

**Extraordinary Rendition
The new interrogators
Case Study V**

**Soldiers out
of Control**

Human Rights Watch

Human Rights Watch recorded these accounts given by US personnel of the 82nd Airborne Division, from which we reprint excerpts. They concern the treatment of 'Persons Under Control' (PUCs) – prisoners who were entrusted to the care of the military. The full report, published in September 2005, is available online (www.hrw.org).

Sergeant A's Account

Sergeant A served in Afghanistan from September 2002 to March 2003 and in Iraq from August 2003 to April 2004. Human Rights Watch spoke with him on four separate occasions in July and August 2005.

In retrospect what we did was wrong, but at the time we did what we had to do. Everything we did was accepted, everyone turned their heads.

We got to the camp in August [2003] and set up. We started to go out on missions right away. We didn't start taking persons under control (PUCs) until September. Shit started to go bad right away. On my very first guard shift for my first interrogation that I observed was the first time I saw a person under control pushed to the brink of a stroke or heart attack. At first I was surprised, like, this is what we are allowed to do? This is what we are allowed to get away with? I think the officers knew about it but didn't want to hear about it. They didn't want to know it even existed. But they had to.

On a normal day I was on shift in a person under control tent. When we got these guys we had them sandbagged and zip tied, meaning we had a sandbag on their heads and zip ties [plastic cuffs] on their hands. We took their belongings and tossed them in the person under control tent. We were told why they were there. If I was told they were there sitting on IEDs [Improvised Explosive Devices, homemade bombs] we would fuck them up, put them in stress positions or put them in a tent and withhold water.

The 'Murderous Maniacs' was what they called us at our camp because they knew if they got caught by us and got detained by us before they went to Abu Ghraib then it would be hell to pay. They would be just, you know, you couldn't even imagine. It was sort of like I told you when they came in it was like a game. You know, how far could you make this guy go before he passes out or just collapses on you. From stress positions to keeping them up

fucking two days straight, whatever. Deprive them of food, water, whatever.

To 'Fuck a PUC' means to beat him up. We would give them blows to the head, chest, legs, and stomach, pull them down, kick dirt on them. This happened every day.

To 'smoke' someone is to put them in stress positions until they get muscle fatigue and pass out. That happened every day. Some days we would just get bored so we would have everyone sit in a corner and then make them get in a pyramid. This was before Abu Ghraib, but just like it. We did that for amusement.

Guard shifts were four hours. We would stress them at least in excess of twelve hours. When I go off shift and the next guy comes we are already stressing the person under control and we let the new guy know what he did and to keep fucking him. We put five-gallon water cans and made them hold them out to where they got muscle fatigue, then made them do push-ups and jumping jacks until they passed out. We would withhold water for whole guard shifts. And the next guy would, too. Then you gotta take them to the john if you give them water and that was a pain. And we withheld food, giving them the bare minimum like crackers from MREs [Meals Ready to Eat, the military's pre-packaged food]. And sleep deprivation was a really big thing.

Someone from [Military Intelligence] told us these guys don't get no sleep. They were directed to get intel [intelligence] from them, so we had to set the conditions by banging on their cages, crashing them into the cages, kicking them, kicking dirt, yelling. All that shit. We never stripped them down because this is an all-guy base and that is fucked up shit. We poured cold water on them all the time to where they were soaking wet and we would cover them in dirt and sand. We did the jugs of water where they held them out to collapse all the time. The water and other shit... start[ed] [m]aybe late September, early October 2003. This was all at Camp Mercury ... like 10 minutes from Fallujah. We would transport the persons under control from Mercury to Abu Ghraib.

