

THE RULE OF LAW ORAL HISTORY PROJECT

The Reminiscences of

Andy Worthington

Columbia Center for Oral History

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PREFACE

The following oral history is the result of a recorded interview with Andy Worthington conducted by Anne McClintock on June 18 and 19, 2012. This interview is part of the Rule of Law Oral History Project.

The reader is asked to bear in mind that s/he is reading a verbatim transcript of the spoken word, rather than written prose.

VJD

Session One

Interviewee: Andy Worthington

Date: June 18, 2012

Interviewer: Anne McClintock

London, England

Q: They're interviewing prisoners, but they're really very interested in finding out how prisoners—the aftermath; how they cope, how they're reintroduced into the community, or not—and that is something I wanted to ask you about later on. But I wonder, Andy, if I could start by asking you—first of all, I want to thank you for your incredible generosity. When I was blundering around trying to understand what had happened after 9/11, I came across your book. It absolutely changed everything for me. One of the things that has struck me since then in reading your work and following your work on Facebook and listening to your various interviews is your incredible generosity, and your compassion, and your sense of outrage at justice betrayed. I can sense, from the kind of people who follow you, just what an inspiration you are. You have been a tremendous inspiration to me.

So one of the things I thought I'd like to ask you to begin talking about, if possible, is something about yourself. Because a lot of what you've done is tell stories about people, listen to their stories, and get their stories heard. So would you mind telling me just something about yourself? Where you were born? Where you grew up? Something about your life before you wrote *The Guantánamo Files*?

Worthington: Yes, well, the immediate way that I got into Guantánamo, which was sometime in 2005, was when I began to seriously study it. I was looking for a project to work on. I had previously spent several years researching and writing about the British post-war counterculture,

specifically the anarchists, and the travelers' movement, and pagans. I had essentially something that focused around Stonehenge because Stonehenge had been a magnet for so many alternative groups of people in Britain.

Q: Right. I saw that. Yes.

Worthington: Where that led me to—these people had set up a free festival, this anarchic free festival outside Stonehenge for eleven years, and I had gone there as a student, from Oxford, in the early eighties, in 1983 and 1984, and the year after that the festival was very violently suppressed by the [Margaret H.] Thatcher government. So the vanguard of anarchists, travelers, free-festival people, environmental activists, and anti-nuclear activists, these were perhaps regarded as the most dangerous elements.

Thatcher arranged for them to be ambushed on the way to Stonehenge to try to set up the festival—police from six counties, police from the Ministry of Defense—and the convoy was decommissioned. It was the start of a really serious assault on modern nomadic people, essentially, gypsies, and modern nomads in the UK[United Kingdom]. Now that led to an exclusion zone outside Stonehenge that lasted for fifteen years, sixteen years, and which only came to an end because a small group of protesters were arrested and prosecuted for peacefully campaigning against the exclusion zone every solstice, on the verge of a road, which eventually got to the Law Lords, the highest court in the UK, who threw it out and said, "You know, there has to be a right for people to protest peacefully about things that they believe there is no other avenue for redress. If they're violent, then it's a different matter. But if they protest peacefully,

then you have to let them go ahead." And the whole exclusion zone came down and Stonehenge was reopened on the solstice to the public.

But reading, actually, though, the Law Lords' ruling on civil liberties issues—it was exactly that that allowed me to move from that to human rights and to the issues of Guantánamo. It gave me the ability to have had some experience in looking at issues of liberties, and rights, and legal responses to it; that was what I needed to look at Guantánamo.

Q: And at that time, what were you doing, Andy? Were you a writer? Before the Stonehenge project? Where were you raised? Were you a London lad?

Worthington: I'm getting to that. No, I'm not. I was born in the north of England. I was born outside Manchester. I grew up in Hull. I come from a Methodist background, a working class Methodist background, which it took me a long time to realize is probably the key to all of it. Because I'm not a practicing Christian, but what I took from that was a sense of justice and a sense of standing up for the underdog, which is absolutely a part of working class Methodism. So as time has gone on, having initially really railed against it—because I thought it was a very life-denying, fun-less religion—I realized that actually although there are terrible things about it, there are some amazing things about it, and it's that—the heart of it being about injustice, about standing up for those who need to be stood up for. To my mind, that's the heart of Christianity. So when I see people who claim to be Christians not doing that, I'm pretty disgusted by all that actually.

Q: Right. I absolutely identify with that myself, coming from a similar—not a Methodist—but a similar background. It's curious how one can circle around. One can turn away from what you think is your family background and yet you can take what you need from it. Sometimes, in a very active turning away from it, you actually re-rehearse what you've come from.

Worthington: Yes. Well, especially—well, hopefully, I think, you find out more as you get older, you realize how many phases you go through in your life and how different things affect you in different ways, and different priorities.

Q: And Andy, in writing these—sorry, I interrupted you.

Worthington: No, no, I was just going to say—I went to Oxford for university, and I then, partly in reaction to Oxford, which is a challenging place, but it enables you to—I think I've realized that that, also, had a huge effect on who I am. But I think it is quite disturbing to be that close to power because power is not pleasant the way it is mostly manifested.

But I studied English language and literature at Oxford. My interest was probably more than in that, in placing literature in a historical context. I was interested in history, actually. It was a good thing to do. It was a good thing to study English because you're dealing with more than dry facts then. You're dealing with the beauty of language. Those are the things, really, history and storytelling, so I suppose that came out of there. Then I kind of pottered about for quite a while because I didn't want to sell my interests to something that was going to be a bastardized version

of it. I didn't want to write something I didn't want to write for money, because I was interested in writing.

Actually, it took until I was in my early thirties, and I became fascinated by the ancient sacred places in the English landscape, and started traveling around, and walking, and wanting to write about those. So I purely did it on my own terms, and a journey went from the ancient sacred sites in the English landscape, which was politicized in a lot of ways, as well about who owns this land?

Q: Right. The commons and property and—

Worthington: And ancient history is interesting because, of course, nobody knows. Nobody knows what the Neolithic people, who built these amazing places in the most beautiful parts of the landscape, exactly what they were doing because they didn't write. They didn't leave a notebook to tell us what it was for, which is interesting that you can interpret what it meant in so many different ways.

Q: It's interesting because in a way, because I'm interested in your storytelling—in going to those sacred sites, you're really gleaning from fragments; you're having to somehow conjure up from fragments some kind of story that has been forgotten, which does seem, in many ways, it could in some ways seem that nothing could be further from Guantánamo, but in some ways that act of storytelling seems to be—yes. There's a kinship there.

Worthington: Well, maybe there is. Certainly, I tend to think that the most prominent thing was that I identified with marginal, excluded people. So everybody that I was studying through the social history—it was focused on Stonehenge, but it's a pretty broad sweep of the British counterculture. They're all mavericks, outsiders, the dispossessed. All the stuff that—and I'm back with Jesus, talking about these people. [Laughs]

So that's, I think, primarily where I came from, and it's interesting that when I go into Guantánamo—so I was interested in those people's stories. Then with Guantánamo, the main thing was that I was interested in the stories of these people, which were hidden. That was the disgusting thing about Guantánamo was that for years these men's very identities were eliminated by the [George W.] Bush administration.

Q: Until 2006 really, wasn't it? Until the Associated Press asked through the Freedom of Information Act.

Worthington: Yes, absolutely. June 2006 is actually the point at which they technically became human beings again, because in *Hamdan v. Rumsfeld* decision, the Supreme Court ruling in June 2006, the Supreme Court judges said, "You can't hold people prisoner without the minimum requirement of Common Article 3 of the Geneva Conventions, which prohibits any ill treatment." So it was from February 2002, when Bush said the Geneva Conventions don't apply, until June 2006, these men were not held as human beings.

Q: Nameless. And names matter. Names. It's a thread I'm tracing—both the naming, and the un-naming, and the giving them names, giving them false names, using names to break down their spirit. The power of name is a kind of—it's, in a sense, it's a kind of a sacred abuse of the power of names—is a very strange occult power around it.

So then you decided to—did you start out by deciding to write the book or did you go kind of edgeways into it?

Worthington: Well, I wrote two books. I wrote a book about Stonehenge, and then I wrote a book specifically about the violent suppression of the travelers' movement by the Thatcher government. That was published in June 2005. So after that, I had a couple of really lovely summers of going around to all the festivals in Britain and talking about the book. It was great. But then it was like, what am I going to do now? I had a part-time job that enabled me to survive and to have the time to invest in writing. So I wanted to carry on. I started becoming interested in Guantánamo. A lot of people in Britain were. We had a bunch of prisoners from Britain, and those stories came out in the British press when they were released in 2004 and in 2005. There was quite a level of awareness. To be fair, there was throughout Europe. But there were nine British nationals, so it was quite a big thing in the British media. It's a good thing about the British media that we have a certain number of reliable outlets like *The Guardian*, like *The Independent*, like Channel 4 News. In fact, more than that, when it comes down to it, it's astonishing how much of the British media is interested in these stories.

Q: In fact, I think quite significantly more than the U.S.

Worthington: Yes.

Q: There's been a much more coherent, consistent, deliberate, systematic shutting down of the mainstream corporate media in the U.S., especially around this issue. It's what Adam Hochschild calls—do you know Adam Hochschild?

Worthington: No.

Q: A wonderful writer. He wrote a fabulous book called *King Leopold's Ghost*. He's a historian; he's a journalist at [University of California] Berkeley. But he talks about the great forgettings of history, and I think U.S. history is a history that's based on cultural amnesia. That's why I think your work is so extraordinarily important because you're taking this forgotten history, the great forgettings, and you're insisting in recalling it to memory.

Worthington: Yes. Yes, well thanks. [Laughter]

Q: So I have a question about storytelling, partly motivated by my own experience trying to write about this. I think it's fair to say that you were really the first person to produce the full account of these prisoners' stories, not only about them, but allowing *their* voices to be heard. I think that's incredibly important. I think we have to learn how to speak with "ghosts," the ghosts of the war on terror. But they're ordinary people. And I think that's your great triumph is that you've given a voice to ordinary people.

But, as a writerly question—in putting these fragments from these tribunals, and these voices, were there any, other than your—perhaps different from your other books—what were the challenges for you, as a writer, in putting this difficult material together?

Worthington: Well, I suppose the challenge was that it was fragmentary, but also that I had to somehow identify these people and tell their stories from what was available while also trying to maintain a kind of objectivity. What I think is interesting is that it isn't just for obvious nakedly political reasons that the mainstream media didn't approach the story and do it properly. It was they were actually out of their depth as well; they really didn't know how to deal with it. They didn't know what to believe.

Q: Because so little was being divulged?

Worthington: Because when the United States came up with a set of allegations against somebody, in the tribunals, for example, and the prisoners themselves would be saying, "Well, no, that's not true. I didn't—," who do you believe? My way into the stories was to establish a context for who these people were. Before really getting into the ins and outs of what they claimed their stories were was to work out where they were captured. That was actually a hugely important part of it.

Q: I don't want to interrupt you, but let's come back to that in a bit.

Worthington: Well, I wanted to finish what we were talking about before, which is how I got into the story, which was that I began looking, in 2005, at the end of summer, when there was very little. Cageprisoners had tried to put together a prisoner list. *The Washington Post* had tried to put together a prisoner list. But nobody really knew. So in spring 2006, when I really, really wanted to pursue it properly, I didn't know how I was going to be able to write anything. I'd done some serious internet searching for stories about everyone who'd been released to establish what I could from their stories. So fragments of a bunch of people would be released in Kabul, and the world's press would be there, and they talked to a few people. So I would get a few lines from somebody, just to start building up a picture of who had been released. And I was doing quite well with that, but the big question mark was who was still in there.

So it was the release of those documents in the spring of 2006, that the Associated Press had won this lawsuit, and the U.S. government had been obliged to release these documents. The timing was rather fortunate because it was exactly the time that I was waiting—I needed something to happen, and it happened.

Q: You had this mass of material.

Worthington: Yes. And what happened at that point was that I started on—I think there were eight thousand pages of documents. For the first time we knew who the prisoners were—their names, their nationalities, eventually their dates of birth, their places of birth, and the allegations against them, and the transcripts of the tribunals, and the review boards in which they'd taken part or not taken part. If they didn't take part, it was just allegations. If they did take part, then

that was the most direct opportunity to hear people. Some of those people really came to life through that. I could hear them. These are translations, often—

Q: So their voices, as people, were coming through.

Worthington: —but even so, I would get them as people. Yes. They really came through. Some of them were just amazing. Some of those people really came to life.

But yes, that's the background. Where were we? You were asking me about how I'd approached the stories.

Q: Well, no, you're really answering it. Well, one was how—were there any specific challenges for you in turning these fragments, these echoes, into—?

Worthington: Well, to establish a context. I spent a long time studying—this was the great thing about the internet because all the newspaper stories could be found online. A decade before, I would have had to have been up in some library—

Q: Through the microfiche.

Worthington: So it was extraordinary. So I was able to establish that a whole bunch of prisoners, for example, were part of the Qala-i-Jangi massacre in November 2001. It was a fortress in northern Afghanistan. Several hundred prisoners had been rounded up and taken there. Some of

them had fought back against their captors and there had then been a massacre. Eighty-six of these men had survived in a basement, and they'd been bombed, they'd been electrocuted, they'd been flooded, and eighty-six of them came out alive.

Q: And John Walker Lindh was part of that.

Worthington: John Walker Lindh was one—the American Taliban as he will be forever known. The American scapegoat.

That was just one example. I then realized that there was another very large group of men. I would say somewhere between 200 and 250 had been caught in a week-long period in December 2001 crossing from Afghanistan into Pakistan, who were all, as a result, alleged members of Al Qaeda and the Taliban, fleeing from Tora Bora, which clearly wasn't necessarily true because there was a huge exodus of people. Other people I discovered were captured in various contexts in Afghanistan. Another group of people were captured in other contexts in Pakistan, around 100 or 120 in various house raids in Pakistan—

Q: Including Moazzam Begg?

