

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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SUHAIL NAJIM )  
ABDULLAH AL SHIMARI *et al.*, )

Plaintiffs, )

v. )

C.A. No. 08-cv-0827 GBL-JFA

CACI INTERNATIONAL, INC., *et. al.*, )

Defendants )

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**EXPERT REPORT OF  
DARIUS REJALI, Ph.D.**

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**Opinion and Report of Darius Rejali, Ph.D.**

10 **OVERVIEW**

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

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20 **PROFESSIONAL BACKGROUND AND QUALIFICATIONS**

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22 I am a Professor of Political Science at Reed College. I am an internationally recognized expert on  
23 government interrogation and torture. My first book, *Torture and Modernity: Self, State and Society in*  
24 *Modern Iran* (Westview, 1994), studies torturers and torture in Iran in 20<sup>th</sup> century. In 2003, I was  
25 named a Carnegie Scholar, one of the top national awards in American scholarship for my work on the  
26 study of violence. My second book, *Torture and Democracy* (Princeton University Press, 2008), covers  
27 the history, causes, and consequences of modern torture in 880 pages. I refer to the relevant pages of  
28 the book in my reply, should you wish to submit them as an exhibit to accompany my report. This  
29 book has been widely reviewed and recognized as a benchmark text on the scholarly study of modern  
30 torture. The Times Higher Education supplement review states, “*Torture and Democracy* immediately  
31 lays claim to be the most compendious and the most rigorous treatment of the subject yet written. Saul  
32 Bellow used to say that we are constantly looking for the book it is necessary to read next. On torture,  
33 this is it.”<sup>1</sup> In 2008, the Human Rights Section of the American Political Science Association book  
34 named my book the Human Rights Book of the Year in 2008. It also won the biennial 2009 Raphael  
35 Lemkin Award from the Institute for the Study of Genocide, New York, for the best non-fiction work in  
36 English which addresses the causes of genocide and crimes against humanity. In recent years, I served  
37 as an expert in the case of Abdul Rahim al Janko, a Guantanamo detainee. You may find additional  
38 details regarding my qualifications, academic appointments, recent honors, education and publications  
39 in the curriculum vitae accompanying this document.

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42 **SCOPE OF OPINION AND DOCUMENTS REVIEWED**

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

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<sup>1</sup> 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)

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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

105 respond to the same questions you requested.

106

107 Lastly, three statements refer to isolation, but it is not always clear how confined these quarters were.

108 In Mr. Shimari's case, it was small. Accordingly, I cover first what is known about closed confinement  
109 as it pertains to this statement, and then what is known about isolation generally.

110

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

113

114 In preparing this report, I engaged the services of Peter Miller, a doctoral candidate in Political Science  
115 at the University of California, Irvine. He provided research in support of this report, but the  
116 conclusions and opinions are mine alone. Plaintiffs' counsel has agreed to compensate me for my time  
117 at my current hourly rate of \$671 per hour, and to compensate Peter Miller for his services at the rate of  
118 \$70 per hour. I spent 16 hours and 45 minutes in the preparation of this report and Mr. Miller spent 33  
119 hours, 59 minutes assisting me in the preparation of this report.

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## 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

165 wearing military uniforms and the interpreter suspended Plaintiff Rashid from the door by  
166 plastic cuffs around his wrists, with his feet unable to touch the floor.” Then “several days later,  
167 a female and two males wearing military uniforms tied a rope around Plaintiff Rashid’s chest  
168 and dragged him out of his cell on the floor to an interrogation room.” When they reached the  
169 interrogation room, “Plaintiff Rashid was suspended from the ceiling by a rope around his  
170 chest.”

171  
172 Mr. Al-Zuba'e states, in his interrogatory responses, that “Following the interrogation, one  
173 interrogator spoke to a male wearing a military uniform, who then took Plaintiff Al-Zuba’e back  
174 to his cell, smashed his head against the wall and handcuffed him to the upper bunk of the bed  
175 with his arms above his head and his feet barely touching the floor.”

176  
177 Mr. Al-Ejaili states, in his interrogatory responses, that he was “repeatedly placed in a stress  
178 position, with his arms outstretched and chained behind him while naked for long periods of  
179 time.” On another occasion, he was “forced to strip naked, placed in a stress position, hooded  
180 and chained to a metal pipe during and following an interrogation. He was under such stress  
181 that he vomited black bile.” A short time after, “he was forced to strip naked and tied to his cell  
182 wall overnight.”

183  
184 Mr. Al Shimari states that he was, during one interrogation, “forced to stand on sharp stones  
185 until his feet bled.”

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

- 189
- 190 1. Long-term restraint in virtually any position will produce screaming muscles. Full  
191 suspension by the wrists, for example, causes permanent nerve damage in fifteen minutes to  
192 an average-sized man. One can mitigate damage by letting the earth share the body’s weight  
193 with the rope. One can also cause different kinds of pain with different ways of tying arms.  
194 This means suspension methods may vary, two variations of which may be relevant here.<sup>2</sup>  
195
  - 196 2. One may raise the arms and suspend the hands over the head. Then one may suspend the  
197 entire body, or only so far as the toes may touch the ground, or one may leave the feet flat  
198 on the ground. **Appendix A** (attached) illustrates these variations from *full suspension*, to  
199 *the standing handcuffs* to *forced standing*.  
200
  - 201 3. Conversely, one may tie the arms behind the back and then hoist the body from behind. And  
202 again, one may suspend the entire body, or only so far as the toes may touch the ground, or  
203 one may leave the feet flat on the ground. **Appendix B** (attached) shows these variations  
204 from classic *strappado* to the *reverse standing handcuffs* to *reverse forced standing*.  
205
  - 206 4. These are painful techniques. To be specific:  
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    - 208 a. In the *strappado*, the victim's hands are tied behind his back, hoisted into the air by  
209 means of a hook and pulley attached to his wrists, and then dropped to the floor. The  
210 strappado can easily dislocate the shoulders and maim victims permanently.  
211

- 212           b. In the *reverse standing handcuffs*, one achieves the same result as a strappado, but  
 213           with out the telltale signs of scars and injuries. Instead of suspending the prisoner  
 214           fully, one raises the handcuffed hands behind the back until the prisoner is standing  
 215           on his toes; his hands are then attached to a hook or a bar keeping him in this  
 216           position. The earth thus shares the weight with the cuffs and the rope. This increases  
 217           the time bodies may be suspended, elongates the pain, and delays permanent injury,  
 218           factors that matter in stealth torture. It also puts the body in an unenviable position.  
 219           If the body relaxes to the floor, it increases the pain to the shoulders, arms, or wrists.  
 220           If the body stays up, it reduces that pain, but at great strain. This is why one can  
 221           describe the reverse standing handcuffs as a stress position.  
 222
- 223           c. In *reversed forced standing*, the arms are hoisted but the feet remain flatly on the  
 224           ground. At first, the body is in a position that is normal for a human being. However,  
 225           this changes as time passes. As the legs give way, the body falls in exactly the same  
 226           dilemma as in the reverse standing handcuffs. The weight of the body strains the  
 227           arms and the shoulders. One eases this pain only at the cost of pushing up to a  
 228           standing position, which also creates deep pains in the legs. I cover these particular  
 229           leg pains in the section on forced standing below.  
 230

- 231           5. The standing handcuffs, as prisoners in British colonial India called it, was a routine British  
 232           colonial punishment between 1910 and 1930, but the technique is considerably older. It is a  
 233           recorded slave punishment in the United States (“hanging from the rafters”). “Some tie  
 234           them up in a very uneasy posture, where they must stand *all night*, and they will then work  
 235           them hard all day.”<sup>3</sup> This 19<sup>th</sup> century practice reappears in American and British prisons in  
 236           the early 20<sup>th</sup> century. In the United States, it appears in military prisons. During World War  
 237           I, high cuffing was the standard military prescribed punishment for Mennonites, Molokans,  
 238           Hutterites and other conscientious objectors who refused to serve even in non-combat roles.  
 239           Prisoners were handcuffed to their cell door eight to nine hours a day, in one case up to fifty  
 240           days. Those who spoke in solitary had their hands cuffed high above their heads with their  
 241           back to iron bars for the same number of hours. Prisoners described high cuffing as  
 242           excruciatingly painful, and even the public, otherwise unsympathetic with these prisoners,  
 243           found the practice appalling. The practice ceased almost immediately after World War I.  
 244
- 245           6. As a routine prison technique, prisoners first report the technique used in the British penal  
 246           colony of the Andaman Islands. The routine consisted of fetters, crossbars, flogging, full  
 247           day cold baths, small cages and the standing handcuffs. The latter consisted of being “hung  
 248           up to the wall” by the hands or thumbs and standing 8 hours a day with a one hour break.<sup>4</sup>  
 249           Prisoners report standing hangings in other Indian prisons as well as Irish prisons (where  
 250           they called it “semi-hanging”). In German concentration camps, Polish prisoners report the  
 251           technique, a position they called the *slupik* or the pillar.<sup>5</sup> They described the reverse  
 252           standing handcuffs as “the stake.” Since World War II, they have been reported in Chinese  
 253           POW camps in North Korea (1952-1953), French Algeria (1957-1959), North Vietnam  
 254           (1960s), Northern Ireland (1971), Brazil (1970s), the Philippines (1970s), El Salvador  
 255           (1980s), Iran (“Weights,” *ghapani*, 1980s), and Israel (1980s-1990s). In 1981, in Saddam  
 256           Hussein’s jails, guards suspended Iraqi prisoners by their handcuffed wrists from walls or  
 257           step-ladders for several hours with their toes just touching or just off the ground. Recent

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<sup>3</sup> *Torture and Democracy*, 306-307  
<sup>4</sup> *Torture and Democracy*, 301-301  
<sup>5</sup> *Torture and Democracy*, 313.



258 accounts come from Mexico, China, Russia and American occupied Iraq (“high cuffing”).<sup>6</sup>

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

264

265 1. Humans are not designed to stand utterly immobile. For example, Harold Wolff and Lawrence  
266 Hinkle, two medical experts hired by the CIA in the 1950s, affirmed that even short periods of  
267 being forced to stand immobile can be painful. Swiftly, moving becomes painful, one feels a  
268 tremendous pressure on one’s hips, soon the ankles and feet swell to twice their size, and large  
269 blisters appear within 24 hours.<sup>7</sup> In forced kneeling, it is the knees, not the ankles that swell.  
270 The knees swell to the size of a grapefruit and become highly sensitive to external stimuli.  
271 George E. Day, a US POW held in North Vietnamese prisons, explains this well: “The sensitive  
272 human knee when in contact with rough, bare concrete for a long period of time, generates great  
273 pain. The best comparison is that of driving a long nail under the knee cap.”<sup>8</sup> One can increase  
274 the pain even further by forcing the individual to extend his arms and hold himself upright or by  
275 placing something under the knees. The object need not be sharp, even rounded objects like a  
276 broom handle can be profoundly painful. As Day says, “If you have any doubts about this, try  
277 kneeling on a broomstick with your hands in the air for 15 or 20 minutes.”<sup>9</sup> **Appendix C**  
278 illustrates positions to which US POWs were put in North Vietnam. The sequence illustrates  
279 forced kneeling, forced lying and damage to wrists from rope tortures.

