

# Blindman's Buff: America's Continuing Quest to Hide Torture

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*In the [Blindman's Buff](#) variation of tag, a child designated as "It" is tasked with tapping another child while wearing a blindfold. The sightless child knows the other children, all able to see, are there but is left to stumble around, using sounds and knowledge of the space they're in as guides. Finally, that child does succeed, either by bumping into someone, peeking, or thanks to sheer dumb luck.*

Think of us, the American public, as that blindfolded child when it comes to our government's torture program that followed the 9/11 disaster and the launching of the ill-fated war on terror. We've been left to search in the dark for what so many of us sensed was there.

We've been groping for the facts surrounding the torture program created and implemented by the administration of **President George W. Bush**. For 20 years now, the hunt for its perpetrators, the places where they brutalized detainees, and the techniques they used has been underway. And for 20 years, attempts to keep that blindfold in place in the name of "national security" have helped sustain darkness over light.

From the beginning, the torture program was enveloped in a language of darkness with its [secret "black sites"](#) where savage interrogations took place and the [endless blacked-out pages of documents](#) that might have revealed more about the horrors being committed in our name. In addition, the [destruction of evidence](#) and the [squelching of internal reports](#) only expanded that seemingly bottomless abyss that still, in part, confronts us. Meanwhile, the courts and the justice system consistently supported those who insisted on keeping that blindfold in place, claiming, for example, that were defense attorneys to be given details about the interrogations of their clients, national security would somehow be compromised.

Finally, however, more than two decades after it all began, the tide may truly be turning.

Despite fervid attempts to keep that blindfold in place, the search has not been in vain. On the contrary, over these last two decades, its layers have slowly worn away, thread by thread, revealing, if not the full picture of those medieval-style practices, then a damning set of facts and images relating to torture, American-style, in this century. Cumulatively, investigative journalism, government reports, and the testimony of witnesses have revealed a fuller picture of the places, people, nightmarish techniques, and results of that program.

## First Findings

The fraying of that blindfold took endless years, starting in December 2002, when *Washington Post* writers Dana Priest and Barton Gellman [reported](#) on the existence of secret detention and interrogation centers in countries around the planet where cruel, unlawful techniques were being used against war-on-terror captives in American custody. Quoting from a 2001 State Department report on the treatment of captives, they wrote, “The most frequently alleged methods of torture include sleep deprivation, beatings on the soles of the feet, prolonged suspension with ropes in contorted positions and extended solitary confinement.”

Less than a year later, the American Civil Liberties Union, along with other groups, filed [a Freedom of Information Act request](#) (the first of [many](#)) for records pertaining to detention and interrogation in the war on terror. Their goal was to follow the trail leading to “numerous credible reports recounting the torture and rendition of detainees” and our government’s efforts (or the lack thereof) to comply “with its legal obligations with respect to the infliction of cruel, inhuman, or degrading treatment or punishment.”

Then, in 2004, the blindfold began to show some initial signs of wear. That spring, [CBS News’s 60 Minutes II](#) showed the first photographs of men held at Abu Ghraib, an American-controlled prison in Iraq. They were, among other things, visibly naked, hooded, shackled, and threatened by dogs. Those pictures sent journalists and legal advocates into a frenzied search for answers to how such a thing had happened in the wake of the Bush administration’s invasion of Iraq. By that fall, they had obtained internal government documents exempting any war on terror captives from the usual legal protections from cruelty, abuse, and torture. [Documents](#) also appeared in which specific techniques of torture, renamed “enhanced interrogation techniques” (EITs), were authorized by top officials of the Bush administration. They would be used on prisoners in secret CIA locations around the world (119 men in 38 or more countries).

None of this, however, yet added up to “Tag! I found you!”

## Senator Feinstein’s Investigation

Before George Bush left office, [Senator Dianne Feinstein](#) began a congressional investigation into the CIA interrogation program. In the Obama years, she would battle to mount a full-scale one into the torture program, defying most of her colleagues, who preferred to follow President Obama’s [advice](#) to “look forward as opposed to looking backwards.”

But Feinstein refused to back down (and we should honor her courage and dedication, even as we witness [the present drama](#) of her insistence on remaining in the Senate despite a devastating process of aging). Instead of retreating, Feinstein only doubled down and, as chair of the Senate Select Committee on Intelligence, launched an in-depth investigation

into the torture program's evolution and the grim treatment of those prisoners at what came to be known as "CIA black sites."