Worthington: Including Moazzam. Those house raids had taken place mostly in January to July 2002. Then there was a separate group of prisoners who had been caught in all kinds of different locations around the world. All of those people had passed through various secret prisons run by

the CIA [Central Intelligence Agency], or on behalf of the United States government in other countries, where torture was rife, and had ended up in Guantánamo.

Q: Could you say something about the bounties?

Worthington: Well what emerged, primarily, on the bounties was that certainly a lot of the prisoners had spoken about how they saw money being exchanged. There was also some research—I can't actually remember who undertook the research into the PSYOPS [Psychological Operations] leaflets. The psychological operations branch of the military had been regularly dropping leaflets across Afghanistan and then Pakistan. Most of those were aimed at getting people to turn in bin Laden and Ayman al Zawahiri, or Mullah Omar, and offering \$25 million for that. But they were leaflets that offered villagers money for life if they turned in Al Qaeda or Taliban suspects. It seems pretty accepted—I think—that the average amount of money that was being paid out was \$5,000.

Q: That's right. Five to ten sometimes. Which is an enormous amount of money.

Worthington: Well, it's equivalent to about \$125,000 in Pakistan and a quarter of a million in Afghanistan.

Q: So there was basically a large case of people being paid to kidnap, or hand over, or name somebody, and they would end up in Guantánamo, or Bagram, or Kandahar, or an Egyptian—

Worthington: Yes. Well, certainly people were being rounded up on that basis in Afghanistan and Pakistan. A lot of the people who were—roughly a quarter to a third of the people who were caught fleeing from Afghanistan to Pakistan—well, who knows? The U.S. military decided that they were all fleeing from Tora Bora and then set about trying to prove that. They were turned in for bounties. The Pakistani villagers that caught a lot of these people got the bounty anyway. But the context in which they were captured would lead to the presumption by the U.S. military that these people had come from a military zone. But the fact is that that wasn't true either. But in those cases it wasn't that arbitrarily somebody was sold for a bounty. There was a context in which you could infer that quite easily.

But in some ways that's almost just the start of the confusion. Essentially, what the U.S. then had was a load of people about whom we knew nothing, apart from the fact that it presumed that they had been involved in a military context or had been told that by the people who had sold them. That's pretty much all they had. And notice in that, that I don't mention the word "terrorism," because the word "terrorism" barely figures in this. The root problem with the war on terror—there are two main problems with it. One is that the United States government decided it was going to hold prisoners without any rights whatsoever as human beings. In the second case, it decided that there was essentially no distinction between terrorists and people engaged in a military conflict halfway around the world.

Q: Well, I think the word "terrorist," especially in latter-day reporting by journalists, TV pundits, and so on—the word "terrorist" has come to have what I've noticed is a strange function. People will say, "The 'terrorists' at Guantánamo," as if to be called a terrorist is already to impose guilt.

Worthington: Yes, yes.

Q: The question, then, is not the guilt, because the guilt is assumed in the word "terrorism." You are assumed to be guilty already. The crime is already implicit in the very name that these prisoners are labeled with. Then the question, in many of these people's minds, is simply what punishment is commensurate with that crime. The guilt is assumed. It's what I call the logic of the witch.

Worthington: Absolutely.

Q: It's a latter-day version of what happened to witches.

Worthington: It is, exactly.

Q: But I wanted to follow up a question, then. It seems to me that one of the questions is—it seems a very simple question, but it's a very, in my view, terrible question—is if, as you and then following you other people have demonstrated, that so many of the prisoners were humanitarian aid workers and religious workers and Taliban foot soldiers, and these people caught up fleeing, and so on. You used a wonderful phrase once—guilt by nationality; that they were assumed to be guilty because they were either in the wrong place or guilt by place, or guilt by nationality or identity. But then it seems to me that—one of the most chilling aspects of Guantánamo is that from the very earliest days, as early as 2002, [James Richard “Jim”] Wilkinson, in an

extraordinary admission, acknowledged that the Bush administration and certainly the people at Guantánamo—I think [General Geoffrey D.] Miller said, “You’re sending me ‘Mickey Mouse’ prisoners.” Wilkinson said they knew these people were ordinary people—

Worthington: Well, some people did. The problem is, who knew and who didn't? Miller never said that. Miller just did what he was told. It was [General Michael E.] Dunlavey, who was the commander at the time—

Q: Dunlavey. You're exactly right.

Worthington: —who said, "Stop sending me so many Mickey Mouse detainees." The problem is—let's go right to the very top, almost—well, depending. I think the very top is Dick [Richard B.] Cheney rather than George W. Bush. But George had to sign everything. Dick Cheney has persistently maintained that everybody who is held at Guantánamo is dangerous people.

Q: “The worst of the worst.”

Worthington: He's done that ever since the population at Guantánamo was at its height. At any one time I think Guantánamo held about 660 prisoners. So you could follow a trail of him always saying the same thing. It doesn't matter how many people are released; they're all "the worst of the worst." Does he believe that? I don't know what he believes. The problem is that I don't know how much is cynicism and how much is a genuine belief. Because people who don't want to hear the truth just shut their ears to it when they're in positions of power, and may not know. Maybe a

better example is the judges of the D.C. Circuit Court [U.S. Court of Appeals for the District of Columbia Circuit]. So Judge A. Raymond Randolph, Judge Laurence [H.] Silberman, Judge Janice Rogers Brown, the three most prominent, very, very conservative judges, who apparently believe that the existential threat posed by the people at Guantánamo is such that the normal rules of law don't apply, and that it is their job to prevent these dangerous liberals in the District Court [U.S. District Court for the District of Columbia]—even though many of them are not dangerous liberals at all; right wing judges appointed by George W. Bush, for example—that they must stop anyone from being released from Guantánamo through habeas corpus. I think they believe that.

So they bought the lie—there are terrorists at Guantánamo.

Q: Certainly most Americans have bought that lie. But if you start reading between the lines of people who are doing interrogations, people in the camps, you begin to get a sense that they know they're not getting information. One of the early questions I wanted to ask you is that it seems to me—and I'd like to hear what you think about it—that it seems to me that in trying to understand why torture these people—this question of why were they tortured in the beginning and why have they continued to be tortured for so long and up to this day—it seems that, in the beginning, it wasn't really to extract information to prevent another 9/11. But in the case of [Ibn al-Shaykh] al-Libi, I wonder if you could perhaps talk about that case, which it seems to me is one of those small events that had epochal effects, which Colin [L.] Powell took to Congress, and took to the Security Council, and with it took the U.S. to war. Could you tell me—I've been trying to find out a little bit more about al-Libi's case. Could you talk about that case?

Worthington: Well, yes. Al-Libi was the "emir" of the Al Khaldan training camp, which is an independent training camp. He was captured in December 2001. He was interrogated briefly by the FBI [Federal Bureau of Investigation] and was then taken off them, bundled onto a plane, apparently put in a very small box, and was told, "While you're in the air, we're going to find your mother and fuck her," which is what I think one of the CIA guys said to him. He was then sent to Egypt. He was then tortured. I believe he was waterboarded and, as a result, said that two Al Qaeda operatives had been meeting with Saddam Hussein to obtain chemical and biological weapons. He recanted that claim, but apparently nobody told Colin Powell.

Q: And I have read—I don't remember where—but I've read that some of the CIA, maybe in Jane Mayer's *The Dark Side*—

Worthington: It might well have been.

Q: It might have been in the *The Guantanamo Effect*, but some of the CIA were very uneasy about it, and they had said to Powell, "This is dubious. This is dodgy information that you're getting." But aside from that, Powell then took it, nonetheless.

Worthington: Yes.

Q: And he has subsequently said that this was the most embarrassing decision.

Worthington: Yes. My feeling is that if he didn't know, he ought to have known that he shouldn't have been saying that. But the same thing happened in the UK. The BBC [British Broadcasting Corporation] almost got shut down because a journalist rightly accused the British government of sexing up the intelligence dossier about Iraq, which is exactly what happened. But, apparently, he wasn't allowed to say that because apparently that wasn't true. And they didn't. But they did. Nobody had a reason to invade Iraq, so they had to invent it.

Q: They had to invent one. Well, then, that really is my question. In some sense, wasn't the early torture less anything to do with stopping another 9/11 than *literally* inventing an enemy, inventing an enemy that would provide a [unclear], for which it did not invent a rationale for going to war in Iraq?

Worthington: What Larry [Lawrence B.] Wilkerson told me when I interviewed him was that he said that in 2009 he had heard in that period—so in 2009, maybe from 2008—in his discussions with people, that it was as early as December 2001 that they knew there wasn't a second attack that was going to come. So, to that extent, the intelligence was shifting towards justifying the invasion of Iraq.

Now that's huge.

Q: That's huge.

Worthington: See, what some people do is they then follow that up and say that the whole of Guantánamo is some kind of illusion. I don't think that's the case. Now, again, at what level are people scared, and at what level are they pretending to be scared, and it's all cynical. I mean deeply, deeply cynical.

Now I would say, actually, through analyzing the files that were released by WikiLeaks, which are very detailed intelligence assessments of the prisoners in Guantánamo, attempting to rate their dangerousness, the risks they pose, attempting to rate the value of their intelligence, and also noting their behavior in Guantánamo, that this wasn't purely cynical; that they were engaged in an effort to establish that the people that they held were of some significance; that clearly what they did as part of that process was that, from the beginning, they realized that they did have Mickey Mouse detainees, and if they could, within that process, establish that somebody didn't really know anything, and didn't really pose a threat, then they would release them.

I don't think all of that was cynical. I think that that was believed. I would be surprised if we were able to sit down with some of the senior officials in the Bush administration and say, "But surely you must have realized that almost none of these people had anything on anything," but they would just not believe that. And they wouldn't be saying that cynically. They would be thinking, "What would be the dumbest approach to the terrorists in Guantánamo, in the United States, in what passes for some of the discourse?" It would be, "Well, these are bad guys." Otherwise, what the hell were they doing, these ferocious, dangerous, ideologically warped Muslims, walking around Afghanistan with guns? What were they doing if that wasn't what we said it was?

I think there are various things going on. I actually think that the line that involved torturing people to obtain false intelligence to justify an illegal war—I have mentioned a few times, it seems to me, that that would be treason in some way; that that is committing a huge crime as somebody in a very high position in the United States government. I think that is the case. But then, you know, authorizing, arranging for people to be tortured, when that is a crime in the United States, is also a crime.

Q: Absolutely. It's a crime within the U.S., and international law.

Worthington: Well, the United States doesn't care about international law, but domestically, it is.

Q: Are there also, in Guantánamo, different levels for reasons for the abuse—that there might have been reasons to torture people to get information and so on? But then once people have been there for years, it seems as if torture takes on another dynamic; that there are ways in which torture may be used, or abuse may be used, in order for the guards to impose their will, to keep order. I think, certainly in Abu Ghraib, and I'd like us to talk maybe more, broaden us, to talk about more than Guantánamo.

Worthington: What happened in Guantánamo is that they introduced the torture techniques. There's an array of torture techniques—prolonged isolation, the frequent flier program, a horrible sleep deprivation program, whereby people were moved from cell to cell every few hours so they couldn't sleep for days, weeks, even months, I believe. Short-shackling in painful positions;

nudity; extreme use of heat and cold; the use of loud music and noise; preying on phobias. The paper trail is there for how, in the summer of 2002, in the autumn of 2002, interrogators sought to use these techniques on a handful—we know that Mohammed al-Qahtani—but there were a few other—

Q: Abu Zubaydah?

Worthington: Well, no. Abu Zubaydah wasn't in Guantánamo at the time. So it was in Guantánamo. There were a handful of people that they wanted to use this on, and al-Qahtani is the one we specifically know about. Rumsfeld kind of signed off on most of that. So what the CIA had, which was a variation on that, was then replicated at Guantánamo.

Now according to all the reports, the one I've drawn on for years is that somebody who was there told the *New York Times*, off the record in 2004, that it was one in six of the prisoners that this was applied to. Recently I came across somebody suggesting that it was much more than that.

So, you know, it was pretty standard operating procedure for about two years, at Guantánamo, was to put people through hell and then interrogate them.

Q: To soften them up.

Worthington: Yes, essentially—part of the softening up. "People aren't going to talk to us unless we abuse them, unless we torture them"—exactly the opposite of what experts in interrogation

would tell you. Exactly the opposite. Where the FBI guys who are on the record say, "If I could get the president of the United States and the head of the CIA and all these people to stand up one day and say, 'We absolutely adhere to what we have been told by skilled interrogators in the FBI, that is how we're going to behave,' we'd be in a much better place." Because everything that Dan Coleman and Jack Cloonan have said about, "What you think they're doing, abusing people like this, is going to get them to talk to you? Are you insane?" It's about rapport-building. It's about you being clever and finding a way.

Q: Isn't that, in a sense, a strange question? Why, then, did they do that?

Worthington: Well, I think they did that because of vengeance.

Q: I agree with you. I think so. I mean, that's what I have felt—

Worthington: —and that's what's still being sold in the United States is a spirit of vengeance.

Q: I agree with you. Yes.

Worthington: And if you want a longer history of that, then it's something tapping into a homicidal streak in the American psyche. It's a very uncomfortable thing, but it's all connected. When these things happen, we're looking for that point at which within the internment of Japanese Americans, and America will say, "Oh, my god, what did we do?" It may not happen

this time. We may be headed for permanent barbarism. The justification is, "How dare they do that to *us*? We're the best." It is.

Q: Thank you for saying that. I think that's really how I've come to see it. In fact, I don't know if you've read *Fear Up Harsh*, by Tony Lagouranis, who was an interrogator, torturer, and he's got an extraordinary paragraph—I'll send it to you; I wrote a piece about it—in which he said when we started out torturing it was intelligence gathering. We realized we were getting nothing, and he said that the terrible, the scary thing, was that it started to change into something else, and we began to torture simply to show our power and to say to them, "You must look into the face of American power. You did this to us," knowing that these people were not terrorists, knowing that they were not responsible.

