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By *alexa*

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Filling in the Gaping Holes in WikiLeaks' Guantanamo Detainee Files

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by: Jason Leopold, Truthout

Imagine that the more than 700 Guantanamo files released two weeks ago by WikiLeaks contained information explaining how interrogators obtained "intelligence" from "war on terror" detainees captured or sold to US forces after 9/11, such as this firsthand account:

"On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they had urinated or defecated on themselves and had been left there for 18, 24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room that the barefooted detainee was shaking with cold. When I asked the (military police) what was going on I was told that interrogators from the day prior had ordered this treatment and the detainee was not to be moved. On another occasion, the (air conditioner) had been turned off, making the temperature in the unventilated room probably well over 100 degrees. The detainee was almost unconscious on the floor with a pile of hair next to him. He had apparently been literally pulling his own hair out throughout the night."



A guard house at Delta Camp, a part of the prison facility at the US Naval base in Guantanamo Bay, Cuba, July 23, 2008. (Photo: Fred R. Conrad / The New York Times)

That description was taken directly from an email written by an FBI agent on August 2, 2004, and sent to officials at the agency's headquarters in Washington, DC, describing the torture of one detainee as witnessed by the agent while he or she was stationed at Guantanamo.

After reading those horrific details, would you take at face value the information this detainee, who may have been a teenager, an elderly man or a person who suffered from mental problems, gave up to his interrogator?

Well, that's the impression one is left with after reading the Guantanamo files, identified by the government as Detainee Assessment Briefs (DAB). The documents, prepared between 2002 and 2008 and signed by top military officials stationed at the prison facility, certainly bolster the Bush administration's case that the detainees in custody of the US military are the "worst of the worst," despite the subtle caveats about the veracity of the information.

Nowhere in the files does it state that dozens of detainees were tortured prior to and during their interrogation sessions, which may well have resulted in false confessions [3], one of the cornerstones of the "enhanced interrogation" program, that the Defense Department then used to justify the detainees' continued detention.

Instead, the Guantanamo files seem to suggest that detainees, the vast majority of who were either innocent or low-level foot soldiers and have since been released, were treated humanely during the course of their interrogations and willingly confessed to a wide-range of crimes, such as being members of al-Qaeda and that they participated in or planned attacks against the US and/or its interests in other parts of the world.

A Backdrop of Torture

Several years ago, the American Civil Liberties Union (ACLU) obtained emails [4] from the FBI in connection with the organization's Freedom of Information Act lawsuit against the government related to the treatment of detainees in custody of the CIA and Department of Defense.

The emails are the first-hand accounts of agents who were stationed at Guantanamo and said they witnessed detainees being abused or tortured by military personnel and interrogators under contract to the CIA and Department of Defense. The emails, of which the names of agents and detainees are redacted, were written in response to a request issued in 2004 by the FBI's Office of General Counsel requesting information from agents who "observed any aggressive mistreatment, interrogations or interview techniques of GTMO [Guantanamo] detainees by representatives of any law enforcement, military or Bureau personnel."

The agency received more than 434 responses. Two dozen were "positive" and documented incidents of abuse agency personnel witnessed, but said they did not take part in. While there is not enough evidence in the agents' reports to suggest that all 779 Guantanamo detainees were treated brutally, the details the agents described closely match the accounts given by former guards and numerous detainees who have been released from the prison. Moreover, some agents said they took part in briefings conducted by Guantanamo officials who said certain types of abusive treatment, such as keeping detainees chained to the floor in freezing cold or hot cells prior to an interrogation, was the policy in place at the time.

But a report [5] issued in 2009 by the Senate Armed Services Committee on the treatment of detainees in US custody concluded that the abuse of Guantanamo prisoners was systematic, widespread and ordered from the top. When the emails and the Senate report are held up alongside the DAB, they complete the picture and underscore why the veracity of the

information in the DAB should be called into question.

For example, one email written by an FBI agents states, "during my assignment at GTMO [in 2003] I received a briefing from the military personnel assigned to operations at GTMO, that non-cooperative detainees could be placed on a list for a specific interrogation technique involving interruption of a sleep pattern called the 'frequent flyer program,'" which was designed to disorient prisoners [6] and break them down physically and mentally prior to being interrogated.