280

281 2. Forced standing is a now banned military field punishment for soldiers in West European  
282 armies. It replaced whipping in the 1880s. Soldiers in the British Army referred to it as the  
283 "crucifixion," and French legionnaires called it the *silo*. Opposition to this practice was intense;  
284 as one soldier from the French Foreign Legion put it, “Now, that doesn’t sound very terrible,  
285 does it? Yet, after half-an-hour of it, I have heard men screaming and raving.”<sup>10</sup> Although  
286 armies eventually banned it, the technique soon appeared in police interrogation in the United  
287 States. By the 1920s, forced standing was a routine police technique in America. In 1931, the  
288 National Commission on Lawless Enforcement of the Law found numerous American police  
289 departments using forced standing to coerce confessions. In the 1930s, Joseph Stalin's NKVD  
290 used forced standing (dubbed the *stoika*) to coerce seemingly voluntary confessions for show  
291 trials. The British used forced standing as early as 1937-1939 on Arab and Jewish prisoners in  
292 Mandatory Palestine. The Gestapo routinely used it as a punishment in concentration camps,  
293 sometimes creating tiny, narrow cells where prisoners had to stand all night. Camps also had  
294 poles to which prisoners were attached. The practice has an extensive history in Latin America  
295 as well where it is called the *planton*. The history of forced standing is documented in Chapters  
296 3 and 15 of my book.<sup>11</sup> Chapter 15 also documents the history of forced kneeling (*seiza*).  
297 **Appendix D** illustrates the British, French, and German variations of this technique.

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299 3. Other positions besides standing can be extremely painful.

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6 *Torture and Democracy*, 316-333.

7 *Torture and Democracy*, 316.

8 George E. Day, *Return with Honor* (Champlin Fighter Museum Press, 1989), 141.

9 Day, 141.

10 *Torture and Democracy*, 303.

11 *Torture and Democracy*, 69-90; 316-333.

- 301 a. *Forced Sitting*. It is not especially difficult to create discomfort or pain while sitting  
302 in a chair. Israeli interrogators, for example, used small chairs and shorter front legs  
303 of the chair to induce deep pain in the legs and lower back, as the person in the chair  
304 is constantly sliding downward. North Koreans also used this method in 1953.<sup>12</sup>  
305 b. *Forced Kneeling*. While it was known in Europe (French prisons in the 1880s, in  
306 Hamburg Gestapo station in 1933-1934), it was most common in the Pacific theater.  
307 Japanese military police, the Kempeitai, used forced kneeling on objects in POW  
308 camps throughout Asia during World War II. Investigators for the International  
309 Military Tribunal of the Far East recorded its use in POW camps on the Japanese  
310 Mainland (at Fukuoko and Omuta), in the Burma-Siam Railroad camps, and in  
311 prisons in Singapore, Malaysia, Vietnam, the Philippines, the Andaman and Nicobar  
312 Islands, Micronesia, Timor, the Moloccas, the Solomons and the Celebes. As George  
313 Day's account indicates, North Vietnamese also used this practice routinely on US  
314 POWs. Post-war reports come mainly from either countries the Japanese formerly  
315 occupied (North Vietnam in the 1960s; Myanmar in the 1990s), or former Japanese  
316 allies (Franco's Spain in the 1970s, Salazar's Portuguese colonies in the 1970s).

317  
318 ***Forced Standing on Sharp Objects.*** Guards can intensify pain induced by positional torture by placing  
319 simple pebbles underneath the feet, but historically they have preferred much sharper objects including  
320 sharp stones, cut sticks and cans.

- 321  
322 1. The oldest technique, first described in 1786, is a restraint torture. The Picket is a British  
323 military punishment now banned for over two centuries called the Picket. The prisoner was  
324 forced to balance his foot on a stump tapered to a sharp point with one hand chained to the  
325 rafters. The prisoner could relieve the strain on his hand by resting his bare heel on the sharp  
326 point of the stump. The Cavalry and Artillery typically used the picket, and the typical time on  
327 the picket was 15 minutes. **See Appendix F.**  
328  
329 2. Contemporary usage includes the following. During World War II, Japanese used sharp objects  
330 routinely in camps to supplement positional tortures like kneeling. See **Appendix E.** Following  
331 the war, prisoners report guards using the technique in Venezuela in 1953 ("El Ring"), South  
332 Africa (1960s), Brazil (1970s), Burundi (1990s), and Myanmar (1990s). Exhaustion exercises  
333 also employ the technique, for example, requiring prisoners to run over sharp stones.  
334  
335 3. All historical accounts agree that this is a painful technique. The picket stump "though it did  
336 not break the skin put him to great torture; the only means of mitigation was by resting his  
337 weight upon his wrist, the pain of which soon became intolerable."<sup>13</sup> A Venezuelan prisoner  
338 states, "At first, the position is just uncomfortable, but after some hours have passed the edge  
339 of the rim hurt the bottoms of the feet to the point of producing bloody wounds. Later the pain  
340 is unbearable.... The feet swell up to the ankles."<sup>14</sup>

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342  
343 ***Exhaustion Exercises:*** Mr. Al Shimari and Mr. Al-Zuba'e state that they were subjected to what may  
344 be called exhaustion exercises. Mr. Al Shimari states he was "forced to do push-ups and other physical  
345 exercises to the point of exhaustion." It is not clear whether Mr. Al Shimari's hands were handcuffed  
346 when he did the push-ups. Additionally, Mr. Al-Zuba'e states he was "forced by the same individuals to

<sup>12</sup> *Torture and Democracy*, 355-357.

<sup>13</sup> *Torture and Democracy*, 297.

<sup>14</sup> *Torture and Democracy*, 325.

347 crawl or slide on his stomach down the length of the hallway on the first floor of the men's section of  
348 the Abu Ghraib hard site, resulting in cuts across his knees, chest, and stomach.”

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350

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

363

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

371

372 3. Pushups *with handcuffs* are first reported in Franco's Spain in the late 1960s and then in Chile  
373 (the “German torture”) and El Salvador in the 1980s. Ordinary sit-ups and push-ups are also not  
374 unknown. In Northern Ireland in the 1970s, RUC prisoners were forced to perform push-ups  
375 constantly late into the night. Prisoners in South Africa reported pushups and high jumps in the  
376 1980s. The Israeli GSS had prisoners perform deep sit-ups on chairs. Most recently, Spanish  
377 police have forced Basque detainees to perform pushups and high jumps at police stations.

378

379 4. Forced crawling is a well-known exhaustion exercise. During World War II, Japanese used it on  
380 Allied POWs ( “the lizard”). Prisoners report it in French-occupied Algeria (“sports”) and the  
381 “little walk” in Spain during the 1960s.<sup>17</sup>

382

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

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388

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

<sup>15</sup> *Torture and Democracy*, 342-346.

<sup>16</sup> *Torture and Democracy*, 98.

<sup>17</sup> *Torture and Democracy*, 345.

393

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

403

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

412

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

419

420 Not surprisingly, the Nuremburg Tribunal, that heard German cases, and the International Military  
421 Tribunal of the Far East (IMTFE), that heard Japanese cases, called these techniques torture.

422

423 The IMTFE concluded “The practice of torturing prisoners of war and civilian internees prevailed at  
424 practically all places occupied by Japanese troops, both in the occupied territories and in Japan. The  
425 Japanese indulged in this practice during the entire period of the Pacific War. Methods of torture were  
426 employed in all areas so uniformly as to indicate policy both in training and execution. Among these  
427 tortures were the water treatment, burning, electric shocks, the knee spread, suspension, kneeling on  
428 sharp instruments and flogging.”<sup>18</sup> The IMTFE further described these techniques. Below is a sample of  
429 relevant passages:

430

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

438

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

440 the wrists, arms, legs or neck, and at time in such manner as to strangle the victim or pull joints  
441 from their sockets. This method was at times combined with flogging during suspension.  
442 Specific instances of the employment of this method of torture occurred in the following places:  
443 China, at Shanghai and Nanking; French Indo-China, at Hanoi; Malaya, at Singapore, Victoria  
444 Point, Ipoh and Kuala Lumpur; Thailand, at Chumporn; Burma, at Kyaikto; Borneo, at  
445 Sandakan; Sumatra, at Brastagi; Java, at Bandung, Soerabaja and Buitenzorg; Moluccas Islands,  
446 at Amboina; Portuguese Timor, at Dilli; Philippine Islands, at Manila, Nichols field, Palo, Iloilo  
447 City and Dumaguete; and in Japan, at Tokyo and Yokkaichi.

448  
449 “Kneeling on sharp instruments was another form of torture. the edges of square blocks  
450 were mostly used as the sharp instruments, the victim was forced to kneel on these sharp  
451 edges for hours without relief; if he moved he was flogged. Specific instances of the use  
452 of this method have been shown to us to have occurred at the following places: French  
453 Indo-China, at Hanoi; Malaya, at Singapore; Andaman Islands, at Port Blair; Moluccas  
454 Islands, on Halmahera Island; Philippine Islands, at Davao; and in Japan, at Fukuoka and  
455 Omuta.”<sup>19</sup>

456 The IMTFE convicted two senior officials within the Japanese Army for, in part, their use of  
457 torture. Akira Muto, commander of the Second Imperial Guards Division from April 1942 to  
458 October 1944, was found by the Tribunal to be responsible for various atrocities committed by  
459 soldiers under his command, with specific reference to “[p]risoners of war and civilian internees  
460 were starved, neglected, tortured and murdered, and civilians were massacred”<sup>20</sup> by these troops.

461 The IMTFE also convicted Kenji Dohihara, commander of the 7<sup>th</sup> Area Army from April 1944 to  
462 1945. “The evidence as to the extent of his responsibility for protecting prisoners of war within  
463 the area of his command from murder and torture is conflicting. At least, he was responsible for  
464 their supplies of food and medicine. The evidence is clear that they were grossly ill-treated in  
465 respect of these supplies. Prisoners were starved and deaths from malnutrition and food  
466 deficiency diseases occurred at an appalling rate.”<sup>21</sup>

467 Similarly, in their final judgment at Nuremburg, the judges brought down only one verdict  
468 affirming torture, against Kaltenbrunner who managed the concentration camps. Outside the  
469 camps, “the worst Gestapo tortures were only semi-official.”<sup>22</sup> But judges found that the  
470 combination of techniques in camps were torture. As they stated:

471  
472 During the period in which Kaltenbrunner was head of the RSHA, the Gestapo and SD in  
473 occupied territories continued the murder and ill-treatment of the population, using methods  
474 that included torture and confinement in concentration camps, usually under orders to which  
475 Kaltenbrunner's name was signed.”<sup>23</sup>

476  
477  
478 **c. During and After Vietnam.** U.S. Prisoners of War returning from North Vietnam were also quite

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<sup>19</sup> See IMTFE Judgment, Ch. 8, 1060-1063.

<sup>20</sup> See IMTFE Judgment, Ch. 10, 1186.

