EXPERT REPORT OF
DARIUS REJALI, Ph.D.
Opinion and Report of Darius Rejali, Ph.D.
OVERVIEW

This report addresses the following questions: (1) how do the allegations of certain techniques of torture and abuse by the four plaintiffs in this case compare to historical understandings of torture across the world; (2) why and how are the techniques alleged to have been employed against these plaintiffs particularly painful or, in the case of forced nudity, particularly humiliating; (3) why do people torture and what are the common understandings about how to prevent the occurrence of torture in prison or interrogation settings.

PROFESSIONAL BACKGROUND AND QUALIFICATIONS

I am a Professor of Political Science at Reed College. I am an internationally recognized expert on government interrogation and torture. My first book, *Torture and Modernity: Self, State and Society in Modern Iran* (Westview, 1994), studies torturers and torture in Iran in 20th century. In 2003, I was named a Carnegie Scholar, one of the top national awards in American scholarship for my work on the study of violence. My second book, *Torture and Democracy* (Princeton University Press, 2008), covers the history, causes, and consequences of modern torture in 880 pages. I refer to the relevant pages of the book in my reply, should you wish to submit them as an exhibit to accompany my report. This book has been widely reviewed and recognized as a benchmark text on the scholarly study of modern torture. The Times Higher Education supplement review states, "*Torture and Democracy* immediately lays claim to be the most compendious and the most rigorous treatment of the subject yet written. Saul Bellow used to say that we are constantly looking for the book it is necessary to read next. On torture, this is it." In 2008, the Human Rights Section of the American Political Science Association book named my book the Human Rights Book of the Year in 2008. It also won the biennial 2009 Raphael Lemkin Award from the Institute for the Study of Genocide, New York, for the best non-fiction work in English which addresses the causes of genocide and crimes against humanity. In recent years, I served as an expert in the case of Abdul Rahim al Janko, a Guantanamo detainee. You may find additional details regarding my qualifications, academic appointments, recent honors, education and publications in the curriculum vitae accompanying this document.

SCOPE OF OPINION AND DOCUMENTS REVIEWED

You have requested my opinion regarding the interrogational techniques used on Mr. Asa'ad Hamza Hamfoosh Al-Zuba'e, Mr. Salah Hasan Nsaif Jasim Al-Ejaili, Mr. Suhail Najim Abdullah Al Shimari, and Mr. Taha Yaseen Arraq Rashid. To this end, I have reviewed their responses to the first set of interrogatories from CACI Premier Technology, Inc, all dated December 14, 2012 as well as a second amended complaint. I have also reviewed the extensive scholarly literature on the history, causes and effects of torture, and I have provided numerous citations to sources relied upon in preparing this report. In addition, I have relied on my own research that formed a part of my book, *Torture and Democracy*. I understand that discovery in this case has not been completed. Once this is completed, more relevant information may come to light. So I reserve the right to supplement, amplify or modify my opinions based on additional information that becomes available to me.

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1 Alex Danchev, “Book of the Week: Torture and Democracy” *Times Higher Education Supplement* (January 17, 2008). A full list of reviews of the book are available from my website: [http://academic.reed.edu/poli_sci/faculty/rejali/td/reviews.html](http://academic.reed.edu/poli_sci/faculty/rejali/td/reviews.html)
Mindful of all of this information, you have asked me to address the following questions:

1. What is the history of these techniques? What is known about them?
2. Are these techniques painful, in isolation or combination? What is known about this?

In addition you asked me to address briefly two other issues:

3. From past accounts of torture victims, what is known about public nakedness as a norm for treatment of prisoners?
4. Why do people torture? What is known about this?

To reply to your questions in summary, in my opinion:

1. Several techniques mentioned are known techniques used historically in coercive interrogations. These include restraint techniques, positional techniques, exhaustion exercises, electrical shocks, sleep deprivation, and closed confinement in extreme temperatures.

2. These techniques are painful. Courts and governments, including the United States government, have called them torture in the recent past. Soldiers, including returning American POWs, and their families have also called them torture.

3. Public nakedness as a norm of prisoner treatment is at least as old as the Roman practice of crucifixion. All cultures that succeeded the Romans, Muslim and Christian, have condemned this norm as part of a gruesome practice. This element – the prohibition against humiliating prisoners with nakedness – persists as a value Muslims and Christians share - even though the practice of crucifixion has long since ceased.

4. Situations, not dispositions, cause torture. People who torture do so because situations lead them to behave in ways they would not normally act, not because they have sadistic dispositions. That said, situations are not total, and individuals can say no and sometimes do. Humans do have choices, but in certain situations, they make them poorly. This research implies that one prevents torture by preventing certain situations, as these conditions will generate violence and torture. One must avoid situations with unclear authority, ambiguous rules, inconsistent punishment and uncertain supervision. For almost eighty years, officials have known that one prevents torture when one has clear authority, clear rules, consistent punishment, and certain supervision such that everyone knows that misbehavior will not go unnoticed. A long research history – including best practices in prison management, repeated experimental studies, and various archival studies of prison and military behavior – all supports these conclusions.

In what follows, I cover first techniques in the statements that fall under the general category of “stress and duress positions,” including restraint, positional and exhaustion procedures. Because the documents are vague on technical points, I describe how positions may vary. I consider what is known about each technique, how it is painful, and then what is known about its history.

Following that, I consider techniques that are not part of the ‘stress and duress’ family, including electrical devices applied to the body, sleep deprivation, and exposure to extremes of cold and heat. I
Lastly, three statements refer to isolation, but it is not always clear how confined these quarters were. In Mr. Shimari’s case, it was small. Accordingly, I cover first what is known about closed confinement as it pertains to this statement, and then what is known about isolation generally.

Once I review the techniques mentioned, I respond to your final questions on norms of treatment and reasons for why people torture at all.

In preparing this report, I engaged the services of Peter Miller, a doctoral candidate in Political Science at the University of California, Irvine. He provided research in support of this report, but the conclusions and opinions are mine alone. Plaintiffs’ counsel has agreed to compensate me for my time at my current hourly rate of $671 per hour, and to compensate Peter Miller for his services at the rate of $70 per hour. I spent 16 hours and 45 minutes in the preparation of this report and Mr. Miller spent 33 hours, 59 minutes assisting me in the preparation of this report.
A. STRESS AND DURESS INTERROGATORY TECHNIQUES

The material you have sent me has descriptive gaps and vague terms. Most importantly, the documents refer to “stress positions.” For example, one summary states, “at least two males wearing military uniforms, whose specific identities are unknown to Plaintiff Al-Ejaili, have knowledge of the facts related to his forced nudity and imposition of prolonged stress positions.” Likewise, another response states that Mr. Al-Shimari “was placed in a stress position, with his arms outstretched and chained behind him while naked, for long periods of time throughout November and December 2003.”

Unfortunately, the phrase “stress position” is too vague. While used commonly in the media, all this phrase communicates is that individuals feel stress. It does not capture what the technique is, what quality of pain it generates, or, if it is a specific painful technique, what the history of that practice has been. Specific language, like Mr. Al-Shimari’s above, is helpful – “his arms outstretched” – but, from this account, it is not clear whether he was standing or sitting when his arms were outstretched.

“Stress positions” refers to a well-known family of techniques often called “stress and duress” techniques. Stress and duress techniques can be grouped in four categories:

1) **Restraint techniques**, including handcuffing prisoners in standing positions or with the hands positioned above the head or suspending prisoners in uncomfortable ways. This category also includes positional devices, such as stuffing individuals into constrained spaces such as small boxes, small cells, and bags.

2) **Positional techniques**, such as forced standing, squatting, sitting, or kneeling for hours, sometimes holding heavy objects. These techniques resemble restraint techniques, but restraint techniques differ in that the positions in which one is tied are not normal ones for human beings (suspension by the hands for example).

3) **Exhaustion exercises**, that is forcing prisoners to exercise ceaselessly until prisoners are exhausted. These include push-ups, knee bends, and forced crawling (what is traditionally called “the lizard”).

4) Accompanied by **beatings**, including slapping, cuffs to the ears, and pressuring the abdomen, types of blows that leave few marks.

Any combination might be called “stress or duress techniques” or “stress positions.” But each procedure has its own history and particular effects.

So first I identify descriptive passages from the documents and then discuss techniques that may be relevant to the account.

**Descriptive Passages.** The descriptive passages below have the following gaps. Most don’t state the duration of suspension. In some cases, they vaguely describe the body’s position. For example, it is not clear whether Mr. Al-Ejaili was suspended or not, and if he was not, whether he was sitting, standing, lying or kneeling, and at what angle? Were there items, such as pebbles, that aggravated the situation? Here I quote what is known.

In the interrogatory response of Mr. Rashid, he states that “The same day, the female and male
wearing military uniforms and the interpreter suspended Plaintiff Rashid from the door by plastic cuffs around his wrists, with his feet unable to touch the floor.” Then “several days later, a female and two males wearing military uniforms tied a rope around Plaintiff Rashid’s chest and dragged him out of his cell on the floor to an interrogation room.” When they reached the interrogation room, “Plaintiff Rashid was suspended from the ceiling by a rope around his chest.”

Mr. Al-Zuba'e states, in his interrogatory responses, that “Following the interrogation, one interrogator spoke to a male wearing a military uniform, who then took Plaintiff Al-Zuba’e back to his cell, smashed his head against the wall and handcuffed him to the upper bunk of the bed with his arms above his head and his feet barely touching the floor.”

Mr. Al-Ejaili states, in his interrogatory responses, that he was “repeatedly placed in a stress position, with his arms outstretched and chained behind him while naked for long periods of time.” On another occasion, he was “forced to strip naked, placed in a stress position, hooded and chained to a metal pipe during and following an interrogation. He was under such stress that he vomited black bile.” A short time after, “he was forced to strip naked and tied to his cell wall overnight.”

Mr. Al Shimari states that he was, during one interrogation, “forced to stand on sharp stones until his feet bled.”

**Restraint and Suspension Techniques.** My observations are these:

1. Long-term restraint in virtually any position will produce screaming muscles. Full suspension by the wrists, for example, causes permanent nerve damage in fifteen minutes to an average-sized man. One can mitigate damage by letting the earth share the body’s weight with the rope. One can also cause different kinds of pain with different ways of tying arms. This means suspension methods may vary, two variations of which may be relevant here.\(^2\)

2. One may raise the arms and suspend the hands over the head. Then one may suspend the entire body, or only so far as the toes may touch the ground, or one may leave the feet flat on the ground. **Appendix A** (attached) illustrates these variations from full suspension, to the standing handcuffs to forced standing.

3. Conversely, one may tie the arms behind the back and then hoist the body from behind. And again, one may suspend the entire body, or only so far as the toes may touch the ground, or one may leave the feet flat on the ground. **Appendix B** (attached) shows these variations from classic strappado to the reverse standing handcuffs to reverse forced standing.

4. These are painful techniques. To be specific:

   a. In the strappado, the victim’s hands are tied behind his back, hoisted into the air by means of a hook and pulley attached to his wrists, and then dropped to the floor. The strappado can easily dislocate the shoulders and maim victims permanently.

\(^2\) Other variations include one arm hangs and using the handcuffs as a lever to cause pain.
b. In the reverse standing handcuffs, one achieves the same result as a strappado, but
with out the telltale signs of scars and injuries. Instead of suspending the prisoner
fully, one raises the handcuffed hands behind the back until the prisoner is standing
on his toes; his hands are then attached to a hook or a bar keeping him in this
position. The earth thus shares the weight with the cuffs and the rope. This increases
the time bodies may be suspended, elongates the pain, and delays permanent injury,
factors that matter in stealth torture. It also puts the body in an unenviable position.
If the body relaxes to the floor, it increases the pain to the shoulders, arms, or wrists.
If the body stays up, it reduces that pain, but at great strain. This is why one can
describe the reverse standing handcuffs as a stress position.

c. In reversed forced standing, the arms are hoisted but the feet remain flatly on the
ground. At first, the body is in a position that is normal for a human being. However,
this changes as time passes. As the legs give way, the body falls in exactly the same
dilemma as in the reverse standing handcuffs. The weight of the body strains the
arms and the shoulders. One eases this pain only at the cost of pushing up to a
standing position, which also creates deep pains in the legs. I cover these particular
leg pains in the section on forced standing below.