Worthington: Well, that's why you don't cross the line. That's why you put up those barriers, to prevent you from becoming barbaric. We worked hard to achieve that, because that's exactly what he discovered; that once you open up those gates—

Q: —you go into a dark labyrinth.

Worthington: Then you're torturing people for fun. I'm sorry. You are.

Q: For vengeance. Yes. And to impose your will. Right. Right.

Worthington: And how pointless is that?

Q: And if one has gone into the dark labyrinth to that extent, do you think that plays some—well, one of the questions, then, to move back a little bit, is then why hasn't it been closed? Maybe I would like to ask about the current situation, which is that only this week, of course, on June 11, effectively, as you yourself have been saying, all three aspects of the government have acted to prevent Guantánamo from being closed. Obama, of course, in the first couple of days of his administration said, "We're going to close it," and he said there is going to be no torture in the United States. I'd like to go back to the Bush period, but I wonder if you could talk a little bit about why it hasn't been closed, and why, under Obama, it isn't being closed.

Worthington: Well, he didn't follow up that executive order with anything that would have dealt swiftly with some of the problems that he ought to have foreseen. So, no. Big executive order, big promise. Then he appoints a task force to spend a year reviewing the cases of the prisoners, and nothing effectively happens. For four months, the only prisoner who is released has been Binyam Mohamed because the story of his torture has penetrated so deeply into the British legal system that it's a major embarrassment for both Britain and America. Nobody else is released. It takes until May for [Lakhdar] Boumediene to be released in France. Nothing's really happening. So, in the meantime—this is key, this first four months because that is when the Republicans start to work out, "Hey, maybe we can start using Guantánamo again," and the Democrats start getting a big shaky because the president is providing no guidance from above.

Q: And the Republicans can start arguing he's weak on terrorism.

Worthington: Yes, because he said that he wanted to close Guantánamo. Now if he had followed that up by the day after releasing the sixty-five cleared prisoners in Guantánamo that Bush hadn't released, bam, straight-off, the world would be a different place. But it didn't happen. Then he started having to fight rear-guard actions. Now how much his heart was in it, I don't know. We're trying to figure that out. Because, clearly, you have to balance a few things with Guantánamo. The most absurd reason for holding people is that they may have been radicalized by what we did to them and, therefore, they can't be released. I say, "Excuse me?"

Q: It is abominable.

Worthington: On no level can you justify that. I'm sorry. You just cannot justify that. [Cross talk]

But it has to do with the terrorism.

Q: And that's what has been used for the Yemeni case.

Worthington: Once you use the word terrorism and Guantánamo together, it's like you said—these people are evil incarnate. The word "serial killer" has nothing, nothing, it can't compare with putting the word Guantánamo and terrorist together. So you can't release these guys. A guy who spent a day in a training camp and was caught holding an AK-47 is not a terrorist. But, apparently, he is the greatest mortal threat that you can imagine and he can, under no circumstances, be released because a day after he's released he'll be flying a plane into a tall building in an American city. It's absurd.

Q: Because what the U.S. has done *to* them. [Cross talk]

Worthington: And it's because of what the U.S. did. Right. The fact is—I can't even begin to—I don't know how to deal with that kind of nonsense, really.

Q: Well, there's that aspect that we can't release these people because what's happened to them in the past decade has been so harrowing, and so brutalizing, that nobody in their right mind is not going to come out and take up arms or become an underwear bomber or so on—

Worthington:—which is untrue.

Q: Which is absolutely untrue, and I would like you to maybe address that, because you've written brilliantly about that; that it is simply not true. It hasn't happened.

Worthington: Yes.

Q: But I'm wondering whether—do you think, Andy, at some other level, that part of it is whether it's rational or not, or whether it makes sense or not, that part of it is to seal Guantánamo legally—as I think this week it's been sealed. I think habeas corpus—

Worthington: I don't know whether that was their intention when they started. I think the Obama administration, through Daniel Fried, the envoy for Guantánamo in the State Department, worked really hard to get other countries to take prisoners who couldn't—

Q: Yes. I think Obama really actually—I mean, it's hard for me to know how to read Obama. I think originally, it came out of his mouth, he wanted to close it—

Worthington: But he was also being told by the task force—and the task force is sober, career officials from the departments and the intelligence agencies. Every week they're going through the cases; they tell him from early on, "Oh, we just got another one, man" and "We just got another guy who's—we haven't got any evidence, but we know he's dangerous." There are forty-six men in Guantánamo who Obama signed an executive order saying, "I have to keep holding these guys because we can't put them on trial, but we can't let them go." Now I think he's wrong, and I think that needs to be challenged, but, first of all, we have to get all the cleared prisoners out of Guantánamo, and that ground to a halt.

Q: I think it's a mistake for me to interrogate Obama's psyche too much, and it happens a lot in the United States, there's a lot of reading of history through the epic personality—the [William J.] Clinton *era*, the Obama *era*. I think there's a mistake. But I'm going to ask you that kind of question anyway. Just briefly, do you think for Obama himself—do you think that the so-called underwear bomber, Umar Farouk Abdulmutallab—do you think that was a personal turning point for him, suddenly thinking, "Oh, my gosh, I might actually end up with an attack on *my* watch!"

Worthington: Well, you know, the *New York Times* article, recently, analyzing Obama's—

Q: Oh, the drones article?

Worthington: Yes. The "kill list" article.

Q: What an astounding, astounding piece. I wanted to go talk to you about that.

Worthington: That says that that was a turning point for him. Now one of his staff members said it was a no-brainer, in January 2010, when he announced a moratorium on releasing any Yemenis. You know, this isn't really mentioned. The start of the "kill list" is obviously that—the Abdulmutallab thing was, "This has got really close," and that's what happens I think is that the leaders, the actual leaders, the president, the prime minister in this country, when they feel that the threat is here, then it dominates them. In the post-9/11 world, in a country that is incapable of objectively rationalizing the extent of the threat. That's what you get, unfortunately. I think that's what that article made absolutely clear is that, he is, to a certain extent—I'm sure he has other parts of his life where he switches it off—and a part of it, he's become obsessed. The most important thing ever of his presidency is on his watch, that America is kept safe, and he has taken them out personally, one by one.

Q: It's what I call the "paranoid cost." My book is called *Paranoid Empire*. What I began, in reading books like yours and Jane Mayer's, and Tara McKelvey's really brilliant book, *Monsterring*—what I began to notice was a strange doubleness with respect to power. In almost all these cases, from Cheney's paranoia—not paranoia in the traditional sense, of an exaggerated sense of being attacked—but rather a kind of doubleness with respect to power that kind of

occurs simultaneously. On the one hand, these grandiloquent delusions of grandeur, “Operation Infinite Justice”—

Worthington: Right.

Q: —we're the global super power, we're going to end all evil. So, on the one hand, these delusions of grandeur. Then, on the other hand, these delusions of perpetual threat—“the war on terror.” That there's always going to be somebody to attack us. I think that doubleness with respect to power can be—it's very unstable and it can be held in a kind of uneasy balance until it's destabilized, as on 9/11. Then the sense of threat becomes exaggerated and overwhelming, and that unleashes this irrational violence.

Then I began to follow that all the way down to the military guards, even the guards at Abu Ghraib. It was very often the same phenomenon. [Unclear] had called himself god, and yet there were people in those situations in extreme vulnerability. They didn't know the language; they were under attack all the time. So I felt there was this odd characteristic in the U.S. political moment of the sense of overwhelming grandiosity and the sense of overwhelming waiting for the next attack.

Worthington: Yes, well, I think that is the thing that is difficult for people outside the United States to fully grasp. It's exceptionalism. It only arises because of that. So there are people in Britain who have it, but it's historic now to think—because Britain was in that position. I think

that you can't really sell that as the message in Britain because far too many people realize that it is no longer true; whereas, America isn't in that position.

Q: Right. And I think it's characteristic of an empire in decline, and I think torture erupts at that moment, actually, when it is in decline.

Worthington: Well, it's another facet of—America is such a fascinating country for everybody around the world because of so much dynamism that it had that it no longer has. And it doesn't have it anymore because instead of producing things in a kind of upbeat manner, it turns capitalism into some cannibalistic monster. Fifty years from the warning of the "military industrial complex," what happened? America is a war machine.

Q: Right. It is.

Worthington: The United States is a war machine. I don't know whether you've read—have you read the book, *Tortured*, by Justine Sharrock? She went around the States talking to people, people who had ended up torturing in the name of the United States, and they thought they'd joined the Army. But she's in the Appalachians, and she's traveling around the Appalachians, and she's saying, "God, there's nothing here. There are privatized prisons. There are arms-making factories. Or you join the Army." That's just one part of the States, where the only jobs left are to do with oppression, detention, war.

Q: Well, it's no accident that people like Lynndie [R.] England and Charles [A.] Graner [Jr.]—those are the very bottom of a long chain of command, and they were the ones that—that was a question I have for you, as well. Do you think something has to happen to people at the very bottom of the chain of command to enable them to engage in these acts of atrocity?

Worthington: Well, the thing about serving in the military is that this is one of the last areas in life where you're not supposed to be left to make your own decisions; you're supposed to take orders. That is your obligation. Your commanding officer tells you how to behave, and when your commanding officer, whatever level it is, the one right above you or right up at the top of the chain of command—in any detention situation, effectively, Donald [H.] Rumsfeld is in the room tearing up every copy of the Geneva Conventions that's pasted to the wall. Where does the responsibility lie? It lies with the commander-in-chief; or, in terms of the military, with the secretary of defense. He's ultimately responsible for—all of these people are saying, "What are the rules?" And he's saying, "Make sure they have a rough night." On that basis, anything can happen. And anything did happen. In certain cases—obviously, in the high-value detainee program, everything was horribly, horribly clinical.

Q: This is in Guantánamo?

Worthington: No, this is in the secret prisons. This is in Poland, in Lithuania, in Romania, and presumably in the facility in Morocco.

Q: Egypt?

Worthington: Clinical. No, Egypt, they just sent them knowing that that was it, they were going to disappear, or Syria, in particular.

Q: Syria. Oh. Okay. So what do you mean by "clinical?"

Worthington: They had a program of absolutely, by-the-minute, what they were going to do to people.

Q: When you say "they," who is "they?"

Worthington: You're hanging people wearing a diaper from a hook in the ceiling. Every half an hour you come in and throw cold water on them, and it's all noted. Those facilities were built specifically—it isn't a medieval dungeon. Medieval dungeons came early on, and medieval dungeons may well have been what was going on in—in fact, *are* what happens in Syria and Egypt, and places that they were sent to, for other people to do the dirty work. But the high-value detainee program was very clinical. In other places, clearly, somewhere like Abu Ghraib, it's licensed sadism. That's what happened there. They were told by the interrogators, because of the instructions that had come to Iraq from Guantánamo, everything that is done is done in the service of the interrogators, and the interrogators want you to make sure that these people are disorientated, don't get sleep, have a rough time.

Q: Right. Also the ratio of guard to prisoner at Abu Ghraib was one to seventy, whereas at Guantánamo, I think it was one-to-one.

Worthington: Oh, it was total chaos.

Q: It was a very different situation. But to get back to the high detainee program, you said "they" were very cynical. Who is "they?"

Worthington: They were very *clinical*.

Q: I'm sorry. They were very clinical. I beg your pardon. They were very clinical. Who are the "they?" Is that the U.S. or the CIA, or—?

Worthington: The U.S. Yes, yes. The CIA and whoever was advising them on the torture techniques. So, to some extent, the CIA people were working with the psychologists.

Q: Right. And private contractors were all over.

Worthington: Yes. Whether they were involved in the decision-making or not—talking about this makes me kind of realize that there are a whole lot of people with responsibility that we haven't even identified.

Q: Absolutely. Well, that was one of the other things that I wanted to ask you. It seems to me the work you've done and that other people have done on Guantánamo is astoundingly important in making visible this [unclear], and keeping alive—keeping these voices being heard. But there's a kind of paradox, as well, in that the media spotlight on Guantánamo as this notorious prison has, paradoxically, cast into shadow; the fact that it isn't this one, monstrous, exceptional prison, which serves, in some ways—it fits a U.S. narrative, as Abu Ghraib did, this is monstrous but it's un-American, it's horrible, but it's not true to our values. There's a U.S. narrative that can be drawn on to contain these so-called “bad apples” and these aberrations. To some extent, Guantánamo, I think, has cast into shadow what I see as an established but concealed network, through Bagram, through Kandahar, through all the places that you've talked about. I'm wondering if you could talk a little bit about that, about those places. I'm particularly interested in whether you think they still exist after Obama.

Let me be more precise. Bagram. If you could talk a little bit about how Bagram was really different. Are there ways in which Bagram was or is different from Guantánamo, and what do you think its fate might be?

Worthington: I think the main issue is that Bagram is technically a prison in the war zone, whereas Guantánamo isn't. So what I think is most alarming about Bagram—Guantánamo is the offshore prison. That is, it's not in the war zone. You can situate a war zone prison anywhere. You can move people. But that wasn't their intention. Their intention was that they were enemy combatants; they were beyond the law. So different issues were raised than in Bagram, which is in the war zone, so technically this should be a prisoner of war camp, run according to the

Geneva Conventions. My issue with Bagram is that that's the heart of where the United States' decision to unilaterally do away with the Geneva Conventions is clearest. There has been no attempt to—

Q: It's unequivocally in what has been called a war zone.

Worthington: Yes. It's confusing in Guantánamo because the logical thing to do would be to re-designate everybody as prisoners of war, according to the Geneva Conventions, apart from the terrorists because there aren't—actually, there are very few of those. Most of them are soldiers, or *alleged* soldiers, in which case we move to a whole new avenue of arguing when the conflict comes to an end because you can be held until the end of hostilities. And they didn't want to do that. But they haven't done that in the war zone. So Bagram is actively, permanently rewriting the rules of detention in a war zone. Two successive presidents of the United States seemed to be able to get away with that. Nobody has really challenged it.

