

## Cultural Renditions of Guantánamo and the War on Terror

In October 2021, twenty years after the September 11, 2001 attacks, the US Supreme Court heard an argument from attorneys representing Zayn al-Abidin Muhammed Husayn to allow testimony in a Polish criminal court case related to his alleged torture in Poland during the War on Terror. Husayn, better known as Abu Zubaydah, sought to subpoena the two American CIA contractors, James Mitchell and Bruce Jessen, who designed the euphemistically named program of enhanced interrogation techniques that were employed first on him and extended across a network of secret prisons or black sites, including Poland, after 9/11. The Department of Justice opposed Abu Zubaydah's request to question Mitchell and Jessen about their treatment of him in Poland, arguing that their testimony would reveal state secrets by confirming the CIA's presence there, despite the fact that the CIA-run black site in Poland is public knowledge (confirmed by Polish officials); Mitchell and Jessen would have been testifying as contractors rather than US government representatives; they had provided testimony in other cases; and Mitchell had widely promoted his account of the program in his CIA-approved book, *Enhanced Interrogation* (2016). After nineteen years and counting of indefinite detention in CIA and then Department of Defense custody, the stalling of his habeas petition in federal court, and a 2014 European Court of Human Rights ruling that he had been held "beyond a reasonable doubt" by the CIA in Poland, Abu Zubaydah, who remains incommunicado at Guantánamo, was pursuing one of his few remaining legal options.<sup>1</sup> At the heart of the case is the three-fold question not just of what state secrets are, but also who can tell them and in what form. This dossier engages both that question and its implications through a focus on cultural production as an alternative form of representation and storytelling to the limitations of legal remedy for War on Terror prisoners held at the Guantánamo naval base.

Abu Zubaydah's ongoing imprisonment without charge, combined with the tangled legal history preceding the US Supreme Court arguments in *United States v. Husayn (Abu Zubaydah)* are at once individualized and representative of the larger constellation of harms and obstacles Guantánamo prisoners face. His experiences point to the need for other forms of deliberation—of representation, imagination, storytelling, and reckoning—regarding the CIA's Rendition, Detention, and Interrogation (RDI) program (2001–2009) and the Department of Defense's (DoD) holding of prisoners in the War on Terror.<sup>2</sup> This dossier responds to that need by engaging legal, political, and aesthetic questions through literary and visual culture and its analysis. The contributors—former Guantánamo prisoners and academic scholars—examine the infamous military prison, within the archipelago of secret prisons and military installations through which many War on Terror prisoners passed, as a carceral space of intellectual and cultural expression.

Those expressions provide counternarratives and a counterarchive to the government's attempt to wield narrative control through euphemism, redaction, lies, and secrecy. The different forms and frames of the essays in this dossier have ethical and practical dimensions, reflecting the authors' commitments and expertise as well as their proximity to the egregious harms they discuss. Cultural production examined here, in conjunction with literary and cultural interpretative methodologies, open up juridico-political questions from perspectives often foreclosed by official narratives; at the same time, they engage conversations about aesthetic form, production, and circulation of work by targets of state violence. Cultural production becomes an important site of witness and testimony, counter-affects, and counter-imaginaries (imaginaries that are not opposite to truth-telling but that provide the frames through which we understand the world). Read separately, the essays by former prisoners and scholars from the disciplines of comparative literature, global and postcolonial literary studies, and law address experiences of individual War on Terror prisoners (Mansoor Adayfi, Abdul Hakim Belhaj, Abu Zubaydah, Mohammed el-Gharani, and Mohamedou Houbeini, who writes as Mohamedou Ould Slahi, among others), discrete cultural texts, and theoretical concepts such as fugitivity and the after-lives of law.<sup>3</sup> Read together, the essays in this dossier work to dismantle the boundary in expertise often constructed between survivors of atrocity and human rights scholars, and they elucidate the key themes of secrecy, representation and knowledge, and public reckoning that aim to advance broader consideration of harm and impunity in the War on Terror.<sup>4</sup>

The essays of this dossier also demonstrate and explore the crucial role of cultural practice for prisoners' resistance, community, self-expression, and survival in a program explicitly designed to destroy them while keeping their bodies alive. The two essays by former prisoners Mansoor Adayfi and Mohamedou Ould Slahi simultaneously document their survival of that program. Their contributions "transform the text of history through the entry of a nonnormative speaking subject" (to borrow from Leigh Gilmore).<sup>5</sup> Especially for those described as inhuman and barbaric in official rhetoric, in this dossier we concur with Gilmore's argument that "when we yoke the legal and extralegal in a testimonial archive broadened beyond a single genre by interdisciplinary critique, the category of the human [and, we would argue, the category of human rights] is broadened."<sup>6</sup> Finally, contributors emphasize how cultural expression maps Guantánamo's connections not just to other carceral spaces in the RDI program but more broadly to racialized surveillance and carceral regimes in US history and the workings of empire.

### **"This threshold 'is it a secret' question"**

Six days after the 9/11 attacks, President George W. Bush signed a secret memorandum of notification that authorized the CIA to abduct and disappear suspected terrorists, whomever and wherever they may be, for interrogation (which quickly came to encompass torture) and indefinite detention. These renditions were extraordinary in legal terms for taking place outside of any judicial review, and in moral terms for being orchestrated precisely to allow coercion and abuse of captives and to shield perpetrators from accountability. The first so-called High-Value Detainee (HVD), Abu Zubaydah, was captured in Pakistan in spring 2002 and spent four years in CIA custody in its network of prisons, including Poland, before being sent permanently to the Guantánamo Bay naval base, where he remains under the control of Joint Task Force-Guantánamo (JTF-GTMO).

Although the RDI program has been suspended, the CIA and DoD programs continue to shape the lives of current prisoners such as Abu Zubaydah as well as of those who have been transferred, including our contributors Mansoor Adayfi and Mohamedou Ould Slahi. As one node of the global detention and interrogation network, Guantánamo provides an entry point into the ongoing abuses by the US security state and its allies, which continue to value lawfare, disappearance, euphemism, obstruction, and redaction over transparency and accountability.

