

LAW'S WARS

The US “war on terror,” which Bush declared and Obama continued, repeatedly violated fundamental rule-of-law values. *Law's Wars: The Fate of the Rule of Law in the US “War on Terror”* is the first comprehensive account of efforts to resist and correct those violations. It focuses on responses to abuses in Abu Ghraib, efforts by Guantánamo Bay detainees to improve conditions of confinement and win release, exposés of and efforts to end torture and electronic surveillance, and civilian casualties on the battlefield, including targeted killings. Richard Abel deploys a law and society perspective to construct and analyze detailed narratives of the roles of victims, whistle-blowers, the media, NGOs, lawyers, doctors, politicians, military personnel, foreign governments, and international organizations in defending the rule of law. Only by understanding past errors can we hope to prevent their repetition in what promises to be an endless “war on terror.”

RICHARD L. ABEL is Connell Distinguished Professor of Law Emeritus and Distinguished Research Professor at the University of California, Los Angeles. He is the former President of the Law and Society Association, former Vice President of the International Sociological Association Research Committee on Sociology of Law, and a prize winner in both. He is the author of *Speaking Respect, Respecting Speech* (1998), *Politics by Other Means: Law in the Struggle Against Apartheid, 1980–94* (1995), as well as numerous other books on lawyers and the legal profession.

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The Fate of the Rule of Law
in the US "War on Terror"

Richard L. Abel
UCLA



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FOREWORD

The terrorist attacks of September 11, 2001, left a long trail. Some insisted that the world changed that day. The terrorists showed that a small group of individuals could – and would – inflict unthinkable damage on innocent civilians for political ends. They raised security fears in the United States and elsewhere, and ushered in what President George W. Bush labeled the “war on terror.” That “war” (really a series of discrete, ever-morphing armed conflicts) in turn led to the loss of countless lives, as the United States in particular invested massive resources into surveilling, tracking down, detaining, and killing the ever-shifting “enemy.” The “war on terror” also placed tremendous stress on some of the nation’s – and the world’s – most fundamental values, including the rule of law itself. The United States took to abducting suspects all over the world, detaining them in secret prisons, subjecting them to unconscionable and illegal treatment, and delivering them to third parties that US officials knew would torture them. That’s the bad news. The good news is that significant voices reacted, stood up for basic human rights, and resisted the assault on the rule of law. They included line officers in the military, federal officials willing to say no, human rights organizations and journalists who brought the abuses to light, and lawyers who sought to hold the United States in check through litigation and public advocacy. The story is a complicated one, richly deserving careful and nuanced study. And that’s precisely what Richard Abel has provided in this volume. Law is most tested when we have the most to fear. In the pages that follow, readers can assess how law measured up to that test.

David Cole⁺

⁺ National Legal Director, ACLU, and author of *Engines of Liberty: How Citizen Movements Succeed and Enemy Aliens: Double Standards and Constitutional Rights in the War on Terror*.

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FOREWORD

On January 11, 2009, Barack Obama was asked by *This Week* host George Stephanopoulos whether he would, as president, appoint a special prosecutor to “independently investigate the gravest crimes of the Bush Administration, including torture and warrantless wiretapping.” The question came at a pivotal moment in the post-9/11 period. It was the last nine days of George W. Bush’s presidency, the eighth anniversary of the day Bush sent the first 20 men to the prison at Guantánamo and 12 days before Obama would sign an executive order to close it. Obama’s response was that “we need to look forward as opposed to looking backwards,” implying that the focus of his administration would not include the question of investigation of and accountability for Bush administration crimes. With respect to the CIA, Obama told Stephanopoulos that he didn’t want the Agency “to suddenly feel that they’ve got to spend their time looking over their shoulders and lawyering up.” He concluded by saying that his “general belief is that when it comes to national security, what we have to focus on is getting things right in the future as opposed to what we got wrong in the past.”

