

Psyched at The American Psychological Association

A trip to the convention of the APA revealed a profession enamored with its own power, and an attempt to get back into Guantanamo after a scandal with the CIA and Pentagon, reports Michael Brenner.

By Michael Brenner



A convention of professional specialists is always revelatory – if not always intellectually edifying. This is especially true of academic disciplines in the Liberal Arts. It is a species of social institution that bears its American birthmark. Now spread throughout the developed world, it was born in the United States and evolved into its present form in the post-war decades.

Those were years of earnest endeavor, an optimistic belief in collective uplift, and abundance of just about everything. The distinguishing features inherited from that era are still evident, however qualified by rampant self-promotion, commercialization and sheer size. For American intellectuals remain preoccupied with practical problem-solving energized by the can-do spirit and an undying faith in the betterment of humankind – even as ‘humankind’ vies more and more with ‘me and my friends’ for primacy.

I was reminded of all this by attending a few sessions of the American Psychological Association meetings in San Francisco in August. It had been years since I last was at one of these shindigs. My experience had been mainly with the American Political Science Association, but the differences are insignificant. Indeed, the subject matter within the social sciences increasingly overlaps.

Regrettably, I missed the main event which occurred on the eve of the convention as the APA was roiled once again by the aftershocks from the scandal that arose over the organization’s direct participation in counseling the CIA and the Pentagon on interrogation techniques. Those included techniques employed at Guantanamo and the ‘black sites’ scattered around the globe. Some members had gotten their hands very dirty. The association’s Executive Council had cashed some rather large government checks, cast a veil over these dubious dealings, and met accusations with a barrage of lies – for more than a decade. Skullduggery became the order of the times.

Rebellious members eventually mounted a protest that set off something approximating a civil war. It seemingly was settled in favor of the insurgents

when an impartial investigation was reluctantly agreed by the defendants. Chicago attorney David H. Hoffman was named to conduct the review. On July 2, 2015, a 542-page report was issued. Its conclusions were that the old leadership did indeed sin, that it had violated the APA's own guidelines (Ethical Principles of Psychologists and Code of Conduct), that it had been systematically deceitful, and had engaged in a cover-up.

The report stated that the APA Council secretly collaborated with the Bush administration to bolster a legal and ethical justification for the torture of prisoners. Furthermore, the report stated that the association's ethics director Stephen Behnke and others had "colluded with important Department of Defense officials to have the APA issue loose, high-level ethical guidelines that did not constrain" the interrogation of terrorism suspects at Guantanamo Bay. The association's "principal motive in doing so was to align APA and curry favor with DOD."

The condemned rejected the report's conclusions – of course. No one these days admits their misdeeds and genuinely apologizes. That sort of thing has become 'so retro.' A few leaders were forced to resign; others moved heaven and earth to hold onto their sinecures and privileges. Indeed, a few of the culpable former leaders recently have filed a defamation suit – in Trumpian fashion.

Subterfuge

This never-say-die persistence moved them, and their supporters, to make one more valiant attempt to reverse the course of justice by presenting to the APA Council of Representatives a plan to lift the ban on military psychologists (who number 525) from treating prisoners at the Guantanamo Bay detention center in Cuba, where the U.S. is still holding 48 foreign 'terrorists.' That population may increase if Trump's stated idea of filling some empty billets is acted upon. It was pushed hard by the Pentagon with the endorsement of the old guard.

The plea was cast in humanitarian terms. Proponents claimed that none of the permitted Red Cross personnel had visited the prison, depriving inmates of mental health care. (Why? Restrictions placed on their visits by the Pentagon? Political sensitivity? Personnel too busy counting the non-dead dead in Puerto Rico?)

Sally Harvey, a retired military psychologist who supported lifting the ban, argued that "this is about providing detainees access to psychological treatment. Nothing more, nothing less." Opponents saw the move as a ploy in the *sub rosa* campaign to reopen the question of collaboration with government authorities. It was viewed by many as the camel's nose under the tent.

Their skepticism was heightened by the appointment of Gina Haspel, former torturer-in-chief at the black site in Thailand, to head the CIA by Central Command's failure to acknowledge past abuse. In short, trust was in short supply. The proposed resolution lost, receiving 57 votes; those opposed numbered 104.

To the outside observer, the idea of having military psychologists providing mental aid and comfort to the long-term survivors of Guantanamo seems surreal. Try to visualize the scene:

Major X enters the holding pen:

"Hi Abdullah. I'm Siggy. I'm here to see if I can't help you with some of the problems you've been having. (Break for interpreter). I see that you've been having trouble sleeping through the night – nightmares are keeping you awake. Seems that you imagine 100 decibel music blaring in your cell. Tell me about it. Does this evoke childhood memories of post-Ramadan celebrations back home?; I understand they can get a bit raucous? How about trying some yoga exercises. Do you know anything about Zen? Murad, two cells over – the guy with the green yoga pants – made a start a few weeks back...

By the way, I think that we may have met before – kind of indirectly – back in 2007. I was the guy watching through the one-way mirror who was sending in questions to the heavy who was water-boarding you."

Yes, indeed. Psychological counseling is badly needed.

Torture for Career Advancement

The oddest feature of the entire APA episode is that the pro-collaboration faction seemed to have taken their illicit actions less for reasons having to do with the perceived necessity for prosecuting the "war on terror" without restriction for the sake of security, than to reap tangible benefits for the association, to generate modest slush funds for themselves, and to use the powers of office to demonstrate some kind of prowess/superiority.

In other words, a display of commonplace 21st century American organizational behavior. It matches what we know of what goes on at Facebook or Goldman Sachs. The social psychology of this phenomenon could make a compelling subject for an in-depth study – perhaps funded by DARPA at the Department of Defense.

The story made headlines in *The San Francisco Chronicle* where it could not go unnoticed by a browser checking on the fate of the Giants or 49ers. Not only was the APA convention within walking distance of the BART, a look at the program

indicated that a half dozen panels were scheduled on the psychological underpinnings of the Trump White House.

Heading the list was a forum where three past presidents of the APA would speak. The event, as it turned out, bent if not broke truth in advertising rules. The collective wisdom of the panelists didn't amount to much. One stoic declared that while things admittedly were pretty bad, we'd had other wacky presidents in the past (unnamed) and the Republic had survived (and the APA had thrived). This, too, would pass.

A second participant offered a neat, narrowly circumscribed summary of APA's Goldwater Rule's genesis, application, and current pertinence. The rule states that "it is unethical for psychiatrists to give a professional opinion about public figures whom they have not examined in person," according to Wikipedia. The third speaker took a more dire view of the Trump Presidency and made an energetic call for a citizen's mobilization – to do something or other. Two of the three did not recognize that a clinical narcissist is not the same as a garden variety ego-maniac. (This after all was not the American Psychiatric Association – there's a difference). The audience of 150 or so seemed mildly disappointed but passive.

The type of tepid discourse on display is on par with what transpires generally at these social science conventions. Encounters with an edge of sorts are rare, usually involving parochial disputes within the discipline. Topical focus is on trendy themes: LBGTQ for the past few years. A glance at the program, at the book exhibits, and workshop sessions sufficed to make that crystal clear. Gender, Sex, Discrimination, LBGTQ, 'diversity' are pervasive.

Why is this so? A number of reasons suggest themselves. American professional associations, including academic ones, are extremely permeable to whatever is going on in the popular culture. Their elite self-image of superiority notwithstanding, they are susceptible to high profile doings out there in the world where the masses play. Their disciplines, at the same time, place high value on theory, on modeling, on quantitative analysis – but in ways that are largely disengaged from the real world of experience. Hence, the social science disciplines are divided in an unhealthy way. The same holds for economics and – to somewhat lesser extent – political science.

The academic disciplines of the social sciences are undisciplined. Scholars are free to write with only selective reference to what has been said about their topic of interest by others in the past. In addition, empirical 'data' is screened. It's like conversation and public discussion – the stress is on affirmation rather than communication and building collective understanding. An intellectual atmosphere full of static is one consequence; atomization is

another. Too much work is stand-alone. In short, the enterprise lacks cohesion and common purpose.

These traits are powerfully reinforced by a reward system that pays near zero attention to these shortcomings, values quantity of publication and grants over quality, and encourages self-promotion. From the vantage point of the hard sciences, this looks like parody. To a considerable extent it is. The work of individual scholars may be of the highest caliber; indeed, probably higher now than ever. However, there is almost no synergy or collective advance in understanding our world that could usefully inform how we think and act as a society.

The convention generated a whirlwind of intellectual motion. The actual pay-off, though, was rather meager. That which was available was obscured by the carnival-like hustle and bustle. Lost in an impenetrable forest of seminar rooms, exhibits and booth displays – a few so cutting edge you could slice your arm off on them, I found myself gazing at a contrived enclosure occupied by a bunch of kids – young goats – along with hay and thin mats. A notice told the curious that a session on “goat yoga” was pending. A number of people, young and old, with credential tags hanging from their necks were waiting expectantly for the gates to open.

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The Enduring Shame of Guantanamo

From the Archive: In his State of the Union address Tuesday, President Trump announced that he had signed an executive order to keep the U.S. detention facility at Guantanamo Bay open. On this occasion, we republish an article from 2012 by Nat Parry marking Guantanamo’s ten-year anniversary.

By Nat Parry ([First published on Jan. 12, 2012](#))

When the Guantanamo prison camp, originally dubbed by the U.S. military Camp X-Ray, opened in January 2002, the United States came under [international criticism](#) that was nearly unprecedented in its intensity.

Some of the loudest complaints came from the staunchest U.S. ally, the United Kingdom, where three cabinet ministers Robin Cook, Patricia Hewitt and Jack Straw expressed concern that international agreements about the treatment of

prisoners of war were being breached. The UN High Commissioner for Human Rights, Mary Robinson, also objected to the camp and called on President George W. Bush's administration to follow the Geneva Conventions.

In a Jan. 19, 2002, column in the British Independent, Robinson argued that because the Afghanistan conflict was of an international nature, "the law of international armed conflict applies." She took issue with the administration's assertion that the prisoners were "unlawful combatants" and thus outside the protections of the Geneva Conventions.

European Union foreign policy chief Javier Solana said that despite the Sept. 11 atrocities, "changing our values and our way of life would be terrorism's first victory."

Amnesty International expressed concern about the tactics being used and the secrecy surrounding the camp. "Keeping prisoners incommunicado, sensory deprivation, the use of unnecessary restraint and the humiliation of people through tactics such as shaving them, are all classic techniques employed to 'break' the spirit of individuals ahead of interrogation," the human rights group said.

