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**Project report, including dossier, slide show (a separate
download) and dialogue**

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**TOP
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Mission Status: **Complete**

Mission Description: **Torture Research** – special interest in **Abu Ghraib**

Special Agents: **Calvin and Kelly Klein – Spenjust Consulting**¹

Officer in Charge: **Major Bob** of the **Outer Intelligence Agency (OIA)**²

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- 1 **Executive Summary**

¹ Spenjust Consulting have been hired by Major Bob of the OIA to conduct research into torture - with special interest in the incident that occurred at Abu Ghraib.

² The Outer Intelligence Agency (OIA) is an organisation similar to the Central Intelligence Agency (CIA). Information presented is from the CIA's history. It is taken from Halperin, M. Berman, J. Borosage, R. Marwick, C. *The Lawless State; The Crimes of the US Intelligence Agencies*. Penguin Books Ltd: Middlesex, 1976, p30-45; and from Marchetti, V. Marks, J. *The CIA and the Cult of Intelligence*. Lowe and Brydone Ltd: London, 1974, p4-20; and also from Weiner, T. *Legacy of Ashes; The History of the CIA*. Doubleday: New York, 2007, p30-42.

- 1.1 An Anti-Torture stance dictates that torture is unjustifiable under any circumstance. It undermines our worth and our humanity. Torture is not in the best interest of the individual or society and is not effective at obtaining accurate information. Torture represents a violation of both international law and human rights.
- 1.2 A Pro-Torture stance stipulates that torture warrants should be issued as a way of regulating and monitoring the use of torture. The President of the United States has recently been given the power to define what torture is and what it is not. Torture, therefore, as a method of interrogation is not breaking any domestic laws.
- 1.3 The Abu Ghraib incident occurred in 2003/2004. Images and interviews were leaked to the media of certain abuses that had happened within the prison. Eleven US soldiers were convicted. The Outer Intelligence Agency (OIA) was implicated in the incident which was potentially damaging to its reputation.
- 1.4 Spenjust Consulting recommends that the OIA make torture forbidden in their organisation. The potential for an incident to be leaked is too great and would constitute a Public Relations disaster. Human rights and international law violations must also be considered.

2 Anti-Torture Stance

- 2.1 Torture should never be condoned. It “does not make any one person or society safer” as it gives false information and confessions. The world has deemed torture unjustifiable under any circumstances (through the Geneva Convention), and it undermines our worth and humanity. Torture is not in the best interest of both the individual and society.³

³ Information taken from Iacopino. V. Keller. A. & Oksenberg. D. Why torture must not be sanctioned by the United States, *Western Journal of Medicine*, 176(3), 2002, p 148.

- 2.2 Similarly, Jackson writes of the normalising of torture. Torture is effective at generating fear among individuals and communities but is not effective at gaining accurate confessions. People will confess to anything, betray innocent people and fabricate the truth to make the torture stop. Jackson advocates that “once you normalise the extreme, then all else follows.”⁴
- 2.3 The United States of America are at present violating international law at a number of detention facilities. These international laws stipulate that torture should never be used and constitute a violation of human rights. It is seen as counterproductive and can be considered a war crime. Human Rights activists aim to get the President to issue an official statement saying it is against US policy to torture.⁵ The OIA⁶ has been identified as having a presence in most of these detention facilities.
- 2.4 The American Psychological Association have withdrawn their support from American detention facilities due to immoral, psychologically damaging and counterproductive interrogation techniques. This organisation is influential both in the US and worldwide. They are encouraging the US Government to change their current position on torture and are also pushing the US judicial system to reject trials and evidence based on torture.⁷

3 Pro-Torture Stance

⁴ Information taken from Jackson. B. Normalizing Torture, *CounterPunch online*, 2006, <http://www.counterpunch.org/jackson10302006.html> (accessed 5/10/2007). Jackson outlines the Geneva Convention and defines torture. He also provides arguments against the pro-torture writings of Dershowitz and Yoo.

⁵ Information taken from Roth. K. An Open Letter to President Bush on the Torture of Al-Qaeda Suspects, *CounterPunch online*, 27 December 2002, <http://www.counterpunch.org/roth1227.html> (accessed: 05/10/2007) Ken Roth is the head of the Human Rights Watch and an anti-torture activist.