Obama’s response to the question likely generated as much of a sigh of relief for Bush officials as it did a groan of resignation for human rights groups pushing for accountability, like my own – the Center for Constitutional Rights. But beyond that, it raised the question of how a society responds when the rule of law is applied through a political lens that seeks to carve out a series of bold exceptions to firmly accepted, internationally agreed-upon norms such as the prohibition of indefinite detention, war crimes, and torture. *Law’s Wars* takes this question head on from a unique vantage point that examines the vital signs of the rule of law as it was exposed to the scourge of terrorism – and the steroidal responses to it – over the 16 years of the Bush and Obama administrations. The book provides a critical examination of a full array of unfolding events and how the various branches of government, the media, and civil society grappled with the question of whether the rule of law is, in the end, a dangerously limiting principle in the current era

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(as the government continues to contend) or a generative one from which we define our national ethos in the future.

Law's Wars approaches with great dexterity what President Obama declined to in January 2009. It looks backward at the complex set of narratives, rules, decisions, and policies that shape the current landscape of the USA's national security policy. It is an important contribution to the dialogue, especially for those of us who care about or have worked tirelessly to defend the rule of law during those years. The Center for Constitutional Rights had prominent roles in litigating the very issues examined in *Law's Wars*, being the first group to challenge in court detentions at Guantánamo and a leader in litigating to end torture, secret CIA black sites, abuses at Abu Ghraib, unlawful use of drones and warrantless surveillance. Most of that litigation continues today. *Law's Wars* stands not only as an in-depth chronicle of the important work we did at the time, but also as a compelling vista of the many legal trenches in which many NGOs were doing battle – a perspective that is otherwise impossible to see without Professor Abel's keen eye to guide us as we recount how we got to this point.

When it comes to the rule of law, looking forward is often the province of politicians, while looking back is the province of prosecutors and human rights lawyers. But *Law's Wars* also helps us look forward in ways that we couldn't at the midpoint in 2009. This work sheds as much light on how the Obama presidency would ultimately deal with accountability for lawlessness in the Bush years as it does on much of the polity's lack of appetite for engaging deeply in the serious moral and legal questions raised by both administrations' actions.

In May 2009 I met with President Obama and his advisers at the White House at a high-level human rights meeting that had only two topics on its agenda: the closing of Guantánamo Bay Prison and whether or not to release the second set of pictures taken at the infamous Abu Ghraib hard site prison in Afghanistan. President Obama pointed out of the Cabinet Room window, in the direction of Congress, and said that he had to be accountable to members of that body, who by then had mounted a comprehensive effort to block his efforts to close Guantánamo. It was how our democracy works, he said. And he was right. However, the very next day in a speech in which he stood in front of the US Constitution, Obama rolled out a new policy categorization for detainees at Guantánamo that essentially locked in Bush's indefinite detention regime for the next eight years. So, while it is true that no president should ever be above the law, the May

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meeting and subsequent speech raised questions of what civil society – particularly human rights organizations – should do in a legal system that must address one administration that clearly situates itself as above the law, and a subsequent one that is perhaps positioned differently, but nonetheless swims in a sea of legally sanctioned lawlessness. Many good answers to those questions are found in the pages of *Law's Wars*.

Vincent Warren⁺

⁺ Executive Director, Center for Constitutional Rights.

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PREFACE

On Sunday morning, May 2, 2004, I drove home to Santa Monica from hiking in the Grand Canyon. It's eight hours, mostly a straight shot on I-10 through the desert. That can be tedious, but I had NPR's "Weekend Edition" for company. It featured Seymour Hersh's exposé of Gen. Antonio Taguba's devastating report on Abu Ghraib. The story riveted millions in the USA and abroad. However, I had a personal interest for two reasons. First, Sy is my brother-in-law. I vividly remembered how, 35 years earlier, he had broken the news about Lt. William Calley's role in the My Lai massacre – reporting that contributed to ending the Vietnam War. Second, between 1989 and 1991 I studied the role of South African law and lawyers in the struggle against apartheid for my 1995 book *Politics by Other Means*. Abu Ghraib seemed to present a threat to the rule of law similar in magnitude to those I had studied in South Africa. I knew I had to explore the fate of the rule of law during the "war on terror," which the USA unleashed in response to the 9/11 attacks. I have spent the last 13 years doing so. (I use scare quotes because I agree with many others that one cannot wage a war against a noun.)

