“how to deal with these captured individuals in terms of interrogation practices, confinement, and treatment while detained by the U.S.

“Military Necessity”

The Bush administration used the term “military necessity” as one of the legitimizations for overriding its national security codes. Military necessity is seen when Diane Beaver, a former officer in the U.S. Army, backed the administration’s requested techniques by saying that: “To ensure the security of the United States and its allies, more aggressive interrogation techniques...may be required in order to obtain information from detainees that are resisting interrogation efforts and are suspected of having significant information essential to national security” (Sands 66). The military necessity explanation also stemmed from officials fearing that “...detainees know when the next attack would happen and that they would miss vital information” (Sands 88). To protect the U.S. and its citizens, government officials felt that further techniques than those already established in doctrines such as the *Army Field Manual* and *Geneva Accords* were necessary. The Bush administration has argued that military necessity can override international laws and regulations if the benefit outweighs the cost. Recall the lawfulness or rather unlawfulness behind this argument from the 1984 *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, which stresses that there are “no circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency,” that could be “invoked as a justification of torture” or “other acts of cruel, inhumane or degrading treatment” used to

get prisoners to divulge information” (Mayer, “Dark Side” 150). This would therefore rule the administration’s justification of “military necessity” as not applicable in regards to torture.

Past circumstances when military necessity justifications were used are given in Michael Walzer’s, Just an Unjust Wars. One example of an “emergency situation” that overrode laws and codes of morality was Britain’s decision to bomb German cities in order to fight Nazism. The situation was labeled as a “supreme emergency, where one might well be required to override the rights of innocent people and shatter the war convention” (Walzer 259). Walzer explained that risking lives to save others and overriding established laws, must before all else, be examined from all angles and be a very calculated decision.

The U.S. justifications for extended interrogation techniques was based on the issue that America was in a precarious situation that it had never been faced with before. Protection for the country and its people became an utmost concern for many Americans. The need for fast, actionable intelligence was thought to be a means to achieve this goal. The U.S. government’s solution to fast intelligence was by extending interrogation techniques beyond those already listed in the *Army Field Manual* and a “war on terror.” It has been stated however by the CAT that “no circumstances whatsoever...” could be “invoked as a justification of torture” (Mayer, “Dark Side” 150). Therefore, although the U.S. government has a duty to protect its people, it also has a duty to uphold American and international laws, both of which it failed to accomplish.

In answering the three crucial questions America was faced with, all of the solutions led the government to harsher interrogation techniques. Chapter two sets out to

explain exactly what these techniques and policies were that the Bush administration created. It will also detail how the Bush administration's policies were applied to the "war on terror" and moved beyond the oval office and secret meetings and into the hands of the guards, soldiers, MPs, contractors, MIs, the CIA, and interrogators in U.S. controlled detention centers and interrogation rooms.

“Harsh Interrogations” and Detainment

“More than 3,000 suspected terrorists have been arrested in many countries. Many others have met a different fate. Let’s put it this way: They are no longer a problem to the United States and our friends and allies” - President George W. Bush, State of the Union Address, January 28, 2003.

With the invasion of Afghanistan, the United States was quickly capturing Afghans and foreign fighters; in addition, various Afghan warlords, militias, and Northern Alliance leaders were handing Afghans and foreign fighters to the U.S. Questions quickly arose such as: Are these people terrorists and do they have any information for the “war on terror?” In order to answer these questions effectively, the U.S. had to first decide where to detain these Afghans and foreign fighters. In his book Descent into Chaos, Ahmed Rashid explains that “the Americans introduced at least six different systems of holding prisoners and then encouraged their allies in the region to do the same. These systems included “the main holding area at Guantanamo, jails at Bagram and Kandahar, a dozen secret sub-jails at U.S. firebases in the Afghan mountains where the SOF (Special Operation Forces) held their own prisoners, jails run by Afghan warlords and by General Fahim’s intelligence service, jails run by the (Pakistani) ISI, and, finally, the process of “rendition” by which the CIA transported and tortured by local intelligence agencies” (Rashid 298).

The first two kinds of imprisonment, the main holding area at Guantanamo Bay and jails at Bagram and Kandahar, which in addition to Abu Ghraib (which will each be discussed later in the chapter), are the four main U.S. controlled overseas detention

centers. The third group consists of secret sub-jails which had their own set of rules and policies for interrogations. These sub-jails were controlled by the U.S. and referred to as “black sites” because their exact location and practices at the sites were kept completely secret. The majority of these sites were under Egyptian control and usually held suspected “high-value” detainees where the truth extraction techniques were generally far greater than many of the methods practiced at detention centers.

The fourth type of imprisonment consists of jails run by Afghan warlords, which was a practice that began at the start of the U.S. occupation in Afghanistan. During October-November 2001, much of the capturing and holding of detainees was done by warlords, often notorious figures known for their thievery, torture, and cruel abuses of power. The warlords’ connection to the U.S. and their treatment is understood in that “until the summer of 2003, warlords and commanders on the U.S. payroll also maintained their own prisons, often holding them on behalf of the Americans. In Herat, the warlord Ismael Khan frequently used torture. Prisoners described how “beatings, hanging upside down, whipping and shocking with electrical wires attached to the toes and thumbs” were commonplace” (Rashid 307). Rashid also divulges practices by one of the most infamous warlords, Abdul Rashid Dostum, explaining how U.S. Special Operation Forces and the CIA “...tolerated unprecedented abuse, torture, and death of Taliban prisoners at the hands of commanders such as General Dostum” (Rashid, 297). Warlord, Abdul Rasul Sayyaf, was also known for his harsh treatment of prisoners and controlled “several prisons just outside Kabul” and nearly all “...warlords terrorized civilians, knowing they would never be reprimanded by the Americans” (Rashid 307). Although the warlords were in close connection with the CIA, they had their own discretion on who was

detained and what was done to these individuals. These centers lasted one year at the most, and there is little information known about them, except that there was minimal oversight and accountability, which often led to detainee abuse, torture, and death.

The fifth type of imprisonment was jails run by Pakistani ISI, though little has been revealed about them. The sixth kind of imprisonment was the process of rendition, the secret capture of suspected dangerous individuals and transporting them to countries where extraordinary interrogation practices were issued by the American CIA.

In addition to U.S. run detention centers, “black sites” or secret prisons, were also sites where torture authorized by the White House occurred. “Black sites” were controlled by the CIA and also meant for rendered prisoners controlled by third country interrogators with CIA assistance. “Black sites” were also the solution to the CIA’s search for a location that provided “total isolation, total secrecy, and total control” needed for “high-value” detainees (Mayer, “Dark Side” 147). The locations of these black sites are “known to only a handful of officials in the United States and, usually, only to the President and a few top intelligence officers in each host country” (Priest 1). The CIA performed nearly all of the interrogations at these “black sites” which were located either in undisclosed countries or in secret prisons often within other detention facilities. However, as of 2005, the CIA had yet to “even acknowledge existence of its black sites” (Priest 1). Mayer explains that “black sites” were ways to make people “disappear” (Mayer, “Dark Side” 148), in that the individuals and their families were often unsure where they were or the reason for their capture. The process of rendition and securing locations for “black sites” went beyond U.S. involvement to include “at least a dozen countries” that provided “the United States secret detention facilities for rendered

prisoners, including Azerbaijan, Egypt, Jordan, Morocco, Pakistan, Poland, Qatar, Romania, Saudi Arabia, Syria, Thailand, and Uzbekistan” (Mayer, “Dark Side” 148). One of the largest contributing factors for these nations’ involvement was financial incentive and help from the U.S. to “join NATO if they helped us (U.S.) torture people” (Mayer, “Dark Side” 148).

The Salt Pit is one of the few revealed “black sites.” Located outside of Kabul, Afghanistan, the Salt Pit was closed in November 2002 due to the “...death of an Afghan detainee...who froze to death overnight after having been stripped naked, was buried, and kept “off-the-books” (“The Salt Pit” 2). Similar to many of the other “black sites,” the Salt Pit was guarded by Afghan troops but “...financed entirely using CIA funds, covering salaries, maintenance and electricity, among others” (“The Salt Pit” 1). The U.S. was not able to fully control the actions at the Salt Pit because of the Afghans’ position, but was still connected because of their financial backing. Other possible known “black sites” included one in Thailand (shut down after its existence was revealed in 2003), a small site located at Guantanamo Bay, Cuba (reportedly closed in 2004), and a Soviet-era compound located in Eastern Europe (“The Salt Pit” 2).

“Black sites,” sites run by warlords, or ones involved in rendered operations, were difficult to obtain information from because of the secrecy of their locations and the practices that occurred inside their walls. The CIA was also in control of many of these operations, an organization outside the “chain of command,” meaning they did not have a higher authority to report to. This meant that the CIA had the greatest flexibility with interrogations with the least amount of oversight. For this reason, the CIA predominately dealt with “high-value” detainees, those that required the harshest interrogation methods.

Concerns about the CIA's covert operations were raised by Tyler Dumheller, former Chief of European Operations at the CIA, who remarked: "The agency had no experience in detention. Never. But they insisted on arresting and detaining people in this program. It was a mistake, in my opinion. You can't mix intelligence and police work. But the White House was really pushing" (Mayer, "Dark Side" 145).

"Unlawful Combatants"

Once the U.S. began capturing and detaining individuals in different sites, it became clear that the country was unsure exactly who the individuals were under their control. Many of these people were handed over to the U.S. by unknown individuals, by warlords, through bounty payments, through grudges, and the U.S. did not know who many of them were. On top of this, many of the individuals initially refused to talk or there were interpreters that could not speak the language, meaning the U.S. could not research who exactly they had. The McClatchy investigation, an eight month long investigation that revealed many of the prisoner abuses and issues at U.S. controlled detention centers, uncovered that "...many of the detainees posed no danger to the United States or its allies" (Lasseter, "Day 1" 1) and that the U.S. often imprisoned people wrongly and "on the basis of flimsy or fabricated evidence, old personal scores or bounty payments" (Lasseter, "Day 1"). The investigation exposed that shortly after the opening of Guantanamo Bay, the White House knew that many of the prisoners did not have valuable information to divulge (Lasseter, "Day 1" 3). Perhaps some of this reason resulted in the fact that "...most of the prisoners at Guantanamo weren't terrorist

masterminds but men who were of no intelligence value in the war on terrorism” (Lasseter, “Day 1” 3). Despite these findings and the “...uncertainty about whom they were holding, US soldiers beat and abused many prisoners” (Lasseter, “Day 1” 2).

In terms of the actual number of detainees that were wrongly imprisoned or do not have knowledge that could assist the U.S. in the “war on terror,” they vary. If the information was available as to who is useful and what each individual knows, than far less people would be imprisoned and greater information would perhaps be known. As of February 2009, this is not the case but estimates have been made: “If you say over the course of Afghanistan, GITMO, and Iraq, we’ve detained 50,000 people, I would say less than 1 percent were terrorists” (Gibney). Former secretary of the Army, Thomas White, said that “from the moment that Guantanamo opened in early 2002...it was obvious that at least a third of the population didn’t belong there” (Lasseter, “Day 1” 3). The Combatant Status Review Tribunal in 2004 revealed that the “...government believes only 10 percent of the more than five hundred prisoners at Guantanamo were fighters” (Rejali 510). A senior intelligence analyst who was “fluent in Arabic and expert on Islamic extremism” was sent to Guantanamo by the CIA to discover why information was not being obtained (Mayer, “Dark Side” 183). He reported that “after spending several hours with each of about two dozen Arab-speaking detainees... an estimated one third of the prison camp’s population of more than 600 captives...had no connection to terrorism whatsoever” (Mayer, “Dark Side” 183). These issues posed great problems in categorizing detainees in terms of the information they could have and their potential threat. Discovering who was a “high-value” detainee and who was not, and consequently which individuals should be interrogated and treated at the highest levels, was therefore

extremely difficult. Records of detainees and information about them were also very difficult to obtain with language barriers and the facts presented. Mayer writes how when the “White House staff had asked to see the prisoners’ files, they had been astounded to discover that for some detainees, there were no details of any sort. Not even a name” (Mayer, “Dark Side” 183).

The Bush Administration Torture Policy

In the fall of 2002, during the same time most of these detention centers and “black sites” were being established, the U.S. government was pushing the limits even further in regards to changing the established rules about prisoner treatment and torture. The Bush administration was nearing a point where they had detainees in their control, places to hold them, and was then faced with what to do with them, in order to extract useful information. It was thought by many in the White House, especially those in the “war council,” Addington, Bybee, Yoo, Flanigan, and Gonzales, that the only way for the country to obtain this information was to extend interrogation methods. In extending interrogation methods, the administration declared on January 9, 2002 that “...the *Geneva Accords* and the *U.S. War Crimes Act* did not apply to the Afghanistan conflict” (Jaffer and Singh 114). After this decision, extended interrogation methods were created by members of the “war council” such as “...gouging a prisoner’s eyes out, dousing him with scalding water, corrosive acid, or caustic substance, or slitting an ear, nose, or lip, or disabling a tongue or limb”(Mayer, “Dark Side” 230).

The justifications that Yoo gave for such cruel practices were that laws did not apply during times of war and the need for national security: "...the Nation's right to self-defense has been triggered by the events of September 11. If a government defendant were to harm an enemy combatant during an interrogation in a manner that might arguably violate a criminal prohibition...he would be doing so in order to prevent further attacks on the United States...in that case we believe that he could argue that the executive branch's constitutional authority to protect the nation from attack justified his actions" (Mayer, "Dark Side" 230). The OLC also tried to increase the role of prerogative power by stating that "the only way to block a president from torturing...was to impeach him" (Mayer, "Dark Side" 153). Checks and balances, cores of the U.S. governmental system, that were supposed to occur, never did, and the established laws and policies that were meant to be upheld by the Bush administration never were.

