

DOCUMENTATION AND REFERENCES FOR "A NEW UNETANEH TOKEF FOR A TIME OF TERROR"

Things are being done in the world, in our name, that must shock our conscience and move us to action.... Today we face truths that cannot be ignored.... What have we preferred to forget? What have we chosen not to see?

"In order for these individuals to suffer the wanton cruelty to which they were subjected, a government policy was promulgated to the field whereby the Geneva Conventions and the Uniform Code of Military Justice were disregarded. The UN Convention Against Torture was indiscriminately ignored...."

"After years of disclosures by government investigations, media accounts, and reports from human rights organizations, there is no longer any doubt as to whether the current administration committed war crimes. The only question that remains to be answered is whether those who ordered the use of torture will be held to account."

-- Maj. Gen. Antonio Taguba, US Army (Ret.)¹

Maj. Gen. Taguba led the U.S. Army's official investigation into the Abu Ghraib prisoner abuse scandal, and testified before Congress on his findings in May, 2004.²

After completing his report, and after it was made public, Maj. Gen. Taguba was summoned to a meeting with Secretary of Defense Donald Rumsfeld; Paul Wolfowitz; Stephen Cambone, the Under-Secretary of Defense for Intelligence; General Richard Myers, chairman of the Joint Chiefs of Staff; and General Peter Schoomaker, the Army Chief of Staff, among others. At the meeting Rumsfeld mocked Taguba, saying, "Here . . . comes . . . that famous General Taguba--of the Taguba report!"³

Maj. Gen. Taguba was directed by his superiors, in January 2006, without explanation, to retire no later than January 2007, after completing his investigation and testimony but before he made the above observations.⁴

Top Bush aides, including Vice President Cheney, micromanaged the torture of terrorist suspects from the White House basement, according to an ABC News report aired last night.

Discussions were so detailed, ABC's sources said, that some interrogation sessions were virtually choreographed by a White House advisory group. In addition to Cheney, the group included then-national security adviser Condoleezza Rice, then-defense secretary Donald Rumsfeld, then-secretary of state Colin Powell, then-CIA director George Tenet and then-attorney general John Ashcroft....

"According to a top official, Ashcroft asked aloud after one meeting: 'Why are we

¹ Physicians for Human Rights, *Broken Laws, Broken Lives: Medical Evidence of Torture by US Personnel and Its Impact* (June 2008) [hereafter *Broken Laws*], p. viii (Preface), available online at http://brokenlives.info/?dl_id=4. Retrieved Sept. 18, 2008.

² *Ibid.*

³ Seymour Hersh, "The General's Report", *The New Yorker*, June 25, 2007, available online at http://www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh?printable=true. Retrieved Sept. 23, 2008

⁴ *Ibid.*

talking about this in the White House? History will not judge this kindly.”⁵

The de facto principles governing the punishment of U.S. personnel guilty of prisoner abuse since 2002 now are clear: Torturing a foreign prisoner to death is excusable. Authoring and implementing policies of torture may lead to promotion. But being pictured in an Abu Ghraib photograph that leaks to the press is grounds for a heavy prison sentence.⁶

Each day with our silence we allow it to be written, each day with our complicity we allow it to be sealed:

Who shall live out the limit of his days and who shall not; who shall die in our captivity, and who shall eventually be released.

According to the NGO Human Rights First, since August 2002, nearly 100 detainees have been documented as having died while in the hands of U.S. officials in the global “war on terror.” According to the U.S. military’s own classifications, 34 of these cases are suspected or confirmed homicides; Human Rights First has identified another 11 in which the facts suggest death as a result of physical abuse or harsh conditions of detention. In close to half the deaths Human Rights First surveyed, the cause of death remains officially undetermined or unannounced. Overall, eight people in U.S. custody were documented as having been tortured to death.⁷

***It should be noted that this report covers only documented, confirmed deaths at two detention sites.** U.S. officials maintain numerous so-called “black sites” in various nations, including Thailand, Afghanistan, Poland and Romania, as well as other nations in Eastern Europe, Asia and the Middle East.⁸ Ships have also been reportedly used to hold and interrogate, unknown numbers of detainees.⁹ [Campbell and Norton-Taylor] Estimates of the number being held at the black sites, at extraordinary rendition sites, and on ship range from 14,000, as reported in Congressional Quarterly (August 2006), to twice that number or more.¹⁰ In many cases, “ghost prisoners” have been known to have been in U.S. custody but have since “disappeared.” The number of detainees unaccounted for, and who may have

⁵ Dan Froomkin, “White House Torture Advisers”, Washington Post, April 10, 2008, available online at <http://www.washingtonpost.com/wp-dyn/content/blog/2008/04/10/BL2008041002069.html>. Retrieved Sept. 25, 2008.

⁶ “Homicide Unpunished,” editorial, *The Washington Post*, February 28, 2006, page A14, available online at <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/27/AR2006022701320.html>. Retrieved Sept. 22, 2008.