In their empirical analysis, Schmidt and Sikkink note that fifty-three countries (plus Hong Kong) assisted in capture of the 119 prisoners identified in the *Senate Torture Report* (2014) on the RDI program, although thousands more were detained whose whereabouts were likely unrecorded and untracked.<sup>7</sup> Poland (code name Detention Site Blue) was among those countries and hosted a black site from late 2002 to 2003, where Abu Zubaydah alleges he was tortured by Mitchell and Jessen while in CIA custody. Abu Zubaydah's ongoing detention as one of Guantánamo's "forever prisoners" who are held without charge, even after the CIA concluded he "was not a member of al Qaeda," much less the high-ranking operative they initially deemed him to be, corresponds to Schmidt and Sikkink's finding that respect for core physical integrity human rights (disappearance, torture, political imprisonment, and extrajudicial killing) in participating countries declined in comparison to countries that did not participate.<sup>8</sup> The international scope of the program, its ongoing legacies, and the lack of meaningful accountability for victims of the RDI program, perpetrators of its harms, or, crucially, 9/11 families underscore the ongoing need for critical engagement. Meanwhile government strategies of obfuscation and disavowal point to the limits of juridico-political channels and, thus, the importance of forms of representation and analysis we undertake here to cultivate public reckoning for state-sponsored disappearance, torture, and abuse and their lasting effects.

As the twentieth anniversary of the attacks of September 11, 2001 fades, the RDI program is neither newly exposed nor completely past. Despite President Obama's decision to suspend the program by executive order in 2009, at this writing thirty-five prisoners rendered either by the CIA or the US Department of Defense remain at Guantánamo (twenty of whom have been cleared for transfer). Other evidence abounds of what Bonnie Honig calls the "stuckness that emergency produces": despite images of the US withdrawal from Afghanistan, the War on Terror continues in other forms across the globe; JTF-GTMO requests funds for constructing eldercare and hospice facilities as prisoners age; and 9/11 families still await trials of accused plotters through the deeply flawed military commission system and the legal struggles over the admissibility of information obtained through torture.<sup>9</sup>

What kind of secret was (and is) the RDI program and its afterlives? Inaugurated in secret just days after 9/11, it became operational in 2002, in part through the reasoning of the then-classified Torture Memos in which CIA, Departments of Defense, State, and Justice, and the White House legal counsels debated which interrogation techniques to authorize for use on kidnapped prisoners and crafted legal rationales to justify often abusive techniques. Cathy Scott-Clark and Adrian Levy provide an exhaustive account of the program's development through Abu Zubaydah's case in *The Forever Prisoner* (2022).<sup>10</sup> For a broader perspective, the memo signed by Jay Bybee, assistant attorney general, and addressed to Alberto R. Gonzales, counsel to the president, on August 1, 2002, provides

one of the starkest examples of how, in Michael Richardson's words, the memos "were designed to widen the options for brutal treatment of prisoners by defining torture almost out of existence."<sup>11</sup> The Bybee memo works toward this goal in three ways. First, in reference to the threshold of "severe pain" at the center of both domestic and international definitions of torture, the memo parses "severe" to be "akin to . . . death or organ failure," levels to which no living person could attest. Second, he reasons that severe mental pain "requires suffering not just at the moment of infliction but it also requires lasting psychological harm," such that any prosecution of torture for severe mental pain could be deferred indefinitely.<sup>12</sup> Third, he reasons that torture must be intentional as such, an argument Richardson notes, makes "a detainee's experience of pain . . . dependent on the intention of the interrogator for its very status as *torturous pain*."<sup>13</sup> In a conclusion that moves from obfuscating the threshold of severe pain to that of culpability for torture, Bybee writes, "Finally, even if an interrogation method might violate Section 2340A [US legal code prohibiting torture], necessity or self-defense could provide justifications that would eliminate any criminal liability."<sup>14</sup>

While the Torture Memos ping-ponged through the executive branch, "secretly [seeking] to rewrite human rights law," rendition and detention teams were seizing suspected terrorists.<sup>15</sup> Although *The Washington Post* first reported "Terrorism Suspects Held in Secret Overseas Facilities" in December 2002, it took three more years, until the *Post's* story in November 2005, for US public disclosure of a "covert prison system set up by the CIA . . . that at various times has included sites in eight countries . . . as well as a small center at the Guantánamo Bay prison in Cuba."<sup>16</sup> Such disclosures prompted changes and responses, as when some of the memos that attempted to legalize torture were "quietly rescinded" following their leak in 2004,<sup>17</sup> and when President George W. Bush confirmed the program's existence in 2006.<sup>18</sup>

In an example of what Michael Taussig describes in terms of deceit which "seems to thrive on exposure,"<sup>19</sup> Bush's "Speech on Terrorism" cultivated a "national security affect" whose goal "is to produce a citizen-subject who responds to officially designated signs of danger automatically" to acquiesce to the ever-expanding powers of the security state.<sup>20</sup> The president invoked causality between secrecy and securitization: because terrorists were "hiding in America and across the world," "operate in the shadows of society," "conspire in secret," and "withhold information," he reasoned, "it has been necessary to move these individuals to an environment where they can be held secretly, questioned by experts, and, when appropriate, prosecuted for terrorist acts." As prisoners languish at Guantánamo without charge today and as Abu Zubaydah's captors reassured one another early in his torture, Bush's reference to "when appropriate" clearly signaled the administration's option to hold the men they captured indefinitely to protect those who might otherwise be held accountable as perpetrators of torture and abuse.<sup>21</sup> Mystery, Bush implied, would continue to be necessary for national security: "Many specifics of this program, including where these detainees have been held and the details of their confinement, cannot be divulged."<sup>22</sup> And despite having been fully briefed in April of that year, in his September speech Bush falsely insisted, "The United States does not torture. It's against our laws, and it's against our values."<sup>23</sup> Even in the context of public disclosure of the existence and, later, abuses of the program, Karen Greenberg writes, that early on the "American public insisted . . . that the practice could not possibly be systematic, reasoned, or intended."<sup>24</sup>