The International Committee of the Red Cross – in an unusual deviation from its practice of not publicly criticizing detaining governments – said the United States might have violated Geneva Convention rules against making a spectacle of prisoners by distributing pictures of the detainees being subjected to sensory deprivation, which were published worldwide.

British human rights attorney Stephen Solley said the treatment of the suspects was "so far removed from human rights norms that it [was] difficult to comprehend."

Seven years later, just two days into his administration, President Barack Obama's announcement that he would close the Guantanamo camp was greeted with international praise equally intense. An Executive Order Obama signed on Jan. 22, 2009, seemed to unambiguously mandate the closure of Guantanamo within a year:

"The detention facilities at Guantanamo for individuals covered by this order shall be closed as soon as practicable, and no later than one year from the date of this order. If any individuals covered by this order remain in detention at Guantanamo at the time of closure of those detention facilities, they shall be returned to their home country, released, transferred to a third country, or transferred to another United States detention facility in a manner consistent with law and the national security and foreign policy interests of the

United States.”

Michele Cercone, spokesperson for the European Union Justice and Home Affairs Commission, said at the time that the commission “has been very pleased that one of the first actions of Mr. Obama has been to turn the page on this sad episode of Guantanamo.”

UN High Commissioner for Human Rights Navi Pillay also praised Obama’s Executive Order, saying that it was a good day for the rule of law. “The fact that President Obama has placed such a high priority on closing Guantanamo and set in motion a system to safeguard the fundamental rights of the detainees there is extremely encouraging,” she stated.

“The United States has in the past been a staunch supporter of international human rights law, and this is one of the reasons that the regime that was established in Guantanamo has been viewed as so damaging,” the High Commissioner added.

Now at Guantanamo’s ten-year anniversary and nearly three years after President Obama’s Executive Order there is a palpable sense of disappointment and betrayal from the human rights community. The United States is finding itself on the receiving end of now-familiar criticism of its indefinite detention policies, with human rights organizations and intergovernmental bodies renewing their complaints that for the past ten years, the U.S. has flouted international human rights standards in its practices at the notorious prison camp.

“Human Rights Watch opposes the prolonged indefinite detention without trial of terrorism suspects at Guantanamo Bay and elsewhere,” said HRW in a statement on Jan. 6. The group reminded the U.S. of its obligations to prosecute terrorist suspects and to compensate detainees who have been wrongly imprisoned and mistreated over the past decade:

“The practice [of indefinite detention] violates U.S. obligations under international law. Human Rights Watch has strongly urged the U.S. government to either promptly prosecute the remaining Guantanamo detainees according to international fair trial standards, or safely repatriate them to home or third countries.

“We have also called for investigations of U.S. officials implicated in torture of terrorism suspects and for adequate compensation for detainees who were mistreated. Human Rights Watch will continue to press for compliance with these obligations. Failure to do so does enormous damage to the rule of law both in the US and abroad.”

On the eve of Guantanamo’s tenth anniversary, Amnesty International

said, “Guantanamo has politicized justice internationally by portraying detainees as having no human rights.” Amnesty has described the legacy of the Guantanamo Bay prison as a “decade of damage to human rights” not only in the United States, but across the world.

In a report released on Dec. 16, 2011, Amnesty stated:

“The USA speaks the language of human rights fluently on the global stage, but stumbles when it comes to applying human rights standards to itself. The Bush administration promised to put human rights at the centre of its counter-terrorism strategy, but singularly failed to do so. The Obama administration has promised the same thing, but the USA continues to fall short of this commitment, despite what were undoubtedly positive initial steps in the right direction.”

“From day one,” said Amnesty, “the USA failed to recognize the applicability of human rights law to the Guantanamo detentions.”

Ambassador Janez Lenarcic, the Director of the Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (ODIHR), also expressed dismay over the failure to close the Guantanamo facility.

“Universal human rights standards require that the detention of terrorist suspects shall be accompanied by concrete charges and the persons detained under these charges shall be immediately informed of them and brought before a competent judicial authority,” Lenarcic said.

In a press release, ODIHR reminded the United States of its OSCE obligations:

“As a participating State of the OSCE, the United States has committed itself to respect human rights in the fight against terrorism and to ensure the right to a fair trial within a reasonable time before an independent and impartial tribunal. In the OSCE Bucharest Document of 2001, participating States expressed their determination to protect their citizens from security challenges such as terrorism ‘while safeguarding the rule of law, individual liberties, and the right to equal justice under law.’”

Lenarcic regretted that the practice of indefinite detention without trial has been codified into U.S. law with the recent adoption of the 2012 National Defense Authorization Act (NDAA). He called for a swift closure of the Guantanamo detention center and urged the authorities to prosecute promptly the remaining Guantanamo detainees in accordance with international fair trial standards, or release them.

Moazzam Begg, a 43-year-old British Muslim who was wrongly detained at

Guantanamo for three years until British authorities negotiated his release in January 2005, is more despondent about the prospects of closing the prison camp.

“Gitmo will never close. That is a fantasy,” Begg recently told CNN. “I’ve stopped wishing for it. Even if it closes its doors, it will be only symbolic. The detainees who are still there will go somewhere else to be held and be treated possibly worse, and still not get their time in court. And Gitmo, in a way, will always be open. It will be in my memory, in my head, just like everyone else who experienced that hell.”

Colonel Morris Davis, a chief prosecutor at Guantanamo Bay during the Bush administration, concurs with Moazzam Begg, saying that Obama “doesn’t have the balls” to close Guantanamo.

Nat Parry is co-author of Neck Deep: The Disastrous Presidency of George W. Bush.

The U.S. Hypocrisy of ‘Human Rights’

Long before President Trump, the U.S. government had made a mockery of “human rights,” condemning abuses by adversary states but silent when crimes were committed by U.S. agents or U.S. allies, explains Todd E. Pierce.

By Todd E. Pierce

Secretary of State Rex Tillerson is reportedly considering closing the Office of Global Criminal Justice, a tiny agency with a meager budget of \$3 million a year, located within the State Department.

According to its website, the office “advises the Secretary of State . . . on issues related to war crimes, crimes against humanity, and genocide.” It “also coordinates U.S. Government positions relating to the international and hybrid courts currently prosecuting persons responsible for genocide, war crimes, and crimes against humanity – not only for such crimes committed in the former Yugoslavia, Rwanda, Sierra Leone, and Cambodia – but also in Kenya, Libya, Côte d’Ivoire, Guatemala, and elsewhere in the world.”

Furthermore, it deploys “a range of diplomatic, legal, economic, military, and intelligence tools to help expose the truth, judge those responsible, protect and assist victims, enable reconciliation, deter atrocities, and build the rule of law.”

The *New York Times* reported that human rights advocates saw the proposal as an example of “the Trump administration’s indifference to human rights outside North Korea, Iran and Cuba.” Human rights activists also said that shutting the Office “would hamper efforts to publicize atrocities and bring war criminals to justice.” *Newsweek* reported, however, that the Obama administration also reportedly considered downgrading the office and merging it with another agency.

According to the *Newsweek* article, the office offered rewards for information on “war criminals, and has inveighed against brutal dictators, including Sudanese President Omar al-Bashir and Syrian President Bashar al-Assad.” But the article also noted it “has not criticized Saudi Arabia or other American allies with dismal human rights records.”

The same *Newsweek* piece explained that the office was formed following the 1996 passage of the War Crimes Act. That Act defined a war crime as a “grave breach” of the Geneva Conventions. The War Crimes Act, codified as 18 U.S. Code § 2441, makes it an offense, “whether inside or outside the United States,” to commit a war crime, if one is a member of the Armed Forces of the United States or a national of the United States. *Newsweek* writer Nina Burleigh correctly noted that when “the CIA began using torture early in the Iraq War and, later, jailing people indefinitely and without trial in Guantanamo, the U.S. was in open breach of the conventions.” As noted above, the Office of Global Criminal Justice has inveighed against Syrian President Bashar al-Assad. But it seemed to have had no problem with the Syrian government when CIA officials outsourced torture to the Syrian government earlier in the so-called Global War on Terror.

A Symbol of Hypocrisy

So, if there was ever a U.S. government agency standing as a symbol for U.S. hypocrisy, the Office of Global Criminal Justice is it. It is not hard to see in decoding their mission statement that “elsewhere in the world” does not mean leaders of any U.S.-allied nations.

But even more hypocritical is having a U.S. government agency charged with tasks to “help expose the truth, judge those responsible, protect and assist victims, enable reconciliation, deter atrocities, and build the rule of law,” when the U.S. Department of Justice is doing the exact opposite in enforcing the War Crime Act itself.

That hypocrisy is seen in a series of cases beginning in 2006 with the decision in *Rasul v. Rumsfeld*, by the D.C. District Court. As law professor Steve Vladeck explained, when asked of that case in a 2006 article, “Is torture or other forms of cruel, inhuman, or degrading treatment (CIDT) within the scope of government employment? At least somewhat surprisingly, . . . the answer to that question is

'yes.'"

Since 2006, the principle in the decision of *Rasul v. Rumsfeld* that Vladeck referred to has become a time-honored principle of U.S. jurisprudence, and a symbol of U.S. hypocrisy when compared to other U.S. pronouncements on torture and war crimes, as seen in a long series of cases down to the present day.

The manner that those decisions are written eliminates all illusions that the United States government is opposed to war crimes when done by "a member of the Armed Forces of the United States or a national of the United States" – they have been granted impunity under the law to offend. Famously, that was expressed by President Obama when he stated that those CIA officials guilty of torture would not be held criminally accountable for acts that are defined as "war crimes," that is, torture. Little wonder that Donald Trump could so readily say he believed torture worked, since that is what many CIA officials continue to say.

Failing to prosecute war crimes is in itself a war crime under international law, and, to use the words of the "Office of Global Criminal Justice," the opposite of its mission to "expose the truth," and "judge those responsible." But taking matters a step further, the U.S. government has designed a legal procedure to deny protection and assistance to victims. This is exactly what leaders of countries that are in line for U.S.-sponsored regime change are routinely accused of doing by the Office of Global Criminal Justice.

Shielding Torturers

The issue in a series of lawsuits involving the war crime of torture is whether former Guantanamo prisoners who were victims of U.S. government officials could sue the officials for civil damages. The courts have held, however, that government officials were entitled to immunity for the acts they had committed and were being sued for torture, as it was "within the scope of their employment." These decisions are based on procedures based on the Westfall Act, which is too convoluted to explain here, but it serves to nullify the War Crimes Act.

