



Written by [C. Mitchell Shaw](#) on March 15, 2018

## Trump's CIA Pick Should be Charged as a War Criminal for Practicing Torture

President Trump's pick for a new CIA director to replace outgoing Mike Pompeo — who is to head up the State Department after the firing of Rex Tillerson — is Gina Haspel. Haspel, a 32-year veteran of the CIA, has been a major supporter of the inhumane practice of torture. In fact, she has overseen torture on multiple occasions.



Torture has been a hotly contested and highly controversial method for extracting intelligence from suspected terrorists, and Trump has been unapologetically in favor of the practice. As a candidate, Trump [promised](#) that, if elected, he “would absolutely bring back interrogation and strong interrogation,” including [waterboarding](#). Just days into his presidency, he reaffirmed that sentiment, [saying](#) that America needs to “fight fire with fire” and that he wants to bring back torture because it “works.” Several of his cabinet choices — with Haspel being perhaps the most glaring example — have a history of advocating for (and being involved in) the torture of detainees.

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In 2002 Haspel, who is slated to be the first female director of the CIA, was placed in charge of what is believed to be the agency's first overseas detention site. That site, in Thailand, was known as a place where waterboarding was a common occurrence. As the *New York Times* [reported](#) when Haspel was chosen as the CIA's deputy director:

As a clandestine officer at the Central Intelligence Agency in 2002, Gina Haspel oversaw the torture of two terrorism suspects and later took part in an order to destroy videotapes documenting their brutal interrogations at a secret prison in Thailand.

And while the underlying report on which the *Times* based that article has been retracted (it appears that Haspel's tenure at the Thailand site began *after* the episodes of torture described in that article), she did oversee other detainees being tortured. So, the woman who is now slated to sit at the helm of the CIA was involved in the illegal torture of detainees at a site she was in charge of. Those torture sessions were taped. Years later, to keep Congress from seeing the tapes, Haspel sent an order for them to be destroyed, piling illegality on top of illegality.



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One of the detainees routinely tortured at the Thailand site was Abu Zubayadah. He was forced to undergo the process 83 times while also being subjected to other forms of torture. Only after all of that did the CIA determine that Zubayadah had nothing of value to tell. While Haspel was not personally involved in Zubayadah's torture, some of the tapes she ordered destroyed showed that torture.

This is far from the only intelligence failure involving torture. The evidence shows that — Trump's remarks to the contrary duly noted — torture does not work. It is a lousy tool for gathering intelligence. As this writer [reported](#) in April 2016, a study — based on a close examination of documents leaked by Private Bradley Manning and published by WikiLeaks — shows that the intelligence gathering at Guantanamo is nearly worthless.

The [study](#), authored by Emanuel Deutschmann, “examines the behavior” of “765 detainees” and looks at the areas of “collaboration and disobedience and how [the behavior of the detainees in these areas] influences their chances of getting a release recommendation.” The findings are far from encouraging.

As Deutschmann says in his analysis of the report:

For 84 percent of the detainees, the single explicit reason for transfer to Guantánamo was “to provide information.” About 7 percent of the detainees were brought to Guantánamo because of an alleged affiliation with Al-Qaeda or similar incriminating circumstances. In 2 percent of the cases, the reason was an alleged affiliation with Al-Qaeda and the provision of information. Only 12 detainees (less than 2 percent) were transported to Guantánamo “to face prosecution for terrorist activities against the US.”

With such a high percentage of detainees imprisoned at Guantanamo for the single purpose of providing information, it could reasonably be expected that such information could and would be obtained. Instead, the opposite is true. Since “by revealing information, detainees don't improve their own chances of getting release recommendations” but they do “impair [the chance of release] of the detainees they implicate,” most detainees simply make false claims against detainees from other nations with whom they do not share cultural, religious, or philosophical similarities. Those detainees repay the favor by making false accusations in return. The end result is a worthless pile of false data.

Deutschmann ends his analysis by stating what should be obvious:

Thus, the current plans of Republican presidential candidates to send new suspected “terrorists” to Guantánamo “to find out everything they know” is unrealistic and misleading. Guantánamo and its selection and interrogation methods have not only cost American taxpayers millions of dollars and seriously harmed America's moral reputation in the world; they have also proven to be quite ineffective with regards to intelligence-gathering. It is time to finally close Guantánamo down.

Perhaps the least surprising aspect of this is that while torturing people may make them speak, it will not make them speak the truth. Former CIA officer Bob Baer said it is “bad interrogation. I mean you can get anyone to confess to anything if the torture's bad enough.”