None of this happened in Afghanistan. We had MPs [military police] attached to us in Afghanistan so we didn't deal with prisoners. We had no MPs in Iraq. We had to secure prisoners. [Military intelligence] wants to interrogate them and they had to provide guards, so we would be the guards. I did missions every day and always came back with 10-15 prisoners. We were told by intel that these guys were bad, but they could be wrong, sometimes they were wrong. I would be told, 'These guys were improvised explosive devices trigger men last week.' So we would fuck them up. Fuck them up bad. If I was told the guy was caught with a 9mm [handgun] in his car, we wouldn't fuck them up too bad – just a little. If we were on patrol and catch a guy that killed my captain or my buddy last week – man, it is human nature. So we fucked them up bad. At the same time we should be held to a higher standard. I know that now. It was wrong. There are a set of standards. But you gotta understand, this was the norm. Everyone would just sweep it under the rug.

What you allowed to happen happened. Trends were accepted. Leadership failed to provide clear guidance so we just developed it. They wanted intel. As

long as no persons under control came up dead it happened. We heard rumours of persons under control dying so we were careful. We kept it to broken arms and legs and shit. If a leg was broken you call the PA – the physician’s assistant – and told him the person under control got hurt when he was taken. He would get Motrin [a pain reliever] and maybe a sling, but no cast or medical treatment.

In Afghanistan we were attached to Special Forces and saw OGA (‘Other Governmental Agency’ – a term that is frequently used to refer to the CIA). We never interacted with them but they would stress guys. We learned how to do it. We saw it when we would guard an interrogation.

I was an Infantry Fire Team Leader. The majority of the time I was out on mission. When not on mission I was riding the persons under control. We should have had military police. We should have taken them to Abu Ghraib [which] was only 15 fucking minutes drive. But there was no one to talk to in the chain – it just got killed. We would talk among ourselves, say, ‘This is bad.’ But no one listened. We should never have been allowed to watch guys we had fought.

Forward Operating Base Mercury was about as big as a football field. We had a battalion there with three or four companies and attachments. We lived in the buildings of an old Iraqi military compound that we built up with barriers, ACs [air conditioners], and stuff. We had civilian interpreters on post and contractors came every day to fix shit. The contractors were local Iraqis.

The persons under control lived in the person under control area about 200 metres away. It had a triple-strength circle concertina barrier with tents in the middle with another triple-strength concertina perimeter. Inside each was a Hesco basket that is wire that normally has cloth in it. We filled them with dirt to make barriers and some we emptied and buried to use as access points for the Iraqis. This was all inside the confines of the Forward Operating Base. There was a guard tower behind the person under control tent with two guards. One was always looking at the person under control tent. We never took direct fire, but did take regular rocket and mortar attacks. We did not lose anyone, but had shrapnel injuries.

On their day off people would show up all the time. Everyone in camp knew if you wanted to work out your frustration you show up at the person under control tent. In a way it was sport. The cooks were all US soldiers. One day a sergeant shows up and tells a person under control to grab a pole. He told him to bend over and broke the guy’s leg with a mini Louisville Slugger that was a metal bat. He was the fucking cook. He shouldn’t be in with no persons under control. The physician’s assistant came and said to keep him off the leg. Three days later they transported the person under control to Abu Ghraib. The Louisville Slugger [incident] happened around November 2003, certainly before Christmas.

People would just volunteer just to get their frustrations out. We had guys from all over the base just come to guard persons under control so they could fuck them up. Broken bones didn’t happen too often, maybe every other week. The physician’s assistant would overlook it. I am sure they knew.

The interrogator [a sergeant] worked in the [intelligence] office. He was former

Special Forces. He would come into the person under control tent and request a guy by number. Everyone was tagged. He would say, 'Give me no. 22.' And we would bring him out. He would smoke the guy and fuck him. He would always say to us, 'You didn't see anything, right?' And we would always say, 'No, Sergeant.'

One day a soldier came to the person under control tent to get his aggravation out and filled his hands with dirt and hit a person under control in the face. He fucked him. That was the communications guy.

One night a guy came and broke chem lights open and beat the persons under control with it. That made them glow in the dark, which was real funny, but it burned their eyes and their skin was irritated real bad.