Typical of the language in the court's decisions is: "several detainees were subjected to abuse – including 'forced grooming, solitary confinement, sleep deprivation, forced medication, transport in 'shackles and chains, blackened goggles, and ear coverings,' and the disruption of ... religious practices" – even after a CSRT had determined that there were not enemy combatants... The court held that the defendants' actions were 'of the kind' [they were] employed to perform," even though the mistreatment occurred when several of the plaintiffs "had no intelligence value."

The court noted that “[t]hrough the intelligence rationale has dissipated, the need to maintain an orderly detention environment remained after CSRT clearance.” The court continued: “Authorized or not, the conduct was certainly foreseeable because maintaining peace, security, and safety at a place like Guantanamo Bay is a stern and difficult business.”

That was what German military and Gestapo officers said of the prisons they worked in when they went on trial for war crimes at Nuremberg. Most common as their legal defense against war crime charges was that the defendants were only following “superior orders,” in German, “Befehl ist Befehl” (“orders are orders”) – a tactic now known as the Nuremberg defense. In other words, the earlier generation of war criminals effectively claimed their actions were “within their scope of employment.” That defense didn’t work at Nuremberg for Germans, but it works now for U.S. officials in U.S. courts.

The closing the Office of Global Criminal Justice just makes official what has been U.S. policy since 9/11. If it is true that hypocrisy is the tribute that vice pays to virtue, then the U.S. government has showered tribute upon vice with the hypocrisy of the Office of Global Criminal Justice. If it closes, it means we won’t even pay tribute anymore to virtue, preferring to fully embrace vice in a display of our “authenticity.” And that may be the one example where the “Office of Global Criminal Justice” fulfills its mission to “expose the truth.”

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Abu Zubaydah: Torture’s ‘Poster Child’

Exclusive: The ugly legacy of George W. Bush’s torture program continues to haunt U.S. foreign policy as the “poster child” for waterboarding, Abu Zubaydah, makes an appeal for his release from Guantanamo, writes Marjorie Cohn.

By Marjorie Cohn

Last week, Abu Zubaydah, who has been imprisoned at Guantanamo for 14 years without being charged with a crime, appeared for the first time before the U.S. military Periodic Review Board, which determines whether Guantanamo detainees

will continue to be held as “enemy combatants.”

Zubaydah argued he should be released because he has “no desire or intent to harm the United States or any other country.” During his hearing, Zubaydah also said he had been tortured by the CIA, an allegation confirmed by the Senate Intelligence Committee’s torture report. The U.S. government maintains he is an enemy combatant.

When Zubaydah was apprehended in Pakistan in 2002, the Bush administration characterized him as “chief of operations” for Al Qaeda and Osama bin Laden’s “number three” man. This was untrue, according to John Kiriakou, who led the joint CIA-FBI team that caught Zubaydah. Kiriakou confirmed that Zubaydah did not help plan the September 11, 2001 attacks.

Dan Coleman, a leading FBI expert on Al Qaeda, said Zubaydah “knew very little about real operations, or strategy.” Coleman’s observations were communicated to President George W. Bush. Nevertheless, the President scolded CIA Director George Tenet, saying, “I said [Zubaydah] was important, You’re not going to let me lose face on this, are you?”

Zubaydah was tortured repeatedly at the “black sites,” where the CIA subjected him to waterboarding 83 times. On one occasion, Zubaydah had to be resuscitated. An observer at the scene was quoted in the Senate torture report as saying Zubaydah was “completely unresponsive, with bubbles rising through his open, full mouth.”

In 2005, after the Abu Ghraib torture photos came to light, the CIA destroyed several hundred hours of videotapes of the interrogations of Zubaydah and Abd al-Rahim al-Nashiri. The tapes likely depicted waterboarding.

Waterboarding is designed, according to Bush lawyer (now federal judge) Jay Bybee, to induce the perception of “suffocation and incipient panic,” i.e. the perception of drowning.

The Bush administration claimed it only used waterboarding on three individuals (the third being alleged 9/11 organizer Khalid Sheikh Mohammed). But a footnote in one of Bush lawyer Stephen Bradbury’s memos says waterboarding was utilized “with far greater frequency than initially indicated” with “large volumes of water” rather than small quantities as required by the CIA’s rules.

The CIA also withheld Zubaydah’s medication (as he recovered from severe injuries), slammed him into a wall, threatened him with impending death, shackled him in uncomfortable positions, and bombarded him with continuous deafening noise and harsh lights.

In one of his memos, Bybee wrote that the CIA told him, "Zubaydah does not have any pre-existing mental conditions or problems that would make him likely to suffer prolonged mental harm from [the CIA's] proposed interrogation methods."

Coffin-like Box

Bybee granted the CIA's request to confine Zubaydah in a cramped box with a harmless insect and tell him it will sting him but it won't kill him. Even though the CIA knew that Zubaydah had an irrational fear of insects, Bybee decided there would be no threat of severe physical pain or suffering if it followed this procedure.

"[Zubaydah] spent a total of 266 hours (11 days, 2 hours) in the large (coffin size) confinement box and 29 hours in a small confinement box, which had the width of 21 inches, a depth of 2.5 feet, and a height of 2.5 feet," according to the Senate torture report.

The torture of Zubaydah did not yield useful information. FBI agent Ali Soufan, who interrogated him, wrote in the *New York Times* that any useful information Zubaydah provided was given before the "enhanced interrogation techniques" – Bush-speak for torture – were used.

In response to the torture, Zubaydah told his interrogators that Al Qaeda was planning terrorist attacks against the Brooklyn Bridge, Statue of Liberty, shopping malls, banks, water systems, supermarkets, nuclear plants and apartment buildings. He said Al Qaeda was close to building a crude nuclear bomb. None of this was ever corroborated.

The Torture Statute punishes conduct, or conspiracy to engage in conduct, specifically intended to inflict severe physical or mental pain or suffering. "Severe mental pain or suffering" means the prolonged mental harm caused by or resulting from either the intentional infliction or threatened infliction of severe physical pain or suffering, or from the threat of imminent death.

It is undisputed that waterboarding constitutes torture, which is considered a war crime under the U.S. War Crimes Act. Cruel, inhuman and degrading treatment is also outlawed by the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a treaty the United States has ratified.

Despite his constitutional duty to "take care that the laws be faithfully executed," President Barack Obama refuses to bring the Bush officials who tortured Zubaydah and others to justice.

Donald Trump has pledged to keep Guantanamo open and advocates a resumption of waterboarding. Indeed, he promised a Trump administration would "bring back a

hell of a lot worse than waterboarding.”

Hillary Clinton opposes waterboarding. She said torture is an “open recruitment poster for more terrorists,” and “over the years, Guantanamo has inspired more terrorists than it has imprisoned.”

Meanwhile, Zubaydah languishes at Guantanamo, with no hope of release.

Joseph Margulies, one of Zubaydah’s lawyers, said his client is “the poster child for the torture program, and that’s why they never want him to be heard from again.”

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Mystery of a Little-Known Gitmo Prisoner

President Obama vowed to close the prison at Guantanamo Bay, Cuba, but has struggled against congressional resistance and a slow-moving review process, exemplified by the strange case of Haroon al-Afghani, reports Dennis J Bernstein.

By Dennis J Bernstein

There has long been a Kafkaesque quality to the plight of some Guantanamo Bay detainees who faced indefinite incarceration without charge or a chance to defend themselves at trial, but one of the most mysterious cases involves Haroon al-Afghani, who has been locked up since 2007 without a trial or legal representation.

Al-Afghani was originally passed to the U.S. military by local Afghan forces under questionable circumstances. According to public reports, his wife and young daughter now live in a refugee camp, but not more is known about him.

Last week, the Afghan prisoner pleaded his case – for the first time during his nine-year lock-down – to Guantánamo Bay’s version of a parole board, the Periodic Review Board (PRB). He was represented at the classified hearing by

U.S. attorney Shelby Sullivan-Bennis, who met him for the first time shortly before the June 14 hearing.

Sullivan-Bennis is a member of Reprieve, a public interest human rights law firm founded to “provide free legal and investigative support to some of the world’s most vulnerable people ... those victimised by states’ abusive counter-terror policies – rendition, torture, extrajudicial imprisonment and extrajudicial killing.”

Sullivan-Bennis said, “very little is known to the world about Haroon, and Guantánamo’s secrecy laws currently ban me from filling in the blanks. ... I can say that the bright-eyed, chatty young man I met ... is not allowed to meet me alone for more than ten minutes before government representatives forcibly remove him from the room.”

I spoke with Sullivan-Bennis in a Flashpoints radio interview on June 15, after al-Afghani’s first appearance in nine years before the PRB. What she didn’t say in this context is definitely as important, if not more important, than what she was allowed to say in public or before the PRB. The hearing itself was remote from Guantánamo, where the lawyer and her client were located. The PRB representatives conducted the hearing via videoconference from Washington.

Dennis Bernstein: Why don’t you just begin a little bit by giving us as much background, telling us as much as you can possibly tell us under strict national security restrictions. Tell us something about who this man is and how he was captured.

Shelby Sullivan-Bennis: Haroon’s story is quite the untold mystery and we’re hoping that with this hearing it will become more public. Some of the documents will be published. And we’ll be able to know a bit more about him.

Unfortunately, because of American secrecy laws regarding Guantánamo, I’m only able to say what has already been made public, which is predominantly from the Al Jazeera [article](#). With regard to how he was captured and who he is, I can say that he is a delightful young man, who is funny and sweet and kind. And I was very grateful to have the opportunity to be the person standing beside him when he had no one else.

DB: And you just met him right?

SSB: I did, I met him last week.

DB: Last week. And he’s been rotting at Guantánamo, well, he’s been pretty busy, I understand, but he has been there nine years without any hearing or representation whatsoever.

SSB: Exactly. It sounds like quite the odd, tragic story and it really is. He is, as far as I understand it, the only prisoner at Guantánamo who did not have counsel over the course of all of those years. I know, personally, from having spoken to other attorneys that he did reach out for support but because of capacity issues none were able to provide that support. So I was glad to be there when he needed someone for his hearing.

DB: So it took him nine years to get representation?

SSB: Yeah, you know, what I really think did the trick was that there was the imminence of this hearing, and we all know how important it is. So, you know, when people receive letters from detainees – which actually come quite often – asking for support for their case, many detainees have multiple attorneys.