⁷ Hina Shamsi, “Command’s Responsibility: Detainee Deaths in U.S. Custody in Iraq and Afghanistan” (Deborah Pearlstein, ed.), Human Rights First, February 2006, p.2 available online at http://www.humanrightsfirst.org/us_law/etn/dic/

⁸ Dana Priest, “CIA Holds Terror Suspects in Secret Prisons”, *The Washington Post*, Nov. 2, 2005, page A01, available online at http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644_pf.html, retrieved Sept. 22, 2008;

Jane Mayer, “The Black Sites: A rare look inside the C.I.A.’s secret interrogation program.” *The New Yorker*, Aug. 13, 2007, available online at http://www.newyorker.com/reporting/2007/08/13/070813fa_fact_mayer?currentPage=all, retrieved Sept. 23, 2008; Duncan Campbell and Richard Norton-Taylor, “US accused of holding terror suspects on prison ships”, *The Guardian* (UK), June 2, 2008, available online at <http://www.guardian.co.uk/world/2008/jun/02/usa.humanrights>, retrieved Sept. 23, 2008.

⁹ Campbell and Richard Norton-Taylor, *ibid.*; Campbell and Norton-Taylor, “Prison ships, torture claims, and missing detainees”, *The Guardian* (UK), June 2, 2008, available online at <http://www.guardian.co.uk/world/2008/jun/02/terrorism.terrorism>, retrieved Sept. 23, 2008.

¹⁰ Patrick Quinn, “14,000 U.S. detainees sit in “war on terror” legal limbo”, Associated Press, Sept. 18, 2006, available online at http://seattletimes.nwsourc.com/html/nationworld/2003263628_prisons18.html, article also available at <http://www.truthout.org/article/14000-held-secret-us-prisons> under the title “14,000 Held in Secret US Prisons”, both articles retrieved Sept. 23, 2008; Campbell and Norton-Taylor, “US accused of holding terror suspects on prison ships”, above, note 8; *Enforced Disappearance, Illegal Interstate Transfer, and Other Human Rights Abuses Involving the UK Overseas Territories*, Reprieve, available online at <http://www.reprieve.org.uk/documents/FinalReprieveSubmissionFASC.pdf>; *Off the Record: U.S. Responsibility for Enforced Disappearances in the “War on Terror”*, Reprieve, available online at <http://www.reprieve.org.uk/documents/OFFTHERECORDFINAL.pdf>

died under torture, is unknown.

*No one knows how many people were rounded up and spirited away into these secret locations, although the number is very likely in the thousands. No one knows either how many detainees have died once in custody. Nor is there any solid information about the many detainees who have been the victims of what the United States government calls "extraordinary rendition," the handing over of detainees to other governments, mostly in the Middle East, whose secret police have no qualms about torturing their prisoners and face no legal consequences for doing so.*¹¹

Who shall be forced to endure extremes of heat and cold,

See, e.g.: Physicians for Human Rights, *Broken Laws, Broken Lives: Medical Evidence of Torture by US Personnel and Its Impact* (June 2008) [hereafter *Broken Laws*], pp. 17-19 passim (case of Kamal, evaluated by Sondra Crosby, MD and Barry Rosenfeld, PhD); 36-41 passim (case of Rahman, evaluated by Allen Keller, MD and Leanh Nguyen, PhD); 46-50 passim (case of Haydar, evaluated by Allen Keller, MD and Barry Rosenfeld, PhD); 56-61 passim (case of Youssef, evaluated by Allen Keller, MD and Barry Rosenfeld, PhD); 61-71 passim (case of Rasheed, evaluated by Onder Ozkalipci, MD and Christian Pross, MD); 80-81 (patterns of abuse); 103-104 (legal analysis of technique as torture)¹²

chained, crouching for 20 hours at a time...

Broken Laws, above, pp. 5 (Executive Summary); 47 (case of Haydar, evaluated by Allen Keller, MD and Barry Rosenfeld, PhD); 74, 76-77 (patterns of abuse)¹³

*Amir recounted remaining naked and being forced to pray in that condition. During that time, he recalled that a soldier came to his cell and started shouting. Amir was praying, so he did not answer. The soldier entered the cell, and pushed Amir's head to the floor. He was then suspended with his arms up and behind his back for several hours, with only his toes touching the ground. During this time, Amir also heard increasingly high-pitched screaming from, in his words, "others who were tortured. The screaming was getting higher and higher."*¹⁴

For discussion of "stress positions" (a form of torture dating back, under other names, to the Spanish Inquisition), see generally *Broken Laws* pp. 76-77. Stress positions include (but are not limited to) (1) being chained to a winch in the ceiling, which was then cranked until only the detainee's toes were touching the floor; (2) being tied to a table, hands and feet shackled, naked, wearing goggles and earphones for sensory deprivation; (3) suspension from barbed wire; (4) elevation off the ground ("free suspension", called "strappado" by the Inquisition and usually resulting in the dislocation of joints and limbs); (5) suspension with one arm elevated and the other tied to the ankle; being forced to stand with broken glass embedded in the feet; (6) "hog tying" (hands and feet tied together behind the back); and (7) chaining or tying in a standing position to the bars of one's cell, sometimes naked, and being doused with cold water.¹⁵

¹¹ Alan Brinkley, "Black Sites" (book review), *New York Times*, Aug. 3, 2008, available online at <http://www.nytimes.com/2008/08/03/books/review/Brinkley-t.html>. Retrieved Sept. 27, 2008.

