

'Michael Otterman's powerful book ... should be compulsory reading for everyone with concerns over human rights.' ROD BARTON, FORMER DIRECTOR OF INTELLIGENCE (AUSTRALIA), WEAPONS INSPECTOR AND ADVISOR TO THE CIA (IRAQ)

AMERICAN LEAN TOW- TURE

FROM THE COLD WAR TO ABU GHRAIB AND BEYOND
MICHAEL OTTERMAN

AMERICAN TORTURE

From the Cold War to Abu Ghraib and Beyond

MICHAEL OTTERMAN

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LIST OF ACRONYMS

ABC	Australian Broadcasting Company
ACLU	American Civil Liberties Union
APA	American Psychological Association
ASIO	Australian Security and Intelligence Organisation
BSCT	Behavioral Science Consultation Team
CAT	UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CDRB	Canadian Defence Research Board
CI	counterintelligence
CIA	Central Intelligence Agency
CID	Criminal Investigation Division
CITF	Criminal Investigation Task Force
CT	counter-terror
CTC	Counterterrorism Center
DDD	debility, dependency and dread
DHA	Defence Housing Authority
DHS	Defense Human Intelligence Service
DIA	Defense Intelligence Agency
DOD	Department of Defense
DOJ	Department of Justice
EPW	Enemy Prisoner of War
FBI	Federal Bureau of Investigation
FM	Field Manual
FOIA	Freedom of Information Act

GPC	Geneva Convention relative to the Protection of Civilian Persons in Time of War
GPW	Geneva Convention relative to the Treatment of Prisoners of War
GVN	government of Vietnam
ICC	International Criminal Court
ICE	Interrogation Control Element
ICRC	International Committee of the Red Cross
INDUMIL	Industrias Militares
IPA	International Police Academy
ITT	International Telephone and Telegraph Company
IVS	International Voluntary Services
JIG	Joint Interrogation Group
JTF GTMO	Joint Task Force Guantánamo
KLA	Kosovo Liberation Army
KGB	Committee for State Security
KSM	Khalid Sheikh Mohammed
LEA	law enforcement agencies
LET	Lashkar e Tayyiba
LSD	lysergic acid diethylamide
LTC	Lieutenant Colonel
MCA	Military Commissions Act of 2006
MI	military intelligence
MP	military police
MRE	Meals Ready to Eat
MTT	Mobile Training Team
NIC	National Interrogation Center
NKVD	People's Commissariat for Internal Affairs
NSC	National Security Council
OLC	Office of Legal Counsel
OPS	Office of Public Safety
PIC	Provincial Interrogation Center
PRU	Provincial Reconnaissance Unit
PUC	Person Under Control
R2I	Resistance to Interrogation
RTL	Resistance Training Laboratory
SAP	Special Access Program
SEAL	US Navy Sea, Air, Land Special Forces
SERE	Survival, Evasion, Resistance and Escape

SOA	School of the Americas
SOP	Standard Operating Procedures
THC	tetrahydrocannabinol
TSD	Technical Services Division
TVPA	Torture Victim Protection Act of 1991
UCMJ	Uniform Code of Military Justice
USAID	US Agency for International Development
USC	US Code
VBI	Vietnamese Bureau of Investigations
VC	Vietcong
VCi	Vietcong civilian infrastructure
WCA	War Crimes Act of 1996

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IN THEIR OWN WORDS

Mamdouh Habib is a broken man. As he describes in detail how his clothes were cut from his body, a forced enema administered, and an adult-sized nappy roughly taped to his emaciated frame, he begins to pick away at his right hand. His wife Maha looks at me. She is embarrassed. 'Stop', she tells her husband, as she reaches over and places her small hands atop his. As Habib continues speaking I look down at his right hand. Along the fleshy mound of tissue between the thumb and forefinger there are deep scars etched into the skin. The scars, some still flecked with scabs and dry white skin, follow the contour of his hand along the underside of his forearm. 'He can't help it', Maha pleads. 'He can't stop.'