The commander of Guantanamo Bay interrogations, Major General Michael Dunlavey, requested going beyond the established interrogation practices in the *Army Field Manual 34-52* in October of 2002 (Jaffer and Singh 46). One of the explanations for this request was that the manual "...hadn't been updated since 1992" (Sands 61). The result was that eleven months after the terrorist attacks, General Dunlavey requested three categories of techniques, "Category I, characterized by two techniques, yelling and deception...Category II included twelve techniques aiming at humiliation and sensory deprivation. Stress positions like standing for a maximum of four hours. Falsified documents. Isolation for up to thirty days. Interrogation out of the standard interrogation booth. Deprivation of light and stimuli. Hooding during transportation and questioning. Twenty-hour interrogations. Removal of religious and all other comfort items. Switching

away from hot rations to “meals, ready-to-eat.” Removal of clothing. Forced grooming, such as shaving of facial hair. And the use of individual phobias, like fear of dogs to induce stress...Category III: the use of ‘mild, non-injurious physical contact,’ like grabbing, poking, light pushing; the use of scenarios designed to convince the detainee that death or severely painful consequences were imminent for him or his family; exposure to cold weather or water; and finally the use of a wet towel and dripping water to induce the misperception of suffocation...the documents detailing these techniques said nothing about limits on their use over time” (Sands 4-5). This lengthy document was then approved by Rumsfeld on which he wrote the infamous line, “I stand for 8-10 hours a day. Why is standing limited to 4 hours” (Sands 5)? Before October of 2002, the “war council’s” extended techniques officially began being practiced when Rumsfeld authorized the use of these interrogation methods at Guantanamo Bay, including “isolation for thirty days at a time, twenty-hour interrogations, stress positions, removal of clothing, hooding, and exploitation of individual phobias (such as fear of dogs) to induce stress” (Jaffer and Singh 47). It was therefore evident that top figures in the administration were not only fully aware, but were integral actors in the creation of actions that were in violation of established laws and documents.

There is also evidence which suggests that top officials in the administration were well informed of the practices at each detention center and in some cases were consulted about specific orders and detainees. This is apparent from a “sworn statement to military investigators, Major General Dunlavey, who was the base’s commander in Guantanamo...described close and constant contact between himself and RumsfeldDunlavey said he was asked to fly up to Washington every week to brief Rumsfeld in

person on the intelligence program in Guantanamo... ‘the directions changed and I got my marching orders directly from the President of the United States’” (Mayer, “Dark Side” 193). Although the administration is not guilty of directly abusing detainees, they created and handed down the torture orders while remaining fully aware and involved in the abusive and humiliating treatment at detention centers.

It was not until December of 2002 that concerns were finally being raised that these new interrogation techniques were illegal and could put the U.S. and others in great danger. The first objections came from the FBI’s Behavioral Analysis Unit, members of the Naval Criminal Investigative Service, and Alberto Mora, General Counsel of the U.S. Navy (Jaffer and Singh 48). In response to these concerns, Rumsfeld “withdrew the December 2002 interrogation directive” and had a working group “review permissible interrogation methods” (Jaffer and Singh 48). With minimal opposition to the “torture memos” officials made weak attempts to comply and made it clear that their directives were final, regardless of the law. This is apparent in the December 2002 directive from Mora and Rumsfeld’s response that “the working group would ultimately support the kinds of interrogations that military interrogators had already been conducting” at overseas detention centers (Jaffer and Singh 14).

Requests to go beyond the already extended interrogation methods continued to occur when on August 14, 2003 “interrogators in Iraq are invited to submit a ‘wish list’ of techniques that might be used against their prisoners,” with some requests including “phone book strikes,” “muscle fatigue inducement,” “close quarter confinement,” and even “low voltage electrocution” (Jaffer and Singh 50). Added to this list of torture methods, was a request by OLC member, Steven Bradbury, who drafted a secret memo in

2005 that increased CIA interrogation limits even further to include "...waterboarding, head and belly slapping, sensory deprivation, sleep deprivation, temperature extremes, and stress positions..."(Mayer, "Dark Side" 309). As the "war council" explained, however, the disregarding of international law was acceptable because of the necessity to protect America in the emergency situation after September 11, 2001. However, in this state of emergency, prerogative power could essentially be ever present, which by the "war council's" justification, would give the executive branch continual and unlimited power.

The Detention Centers

During the time that this extended interrogation policy was being created, individuals were being captured by the U.S., handed over to the U.S., or paid bounty payments for. Once in U.S. control, they could be placed in one of the six holding categories explained at the beginning of chapter two or held at one of the U.S. detention centers such as Kandahar or Bagram, Afghanistan; Guantanamo Bay, Cuba; and later Abu Ghraib, Iraq. One of the first known detention centers was in Kandahar, Afghanistan, taken over by the U.S. during "Operation Enduring Freedom." Kandahar was set up by "...U.S. Task Force 500, at the airport outside the city" (Rashid 298). Being one of the first established detention centers since the newly extended interrogation methods, Kandahar was under great pressure from the Bush administration to produce actionable information (Rashid 300). Kandahar was also the first detention center at which these new methods were introduced, which often created many institutional

problems. Conditions in Kandahar were very poor and disorganized, on top of the pressing issue that no useful information was being gained from the prisoners, resulting in the closing of the facility in 2002. The situation did not improve for these prisoners however as they were transferred to Bagram, another U.S. controlled detention center (Rashid 300). (Kandahar was reopened in 2003 after the Taliban resurgence began).

The Bagram detention center, also known as the Bagram Air Base, was located in Afghanistan, thirty miles outside of Kabul, and previously served as a Soviet airstrip (Lasseter, “Day 1” 2). The guards at Bagram from the summer of 2002 to the spring of 2003 were all “reservists from the 377th Military Police Company...and many of the military intelligence interrogators serving at the same time were from the Utah Army National Guard” (Lasseter, “Day 2” 8). Conditions were described as “equally abysmal” as Kandahar in that there were “chains jangling between prisoners’ ankles; gates and latches slamming and locking; violent shouts from interrogators” and where “the United States held many of its two hundred to three hundred high-value detainees” (McCoy, “Question” 125). Conditions and prisoner abuses at Bagram were said to be the worst from the summer of 2002 to the spring of 2003, during which time the first reported deaths occurred in December of 2002 (Lasseter, “Day 1” 2).

Disorganization, understaffing, and poor conditions were issues not confined to Kandahar and Bagram, but problems that spread to each of the detention centers controlled by the U.S. A detention center was constructed at Guantanamo Bay, Cuba, in less than 87 hours, according to statements by Karen Greenberg during her February 4, 2009 appearance on *The Daily Show*. Greenberg, author of The Least Worst Place: Guantanamo’s First 100 Days, revealed that the construction crews that built the center

were not even told until they got on the plane, that their destination was Cuba and what their job was. Guantanamo was chosen because it has unique legal properties, as it is “leased in perpetuity to the United States by the pre-Castro Cuban government in 1903, it was arguably under U.S. control but not under U.S. law. This rare set of circumstances allowed the executive branch to hold and interrogate foreign prisoners there in any manner it deemed necessary, beyond meddling from Congress and courts” (Mayer, “Dark Side” 147). Guantanamo was chosen specifically for these legal reasons as it was “...conceived by the Bush Administration as a place that could operate outside the system of national and international laws that normally govern the treatment of prisoners in U.S. custody” (Mayer, “The Experiment” 2). Seymour Hersh explains the situation perfectly in that “prisoners, once captured and transported to Cuba, were in permanent legal limbo” (Hersh, “Chain” 2).

The reasoning behind why Guantanamo Bay was chosen as a detention center location reveals how the Bush administration was attempting to evade international laws and expecting injustices to occur. The government was well aware that they would be breaking laws and permitting practices that were unacceptable but attempting to find loopholes to protect themselves. In March 2003 it became evident that the extended policies would not be confined to Afghanistan as they were to be instituted in Cuba and additional detention locations as well.

Operation Iraqi Freedom

Less than two years after the invasion of Afghanistan, similar problems arose when the U.S. invaded Iraq in 2003. The U.S. invasion of Iraq was based on similar goals as the invasion of Afghanistan such as obtaining information to help fight terrorism and to keep America protected. With the invasion came the same three questions that arose at the onset of the invasion of Afghanistan, 1) What classification will these individuals fall under in regards to U.S. and international doctrines? 2) Where should these individuals be detained once captured, and 3) How will they be dealt with, in terms of interrogation practices, confinement, and treatment while detained by the U.S.? It had already been determined with the invasion of Afghanistan that the captured individuals would be classified as “unlawful combatants.” How would the policy change, if it all, for Iraq? What were the answers to the two other major questions, in terms of where the “unlawful combatants” would be detained and how they would be treated?

The three questions that Iraq was now faced with were more difficult to answer as opposed to Afghanistan because most of the country was in support of the Afghanistan invasion and the need to find those who had demoralized and terrorized the U.S. on September 11th. The Bush administration’s justification for invading Iraq was that there were verifiable links from the government in Iraq to al-Qaeda. Further justifications were that Saddam Hussein was a dictator who was terrorizing his people and also that he was in possession of and in the process of creating chemical, biological, and nuclear weapons. Despite countless legitimate investigative sources that reported to the White House that no weapons of mass destruction were found in the country, the U.S. invaded and the same

“war on terror” justifications and policies used in Afghanistan were to be used in Iraq. In addition to the three questions that arose in both Afghanistan and Iraq, “Operation Iraqi Freedom” raised the question of: Once the U.S. has captured, defined, and detained individuals, what exactly would be interrogating about?

The invasion of Iraq created additional problems aside from the three major questions, including that of a dangerous insurgency. With the invasion, the U.S. overthrew the Iraqi government, dismantled the army, and removed all high level positions, which were filled by Baathists, from power. This was done because the White House believed that there were links inside the Iraqi government and high ranking Baathists to al-Qaeda. (It has since been revealed that there were no initial links in the Iraqi government to al-Qaeda). The first resistance and insurgency were the high level Baathists that had been removed from power, but compared to later insurgencies, this group was not as dangerous because the U.S. knew who they were. Once this insurgency was underway, a second hit, made up of Sunni religious militants. In early 2002 the Sunni’s connected with al-Qaeda, resulting in the second wave consisting of more than just Sunni religious militants, but al-Qaeda foreign fighters as well. The third wave insurgency was comprised of Shiite militia groups. This group was very nationalist and accused America early in the invasion as being “occupiers.” The Shiites were elated when the U.S. announced elections because they had always been persecuted but also held the majority in the country, meaning they could hold power. Additionally, the Shiites started to obtain weapons from likely countries such as Iran, increasing their power as they were no longer just a difficult enemy to detect, but were also armed.

Iraq was truly a “war zone” as these insurgencies were not only fighting the U.S. but each other as well. Al-Qaeda is a religious group and made up of all Sunnis and they see the Shiites as ungodly and an enemy which also must be eliminated. These insurgencies were increasingly dangerous as they were often disguised in everyday clothing and were life threatening and physical dangers as they were using IEDs (improvised exploding devices) and suicide bombers against U.S. forces. Considering that there was so little information known about this enemy, additional questions arose, such as what to do with these people? The Bush administration’s answer was that being the same “war on terror,” the same newly extended torture policy would be brought into Iraq. Part of this policy included answering the three questions that the U.S. faced in not only Afghanistan but now Iraq as well.

The result of the Iraq invasion was that more people were being captured and in U.S. control. U.S. troops at the facility described that a major problem was that “units in Iraq are rounding people up on hunches and suspicions...they were just arresting everyone” (Kennedy). This resulted in the re-opening of a detention center in Abu Ghraib, Iraq which previously served as one of Saddam Hussein’s jails during his reign. When the U.S. took the site over, it still had “the infamous torture chambers and “stuff” left from Saddam’s era” (Gibney). Other than the torture chambers and body incinerators left from Saddam, staff at the facility described the ever present eerie feeling on the grounds and in the center, due partly to the fact that there had been over “30,000 people executed at Abu Ghraib, most were buried there, pictures of Saddam were all over the prison, wild dogs were everywhere and digging up human bodies” (Kennedy). The smells of sweat, trash, feces, and urine permeated the blood spattered and concrete walls,

walls and grounds which were daily hit with mortars and fired upon. Additionally, the road outside the prison was described as the “most dangerous road on planet earth...I would not wish it upon my worst enemy” (Kennedy).

From the start of the Abu Ghraib prison re-opening, there were infrastructural problems. General Tabuga issued an investigative report which exposed that “...Abu Ghraib was filled beyond capacity, and that the MP guard force was significantly understaffed and short of resources...There are gross differences, Tabuga said, between the actual number of prisoners on hand and the number officially recorded” (Hersh, “Chain” 40). Interviews with detention center staff in the movie Ghosts of Abu Ghraib, reveal that in a “high-value” section of the prison, there were only “six-seven guards guarding at least 1,000 detainees” (Kennedy). Although the facility was wildly understaffed, individuals such as “wives, spouses, and little children” of prisoners were also kept at Abu Ghraib to serve as bait and an additional coercion technique used to get detainees to talk (Kennedy).

Besides being understaffed, problems also resulted from the fact that interrogators were not getting information that was sufficient enough for the Bush administration. This resulted in Rumsfeld requesting in August of 2003 that General Miller, United States Army Major General, who currently commanded the Guantanamo Bay detention facility, be transferred to Abu Ghraib to “Gitmize Iraq.” Upon arrival at Abu Ghraib, Miller believed that the reason they were not receiving actionable intelligence was because the MPs and MIs in Iraq were treating the prisoners too well. Interrogation methods and treatment of detainees reportedly intensified under Miller’s command. During the summer of 2003 the insurgency was growing fast and becoming more dangerous and a

major problem was that “...the American military had no idea who those people were, how can we (U.S.) fight an enemy we (U.S.) cannot see, the only way was to interrogate everyone, there was a degree of panic about the lack of knowledge about the insurgency (Kennedy).

Staff at Abu Ghraib not only had daily feelings of panic and felt the eerie history of the center, but soldiers reveal that they were “...told that these detainees were the worst of the worst, that the information would save lives...that there would be global implications” (Kennedy). These feelings and pressures only heightened with Miller in charge of interrogation operations at Abu Ghraib, meaning conditions and treatment of detainees became much more physical and intensified.

Detention Center Personnel

Once these new interrogation methods were created by the U.S. government and detention center locations were chosen, the policies moved further down the chain of command and into the hands of interrogators, MIs, guards, soldiers, MPs, the CIA, and contractors. Who were these interrogators, guards, soldiers, MIs, MPs, CIA and contractors? How were they trained? What was their background? Discovering what kind of training and who these people were is important in unveiling and understanding some of the atrocities that occurred. Mike Gelles, Naval Criminal Investigation Service, explained what he saw firsthand while working with CITF and the FBI: “For the most part the military interrogators seemed to be eighteen and nineteen-year-old kids passing through on short rotations. They’d gone through a six week training program and were

mechanically following the techniques allowed in the Army manual” (Sands 125). If the U.S. was taking these extreme measures in order to protect American citizens and because they believed truly dangerous and useful detainees were in their control, why then were they leaving the actual interrogations to young people with little to no experience? Perhaps because these interrogators were not chosen because of their background but because “they’re really committed to winning the mission” (Rejali 510). Mayer states that “most of the military interrogators in Guantanamo were young and inexperienced, with only six weeks of training at the Army’s Fort Huachuca, Arizona, interrogation course, where they were taught techniques crafted not for the war on terror, but for the Cold War” (Mayer, “Dark Side” 195). Attorney William Cassara revealed that Damien Corsetti, Specialist in the 519th Military Intelligence Battalion, was chosen as an interrogator “because he’s big, he’s loud, and he’s scary. That was his qualification” (Gibney). In regards to his training Corsetti remarked: My interrogation training consisted of—basically they taught us some approaches, you know, how to get people to talk. And then, here, go. Go watch these guys interrogate, which were the people that we were replacing, for about five, six hours before I did my first interrogation” (Gibney). The lack of training for Guantanamo Bay interrogators was also explained by in Brittain Mallow, CITF commander, who stated that “if you look at some of the people in charge of Guantanamo they had very little experience with intelligence, they had very little experience with detention operations, they had very little experience with interrogations and yet these were the ones making the decisions and put under the pressure to make those decisions without a lot of good information” (Jones).

