

CIA psychologist defends waterboarding at military hearing

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In a pretrial hearing of five men facing the death penalty for their alleged role in the terror attacks of September 11, 2001, a doctor who waterboarded and wall slammed detainees at CIA black sites claimed the techniques were not torture.

The five defendants—who were originally apprehended in 2002 and 2003 and taken to black sites before being transferred to the US military detention facility in Guantánamo Bay—have been held for more than two decades against their fundamental rights in the US Constitution and international law.

The ongoing detention of the Guantanamo Bay inmates, 30 in all, is part of the cascading assault on democratic rights by the US government that has accompanied successive imperialist wars launched in the Middle East and North Africa since the 9/11 attacks.

The hearing before a military judge, Air Force Colonel Matthew N. McCall, is to determine whether the confessions of the defendants, including Khalid Shaikh Mohammed, should be excluded from the trial because they were extracted through torture.

According to a July 20 report in the *New York Times*, Dr. John B. Jessen, a psychologist who was contracted by the Pentagon to teach torture methods to CIA teams at the black sites, answered questions regarding the waterboarding technique which he helped design.

Jessen said, based on his professional experience, “moral compass” and legal opinions, he was satisfied that the methods were not torture. Waterboarding was used on K. S. Mohammed 183 times at a secret US prison in Poland. The *New York Times* report says: “The CIA has officially admitted to using the technique on three prisoners in the years before they were transferred to Guantánamo in September 2006.”

Jessen, who was testifying in Virginia via a video link to the courtroom in Guantanamo, has appeared multiple times in the pretrial proceedings, along with this partner, another psychologist, Dr. James E. Mitchell. In 2005, the doctors set up their own company, Mitchell, Jessen Associates (MJA), and were paid \$81 million by the US government to provide all the guards and train 80 percent of the CIA torturers at the black sites.

It has been estimated that there were 50 black sites in 28 countries around the world, plus 25 in Afghanistan, 20 in Iraq and 17 on US ships, or 112 sites in all.

Since the start of the CIA rendition and detention program, approximately 780 detainees have been held at Guantánamo Bay, Cuba. There are 30 still held in the camp, 11 of whom have been charged with war crimes in the military commissions system. Seven of these are awaiting trial and one has been convicted.

Three other detainees are being held in indefinite law-of-war detention and are neither facing tribunal charges nor being recommended for release. Sixteen others are being held in law-of-war detention but have been recommended for transfer to another country. Nine detainees died while in custody at Guantánamo Bay, and 31 have died after being transferred to other countries.

A heavily redacted Top Secret CIA cable released to the American Civil Liberties Union (ACLU) on December 20, 2016, states:

MJA provides the vast majority of interrogators, provides all/all the security exploitation specialists responsible for handling detainees at Black sites, in consultation with RDG [CIA Rendition, Detention and Interrogation Program] develops and conducts

the necessary training to ensure both interrogators and exploitation specialists are properly trained, and prepared to effectively operate in the field, and is responsible for continuing to research and develop new influence strategies as interrogation tools, to help obviate the need for physical pressures.

The *New York Times* report says of the doctors, “The two men have been testifying in part as stand-ins for full-time CIA employees, whose identities are secret.”

When Mitchell testified previously, he said that he had used “enhanced interrogation” on K. S. Mohammed, and the defendant

... tried to offer information about the Sept. 11 attacks. But the psychologists said their mission was to get him to reveal details of future plots. So, the interrogators repeatedly rammed him backward into a wall when he tried to discuss the coordinated hijackings that killed 2,976 people in New York, at the Pentagon and in Pennsylvania.

Both Jessen and Mitchell have sought to excuse their role in the barbaric treatment of detainees in the years between 2001 and 2009 by claiming that the administration of George W. Bush was responsible for the policies.

For example, the *New York Times* report says Jessen testified that the waterboarding of K. S. Mohammed in Poland was done because of

... pressure from the president “on down” to get information out of him. During that time, Mr. Mohammed was kept nude and forced to stand in chains to deprive him of sleep, at one point for a week.

Meanwhile, Jessen claimed, “You’re not there to hurt them.” He went on with this justification, saying:

I had no personal animosities towards Mr. K.S.M. But he was a lethal enemy. And my job was to do the best I could, along with the rest of the people, to find out if these attacks were real.

Jessen and Mitchell started their testimony more than four years ago and their evidence has been postponed multiple times, including a closure of the court for the COVID-19 pandemic.

Khalid Shaikh Mohammed is represented by attorney Gary D. Sowards, a death penalty specialist who is paid by the Pentagon. Sowards took over the case in September 2019 after the former lawyer for the defendant, David Z. Nevin, requested assignment to a secondary role on the legal team.

Nevin’s salary will be paid by the John Adams Project, a Guantánamo legal defense fund that is administered by the American Civil Liberties Union (ACLU). The ACLU has called the military commission system at Guantánamo Bay “the very picture of lawlessness” and demanded that the tribunal be shut down and the cases moved to US federal courts.

Mohammed, 54, and the four other men are accused of directing, training or helping with travel and finances for the 19 hijackers who crashed four passenger planes into the World Trade Center, the Pentagon and a Pennsylvania field, killing nearly 3,000 people.

His legal team has argued that Mohammed suffered brain damage during his years in CIA black site detention from March 2003 to September 2006, when he was repeatedly waterboarded and subjected to rectal abuse, sleep deprivation and other forms of torture.



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