"With this particular technique, identified detainees were moved frequently from cell block to cell block at intervals that appeared to be every hour or every two hours depending on the shifts and availability of military personnel to move the detainee," says the email, noting that Guantanamo officials maintained a "detainee movement database." "Detainees were moved along with all of their personal belongings. Due to the movement to different cells the detainees had their sleep interrupted throughout a 24 hour period. The duration of the program for particular detainees seemed to depend on the cooperativeness of the detainees."

A July 9, 2004, email written by an FBI agent states that in mid-2002, one detainee, who had a full beard, was found in an interrogation room, his head wrapped entirely in duct tape because, an Army contractor said, laughing, according to a separate email describing the incident, he was "chanting the Koran and would not stop."

The email written on July 9, 2004, also discusses how an interrogator "commanded" a German shepherd "to growl, bark and show his teeth" in front of an individual believed to be high-value detainee because the helpless prisoner "failed to provide any substantive information" during the course of a 24-hour interrogation session.

The FBI report on this incident as recounted by the agent in an interview with his superiors said, "based on conversations with [redacted] [redacted] believed Department of Defense authorization for the permitted use of harsh/aggressive interrogation techniques may have come from Secretary [of Defense] [Donald] Rumsfeld."

The detainee in question is believed to be Mohammed al-Qahtani, the alleged 20th hijacker in the 9/11 attacks. What's notable about this email is that it states the torture al-Qahtani was subjected to took place between September and October 2002, but Rumsfeld did not formally approve of specific interrogation techniques used against al-Qahtani, as highlighted in the FBI email, until December 2002 with the issuance of an action memorandum [7].

Gitanjali S. Gutierrez, an attorney with the Center for Constitutional Rights and the lead attorney defending al-Qahtani, said in a sworn declaration that his client was subjected to months of torture based on verbal and written authorizations from Rumsfeld, which match up with the details contained in the FBI emails.

"Mr. al-Qahtani was subjected to a regimen of aggressive interrogation techniques, known as the 'First Special Interrogation Plan,'" Gutierrez said. "Those techniques were implemented under the supervision and guidance of Secretary Rumsfeld and the commander of Guantánamo, Major General Geoffrey Miller.

"These methods included, but were not limited to, 48 days of severe sleep deprivation and 20-hour interrogations, forced nudity, sexual humiliation, religious humiliation, physical force, prolonged stress positions and prolonged sensory over-stimulation and threats with military dogs."

An email written by another FBI agent said Miller "requested permission to utilize 'special interrogative techniques on" the detainee believed to be al-Qahtani, who by December 2002, according to the same email, was "admitted to the base hospital for hypothermia."

Miller's signature can be found on many of the DAB, but those files, include al-Qahtani's, fail to cite the torture techniques he implemented as a matter of policy at Guantanamo.

In January 2009, Susan Crawford, the retired judge and a close confidant of Dick Cheney who, until last year, headed military commissions at Guantanamo, said al-Qahtani's interrogation met the legal definition of torture and, as a result, she would not allow a war crimes tribunal against him to proceed.

Another FBI agent wrote in an email dated July 14, 2004, that the agent saw detainees being subjected to "sleep deprivation, interview with strobe lights and two different kinds of loud music."

"I asked one of the interrogators what they were doing [and] they said it would take approximately four days to break someone doing an interrogation 16 hours on with the lights and music and four hours off," the agent wrote. "The sleep deprivation and the lights and the alternating beats of the music would wear the detainee down."

The agent added that during a conversation with a female interrogator she "bragged about doing a lap dance on one detainee," an incident recounted by another FBI agent and "another interrogator bragged about making [a] detainee listen to satanic black metal music for hours and hours. The interrogator dressed as a Catholic Priest and baptized the detainee in order to save him."

Such abusive treatment, beyond being grave breaches of the Geneva Conventions and anti-torture statutes, was also used to get detainees to become government informants, which the WikiLeaks Guantanamo files show was the case with at least eight prisoners who provided interrogators with information on more than 200 others.

