



Washington's Wars and Occupations **Month in Review #58**

by Rebecca Gordon, War Times/Tiempo de Guerras

February 28, 2010

U.S. TORTURE: IT'S NOT OVER YET

February was not a good month for U.S. torture victims or their supporters. A British court released documents detailing the tortures suffered by Binyam Mohamed, whom the U.S. had shipped to Morocco for months of torture. The Obama Administration responded by threatening to stop sharing security information with Britain. The Justice Department overruled its own Office of Professional Responsibility's conclusion that John Yoo and Jay Bybee, authors of the famous 2002 "torture memo" had violated professional standards. And the Administration has failed to keep its promise to shut down the prison at Guantánamo.

GUANTÁNAMO

Within days of his inauguration in January 2009, President Obama issued executive orders intended to close down the U.S. prison in Guantánamo and put an end to this country's use of torture. Unfortunately, it has proven to take more than a presidential order to put an end to a practice with such a long history and entrenched infrastructure.

More than a year after Obama's executive order, Guantánamo remains open, and close to 200 prisoners remain in limbo there. These "illegal enemy combatants" as the Bush Administration named them, have never had trials or been convicted of crimes. Over the years, plans to try them in military tribunals (later sanitized as "commissions") have dissolved as U.S. courts repeatedly ruled such proceedings unconstitutional. Among the unsung heroes of this shameful period are the military lawyers who insisted on fair trials for Guantánamo's prisoners.

Why are these men still in Guantánamo? At least in part because they have nowhere else to go. Some cannot be repatriated to their home countries, where they face new persecution at the hands of their own governments. Members of Congress and local government officials have prevented others from being housed in U.S. prisons. A few have been taken in by other countries, like the 13 Uighurs who have settled in the Pacific island nation of Palau.

Guantánamo prisoners' suffering--beatings, short-shackling, forced nasal tube feedings, incessant loud noise, sleep deprivation, and the special torment of total isolation--have been documented in the heroic reporting of journalists like Andy Worthington and scholars like Peter Jan Honigsberg.

These short-hand descriptions of torture barely touch the true horror of what has been done to human beings at Guantanamo. For example, the Center for Constitutional Rights has described "forced tube-feeding" as the daily full body restraint of a prisoner, while tubes the diameter of a human finger are shoved up a nose or down a throat, after which as much a liter and a half of

fluid is pumped into the victim's stomach (<http://ccrjustice.org/learn-more/reports/current-conditions-confinement-guantanamo>). Not surprisingly, this produces painful cramping, vomiting and diarrhea. No anesthesia is provided, and prisoners report that "the same tubes, covered in blood and stomach bile" are used on multiple prisoners.

This January, *Harper's Magazine's* Scott Horton described the 2006 death by torture of two prisoners at Guantánamo, originally described to the world as suicides (<http://harpers.org/archive/2010/01/hbc-90006368>). Web-based projects like Honigsberg's Guantánamo Testimonials Project (<http://humanrights.ucdavis.edu/projects/the-guantanamo-testimonials-project>) of U.C. Davis's Center for the Study of Human Rights in the Americas and Witness to Guantánamo (<http://www.witnesstoguantanamo.com/index.html>) have collected and centralized testimonies from hundreds of Guantánamo prisons.

At this writing it remains unclear when, or indeed if, the prison at Guantánamo will shut down for good.

BEYOND GUANTÁNAMO

Even the prisoners still stuck in Guantánamo are better off, however, than others who are held in less-scrutinized detention sites. They, at least, have had access to lawyers and to visits by the International Red Cross. The fate of detainees in other U.S.-run centers is less well-known.

Guantánamo became an international symbol of U.S. use of torture in the Bush-Cheney "war on terror," but Guantánamo was not even the site of the worst tortures. The U.S. military prison at Bagram Air Base, where two prisoners were beaten to death in 2002, is probably the best-known detention center besides Guantánamo. On February 27, 2010, the United States began a multi-year process of handing off responsibility for running it to the Afghan army, during which time, according to reporters who attended the press conference announcing the handover, "Americans will certainly continue to have a role."

(<http://english.aljazeera.net/news/asia/2010/02/2010227134828232750.html>)

But there are other, lesser-known prisons in Afghanistan, the so-called "black sites" —the secret and semi-secret "interrogation" centers run by the CIA. Journalists such as the *New Yorker's* Jane Mayer have revealed that several of these operated—and for all the public knows—continue to operate in Afghanistan. These include the "Dark Prison" near the airport in Kabul, so-called says Mayer, because of "its absolute lack of light." The "Salt Pit" is located in an abandoned brick factory north of the same city.