In 2002, Jasbir Puar and Amit Rai anticipate Greenberg, arguing that “the monstrous terrorist, once quarantined in secret military courts, in prisons, in cells, in caves, in besieged cities or forts—this figure also provides the occasion to demand and instill a certain discipline on the population. This discipline aims to produce patriotic, docile subjects through practices, discourses, images, narratives, fears, and pleasures.”<sup>25</sup> Although other scholars have rightly complicated this view of homogeneous “docile patriots,”<sup>26</sup> the ambivalent public reaction to slow disclosures of abuses in the War on Terror then and now suggests that the RDI program was less a government secret necessary for securitization than a quasi- “public secret,” a form of “knowing what not to know,” that Taussig says “lies at the heart of a vast range of social powers and knowledges intertwined with those powers.”<sup>27</sup> The afterlives of the RDI program, including the ongoing efforts to classify its abuses as privileged state secrets (immune from prosecution), demonstrate that those powers curtail democratic norms and processes, give impunity to perpetrators, shield bystanders and beneficiaries from responsibility, and deny restitution to claimants ranging from 9/11 families to those who were forcibly, illegally rendered. Our turn to cultural production in this dossier aims to construct other ways of knowing about the RDI and DoD programs through modes of representation that often engage the state and military’s own strategies of narrative control in order to dismantle them and to create space for prisoners’ own creative expression to emerge.

In Abu Zubaydah’s petitions, the courts have struggled to determine the scope of the government’s state secrets privilege. Before the case reached the US Supreme Court, in *Husayn v. Mitchell* (2019) Abu Zubaydah applied in the Ninth Circuit Court of Appeals to depose Mitchell and Jessen as part of the legal discovery process for the Polish criminal proceedings. An earlier decision to permit the subpoenas was overturned in response to the government’s assertion of state secrets privilege, leading to his subsequent appeal. Writing in response for the majority in the Ninth Circuit case, Judge Richard Paez determined that “the district court erred in quashing the subpoenas in toto rather than attempting to disentangle nonprivileged versus privileged information.” Moreover, in reference to the legal precedents used in the government’s argument, he noted, “The world has moved on since we discussed the state secrets privilege in *Mohamed*. In the near decade that has passed, we have engaged a public debate over the CIA’s conduct during the early years of the war on terror.”<sup>28</sup> Despite the court’s acknowledgment that “the world has moved on,” Abu Zubaydah’s continued detention without charge and need to advance his petition to the US Supreme Court reflect how the government’s claim to state secrets privilege constructs legal and temporal obstacles that foreclose the possibility of other futures for those imprisoned in the logic of national security.

When the case reached the Supreme Court, discussion centered on what the government’s counsel termed “this threshold ‘is it a secret’ question and on this notion of are these contractors the sorts of people who could give the kind of formal confirmation that would be damaging.” Bracketing the question of what “sorts of people” Mitchell and Jessen might be, the framing of the threshold prompted several absurdist exchanges, including Chief Justice John Roberts’s question about whether perhaps the Polish prosecutors “really are going to be talking about Poland, they’re just not going to say Poland”; Justice Amy Coney Barrett naming Abu Zubaydah’s treatment in Poland as torture in reference to a case designed to prove just that; the government’s counsel characterizing the case as “a probe of alleged involvement by Polish officials in the CIA’s covert activities”

(where Polish involvement is alleged but CIA covert activities are given); and Justice Elena Kagan remarking, “at a certain point, it becomes a little bit farcical, this idea of the assertion of a . . . privilege, doesn’t it? I mean, if everyone knows what you’re asserting a privilege on . . . I mean, maybe we should rename it or something. It’s not a state secrets privilege anymore.”<sup>29</sup> In its decision of the case on March 3, 2022, the US Supreme Court disagreed, finding that the lower court had erred in ruling that “state secrets privilege did not apply to publicly known information.”<sup>30</sup> The claim to secrecy, the assertion of privilege and immunity, clearly mattered more to the court than the “secret” itself. Writing in dissent, Justice Neil Gorsuch echoed Taussig, noting, “There comes a point where we should not be ignorant as judges of what we know to be true as citizens.”<sup>31</sup>

The Supreme Court decision points to the gap between legal-rhetorical farce and the material and psychological abuse Abu Zubaydah continues to endure, and between knowledge and acknowledgment, even as Justice Kagan’s reference to “or something” suggests the need for alternative framings, modes of representation, and paths of inquiry. In response, in this dossier, we follow Honig’s call for a shift to expand focus from solely the processes of legal and political subjectivation (through which, in this case, Abu Zubaydah attempts to be heard) to include public things that “furnish the world of democratic life” and “interpellate us into democratic citizenship.”<sup>32</sup> Whether objects, institutions, networks, or resources, public things according to Honig center democracy’s debates and contestations, constituting both the occasion and object of public engagement in political life. As President Bush’s speech makes clear, securitization can be used to mystify public things by fetishizing the existence of secrets over their referents, producing public secrets whose very existence (alongside control over the process of revelation) “testifies to state power” and impunity.<sup>33</sup> Public things, of course, include cultural objects used to sustain the national security affect that implicitly condones abuse and lawlessness; however, in this dossier we focus on cultural production from and about Guantánamo whose forms and structures, affects, aesthetics, and imagined worlds might disengage readers and viewers from their willingness to “kno[w] what not to know.”

### ***Rendition and Public Reckoning***

Our attention to literary and visual culture and its analysis foregrounds representational processes—their production and circulation, and their aesthetic, political, and legal valences—and their impact at the center of the polysemous concept of rendition. As Kalyan Nadiminti notes, the verb “to render” “offers multiple and contradictory meanings,” ranging from “to represent” to “to give up or yield” or “to deliver,” each of which invites deeper theoretical investigation. The current dossier, which includes their essay on art produced in captivity at Guantánamo as a site of “fugitive meaning” that cannot completely be contained by military protocols, takes Nadiminti’s provocation about the definition of “to render” as a starting point to investigate how cultural expression from and about Guantánamo operates in the spaces between those different meanings.

