

# CIA contractors settle ACLU torture lawsuit

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The American Civil Liberties Union (ACLU) has announced a settlement in *Salim v. Mitchell*, the lawsuit brought on behalf of three victims of Central Intelligence Agency (CIA) torture against the two private contractors, psychologists James Mitchell and John “Bruce” Jessen, who designed and implemented the CIA’s torture program in 2002. The settlement terms are confidential.

Paul Hoffman, one of the lead ACLU attorneys, explained in an exclusive interview with the WSWS, “As soon as the ACLU read the Senate Intelligence Committee report executive summary released in December 2014, we knew that we could sue Mitchell and Jessen under the Alien Tort Claims Act because they were private citizens not entitled to government sovereign immunity.”

The ACLU was already in contact with torture victims Suleiman Abdullah Salim and Mohamed Ahmed Ben Soud. Both agreed to appear as plaintiffs. The remaining plaintiffs are the wife and four daughters of Gul Rahman, an Afghan detainee who died during his November 2002 interrogation.

The jury trial was scheduled to begin in Spokane, Washington, on September 5 after failed attempts by Mitchell and Jessen and the Trump administration to dismiss the case based on claims of government immunity and state secrets.

Hoffman said that a settlement agreement was reached only after United States Senior District Judge Justin L. Quackenbush, a Jimmy Carter appointee, denied the contractors’ motion for summary judgment earlier this month, ruling that there was sufficient evidence for a jury to hear all aspects of the case.

“Judge Quackenbush seemed genuinely offended by the defendants’ conduct and allowed all three of our theories under the Alien Tort Claims Act—war crimes, torture and human experimentation—to go forward at trial,” Hoffman said, adding, “The lawyers wanted the

exposure of a public trial, but the settlement was in the best interests of the clients, under all the circumstances.”

The “human experimentation” claim refers to the psychologists’ alleged violations of the Nuremberg Code enacted in 1947 to provide the basis for the prosecution of doctors who conducted sadistic, twisted medical experiments on Nazi concentration camp inmates.

Mitchell and Jessen developed their “enhanced interrogation” techniques based on animal experiments from the 1960s, establishing that when dogs are shocked by electricity, those given the chance to avoid pain did so quickly, while those who were not able to escape pain initially eventually did not even try, even when given a clear opportunity to do so, a state of mind labeled “learned helplessness.”

Mitchell and Jessen’s first guinea pig was Abu Zubaydah, who remains incarcerated at Guantanamo Bay. According to the Senate Report, Mitchell and Jessen personally slammed Zubaydah into walls and locked him in coffin-like boxes for hours at a time. During one session on the waterboard, Zubaydah “became completely unresponsive, with bubbles rising through his open, full mouth.”

Between torture sessions, Zubaydah was held in solitary confinement, naked, hooded, on a liquid diet, and chained in stress positions designed to cause pain and sleep deprivation. Loud rock music blared constantly in his blinding white-lit cell. Illustrating “learned helplessness,” one government report states that when an interrogator—most likely Mitchell or Jessen—would snap his finger twice, “Abu Zubaydah would lie flat on the water board.”

Suleiman Abdullah Salim was a fisherman from Zanzibar, Tanzania, abducted while in Mogadishu, Somalia, in 2003. He was kept in a pitch black cell and subjected to ear-splitting heavy metal music around the

clock, doused with ice-cold water, beaten, slammed into walls, hung from a metal rod, chained in stress positions for days at a time, starved, and deprived of sleep.

According to Hoffman, who worked closely with Salim during discovery and trial preparation, “The most sickening torture to me was when they crammed Suleiman into a box so small that he could hardly move enough to breathe. It was pitch dark and he almost asphyxiated on his own vomit. He thought that he was never getting out of the box, but they opened it after more than an hour.”

In 2008, without charges ever being leveled, Salim was returned to his native Zanzibar with a letter stating that he posed no threat to the United States. His family had heard nothing of him for five years and presumed him dead. “The other side said he was involved with terrorism, but they were never able to prove that at all,” Hoffman said, adding, “He now lives in Zanzibar and is involved mostly in fishing.”

The CIA abducted Libyan Mohamed Ahmed Ben Soud in 2003 from his home in Pakistan, where he lived in exile with his wife and infant child. “Mohamed spent most of his adult life as a freedom fighter opposed to the regime of Muammar Gaddafi,” according to Hoffman, “and was never involved in any other political activity. The US went after him when Gaddafi was favored. Now with the political changes in Libya his politics are no longer considered terrorist.”

At the prison code-named COBALT in Afghanistan, Ben Soud was chained to the wall in a dungeon-like cell, starved, with no bed, blanket, or light. A bucket served as his toilet. Ear-splitting music pounded constantly. The stench was unbearable. He was kept naked for weeks. He wasn’t permitted to wash for five months.

Hoffman recounted that at one point, guards “had him hanging naked by his arms from a metal rod where he balanced on the tips of his toes.” His legs became engorged with fluid, and he started to hallucinate from lack of sleep, according to the Senate Report.

Ben Soud has returned to Libya, where he lives with his family. “To this day he cannot listen to any form of music at any volume,” Hoffman said.

A team of CIA and Pakistani agents abducted Gul Rahman while he was in Islamabad for medical treatment, apparently mistaking him for someone else.

According to the Senate Report, on November 20, 2002, after being brutally tortured for some two weeks by a team of CIA interrogators that included Jessen, he was found dead in his cell. An autopsy report and internal CIA review found that Gul froze to death, with the contributing factors of “dehydration, lack of food, and immobility due to ‘short chaining.’” Gul’s family has never been formally notified of his death, nor has his body been returned to them for burial.

No one has been held accountable for his murder. The CIA officer trained by Jessen, who tortured Rahman up until the day before he was found dead, received a \$2,500 bonus for “consistently superior work.”

That was peanuts. From 2001 until 2005, the CIA paid Mitchell and Jessen \$1.5 million and \$1.1 million, respectively. In 2005, they formed a company, Mitchell, Jessen & Associates, to supply the CIA with more personnel to help implement and expand their torture program. Over the next five years, the company received \$81 million for torture services.

The settlement constitutes a de facto admission that both psychologists, as well as their contacts in the US government, are war criminals. Nevertheless, the corporate-controlled media has been largely silent on the settlement, and no one among the Trump administration’s supposed opposition in the Democratic Party are calling for prosecutions.

President Trump calls openly for reinstating and expanding the CIA torture program. Under President Obama, the government prosecuted only a handful of low-level soldiers and one CIA contractor for prisoner abuse. “We tortured some folks,” Obama famously acknowledged a few months before the release of the Senate Report.



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