

DOD'S LATEST BLACK SITE

Fresh off of the ICRC's confirmation that DOD has a black site in Bagram, Marc Ambinder has a long piece on it, describing it as run by part of the DIA, the Defense Counterintelligence and Human Intelligence Center, and downplaying, somewhat, what its use of Appendix M might mean. For example, he describes the Appendix to cover just short bouts of sleep deprivation and some sensory deprivation.

However, under secret authorization, the DIA interrogators use methods detailed in an appendix to the Field Manual, Appendix M, which spells out "restricted" interrogation techniques.

Under certain circumstances, interrogators can deprive prisoners of sleep (four hours at a time, for up to 30 days), to confuse their senses, and to keep them separate from the rest of the prison population. The Red Cross is now notified if the captives are kept at the facility for longer than two weeks.

When interrogators are using Appendix M measures, the Undersecretary of Defense for Intelligence, Gen. James Clapper (Ret.) is the man on the hook.

I think Ambinder has just not clearly stated the sleep deprivation restrictions (which require 4 hours of sleep in a 24-hour period, but which would therefore allow for 40 hour periods of consecutive sleep deprivation). And the limits in Appendix M make it clear that environmental manipulation (with noise, heat, cold, or even water) is still permitted, just not excessive amounts of it.

Care should be taken to protect the detainee from exposure (in accordance with all appropriate standards

addressing excessive or inadequate environmental conditions) to—

- Excessive noise.
- Excessive dampness.
- Excessive or inadequate heat, light, or ventilation.
- Inadequate bedding and blankets.
- Interrogation activity leadership will periodically monitor the application of this technique.

Use of separation must not preclude the detainee getting four hours of continuous sleep every 24 hours.

Oversight should account for moving a detainee from one environment to another (thus a different location) or arrangements to modify the environment within the same location in accordance with the approved interrogation plan.

Which would be utterly consistent with BBC's report that detainees there were subject to cold cells, constant light, and sleep deprivation.

There are a lot of interesting details in Marc's piece. But perhaps the most amusing is the Orwellian non-denial denial from DOD's spokesperson, Brian Whitman:

"DoD does operate some temporary screening detention facilities which are classified to preserve operational security; however, both the [Red Cross] and the host nation have knowledge of these facilities," said Bryan Whitman, a Pentagon spokesperson. "Screening facilities help military officials determine if an individual should be detained further and assists military forces with timely information vital to ongoing operations."

[snip]

"In all our facilities the standard is humane treatment and all DoD detention facilities are required to be compliant with Common Article III, The Detainee Treatment Act, the Executive Order signed by the President last year, and the DoD Detainee Directive and the Army Field Manual," Whitman said.

Yes, Whitman affirms, there are "temporary screening facilities." Red Cross and Afghanistan knows about them (of course, Ambinder's story is partly a response to a story reporting the Red Cross confirmation that this prison exists). Screening facilities both help the military determine whether someone should be detained further (which suggests a temporary arrangement) and assists with timely information vital to ongoing operations (which suggests a more extensive arrangement). The facilities comply, Whitman claims, with Common Article III, DTA, Obama's Executive Order, and the Army Field Manual. Which is, of course, a testament to how prisoner abuse remains nestled in Appendix M. We know the original approval for this (DOJ claims this memo is no longer valid) approved the Appendix separate from and long before the techniques as they currently exist were finalized (so it's not clear whether anyone has actually confirmed **these techniques** comply with Common Article III). And Obama's entire Executive Order was based on the Army Field Manual, which includes Appendix M, which includes vague outlines of these techniques as permissible. It's all very neat really.

One more unrelated detail (though you should read Ambinder's entire post). As the name "Defense Counterintelligence and Human Intelligence Center" suggests, the same organization doing these interrogations is the same that took over the Counterintelligence Field Activity duties of domestic spying.

Not that that should concern us at all.