Q: It's very hard to find information about Bagram. Tell me about what the situations for the prisoners are legally, in terms of rights, access to lawyers, compared to Guantánamo.

Worthington: Well, they had no rights. Under Bush, it was ludicrous, really.

Q: There was nothing, really.

Worthington: Well, no. They had to make a statement before they were told what the allegations were against them in these hearings that they had. So when challenged with the habeas challenges, Bagram—then Obama responded by introducing the tribunal process from Guantánamo, the one that the Supreme Court said was inadequate. He introduced that at Bagram to silence the critics.

Q: To silence the critics in what sense? Just to be able to say, "We do have a procedure?"

Worthington: Well, he wanted the habeas ruling to be dismissed, which it was; which had given the rights of habeas to foreign prisoners captured and taken to Bagram because Judge [John] Bates recognized that their situation was essentially the same as the Guantánamo prisoners, who had been given habeas rights by the Supreme Court. So the sweetener was, "Well, we'll introduce a review process." Laughably, the Supreme Court found it inadequate at Guantánamo, but apparently, fit for purpose at Bagram. Within its own terms, I can see that it makes sense, that they're attempting to ascertain who they've got and whether they should carry on holding them; whether they should release them; whether they should transfer them to Afghan custody. What it's suddenly done is reinforce the rules of change after 9/11, in that you no longer capture people in a military context and hold them un-molested until the end of hostilities. But, essentially, what it's codifying is the right to just round people up and then hold them for really quite a long time before you even bother to begin ascertaining whether your dragnet of all available males was purposeful or not, which is not only—there's no legal basis for it. But if you're trying to win hearts and minds, it really is idiotic.

Q: I also think—Andy, I'm wondering if there's a moment when the whole reason for the torture program, if you want to call it that, at some point—I think 2003, perhaps, it shifted in Iraq, where they realized they had an insurgency on their hands and it no longer had anything to do with any kind of attack on the U.S., but quelling a now uncontrollable war. And I think that was when the commanders at Abu Ghraib were told, "The gloves are coming off. You have to really get serious." And they had six or seven thousand prisoners in Abu Ghraib. Then it seems to me that what you're dealing with then is torturing insurgents within the country, and it has precious little to do with possible attacks on the U.S.

Worthington: No, absolutely. It's never made sense, and it didn't make sense in Afghanistan either. There's a difference between a Saudi being captured with an AK-47 in Afghanistan or an Afghan being captured with an AK-47 in Afghanistan. So everything was blurred. But again, if we go back to what people have been taught to think, then it is now shockingly acceptable in far too many places that if you are an Iraqi who in any form resisted the United States occupation of your country, you are a terrorist.

Q: Absolutely. It's outlandish. And now, with the "kill list" and the rationale for it, I think that we crossed a threshold. Why it was released by the *New York Times* is a whole other story.

Worthington: Well, yes.

Q: But I think in saying that—it's again the “logic of the witch,” that any young, military-age man, in a certain area, who is in proximity to a strike zone, is going to be regarded as a terrorist—

Worthington: —so that the president of the United States can sleep well at night.

Q: And until afterwards, and then they decide from the corpses, they will then decide who is innocent. That's what happened to witches. They were drowned. That, I think, we crossed into a different territory.

Worthington: Well, I think that's probably how war works is that you bomb somewhere and everybody who's there is like, “Well, you know—,” I guess.

Q: What's extraordinary about this is that that might be how it works, but this has become what seemed to be touted by the *New York Times* columnist as “this is how we're going to do things.”

Worthington: Yes, yes, yes.

Q: This is the president tussling with his soul, and this is how we're doing it. It's an astounding rationality.

Worthington: Well, it is war beyond its traditional borders, which is what Bush established after 9/11. The entire world is a battlefield. It's also no collateral damage for U.S. forces, which has

been an American obsession for decades, as well, since Vietnam. We don't want that kind of loss of life. In fact, we'd like to have no loss of life. "Oh, well, here are the drones. They're perfect."

Q: Actually, officially, even though we've got thousands dead, they're not civilians because they were in the strike zone. It's an extraordinary "Alice through the looking-glass" logic.

Andy, I just wanted to ask you one last question. Now we've talked for two hours. I want to let you go. But I wanted to ask you a question, I guess in a sort of sense, a more personal question, and I wanted to quote the—you quoted *Hamlet* at the beginning of your book, and I think it's extraordinary. "But that I am forbid to tell the secrets of my prison house. I could a tale unfold whose lightest word would harrow up thy soul, freeze thy young blood." It's amazing, amazing lines.

How do you cope, yourself, in looking at these stories and touching—you said right in the very beginning, you can hear these voices. How do you personally cope? Do you have strategies? Ways of dealing with it?

Worthington: No, I don't. To some extent, I think when you immerse yourself in a topic you become a bit like a surgeon with blood. You become used to it somehow. I don't know. I'm not sure that this six years, all of it, has been entirely good for my health. [Laughs] Maybe it has a kind of effect that way. In another way, it's given a profound meaning to my life which—I'm happy to be trying to fight to stop a huge injustice. It isn't *just* about these individuals. It *is* about them. The way of trying to bring an unjust system to an end is to try and point out that they're

human beings, and if you were able to feel that, if you were able to empathize, because empathy is close to elimination in the modern world, then you would understand that the principles that are at stake here are hugely important. You *cannot* capture people, under any circumstances, and hold them without any rights. They are back to having no rights. They're in a black hole. They're in a legal black hole, and what's used to detain them is still essentially intact. President Obama has tried to make sure that arbitrary, indefinite detention only applies to some of the people in Guantánamo, and is not something that is enacted policy going forward. When, for example, the senators of the United States get together and want mandatory military custody for all terrorism suspects in the future, actually everybody in the establishment isn't happy about that. They're not happy about it in a practical way, and they're not happy about it because, legally, that's going too far. But the only reason the senators have been able to come up with those ideas in the first place is because indefinite, arbitrary detention still exists at Guantánamo. To a certain extent, it has been, actually endorsed—

Q: And Bagram.

Worthington: Well, it's slightly different. It's misplaced wartime detention at Bagram.

So it's hugely important. These issues are hugely important. If we don't get back to a place where you cannot deprive someone of their liberty arbitrarily—you cannot do that. You just can't do that. If we don't get back to that place, we remain in somewhere terrible where all kinds of awful things can happen.

Q: Absolutely.

Worthington: Perhaps the most buoyant thing that I could say about doing what I do comes from Clive Stafford Smith. But Clive has a unique way of coping with the difficulty of what he does, which is he spent nearly two decades fighting for the rights of death row prisoners, and then became involved in Guantánamo as well. But I remember him saying that when people say to him, "Clive, how do you do it? It must be so hard," and him saying, "No, actually, it's the easiest thing in the world, because I get up every morning and know that absolutely everything I'm doing is one hundred percent right." There is some truth in that.

Q: Yes. That's a wonderful way of putting it.

Well, maybe we can end there. I've taken much more time today than I expected. Thank you. That's extraordinary. I have so many more questions. Can I come back again tomorrow briefly, for maybe just an hour? [Cross talk]

Worthington: For as long as it takes, Anne. You can tell that I'm happy to talk about this.

Q: You must be strict with me because I so seldom get the chance to talk to people like yourself, and there are many other questions that I do want to ask.

[END OF SESSION]

VJD

Session Two

Interviewee: Andy Worthington

Date: June 19, 2012

Interviewer: Anne McClintock

London, England

Q: I wonder if we could pick up some of the threads from yesterday. Perhaps we could start with last week on June 11. It seems to me that something fairly momentous happened, a critical legal turning point for the prisoners, and I wondered if you could perhaps recap what happened and what that might mean for the prisoners.

Worthington: Yes. There have always been—not always. Initially, there was only one route out of Guantánamo, and that was diplomatic arrangements between the Bush administration and the home countries of the prisoners who were held. Now, from almost the beginning, in fact, from the beginning, from day one, a handful of lawyers who realized that something terribly wrong had taken place started to try to get habeas corpus rights for the Guantánamo prisoners. It took two and a half years for that process to lead to the Supreme Court ruling in *Rasul v. Bush*, in June 2004, that the prisoners did have habeas corpus rights.

Now what that did, hugely importantly—what that did was it opened the prison to visiting lawyers. It broke the spell of silence that had enshrouded Guantánamo for all that time, where, effectively, we found out afterwards, they were torturing people with impunity. And they stopped, at least in the sense of the torture program. They didn't call it that, but that's what it was. They stopped. As soon as they were going to be subjected to outside scrutiny, then they changed the way they behaved in that sense.

They fought back with the help of a compliant Congress, which twice passed legislation that included provisions designed to strip the prisoners of the habeas corpus rights that the Supreme Court had given them. So the Detainee Treatment Act in 2005 and the Military Commissions Act in 2006. It took until June 2008 for the Supreme Court to revisit its ruling and to rule—I think this is important—that the habeas-stripping provisions that Congress had passed in those two acts were illegal, were unconstitutional rather, and to insist that the prisoners had constitutionally guaranteed habeas corpus rights.

Now that's a huge ruling, but what they didn't do, what the justices didn't do, was stipulate exactly what the standards were to justify the ongoing detention of prisoners when they submitted their habeas corpus petitions to the District Court in Washington, D.C.

So the judges of the District Court got together. They decided what the standards were and they started reviewing the habeas corpus petitions of the men. Something over two dozen of those cases were won by the prisoners.

Q: And that was when, Andy?

Worthington: Actually, I think the figures are different than that. Thirty-eight cases? I can't remember the exact numbers. A majority of the cases were won by the prisoners from October 2008 until the summer of 2010. It led to the release of over two-dozen prisoners, so the only people who left Guantánamo through any legal means were the ones who had their habeas corpus petitions granted and were released from Guantánamo. In the summer of 2010, in

particular, the D.C. Circuit Court, so the court of appeals in Washington, the District of Columbia, started fighting back in earnest. Actually, in January 2010, they issued a ruling claiming that there should be no constraint on the president's wartime powers, which pretty much everyone disagreed with. The alarming figure was Judge A. Raymond Randolph.

Now he's a senior judge in the D.C. Circuit Court. He had approved every piece of legislation under Bush relating to Guantánamo that was subsequently overturned by the Supreme Court. But he and some of his fellow judges decided that the rules were too lax; that what the District Court judges were doing was releasing prisoners by granting their habeas corpus petitions. They decided they were doing that because they weren't approaching the alleged evidence in the right way, so they imposed restrictions on the District Court's ability to have any kind of objective analysis of the evidence, which a number of rulings have been issued and have ended up, towards the end of 2011, with a ruling in which an intelligence report produced in the field—which pretty much everyone would say is going to be imprecise, needs to be something that is open to questioning as to its reliability—they basically said that it should be trusted; that all government evidence should be presumptively regarded as accurate, unless the prisoners can prove that it isn't.

Q: And also, presumably, some of those could have been extracted under coercive conditions.

Worthington: Well, the problem isn't just with—this isn't so much to do with the government's intelligence report, although the intelligence reports produced in the field would be based on interrogations shortly after capture, when it's extremely unlikely that people weren't being treated

coercively. Also, it would be based on information that could have been extracted from the Afghans or the Pakistanis, who were holding these men before they were handed over to U.S. custody.

So yes, it's extremely unreliable. But it's not the major problem with the evidence. That's part of it. The other main problem with the evidence is that the statements that the U.S. government relies on that were produced by the prisoners themselves, or by their fellow prisoners in Guantánamo or by other prisoners in other facilities, run by or on behalf of the United States, where people were also being interrogated—there are profound problems with that evidence, either because people were tortured or otherwise coerced; because people were bribed, in some cases with better living conditions; and, in some cases, mentally ill people were bribed or coerced.

Q: And in many cases implicating, so there was a kind of proliferation of the naming of names.

Worthington: Yes. I think the key to how people were coming up with this information is to bear in mind that there was what was called the "family album." There were albums of photographs of prisoners, or of people who were at-large and suspects. There were always these photo albums and people were shown the photo albums. "Who is this man? You know this man. When did you last see this man? When did you last have dinner with this man? When were you last buying surface-to-air missiles from this man?" All of this is going on.

Q: During the interrogation process.

Worthington: Everywhere. There was a man who was held in the Jordanian prison, where the Jordanians were holding prisoners for the United States government and torturing them. He said every day that's what it was. Every day was photos—"Who's this? Who's that? Who's this?" People he didn't know. You have to invent a story, unless you're one of those people who doesn't crack, in which case terrible things happen to you.

Q: Well, we know that [John S.] McCain [III], when he was being tortured, gave the names of the Green Bay Packers, the football team.

Worthington: Well, all of it is unreliable.

Q: Right. Right.

Worthington: So the decision by the Supreme Court not to accept appeals by seven Guantánamo prisoners—it's the second year that they haven't accepted any appeals—

Q: This was last week, you mean.

Worthington: Yes. This was last week.

Q: June 11, was it?

Worthington: It was the day before the fourth anniversary of the *Boumediene* [*Boumediene v. Bush*, 2008] ruling, when the Supreme Court gave the prisoners constitutionally guaranteed habeas corpus rights, which have now been shut down by the District Court—by the Circuit Court, rather.

In this particular ruling about giving the presumption of accuracy to intelligence reports produced in the field, there was a dissenting judge, Judge David Tatel—if that's how you pronounce his surname—who said, "I don't see why on earth we should be presumptively regarding this kind of report as accurate. And if we go ahead with this, the end result will be that no prisoners will get their habeas corpus petitions granted." Now that's the dissenting judge in the D.C. Circuit Court, who, as far as I can see, did what the Supreme Court should have done in that case, at least in that case, if not in the other cases. The other cases involved prisoners who were trying to challenge the basis of their detention on various other issues. Some of those, I think, had a great weight to them. One of them is Faiz al Kandari, one of the last two Kuwaitis, who was trying to get the Supreme Court to say that some limit must be set on the extent to which the government can rely on hearsay evidence. He is a prisoner who has barely uttered a word that incriminates himself in his ten years in custody, and the entire case against him is constructed on the statements of unreliable witnesses.