⁶ The Outer Intelligence Agency (OIA) is an organisation similar to the Central Intelligence Agency (CIA).

⁷ Vedantam. S. APA rules on Interrogation abuse: Psychologists’ group bars member participation in certain techniques, *The Washington Post*, 20 August 2007, p 3.

- 3.1 Torture warrants should be issued in an attempt to regulate and monitor the use of torture. It is believed that torture can often be a matter of life and death for individuals and civilians. Historically it has proven to be an effective way of obtaining information.⁸
- 3.2 Pertaining to the legality of torture, the President in times of war is allowed to authorise anything that he deems necessary in the protection of national security. Congress has recently passed a bill that gives the President the power to define what torture is and what it is not. The US is thereby not breaking any domestic laws in the pursuit of intelligence.⁹

4 The Abu Ghraib Incident

- 4.1 The prison is situated in Abu Ghraib, a city 32km west of Baghdad. It was previously under Sadaam Hussein's control and was known as a torture camp. It was regarded as having some of the worst examples of torture in the modern world.¹⁰
- 4.2 22nd April 2003, the US Military took over the prison and named it 'Camp Redemption.' The camp became responsible for foreign prisoners, long sentences, short sentences, capital crimes and 'special' crimes.⁸
- 4.3 November 2003, Specialist Joseph Darby was given a CD that supposedly explained a shooting that occurred, but it actually contained hundreds of photos showing the abuse of prisoners.¹¹

⁸ This is Dershowitz's pro-torture argument found in Jackson, *Normalizing Torture*, p 3-7, and also in <http://edition.cnn.com/2003/LAW/03/03/cnna.Dershowitz/> which is the transcript of a television debate between Dershowitz and Roth.

⁹ This is Yoo's pro-torture argument also taken from Jackson, *Normalizing Torture*, p 3-7

¹⁰ Asser. M. *Abu Ghraib: Dark stain on Iraq's past*, 2004, <http://news.bbc.co.uk/2/hi/americas/3747005.stm> (accessed 15/10/2007)

¹¹ Danner. M. *Torture and Truth: America, Abu Ghraib, and the War on Terror*, New York Review of Books: New York, 2004, p 217-224

- 4.4 January 2004, Darby handed over the CD to the Army's Criminal Investigation Command and a subsequent investigation was launched. Iraqi prisoners who claimed to have been abused were interviewed in this investigation. These interviews were leaked to The Washington Post by an unknown source.¹²
- 4.5 The photos were then leaked to the media that depicted horrific acts of torture. They were given to the CBS program 60 Minutes in mid-April 2004.¹³ Broadcasting was delayed until April 28th at the request of General Myers, Chairman of the Joint Chiefs.¹⁴
- 4.6 A major investigation then occurred, headed by high-level investigator Taguba. It was found that the entire brigade was inadequately trained for the mission. The Taguba Report found that there was a "general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal and command requirements." It also found that these were acts of illegal and intentional abuse and suggested prosecution.¹⁵
- 4.7 May 2004, the US Government attempted to reduce the number of detainees at Abu Ghraib and ultimately demolish the prison. A US military judge stopped this, citing that the prison was a crime scene. By August 2006 the prison was empty of all prisoners.¹⁶
- 4.8 Eleven US soldiers were convicted. The highest ranking officer implicated in the abuse at Abu Ghraib, Ivan L Frederick Jnr, admitted to placing the wires in hooded detainees hands, forcing a naked detainee to masturbate while he was

¹² Information from Whitney, C. Introduction, in Strasser, S. (ed) *The Abu Ghraib Investigations*, p. VII-XXIII.

¹³ Danner, *Torture and Truth*, p 6.

¹⁴ Whitney, *The Abu Ghraib Investigations*, p. XII.

¹⁵ Whitney, *The Abu Ghraib Investigations*, p. XII.