Habib is Australian, but was born in the Egyptian port city of Alexandria in 1955. After serving two years in the military, Habib left Egypt when he turned eighteen. For a time he worked in Jordan, Lebanon, Iraq, Syria and Tunisia, taking jobs as a waiter, as a deliveryman, or any other work that came his way. In his late twenties, he moved to Europe, and settled for a time in Italy where he toured the country with a circus. Habib trained elephants and horses—he proudly showed me a worn ID card featuring the words 'Horse Training Licence' in black cursive script. 'That's me', he says, referring to the tanned young man pictured on the card in a dark leather coat with dark intense eyes and cascading jet-black hair. Thirty years later, Habib today doesn't look all that different. He wears his hair now in a ponytail and has grown a thin moustache that wraps tightly along his upper lip. His piercing glare remains.

In 1982, he moved to Sydney and married Maha, who had spent her childhood in Lebanon before immigrating to Australia with her parents. Habib and his wife met through family—her sister was married to his brother. Together they raised four children and lived in Sydney's predominantly Muslim south-west. He opened a string of businesses, including a cleaning service, a security company and a café called the Alexandria Family Restaurant.

Over the years, he grew more religious and more sympathetic to Muslim causes around the world. While visiting his sister in New York City, he attended the 1991 trial of El Sayyid Nosair, a man charged with the murder of fundamentalist Rabbi Meir Kahane. 'We went to see how the law works in the US', he said. 'To make sure he had [a] fair trial.' Outside the courthouse, Habib bumped into two friends from Egypt he had grown up with. The men, Ibrahim El-Gabrowni and Mahmud Abouhalima, were raising money for Nosair's legal fund and insisted that he help the cause. Habib agreed. He said he raised about A\$400 in Sydney when he returned, and forwarded it to his friends. The fundraising raised the suspicions of ASIO, the Australian Security and Intelligence Organisation. The agency wanted to have an insider in Sydney's Muslim community and was curious about Habib's ties to Nosair. 'They wanted me to work for them', he said. 'I said I'm not interested.'

ASIO's interest in Habib was renewed in 1993 after the World Trade Center bombing in New York. Investigators linked blind Egyptian spiritual leader Sheikh Omar Abdel-Rahman and Habib's two friends to the bombing. From Sydney, Habib again took up their cause, and led a rally in Bankstown to raise funds for the sheikh. 'A magazine article said no one was helping him', he said, adding that the sheikh was a diabetic and the money was for his medicine. In 1995, El-Gabrowni, Abouhalima and Rahman, among others, were convicted of 'seditious conspiracy' to bomb various New York City landmarks. Referring to Rahman, Habib said: 'I can't say he was guilty or not—I was standing up for his human rights.'

The 1993 Rahman rally was a bust. 'More ASIO was there than protesters', said Habib. After the failed event, ASIO stepped up its efforts to recruit Habib. 'They would come to the house, leave their business cards', said Maha. They offered to bring Habib's parents from Egypt to Australia, and promised to send him on trips around the world. He still refused. Other members of the Muslim community

were aware of ASIO's repeated contact with Habib and grew suspicious. He was labelled an ASIO informant by some and was ostracised by many of his friends. In the late 1990s, his cleaning business began to fail. A lucrative three-year contract with the Defence Housing Authority (DHA) was suspiciously cancelled, a move in which Habib believes ASIO had a hand. After Habib placed several angry phonecalls to the housing authority, the DHA obtained an Apprehended Violence Order against Habib and his wife. Habib was not legally permitted to enter any DHA property anywhere in New South Wales. His business soon went bankrupt.