<sup>21</sup> See IMTFE Judgment, Ch. 10, 1149.

<sup>22</sup> Malise Ruthven, *Torture* (London: Weidenfeld and Nicolson, 1978), 290.

<sup>23</sup> The Major War Criminals, Judgment, Blue Series, Vol. 1, p. 292 (International Military Tribunal, Oct. 01, 1946).

479 clear in calling these techniques torture. In May 1973, a House Subcommittee took testimony from  
480 returning POWs and their families. In his statement, Col. Kenneth North stated that “they tortured  
481 approximately 95percent of the men in the North Vietnamese prisons that I am familiar with for  
482 military or propaganda information. There were months and years of solitary confinement for many.”<sup>24</sup>  
483

484 Rochester and Kiley, who wrote the most complete study of these POWs, list the techniques as rope  
485 tortures, “aggravation of injuries received at ejection or upon landing, such as twisting a broken leg;  
486 forcing a man to sit or kneel for long periods of time without food or sleep; beatings with fanbelt-like  
487 whips and rifle butts; the application of an assortment of straps, bars and chains to body pressure  
488 points; and prolonged solitary confinement, often while in darkened quarters and/or in leg irons and  
489 manacles.” As Rochester and Kiley state, “it is difficult to overstate the pain that the American  
490 prisoners endured under this regime.”<sup>25</sup>  
491

492 The hearing transcripts indicate Americans called these techniques torture when other military forces  
493 applied them to American prisoners. The word “torture” appears 12 times in the course of the hearings,  
494 twice by Congressman Paul Findley of Illinois, and 9 times in the “Statements and Memorandum  
495 Submitted for the Record” by POWs, their families and their supporters.<sup>26</sup> In the course of the  
496 congressional hearings, no one disputed the characterization of these practices as torture.  
497

498 In summary, for over a century, around the world, judges, servicemen, prisoners of war, including our  
499 own, and their families have condemned these techniques. Nor have they hesitated in calling these  
500 “stress and duress” techniques torture.  
501

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1 <sup>24</sup> American Prisoners of War and Missing in Action in Southeast Asia, 1973, Hearings before House  
2 Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, 93 Cong. 1 sess (23 May 73), pt.  
3 4, 3.

4 <sup>25</sup> Stuart Rochester and Frederick Kiley, *Honor Bound* (Annapolis, Maryland: Naval Institute Press, 1999),  
5 146-147.

6 <sup>26</sup> American Prisoners of War and Missing in Action in Southeast Asia, 1973, Hearings, 3, 4, 6, 7, 11, 17, 37,  
7 92, 94, 95, 96, 116, 196-200, 202-206.

502

## 503 B. OTHER INTERROGATORY TECHNIQUES

504

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

509

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

515

516 1. Depriving someone of sleep has well known physical effects, rendering other pains more  
517 excruciating. Experts agree that sleep deprivation is a basic physiological need state, similar to  
518 hunger and thirst and as necessary for survival. Indeed, Menachem Begin, the former Prime  
519 Minister of Israel and a prisoner of Stalin’s camps, states of his experience of sleep deprivation  
520 that “not even hunger or thirst are comparable to it.”<sup>27</sup> Additionally, sleep deprivation reduces a  
521 body’s tolerance for musculoskeletal pain, causing deep aches first in the lower part of the body,  
522 followed by similar pains in the upper body. Animal tests suggest that REM sleep deprivation  
523 increases sensitivity to mechanical, thermal and noxious electrical stimuli. Often sleep  
524 deprivation is found combined with other painful techniques that make it difficult for prisoners  
525 to sleep, particularly suspension and positional torture (i.e. forced standing or kneeling).<sup>28</sup>

526

527 2. Historically, sleep deprivation was mainly associated with Scottish and English Protestants,  
528 especially in witch trials, who in turn brought it with them to the United States for similar  
529 purposes. Contrary to stories, professional Catholic Inquisitors did not favor sleep deprivation  
530 because it made subjects highly suggestible in interrogation. Sleep deprivation enters into  
531 American policing and interrogation in the early twentieth century, where it was commonly  
532 used to secure confessions of guilt.<sup>29</sup> Sleep deprivation was also a common feature of the Soviet  
533 “Conveyor” system of interrogating victims.<sup>30</sup>

534

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

539

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

8

27

Menachem Begin, *White Nights*, trans. Katie Kaplan (New York: Harper & Row, 1977), 108.

28

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

29

*Torture and Democracy*, 71.

30

*Torture and Democracy*, 88-89.

547 government.”<sup>31</sup>

548

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

554

555

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

559

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

570

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

577

578 3. Most electro torture today is done by means of stun devices. Stun technology – which  
579 encompasses the taser – was developed first in 1972. The first commercially-available stun gun,  
580 the NOVA XR-5000, appeared in 1985. Stun guns appear in torture almost immediately, with  
581 cases recorded in New York, Los Angeles and San Diego. *Torture and Democracy* offers a list  
582 of known cases since then.<sup>32</sup>

583

584 4. It is uncommon to hear of torture by means of a metal rod powered by live current in recent  
585 years. Electro torture by means of live wires has only been recorded in five countries: Chad,  
586 Zambia, Cambodia, China Mexico – all in the 1990s. The last clear account of an electrified  
587 metal rod come from the 1970s, most notably Argentina.<sup>33</sup>

588

589

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

<sup>31</sup> Ashcraft v. Tennessee, 322 U.S. 143 (1944), 155.

<sup>32</sup> *Torture and Democracy*, 242-245.

<sup>33</sup> *Torture and Democracy*, 188, 203-213.



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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.<sup>34</sup>
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.<sup>35</sup> 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.<sup>36</sup>

***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

<sup>34</sup> *Torture and Democracy*, 245-248.

<sup>35</sup> Weiner, Richard. “Retrograde Amnesia with Electroconvulsive Therapy” *Archives of General Psychiatry* (2000) Vol. 47

<sup>36</sup> *Torture and Democracy*, 467.

638 cold water, and wear it while it was wet in the extreme cold in winter.”

639

640 1. Exposure to intense cold is excruciatingly painful. Scientists have shown this empirically in  
641 laboratory experiments reported in 1996.<sup>37</sup> Physiologically, all humans have certain neurons that  
642 suppress the effects of intense cold. When scientists used a thermal grill to prevent the  
643 excitement of these cold-specific cells, they repeatedly produced intense pain. In non-laboratory  
644 circumstances, after extreme exposure, the body begins to suppress coldness, limiting  
645 perception of injury. This has an effect not unlike morphine. In extreme cold, human beings  
646 become indifferent to frostbite, the loss of limbs (e.g. toes or fingers), and eventually to death.

647

648 2. Historically, police have secured confessions by exposing suspects to extreme heat or cold. The  
649 earliest recorded use is during the American Civil War, where military information was gathered  
650 by placing detainees in extremely hot sweatboxes. But the cold version existed as well, for  
651 example, the notorious Denver “black hole” in the early twentieth century. But chilling can be  
652 achieved without coldboxes. During World War I, for example, prisoners at Alcatraz were  
653 chained on the windward side of the island eight hours a day. The use of airconditioning units  
654 was first reported during the Civil Rights protests in Parchman, the Mississippi state  
655 penitentiary, in 1961 and it first appeared in the course of interrogation during notorious, and  
656 subsequently condemned, British procedures implemented in Aden 1965. Since then, the  
657 practice has spread to several other countries (again documented in *Torture and Democracy*).<sup>38</sup>

658

659 3. In 1991, an American court described “exposed to freezing cold” as torture. In *Acree v.*  
660 *Republic of Iraq*, former POWs of the First Gulf War and their close family members filed a  
661 lawsuit in the United States sought damages from the Iraqi government for injuries “from  
662 torture inflicted on the POW plaintiffs while in Iraqi captivity.” The facts in this case are  
663 undisputed. The POWs were all pilots. The Iraqi government believed they possessed sensitive  
664 information, and they were tortured more than other POWs. In its judgment, the court stated  
665 “The torture inflicted included severe beatings, mock executions, threatened castration, and  
666 threatened dismemberment. The POWs were systematically starved, denied sleep, and exposed  
667 to freezing cold.”<sup>39</sup>

668

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<sup>37</sup> *Torture and Democracy*, 448.

<sup>38</sup> *Torture and Democracy*, 351-353.

<sup>39</sup> *Acree v. Republic of Iraq*, 271 F. Supp. 2d 179 - 2003

669  
670 **C. CLOSED CONFINEMENT, ISOLATION, AND SENSORY DEPRIVATION.**

671  
672 Mr. Al Shimari states that his hands and feet were tied shortly after arriving at Abu Ghraib and he was  
673 forced “into a closet/cabinet with two other men whose arms and feet were also bound.” Subsequently,  
674 Mr. Al Shimari states he was held “in a closed, windowless cell” during his detention. Mr. Al-Ejaili  
675 states he “was imprisoned in a cold solitary cell in November 2003.” Later, the summary states that he  
676 was held in a “closed, windowless room for a day and a half.” Mr. Al-Zuba'e states he was  
677 “imprisoned in a solitary cell in conditions of sensory deprivation for a full day.”

678  
679 These statements describe isolation but they are often vague on duration and spaces. For example, are  
680 the two incidents Mr. Al-Ejaili describes the same or different? How large was the space in which Mr.  
681 Al Shimari was first confined? How long was Mr. Al-Shimari’s in the closed windowless cell? What  
682 factors identify Mr. Al-Zuba’e’s cell as a state of sensory deprivation? Were his hands, feet and eyes  
683 masked? Or was it simply dark? What does sensory deprivation mean to the summarizer here?

684  
685 There are distinct types of isolation. Each has a history and distinct effects. Three types may be  
686 relevant here: (a) solitary confinement, (b) confinement in a sweatbox, and (c) confinement in a box  
687 that induces sensory or perceptual deprivation. Here is a brief overview.

688  
689 1. Sweatboxes are very hot, cold or wet. Some hold a prisoner immobile (like a coffin). Others  
690 allow some movement but are designed to be uncomfortable. They are built just short of human  
691 dimensions, making it impossible to fully extend oneself in any direction (what I call “squeeze  
692 cells”). Others have uneven surfaces and sharp edges that make sitting painful. Some are cages,  
693 exposed to the elements, while others are dark holes. Multiple individuals can be pressed into  
694 these extremely tight places. The earliest recorded use is during the American Civil War, where  
695 the military sweatbox was a cell near a very hot stove in which guards burned boots and bones,  
696 producing intense smoke and heat. There were also cold cells, for example, the notorious  
697 Denver “black hole” in the early twentieth century.<sup>40</sup>

698  
699 2. Sensory Deprivation boxes are unique environments created in laboratory experiments in the  
700 1950s. The two classic boxes represent different strands of sensory deprivation (SD) research.  
701 John Lilly’s water tank is an example of *sensory* deprivation (SD), removing all stimuli from  
702 the environment. The box neutralized even the effect of gravity and airflow across the body. By  
703 contrast, Maitland Baldwin’s dry box exemplifies *perceptual* deprivation (PD). He used various  
704 devices including white noise, goggles and gloves to *mask over* environmental stimuli including  
705 smells. The senses are not deprived, but they can’t *perceive*. The dry box neutralizes most, but  
706 not all, sensations; specifically bodies still feel the effect of gravity and airflows across the skin.

