Terrorist for Sale

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The Guantánamo Effect: Exposing the Consequences of US Detention and Interrogation Practices by Laurel Fletcher and Eric Stover
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There were 245 detainees at Camp Delta in Guantánamo when President Obama was sworn in this year and there are now about 220. When Guantánamo is mothballed, as he wants, some 80 of those will get asylum in a third country or find themselves repatriated. The US administration aims to prosecute around 60 others and hold the rest indefinitely, because they can’t be brought to trial – the evidence against them is flawed, often by harsh interrogation methods – or because it’s thought too dangerous to release them. Most of the remaining detainees are Yemenis, and al-Qaida followers are mustering in Yemen. The idea therefore is to transfer prisoners for trial or indefinite detention to maximum security jails on the mainland, one in Michigan, another in Kansas, but this has run into trouble in the House of Representatives. Guantánamo was always a disgrace; now it’s a logistical headache.

What will become of those distant, shimmering figures in orange jumpsuits living in customised containers at Camp Delta, once Obama has his way? A study by Laurel Fletcher and Eric Stover, human rights theorists and professors of law at Berkeley, sketches a few of the answers. From January 2002, when the first detainees were flown into the base, until October 2008, when the authors’ research ended, nearly 800 individuals from 46 different countries were detained in Guantánamo. The number of inmates spiked at about 660 in the summer of 2003 and fell, over the next two years, to about 250. Fletcher and Stover have put together ‘in-depth’ interviews with 62 of the roughly 550 former inmates to build ‘a comprehensive picture of life inside Guantánamo and the effect of incarceration on the lives of detainees and their families’. They have also collected testimony about the US bases in Afghanistan, at Bagram and Kandahar, and heard the views of ‘key informants’: lawyers and NGO staff, US government officials, personnel stationed in Guantánamo, and a US army officer in Afghanistan. Most of this succinct and worrying book is about detention itself, but an intriguing section goes on to look at ex-detainees trying to piece together the semblance of lives after their ordeal.
What kind of reception can they expect from the authorities at home? The people waiting to greet them in the airport, after all, will not be friends or relatives. Of the 500-plus transferred from Guantánamo to the custody of other governments, Fletcher and Stover report, ‘scores’ have been detained and interrogated and some have been abused – think of it as ‘ordinary rendition’. One man who took part in their survey describes being forced by security officers to take hallucinogenic drugs that made him see ‘snakes coming from beneath the floor’. Yet these seem to be the exceptions: most of the respondents were released within three days of their return.

For some, the taint of Guantánamo has stuck: they were greeted with suspicion, whether as terrorists or American spies, and even threatened in their local communities, especially if home happened to be in Europe. Others, treated as heroes, came back to lavish celebrations, though it was clear the party couldn’t last: the crushing effect of detention on a person’s wealth and his family’s is an incidental part of Fletcher and Stover’s study, but their research makes the war on terror look every bit like an opportunity for unscrupulous wealth transfer. In the churning and pillaging, the detainees have been net losers. ‘I have lost everything as a result of being detained in Guantánamo,’ an Afghan respondent said. ‘I’ve lost my property. I’ve lost my job. I’ve lost my will … There isn’t any work for me in Afghanistan.’ One of several detainees who now rely on long-term medication for mental or physical conditions post-Guantánamo, he could not afford his prescription. And this from another destitute, unemployable Afghan returnee, whose family couldn’t or wouldn’t deal with him: ‘I have a plastic bag holding my belongings that I carry with me all the time. And I sleep every night in a different mosque. And that is my situation.’

Only six of the 62 respondents said they were in full-time work; 34 had no work at all. A majority believe that the US government should offer them compensation for ‘wrongful imprisonment’. ‘If they have any proof regarding my case,’ one remarked, ‘and even if they find me guilty now, I’m ready to be punished; otherwise they should compensate me.’ Fletcher and Stover tend to agree. They call for a non-partisan commission to investigate the detention policy in Guantánamo and all the so-called ‘black sites’, and go on to raise the possibility of compensation when rights have been clearly violated. Which covers most of the cases in this study.