At this point, he said, he decided to move his family from Australia. Beginning in 2000, Habib started to search for new opportunities overseas. On 29 July 2001, he left Sydney with a ticket to Pakistan. 'I wanted to see the situation', he said. 'And to find out about religious schools for the kids.' Habib said he was in Pakistan on 11 September 2001. When he found out what happened in New York, he immediately rang his wife. He was shocked by what he saw on television and wanted to touch base with his family. 'Did you see what happened?' he asked. 'No', Maha replied drowsily. It was 11.30 p.m. in Sydney at the time. 'I'm going to bed, let's talk about it later', she said. Before they next spoke, Habib's Sydney home had been raided by ASIO. They took passports, laptops, and mobile phones from the house. Habib told his wife not to worry because there was nothing to hide. The day before he was scheduled to leave Pakistan, he called home again but got the answering machine. 'See you soon', he said. Habib did not see Maha for more than three years.

Apart from a love of horses and an Australian passport, David Hicks has little in common with Mamdouh Habib. Born and raised in Adelaide, he held a string of menial jobs in the Northern Territory and rural South Australia before deciding at age twenty-three to seek adventure outside Australia. He said goodbye to his two young children from an earlier broken relationship and took a job training horses in Japan. The job lasted only three months and Hicks returned to Adelaide. He was determined to travel again. Hicks described this early transformation in an interview with the Australian Federal Police:

Well, I realised that life was more than just living the way I was, which was pretty boring, so I wanted to travel. So I looked at the atlas and had a look at the world, basically, and I liked the idea of the Himalayas ... You've got, like, Kashmir, Afghanistan. If you can get there, it's like a great big adventure and stuff like this ... Like being a horse rider. I was determined I'd ride a horse, basically like the old Silk Route sort of thing.

As Hicks readied for his next adventure, a new idea came his way. According to Hicks:

At that time Kosovo was dominating the media and after watching that I just had something inside that said I had to go and do that, like a spur of the moment sort of thing. I was watching the briefings. I found out there was one group and they were training in northern Albania. They were going into Kosovo and I realised that maybe, at a wild guess, I could go there and try it and I did it. To me that was doing the impossible ... I knew the Serbs, Milosevic, was oppressing the Kosovan people and basically the Western world came to help them.

By the time Hicks arrived, the fighting was nearly over. Still, he briefly joined the Kosovo Liberation Army, a NATO-backed militia fighting against Serbian forces. After two months with the KLA, he returned to Australia again with his thoughts still on the Middle East. A travel book on the region discussed Islam at length, and it piqued Hicks' interest. 'I had to learn once and for all what is Islam and speak to a Muslim to find out what is this life he's living, what is his belief and thoughts', Hicks told federal police. Hicks began attending at a local mosque and soon converted. He left Australia, and headed to Pakistan to study his new faith. From Pakistan, Hicks wrote:

Hello, family. How are you? I'm fine. I'll give you a rundown on where I've been, what I've done and learned. Peshawar is three hours from the Afghanistan border but it is not in the mountains. It's a lot bigger than Adelaide. Pakistan produces all the fruits and veggies I've seen in Adelaide plus so many more.

Hicks briefly joined a group called Lashkar e Tayyiba, or LET, a paramilitary organisation closely aligned with the Pakistani Army that conducted military operations against Indian troops along the Kashmir border. In October 2001—nearly a year after Hicks joined the group—the United States designated LET as a terrorist organisation. Hicks trained for three months in a LET camp, and accompanied Pakistani troops on trips along the border. The Australian Broadcasting Company reported that Hicks grew bored with the group and left them to study Arabic. At this stage, Hicks wrote home: ‘My time in Pakistan so far has been unbelievable. I have seen so many things and places. I’ve learned so much. My best adventure yet. Action packed. But what I am doing now is of the most importance, a major obligation to Islam—knowledge.’

In early 2001, a fellow student asked Hicks to come with him to Afghanistan. Hicks agreed and he soon began training with Taliban and al Qaeda forces. After basic training, Hicks took specialised courses in guerrilla tactics and urban warfare. During training, Hicks’ faith grew more extreme. In one letter home he bragged about meeting Osama bin Laden. In another, he wrote: ‘You once told me that I listen to anything that I hear. But now who’s talking? I don’t believe everything I hear. I’ve always looked at the other side of the coin. That’s how I got to where I am. Islam is the truth.’