In addition to the age and background of the interrogators, the women's role at the foreign detention sites is also vital in understanding some of the indecencies that took place. This is particularly sensitive to the Muslim culture in that most of the detainees have strict religious rules about women and their relationship with them. Many of the reported abuses explained women touching detainees, revealing their skin and undergarments, and forcing detainees to wear underwear on their head. The number of female interrogators and staff at detention centers is not well recorded information but a rough number from a Lieutenant for the U.S. Southern Command revealed that in 2003 "about 20 percent of the guards at Guantanamo are women" (Dodds 1). There was however, no evidence as to the number of women that worked as interrogators.

The U.S. government also hired private contract groups such as CACI, a company that specializes in IT services. The government "hired the CACI interrogators under an existing contract with the company for information technology services, even though the military's requirements for interrogators had tenuous links to technology" (Harris 1). A considerable amount of CACI employees were directly involved in interrogations in that "...CACI has provided 31 interrogators since its contract with the Interior Department was issued August 4, 2003" (Gerin 1). This number was obtained less than one year after the contract date, meaning many more CACI employees were likely hired. An Army report exposed that there was no evidence of formal training for contract employees in that "...a third of the interrogators supplied in Iraq by CACI had not been trained in military interrogation methods and policies" (Chatterjee 2). Members of CACI were also involved in the infamous 2004 photos from Abu Ghraib and "at least one employee hired under the contract, Steven Stefanowicz, is alleged in an Army report to have helped

set conditions at the prison that he knew would lead to physical abuse of inmates” (Harris 1). Private contractors involved in interrogations can be seen as problematic in many ways, an issue which the Pentagon itself investigated in that “...contractors are less well trained, less well controlled, and harder to hold accountable for things that go wrong than are regular troops” (Chatterjee 4). Could this perhaps be part of the reason outside contractors were used? Was the government preparing for the chance that if injustices occurred they wouldn’t be directly connected to the American government or military?

Further issues stemmed from the fact that this was a different kind of war that the U.S. was fighting but the interrogators and soldiers were not taught about the cultural and traditional norms of the Middle East. Instead, interrogators were taught about cultural offenses such as sexual humiliations, which is especially degrading and dehumanizing in the Muslim religion. For instance, MPs at Fort Lee “were told that sexual humiliation was the most effective way to ‘soften up’ Arab detainees” (Buruma 7). The language barrier also posed a problem as Arabic was the primary language spoken by detainees and few interrogators and soldiers knew the tongue. The CIA was at the forefront of the operations in most detention centers as they had “agreed to take a lead role in extracting intelligence from local high-value detainees” the problem being that as of January 2004 “only four officers spoke Arabic” (Mayer, “Dark Side” 244).

Detention center guards and interrogators were not limited to the U.S. and hired contractors, as they also came from many other countries and organizations, creating countless additional problems. The Center for Constitutional Rights investigated this issue concluding that “...the United States has allowed security officials from countries such as Uzbekistan, Tajikistan, Libya, Jordan, China, and Tunisia...Bahrain, Canada,

France, Germany, Italy, Morocco, Pakistan, Saudi Arabia, Spain, Turkey, United Kingdom, and Yemen” to interrogate prisoners at Guantanamo Bay, Cuba (“Foreign Interrogators” 3). These interrogators were also involved in harsh interrogations as the report stated that they threatened many detainees with violence not just in the detention center, but also if they were ever able to return home: “Uighur prisoners in Guantanamo...were told by Chinese interrogators that they would be killed or imprisoned if the U.S. returned them to China,...Uzbek interrogators told one prisoner that ‘when he got back to Uzbekistan they would be waiting with one bullet for your forehead.’ In 2005 one Libyan prisoner, Omar Khalif, was threatened by a Libyan interrogator ‘with torture, rape and execution upon his return to Libya’” (“Foreign Interrogators” 1-2).

One of the ways in which interrogators were trained to administer these new techniques was through a system known as SERE (Survival, Evasion, Resistance, Escape). SERE was created after the Korean War by the American and British and is a training technique for “specialized military programs designed to shore up the fortitude of soldiers going into battle” (Rejali 383). SERE is also used to teach American soldiers how to *resist* physical and psychological torture in the event that they are captured “by enemies that refuse to follow the Geneva Conventions” (“Senate Armed Services Committee Hearing” 2). Unlike torture methods, the SERE training program is strictly regimented as psychologists are present, guidelines exist for each technique, and prior to the program troops are “medically screened” and their “physical limitations are carefully documented” (“Senate Armed Services Committee Hearing” 2).

Ironically, the U.S. was becoming one of the very states in violation of the *Geneva Conventions* and using the program meant to resist torture, to implement it.

Interrogators in these detention centers were being taught the methods behind torture, and were supposed to use it as guidelines for interrogations. The problem with using this program is that “SERE is a training regimen—it’s not designed to produce truthful response...without the limits set by training—where do you stop?...It just becomes coercion, or whatever you want to call it” (Mayer, “Dark Side” 197). It has been reported that some U.S. interrogators received little, if any, training outside of the SERE program, leaving greater room for interpretation and atrocities because their only training was centered on torture.

Perhaps some of the greatest problems arose in that many of the interrogators simply lacked the necessary experience: “The officer in charge of the Joint Interrogation and Debriefing Center at Abu Ghraib, had no interrogation experience himself and no skilled interrogators or interpreters working underneath him” (Budiansky 3). Former defense secretary, James Schlesinger, asserted that “inadequate training and insufficient forces—were largely responsible for problems at the prison” (McCoy, “Question” 153). Rejali explains many of the flaws at detention centers in there being a “...poor selection of people to be interrogated and poor methods of interrogation” (Rejali 510). The CIA who was meant to predominately handle “high-value” detainees also had great problems with interrogators in that “despite the CIA’s sweeping new authority to create paramilitary teams to hunt, capture, or kill suspected terrorists almost anywhere in the world, at the time (March 2002), the CIA had virtually no trained interrogators” (Mayer, “Dark Side” 144). All of these factors concerning the actual individuals behind the interrogations reveal that their lack of training was a source of severe institutional problems.

The lines of authority after the Bush administration and one month into the Obama administration, have yet to be determined. The White House was rewriting the policies about interrogation techniques and the lines of authority within the military were constantly changing. This often resulted in the U.S. being unsure exactly which guards, soldiers, MPs, MIs, interrogators, and contractors performed which actions in every case. It is known that the CIA had specialized rules, especially in regards to “high-value” detainees. The CIA was in control of these “high-value” prisoners in special sections of prisons such as Abu Ghraib, or at “black sites” and rendition sites. In these various CIA detention sites, it is known that some of the worst physical and psychological abuses were practiced. The exact methods, however, are not known, except that waterboarding, a torture technique where one simultaneously feels the sensation of suffocating and drowning, was common practice. From the CIA sections of detention centers, there is evidence that reveals some of the CIA interrogations and torture methods, such as those practiced on “high-value” detainee Abu Zubayda, whose specific abuses will be described in chapter three. CIA interrogations occurred at black sites to allow for particularly intense interrogations and therefore abuses which were too great to occur on the grounds of known detention facilities. There is far less information known about the practice of extraordinary renditions and truth extraction methods at these locations.

Detecting the lines of authority for U.S. soldiers, guards, MPs, MIs, and interrogators is much more difficult. In many cases, the soldiers’, guards’, and MPs’ jobs were to “soften up” the prisoners before interrogations, punish the detainee after interrogations if they did not provide satisfactory answers, and abuse them throughout their incarceration. Many of these abuses were for sport and meant to humiliate and

dehumanize the prisoners. The MIs and interrogators' primary responsibility was to gain actionable intelligence from detainees. Often time's abusive and psychological techniques were used during interrogations to get prisoners to talk. During these interrogations, guards and MPs were present and if a detainee was abused during an interrogation, it was often difficult to determine if it was the interrogators or guards abusing the detainee. Lawyer Scott Horton, remarked that the soldiers, guards, MPs, MIs, and interrogators "saw an intentional decision taken at the height of the Pentagon to put out a fog of ambiguity" (Gibney). These individuals also have continually said that no one knew exactly what the rules or their roles were, except to get as much information possible, fast. Although there is extensive information about particular cases and abuses that occurred at each site, the actual individuals who performed each, is much more complicated. For this reason, when detention center personnel are unknown, it appears that authors or journalists will often refer to "soldiers" or "U.S. troops." For these reasons, this paper has given the names or positions of the guards, soldiers, MPs, MIs, and interrogators when the information is known, and terms used by the referenced author or speaker when the actions are more unclear.

Looking Ahead

The justification for the administering of torture was to protect America because "necessity justifies all. Anything goes in the quest for national security" (Sands 26). Furthering this point John Arquilla, a professor of Defense Analysis at the U.S. Naval Postgraduate School, remarked that "this is a war in which intelligence is everything"

(Hersh, “Chain” 2). Intelligence in most any situation especially that of war, is a crucial aspect and can save lives. The manner in which we obtain this information must be taken with extreme caution however. Despite laws and research declaring that torture is illegal and ineffective, figures in the Bush administration still felt that the way in which to attain national security was through “harsh interrogation” methods.

As was explained in chapter one, U.S. domestic and international policy has been changing drastically since September 11, 2001. This can lead to an unclear interpretation of what is acceptable and how to implement these new methods because no one knew which policies and standards to follow, both of which were “open to broad interpretation” (Chatterjee 1). In addition to this, there was also poor training, quality, and experience of detention center employees that culminated in a lack of orders, blurring of orders, and interrogators acting on their own accord. For these reasons a crucial question that arises is: Although the administration had broken numerous domestic and international agreements, how were these policies implemented and what atrocities resulted at American run detention centers?

“The Worst of the Worst”

*“Interrogation Log of Detainee 063
Day 22, December 14, 2002*

0001: Detainee’s hands were cuffed at his sides to prevent him from conducting his prayer ritual...

0025: Lead taped picture of 3 year old victim over detainee’s heart...Control drips a few drops of water on detainee’s head to keep him awake. Detainee struggles when the water is dripped on his head...

0120: Interrogators take a break and detainee listens to white noise. Detainee goes to bathroom and is exercised while hooded...

*1630: Corpsman checks vitals-gives three bags of IV...Detainee broke down crying...”
(Sands 71).*

The rules of interrogation were drastically changing as national and international agreements were violated in order for the United States to extend interrogation policies. The new policy answered the three crucial questions that the country was faced with by: classifying the people that were captured, deciding where to detain them, and finally how to treat and interrogate them. Once the detainees, detention facilities, guards, soldiers, contractors, the CIA, MPs, MIs, and interrogators were all in place, what was next? The U.S. did not know who exactly each individual was, their affiliation with al-Qaeda, relationship to Osama bin Laden, if they were a terrorist, or in many cases, what their name was. It was primarily the interrogators’ responsibility to extract all of this information as well as any and all information the prisoners had. It was primarily the soldiers’ and guards’ role to “soften up” prisoners for interrogations and punish them after if they did not give suitable responses. The question then arises as to how exactly

the extended interrogation techniques went beyond White House memorandums and to their actual execution at detention centers?

Problems with the proper way an individual should be interrogated began with those who initially captured and transferred detainees to detention sites. The crucial time to interrogate someone is immediately after capture. This is when individuals are most vulnerable and the chance of a true confession is most likely (Sands 148). This window of opportunity was not taken advantage of and crucial information was lost, setting the U.S. behind even before interrogations began.

Soldiers, guards, military intelligence and police, contractors, the CIA, and interrogators at detention sites, were constantly reminded of the importance of their roles and all felt the pressures from this, pressure that originated from the Bush administration. Corsetti revealed that they were often told: “Soldiers are dying. Get the information.” That’s all you’re told. “Get the information” (Gibney). Some of the orders to soldiers and guards were to “soften up” prisoners before interrogations, to ensure that particular prisoners had a “bad night,” and that they should use their imagination in interpreting the orders (Kennedy). “Softening up” prisoners often meant physically, sexually, religiously, or psychologically harming or humiliating prisoners in order to provoke them to confess during interrogations. After interrogations, if the prisoners did not give sufficient information or answers, the soldiers, guards, and MPs would then punish them in ways similar to those mentioned above, if not worse, in order for the detainees to understand that the abuses would not stop and perhaps worsen until information was divulged.

Physical abuses

The highest numbers of abuses were physical as testimonies, medical records, books, detainee logs, and investigations all revealed. A Red Cross report, *Report on the Treatment by the Coalition Forces of Prisoners of War and other protected persons in Iraq*, listed that some of the main violations were: “Brutality against protected persons upon capture and initial custody, sometimes causing death or serious injury” and “excessive and disproportionate use of force against persons deprived of their liberty resulting in death or injury during their period of internment” (Danner 252). The International Committee of the Red Cross gave an overview of physical abuses detailing that there was no primary way in which a detainee was physically assaulted, as abuses ranged from hitting, slapping, punching, kicking, kneeing, etc. with their own bodies or weapons such as bats, batons, metal poles, rifles... (Danner 6). The FBI also disclosed a report on the range of atrocities performed on prisoners including: “Strangulation, beatings, placement of lit cigarettes into the detainees’ ear openings and unauthorized interrogation” (McCoy, “Question” 158).