¹⁶ Wikipedia, *Abu Ghraib Prison*, 2007, http://en.wikipedia.org/wiki/Abu_Ghraib_prison (accessed 10/10/2007)

being photographed, jumping and stomping on a pile of detainees and punching a detainee so hard in the chest that he required medical attention.¹⁷

- 4.9 Frederick also testified to seeing a man being threatened with execution and male prisoners being stripped and having women's underwear placed on their heads. These activities were directed by military and civilian interrogators. It is widely believed that the civilian interrogators were agents of the OIA.¹⁸

5 Recommendations

- 5.1 The evidence discounting torture as an appropriate method of obtaining information is staggering. The OIA has been implicated in the debacle at Abu Ghraib and has subsequently been in the public eye – exactly where this organisation does not want to be. If the OIA were to cease this sort of interrogation, it may go a long way in mending the OIA's reputation.
- 5.2 The US is a signatory to conventions that prohibit the use of torture in all situations. The OIA is breaking international laws with this method of interrogation. Either the OIA should respect these conventions or the US should withdraw their support from them.
- 5.3 Torture as a method of interrogation does not supply accurate information. Alternatives should be pursued.
- 5.4 Human rights violations have a resounding impact worldwide. With the continual growth and recognition of human rights as a fundamental aspect of humanity, the OIA should not continue to disregard them.

¹⁷ Information found in an interview with Frederick in a news article 'Soldier Convicted of Abu Ghraib Abuse Paroled, Associated Press 2007, <http://www.msnbc.msn.com/id/21090172/>. Article is about his trial.

¹⁸ Refer to article above.

5.5 The potential for this kind of situation to leak is large, as seen in Abu Ghraib. The OIA should counteract this by making torture, as a means of interrogation, obsolete.

Assigning of Brief (Mon 24/09/07- 10am):

Major Bob: Hi, is this Spenjust Consulting Firm?

Kelly: Yes, how can we help you?

Major Bob: Is this a secure line?

Kelly: Why of course, what can I help you with?

Major Bob: My name is Major Bob and I am from the Outer Intelligence Agency (OIA).
I have a secret Government matter that I'd like to discuss with you regarding the recent events that have taken place in a military prison.

Kelly: Ok, I'll just get my partner and we can discuss, please hold

Major Bob: Sure

Kelly: Ok, it's now myself, Kelly Klein and my colleague Calvin here

Calvin: Hi, this is Calvin

Major Bob: This matter is top secret, so I need your assurance of privacy and discretion

Kelly: Sure

Calvin: No problems

Major Bob: As you may be aware, there have been recent allegations regarding torture and interrogation at Abu Graihb, our prison in Iraq. Photos were leaked to the press and now we are concerned that our reputation has been tarnished and our

questionable methods of obtaining information have been brought into the spotlight. More recently, the American Psychological Association has withdrawn any support within these facilities-

Calvin: So just to clarify Major Bob, you are talking about the methods of torture used within this prison?

Major Bob: Officially no, but in a manner of speaking it is. I would like to commission your firm to conduct some research and present your findings to some of the senior officers in this organisation. We are a bit concerned and confused about this withdrawal and would like more research on why these methods are considered so ineffectual and wrong

Calvin: Ok, well leave it with us and we'll get back to you with some preliminary findings and confirm deadlines in the near future

Major Bob: Thank you for your help in this matter

Discussion between Kelly and Calvin (Mon 24/09/07- 11am)

Kelly: Wow, this is a big one

Calvin: You're not wrong

Kelly: Ok, so how should we go about this?

Calvin: Well, I am familiar with the work of Iacopino who is very much against torture. He believes that it is not in the best interest of the individual or society.

Kelly: Ok, so I think maybe we should link this to further people regarding this matter.

I'll do some research into it and maybe we can reconvene tomorrow morning?

Calvin: Ok and I'll look into the current situation at Abu Graihb to give us a better understanding of what went on. I'll also do a bit of a check on the OIA and see what they're about.

Kelly: Sounds good, see you tomorrow

Calvin: Bye

Discussion between Kelly and Calvin (Tues 25/09/07- 1pm)

Kelly: So, how did you go?

Calvin: Well, I found out that there is a lot of literature and theorists relating to anti-torture. Most people seem to believe it is not only a violation of human rights, but it is also counterproductive and can be considered a war crime.

Kelly: I think I found the theorist you were talking about... Iacopino right?

Calvin: Yeah that's him. What were your thoughts on what he said?