In the more than two centuries since the USA was founded, the rule of law has been tested and compromised in numerous ways: the oppression of Native Americans, slavery, Jim Crow, labor struggles, the treatment of German Americans in World War I, Japanese Americans in World War II, and radicals after both wars, the civil rights movement, protests against the Vietnam War, and more recently the distortion of the electoral process by money, gerrymandering, and disenfranchisement, and police responses to the Occupy movement and killings of young black men documented by Black Lives Matter. The "war on terror" has posed at least as great a danger.

I fully acknowledge that the "war on terror" has inflicted harms far more grievous than those suffered by the rule of law. It has killed hundreds of thousands and wounded many more, displaced millions of refugees, and caused untold amounts of property damage. The USA has squandered more than a trillion dollars on a "war" that cannot be won.

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It has destabilized entire nations so severely that, like Humpty Dumpty, they may never recover: Afghanistan, Iraq, Syria, Yemen, Somalia, Libya. Iran has greatly increased its influence in Iraq, Syria, and Yemen. The “war on terror” spawned ISIS, which continues to export terrorists throughout the world and inspire imitators.

Nevertheless, I have focused on the rule of law for several reasons. It is an indispensable foundation of liberal democracy. It enjoys support (or at least elicits lip service) across the political spectrum, unlike geopolitics, which is fiercely debated. And it is what I know as a law professor. In Chapter 1, I offer a definition of the rule of law (one that would garner a broad consensus), explain why it is essential, and draw on studies of its fate at other times and places to construct the research questions I seek to answer.

For many reasons, I expected the rule of law to prove more resilient in the USA than it had in South Africa. The USA has had a written constitution and judicial review of legislative and executive action for more than two centuries; South Africa had neither. The two major American parties contest elections every two years and peacefully transfer power; the National Party had dominated South Africa since 1948, black people were disenfranchised, and for 13 years Helen Suzman was the sole opposition voice in parliament. US federal judges have been appointed by both parties; the National Party appointed all South African judges, almost none of whom was critical of the regime. The US legal profession is large, well-endowed, and increasingly (if imperfectly) representative of the population it serves; professional associations and many lawyers have courageously defended the rule of law. Almost all South African lawyers were white (even though 87 percent of the population was black), and few openly opposed apartheid. The USA has a rich civil society with many well-funded NGOs; South Africa had outlawed the ANC and aggressively sought to control or undermine the relatively few legal anti-apartheid organizations. US media are vibrant and aggressive; the South African government controlled all radio and television, and only a few small newspapers opposed the regime (some suffering closure for doing so). Finally, the South African government terrified white people with the specter of the *swaart gevaar* and *rooi gevaar* (black and red threats), convincing most that their very existence was at stake. Republicans in the USA tried to do the same by waging a “war on terror.” But critics argued that the criminal justice system was a more appropriate response; and Obama insisted that terrorists, however evil, could never pose an existential threat to the USA.

Just as studying South Africa colored my expectations about the “war on terror,” so it initially shaped my methodology when researching this book. I began by approaching the Center for Constitutional Rights, which generously let me study their ongoing litigation on behalf of Arab and Muslim men rounded up after 9/11 and harshly mistreated in federal prisons before being deported. (It is illuminating – and profoundly depressing – that one of those cases, *Ziglar v. Abbasi*, is still unresolved.) But I gradually realized that efforts to defend the rule of law in the US “war on terror” were very different from the anti-apartheid struggle of the 1980s. South Africa had just two principal legal organizations challenging apartheid: the Legal Resources Centres and the University of Witwatersrand’s Centre for Applied Legal Studies (with its associated law firm of Cheadle, Thompson & Haysom). The 12 cases I analyzed in my earlier book represented a large proportion of all the legal challenges. In the USA, by contrast, thousands of lawyers from organizations like CCR, the ACLU, and Human Rights First joined private lawyers working pro bono and public defenders to defend the rule of law. And they litigated thousands of cases.

Although no book could encompass the entire universe, this book and its companion, *Law’s Trials*, include 14 challenges to electronic surveillance, 20 criminal prosecutions, seven courts-martial, five reviews of military commissions, 37 civil damage actions, 33 civil liberties cases, and about a hundred habeas corpus petitions (many of which went up and down the appellate hierarchy, some several times). And both books necessarily emphasize the outsized roles played by NGOs, the media, and the political process.