¹² *Broken Laws*, above, note 1. Page references in text.

¹³ *Ibid.* Page references in text.

¹⁴ *Broken Laws*, above, note, 1, p. 42 (case of Amir).

¹⁵ *Ibid.* Page references in text.

See also Bob Herbert, "All Too Human", *New York Times*, June 28, 2008.¹⁶

Who shall be deprived of sleep for days on end;

The CIA held Mohamed Farag Ahmad Bashmilah in several different cells when he was incarcerated in its network of secret prisons known as "black sites." ... Bashmilah was turned over to the CIA in the early morning hours of Oct. 26, 2003. Jordanian officials delivered him to a "tall, heavy-set, balding white man wearing civilian clothes and dark sunglasses with small round lenses," he wrote in his declaration. He had no idea who his new captors were,... Flight records show Bashmilah was flown to Kabul. (Records show the plane originally departed from Washington, before first stopping in Prague and Bucharest.) ... He was then placed in a windowless, freezing-cold cell, A bare light bulb stayed on constantly. A camera was mounted above a solid metal door. For the first month, loud rap and Arabic music was piped into his cell, 24 hours a day, through a hole opposite the door. His leg shackles were chained to the wall. The guards would not let him sleep, forcing Bashmilah to raise his hand every half hour to prove he was still awake....¹⁷

Bashmilah was released after 19 months of detention. He was never charged.¹⁸

Former Israeli Prime Minister Menachem Begin described in his memoirs being subjected to sleep deprivation in a Soviet prison in the 1940's: "In the head of the interrogated prisoner a haze begins to form. His spirit is wearied to death, his legs are unsteady, and he has one sole desire: to sleep, to sleep just a little, not to get up, to lie, to rest, to forget. . . . Anyone who has experienced this desire knows that not even hunger or thirst are comparable with it. . . . I came across prisoners who signed what they were ordered to sign, only to get what the interrogator promised them. He did not promise them their liberty. He promised them -- if they signed -- uninterrupted sleep!"¹⁹

In The Gulag Archipelago, Aleksander Solzhenitsen describes Soviet interrogations including cases of forced standing and sleep deprivation: "Then there is the method of simply compelling a prisoner to stand there." Among other techniques used to break prisoners was forcing them to stay in a fixed position for an extended period of time: "In the Novochoerkassk NKVK, Yelena Strutinskaya was forced to remain seated on a stool in the corridor for six days in such a way that she did not lean against anything, did not sleep, did not fall off, and did not get up from it." Solzhenitsen also describes sleep deprivation being used on a prisoner named Anna Skripnikova in 1952: "[The] Chief of the Investigative Department of the Ordzhonikidze State Security Administration, said to her: "The prison doctor reports you have a blood pressure of 240/120. That's too low, you bitch! We're going to drive it up to 340 so you'll kick the bucket, you viper, and with no black and blue marks; no beatings; no broken bones. We'll just not let you sleep."²⁰

The U.S. State Department has criticized the use of sleep deprivation as a technique of torture as practiced

¹⁶ Bob Herbert, "All Too Human", *New York Times*, June 28, 2008.

<http://www.nytimes.com/2008/06/28/opinion/28herbert.html>. Retrieved Sept. 24, 2008.

¹⁷ Mark Benjamin "Inside the CIA's notorious 'black sites'", Salon.com, Dec. 14, 2007,

<http://www.salon.com/news/feature/2007/12/14/bashmilah/>

¹⁸ *Ibid.*

¹⁹ Human Rights Watch, Backgrounder, "Descriptions of Techniques Allegedly Authorized by the CIA: Forced Standing and Sleep Deprivation", <http://www.hrw.org/english/docs/2005/11/21/usdom12071.htm>

²⁰ *Ibid.*

in Burma, Jordan, Pakistan, Saudi Arabia, and Tunisia.²¹

On the use of sleep deprivation as an instrument of torture by U.S. officials in the “war on terror,” see: *Broken Laws*, above, note 1, *passim*.

and who will be terrorized by threats against family.

See, e.g., *Broken Laws*, above, note 1 pp. 3 (Executive Summary, case of Kamal); 4 (Executive Summary); 6 (Executive Summary, case of Laith); 17-20 *passim* (case of Kamal); 24-28 *passim* (case of Laith); 33 (case of Morad); 73-74; 79-80.