5. The standing handcuffs, as prisoners in British colonial India called it, was a routine British
colonial punishment between 1910 and 1930, but the technique is considerably older. It is a
recorded slave punishment in the United States (“hanging from the rafters”). “Some tie
them up in a very uneasy posture, where they must stand all night, and they will then work
them hard all day.”3 This 19th century practice reappears in American and British prisons in
the early 20th century. In the United States, it appears in military prisons. During World War
I, high cuffing was the standard military prescribed punishment for Mennonites, Molokans,
Hutterites and other conscientious objectors who refused to serve even in non-combat roles.
Prisoners were handcuffed to their cell door eight to nine hours a day, in one case up to fifty
days. Those who spoke in solitary had their hands cuffed high above their heads with their
back to iron bars for the same number of hours. Prisoners described high cuffing as
excruciatingly painful, and even the public, otherwise unsympathetic with these prisoners,
found the practice appalling. The practice ceased almost immediately after World War I.

6. As a routine prison technique, prisoners first report the technique used in the British penal
colony of the Andaman Islands. The routine consisted of fetters, crossbars, flogging, full
day cold baths, small cages and the standing handcuffs. The latter consisted of being “hung
up to the wall” by the hands or thumbs and standing 8 hours a day with a one hour break.4
Prisoners report standing hangings in other Indian prisons as well as Irish prisons (where
they called it “semi-hanging”). In German concentration camps, Polish prisoners report the
technique, a position they called the slupik or the pillar.5 They described the reverse
standing handcuffs as “the stake.” Since World War II, they have been reported in Chinese
POW camps in North Korea (1952-1953), French Algeria (1957-1959), North Vietnam
(1960s), Northern Ireland (1971), Brazil (1970s), the Philippines (1970s), El Salvador
(1980s), Iran (“Weights,” ghapani, 1980s), and Israel (1980s-1990s). In 1981, in Saddam
Hussein’s jails, guards suspended Iraqi prisoners by their handcuffed wrists from walls or
step-ladders for several hours with their toes just touching or just off the ground. Recent

3 Torture and Democracy, 306-307
4 Torture and Democracy, 301-301
5 Torture and Democracy, 313.
accounts come from Mexico, China, Russia and American occupied Iraq ("high cuffing").

Forced Standing. Positional techniques don’t require restraints and the physical position one holds is familiar from ordinary life. Yet even absent a rope, handcuff or other restraint, forced standing and other normal positions can be made into powerful vehicles for delivering pain to the body.

1. Humans are not designed to stand utterly immobile. For example, Harold Wolff and Lawrence Hinkle, two medical experts hired by the CIA in the 1950s, affirmed that even short periods of being forced to stand immobile can be painful. Swiftly, moving becomes painful, one feels a tremendous pressure on one’s hips, soon the ankles and feet swell to twice their size, and large blisters appear within 24 hours. In forced kneeling, it is the knees, not the ankles that swell. The knees swell to the size of a grapefruit and become highly sensitive to external stimuli. George E. Day, a US POW held in North Vietnamese prisons, explains this well: “The sensitive human knee when in contact with rough, bare concrete for a long period of time, generates great pain. The best comparison is that of driving a long nail under the knee cap.” One can increase the pain even further by forcing the individual to extend his arms and hold himself upright or by placing something under the knees. The object need not be sharp, even rounded objects like a broom handle can be profoundly painful. As Day says, “If you have any doubts about this, try kneeling on a broomstick with your hands in the air for 15 or 20 minutes.” Appendix C illustrates positions to which US POWs were put in North Vietnam. The sequence illustrates forced kneeling, forced lying and damage to wrists from rope tortures.

2. Forced standing is a now banned military field punishment for soldiers in West European armies. It replaced whipping in the 1880s. Soldiers in the British Army referred to it as the "crucifixion," and French legionnaires called it the silo. Opposition to this practice was intense; as one soldier from the French Foreign Legion put it, “Now, that doesn’t sound very terrible, does it? Yet, after half-an-hour of it, I have heard men screaming and raving.” Although armies eventually banned it, the technique soon appeared in police interrogation in the United States. By the 1920s, forced standing was a routine police technique in America. In 1931, the National Commission on Lawless Enforcement of the Law found numerous American police departments using forced standing to coerce confessions. In the 1930s, Joseph Stalin's NKVD used forced standing (dubbed the stoika) to coerce seemingly voluntary confessions for show trials. The British used forced standing as early as 1937-1939 on Arab and Jewish prisoners in Mandatory Palestine. The Gestapo routinely used it as a punishment in concentration camps, sometimes creating tiny, narrow cells where prisoners had to stand all night. Camps also had poles to which prisoners were attached. The practice has an extensive history in Latin America as well where it is called the planton. The history of forced standing is documented in Chapters 3 and 15 of my book. Appendix D illustrates the British, French, and German variations of this technique.

3. Other positions besides standing can be extremely painful.

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6 Torture and Democracy, 316-333.
7 Torture and Democracy, 316.
9 Day, 141.
10 Torture and Democracy, 303.
11 Torture and Democracy, 69-90; 316-333.
a. **Forced Sitting.** It is not especially difficult to create discomfort or pain while sitting in a chair. Israeli interrogators, for example, used small chairs and shorter front legs of the chair to induce deep pain in the legs and lower back, as the person in the chair is constantly sliding downward. North Koreans also used this method in 1953.\(^\text{12}\)

b. **Forced Kneeling.** While it was known in Europe (French prisons in the 1880s, in Hamburg Gestapo station in 1933-1934), it was most common in the Pacific theater. Japanese military police, the Kempeitai, used forced kneeling on objects in POW camps throughout Asia during World War II. Investigators for the International Military Tribunal of the Far East recorded its use in POW camps on the Japanese Mainland (at Fukuoko and Omuta), in the Burma-Siam Railroad camps, and in prisons in Singapore, Malaysia, Vietnam, the Philippines, the Andaman and Nicobar Islands, Micronesia, Timor, the Moloccas, the Solomons and the Celebes. As George Day’s account indicates, North Vietnamese also used this practice routinely on US POWs. Post-war reports come mainly from either countries the Japanese formerly occupied (North Vietnam in the 1960s; Myanmar in the 1990s), or former Japanese allies (Franco’s Spain in the 1970s, Salazar’s Portuguese colonies in the 1970s).

**Forced Standing on Sharp Objects.** Guards can intensify pain induced by positional torture by placing simple pebbles underneath the feet, but historically they have preferred much sharper objects including sharp stones, cut sticks and cans.

1. The oldest technique, first described in 1786, is a restraint torture. The Picket is a British military punishment now banned for over two centuries called the Picket. The prisoner was forced to balance his foot on a stump tapered to a sharp point with one hand chained to the rafters. The prisoner could relieve the strain on his hand by resting his bare heel on the sharp point of the stump. The Cavalry and Artillery typically used the picket, and the typical time on the picket was 15 minutes. See Appendix F.

2. Contemporary usage includes the following. During World War II, Japanese used sharp objects routinely in camps to supplement positional tortures like kneeling. See Appendix E. Following the war, prisoners report guards using the technique in Venezuela in 1953 (“El Ring”), South Africa (1960s), Brazil (1970s), Burundi (1990s), and Myanmar (1990s). Exhaustion exercises also employ the technique, for example, requiring prisoners to run over sharp stones.

3. All historical accounts agree that this is a painful technique. The picket stump “though it did not break the skin put him to great torture; the only means of mitigation was by resting his weight upon his wrist, the pain of which soon became intolerable.”\(^\text{13}\) A Venezuelan prisoner states, “At first, the position is just uncomfortable, but after some hours have passed the edge of the rim hurt the bottoms of the feet to the point of producing bloody wounds. Later the pain is unbearable…. The feet swell up to the ankles.”\(^\text{14}\)

**Exhaustion Exercises:** Mr. Al Shimari and Mr. Al-Zuba'e state that they were subjected to what may be called exhaustion exercises. Mr. Al Shimari states he was “forced to do push-ups and other physical exercises to the point of exhaustion.” It is not clear whether Mr. Al Shimari’s hands were handcuffed when he did the push-ups. Additionally, Mr. Al-Zuba'e states he was “forced by the same individuals to

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\(^{12}\) *Torture and Democracy*, 355-357.

\(^{13}\) *Torture and Democracy*, 297.

\(^{14}\) *Torture and Democracy*, 325.
crawl or slide on his stomach down the length of the hallway on the first floor of the men’s section of
the Abu Ghraib hard site, resulting in cuts across his knees, chest, and stomach.”

1. Discipline involves drilling, repeating exercises until one performs a task precisely and
automatically. And for centuries, drilling has been a punishment for inadequate soldiers, sailors,
and cadets. What is new is that these drills should appear in torture chambers or prior to
interrogation. I offer a full list of these procedures and their history in *Torture and Democracy*.\(^{15}\)
The key text here comes in 1942. In a memorandum authorizing *Verschärfte Vernehmungen*
(Sharpened Interrogations), Gestapo Chief Müller stated that interrogators may sharpen
interrogations by using “exhaustion exercises,” *Ermüdungsübungen*. Other sharpening
techniques included dark cell, hard bed, simple rations, sleep deprivation and blows with a
stick. The full memo and translation is attached as Appendix G. Exhaustion techniques were
commonly used. One Czech prisoner, Filipek, reports “a senseless number of push-ups and deep
knee bends.”\(^{16}\) Photographs of exhaustion exercises are rare; Appendix F shows the use of
these techniques by Germans on Greek Jews.

2. As in positional torture, detainees often perform exhaustion exercises because they fear worse
consequences if they disobey. They are mistaken in this. Exhaustion exercises induce ferocious
muscle cramps and physically weaken detainees, making them vulnerable to suggestion. A
young Spanish woman forced to do hundreds of deep knee bends observed in the 1970s, “It
leaves no marks, but it hurts horribly.” Prisoners in the 1970s of the Royal Ulster Constabulary
and in South Africa in the 1980s report being forced to perform a seemingly endless series of
push-ups.

3. Pushups *with handcuffs* are first reported in Franco’s Spain in the late 1960s and then in Chile
(the “German torture”) and El Salvador in the 1980s. Ordinary sit-ups and push-ups are also not
unknown. In Northern Ireland in the 1970s, RUC prisoners were forced to perform push-ups
constantly late into the night. Prisoners in South Africa reported pushups and high jumps in the
1980s. The Israeli GSS had prisoners perform deep sit-ups on chairs. Most recently, Spanish
police have forced Basque detainees to perform pushups and high jumps at police stations.

4. Forced crawling is a well-known exhaustion exercise. During World War II, Japanese used it on
Allied POWs (the “lizard”). Prisoners report it in French-occupied Algeria (“sports”) and the
“little walk” in Spain during the 1960s.\(^{17}\)

5. Exhaustion exercises may be combined with positional techniques. Sometimes guards increase
the strain of positional techniques by compelling individuals to raise their arms above their
heads, to the side or in front. They add, in other words, an exercise to the position to further
exhaust the individual. See Appendix C, Figure 2 and Appendix F, Figure 1.

**Judgments of Stress and Duress Techniques as Torture.** All these techniques have been condemned
and often called tortures in the past. They have been called so not only by states, including the United
States government, but also by soldiers on whom these techniques were applied, their families, and the
publics that witnessed them.

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\(^{15}\) *Torture and Democracy*, 342-346.

\(^{16}\) *Torture and Democracy*, 98.

\(^{17}\) *Torture and Democracy*, 345.
Before World War II. Militaries first introduced these techniques, particularly forced standing and related restraint tortures, to replace the whip. They were first introduced in in Austro-Hungary (1868) and Germany (1872). British investigators were skeptical whether forced standing was effective in maintaining discipline and whether the Germans would in fact stick to it in practice. And officials in the War Office were uncomfortable with these practices that were, in their words, “supposed to amount almost to torture.” The British public came to share this view, especially during World War I, when these punishments were handed out to soldiers more commonly. Indeed, scenes of forced standing led to harsh public reactions. “I really think it wicked,” wrote a Wickford resident, “that Englishmen who are giving up their all for King and Country to be treated so, worse than the most wicked criminal.”