My two volumes complement each other; but each can be read independently. The present volume discusses five terrains of contestation: Abu Ghraib (which exposed “war on terror” tactics, sparking the public debate), Guantánamo Bay (whose shackled men in orange smocks kneeling in front of razor wire beneath a blazing sun became the enduring image of the “war on terror”), interrogation (and the Bush administration’s efforts to create a legal framework for and justify torture), electronic surveillance (uncovered first by the *New York Times* and then by Edward Snowden, and affecting virtually all Americans, as well as foreign governments and IT companies), and law of war violations (on battlefields in Afghanistan, Iraq, Pakistan, and Yemen, by drones, bombs and night raids; and in secret prisons and extraordinary renditions). *Law’s Trials* deals with the legal processes in which the rule of law was tested: criminal prosecutions of alleged terrorists,

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courts-martial for law of war crimes, military commissions for so-called high-value detainees, habeas corpus petitions by those detained in Guantánamo (and elsewhere), civil damages actions by victims of both the “war on terror” and terrorism, and civil liberties violations and Islamophobia. Although there is inevitable overlap (e.g., CSRTs in Guantánamo and habeas petitions, extraordinary renditions and claims for civil damages), there is virtually no repetition.

I began this project to understand what happened to the rule of law during Bush’s “war on terror,” because his administration initiated the wars in Afghanistan and Iraq, extended them to Pakistan and Yemen, and bears responsibility for the law of war violations there as well as in Abu Ghraib and Guantánamo, and for the OLC memos, torture, secret prisons, extraordinary renditions, electronic surveillance, and military commissions. But I felt compelled to extend my research through the Obama administration. Obama immediately made several dramatic course corrections by closing secret prisons and repudiating torture. But he perpetuated other practices implicating the rule of law: electronic surveillance, criminal prosecutions, courts-martial, military commissions, and resistance to habeas petitions and civil damages actions. Congress frustrated his efforts to close Guantánamo. And he intensified the controversial use of drones, killing hundreds, including US citizens. I completed the books as Trump was elected and have not tried to cover his administration for two reasons. First, it is early days. More importantly, his utter contempt for the rule of law – calling for the imprisonment of Hillary Clinton, issuing the Muslim ban, personally attacking judges who opposed his actions, firing FBI Director James Comey, threatening Special Counsel Mueller’s investigation, encouraging police brutality, and refusing to condemn racist violence – represent an extreme rupture of American traditions, which will require its own book (by someone else). Nevertheless, where appropriate I indicate some of the ways the Trump administration departs from its predecessors.

Although hundreds of books have been written about the “war on terror,” the present volumes are distinctive in several ways. First, they address all 16 years of the Bush and Obama administrations, allowing comparisons between them. Second, they cover the entire gamut of rule of law violations, facilitating comparisons within each volume – did reactions to interrogation differ from those to surveillance, did the “war on terror” differently deform criminal prosecutions and civil damages actions – as well as across the volumes: did the Abu Ghraib

courts-martial differ from those for battleground atrocities, did efforts to end torture differ from those to compensate victims?

Third, whereas many books expose how the Bush and Obama administrations *violated* the rule of law – offering indispensable critiques of OLC opinions, executive actions, legislation, and judicial opinions – I am concerned with efforts to *defend* it. For that reason, I do not focus on explicating or criticizing legal doctrine (though I present enough of the legal framework to make the defenders' actions comprehensible). Instead, I take a sociolegal approach, seeking to identify who responded to rule of law violations, how they did so, and with what consequences. And I look at the entire range of responses, both within the state (executive, legislative, judicial, electoral) and outside (victims of rule of law violations, lawyers, media, NGOs, foreign governments, and businesses). My ultimate objective in writing these books is to learn what works – and what doesn't. The “war on terror” appears to have no end. Rule of law defenders possess limited capital: political, cultural, and material. They must use it wisely.