(http://www.newyorker.com/reporting/2007/08/13/070813fa_fact_mayer)

The same day President Obama ordered Guantánamo shut down, he signed other executive orders requiring the CIA to shut down its secret detention centers and to restrict its interrogation methods to those permitted in the Army Field Manual. U.S. citizens, however, have no way of knowing whether or not the CIA has complied.

Indeed, it can be argued that the first year of Obama's presidency has served as an extended lesson in the limits even to presidential power when it finds itself in opposition to entrenched interests and long-standing practices.

AN ENDURING TORTURE INFRASTRUCTURE

U.S. involvement with torture did not begin in the years after 9/11. Torture in North America has a history as old as European colonization and of the slavery that undergirded much of the early U.S. economy. U.S. soldiers used water tortures on Filipino captives in the late 19th century. The post-World War II period witnessed an extended project of CIA-funded academic research into

torture methods designed to induce what its 1963 interrogation manual calls “DDD”: debility, dependency, and dread. Many of these will be recognizable to anyone who has followed the revelation of U.S. practices during the “war on terror.” They include sleep-deprivation, sensory overload (use of loud noise and bright lights), sensory-deprivation, and the innocuous-sounding but excruciating “stress positions” that convert the victim’s own body into an instrument of torture.

Torture, including systematic use of rape and sexual violence, is also a frequent if unacknowledged feature of incarceration in this country’s present-day prisons. Techniques such as sleep deprivation, extended isolation from human contact, and exposure to 24-hour surveillance were all perfected during the 1980’s and 1990’s in federal “Supermax” prisons. It is no accident that the members of the Army Reserve unit involved in the tortures at Abu Ghraib, and of those sent to set up Camp Delta in Guantánamo were prison guards in civilian life.

Apart from all the arguments about whether or not torture “works” to produce life-saving information (and there is staggering amounts of evidence that it does not), *torture requires an infrastructure*. It needs private locations, equipment, institutions of research and development, and most of all, trained and practiced torturers. None of these can be produced on the spot in a moment of extremity, despite the situation described in the infamous “ticking-bomb” scenario. In the real world, state torture is an ongoing practice, one which requires a wide network of intellectual and material support.

ACCOUNTING AND ACCOUNTABILITY

Once a nation has constructed the infrastructure of torture, it is not, as we have seen in the last year, easily dismantled. This is why it is so important that the people of the United States receive a full accounting of what has been, and continues to be, done in the name of our safety. Only when we understand the extent of the torture infrastructure can we complete the work of pulling it to pieces.

Those responsible for torture must also be held accountable. In the last month, former Vice-President Dick Cheney has publicly and repeatedly trumpeted his continued support for torture – and his critique of the Obama Administration for its attempts to curtail it. When a former vice president publicly approves the past and future commission of war crimes with complete impunity, declaring to ABC News, “I was a big supporter of water-boarding,” we are far from ending state torture in this country. (<http://www.youtube.com/watch?v=O8DSnVIGnbo>)

On February 19, the federal Office of Professional Responsibility released its report on the memos written in 2002 by John Yoo and Jay Bybee, designed to give legal cover for torture to the Bush White House. The report concludes that the two committed professional misconduct in constructing the memos, but Associate Deputy Attorney General David Margolis rejected the findings. Attorney General Eric Holder has in effect acceded to the content of the memos, by suggesting he will only consider prosecution of actions that fall outside of those Yoo and Bybee’s opinions permitted.

Repugnant as their legal opinions are, Yoo, Bybee, and the other legal apologists for torture are not the main culprits here. Getting them disbarred, or in the case of Bybee, removed from the federal bench, would only be nibbles at the edge of the problem of torture. Only a full accounting and real accountability for real criminals will do the job.

The Obama Administration has repeatedly gone to court in this country—and sought to intercede in British courts—to prevent U.S. torture victims from telling their stories in public. It almost

seems that this Administration is more interested in hiding old war crimes than taking the necessary steps to prevent new ones.

A culture of impunity at the highest level of government reinforces in the rest of us a cowardly ignorance. It teaches us to trade our humanity for an illusion of safety. It degrades the people of this nation and opens wide the door to new generation of Bushes, Cheneys, and all the “great supporters” of torture.

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