Feinstein's investigator, **Daniel Jones**, spent years reading through six million pages of documents. Finally, in December 2014, her committee issued a [525-page "executive summary"](#) of his findings. Yet his full report — 6,700 pages with 35,300 footnotes — remained classified on the grounds that, were the public to see it, national security might be harmed. Still, that summary convincingly laid out not just the widespread use of torture but how it "proved not to be an effective means of obtaining accurate information." In doing so, it dismantled the CIA's justification for its EITs which rested on "claims of their effectiveness."

Meanwhile, **Leon Panetta**, Obama's director of the CIA, conducted an internal investigation into torture. Never declassified, the [Panetta Review](#), as it came to be known, reportedly found that the CIA had inflated the value of the information it had gotten with the use of torture techniques. For example, in the brutal interrogation of the alleged mastermind of 9/11, Khalid Sheikh Mohammed, the Agency claimed that those techniques had elicited information from him that helped thwart further terrorist plots. In fact, the information had been obtained from other sources. The review reportedly acknowledged that EITs were [in no way as effective](#) as the CIA had claimed.

## The Cultural Sphere

In those years, bits of light from the cultural world began to illuminate the dark horror of those enhanced interrogation techniques. In 2007, after President Bush had acknowledged the use of just such "techniques" and had moved 14 detainees from the CIA's black sites to Guantánamo, his infamous offshore prison of injustice in Cuba, award-winning documentary filmmaker Alex Gibney directed [Taxi to the Dark Side](#). It told the story of Dilawar, a taxi driver in Afghanistan who died in American custody after severe mistreatment. That film would be one of the earliest public exposés of cruelty and mistreatment in the war on terror.

But such films [didn't always yield](#) doses of light. In 2012, for instance, *Zero Dark Thirty*, a movie heavily [influenced by CIA advisers](#), argued that those harsh interrogations had helped keep America safer — specifically by leading U.S. authorities to bin Laden, a meme often repeated by government officials. In fact, reliable information leading to bin Laden had been obtained without those techniques.

Increasingly, however, films began to highlight the voices of those who had been tortured. *The Mauritanian*, for example, was based on [Guantánamo Diary](#), a memoir by Mohamedou Ould Slahi, a tortured Mauritanian held at that prison for 14 years. Slahi, never charged, was finally released and returned to Mauritania. As *New York Times* reporter [Carol Rosenberg](#) summed up his experience, "The confessions he made under duress [were] recanted [and] a proposed case against him [was] deemed by the prosecutor to be worthless in court because of the brutality of the interrogation."

## Abu Zubaydah

Last year, Gibney once again gave us a film on torture, *The Forever Prisoner*, focused on a Guantánamo detainee, Abu Zubaydah, whose real name is Zayn al-Abidin Muhammed Husayn. On him, the CIA first tested its harsh interrogation techniques, claiming he was a leading member of al-Qaeda, an assumption later disproved. He remains one of only three

Gitmo detainees neither charged by the military commissions at that prison, nor cleared for release.

Nothing captures the futility of the blindfold — or sometimes even the futility of lifting it — more than Zubaydah's story, which was at the heart of the story of torture in these years. The Senate Select Committee's 525-page executive summary referred to him no less than 1,343 times.

Captured in Pakistan in 2002 and first taken to a series of black sites for interrogation, [Zubaydah](#) was initially believed to be the third highest-ranking member of al-Qaeda, a claim later abandoned, along with the allegation that he had even been a member of that terrorist organization. He was the detainee for whom enhanced interrogation techniques were first authorized by National Security Advisor [Condoleezza Rice](#), relying in part on the Justice Department's greenlighting of such techniques as "lawful" rather than as torture (legally forbidden under both domestic and international law). Joe Margulies, Zubaydah's lawyer, [summarized](#) the horrific techniques used on him this way:

"His captors hurled him into walls and crammed him into boxes and suspended him from hooks and twisted him into shapes that no human body can occupy. They kept him awake for seven consecutive days and nights. They locked him, for months, in a freezing room. They left him in a pool of his own urine. They strapped his hands, feet, arms, legs, torso, and head tightly to an inclined board, with his head lower than his feet. They covered his face and poured water up his nose and down his throat until he began to breathe the water, so that he choked and gagged as it filled his lungs. His torturers then left him to strain against the straps as he began to drown. Repeatedly. Until, just when he believed he was about to die, they raised the board long enough for him to vomit the water and retch. Then they lowered the board and did it again. The torturers [subjected him](#) to this treatment at least eighty-three times in August 2002 alone. On at least one such occasion, they waited too long and Abu Zubaydah nearly died on the board."