Perhaps some of the greatest and most obscene abuses were explained in Major General Antonio M. Taguba’s report of abuses at Abu Ghraib carried out by soldiers of the “372nd Military Police Company, and also by members of the American intelligence community” (“Hersh, “Torture” 1-2). The abuses included: “Breaking chemical lights and pouring the phosphoric liquid on detainees; pouring cold water on naked detainees; beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after

being slammed against the wall in his cell; sodomizing a detainee with a chemical light and perhaps a broomstick, and using military working dogs to frighten and intimidate detainees with threats of attack, and in one instance actually biting a detainee” (Hersh, “Chain” 22). Reports reveal that interrogators and guards often “stripped detainees naked, put them in stress positions, used dogs to scare them, put leashes around their necks to humiliate them, hooded them, deprived them of sleep, and blasted music at them” (“Senate Armed Services Committee Hearing” 1). The different ways in which to harm a detainee were often used in un-patterned and a variety of ways to further disorient and torment him.

Evidence of abuse was also obtained firsthand through detainee and interrogator testimonies and interviews. An Iraqi detainee confessed: “Americans in civilian clothing beat him repeatedly, dislocated his shoulder, stepped on his nose until it broke, choked him with a rope and hit him in the leg with a bat” (N. Lewis and Jehl 1). In August of 2004, an interrogator’s testimony from Guantanamo Bay stated that: “On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position on the floor, with no chair, food or water...they had urinated or defecated on themselves, and had been left there for 18 to 24 hours or more...visited an ‘almost unconscious’ prisoner in a room where the temperature was ‘probably well above 100 degrees and a pile of hair next to him” (Mayer, “The Experiment” 9). A report in the *McClatchy Newspaper* revealed further physical abuses in that, “the guards kicked, kneed, and punched many of the men until they collapsed in pain. US troops shackled and dragged other detainees to small isolation rooms, then hung them by their wrists from chains dangling from the wire mesh ceiling” (Lasseter, “Day 2” 1). Detainee testimonies

further exposed that their treatment entailed "...not just standing, but being kept up on their tiptoes with their arms extended out and up over their heads, attached by shackles on their wrists and ankles...during the entire period, they said they were kept stark naked and often cold. This process was repeated every day for two or three hours in most cases" (Mayer, "Dark Side" 168). U.S. troops at Abu Ghraib allegedly "witnessed detainees being stripped, beaten, covered in mud, drenched in freezing water, and made to stand all night in front of air conditioners. One was made to drink urine" (Mayer, "Dark Side" 250).

The McClatchy report exposed that "guards said they routinely beat their prisoners to retaliate for al Qaeda's 9-11 attacks" (Lasseter, "Day 2" 2). Recall from chapter one the severity and shock of the September 11, 2001 terrorist attacks on America. Interrogators were under great pressure that the information they were responsible for obtaining, could assist in preventing another attack from occurring. More so, they were told that the individuals in their control were suspected members al-Qaeda and other terrorist networks. This invigorated and angered many of the soldiers and interrogators at the facilities and the aggression was taken out on the detainees. Brian Cammack, a former specialist with the 377th Military Police Company, told how these abuses were not only common but frequent: "Whether they got in trouble or not, everybody struck a detainee at some point" (Lasseter "Day 2" 5). The cruel treatment of detainees was therefore not always to "soften them up" but out of revenge and anger. Abuses were not uncommon because before long soldiers, contractors, guards, MIs, MPs, and the CIA at the detention centers felt they had legitimate reasons for abusing detainees and that it was common practice. Determining if their actions were retribution for

September 11th or for truth extraction purposes was very difficult, partly because they were so frequent.

The brutalities were not restricted to one interrogation facility, as each center would institute their own guidelines and rules in addition to the ones established by the Bush administration. Intelligence units at Guantanamo Bay, under the control of General Miller, adopted a “72-point matrix for stress and duress,” which was a combination of physical, psychological, and sexual abuses which entailed: “Harsh heat or cold; withholding food; hooding for days at a time; naked isolation in cold, dark cells for more than 30 days; and... ‘stress positions’ designed to subject detainees to rising levels of pain” (McCoy, “Question” 129). The combination of a variety of abuses used on detainees by American, hired, contracted, and foreign soldiers, guards, interrogators, MPs, and MIs, has been witnessed in every detention center. These techniques were easily spread to different detention centers because high ranking officials such as Carolyn Wood, United States Army Captain, and General Miller, two high ranking officers known for their harsh tactics, were used at multiple facilities. Treatment and interrogation practices were also not well controlled as in Abu Ghraib, for instance, some MPs were often in competition and would have “...contests to see how quickly a prisoner could be brought to tears” (Rejali 509).

In one known instance, detainees banded together and rioted because of the continual harsh treatment. In the fall of 2003 at Abu Ghraib, the detainee riot was an act that “set everyone off,” according to soldiers and guards at the facility (Kennedy). In response, the soldiers gathered the rioters together, stripped them naked, and threw them on the cold concrete floor where the soldiers then “took their aggression out on them”

(Kennedy). During this time, three prisoners were also accused of raping another prisoner at Abu Ghraib. This resulted in staff handcuffing, stripping the detainees naked, throwing them on the concrete floor, dragging them across the length of the floor, and then positioning them atop each other and in positions that appeared as if they were having sex.

“Low-Value” Detainees

Nazar Chaman Gul was wrongly imprisoned at Bagram for four months because U.S. troops received a tip from a “tribal rival who was seeking revenge against another man” and the troops wrongly took Gul as they confused him with a “militant with a similar name” (Lasseter, “Day 2” 2). Although considered a “low-value” detainee, Gul testified that he was beaten about every five days. Gul additionally remarked that he was commonly abused by soldiers that would “ram their combat boots into his back and stomach,” his hands would then be tied behind his back and the beatings would continue (Lasseter, “Day 2” 1).

Bashir Ahmad was captured in November of 2001 by warlord General Dostum’s men where he and about 300 other men were crammed “in a metal shipping container” (Galloway 2). Dostum’s men then held Ahmad for over a year at a jail in Afghanistan before he was sent to Bagram and finally Guantanamo Bay. In regards to his treatment at Bagram, Ahmad claimed that: “Sometimes three guards would come take me to a separate room and tie my hands to a chain that was hanging from the ceiling. They would pull the chain tightly so that I rose up in the air. Sometimes they did it the other way,

pulling me up by my feet. And then they would punch me or hit me with a wood rod they used to carry” (Galloway 2). Once transferred to Guantanamo, Ahmad made an unsuccessful attempt to commit suicide by using his bed sheet to make a noose. He remarked that while at Guantanamo: “Five soldiers would come with bulletproof jackets and weapons to my cell, to my cage. One of them would spray me in the face. My eyes would burn and water” (Galloway 2). From the onset of his imprisonment, Ahmad was treated cruelly, despite his classification as a “low-level” detainee. In September 2004, Ahmad was released from Guantanamo.

Mohammed Akhtiar was also wrongly imprisoned at Bagram because his capture originated from “bad information by another Afghan who’d harbored a personal vendetta” against him (Lasseter, “Day1” 3). When Akhtiar asked what his crime was, soldiers responded by throwing him down the stairs (Lasseter, “Day 1” 5). Abdulraham Ahmed Al Deemawi experienced more than just physical harm, but also abuses meant to be psychological and sexual harms. Deemawi recalls being threatened with dogs, stripped and photographed “in shameful and obscene positions” and placed in a cage with a hook and a hanging rope. He stated that he was hung from a hook and blindfolded, with the longest duration being two days (“Bagram Prison” 1). Both Akhtiar and Deemawi were considered “low-value” detainees.

“High-Value” Detainees

Abu Zubayda was “America’s first ‘high-value detainee’” and was suspected to be the “Al Qaeda logistics chief” (Mayer, “Dark Side” 139). On March 28, 2002, after

being shot in the “thigh, stomach, and groin,” by “CIA, FBI, and Pakistani law-enforcement and intelligence officials” Zubayda was captured outside a hospital in Faisalabad, Pakistan (Mayer, “Dark Side” 139-141). Zubayda’s capture was the product of information from a taxi driver and a \$10 million payoff to the Pakistani ISI (Mayer, “Dark Side” 141). Zubayda had suffered such severe injuries that a doctor said “he’d never seen anyone with such egregious injuries survive” (Mayer, “Dark Side” 141). Zubayda’s physical condition caused him to need the assistance of many drugs and it was reported that extracting information from him was difficult because he had been “sedated with painkillers.” When Bush heard of this difficulty he replied, “Who authorized putting him on pain medication?” (Mayer, “Dark Side” 143), revealing how a prisoner’s physical well-being was not a prime concern. Once Zubayda was stabilized, he was flown by numerous pilots to a “black site” location in Thailand (Mayer, “Dark Side” 149).

Zubayda’s treatment and interrogations were tailored according to his “high value” detainee status. In testimonies he revealed that the torture he received, which was referred to as “hard time,” did not begin until “some weeks after he was captured” (Mayer, “Dark Side” 164). Recall from chapter two that the most effective time to interrogate an individual was right after capture. Some of the abuses inflicted upon him consisted of being locked into a “tiny coffin” for hours on end, which he described as “excruciatingly painful” (Mayer, “Dark Side” 165). Zubayda also told the ICRC that waterboarding was practiced on him frequently by the CIA, “...at least ten times in a single week, often twice a day” (Mayer, “Dark Side” 173). Physical punishment during interrogations was also inflicted on Zubayda as he described being “...thrust headfirst

against a bare concrete wall (Mayer, “Dark Side” 169). The Bush administration later revealed that Zubayda divulged useful information for use in the “war on terror.” These instances are explained and refuted in chapter four.

Perhaps one of the most publicized and known prisoners is Mohammed al-Qahtani, also known as detainee 063. Captured in Afghanistan in December 2001, Qahtani “remained anonymous for seven months” until the FBI, during a routine fingerprint test, discovered that Qahtani’s prints appeared to match those of the suspected twentieth hijacker of September 11th that didn’t get past airport security (Mayer, “Dark Side” 191). Immediately, Qahtani’s classification went from unidentifiable to that of “high-value” in that he was believed to be very dangerous and have extensive information that could be useful to the U.S. and the “war on terror.” For this reason, his treatment and interrogations were tailored accordingly and therefore were much harsher.

Held captive at Guantanamo Bay, Qahtani was physically, psychologically, sexually, and religiously abused and humiliated. Some of his abuses included being “deprived of adequate sleep for weeks on end, stripped naked, subjected to loud music, a dog was used to scare him, and a leash was placed around his neck as he was forced to perform dog tricks” (“Senate Armed Services Committee Hearing” 7). Qahtani was forced to endure further physical, psychological, and sexual atrocities at the hands of U.S. soldiers such as being “...forced to strip naked, wear a leash, and perform dog tricks. He was forced to wear a bra, and thong underwear on his head. He was deprived of the opportunity to use a toilet after having been force fed liquids intravenously. By the fourth day of his confinement, Qahtani had become so dehydrated that the Navy corpsmen administering an IV was unable to locate a vein in his arm, causing a doctor to

be called to implant a shunt in his hand” (Mayer, “Dark Side” 207). Qahtani endured these range of abuses, treatments, and dehumanizing tactics for both “softening up” and interrogation purposes, both of which were meant to force a confession from him. As studies and investigations reveal, however, if Qahtani was in fact the twentieth hijacker and had valuable information, the methods in which he was interrogated have proven to be unsuccessful, elicit false confessions, and make the prisoner even less inclined to cooperate.

Top government officials such as Rumsfeld were directly connected to Qahtani’s treatment and interrogations. White House officials were growing nervous about the lack of valuable intelligence from detainees’ and were therefore exceptionally eager in “high-value” cases such as Qahtani’s. Although figures in the Bush administration were not physically present during interrogations, the authorization came from the top, making them responsible and liable for the ensuing atrocities. David Becker, who was the “overseer of much of Qahtani’s treatment” and “chief of the ‘Interrogation Control Element in Guantanamo until December 2002,’” revealed that “the problem began at the top... Many of the aggressive interrogation techniques ...were a direct result of the pressure we (U.S. interrogators) felt from Washington to obtain intelligence and the lack of policy guidance being issued from Washington” (Mayer, “Dark Side” 195).

Detainee Deaths

In some cases physical pain and the intensity of interrogations sometimes went too far, resulting in the death of detainees. As early as 2002, detainees were dying at the

hands of interrogators and soldiers in Bagram, where in the span of ten days, two individuals were killed. “Low-value” Bagram prisoners, Habibullah and Dilawar, both died from “blunt force injuries” (Jaffer and Singh 48). The 2007 movie, Taxi to the Dark Side, was centered on Dilawar, an Afghan taxi driver who was killed in Bagram although “interrogators themselves believed him to be innocent” (Jaffer and Singh 148). The information detailing Dilawar’s confinement and interrogations reveal that most of the abuses he received were physical. Dilawar “...had been beaten and chained by his wrists for four days. After his last torture session, Dilawar was chained back to the ceiling” (“Bagram Prison” 1). The night Dilawar died, soldiers hit him with a “common peroneal strike-a blow to the soft tissue and sensitive nerves just above the knee-a coroner later testified that the tissue in his legs had ‘basically been pulpified’” (Mayer, “Dark Side” 225). It was reported that Dilawar was praying and crying for his parents and the MPs beat and kicked him to quiet him: “There were four MPs on this guy, one kept giving him kidney shots, two were holding him down, and the fourth jumped on his back” (Gibney). Spc. Willie Brand admitted to his involvement and cruel physical treatment towards Dilawar revealing that he “hit Dilawar about 37 times, including some 30 times in the flesh around the knees during one session in an isolation cell” (Lasseter “Day 2” 4), with Brand’s reasoning being that he was “fed up with him” (Rashid 303). Brandt also testified that he “struck him (Dilawar) so many times in the leg, that his own leg got tired and he had to switch to the other” (Gibney).

Both of these prisoners were believed to be very “low-value” and abused for sport and because they initially would not answer questions. The soldiers went beyond following orders and abused detainees to the point of death. In both of these deaths, the

only punishments given were to Army Captain Christopher Beiring, which consisted of a “letter of reprimand” and to Willie Brand, who also received a minimal charge in that he had “faced up to 11 years in prison, (but) was reduced in rank to private” (Lasseter, “Day 2” 4).

The reported deaths continued with the November 4, 2003 death of Manadel al-Jamadi and the November 26 death of Major General Abed Hamed Mowhoush at the Abu Ghraib detention facility. The CIA believed al-Jamadi to be a “high-value” detainee as he was allegedly a “former officer in Saddam Hussein's army and a key leader of a terrorist cell” and “a suspect in an attack on the al-Rashid Hotel during a visit by Deputy Secretary of Defense Paul Wolfowitz in October 2003” (McChesney 1). Al-Jamadi was captured by the CIA and Navy SEALs at his home outside of Baghdad where he was then interrogated at Army and SEAL field bases by the CIA where “the SEALs punched, kicked, and struck him with their rifle muzzles for some twenty minutes” (Mayer, “Dark Side” 249). Next, al-Jamadi was “stripped, seated, and drenched in cold water” and was “moaning, ‘I’m dying, I’m dying’” (Mayer, “Dark Side” 250) before his final location, Abu Ghraib. Al-Jamadi died at Abu Ghraib and a photo of his lifeless body with American soldiers giving the “thumbs up” sign over it, was one of those exposed on April 28, 2004 (Mayer, “Dark Side” 259).