707  
708 Both boxes keep individuals from smelling, hearing or tasting anything. In both experimental  
709 boxes, external temperature mirrors that of the human body, preventing individuals from  
710 sensing their external circumstances. These are “Goldilocks environments,” neither too hot nor  
711 too cold. In both boxes, scientists enabled human beings to move about. This is because any  
712 immobility can be sensed, defeating their aim to remove stimuli or mask them over. Forced  
713 immobility and beating has no place in sensory deprivation. In creating these conditions, it is  
714 self-defeating to induce physical pain. In fact, pain is not just a sensation, but consists of  
715 multiple qualities and sensations (burning, itching etc.). Also packing individuals together in a

716 small space does not induce sensory deprivation; on the contrary, it induces sensation.

- 717
- 718 3. Popular imagination often confuses sweatboxes with sensory deprivation boxes. But they are  
719 quite different. Sensory deprivation boxes are kept at body temperature, while sweatboxes  
720 expose those confined to extremes of heat and cold – these are harsh sensations. Sweatboxes  
721 hold people immobile to cause physical pain but sensory deprivation boxes do not. Not even the  
722 CIA Kubark manual connects forced immobility and standing to sensory deprivation, discussing  
723 these practices instead under “Pain.” And sweatboxes, as the name implies, induces intense,  
724 unpleasant smells, which is also self-defeating if one aims to *deprive* someone of sensations.  
725
- 726 4. Lastly, there is solitary confinement. Solitary confinement is a condition where an individual is  
727 separated from the general prison population; where those in charge initiate the only social  
728 contact the individual has; where this contact is monotonous and predictable; and where the  
729 confinement is between 22 and 24 hours, with only marginal opportunities for exercise.  
730
- 731 5. Solitary confinement differs from sweatboxes in which the confining cell is a normal cell, not  
732 one designed to induce or cause pain. Solitary confinement differs from sensory deprivation  
733 conditions in that guards make no effort to mask external stimuli. Popular imagination often  
734 confuses the absence of light, food or sleep during solitary confinement with sensory  
735 deprivation. Depriving a prisoner of food is starvation, not sensory deprivation. Depriving one  
736 of sleep is sleep deprivation, not sensory deprivation. The absence of light may be common to  
737 all three types of isolation and yet each form of isolation has different physical and  
738 psychological effects. Just because a cell is dark, this does not make it a condition of perceptual  
739 deprivation. Darkness cannot be a way of distinguishing between these three states.  
740

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

- 750
- 751 6. Each type of confinement has characteristic effects.
- 752
- 753 a. Sweatboxes are forms of restraint and positional torture covered above. Confinement in  
754 a closet is a well-known restraint torture. These are physically painful conditions.
  - 755 b. Sensory deprivation boxes generate unique psychological effects, including auditory and  
756 visual hallucinations, what was once captured in the movie *Altered States*.<sup>41</sup>
  - 757 c. Lastly, solitary confinement alone has a unique set of psychological and physical  
758 sequelae, which I discuss below.
- 759

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

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### **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.”<sup>42</sup> In addition, the *Mukhaberat* 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 *Mukhaberat* 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.<sup>43</sup> 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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<sup>42</sup> Human Rights Watch. *Human Rights in Iraq*, (New York: Human Rights Watch, 1990), 41.

<sup>43</sup> *Acree v. Republic of Iraq*, 271 F. Supp. 2d 179 - 2003

807 were Lt. Col. Clifford Acree, Lt. Col. Craig Berryman, Col. David Eberly, Lt. Col. Jeffrey Fox, Chief  
808 Warrant Officer Guy Hunter, Commander Lawrence Randolph Slade, Lt. Col. Richard Dale Storr,  
809 Major Robert Sweet, Lt. Col. Jeffrey Tice, and Lt. Robert Wetzel.  
810

811 On February 23, 1991, the Coalition bombed the IISR Headquarters and Iraqi officials moved the  
812 prisoners to a nearby civilian prison, Abu Ghraib, a building the POWs came to call “Joliet.”<sup>44</sup> CWO  
813 Hunter describes the typical conditions of solitary confinement at Abu Ghraib: “As he was transferred  
814 to Joliet, he was again beaten. It was very cold at Joliet and he had only one blanket. He shivered  
815 constantly.” Similarly CWO Hunter states, “When he arrived at what he believes was the prison the  
816 POWs called the Joliet, he was thrown into a cold, damp cell.” POWs housed there include Lt. Col.  
817 Craig Berryman, Sgt. Troy Dunlap, Lt. Col. Jeffrey Fox, Chief Warrant Officer Guy Hunter,  
818 Commander Lawrence Randolph Slade, Lt. Col. Richard Dale Storr, Major Robert Sweet, Lt. Col.  
819 Jeffrey Tice, and Lt. Robert Wetzel. Only Col. Jeffrey Tice shared a cell with a British airman.  
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### **The Physical and Psychological Sequelae to Isolation**

824

825 Scholars write on solitary confinement for two reasons. First, some study individuals isolated in  
826 prisons. Others study individuals isolated in space capsules, deep under the oceans or living in polar  
827 exploration posts. These seemingly different isolation conditions appear to generate common  
828 symptoms. Moreover, other scholars study how injury produces trauma. These scholars don’t study  
829 isolation specifically, but the principles they identify agree with the work on isolation. In short, three  
830 fields – the criminological literature, the capsule environment literature and the medical literature –  
831 offer a consistent account of the physical and psychological aftermath to isolation.  
832

833

833 ***Criminological and Medical Literature on Prison Isolation.*** Hinkle and Wolff, the CIA researchers  
834 cited above, analyzed how solitary confinement affected US POWs during the Korean War, finding  
835

836

836 an isolation regime could produce anxiety, depression, illusory experiences, visual  
837 hallucinations, and in some cases psychosis. Insanity was normally avoided by breaking the  
838 routine of total isolation, and the 'lesser' effects were 'usually sufficient to make the prisoner  
839 eager to talk to his interrogator and seek some method to escape from a situation which had  
840 become intolerable.<sup>45</sup>  
841

842

842 Scandinavian countries routinely used solitary confinement and it has received considerable scholarly  
843 attention. In his review of this literature, the current expert in this area – Peter Scharff Smith  
844 concludes,  
845

846

846 [w]hen isolated prisoners are asked, they point to anger, hatred, bitterness, boredom, stress, loss  
847 of the sense of reality, suicidal thoughts, and hallucinations. These symptoms vary in degree as  
848 well as their health consequences. Still there is general agreement among many of those who  
849 have studied solitary confinement that this mode of imprisonment can produce severe effects.”<sup>46</sup>

<sup>44</sup> 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.

<sup>45</sup> Quoted in Peter Scharff Smith, “The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature,” in Michael Tonry (ed.). *Crime and Justice: A Review of Research*, (2006) Vol. 34, 441-528.

<sup>46</sup> Scharff Smith, p. 488. Internal citations omitted.

850

851 Scharff Smith identifies five clusters of effects that previous studies have associated with solitary  
852 confinement.<sup>47</sup> Solitary confinement induces *physical* symptoms, including (1) severe (53-55% of  
853 prisoners in one study) or continuous headaches (40% of prisoners in one Norwegian study),  
854 oversensitivity to stimulus, various body and muscle pains, and weight loss (an average of 5-10  
855 pounds, based on one study). Solitary confinement also has predictable *psychological* symptoms  
856 including (2) confusion, memory loss and impaired concentration, (3) hallucinations (between 20% and  
857 40%, based on studies from Norway and the United States), illusions and paranoia, (4) emotional  
858 reactions, including depression and anxiety, impulse control problems, violent outbursts and  
859 self-mutilation, and (5) lethargy, sleeping problems, breakdown of identity, psychosis and suicidal  
860 tendencies.

861

862 These conditions emerge consistently and irrespective of prisoner treatment, American or Scandinavian  
863 or Israeli. They are therefore conditions that follow from solitary confinement alone. And they also  
864 differ from the frequency of these symptoms in the normal prison populations. As Scharff Smith states,  
865 “One important lesson nevertheless is that a significant percentage of prisoners subjected to solitary  
866 confinement suffer from a similar range of symptoms irrespective of differences in the physical  
867 conditions in various prisons and in the treatment of isolated inmates.”<sup>48</sup>

868

869 ***Capsule Environment Studies.*** Capsule environment studies are conducted for different reasons than  
870 studies of prison isolation. For some time now, organizations send humans into space, ocean depths and  
871 polar regions. Organizations want to know how to keep human exploration safe in extreme conditions  
872 safe. Suedfeld and Steel have reviewed everything known about these environments. They emphasize  
873 how dangerous these conditions are. “Capsule environments are remote from other communities, are  
874 located in places where the physical parameters are inimical to human life, and are difficult to enter or  
875 leave. They are inhabited by artificially composed groups of people who are removed from their  
876 normal social networks and who carry out specific tasks and procedures. Excursions into the  
877 surrounding environment are relatively rare, usually uncomfortable, and frequently dangerous.”<sup>49</sup>

878

879 Suedfeld and Steel find the following stressors inherent to capsule environments, including (1)  
880 confinement and capsule isolation, resulting in sleeplessness, depression, general mood declines,  
881 compulsive behavior, psychosomatic problems and hypodynamia (2) monotony, (3) density, and the  
882 attendant loss of personal, private space, and (4) sensory restriction.<sup>50</sup> One other finding to emerge  
883 from research on polar region is the 'winter-over syndrome,' “some combination of depression,  
884 irritability, cognitive impairment, sleep disturbance, and altered states of consciousness.”<sup>51</sup>

885

886 ***Comparison of the Two Literatures.*** Both literatures agree the psychological and physical effects  
887 these environments induce come quickly. Schaff-Smith states “The overall conclusion must be  
888 therefore that, though reactions vary between individuals, negative (sometimes severe) health effects  
889 can occur after only a few days of solitary confinement. The health risk rises for each additional day in  
890 solitary confinement.”<sup>52</sup> Similarly, Suedfeld and Steel state, “One critical characteristic is the length of  
891 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.

49 Suedfeld, Peter and G. Daniel Steel. “The Environmental Psychology of Capsule Habitats.”  
*Annual Review of Psychology* (2000) Vol. 51: 227-253.