Likewise in the United States, as I observed above, the public, which was otherwise deeply unsympathetic to conscientious objectors during World War I, condemned the US military when it used stress and duress techniques on Hutterites, Molokans and anarchists. In 1918, the Secretary of War authorized as statement banning these techniques, including high cuffing. See Appendix I. In particular, he stated, that “their effectiveness as deterrents has been questionable. Men have returned for repeated experiences of the severest forms of discipline. The most extreme of these is now discarded and the order is comprehensive. It applies not merely to political prisoners, but to those of every type.”

After World War II. During World War II, these stress and duress techniques were integral parts of POW and civilian prisoner camp management in both Germany and Japan, as well as the territories they occupied. Appendix E is a series of drawings by a British POW of tortures to which the Japanese military police, the Kempeitai, inflicted on him in camps. It includes, among other things, the standing handcuffs, forced standing, and forced kneeling on sharp objects (Figures 1 and 2). German troops also practiced this range of stress and duress techniques. See Appendix D, Fig 1.

Not surprisingly, the Nuremberg Tribunal, that heard German cases, and the International Military Tribunal of the Far East (IMTFE), that heard Japanese cases, called these techniques torture. The IMTFE concluded “The practice of torturing prisoners of war and civilian internees prevailed at practically all places occupied by Japanese troops, both in the occupied territories and in Japan. The Japanese indulged in this practice during the entire period of the Pacific War. Methods of torture were employed in all areas so uniformly as to indicate policy both in training and execution. Among these tortures were the water treatment, burning, electric shocks, the knee spread, suspension, kneeling on sharp instruments and flogging.”

The IMTFE further described these techniques. Below is a sample of relevant passages:

“The electric shock method was also common. Electric current was applied to a part of the victim’s body so as to produce a shock. The point of application was generally a sensitive part of the body such as the nose, ears, sexual organs or breasts. The evidence shows specific instances of the use of this method of torture at the following places: China, at Peiping and Shanghai; French Indo-China, at Hanoi and Mytho; Malaya, at Singapore; Thailand, at Chumporn; Java, at Bandung, Buitenzorg and Semarang; and in the Philippines Islands, at Davao.

“Suspension was another common form of torture. The body of the victim was suspended by...”

See Chapter 8 “Conventional War Crimes (Atrocities)” of the IMTFE Judgment, 1057-1058.
the wrists, arms, legs or neck, and at time in such manner as to strangle the victim or pull joints from their sockets. This method was at times combined with flogging during suspension.

Specific instances of the employment of this method of torture occurred in the following places: China, at Shanghai and Nanking; French Indo-China, at Hanoi; Malaya, at Singapore, Victoria Point, Ipoh and Kuala Lumpur; Thailand, at Chumporn; Burma, at Kyaikto; Borneo, at Sandakan; Sumatra, at Brastagi; Java, at Bandung, Soerabaja and Buitenzorg; Moluccas Islands, at Amboina; Portuguese Timor, at Dilli; Philippine Islands, at Manila, Nichols field, Palo, Iloilo City and Dumaguete; and in Japan, at Tokyo and Yokkaichi.

“Kneeling on sharp instruments was another form of torture. the edges of square blocks were mostly used as the sharp instruments, the victim was forced to kneel on these sharp edges for hours without relief; if he moved he was flogged. Specific instances of the use of this method have been shown to us to have occurred at the following places: French Indo-China, at Hanoi; Malaya, at Singapore; Andaman Islands, at Port Blair; Moluccas Islands, on Halmahera Island; Philippine Islands, at Davao; and in Japan, at Fukuoka and Omuta.”

The IMTFE convicted two senior officials within the Japanese Army for, in part, their use of torture. Akira Muto, commander of the Second Imperial Guards Division from April 1942 to October 1944, was found by the Tribunal to be responsible for various atrocities committed by soldiers under his command, with specific reference to “[p]risoners of war and civilian internees were starved, neglected, tortured and murdered, and civilians were massacred” by these troops.

The IMTFE also convicted Kenji Dohihara, commander of the 7th Area Army from April 1944 to 1945. “The evidence as to the extent of his responsibility for protecting prisoners of war within the area of his command from murder and torture is conflicting. At least, he was responsible for their supplies of food and medicine. The evidence is clear that they were grossly ill-treated in respect of these supplies. Prisoners were starved and deaths from malnutrition and food deficiency diseases occurred at an appalling rate.”

Similarly, in their final judgment at Nuremburg, the judges brought down only one verdict affirming torture, against Kaltenbrunner who managed the concentration camps. Outside the camps, “the worst Gestapo tortures were only semi-official.” But judges found that the combination of techniques in camps were torture. As they stated:

During the period in which Kaltenbrunner was head of the RSHA, the Gestapo and SD in occupied territories continued the murder and ill-treatment of the population, using methods that included torture and confinement in concentration camps, usually under orders to which Kaltenbrunner's name was signed.”

c. During and After Vietnam. U.S. Prisoners of War returning from North Vietnam were also quite
clear in calling these techniques torture. In May 1973, a House Subcommittee took testimony from returning POWs and their families. In his statement, Col. Kenneth North stated that “they tortured approximately 95 percent of the men in the North Vietnamese prisons that I am familiar with for military or propaganda information. There were months and years of solitary confinement for many.”

Rochester and Kiley, who wrote the most complete study of these POWs, list the techniques as rope tortures, “aggravation of injuries received at ejection or upon landing, such as twisting a broken leg; forcing a man to sit or kneel for long periods of time without food or sleep; beatings with fanbelt-like whips and rifle butts; the application of an assortment of straps, bars and chains to body pressure points; and prolonged solitary confinement, often while in darkened quarters and/or in leg irons and manacles.” As Rochester and Kiley state, “it is difficult to overstate the pain that the American prisoners endured under this regime.”

The hearing transcripts indicate Americans called these techniques torture when other military forces applied them to American prisoners. The word “torture” appears 12 times in the course of the hearings, twice by Congressman Paul Findley of Illinois, and 9 times in the “Statements and Memorandum Submitted for the Record” by POWs, their families and their supporters. In the course of the congressional hearings, no one disputed the characterization of these practices as torture.

In summary, for over a century, around the world, judges, servicemen, prisoners of war, including our own, and their families have condemned these techniques. Nor have they hesitated in calling these “stress and duress” techniques torture.

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25 Stuart Rochester and Frederick Kiley, Honor Bound (Annapolis, Maryland: Naval Institute Press, 1999), 146-147.
B. OTHER INTERROGATORY TECHNIQUES

This section covers briefly some other techniques mentioned in the documents I reviewed. These include sleep deprivation, electrical shock, exposure to extremes of temperatures, and closed confinement or isolation. As in the previous section, I ask how each technique works, whether it is painful, and what is its history, including its place in the history of torture.

Sleep Deprivation: Mr. Al Shimari states that he was deprived of sleep during his detention at Abu Ghraib. To wit, he states he was “deprived of sleep throughout his detention at the Abu Ghraib hard site. He was frequently forced to listen to very loud music throughout the night and into the morning. On other occasions, a man would bang on the cell door and walls, let dogs loose into Plaintiff Al Shimari’s cell, and pour cold water and feces into Plaintiff Al Shimari’s cell.”

1. Depriving someone of sleep has well known physical effects, rendering other pains more excruciating. Experts agree that sleep deprivation is a basic physiological need state, similar to hunger and thirst and as necessary for survival. Indeed, Menachem Begin, the former Prime Minister of Israel and a prisoner of Stalin’s camps, states of his experience of sleep deprivation that “not even hunger or thirst are comparable to it.” Additionally, sleep deprivation reduces a body’s tolerance for musculoskeletal pain, causing deep aches first in the lower part of the body, followed by similar pains in the upper body. Animal tests suggest that REM sleep deprivation increases sensitivity to mechanical, thermal and noxious electrical stimuli. Often sleep deprivation is found combined with other painful techniques that make it difficult for prisoners to sleep, particularly suspension and positional torture (i.e. forced standing or kneeling).

2. Historically, sleep deprivation was mainly associated with Scottish and English Protestants, especially in witch trials, who in turn brought it with them to the United States for similar purposes. Contrary to stories, professional Catholic Inquisitors did not favor sleep deprivation because it made subjects highly suggestible in interrogation. Sleep deprivation enters into American policing and interrogation in the early twentieth century, where it was commonly used to secure confessions of guilt. Sleep deprivation was also a common feature of the Soviet “Conveyor” system of interrogating victims.

3. In Ashcraft v. Tennessee (1944), the US Supreme Court struck down confessions secured by depriving the subject of sleep through relay interrogations under bright lights. In 1941, police interrogated Ashcraft for 36 hours continuously until he confessed to murdering his wife. The Supreme Court stated:

The Constitution of the United States stands as a bar against the conviction of any individual in an American court by means of a coerced confession. There have been, and are now, certain foreign nations with governments dedicated to an opposite policy: governments which convict individuals with testimony obtained by police organizations possessed of an unrestrained power to seize persons suspected of crimes against the state, hold them in secret custody, and wring from them confessions by physical or mental torture. So long as the Constitution remains the basic law of our Republic, America will not have that kind of

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*Torture and Democracy*, (pp. 83, 86, 95, 101, 130, 147, 205, 208, 290-292).

*Torture and Democracy*, 71.

*Torture and Democracy*, 88-89.
government.”

The Supreme Court did not simply toss out Ashcraft’s confession as unacceptable in any democratic society; it linked sweating directly to foreign governments practicing “physical or mental torture.” By World War II, German practice of sleep deprivation was well known. Indeed, two years earlier, in his June 12, 1942 memo, the then head of the Gestapo, Heinrich Müller specifically included sleep deprivation as part of “sharpened interrogations” techniques. Again, see Appendix G.

**Electric Shock By Rods:** Mr. Al Shimari states he was “shocked on his stomach and arms with a metal rod connected to electrical wires.” The kind of device is unclear. Most stun devices do not require electrical connections to wall sockets, but this one did. It is also unclear how electricity was regulated.

1. Applying unregulated electric current to the body is dangerous and potentially fatal. Electricity can cause severe dehydration or damage to the tongue, making it difficult for victims to give information. Victims could bite the tongue severely as electricity forced the jaw to clamp down. Repeated electroshocks can force muscles to contract permanently, holding jaws rigidly in place. Electric shocks can result in severe muscle contraction – sometimes generating enough pressure to fracture bone and break teeth. The problem is so severe that doctors administering electroconvulsive therapy (ECT) on patients now give muscle relaxants to prevent fractures and related symptoms. In addition, unregulated electric current causes injuries (“burns”) at points of contact with the leads, respiratory arrest, loss of consciousness, general paralysis, loss of reflexes and deep prostration and, ultimately death by means of ventricular fibrillation.

2. Electric torture is a relatively recent torture. The first police forces to use electrotorture were the American (c. 1908), the British (1912), the French (1931), the Japanese (1931), and the Argentine police (1936). The first police to use clean electrotorture regularly were the domestic American police (1920s), the French Sûreté in Vietnam (1931), and the Argentine police (1936). The French in particular pioneered the dominant form of electric torture for 40 years, torture by means of a field telephone magneto.

3. Most electrotorture today is done by means of stun devices. Stun technology – which encompasses the taser – was developed first in 1972. The first commercially-available stun gun, the NOVA XR-5000, appeared in 1985. Stun guns appear in torture almost immediately, with cases recorded in New York, Los Angeles and San Diego. *Torture and Democracy* offers a list of known cases since then.

4. It is uncommon to hear of torture by means of a metal rod powered by live current in recent years. Electrotorture by means of live wires has only been recorded in five countries: Chad, Zambia, Cambodia, China Mexico – all in the 1990s. The last clear account of an electrified metal rod come from the 1970s, most notably Argentina.

**Electrical Shock by Taser:** Mr. Rashid states that, approximately three days after arriving at Abu Ghraib, “four males entered his cell; one electrically shocked Plaintiff Rashid in the hand and head with a taser gun, leaving permanent marks”

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31 Ashcraft v. Tennessee, 322 U.S. 143 (1944), 155.
32 *Torture and Democracy*, 242-245.
33 *Torture and Democracy*, 188, 203-213.
1. A taser works by applying current in short pulses. A pulse lasts four to six microseconds (millionths of a second), for the remaining .999996 seconds, the current drops to zero. When the trigger is held down, current does not flow continuously as in a prod. Rather, as long as the trigger is held down, the Taser repeats at an average rate of fifteen pulses per second, although the rate varies from model to model. Unlike unregulated electricity, the low amperage of a taser reduces – but does not eliminate – the lethality of the device. Stun technology incapacitates the whole body for several minutes, an effect dubbed electric curarization, by contrast electric prods and the like cause spasms. All of this is achieved with a nine-volt battery.