Money, it turns out, is not simply an issue to be faced at the point of release. It is present throughout the life-cycle of unlawful detention and explains how hundreds of people who should never have had a finger laid on them ended up in Guantánamo. America’s excursion to ‘the dark side’, announced by Dick Cheney a few days after 9/11, opened the door to a new form of racketeering. In Afghanistan and Pakistan especially, people were sold into captivity for sizeable sums. Their families were then exploited by syndicates, offering to get detainees out of custody. Bounty notes, dropped over Afghanistan and north-west Pakistan in October 2001, primed the market for captive Muslim males. They promised ‘enough money to take
care of your family, your village, and your tribe for the rest of your life’ in return for
information about Taliban and al-Qaida fighters. More than a third of Fletcher and Stover’s
respondents ‘said they knew, either from personal observation or being told by US or
Pakistani officials, they had been sold to the United States’. One man taken in Pakistan
described ‘hearing American voices counting out money’ as he waited, hooded and shackled,
to board a plane. ‘We could hear [the Americans] counting money and saying to the
Pakistanis: “Each person is $5000. Five persons, $25,000. Seven persons, $35,000.”’ In
Afghanistan, you were at risk if you’d been involved in a village dispute. One ex-detainee
explained that his capture was ‘just a business’: ‘People were sold to the US soldiers. In my
case I had personal feuds with people where I was living.’ As dozens of men were put up to
willing buyers, there was looting and confiscation on the side. One Afghan lost the entire
contents of his pharmaceutical store, another had $45,000 taken from his house, he claims,
by US and Afghan forces.

Move forward a few years to look at the families of people trafficked into oblivion; double-click
on Afghanistan (221 Afghans have been detained in Guantánamo). Among distressed relatives,
mental and physical symptoms have started to appear. The family economy has taken a huge
blow or ground to a standstill. Children, guilty by association with terrorism (or alternatively
with ‘America’), are ostracised at school and dropping out. Some families have seen their land
seized by government officials for personal use – bribes will be needed to get it back. Others
have sold property to fund the long process of fighting for a detainee’s release. People are also
leaving their jobs and taking out loans to the same end. Cash is being paid to corrupt
bureaucrats who make encouraging noises about the whereabouts of detainees. The amounts
spent on phoney ransoms, bribes or more useful lines of inquiry vary, but an interviewee who
did the sums for his own family came up with a figure of $60,000. One hundred and
ninety-two Afghans have returned to their country from Guantánamo. Of those in the study,
none received a penny from the US, or from the Afghan government. Some were handed a
Red Cross allocation, between $10 and $14, to see them from the airport to their homes;
others didn’t even get that.

As for the practices in Guantánamo, Bagram and Kandahar, including assault and abuse,
much of the detail reiterated here makes the call for a commission of inquiry hard to brush
aside. Among the items that Fletcher and Stover deal with: two deaths in custody at Bagram
in December 2002 and a third, unreported except by one of their respondents, probably
around the same time. Countless episodes of isolation, in a ‘short shackle’ – chained to the
floor in a stressful position – often with loud music and flashing lights, in very low
temperatures, for long periods. Suspension by chains from the ceiling. Harming by manaceling,
punching, slamming into walls and pushing down stairs when hooded. Psychological stress:
sleep deprivation (monitored on wall charts erased before Red Cross visits); isolation again,
but also sexual and religious humiliation. The point, for Fletcher and Stover, is that any single
technique, physical or psychological, applied to a prisoner to weaken his resistance might be called ‘enhanced’, but a combination of the techniques, applied simultaneously or in sequence, over weeks or months, is torture. Six of their respondents said they tried to kill themselves at Guantánamo. The study refers to three confirmed suicides and two deaths that may have been suicides in 2007; it suggests there were at least 120 attempts by inmates to hang themselves in 2003 alone – authorities log these under the heading ‘manipulative self-injurious behaviour’.

Fletcher and Stover are worried by the rapid erosion of the Army Field Manual ‘guiding rule’ that no interrogator should use a technique he or she would not want used on a US soldier. Yet, as they recall early on, many of the ‘enhanced’ techniques used on detainees at Guantánamo were drawn from a training programme – Survival, Evasion, Resistance and Escape (SERE) – designed to prepare US soldiers for capture by foreign intelligence services. The programme was simply reverse-engineered: in September 2002 a group of Guantánamo interrogators attended a SERE conference in Fort Bragg, and two months later a team of SERE instructors flew to the base to run a training course for the personnel.