50 Suedfeld and Steel, 230-234.

51 Suedfeld and Steel, 231.

52 Scharff Smith, 495.

892 cumulative over time, the crew may not become aware of them until their effects are serious.”<sup>53</sup>

893

894 Secondly, a comparison suggests that prisoners appear to react more severely to solitary confinement  
895 than explorers and astronauts. This is probably because, however isolated, these explorers often work  
896 in crews and they can initiate their own contact with their environment. As Suedfeld and Steel state,  
897 explorers benefit when they can access a simple external window, mitigating ill effects of confinement.  
898 “Even seeing the external environment is important and may in fact be the crew's major or only contact  
899 with it. Astronauts are entranced by the view out the windows, and aquanauts in undersea habitats are  
900 fascinated by the ebb and flow of water and the marine life visible through portholes.”<sup>54</sup>

901

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

906

907 Since the 1980s, scholars have found no simple link between how severely one is injured and how  
908 much psychological trauma follows. Some experience severe physical tortures but are relatively  
909 unscathed. Others only see torture or experience threats, but they develop severe trauma. Studies show  
910 consistently that trauma tracks with whether individuals feel they were in self-possession during the  
911 torture or not. If they do not feel they have any environmental control, the trauma may be severe. As  
912 Başoğlu concludes, “manipulations designed to remove control from the detainee might have a severe  
913 impact, even when they do not involve physical torture.”<sup>55</sup>

914

915 Conversely, some torture victims claim that expressing anger and distress alleviated their distress. By  
916 gaining some self-possession, they reduced trauma despite the severity of physical torture. And there is  
917 a good medical basis for this. Başoğlu observes, “Evidence shows that animals and humans respond  
918 with anger, hostility, and aggression to threats to physical and psychological well-being” and “the  
919 ability to aggress during uncontrollable stress can dramatically reduce the impact of the stressor in  
920 animals.” He concludes, “Humiliating treatment and attacks on personal integrity, cultural values,  
921 morals, or religious beliefs may induce feelings of helplessness in the individual through not being able  
922 to act on anger and hostility generated by such aversive treatment.”<sup>56</sup>

923

924 The medical literature thus points to the perception of control over one’s environment. Solitary  
925 confinement can be voluntary or not. In Suedfeld and Steel’s studies, individuals choose to live in  
926 capsule environments, polar exploration huts, deep sea pods and other extreme circumstances, and that  
927 may greatly mitigate the dangers of solitary confinement. As Suedfeld and Steel state, “we must  
928 remember that how people experience an environment is more important than the objective  
929 characteristics of the environment.”<sup>57</sup> But far more dangerous symptoms, including physical ones, are  
930 likely to follow when people place individuals in solitary confinement against their wills and with little  
931 control over the situation of their confinement (e.g. absence of windows etc. that may mitigate the  
932 effects of confinement).

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53 Suedfeld and Steel, 237.

54 Suedfeld and Steel, 234.

55 Başoğlu, Metin, Maria Livanou, and Cvetana Crnobarić. “Torture vs. Other Cruel, Inhuman and Degrading Treatment” *Archives of General Psychiatry* (2007) Vol. 64, 283.

13 56 Başoğlu et al, 283-284.

57 Suedfeld and Steel, 230.



933 **D. NORMS OF TREATMENT OF PRISONERS**

934

935 Iraqis suffered many horrible, mutilating tortures under Saddam Hussein. And yet news reports  
936 sometimes describe Iraqi reaction to American prisoner treatment in words like these: “Shoot me here,”  
937 said an Iraqi prisoner pointing to the space between his eyes, “but don’t do this to us.”

938

939 To Americans this response is puzzling. How could American prisoner treatment be worse than having  
940 parts of one’s body burned with torches, cut off with axes, or drilled into with power drills – all of  
941 which are documented in Saddam Hussein’s prisons?

942

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

950

951

952 *Ancient Tortures and Common Norms*

953

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

963

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

969

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

975

976 Both Muslim and Christian cultures then share common norms of treatment drawn from the common  
977 experience of crucifixion. Inhumane punishments expose prisoners publicly and added humiliation to  
978 injury. They foster inhuman feelings collectively, both sexual and violent, that break the bonds of basic  
979 human society. They apply pain in excess of what was permitted or necessary for their duties. They  
980 treat the bodies of the dead disrespectfully and deny basic civil rituals.

981

982 The public display of naked prisoners, alive or dead, violates all these norms. It references that  
983 moment when both these cultures refused to act as the Romans did when they crucified.

984

985

### 986 *Modern Torture and Cultural Norms*

987

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

994

995 Colonial states showed a calculated sensitivity to what offended local values in the practice of violence.  
996 For example, during the Indian Mutiny (1857-1859), British troops resorted to the extraordinary  
997 practice of strapping rebels to canons and blowing cannonballs through their chests. This was done  
998 because Muslim bodies had to be buried intact for their souls to enter into paradise. By blowing them to  
999 smithereens, this way of execution sought to horrify and deter survivors. “Cultural torture” was  
1000 invented by people who came from outside a society. It is not born from indifference or ignorance.

1001

1002 Undoubtedly, the prisons of Saddam Hussein were also horrible places. The chances of surviving were  
1003 low. And one thing was certain: if one did survive them, one would be scarred physically for life. For  
1004 better or for worse, most of the techniques described in Sections A and B do not leave long-term  
1005 physical marks. That very lack of scarring in some ways is even worse. A UN psychologist who works  
1006 with victims of stealth torture observes that the feelings of shame, remorse and guilt “would not have  
1007 been experienced had the subjects been physically scarred.” Victims can show physical scars without  
1008 shame; they win sympathy and recognition from communities. When tortures are not obvious to the  
1009 naked eye, others can deny them and victims may not even win sympathy from one’s own  
1010 communities.

1011

1012 This lack of sympathy connects with another ancient horror, namely, slavery. As Orlando Patterson  
1013 notes in his study of slavery, for most of human civilization, the opposite of slavery was not individual  
1014 freedom.<sup>58</sup> Rather, the opposite of slavery was community. A slave was someone who had no name,  
1015 who had no friends to aid him in times of need, and who had no one to sing his song when he was  
1016 gone.

1017

1018 Most people throughout history experienced slavery as a form of social death, not merely the loss of  
1019 external freedom. Only in the West, and comparatively late, did we come to believe that the opposite  
1020 of slavery was individual freedom. But for most cultures, including Middle Eastern ones, community  
1021 remains the opposite of slavery. One experiences the inability to link to one’s community, no matter  
1022 how free one is, as social death. Nietzsche once said that what does not kill you can make you  
1023 stronger. Middle Easterners believe that such strength does you no good when you are alone and no one  
1024 will know or appreciate your story.

1025

1026 Middle Eastern reactions then index a common heritage these peoples share with Westerners on norms  
1027 of treatment, norms that descend to both through their common rejection of crucifixion as a way of  
1028 death. They also index the practice of slavery as a form of social death and a later history in which

<sup>58</sup>

Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982).

1029 colonial powers manipulated local norms of treatment as means of causing pain and deterring others.  
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## 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 Raajmakers (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.”<sup>59</sup>

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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<sup>59</sup> Sheldon Levy, “Conformity and Obedience” in *Encyclopedia of Violence, Peace and Conflict* (San Diego: Academic Press, 2008). 417.

1078 behaved violently given particular situations, and that organizations had created these  
1079 situations, either tacitly with an end in mind or through neglect and indifference towards  
1080 prisoners.

1081  
1082 While situations can cause people to act more violently than they would, situations are not total.  
1083 Stanley Milgram explored this subject in his obedience experiments. In its simplest variation, the  
1084 experiment consisted of a volunteer, the “subject”, directed by a supervisor, the “experimenter”,  
1085 applying electric shocks to a “learner.” In reality, however, no shocks were administered. Milgram  
1086 designed the experiment to measure at what point subjects would refuse to apply shocks to the learner.  
1087 Many thought that few volunteers would continue to the point of applying the maximum voltage to the  
1088 subject. In fact, 26 of 40 (65%) of the volunteers applied the maximum voltage.<sup>60</sup>

1089  
1090 Milgram’s conducted multiple variations and the main findings are these: (1) the subjects were not  
1091 sadistically inclined; (2) subjects were more likely to obey the more distant they were from the learner;  
1092 (3) subjects were less likely to obey the further the experimenter was from the subject; (4) subjects  
1093 displayed practically no resistance to the experimenter’s orders when they performed a subsidiary role  
1094 and someone else controlled the shock machine; (5) subjects almost completely stopped obeying when  
1095 there was dissent (i.e., either two experimenters disagreed with each other or a group of accomplices  
1096 argued over stopping the shocks); and (6) the experimenter’s prior status did not matter when Milgram  
1097 contrived experiment so that a former experimenter became a ‘learner’ and a new experimenter led the  
1098 learning session.<sup>61</sup>

1099  
1100 ***Implications for Torture Prevention.*** Social scientists may have explained why people torture, but  
1101 knowledge about how to prevent torture is much older than that. In 1931, George Wickersham and his  
1102 colleagues at the American Bar Association (ABA) issued a comprehensive account of police brutality  
1103 in American cities large and small. Their report steadily transformed American police practice over the  
1104 next three decades and is probably the most important document the ABA has ever produced.<sup>62</sup> It was  
1105 not the first report of police torture in the United States, but the report was so thorough that the facts  
1106 were difficult to deny. The report built on public intolerance of police torture over the previous decade.

1107  
1108 In terms of torture prevention, the Committee rejected the dispositional hypothesis. They did not think  
1109 modernization and professionalization of the police led to a decline in false confessions and torture.  
1110 They observed that the City of Buffalo had a modern, disciplined police department, but it had a torture  
1111 problem. Boston’s police was far less modernized but torture and incidents of ill treatment were “at a  
1112 minimum in Boston, though they are not quite nonexistent.”

1113  
1114 In explaining the outcome, the Commission concluded that the key was the work of administrative,  
1115 judicial and medical officers whose internal monitoring reduced abuse, not the dispositions and  
1116 professional orientation of the personnel.<sup>63</sup> They cited a strong police tradition to keep the law, the  
1117 absence of machine politics, and independent judges. Moreover the defendant is promptly remanded  
1118 before a judge and then arraigned out of police hands. “Not the least important,” statute requires  
1119 medical examination and report of the prisoner. Police also had to pay their own fines when sued or  
1120 convicted for lawlessness. The police knew to whom they had to answer, what rules governed arrests,

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<sup>60</sup> Stanly Milgram, *Obedience to Authority: An Experimental View* (New York: HarperCollins  
2009), 35.

<sup>61</sup> Levy, 417.

<sup>62</sup> National Commission on Law Observance and Enforcement, *Report on Lawlessness in Law  
Enforcement* (Washington, DC: US Government Printing Office, 1931).

<sup>63</sup> *Ibid.*, 104-110.

1121 and the direct and personal consequences of failure to do so.

1122

1123 From a torture prevention perspective, the Commission’s analysis could be distilled into four relatively  
1124 straightforward rules: to prevent torture, one needs clear authority, clear rules, clear punishments, and  
1125 regular surveillance and supervision ensuring that the first three rules are being satisfied. Conversely  
1126 torture is likely when moral authority is distant, where rules are unclear, when punishment for  
1127 disobeying rules is not predictable, and where supervision by authorities is irregular.

1128

1129 By 1959, the American Correctional Association had incorporated the four rules into its Manual of  
1130 Correctional Standards.<sup>64</sup> On the matter of clear authority and clear rules, the Manual states

1131

1132 The exercise of disciplinary authority is so vital to administration of institutions, both from the  
1133 standpoint of public relations and treatment of inmates, that the types of disciplinary measures  
1134 authorized should be established and strictly controlled by the central office or governing board  
1135 of the state correctional system.<sup>65</sup>

1136

1137 On the matter of clear supervision and consistent punishment, the Manual states that the key to  
1138 discipline is that it should be “consistent, reasonable, object, firm and prompt” as well as appropriate.<sup>66</sup>  
1139 In particular, the ACA emphasized what might be called the rule of certainty in supervision.

