

# Video reveals US torture of “enemy combatant” José Padilla

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Lawyers for José Padilla, the Brooklyn-born man imprisoned and tortured for almost four years by the Bush administration, have released to the media still frames from a video taken during one episode in the course of his captivity in a South Carolina Naval brig.

In June 2002, the Bush administration alleged that Padilla, an American citizen, was an Al Qaeda operative who was planning to manufacture and detonate a radioactive “dirty bomb” in the US. Bush declared Padilla an “enemy combatant” and on this basis deprived him of all due process rights guaranteed under the US Constitution.

Amid sensational headlines, Padilla was placed under military detention, denied legal counsel or any form of judicial process, and locked away in solitary confinement under the most inhuman conditions.

Padilla, now 36, was considered a “test case” in the Bush administration’s assumption of extraordinary powers, justified in the name of the “war on terror.” These include the supposed right of the president, simply on his own say-so, to declare any individual an “enemy combatant,” whether or not he is captured on a battlefield (Padilla was arrested in the US, at Chicago’s O’Hare International Airport), and lock him up indefinitely.

Last fall, having suffered a number of reverses in the federal courts and facing a Supreme Court review of Padilla’s military confinement, the Bush administration removed him from the Naval brig and charged him in a criminal indictment on terrorism charges unrelated to the “dirty bomb” allegations that were used to throw him into a legal black hole in the first place.

He is now imprisoned in Florida, and his lawyers are seeking to get the criminal charges against him thrown out on the grounds that he was subjected to systematic torture while under military detention and denied his constitutional rights.

The video images themselves, which made the front pages of major newspapers across the US on Monday, depict one of the few interruptions of Padilla’s three-year-and-eight-month incarceration and solitary confinement—when he was taken to the dentist for a root canal operation.

In the video, Padilla first extends his bare feet out of a small opening at the bottom of his cell door. They are then manacled. His hands, extended through a different window, receive the

same treatment. His three guards, dressed in camouflage battle uniforms with their riot helmet visors down, open the door and remove Padilla from the cell.

Padilla is submissive and docile during the entire encounter. He gets a brief glimpse of the barren corridor outside his cell before blacked-out goggles and a noise-canceling headset are affixed to his head.

There are 16 cells in the unit—8 on the upper level and 8 on the lower level—but Padilla’s is the only one occupied. He is then marched off, flanked by his captors.

The methods depicted in these images, employed under direct order from the highest levels of the US government, are those normally associated with police-state regimes. Taken together, the images reveal one episode in the systematic and sadistic destruction of a human personality. Every action on the part of Padilla’s captors was undertaken to cause discomfort, hopelessness and depression, and ultimately to break his will to live.

Lawyers for Padilla filed a motion October 4 in the US District Court in the Southern District of Florida asking the court to throw out the criminal charges against their client on the grounds that he was tortured while in the custody of the US military. The legal brief provides a harrowing description of systematic mental and physical torture, including prolonged isolation, shackling and stress positions, and the administration of psychotropic drugs.

Only a week before the filing of the brief, the US Congress passed the Military Commissions Act of 2006, which codifies in US law the concept of “unlawful enemy combatant” and sanctions the continued torture of prisoners held by the American military and intelligence agencies. It denies people held at Guantanamo Bay and other US prison camps the fundamental right of habeas corpus—the right to challenge their detention in court—and deprives them of basic due process protections guaranteed by the US Constitution.

The premise of the lawyers’ argument is that Padilla’s treatment was so egregious that the government has forfeited the right to prosecute him, and that any such prosecution would be a violation of his due process rights. There is a tradition in US law that when treatment “shocks the conscience,” not only must the specific evidence obtained during the treatment be

rejected, but the entire case must be thrown out.

The military has openly admitted that its treatment of Padilla has been designed to create a sense of complete helplessness. The filing quotes Vice Admiral Lowell Jacoby, director of the Defense Intelligence Agency, as stating in January 2003 that “only after such time as Padilla has perceived that help is not on the way can the United States reasonably expect to obtain all possible intelligence information” from him. He was deprived access to a lawyer for two years because communication would disrupt “the sense of dependency and trust” necessary for the interrogation.