Sometimes those are pushed to the side, but when something as important as this – and we know the administration is intent on releasing as many men as possible – it's very important to all of us that they have the representation required, so I think that was the impetus.

DB: But, what took so long? He just couldn't get representation?

SSB: Yep. I know for a fact that he had reached out to multiple attorneys and asked for support but a lot of the attorneys that are quite well known down here have multiple cases, and are quite overloaded themselves. I think he just sort of fell through the cracks, as unfortunate as that sounds.

DB: And, again, how was he captured?

SSB: From what we understand from public documents, he was handed over by Afghan forces. He was basically found with six others who had affiliations with organizations with whom the U.S. government was displeased, to say the least.

DB: What was his treatment like at Guantánamo?

SSB: That is something I can't speak to but I hope to be able to in the next couple weeks. We at Reprieve are working at different mechanisms to get some of our notes cleared and made public. But I'll tell you, it's quite the battle. So hopefully we'll have that information soon.

DB: So he hasn't been able to speak to you about his treatment or you can't talk publicly based on secrecy law?

SSB: The latter.

DB: The latter. So, you know how he was treated but you can't talk to us about it yet?

SSB: Exactly.

DB: Can you say if it was good or bad?

SSB: I can't. I'll tell you one thing from my understanding: no one who has lived the life of these men, held captive here for all these years, would ever describe their treatment as good.

DB: Was he ever fasting or a hunger striker or force fed? Or you can't say?

SSB: That's another thing I can't say.

DB: And these are all based on secrecy laws?

SSB: Right, secrecy laws that apply strictly to those in Guantánamo, and not to other detainees around the United States. It's certainly not something that we, as Americans, who enter courtrooms for traffic tickets and other affiliated things, are accustomed to, but it's quite the different kind of justice here at Guantánamo. And I'm unable to say anything of substance until specific censors have cleared all of my notes.

DB: The censors...so how does that work? You have to give over all your notes and they search them for possible national security breaches?

SSB: Yeah, [...] I think they would term it classification review. So they essentially get to read everything that my client and I talk about privately. And they sift through it and they decide what parts of it are secret and which parts they can declassify. Because everything that a Guantánamo detainee says, no matter how trivial, is presumptively secret.

DB: And was he able to communicate with his family on some kind of regular basis?

SSB: From what I understand from what his family has told various news outlets, they are able to communicate with him. But they had quite some time even figuring out where he was to begin with.

DB: So he was just snatched and for years they didn't know where he was?

SSB: Yep. That is also my understanding from the Al Jazeera article, and a few others who have spoken to his family members. His family, from what I understand from public source information, lives in a refugee camp in Pakistan, and I think resources are limited. And, of course, when the U.S. government kidnaps you, they don't send a letter to your family telling you that they've done that.

DB: Do you know, can you say whether he was [...] interrogated, water boarded,

anything like that?

SSB: I can't say any of that.

DB: You know but you can't say, right?

SSB: Right. [...] What I can say is that he's not mentioned in the executive summary of the torture report that came out in 2014. But that does not mean, from everything that I know, that the man was not tortured. That just means it did not make it into the summary.

DB: By the way, when you said hello, were you able to shake hands and touch him?

SSB: Yes, I can tell you from all physical observations, in my opinion he's quite open, and we shook hands. He was gregarious, and really a pleasure to just be around for the several hours, over the last week that I spent with him.

DB: And he did not waste a lot of time. He, apparently, has educated himself, he speaks five languages now?

SSB: Right. That's true.

DB: And he's got several degrees?

SSB: From what I understand he has a degree in economics. In my public statement it's a two year degree, but he's quite educated. And that comes across in all conversations, it comes across in his demeanor, and the comments that he makes. He speaks more languages than I do, by far. He's an impressive man, and it's unfortunate that he hasn't had the proper representation that he needed. And I think that if he had, he would have been out of here much sooner.

DB: Would you tell us a little bit more about your impressions, having met him recently? And [the] things that come to mind, as you think about [...] what's happened in the last couple of days, in the hearing today.

SSB: What I can tell you from all these classified meetings are my part in them, and the words that I say are not presumptively secret. So I can tell you that I did discuss what has happened in Orlando with Haroon. I can tell you that he looked quite sympathetic. I shared with him that many of my very closest friends are gay, and could very well have been there that night.

And sometimes, you know, when I speak to clients they have one reaction, maybe slight discomfort depending on who they are, how comfortable they are with me. But Haroon is quite open and caring, and he wears his heart on his sleeve, as far as my opinion goes. [...] I'm limited in what I am able to tell you.

DB: You can tell us, he has a great desire to return to his family. That's the center of his life, and the center of his focus in terms of returning home, right?

SSB: It is, absolutely.

DB: How can you explain that to us? What gave you that sense that this was...somebody who was sincere and wanted to return to being a loving father?

SSB: Yeah, so again, I'm limited in what I am able to say, but I know that he, from what I understand and from, as my statement reads, he feels extremely guilty for having left his family. Even though it's clearly not his doing, that he left. They are struggling to survive without his financial, emotional and other support. And I think that that is his main and only desire.

As many of the others you are seeing right now, people are actually getting out of Guantánamo, and they never thought that they would. So the tides are changing. And people are sort of acknowledging that and feeling quite hopeful for once, in the last 14 years, Haroon, nine. And I think that optimism is really spreading and sort of carrying a wave of folks being excited, frankly, about the prospects of returning home to their families, after all these years.

DB: Does he understand why he was captured and imprisoned?

SSB: It's hard to really say that any of us understands that. I think the U.S. government has a different take on how they should handle these matters, and others. I can tell you that from everyone that I've spoken to, all of my clients, none of them think that the way to handle a national security investigation is to illegally kidnap, render and torture a person, and bring them to their country, keep them captive for 14 years, without charge or trial.

DB: Is that what happened to him?

SSB: It is our professional opinion that everyone who was brought to Guantánamo was illegally captured, rendered, tortured and brought here without due process. Yes.

DB: So, it might be safe to assume he was brutalized and tortured, although you can't say that he was, based on...even if you know that from talking with him.

SSB: Yes.

DB: Any scars on his body? Or you can't talk about that? You know, if someone was tortured or beaten or you know, they would have some scars. But if he did, you couldn't talk about that.

SSB: I can actually speak to his physical appearance. But I have many clients who been tortured, who were named in the torture report, who don't have visible scars from my perspective, sitting across the table from them. You know, it's been nine years. None of them look very well. It's quite a dreary place to be stuck without access to anything or anyone. But no, I did not see any scars.

DB: And why did it take so long to find out about this guy? Nine years.

SSB: To be honest, I again, I think he really managed to slip through the cracks of busy schedules and popular attorneys. And by popular, I mean that term respectfully. Some of the most popular attorneys here are popular because they are the best to their clients. They do the best for them, and their clients understand that.

I think what happens when people aren't already aligned with someone ... so Haroon arrived, as we know, late in the game in 2007. Everyone already had an attorney. The rush for attorneys to come down to Guantánamo and pick up a brand new case had past several years ago. So he arrived, and the ball was already rolling, essentially. So for attorneys to be approached by Haroon for support, [...] the circumstances were such that they already had multiple clients and they had had them for a few years and their hands were full.

So I think because he got here late, because the attorneys whose names I'm sure were going around the camp at that time were quite overloaded with work, that he sort of got pushed to the way side. And it wasn't until a very important opportunity in his case [when] this hearing came up that it really got anyone's attention.

DB: Back to the hearing ..., did he speak in the hearing, or did you do all the speaking..?

SSB: He did, he spoke.

DB: And can you say what he said?

SSB: I can't. I'm sorry.

DB: Were you impressed by what he said?

SSB: Yes. Ever since I've met him I've been quite impressed by what he said.

DB: Were you before a judge? Or who heard this hearing?

SSB: The Periodic Review Boards are conducted in front of a six-member panel, with representatives from all the national security affiliated agencies; Department of State, CIA, Joint Chiefs of Staff ... you know, the whole gamut. And

so there are six members and they're in D.C.[...]

The [other] lot of us – being the detainee (my client), myself, and either one or two personal representatives who are government military people, who are essentially advocating for the client with me—we all sit in Guantánamo and sort of beam ourselves in, Star Trek style. And the board is conducted in that way.

DB: You mean, you fly in and you fly out.

SSB: Oh no, sorry, so [...] we're in Guantánamo and they're in D.C. And we're doing this telecommunications panel.

DB: Is there anything else you think might help us understand the context of this situation that I forgot to ask you?

SSB: I can't think of anything right now. But what I am excited to say is that, as my notes will eventually be cleared, we are looking into opening a habeas case for Haroon, which would enable further access, greater access to him. And I'm really excited for his story to get out there. One, because it hasn't been told, and two, because it's quite a good one. He's an extraordinary person, and I am hopeful and optimistic, and frankly excited for the world to get to know who Haroon is.

DB: Beautiful. I want to thank you so much for joining us Shelby Sullivan Bennis. The non-profit law firm is Reprieve?

SSB: It's Reprieve, yep.

DB: And where are you all based?

SSB: Reprieve is actually in multiple places. The base of it is in London. I work in Reprieve west, which is the New York branch. We have affiliated offices in Pakistan, the Netherlands and a few other places with fellows. So we're quite all over.

DB: Well, we thank you for taking the time out. And we wish you the best and your client the best. Nine years without representation in Guantánamo, away from your family and all the other things that could have happened that you can't talk about are just extraordinary, horrific and you gotta say I'm not sure what America is anymore. But it seems like it would be un-American. Thanks for being with us.

Dennis J Bernstein is a host of Flashpoints on the Pacifica radio network and the author of *Special Ed: Voices from a Hidden Classroom*. You can access the audio archives at www.flashpoints.net.

The Catch-22 of Closing Gitmo

President Obama's plan to close Guantanamo – even if it could be implemented – would still leave several dozen detainees in the legal limbo as “non-releasable,” albeit inside U.S. prisons, as Helen Schietinger explains.

By Helen Schietinger

The lineup of presenters at Human Rights First's Closing Guantanamo event earlier this month promised to provide the inside scoop on how Obama is going to close the Guantanamo Bay prison and what the key roadblocks might be. But what I heard did nothing to allay my alarm that the Obama administration will continue the policy of indefinite detention of many “war on terror” detainees and will do nothing to hold accountable those who orchestrated and oversaw the torture of Muslim men in U.S. custody.