1140

1141 In most situations, good control may be maintained by the principle of certainty – that is,  
1142 certainty that misbehavior will not go unnoticed but that appropriate steps will be taken to  
1143 correct it. This is an application of the concept that it is the certainty rather than the severity of  
1144 correction that affords the greatest deterrent.<sup>67</sup>

1145

1146 Consistent with the rule of certainty, the Manual then emphasized that supervision was critical in  
1147 forestalling tortures and abuses that characterized the Wickersham era. It offered a list of techniques  
1148 that are “condemned by the most capable and experienced officials in the correctional field, not only on  
1149 the ground that they are inhumane, but also because experience has proved them to be less effective  
1150 than more progressive methods.”<sup>68</sup> The techniques include:

1151

1152 flogging, strapping, beating with fists or clubs, spraying with a stream of water, stringing up by  
1153 the wrists, exposure to extremes of heat or cold or to electric shock, confinement in stocks or in  
1154 cramped sweatboxes, handcuffing to cell doors or posts, shackling so as to enforced cramped  
1155 position or to cut off circulation, standing for excessive periods “on the line” or barrel-heads,  
1156 painted circles, etc., deprivation of sufficient light, ventilation, food or exercise to maintain  
1157 physical and mental health, forcing a prisoner to remain awake until he is mentally exhausted  
1158 and so on.<sup>69</sup>

1159

1160 To prevent ineffective, inhumane abuses, the ACA recommended clear authority, clear rules, consistent  
1161 punishment, and certain supervision such that everyone knows that misbehavior will not go unnoticed.

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14 <sup>64</sup> American Correctional Association, *Manual of Correctional Standards* (New York: American  
15 Correctional Association, 1959; 3<sup>rd</sup> printing 1962.).

16 <sup>65</sup> American Correctional Association, 244.

17 <sup>66</sup> American Correctional Association, 230.

18 <sup>67</sup> American Correctional Association, 236.

19 <sup>68</sup> American Correctional Association, 250.

20 <sup>69</sup> American Correctional Association, 250.

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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:

1211  
1212 There is substantial research on the behavior of guards in prisons and Enemy Prisoner of War  
1213 (EPW)/Prisoner of War (POW) camps, in addition to the Department of Defense (DoD)  
1214 experience of running simulated prisoner of war resistance training. Research indicates that  
1215 regardless of how good the training and oversight, some inappropriate behavior will occur. (For  
1216 example, one of the seminal studies of prisoner/guard behavior is Haney, C., Banks, C., &  
1217 Zimbardo, P., A Study of Prisoners and Guards in a Simulated Prison, the Office of Naval  
1218 Research, 1973. For a more recent review, along with significant commentary, see Philip  
1219 Zimbardo, A Situationalist Perspective on the Psychology of Evil: Understand How Good  
1220 People are Transformed into Perpetrators, a chapter in Arthur Miller (Ed.) The social  
1221 psychology of good and evil: Understanding our capacity for kindness and cruelty. New York:  
1222 Guilford, 2004. Also worth reviewing are Stanley Milgram's studies, starting with Obedience to  
1223 authority, New York: Harper & Row, 1974.) Because of this, the DoD simulated prisoner of war  
1224 resistance training that prepares service members to resist exploitation, requires intensive  
1225 oversight to prevent the abuse of Soldiers by other Soldiers ...

1226 The psychological research on abuse (see above) suggests that in similar situations, such as  
1227 prisons, when some relatively minor abusive behavior occurs and corrective action is not taken,  
1228 there is an escalation of violence. If there is uncorrected abuse and more people become  
1229 involved, there is a diffusion of responsibility making it easier for individuals to commit abuse.  
1230 The research further suggests that a moral disengagement occurs which allows individuals to  
1231 rationalize and justify their behavior. (See Bandura, A., Moral Disengagement in the  
1232 Perpetration of Inhumanities, *Personality and Social Psychology Review*, 1999).<sup>70</sup>

1233 In addition to the substantial research on prisons, other studies indicate similar factors take hold in  
1234 military field units and for the same reasons. For example, in a careful statistical study of violent  
1235 abuses in Sierra Leone, social scientists asked why some units were abusive while others were not, and  
1236 in particular why were some units belonging to the *same* group were sometimes violent towards  
1237 civilian populations and sometimes not. They tested various explanations by surveying 1043  
1238 ex-combatants in their local language a little less than a year after the war ended (between June and  
1239 August 2003). To create an unbiased sample, they randomized selection of ex-combatants are multiple  
1240 levels. They asked simple questions on unit organization and discipline. Then they mapped the results  
1241 against patterns of civilian abuse. They found that "internal characteristics of fighting units" is the key  
1242 variable in predicting civilian abuse. "No torture" reflected a unit's disciplined nature, not each  
1243 soldier's knowledge of the Geneva conventions. If a unit had good discipline, they weren't abusive.  
1244 Violence arose from situations, not dispositions. Indeed, situations shut out sympathetic dispositions for  
1245 civilians of similar ethnic, religious or regional background.

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1247 In short, these torture prevention policies work. They are logical and they correspond to what we know  
1248 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.

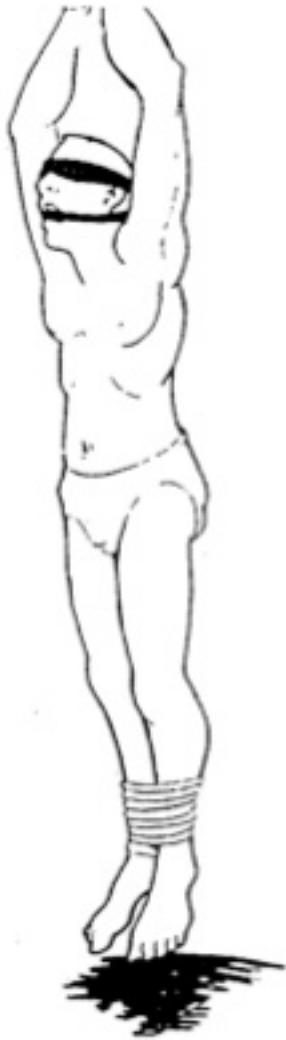
Situations, not dispositions, cause torture. People who torture do so because situations lead them to  
behave in ways they would not normally act, not because they have sadistic dispositions. That said,  
situations are not total, and individuals can say no and sometimes do. Humans do have choices, 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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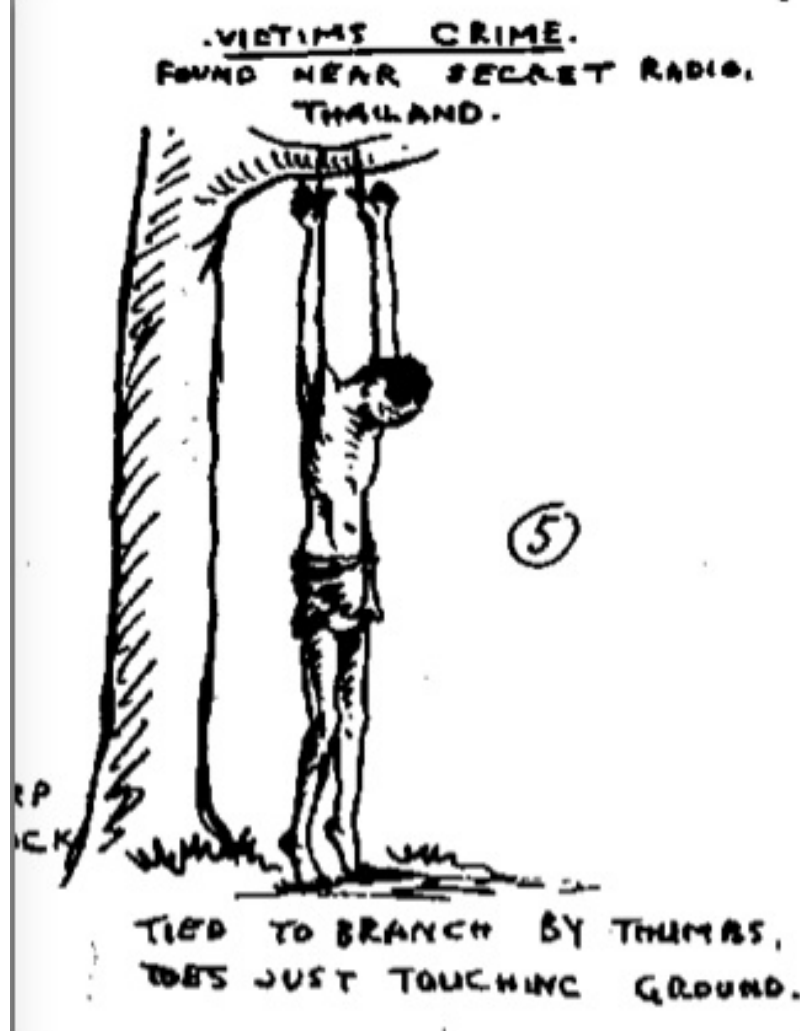
# APPENDIX A: SEQUENCE OF RESTRAINT TO POSITIONAL