Kelly: My understanding is he ¹ feels that torture should never be condoned- it "does not make any one person or society safer" as it gives false information and confessions. He comes from a medical background and feels that those who think that torture should be legal within certain circumstances have probably never experienced the suffering of torture first hand or witnessed the aftermath of victims. He thinks that the world has deemed torture unjustifiable under any

¹ Iacopino. V. Keller. A. & Oksenberg. D. Why torture must not be sanctioned by the United States, *Western Journal of Medicine*, 176(3), 2002, p 148.

circumstances (through the Geneva convention) and thinks it undermines our worth and humanity. Is that what your impression of his work was?

Calvin: Yeah it was. Interestingly enough I actually found something quite similar. I happened to come across Jackson's essay on the normalizing of torture². He pretty much outlines the Geneva Convention and defines torture. He explains that torture is effective at generating fear among both individuals and communities but is not effective to get accurate confessions- people will confess to anything, betray innocent people and make things up if it makes the torture stop.

Kelly: Interesting, so it seems there's a lot of theorists out there who believe quite similar things.

Calvin: Yeah, it seems it. He also looks into something which I didn't know much about- the pro-torture stance. He briefly analyses Dershowitz's argument of "torture warrants" but he seems very much against this- "Once you normalise the extreme, then all else follows". He also analyses Yoo's pro-torture argument which is more focused on the legality of torture within America and the recent legislation allowing the US President to define and authorise torture.

Kelly: Oh that's great.

Calvin: It seems there's a lot out there supporting our case. It seems there's a bit of crossover doesn't it? Maybe we could look a bit more into those guys I was just talking about who are pro-torture, just to see what they're about. Maybe they come up with some good points relating to why people torture, which we should definitely factor into our proposal.

Kelly: Yeah, that sounds like a great idea.

² Jackson. B. Normalizing Torture, *CounterPunch online*, 2006, <http://www.counterpunch.org/jackson10302006.html> (accessed 5/10/2007).

Calvin: I also found a really interesting article by Ken Roth, the head of Human Rights Watch³. Apparently he is a major anti-torture activist. He also thinks that the US are at present violating international law at a number of detention facilities. As the others said, torture is never allowed, no matter what the circumstance. He goes a lot into the international laws and treaties governing this issue. Pretty much, his aim is to get the President to issue an official statement saying it is against US policy to torture. It seems like that didn't happen though.

Kelly: No, it doesn't sound like it. Oh and I almost forgot. I also read about American Psychology Association recently and how they are pulling their support out of American detention facilities due to immoral, psychologically damaging and counterproductive interrogation techniques⁴.

Calvin: And how is this impacting the centres?

Kelly: The association is a major influence on psychology, both in the US and worldwide, and their stance seems pretty strong and admirable. They are even encouraging not only the US Government to change their current position on torture, but also saying that the US judicial system should reject any trials and evidence based on torture⁴.

Calvin: Ok. Did you find much out on Abu Ghraib?

Kelly: Yeah, I got a fair bit of background knowledge on the prison and the situation. The prison is located in Abu Ghraib, a city 32km West of Baghdad. It has been around since the 60s, and was previously under Sadaam's control, where it was known as a bit of a torture camp. Apparently it was known as having

³ Roth. K. An Open Letter to President Bush on the Torture of Al-Qaeda Suspects, *CounterPunch online*, 27 December 2002, <http://www.counterpunch.org/roth1227.html> (accessed: 05/10/2007)

⁴ Vedantam. S. APA rules on Interrogation abuse: Psychologists' group bars member participation in certain techniques, *The Washington Post*, 20 August 2007, p 3.

some of the worst cases of torture in the modern world. It sounds huge; it is estimated as being the size of a small town⁵.

In 2003, the compound became responsible for foreign prisoners, long sentences, short sentences, capital crimes and "special" crimes. On the 22nd April 2003, the US military took over the camp and named it 'Camp Redemption'⁵.

Calvin: Yeah, I found out that in May 2004, the US Government decided to try and reduce the number of detainees and demolish the prison. The Iraqi Government was not happy with this though, and a US military judge agreed with this, stating the jail was a crime scene. On March 9th, 2006, the US military closed Abu Ghraib and transferred prisoners to other Iraqi jails. It was reported that the prison was empty of all prisoners by August 2006⁶.

Kelly: I also found out a bit about the scandal Major Bob was referring to.