Many individuals and institutions provided invaluable help over the last 13 years. UCLA Law School gave me an office after I retired in 2008, essential for housing the thousands of pages of documents I accumulated. Its Law Library found obscure sources and, through Linda O'Connor, assigned me dedicated law student Research Assistants: Robert Hurwitz, Matthew Sgnilek, Michelle Alig, Jennifer Roche, Matthew Meyer, Daniel Cha, Kyle Jones, Keri Livingston, Brian Maucotel, Cesar Rivera, and Maggie Yates. Benjamin Nyblade performed the statistical analysis of the tables of cases I constructed. The UCLA Academic Senate's Council on Research supported my research on NGOs in New York, whose important role in defending the rule of law will be apparent in list of references. At CCR, Michael Ratner (its director, who was several years behind me at Columbia Law School) and Rachel Meeropol (who litigated *Abbasi*) were especially hospitable. My debt to the investigative journalists who indefatigably uncovered rule of law violations is visible in almost every one of the thousands of footnotes. Three blogs augmented the newspapers I read – Lawfare, Center on National Security at Fordham Law School, Just Security – together with Robert Chesney's national security law listserv. Finally, the Torture listserv, which Kim Scheppele founded at Princeton University early in the “war on terror” became an indispensable source of insight and discussion, conducted according to the highest standards of collegiality.

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In his 1890 *Principles of Psychology*, William James famously (if perhaps inaccurately) said the world presented itself to babies “as one great blooming, buzzing confusion.” That was how the “war on terror” looked to me when I began to study it. David Foster Wallace perfectly captured my predicament:

[N]on-fiction’s abyss is Total Noise, the seething static of every particular thing and experience, and one’s total freedom of choice about what to choose to attend to and represent and connect and how and why; & c.¹

Readers will judge if I have chosen well.

This book is dedicated to the victims of the US “war on terror” and those who fought to defend the rule of law, in the hope of encouraging and informing their ongoing struggle.

ABBREVIATIONS

1st Lt.	First Lieutenant
1st Sgt.	First Sergeant
AAU	Association of American Universities
AAUP	American Association of University Professors
ABA	American Bar Association
ABCNY	Association of the Bar of the City of New York
ACLU	American Civil Liberties Union
ADMAX	Administrative Maximum Facility
AG	Attorney General
AI	Amnesty International
AIHRC	Afghan Independent Human Rights Commission
AK-47	Kalashnikov assault rifle
AMA	American Medical Association
ANA	Afghan National Army
AP	Associated Press
AQAP	Al Qaeda in the Arabian Peninsula
ARB	Administrative Review Board
Art. 32	Military equivalent of civilian court arraignment or grand jury indictment
ASEAN	Association of Southeast Asian Nations
ASIL	American Society of International Law
AUMF	Authorization for Use of Military Force
AUSA	Assistant US Attorney
BDS	Bureau of Diplomatic Security
BGen.	Brigadier General
BIJ	Bureau of Investigative Journalism
BMJ	Bundesministerium für Justiz (German Federal Justice Ministry)
BND	Bundesnachrichtendienst (German Federal Intelligence Agency)
BSA	Bilateral Security Agreement
CAIR	Council on American–Islamic Relations

ABBREVIATIONS

Capt.	Captain
CAT	Convention Against Torture
CBS	Columbia Broadcasting System
CCR	Center for Constitutional Rights
CE	Council of Europe
CELS	El Centro de Estudios Legales y Sociales (Argentina)
CENTCOM	Central Command (Army)
CEO	Chief Executive Officer
CHRGJ	Center for Human Rights and Global Justice (NYU)
CIA	Central Intelligence Agency
CIC or CID	Criminal Investigation Command (Army) (both abbreviations used interchangeably)
CITF	Criminal Investigation Task Force
CJTF	Combined Joint Task Force
CNSD	Committee on National Security and Defense (Lithuanian Parliament)
COINTELPRO	Counterintelligence Program (FBI eavesdropping and infiltrating)
CPA	Coalition Provisional Authority
CPAC	Conservative Political Action Committee
CPJ	Committee to Protect Journalists
Cpl.	Corporal
CRRB	Combined Review and Release Board
CRS	Congressional Research Service
CSIS	Center for Strategic and International Studies
CSRT	Combatant Status Review Tribunal
CUNY	City University of New York
CYA	Cover your ass
D Colo	US District Court for the District of Colorado
D Id	US District Court for the District of Idaho
D Mass	US District Court for the District of Massachusetts
D Md	US District Court for the District of Maryland
DAB	Detainee Assessment Branch
DC	District of Columbia
DCI	Director of Central Intelligence
DDC	US District Court for the District of Columbia
DEA	Drug Enforcement Administration