**FIGURE 1:  
CLASSIC SUSPENSION**

*Source*

Dirk von Schrader [pseud.], 1978.  
*Elementary Field Interrogation.*



**FIGURE 2:  
STANDING HANDCUFF**

Lord Russell, 1958. *Knights of the Bushido*



**FIGURE 3:  
FORCED STANDING**

Lord Russell, 1958. *Knights of the Bushido*

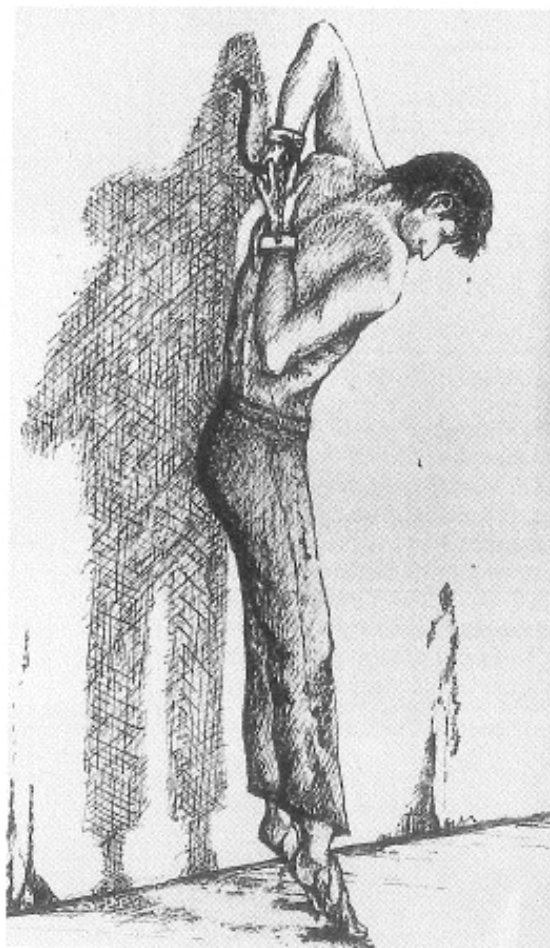
# APPENDIX B: SEQUENCE OF CONVERSE RESTRAINT TO POSITIONAL



**FIGURE 1:  
CLASSIC STRAPPADO  
SUSPENSION WITH WEIGHTS**

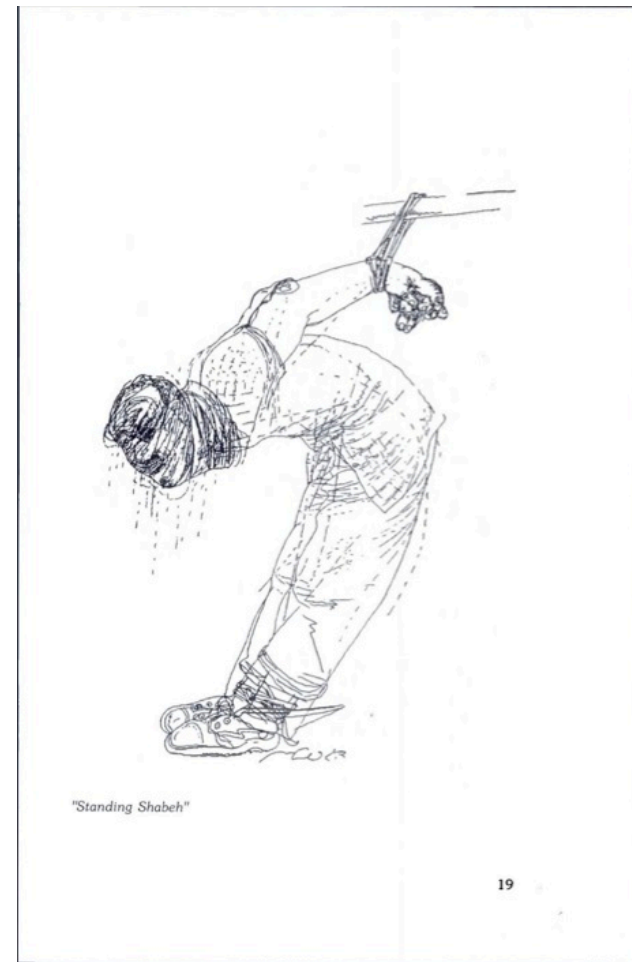
*Source*

Public Domain Photograph



**FIGURE 2:  
REVERSE STANDING  
HANDCUFF**

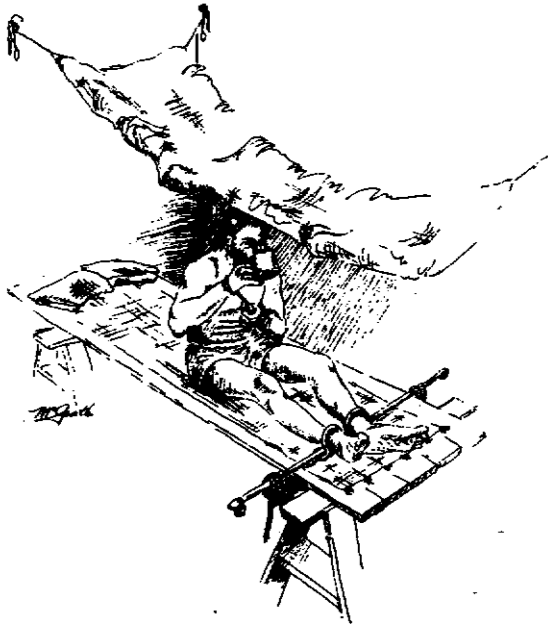
Darius Rejali, 1994. *Torture and Modernity: State, Society and Self in Modern Iran.*



**FIGURE 3:  
REVERSE FORCED  
STANDING**

B'Tselem. 1998. *Routine Torture: Interrogation Methods of the General Security Service.*

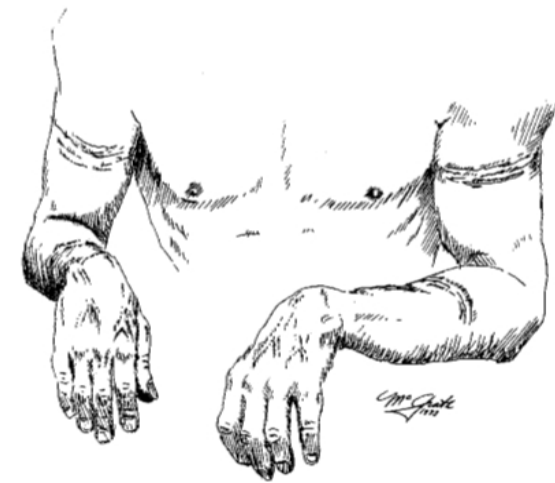
# APPENDIX C: NORTH VIETNAMESE TORTURE OF US P.O.W.S



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 released.



**FIGURE 2:  
FORCED KNEELING**



**FIGURE 3:  
DAMAGED WRISTS  
FROM ROPE  
TECHNIQUES**

**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."

*Source*

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

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*

Museum und Gedenkstätte Sachsenhausen:  
<http://www.stiftung-bg.de/gums/en/index.htm>



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

United Kingdom, Public Records Office  
WO 32/5460



*[Photo: Exclusive News A*

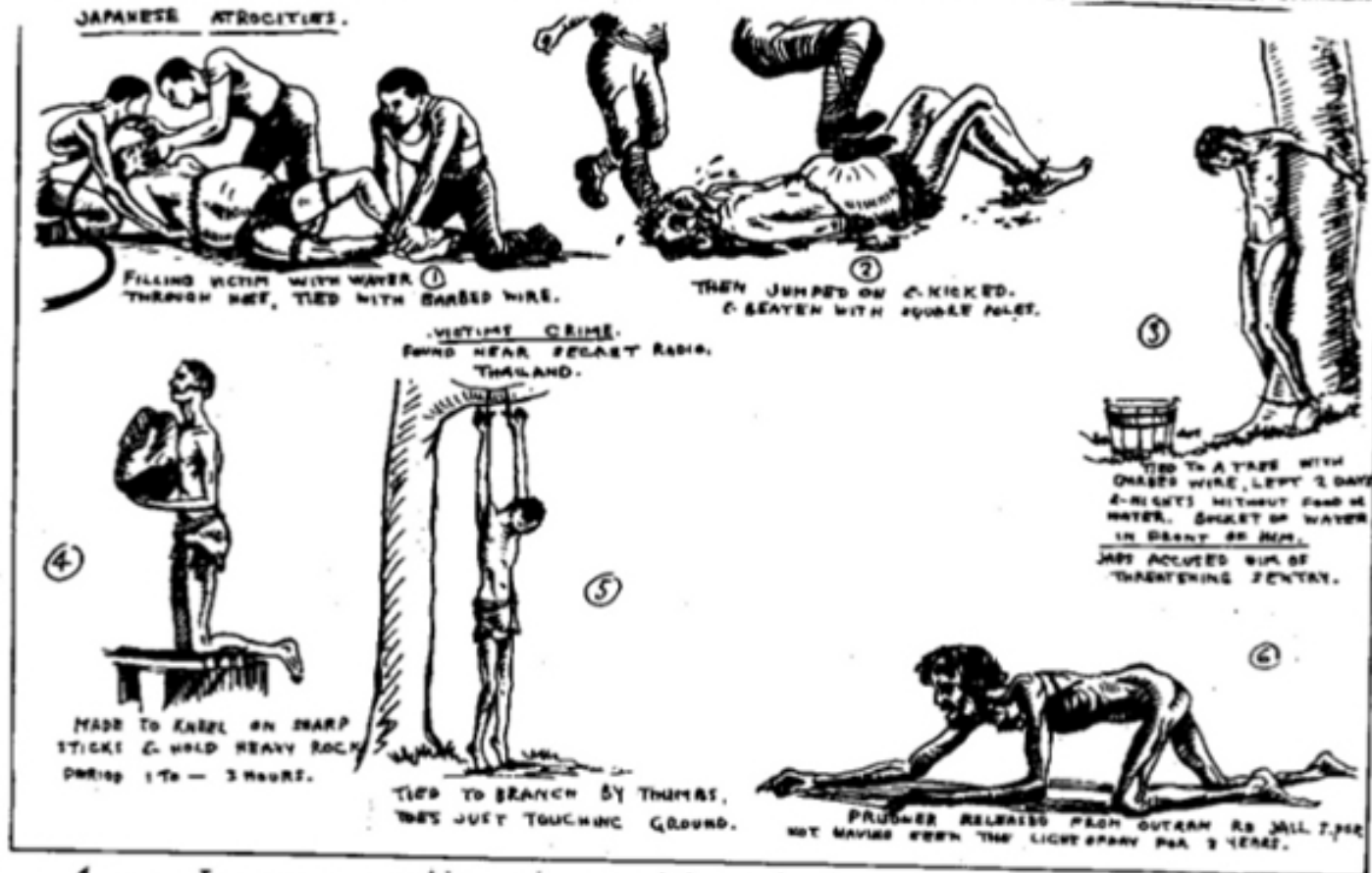
ONE OF THE HORRIBLE TORTURES PRACTISED IN THE LEGION  
The Légionnaire, his back cut to pieces by whips, is tied to the wheel of a gun and left in the blazing sun until he dies.

**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



Some Japanese pastimes in punishment for minor crimes. The artist experienced similar treatment to the one shown in Fig 4.

- (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

SOURCE: Lord Russell, 1958. *Knights of the Bushido*

# APPENDIX F: THE PICKET AND EXHAUSTION EXERCISES



THE PICKET

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

*Source*

Scott Claver, 1954. *Under the Lash: A History of Corporal Punishment in the British Armed Forces*



41. Jewish men are publicly humiliated and forced to do physical drills by German soldiers during the forced registration in Salonika, 11 July 1942.

**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.”

Mark Mazower, 1993. *Inside Hitler's Greece.*

# Appendix G

## 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, 26 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, BEATINGS AND CONFINEMENT IN DARK CELLS (EXHIBIT USA-246)

## BESCHREIBUNG:

Datumsangabe und U des englischen Begl.-Vm Ti

## II.

Chef der Sicherheitspolizei  
und des SD

B.Nr. IV — 226/42 geh. RS.

Geheime Reichssache:

Als geheime Reichssache

an alle Befehlshaber 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 Stapo (leit)stellen

nachrichtlich

an die Inspektoren der Sicherheitspolizei und des SD.

Betrifft: Verschärfte Vernehmung.

Anlage: 1 Empfangsbestätigung.

Im Zuge der Vereinfachung wird der Erlass des Chefs 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. Verschärfte Vernehmung darf nur angewendet werden, wenn aufgrund des Vorermittlungsergebnisses festgestellt ist, dass der Haeftling ueber wichtige staats-oder reichsfeindliche Sachverhalte, Verbindungen oder Planungen Auskunft geben kann, seine Kenntnisse aber nicht preisgeben will und im Ermittlungswege nicht feststellbar sind.