The prison population surged in late summer and fall of 2003 and the soldiers/guards became overwhelmed. After a suspected shooting in November 2003, Specialist Joseph Darby was given a CD that was meant to explain the event, but it actually contained hundreds of photos showing the abuse of prisoners. On 13 January 2004, Darby handed over CD to the Army's Criminal Investigation Command (CID) and a subsequent investigation was launched. A number of Iraqis who claimed to have been abused were interviewed in this investigation⁷. These interviews were leaked to the Washington Post⁸.

Calvin: I hear that the photos (that Major Bob was referring to) were then leaked to the

⁵ Asser. M. *Abu Ghraib: Dark stain on Iraq's past*, 2004, <http://news.bbc.co.uk/2/hi/americas/3747005.stm> (accessed 15/10/2007)

⁶ Wikipedia, *Abu Ghraib Prison*, 2007, http://en.wikipedia.org/wiki/Abu_Ghraib_prison (accessed 10/10/2007)

⁷ Danner. M. *Torture and Truth: America, Abu Ghraib, and the War on Terror*, New York Review of Books: New York, 2004, p 217-224

⁸ Whitney, C. Introduction, in Strasser. S. (ed) *The Abu Ghraib Investigations*, p. VII- XXIII.

media that depicted horrific acts of torture; they were supposedly leaked by a relative of military policeman. They were given to the CBS program Sixty minutes in mid April 2003⁷. The broadcasting was delayed until April 28 at request of General Richard B Myers, chairman of joint chief of staff⁸. A further set of photos were released a couple of weeks later. It has been suggested the photos were taken across 7 days in October, November and December 2003⁸.

Calvin: Interesting. That make's what Major Bob talked about a little bit clearer.

Kelly: Yeah, a major investigation then occurred, headed by high level investigator Taguba. He found that the entire brigade was inadequately trained for mission with a “general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal and command requirements”. He also decided these were acts of illegal and intentional abuse of prisoners, and suggested prosecution should be followed⁹.

Calvin: Wow, that's pretty full on. Am I right in thinking the abuses were things like hooding, sexual humiliation, creating anxiety through dog attacks and being forced to stay in stress positions (like squatting) for days on end¹⁰?

Kelly: Yeah, among other things. As you can imagine, allegations like this were pretty damaging to the US and especially the US military. Did you find much out about the OIA?

Calvin: Yeah, the OIA was established by the United States Congress in 1947 at a time when the cold war with the Soviet Union was just beginning. It was seen as an essential tool in gathering and interpreting intelligence information. But at that time its powers were restricted. Then the OIA Act was passed by Congress in 1949 which gave the agency the widest conceivable powers¹¹.

⁹ Whitney, *The Abu Ghraib Investigations*, p. XII.

¹⁰ Danner, *Torture and Truth*, p 6.

Kelly: I found out that there is a widely held belief that the OIA does whatever is required to achieve its goals, without any consideration of the ethics involved or the moral consequences of its actions. It is believed that almost every technique imaginable, including most of the criminal methods known to man have been used by the OIA in achieving their ends¹². It is also thought that the OIA have almost certainly condoned the use of torture in obtaining information¹³.

Kelly: Well that makes what Major Bob said a lot clearer.

Calvin: (chuckles) It certainly does.

Kelly: Ok, so for our next meeting we should look a bit more into the pro-torture stance just to see what these guys are proposing.

Calvin: Maybe we could also speak to some of these people. Maybe I could contact one of the soldiers implicated for the crimes at Abu Ghraib and see what he has to say.

Kelly: Great idea Calvin. Well do you want to take that and I'll look a bit more into this pro-torture thing?

Calvin: Perfect.

¹¹ Information presented is from the CIA's history. It is taken from Halperin, M. Berman, J. Borosage, R. Marwick, C. *The Lawless State; The Crimes of the US Intelligence Agencies*. Penguin Books Ltd: Middlesex, 1976, p30-45.

¹² Marchetti, V. Marks, J. *The CIA and the Cult of Intelligence*. Lowe and Brydone Ltd: London, 1974, p4-20.

¹³ Weiner, T. *Legacy of Ashes; The History of the CIA*. Doubleday: New York, 2007, p30-42.

