

CIA'S SELF-AUTHORIZATION FOR ICE-DROWNING HUMAN BEINGS

The WaPo has a story that repeats what I've been harping on for over a year (and in some cases, has been clear even longer): the Senate Torture Report shows that CIA repeatedly lied to Congress.

There are, however, ugly new details about the torture (though it's not clear whether they show up in the report): particularly regarding the treatment of Ammar al-Baluchi.

If declassified, the report could reveal new information on the treatment of a high-value detainee named Ali Abdul Aziz Ali, the nephew of Khalid Sheik Mohammed, the self-proclaimed mastermind of the Sept. 11 attacks. The Pakistanis captured Ali, known more commonly as Ammar al-Baluchi, on April, 30, 2003, in Karachi and turned him over to the CIA about a week later. He was taken to a CIA black site called "Salt Pit" near Kabul.

At the secret prison, Baluchi endured a regime that included being dunked in a tub filled with ice water. CIA interrogators forcibly kept his head under the water while he struggled to breathe and beat him repeatedly, hitting him with a truncheon-like object and smashing his head against a wall, officials said.

As with Zubaida and even Nashiri, officials said, CIA interrogators continued the harsh treatment even after it appeared that Baluchi was cooperating.

The report notes that two other prisoners – members of the Libyan Islamic Fighting Group – were subjected to similar treatment at the same time.

Two other terrorism suspects, from Libya – Mohammed al-Shoroeiya and Khalid al-Sharif – endured similar treatment at Salt Pit, according to Human Rights Watch. One of the men said CIA interrogators “would pour buckets of very cold water over his nose and mouth to the point that he felt he would suffocate. Icy cold water was also poured over his body. He said it happened over and over again,” the report says. CIA doctors monitored their body temperatures so they wouldn’t suffer hypothermia.

Ultimately, CIA got DOJ to authorize “water dousing” – in the manner that CIA always got DOJ to approve mere shadows of what they actually did, and the approval more closely matches the description of the LIFG prisoners – in the Bradbury Techniques Memo (see page 10). But not before it got used over and over at the Salt Pit (the same place where water dousing had already contributed to Gul Rahman’s death).

Which is, I’m quite certain, one thing that CIA was doing with the Legal Principles document, a set of legal guidelines the CIA wrote for itself (with John Yoo’s freelance help) as the CIA’s legal problems started to mount. As I’ve noted, the first draft of the memos got hand-carried to John Yoo on April 28, 2003, just as these detainees were in the Salt Pit. There were several more discussions internally at CIA **in anticipation of litigation** before they tried (unsuccessfully) to create a *fait accompli* with Pat Philbin on June 16, 2003. At that point, the document only generally approved techniques equivalent to those already approved. As CIA would later explain,

We rely on the applicable law and OLC

guidance to assess the lawfulness of detention and interrogation techniques. For example, using the applicable law and relying on OLC's guidance, we concluded that the abdominal slap previously discussed with OLC (and mentioned in the June 2003 summary points) is a permissible interrogation technique. Similarly, in addition to the sitting and kneeling stress positions discussed earlier with OLC, the Agency has added to its list of approved interrogation techniques two standing stress positions involving the detainee leaning against a wall.

I guess, in similar fashion, John Yoo and his CIA buddies believe ice-drowning is equivalent, as another kind of simulated drowning, to waterboarding, which had been approved?

Then the next year, when Scott Muller tried the same trick with Jack Goldsmith – trying to get him to sign off on the techniques CIA had freelanced its own legal opinion – he asked to include water dousing (and another water-based technique and one still-redacted technique) explicitly. Of course, the description of water dousing fell far short of what the CIA was actually doing – dunking men in ice-water repeatedly – though the outlines, especially the concern about detainees ingesting water and hypothermia – show the outlines of the torture such language was meant to gloss.

To understand the CIA's torture program, you have to understand what these bureaucratic maneuvers were meant to cover.

Now we know they were intended to authorize controlled drowning of men in ice water.