Detainees reported threats that family members, particularly mothers and daughters, would be arrested, raped, tortured and/or killed. Detainees also observed family members being forced to lie down on, or walk barefoot across, broken glass. *Ibid*.

Who shall endure torture by water,

Just to be clear, waterboarding is a form of torture that dates back to the Spanish Inquisition -- along with the rack, thumbscrews and branding with hot irons. The way it works is that the victim's body is inclined so that his head is lower than his feet. A porous cloth is placed over his nose and mouth and then is repeatedly saturated with water. The American media, incurably addicted to evasive euphemism, like to describe the terrifying result as "simulating the sensation of drowning."

Simulated or not, unless the process is halted, the victim dies of asphyxiation. When our Navy and Air Force fliers undergo brief waterboarding as part of the training that prepares them to resist interrogation if captured, a physician is present. One of the trainers at a Navy school in San Diego has written of how he traveled to Cambodia to learn about the process of waterboarding, because it was a favorite Khmer Rouge technique during Pol Pot's reign of terror.²²

Strangely enough, this week's clearest statement of what the fight in Washington is really all about didn't appear in any newspaper or broadcast news outlet, but on an Internet site (www.smallwarsjournal.com) popular with unconventional warfare and intelligence professionals. The author is Malcolm W. Nance, a veteran special operations consultant to various U.S. intelligence agencies and a master instructor in the U.S. Navy's Survival, Evasion, Resistance and Escape (SERE) program in San Diego. Nance also is an experienced Arabic-speaking interrogator. He wrote that one of the things he did when helping to develop the program that trains navy fliers and others on how to stand up to torture was to visit Cambodia:

"Before arriving for my assignment at SERE, I traveled ... to visit the torture camps of the Khmer Rouge... . I wanted to know how real torturers and terror camp guards would behave and learn how to resist them from survivors of such horrors... . It was in the S-21 death camp known as Tuol Sleng in downtown Phnom Penh, where I found a perfectly intact inclined water board. Next to it was the painting on how it was used... .

"On a Mekong River trip, I met a 60-year-old man, happy to be alive and a cheerful

²¹ *Ibid*.

²² Tim Ruten, “Mukasey’s Confession”, *Los Angeles Times*, February 2, 2008, available online at <http://www.latimes.com/news/opinion/la-oe-ruten2feb02,0,6941133.story>. Retrieved Sept. 24, 2008.

travel companion, who survived the genocide and torture. He spoke openly about it and gave me a valuable lesson... . In torture, he confessed to being a hermaphrodite, a CIA spy, a Buddhist Monk, a Catholic Bishop and the son of the king of Cambodia. He was actually just a schoolteacher whose crime was that he once spoke French. He remembered 'the Barrel' version of waterboarding quite well. Head first until the water filled the lungs, then you talk."

Nance has no time for euphemisms and no doubt that waterboarding is anything other than torture: "Unless you have been strapped down to the board, have endured the agonizing feeling of the water overpowering your gag reflex, and then feel your throat open and allow pint after pint of water to involuntarily fill your lungs, you will not know the meaning of the word. Waterboarding is a controlled drowning that, in the American model, occurs under the watch of a doctor, a psychologist, an interrogator and a trained strap-in/strap-out team. It does not simulate drowning, as the lungs are actually filling with water. There is no way to simulate that. The victim is drowning. How much the victim is to drown depends on the desired result (in the form of answers to questions shouted into the victim's face) and the obstinacy of the subject. A team doctor watches the quantity of water that is ingested and for the physiological signs which show when the drowning effect goes from painful psychological experience, to horrific suffocating punishment to the final death spiral.

"Waterboarding is slow motion suffocation with enough time to contemplate the inevitability of black out and expiration – usually the person goes into hysterics on the board. For the uninitiated, it is horrifying to watch and if it goes wrong, it can lead straight to terminal hypoxia. When done right, it is controlled death. Its lack of physical scarring allows the victim to recover and be threatened with its use again and again."²³

and who shall be cut.

April 10, 2002, Pakistan: Binyam Mohamed, a 23 year old Ethiopian national is arrested by a Pakistani immigration unit at Karachi Airport while boarding a flight to return to his home in Britain. He presents a friend's passport as identification.

[Voice of Binyam Mohamed's brother] Here I have a diary of Binyam's and I'm going to read from his diary for you:

"I refused to talk in Karachi until they gave me a lawyer. I said it was my right to have a lawyer. The FBI said, 'The law has changed, there are no lawyers. You can cooperate with us the easy or the hard way.' On the first day of the interrogation, 'Chuck' said, 'If you don't talk to me you are going to Jordan. We can't do what we want here. The Arabs will deal with you.'"...

July 21, 2002. Pakistan to Morocco: Mohamed is flown from Pakistan to Morocco in a CIA plane and imprisoned in an undisclosed location....

"It was when I got to Morocco that they said that some big people in Al Qaeda were talking about me. They told me that the U.S. had a story they wanted from me and that it was their job to get it. They talked about Jose Padilla, and they said I was going to testify against him and big people."

