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VICTIMS of  
TORTURE

## Torture Lawsuit Explainer & Timeline

A lawsuit against two psychologists in Spokane, Washington, was settled on August 17, 2017. Drs. James Mitchell and John “Bruce” Jessen had been facing trial for devising the torture program that was used by the CIA in black sites in secret international locations after the 9/11 terrorist attacks.

This lawsuit, brought by the American Civil Liberties Union (ACLU), was thus far the only opportunity for accountability for the U.S. for its use of torture in the 2000s. The ACLU filed on behalf of two victims of torture, Mohamed Ahmed Ben Soud and Suleiman Abdullah Salim, and on behalf of the family of Gul Rahman, who died in a CIA prison cell.

The following is a timeline of the torture program development and activities of Mitchell and Jessen.

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**September 11, 2001:** Terrorist attacks by Al Qaeda result in the deaths of over 3,000 people in the United States.

**September 17, 2001:** President George W. Bush [signs](#) a classified memorandum authorizing the CIA to detain anyone whom the CIA deemed a threat to the United States.

**November 30, 2001:** John Yoo in the Office of Legal Counsel (OLC) [issues](#) a memorandum on the treatment of persons captured in the ensuing Afghanistan conflict, concluding that the laws of armed conflict (such as those prohibiting torture) do not apply to the President’s ability to carry out the war.

**December 2001:** Mitchell and Jessen, who had worked with the military’s Survival, Evasion, Resistance, Escape (SERE) school, [write a report](#) to the CIA explaining that Al Qaeda members had training to resist interrogation and recommended methods to overcome that resistance. They propose a method of “learned helplessness” which relies on inflicting so much pain that the individual would break down and cease to withhold information.

**January 11, 2002:** The first detainees [arrive](#) at Guantanamo Bay Prison.

**February 7, 2002:** Based on OLC advice, President Bush [signs](#) a memorandum stating that the Geneva Conventions do not apply to the global conflict with al Qaeda and that the prohibitions against torture and cruel treatment do not apply to al Qaeda or Taliban detainees.

**March 28, 2002:** Abu Zubaydah [is captured](#) in Pakistan and transferred to Thailand where he is put in a hospital for wounds he sustained.

**April 1, 2002:** The CIA [contracts](#) Mitchell to recommend interrogation techniques for Abu Zubaydah.

**Early weeks of April 2002:** While still recovering, Abu Zubaydah is transferred to CIA black site GREEN, [believed](#) to be in Thailand, and Mitchell [is contracted](#) to monitor the interrogation and come up with a list of interrogation techniques. Mitchell begins testing the theory of “learned helplessness” on Abu Zubaydah, who [is stripped](#) naked and held in solitary confinement in an extremely cold cell, lit 24 hours a day and constantly bombarded by loud music or noise. He is consistently deprived of sleep and interrogated under these conditions for the next two or 3 weeks.

**May 2002:** The FBI, worried about legal and political blowback from the CIA's techniques, [pulls](#) its agents from involvement in any CIA interrogations.

**June 18 – August 4, 2002:** Abu Zubaydah [is held](#) in complete isolation for 47 days without being asked any questions while interrogators decide on next steps.

**July 22, 2002:** Bruce Jessen [is contracted](#) by the CIA to assist in testing and developing the “learned helplessness” theory on Abu Zubaydah.

**August 1, 2002:** The Office of Legal Counsel in the Department of Justice [approves](#) the use of 10 brutal techniques to be used in interrogating Abu Zubaydah, including waterboarding, facial slaps, stress positions, walling and sleep deprivation. The memo notes that Zubaydah will be in contact only with a new interrogation specialist and “a training psychologist who has been involved with the interrogations since they began.”

**August 4, 2002 – end of August 2002:** Mitchell, Jessen and interrogators [begin applying](#) the now-authorized brutal techniques on a near constant basis, which include throwing Zubaydah against a wall, cramped confinement, sensory deprivation, nudity and dietary restrictions. Abu Zubaydah was waterboarded 83 times in August 2002 alone. The methods are so harsh that some in the CIA tape the torture to protect against legal liability in the future. Mitchell [is in charge](#) of overseeing the interrogation of Abu Zubaydah.

**August 2002 - 2005:** Mitchell and Jessen [work](#) as independent contractors with the CIA, making up to \$1800 per day to design and implement their “learned helplessness” program across CIA interrogations, incorporating sleep deprivation, solitary confinement, cramped confinement, walling, and other methods. “These methods [were applied](#) repeatedly, in combination, and in escalating fashion, until Defendants and the CIA assessed a prisoner psychologically broken.” [Under contracts](#) with the CIA, Mitchell and Jessen train CIA officers carrying out the interrogations and oversee aspects of the program and evaluate its effectiveness while benefitting from it materially.

**November 5, 2002:** Gul Rahman, an Afghan citizen living with his family as a refugee in Pakistan, is captured by the CIA and rendered to COBALT, a secret CIA black site in [Afghanistan](#). Among the techniques used on Rahman are stress positions, dietary manipulations, prolonged sleep deprivation, nudity and water dousing. Jessen conducts a psychological evaluation on Rahman and concludes further torture will break his will. The next phase of torture includes his being dragged naked, hooded and bound over concrete floors.

**November 19-20, 2002:** Gul Rahman [is stripped](#) almost completely naked and left in a stress position overnight where temperatures were known to be below freezing. On November 20, he is found dead of hypothermia. His family has never been provided an official account of his death or his body.