The two administration special envoys to close Guantanamo (the Pentagon's Paul Lewis and Lee Wolosky of the State Department) and their predecessor, State's Clifford Sloan, laid out the President's plan for dealing with the remaining 91 detainees. Wolosky explained that the plan's key objective is to complete the Periodic Review Board reviews and whittle down the number of “non-releasable” prisoners to a “mere” 30 or 40, thus making the job of dealing with a smaller group much easier.

Sloan added that sending those 30 prisoners elsewhere won't be a problem after all those cleared for release are expeditiously transferred to other countries. The options for the ones to be prosecuted (perhaps 14 of the 30 or 40) include transfer for prosecution in a third country, trial by Military Commissions or trial in federal courts in the U.S.

The plan for prisoners who are not released or charged is to hold them in indefinite detention inside the U.S. Wolosky asserted that under no circumstances will the detainees being held under law of war authorities be released. He insisted that they are not entitled to more or fewer legal rights than other law of war detainees and would not have more rights if transferred to the U.S. than they now enjoy in Guantanamo, including habeas corpus rights.

Never mind that this seems to be in conflict with the concerns of Gregory G Garre, U.S. Solicitor General when he argued in 2008 that the Uighur detainees should not be brought into the United States to allow their habeas petitions to be heard in U.S. court.

The other two speakers, U.S. Marine Major General Michael Lehnert – who initially set up the prison – and Alberto J Mora – who as General Counsel for the Navy early on opposed the use of torture at Guantanamo prisoners – both challenged the legality of indefinite detention.

Lehnert said it was a grave mistake not to have applied an appropriate judicial process as soon as the prison was opened as demanded by the Geneva Convention and that this has fed into the narrative that we're not a nation of the rule of law. He asserted that the prisoners' extralegal status is inconsistent with U.S. law.

Lehnert also told us that the military at Guantanamo swore an oath to uphold the Constitution, not the bidding of the president. Allowing enhanced interrogation, which he called a euphemism for torture, was beneath us and is a blight on the United States.

Mora listed mistakes committed by the George W. Bush administration, including establishing indefinite detention, using torture as a weapon of war, opening Guantanamo to detain prisoners beyond the protection of U.S. law, treating officials as though they are above the law, and using a judicial process lacking in independence and due process. He added that Obama's decision to hold no one accountable for torture is largely responsible for the sad fact that 58 percent of Americans believe that torture is acceptable.

Mora's and Lehnert's counterpoints to administration policies were reinforced by the retired generals who attended the forum. There was a complex discussion about the number and fate of prisoners who were deemed too dangerous to release but for whom there is no good evidence with which to prosecute, either because the men were tortured or there is no evidence of wrongdoing.

U.S. Army Brigadier General Stephen N Xenakis, a psychiatrist, challenged the validity of attempts to predict detainees' "dangerousness" and said that predicting such future behavior is no better than the flip of a coin. In response, Lewis defended the criteria the government uses to determine how much of a threat a given detainee poses and claimed the U.S. has a right to keep enemies off the battlefield.

U.S. Army Lt. General Robert G Gard strongly challenged the use of Guantanamo to lock up a handful of prisoners indefinitely because they might be dangerous: "Looking at the broad security challenge of there being 25,000 to 30,000 radicals in ISIL, what possible marginal impact would there be to releasing these men, whom the U.S. cannot try because of its own misbehavior?"

Gard added that he deeply resents the holding of prisoners deemed too dangerous

to release but who cannot be prosecuted because of tainted evidence, pointing out that every day prisoners in the U.S. are released for precisely that reason.

Moderator Elisa Massimino, president of Human Rights First, noted that some criticize the closing of Guantanamo because “high value” terrorist suspects who might have valuable information are being killed by drone strikes rather than being captured and interrogated. She added that a suspected senior-level terrorist was recently captured in Iraq and is now being interrogated; so, what is the policy?

Lewis asserted that we need a detention policy going forward and that using Article III interrogations on a case-by-case basis without torture can be very effective, there being lots of incentives that can be used to extract intelligence.

Moderator Carol Rosenberg, Military Affairs Correspondent of The Miami Herald, pushed the question of why accountability was not being pursued. Journalist Charles Savage of The New York Times pointed out that we came close to establishing a means of accountability after the Senate Torture Report was published, when a truth and reconciliation process was explored, but that the idea never made it beyond the Justice Department.

Mora maintained that even if individuals are not prosecuted some form of accountability is needed, such as a U.S. admission of wrongdoing and compensation of victims, as with the Japanese-Americans sent to internment camps during World War II. However, he also said, “It is legally unthinkable that there won’t be accountability, but it’s politically unthinkable that there will be [accountability].” This speaks volumes coming from Mora, who was in the forefront of those few lawyers resisting the use of torture.

My interpretation of the President’s plan is that in essence the U.S. will continue to indefinitely detain suspected terrorists (mostly Muslim men) based on an assessment of their future dangerousness and that this is considered justified under the law of war.

Somehow this has been expanded to cover persons who 1) have been captured under circumstances not defined by the agreed-upon laws of war (including that soldiers wear uniforms, represent and claim allegiance to a nation-state, fight on a battlefield or at least in a war zone); and 2) have been held at great distance from the conflict where they happened to be captured (Guantanamo for prisoners from Afghanistan, for example). The law of war is meaningless if it is arbitrarily amended to suit the State’s purposes.

But now, in this presidential election year, when bigots are whipping up racist

hatred and fear with the help of mainstream media, I can fast-forward in my mind to a time when those same unconstitutional precedents are the basis for concentration camps for much larger groups of people than are presently locked up in Guantanamo.

Remember: the German people elected Hitler. Laws were passed to protect the German way of life from the likes of Jews, homosexuals and gypsies and those laws incrementally reinforced the xenophobic mentality instilled in the general population. In a remarkably short period of time, Germany went from being an open democratic society to one in which people who did speak out against the state lost their jobs, were rounded up, and some of them ultimately executed. And the lawyers, and the generals, and even the churches acquiesced.

I am more afraid of those in power who erode the rule of law in the name of state security than I am of "suspected terrorists." I am watching the U.S. become a state in which police who gun down unarmed black people continue to go free, Muslim communities are surveilled, individuals are recruited to spy on one another, and innocent young Muslims who are entrapped by the FBI accept guilty convictions rather than risk serving life sentences for crimes they did not commit.

To those colleagues who say I'm being alarmist, I suggest that you start reading what Muslim communities and communities of color reveal is happening to them. Start listening to people who have resigned from military and government posts so that they can speak out about what they have witnessed. Question the truth of the state's slander of whistleblowers, as well as how it is played up in the mainstream media.

Too many remain silent regarding the fact that Obama's plan not only perpetuates but strengthens the mechanisms by which basic Constitutional protections are being circumvented. The very existence of Guantanamo represents the flouting of basic legal standards our nation is founded on. Closing the prison will be worse than meaningless if we simply import into the U.S. the practice of indefinite detention without charge, while refusing to hold accountable those responsible for torture.

Helen Schietinger, a retired RN, is an organizer with Witness Against Torture, a grassroots organization calling for an end to torture, the prosecution of those responsible for torture by the U.S. and the closing of Guantanamo Bay Prison.

Challenging US Overseas Military Bases

Though the U.S. government denies that it runs an empire, it maintains a bristling global network of military bases unprecedented in world history, including some where the population strenuously protests the presence, as retired Col. Ann Wright noted in a speech on Dec. 15 in Okinawa.

By Ann Wright

I am honored to speak at this symposium in Okinawa about the need to abolish United States military bases around the world, and particularly here in Okinawa where you have been subjected to these bases for over 70 years following World War II.

From the beginning, let me state that I apologize for the continuing presence of some many U.S. bases on Okinawa and the trauma they have caused to the people of Okinawa.

I worked for nearly 40 years in the United States government. I served 29 years in the U.S. Army/Army Reserves and retired as a Colonel. I was also a U.S. diplomat for 16 years and served in U.S. Embassies in Nicaragua, Grenada, Somalia, Uzbekistan, Kyrgyzstan, Sierra Leone, Micronesia, Afghanistan and Mongolia.

However, in March 2003, I was one of three U.S. government employees who resigned in opposition to President Bush's war on Iraq. Since then, I, as well as everyone on our Veterans for Peace delegation, have been publicly challenging policies of the Bush and Obama administrations on a variety of international and domestic issues including extraordinary rendition, unlawful imprisonment, torture, assassin drones, police brutality, mass incarceration, and U.S. military bases around the world, including of course, the U.S. military bases here on Okinawa

I was last here on Okinawa in 2007 with a delegation from the Japan chapter of CODEPINK: Women for Peace, a delegation that went first to Guam to witness the U.S. military build-up on that island and then here to Okinawa to join with the citizen protest against the U.S. proposal to build the runway of the U.S. Marine Base into the South China Sea.

Today I want to speak about the need to abolish foreign military bases around the world.

I returned two weeks ago from an international conference called "Abolition of Foreign Military Bases" in Guantanamo, Cuba. As you may know, the oldest

foreign military base in the world is the U. S. Naval Base in Guantanamo, Cuba. The U.S. has maintained control of this military base for 112 years and claims the rights to the land in "perpetuity" through a lease obtained from a U.S. puppet government. The U.S. sends a check for \$4,085 per year for this lease, checks that the Cuban government has never cashed.

U.S. Military bases on soil other than the United States, provides the U.S. the cover to conduct illegal and criminal actions on those bases that violate U.S. law using the excuse that U.S. law does not apply.

The sordid history of the past 14 years of the United States imprisoning 779 persons from 48 countries on a U.S. military base in Cuba as a part of its "global war on terror" reflects the mentality of those who govern the United States global intervention for political or economic reasons, invasion, occupation other countries and leaving its military bases in those countries for decades.

The infamous U.S. prison on the U.S. Naval Base has imprisoned detainees beginning in January 2002. After nearly 14 years of imprisonment in Guantanamo prison, 107 prisoners remain, 47 of them were cleared for release years ago and are still held, and incomprehensibly, the U.S. maintains that another 46 will be imprisoned indefinitely without charge or trial. Only 8 have been convicted of any crime.

(Because of U.S. government secrecy, precise numbers and details regarding Guantanamo prisoners have been hard to nail down. On Thursday, the White House said 48 of the remaining 107 prisoners can be "safely transferred," but declined to comment on reports that the transfer of 17 may be imminent.)

Let me assure you, we in the United States continue our struggle demanding a trial for all prisoners, the closing of the prison in Guantanamo and the return of the land to the people of Cuba. The U.S. military base is of no strategic importance to the United States, but instead is used as the symbol of U.S. imperialism to the revolution of Cuba and the U.S. attempts over the past 60 years to overthrow the revolution.