If a person under control cooperated Intel would tell us that he was allowed to sleep or got extra food. If he felt the person under control was lying he told us he doesn't get any fucking sleep and gets no food except maybe crackers. And he tells us to smoke him. [Intel] would tell the Lieutenant that he had to smoke the prisoners and that is what we were told to do. No sleep, water, and just crackers. That's it. The point of doing all this was to get them ready for interrogation. [The intelligence officer] said he wanted the persons under control so fatigued, so smoked, so demoralised that they want to cooperate. But half of these guys got released because they didn't do nothing. We sent them back to Fallujah. But if he's a good guy, you know, now he's a bad guy because of the way we treated him.

After Abu Ghraib things toned down. We still did it but we were careful. It is still going on now the same way, I am sure. Maybe not as blatant but it is how we do things.

Each company goes out on a mission and you kick the door down and catch them red handed. We caught them with rocket propelled grenades. So we are going to give you special attention. We yank them off the truck and they hit the ground hard, maybe 5-6 feet down. We took everything and searched them. Then we toss him in the person under control tent with a sandbag on his head and he is zip tied. And he is like that all day and it is 100 degrees in that tent. Once paperwork was done we started to stress them ...

We had these new high-speed trailer showers. One guy was the cleaner. He was an Iraqi contractor working on base. We were taking pretty accurate mortar fire and rockets and we were getting nervous. Well one day we found him with a global positioning satellite receiver and he is like calling in strikes on us! What the fuck!? We took him but we are pissed because he stabbed us in the back. So we gave him the treatment. We got on him with the jugs and doused him and smoked and fucked him.

Officer C's Account

C is an officer with the 82nd Airborne Division and West Point graduate who served in Afghanistan from August 2002 to February 2003 and in Iraq from September 2003 to March 2004. Human Rights Watch spoke with him more than

two dozen times in July, August, and September 2005. Below are excerpts from those interviews grouped by subject matter (the subject headings were supplied by Human Rights Watch).

On conditions at Forward Operating Base Mercury

When we were at Forward Operating Base Mercury, we had prisoners that were stacked in pyramids, not naked but they were stacked in pyramids. We had prisoners that were forced to do extremely stressful exercises for at least two hours at a time which personally I am in good shape and I would not be able to do that type of exercises for two hours ... There was a case where a prisoner had cold water dumped on him and then he was left outside in the night. Again, exposure to elements. There was a case where a soldier took a baseball bat and struck a detainee on the leg hard. This is all stuff that I'm getting from my non-commissioned officers.

In the person under control holding facility you could have had people that could have been in the wrong house at the wrong time brought in and all of a sudden they are subjected to this. So that's a big problem, obviously a huge human rights issue.

It's army doctrine that when you take a prisoner, one of the things you do is secure that prisoner and then you speed him to the rear. You get him out of the hands of the unit that took him. Well, we didn't do that. We'd keep them out at holding facility for I think it was up to seventy-two hours. Then we would place him under the guard of soldiers he had just been trying to kill. The incident with the detainee hit with a baseball bat; he was suspected of having killed one of our officers.

[At FOB Mercury] they said that they had pictures that were similar to what happened at Abu Ghraib, and because they were so similar to what happened at Abu Ghraib, the soldiers destroyed the pictures. They burned them. The exact quote was, 'They [the soldiers at Abu Ghraib] were getting in trouble for the same things we were told to do, so we destroyed the pictures.'

Frustration with the military chain of command

I witnessed violations of the Geneva Conventions that I knew were violations of the Geneva Conventions when they happened, but I was under the impression that that was US policy at the time. And as soon as Abu Ghraib broke, and they had hearings in front of Congress, the Secretary of Defence testified that we followed the spirit of the Geneva Conventions in Afghanistan, and the letter of the Geneva Conventions in Iraq, and as soon as he said that I knew something was wrong. So I called some of my classmates [from West Point], confirmed what I was concerned about, and then on that Monday morning I approached my chain of command.