Mowhoush’s death according to the U.S. military, was due to “natural causes” but an Army autopsy report proved otherwise, revealing that he “died from suffocation and “blunt force trauma” (McCoy, “Question” 144). Army investigator Curtis Ryan reported that soldiers would “slap Mowhoush, and then after a few slaps, it turned into punches” (McCoy, “Question” 145). Ryan also claimed that although Mowhoush’s body was

sealed in a bag, an act which suffocated and killed him, that all of the procedures were “approved and effective” (Mayer, “Dark Side” 145). The physical abuse inflicted on Mowhoush took place in “sessions.” One of these sessions entailed having his “...hands bound, being struck repeatedly on the back of his arms...and being doused in water” (“Command’s Responsibility” 3).

The main person involved in Mowhoush’s death was interrogator and Chief Warrant Officer, Lewis Welshofer, who “...took Mowhoush, his hands bound, before an audience of fellow detainees and slapped him-an attempt, according to Welshofer, to show Mowhoush who was in charge” (“Command’s Responsibility” 2). Testimonies from three U.S. soldiers revealed that the “CIA and possibly Army Special Forces personnel” proceeded to “beat Mowhoush with sledgehammer handles...eight to ten of the non-military forces interrogate[d] Mowhoush and ‘beat the crap’ out of him” (“Command’s Responsibility” 2). This resulted in “massive bruising and five broken ribs” (“Command’s Responsibility” 2). Trial testimony revealed that on November 26, Mowhoush was “...shoved head-first into the sleeping bag, wrapped in electrical cord, and rolled from his stomach to his back. Welshofer sat on Mowhoush’s chest and blocked his nose and mouth” (“Command’s Responsibility” 2). According to an autopsy report, Mowhoush died from “asphyxia due to smothering and chest compression” (Command’s Responsibility” 3). Before he was killed, Mowhoush received more than just physical abuse but psychological and emotional as well when U.S. soldiers “...made Mowhoush believe his son would be executed if he did not speak to their satisfaction, and soldiers fired a bullet in the ground near Mohammed’s head (his son) within earshot but just beyond the eyesight of Mowhoush” (Command’s Responsibility” 3). Welshofer’s only

charge was “a written reprimand, a \$6,000 fine, and 60 days with movement restricted to his home, base, and church” (Command’s Responsibility” 3). Welshofer’s justification for his actions was that as part of the military intelligence, “there were no specific rules of engagement for interrogations in Iraq” (Command’s Responsibility” 1).

The direct result of these physical abuses was individuals with permanent physical damage and in some cases, individuals that were killed. Detainee deaths are difficult to discover as often times medical records and evidence of these instances were often well hidden or destroyed. *Human Rights First* in 2005 exposed that in Afghanistan “nine detainees are now known to have died in US custody...including four cases already determined by Army investigators to be murder or manslaughter,” and in Iraq US intense interrogations have resulted in “...55 substantiated cases of detainee abuse in Iraq, plus twenty instances of detainee deaths still under investigation” (“II. A World of Abuse” 1-2). As of 2004 the death toll had risen according to the Defense Departments ‘Information Paper’ numbers. In April of 2004 it listed “62 allegations of prisoner abuse, including 14 prisoner deaths in Iraq and Afghanistan which could not be attributed to natural causes” (Jaffer and Singh 52).

In many of these cases, it is clear that guards, soldiers, contractors, the CIA, and MPs, went beyond orders and greatly harmed detainees. Torturing individuals for no reason and going beyond protocol is much different and more serious than humiliations and lesser degrees of abuse such as hooding or confinement. These different levels of activity require different levels of responsibility to be assigned to guards, soldiers, contractors, the CIA, MIs, and MPs. This is an issue with many stipulations as it is difficult to determine who was in fact a high-value detainee, when accidental deaths

occurred, when soldiers and guards were following orders, and when their intention was to inflict severe pain. Distinguishing between individual levels of responsibility and involvement through the chain of command, from George Bush to low level guards, is proving to be a complicated and problematic issue that the Obama administration is currently faced with.

Many of these practices were not listed in the Bush administration's extended interrogation policies, an issue that concerned individuals who witnessed the abuses. One such individual was Staff Sergeant Ivan Frederick II, who is now facing "prosecution in Iraq, on charges that include conspiracy, dereliction of duty, cruelty toward prisoners, maltreatment, assault, and indecent acts" (Hersh, "Torture" 1). Frederick stated: "I questioned some of the things that I saw . . . such things as leaving inmates in their cell with no clothes or in female underpants, handcuffing them to the door of their cell—and the answer I got was, 'This is how military intelligence (MI) wants it done.' . . . MI has also instructed us to place a prisoner in an isolation cell with little or no clothes, no toilet or running water, no ventilation or window, for as much as three days" (Hersh, "Torture" 3). Facing similar charges is Sergeant Javal Davis, who also questioned interrogation practices and the treatment of detainees. In a statement to C.I.D. (Criminal Investigation Division) investigator Davis stated: "I witnessed prisoners in the MI hold section . . . being made to do various things that I would question morally. . . . We were told that they had different rules" (Hersh, "Torture" 3). When Davis was "asked what MI said he stated: 'Loosen this guy up for us.' 'Make sure he has a bad night.' 'Make sure he gets the treatment.' " (Hersh, "Torture" 3).

Sexual and Religious Abuses

Physical harm appears to be the most common abuse but abuses such as sexual, religious, and psychological, ones that do not leave physical marks, can be just, if not more, damaging to an individual. Sexual abuses, which were often coupled with other cruelties, are often considered psychological and religious abuse because of their nature and who they are inflicted upon. Muslim religion and culture, which nearly all of the detainees were affiliated with, have strict rules about the relationship between men and women. The presence and behavior of women can be seen as degrading, and for this reason, women were used as guards and interrogators at detention centers. Females would touch detainees, wear provocative clothing, wipe what would appear to be menstrual blood on the prisoners, put female undergarments on detainees, and force them to strip naked. Female interrogators would use these tactics to “break Muslim detainees,” achieved through “...sexual touching, wearing a miniskirt and thong underwear and in one case smearing a Saudi man’s face with fake menstrual blood” (Dodds 1). A specific case of such sexual abuses occurred in April of 2003 at Guantanamo Bay when “a female interrogator took off her uniform top, ran her fingers through a detainees hair and sat on his lap” (Dodds 1). Many of these acts would be considered humiliating and degrading to not just Muslims but individuals of most backgrounds and affiliations as well.

As of 2005, at least eight detainees have told their attorneys that females at the interrogation centers “rubbed their bodies against the men, wore skimpy clothes in front of them, made sexually explicit remarks and touched them provocatively” (Leonnig 1). Many of these violations have also been confirmed by an investigation by the Pentagon.

This investigation exposed the instance of a “female interrogator, attempting to unsettle a Muslim detainee, smeared fake menstrual blood on him. And in five separate occasions Korans were defiled; one soldier urinated through a ventilation shaft, splashing the text” (Mayer, “The Experiment” 2). The photos revealed in 2004 from Abu Ghraib were also of detainees that were forced into sexually compromising positions with other detainees. These included detainees stripped of their clothing, and forced into humiliating positions which appear as if they are performing oral sex on other detainees. Pictures and reports also expose groups of naked detainees that are piled on top of each other (“Abuse of Iraqi” 1). Qahtani was also violated with sexual abuses as he was “...ordered to dance with a male interrogator, straddled by a female interrogator in a gambit called ‘invasion of space by female,’ forced to undergo an enema, and strip-searched in front of females. He was also shown provocative photos of scantily clad women, some of which were hung around his neck” (Mayer, “Dark Side” 207).

Middle Eastern cultures and religions also have strict standards about homosexual relationships and activities. It is exceptionally embarrassing for these individuals to be naked while in the presence of other men. This was taken advantage of by interrogators and staff at detention centers, as Abu Ghraib Specialist Matthew Wisdom reveals that he saw “...two naked detainees, one masturbating to another kneeling with its mouth open” (Hersh, “Chain” 24). In photos received from Iraq, male detainees are seen “positioned to simulate sex with each other. And in most of the pictures, the Americans are laughing, posing, pointing or giving the camera the thumbs-up” (Lueng 1). In some instances there are photographs and reports where sexual abuses went beyond simulated masturbation and sex, to that of forced masturbation by male detainees. Sergeant Selena Salcedo, a

female U.S. military intelligence officer, reported that she witnessed interrogator, Pfc. Damien Corsetti, pull “down the pants of a detainee and leave his genitals exposed...the detainee was bent over a table and Corsetti was waving a plastic bottle near his buttocks. She said she didn’t know whether the detainee had been raped” (Lasseter “Day 2” 5). Bagram prisoner, Hussain Adbulkad Mustafa, contended that he too was sodomized by US soldiers (Jeralyn 2). In February of 2005, it was reported that “...Mustafa, was blindfolded, handcuffed, gagged, and forced to bend down over a table by three American soldiers. He said: ‘They forcibly rammed a stick up my rectum...I could not stop screaming when this happened’” (“Bagram Prison” 1). Investigations released by the ACLU and from US Army investigations reveal that “...prisoners were subjected to mock executions, sexually humiliated and, in some cases, raped” (Jeralyn 1). In the cases where detainees were sodomized there is not only sexual and religious harm done, but injury to internal organs as well. Furthermore, a great problem with these acts is the effects from such treatment go beyond those felt by the individual prisoners and to the Arab world and rest of the globe as well: “We (U.S.) went to Iraq to democratize the Middle East. The last thing you want to do is let the Arab world know how you treat Arab males in prison” (Hersh, “Chain” 65).

Sleep Deprivation

Sleep deprivation was also practiced on detainees meant to disorient, frustrate, and weaken them. Detainees who experience extended sleep deprivation begin to have their body functions shut down, cannot think clearly, and it is difficult for them to

function. Sleep deprivation was a common disorienting tactic that spread to all detention facilities, with the standards and regulations varying at each. Danner writes how “sleep adjustment was brought with the 519th (Military Intelligence Battalion) from Afghanistan. It is also a method used at GITMO....At Abu Ghraib, however, the MPs were not trained, nor informed as to how they actually should do the sleep adjustment. The MPs were just told to keep a detainee awake for a time specified by the interrogator. The MPs used their own judgment as to how to keep them awake. Those techniques included taking the detainees out of their cells, stripping them and giving them cold showers. CPT Wood stated she did not know this was going on and thought the detainees were being kept awake by the MPs banging on the cell doors, yelling, and playing loud music” (Danner 39).

Sleep deprivation was frequently practiced on Qahtani, one such recorded instance being on November 23, 2002 when he was “...brought in shackles to a plywood interrogation booth, where his hood was removed and he was bolted to the floor. For forty-eight of the next fifty-four consecutive days, he was allowed only four hours of sleep a night” (Mayer, “Dark Side” 206). By the second day of this sleep regimen, Qahtani was struggling without sleep and was told by interrogators that “sleeping and not paying attention will not be tolerated” (Mayer, “Dark Side” 206). Qahtani underwent this unique interrogation routine because it was specifically authorized from one of the key figures in the Bush administration, Donald Rumsfeld. On November 12, 2002 Rumsfeld verbally authorized a “special interrogation plan” that permitted interrogators to confine al-Qahtani in an “isolation facility” for up to thirty days, subject him to “20 hour

interrogations for every 24-hour cycle” and intimidate him with dogs” (Jaffer and Singh 46).

Sleep deprivation was also indirectly caused by practices such as light manipulation, loud music/white noise, and temperature manipulation. Many of the prisoners revealed being isolated for days in cells that were “always flooded with light” (McCoy, “Question” 158). Certain methods which are referred to as “breaking tactics,” involve blasting loud, repetitive, and often offensive music, such as Bruce Springsteen’s “Born in the USA” or the intermingled sounds of crying babies and a “television commercial for meow mix cat food” (Smith 2). Such an instance was seen in Bagram where “low-value” detainee Nusrat Khan, seventy plus years old, described U.S. soldiers as having “...blindfolded him, put earphones on his head and tied his hands behind his back for almost four weeks straight” (Lasseter “Day 1” 4).

The “Frequent Flyer” Program

Disorienting, frightening, and not disclosing information about their detainment to prisoners was also a common practice by U.S. troops at detention sites. This was achieved through many methods, one particular one was known as the “frequent flyer” program. This program entailed blindfolding, binding, and frequently transferring a detainee to different cells and detention sites. One particular case of this practice was at Guantanamo Bay, on teenager “Mohammed Jawad, an Afghan accused of throwing a grenade at a convoy of American soldiers in Kabul in late 2002, wounding two” (A. Lewis 1). Jawad’s program entailed “every three hours, day and night, he (prisoner) was

shackled and moved to another cell—112 times over fourteen days” (A. Lewis 1). Similar to how many of the interrogation tactics such as waterboarding and sexual humiliations were done for sport, so was the “frequent flyer” program. In regards to the reasoning behind Jawad’s subjection to the program: “Officers at Guantánamo said they did not believe he had any valuable intelligence information, and he was not even questioned during the ‘frequent flyer program. The most likely scenario...is that they simply decided to torture Mr. Jawad for sport, to teach him a lesson, perhaps to make an example of him to others” (A. Lewis 1).

Psychological Abuses

Whether intended or not, psychological effects were often the byproduct of everyday interrogation methods such as physical abuse, physical restraint, stress positions, hooding, sleep deprivation, solitary confinement, light manipulation, loud music/ white noise, sexual abuses, religious violations, the use of dogs, temperature manipulation, and humiliations. An ICRC report explained that in military intelligence sections of Abu Ghraib, “...methods of physical and psychological coercion used by the interrogators appeared to be part of the standard operating procedures by military intelligence personnel to obtain confessions and extract information” (“II. A World of Abuse” 2). A collection of Harvard psychiatrists discussed the side effects of America’s cruel treatment towards detainees and that the method of sensory deprivation, could “...produce major mental and behavioral changes in man” (McCoy, “Question” 40). Results of such actions were that prisoners were reportedly found banging their heads

against their concrete cell walls, screaming in the nights, crying, holding their bodies and rocking back and forth, after interrogation sessions (Gibney).