Hicks was in Pakistan on 9/11, and told Australian Federal Police he was disgusted by the attacks. ‘It’s not Islam, is it? It’s like the opposite of what I ... wanted to do. Meant to help the people, stop oppression. And they did the opposite.’ Hicks decided to return to Afghanistan to collect his personal belongings from a guesthouse in Kandahar, and then travel back to Australia. But soon after he crossed the border, it sealed behind him. ‘I was too afraid ... to try and travel off by myself to the border when it’s closed’, he told police. The USA invaded on 7 October and Hicks and his friends took up arms. ‘Our job was just to watch the tank’, he told federal police. ‘I didn’t see myself as assisting them, the al Qaeda. Basically, I was stuck where I was. There wasn’t much I could do about it.’ Taliban strongholds were quickly overrun and Hicks was captured by the US-backed Northern Alliance and turned over to the Americans.

Hicks was first taken to a warship, the USS *Peleliu*, stationed in the Arabian Sea. Hicks has alleged that he was taken by helicopter from the boat to a nearby base for ten-hour beatings by US forces. While blind-

folded he was spat upon, punched, kicked and called an 'Aussie kangaroo', he said. 'I know their accents, they were definitely American.' Hicks was then transferred to Guantánamo Bay, a naval base in Cuba where America detains and interrogates prisoners deemed 'unlawful enemy combatants'. He spent his first six months in Camp X-Ray, a series of small wire cages hastily built on the base only days before the first detainees arrived. According to an affidavit he lodged at the base:

I have had my head rammed into asphalt several times (while blindfolded).

I have been deprived of sleep as a matter of policy.

I have had medication—the identity of which was unknown to me, despite my requests for information—forced upon me against my will.

I was told repeatedly that if I cooperated during the course of interrogations, I would be sent home to Australia after the interrogations were concluded. I was told there was an 'easy way' and a 'hard way' to respond to interrogation.

Interrogators once offered me the services of a prostitute for fifteen minutes if I would spy on other detainees. I refused.

In mid April 2002, Camp X-Ray was shut and replaced by a multi-building complex known as Camp Delta. The harshest wing of Delta is called Camp Echo. According to Hicks: 'At Camp Echo, I have been held in a solitary cell and have been so since arriving ... I was not allowed outside of my cell in Camp Echo for exercise in the sunlight, from July 2003 until March 10, 2004.'

The effects of solitary confinement were profound. A letter sent home from the base in late 2004 read:

Dear Dad, I feel as though I'm teetering on the edge of losing my sanity after such a long ordeal—the last year of it being in isolation. There are a number of things the authorities could do to help to improve my living conditions, but low morale and depression seems to be the order of the day.

Hicks remains at Guantánamo, just one victim of American torture.

While travelling to Karachi to catch his flight home, Mamdouh Habib said Pakistani police boarded his bus. Two Germans were singled out and removed. Habib, who had talked to the men during the trip, grew concerned and exited the bus. The police seized Habib and took him to a police station. Crude physical tortures began right away, Habib said. He described a device resembling an oil drum suspended lengthwise from the ground by a wire. He said he was forced to hold himself up above the drum by two hooks in the ceiling. If he touched it with his feet, he'd receive an electric shock. They asked him if he was with al Qaeda, if he trained in Afghanistan. 'No', he said over and over, before passing out.