**March 2003:** Suleiman Abdullah Salim, a Tanzanian citizen, is captured in Somalia by Kenyan Security Forces, rendered to Kenya, then to COBALT. He is [subject to](#) water dousing, sleep deprivation, cramped confinement, nudity, being strapped to a waterboard and threats.

**April 2003:** Mohamed Ahmed Ben Soud is captured by U.S. and Pakistani forces in Pakistan, where he was living in exile from Muammar Gaddafi's regime. The CIA rendered him to COBALT. While [he is in CIA custody](#), Ben Soud is subject to prolonged sleep deprivation, walling, cramped confinement, nudity and water dousing.

**May 2003:** Salim [is transferred](#) to a second CIA prison in Afghanistan, referred to as the “Salt Pit.” He was held there for 14 months in solitary confinement.

**April 2004:** The CIA [transfers](#) Ben Soud to a second CIA prison, black site ORANGE, where he is held until August 2005. Here, he is held in solitary confinement and chained to the wall of his cell and interrogated for another year and four months.

**July 2004:** Salim [is transferred](#) to the U.S. military's Bagram Air Force Base in Afghanistan where he is held for four years in solitary confinement until August 2008, when he was released never having been charged with a crime.

**2005:** Mitchell and Jessen form Mitchell Jessen & Associates. The company contracts with the CIA to provide security teams, interrogators, facilities, training and other personnel. They were paid nearly \$81 million under the contract.

**August 2005:** The CIA renders Ben Soud to Libya where he [is imprisoned](#) by Gaddafi's regime until February 2011, after Gaddafi's overthrow.

**November 2, 2005:** Washington Post [publishes](#) an article about the existence of a secret, global detention and interrogation program run by the CIA.

**November 8-9, 2005:** Jose Rodriguez [authorizes](#) the destruction of 92 video tapes of the CIA's interrogations, including waterboarding. He had been previously told to preserve them as part of an investigation

**July 11, 2005:** *New Yorker* [article](#) names Mitchell, describing the EIT program and highlighting role of psychologists in designing the program.

**December 2005:** The Detainee Treatment Act [passes](#) the Senate by a vote of 90-9. It prohibits cruel, inhuman, or degrading treatment or punishment by any prisoner of the US government.

**September 6, 2006:** President Bush [acknowledges](#) the CIA's detention and interrogation program and responds to allegations of torture by saying that the techniques used in the CIA's so-called enhanced interrogation program were safe. He says "I want to be absolutely clear with our people, and the world: The United States does not torture. It's against our laws, and it's against our values. I have not authorized it – and I will not authorize it."

**January 22, 2009:** President Barack Obama [signs](#) Executive Order 13491 banning all torture (and so-called "enhanced interrogation") by all agencies of the US government, placing all interrogations under the Army Field Manual and ending the use of the techniques devised by Mitchell and Jessen.

**April 2009:** Mitchell and Jessen's [contract](#) is terminated

**April 2009:** The Justice Department [releases](#) the so-called torture memos, which provided the legal cover for the CIA interrogators to carry out the abusive practices against detainees. President Obama says that there will be no criminal proceedings against CIA officials who participated in the interrogations that were authorized by the OLC.

**August 24, 2009:** Attorney General Eric Holder [announces](#) that the investigation into the destruction of the CIA's videotapes will be expanded to include a review of "whether federal laws were violated in connection with the interrogation of specific detainees at overseas locations."

**March 28, 2010:** The Associated Press [publishes](#) a report revealing the death of Gul Rahman in CIA custody in 2002. Until this time, his name had been kept secret.

**August 30, 2012:** Attorney General Eric Holder [announces](#) the closing of the preliminary review of the detention and interrogation program with only two charges, eliminating any possibility of criminal charges

for the CIA's torture program The [only charge](#) for CIA interrogations was in the death of Gul Rahman, who froze to death in the "Salt Pit."

**December 8, 2014:** SSCI [releases](#) the CIA torture report executive summary. It states that two air force psychologists devised and managed the CIA's program, but does not identify them by name.

**December 10, 2014:** Vice News [conducts](#) an interview with Mitchell in which he discusses the CIA's enhanced interrogation program. A day after the interview, Mitchell [is given](#) permission by the CIA to acknowledge that he was "part" of the enhanced interrogation program.

**October 2015:** The American Civil Liberties Union [files a lawsuit](#) under the Alien Tort Statute in Washington federal court on behalf of Suleiman Abdullah Salim, Mohamed Ahmed Ben Soud and Gul Rahman, against Mitchell and Jessen. Plaintiffs say the defendants designed and carried out the CIA's "enhanced interrogation" program, which led to plaintiff's torture and even Gul Rahman's death. The lawsuit alleges that defendants engaged in torture and cruel, inhuman, and degrading treatment; non-consensual human experimentation; and war crimes.

**December 2015:** The U.S. Senate [re-affirms](#) the illegality of torture in the United States by passing the McCain-Feinstein anti-torture amendment by a vote of 78-21. The amendment codifies elements of President Obama's 2009 executive order, placing all interrogations by US officials under the Army Field Manual.

**November 2016:** James Mitchell and co-author Bill Harlow, [release](#) a book about his role in the CIA's "enhanced interrogation" program.

**August 17, 2017:** The torture lawsuit [is settled](#).