As the PBS documentary *Torturing Democracy* explains, in nearly every case, these techniques were not performed just one time, but continually, in different forms and manners, differing durations, varying degrees, and during the entirety of the detainee's confinement. Alone, many of these tactics such as sleep deprivation, loud music, confinement, and light manipulation, are not difficult to tolerate, but once practiced repeatedly and combined with a variety of other interrogation practices, it becomes detrimental to the detainee and is torture.

Detainees have more than just emotional and psychological damage but have the physical scars to prove it. In some instances the interrogations went too far and individuals were killed. What was achieved through these malicious acts? Was any useful information gained? In the year 2009 with the recent shutting down of Guantanamo Bay by President Barack Obama, America's actions in overseas detention centers have not gone unnoticed. After over seven years of cruelty and inhumane acts, what are the negative effects of America's actions?

Does the End Justify the Means?

“As of September 2006 the number of detainees reached 86,000. None of them were convicted” - Taxi to the Dark Side

“Whoever authorized torture in Iraq and elsewhere undermined the prospect of good human intelligence. Even if the torture produced more names (“actionable intelligence”), it also polarized the population, eliminating the middle that might cooperate. As we divided the world into “friends” and “enemies,” we also alienated those who wished to be neither but hated our enemies just as much as we did” – Darius Rejali

The United States torture policy after September 11, 2001 went from secret meeting rooms in the White House to interrogation rooms and cell blocks at U.S. run detention centers. This policy has domestic and international legal implications as well as physical and psychological effects, all of which tarnish the U.S. reputation, could have negative repercussions for future prisoners of war, adversely affect the country's international standing and legitimacy, and create a possible growth of anti-American extremists. What were the justifications given by the Bush administration for rewriting the existing laws and agreements that authorized torture, considering that they were breaking these laws and could be faced with lasting negative consequences? Did the administration reach their goal of obtaining useful information meant to better protect the U.S.? Finally, what can be learned from the policies and acts that transpired after September 11th and about torture and interrogation methods for the future?

There are consequences to every action. The consequences of the hijacked planes that destroyed the Twin Towers, flew into the U.S. Pentagon, crashed into a field in Shanksville, Pennsylvania, and contributed to the devastating 2,752 lives taken on

September 11, 2001, was an upset, saddened, angry, and invigorated America (Hirschhorn 1). The Bush administration's response was a pledge to fight a "war on terror," resulting in the invasion of Afghanistan and later, under more questionable motives, the invasion of Iraq. In reaction to the terrorist attacks, the White House felt that a rewriting of established laws and agreements in regards to interrogation policies was necessary to appropriately fight the perpetrators of September 11th. The extended interrogation policies by the Bush administration's "war council," resulted in the creation and use of overseas detention centers, "black sites," and warlord run camps at which individuals thought to be a threat to the U.S. and the world, were detained and questioned for information. This resulted in soldiers, guards, MPs, MIs, contractors, the CIA, and interrogators following the administration's newly created policies in regards to detainee treatment and interrogations. The consequences of these actions was the harsh interrogation of detainees for information, which amounted to torture, including physical harm, psychological trauma, religious slanders, sexual humiliations, solitary confinement, sensory deprivation (including light manipulation, temperature extremes, and music/white noise), sleep deprivation, hooding, fear by use of dogs, stress positions, physical restraints, and in some cases death. The consequences of these actions include no useful information gained, U.S. future prisoners of war in danger, upset freed torture victims and their affiliated groups, increased numbers of anti-American extremists, and a discredited and tarnished America.

The Bush administration's justifications for the manipulations of laws and the torture practices that ensued, was the need after September 11th for actionable and accurate information, fast. This idea is supported in 2005 when Vice Admiral Albert T.

Church III, stressed “the need for intelligence in the post-9/11 world, and our enemies’ ability to resist interrogation” (McCoy, “Question” 167). The purpose of this information was the other main justification given by the White House, national security: “The object for the military interrogations was simple: to get intelligence for use in the war on terror, to protect America for the next attack” (Sands 7).

The U.S. government had to further justify and make excuses for the torture policy they created once photos, testimonies, and reports were unearthed with explanations that they were special idiosyncratic instances. President Bush reacted to the accusations of torture that arose by insisting that “...the actions of a few did not reflect the conduct of the military as a whole” (Hersh, “Chain” 46). The administration gave additional responses, explaining that “...the abuses at Abu Ghraib and Guantanamo as the unauthorized actions of a few till-trained personnel” (Mayer, “Dark Side” 166), that “when cruelties did occur...they were rare mishaps, the result of combat stress and insufficient training, or a ‘breakdown of good order and discipline’” (Mayer, “Dark Side” 189), and that the pictures from Abu Ghraib was “an isolated incident, the work of a few ‘bad apples’ acting without orders” (I. “Official Sanctions” 1). Recall however that although the lines of authority were blurred, it was stated by Brian Cammack, a former specialist with the 377th Military Police Company, that: “Whether they got in trouble or not, everybody struck a detainee at some point” (Lasseter, “Day 2” 5). Therefore the “bad apples” excuse and the justification that the abuses were confined to a few guards, was not the case at any of the detention centers and was completely false, as I have already shown.

In response to investigations concerning U.S. actions at overseas detention centers such as the McClatchy and ICRC findings, the Pentagon reacted in 2008 with the statement: Military policy always has been to treat detainees humanely, to investigate credible complaints of abuse and to hold people accountable” (Lasseter, “Day 1” 3). The Pentagon also referenced Al-Qaeda training manuals such as the *Manchester Manual*, in explaining that the atrocities were not as severe as reported because they were fabrications by detainees who were taught to lie about their treatment. It is written in the *Manchester Manual* that al-Qaeda members must: “Insist on proving that torture was inflicted on them by the State Security, (investigators) before the judge” to “complain (to the court) of mistreatment while in prison” and “to do his best to know the names of the state security officers, who participated in his torture and mention their names to the judge” (“Frontline” 8). The Senate Armed Services Committee Hearing also used this justification by stating that “al-Qaeda and Taliban terrorists are taught to expect Americans to abuse them. They’re recruited based on false propaganda that says the United States is out to destroy Islam” (“Senate Armed Services Committee” 1). The hearing additionally stated, however, that torturing detainees is not the answer in that “treating detainees harshly only reinforces their distorted view and increases their resistance to cooperate” (“Senate Armed Services Committee” 1).

It was not until September of 2006 that Bush administration officials began admitting to the torture policy they created. In 2006 the President admitted “that the CIA had run a secret global detention and interrogation operation along rules of its own making” (Mayer, “Dark Side” 155). Over two years later, the Bush administration revealed its involvement with specific interrogation techniques, such as that of the highly

debated issue in 2007 – 2008 of waterboarding. In February 2008 the “Bush administration acknowledged publicly for the first time that it had in fact...used what is often considered the most notorious of the US interrogation tactics – waterboarding – on three high-value terror suspects, including Zubayda” (Mayer, “Dark Side” 171). When the “war councils” secrets were revealed, the Supreme Court was utilized to determine the legality of the Bush administration’s policies and abuses at detention centers. Finally, a section of the U.S. political system showed its ability to uphold the country’s democratic principles when “three times in the last four years (2004-2008) the Supreme Court has rejected the Bush administration's legal defenses of its program for detention of alleged “enemy combatants” (A. Lewis 5).

The “ends justify the means” argument was also used as a validation for the emergency situation America was in and the torture program that ensued. When evaluating this argument, one must “weigh the tactical value of that paucity of intelligence against the enormity of the damage to U.S. international prestige, the cost clearly outweighs the benefit” (McCoy, “Question” 202). A great risk with torture methods is the “loss of critical intelligence and time, as well as the United States’ reputation abroad and its credibility in demanding the humane treatment of captured Americans” (Minter 1). Mora, one of the few figures within the White House that as early as 2002 opposed the creation of the government’s secret torture policy, stated that: “Cruelty disfigures our national character. It is incompatible with our constitutional order, with our laws, and with our most prized values...Where cruelty exists, law does not” (Mayer, “Dark Side” 236).

Despite the Bush administration's justifications for manipulating and rewriting American and international interrogation policies, their actions were illegal and could result in a variety of negative repercussions for the country. The photos from Abu Ghraib in 2004 revealed such consequences when Assistant Secretary of State, Michael G. Kozak, remarked in February 2005 that "the events at Abu Ghraib were a stain on the honor of the US; there's no two ways about it" (McCoy, "Question" 200). In July 2005 in their support of passing of a piece of legislation that would "limit executive authority over detainee interrogation," eleven retired military leaders wrote that the U.S. actions: "Hurt America's cause in the war on terror, endangers US service members who might be captured by the enemy, and is anathema to the values Americans have held dear for generations" (McCoy, "Question" 185-186).

Nothing Gained

In addition to the negative repercussions resulting from the U.S. torture policy, the information gained has also shown to be inconclusive. In response to the McClatchy findings, the Pentagon responded that valuable information was gained, but refused to divulge exactly what information. The McClatchy report also provided the Pentagon with a series of questions and testimonies from 63 former detainees. The Pentagon's only response was that: "These unlawful combatants have provided valuable information in the struggle to protect the U.S. public from an enemy bent on murder of innocent civilians," Col. Gary Keck said in the statement. He provided no examples" (Lasseter, "Day 1" 4).

Recall from chapter three Mohammed al-Qahtani, detainee #63, a “high-value” prisoner because the FBI suspected him to be the twentieth hijacker on September 11, 2001. The U.S. claimed that valuable information was gained from Qahtani, information which in 2005 was no longer credible or useful because he officially retracted his statements. The information extracted from Qahtani is believed to have also been false as “...records indicate interrogators coerced statements under torture” (Rejali 510). At the onset of Qahtani’s detainment in 2002, he revealed information that displeased the interrogators and forced them to perform harsher interrogations on him. It was later discovered that the information he gave at the start of his confinement and interrogations, appears to be the truth, but was simply “confirmation of what they (U.S.) had already learned from conventional detective work earlier...he only knew about the plan for 9/11. He didn’t know where Bin Laden was, or about other plans” (Mayer, “Dark Side” 211). It is also understood that most members of al-Qaeda or terrorist networks are not entrusted with great amounts of information and usually only know necessary details of their missions. The reason being, that if they are caught, they do not have much information to divulge. In the case of Qahtani, it also appears that he was a late addition to the hijackers of September 11th and therefore knew even less information than others. Mallow explains that all of the intensified interrogations against Qahtani and others were actually a great setback, as he remarked that it “...may have worked against our (US) interests...because it was a waste of time” (Mayer, “Dark Side” 211), and was then later publicized for the entire world to see how he was treated and tortured by the U.S.

Certain detainees that were considered “high-value” such as Qahtani and Zubayda, were revealed by the White House to have given the U.S. useful information

for the “war on terror.” Since the release of such information however, further evidence has been revealed and many of these instances have been refuted. Recall that Zubayda was classified as a “high-value” detainee and therefore underwent some of the most extreme treatment and interrogation methods in order to extract a confession. It was later discovered that he was only “responsible for minor-logistics, for example, travel for Al Qaeda wives” and was “mentally deranged” (Rejali 505). The White House asserted however that Zubayda had given valuable information such as revealing terrorists “worldwide, leading to their arrests. He described major plots that targeted malls, banks, supermarkets, water systems...gave important information leading to the capture of Khalid Sheikh Mohammed, the alleged mastermind of the 9/11 attacks, and Ramsi bin al-Shibh, an alleged Al-Qaeda operative” (Rejali 506). Rejali discredits this knowledge, however, explaining that it is similar to previously discovered information obtained through sources such as “files of an al-Jazeera reporter” or a “tipster to whom the CIA paid a \$25 million reward” (Rejali 506). Mayer also refutes claims of valuable information extracted from Zubayda in that if anything, his statements were verifications of information the government already knew. (Claims such as these by the White House that have been disproved can be found in Rejali’s book Torture and Democracy, Chapter 22, “What the Apologists say” and Mayer’s book The Dark Side, Chapter 7, “Inside the Black Sites.”) The efforts and dangers the U.S. exhibited in torturing detainees, further shows that information and accurate intelligence are two separate things. After September 11th accurate intelligence was especially difficult to obtain as “harsh interrogation, ‘tantamount to torture,’ seems to have produced rather little in the way of useful intelligence” (McCoy, “Dark Side” 202).

Torture: An Ineffective Method of Truth Extraction

Dating as far back as AD 221, the ineffectiveness of torture was understood when the Roman lawyer, Ulpian, stated that, "...some will always lie under torture; others will 'tell any kind of lie than suffer torture' and one 'should not place confidence in torture applied to a person's enemies, because they readily tell lies'" (Rejali 462). This idea is also seen in the 21st century when in the summer of 2008, "15 individuals who served as senior interrogators, interviewers and intelligence officials in the United States military, the Federal Bureau of Investigation, and the Central Intelligence Agency" convened at a forum hosted by *Human Rights First* and declared that torture is an "unlawful, ineffective and counterproductive" way to gather intelligence" (Minter 1). It has also been revealed that "...torture induces numerous false positives and buries interrogators in useless information" (Rejali 500).

One of the main arguments against torture is that it produces false confessions and unreliable information from detainees. Cases have shown, including many of those from the recent U.S. torture policy, that individuals being tortured will say almost anything to stop the pain or humiliation. The individual being tortured is also known to tell information that he/she thinks the interrogator or one torturing wants to hear. The main reason being that in most cases, a prisoner that is being tortured is not "apt to be much of a stickler for whether or not his statements are true. Since there is no way to separate the true from the false screams, answers given by a suspect under torture are worse than worthless and should never form a part of our (US) interrogation policy" ("Does Torture

Work” 1). A senior intelligence officer in Afghanistan supported this claim in that: “Treating detainees harshly is actually an impediment – a “roadblock”” (“Senate Armed Services Committee Hearing” 1). This information is therefore considered useless because time and energy have been wasted on not only extracting the information but having to further investigate the validity behind the detainee’s confession. As shown in cases such as Qahtani’s, years have been wasted torturing individuals that will never talk or who do not have useful information to divulge. Coinciding with this notion that torture is a “roadblock” is that “intense pain far more often encourages whatever lies the detainee thinks his interrogators want to hear. Those lies have sent American forces on countless wild goose chases...” (Weissman 3). In addition to the wasted time, the U.S. will also face the negative repercussions from being the torturers while at the same time gaining nothing.