The German government pushed for the release of their two nationals and they were sent home uncharged. Meanwhile torture grew worse for Habib. 'They put electric shocks on me and beat me', he said. After about fifteen days in the Pakistani prison, Habib was hooded, led outside by guards and then driven away. At first he thought he was to be released, but Habib's journey had only begun. He recalled hearing American voices and then he was set upon by a group of men. He felt his clothes cut from his body, something inserted into his rectum, then the nappy put on. He felt them fit a jumpsuit over his body and they then began leading him towards what sounded like a waiting plane. Along the way, a scuffle broke out and for a moment his hood was knocked loose. The men were wearing black T-shirts, grey pants, yellow boots and dark ski masks. One appeared to be filming everything on a small video camera. The men put sticky tape over his eyes and a mask over his face. For a moment, he recalled, he saw a tattoo on the forearm of one of the men. It appeared to be an American flag unfurled from a middle finger.

'During the flight I was not allowed to sleep', Habib said. 'They would wake me up and make noises.' One of the men said to Habib, 'We have the power, no one can stop us.' Hours later the plane landed: he was now in Cairo. When he first arrived, he said, a man he later identified as Omar Solaimon, chief of Egyptian security, came to his cell. Solaimon told him that Egypt receives US\$10 million for every confessed terrorist they hand over to the United States. Solaimon offered Habib a deal. 'He said I should admit to be a terrorist, then he would put aside \$4 million of the reward and he would keep the \$6 million. He would then give me a new identity and give me the money.' Presumably, Solaimon would then hand someone else

over to the Americans. 'You might as well do it', Solaimon told Habib. 'You're here in our hands, we're not going to let you go.' Habib refused.

The next five months in Egypt were a blur of pain and fear. In Egypt 'there was no interrogation, only torture'. Habib reached towards his collar and pulled it down. Under his collarbone there were four or five round patches of skin that were hairless and pink. 'This is where they burned me', he said. 'They threatened me with dogs. They said the dogs will rape me.' He was also stripped and shocked with a stun gun. Habib can still hear the 'tick tick tick' sound of the device in his head, he said. During this time he recalls hearing American voices at the prison, although Egyptians were in charge of the torture. At one stage, he recalled, he was drugged and began to hallucinate. Another time they propped open his eyes with plastic fittings and placed what he described as a mask with a screen over his face. 'They showed bad stuff', he said, refusing to elaborate. 'You want to close your eyes, but you can't.' Habib recalled being chained to the ground, then placed in a room that slowly filled with water. The water level stopped just below his nose. He doesn't, to this day, know how they did it, but Habib recalls seeing his family brought in before him. Habib paused before he told me: 'I see my family get raped in front of me. I feel it is true. They use their real names and then kill all of them. After I see my family gone—I feel like a dead person. I was gone. I become crazy.'

Habib's recollections about his time in Egypt after this point are fragmentary. He remembers admitting things to interrogators, everything they asked. 'I didn't care', he said. 'At this point I was ready to die.' But Habib did not die in a prison in Cairo. In May 2002, men in masks took him from his cell. His clothes were cut off, something inserted into his body, and he was dressed in a nappy and put onto a waiting plane. Habib was back in American hands.

He was first taken to Bagram Air Base, a cavernous hangar abandoned by the Russians when they left Afghanistan in 1989. The tortures here were different. They were 'American techniques', said Habib. He was kept in a cage and the rule was 'no talking to anybody'. There were 'sounds, music, American music'. After about ten days, he was transferred to a new site at Kandahar. During his time at Bagram and Kandahar, Habib wasn't interrogated, but he did recall hearing a variety of accents, including English and Australian. In Kandahar, he was introduced to a new torture: self-inflicted pain. 'Sit on your knees',

soldiers told him. He was then forced to extend his arms outward for hours at a time. 'They make you lift up your arms in the sun', he said. There were also sexual tortures. 'They put us on top of each other, like you see in Abu Ghraib, and they take photographs. They enjoy to do it, but they were told to do it.'

After several weeks in Kandahar the men in masks visited him again. Same routine: stripped, enema, nappy. This time, though, he said, they placed tape over his eyes and mouth, then wrapped goggles, a breathing mask and sound-dampening earmuffs over his head. After he was dressed, he was placed on another plane. Unlike the earlier flights, the flight lasted not hours, but days. When he landed in Guantánamo Bay, Cuba, he was shuttled 'straight away into isolation', he said.