I talked to an officer in the Ranger regiment and his response was, he wouldn't tell me exactly what he witnessed but he said 'I witnessed things that were more intense than what you witnessed,' but it wasn't anything that exceeded what I had

heard about at Survival, Evasion, Resistance, Escape School. After that I called the chaplain at West Point who I respected a lot and I talked to him about some things and we were on the same page. Then I had said well, 'I'm going to talk to my company commander and then my battalion commander on Monday.'

My company commander said, 'I see how you can take it that way, but...' he said something like, 'remember the honour of the unit is at stake' or something to that effect and 'Don't expect me to go to bat for you on this issue if you take this up,' something to that effect.

I went and talked to my battalion commander. Again, he clearly thinks he has done the right things and that what I am bringing attention to is within the standards and that he is okay. He didn't dismiss me. He just said 'Go talk to Judge Advocate General (JAG). We'll work this out.' It wasn't alarming to him in any way, shape or form that these things had happened.

So I went to the Judge Advocate General and ... he says, 'Well the Geneva Conventions are a grey area.' So I mentioned some things that I had heard about and said, 'Is it a violation to chain prisoners to the ground naked for the purpose of interrogations?' and he said, 'That's within the Geneva Conventions.' So I said, 'Okay. That is within the Geneva Conventions.' And then there is the prisoner on the box with the wires attached to him, and to me, as long as electricity didn't go through the wires, that was in accordance with what I would have expected US policy to be, and that he wasn't under the threat of death. And he said, 'Well, that is a clear violation of the Geneva Conventions.' And I said, 'Okay, but I'm looking for some kind of standard here to be able to tell what I should stop and what I should allow to happen.' And he says, 'Well, we've had questions about that at times.'

Then he said, 'There was a device that another battalion in the 82nd had come up with that you would put a prisoner in. It was uncomfortable to sit in.' And he went to test it out by sitting in it and he decided that it wasn't torture. I hear this and I am flabbergasted that this is the standard the Army is using to determine whether or not we follow the Geneva Conventions. If I go to the Judge Advocate General and he cannot give me clear guidance about what I should stop and what I should allow to happen, how is a non-commissioned officer or a private expected to act appropriately?

When I talked to [an official in the Inspector General's office about the policy confusion on what was permitted] he says, 'You obviously feel very upset about this, but – I don't think you're going to accomplish anything because things don't stick to people inside the Beltway [Washington, D.C.].' He says, 'I worked at the Pentagon and things don't stick to people inside the Beltway.'

When the Secretary of the Army came [to my training], I addressed him on numerous issues, which I don't want to go into. One of those issues was treatment of prisoners. I mentioned that I didn't have clear guidance, and the Secretary of the Army said, 'Well, we realised that that was a problem but you are a little bit behind the times. We've solved that matter. And I didn't get a chance to respond to that. I should have, I should have pressed that issue a lot harder. That's one of my

regrets. Just bringing up the issue at all was stressful, but it hasn't been resolved because there is no clear guidance. And through discussions with other officers the problem is not taken care of. It really is multiple problems. It's two problems. One is the Army handling interrogations, and the other is the relationship between Other Governmental Agency (CIA) and prisoners and what they can and can't do.

Confusion within the ranks on coercive interrogation

[In Afghanistan,] I thought that the chain of command all the way up to the National Command Authority [The President of the United States and the Secretary of Defence] had made it a policy that we were going to interrogate these guys harshly.

[The actual standard was] 'we're not going to follow the Geneva Conventions but we are going to treat you humanely.' Well, what does humane mean? To me humane means I can kind of play with your mind, but I cannot hit you or do anything that is going to cost you permanent physical damage. To [another officer I spoke with] humane means it's okay to rough someone up and to do physical harm. Not to break bones or anything like that but to do physical harm as long as you're not humiliating him, which was the way he put it. We've got people with different views of what humane means and there's no Army statement that says this is the standard for humane treatment for prisoners to Army officers. Army officers are left to come up with their own definition of humane treatment.