2. Tasers have been, at times, widely-adopted by police departments throughout the United States. They came to national attention with the most famous American case of police brutality in the 1990s, Rodney King affair. Rodney King was shocked twice with a taser during his confrontation with police officers in 1992. Domestically, the first alleged police torture using taser, as opposed to stun guns, was reported in 2004 in Colorado.  

3. An electroshock to the head can cause retrograde amnesia. This has been well-established from the study of ECT application to patients in psychiatric hospitals. In fact, any head trauma risks retrograde amnesia. When there is trauma to the brain, the farther back the memory, the more likely it is to survive the trauma. The closer the memory is in time to the trauma, the less likely it is to survive. In 1881, Théodule Ribot formulated this as a law of regression: in memory, “The new perishes before the old.” Recent memories die before remote ones. For example, Princess Diana’s bodyguard suffered head injuries during the crash that killed her. He remembered who he was, but not incidents immediately prior to the accident for months. Most of those appear to have been lost permanently. The length of Ribot’s gradient varies with the species, days or weeks in rats, months in monkeys, years or even decades in humans. The degree of fragmentation also varies with each person and type of brain damage. But generally, quantitative studies show that unique events are harder to remember than those that were repeated. Autobiographical memory and public events memory are affected only if the memory is recent. Subjects cannot overcome this inability by trying to remember.

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Exposure to Extremes of Temperature: Mr. Al Shimari and Mr. Al-Zuba’e state they were exposed to extreme cold temperatures during their detention at Abu Ghraib. Mr. Al-Zuba’e states he was forced “to shower in cold water until he had used an entire bar of soap.” After one interrogation session, Mr. Al-Zuba’e states “a male wearing a military uniform came to Plaintiff Al-Zuba’e’s cell, stripped Plaintiff Al-Zuba’e naked, and removed everything but the bedframe from his cell. For three days, Plaintiff Al-Zuba’e remained naked and exposed to extreme cold.” Further, Mr. Al-Zuba’e states he “was exposed to rainy weather and extreme cold temperatures while hooded in the course of interrogations.” Mr. Al Shimari states he was also forced to “shower in cold water until he had used an entire bar of soap.” He states he was “forced to remain naked for the first week of his detention at Abu Ghraib, exposed to extreme cold.” Further, he states he was “given a jumpsuit, forced to soak it under

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34 Torture and Democracy, 245-248.
36 Torture and Democracy, 467.
1. Exposure to intense cold is excruciatingly painful. Scientists have shown this empirically in laboratory experiments reported in 1996. Physiologically, all humans have certain neurons that suppress the effects of intense cold. When scientists used a thermal grill to prevent the excitement of these cold-specific cells, they repeatedly produced intense pain. In non-laboratory circumstances, after extreme exposure, the body begins to suppress coldness, limiting perception of injury. This has an effect not unlike morphine. In extreme cold, human beings become indifferent to frostbite, the loss of limbs (e.g. toes or fingers), and eventually to death.

2. Historically, police have secured confessions by exposing suspects to extreme heat or cold. The earliest recorded use is during the American Civil War, where military information was gathered by placing detainees in extremely hot sweatboxes. But the cold version existed as well, for example, the notorious Denver “black hole” in the early twentieth century. But chilling can be achieved without coldboxes. During World War I, for example, prisoners at Alcatraz were chained on the windward side of the island eight hours a day. The use of airconditioning units was first reported during the Civil Rights protests in Parchman, the Mississippi state penitentiary, in 1961 and it first appeared in the course of interrogation during notorious, and subsequently condemned, British procedures implemented in Aden 1965. Since then, the practice has spread to several other countries (again documented in Torture and Democracy).

3. In 1991, an American court described “exposed to freezing cold” as torture. In Acree v. Republic of Iraq, former POWs of the First Gulf War and their close family members filed a lawsuit in the United States sought damages from the Iraqi government for injuries “from torture inflicted on the POW plaintiffs while in Iraqi captivity.” The facts in this case are undisputed. The POWs were all pilots. The Iraqi government believed they possessed sensitive information, and they were tortured more than other POWs. In its judgment, the court stated “The torture inflicted included severe beatings, mock executions, threatened castration, and threatened dismemberment. The POWs were systematically starved, denied sleep, and exposed to freezing cold.”

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37 Torture and Democracy, 448.
38 Torture and Democracy, 351-353.
C. CLOSED CONFINEMENT, ISOLATION, AND SENSORY DEPRIVATION.

Mr. Al Shimari states that his hands and feet were tied shortly after arriving at Abu Ghraib and he was forced “into a closet/cabinet with two other men whose arms and feet were also bound.” Subsequently, Mr. Al Shimari states he was held “in a closed, windowless cell” during his detention. Mr. Al-Ejaili states he “was imprisoned in a cold solitary cell in November 2003.” Later, the summary states that he was held in a “closed, windowless room for a day and a half.” Mr. Al-Zuba'ei states he was “imprisoned in a solitary cell in conditions of sensory deprivation for a full day.”

These statements describe isolation but they are often vague on duration and spaces. For example, are the two incidents Mr. Al-Ejaili describes the same or different? How large was the space in which Mr. Al Shimari was first confined? How long was Mr. Al-Shimari’s in the closed windowless cell? What factors identify Mr. Al-Zuba’ei’s cell as a state of sensory deprivation? Were his hands, feet and eyes masked? Or was it simply dark? What does sensory deprivation mean to the summarizer here?

There are distinct types of isolation. Each has a history and distinct effects. Three types may be relevant here: (a) solitary confinement, (b) confinement in a sweatbox, and (c) confinement in a box that induces sensory or perceptual deprivation. Here is a brief overview.

1. Sweatboxes are very hot, cold or wet. Some hold a prisoner immobile (like a coffin). Others allow some movement but are designed to be uncomfortable. They are built just short of human dimensions, making it impossible to fully extend oneself in any direction (what I call “squeeze cells”). Others have uneven surfaces and sharp edges that make sitting painful. Some are cages, exposed to the elements, while others are dark holes. Multiple individuals can be pressed into these extremely tight places. The earliest recorded use is during the American Civil War, where the military sweatbox was a cell near a very hot stove in which guards burned boots and bones, producing intense smoke and heat. There were also cold cells, for example, the notorious Denver “black hole” in the early twentieth century.

2. Sensory Deprivation boxes are unique environments created in laboratory experiments in the 1950s. The two classic boxes represent different strands of sensory deprivation (SD) research. John Lilly’s water tank is an example of sensory deprivation (SD), removing all stimuli from the environment. The box neutralized even the effect of gravity and airflow across the body. By contrast, Maitland Baldwin’s dry box exemplifies perceptual deprivation (PD). He used various devices including white noise, goggles and gloves to mask over environmental stimuli including smells. The senses are not deprived, but they can’t perceive. The dry box neutralizes most, but not all, sensations; specifically bodies still feel the effect of gravity and airflows across the skin.

Both boxes keep individuals from smelling, hearing or tasting anything. In both experimental boxes, external temperature mirrors that of the human body, preventing individuals from sensing their external circumstances. These are “Goldilocks environments,” neither too hot nor too cold. In both boxes, scientists enabled human beings to move about. This is because any immobility can be sensed, defeating their aim to remove stimuli or mask them over. Forced immobility and beating has no place in sensory deprivation. In creating these conditions, it is self-defeating to induce physical pain. In fact, pain is not just a sensation, but consists of multiple qualities and sensations (burning, itching etc.). Also packing individuals together in a

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Torture and Democracy, 351-353, 406, 423, 437.
small space does not induce sensory deprivation; on the contrary, it induces sensation.

3. Popular imagination often confuses sweatboxes with sensory deprivation boxes. But they are quite different. Sensory deprivation boxes are kept at body temperature, while sweatboxes expose those confined to extremes of heat and cold – these are harsh sensations. Sweatboxes hold people immobile to cause physical pain but sensory deprivation boxes do not. Not even the CIA Kubark manual connects forced immobility and standing to sensory deprivation, discussing these practices instead under “Pain.” And sweatboxes, as the name implies, induces intense, unpleasant smells, which is also self-defeating if one aims to deprive someone of sensations.

4. Lastly, there is solitary confinement. Solitary confinement is a condition where an individual is separated from the general prison population; where those in charge initiate the only social contact the individual has; where this contact is monotonous and predictable; and where the confinement is between 22 and 24 hours, with only marginal opportunities for exercise.

5. Solitary confinement differs from sweatboxes in which the confining cell is a normal cell, not one designed to induce or cause pain. Solitary confinement differs from sensory deprivation conditions in that guards make no effort to mask external stimuli. Popular imagination often confuses the absence of light, food or sleep during solitary confinement with sensory deprivation. Depriving a prisoner of food is starvation, not sensory deprivation. Depriving one of sleep is sleep deprivation, not sensory deprivation. The absence of light may be common to all three types of isolation and yet each form of isolation has different physical and psychological effects. Just because a cell is dark, this does not make it a condition of perceptual deprivation. Darkness cannot be a way of distinguishing between these three states.

Officials instituted routine solitary confinement in the Auburn System in New York and Pennsylvania in the 1820s. Americans abandoned this experiment by mid-century for an alternative prison model in which inmates worked in common areas or shared cells. European countries however adopted the Auburn model in the 19th century. Denmark, Norway, Sweden and Iceland have practiced it for more than a century. The Danish government mandated solitary pre-trial confinement 1846, and by 1870, all Danish prisons could confine their prisoners in solitary. The United States and Israel are relative latecomers to the modern practice of solitary confinement. The first American supermax prison was established in 1983.

6. Each type of confinement has characteristic effects.

a. Sweatboxes are forms of restraint and positional torture covered above. Confinement in a closet is a well-known restraint torture. These are physically painful conditions.

b. Sensory deprivation boxes generate unique psychological effects, including auditory and visual hallucinations, what was once captured in the movie *Altered States*.  

c. Lastly, solitary confinement alone has a unique set of psychological and physical sequelae, which I discuss below.

All three prisoners appear to have been subjected to solitary confinement. So, first I discuss the history of solitary confinement under Saddam Hussein. Then I discuss what scholars know happens to individuals psychologically and physically after being subjected to solitary confinement.

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*Torture and Democracy, 372.*
Solitary Confinement under Saddam Hussein

The Mukhabarat, Saddam Hussein’s secret police, had a facility in Baghdad that used solitary confinement. Prisoners held there include an American, Robert Spurling, the technical director of the luxury hotel, the Baghdad Novotel Hotel, and Mohammad Al-Jabri, Hussein’s former ambassador to Spain. Both report being held in a facility in Baghdad for months. The location is unknown to them, but it was probably Iraqi Intelligence Service Regional Headquarters. These stories were notable, because normally prisoners were crammed into packed, unhygienic cells with dozens of others.

Mr. Spurling was held for 110 days in a Baghdad security prison in 1983. He reported that his cell had an “external temperature control which enabled his jailers alternately to make it very hot or very cold.” In addition, the Mukhabarat interrogators beat the soles of his feet, beat his face with slaps and boxing gloves, gave electroshocks all over his body, and fed him, irregularly, highly salted food. All of these techniques are physically painful, leave few marks, and when he was released in October 1983, the physician who examined him in Paris identified only digestive troubles, pains at the base of his spine and feet, the lack of feeling in his right thumb, and difficulty bending his finger. Reports suggest that because the United States government was concerned about Mr. Spurling’s fate, the Mukhabarat sought to interrogate him with torture but without leaving witnesses or tell-tale marks.

In 1991, during the First Gulf War, Iraqi intelligence held high value American POWs in solitary confinement in Iraqi Intelligence Service Regional Headquarters and Abu Ghraib. Like Mr. Spurling and Mr. Al-Jabri, solitary confinement was part of a torture regime. Techniques included beatings, threats, mock executions, starvation, sleep deprivation, exposure to freezing cold, shock with electrical devices, confinement in dark filthy conditions, and aggravation of existing injuries. The POWs were held in these conditions from 7 to 47 days, the average period of confinement being 33 days. The POWs report suffering serious psychological trauma and physical injuries from this regime including severe weight loss, nerve damage, and massive bruises. What follows describes their experience.