Habib described isolation as like 'being in a dream'. He believes that he was first put in Camp Echo. Like Hicks, Habib recalled that he was injected with drugs against his will. 'Every two weeks they give injections', he said. When he asked what it was, they said it was a tetanus shot. 'After the drugs I hear stuff and see stuff', said Habib. At one stage he decided to stop eating because he believed that drugs also were put into his food. He began to feel better, he said, but was then force-fed. 'They put a tube in my nose, no anaesthetic. There was a lot of blood', he recalled.

Habib also recalled how guards would use detainees' religion to inflict psychological trauma. The Koran was frequently defiled, he said. 'They would take it and do like this', he said. Habib reached for my notebook and threw it against the wall behind my head. 'They would then open it and flip through the pages.' Habib roughly fingered through the pages of my book, tearing at them. 'This is what they do.' Another time, he said, a female interrogator flicked him with a red liquid—she told him it was menstrual blood.

Interrogations were infrequent and haphazard. In the course of more than three years, Habib said, he was only interviewed about twenty times. Several times, he said, an Australian came to see him. 'They never ask me specific things. They would only ask about what I think about bigger things like: Osama bin Laden and jihad.' 'What do you think about those things?' I asked. 'Osama, after what he did to New York, he is a terrible man', he replied.

In mid 2004, he was transferred to Camp Five, a state-of-the-art maximum security facility. 'It was the worst', he said. His life was even

more controlled in Camp Five than in Echo. To create dependency on the interrogators, staff took away all of Habib's 'comfort items'. In Guantánamo this includes bottled water, soap and toilet paper. Habib was forced to drink only 'bad, yellow water', he said. 'I was CI lost', he said—short for 'comfort item lost'. 'If you co-operate', one official told him, 'you get a blanket, clothes, shoes ...'. Habib refused, and only told his interrogators about the torture he had endured. At Camp Five he was placed in isolation for more than twenty-three hours per day. Mamdouh has difficulty remembering his time at Camp Five. 'I was out of my head. I was crazy all day.' Next to his cell, he said, military police placed giant fans that roared all day and night. The lights at Camp Five were never switched off.

In late 2004, Habib recalled, a US Navy officer entered his cell and read him a list of charges. 'Mr Habib', the man said as he put his feet up on the desk, 'you are charged with the following crimes'. He listed things like training 9/11 hijackers in martial arts, attending an al Qaeda training camp in Afghanistan, transporting chemical weapons, and communicating with agents from Hezbollah. 'Who is the judge?' Habib asked. 'A Marine', the man answered. 'Who decides?' 'Army, Air Force, and Navy officers', the man said. A fair hearing, said Habib, was impossible. He refused to participate.

Meanwhile, in Sydney, Maha had been fighting for her husband's freedom. Joseph Margulies, a Chicago-based human rights lawyer who had taken on Habib's case, began meeting with him in Cuba. Lawyers were allowed access to the base after the US Supreme Court held in June 2004 that detainees at Guantánamo were entitled to legal counsel. One day, Margulies noticed that Egypt had requested that a man named 'Mamdouh Ahmed' be transferred back to Egyptian custody. 'He called me from Cuba and asked what Mamdouh's middle name was', said Maha. It is Ahmed. Margulies immediately filed a restraining order to keep Habib from being returned. In the court filing, he detailed all of Habib's allegations of torture, starting in Pakistan. After the filing was processed, it became a public document and Margulies slipped it to the *Washington Post* newspaper. The *Post's* Dana Priest wrote a passionate account of Habib's ordeal that appeared on page one. Suddenly, he became a liability for the US government. If Margulies proceeded with the restraining order in court, Habib's allegations would be repeated under oath in open testimony before a judge. Rather than face further public scrutiny, US officials sent him