But they didn't take up any of this. They didn't take up any of it. What they've done—they've done what Judge Tatel said was happening. They have negated their own ruling. Four years ago, a differently composed court—a pre-Obama court, ironically—gave habeas corpus to the prisoners. The Circuit Court took it away and the Supreme Court has decided not to reinstate it.

Q: Do you think there's a political climate that has motivated that or do you think these are personal decisions made by individual judges?

Worthington: Yes, I think there's a political climate. If we look at the person who is no longer the driver of these rulings in so many ways, it's Justice [John Paul] Stevens, who retired two years ago. Justice Stevens was ninety. Justice Stevens grew up through huge periods of upheaval, through the rise of fascism; through the Second World War; through the Cold War. His knowledge of history, his long knowledge of history *and* his determination to treat the law as something that I think you should constantly be checking to make sure that you're not being swayed politically—I think that was his role. Obama has two appointees. They don't have that kind of long historical view or that political objectivity, frankly. Then the disappointment is—so appointments made by Obama are defending the disgraceful national security state that was implemented by George W. Bush. And, of course, the conservative judges are going to back that. Where are the liberals?

Q: So you have judicial bankrupting of habeas corpus, but you have the executive bankrupting, as well. And Congress?

Worthington: Oh, yes. And Congress, as well. Yes. Obama, separate to his judicial appointments—I do think that's extraordinary that, on certain issues, I would imagine that maybe on gender issues, or immigration issues, or certain traditional liberal issues, those two

appointments, those two women, will be making liberal decisions, but not on national security. We've got the right wing national security state that was introduced by George W. Bush.

Obama issued the executive order on his second day in office, promising to close Guantánamo within the year, and then didn't. When challenged, he has repeatedly capitulated, particularly on—his White House counsel, Greg [Gregory B.] Craig, had this plan to bring some of the Uighurs, the Chinese guys who couldn't be safely repatriated but who were innocent men wrongly detained, who had won their habeas corpus petition, and had planned to bring two of these guys initially to live in the United States. That would have been a huge, huge development in puncturing the myth of Guantánamo and the dangerous terrorists held there.

But once Representative [Peter T.] King got a hold of that story and threatened to cause a big fuss, Obama capitulated.

Now at that stage, his excuse was that he was trying to preserve the need for consensus on his healthcare reforms. But he showed weakness. It was the first sign of weakness which led to his opponents realizing that he would crack under pressure.

So on the Yemeni issue, after the capture of Umar Farouk Abdulmutalab, the underpants bomber—it does seem like, from what we can understand, this was the moment that he took this personally as a threat. But however much that affected his approach to aggressively pursuing terrorists, that that may have been the genesis of his wishing to preside personally over his “kill list” for the drone program, that's got nothing to do with Guantánamo. What he capitulated on

swiftly was criticism by mainly Republicans again, by members of his own party, that he must respond to the capture of a Nigerian man trying to blow up an airplane, who was apparently recruited in Yemen—that he must respond to that by refusing to release any Yemeni prisoners from Guantánamo. Which he did. Even though, at that point, twenty-nine of the prisoners in Guantánamo had been cleared for release by his own task force, and another thirty had been put into a category the task force called conditional detention, whereby they would be released if somebody—and no opinion was given as to what godlike figure would make this decision—but that if at some point if it was regarded that the situation, the security situation in Yemen had improved, these thirty would be released.

Q: Were these thirty Yemenis?

Worthington: Yes. The task force primarily decided that twenty-nine of these Yemenis should be released. Now, in fact, seven Yemenis, eight Yemenis, in total, were released, before Abdulmutalab was captured. Seven were released just days before and one was released a few months before that because he had won his habeas corpus petition, and the government decided not to appeal it. But the twenty-nine who should have been released haven't been.

Q: Andy, you probably know better than anybody the context of the situations. When you say they should have been released—if you were to argue with somebody who didn't know what was going on, how would you convince them that these were men who were not masterminds, who were not terrorists, should have been released?

Worthington: Well, first of all, I would say that the majority of people in Guantánamo were never associated with any kind of terrorist activity whatsoever, or even plotting any terrorist activity, or even of sitting down in a room and for five minutes even considering thinking about talking about the possibility of engaging in any terrorist activity. They're not terrorists.

Q: That's extraordinarily important. I want to come back to what I asked you, but just in terms of that, because I think it's so important, is there a number that you can give me of men who, to some degree, approximated—somebody who had been engaged in some kinds of hostilities?

Worthington: Well, when 517 files were analyzed by researchers at the Seton Hall Law School in New Jersey, in 2006, so that's two-thirds of the prisoners, they discovered that only eight percent were alleged to have been involved in any kind of activities.

Q: I think the administration even admitted that—that they conceded that that was the case.

Worthington: Well, I think the best analysis, really, is that officials spoke to the *New York Times* in 2004 and said that no more than a few dozen of these people ever had any involvement with anything. Larry Wilkerson told me, and he said this in a few occasions, when they brought the high-value detainees into Guantánamo in September 2006, they did that so that they could say that they actually had somebody dangerous in Guantánamo. Everybody knows that there was nobody above any kind of mid-level operative and a few Taliban leaders in Guantánamo before September 2006. The operatives who spoke to the *New York Times* said a few dozen maximum.

After that, ten prisoners were brought to Guantánamo from secret prisons who were not high-value detainees, but medium-value detainees. Now if we take the administration at its word, which is difficult to do, then we can add ten to this. Fourteen arrive in September 2006 from the CIA's torture prisons, and two more who arrived after that are also regarded as high-value detainees. That's twenty-six, twenty-four to fifty, maximum. Fifty maximum, out of 779, who were of any significance. The rest of the people at Guantánamo are innocent people seized by mistake or low-level Taliban foot soldiers. The privates, the people who—

Q: And, as we know, the Taliban had nothing to do with 9/11 anyway.

Just to round out the question on figures—at any given time, how many people have passed through Guantánamo, up from the very beginning to this current point?

Worthington: Seven-hundred-seventy-nine. What we don't know is how many other people were held, if any were held, in the CIA secret prison within Guantánamo called Strawberry Fields, which existed in 2003, from September-October 2003 to March 2004.

Q: I want to come back to that question about the CIA, the internal CIA dark site. But just to interrupt—you were talking about the Yemeni prisoners, and I was asking you, of those, would you say that those are in the same category of people who had nothing to do with 9/11?

Worthington: Absolutely, they had nothing to do with the 9/11 attacks. No. The problem with the way that people have been categorized is that, first of all, you have to say that hardly any of these

people were allegedly involved in terrorism. So what you're looking at is people who are completely innocent. Obviously, supporters of Guantánamo don't regard innocence as being an even conceivable explanation. But anybody who isn't that rigidly fixed understands that, yes, this was so incompetent—money was involved, money was changing hands, bounties were being paid, intelligence was so poor—

Q: Were bounties involved in Yemen? I know they were, very significantly, in Pakistan and Afghanistan, but were bounties—

Worthington: Nobody was seized in Yemen. No. I mean, a few Yemenis may have been held in secret prisons, but not in Guantánamo.

There are, however, many hundreds of innocent people who were held, and there still are some. It's just that the government claims that it's got a case, so, like Faiz al Kandari, that I was talking about, the Kuwaiti—all the evidence comes from unreliable witnesses, all of it.

Q: And haven't a number of men been cleared for release, even under Bush, and have been there for what, eight years? Even though they've been cleared already?

Worthington: Well, there are about sixty-five prisoners who had been cleared for release, approved for transfer, when Obama took over. Most of those people are still there.

The problem is related to the problem of rounding people up who are innocent, or soldiers, or terror suspects, and claiming that they're all one category of human being who has no rights—enemy combatants. So the basis of understanding the threat level of people at Guantánamo is based on what the military perceives their threat to be, and not just what threat they think they pose, but what intelligence value they have. Guantánamo is primarily set up as an intelligence-harvesting center, an illegal, offshore, intelligence-harvesting center, whereby these people would produce evidence that fitted this notion, this intelligence notion, of a mosaic, so that potentially insignificant pieces of information, when all put together, might add up to a bigger picture. The logic behind that, essentially, actually, was that if the Bush administration could have rounded up hundreds of thousands, or millions of Muslim men, and imprisoned them for the rest of their lives, and kept this mosaic building up, they would have been happy. It's such an insane basis for what their notion of intelligence gathering was. It was so much the opposite of the precise intelligence gathered from somebody that they know has detailed information, and how do they unlock that? A completely crazy setup.

So the Yemenis who were held, for the most part, were low-level foot soldiers, and not necessarily—although some of them had been—not necessarily people who had traveled to Afghanistan for humanitarian aid, for example.

So there is an issue there. Like I've said, if there is an issue there that involves them being soldiers, then they should have been held as soldiers. Then we could all be asking how long does the war in which they were detained last? Because you can only legitimately hold soldiers, enemy prisoners of war, until the end of hostilities. When did that end? Some people would say

it ended in 2002; some people would say it ended in 2004 when Hamid Karzai became the president. The United States government will presumably argue that it will end when hell freezes over because this war on terror is infinite. But, you know, I'd like to legislate that one. I'd like to see people legislate that one because we could find out whether they could possibly sustain that argument. But we're not doing that.

So the basis on which these people are cleared for release—that's not the wording that's used; the wording that's used is "approved for transfer," and the basis on which is that they are no longer regarded as a threat to the United States or of having sufficient intelligence value to justify their ongoing detention—what it really is is a recognition that the system whereby a whole bunch of people were thrown into a legal black hole for the rest of their lives wasn't actually justifiable, and that seeing as it was based around a threat, or the end, or the intelligence value that these people posed, then there was a process of letting them go.

Q: Do you think, to some degree, the whole extraordinarily labyrinthine legal process of keeping them there—do you think that, to some degree, it might be fair to say that, in a way, Guantánamo needs to exist for the reasons that you gave when you said that some of the high-value detainees were brought in order to indicate that there are some bad guys? That if we were to close Guantánamo, does it perhaps remove a kind of geography of legitimacy? That this is the place where men in orange suits can be seen to visibly embody a threat which legitimizes the global war?

Worthington: I think the men were brought to Guantánamo from the secret prisons because of the ruling in *Hamdan v. Rumsfeld*. The ruling in *Hamdan v. Rumsfeld* was the one that said, "Look, by the way, did you remember that when you hold prisoners they have to be held with minimum standards of decency, and that everybody is covered by Common Article 3 of the Geneva Conventions, which prohibits ill treatment and torture?" Three months after that ruling, less than three months after that ruling, George Bush has a press conference in which he says, "You know, I always told you that we didn't have any secret prisons. Well, now I'm telling you that we did. But we just closed them and we've moved all these people to Guantánamo."

So it was associated with that. It was about the humane treatment of prisoners. The game was up.

Q: So it's kind of a performance of legitimacy, in a sense; that we're playing by the rules.

Worthington: Well, the thing is, as well—I almost have to say, frankly, that everything that the Bush administration embarked on, embarked on with no thought whatsoever about how it was going to end. So setting up a global network of torture sites appeared to make sense to them at the beginning. Then, after a while, what on earth use is it? You can't keep torturing somebody. In intelligence, they'll tell you twenty-four hours. They were torturing people for years.

Q: Khalid Sheikh Mohammed, a hundred and how many times was he waterboarded?

Worthington: Yes, well, you know. He was held for four and a half years in secret prisons before they moved him into Guantánamo, where he remains completely isolated. None of it really made

sense. So I think they were ready to give up on their big project of holding people for years and torturing them because that's idiotic.

Q: It's irrational at best.

You mentioned earlier the secret site, Strawberry Fields, inside Guantánamo. Could you say something about that?

Worthington: Well, that story was rumored for many years, and it finally, I think, was confirmed by the Associated Press in the summer of 2010, I believe. The AP ran a number of really good reports, actually, about the movement of prisoners between the sites that existed in—so after Thailand, which was used for three prisoners at the very beginning, then people were moved to Poland, and then there was a network that involved Poland and Romania and Lithuania and Morocco. Now when Poland closed in September 2003, or October, some prisoners were then flown to the secret prison within Guantánamo that was identified as Strawberry Fields—what a terrible use of that song. Then in March of 2004, when the writing was on the wall that the Supreme Court were going to grant the prisoners' habeas corpus rights in *Rasul*, then they were moved out.

Q: Where to?

Worthington: Either to Romania or Lithuania or Morocco. There seemed to be quite a lot of shuttling about.

Q: So these are ghost prisoners that have simply appeared and disappeared, but left a kind of ghostly trace.

Worthington: Well, I think, on record, in a memo that was unclassified in April 2009, [Steven G.] Bradbury, who was in the OLC—was he in the OLC? No, I can't remember his exact role now. Yes, he was in the OLC, the Office of Legal Counsel, in the Justice Department. He spoke about the high-value detainee program and said that there were ninety-four people all together in the program, and that twenty-eight of them were subjected to enhanced interrogation techniques. Those twenty-eight, I am presuming, are the ones who were moved around this network of the secret prisons. Though the other people were almost certainly held in Afghanistan, possibly in Iraq—

Q: In Bagram and Kandahar?

Worthington: In Bagram, not in Kandahar. That closed.

Q: And Ghazni? And Bagram?

Worthington: Well, nobody knows quite how many secret facilities there were, but there were a number of them.

Q: So in a sense, conceivably, if the number 779 is what we know passed through, conceivably there were other—we don't really know the full total of people who were passing through Guantánamo.