²³ Tim Ruten, "Decency should be state policy", *Los Angeles Times*, November 3, 2007, page E-1, available online at <http://articles.latimes.com/2007/nov/03/entertainment/et-ruten3>. Retrieved Sept. 24, 2008.

August, 2002. Morocco: Mohamed is tortured by "Marwan" and his masked accomplices.

"They cut off my clothes with some kind of doctor's scalpel. I was totally naked. They took the scalpel to my right chest. It was only a small cut, maybe an inch. At first I just screamed. One of them took my penis in his hand and began to make a cut. He did it once and then stood still for maybe a minute watched my reaction. It was an agony, crying, trying desperately to suppress my feelings, but I was screaming. There was blood all over."²⁴

Whose body shall be ridiculed and exposed; and who shall be threatened by beasts.

*On one occasion, Amir was playing with a broken toothbrush while sitting in front of his cell. When the soldiers saw this, they confiscated the broken tooth brush and accused him of manufacturing a dangerous weapon. They told him to take off his clothes. Amir recalled that he pleaded his religion forbids nakedness. He was nevertheless restrained naked to the bars of his cell's door for two to three hours. He was then returned to his cell naked and without a blanket. He noted that the soldiers would come to his cell and humiliate him because of his nakedness.*²⁵

*He was forced into a room and stripped naked again. Photos were taken of all sides of his body. He was surrounded by about 15 people. "All of them except for the person taking photographs were dressed in the kind of black masks that robbers wear to hide their faces," Bashmilah wrote in the declaration.*²⁶

I have spent the past decade working with victims of torture and persecution, so I am quite familiar with stories of horror and pain. But after working with the men from Abu Ghraib, I started chain-smoking. One man, for example, a very devout Muslim family man, told me about one time when he was held down, stripped naked, while barking dogs were lunging at his private parts. Now in that moment his body was not harmed, but something sacred and fundamental in him was violated and destroyed forever. The patterns of abuse and torture that are detailed in the PHR's report "Broken Laws, Broken Lives" are extremely sophisticated and efficient in permanently psychologically damaging a person's sense of self. When you take away what a man holds sacred, what a man and his family and his culture hold sacred, you take away his sense of self and his psyche. A limb, when broken, can be repaired, but a broken psyche cannot be so easily repaired, if ever.

--Leanh Nguyen, Ph.D., clinical evaluator for Physicians for Human Rights²⁷

*In addition to the physical mistreatment, the detainees reported that various gruesome forms of humiliation, including sexual humiliation, were pervasive. They said men were paraded nude in front of female soldiers, forced to watch pornography, and forced to disrobe before female interrogators.*²⁸

²⁴ *Outlawed*, DVD (2008), Witness, produced in association with the ACLU, Amnesty International, and other human rights groups. Information and availability at http://www.witness.org/squirrelcart/store.php?crn=216&rn=367&action=show_detail

²⁵ *Broken Laws*, above, note 1, p. 42 (case of Amir). The report documents numerous other cases of forced nakedness and sexual humiliation.

²⁶ Benjamin, "Inside the CIA's notorious 'black sites'", above, note 17.

²⁷ Videotaped statement of Leanh Nguyen, Ph.D., clinical evaluator for Physicians for Human Rights, available online at <http://www.youtube.com/watch?v=IkhTJYI2NKk>. Retrieved Sept. 25, 2008.

²⁸ Herbert, above, note 15.

Who shall be beaten,

In the most horrific incident Amir recalled experiencing, he was placed in a foul-smelling room and forced to lay face down in urine, while he was hit and kicked on his back and side. Amir was then sodomized with a broomstick and forced to howl like a dog while a soldier urinated on him. After a soldier stepped on his genitals, he fainted.²⁹

The report (*Broken Lives*, above) contains numerous other instances of severe beatings, sodomization, and other physical abuse of almost every detainee who was evaluated.

and who have his sense of self and psyche taken from him.

The patterns of abuse and torture that are detailed in the PHR's report "Broken Laws, Broken Lives" are extremely sophisticated and efficient in permanently psychologically damaging a person's sense of self. When you take away what a man holds sacred, what a man and his family and his culture hold sacred, you take away his sense of self and his psyche. A limb, when broken, can be repaired, but a broken psyche cannot be so easily repaired, if ever.

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Who by forced feeding, and who by food and water deprivation.³¹

Who shall die by strangling,

ONE OF THE most shocking photographs from the Abu Ghraib prison in Iraq shows a grinning guard giving a thumbs-up sign over the bruised corpse of an Iraqi detainee. Subsequent investigation showed that the deceased prisoner, an Iraqi named Manadel al-Jamadi, died of asphyxiation on Nov. 4, 2003: He was tortured to death by Navy SEAL and CIA interrogators who took turns punching and kicking him, then handcuffed his arms behind his back and shackled them to a window five feet above the floor.³²

Abed Hamed Mowhoush turned himself over to U.S. forces in Iraq on November 10, 2003, about a month before U.S. forces captured ousted Iraqi leader Saddam Hussein...