ABBREVIATIONS

DGSE	Direction générale de la sécurité extérieure (General Directorate for External Security) (France)
DHS	Department of Homeland Security
DIA	Defense Intelligence Agency
DIGOS	Divisione Investigazioni General e Operazioni Speciali (General Investigation and Special Operations Division) (Italy)
DNC	Democratic National Committee
DNI	Director of National Intelligence
DoD	Department of Defense
DoJ	Department of Justice
DoS	Department of State
DTA	Detainee Treatment Act 2005
EADS	European Aeronautic Defence and Space Company NV
EC	enemy combatant
ECOWAS	Economic Community of West African States
ECJ	European Court of Justice
ECHR	European Court of Human Rights
ED Mich	US District Court for the Eastern District of Michigan
EDNY	US District Court for the Eastern District of New York
ED Pa	US District Court for the Eastern District of Pennsylvania
ED Va	Eastern District of Virginia (District Court, Judge or U.S. Attorney)
EFF	Electronic Frontier Foundation
EIT	enhanced interrogation technique
EO	Executive Order
EP	European Parliament
ERF	Emergency (or Extreme) Response Force
EU	European Union
FAA	FISA Amendment Act 2008
FATA	Federally Administered Tribal Areas (Pakistan)
FBI	Federal Bureau of Investigation
FCC	Federal Communications Commission
FDR	Franklin D. Roosevelt

ABBREVIATIONS

FIDH	Fédération internationale des ligues des droits de l'homme/International Federation for Human Rights
FISA	Foreign Intelligence Surveillance Act
FISC	Foreign Intelligence Surveillance Court
FISCR	Foreign Intelligence Surveillance Court of Review
FIU	Force Investigation Unit
FLN	Front de Libération Nationale (Algerian National Liberation Front)
FOB	Forward Operating Base
FOIA	Freedom of Information Act
GAO	General Accountability Office
GB	Guantánamo Bay
GCHQ	Government Communications Headquarters (UK)
Gen.	General
Gitmo	Guantánamo Bay detention camp
GNP	gross national product
GOP	Grand Old Party (the Republican Party)
GTMO	Guantánamo Bay detention camp
HASC	House Armed Services Committee
HJC	House Judiciary Committee
HPSCI	House Permanent Select Committee on Intelligence
HRF	Human Rights First
HRW	Human Rights Watch
HUAC	House Committee on Un-American Activities
HVD	High-Value Detainee
IACHR	Inter-American Commission on Human Rights
IADL	International Association of Democratic Lawyers
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICE	Immigration and Customs Enforcement
ICG	International Crisis Group
ICJ	International Commission of Jurists
ICRC	International Committee of the Red Cross
IED	improvised explosive device
IG	Inspector General
IMF	International Monetary Fund
IMN	Iraqi Media Network

ABBREVIATIONS

IP	Internet Protocol
IRA	Irish Republican Army
IRF	Immediate Response Force (also known as Initial (or Internal) Reaction Force)
IROE	Interrogation Rules of Engagement
IRS	Internal Revenue Service
IS	Islamic State
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence (Pakistan)
ISIL	Islamic State of Iraq and the Levant
ISIS	Islamic State of Iraq and Syria
ISP	Internet Service Provider
JAG	Judge Advocate General
JCS	Joint Chiefs of Staff
JFK	John F. Kennedy Airport
JIDC	Joint Interrogation and Detention Center (Abu Ghraib)
JPra	Joint Personnel Recovery Agency
JSOC	Joint Special Operations Command
JTF	Joint Task Force
JTF-GTMO	Joint Task Force-Guantánamo
KKA	Afghan Army Special Operations Force
KSM	Khalid Sheikh Mohammed
LAT	<i>Los Angeles Times</i>
LHRS	Libya Human Rights Solidarity
LOAC	Law of Armed Conflict
Lt.	Lieutenant
LtCdr.	Lieutenant Commander
LtCol.	Lieutenant Colonel
LtGen.	Lieutenant General
Maj.	Major
MAM	military age male
MC	Military Commission
MCA	Military Commissions Act 2006
MEJA	Military Extraterritorial Jurisdiction Act
MEP	Member of the European Parliament
MGen.	Major General
MI	Military Intelligence
MOU	memorandum of understanding
MP	Military Police

