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OP-ED CONTRIBUTOR

Torture's Loopholes

By MATTHEW ALEXANDER

TOMORROW will be one year since President Obama signed an executive order outlawing torture, yet our debate about interrogation methods continues. Though the president deserves praise for improving matters, the changes were not as drastic as most Americans think, and elements of our interrogation policy continue to be both inhumane and counterproductive.

Americans can now boast that they no longer “torture” detainees, but they cannot say that detainees are not abused, or even that their treatment meets the minimum standards of humane treatment mandated by the Geneva Conventions, the Detainee Treatment Act of 2005 (the so-called McCain amendment), United States and international law, or even Mr. Obama’s executive order.

If I were to return to one of the war zones today — as an Air Force officer, I was sent to Iraq to head an interrogation team in 2006 — I would still be allowed to abuse prisoners. This is true even though in my experience, torture or even harsh but legal treatment never got us useful information. Instead, such tactics invariably did just the opposite, convincing detainees to clam up.

The adoption last year of the Army Field Manual as the standard for interrogations across the government, including the C.I.A., was a considerable improvement. But we missed a unique opportunity for progress last August when the president’s task force on interrogations recommended no changes to the manual, which was hastily revised in 2006 in the aftermath of the Abu Ghraib torture scandal.

For example, [an appendix to the manual](#) allows the military to keep a detainee in “separation” — solitary confinement — indefinitely. It requires only that a general approve any extension after 30 days. Rest assured, there will be numerous waivers to even that minuscule requirement.

Yes, there are legitimate reasons to isolate detainees. Domestic law enforcement agencies do it to prevent suspects from colluding on alibis and allow investigators the leverage to use non-coercive interrogation techniques like confronting one detainee with the other’s statements.

But military interrogators do not operate in a vacuum. The consequences of their actions have far-reaching effects — like Al Qaeda’s exploitation of American abuse of prisoners as a recruiting tool. And, in any case, extended solitary confinement is torture, as confirmed by many scientific studies. Even the initial 30 days of isolation could be considered abuse.

If we truly wanted to come up with a humane limit on solitary confinement, we would look at the Golden Rule: what would we consider inhumane treatment if one of our own soldiers were captured by the enemy? My answer: Given the youth of our men and women in uniform, that number is probably around two weeks.

This limit, however, should be determined by medical professionals, not soldiers or politicians.

The Army Field Manual also does not explicitly prohibit stress positions, putting detainees into close confinement or environmental manipulation (other than hypothermia and "heat injury"). These omissions open a window of opportunity for abuse.

The manual also allows limiting detainees to just four hours of sleep in 24 hours. Let's face it: extended captivity with only four hours of sleep a night (consider detainees at Guantánamo Bay who have been held for seven years) does not meet the minimum standard of humane treatment, either in terms of American law or simple human decency.

And if this weren't enough, some interrogators feel the manual's language gives them a loophole that allows them to give a detainee four hours of sleep and then conduct a 20-hour interrogation, after which they can "reset" the clock and begin another 20-hour interrogation followed by four hours of sleep. This is inconsistent with the spirit of the reforms, which was to prevent "monsterring" — extended interrogation sessions lasting more than 20 hours. American interrogators are more than capable of doing their jobs without the loopholes.

The Field Manual, to its credit, calls for "all captured and detained personnel, regardless of status" to be "treated humanely." But when it comes to the specifics the manual contradicts itself, allowing actions that no right-thinking person could consider humane.

The greatest shame of the last year, perhaps, is that the argument over interrogations has shifted from debating what is legal to considering what is just "better than before." The best way to change things is to update the field manual again to bring our treatment of detainees up to the minimum standard of humane treatment.

The next version of the manual should prohibit solitary confinement for more than, say, two weeks, all stress positions and forms of environmental manipulation, imprisonment in tight spaces and sleep deprivation. Unless we rewrite the book, we will only continue to give Al Qaeda a recruiting tool, to earn the contempt of our allies and to debase our most cherished ideals.

Matthew Alexander is the author of "How to Break a Terrorist."

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