Over the past 100 years, Cuba, Nicaragua, El Salvador, Guatemala, Honduras, Grenada, Haiti, Germany, Italy, Spain, the Netherlands, Japan, Korea, the Philippines, Afghanistan, Iraq, Iran, Pakistan, Bahrain, Kuwait, Qatar, Saudi Arabia, Libya, Somalia, Djibouti, Diego Garcia have had the presence of U.S. military in their countries.

Today, the United States empire has over 800 U.S. military installations around the world. In his excellent, recently released book *Base Nation: How U.S.*

Military Bases Abroad Harm America and the World, David Vine documents that even after hundreds of bases in Iraq and Afghanistan have been closed, the U.S. still has bases ranging in size from mega “Little Americas” to small radar facilities in more than 80 countries.

The United States has 95 percent of the world’s foreign bases. Although few Americans realize it, but certainly people outside the U.S. do, the United States likely has more bases in foreign lands than any other people, nation or empire in history. Currently, the United States has about half as many bases as it had in 1989, but the number of countries with U.S. bases has roughly doubled from 40 to 80.

When the Cold War temporarily ended with the breakup of the Soviet Union in 1991, there were 300,000 U.S. military personnel in Europe alone, and about 1,600 U.S. bases worldwide. In the 1990s, the U.S. military closed about 60 percent of its overseas bases in the 1990s, yet the overall base infrastructure stayed relatively intact. Despite additional base closures in Europe and to a lesser extent in East Asia over the last decade and despite the absence of a superpower adversary, nearly 250,000 military personnel are still deployed on installations worldwide.

Other countries have a combined total of about 30 foreign bases. Great Britain has seven bases and France five bases in their former colonies. Russia has eight military bases in the former Soviet republics and one in Syria.

You here in Okinawa already know that for the first time since World War II, Japan’s “Self-Defense Forces” have a foreign base – in Djibouti in the Horn of Africa, as does the U.S. and France. South Korea has a military base in the UAE; India has a base in the Andaman Islands; Chile has a base in Antarctica; Turkey and Israel reportedly have access to air bases in Azerbaijan.

There are also reports that China may be seeking its first base overseas, also in Djibouti, as it builds bases on manmade islands in disputed atolls in the South China Sea, logically in response to the Obama administration’s “pivot” to Asia.

According to U.S. Department of Defense records, 70 years after World War II and 62 years after the Korean War, there are still 174 U.S. “base sites” in Germany, 113 in Japan, and 83 in South Korea. The U.S. has hundreds of smaller military installations in over 80 countries including Aruba and Australia, Bahrain and Bulgaria, Colombia, Kenya, and Qatar, among many other places.

The United States has built permanent base infrastructure in every Persian Gulf country except one Iran. The U.S. government gets agreements with undemocratic

and often despotic states like Saudi Arabia, Qatar and Bahrain to build bases and in return remains silent to their human rights violations.

U.S. military bases in Iraq, Afghanistan and Saudi Arabia have contributed greatly to increases in the radicalization of youth in those countries. Osama Bin Laden cited the U.S. bases near Muslim holy sites in Saudi Arabia as a reason al-Qaeda attacked U.S. embassies in East Africa, the Kobar towers in Saudi Arabia, the USS Cole warship in Yemen and the Twin Towers in New York City.

The smaller bases are known as "lily pads" (or more formally as "cooperative security locations") now found in Africa and Eastern Europe and which may provide a base for drones, surveillance aircraft, or pre-positioned weaponry and supplies.

U.S. military ports and airfields, repair complexes, training areas, nuclear weapons installations, missile testing sites, arsenals, warehouses, barracks, military schools, listening and communications posts, and drone bases, military hospitals and prisons, rehabilitation facilities, CIA paramilitary bases, and intelligence facilities (including former CIA "black site" prisons) are key parts of the U.S. government presence in other countries.

There are U.S. military personnel in about 160 countries, including Marines who guard U.S. embassies and deployments of trainers and advisors in many countries each year, including 10,000 U.S. trainers still in Afghanistan and 3,500 in Iraq.

Additionally, the United States is capable of moving a large mobile presence to any country with a shoreline. The U.S. Navy's 11 aircraft carriers are a floating military base of 5,000 personnel, dozens of aircraft, helicopters and landing craft.

As you know so well, President Obama's "Pacific pivot" has included convincing the South Korean government, which already has 83 U.S. military bases, to construct a naval base in the pristine waters off Jeju Island, South Korea, to homeport destroyers carrying the U.S. Aegis missile system, despite huge continuous citizens protests.

Your struggle here in Okinawa which has 7 percent of the 113 U.S. military bases in Japan to stop the U.S. construction of a runway at Henoko into coral heads in the waters off Okinawa, is an epic citizen struggle in which our Veterans for Peace organization joins.

The cost to the U.S. taxpayer for installations and military personnel overseas in 2014 was at least \$85 billion which is more than the discretionary budget of

every government agency except the Defense Department itself. Adding the U.S. military presence in Afghanistan and Iraq, the U.S. spends over \$156 billion in overseas programs.

You well know that here in Japan, you the taxpayers pay for the majority of U.S. forces stationed in Japan. As you know so well after 70 years of U.S. military bases, these bases bring into a community weapons of killing and destruction, and the mentality to use them. With that mentality comes increased rates of domestic violence with all too many families enduring a mentality of violence within the home brought back from the battlefield.

That violence is seen in the numbers of victims of sexual assault in the community as well as on the military base. On Okinawa, the incidence of rape of Okinawan girls and women has brought tens of thousands of citizens out to protest the U.S. military presence. During their time in the military, an incredible 30 percent of women in the U.S. military are sexually assaulted by fellow service members. Additionally, prostitution around U.S. military bases is rampant.

Besides violence toward humans, military bases contribute strongly to violence toward our planet. Military weapons and vehicles are the most environmentally dangerous systems in the world with their toxic leaks, accidents, and deliberate dumping of hazardous materials and dependence on fossil fuels.

Our Veterans for Peace delegation appreciates the opportunity to be here in Okinawa with you. We have been inspired by the citizen activists who daily go to Camp Schwab, Futenma and Takae to challenge the Japanese and United States governments.

We are deeply concerned about U.S. military bases here in Okinawa and we pledge our continued efforts to stop the U.S. construction of the runway at Henoko into the South China Sea, and to abolish U.S. military bases around the world.

Ann Wright served in the U.S. Army/Army Reserves for 29 years and retired as a Colonel. She was a U.S. diplomat for 16 years and resigned in 2003 in opposition to the war on Iraq. She is the co-author of *Dissent: Voices of Conscience*.

Shocked over Senate's Gitmo Rhetoric

A citizen who attended a Senate Armed Services Committee hearing about Guantanamo Bay was so shocked by the ugly rhetoric from some senators that she spoke up and was arrested. Now in an open letter, Helen Schietinger is asking

Sen. McCain to use his chairmanship to finally close the prison.

Dear Senator McCain,

I am the woman who spoke out in the Senate Armed Services Committee hearing on the status of the prison camp at Guantanamo Bay on February 5th. I'm sure you heard my words, "Give them the rights of prisoners of war!" before I was arrested.

I attended the hearing in an orange jump suit to silently protest the very existence of Guantanamo prison, and I expected to hear a reasonably rational discussion of the prison and its future.

I planned to listen respectfully, holding my sign reading "I died waiting for justice: Adnan Latif, Died September 8, 2012," to remind the Senators and administration officials that Adnan Latif either committed suicide or was killed at Guantanamo after ten years of torture and unjust detention, and six years after being cleared for release.

The Capitol police appropriately allowed me to peacefully express my opposition to Guantanamo in that public forum. I was so shocked, however, by the vitriol of the senators who chose to attend the hearing that I felt I had to respond.

I was appalled by their hateful statements, statements that contribute to a hostile climate that foments tragic hate crimes. Less than a week after the hearing three young Muslim Americans were murdered in North Carolina almost certainly because they were Muslim.

Although Senator [Lindsey] Graham talked about following the laws of war and the principles of the Geneva Conventions, his Senate colleagues made it clear that they care little about such things.

Senator [Tom] Cotton would have more Muslim men locked up as terrorists in Guantanamo without due process. He certainly wouldn't want them tried in an open court where they could face their accusers and challenge the evidence used against them: "The only problem with Guantanamo Bay is that there are too many empty beds and cells. We should be sending more terrorists there to keep this country safe. As far as I'm concerned, every last one of them can rot in hell. But as long as they don't do that then they can rot in Guantanamo Bay."

Senator [Joe] Manchin thinks the detainees are not being treated harshly enough: "I'd like to see a few of them in the United States hardened prisons to see if they'd change their attitude just a little bit. I know we could do a little different job on 'em here than they're doing over there."

And when I exhorted the committee to at least give the men at Guantanamo the rights of prisoners of war, Sen. Manchin responded by saying, "I just want to say, their attack on this country, they lost their rights." Think about that: a U.S. Senator doesn't think that human beings in U.S. custody should have rights. Not one Senator spoke up in disagreement.

I wonder if Sen. Manchin shares the attitude of former Vice President Dick Cheney who, when asked for comment on the torture practices revealed by the Senate Intelligence Committee report of early December, replied: "I'd do it again in a minute." Indeed, it sounded to me as though several of your colleagues are of Cheney's mindset.

I must ask, what about you, Sen. McCain? And, if not, why have you not publicly distanced yourself from Cheney's remarks and those of your Senate colleagues?

I remember admiring your doing what you could to rebuff Cheney and then CIA Director Porter Goss, when they descended on your office to plead for a CIA exemption from the amendment you were pushing banning torture.

As a captive in North Vietnam, you had first-hand experience with torture. Given that, and recalling your principled opposition to torture a decade ago, it is painful for me to watch you sit placidly as some of your colleagues indulge in hateful demagoguery. I trust that you are particularly aware of the importance of upholding the rights and dignity of all prisoners, including those held in U.S. custody.

As ranking member of the Senate Armed Services Committee, you took active part in the *Senate Armed Forces Committee Inquiry Into the Treatment of Detainees in U.S. Custody*. The "First Conclusion" of the report released on December 11, 2008 stated that a Presidential Order signed by President George W. Bush "opened the door to considering aggressive techniques."