I don't know for sure [how high up the hierarchy responsibility for the abusive treatment lies]. What I know is that it's widespread enough that it's an officer problem. It's at least an officer problem. You make the standard, and that is what goes up to the executive branch. You communicate the standard, that's when it's somewhat the executive branch, but then it comes more into the officer branch, and enforcing the standard is the officer branch ... And in the Schlesinger report [of August 2004, into detainee abuse by US forces] it even says that when the President made the decision that al-Qaeda wasn't going to be covered by the Geneva Conventions, there was a clear danger that it was going to undermine the culture in the United States Army that enforces strict adherence to the law of land warfare. That's in the Schlesinger report.

But anyway, the President makes that decision, and decides that we're not going to cover them by the Geneva Conventions, which according to the letter of the law, I think there's a strong argument for that... [But] then that lack of standard migrates throughout the Army. It filters throughout the Army, so that now the standard, this convoluted, 'You'll know what's right when you see it,' filters through the whole Army.

If you draw a hard line and you say 'Don't do anything bad to prisoners,' like you bring them in, you give them food, you give them water, and then you leave them alone. If that happens then, yeah, that is an easy line to draw, but when you start drawing shades of grey and you start stripping prisoners, or you start making prisoners do humiliating things and then you tell a soldier to draw the line somewhere, then no. A soldier is not going to be able to draw that line because as

soon as you cross that line and as soon as you start stripping prisoners or you start making people do vigorous exercise, or you start basically putting yourself in a position of authority where you are subjecting someone else to harsh treatment, things are going to get out of hand because everyone is going to draw the line at a different place. Just like the discussion between me and the other officer, where's the line? What is acceptable and what is not acceptable? People don't know. The West Point officers knew the line coming out of West Point. We knew where the Geneva Conventions drew the line, but then you get that confusion when the Secretary of Defence and the President make that statement. And we were confused.

[In Iraq, my understanding of how we should treat prisoners] didn't change. There are a couple of reasons for that. Pre-deployment training was minimal going to Iraq because we deployed on short notice from West Point through Fort Bragg to Iraq. So there might be some disconnect there, but also none of the unit policies changed. Iraq was cast as part of the War on Terror, not a separate entity in and of itself, but a part of a larger war.

[I didn't discuss abuse of detainees with my superiors in Iraq because] to me, it was obviously part of the system and the reasons had been laid out about why we're not following the Geneva Conventions in respect to the detainees. We did follow them in other aspects and once that was laid out I thought it was pretty clear cut ... That was just the way I thought we were running things.

Another officer approached me and was like 'I'm not sure this is the way you should be treating someone.' It was almost like an off-hand, kind of like...just a conversation like making a comment. He said something like 'I don't know if this is right' and my response was 'Hey, it's out in the open and we've said that we are doing this. It's not like we're doing it on the sly.'

If I as an officer think we're not even following the Geneva Conventions, there's something wrong. If officers witness all these things happening, and don't take action, there's something wrong. If another West Pointer tells me he thinks, 'Well, hitting somebody might be okay,' there's something wrong.

What I'm saying is had I thought we were following the Geneva Conventions as an officer I would have investigated what was clearly a very suspicious situation.

Implications of the Abu Ghraib abuse revelations

Someone mentioned to me in passing that there was a really bad prisoner abuse scandal and I took note of it and I thought, 'that is horrible. That is going to be bad public relations for the Army' and I thought, 'Okay, rogues did something.' And then as the week progressed I watched on the news and they showed some of the pictures – not all of them – a large portion of the pictures were in accordance with what I perceived as US policy. Now all the stuff with sodomy with the chem light and all that was clearly beyond what I would have allowed to happen on a personal moral level and what I thought policy was. But the other stuff, guys handcuffed naked to cells in uncomfortable positions, guys placed in stress positions on

boxes, people stripped naked. All that was ... If I would have seen it, I would have thought it was in accordance with interrogation procedures...

