

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/01/22/no-end-to-u-s-torture/>

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by [Jean Casella and James Ridgeway](#) | January 22, 2010

One year ago today, newly inaugurated President Barack Obama signed an executive order outlawing torture. The order was supposed to put an end to the kinds of abuses described by Scott Horton in [The Guantanamo Suicides](#), the stunning new *Harpers* article that documents the probable murder of three detainees in 2006. Horton writes:

The presence of a black site at Guantanamo has long been a subject of speculation among lawyers and human-rights activists, and the experience of [whistleblower] Sergeant [Joe] Hickman and other Guantanamo guards compels us to ask whether the three prisoners who died on June 9 were being interrogated by the CIA, and whether their deaths resulted from the grueling techniques the Justice Department had approved for the agencies use or from other tortures lacking that sanction.

In yesterday's [New York Times](#), Matthew Alexander a former Air Force officer who led an interrogation team in Iraq wrote about the remaining loopholes in Obamas torture ban. While the situation has improved, he says, Americans still cannot say that detainees are not abused, or even that their treatment meets the minimum standards of humane treatment mandated by the Geneva Conventions, the Detainee Treatment Act of 2005 (the so-called McCain amendment), United States and international law, or even Mr. Obamas executive order.

Alexander looks at the Army Field Manual, adopted as the standard for interrogations across the government. To its credit, he writes, the manual calls for all captured and detained personnel, regardless of status to be treated humanely. The problem is that when it comes to the specifics the manual contradicts itself, allowing actions that no right-thinking person could consider humane.

Among the loopholes cited by Alexander are stress positions, close confinement, some types of environmental manipulation, and limiting sleep practices which he believes do not meet the minimum standard of humane treatment, either in terms of American law or simple human decency. He also zeroes in on the practice of solitary confinement:

For example, [an appendix to the manual](#) allows the military to keep a detainee in separation solitary confinement indefinitely. It requires only that a general approve any extension after 30 days. Rest assured, there will be numerous waivers to even that minuscule requirement.

Yes, there are legitimate reasons to isolate detainees. Domestic law enforcement agencies do it to prevent suspects from colluding on alibis and allow investigators the leverage to use non-coercive interrogation techniques like confronting one detainee with the others statements.

But military interrogators do not operate in a vacuum. The consequences of their actions have far-reaching effects like Al Qaedas exploitation of American abuse of prisoners as a recruiting tool. And, in any case, extended solitary confinement is torture, as confirmed by many scientific studies. Even the initial 30 days of isolation could be considered abuse.

If we truly wanted to come up with a humane limit on solitary confinement, we would look at the Golden Rule: what would we consider inhumane treatment if one of our own soldiers were captured by the enemy? My answer: Given the youth of our men and women in uniform, that number is probably around two weeks. This limit, however, should be determined by medical professionals, not soldiers or politicians.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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