2. Die verschärfte Vernehmung darf unter dieser Voraussetzung nur angewendet werden gegen Kommunisten, Marxisten, Bibelforscher, Saboteure, Terroristen, Angehoerige der Widerstandsbewegungen, Fallschirmagenten, Asoziale, polnische oder sowjet-russische Arbeitsverweigerer oder Bummelanten.

In allen uebrigen Faellen bedarf es grundsaeztlich meiner vorherigen Genehmigung.

RESTRICTED

— Seite 3 —

Ref.No.: DE 364/DIS 202.

RESTRICTED.

3. Zur Herbeifuehrung von Gestaendnissen ueber eigene Straftaten darf die verschärfte Vernehmung nicht angewendet werden. Ebenso darf dieses Mittel nicht angewendet werden gegenüber Personen, die zeitweilig von der Justiz zwecks weiterer Ermittlungen ueberstellt worden sind.

Ausnahmefaele beduerfen ebenfalls meiner vorherigen Genehmigung.

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

aber auch in der Verabreichung von Stockhieben (bei mehr als 20 Stockhieben muss ein Arzt zugezogen werden).

I. V.

gez. Mueller

Beglaubigt:  
(signed) Hellmuth  
Reg. Sekretaerin.

## APPENDIX H: US WAR DEPARTMENT NEWS RELEASE 1918

FROM WAR DEPARTMENT NEWS BUREAU

NO. 9

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

## *Darius M. Rejali*

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Reed College  
Portland, OR 97202-8199

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Office: 503-777-7771  
Fax: 503-777-7776  
E-mail: [Rejali@reed.edu](mailto:Rejali@reed.edu)

### **Academic Appointments**

Professor, Political Science, Reed College 2003-present  
Associate Professor, 1994-2003; Assistant Professor, 1989-1994  
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  
Carnegie Scholar, Carnegie Corporation of New York, (\$100,000) 2003-2005

### **Education**

McGill University, Ph.D., Dean's Honor Roll (Political Science), 1987; M.A. (Political  
Science (1983); Advisers: Profs. Charles Taylor, James Tully, Sam Noumoff, Uner  
Turgay  
Swarthmore College, B.A. (Philosophy), 1981

### **Administrative Offices**

Chair (elected position), Political Science, Reed College, 2010-2012, 2007-2009, 2005,  
1996-2001, 1993-1995  
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.

**Biography:** "Darius Rejali," *Contemporary Authors*, edited by Terrie Rooney and  
Jennifer Garipey, (Detroit: Gale Research, 1997); Martha Gies, "The Ustaad: the  
Professional Life and Political Times of Prof. Rejali," *Reed Magazine* (June 2011).

## 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](http://tortureanddemocracy.com)

**Book:** *Torture and Modernity: Self, Society and State in Modern Iran* (Boulder, CO: Westview Press, 1994). Paperback, 1994. Selected for Questia E-Book, 2000; see <http://www.questia.com>. Reviewed by the *Times Literary Supplement, Middle East Journal, Journal of Contemporary Asia, The Historian, The American Anthropologist, and Contemporary Sociology*. Feature review in the Persian language *Irannaméh*, which is the main intellectual journal in the Iranian diaspora; reprinted in two Persian language magazines with circulations of over 20,000 in Europe, North America and Australia. Portions translated into Farsi, Portuguese and Spanish, including the Iranian paper *Hamshahri* (2006).

**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.]

**Chapter in Book:** “Whom Do You Trust? What Do You Count On?” in *Nineteen Eight-Four: Orwell and Our Future* (Princeton University Press, 2005), 155-179. [Orwell and How to Resist Torture.]

**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:** “Torture as a Civic Marker: Solving a Global Anxiety with a New Political Technology,” *Journal of Human Rights* 2:2 (June 2003): 153-171.

**Article:** “Electric Torture: A Global History of a Torture Technology,” *Connect: art.politics.theory.practice* (June 2001): 101-109.

**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 stoning, offering an alternative explanation for its origins and persistence today.]

**Article:** “Ordinary Betrayals: Conceptualizing Refugees Who Have Been Tortured in the Global Village,” *Human Rights Review* (July-September 2000): 8-25. [Critical study of ways in which lawyers, psychologists, states and the United Nations conceptualize torture victims.]

**Article and Book Chapter:** “After Feminist Analyses of Bosnian Violence,” *Peace Review* (September 1997). Republished in *The Women and War Reader*. Edited by Lois Ann Lorentzen and Jennifer Turpin. New York: New York University Press, 1998. Paperback, 1998. [Critically examines explanations of ethnic rape.]

**Chapter in Book:** “How Not To Talk About Torture: Violence, Theory, and Problems of Explanation,” in *Vigilantism and the State in Modern Latin America: Essays in Extralegal Violence*, ed. Martha K. Huggins (New York: Praeger: 1991), 127-144.

### Short Articles and Entries

“Executions and Executioners,” *Encyclopedia Iranica*, Edited by Ehsan Yarshater. Costa Mesa, CA: Mazda Publishers, 2001.

“Define Your Terms: Dictionaries, Medievals and Thinking about Concepts,” *PS: Political Science and Politics* (September 1995).

“The Birth of Modern Torture,” *Social Science Forum* 1 (March 1983).

## Book Reviews

- Religion and Politics in Modern Iran: A Reader, ed. Lloyd Ridgeon, *Iranian Studies* (Fall 2008).  
 Major Review Article: "American Torture Debates," *Human Rights Review* (September 2008).  
 Ron, James, "Frontiers and Ghettos," *Journal of Palestine Studies* (2005).  
 Farzin Vahdat, "God and Juggernaut," *Iranian Studies* (2005).  
 Martha Huggins, Mika Haritos-Fatouros, and Philip Zimbardo, "Violence Workers," *Contemporary Psychology* (2004).  
 Olivier Razac, "Barbed Wire," 2:3 *Journal of Human Rights* (2003).  
 Tara Bahrapour, "To See and See Again," 33:3/4 *Iranian Studies* (2000).  
 Ervand Abrahamian, "Tortured Confessions," 33:1/2 *Iranian Studies* (2000).  
 Abbas Milani, "Tale of Two Cities," 30:3/4 *Iranian Studies* (1997).  
 Mehrzad Borujerdi, "Iranian Intellectuals and the West," *Center for Iranian Research Analysis Review* (1997).

## Press

- "Las lapidaciones resurgén in Iran," *El Pais* (July 18, 2010) (in Spanish).  
 "Too Ready to Use Torture," *Chicago Tribune* (June 13, 2010) Section 1, 25.  
 "No, we don't support torture" (with Paul Gronke) *The Oregonian* (May 9, 2009).  
 "Accepting Torture?" (with Paul Gronke) *Huffington Post* (May 1, 2009).  
 "Ice Water and Sweatboxes the long and sadistic history behind the CIA's torture techniques," Rejali, *Slate Magazine* (March 17, 2009).  
Speaking of Faith: The Long Shadow of Torture *NPR* (June 11 2009).  
 "A Painful History: Why have modern democracies been such important innovators of torture?" *The Chronicle of Higher Education* (January 25, 2008).  
 "Torture, American style. The surprising force behind torture: democracies," *The Boston Globe* (December 16, 2007).  
 "5 Myths About Torture and Truth," *Washington Post* (December 16, 2007).  
 "Torture's Dark Allure," "Does Torture Work?" and "On Human Bondage," *Salon.com* (June 18, 2004 and June 21, 2004).  
 "The Real Shame of Abu Ghraib" *Time.com* (May 20, 2004).

Other articles in *The Seattle Times*, *The Oregonian*, *The Miami Herald*, *Slate.com*, *The Huffington Post*.

Television and radio interviews with David Frost (*Frost over the World*), Brian Ross (*ABC News*), *BBC Newshour*, *CNN*, *Talk of the Nation (NPR)*, *All Things Considered (NPR)*, *No Comment (Harpers)*, *Democracy Now*, *WNYC*, and *Court TV*, as well as commentary on torture in the *New York Times* and the *Washington Post*.

For recent editorials, interviews, media appearances and magazine articles, see [tortureanddemocracy.com](http://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).
- Conference Presentation:** “Security with Human Rights,” 50<sup>th</sup> Anniversary General Meeting, Amnesty International, San Francisco (March 19, 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).
- Conference Paper:** “In Search of the Moderate Muslim: John Locke, Liberalism, and Its Enemies,” Conference on “Islam, Europe and the Secular-Religious Divide,” Amsterdam (December 21-22, 2009).
- 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. Schaefer 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).
- Lecture:** “Speak Frankly about Torture: Exercising International Citizenship,” Harvard Law School (March 12, 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).
- Lecture:** “Conversation about Torture and Democracy: What Now?,” British Institute of International and Comparative Law, London (November 27, 2008).
- 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).
- Lecture** *Torture and Democracy* (with Philippe Sands, QC), Royal Society of Arts, London (May 22, 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:** Roy Ray Annual Lecture on Government (Convocation) Lecture, “Torture, Democracy and Our Future,” Centre College, Danville, KY (February 25, 2008).

**Conference Paper,** “The Phenomenon of Torture,” for 30<sup>th</sup> Anniversary Conference of the Research Center for the Rehabilitation of Torture Victims, October 30, 2007.

**Keynote Address:** “Approaching Violence,” Conference on Education for Teachers and Non-Profits (“Hope in a Time of Violence”), Lewis and Clark School of Education, November 16, 2007.

**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:** “Torture for Truth and Memory,” Conference on “Codes of Violence in Medial Transformation,” Humboldt University, Berlin (April 29, 2006).

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

**Keynote Lecture:** “Torture and Democracy,” Presented at the Workshop on “Studies of Order, Violence and Exclusion,” Danish Institute for International Studies, Research Network on Crime and Violence (Tisvilde, Denmark; September 23, 2004).

**Conference Paper:** “Torture, Democracy and War,” Presented at the Workshop on “Techniques of Violence in Civil War,” Peace Research Institute of Oslo (PRIO, Oslo, Norway, August 21, 2004).

### **Recent Expert Review and Testimony**

Expert Advisory Committee and Consultant, “Addressing the Root Causes of Torture” Actions to Reduce and Prevent Torture in Police and Military Settings in the Asia Pacific Region (European Commission Grant administered by University of Sydney, EIDHR/2009/272 (2012-2015).

Ph.D. *Soutenance*, Sciences-Po, Paris: “*Négocié l’atrocité: La torture comme question multilatérale, 1945-2009*” by *Emilie Combaz* (October 2011).

Contributor, 2008 National Election Survey, Ann Arbor, Michigan.

Expert Review of Testimony of Abdul Rahim al Janko “al Ginco,” Guantanamo detainee (2007, 2008); Judge Richard Leon ordered his release June 2009.

Manuscript Reviewer for *Political Theory* (2007), Oxford University Press (2004), Princeton University Press (2003), Harvard University Press (2002).

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).