**Discussion between Calvin and Ivan L Frederick (Wed
26/09/07- 12pm)¹⁴**

Calvin: Hi Ivan, thanks for speaking to me at such short notice.

Ivan: No problems

Calvin: I just have a few questions about the recent abuses of prisoners at Abu Ghraib.
We just wanted to get your thoughts on the topic

Ivan: Sure

Calvin: What's your view on what happened over there?

Ivan: I knew it was wrong at the time because I knew it was a form of abuse. I recognise that we had done wrong and so I decided to plead guilty to some of the charges.

Calvin: So what exactly were you convicted of doing?

Ivan: I admit to placing the wires in hooded detainee's hands, forcing another naked detainee to masturbate while he was being photographed, jumping and stomping on a pile of detainees who we saw rioting and also punching a detainee so hard in the chest that he required medical attention.

Calvin: Oh ok, that sounds pretty intense. Did you witness anything else?

Ivan: I also saw (and testified to seeing) a man being threatened with electrocution,

¹⁴ Quotes in this entire interview taken from news article 'Soldier Convicted of Abu Ghraib Abuse Paroled, Associated Press 2007, <http://www.msnbc.msn.com/id/21090172/>. This article is written about the trial of former Army Reserve Sergeant Ivan L Frederick Jnr, who is the highest-ranking US soldier convicted of the Abu Ghraib abuse.

male prisoners being stripped and having women's underwear put on their heads. These activities were directed by military and civilian interrogators.

Calvin: And how many US soldiers were implicated?

Ivan: I am one of eleven convicted.

Calvin: Ok thanks for your help with that. All the best.

Discussion with Kelly and Calvin (Fri 28/09/07- 10am)

Kelly: Ok, so I found out some more information on Dershowitz¹⁵. He thinks that torture warrants should be issued, that regulates and monitors the use of torture. He feels that torture can often be a matter of life and death for individuals and civilians, and has been proven to be a very effective way of obtaining information in the past. What did you find out about Yoo?

Calvin: Yoo¹⁶, on the other argues more about the legal nature of torture. This seems to be quite irrelevant to the case at hand as it is more about technicalities than the negative impact of war, but is none-the-less pretty interesting. Maybe we could look into this after we have closed this research just for our own knowledge.

Kelly: That definitely sounds like a great idea.

Calvin: Yeah, I think it would be useful to know the legal loopholes around torture. Maybe we could briefly put something together for Major Bob at a later date.

Kelly: Yeah, sounds like a good idea. Let's not worry about that now though. Ok well it

¹⁵ Dershowitz's argument is taken from Jackson, *Normalizing Torture*, p 3-7, and also <http://edition.cnn.com/2003/LAW/03/03/cna.Dershowitz/> which is the transcript of a television debate between Dershowitz and Roth.

¹⁶ Yoo's argument is taken from Jackson, *Normalizing Torture*, p 3-7.

seems like we have our research down pat, where should we go from here?

Calvin: Lets contact Major Bob and find out what sort of information he wants, then start compiling our information. It certainly seems there is a stronger case against torture than for it.

Kelly: I agree to all of that. Let's do it.

Discussion with Major Bob (Fri 28/09/07- 4pm)

Calvin: Hi Major Bob

Major Bob: Hi guys. How did you go?

Kelly: We have some interesting findings to share with you and your organisation. We have found some concrete explanations as to why torture is not a good thing and should be banned in your organisation, through our analysis of the Abu Ghraib situation.

Calvin: We are ready to present our findings to you, whenever you are available.

Major Bob: Wonderful, it sounds like you're on track. Can you maybe forward me a summary of your findings in a dossier so that I can be ready for your presentation.

Calvin: Sure thing. I'll get onto that right away.

Kelly: When would you like us to present?

Major Bob: Tuesday week would be perfect, say 11am?

Kelly: Great, if there's any changes please let us know, otherwise we'll see you then.

Calvin: And I'll forward that dossier to you ASAP.

Major Bob: Great, thanks for all your help and discretion in this matter.

Final Discussion between Kelly and Calvin (Fri 28/09/07-4:30pm)

Kelly: Ok, so you take the dossier and I'll start getting the presentation organised.

Calvin: Excellent. Let me know if you have any problems, otherwise I'll see you soon.