The first concern when this originally happened was loyalty to the Constitution and separation of powers, and combined with that is the honour code: 'I will not lie, cheat or steal or tolerate those who do.' The fact that it was systematic, and that the chain of command knew about it was so obvious to me that [until that point] I didn't even consider the fact that other factors might be at play, so that's why I approached my chain of command about it right off the bat and said, 'Hey, we're lying right now. We need to be completely honest.'

Congress should have oversight of treatment of prisoners. That is the way; the Army should not take it upon itself to determine what is acceptable for America to do in regards to treatment of prisoners. That's a value ... that's more than just a military decision, that's a values decision, and therefore Congress needs to know about it, and therefore the American people need to have an honest representation of what's going on presented to them so that they can have a say in that.

The failure of the officer corps

It's unjust to hold only lower-ranking soldiers accountable for something that is so clearly, at a minimum, an officer corps problem, and probably a combination with the executive branch of government.

It's almost infuriating to me. It is infuriating to me that officers are not lined up to accept responsibility for what happened. It blows my mind that officers are not. It should've started with the chain of command at Abu Ghraib and anybody else that witnessed anything that violated the Geneva Conventions, or anything that could be questionable should've been standing up saying, 'This is what happened. This is why I allowed it to happen. This is my responsibility,' for the reasons I mentioned before. That's basic officership, that's what you learn at West Point, that's what you should learn at any commissioning source ...

Look, the guys who did this aren't dishonourable men. It's not like they are a bunch of vagabonds. They've shown more courage and done more things in the time that I've spent with them than I could cover in probably a week of talking to you. They are just amazing men, but they're human. If you put them in a situation, which is the officer's responsibility, where they are put in charge of somebody who tried to kill them or maybe killed their friend, bad things are going to happen. It's the officer's job to make sure bad things don't happen.

[Another important] thing is making sure this doesn't happen again... [We need] to address the fact that it was an officer issue and by trying to claim that it was 'rogue elements' we seriously hinder our ability to ensure this doesn't happen again. And, that has not only moral consequences, but it has practical consequences in our ability to wage the War on Terror. We're mounting a counter-insurgency campaign, and if we have widespread violations of the Geneva Conventions, that seriously undermines our ability to win the hearts and minds of the Muslim world.

[I]f America holds something as the moral standard, it should be unacceptable

for us as a people to change that moral standard based on fear. The measure of a person or a people's character is not what they do when everything is comfortable. It's what they do in an extremely trying and difficult situation, and if we want to claim that these are our ideals and our values then we need to hold to them no matter how dark the situation.

The role of the 'Other Governmental Agency'

In Afghanistan we were attached to Special Forces and saw OGA ('Other Governmental Agency' – a term that is frequently used to refer to the CIA). We never interacted with them but they would stress guys. We learned how to do it. We saw it when we would guard an interrogation.

They [OGA interrogators in Afghanistan] had a horn. In this case they would involve US soldiers. There was a really loud horn and any time the detainee would fall asleep they would blare the horn in his ear so that he had to wake up and they would do that until he stood up again and stayed awake.

[A]t Forward Operating Base Tiger [near the Syrian border] there were a lot of high value targets and ... there was a Special Forces team nearby, and I was going to talk to them just about career stuff and as I was going out I saw someone who I thought was Other Governmental Agency ... go into the prisoner detainee holding facility and take one of the detainees out. And then they took infantry guards and they went into an unoccupied building that they could seal off, closed the door, and they gave orders to the infantry guards not to let anyone in. The reason I know this is because I was trying to talk to the Special Forces guys and I asked them 'Hey, do you know where the SF guys are?' and they were like 'Well, maybe some of them are in here but you can't go in there right now. They are with a prisoner.' And there were noises coming out of there. There could have been physical violence but [they were at least] threatening the prisoner ... doing things that weren't actually causing bodily harm but threatening to do that.

I talked to a Military Policeman who said that he was in charge of holding detainees and that the CIA would just come and take the detainees away. They would be like, 'How many detainees do you have?' and he knew he has seventeen detainees but the OGA would be like, 'No, you have sixteen,' so he'd be like 'Alright. I have sixteen.' And who knows where that detainee went.