

Seton Hall Law School report exposes new details of CIA torture program

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Seton Hall University School of Law's Center for Policy and Research issued a highly significant report on Wednesday called "How America Tortures." The report provides a detailed description of the origins, legal justifications for and nature of the torture program carried out by the US government in the aftermath of the events of September 11, 2001.

Significantly, the report includes graphic depictions by Abu Zubaydah—the first detainee to be subjected to the "enhanced interrogation techniques" approved by the White House of President George W. Bush—of his torture by the CIA. In hand-drawn illustrations and extensive written notes, Zubaydah reveals to the world the barbaric treatment he was subjected to during his more than four years of imprisonment at a US black site in Thailand beginning in August 2002.

The chilling drawings—which comprise the first eight pages of the Seton Hall report—show how Zubaydah saw himself as he was tortured in a series of CIA techniques. Among these are being confined to a small box, shackled at the wrists above his head and at the ankles such that his toes barely touch the floor, shackled at the wrists and ankles and having the back of his head smashed against a wall by an interrogator (the face of the torturer is redacted), hooded and handcuffed to a chair and a very detailed drawing of the way he was water boarded. In all of these drawings, Zubaydah depicts himself completely naked.

The text portion of the Seton Hall report begins, "Americans may find it difficult to acknowledge that top officials in the West Wing of the White House and the Office of Legal Counsel of the Department of Justice orchestrated and poorly oversaw a horrific torture program that was responsible for the detention and interrogation of countless detainees. Sixteen years ago, the White House and the Department of Justice created a torture program and, through a series of legal memoranda,

attempted to immunize Central Intelligence Agency (CIA) agents from criminal liability."

The report goes on to explain that "virtually no attention has been paid to the specific details of the techniques that were used in America's name and too little investigation has gone into the specific uses that the CIA made of these techniques." The Seton Hall document further states, "This report presents the specific details of what the torture memos permitted and most importantly, how the techniques were implemented and applied."

The report was prepared by Professor Mark P. Denbeaux, the director of the Seton Hall University School of Law in Newark, NJ—who is also a lawyer for Zubaydah and several other detainees at Guantanamo Bay—and a group of his students.

Abu Zubaydah, a Palestinian whose real name is Zayn al-Abidin Muhammad Husayn, is a Saudi Arabian citizen who was arrested in Faisalabad, Pakistan on March 28, 2002 during a raid on a safe house involving the FBI and Pakistani intelligence. He was shot three times during the raid and, after receiving medical treatment for his wounds that saved his life, was shortly thereafter handed over to the CIA.

Although the capture of Zubaydah was publicized widely in the US press as a major victory in the "war on terror"—a significant factor in the decision by the White House to torture him—it was determined subsequent to his torture by US intelligence that Zubaydah had no advanced knowledge of the terror attacks of 9/11 and he was not a member of Al Qaeda.

Since that time, however, not one single CIA official or US government representative has been charged with a crime much less prosecuted for rendering Zubaydah and countless others to black sites and torturing them during the "war on terror." In fact, Zubaydah remains to this day at the US prison camp at Guantanamo Bay, Cuba and, with no plans to charge him with any crime, military

prosecutors intend to keep him there for the rest of his life.

In a press release accompanying the Seton Hall report, Professor Denbeaux explained, “In many ways, these illustrations of Abu Zubaydah are a testament to the triumph of the human will. He was subjected to treatment so egregious that the CIA sought and received official governmental assurances that their prisoner would ‘remain in isolation and incommunicado for the remainder of his life.’ The CIA even arranged for his cremation in the event he died, assuring what they hoped would be his silence even beyond the grave.”

Recalling methods employed in a medieval dungeon, the CIA torture of Zubaydah included a total of ten different techniques that were according to the report, “designed and approved to torture one person, Abu Zubaydah. All ten techniques were used upon him and, while he has not been allowed to speak, some of his descriptions of those experiences were declassified. They have not been previously examined.”

The Seton Hall report also makes a number of significant points about the process by which the Bush White House developed legal justifications for the torture of Zubaydah. It says, “As President Bush and his administration publicly went to war with the Taliban in Afghanistan, a separate, covert plan of action was taking place.” While Bush issued a Memorandum of Notification (MON) on September 17 that authorized the CIA to “capture and detain persons who pose a continuing, serious threat” to US interests, the agency had long before the issuing of the MON begun “making plans for where to open secret offshore detention facilities.”

In other words, just as the preparations for war against Afghanistan and Iraq had been drawn up well in advance of the 9/11 terror attacks, so too the CIA had developed plans to render individuals and begin torturing them at black sites around the world that were “outside the reach of the Red Cross and other bodies that monitor the treatment of prisoners of war.”

The report also explains the vital role played by the military contractors James Mitchell and Bruce Jessen—specialists in Survival, Evasion, Resistance and Escape (SERE) training for US military personnel—in the development of CIA torture techniques. Mitchell and Jessen developed simulated captivity and interrogation situations for US military training that then became the basis for the torture methods that were deemed “legal” by the White House for use against Zubaydah.

The Seton Hall report concludes with a description

Zubaydah’s capture, rendition and each of the torture methods by category—(1) persistent conditioning techniques (nudity, dietary manipulation, sleep deprivation and loud music interrogation), (2) physical contact techniques (insult slap, abdominal slap, facial hold and attention grasp), (3) coercive techniques (walling, water dousing, stress positions, wall standing, cramped confinement and waterboarding) (4) unapproved techniques (drugs, sexual abuse, rectal feeding and threats).

Among the most chilling parts of the report are Zubaydah’s drawings and descriptions of his experience being tortured. Describing being water boarded Zubaydah writes, “They kept pouring water and concentrating on my nose and my mouth until I really felt I was drowning and my chest was just about to explode from the lack of oxygen. [T]hat was the first time and the first day that I felt I was going to die from drowning.”

The document prepared by Professor Denbeaux and his team at Seton Hall is a devastating exposure of the criminality and barbarism employed by US imperialism in the first decade of the twenty-first century. Although the Obama White House formally banned CIA torture in 2015, the fact that not one of the officials who authorized it—President Bush, Vice President Cheney, Defense Secretary Rumsfeld, Secretary of State Rice and a host of other State Department and Pentagon officials—have ever been questioned, charged or prosecuted for violating US and international law demonstrates that such practices are still contemplated if not being carried out by US imperialism internationally today.



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