Iraqis held these prisoners in a place the POWs dubbed the “Biltmore,” Iraqi Intelligence Service Regional Headquarters in Baghdad. Cmdr. Jeffrey Zaun describes solitary confinement in these terms:

On January 31, 1991, Cmdr. Zaun was taken to the Biltmore in Baghdad where he was thrown into a tiny cell. He could not see the walls of his cell because it was so dark, and the sensory deprivation of weeks in this cell was excruciating. He was given small blankets to shield him from the extreme cold, but he still shivered every moment he was in this location.

Other prisoners describe similar conditions in solitary confinement at the prison. CWO Hunter states, “The cell had a bare concrete floor and was constantly dark and cold. He developed running sores on his thighs and his tail bone from lying on the concrete day and night.” Cmdr. Slade reports “he lost feeling in his hips because of the weight of his body pressing against the cold concrete when he slept. The numbness increased over time and eventually the feeling stopped returning during the day.” Lt. Col. Storr states “His cell was so cold at night that he would lose feeling in his feet and he had to rub them vigorously to get the blood to flow. He did not recover feeling in his feet until six months after his return to the United States, and some numbness continues today.” Prisoners confined in the Biltmore

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were Lt. Col. Clifford Acree, Lt. Col. Craig Berryman, Col. David Eberly, Lt. Col. Jeffrey Fox, Chief
Warrant Officer Guy Hunter, Commander Lawrence Randolph Slade, Lt. Col. Richard Dale Storr,

On February 23, 1991, the Coalition bombed the IISR Headquarters and Iraqi officials moved the
prisoners to a nearby civilian prison, Abu Ghraib, a building the POWs came to call “Joliet.”
CWO Hunter describes the typical conditions of solitary confinement at Abu Ghraib: “As he was transferred
to Joliet, he was again beaten. It was very cold at Joliet and he had only one blanket. He shivered
constantly.” Similarly CWO Hunter states, “When he arrived at what he believes was the prison the
POWs called the Joliet, he was thrown into a cold, damp cell.” POWs housed there include Lt. Col.
Craig Berryman, Sgt. Troy Dunlap, Lt. Col. Jeffrey Fox, Chief Warrant Officer Guy Hunter,

The Physical and Psychological Sequelae to Isolation

Scholars write on solitary confinement for two reasons. First, some study individuals isolated in
prisons. Others study individuals isolated in space capsules, deep under the oceans or living in polar
exploration posts. These seemingly different isolation conditions appear to generate common
symptoms. Moreover, other scholars study how injury produces trauma. These scholars don’t study
isolation specifically, but the principles they identify agree with the work on isolation. In short, three
fields – the criminological literature, the capsule environment literature and the medical literature –
offer a consistent account of the physical and psychological aftermath to isolation.

Criminological and Medical Literature on Prison Isolation. Hinkle and Wolff, the CIA researchers
cited above, analyzed how solitary confinement affected US POWs during the Korean War, finding
an isolation regime could produce anxiety, depression, illusory experiences, visual
hallucinations, and in some cases psychosis. Insanity was normally avoided by breaking the
routine of total isolation, and the 'lesser' effects were 'usually sufficient to make the prisoner
eager to talk to his interrogator and seek some method to escape from a situation which had
become intolerable."

Scandinavian countries routinely used solitary confinement and it has received considerable scholarly
attention. In his review of this literature, the current expert in this area – Peter Scharff Smith
concludes,

[w]hen isolated prisoners are asked, they point to anger, hatred, bitterness, boredom, stress, loss
of the sense of reality, suicidal thoughts, and hallucinations. These symptoms vary in degree as
well as their health consequences. Still there is general agreement among many of those who
have studied solitary confinement that this mode of imprisonment can produce severe effects.”

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44 Doyle, Robert. *The Enemy in Our Hands: America's Treatment of Enemy Prisoners of War from the
Revolution to the War on Terror.* (Lexington: University of Kentucky Press, 2010). 298.

45 Quoted in Peter Scharff Smith, “The Effects of Solitary Confinement on Prison Inmates: A Brief
34, 441-528.  
Scharff Smith, p. 488. Internal citations omitted.
Scharff Smith identifies five clusters of effects that previous studies have associated with solitary confinement. Solitary confinement induces physical symptoms, including (1) severe (53-55% of prisoners in one study) or continuous headaches (40% of prisoners in one Norwegian study), oversensitivity to stimulus, various body and muscle pains, and weight loss (an average of 5-10 pounds, based on one study). Solitary confinement also has predictable psychological symptoms including (2) confusion, memory loss and impaired concentration, (3) hallucinations (between 20% and 40%, based on studies from Norway and the United States), illusions and paranoia, (4) emotional reactions, including depression and anxiety, impulse control problems, violent outbursts and self-mutilation, and (5) lethargy, sleeping problems, breakdown of identity, psychosis and suicidal tendencies.

These conditions emerge consistently and irrespective of prisoner treatment, American or Scandinavian or Israeli. They are therefore conditions that follow from solitary confinement alone. And they also differ from the frequency of these symptoms in the normal prison populations. As Scharff Smith states, “One important lesson nevertheless is that a significant percentage of prisoners subjected to solitary confinement suffer from a similar range of symptoms irrespective of differences in the physical conditions in various prisons and in the treatment of isolated inmates.”

Capsule Environment Studies. Capsule environment studies are conducted for different reasons than studies of prison isolation. For some time now, organizations send humans into space, ocean depths and polar regions. Organizations want to know how to keep human exploration safe in extreme conditions safe. Suedfeld and Steel have reviewed everything known about these environments. They emphasize how dangerous these conditions are. “Capsule environments are remote from other communities, are located in places where the physical parameters are imimical to human life, and are difficult to enter or leave. They are inhabited by artificially composed groups of people who are removed from their normal social networks and who carry out specific tasks and procedures. Excursions into the surrounding environment are relatively rare, usually uncomfortable, and frequently dangerous.”

Suedfeld and Steel find the following stressors inherent to capsule environments, including (1) confinement and capsule isolation, resulting in sleeplessness, depression, general mood declines, compulsive behavior, psychosomatic problems and hypodynamia (2) monotony, (3) density, and the attendant loss of personal, private space, and (4) sensory restriction. One other finding to emerge from research on polar region is the ‘winter-over syndrome,’ “some combination of depression, irritability, cognitive impairment, sleep disturbance, and altered states of consciousness.”

Comparison of the Two Literatures. Both literatures agree the psychological and physical effects these environments induce come quickly. Schaff-Smith states “The overall conclusion must be therefore that, though reactions vary between individuals, negative (sometimes severe) health effects can occur after only a few days of solitary confinement. The health risk rises for each additional day in solitary confinement.” Similarly, Suedfeld and Steel state, “One critical characteristic is the length of occupancy in the capsule... Partly because some of the stressors are not dramatic and their impact is

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47 Scharff Smith, 488-493.
48 Scharff Smith, 488.
50 Suedfeld and Steel, 230-234.
51 Suedfeld and Steel, 231.
52 Scharff Smith, 495.
cumulative over time, the crew may not become aware of them until their effects are serious.”

Secondly, a comparison suggests that prisoners appear to react more severely to solitary confinement than explorers and astronauts. This is probably because, however isolated, these explorers often work in crews and they can initiate their own contact with their environment. As Suedfeld and Steel state, explorers benefit when they can access a simple external window, mitigating ill effects of confinement. “Even seeing the external environment is important and may in fact be the crew's major or only contact with it. Astronauts are entranced by the view out the windows, and aquanauts in undersea habitats are fascinated by the ebb and flow of water and the marine life visible through portholes.”

This finding coincides with a third medical literature on the relationship between trauma and injury – whether from torture or natural events like earthquakes. The latest and state of the art study in this area by Metin Başoğlu and his team focuses on comparing different subgroups of torture victims from the former Yugoslavia.

Since the 1980s, scholars have found no simple link between how severely one is injured and how much psychological trauma follows. Some experience severe physical tortures but are relatively unscathed. Others only see torture or experience threats, but they develop severe trauma. Studies show consistently that trauma tracks with whether individuals feel they were in self-possession during the torture or not. If they do not feel they have any environmental control, the trauma may be severe. As Başoğlu concludes, “manipulations designed to remove control from the detainee might have a severe impact, even when they do not involve physical torture.”

Conversely, some torture victims claim that expressing anger and distress alleviated their distress. By gaining some self-possession, they reduced trauma despite the severity of physical torture. And there is a good medical basis for this. Başoğlu observes, “Evidence shows that animals and humans respond with anger, hostility, and aggression to threats to physical and psychological well-being” and “the ability to aggress during uncontrollable stress can dramatically reduce the impact of the stressor in animals.” He concludes, “Humiliating treatment and attacks on personal integrity, cultural values, morals, or religious beliefs may induce feelings of helplessness in the individual through not being able to act on anger and hostility generated by such aversive treatment.”

The medical literature thus points to the perception of control over one’s environment. Solitary confinement can be voluntary or not. In Suedfeld and Steel’s studies, individuals choose to live in capsule environments, polar exploration huts, deep sea pods and other extreme circumstances, and that may greatly mitigate the dangers of solitary confinement. As Suedfeld and Steel state, “we must remember that how people experience an environment is more important than the objective characteristics of the environment.” But far more dangerous symptoms, including physical ones, are likely to follow when people place individuals in solitary confinement against their wills and with little control over the situation of their confinement (e.g. absence of windows etc. that may mitigate the effects of confinement).

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53 Suedfeld and Steel, 237.
54 Suedfeld and Steel, 234.
56 Başoğlu et al, 283-284.
57 Suedfeld and Steel, 230.
D. NORMS OF TREATMENT OF PRISONERS

Iraqis suffered many horrible, mutilating tortures under Saddam Hussein. And yet news reports sometimes describe Iraqi reaction to American prisoner treatment in words like these: “Shoot me here,” said an Iraqi prisoner pointing to the space between his eyes, “but don’t do this to us.” To Americans this response is puzzling. How could American prisoner treatment be worse than having parts of one’s body burned with torches, cut off with axes, or drilled into with power drills – all of which are documented in Saddam Hussein’s prisons?

To understand why people of the Middle East responded to Abu Ghraib with horror, one needs to recall the legacies of state violence in this region over the centuries. In the beginning, Muslim states did not carry forward many of the worst tortures (including crucifixion) of the Persian and Roman empires they replaced. They did introduce tortures of their own, from the amputation of limbs to the common beating of the soles of the feet, the falaka, that are cruel by our standards. But Muslim societies were guided by ideals and values that Westerners can recognize and which still animate penal reform today.

Here is an overview of the evolution in the region of both torture and attitudes about it:

Ancient Tortures and Common Norms

For the West, crucifixion is a religious symbol, but in the Middle East, this was a real punishment that cast a long shadow. Greek historians tell us that the Persians invented crucifixion around 2500 years ago, but other empires soon adopted it. The ancients regarded this as the worst of executions. Crucifixions displayed victims naked in public without honor. They subjected victims to the vengeful feelings of a crowd, allowing them to take pleasure in pain and breach the bonds of civility. They extended suffering for days. They left victims as food for wild beasts and birds, denying them a proper burial. Crucifixion was the practice of savages and tyrants who did not respect the law. For the ancients, the only comparable practice to crucifixion was being torn apart by wild beasts. Both were horrible ways to be treated and savage ways of death.

The Muslim world rejected this practice of Romans and Persians. Consider for example this story of the early history of Islam. In battle, Ali, Mohamad’s son in law, was about to deliver the death blow to an idolater, Talha. At that moment, Talha’s lower garment fell away and exposed his genitals. Ali averted his face, and spared the man. Mohammad asked him why, and Ali replied the man was nude and asked that the life be spared.

This parable illustrates not only the qualities of an ethical soldier, but also lays out some of the qualities of humane violence. Humane violence expresses what is just, not what serves one’s interests. It encourages maturity, civility and honor. It limits pain to what the law requires. It does not add humiliation to suffering, nakedness to pain. And if life must be taken, one returns the body swiftly to families for the proper burial rituals.