I turn briefly to Scottish creator/actor Freda O’Byrne’s 2019 play, *Rendition*, to introduce the central themes of this dossier: how cultural approaches to rendering and witnessing prisoners’ (often classified) experiences and the structures that sustain them might cultivate an implicated public sphere in which reckoning occurs. Theatrical performance underscores the active processes of disappearance, torture, representation, witnessing, and responsivity with which this dossier is concerned. *Rendition* strives to

unfix the “stuckness” Honig describes by rescaling the RDI program’s global system of black sites into a one-woman performance. Through the polyvocal script, use of puppetry and props, open set, incorporation of data and testimony, and Q & A sessions following each performance, *Rendition* not only represents different facets of the RDI program than those detailed in the *Senate Torture Report* released in 2014 or shielded by the courts, but also opens a physical, temporal, and conceptual space for audience participation. The play reverses the terms of what Simone Browne terms “security theater” enacted publicly by the government by conjuring at once the everyday materiality of the RDI program and its performance of extraordinary violence.<sup>34</sup> Catalyzed by the tension between concealment and representation inherent in its title, *Rendition* (representing, transferring, yielding, providing care), O’Byrne’s play resituates the RDI program in a public forum, concretizes its components, and encourages the public deliberation Honig locates at the heart of democratic politics.

The play opens with the character of the airport worker (Fig. 1) who, in the stage direction, “arrives, energetic, addresses the audience as co-workers.”<sup>35</sup> This address situates the audience as active, if unwitting participants in the renditions and torture to follow even as it highlights the seemingly innocuous labor such as that of the airport ground crew upon which the RDI program depended:

It’s a job. My job. I work. I work hard.  
I am he, she, them. I am everywhere.  
I fetch, I carry, repair, sign off, sign on,

the worker says, before being called out of the breakroom and onto the tarmac to direct in the next flight: “Oops, that’s me!”<sup>36</sup> The opening scene gestures to the audience’s ambivalent position, raising the question of how much members of the public in the RDI program’s leading countries have signed on to the government’s actions precisely by signing off from thinking too much about them. The opening also references the intellectual labor that informs the play, particularly O’Byrne’s partnership with The Rendition Project UK, directed by Professors Ruth Blakely and Sam Raphael, which has mapped over eleven thousand flights, identified more than 120 specific renditions, and documented fifty-plus shell companies, brokers, contractors, and operating companies used in the program. In addition to consulting on the data and testimony used in the play, Blakely has participated in discussions following performances in which the audience has a chance to discuss the RDI program and the play’s representational strategies.

The airport, where as Rebecca Adelman notes, “many of us become most aware of the presence of the state in our lives,” provides a fitting start to the play both because airports were crucial nodes in the rendition circuits and because submission to the surveillance and securitization regime in place is a necessary condition of the airport’s public use.<sup>37</sup> Honig opens her book *Public Things: Democracy in Disrepair*, stating: “I almost always opt out of the security line at the airport.”<sup>38</sup> This provocation, which turns out (of course) not to be entirely true, initiates a brief meditation on airport security as “one of the few public things we have left,” and one that demonstrates at once the impossibility of truly “opting out” of state surveillance.<sup>39</sup> At the checkpoint, the state demands recognition of its authority even as it exposes the social differentiations that allow the public to pass through security at different rates depending on economic and



Fig. 1. Airport worker, *Rendition* by Freda O'Byrne.  
(Image by Chris Scott, 2017).

political status. Each checkpoint provides the opportunity for partially illuminating the discourses and procedures through which securitization operates. Adelman gives the space deeper consideration in *Beyond the Checkpoint: Visual Practices in American's Global War on Terror* by examining how with each screening “we are being conditioned as subjects who are willing to participate in these routines,” even as the checkpoint brings compliant citizen-subjects into close, if often hidden proximity with those whom the state might target for additional measures or who might be forcibly rendered.<sup>40</sup> Passengers subject to extraordinary rendition avoided the public checkpoints, but away from public view were stripped, photographed, searched, sometimes given forced suppositories, blindfolded, hooded, and shackled; and those flights still required the use of public aviation infrastructure and labor.

In *Guantánamo Diary*, Mohamedou Ould Slahi describes the expedited process when he writes of his rendition from Senegal to Mauritania at US behest: “It was the first time that I shortcut the civilian formalities while leaving one country to another. It was a treat, but I didn’t enjoy it. Everybody seemed to be prepared in the airport. In front of the group the interrogator and the white guy kept flashing their magic badges, taking everybody with them.”<sup>41</sup> Rendered four times, he describes the terror of the journeys in terms of crossing “the boundary between death and life,” testimony that confirms the RDI program’s stated intention that the renditions should not be simply transportation to sites of detention and interrogation but that “capture, ██████████ contribute to the physical and psychological condition of the HVD prior to the start of interrogation.”<sup>42</sup> That same memo stipulating the value of “capture shock” proceeds to assert the necessity and legality of techniques (to be used in combination) that included nudity, sleep deprivation, dietary manipulation, facial and abdominal slaps, walling, water



dousing, stress positions, and cramped confinement. The success of Slahi's memoir and subsequent film, *The Mauritanian* (2021), have helped publicize not only the severity of his treatment as Guantánamo detainee 760, but also the role of publicly financed airports, private corporations, and CIA shell companies in the RDI program, and the old-fashioned work of plane spotting in making these disclosures. In North Carolina, where at least one of his rendition flights originated, a citizen-action campaign has further disclosed the role of local company Aero Contractors, which operated two aircraft owned by CIA shell companies and flew from two publicly financed regional airports at the height of the RDI program.<sup>43</sup>

The play picks up this thread concerning aviation networks with the story of Fatima Bouchar, then eight months pregnant, and her husband, Abdul Hakim Belhaj, who were kidnapped in Bangkok and rendered to Libya on a flight that originated at North Carolina's Kinston Jetport, one of two in the state linked to many of the renditions, including Slahi's, from 2002 to 2004. Against the aural backdrop of Prime Minister Tony Blair and MI6 Counter-Terrorism Director Mark Allen's congratulatory commentary on the role of British intelligence in the operation, O'Byrne transitions to the scene, *Puppet Abuse*, which focuses first on Belhaj (Fig. 2). The stage directions read:

Bag pulled down like a pair of pants from  
puppet. Puppet dragged and plonked down.  
(arrogant guard). Kick in the back and lay down  
puppet and walk away to drink (shaking hands).  
Look at puppet and drink.

