

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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When I was a defense attorney in the Office of Military Commissions in Guantanamo, President Obama issued an executive order on interrogation policy that ended the CIA's secret detention program and required that all US interrogators comply with the Army Field Manual. He also ordered the closure of Guantanamo within one year.

After the order was issued, I taped it to my office door and highlighted the portion that said, "the detention facilities at Guantanamo for individuals covered by this order shall be closed as soon as practicable, and no later than one year from the date of this order." I truly believed the U.S. had closed the door on abusive detention and interrogation forever.

This week, following mixed reports that information obtained from detainees held in those secret prisons may have been used in the years-long process to locate Osama bin Laden, torture apologists have seized on this information to call for the reopening of the CIA prisons and reauthorization of "enhanced interrogation techniques"-a euphemism for torture and other ill-treatment. Their primary argument has been simply that torture works.

Whether torture can produce some truthful information has never been the right question. It can. But even if the victim of torture does provide some accurate information, there is no way to sift the truth from lies produced as the detainee merely tries to get interrogators to stop. There's no way to know which lead is worth pursuing-risking human life and limited resources - and which should be disregarded. And by resorting to torture, [experienced interrogators report](#), less truthful information can be produced than if traditional, lawful techniques were used. Results also come more slowly because detainees buckle down and resist. Former FBI interrogator Ali Soufan, who interrogated Abu Zubaydah among others, [testified](#) before Congress that the so-called enhanced interrogation techniques "are ineffective, slow, and unreliable, and as a result harmful to our efforts to defeat al Qaeda."

National security is diminished by the false leads torture can produce, and devastating consequences may ensue. When Ibn Sheikh al Libi was tortured following rendition by the CIA, he claimed a link to Iraq and weapons of mass destruction that then-Secretary of State Colin Powell used in his [speech](#) to the United Nations to justify the US invasion of Iraq in 2003. Of course, as we now know, that information was utterly false.

By contrast, when Umar Farouk Abdulmutallab was arrested for the attempted Christmas bombing of a U.S. airliner bound for Detroit, he provided intelligence to the FBI immediately upon his apprehension, despite being interrogated in a purportedly lawful manner. He continued to do so after he was charged. The Department of Justice has touted the significant intelligence obtained from L'Houssaine Kherchtou, an early member of al Qaeda. He has not only provided valuable information, but has testified in the trials of numerous terrorism suspects, including that of Ahmed Ghailani, a Tanzanian convicted of conspiracy in U.S. federal court in November 2010 and now serving life in prison for his role in the 1998 U.S. embassy bombings in Africa. Many others have provided and continue to provide information to U.S. authorities used in preventing terrorist attacks and prosecuting terrorism suspects, without the use of coercive interrogation techniques.

While the killing of Osama bin Laden may help protect the U.S. from terrorism, as much or more credit should go to the Obama administration's decision to shut down the Bush-era CIA interrogation program. Under this secret program, the details of which are still not fully disclosed, the U.S. abandoned the rule of law and embraced a system of detention and interrogation that was not only illegal and immoral, but severely damaged U.S. national security.

In fact, each time the U.S. has strayed from core values there have been national security consequences. Senior military officials report that foreign fighters joined the war in Iraq following the release of the Abu Ghraib abuse photos, and the continued existence of Guantanamo has been used as a recruiting tool for al Qaeda. Earlier this year when a detainee died at Guantanamo of apparently natural causes, the fact that it happened at Guantanamo made it a major focal point for anti-U.S. and militant propaganda. The Taliban issued a

statement condemning the U.S. for violating international law and thousands attended his funeral in Afghanistan.

We will never know how much information the U.S. lost because it failed to use time-tested, effective, and humane methods of interrogation. We will never know how many years earlier bin Laden could have been captured and how many lives spared if, instead of whisking them off to a prison outside the law, the U.S. had instead charged Mohammed and al Libi in federal courts and treated them properly and in accordance with due process. We do know that bin Laden's death does not end the threat terrorists pose to the U.S. and other nations. But we also know that the best way to guard against future attack is by rejecting the use of torture outright and staying faithful to the rule of law and basic tenets of decency. This is true not only because it is the right thing to do, but because it works.

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