Both Muslim and Christian cultures then share common norms of treatment drawn from the common experience of crucifixion. Inhumane punishments expose prisoners publicly and added humiliation to injury. They foster inhuman feelings collectively, both sexual and violent, that break the bonds of basic human society. They apply pain in excess of what was permitted or necessary for their duties. They treat the bodies of the dead disrespectfully and deny basic civil rituals.
The public display of naked prisoners, alive or dead, violates all these norms. It references that moment when both these cultures refused to act as the Romans did when they crucified.

**Modern Torture and Cultural Norms**

More recently, in Muslim countries, violating these norms has been associated with colonial penal practices. Inhumanity in violence included forcing Muslim prisoners to eat pork or drink alcohol – as happened in French Algeria – or removed veils and turbans – as happened elsewhere. The latter can also be experienced as extreme nakedness, adding humiliation and inhumanity to incarceration. As Başoğlu noted above, being unable to express anger and distress under these humiliating conditions, is one stressor that generates psychological trauma.

Colonial states showed a calculated sensitivity to what offended local values in the practice of violence. For example, during the Indian Mutiny (1857-1859), British troops resorted to the extraordinary practice of strapping rebels to canons and blowing cannonballs through their chests. This was done because Muslim bodies had to be buried intact for their souls to enter into paradise. By blowing them to smithereens, this way of execution sought to horrify and deter survivors. “Cultural torture” was invented by people who came from outside a society. It is not born from indifference or ignorance.

Undoubtedly, the prisons of Saddam Hussein were also horrible places. The chances of surviving were low. And one thing was certain: if one did survive them, one would be scarred physically for life. For better or for worse, most of the techniques described in Sections A and B do not leave long-term physical marks. That very lack of scarring in some ways is even worse. A UN psychologist who works with victims of stealth torture observes that the feelings of shame, remorse and guilt “would not have been experienced had the subjects been physically scarred.” Victims can show physical scars without shame; they win sympathy and recognition from communities. When tortures are not obvious to the naked eye, others can deny them and victims may not even win sympathy from one’s own communities.

This lack of sympathy connects with another ancient horror, namely, slavery. As Orlando Patterson notes in his study of slavery, for most of human civilization, the opposite of slavery was not individual freedom. Rather, the opposite of slavery was community. A slave was someone who had no name, who had no friends to aid him in times of need, and who had no one to sing his song when he was gone.

Most people throughout history experienced slavery as a form of social death, not merely the loss of external freedom. Only in the West, and comparatively late, did we come to believe that the opposite of slavery was individual freedom. But for most cultures, including Middle Eastern ones, community remains the opposite of slavery. One experiences the inability to link to one’s community, no matter how free one is, as social death. Nietzsche once said that what does not kill you can make you stronger. Middle Easterners believe that such strength does you no good when you are alone and no one will know or appreciate your story.

Middle Eastern reactions then index a common heritage these peoples share with Westerners on norms of treatment, norms that descend to both through their common rejection of crucifixion as a way of death. They also index the practice of slavery as a form of social death and a later history in which

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colonial powers manipulated local norms of treatment as means of causing pain and deterring others.
E. WHY DO PEOPLE TORTURE?

Lastly you requested a brief review of the social scientific literature on why people torture. I have organized my reply in two stages. First, what are the main contending theories and where does the evidence lie? Second, what are the implications of this evidence for torture prevention?

Causes of Torture. People may act violently for at least two reasons. They may be inherently violent or situations made them violent. Scholars call these reasons the "dispositional hypothesis" and the "situational hypothesis." Many people, for example, believe most torturers are sadists, that is, they have personality traits or psychopathological risk factors that make them violent. So torture arises from within the individual – just like a faulty heart can cause a disease. Others believe that, in the right situation, even ordinary people will act intensely violently or become complicit bystanders. Situations may cause them to torture. Just as failing to wash one’s hands may give an ordinary healthy person a fatal disease, certain situations may appear to be innocent but they can still be deadly.

The situational hypothesis then is like a public health model while the dispositional hypothesis is like a medical model. So if the dispositional hypothesis is right, then the way to stop torture is to prevent unhealthy individuals from having power over others – just as doctors screen personnel carefully to make sure unfit people don’t go out into the field. If the situational hypothesis is right, then the way to stop torture is to clean up the environment – just as public health officials regularly inspect unsanitary environments to make sure they are healthy. The more potentially unsanitary an environment, the more one should inspect it. And likewise, the more power an institution has over helpless individuals, the more regularly one should inspect for situations that generate abuse. It’s not a question of proper personnel screening and even training may have a minimal effect. The key would be field supervision.

Which hypothesis is true? Of course, scholars find some individuals with sadistic dispositions. But scholars agree now that the situational hypothesis accounts for most torture. The reasons for this are:

First, the experimental data from social psychology are remarkably consistent. Small situations cause ordinary people to behave more violently than they would otherwise do, as has been demonstrated in the Milgram experiments (1963) and replicated in the United States and other nations, most notably by Mantell and Panzarella in Germany (1976) – and with some innovations by the Dutch researchers Meeus and Raajimakers (1995). Other scholars confirmed this finding independently of the Milgram experiments including the experiments by Hofling (1966) and the Stanford Prison Experiment by Phil Zimbardo (1973). The Stanford Prison Experiment remains one of the most cited works in the field. Levy concludes, “It remains a powerful demonstration of behavioral change within an artificially created environment.”

Second, archival studies of torturers - for example Nazi and Greek torturers who left a trial record to study – show that these are mainly normal people, not sadists. They’re usually chosen because they’re loyal, patriotic, and obedient, and they can keep a secret. Organizations that torture don’t like sadists because they don’t obey the rules; they seek pleasure in what they do.

Thirdly, archival studies of violent situations have shown repeatedly that ordinary individuals

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behaved violently given particular situations, and that organizations had created these
situations, either tacitly with an end in mind or through neglect and indifference towards
prisoners.

While situations can cause people to act more violently than they would, situations are not total.
Stanley Milgram explored this subject in his obedience experiments. In its simplest variation, the
experiment consisted of a volunteer, the “subject”, directed by a supervisor, the “experimenter”,
applying electric shocks to a “learner.” In reality, however, no shocks were administered. Milgram
designed the experiment to measure at what point subjects would refuse to apply shocks to the learner.
Many thought that few volunteers would continue to the point of applying the maximum voltage to the
subject. In fact, 26 of 40 (65%) of the volunteers applied the maximum voltage.\textsuperscript{60}

Milgram’s conducted multiple variations and the main findings are these: (1) the subjects were not
sadistically inclined; (2) subjects were more likely to obey the more distant they were from the learner;
(3) subjects were less likely to obey the further the experimenter was from the subject; (4) subjects
displayed practically no resistance to the experimenter’s orders when they performed a subsidiary role
and someone else controlled the shock machine; (5) subjects almost completely stopped obeying when
there was dissent (i.e., either two experimenters disagreed with each other or a group of accomplices
argued over stopping the shocks); and (6) the experimenter’s prior status did not matter when Milgram
contrived experiment so that a former experimenter became a ‘learner’ and a new experimenter led the
learning session.\textsuperscript{61}

**Implications for Torture Prevention.** Social scientists may have explained why people torture, but
knowledge about how to prevent torture is much older than that. In 1931, George Wickersham and his
colleagues at the American Bar Association (ABA) issued a comprehensive account of police brutality
in American cities large and small. Their report steadily transformed American police practice over the
next three decades and is probably the most important document the ABA has ever produced.\textsuperscript{62} It was
not the first report of police torture in the United States, but the report was so thorough that the facts
were difficult to deny. The report built on public intolerance of police torture over the previous decade.

In terms of torture prevention, the Committee rejected the dispositional hypothesis. They did not think
modernization and professionalization of the police led to a decline in false confessions and torture.
They observed that the City of Buffalo had a modern, disciplined police department, but it had a torture
problem. Boston’s police was far less modernized but torture and incidents of ill treatment were “at a
minimum in Boston, though they are not quite nonexistent.”

In explaining the outcome, the Commission concluded that the key was the work of administrative,
judicial and medical officers whose internal monitoring reduced abuse, not the dispositions and
professional orientation of the personnel.\textsuperscript{63} They cited a strong police tradition to keep the law, the
absence of machine politics, and independent judges. Moreover the defendant is promptly remanded
before a judge and then arraigned out of police hands. “Not the least important,” statute requires
medical examination and report of the prisoner. Police also had to pay their own fines when sued or
convicted for lawlessness. The police knew to whom they had to answer, what rules governed arrests,

\textsuperscript{60}Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: HarperCollins
2009), 35.

\textsuperscript{61}Levy, 417.

\textsuperscript{62}National Commission on Law Observance and Enforcement, *Report on Lawlessness in Law

\textsuperscript{63}Ibid., 104-110.
and the direct and personal consequences of failure to do so.

From a torture prevention perspective, the Commission’s analysis could be distilled into four relatively straightforward rules: to prevent torture, one needs clear authority, clear rules, clear punishments, and regular surveillance and supervision ensuring that the first three rules are being satisfied. Conversely torture is likely when moral authority is distant, where rules are unclear, when punishment for disobeying rules is not predictable, and where supervision by authorities is irregular.

By 1959, the American Correctional Association had incorporated the four rules into its Manual of Correctional Standards. On the matter of clear authority and clear rules, the Manual states

> The exercise of disciplinary authority is so vital to administration of institutions, both from the standpoint of public relations and treatment of inmates, that the types of disciplinary measures authorized should be established and strictly controlled by the central office or governing board of the state correctional system.

On the matter of clear supervision and consistent punishment, the Manual states that the key to discipline is that it should be “consistent, reasonable, object, firm and prompt” as well as appropriate. In particular, the ACA emphasized what might be called the rule of certainty in supervision.

> In most situations, good control may be maintained by the principle of certainty – that is, certainty that misbehavior will not go unnoticed but that appropriate steps will be taken to correct it. This is an application of the concept that it is the certainty rather than the severity of correction that affords the greatest deterrent.

Consistent with the rule of certainty, the Manual then emphasized that supervision was critical in forestalling tortures and abuses that characterized the Wickersham era. It offered a list of techniques that are “condemned by the most capable and experienced officials in the correctional field, not only on the ground that they are inhumane, but also because experience has proved them to be less effective than more progressive methods.” The techniques include:

> flogging, strapping, beating with fists or clubs, spraying with a stream of water, stringing up by the wrists, exposure to extremes of heat or cold or to electric shock, confinement in stocks or in cramped sweatboxes, handcuffing to cell doors or posts, shackling so as to enforced cramped position or to cut off circulation, standing for excessive periods “on the line” or barrel-heads, painted circles, etc., deprivation of sufficient light, ventilation, food or exercise to maintain physical and mental health, forcing a prisoner to remain awake until he is mentally exhausted and so on.

To prevent ineffective, inhumane abuses, the ACA recommended clear authority, clear rules, consistent punishment, and certain supervision such that everyone knows that misbehavior will not go unnoticed.

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65 American Correctional Association, 244.
66 American Correctional Association, 230.
67 American Correctional Association, 236.
68 American Correctional Association, 250.
69 American Correctional Association, 250.
The ACA issued the 1959 report well before the experimental and social scientific studies I mentioned above, and that is important. Before the Milgram and Stanford experiments, prison officials had a well-established policy about what works in preventing torture. Strikingly, this line of policy thinking dovetails with the known archival and experimental data that followed. The later data explains why this policy works and what happens when the four rules are not respected.

To be specific, social scientists and historians have identified many situational factors that facilitate violence. One way to organize these variables is to group them around the failure to observe one or another of the four rules.

1. **Under clear or unclear authority**, one can group key causes of abusive behavior including the proximity of malevolent or benevolent authority from the Milgram experiments, the informal contractual bond of torturers to those who gave or suggested they behave as they did, and the presence or absence of status differences. In the face of clear, present benevolent authority, these factors would not take hold.

2. **Under the presence or absence of clear rules**, one can incorporate key elements of the Milgram experiment including the semantic substitution of teaching and helping for giving electroshock and the vagueness of the rules of compliance. One can also include linguistic factors other social scientists have identified including euphemistic language, reconstructing conduct through moral justification, and advantageous comparison that encourages violent behavior. If clear transparent rules were present, these variables would not take hold.