In keeping with the play's focus on complicity that ripples outward from political leaders and perpetrators to bureaucrats, wage laborers, and ostensible beneficiaries of state-sponsored torture and abuse, O'Byrne's use of abstracted puppets works against the audience's potential identification with the puppet, focusing attention instead on the processes of its violent manipulation.

The script further demonstrates how everyday items become the tools of torture, as the stage directions and dialogue slowly build from the airport worker's and interrogator's water breaks to the water dousing and waterboarding the prisoner marionette is subjected to later in the play. Elaine Scarry has written extensively about how the room, refrigerator, filing cabinet, chair, bottle (and in this case, the glass of water) are "converted into a weapon, deconverted, undone": "Made to participate in the annihilation of the prisoners, made to demonstrate that everything is a weapon, the objects themselves, and with them the fact of civilization, are annihilated: there is no wall, no window, no door, no bathtub, no refrigerator, no chair, no bed."<sup>44</sup> Scarry's analysis underscores how the transformation of everyday objects into instruments of torture "disintegrate[s]" the prisoner's familiar world and, in doing so, amplifies their pain.<sup>45</sup> I follow the play, however, in rejecting the division Scarry insists upon between torture and "the world" or "civilization." For the audience of *Rendition*, the transformation of the glass of water into an object of torture works alongside the scenes with the airport worker to show the embeddedness of torture in our everyday world rather than its separation from it.

The torture scenes in the play increase in intensity, as characters shift between Belhaj, Bouchar, and Abu Zubaydah, the first CIA detainee who was waterboarded—in his case,



Fig. 2. Puppet abuse scene, *Rendition*.  
(Image by Lindsay Snedden © Lunaria.co.uk, 2019).

eighty-three times. The audience hears snippets of survivor testimony from these cases that imbue the puppets with meaning and as objects of concern, intercut with other discourses including a CIA promotional video, the airport worker back on the shift, a political analyst, a guard, and a bureaucrat overseeing the logistics of rendition operations. The combination of voices and integration of open-source documentation that surround the puppet and puppeteer make explicit the processes of dehumanization that enabled torture and abuse, while asking viewers to make the imaginative, intellectual, and affective connections between the puppet and its referent in part by acknowledging that the information to make those connections already exists in the public sphere.

Another sequence moves back and forth between Abu Zubaydah's testimony and an interview with Mitchell and Jessen (Fig. 3), the private contractors who despite having no experience as interrogators were paid \$81 million to devise the torture program. O'Byrne uses simple knotted fabric, like a young child's make believe, to perform the interview with Mitchell and Jessen, and then turns to the marionette to represent small movements and breaths of the tortured and to reveal gradually the rendition circuits and torture techniques to which Abu Zubaydah was subjected (see also Safiyah Rochelle's contribution in this dossier on the representations and significations of Abu Zubaydah's torture).<sup>46</sup> What makes the torture scenes—with limited testimony, sparse props, rudimentary puppets—so harrowing? The use of different kinds of puppets—the marionette and the knotted cloths, which have different levels of abstraction from the human form, conveys multiple meanings. The simplicity of the props requires intellectual and imaginative labor, rather than invites emotional identification. The cloth puppets of Mitchell and Jessen, for



Fig. 3. Mitchell and Jessen interview, *Rendition*.  
(Image by Lindsay Snedden © Lunaria.co.uk, 2019).

example, provide a level of abstraction that allows the puppets to represent perpetrators of the War on Terror's atrocities beyond these two men. As Richardson explains, to ascribe abusive practices solely to Mitchell and Jessen, "to reduce responsibility exclusively to individual actions is to erase context and absolve the state."<sup>47</sup> At the same time, the visible presence of O'Byrne holding the two puppets does not absolve the individuals or suggest they are merely tools of the state. Instead, because the puppeteer is also the play's sole actor, she reminds the audience of the many individuals at all levels of public, state, and military infrastructure whose actions contributed to the RDI program and sustain ongoing detentions at Guantánamo. The scene concludes when O'Byrne drops the two puppets to the floor, where they remain like scraps of rags. Here the play shifts attention to the prisoner's abuse, but not without reminding viewers of the degradation torture inflicts on perpetrators as well as their victims.<sup>48</sup>



Fig. 4. Abu Zubaydah torture scene, *Rendition*.  
(Photograph by Chris Scott, 2017).

The marionette, a more articulated puppet than the knotted cloths, focuses attention on the discrete workings of the human body under duress. (Fig. 4) Even the labored breathing and the marionette's small movements during scenes of the worst abuses do not convey Abu Zubaydah's experience so much as draw attention to the representation of the suffering of a fellow human being. Rather than reproduce what J. M. Coetzee has called the "dark fascination" with the torture chamber or feed "fictive intimacies of detention" linked to individuals, the play focuses on those public things upon which torture depends and through which the RDI program becomes legible.<sup>49</sup> In doing so, *Rendition* cultivates what Kelly Oliver might call the audience's "response-ability" to torture and abuse without (mis)identification, particularly in the use of the marionette to dramatize the most egregious harms.<sup>50</sup> Oliver warns against structures of recognition that are predicated on and "thereby perpetuate the very hierarchies, domination, and injustice that they attempt to overcome."<sup>51</sup> Instead of examining ways in which testimony from the otherwise negated might garner recognition from the already empowered, she focuses on structures of witnessing, "in its double senses of eye-witness and bearing witness to what cannot be seen," to shift attention to witnessing as constitutive of subjectivity.<sup>52</sup> Oliver's insistence on the centrality of historical and social context and subjectivity as "an infinite open system of response" resonates in the tension in the play between the abstraction of the puppets and their call to the audience in the carefully constructed context of the play.<sup>53</sup> Thus, when the marionette is not in use (Fig. 5), and hangs suspended in the corner of the open set, it calls to mind the suspended temporality of indefinite detention, persisting while the audience is otherwise engaged, as well as the stress positions to which Abu Zubaydah and other detainees were violently subjected.