The FBI emails include what appears to be one of the earliest incidents of abuse that took place at Guantanamo, following the opening of the facility in January 2002. The agent told his superiors that, in February 2002, he traveled to Guantanamo to debrief a detainee regarding "case specific information on the 'Portland 7' Counterterrorism matter."

The Portland 7 was a sleeper cell made up of American Muslims in Portland, according to the government, who tried to align themselves with al-Qaeda and fight against US forces in Afghanistan. They were indicted in October 2002 and sentenced to federal prison the following year.

According to the FBI email, the Guantanamo detainee was brought into a "makeshift plywood shack" and the agent who was there to conduct the interview with the prisoner observed that he had a "black eye, facial cuts around the nose area and his fingers on both hands," which the agent believed were broken, "were taped up." The agent said he was told by a colonel in charge of the military guards that the "detainee's injuries were sustained in a scuffle due to the detainee becoming non-compliant and had to be brought into compliance by a Rapid Response Team."

The Rapid Reaction Team is also known as the Immediate Reaction Force (IRF), "a team of military guards comparable to a riot squad, who are trained to respond to alleged 'disciplinary infractions' with overwhelming force," according to a February 2009 [report](#) [8] issued by the

Center for Constitutional Rights.

"At Worst, a Travesty of Justice"

In the end, what the Guantanamo files released by WikiLeaks show is that the claims the government made about the threat the detainees posed to the US and its allies and interests was simply untrue - a lie - and although the Bush administration knew the prisoners were innocent, they refused to set them free because of the political repercussions that would have ensued.

That's what Col. Lawrence Wilkerson, the former chief of staff to Secretary of State Colin Powell during George W. Bush's first term in office, said ^[9] in a sworn declaration in the case of one detainee, 52-year-old Adel Hassan Hamad, a year before the Guantanamo files were released. Wilkerson, as the detainee files now show, was right.

Hamad, who spent five years at Guantanamo and was released in 2007, is suing Secretary of Defense Robert Gates, former Joint Chief of Staff Richard Myers, and a slew of other Bush administration officials for wrongfully imprisoning and torturing him.

His DAB ^[10] justifying his imprisonment says he was "likely" a member of al-Qaeda and "likely" using his employment in non-governmental organizations to "facilitate funds and/or personnel" for al-Qaeda.

Another reason Hamad was detained and eventually deemed an "enemy combatant," according to his assessment brief, is that he allegedly was "not telling the full details of his involvement with the Muslim Brotherhood" and was "always employed by organizations that espoused radical Islamic views or assisted individuals" associated with Osama bin Laden, assertions that the government could not back up. Although the assessment brief says Hamad "claimed to have avoided any participation in jihad or terrorist related activities" he was deemed a "medium" risk because "he may pose a threat to the US, its interests and allies."

What the assessment brief does not say is that Hamad, who was arrested at his apartment by Pakistan's Inter Service Intelligence (ISI) because he was suspected of living in an al-Qaeda safe house along with an Algerian who was also imprisoned at Guantanamo, was brutally tortured, interrogated daily and had "dogs set upon [him] while watching United States military personnel laughed and mocked him," according to his lawsuit filed in US District Court for the Western District of Washington at Seattle.

The issue of torture, which Wilkerson acknowledged took place at Guantanamo and elsewhere, factored into his decision to take the extraordinary step of stating in his declaration that he would go to court, swear on a Bible and testify in Hamad's case if it ever moves forward about what the Bush administration knew and when they knew it.

"[I] made a personal choice to come forward and discuss the abuses that occurred because knowledge that I served in an Administration that tortured and abused those it detained at the facilities at Guantanamo Bay and elsewhere and indefinitely detained the innocent for political reasons has marked a low point in my professional career and I wish to make the record clear on what occurred," Wilkerson wrote in his declaration.

In an email sent to Truthout two weeks ago, a day after the Guantanamo files were released, Wilkerson said the findings in many of the DAB confirms his own independent investigation he conducted nearly nine years ago.

The files, he said, "seem to indicate at best a poor attempt at meaningful and proper detention and at worst a travesty of justice."



[11]

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