3. In the Milgram experiments, the vagueness of rules allowed for arbitrary enforcement by malevolent authority, either through reward or punishment, thus falling under the third rule — the absence or presence of predictable punishment for malevolent behaviors. Under this rule, one can also group the diffusion of responsibility, anonymity in roles, the obscuring of causal agency, the implication of personal identity in activities through small infractions (the slippery slope effect), all of which distort the consequences of action. Again, if punishment swiftly on those responsible for misbehavior, these variables would not be present.

4. Lastly, the presence or absence of certain supervision relates another variable that social scientists identify, namely, the dehumanization of the victim. When victims are dehumanized and thought of as less than human, it is easier to treat them poorly. Certain supervision of prisoners by medical, administrative or judicial authorities forces personnel to treat people in their care as human beings with cares, pains, concerns and rights. The certainty of supervision forces the humanization of the victim. Conversely, its absence not only can lead to dehumanization, but it also sets into motion many variables identified in the paragraphs above. Without supervision, it would be hard to identify misbehavior, much less punish it swiftly.

Seen in this way, the old four rules, dating to the 1930s, are not simply wise policy responses that work to prevent torture. They reverse the classic violent combination of maximal malevolent authorization and minimal individuality social scientists repeatedly document. They are ways of preventing situations from coming into play that trigger precisely those factors that cause torture.

Sociological studies, including Department of Defense studies, state that observing these basic rules reduces torture in closed environments like prisons. To quote a 2004 report produced by the Inspector General of the U.S. Army, investigating claims of detainee mistreatment in detention facilities:
There is substantial research on the behavior of guards in prisons and Enemy Prisoner of War (EPW)/Prisoner of War (POW) camps, in addition to the Department of Defense (DoD) experience of running simulated prisoner of war resistance training. Research indicates that regardless of how good the training and oversight, some inappropriate behavior will occur. (For example, one of the seminal studies of prisoner/guard behavior is Haney, C., Banks, C., & Zimbardo, P., A Study of Prisoners and Guards in a Simulated Prison, the Office of Naval Research, 1973. For a more recent review, along with significant commentary, see Philip Zimbardo, A Situationalist Perspective on the Psychology of Evil: Understand How Good People are Transformed into Perpetrators, a chapter in Arthur Miller (Ed.) The social psychology of good and evil: Understanding our capacity for kindness and cruelty. New York: Guilford, 2004. Also worth reviewing are Stanley Milgram's studies, starting with Obedience to authority, New York: Harper & Row, 1974.) Because of this, the DoD simulated prisoner of war resistance training that prepares service members to resist exploitation, requires intensive oversight to prevent the abuse of Soldiers by other Soldiers …

The psychological research on abuse (see above) suggests that in similar situations, such as prisons, when some relatively minor abusive behavior occurs and corrective action is not taken, there is an escalation of violence. If there is uncorrected abuse and more people become involved, there is a diffusion of responsibility making it easier for individuals to commit abuse. The research further suggests that a moral disengagement occurs which allows individuals to rationalize and justify their behavior. (See Bandura, A., Moral Disengagement in the Perpetration of Inhumanities, Personality and Social Psychology Review, 1999).

In addition to the substantial research on prisons, other studies indicate similar factors take hold in military field units and for the same reasons. For example, in a careful statistical study of violent abuses in Sierra Leone, social scientists asked why some units were abusive while others were not, and in particular why were some units belonging to the same group were sometimes violent towards civilian populations and sometimes not. They tested various explanations by surveying 1043 ex-combatants in their local language a little less than a year after the war ended (between June and August 2003). To create an unbiased sample, they randomized selection of ex-combatants are multiple levels. They asked simple questions on unit organization and discipline. Then they mapped the results against patterns of civilian abuse. They found that “internal characteristics of fighting units” is the key variable in predicting civilian abuse. “No torture” reflected a unit’s disciplined nature, not each soldier’s knowledge of the Geneva conventions. If a unit had good discipline, they weren’t abusive. Violence arose from situations, not dispositions. Indeed, situations shut out sympathetic dispositions for civilians of similar ethnic, religious or regional background.

In short, these torture prevention policies work. They are logical and they correspond to what we know historically and experimentally from conditions when they are not present.

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F. SUMMARY STATEMENT

You asked me: (a) What are the techniques described in the client responses and what is their history? (b) Are these painful techniques? (c) What is known about public nakedness as a norm for treatment of prisoners? (d) Why do people torture?

To reply to your questions in summary, in my opinion:

Several techniques mentioned are known techniques used historically in coercive interrogations. These include restraint techniques, positional techniques, exhaustion exercises, electrical shocks, sleep deprivation, and closed confinement in extreme temperatures.

These techniques are painful. Courts and governments, including the United States government, have called them torture in the recent past. Soldiers, including returning American POWS, and their families have also called them torture.

Public nakedness as a norm of prisoner treatment is at least as old as the Roman practice of crucifixion. All cultures that succeeded the Romans, Muslim and Christian, have condemned this norm as part of a gruesome practice. This element – the prohibition against humiliating prisoners with nakedness – persists as a value Muslims and Christians share - even though the practice of crucifixion has long since ceased.

Situations, not dispositions, cause torture. People who torture do so because situations lead them to behave in ways they would not normally act, not because they have sadistic dispositions. That said, situations are not total, and individuals can say no and sometimes do. Humans do have choices, but in certain situations, they make them poorly.

This research implies that one prevents torture by preventing certain situations, as these conditions will generate violence and torture. One must avoid situations with unclear authority, ambiguous rules, inconsistent punishment and uncertain supervision. For almost eighty years, officials have known that one prevents torture when one has clear authority, clear rules, consistent punishment, and certain supervision such that everyone knows that misbehavior will not go unnoticed. A long research history – including best practices in prison management, repeated experimental studies, and various archival studies of prison and military behavior – all supports these conclusions.

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2/1/13
### APPENDIX A: SEQUENCE OF RESTRAINT TO POSITIONAL

<table>
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<th>FIGURE 1: CLASSIC SUSPENSION</th>
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**FIGURE 1:** Classic Suspension

**FIGURE 2:** Standing Handcuff

**FIGURE 3:** Forced Standing
APPENDIX B: SEQUENCE OF CONVERSE RESTRAINT TO POSITIONAL

FIGURE 1: CLASSIC STRAPPADO SUSPENSION WITH WEIGHTS
Source
Public Domain Photograph

FIGURE 2: REVERSE STANDING HANDCUFF

FIGURE 3: REVERSE FORCED STANDING
APPENDIX C: NORTH VIETNAMESE TORTURE OF US P.O.W.S

FIGURE 1: FORCED LYING
Caption: “PWs with ‘bad attitudes’ could spend weeks in cuffs or leg irons, unable to lie flat or turn onto their sides. The only relief came at mealtime when their hands were freed.”

Source
Rochester, Stuart and Frederick Kiley, 1999. Honor Bound.

FIGURE 2: FORCED KNEELING

FIGURE 3: DAMAGED WRISTS FROM ROPE TECHNIQUES

Source
Rochester, Stuart and Frederick Kiley, 1999. Honor Bound.  
Hubbell, John. 1976. POW.
APPENDIX D: FORCED STANDING

FIGURE 1: GERMANY – THE STAKEPOSTS AT SACHSENHAUSEN, 1936-1945

Source

FIGURE 2: UNITED KINGDOM - FIELD PUNISHMENT NO. 1, 1917

United Kingdom, Public Records Office WO 32/5460

FIGURE 3: FRENCH FOREIGN LEGION

Caption: “One of the Horrible Tortures Practiced in the Legion”

Angus McLean, 1937. Vive la Legion.
APPENDIX E: BRITISH P.O.W. DRAWING OF TYPICAL TORTURES IN JAPANESE CAMPS

(1) Stomach Filled with Water (2) Then Jumped On (3) Forced Standing (4) Forced Kneeling on Sharp Objects (5) the Standing Handcuffs (6) Prisoner Released from Jail

APPENDIX F: THE PICKET AND EXHAUSTION EXERCISES

FIGURE 1:
THE CLASSIC PICKET: ONE ARMED STANDING HANDCUFF WITH FOOT ON A SHARP STUMP

Source

FIGURE 2:
EXHAUSTION EXERCISES (“Ermuedungsuebungen”)
Caption: “Jewish men are publicly humiliated and forced to do physical drills by German soldiers during the forced registration in Salonika, 11 July 1942.


41. Jewish men are publicly humiliated and forced to do physical drills by German soldiers during the forced registration in Salonika, 11 July 1942.
2. THE GESTAPO'S METHODS OF EXAMINATION

(a) From a directive by the Gestapo chief, Müller.

The written instructions for the “sharpened interrogations” by the Gestapo, as they were applied against, among others, the men of July 20, have been preserved in the original, because a large part of the Gestapo files could be obtained after the collapse of the National Socialist regime. The instructions came from the notorious chief of the security police and the security service, Müller. Under the date of June 12, 1942, a “new regulation” regarding the interrogation methods of the Gestapo was issued as “secret Reich matter,” as follows:

“1. The sharpened interrogation may only be applied if, on the strength of the preliminary interrogation, it has been ascertained that the prisoner can give information about important facts, connections or plans hostile to the state or the legal system, but does not want to reveal his knowledge, and the latter cannot be obtained by way of inquiries.

2. Under this circumstance, the sharpened interrogation may be applied only against Communists, Marxists, members of the Bible-researcher sect, saboteurs, terrorists, members of the resistance movement, parachute agents, asocial persons, Polish or Soviet persons who refuse to work, or idlers.

In all other cases my previous permission is required as a matter of principle.

3. The sharpened interrogation may not be applied in order to induce confessions about a prisoner’s own criminal acts. Nor may this means be applied toward persons who have been temporarily delivered by justice for the purpose of further investigation.

Once more, exceptions require my previous permission.

4. The sharpening can consist of the following, among other things, according to circumstances:

- simplest rations (bread and water)
- hard bed
- dark cell
- deprivation of sleep
- exhaustion exercises,
  but also the resort to blows with a stick (in case of more than 20 blows, a doctor must be present)."

(Proceedings against the major war criminals, Nuremberg 1948/49, vol. 27, p. 326/327)
DOCUMENT 1531-PS

EXTRACTS FROM TWO TOP-SECRET MATTERS: (1) DECREE OF THE REICH SECURITY MAIN OFFICE, OFFICE IV, 25 OCTOBER 1939, ON MEASURES FOR INCREASING DETERRENT EFFECT WHEN PERSONS ARE CONSIGNED TO CONCENTRATION CAMPS (2) DECREE OF THE CHIEF OF THE SECURITY POLICE AND THE SD, 12 JUNE 1942, REGARDING THIRD DEGREE METHODS OF INTERROGATION, SUCH AS DEPRIVATION OF FOOD AND SLEEP, HEATINGS AND CONFINEMENT IN DARK CELLS (EXHIBIT USA-248)

BESCHREIBUNG:
Datumangabe und U des englischen Begr. Vm T i

II.

Chef der Sicherheitspolizei
und des SD
B. Nr. IV — 228/42 geh. RS.


120 Ausfertigungen,
110. Ausfertigung.

Geheime Reichssache:

Als geheime Reichssache

an alle Befehlsabger d.Sicherheitspolizei und des SD
an alle Leiter der Gruppen IV A, IV B, IV C, IV D, und IV E, des RSHA.
an alle Kommandeure der Sicherheitspolizei und des SD
an alle Leiter der Stupo (leit)stellen

nachrichtlich

an die Inspektive der Sicherheitspolizei und des SD.

Betreff: Verschaerfte Vernehmung.

Anlage: 1 Empfangsbestätigung.

Im Zuge der Vereinfachung wird der Empfang des Benefiz der Sicherheitspolizei und des SD vom 1.7.37 B.Nr. PP (II) 301/37 g. Rs. (ist

unter Beachtung der Verschlussvorschriften zu vernichten) mit sofortiger Wirkung durch folgende Neuregelung ersetzt:

1. Verschaerfte Vernehmung darf nur angewendet werden, wenn aufgrund des Vorverhaftungsergebnisses festgestellt ist, dass der Haftling ueber wichtige staats-oder reichsfeindliche Sachverhalte, Verbindungen oder Planungen Auskunft geben kann, seine Kenntnisse aber nicht preisgeben will und im Ermittlungswegs nicht feststellbar sind.