O'Byrne has traced the theatrical origins of the play to "an exploration of the relationship between a string puppet and a puppeteer" and a desire to push that relationship in



Fig. 5. Suspended marionette, *Rendition* by Freda O'Byrne.  
(Image by Lindsay Snedden © Lunaria.co.uk, 2019).

unconventional directions.<sup>54</sup> In *Rendition*, the puppeteer remains visible throughout, raising metatextual questions about the performance of abuse as well as prompting critical reflection of the audience's proximity to violence. Diana Taylor is no doubt right when she states that "bearing witness requires live participation," however O'Byrne's performance of "puppet abuse" and puppet characters, even when paired with testimony, is less an occasion for tertiary witnessing as an end in itself than an opening, an insistence on the RDI program as a public thing—to consider who is pulling the strings, eerily marked with torture's own pressure points in Abu Zubaydah's own drawings of his experiences, and to what ends.<sup>55</sup> By foregrounding the materiality of the body and its environment, *Rendition* illuminates the strings that connect the audience to the airport worker to the prisoner.

Finally, although *Rendition* is billed as an immersive experience, the term refers not to an overwhelming verisimilitude of the production, but rather to the open set, which encourages the audience to explore the data (available on the props via QR codes) used in the play before, during, and after the performance: it offers immersion into the work of story-building, of transforming data and richly layered context into the material for creative performance. The set provides the opportunity to see from alternative perspectives in its physical space, and O’Byrne encourages audiences to move around during the performance. Meanwhile, by rescaling the RDI program into a one-woman performance, *Rendition* insists on the individual’s ability to synthesize and understand the program as well as to actively respond.

### Overview of This Dossier

The dossier as a whole takes seriously the role of cultural production and literary and cultural analysis in framing what we know and how we know Guantánamo in the broader War on Terror and in relation to other workings of empire, state violence, and racialized surveillance and abuse. In arranging a cluster of essays on “Extraordinary Renditions” (published in *Post45*), Nadiminti, who also contributes to this dossier, focuses on the “racialized connotations of rendition” in order to probe how, in the aftermath of 9/11 and from the perspective of the global south, state violence extends through multiple registers of racialized oppression both in the United States and across its imperial interests.<sup>56</sup> Here we reframe the conversation to focus more narrowly on the rendition and torture program itself and the ways in which literary and visual culture about it can also make the public secrets of abusive, extralegal incarceration available to deliberation, imagination, and critique by larger, diverse audiences. Whether first-person experience in the form of literary testimony or academic scholarship, the essays in this dossier explore the ways in which narratives and images of Guantánamo are structured, produced, circulated, and consumed; how they situate the naval base prison in other geo-historical contexts of racialized surveillance, incarceration, and the exploitations of empire; and how they give expression to subjectivities and experiences foreclosed by hegemonic juridical-political structures of power.

Lyndsey Stonebridge considers the temporality of detention camps used to sequester the human being in “an ‘unimaginable’ time beyond the state” in which the possibilities of “keeping time human” and of possible futures are denied.<sup>57</sup> Although she focuses on the carceral network of camps imprisoning stateless persons and refugees in the context of Hannah Arendt’s work, Stonebridge’s analysis applies aptly to indefinite detention at Guantánamo where, for the majority of detainees, citizenship skews protection against the abuses of militarized imperial power that strip the prisoner of any identity except that defined by the state and fix him in a perpetual present. In such conditions, Stonebridge writes, “storytelling is an action that resists the elimination of human time” and “reclaim[s] [its] political potentialities.”<sup>58</sup> With that in mind, this dossier, like the play *Rendition*, attends to the work of storytelling and the modes of witnessing it engenders.

The dossier’s first essay, a literary testimony by former detainee and accomplished author Mansoor Adayfi, documents prisoners’ efforts to turn “the labour of survival” into forms of cultural expression that reflect their own and Guantánamo’s layered situatedness in the world of nation-states, tribes, ethnic groups, languages, and traditions.<sup>59</sup> “The Beautiful Guantánamo” defines the prison camp as a site of creative practice and, in

doing so, responds directly to the official depiction of the “monstrous terrorist” whom Puar and Rai posit is contained through JTF-GTMO’s commitment to “safe, humane, and legal detention operations.”<sup>60</sup> Adayfi, who endured fourteen years of torture, abuse, and indefinite detention without charge in Guantánamo before being transferred to a third-party country and who has documented his experiences in his important book *Don’t Forget Us Here: Lost and Found at Guantánamo*, among other writings and podcasts, refutes the narratives and images carefully curated by the US government about its captives. He describes how men and boys speaking eighteen different languages and representing fifty nationalities, living together in adversity, forged their own distinctive Guantánamo culture from 2002 to 2010. Beginning with the fear, estrangement, and abuse prisoners experienced upon their arrival, Adayfi details how “the brothers” came to share their different cultures with one another before forming a common language and traditions in greetings, poetry, song, and dance. From learning how to greet one another in their respective languages to devising classes and cultural competitions, the prisoners created a unique set of creative practices to sustain themselves and one another. Cultural expression, described and demonstrated by the essay, conveys and actualizes prisoners’ individual agency, commitment to one another, and their dignity as human beings. The essay reflects upon how Guantánamo culture evolved as a mode of communication, self-expression, resistance, and survival, and in the process, the author writes, ensured that prisoners retained the humanity and capacity for self-expression that the prison sought to destroy.

The following three essays examine the divisions Guantánamo and the RDI program create between representation and the secret, personhood and nonbeing, and cultural expressions of detainees and their dehumanization in various contexts. “The Detainee’s Two Bodies: Intellectual Property and Fugitivity at Guantánamo Bay,” by Nadiminti, focuses on the government’s differential and illogical treatment of its prisoners and their artwork. Examining artwork and memoir produced in Guantánamo, and the government’s attempt to control its circulation, the essay considers the concept of “detainee copyright” to understand how artistic and cultural production of both current and former detainees precipitates the US military’s fear of fugitive meaning. By asserting a claim of art ownership, the US military unwittingly places the exceptional space of the extralegal prison on a continuum with an expanding global US prison network on one hand and the spectral space of the plantation on the other. The triangulation of intellectual property, artistic production, and military protocol produces two distinct bodies of the detainee: the material body shackled in indefinite detention and the metaphorical body demanding public circulation.