By November 26, [Chief Warrant Officer Lewis] Welshofer was ready to try yet another technique – stuffing his subject into a sleeping bag until Mowhoush was

²⁹ *Broken Laws*, above, note 1, p. 3 (Executive Summary); additional details, pp. 42-43 (case of Amir, evaluated by Allen Keller, MD, and Leanh Nguyen, PhD).

³⁰ Videotaped statement of Leanh Nguyen, Ph.D., clinical evaluator for Physicians for Human Rights, available online at <http://www.youtube.com/watch?v=lkhTJYI2NKK>. Retrieved Sept. 25, 2008.

³¹ *Broken Laws*, above, note 1, pp. 75-76 (denial of food); Physicians for Human Rights, "Forced Feeding of Gitmo Detainees Violates International Medical Codes of Ethics", <http://physiciansforhumanrights.org/library/news-2005-09-16.html>, retrieved Sept. 26, 2008.

³² Editorial, "Homicide Unpunished", *Washington Post*, above, note 6

prepared to respond. Welshofer had already proposed the sleeping bag technique to his Company Commander, Major Jessica Voss, who authorized its use. Much later, trial testimony would make clear that the technique had been used on at least 12 detainees. It proved catastrophically ineffective in Mowhoush's case. During his final interrogation, Mowhoush was shoved head-first into the sleeping bag, wrapped with electrical cord, and rolled from his stomach to his back. Welshofer sat on Mowhoush's chest and blocked his nose and mouth. At one point, according to Loper, Mowhoush started to clinch and kick his legs, "almost like he was being electrocuted." It was at this point Mowhoush gave out, dying (according to the autopsy report) of asphyxia due to smothering and chest compression.

The day after his death, the U.S. military issued a press release stating that Mowhoush had died of natural causes.³³

and who from sensory deprivation.

The use of solitary confinement in detention can be traced back to medieval practices of imprisonment used against alleged heretics during inquisitions. The Soviet KGB laid the foundation for the use of sensory deprivation in interrogations to induce mental disorientation or artificial psychosis. U.S. prisoners of war who were subjected to periods of solitary confinement by the Chinese suffered from persistent anxiety, suspiciousness, confusion, and depression up to 40 years after they were returned home...

The Department of Defense authorized the use of sensory deprivation – in the form of deprivation of light and auditory stimuli and isolation extended beyond 30 days – for use by the military in Guantánamo in 2002. The [International Committee of the Red Cross] reported that detainees in Iraq frequently alleged that they were subjected to isolation – often combined with other aggravating circumstances – during interrogation.

An FBI communication described a Guantánamo detainee who "had been subjected to intense isolation for over three months. During that time period [the detainee] was totally isolated (with the exception of occasional interrogations) in a cell that was always flooded with light. By late November, the detainee was evidencing behavior consistent with extreme psychological trauma (talking to non-existent people, reporting hearing voices, crouching in a corner of the cell covered with a sheet for hours on end.)"...

Sensory deprivation is a technique that is "calculated to disrupt profoundly the senses" and "the personality." It tends not only to result in situations of complete dependency on the interrogator but also leads to severe anxiety and often causes hallucinations.

Studies have demonstrated that even short-term isolation can result in: an inability to think or concentrate; anxiety; somatic complaints; temporal and spatial

³³ Human Rights First, Command's Responsibility: Detainee Deaths in U.S. Custody in Iraq and Afghanistan: [Case of] Abed Hamed Mowhoush, http://www.humanrightsfirst.org/us_law/etn/dic/mowhoush.asp. Retrieved Sept. 26, 2008. The report continues: "Despite the brutality of Mowhoush's death, and the likely involvement of officials from the CIA, only one individual, Chief Welshofer, has faced court martial for his actions. Over the course of a 6-day trial in Colorado, more than two years after Mowhoush's final interrogation, a 6-member Army jury heard testimony that civilian leaders in the Administration had instructed that Geneva Convention protections against cruel and inhuman treatment would not apply in this conflict; that the U.S. commanding general in Iraq, General Sanchez, had authorized "stress positions" in interrogation; and that, according to Welshofer and his own commanding officer, Major Voss, stuffing a detainee in a sleeping bag was widely understood to fall within that general authorization." Welshofer's sentence: a written reprimand, a \$6,000 fine, and 60 days with movement restricted to his home, base, and church.

disorientation; deficiencies in task performance; hallucinations; and loss of motor coordination.... In [a] landmark study in 1951, [subjects were placed] in an otherwise comfortable cubicle deprived of sensory stimulation by goggles, gloves, and ear muffs. Even though the subjects knew they would be well-compensated for participating in the study, many found the experience so intolerable that they terminated the experiment after the second or third day. After two to three days of such isolation, the subjects reported difficulties in concentration and seeing visual, kinesthetic (moving), and somasthetic (feeling) hallucinations....³⁴

He was kept in a cell 9ft by 7ft, with no natural light, no clock and no calendar. Whenever Padilla left the cell, he was shackled and suited in heavy goggles and headphones. Padilla was kept under these conditions for 1,307 days. He was forbidden contact with anyone but his interrogators, who punctured the extreme sensory deprivation with sensory overload, blasting him with harsh lights and pounding sounds....

