

WORKING THREAD: DOJ IG REPORT ON TORTURE

William Ockham and masaccio have been making very interesting comments about the DOJ IG report on torture for the last several days, and I decided it was high time to put up a working thread on the report.

To kick us off, let me point to a long masaccio comment in which he explores the apparent plan—subsequently scotched—to transfer al-Qahtani out of Gitmo so he could be tortured more aggressively.

WilliamOckham asked on an earlier thread about the redactions in the chapter on Al-Qahtani. I have been looking at that chapter, and I am pretty sure the missing word is transfer or transport. Most of the deletions to that point in the report relate to one of three things: detention locations other than Iraq, Bagram, and GTMO; techniques of interrogation used on specific people; and agencies, probably including the CIA and perhaps its personnel and divisions.

When we get to Chapter 5 on Al-Qahtani, we see the redaction in question. Apparently the point of interviewing him was to see what he could tell people about the 9/11 attacks, since he was believed to be the twentieth hijacker. In line with the other redactions, we see CIA, or some other three letter word redacted, and more redactions of techniques and people. We get a real hint about the word transfer or transport from footnote 71, which specifically states that there was a proposal to move Al-Qahtani to Jordan or Egypt to allow them to use other techniques. This appears in the text at least once, at page 88. The use of SERE techniques is raised, and footnote 62

says that these include dietary manipulation, sleep deprivation, nudity and waterboarding. There are several other mentions of the use of waterboarding.

There are several references to the intention of the military to very aggressive techniques, using words like relentless, and sustained attack (p. 90). Then there is this:

According to the FBI, [its agents] had concerns not only about the proposed techniques, but also about the “glee” with which the would-be participants discussed their respective roles in carrying out these techniques and the “utter lack of sophistication” and “circus-like atmosphere” within this interrogation strategy session.

This lead me to speculate that the key to the redaction is that the transfer in question is not the transfer to Jordan or Egypt, but to an American black site where US personnel or contractors would torture him. Since waterboarding is mentioned, and other techniques are deleted, I think there is a chance the redacted techniques may be even more medieval.

There are two other interesting things. First, the whole discussion is in the context of deciding whether the FBI or the DoD would head up the interrogation. The FBI took the position that its techniques were best if they were given plenty of time for them to work, while DoD should take the lead if there was an immediate need for military intelligence. Once Al-Qahtani was captured, it seems obvious that FBI should take the lead, since their

techniques had proven successful and accurate, given time. But the military just steamrolled them.

The second thing is the porous memory of Alice Fisher, who “did not recall” much of anything. Other people told the OIG they talked to her, and she just doesn’t remember the substance of those discussions. There is a nice example on page 98.

One thing I’d add to support masaccio’s argument that the treatment in question went beyond water-boarding is that they always refer to the treatment that Abu Zubaydah underwent—not the one that Khalid Sheikh Mohammed did (not to mention al-Nashiri). That suggests the possibility that there’s something Abu Zubaydah underwent that the other two confirmed detainees who were water-boarded did not undergo.

Update: per masaccio’s suggestion, let’s cite page numbers according to the page number in the PDF reader rather than the actual page number. This will make it easier to find each other’s references. So, for example, instead of referring to the page numbered as 18, refer to 61/438.