Extending analysis of the relationship between material and metaphorical bodies, Esther Whitfield reads cultural representations of Mohammed el-Gharani, who was a teenager when apprehended in Pakistan and rendered by US forces to Guantánamo Bay, Cuba, where he would be held from 2002 until 2009. This essay, “From Guantánamo to the Global South,” traces el-Gharani’s presences and absences across the various textual and graphic forms that have amassed in the post-9/11 Guantánamo archive. Whitfield analyzes “First Poem of My Life,” included in the volume *Poems from Guantánamo: The Detainees Speak* (2007); American artist Laurie Anderson’s installation and performance “Habeas Corpus,” to which el-Gharani was “telepresenced,” his voice and image projected onto a larger-than-life sculpture; and the comics-format *Guantánamo Kid: The True Story*

of *Mohammed el-Gharani* (2019), authored by Jérôme Tubiana and Alexandre Franc. The essay addresses what these presences and absences, conditioned by different mediated forms, can tell us about el-Gharani's life in relation to other lives at and around Guantánamo, including the lives of current and former detainees, members of the US military who guard the detention blocks, and the Cubans whose existence across the base's fence line is entirely closed off but, nevertheless, implicit in some of el-Gharani's writing. Convergences between el-Gharani's experiences and those of others, the author proposes, chart Guantánamo as a key node in the global south.

The concept of the "detainee's two bodies" receives a third analysis in "This is What It Looks Like: Searching for Law's Afterlife in Guantánamo" by Safiyah Rochelle. The essay turns attention back inside the confines of the prison and of the law as obstacles to prisoners' personhood and survival. The essay considers what it means to be virtually "dead in law" yet animate and visceral under conditions of torture and abuse. Focusing on visual media produced by the state and detainees, particularly Abu Zubaydah's drawings of his own torture which have been recently released in a legal context, Rochelle argues that the drawings can help viewers to understand the afterlife of horrific abuse and legal death in which Abu Zubaydah and others persist.

That afterlife takes another form in the final contribution to this dossier. In "My Guantánamo Writing Seminar," Mohamedou Ould Slahi reflects on how fifteen years of indefinite detention without charge, torture, and abuse in the War on Terror contributed to his development as a writer. He discusses the ways in which solitary confinement and other rules governing his captivity in Jordan and Afghanistan, and then fourteen years at Guantánamo, forced him to keenly observe his surroundings and to conjure characters and stories from the smallest of details in his material life, from the most mundane interactions with guards, interrogators and other prison personnel, and from dreams. He credits the stories of his childhood, listening to storytelling by guards and other detainees, and consuming prison-approved television and film with teaching him how to stitch the bits of observation and imagination in narrative. For Slahi, writing both fiction and nonfiction provided an outlet for his mental torment and created intense feelings of freedom, of imaginative life beyond cell walls, even while he was still shackled and caged. Writing now beyond Guantánamo, yet still under the shadow of his abuse and of ongoing restrictions on his freedom of movement, he understands his role as a writer as one of obligation to the memory of the many other men who were disappeared and who did not survive.

As Guantánamo and the War on Terror enter their third decade, this dossier attests to the necessary, productive partnership between those who directly experience state-sponsored abuse and the scholars and creative practitioners who study and represent it. Our focus on cultural renditions of Guantánamo takes the claims of state secrets privilege over the RDI program, its prisoners, and its afterlives as an invitation to think through the ways in which cultural production can connect the layered meanings of rendition with reckoning.

## NOTES

1. *Case of Husayn (Abu Zubaydah) v. Poland*, European Court of Human Rights, Case 7511/13, July 24, 2014, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-146047%22%5D%7D>. Abu Zubaydah's attorneys have also filed a complaint with the United Nations Working Group on Arbitrary Detention against the United States and six other countries (Afghanistan, Lithuania, Morocco, Poland, Thailand, and the United Kingdom)



for their participation in the Rendition, Detention, and Interrogation program. The complaint asks the UN to find that the United States should release him and that the other countries that participated in his transfers through the network of black sites should assist in pressuring the United States (“Guantanamo Detainee Abu Zubaydah to File Complaint with UN agency,” *Al Jazeera*, April 30, 2021, <https://www.aljazeera.com/news/2021/4/30/guantanamo-detainee-abu-zubaydah-to-file-complaint-with-un-agency>).

2. The relationship between CIA and DoD renditions and detentions is often murky, and henceforth I refer to both as part of the RDI program.

3. I refer to Mohamedou Ould Slahi in the remainder of this essay.

4. Dismantling the divide between what Elizabeth Swanson and I have described as “the personal and affective discourse of witnessing on one hand, and analytical discourses of professional expertise on the other,” a divide that implicitly asks the survivor to attest to suffering while empowering human rights “experts” to interpret the survivor’s testimony as an object of study, is central to our project *Witnessing Torture: Perspectives of Survivors and Human Rights Workers*, ed. Alexandra S. Moore and Elizabeth Swanson (New York: Palgrave Macmillan, 2018), xv. Our dossier also builds on Don E. Walicek and Jessica Adams, eds., *Guantánamo and American Empire: The Humanities Respond* (New York: Palgrave Macmillan, 2017), which also combines literary, poetic, and scholarly perspectives.

5. Leigh Gilmore, “‘What Was I?’: Literary Witness and the Testimonial Archive,” *Profession* (2011): 79.

6. Gilmore, “‘What Was I?,” 82.

7. In one of the earliest news reports on the program, published at the end of 2002, Priest and Gellman write, “According to U.S. officials, nearly 3,000 suspected al Qaeda members and their supporters have been detained worldwide since September 11, 2001” (Dana Priest and Barton Gellman, “U.S. Decries Abuse but Defends Interrogations,” *The Washington Post*, December 26, 2002, <https://www.washingtonpost.com/archive/politics/2002/12/26/us-decries-abuse-but-defends-interrogations/737a4096-2cfo-40b9-8a9f-7b22099d733d/>); Cofer Black, former director of the CIA’s Counterterrorism Center, testified to this number before a Joint Session of the House and Senate Intelligence Committees on September 26, 2002: unclassified testimony, the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence Joint Inquiry into September 11th, 109<sup>th</sup> Congress, Washington, DC, September 26, 2002, [https://irp.fas.org/congress/2002\\_hr/092602black.pdf](https://irp.fas.org/congress/2002_hr/092602black.pdf).