Worthington: No. But I don't think many were held in that facility within Guantánamo. But no actual evidence has surfaced to say there were X-number of individuals, and they included Khalid Sheikh Mohammed, Abu Zubaydah, whoever. We don't know.

Q: I want to ask one back question pertaining to last week, and then I would like to talk about the high-value detainee program.

Just in brief, then, do you think habeas corpus is extinct at the moment, given what happened last week for the prisoners who remain in Guantánamo?

Worthington: Yes.

Q: So what's the next step for them? Is there another step for them?

Worthington: Well, the next step is that those of us who care have to persuade the United States government that its present course of action is unacceptable and that history will not look favorably on people who, for reasons of political expediency, decided to maintain the most monstrous legal aberration of the twenty-first century.

Q: And in the meantime, they're sealed in.

Worthington: In the meantime, they're stuck.

Now we were earlier—I know I didn't finish talking about Congress, that imposed all these restrictions on the president's ability to release prisoners. And that has been significant. They have tried to make sure—they have imposed conditions that the president—the secretary of defense has to promise to Congress that if they release a prisoner, he won't be able to do anything to upset the United States in any kind of military or terrorist sense, which is an impossible promise to make, I believe. Also, that they're not allowed to release a prisoner to a country where there is a single, alleged case of recidivism, of somebody returning to the battlefield, even though that entire area is fraught with unreliabilities.

Now there is a waiver that exists in the National Defense Authorization Act, the one that was passed, *signed* by President Obama on New Year's Eve, the one that includes this terrible, monstrous decision by lawmakers to mandate the military custody of terror suspects. In that otherwise dreadful piece of legislation, which also authorizes the expenditure of insane, eye-wateringly huge, insane amounts of money on defense, there is a waiver in there that was inserted by the administration, so that the president can, without jumping through these impossible hoops established by Congress, release people from Guantánamo, if he believes that that is in the national security interest of the United States.

Q: He can. The president can release, so basically, by his own executive fiat.

Worthington: Yes.

Q: Oh, my. I didn't know that.

Worthington: Yes, yes, yes. Not many people do know that. Now he's not going to do anything—

Q: That's extraordinary because I've been trying to get a sense of what is actually possible for him to do. So he could—

Worthington: That's not there for benevolent reasons. That's there, I think, primarily, because these negotiations have been taking place with the Taliban, which involved discussions about releasing five Taliban prisoners, the only significant Taliban prisoners in Guantánamo, to a form of house arrest in Qatar. These are negotiations that have stalled.

Now I think that that is why that was included. There may be a secondary reason, as well, and I need to write about this quite soon, actually. [Laughs] In Guantánamo is a man called Ibrahim Al Qosi, a Sudanese, who worked as a kind of chef in a compound in which some Al Qaeda people lived. Had a very peripheral role in the entourage of Osama bin Laden.

Q: In what country is this?

Worthington: This is Afghanistan. I think he had first been with bin Laden in Sudan before bin Laden moved back to Afghanistan in 1996.

So Al Qosi is just part of the entourage, not anybody with any decision-making capacity whatsoever. Now he accepted a plea deal in his trial by military commission in the summer of 2010 and, according to the terms of that plea deal, he is released after two years. Two years is up in July. Al Qosi is going home in July. Otherwise, a line is crossed that even Bush didn't try. What they always say is that anything that happens legally, in terms of trials, we don't care. Because if somebody can have a trial, they can be sentenced, they can serve their sentence, and we can carry on holding them as an enemy combatant if we want to. Now they've never actually tried that because, internationally, that would be hard to defend.

Q: So this is a very interesting precedent to watch.

Worthington: It's a very, very interesting one, yes, and I think the waiver will be used—or maybe he won't need to use a waiver; he will just say to Congress, "This is the deal."

Q: And let him go.

Worthington: "This man is going home." But it may be that the waiver is included to guarantee that. I don't know what Al Qosi did for his plea deal. The administration, since then, has been getting much better at trying to extract useful information that they can use in other people's trials by offering them pleas deals. That's what happened with this Pakistani man, Majid Khan,

who accepted a plea deal this year. He has explicitly agreed to provide testimony against Khalid Sheikh Mohammed.

Now Majid Khan was tortured, but presumably not when he was making these voluntary statements about Khalid Sheikh Mohammed that they want to use in Khalid Sheikh Mohammed's trial. So he gets a plea deal in exchange.

Q: It's extraordinary in the sense that they even need extra testimony in the case of Khalid Sheikh Mohammed because he's been already pre-tried, pre-convicted—

Worthington: Well, absolutely.

Q: —and pre-tortured.

Worthington: They absolutely don't want to risk—

Q: Any mishap.

Worthington: It's an extraordinary situation, really, because—there won't be one, but I think whatever constitutes evidence will be sufficient in his case.

Q: Well, I had a question about this question of evidence. And the question of procedures is one that really fascinates me because in the early days of the aftermath of 9/11, people writing about

Guantánamo, there was a certain tendency to describe it as anarchic, and this is the empire of anarchy, and the chaos, and it was illegal. It was a lawless zone. In fact, what seemed to me something quite different was happening, was that there had been, all along, an attempt to create a performance of legal legitimacy through the military commissions, through this excess of procedure, this labyrinth of procedure. It seems to me that that is what empires do—they're not anarchically chaotic. That if you look closely at the phenomenon of empire, they're extraordinarily bureaucratic.

Worthington: Yes, yes, yes, they are.

Q: They're rational to an irrational degree.

Worthington: It wasn't anarchic. What it was that it came out of—it's important to remember that both Cheney and Rumsfeld had worked under [Richard M.] Nixon. When Nixon fell, they were uncontaminated enough, they stayed on under Gerald Ford. Under [Ronald W.] Reagan, when Cheney first hooked up with David [S.] Addington, that's when it became particularly clear that these men believed in unfettered executive power; that these men subverted the establishment of checks and balances within the United States, and they believed that the president was above the law. They worked to shield Ronald Reagan from being held accountable for any complicity in the Iran-Contra scandal because, "You can't touch the president." That's what they brought to the commander-in-chief status of George W. Bush after 9/11. This is the ultimate demonstration of their belief that the president should be above the law.

Q: And, tragically, Obama has continued that.

Worthington: Yes, well, the problem is that Obama hasn't done what he needed to do.

Q: In the sense of when he came into power, he said, "We're not going to look to the past, we're only going to look to the future," and there has been no move to hold—

Worthington: Well, he wasn't going to hold anyone accountable, no.

Q: —anybody accountable.

Worthington: Either that was decided beforehand or it was decided pretty swiftly. I think it was decided beforehand. Nonetheless, he released the torture memos in April 2009, which was—I think he got severely threatened after that, actually.

Q: Exactly. I think that was a cautionary moment for him. He backed off. "Don't do that again." Yes.

Worthington: He wasn't courageous.

Q: Do you think it was a matter of just kind of a failure of nerve? Or do you think, at some level, there was pressure put upon him because people knew that this was, in fact, going to continue in the field? I guess that was going to be my next question. I want to come back to the high-value

detainee program. But under the Obama administration—three questions here. Maybe we can take them in turn. Are there still CIA black sites existing? When Obama came into power, he said, "The United States will not torture. We're going to close the CIA—it has to close its sites." Are the CIA black sites still existing? Is torture still continuing under this administration? The U.S. lost Egypt and Omar Suleiman and so on, and is extraordinary rendition still continuing?

To take the first question: are the CIA black sites, as far as you know—do you think they're still there or did Obama shut them down?

Worthington: No. I don't know about certain areas. I don't know what's happening in the horn of Africa, for example.

Q: Well, actually, Jeremy Scahill has said outside of Mogadishu there's this prison that he says is a CIA black site.

Worthington: I would imagine that it isn't. I would imagine that it's run by somebody else.

Q: Private contractors?

Worthington: Conveniently run by somebody else.

Q: That's a huge story, yes.

Worthington: I don't think, in Afghanistan, beyond—my feeling is that short-term facilities—I mean, the *New York Times* story on the “kill list” also included some information about how negotiations had taken place to make sure there was a little bit of leeway in holding people—

Q: —a little wiggle room.

Worthington: Prior to doing what with them? Well, what Obama has been doing is if they capture a foreigner in some contentious zone that they declare a war zone—say they capture a foreigner in Afghanistan. Then you would probably get some short, sharp interrogation for a very short period of time when he's off the books, and is then sent back to his home country.

Q: But what about Bagram prison? Because one of the things I was watching very closely when Obama was elected is he said very loudly and noisily, "We're going to shut Guantánamo." I was waiting to hear, "And we're going to shut Bagram, as well."

Worthington: He couldn't shut Bagram because Bagram is the war-zone prison. The United States has to have a prison in the war-zone.

Q: In fact, they've then started to expand it. Even at the moment that they're saying, "We're going to bring all troops back. 2014 is the date," to all intents and purposes, it looks as if they're expanding this prison.

Worthington: Well, the problem with it, like I was saying before, is that it doesn't conform to the rules of how you detain people in wartime. This expansion is presumably as a result of that. As well as being shockingly counterproductive in terms of winning hearts and minds—

Q: —of recruiting, yes.

Worthington: I think in terms of conducting warfare intelligently, rounding people up and holding them for a significant amount of time before deciding what the hell to do with them is just horribly imprecise.

Q: It's sowing the dragon seeds of future—in fact, I don't remember where the report was, but once people started getting a little more access to Bagram, they said that the overwhelming majority of prisoners there, and in Kandahar, said the reasons they were there were either the drone strikes or because they knew people who had personally been in prison. So, in other words, it's this massive recruiting machine.

Worthington: Yes. Well, I don't think the dragnets have really changed either. The number of people who were detained in Iraq, for example, who were all just swept up in raids—

Q: What were called "cordon and capture." They would go into a neighborhood—

Worthington: Yes. Essentially, the same thing is happening in Afghanistan throughout. The same thing is still happening. On whatever scale it is, whether you're capturing a large number of people or a small number of people, the intelligence is still pretty inept.

Q: And who the threat is has completely morphed over the years, from somebody who might attack us yet once again—Al Qaeda—to Taliban, to insurgents, to people who are defending their own country from an invasion, or anybody who's got what looks like a gun, or something under a cover on a green truck.

Worthington: Which is a huge problem, yes? It's a huge problem.

Q: It's a huge problem.

Worthington: And it all stems from no longer following the rules of who people are when you detain them. These are all supposed to be prisoners of war. Once you're at an insurgent level—insurgents? No, sorry, you're fighting a war. You may be fighting a form of warfare that looks more irregular to you, but whether you call them insurgents or whether you call them soldiers, they're people fighting a war. So enemy prisoners of war, Geneva Conventions, where the hell has all that gone?

Q: And I think that has been taken, as we've talked about yesterday, to the nth degree with the "kill list," where the definition is simply location. Proximity. You're in the proximity of a strike

zone, the strike zone is simply a zone decided by the U.S. You're in that proximity; you're a military-age male; you are, by definition, a hostile, and you can be killed.

Worthington: Well, the fact is that if the United States is engaged in war in Afghanistan and fires a missile at a military target, and kills a load of civilians as well as the military target, exactly the same rules would apply. The thing about drones is that they have removed national borders and they remove the actual, physical location of a battlefield, which I think is exactly how President Bush envisaged the war on terror.

Q: The entire world as we know it is now a battlefield.

Worthington: Yes.

Q: Yes, and now the United States is its own battlefield. I don't know if you read an article—I think it was a couple of days ago—that they've now released drones called switchblades, which are drones that individual soldiers can carry and can release in Afghanistan, and essentially anywhere. What seemed to me, what registered in the article—it seemed to me that that shifted things extraordinarily radically, from Obama somehow with this macabre baseball set of soul-searching Faustian decisions over who he's going to kill, to a soldier, a platoon commander, now with his switchblade, has the right to be judge, jury, and executioner.

Worthington: Well, the terrible thing with technology is not its beneficial side effects like our ability to communicate across the world, because a certain number of scientists wanted us to be

able to communicate, wanted something good. It's how every form of technology, if it wasn't initially developed by the military, or the security state, is then hijacked by it and turned to the most malevolent ends. I mean drones—which is going to be the first country that starts killing its own citizens, in its own country, with drones?

Q: Absolutely.

Worthington: Because everybody is queuing up to get a hold of them.

Q: Fifty countries now have drones. South Africa—this was revealed by WikiLeaks—is selling drones to Algeria.

Worthington: I get woken regularly around here. The police fly helicopters late at night, presumably looking for what they think are drug dens. It isn't too much of a dystopian leap to imagine that the steps will be introduced whereby instead of helicopters snooping, people are taken out.

Q: There is an attempt now to ban weaponized drones, and we know that drones are being used on the Mexican border, and that, actually, drones are currently over New York City.

Andy, I wanted to go back to a question that I had, a point that you made yesterday that resonated. You described the torture of the high-value prisoners, how clinical—you used the word "clinical." Could you elaborate on what you meant by that?

Worthington: I meant that every—imagine a clean facility that looks like a lab. Imagine that within that lab there are timetables printed that would tell you what time you go into the cell, and the naked man wearing a diaper who is fastened to the ceiling, you throw a bucket of cold water over him. That's it.

Q: There's a schedule.

Worthington: There is a schedule. And these were cells that they designed. The most disturbing thing that I came across recently was that they kind of mass produced a series of cells. I think there were six cells that they used. The impression I got is that these were probably the same cells that they installed in facilities in Romania, and in Lithuania, and in Morocco. That they were designed to have—the floors in the cells weren't fixed. The floors of the cells were on springs to disorientate the prisoners. But they produced them not in volume, obviously, because they didn't have that many of these secret prison complexes—but it was a template. They then used it and installed it in various places, and it was part of this clinical process of torturing people with—

Q: Can you say more? So unstable floors? A schedule of a man who's short-shackled or is the “Palestinian,” as it's called, I think, hanging a man by his sides?