Many of the torture methods are referred to as “breaking tactics” because results have shown that they are more effective in harming a detainee than extracting truthful information. “Breaking tactics” such as blasting loud and offensive music or sleep deprivation, are reportedly ineffective as the “results you get from a broken prisoner have little to do with truth” (Smith 2). Marion Bowman, Deputy General Counsel on the National Security Law Branch of the FBI, explains that additional torture methods such as stress positions, will anger individuals further because “if you are going to cause people physical discomfort, they’re going to get pissed off, they aren’t going to talk to you as readily” (Sands 118). In regards to sleep deprivation tactics, which are often used for weeks on end, besides being angry, the individuals deprived of sleep will also be disoriented. Over time detainees cannot think straight or cannot determine the difference

between the truth and fiction: “The person who is not getting enough sleep isn’t going to have coherent thoughts in a very short period of time” (Sands 118).

Future Prisoners of War in Danger

In addition to being ineffective, torture methods are also unjust and have a range of negative repercussions as they are “immoral and they’d ‘set a pattern that was clearly going to impact our (U.S.) folks overseas, too, when they were captured’” (Sands 128). Brigadier General Mark Kimmit, Deputy Director of coalition operations in Iraq, explains this precarious situation: “Our (US) soldiers could be taken prisoner as well. And we expect our soldiers to be treated well by the adversary, by the enemy. And if we can’t hold ourselves up as an example of how to treat people with dignity and respect...We can’t ask that other nations do that to our soldiers as well” (Leung 1). Much of this problem originates from the fact that “there’s a big lack of knowledge about the mind-set of extremists. Doing these things just makes them more determined to hate us. And eventually they are going to be released. When they are, they’re going to talk and exaggerate what happened to them. They’re going to become heroes. So then we’ll have more extremist networks and more suicide bombers” (Mayer, “The Experiment” 9-10). This former FBI agent also warned that “we (U.S.) can’t go down to the level of our enemies...if we do, it’s going to come back at us later on” (Mayer, “The Experiment” 10). In an interview, Moazzam Begg, freed torture victim from Bagram, stated: “I was kidnapped, abducted, falsely imprisoned, tortured and threatened with further torture, without charge, without trial....Soldiers would say, if you were not a terrorist when you

came in here, by the time you leave I'm sure you would be because of the way you have been treated" (Gibney). Negative repercussions have already started occurring because of the U.S.'s actions at overseas detention centers. One reported incident happened after *Newsweek* published an article about a particular religious abuse tactic at the Guantanamo Bay prison of "flushing the Koran down the toilet" (McCoy, "Question" 179). The backlash of this action was a series of "demonstrations across the Muslim world that left seventeen dead in Afghanistan" (McCoy, "Question" 179).

Torture is also a technique which once authorized, is easily spread, creating further ramifications. Once the White House extended interrogation methods, they were not only instituted at U.S. detention facilities in Afghanistan, but also into Iraq nearly two years later. Recall from the previous chapters that the transition of torture techniques from the White House to each detention center was not well organized in that interrogators were not well trained on the new methods and were often confused about which actions were acceptable and what orders they should be following. The torture policy established by America not only spread to U.S. detention centers, but other countries as well, as the U.S. was "leading the way in the abuse of prisoners and flouting the GC (Geneva Conventions) and international law, it was natural that their allies, such as Pakistan, Uzbekistan, Saudi Arabia, and Afghanistan, would follow suit. These countries carried out their own renditions and disappearances of prisoners, undermining their own legal processes and opening the way for local rulers to deal with domestic political opponents in the same manner" (Rashid 306).

Alternatives to Torture

Torture is an ineffective method of truth extraction not only because it has been shown to not obtain actionable intelligence and have extensive negative repercussions, but because there are other methods that have given better results. Rejali explains that “there is currently no official report that answers the question: “Does torture work? No General Accounting Office report weighs how information from ‘stress and duress’ interrogations compares to other intelligence activities” (Rejali 23). Answering this question would be very difficult to test and definitively answer. However, later in his book Rejali references CIA studies and information which reveal that “it is better to build a relationship of trust...than to extract quick confessions through tactics such as those used by the Nazis and the Soviets...Torture undermines precisely this trust and makes it difficult to recruit informants for intelligence purposes” (Rejali 503).

One of the most referenced methods in obtaining actionable intelligence is that of gaining trust and attempting to connect with a detainee, or rapport. Evidence suggests that a “key principle” of interrogation is that it “only produces results if rapport is created between the interrogator and the detainee” (Sands 7). Ways in which rapport can be gained have been explained by a “private association of United States Marine Corps members” who begin by stating the importance of an interrogator to be culturally aware: “Know their language, know their culture, and treat the captured enemy as a human being” (Budiansky 2). The prisoner must then feel comfortable and in a “safe place, where even he knows...that it is all over. Then forget, as it were, the “enemy” stuff, and the “prisoner” stuff. I (interrogator) tell them to forget it, telling them I am talking as a

human being to a human being. (Budiansky 2). Attempting to remove the detainee from the situation, remove all outside barriers and relate as equals is one of the first steps in gaining rapport. The Marines then explained to “begin by asking him things about himself. Make him and his troubles the center of the stage” (Budiansky 2). He explains that this can be achieved because “every soldier...has a ‘story’ he desperately *wants* to tell. The interrogator’s job is to provide the atmosphere that allows the prisoner to tell it” (Budiansky 2). In order to get to this story, the Marines suggest that the interrogator get “into the mind and heart of the prisoner” to create “an intellectual and spiritual rapport with him” (Budiansky 3). The Marines compiled this information through examination of past interrogation sessions with Japanese POW’s. The information showed that “the successful interrogators all had one thing in common in the way they approached their subjects. They were nice to them” (Budiansky 1). Torture specifically eliminates building a relationship and “being nice” to detainees, believing that pain and punishment will be a quicker, more reliable approach to getting information.

A setback to gaining rapport is that it takes time. Building rapport is a slow process, is complicated when language and cultural barriers exist, difficult when the individual is kept prisoner by the interrogator, and hard when the interrogator is considered the enemy. In order to obtain actionable intelligence from a detainee who often is the enemy, who has been trained against divulging information, and who has a different language and culture from the interrogator, it takes patience and is time consuming. Torture, is believed to be a fast way to obtain information especially when compared to the effort and time needed to gain rapport. Although torture may be quick, recall that the information is usually false as detainees will often say what he/she thinks

the interrogator wants to hear. It is also believed that “very few individuals have enough information to make torture worthwhile, and those who do are the least likely, for obvious reasons, to fall into the interrogator’s net, or to talk when they do” (McCoy, “Question” 197). The underlying argument is that although gaining rapport is time consuming, the results surpass those behind torture, including greater actionable intelligence without the extensive negative consequences that torture produces.

“Ticking Time Bomb”

One of the only times torture is explained as an effective interrogation technique, is in the “ticking time bomb” scenario. In this situation, an individual is being interrogated who is believed to have control over, or knowledge of, a device or weapon that could kill people if not stopped. In the “ticking time bomb” situation, there is a limited amount of time until the device is detonated and people are killed. For this reason, the information is needed very fast. This means that the more accurate, but time consuming method of gaining rapport, is not applicable. The solution is therefore torture, with the justification that information is needed fast and if one life is harmed in the process of saving many others, then it is worth it. Alan Dershowitz, Harvard Law Professor, explains the exact circumstances behind this situation: “If you’ve got the ticking bomb case, the case of the terrorist who knew precisely where and when the bomb would go off, and it was the only way of saving 500 or 1,000 lives, every democratic society would, have, and will use torture” (McCoy, “Question” 111). As of February 2009, the “ticking time bomb” scenario is a nonexistent situation however, as never in

history has the case arisen. Furthermore, in the “ticking time bomb” situation, not only is the probability of finding the individual with valuable information very minute, but so is the chance that the person will divulge the information, because “if a guy is that committed, he will probably die for it” (Gibney).

Torture, on the surface may appear like a useful truth extraction method. Scholars and intelligence officials that examine past torture cases and the current U.S. torture policy however, reveal that torture may only be effective if done right after capture by trained professionals. Once time has passed or interrogators are not as well trained, then the chance of extracting actionable information greatly decreases or the information is less important. Trained interrogation professionals even have difficulty in obtaining accurate information from someone in that there is a “torturer’s paradox:” “Don’t wait too long, but don’t torture right away. Don’t make the prisoner faint or die, but push to the max. Don’t desensitize the prisoner, but hit hard. Look before you leap, but he who hesitates is lost. Under these conditions, Kubark (CIA interrogation manual) concludes, torture is a “hit or miss” practice and “a waste of time and energy” (Rejali 477).

Conclusion

Moving Forward

“Congress doesn’t have the power to ‘tie the president’s hands in regards to torture as an interrogation technique...it’s the core of the commander in chief function. They can’t prevent the President from ordering torture” – John Yoo

“As of September 2006 the number of detainees reached 86,000. None of them were convicted” – Taxi to the Dark Side

There are even greater implications to the Bush administration’s torture policy than the brutalities and negative ramifications that resulted. When examining the torture policy in its entirety, it must first be understood how it was created. With all of the domestic and international laws and agreements regarding the treatment of prisoners, which ban inhumane acts especially those involving torture, how did the Bush administration even create a torture policy?

The U.S. torture policy was created when the “war council” increased Presidential prerogative power after September 11th. Recall the precarious situation the government and country suffered following the terrorist attacks. The White House response was a “war on terror” in which President Bush was given a mandate to do anything necessary. It has long been felt by Congress and the Supreme Court that security and international policy, especially in emergency situations, should be predominately controlled by the commander in chief, the President. This power of the executive branch, however, is supposed to be limited by cores of the democratic government-the system of checks and balances-which is meant to ensure that no branch of government is ever too powerful.

The power of the presidency was taken advantage of by the OLC who stated that “the commander in chief...had inherent powers to order any interrogation technique he chose. Under this interpretation, US laws and treaties banning torture-despite having been signed into law by earlier presidents-were deemed unconstitutional and therefore null. By this logic, the President was literally above the law” (Mayer, “Dark Side” 152). The “war council’s” actions after September 11, 2001, which gave the President all encompassing power as well as a mandate to perform whatever actions necessary, was complete “disrespect for the rule of law and the constructive role it plays” (Harris). No democratic constitution or “military necessity” situation would ever allow a President, or any individual for that matter, to have unlimited power, especially a power that was so wrongly abused and that allowed a practice as ineffective, inhumane, and with such negative ramifications as that of torture.

Information revealing the exact number of prisoners abused while detained by the U.S. remains currently unavailable. However, just one month into the Obama administration, there has already been a drastic increase in the number of detainee testimonies, court cases, and lawsuits. For nearly the first four years following the September 11th attacks, the Bush administration, for the most part, was able to pursue their torture policy without much opposition. With the broadcast of the April 2004 photos from Abu Ghraib and investigations about prisoner treatment at detention centers, a slow shift in opposition to the Bush administration’s policies eventuated. Originally, the opposition came predominately from inside the White House, but as time passed, lawsuits were filed, more investigations and testimonies were exposed, and cases were brought before the Supreme Court.

Instances of court cases brought to the Supreme Court concerning the Bush administration's torture policy include: "In 2004, in *Rasul v. Bush*, a 6–3 majority held that prisoners at Guantánamo could test the legality of their detention by petitioning in federal courts for writs of habeas corpus. In 2006, in *Hamdan v. Rumsfeld*, a 5–3 majority held that trials of prisoners before military commissions under rules laid down by the Bush administration were unlawful because limits on the rights of defendants violated the Uniform Code of Military Justice and the Geneva Conventions. This June (2008), in *Boumediene v. Bush*, a 5–4 majority held that a congressional statute barring habeas corpus petitions by Guantánamo detainees violated the Constitution's guarantee of the right to habeas corpus" (A. Lewis 5). The undermining of the Bush administration's policies continued in June 2006 when the Supreme Court ruled "that foreign detainees held for years at Guantanamo Bay in Cuba have the right to appeal to U.S. civilian courts to challenge their indefinite imprisonment without charges" ("Supreme Court" 1).

Coinciding with this ruling, the Supreme Court in December 2008 ordered a court in Washington DC to reevaluate its dismissal of a "lawsuit against former Defense secretary Donald Rumsfeld and 10 senior US military officers" (US Supreme Court Orders" 1). The case concerned "four former British detainees at the Guantanamo Bay military prison" and the torture and abuses they received while imprisoned ("US Supreme Court Orders" 1). Continuing the challenges opposing the Bush administration's policies, in February 2009, the Senate Intelligence Committee announced its intention to begin an investigation of the CIA's covert interrogation program. The investigation is "aimed at uncovering new information on the origins of the programs as well as

scrutinizing how they were executed-including the conditions at clandestine CIA prison sites and the interrogation regimens used to break Al Qaeda suspects” (Miller 1).

One of the recently revealed prisoner testimonies is that of British resident Binyam Mohamed, who was detained in U.S. custody for nearly seven years. Mohamed was charged with “plotting a radioactive ‘dirty bomb’ attack against the United States” but since then, has been dismissed of all charges (Sullivan 1). Mohammed stated that some of the torture methods practiced on him included the slicing of his “chest and genitals with a scalpel” and being “chained in total darkness with a single rap music album, by the U.S. artist Eminem, blaring 24 hours a day” (Sullivan 1-2). To cease the brutalities against him, Mohammed claimed he “made false confessions to the dirty-bomb plot, to obtaining a false passport from 9/11 plotter Khalid Sheik Mohammed, and to having met Osama bin Laden 30 times” (Sullivan 2). These claims have since been dismissed as lies that were coerced through torture.

While these court cases and lawsuits are being filed at rapid rates, more and more detainees, guards, and interrogators, are coming forth with their stories, providing a constant influx of new information which will soon be presented and leaked to the media. An article published on March 4, 2009 discussed the recent release of seven memos from the Bush administration which provided “‘legal’ rationales for the president to suspend freedom of speech and press; order warrantless searches and seizures, including wiretaps of US citizens; lock up US citizens indefinitely in the United States without criminal charges; send suspected terrorists to other countries where they will likely be tortured; and unilaterally arrogate treaties” (Cohn 1). This further shows how the Bush

administration believed they had the authority to break established laws, especially those concerning human rights.

It must not become a characterization of the U.S. government that the President has complete power to override the law. Although much of the President's and government's power is defined by interpretation, such inhumane instances must not be interpreted haphazardly, especially in times of distress. Interpretations need to be in accordance with the principles set forth in the constitution and those established by democratic states. The Bush administration failed to adhere to these standards; instead they used the excuses of "military necessity" and "war on terror" to legitimize any and all of their violence and manipulation of the law. America must trust the system of government created by its founding fathers and abide by not only laws and agreements but human codes of morality and justice as well.