In allen ubrigen Faellen bedarf es grundsatzlich meiner vorherigen Genehmigung.

— Seite 3 —


Ausschlichte Faellen beduendlichen ebenfalls meiner vorherigen Genehmigung.

4. Die Verschaerfung kann je nach der Sachlage u. a. bestehen in: einfachste Verpflegung (Wasser und Brot)
hartes Lager,
Dunkelzelle,
Schlafenzug
Ermuellungszuebungen,

aber auch in der Verabreichung von Stockhieben (bei mehr als 20 Stockhieben muss ein Art zu gzeugen werden).

I. V.

gez. Mueller

Beglaubigt:
(isigned) Hellmuth
Reg. Sekretaerin.
Immediate release

DECEMBER 6, 1918

The Secretary of War authorizes the following statement:

Disciplinary regulations in force in military prisons have been modified by the War Department Order. Fastening of prisoners to the bars of cells will no more be used as a mode of punishment. This and milder devices have been effective in the past in breaking the willful or stubborn opposition of prisoners of the usual military type, who would not submit to the work requirements of disciplinary barracks. Instead of being allowed to lie in bunks while others worked, they have been compelled to choose between working or standing in discomfort during working hours. Practically, under usual conditions, this has been more a threat than an actuality, and as such it has been effective. But during recent months, with the influx of political prisoners to disciplinary barracks, particularly at Fort Leavenworth, extremity of attitude on the part of this new type of prisoner has at times led to extremity of discipline, as provided by military regulations. These clearly were not formulated with the political type of prisoner in mind, and their effectiveness as deterrents has been questionable. Men have returned for repeated experiences of the severest forms of discipline. The most extreme of these is now discarded and the order is comprehensive. It applies not merely to political prisoners, but to those of every type.

Norman Thomas, 1923. The Conscientious Objector in America.
Darius Rejali, Ph.D.
Curriculum Vitae
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Visiting Assistant Professor, Union College, 1988-1989
Lecturer (1988), Teaching Assistant (1982-1985), McGill University

Recent Honors
Visiting Fellow, Institute for Democracy and Human Rights, University of Sydney (August-October 2012)
Grant Recipient, Torture in War, US Institute of Peace, ($142,000) 2012
Danish Distinguished Chair in Human Rights and International Studies, J. William Fulbright Commission, (Research Fulbright, $34,000) 2009
Human Rights Distinguished Lecture, Harvard University, March 2009
Human Rights Book of the Year for Torture and Democracy, 2007, Human Rights Section, American Political Science Association; Raphael Lemkin Award, Institute for the Study of Genocide, New York; Finalist in General Non-Fiction, Oregon Book Awards
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Administrative Offices
Chair, Competitive Paid Leave Awards Committee, Reed College, 1999-2001
Chair, International and Comparative Policy Studies, Reed College, 2000-2001
Chair (elected position), Division of History and Social Sciences, Reed College, 1996-98
Faculty Representative, Staff Merit Awards, Reed College, 1998
Chair, Ducey Student Summer Internships Committee, 1997-2000
Co-Chair, Hewlett Faculty/Student Grants in International and Policy Studies, 1994-95

Recent Professional Offices
Member, Editorial Board, Human Rights Review, 2000-present

Languages: Read, write and speak French and Persian. Read Arabic, Spanish, Portuguese, and German.

Current Projects

**Book: Muslim as Enemy** (draft). A short book describing and evaluating three ways in which people identify their enemies and friends. These might be characterized as the “liberal,” “conservative” and “neo-conservative” optics. I use Muslims to illustrate these different optics and to identify how they are philosophically unsound, politically imprudent, and practically impossible to implement without self-deception.

**Grant Project: Torture in War.** This study evaluates existing torture prevention policies used during war and then considers what might contribute towards evidence-based prevention. It asks first, do existing policies stop the practice of torture and, if not, what effects do they have on torturers, if any? It does this by mapping torture techniques against known prevention policies over time in a given area. The study uses the case of wars in Iraq from 1980 to 2010.

Publications

**Book: Torture and Democracy** (Princeton, 2007), 880 pages. “Torture and Democracy immediately lays claim to be the most compendious and the most rigorous treatment of the subject yet written. Saul Bellow used to say that we are constantly looking for the book it is necessary to read next. On torture, this is it.” *(Times Higher Education Supplement, Book of The Week)*. Is torture compatible with modern democracies and, if so, how? I focus on new techniques designed to leave little evidence of brutality, techniques have an affinity for democracies, rather than dictatorships. I also assess the arguments about the effectiveness of torture. Reviews in *San Francisco Chronicle, Los Angeles Times, Financial Times (UK), Telegraph* (UK), *Oregonian*, and other sources can be found here: tortureanddemocracy.com


**Article:** “Why Social Scientists Should Care How Jesus Died,” in *Histories of Victimhood* (ed. Steffen Jensen and Henrik Ronsbo), forthcoming.

**Article:** Paul Gronke and Darius Rejali, “U.S Public Opinion on Torture, 2001-2009,” *PS Symposium: “Torture and the War on Terror”* ed. Jim Piazza and Jim Walsh (July 2010): 437-444). [Offers a comprehensive evaluation of American public opinion on torture; observes that there never was a pro-torture majority during the Bush Administration; and, using a poll we sponsored, identifies a false consensus effect in which people mistakenly believed there was a pro-torture majority.]

**Chapter in Book:** “Movies of Modern Torture as Convenient Truths” in *Screening Torture*, ed. Michael Flynn and Fabiola Fernandez Salek (Columbia University
Press, Forthcoming) [Examines the sociological phenomenon of forging convenient truths (mesconnaissance) to forget the uncomfortable facts of torture, using movies from the French and American torture crises.]

**Chapter in Book:** “Torture and Democracy: What Now?” in *Torture, Democracy, and the Human Body* ed. Zahi Zalloua and Shampa Biswas (University of Washington Press, 2010) [Considers the prospects of torture prevention focusing on the Obama administration; identifies a continuing process by which we are forgetting political and social facts about the American torture crisis.]

**Chapter in Book:** “Coerced Information as Truth and Memory,” in *Folter: Politik und Technik des Schmerzes*, ed. Wolf Burkhardt, Karin Harrasser and Thomas Macho (Wilhelm Fink Verlag, Fall 2007). [Examines the persistent belief that torture works.]

**Article:** “Torture Makes the Man,” *South Central Review* 24.1 (Spring 2007). [Explores the perception implicit in much torture apology that “democracy makes us weak” and torture is the cure for such weakness.]


**Article:** “Friend and Enemy, East or West: Political Realism in the work of Usama bin Ladin, Carl Schmitt, Niccolo Machiavelli and Kai Ka’us ibn Iskandar,” *Historical Reflections* 3 (2004). [How does one choose one’s friends and identify enemies? A critique of modern realists using classical realist thinkers.]


**Article:** “Studying a Practice: An Inquiry into Lapidation,” *Critique: Journal of Middle Eastern Studies* (Spring 2001): 67-100. [Critical study of legal, cultural and religious explanations of stoneing, offering an alternative explanation for its origins and persistence today.]


**Short Articles and Entries**


Book Reviews

Religion and Politics in Modern Iran: A Reader, ed. Lloyd Ridgeon, *Iranian Studies* (Fall 2008).


Press


“No, we don’t support torture” (with Paul Gronke) *The Oregonian* (May 9, 2009).


“Ice Water and Sweatboxes the long and sadistic history behind the CIA’s torture techniques,” Rejali, *Slate Magazine* (March 17, 2009).


“A Painful History: Why have modern democracies been such important innovators of torture?” *The Chronicle of Higher Education* (January 25, 2008).


For recent editorials, interviews, media appearances and magazine articles, see tortureanddemocracy.com

Courses

Syllabi on major articles, courses, and occasional pieces are available at the following URL: [http://academic.reed.edu/poli_sci/faculty/rejali/rejali/index.html](http://academic.reed.edu/poli_sci/faculty/rejali/rejali/index.html)
Recent Scholarly Activity

**Keynote Speaker:** “Torture, Crucifixion and Citizenship: Why Social Scientists Should Care How Jesus Died,” Conference on “Torture and Sovereignty,” University of Western Sydney (September 7-8, 2012)

**Scholar in Residence:** Practicum on “Improving Human Rights Documentation on Torture,” University of Sydney (August 9-10, 2011).

**Conference Paper:** “Understanding American Public Support for the Use of Torture” International Society for Political Psychology, Istanbul (July 11, 2011).


**Seminar:** Continuing Legal Education Class on Interrogation, Oregon Federal Public Defender, Portland, Oregon, (February 12, 2011).

**Conference Paper:** “None of Us Were Like This Before,” Open Society Institute (September 13, 2010).


**Seminar:** “Patterns of Torture amongst the Gestapo and Japanese Kempeitai,” Genocide Section, Danish Institute for International Studies (November 19, 2009).

**Seminar:** “The Researcher as Bystander to Violence: Is there an Ethics of Care for this?” Danish Institute for Human Rights (November 18, 2009).

**Named Lecture:** Peter C. Schaehrer Inaugural Memorial Lecture, Colgate University (October 22, 2009).

**Seminar:** “Torture and Democracy: Implications for Prevention,” Rehabilitation and Research Center for Torture Victims, Copenhagen (September 23, 2009).

**Named Lecture:** Kathleen Fitzpatrick Lecture/MacGeorge Visiting Speaker Award, University of Melbourne, Australia (May 29, 2009).

**Named Lecture:** Sydney Ideas International Public Lecture, University of Sydney, Australia (June 2, 2009).


**Named Lecture:** Henry M. Jackson Lecture, Whitman College, Walla Walla, WA (February 28, 2009).

**Scholar in Residence:** Peace and Justice Scholar in Residence, Moravian College, Bethlehem, PA (January 18-23, 2009).


**Named Lecture:** Branigin Lecturer, Institute for Advanced Study, Indiana University (October 21, 2008). Also led faculty workshop on counterterrorism and security.

**Keynote Participant,** Colloquium on The Constitution and the Imagining of America, “American in Decline?” Amherst College (September 26-27, 2008).

**Named Lecture** Steven D. Neuwirth Annual Arts and Sciences Lecture, Western Connecticut State University (September 25, 2008).


**Lectures on Torture and Democracy,** delivered at UC Santa Barbara (May 18, 2007); Seton Hall (September 17, 2007); Northwestern (February 27, 2008); NYU School of Law (cosponsored with Human Rights Watch) (March 12, 2008); John Jay Criminal College (March 13, 2008); Carnegie Council of Ethics (March 13, 2008);
University of Washington (April 11, 2008), University of Oregon, Eugene (June 4, 2008); University of Pennsylvania (October 23, 2008), UC Santa Cruz (November 13, 2008); St. Andrews University, St. Andrews, Scotland (November 25, 2008), De Balie, Amsterdam (June 11, 2009), Danish Institute for Human Rights, Copenhagen (December 15, 2009); American University of Beirut (October 21, 2010); Lund University (May 13, 2010), University of Denver (May 19, 2011); University of Edmonton (October 19, 2011); **Scheduled Lectures:** Stonehill College (March 5, 2012); Creighton College (March 15, 2012).

**Conference Paper:** “Torture Law and War,” University of Chicago Law School Conference (February 28-March 1, 2008).


**Named Lecture:** Charles E. Gilbert Lecture, “Torture and Democracy: What Americans Learned and Then Forgot During the War on Terror,” Swarthmore College (March 29, 2007).

**President’s Panel** on “Torture,” American Sociological Association, Montreal, Canada (August 11-14, 2006).

**Conference Paper:** Carnegie Scholar’s Colloquium on “Violence Terrorism and Social Upheaval,” New York, NY (June 5-6, 2006).


**Conference Paper:** “A Question of Torture,” New York Public Library and Carnegie Council of Ethics (June 1, 2005).


**Recent Expert Review and Testimony**


External Evaluator for Tenure: Pacific University, OR (Political Science, 2008); York University, Canada (Islamic Studies, 2000); Sarah Lawrence College, NY (Religion, 1997); University of California, San Diego (Sociology, 1995).