Worthington: I think what they did in the high-value detainee program is that they held—it must have involved some kind of “Palestinian hanging,” but not the kind of ad hoc “Palestinian hanging” that you got in the early days of Bagram.

Q: And Abu Ghraib.

Worthington: Again, it’s exactly worked out as to as how far they can push to—doctors and psychologists are here every step of the way. They don't want anyone dying.

Q: I wanted to talk to you about that, too. Yes.

So continue. Yes. What are the other aspects? So sleep deprivation, shackling, but not overdoing it, the schedule of timing, whereby you can shackle somebody, or the time—you said every half an hour a bucket of cold water would be thrown?

Worthington: Yes. They were throwing cold water over people. That was one of the techniques. Sleep deprivation, so endlessly stopping people from getting any amount of sleep.

Q: And was that scheduled?

Worthington: Yes. That would be scheduled as well.

Q: And stress positions. Scheduled also? How long you could—

Worthington: I've got this image, because it's something I read in one of the reports, the ICRC [International Committee of the Red Cross] reports on the high-value detainees—that image of somebody chained to the ceiling, naked apart from a diaper, and having buckets of cold water thrown over them, but all of it being noted and taking place at particular times. "Walling" was this other thing, where they had something they put around their necks, then they whipped them against a false wall that they directed, so that it was painful but it wasn't going to break anything. Abu Zubaydah was the guinea pig for this stuff and they used a real wall and they hurt him. Then they worked out that they could do it with a false wall, so they weren't going to break anything. It wasn't about breaking bones. It was about physical pain.

Q: It was about breaking the person down.

Worthington: Yes. They used those little boxes on Abu Zubaydah, which I don't think they used again, and they got permission to introduce insects into the box because he had a phobia of insects. But they didn't actually do that, they say.

Q: That's *Fear Up Harsh*.

Worthington: Well, waterboarding. Waterboarding wasn't done randomly. That was also absolutely monitored.

Q: There was a time, wasn't it? You were only supposed to waterboard somebody up to a certain—you could only do it a number of minutes, beyond which you can't go. It strikes me—in terms of Abu Ghraib, of course, some young military police were described as the bad apples, and the media—right, middle, and left—said that it was pornography that made them do it. But it was so systematic that boxes of pink panties were being produced and taken to Abu Ghraib, and these practices have existed for a very long time. They were in South Africa. Israelis have used them. It's not something that the military police invented. But what strikes me about what you've just said—you used the word "lab," and I've come to feel that—perhaps I could ask it as a question. Do you think it's fair to say that, to some degree, what was happening is that these were really laboratories for how to break a person down? I think the administration has a term for it. They called it "touchless torture."

Worthington: Yes.

Q: If you're manufacturing an unstable floor and if you're creating a wall, to some extent, and you've got psychologists and medical personnel, you're experimenting with an extreme refinement of what you have to do within a certain time to keep somebody on the very edges of death.

Worthington: Yes.

Q: But, at the same time, I'm wondering, by this astounding scheduling, the rules, the strange set of rules, there's a way of legitimizing what you're doing. It's legitimized because you can only do it every half an hour, and you can only waterboard up to a certain point.

Worthington: Well, I imagine that was to try to, simultaneously, like you just mentioned, kind of keep somebody on the verge of death but not kill them. To me, that's the heart of this vengeance that we were speaking about. I think it's part of a bigger picture as well. The CIA didn't start experimenting on prisoners after 9/11, so some of it feeds in—

Q: What do you mean by that? Do you mean they already had been?

Worthington: Yes. Whether they were practicing it on other people or—terrible things have happened to prisoners in U.S. control. But the CIA was also experimenting on human beings, using U.S. personnel. So there's a longer history of that.

Q: In the SERE [Survival, Evasion, Resistance and Escape] program.

Worthington: Well, what specifically there is in the—specifically, I think there's an independent thread of human experimentation that doesn't have anything to do with SERE. SERE was something that the Bush administration decided that they wanted to reverse engineer, to use. So I think there were two different things going on. There's the specific approach that was taken by the Bush administration, and there's a longer history of human experimentation, which I haven't studied, but I know other people have. I think as we go on and look back on this, it will be seen

more in place as both the continuation and something that had its own particularly horrible dynamics.

Q: I absolutely agree. Andy, I know you need to stop, but I do have more questions. I wonder if you want to stop now? Or should we just keep going until your son comes in?

Worthington: Let me think what would be best.

Q: Extraordinary rendition.

[END OF SESSION]

VJD

Session Three

Interviewee: Andy Worthington

Date: June 19, 2012

Interviewer: Anne McClintock

London, England

Q: So extraordinary rendition. Has that stopped?

Worthington: No, I suspect it hasn't, but there's rendition and there's extraordinary rendition.

Q: What's the difference?

Worthington: Well, rendition was, I think—essentially rendition was capturing somebody in circumstances that might not be entirely legally internationally, but then taking them to justice. America has done it for a long time. Bounty hunters used to go to South America and capture people, and bring them back to the States, and put them on trial. That's rendition. Extraordinary rendition was something that developed in the 1990s under Clinton when nobody could work out what to do with terror suspects. They were of Egyptian origin. They were being captured in places like Albania, and that was the point at which Clinton told the bin Laden unit of the CIA, "You sort this out." They arranged this essentially quite limited program of disappearing people to Egypt. So, with American involvement, they would be kidnapped, sent to Egypt, never to be heard from again. That was the program that just expanded beyond belief under Bush, where people were sent to prisons in other countries, or within the CIA's own network. So I would say that it's fair enough to say that that doesn't exist.

Q: It doesn't exist.

Worthington: It doesn't exist. But I think that what's happening, and what we don't hear about—I may not be right about that. I should make it clear. I don't know enough about people being shuttled around and possibly in places that are outside of my field of expertise. But I don't think *that* Bush-era program is still alive in that sense.

Q: And in some sense, the drone program has rendered some of that, to some degree, obsolete. There's not even any necessity to do it anymore.

Worthington: Absolutely. I think that the Obama administration, like I said, has been capturing people and sending them back to their home countries. What intrigues me about that is on a basis of nationality. If the United States captures a Saudi acting suspiciously in Afghanistan, it's easy enough to send that guy back to Saudi Arabia, with a little tag fastened onto him saying, "This is one of the bad guys that you're going to want to deal with," knowing that they will then—that's probably the end of that story. Not necessarily that they will be killed, but if they're regarded as significant enough, they'll disappear into the prison system in Saudi Arabia, which has a bad human rights record. I don't know what they're doing if they capture people from countries that they don't trust. Like Yemen. Like Sudan. I don't know what they're doing in these cases. We don't hear about that at all, I don't think.

Now we know that there are foreign prisoners in Bagram. My impression is not that that's a program that's been particularly ongoing under Obama, but we can't know because we don't know exactly who's held there. We know that the foreign prisoners who were captured under

Bush, years ago—we're up to ten years now, and some of those guys are still there—and Obama is trying to organize repatriating these guys before handing the prison back to the Afghans, if that's what happens. So some kind of negotiations are underway.

I don't know. There is a gray area, to me, where I can't quite explain what they're doing with certain people that they might encounter. And I don't know what the answer is. But in terms of a lot of places where the United States is engaged in military activity, or isn't engaged in direct military activity, but wants to deal with a threat, then it's killing people by drones. It's gone beyond the notion that capturing them might be useful.

Q: Andy, so much of the discussion about Guantánamo, because of the nature of the population there, has been about men—male prisoners. I wonder if you could say anything, at all, about women prisoners. There were women and children at Abu Ghraib. We know that. It's actually a state secret that they're there, and I've tried to find out why it is, specifically, a state secret that women and children were, and probably still are, at Abu Ghraib. But I'm wondering also—I've tried to find out as much as I can about the case of Aafia Siddiqui. I wonder if you could tell me what you know about her and her story.

Worthington: I don't know whether she was held at Bagram like many people think. It does seem to me that she was held somewhere for those four and a half years before she magically reappeared in Afghanistan and allegedly tried to shoot the American soldiers, so there was an excuse to send her to the States to have her tried and disappeared into the facility that she's in, in

Texas now, serving that eighty-six-year sentence for having tried and failed to shoot two U.S. soldiers. I don't see how that adds up.

Q: What do you make of her case? Could you say who she was and how she was captured? What you know about her?

Worthington: Well, she was a neuroscientist. I don't know enough about her story. Everything about her story, I don't know what to think. It's such a strange story on every level—who she was; what she was or wasn't doing; and what happened to her when she disappeared; and what happened to her when she was prosecuted and put away. If there's any truth to it, then she married somebody who was supposedly close to Khalid Sheikh Mohammed and was involved in active terrorist plotting. I don't know whether that's true. Nobody knows quite where she disappeared to. There are some stories that she was never captured in that period between her apparent disappearance in March 2003 and her reappearance in Afghanistan in August 2008.

But it looks like she did and that her children disappeared; that her baby was probably killed when she was captured and that her children, her son and daughter, were also held somewhere.

Q: That's an extraordinary story because, from what I can make out, there are two parallel stories and they don't coincide. The U.S. story, to my mind, doesn't make sense. When she was originally put on the Al Qaeda list, she was the only female member of Al Qaeda. But when she was tried, that accusation had just fallen away. It was never raised. The story in Afghanistan, of

her capture in Ghazni, of standing disoriented in front of the governor's estate, I think it was, and apparently having in her bag "landmarks" of the United States and chemicals—

Worthington: No, it's extraordinary.

Q: —and the Afghan police said the American story didn't coincide with their version. So there were two versions. There was the Afghan police story and then there was the U.S. story, and then the account of her behind a yellow curtain, as the military come in, and her rushing out and grabbing her—she weighed something like ninety-five pounds—grabbing her Kalashnikov and trying to shoot a soldier—it strikes me that that story we may never know, but it's one of the great terrible stories.

Worthington: I think it is, and there were obviously other stories—Khalid Sheikh Mohammed's children were apparently held at some point. Women and children in Abu Ghraib—I imagine they were as with Khalid Sheikh Mohammed's children—they were using them. They were trying to use them as a route to getting to the men. I'm glad there haven't been women and children involved in most of the main body of this detention story because it's probably the only good thing I can say is that at least they've mostly stuck to the men and not the women and children.

Q: I suspect there have been more women and children than we've let on, than we've been led to believe, simply because of what I know from Tara McKelvey, who was interviewing people coming out. She was in Jordan in the early days when people were coming out of Abu Ghraib,

and there was a significant amount of evidence from people coming out and, in fact, the photos, the notorious photos from Abu Ghraib—about two hundred released to the U.S. public, but there were thousands of them, about two thousand of them, and a great deal of those photographs apparently, according to Mark Gillis, were photographs of the young military police giving candy, giving sweets, to children, with women, and there have been stories of women being tortured and being raped. So there are these traces of evidence.

Worthington: No, no, I think so.

Q: But I understand what you're saying.

Worthington: But the Guantánamo story is primarily a story of Guantánamo itself and of Afghanistan. I don't know why they thought they could get away with it in Iraq, but I don't think they tried much in Afghanistan, to be honest. With women.

Q: Right. And just briefly, on this question of gender—how do you read the sexualizing of torture? I ask you that because I'm asked that question so often. I've talked against the narrative that pornography made them do it, and it's astounded me how many people in the U.S. persisted with that argument. Susan Sontag—

Worthington: That it wasn't Donald Rumsfeld.

Q: That it wasn't Donald Rumsfeld. I started pulling on this thread, and I began to pull up quote after quote. Slavoj Žižek, Susan Sontag, any number of people, from the left, the middle, and the right, arguing that it was pornography that incited these young people.

Worthington: No, it's mistaking what people do when they're told, "Don't worry about any rules. We want you to mess these people up." In different ways, either they were told, "We want you specifically to do this, that, and the other" or they were told, essentially, it's pretty much a blank slate. "Hey, guys, don't kill them, but make sure you fuck 'em up," and whatever. Music is a good example. There were undoubtedly some cases where specific music was tailored for use, but a lot of the people who were torturing prisoners with music, they just used their own playlist. What are they not going to like? Well, hell, "These guys aren't going to like—these pussies aren't going to like heavy metal, man."

Q: Nine Inch Nails.

Worthington: They just played whatever they listened to.

Q: But in Guantánamo, where you can't argue that these were young kids from Appalachia, just running around—

Worthington: No, they were.

Q: —but in Guantánamo, from what I've read, there were instances of deliberate sexual humiliation, using menstrual blood, and having women come in, and so on.

Worthington: There were some things that were probably engineered, but the impression that I get is that, again, most of that was people who were not trained in interrogation who were given a license to mess people up in certain ways, and were given quite a lot of leeway.

Q: And were kind of improvising, then, in a way.

Worthington: Yes. Yes. The proper interrogators, some of them, were deeply shocked that kids who knew nothing about anything were being handed the right to abuse people. They were shocked because not only did they just think that it was wrong, but they could see that it had no practical—it wasn't going to work, in any sense it wasn't going to work, because there was no structure—

Q: So the professionals have often been the most vehement detractors of this, which is extraordinary.

Worthington: Of course. On every level because they know that torture doesn't work. Not that torture won't produce some right answers, but how the hell are you going to find out? But also that it has to be about you building a rapport with the person that you're trying to get information from. Otherwise, it's not going to work.

Q: I think what that does is it gives credence to the argument that the torture, once it had gone past a certain point, had very little to do with extracting information. It had to do with revenge. It had to do with retribution. And I think, from what I can make out from the stories of these young people at Abu Ghraib, they were in positions of great vulnerability and great fear—they were under constant mortar fire; they were in the hostile Sunni triangle; and that very often these outbursts of sadistic behavior followed on either an uprising within the prison, or on an extremely severe attack from outside. So sometimes, I think, it's this oscillation of paranoia that I talked about; that under extreme vulnerability, given the opportunity, they would then exert their godlike power over the prisoners. I think that was when cameras and photography become extraordinarily interesting. That's when the photograph is taken, to capture the moment of power at its peak. But it's a way of attempting to fix it, in the surface of the photograph, because it is actually very unstable.