According to his lawyers and two mental health specialists who examined him, Padilla has been so shattered that he lacks the ability to assist in his own defence. He is convinced that his lawyers are "part of a continuing interrogation program" and sees his captors as protectors...

The judge has ordered several prison employees to testify on Padilla's mental state at the hearings, which began yesterday. They will be asked how a man who is alleged to have engaged in elaborate anti-government plots now acts, in the words of brig staff, "like a piece of furniture"....

Many have suffered the same symptoms as Padilla. According to James Yee, a former army Muslim chaplain at Guantánamo, there is an entire section of the prison called Delta Block for detainees who have been reduced to a delusional state. "They would respond to me in a childlike voice, talking complete nonsense. Many of them would loudly sing childish songs, repeating the song over and over." All the inmates of Delta Block were on 24-hour suicide watch.

Human Rights Watch has exposed a US-run detention facility near Kabul known as the "prison of darkness" - tiny pitch-black cells, strange blaring sounds. "Plenty lost their minds," one former inmate recalled. "I could hear people knocking their heads against the walls and the doors."

These standard mind-breaking techniques have never faced scrutiny in an American court because the prisoners in the jails are foreigners and have been stripped of the right of habeas corpus... There is only one reason Padilla's case is different - he is a US citizen. The administration did not originally intend to bring Padilla to trial, but when his status as an enemy combatant faced a supreme court challenge, the administration abruptly changed course, charging Padilla and transferring him to civilian custody. That makes Padilla's case unique - he is the only victim of the post-9/11 legal netherworld to face an ordinary US trial.

... [Psychiatrist Ewen] Cameron [with CIA funding] subjected hundreds of psychiatric patients to large doses of electroshock and total sensory isolation, and drugged them with LSD and PCP. In 1960 Cameron gave a lecture at the Brooks air force base in Texas, in which he stated that sensory deprivation "produces the primary symptoms of schizophrenia".

³⁴ Physicians for Human Rights, *Leave No Marks: Enhanced Interrogation Techniques and the Risk of Criminality*, pp. 30-31, available online at <http://physiciansforhumanrights.org/library/documents/reports/leave-no-marks.pdf>, internal footnotes omitted.

There is no need to go so far back to prove that the US military knew full well that it was driving Padilla mad. The army's field manual, reissued just last year, states: "Sensory deprivation may result in extreme anxiety, hallucinations, bizarre thoughts, depression, and antisocial behaviour" - as well as "significant psychological distress".

If these techniques drove Padilla insane, that means the US government has been deliberately driving hundreds, possibly thousands, of prisoners insane around the world.³⁵

Dr. Angela Hegarty, assistant professor of clinical psychiatry, Columbia University, who interviewed Padilla for 22 hours to determine his mental state:

He had developed really a tremendous identification with the goals and interests of the government. I really considered a diagnosis of Stockholm syndrome. For example, at one point in the proceedings, his attorneys had, you know, done well at cross-examining an FBI agent, and instead of feeling happy about it like all the other defendants I've seen over the years, he was actually very angry with them. He was very angry that the civil proceedings were "unfair to the commander-in-chief," quote/unquote. And in fact, one of the things that happened that disturbed me particularly was when he saw his mother. He wanted her to contact President Bush to help him, help him out of his dilemma. He expected that the government might help him, if he was "good"....

He had no way of knowing the time. The light was always artificial. The windows were blackened. He had no calendar or time, as you mentioned earlier. He really didn't see people, especially in the beginning. He only had contact with his interrogators....

What happened at the brig was essentially the destruction of a human being's mind. That's what happened at the brig. His personality was deconstructed and reformed.³⁶

All of the former detainees evaluated in the *Broken Laws, Broken Lives* report were subjected to sensory deprivation.³⁷

See also, Physicians for Human Rights, *Break Them Down: Systematic Use of Psychological Torture by US Forces*³⁸ p. 45, citing Report of the Independent Expert of the Commission on Human Rights on the Situation of Human Rights in Afghanistan. U.N. GAOR. 59th Sess. Agenda Item 105(c). para. 50. U.N. Doc. A/59/370. September 21, 2004 (finding that Coalition forces in Afghanistan employed sensory deprivation among numerous other psychological and physical torture techniques), Advisory Services and Technical Cooperation in the Field of Human Rights: Report of the Independent Expert on the Situation of Human Rights in Afghanistan, M. Cherif Bassiouni. U.N. ESCOR. 61st Sess. Agenda Item 19. para. 44. U.N. Doc. E/CN.4/2005/122. March 11, 2005 (same findings).

