

Discussions Questions for October 13 – Group 4

*Questions:*

One set of questions about torture concerns what counts as torture and what doesn't. To help you answer these questions, I've presented a case study below. You should think about the answer to the following questions: (1) Suppose you were tasked with deciding what counts as torture and what doesn't and were thinking about the various items described in the article. Which (if any) would you say count as torture? Which (if any) would you say are not torture (2) Suppose you were trying to formulate a general definition for torture, a definition which would help us figure out what was torture and what wasn't. How would you do so?

*Case: (excerpted from "Rectal rehydration and waterboarding: the CIA torture report's grisliest findings" from The Guardian 11 December 2014)*

The .. CIA interrogation and detention programmes launched in the wake of the September 11 terror attack was laid bare in the long-awaited Senate report released on Tuesday.

Prisoners were subjected to "rectal feeding" without medical necessity. Rectal exams were conducted with "excessive force". The report highlights one prisoner later diagnosed with anal fissures, chronic hemorrhoids and "symptomatic rectal prolapse".

The report mentions mock executions, Russian roulette. US agents threatened to slit the throat of a detainee's mother, sexually abuse another and threatened prisoners' children. One prisoner died of hypothermia brought on in part by being forced to sit on a bare concrete floor without pants.

The CIA began the establishment of a specialised detention centre, codenamed DETENTION SITE COBALT, in April 2002. Although its location is not identified in the report it has been widely identified as being in Afghanistan. Conditions at the site were described in the report as poor "and were especially bleak early in the program".

The CIA chief of interrogations described COBALT as "a dungeon". There were 20 cells, with blacked-out windows. Detainees were "kept in

complete darkness and constantly shackled in isolated cells with loud music and only a bucket to use for human waste”. It was cold, something the report says likely contributed to the death of a detainee.

Prisoners were walked around naked or were shackled with their hands above their heads for extended periods of time. About five CIA officers would engage in what is described as a “rough takedown”. A detainee would be shouted at, have his clothes cut off, be secured with tape, hooded and dragged up and down a long corridor while being slapped and punched.

The CIA in the first half of 2003 interrogated four detainees described as having “medical complications in their lower extremities”: two had a broken foot, one had a sprained ankle and one a prosthetic leg.

CIA officers shackled each of them in a standing position for sleep deprivation for extended periods until medical staff assessed they could no longer maintain that position.

“The two detainees that each had a broken foot were also subjected to walling, stress positions and cramped confinement, despite the note in their interrogation plans that these specific enhanced interrogation techniques were not requested because of the medical condition of the detainees,” the report says.

... The report suggests Abu Zubaydah was a broken man after his extensive interrogations. In CIA documents he is described as having become so compliant that “when the interrogator raised his eyebrows” he would walk to the “water table” and sit down. The interrogator only had to snap his fingers twice for Abu Zabaydah to lie down, ready for water-boarding, the report says.

“At times Abu Zubaydah was described as ‘hysterical; and ‘distressed to the level that he was unable effectively to communicate’. Waterboarding sessions ‘resulted in immediate fluid intake and involuntary leg, chest and arm spasms’ and ‘hysterical pleas’. In at least one waterboarding session, Abu Zubaydah ‘became completely unresponsive, with bubbles rising through his open, full mouth’ ... Abu Zubaydah remained unresponsive until medical intervention, when he regained consciousness and ‘expelled copious amounts of liquid’.”

One CIA interrogator at COBALT reported that “‘literally, a detainee could go for days or weeks without anyone looking at him’, and that his team found one detainee who ‘as far as we could determine’, had been chained to a wall in a standing position for 17 days. Some prisoners were said to be like dogs in kennels: “When the doors to their cells were opened, they cowered.”