In addition, as [Dexter Filkins](#) reported in the *New Yorker* in 2016, Zubaydah lost his left eye while in CIA custody.

As the Feinstein committee's [torture report](#) makes clear, CIA personnel present at that black site cabled back to Washington the importance of erasing any information about the nature of Zubaydah's interrogation, implicitly acknowledging just how wrongful his treatment had been. The July 2002 cable asked for "reasonable assurance that [Abu Zubaydah] will remain in isolation and incommunicado for the remainder of his life." CIA higher-ups assured the agents that "all major players are in concurrence that [Abu Zubaydah] should remain incommunicado for the remainder of his life."

Sadly enough, that promise has been kept to this very day. In 2005, CIA officials [authorized the destruction](#) of the tapes of Zubaydah's questioning and, never charged with a crime, he is still in Guantánamo.

And yet, despite the promise that he would remain incommunicado, with each passing year we learn more about what was done to him. In October 2021, in fact, in the *United States v. Zubaydah*, the justices of the Supreme Court for the first time openly discussed his treatment and Justices Sonia Sotomayer, Neil Gorsuch, and Elena Kagan publicly [used the word](#) "torture" to [describe](#) what was done to him.

Elsewhere as well, the blindfold has been shredded when it comes to the horror of torture, as ever more of Zubaydah's story continues to see the light of day. This May, [the Guardian](#) published a story about a report done by the Center for Policy and Research at Seton Hall University Law School that included a series of 40 drawings Zubaydah had made and annotated at Guantánamo. In them, he graphically depicted his torture at CIA black sites and at that prison.

The images are beyond grotesque and, like a cacophonous symphony you can't turn off, it's hard to witness them without closing your eyes. They show beating, shackling from the ceiling, sexual abuse, waterboarding, confinement in a coffin, and so much more. In one picture that he titled "The Vortex," the techniques were combined as Zubaydah — in a self-portrait — cries out in agony. Attesting to the accuracy of the scenes he drew, the faces of his torturers have been blacked out by the authorities to protect their identities.

As the *Guardian's* Ed Pilkington reported, Helen Duffy, Mr. Zubaydah's international legal representative, highlighted how "remarkable" it was that his drawings had ever seen the light of day even though he hasn't "been able to communicate directly with the outside world" in all these endless years.

## **Calls for Action**

In the years of the Biden presidency, the international community has focused on Guantánamo in unprecedented ways. In January 2022, "after 20 years and well over 100 visits," the International Committee of the Red Cross (the [ICRC](#)) called for the release of as many of the remaining prisoners there as possible and, more recently, raised alarm over the failing health and premature aging of its 30 aging inmates.

Recently, the United Nations carved out new ground as well. In April, the U.N. Working Group on Arbitrary Detention issued [an opinion](#) condemning the brutality long used against Mr. Zubaydah and called for his immediate release. That group further noted that the continued detention of the prisoners at Guantánamo could potentially "constitute crimes against humanity."

With each passing year, ever more details about Washington's torture programs have come to light. Yet, even now, ferocious attempts are still being made to keep the blindfold in place. As a result, to this day we're left searching, arms extended, while those who have crucial information about this country's nightmarish commitment to torture do their best to avoid us, hoping that the endless passage of time will keep them out of reach until we pursuers finally run out of energy.

To this day, much still remains in darkness, while Congress and American policymakers continue to refuse to address the legacy of such wrongdoing. But as the constant dribble of information suggests, the story simply won't go away until, someday, the United States officially acknowledges what it did — what, if others were now doing it, would be instantly denounced by the same lawmakers and policymakers. That history of torture won't go away, in fact, until this country apologizes for it, declassifies as much of the Feinstejn report as possible, and provides for the rehabilitation of Abu Zubaydah and others whose physical and psychological health was savaged by their mistreatment at American hands.

It's one thing to say, as Barack Obama [told Congress](#) a month into his presidency, that the United States "does not torture." It's another to expose the misdeeds of the war on terror

and accept the costs as deterrence against it ever happening again.

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