The report noted specifically that on Feb. 7, 2002, the President issued a written determination that the Geneva Convention protections for POWs did not apply to al-Qaeda or Taliban detainees, and that following that determination, techniques like waterboarding were authorized for use in interrogation. It would take more than four years for the U.S. Supreme Court to rule, in June 2006, that the prisoners' right to *habeas corpus* rights was being violated by the Military Commissions Act.

This year marks the 800th anniversary of the Magna Carta with which courageous English nobles wrested from King John the writ of *habeas corpus* and other rights. I am embarrassed for my country that President Bush suspended that fundamental right for so many years, and "opened the door" for torture. Worse

still, torture continues at Guantanamo, and you and others in high office have the power to stop it.

Guantanamo detainees were subjected to torture techniques masked as “enhanced interrogation” (waterboarding, multiple forms of sensory deprivation, sensory overload and sexual humiliation , the list goes on and on). And you and your Senate colleagues should remember that they are still being subjected to torture (e.g., long-term solitary confinement, brutal forced-feeding procedures, forcible cell extractions) as well as outrages upon their personal dignity (e.g., genital searches and cavity searches before and after meeting with their lawyers).

Senator McCain, I imagine you may regret calling “lowlife scum” those of us who, at Congressional hearings, speak out against consigning the Magna Carta, the Constitution, and the rule of law to the dustbin of history. With all due respect, it is “lowlife” for public officials to pander to the worst of human instincts revenge, racism, and scapegoating no matter how many votes such appeals might garner. It does you no credit to preside and sit by nonchalantly at the shameful hearing on February 5 at which I am proud to have been arrested.

You need to use your chairmanship to restore respect for the rule of law, and lift the United States out of the category of rogue state. In the name of common decency, I urge you, as Chairman of the Senate Armed Services Committee, to insist that the U.S. begin according the Guantanamo prisoners in U.S. custody their lawful human rights.

Yours truly,

Helen Schietinger

Washington, DC

A Murder Mystery at Guantanamo Bay

Exclusive: America’s plunge into the “dark side” last decade created a hidden history of shocking brutality, including torture and homicides, that the U.S. government would prefer to keep secret, even though many of the perpetrators are out of office, writes ex-CIA analyst Ray McGovern.

By Ray McGovern

There’s more of a mystery to how three Guantanamo detainees died on June 10,

2006, than I realized when I described their deaths as suicides in a recent article about force-feeding methods at the notorious U.S. prison. Some very experienced investigators who have examined the evidence suspect the three were victims of homicides amid the torture regime employed by President George W. Bush's underlings.

Scott Horton, whose upcoming book *Lords of Secrecy* contains new insights into the Bush/Cheney/Rumsfeld/Tenet go-ahead on torture and other abuses, has supplied me with additional detail highly suggestive of foul play by CIA interrogators.

Horton noted that the three prisoners were scheduled to be released and repatriated and that key details about the U.S. government's suicide claims have been disproved. For instance, the first reports said the inmates had hanged themselves with linens in their jail cells, but medical records, which the government sought to suppress, indicate otherwise.

The records "reveal that the three died not from strangulation (as would be the case in a hanging) but from asphyxiation resulting from having cloth stuffed down their throats, precisely the same kind of cloth, it turns out, that was used by a similar interrogation team around the same time at the Charleston Brig, and which has been labeled by a University of California study as 'dryboarding,'" Horton wrote in an email.

Horton also cited testimony from camp guards on duty that night, saying "the three had been removed from their cells and transported to a secret facility known to the camp guards as 'Camp No,' which was later revealed by the Associated Press to have been a facility used by the CIA for prisoner interrogation and treatment known as 'Penny Lane.' They were removed from that facility to the camp clinic and an alarm issued shortly thereafter.

"Penny Lane was being used by an interrogation unit of the CIA up until approximately the time of the deaths, and it was, strictly speaking, a CIA facility. Under the terms of a Special-Access Program (SAP), neither the camp commander nor the commander of Joint Task Force, Guantanamo were to have any knowledge of this program and what went on in connection with it. The program reported to Secretary of Defense Donald Rumsfeld personally, as well as to an official at the White House's National Security Council.

"Moreover, one of the three, Al-Zahrani, did not, as claimed, die in his cell, several hours later he was in the base hospital, still alive. An eyewitness statement of this, by an attending guard, was published by Harper's in its June 2014 issue. The most amazing fact to emerge from this account was the description of a guard wrapping his hands with cloth to support the suicide

claim, while no CPR revival measures were taken, although Al-Zahrani was alive and struggling to live.”

Horton added: “It is still not 100-percent clear exactly how the three died and who was present at the time. However, it is abundantly clear that the Government’s claims concerning their deaths are false, fabricated to cover up what actually transpired, and that the deaths relate directly to an intelligence operation at Guantanamo likely using a technique that is tantamount to torture.

“The Government’s decisions to shut down this program in the fall of 2006 and pull the CIA from Gitmo followed closely on the heels of this tragic episode. Defense Secretary Rumsfeld resigned in November 2006. The Government continues its feverish attempt to cover up what actually happened.”

The Long-Delayed Torture Report

Yet, whatever happened whether the three choked themselves in a desperate protest of their mistreatment and indefinite detention (the vast majority of inmates cleared for release have remained incarcerated for years afterwards) or whether they were silenced by having cloth shoved down their throats the mystery adds to the necessity of releasing the long-delayed Senate report on torture.

When we last checked in on the status of that secret report, its declassification was snagged in a dispute between CIA Director John Brennan, who was part of Director George Tenet’s inner circle during Bush’s “war on terror” and thus has a lot to lose by the report’s release, and Sen. Dianne Feinstein, chair of the Senate Intelligence Committee, who has objected to the number of redactions and deletions demanded by Brennan.

Meanwhile, President Barack Obama has declared that he wants as much released as possible but is unwilling to overrule Brennan. The behavior of this dysfunctional *mÃ©nage a trois* has, in effect, sabotaged the release of the Senate Intelligence Committee’s report for well over a year.

The interminable delays can be more readily understood, once you realize that the Senate report, if it is halfway honest, must include evidence on CIA-sponsored homicide as well as torture, which might put Obama back on the spot regarding his pious assertions that “no one is above the law.” He has shown no appetite to discharge his duty if it risks getting crosswise with his spies.

Obama, Brennan and Feinstein appear to be waiting until after the November elections, so as not to stir up any political ire from the voters before they go to the polls. After the election, Congress is expected to return for a lame-duck session with the question of how much of the torture report, if any, gets released depending on whether the Republicans carry the House and Senate, as

many prognosticators predict.

A Republican victory likely would strengthen Brennan's hand in keeping more of the torture report secret since it focuses on actions of the Bush-43 administration. Assuming that Obama won't intervene and overrule Brennan which the President has been loath to do Feinstein's chief option would be to seek a majority vote of the Senate, something that is easier said than done these days and likely to be harder if Republicans know, post-election, that they will control the Senate come January.

Feinstein also could go rogue, reject many of Brennan's redactions and put out the report in a way that she considers appropriate. Such a move could have profound ramifications for future executive-congressional relations.

There is, of course, another possible explanation for the hold-up over releasing the report: That none of the trio really wants the truth about torture told. If that's the case, the senior senator from California who vows that she wants as much of the report out as possible and the president who promised maximum "transparency" are giving hypocrisy a bad name.

It Was Still Worse at the CIA Gitmo Annex

Meanwhile, the human rights catastrophe at Guantanamo Bay, Cuba, persists. As I reported Wednesday, a court proceeding presided over by Judge Gladys Kessler in Washington D.C.'s District Court heard evidence from the London-based human rights organization Reprieve seeking to obtain more humane treatment for a client, Abu Wa'el Dhiab, 43.

Dhiab has been detained in Guantanamo without charge or trial for over 12 years. Approved for release five years ago, he remains there, prompting him to protest with hunger strikes to which the prison authorities responded with some 1,300 "forcible cell extractions" as well as forced feedings through nasal-gastric tubes.

The grotesque court testimony brought to mind the period in spring 2006 when torture and forced feedings were rampant not only at the CIA annex at Guantanamo but also at CIA "black sites" in several countries abroad. The treatment of the various detainees not only shocked the world because of the U.S. waiver of legal rights for the inmates, but because of torture or "enhanced interrogation techniques."

In that context on Wednesday, I repeated a few paragraphs from an article that I wrote in January 2008 about three "suicides" that occurred on June 10, 2006, less than a month before President Bush (at a press conference on July 6, 2006) publicly admitted the existence of CIA black sites and advertised the merits of

what he called “an alternative set of procedures” for interrogation.

I reminded readers that three “suicides” on June 10, 2006 had “incurred the wrath of then Guantanamo commander, Rear Adm. Harry B. Harris, Jr., who announced that the suicides were ‘not an act of desperation, but an act of asymmetrical warfare against us.’ In a similar spirit, Colleen Graffy, deputy assistant secretary of state for public diplomacy, told the BBC that the suicides ‘certainly (are) a good PR move to draw attention.’”

The reactions of Harris and Graffy, I thought, were indictment enough of the unconscionably coarse attitude of senior U.S. government representatives regarding human life. But now there is the possibility that they were only spouting a cover story for even a worse scenario, a triple homicide about which they may well have been kept in the dark.

More than six years ago, when I wrote that earlier article, I had scarcely gotten accustomed to the thought that my former colleagues had let themselves be suborned by Bush, Cheney and CIA Director George Tenet into torturing detainees. True, there already were rumors of CIA homicides circulating, and the Army abuses at Abu Ghraib had been exposed.

But I was having trouble wrapping my mind around the notion that the CIA had been given official sanction to murder. And inured as I am now to such indignities, I still shudder at the prospect that President Obama will, a year or two from now, explain it all with a nonchalant riff on his earlier “We tortured some folks” – substituting “killed” for “tortured.”

I am in debt for clarification regarding the possibility of a triple homicide on June 10, 2006 to two friends who, oddly, bear the same name (1) Scott Horton of antiwar.org, and (2) Scott Horton, an attorney, regular Harpers columnist, and author the excellent, soon to be published *Lords of Secrecy*” (Nation Books) which has a good deal to say about U.S.-sponsored torture and homicide. (I have seen it in draft.)

Lastly, since context is essential, let me add a couple of additional points. In his memoir *At the Center of the Storm*, CIA Director Tenet, who was in charge of the CIA torturers and “contractors” during the worst of it, admitted to having some concern over the possibility that he and his accomplices might eventually be held accountable.

In a Feb. 8, 2008 [article](#), I referred to a section in Tenet’s book in which he stressed “the importance of being able to detain unilaterally al-Qaeda operatives around the world.” His worries shone through the following words:

“We were asking for and we would be given as many authorities as CIA ever had.