³⁵ Naomi Klein, "The US psychological torture system is finally on trial," *The Guardian* (UK), Feb. 23, 2007, available online at <http://www.guardian.co.uk/commentisfree/2007/feb/23/comment.terrorism>. Retrieved Sept. 26, 2008.

³⁶ Interview, *Democracy Now!*, August 16, 2007, transcript available at http://www.democracynow.org/2007/8/16/exclusive_an_inside_look_at_how Retrieved Sept. 26, 2008.

³⁷ *Broken Laws*, above, note 1, pp. 77 (describing use of sensory deprivation, sensory overload, and isolation as "almost routine"), 78 (all detainees subjected to sensory deprivation).

³⁸ Physicians for Human Rights, *Break Them Down: Systematic Use of Psychological Torture by US Forces* (2005), available online at <http://physiciansforhumanrights.org/library/documents/reports/break-them-down-the.pdf>

Who shall rest and who shall wander. Who shall be at peace and who shall be tormented.

After three months the routine became unbearable. Bashmilah unsuccessfully tried to hang himself with his blanket and slashed his wrists. He slammed his head against the wall in an effort to lose consciousness. He was held in three separate but similar cells during his detention in Kabul. At one point, the cell across from him was being used for interrogations. "While I myself was not beaten in the torture and interrogation room, after a while I began to hear the screams of detainees being tortured there," he wrote....

On May 5, 2005, Bashmilah was cuffed, hooded and put on a plane to Yemen. Yemeni government documents say the flight lasted six or seven hours and confirm that he was transferred from the control of the U.S. government. He soon learned that his father had died in the fall of 2004, not knowing where his son had disappeared to, or even if he was alive.³⁹

Mr. Bashmilah was never charged by the United States with any wrongdoing.

Today we face truths that cannot be ignored... The Book of Remembrance is opened and *it reads itself*, for the hand-seal of every person is upon it.

Alan Brinkley, *New York Times*, Aug. 3, 2008:

Occasional lurid revelations of abuse — most prominent among them the appalling photographs of Iraqi detainees in Abu Ghraib prison in Baghdad, made public in 2004 — have been widely denounced throughout the world. The president has expressed outrage and has insisted that the degradation was the work of a few bad apples who would be appropriately punished. But it was only the pictures that made Abu Ghraib an aberration. The tactics the president denounced were precisely those he had authorized and encouraged in the growing network of secret prisons around the world. The detainees in these scattered sites — many of them innocent — have been held for months and years without charges, without lawyers, without notification to their families and often without respite from torture for weeks and months at a time. The Bush administration's response to the Abu Ghraib scandal was not to stop the behavior, but to try to hide it more effectively.⁴⁰

***New York Times*, Aug. 21, 2008:**

A British court said on Thursday that a terrorism suspect being held at Guantánamo Bay, Cuba, had credible arguments that the United States had illegally spirited him away to Morocco and that he had been tortured there.

The United States has repeatedly rejected assertions by the suspect, Binyam Mohamed, that he was tortured, a claim made most recently in a letter to the British government last month. But the ruling, by two justices of the High Court, described the Americans' conclusion as "untenable."⁴¹

Jane Mayer, *The New Yorker*, Aug. 13, 2007:

Since the drafting of the Geneva Conventions, the International Committee of the

³⁹ Benjamin, above, note 17.

⁴⁰ Brinkley, above, note 11.

⁴¹ Raymond Bonner, "Torture Claim Credible, Court Finds," *New York Times*, Aug. 21, 2008, available online at <http://www.nytimes.com/2008/08/22/world/europe/22britain.html>. Retrieved Sept. 27, 2008

Red Cross has played a special role in safeguarding the rights of prisoners of war. For decades, governments have allowed officials from the organization to report on the treatment of detainees ... The Red Cross, however, was unable to get access to the C.I.A.'s prisoners for five years. Finally, last year, Red Cross officials were allowed to interview fifteen detainees, after they had been transferred to Guantánamo. ... What the Red Cross learned has been kept from the public. The public-affairs office at the C.I.A. and officials at the congressional intelligence-oversight committees would not even acknowledge the existence of the report. ... [But] Congressional and other Washington sources familiar with the report said that it harshly criticized the C.I.A.'s practices. One of the sources said that the Red Cross described the agency's detention and interrogation methods as tantamount to torture, and declared that American officials responsible for the abusive treatment could have committed serious crimes. The source said the report warned that these officials may have committed "grave breaches" of the Geneva Conventions, and may have violated the U.S. Torture Act, which Congress passed in 1994. The conclusions of the Red Cross, which is known for its credibility and caution, could have potentially devastating legal ramifications. A former C.I.A. officer, who supports the agency's detention and interrogation policies, said he worried that, if the full story of the C.I.A. program ever surfaced, agency personnel could face criminal prosecution. ... He noted that a number of C.I.A. officers have taken out professional liability insurance, to help with potential legal fees.⁴²

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