ABBREVIATIONS

MSF	Médecins sans frontières (Doctors without Borders)
NAACP	National Association for the Advancement of Colored People
NATO	North Atlantic Treaty Organization
NCIS	Naval Criminal Investigation Service
ND Cal	US District Court for the Northern District of California
ND Ill	US District Court for the Northern District of Illinois
ND Oh	US District Court for the Northern District of Oklahoma
NDA	National Defense Authorization Act
NDS	National Directorate of Security (Afghanistan)
NFL	National Football League
NGO	nongovernmental organization
NKVD	People's Commissariat for Internal Affairs (Soviet secret police)
NLEC	No Longer Enemy Combatant
NPR	National Public Radio
NRCAT	National Religious Campaign Against Torture
NSA	National Security Agency
NSC	National Security Council
NSLs	National Security Letters
NYPD	New York Police Department
NYU	New York University
OARDEC	Office for the Administrative Review of the Detention of Enemy Combatants
OAS	Organization of American States
ODNI	Office of the Director of National Intelligence
OFAC	Office of Foreign Assets Control (Treasury Department)
OGA	Other Government Agency (euphemism for CIA)
OIG	Office of the Inspector General
OLC	Office of Legal Counsel, Department of Justice
OMB	Office of Management and Budget
OPR	Office of Professional Responsibility (DoJ)
OSCE	Organization for Security and Co-operation in Europe

ABBREVIATIONS

OSI	Open Society Institute
PAA	Protect America Act 2007
PBS	Public Broadcasting Service
PCLOB	Privacy and Civil Liberties Oversight Board
PHR	Physicians for Human Rights
POC	Prisoner of Conscience
POW	prisoner of war
PSP	President's Surveillance Program
PTI	Pakistan Tehreek-e-Insaf (Pakistan political party)
PUC	person under control
RAdm.	Rear Admiral
Ret.	retired
RNC	Republican National Committee
ROE	rules of engagement
RPG	rocket-propelled grenade
SASC	Senate Armed Services Committee
SCIF	Secure Compartmented Information Facility
SDNY	US District Court for the Southern District of New York
SEC	Securities and Exchange Commission
SecDef	US Secretary of Defense
SERE	Survival, Evasion, Resistance, Escape
SFC	Sergeant First Class
Sgt.	Sergeant
SISMI	Servizio per le Informazioni e la Sicurezza Militare (Italian military intelligence)
SJA	Staff Judge Advocate
SJC	Senate Judiciary Committee
SNCC	Student Non-Violent Coordinating Committee
SOFA	Status of Forces Agreement
SOHR	Syrian Observatory for Human Rights
SOP	Standard Operation Procedure
SOUTHCOM	Southern Command (Army)
SPC	Specialist
SSCI	Senate Select Committee on Intelligence
SSgt.	Staff Sergeant
SSP	state secrets privilege
SUV	sport utility vehicle
SWIFT	Society for Worldwide Interbank Financial Telecommunication

ABBREVIATIONS

TDIP	Temporary Committee on the Alleged Use of European Countries by the CIA for the Transport and Illegal Detention of Prisoners (EU)
TJAG	The Judge Advocate General
TRO	temporary restraining order
TSP	Terrorist Surveillance Program
UAE	United Arab Emirates
UC	University of California
UCI	University of California, Irvine
UCMJ	Uniform Code of Military Justice
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNHRC	United Nations Human Rights Commission (later Council)
URG	Unity Resources Group
USAID	US Agency for International Development
USMC	US Marine Corps
VBNS	Verizon Business Network Services
WMDs	weapons of mass destruction
WSJ	<i>Wall Street Journal</i>