It is a fact that in the 21st century, war has become far more dangerous and deadly as entire populations can be disintegrated in seconds. A new type of warfare exists where no longer are countries equipped with cannons and rifles but instead, equipped with chemical and biological weapons. These are weapons of mass destruction-weapons which in their name, signify their possible degree of destruction. The threat of anti-American extremists and rouge states is a reality that the U.S. and world must be aware of, not antagonize, but secure against. The justification of military necessity because of an emergency situation is not one to be taken lightly, but rather all aspects of the decision, actions, and consequences need to be evaluated and taken seriously. The U.S. did not take enough time. Instead, within days of the attacks, they declared a preemptive "war on terror" without evaluating other solutions. Furthermore, America's decision to

evoke a “war on terror” was not efficiently planned and properly executed. This resulted in the U.S. being ill prepared for the invasions of Afghanistan and Iraq.

In the current state of America and the world, it could be argued that nearly the entire global community is in a “state of emergency,” and therefore any, and all actions are justified in the name of “military necessity” and security. The term “military necessity” is not one to be used lightly and most of all, not frequently. Countries around the world and especially the U.S., who perceives itself as the most powerful nation in the world, need to understand that there is no such thing as an “unlimited war” and certainly, no such thing in democratic law as “unlimited power.”

One of the greatest issues behind these misinterpretations is that too many countries believe that violence is the answer. When will the U.S. along with the rest of the world learn that violence cannot be retaliated with more violence? What other solutions exist besides a “war on terror?” Responding to violence with violence only creates more death, anger, sadness, and in turn the need to respond back with greater violence: “...these terrorist attacks were constructed as “declarations of war” by the Bush administration, which then positioned the military response as a justified act of self-defense” (Butler 4). The problem with the U.S. response to September 11th is that the country did not carefully evaluate the issue and understand the reasoning behind the attacks. Additionally, those that attempted to understand the basis behind the attacks were considered “anti-American” and as feeling “sympathy with terrorism, or that one saw the terror as justified” (Butler 3).

The U.S. ignored “its image as the hated enemy for many in the region” and rather “responded as a militaristic power with no respect for lives outside of the First

World. That we (U.S.) now respond with more violence is taken as “further proof” that the United States has violent and anti-sovereign designs on the region” (Butler 17). America’s response, instead of reducing such anti-American sentiment, has only provoked it, and perhaps raised it to a greater level. The U.S. claimed “to have gone to war in order to ‘root out’ the sources of terror, according to Bush, but do we (U.S.) think that finding the individuals responsible for the attacks on the United States will constitute having gotten to the root? Do we (U.S.) not imagine that the invasion of a sovereign country with a substantial Muslim population, supporting the military regime in Pakistan that actively and violently suppresses free speech, obliterating lives and villages and homes and hospitals, will not foster more adamant and widely disseminated anti-American sentiment and political organizing? (Butler 8).

In my opinion, violence cannot be justified. One can never have enough security or feel completely secure and therefore must look to other, more peaceful solutions, in order to achieve this safety. Alternative solutions to violence include working on establishing and maintaining peaceful relations with other countries. Great opportunities exist for America and other nations in the world to unite on a peaceful and more proactive ground. International policy needs to be re-evaluated on a global level and the U.S. can and should be at the forefront of such progress. Recall from chapter one how America, since its founding has placed itself above inhumane and immoral acts such as torture. On May 10, 2007, U.S. General David Petraeus wrote to his troops that: “Our values and the laws governing warfare teach us to respect human dignity, maintain our integrity, and do what is right. Adherence to our values distinguishes us from our enemy. This fight depends on securing the population, which must understand that we-not our

enemies-occupy the moral high ground...What sets us apart from our enemies in this fight, however, is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect. While we are warriors, we are also human beings” (Leung 12-13). Although it may be a long and difficult process for the United States to regain its position as one of the most powerful and respected countries in the world, it is not impossible if the nation abides by national and international laws and aligns with other countries to find the “moral high ground.”

Bibliography

- Annex I: U.S. War Crimes Statute, Pub. L. No. Title 18, Section 2441 (Bureau of Democracy, Human Rights and Labor).
- Applebaum, Anne. "The Torture Myth." 12 Jan. 2005. Washington Post. 7 Oct. 2008 <<http://www.washingtonpost.com/wp-dyn/articles/a2302-2005jan11.html>>.
- "Bagram Prison, Afghanistan: A Brutal US Torture Center." 27 Jan. 2008. Revolution. 25 Sept. 2008 <<http://revcom.us/a/117/bagram-en.html>>.
- Brooks, Peter. "The Plain Meaning of Torture?" 9 Feb. 2005. Slate. 19 Oct. 2008 <<http://www.slate.com/id/2113314/>>.
- Budiansky, Stephen. "Truth Extraction." 2005. The Atlantic. 25 Sept. 2008 <<http://www.theatlantic.com/doc/200506/budiansky>>.
- Buruma, Ian. "Ghosts." 26 June 2008. The New York Review of Books. 28 Oct. 2008 <<http://www.nybooks.com/articles/21550>>.
- Butler, Judith. Precarious Life The Powers of Mourning and Violence. London: Verso, 2006.
- Chatterjee, Pratap. "Meet the New Interrogators: Lockheed Martin." 4 Nov. 2005. Corp Watch. 17 Nov. 2008 <<http://www.corpwatch.org/article.php?id=12757>>.
- Cohn, Marjorie. "Memos Provide Blueprint for Police State." 4 Mar. 2009. Truthout. 10 Mar. 2009 <<http://www.truthout.org/030409A>>.
- "Command's Responsibility: Detainee Deaths in US Custody in Iraq and Afghanistan." End Torture. Human Rights First. 30 Sept. 2008 <http://www.humanrightsfirst.org/us_law/etn/dic/mowhoush.asp>.
- Convention relative to the Treatment of Prisoners of War, Geneva Convention 1929 *et seq.* (International Humanitarian Law).
- Danner, Mark. Torture and Truth : America, Abu Ghraib, and the War on Terror. New York: New York Review of Books, Incorporated, The, 2004. TortureTruth
- Dodds, Paisley. "Guantanamo Bay: Female interrogators' tactics aired." Nation & World. 28 Jan. 2005. The Seattle Times. 17 Nov. 2008 <http://seattletimes.nwsources.com/html/nationworld/2002162977_gitmo28.html>.
- "Does Torture Work?" 24 Apr. 2008. Vox Nova. 28 Oct. 2008 <<http://voxnova.com/2008/04/24/does-torture-work/>>.

- "Foreign Interrogators in Guantanamo Bay." Center For Constitutional Rights. 16 Nov. 2008 <<http://ccrjustice.org/learn-more/faqs/foreign-interrogators-guantanamo-bay>>.
- Frontline: Inside the Terror Network. PBS. 28 Oct. 2008
<<http://www.pbs.org/wgbh/pages/frontline/shows/network/alqaeda/manual.html>>.
- Galloway, Joe. "Guantanamo Inmate Database." 2008. McClatchy Washington Bureau. 25 Sept. 2008 <<http://detainees.mcclatchydc.com/detainees/46>>.
- Gerin, Roseanne. "Report: CACI interrogators lacked training, but met contract." 26 July 2004. Washington Technology. 17 Nov. 2008
<http://www.washingtontechnology.com/online/1_1/24099-1.html>.
- Ghosts of Abu Ghraib. Dir. Rory Kennedy. Prod. Liz Garbus and Jack Youngelson. DVD. HBO Video, 2007.
- Harris, Shane. "Army Requested Company's Interrogators for Iraq Prison." 26 May 2004. Government Executive. 16 Nov. 2008
<http://www.govexec.com/story_page.cfm?filepath=/dailyfed/0504/052604h1.htm>.
- Hersh, Seymour M. Chain of Command : The Road from 9/11 to Abu Ghraib. New York: HarperCollins, 2004.
- Hersh, Seymour M. "Torture at Abu Ghraib." 10 May 2004. The New Yorker. 5 Oct. 2008 <http://www.newyorker.com/archive/2004/05/10/040510fa_fact>.
- Hirschhorn, Phil. "New York reduces 9/11 death toll by 40." CNN. 28 Oct. 2003. 18 Feb. 2009 <<http://www.cnn.com/2003/US/Northeast/10/29/wtc.deaths/>>.
- "I. Official Sanctions of Crimes against Detainees." Human Rights Watch. 28 Oct. 2008
<http://www.hrw.org/reports/2005/us0405/3.htm#_toc101408091>.
- "II. A World of Abuse." Human Rights Watch. 28 Oct. 2008
<http://hrw.org/reports/2005/us0405/4.htm#_toc101408092>.
- Jaffer, Jameel, and Amrit Singh. Administration of Torture : A Documentary Record from Washington to Abu Ghraib and Beyond. New York: Columbia UP, 2007.
- Jeralyn. "Documents Describe Torture at Bagram in Afghanistan." Weblog post. TalkLeft. 17 Feb. 2005. 5 Oct. 2008
<<http://www.talkleft.com/story/2005/02/18/962/61383>>.

- Lasseter, Tom. "Day 1: America's prison for terrorists often held the wrong men." McClatchy Washington Bureau. 15 June 2008. McClatchy Newspapers. 24 Sept. 2008 <<http://www.mcclatchydc.com/detainees/story/38773.html>>.
- Lasseter, Tom. "Day 2: US abuse of detainees was routine at Afghanistan bases." McClatchy Washington Bureau. 9 July 2008. McClatchy Newspapers. 25 Sept. 2008 <<http://www.mcclatchydc.com/detainees/story/38775.html>>.
- Leonnig, Carol D., and Dana Priest. "Detainees Accuse Female Interrogators." 10 Feb. 2005. Washington Post. 17 Nov. 2008 <<http://www.washingtonpost.com/ac2/wp-dyn/a12431-2005feb9?language=printer>>.
- Leung, Rebecca. Abuse of Iraqi POWs By GIs Probed. 28 Apr. 2004. CBS News. 25 Sept. 2008 <<http://www.cbsnews.com/stories/2004/04/27/60II/main614063.shtml>>.
- Lewis, Anthony. "Official American Sadism." 25 Sept. 2008. The New York Review of Books. 15 Sept. 2008 <<http://www.nybooks.com/articles/21794>>.
- Lewis, Neil A., and Douglas Jehl. "Files Show New Abuse Cases in Afghan and Iraqi Prisons." 18 Feb. 2005. The New York Times. 5 Oct. 2008 <http://www.nytimes.com/2005/02/18/politics/18abuse.html?_r=1&oref=slogin>.
- Mayer, Jane. The Dark Side : The Inside Story of How the War on Terror Turned into a War on American Ideals. New York: Doubleday, 2008.
- Mayer, Jane. "The Experiment." 11 July 2005. The New Yorker. 30 Sept. 2008 <http://www.newyorker.com/archive/2005/07/11/050711fa_fact4>.
- McChesney, John. "The Death of an Iraqi Prisoner." 27 Oct. 2005. NPR. 6 Mar. 2009 <<http://www.npr.org/templates/story/story.php?storyId=4977986>>.
- McCoy, Alfred W. A Question of Torture : CIA Interrogation, from the Cold War to the War on Terror. New York: Owl Books, 2006.
- McCoy, Alfred W. "The US Has a History of Using Torture." 4 Dec. 2006. History News Network. 28 Oct. 2008 <<http://hnn.us/articles/32497.html>>.
- Miller, Greg. "Senate to investigate CIA's actions under Bush." 27 Feb. 2009. Los Angeles Times. 9 Mar. 2009 <<http://www.latimes.com/news/nationworld/nation/la-na-cia-secrets27-2009feb27,0,6299647.story>>.
- Minter, Krista. "Top Interrogators Declare Torture Ineffective in Intelligence Gathering." 24 June 2008. Human Rights First. 30 Sept. 2008 <<http://www.humanrightsfirst.org/media/etn/2008/alert/313/>>.

- O'Neil, Chuck, dir. "The Daily Show with Jon Stewart." Karen Greenberg. Comedy Central. New York, New York. 2 Feb. 2009.
<<http://www.thedailyshow.com/video/index.jhtml?videoId=217685&title=karen-greenberg>>.
- Priest, Dana. "CIA Holds Terror Suspects in Secret Prison." 2 Nov. 2005. Washington Post. 28 Oct. 2008 <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/ar2005110101644_pf.html>.
- Rashid, Ahmed. Descent into Chaos. New York, NY: Penguin Group.
- Rejali, Darius. Torture and Democracy. New York: Princeton UP, 2007.
- ""The Salt Pit" CIA Interrogation Facility outside Kabul." Intelligence. Global Security. 29 Oct. 2008
<<http://www.globalsecurity.org/intell/world/afghanistan/saltpit.htm>>.
- Sands, Philippe. Torture Team : Rumsfeld's Memo and the Betrayal of American Values. New York: Palgrave Macmillan, 2008.
- "Senate Armed Services Committee Hearing: The Origins of Aggressive Interrogation Techniques." Weblog post. Carl Levin United States Senator. 17 June 2008. 30 Sept. 2008 <<http://levin.senate.gov/newsroom/release.cfm?id=299242>>.
- Smith, Clive S. "Welcome to 'the disco'" World News. Guardian.co. 24 Sept. 2008
<<http://www.guardian.co.uk/world/2008/jun/19/usa.guantanamo>>.
- Sullivan, Kevin. "Detainee's Account Roils U.K. Leaders." 9 Mar. 2009. The Washington Post. 10 Mar. 2009
<<http://mobile.washingtonpost.com/news.jsp?key=359753&rc=to&npc=to>>.
- "Supreme Court backs Guantanamo detainees." 12 June 2008. MSNBC. 9 Mar. 2009
<<http://www.msnbc.msn.com/id/25117953/>>.
- Taxi to Dark Side. Dir. Alex Gibney. Prod. Eva Orner and Susannah Shipman. DVD. Image Entertainment, 2008.
- Torturing Democracy. Dir. Sherry Jones. Prod. Carey Murphy. PBS. 2008. 8 Jan. 2009
<<http://www.torturingdemocracy.org/>>.
- "US Supreme Court Orders Review of Guantanamo Torture Case." 15 Dec. 2008. Truthout. 9 Mar. 2009 <<http://www.truthout.org/121608K>>.
- Walzer, Michael. Just and Unjust Wars : A Moral Argument with Historical Illustrations. New York: Basic Books, 2006.

Weissman, Steve. "But What If Torture Works?" Truthout. 27 Jan. 2009. 27 Jan. 2009
<<http://www.truthout.org/012709J>>.