8. Senate Select Committee on Intelligence, *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program* (Brooklyn: Melville House Publishing, 2014), 298, <https://www.intelligence.senate.gov/sites/default/files/publications/CRPT-113srpt288.pdf>; Averell Schmidt and Kathryn Sikkink, “Partners in Crime: An Empirical Evaluation of the CIA Rendition, Detention and Interrogation Program,” *Perspectives on Politics* 16, no. 4 (December 2018): 1016, 1018.

9. Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton, NJ: Princeton University Press, 2009), 10.

10. Cathy Scott-Clark and Adrian Levy, *The Forever Prisoner* (New York: Atlantic Monthly Press, 2022).

11. Michael Richardson, *Gestures of Testimony: Torture, Trauma, and Affect in Literature* (New York: Bloomsbury, 2016), 52–53.

12. Jay S. Bybee, assistant attorney general, memorandum for Alberto R. Gonzales, counsel to the president, August 1, 2002, 46, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB127/02.08.01.pdf>.

13. Richardson, *Gestures of Testimony*, 54.

14. Bybee, memorandum for Alberto R. Gonzales, 46.

15. Richardson, *Gestures of Testimony*, 57.

16. Priest and Gellman, “U.S. Decries Abuse”; Dana Priest, “CIA Holds Terror Suspects in Secret Prisons,” *The Washington Post*, November 2, 2005, [https://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644\\_pf.html](https://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644_pf.html).

17. Dana Priest, “Redefining Torture?” *PBS Frontline*, October 18, 2005, <https://www.pbs.org/wgbh/pages/frontline/torture/themes/redefining.html>.

18. George W. Bush, “President Bush’s Speech on Terrorism,” *The New York Times*, September 6, 2006, [https://www.nytimes.com/2006/09/06/washington/06bush\\_transcript.html?pagewanted=all](https://www.nytimes.com/2006/09/06/washington/06bush_transcript.html?pagewanted=all).

19. Michael Taussig, “Zoology, Magic, and Surrealism in the War on Terror,” *Critical Inquiry* 34 (Winter suppl., 2008): S100.

20. Joseph Masco, *The Theater of Operations: National Security Affect from the Cold War to the War on Terror* (Durham, NC: Duke University Press, 2014), 18.

21. CIA Memorandum, “Eyes Only—Additional Operational and Security Considerations for the Next Phase of Abu Zubaydah Interrogation” (July 15, 2002), <https://www.cia.gov/readingroom/docs/0006541506.pdf>; and CIA Memorandum, “Eyes Only—HQs Feedback on Issues Pending for Interrogations of Abu Zubaydah (July 18, 2002), <https://www.cia.gov/readingroom/docs/0006541507.pdf>.

22. CIA Memorandum, “Eyes Only.”

23. CIA Memorandum, “Eyes Only.”

24. Karen J. Greenberg, “From Fear to Torture,” in *The Torture Papers: The Road to Abu Ghraib*, ed. Karen J. Greenberg and Joshua L. Dratel (Cambridge, UK: Cambridge University Press, 2005), xviii.

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27. Michael Taussig, *Defacement: Public Secrecy and the Labor of the Negative* (Stanford, CA: Stanford University Press, 1999), 5.
28. *Husayn v. Mitchell*, 965 F.3d 775 (9th Cir. 2020), <https://casetext.com/case/husayn-v-mitchell-1>.
29. *United States v. Husayn (Abu Zubaydah)*, No. 20-827 (US Supreme Court), October 6, 2021, [https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2021/20-827\\_16gn.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2021/20-827_16gn.pdf).
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31. Justice Gorsuch, Dissenting, *United States v. Husayn, aka Zubaydah et al.*, 1.
32. Bonnie Honig, *Public Things: Democracy in Disrepair* (New York: Fordham University Press, 2017), 5.
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34. Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham, NC: Duke University Press, 2015), 134.
35. Freda O'Byrne, *Rendition*, dir. Sylvia Dow, Tragic Carpet Visual Theatre, 2019 and 2020.
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38. Honig, *Public Things*, xi.
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42. Slahi, *Guantánamo Diary*, 5; memo from the Office of Legal Counsel, Department of Justice to Dan Levin, DOJ Command Center, December 30, 2004, 2.
43. North Carolina Commission of Inquiry on Torture, *Torture Flights: North Carolina's Role in the CIA Rendition and Torture Program* (Raleigh, NC: 2018), <https://nctorturereport.org/ncchp2.shtml>.
44. Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford University Press, 1985), 41.
45. Scarry, *Body in Pain*.
46. Mark P. Denbeaux et al., *How America Tortures*, Center for Policy and Research, Seton Hall University School of Law (Newark, NJ, 2019).
47. Richardson, *Gestures of Testimony*, 60.
48. See, for example, Richardson, *Gestures of Testimony*, 58–66; Tony Lagouranis and Allan Mikaelian, *Fear up Harsh: An Army Interrogator's Dark Journey through Iraq* (New York: New American Library, 2007); Joshua E. Phillips, *None of Us Were Like This Before: American Soldiers and Torture* (New York: Verso, 2012).
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53. Oliver, "Witnessing and Testimony," 81.
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56. Kalyan Nadiminti, "Extraordinary Renditions," *Post-45* (September 11, 2020), <https://post45.org/2020/09/extraordinary-renditions/>.
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58. Stonebridge, *Writing & Righting*, 100, 97.
59. Stonebridge, *Writing & Righting*, 105.
60. Joint Task Force Guantanamo, <https://www.jtftgmo.southcom.mil>.