Not only does torture not work, it has also long been considered a war crime. After World War II, the United States prosecuted and convicted Japanese troops and officials for practicing waterboarding on American soldiers. If it was a crime when Japanese soldiers and officials did it to Americans, it was also a crime when American CIA operatives acting on orders from Haspel did it to detainees in Thailand. And it is a crime now, wherever it is committed.

It is also a technique “of brutal authoritarian enemies,” according to Malcolm Wrightson Nance, a



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former member of the U.S. military intelligence community and a retired U.S. Navy senior chief petty officer who “served honorably for 20 years.” In November 2007, a letter Nance wrote to then-Chairman John Conyers and the other members of the House Judiciary Committee was published by *Salon*. In that letter, Nance described the time he spent as an instructor at the U.S. Navy Survival, Evasion, Resistance and Escape (SERE) school in North Island Naval Air Station, California, where he and other instructors taught students to resist “the techniques of brutal authoritarian enemies.” He described waterboarding as the “most severe of those [techniques] employed.” He wrote:

SERE trained tens of thousands of service members of its historical use by the Nazis, the Japanese, North Korea, Iraq, the Soviet Union, the Khmer Rouge and the North Vietnamese.

SERE emphasized that enemies of democracy and rule of law often ignore human rights, defy the Geneva Convention and have subjected our men and women to grievous physical and psychological harm. We stress that enduring these calumnies will allow our soldiers to return home with honor.

So, while the incoming CIA director is not only a defender of torture, including waterboarding, but a practitioner of it, and Trump says it “works,” the truth is it is wrong and is “bad interrogation.” And while the U.S has practiced it — after condemning it — the practice is unjustifiable. It is often inaccurately described as “simulated drowning” but it is actually “simulated death” by *controlled* drowning.

Evan Wallach was a JAG in the Nevada National Guard and was responsible for training soldiers “about their legal obligations when they guarded prisoners.” In November 2007, he wrote for the [Washington Post](#) about the several techniques collectively known as waterboarding and said:

That term is used to describe several interrogation techniques. The victim may be immersed in water, have water forced into the nose and mouth, or have water poured onto material placed over the face so that the liquid is inhaled or swallowed. The media usually characterize the practice as “simulated drowning.” That’s incorrect. To be effective, waterboarding is usually real drowning that simulates death. That is, the victim experiences the sensations of drowning: struggle, panic, breath-holding, swallowing, vomiting, taking water into the lungs and, eventually, the same feeling of not being able to breathe that one experiences after being punched in the gut. The main difference is that the drowning process is halted. According to those who have studied waterboarding’s effects, it can cause severe psychological trauma, such as panic attacks, for years.

No wonder Ed Snowden — the former NSA contractor who leaked a trove of documents on the size and scope of the surveillance state — condemned Trump’s appointment of Haspel in a series of tweets Tuesday, saying, “The new CIA director was a key part of the torture program and its illegal cover-up. Her name was on the Top Secret order demanding the destruction of tapes to prevent them being seen by Congress. Incredible.” Snowden also tweeted: “Interesting: The new CIA Director Haspel, who ‘tortured some folks,’ probably can’t travel to the EU to meet other spy chiefs without facing arrest due to an @ECCHRBerlin complaint to Germany’s federal prosecutor.”

Snowden, who has been largely supportive of the Trump administration, is right. And his correct assertion — if carried to its logical conclusion — would mean that Haspel is not only a bad choice for CIA Director, but should also be ineligible for the position. Perhaps Snowden said it best in another tweet, “Are these really the values the US should be promoting? The CIA might as well start issuing uniforms decorated with skulls and lightning bolts.” It is a strange turn of events that Germany — which, under the rule of the Third Reich, was responsible for a litany of war crimes — is now on the



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right side of this issue while America continues to waffle back and forth.

Torture is morally wrong and legally unjustifiable. The United States should be above the “techniques of brutal authoritarian enemies.” If this is what America does — who America becomes — to fight terrorism, there is no hope of real victory; The terrorists will have won by serving as the “reason” for America to become what she claims to fight.

As the game of musical chairs plays out in the Trump administration, with firings and shifting job titles, Haspel needs to be left standing. There should be no place for her or her kind in American government. After all, she is — by her actions — a war criminal in the “war on terror” and should be charged as such.

**Correction:** *This article originally indicated that Haspel personally oversaw some of the events of torture the article describes. The underlying report on which that assertion was based has been redacted. Because of that, this article has been corrected to say that while Haspel was involved in torture and did order tapes of torture destroyed to dodge congressional oversight, she was not involved in the tottrure of Abu Zubayadah.*

*Photo of Gina Haspel: CIA*



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