APPENDIX M OF THE U.S. ARMY FIELD MANUAL AUTHORIZES INTERROGATION METHODS THAT MAY AMOUNT TO CRUEL TREATMENT OR TORTURE

Pursuant to President Obama’s 2009 Executive Order 13491, all U.S. personnel conducting interrogations must only use methods authorized by the Army Field Manual 2-22.3 Human Intelligence Collector Operations (AFM). In response to the Committee’s question 18(a) about the AFM’s conformity with the Convention against Torture, the U.S. stated that it was consistent with its international legal obligations. But Appendix M of the AFM leaves open a door for the ill-treatment or torture of a category of detainees in U.S. custody.

Appendix M was added to the AFM in 2006 and applies to a special class of detainees that are not covered by the Geneva Convention Relative to the Treatment of Prisoners of War. It authorizes the separation of detainees through the use of abusive techniques such as extended isolation, sleep manipulation, and sensory deprivation.

Appendix M allows for sleep deprivation of up to 40 hours straight. There is no limit on how many weeks or months sleep deprivation may be continued. It further permits isolation and 12 hours of sensory deprivation with unlimited extensions. It states that “when physical separation of detainees is not feasible, goggles or blindfold and earmuffs may be utilized.”

Appendix M states that the purpose of separation is to prevent the sharing of information. Although this may be a legitimate goal in certain circumstances, Appendix M may be interpreted to allow for the use of sleep manipulation, which does not have any evident connection to preventing detainees from sharing information. An additional stated purpose of separation, “decreasing the detainee’s resistance to interrogation,” may permit treatment that is intended to “break” a detainee psychologically, crossing the boundary into cruelty and torture.

Sensory deprivation, sleep deprivation, and prolonged use of isolation have profoundly negative impacts on physical and mental health that have been well-documented in scientific literature. Alone, or in combination, they amount to torture.

SUGGESTED QUESTIONS

What is the expected timeframe for the next published revision to the Army Field Manual on Human Intelligence Collector Operations, and does the U.S. government expect that Appendix M will be retained?

If Appendix M, or the use of separation, is retained, how will it be updated to better conform to the requirements of the Convention against Torture?

Can the U.S. government clarify to what kind of detainees Appendix M interrogations applies and why such methods may be authorized against a certain class of detainees?

SUGGESTED RECOMMENDATIONS

The Army Field Manual on Human Intelligence Collector Operations should be revised to eliminate Appendix M. If the use of separation must be retained, it should be folded into the main body of the AFM and rewritten so that it effectively prohibits sensory deprivation and sleep deprivation and limits the isolation of detainees.

Language that was in the 1992 version of the AFM but deleted in 2006 stating that “abnormal sleep deprivation” is torture should be restored.

The stated purpose of separation in the AFM to decrease “the detainee’s resistance to interrogation” should be removed because it can be interpreted to permit treatment that is intended to “break” the detainee psychologically.