Things could blow up. People, me among them, could end up spending some of the worst days of our lives justifying before congressional overseers our new freedom to act.” (*At the Center of the Storm*, p 178)

Tenet need not have worried. So far he has been shielded from accountability by a timid Congress as well as by yet another White House able to arrogate unprecedented power to itself and to shield those it wishes to protect.

Unless some outside *deus ex machina* cuts into the *mÃ©nage a trois* keeping the torture report secret, they and their Establishment successors are likely to marathon-dance into the future, hoping that with a compliant media the matter can remain forever moot or, at least, mute.

Adding insult to injury Feinstein has invited Tenet, along with two other former torture-tainted CIA directors, to help Brennan “review” the Senate Committee’s CIA torture report. Besides Tenet, the courtesy has been extended to CIA Directors Michael Hayden and Porter Goss as well as former deputy directors Michael Morell and John McLaughlin.

Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. He was an Army infantry/intelligence officer before serving for 27 years as a CIA analyst, and is now on the Steering Group of Veteran Intelligence Professionals for Sanity (VIPS).

Guantanamo’s Force-Feeding Challenged

Exclusive: In the Kafkaesque world of Guantanamo, even inmates cleared for release are held indefinitely and if they try to kill themselves via hunger strikes are brutally force-fed to keep them alive. Finally, a U.S. court is confronting whether the force-feeding can be done more humanely, reports Ray McGovern.

By Ray McGovern

In the first trial weighing the legality of force-feeding methods at the Guantanamo Bay prison, U.S. government lawyers have tried to disparage doctors and refute medical assessments regarding the best practices and ethics for treating inmates who have engaged in hunger strikes to protest their indefinite confinements, often after being cleared for release.

The case before Judge Gladys Kessler in Washington D.C.’s District Court involves Abu Wa’el Dhiab, 43, a Syrian who ran a successful business in

Afghanistan before the U.S. invaded 13 years ago. He fled, together with his wife and four children, to Pakistan where police seized him and turned him over to the U.S. probably for a large bounty, as was the usual practice.

In summer 2002, Dhiab was brought to Guantanamo Bay where he was held without charge or trial. Though cleared for release in 2009, Dhiab remains at the notorious prison, using hunger strikes to protest his Kafkaesque existence. In response to the hunger strikes, he like other inmates has been roughly removed from his cell and strapped to a chair as tubes are forced down his throat to feed him.

It is the manner in which the force-feeding process is carried out that is primarily at issue in Dhiab's case, including the forced cell extractions and the "five-point restraint chair" in which the head and limbs are tied down during the feeding.

Reprieve, a British-based human rights organization, filed a court challenge against Dhiab's treatment with some of the legal skirmishing around whether the public will be allowed to see video of Dhiab being dragged from his cell and force-fed once or twice a day, a total of 1,300 times, according to his lawyer. In June, 16 news organizations intervened in *Dhiab v Obama* seeking the videos of Dhiab's treatment.

While the government contended that the tapes must be kept secret to protect national security, Judge Kessler found that the government arguments were "unacceptably vague, speculative, lack specificity or are just plain implausible." On Oct. 3, Judge Kessler ruled that unclassified versions of the videos may be "entered on the public docket." This was a major setback for government lawyers.

Impugning the Witness

At times in their efforts to disparage the testimony of doctors, the junior-varsity team of Obama administration lawyers seemed to be practicing for more lucrative post-government medical-malpractice work, trying out character assassination and similar tactics.

Granted, it would have taken a government varsity or, better, an all-star legal team to cross-examine respected psychiatrists like Steven Xenakis, a retired Brigadier General, who told the court on Monday that prison military brass apparently overrode sound medical decisions regarding Dhiab.

Xenakis along with Sondra Crosby, M.D., an associate professor of medicine at Boston University painted a bleak picture of the prevalence of punitive measures divorced from best medical practices at Guantanamo. The government lawyers then

tried to discredit Xenakis by hinting broadly that Xenakis was unreliable because he left the Army amid an investigation, a slur Xenakis promptly laid to rest.

Then, on Tuesday, things went so badly for the government lawyers that I almost felt sorry for them. All four of them with a bullpen of six more were outmatched by Reprieve's soft-spoken star witness, Steven Miles, M.D., of the University of Minnesota's Center for Bioethics.

With his impeccable credentials, Miles could be at the same time understated and brutal in his critique of Guantanamo prison's blithe disregard for best medical practices. For example, he said he was "astonished" to learn that an olive oil lubricant was applied to the feeding tubes used on hunger-striking detainees because olive oil can cause chronic inflammatory pneumonia if it reaches the lungs. The resulting condition is difficult to detect as it might appear years later on x-rays looking like tuberculosis or lung-cancer.

"There is simply no debate about this. All the medical literature I've found said the lubricant had to be water-soluble," Miles said.

I had noticed that in presenting their case, the government lawyers had showed slides indicating that the use of olive oil was stopped in June, and when the court took a break I asked Dr. Miles why. "Because I went ballistic as soon as I found out about it," he said in a voice much louder than the normally restrained one in which he testified.

According to the Guardian's Spencer Ackerman, Captain Tom Gresbach, a Guantanamo spokesman, has confirmed that the forced feedings now use water-based lubricant. He explained that change was made "to eliminate risk, albeit minimal, for olive oil to get into the bronchial tree and lungs, thereby possibly causing illness."

Cross-examining Dr. Miles turned out to be a futile exercise and the government lawyers soon stopped trying. I could almost hear sighs of relief as he left with his luggage. I found myself wishing he were able to stay longer; I had a premonition that the government lawyers might try to impugn his testimony in his absence. My fear was justified.

Safe Even for Little Children

I found it odd that, no sooner had Dr. Miles left, the government began to disparage his testimony. It just seemed that if the government was going to try to impeach his testimony this should have been done while he was still around. One of the Reprieve lawyers objected but was overruled.

One of the issues that Dr. Miles addressed earlier was the diameter of the

feeding tube, indicating that the 8 to 10 “French” size (3.3/3.6 millimeters in diameter) tube – needed to make a 90-degree turn at the back of the throat – was one of several reasons why frequent insertion could cause trauma and infection.

Shortly after Dr. Miles had left the courtroom, one of the young government lawyers asserted, “What Dr. Miles said [about the tubes] was false.” The lawyer produced a chart from Brown University about using such tubes for small children. According to the chart, use of a size 8 or 10 “French” tube, which is what the government says is used with detainees is appropriate practice with small children.

Where is Dr. Miles, I thought, to respond to that? However, it seemed that he may have been alerted to the government’s maneuver and returned. I looked to the other side of the courtroom and there he was.

He whispered to one of the Reprieve lawyers, apparently suggesting that Reprieve should request a couple of minutes for rebuttal, since that would be all it would take for him to show the disingenuous nature of the evidence government lawyers were pushing.

It was late in the afternoon and we had been going non-stop for two hours. Judge Kessler was reluctant to allow Dr. Miles back on the stand but finally granted him “five minutes.” In his characteristically understated way, he exposed the government’s chicanery.

The Brown University chart had nothing to do with feeding nothing to do with putting anything *into* a child. It had to do with a surgical procedure with several applications related to inserting a tube for suctioning stomach contents *out* of the body of a child. And, for that, a wider diameter or bore was more efficient.

Ouch was the expression at the table of government lawyers. “Does the government wish to cross-examine?” asked Judge Kessler. “No cross-examination,” was the reply.

Shame, thought I; are these gentlemen in the black suits consciously reflecting Dick Cheney’s “dark side” to sow confusion in the court? Are they getting paid by my taxes?

Asymmetrical Warfare?

Plus ca change: The government attorneys’ repeated insistence on Tuesday that Dhiab was being fed only to save his life brought a flashback to eight years ago when two dozen Guantanamo detainees tried to starve themselves to death. They were strapped onto gurneys and plastic tubes were forced through their noses to

force-feed enough nourishment to keep them alive, lest the Bush administration be embarrassed by their deaths.

But on June 10, 2006, three detainees committed gross insubordination by hanging themselves, the first successful suicides after 41 attempts by some 25 individual detainees.

The three who killed themselves incurred the wrath of then Guantanamo commander, Rear Adm. Harry B. Harris, Jr., who announced that the suicides were “not an act of desperation, but an act of asymmetrical warfare against us.” In a similar spirit, Colleen Graffy, deputy assistant secretary of state for public diplomacy, told the BBC that the suicides “certainly (are) a good PR move to draw attention.”

How nice that Obama’s lawyers are backstopping those in Guantanamo who take such care to prevent any blot on our country’s Guantanamo detention regime that could result from a prisoner escaping in so insubordinate a way. Grotesque is the word that kept springing to my mind, as I watched the government lawyers in action Monday and Tuesday. Testimony is expected to be completed on Wednesday.

Though this case is focused on the means of force-feeding Guantanamo inmates, the backdrop is the continued existence of this netherworld prison which President Barack Obama vowed to close but which Congress has insisted be kept open.

As the public proceedings got under way on Tuesday, the indomitable advocate for justice, Eve Tetaz, removed her jacket to reveal an orange T-shirt with “SHUT DOWN GUANTANAMO” on the front, and “STOP TORTURE; WWW.WITNESS AGAINST TORTURE.ORG” on the back. But orange T-shirts were apparently a violation of courtroom etiquette and, after a brief scuffle, Eve was removed.

We extracted a promise from the guard that she would be allowed back in the courtroom but, instead, she was evicted from the building. We later learned that she was spared “forced cell extraction” treatment. Eve was merely handcuffed and then, with faux solicitousness, the Federal Protective Service, having successfully protected us all from Eve, condescendingly freed her to go home and sin no more.

Otherwise, Judge Gladys Kessler has done us a great favor in insisting that *Dhiab v. Obama* be a substantially open proceeding, so that even plain folks like you and me can go and watch. The more daunting task is to find ways to tell our fellow citizens what we have seen.

If anything qualifies for the description of a festering boil, Guantanamo does. We would do well to follow Dr. Martin Luther King’s dictum (in his Letter

from the Birmingham City Jail) on how to deal with boils:

“Like a boil that can never be cured so long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.”

Ray McGovern works with Tell the Word, a publishing ministry of the ecumenical Church of the Saviour in inner-city Washington. For 30 years he was an Army infantry/intelligence officer and then a CIA analyst; he is now on the Steering Group of Veteran Intelligence Professionals for Sanity (VIPS).