Worthington: Well, there were a lot of things going on, weren't there? Graner said that he wanted evidence to use in his defense, if they ever came after him. But then Graner also—I don't know whether you've seen Errol Morris's film or read the book, *Standard Operating Procedure*. It's very interesting. It's interesting that some of those photos were staged.

Q: Well, actually, the Lynndie England one—it wasn't her, even though she's become kind of the poster child for torture.

Worthington: The one on the leash.

Q: The one on the leash. She did not choreograph it. Graner choreographed it. And then he took a photograph.

Worthington: And she said, "Look. I'm not tugging on that leash." It's interesting that they had to restrain a lot of severely mentally ill people, so things that look like torture are restraint, in the context of torture, but are not. It was very interesting. I thought the film was a disaster in the sense that it didn't ever say, by the way, "If you leave the cinema not understanding that it was Donald Rumsfeld, then you've missed the point." But they created a fantastic, claustrophobic—it was cleverly made and it created claustrophobia very powerfully, but it refused to allow anyone to be to blamed for it.

Q: There was no sense of the chain of command at all. In fact, I disliked the film for precisely that reason. First of all, it didn't make visible the chain of command. I'm a big admirer of Errol Morris, but I felt the kind of semi-phantasmagoric, hallucinatory feel of the prison effectively, to say, an audience that hasn't really seeped themselves in what was going on there—I think it helps monsterize what was going on. I think one of the things that I think is so important, actually, to bring to light is the banality, the everyday ordinariness of what happens in prisons. They're monstrous in what is happening, but they're not monstrous in that they're exceptional. These were happening in ordinary, everyday corridors, with curtains hung over the cells and water pouring down, and these were kind of young kids doing it. I think the hallucinatory effect, in a sense, allowed people to distance themselves from what was happening.

But I've become very interested in the role of photography. In fact, that's one question I have. You mentioned the CIA program preceding 9/11 and really, if you look at it, I think that torture has been the dark doppelganger of modernity from the inception of the modern state. It's come to, in a way, both puzzle and dismay me that the degree of the uncanny similarities with what is happening in these highly rationalized, contemporary torture cells, and what the inquisition was doing. The inquisition was waterboarding. And if you look at [Pieter] Bruegel's painting of torture, almost every one of these stress positions, all the aspects of torture that were used in Guantánamo, are right there in Bruegel's painting. The inquisition was using waterboarding and the scripting of the confession. They're almost identical. What do you make of that?

Worthington: That people like to torture.

Q: Do you think it's that?

Worthington: Yes.

Q: Why? Why do they like to torture?

Worthington: Because it's the dark side of humanity.

Q: That makes it ahistorical. Do you know what I mean? Let me suggest an alternative.

Worthington: I've got to ring the place to find out where my son is. My feeling is that he's sitting there, waiting for me to turn up.

Q: Absolutely. Let's stop right here.

Worthington: I'm just going to ring them up.

[INTERRUPTION]

I absolutely understand that. Yes.

Q: The Algerian war. Carry on.

Worthington: In the sense that I hoped that Mitt Romney was going to be damaged by the revelation that he had bullied vulnerable people when he was at school. So this rich, privileged white man bullies somebody who's blind and bullies somebody else who's no threat to him at all—that's just because you're actually a deeply unpleasant human being. To me, a lot of people with power are constantly lucky that they haven't been arrested and imprisoned for randomly killing somebody. I think they're violent people. I think the violence is always there.

So I agree with you that what hurls that into somewhere like torture is what they perceive of as an existential threat to their position, but I don't trust these people, at all, as functional human

beings. But this is a big issue because this ties into sociopathy and being psychopaths, and that a lot of the people in positions of power, they can't empathize with other human beings.

Q: Well, exactly. Well, I became, as a result, actually, of working with dominatrixes—and I always have been anyway profoundly interested in masculinity—and I wouldn't be surprised if you went back—and I don't believe in a kind of psychoanalysis that always takes you backwards—but I wouldn't be surprised if one wouldn't find that something had happened to Mitt Romney, at an earlier age, that predisposed him.

When I was asking you earlier about the military guards and the sexual humiliation, I don't think they actually invented that. I think where a lot of them got that from was Army military rituals; that, in fact, a lot of what they performed on the prisoners was a re-enactment of the kind of breaking down of the self that happens in the Army, with the only exception that, in the Army, the self is broken down; the individual is broken down; you lose your name; you're humiliated; you're told you're a fag; you're told you're a pussy, et cetera. You're broken down, but then you're reincorporated into the fighting corps, and you identify with this. Whereas, in the torture cell, you're just broken down. You may be reincorporated if you identify with the torturer or so on. But I think they learned a lot of what—Graner learned a lot of what he did, a lot of these young kids because they had—in fact, I spoke to a military reservist—

Worthington: Well, quite possibly—

Q: And they said, "Look, we know. This is what we went through."

Worthington: It's interesting, though, isn't it? The claim about the human pyramid was that was a particular sadistic invention of Graner's, which it may well have been.

Q: But the U.S. military does that. The U.S. military actually performs those pyramids on their own soldiers. They learn that in the military.

Worthington: Oh, really? God, I didn't know that. I've never heard that one before.

Well, with Romney, what you just said—yes, he wasn't loved. Fundamentally, I mean that. I mean that in the sense that I was this close to these people at university. Boarding school isn't just that you are plucked from your family and sent from the age of eight or less not to be with your parents anymore. It's that it starts before that. You don't get any love from them from the beginning. The only person you can possibly get love from is the nanny that's hired to look after you. These people are damaged. They don't have—

Q: I absolutely agree.

Worthington: —love in their lives.

Q: There's an incapacity to empathize.

Worthington: And the structure of things is the same in the ruling classes in the States. I'm sure that coldness has exactly been maintained throughout all the centuries to make sure that these people—they're not the same as—

Q: One of the most interesting books I ever read was a book called *On Killing* by an American military guy, and it begins to uncover the extent to which soldiers do not want to kill, and the whole phenomenon in the Civil War, and in the First and Second World War where there was tremendous reluctance in soldiers to actually shoot and kill other human beings. It's not something that most people want—this inherent sadism has to, I think, actually be inculcated.

Worthington: Right. Right. Right.

Q: And in the Vietnam War they realized that. They knew this, from [Douglas] MacArthur, and they learned, then, how, through this breaking down of their own soldiers, to actually predispose them to go out and be much more efficient killers than they had been.

Worthington: Vietnam was a disaster for them. The last thing I heard was in Iraq, was having somebody high up in the military go, “and the great thing about not having the draft is that we don't have to put up with all these useless people that didn't want to be in the military. Now all we've got is people who really want to.” And I really wanted to say, “Are you out of your mind?” Because it's still the same. They've done everything. Now they train them so that the bonds amongst themselves are supposed to be so strong that you can't leave.

Q: And they come back and they're committing suicide at the rate of one suicide every eighteen minutes.

Worthington: Well, it's Camilo Mejía, who was the first conscientious objector in the Iraq war—he spoke about that, how they train them now to be such tight units that you betray—you live and die with these people. Your bond with them is so strong that you can't betray them. So when he did, they couldn't accept it. It was incredibly difficult to do because they tried to make it that the soldiers would do what they wanted them to do. But it still doesn't work. People still don't want to kill people.

Q: That's absolutely right.

Worthington: And they absolutely don't want to kill people when they don't know what the hell it's for. Seriously.

Q: Absolutely.

Worthington: Whatever the problems with war throughout history, whatever the problems with why we ended up with Hitler, the longer history of the Second World War as a result of the First World War, as a result of the conflict between nations before then, there was something about the Second World War where people could understand that the soil they were standing on somebody wanted to take from them, who was a neighbor. Korea, Vietnam, Iraq, Afghanistan. What is this stuff? I feel sorry for these people. They're supposed to be brainwashed into thinking

that they're keeping the streets of New York or Washington safe, when clearly they're not. It's not about that. There's no way that it could possibly be about that. I don't know how they do it.

Q: They're coming back wrecked. They've got PTSD [posttraumatic stress disorder] so that they're committing suicide every eighteen minutes.

Worthington: I know. It's awful.

Q: More people have died by suicide than were killed in Vietnam.

Worthington: Five years ago or something the *New York Times* put it online. It was 120 pages of reports of people who had killed themselves or killed other people since coming back. It was the most extraordinary—it just went on, and on, and on.

[INTERRUPTION]

Q: Andy, very briefly, tell me about your film.

Worthington: Are we recording?

Q: We're recording.

Worthington: Am I talking to this?

Q: Yes. Do you want to put that back on again? It should be recording anyway, but it will be better.

Worthington: How's that?

Q: Yes. So tell me about your film, Andy.

Worthington: *Outside the Law: Stories From Guantánamo*. It's a film I made with a friend, Polly Nash. We started making it around the same time that my book came out in September 2007, my book, *The Guantánamo Files*, and it was essentially an attempt to recreate the main themes, to retell the main themes that were in the book in the form of a documentary, so to establish the broad context of what was happening in Afghanistan and Pakistan, and why, as we've discussed, why very few of these people had any involvement with terrorism, and they were either innocent people or people who were involved in a military context with what was taking place.

[INTERRUPTION]

So that was the plan, really, was to tell the main themes of the Guantánamo story in documentary form, and we did it on a shoestring budget from a college that Polly works at here in London. So we just had a few people that we could interview to tell the story—two former prisoners, a couple of lawyers, and myself. We focused on the stories of three British residents who were still held at the time. Actually, only one of those men is still held, Shaker Aamer. One of the men,

Binyam Mohamed, had been subjected to extraordinary rendition and torture. So we managed to cover, really, all the elements of the story that we needed to. The great discovery while we were making the film really was Omar Deghayes, the former prisoner. We intended to interview him, to ask him a few questions about the people that he'd been held with—because it was not supposed to be about him. It was supposed to be about Binyam Mohamed, who was still held, and Shaker Aamer. It turned out that he wanted to tell his story, and he spoke for hours. He has an amazing humanity about him and vulnerability. He was really the heart of the film, actually. It turned out that he was the heart of the film, and the rest of us told the narrative around him, really.

So that's the film. We didn't make it the way you ought to make a film, which is that you, first of all, find out how it's going to get shown and seen by as many people as possible. But given its subject matter, that probably wouldn't have happened anyway. So it's interesting. I think it's a very powerful film. People who see it are really moved by it. It doesn't do the objective thing. We don't have Rumsfeld, or Cheney, or Bush, or the generals. They've had the narrative to themselves.

Q: So it's really more the prisoners talking.

Worthington: It's the prisoners talking and it's the lawyers and me explaining the context of everything.

Q: That's so important. And just a very last question.

In the making of the film, you've worked in so many genres. You're a writer. You give an extraordinary amount of interviews. Doing film, do you think film enabled you to tell the stories in a different way than writing? Is there something about film, in your own experience of making the film, that is in some sense different from writing? Or are they just simply different ways with their own strengths?

Worthington: I think they're just different ways with their own strengths. I love the written word more than anything, but I know that a lot of people struggle with a lot of text. Now if that happens because of laziness, I don't have that much sympathy. But if it happens because people just don't process information in that kind of way—which a lot of people don't. It's a narrow strand of people who particularly revel in and love the written word. A lot of people find that more difficult and so they're going to get their information much more readily through a visual, or maybe through radio, through audio.

Q: Well, it's wonderful that what you're doing is really using different genres. You're able to run the gamut and be able to reach different audiences with a different—you can reach a specialized audience, but with a film you may reach people who would not necessarily want to know a great deal of the legal arguments, and so on. Yet, you've been able to draw on all these different genres, which is really, really remarkable.

Worthington: The thing that I think is missing—I've already taken advantage of the internet in terms of journalism, which I think is a constantly developing field. Someone like me doesn't

have the audience that the mainstream media has, but I have a very attentive audience and it's constantly growing. So that's kind of an evolving thing that I think is really fascinating. The book came out five years ago. I would love to write another book at some point, but books are marginal to journalism in terms of getting the message out to a lot of people, unless you're lucky enough to get some crossover success with a factual book about these kind of issues.

Q: Well, certainly, I think that's what Carl Robinson had seen, that you need to get something out fast. I think he's done a very good job. In that way, he found a niche in the publishing industry that's tremendously important.

Worthington: I think he's adapting—this is all books. He's adapting to what's necessary to survive now.

Q: That's right. Absolutely. And when you say you would like to write another book—that's my last question—do you have another project in mind? What would you like to write about?

Worthington: Well, one day I'd like to update the book that I've written, so that there is a bigger, more definitive book on Guantánamo that would be available in printed form. Maybe that's a thing of the past. Maybe that's a romantic notion of books, and that actually, for all of this stuff to be on the web—that's the modern way for it to happen. What's on the web is encyclopedia size. The project that I've got, where I'm going through the WikiLeaks files that I worked on and adding existing knowledge about the prisoners to try and create the definitive stories, is about a million words. That's quite hard to get into a book. Maybe online works best.

The thing that I feel is missing from what I've been doing and from the story is to have had the opportunity to produce something, if not a film then a program, maybe half an hour, maybe even twenty minutes, something that would go out on mainstream TV that would address the issues. Particularly now. I think it's very disappointing that, as we've been discussing, that Guantánamo has been sealed shut through the deliberate actions or the inaction of all three branches of the United States government. That's extraordinary, and extraordinarily wrong, and it deserves to be known about and pushed more as a story. But the interest doesn't seem to be there.

Q: Right. Right. Well, one of the projects I'd like to be involved in is drones. I'm interested to hear that Jeremy [Scahill] is making a film on that because that's what I would like to have done next.

Well, I'm going to end there and, Andy, thank you. It's extraordinary. What you've done this afternoon is amazing, and I can't thank you enough.

Worthington: Thank you for your interest.

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