According to the filing, “In an effort to gain Mr. Padilla’s ‘dependency and trust,’ he was tortured for nearly the entire three years and eight months of his unlawful detention. The torture took myriad forms, each designed to cause pain, anguish, depression and, ultimately, the loss of the will to live.”

The lawyers state that the basic ingredient of this torture was “stark isolation for a substantial portion of his captivity”—from June 9, 2002, to March 2, 2004. It was only in March 2004 that Padilla was provided access to a lawyer.

In addition to prolonged solitary confinement, Padilla was subjected to sensory deprivation. “His tiny cell—nine feet by seven feet—had no view to the outside world. The door to his cell had a window. However, it was covered by a magnetic sticker, depriving Mr. Padilla of even a view into the hallway and adjacent common areas of his unit. He was not given a clock or a watch and for most of the time of his captivity, he was unaware whether it was day or night, or what time of year or day it was.”

“In addition to his extreme isolation,” the filing continues, “Mr. Padilla was also viciously deprived of sleep. This sleep deprivation was achieved in a variety of ways. For a substantial period of his captivity, Mr. Padilla’s cell contained only a steel bunk with no mattress.... A number of ruses were employed to keep Mr. Padilla from getting necessary sleep and rest,” including loud noises throughout the night.

To complete his sense of isolation, Padilla was denied reading material and even, at one point, the mirror in his tiny room. “He was never given any regular recreation time. Often, when he was brought outside for some exercise, it was done at night, depriving Mr. Padilla of sunlight for many months at a time. The disorientation Mr. Padilla experienced due to not seeing the sun and having no view on the outside world was exacerbated by his captors’ practice of turning on extremely bright lights in his cell or imposing complete darkness for durations of twenty-four hours, or more.”

More direct forms of torture were also used, including being placed in physically stressful positions for extended periods of time. “He would be shackled and manacled, with a belly chain, for hours in his cell. Noxious fumes would be introduced to his room causing his eyes and nose to run. The temperature of his cell would be manipulated, making his cell extremely cold for long stretches of time. Mr. Padilla was denied even the smallest

and most personal shreds of human dignity by being deprived of showering for weeks at a time, yet having to endure forced grooming at the whim of his captors.”

Interrogators lied to Padilla about where he was and threatened to deport him to places, including Guantánamo Bay, where they said his treatment would be even worse. “He was threatened with being cut with a knife and having alcohol poured on the wounds. He was also threatened with imminent execution.... Often he had to endure multiple interrogators who would scream, shake, and otherwise assault Mr. Padilla. Additionally, Mr. Padilla was given drugs against his will, believed to be some form of lysergic acid diethylamide (LSD) or phencyclidine (PCP), to act as a sort of truth serum during his interrogations.”

“Apart from the psychological damage done to Mr. Padilla,” the filing states, “there were numerous health problems brought on by the conditions of his captivity. Mr. Padilla frequently experienced cardiothoracic difficulties while sleeping, or attempting to fall asleep, including a heavy pressure on his chest and an inability to breathe or move his body.

“In one incident Mr. Padilla felt a burning sensation pulsing through his chest. He requested medical care but was given no relief.... The strain brought on by being placed in stress positions caused Mr. Padilla great discomfort and agony. Many times he requested some form of pain relief but was denied by the guards.”

Padilla’s attorneys contend that as a result of this sadistic treatment, their client has been so damaged mentally and emotionally as to complicate their efforts to prepare their case in his behalf. They have been forced to ask that Padilla not be allowed to testify in his own defense.

The attorneys report that Padilla is passive, friendly and likes to hear how the Chicago Bears football team is doing, but when they bring up questions relating to the charges against him, the Naval brig where he was held, or the interrogations to which he was subjected, he begins to twitch and contort his manacled body, and is unable to answer.

“Mr. Padilla remains unsure if I and the other attorneys working on his case are actually his attorneys or another component of the government’s interrogation scheme,” public defender Andrew G. Patel, who has represented Padilla since the beginning of his incarceration, recently told the *New York Times*.



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