Medical ethics is another disturbing area of the study. In 2006, the American Medical Association and the American Psychiatric Association tightened up their guidelines for members working with the military, after it emerged that psychologists and doctors were complicit in the interrogation process. Psychologists, drafted in as members of the Behavioural Science and Consultation Team, have advised interrogators and camp guards on methods and approaches and, in the search for detainees’ weak points, interrogators have had access to medical records, with or without objections from staff. Medical treatment has also been withheld unless a detainee co-operates with his interrogators.

The results of ad hoc detention and abuse, from rounding-up to release, have been disappointing for the US, in moral, security and legal terms. A country in breach of its international obligations on at least three counts (the Universal Declaration of Human Rights, the Third Geneva Convention and the UN Convention against Torture) may be obeyed but it is nowhere admired. Then too, the policy has produced minimal results in terms of identifying and charging ‘unlawful combatants’ – only 23 criminal charges preferred so far, about one for every 30 detained. In 2003, a top secret CIA report concluded that a third of the 600 detainees in Guantánamo had no connection with ‘terrorism’. The camp commander, Major-General Michael Dunlavey, later said it was more like half. The FBI wouldn’t even buy that: one of its counter-terrorism experts told a National Security Council committee that ‘there were at most only 50 detainees worth holding.’ As for intelligence extracted in Guantánamo and the black sites, there’s good reason to be sceptical. For a start, so many captives had nothing to do with al-Qaida or its supporters. Then too, the SERE techniques were derived from the Korean war, where Communist interrogation methods used on American prisoners – the techniques now applied on Guantánamo detainees – may have elicited information, but it
was often unreliable.

Yet what if the need for information and prosecution was not the compelling motive for extrajudicial detention? And what if the Guantánamo effect only makes sense once we see it as the application of a ‘terror’ thought to be commensurate with that of al-Qaida? Word travels fast: a policy of arbitrary round-ups, incarceration and prisoner abuse is purposeful and spectacular; it sends frightening signals about the vulnerability of the innocent and strikes a blow at the symbolic infrastructure of the enemy. The ‘cultural’ humiliation of detainees and the desecration of copies of the Quran were the whispered travesties of this approach, destined to become loud proclamations of American wrath. Within 18 months of the start of Operation Enduring Freedom, the extent of reciprocated terror had been fully disclosed at Abu Ghraib. People may have been shocked, but they quailed too. In order to create fear, both sides have used intoxicating imagery and targeted individuals only remotely affiliated with the enemy, by working in buildings on his territory, by sharing his national identity or by worshipping his god. Perhaps for its part the Bush administration hoped to introduce a degree of symmetry into an asymmetrical conflict and redress the balance of dread, which tipped so drastically against the US on 9/11.

In any case it seems clear that when Bush, Cheney and Rumsfeld pushed through the use of ‘enhanced’ interrogation techniques, they meant to transpose the logic of ‘shock and awe’ from the bombing sortie to the detention cell. When Alan Dershowitz threw open the question of torture, he was on message, dressing up the wish to inflict punishment as an empirical issue. Bush’s strong men, his legal counsel and his intellectuals were of a piece. The CIA was also in the loop. But plenty of military were opposed from the start to Muslim prisoner abuse and said so. Senior legal advisers – for the navy and the Defense Department itself – were quick to express the misgivings of armed services personnel who’d been in Guantánamo. The FBI was unhappy too. According to a Justice Department review issued last year, the bureau decided early on – in 2002 – not to take part in joint interrogations with other agencies whose methods were out of order. For ‘other agencies’ read the CIA and contract interrogators sent out to the base, under orders from Rumsfeld, by the Defense Department. But all objections were stifled and the policy prevailed.

Fletcher and Stover asked respondents if their attitude towards the US had changed after doing time in America’s offshore facilities. Not all were prepared to reply, but a handful said that their view ‘remained generally positive’. Maybe they are the lucky ones, spared the worst of black site management; or exemplary Muslims; or simply too frightened to say what they think. Or perhaps they’ve managed to keep in mind the many Americans appalled by what has happened, including the military, who knew it was a dangerous and cowardly mistake.