

Guantánamo prisoner charges confession extracted through torture

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A Guantánamo detainee has charged that he was tortured into confessing to a role in the 2000 bombing of the USS Cole. Abd al-Rahim al-Nashiri, 41, a Saudi national of Yemeni descent, said he faced years of torture following his arrest in 2002 and that he fabricated stories to satisfy his captors.

Al-Nashiri was one of 14 detainees moved by the US to the Guantánamo prison camp last September. These 14 “high-value” detainees were transferred following the exposure of a network of CIA-run secret prisons around the world and the Bush administration’s acknowledgement of the prisons’ existence.

Military hearings are currently underway at Guantánamo to determine these prisoners’ “enemy combatant” status. Once this is confirmed, they can be held indefinitely before being brought before a military commission, which would have the power to condemn them to death.

The Pentagon released a redacted transcript of testimony given by al-Nashiri at a closed-door hearing held March 14 at Guantánamo. His charges of torture underscore the illegal character of the detention of the Guantánamo prisoners and the thoroughly antidemocratic character of the military hearings, which deny defendants the rudiments of due process. Al-Nashiri’s statements also demonstrate that the purported confessions extracted from prisoners held for months on end—without charges, without legal counsel and without contact with the outside world—are, from a legitimate legal standpoint, worthless.

“From the time I was arrested five years ago, they have been torturing me,” al-Nashiri testified at the hearing. “It happened during interviews. One time they tortured me one way, and another time they tortured me in a different way.

“I just said those things to make the people happy,”

the transcript reads. “They were very happy when I told them those things.”

According to US intelligence, al-Nashiri is the “mastermind” of the October 12, 2000 attack on the USS Cole, which left 17 US sailors dead and almost succeeded in sinking the \$1 billion destroyer.

The US alleges that he was the leader of Al Qaeda’s operations in the Persian Gulf at the time and was tasked by Osama bin Laden to organize the attack. In the transcript provided by the Pentagon, al-Nashiri says he met with the Al Qaeda leader numerous times and received as much as a half-million dollars from him. He says the money was for “personal expenses,” including purchasing a boat and developing a fishing business.

According to the Pentagon transcript, al-Nashiri says bin Laden told him later that the funds could be used for a bombing. He said he ended the project and was not involved when bin Laden later used it for what he described as a “military tool.”

Al-Nashiri’s charge that his confession was extracted through torture comes two weeks after the release of another transcript by the Pentagon, which it claimed proved the role of another prisoner now held at Guantánamo in orchestrating the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon.

The confession of Khalid Sheikh Mohammed supplied by the Pentagon from his March 10 hearing had him taking responsibility for dozens of terrorist plots and attacks spanning 15 years and at least five continents. This transcript, like that for al-Nashiri, was replete with multiple redactions, blacking out sections of Mohammed’s statement that dealt with torture.

The media was quick to trumpet Mohammed’s alleged confession, headlining it in newspapers and on television news programs. They focused on the most

sensational aspects of his testimony—in which he reportedly took responsibility for the 1993 World Trade Center bombing, the 2002 Bali nightclub bombing and the beheading of *Wall Street Journal* reporter Daniel Pearl, in addition to 9/11.

The Pentagon’s release of the Mohammed transcript served the purpose of diverting attention from the worsening US debacle in Iraq and the exposure of illegal actions by the Bush administration at home, particularly its purge of federal prosecutors.

By contrast, media coverage of the testimony of al-Nashiri has been negligible, with reporting generally confined to reprints of a short Associated Press story. The reason is not hard to fathom: this news item cannot be used to lend legitimacy to the Bush administration’s “war on terror” or boost lagging public support for the war in Iraq.

The timing of the release of the two transcripts is also worthy of note. While the Pentagon released its transcript of Mohammed’s March 10 hearing within five days, the release of al-Nashiri’s March 14 testimony was delayed more than two weeks.

The entire operation of the “combatant status review tribunals” is a judicial sham. Prisoners are represented by government officials, not attorneys, and face a panel of three military officers. Reporters are barred from the hearings, and the Pentagon decides what testimony it will make public. Any material deemed “damaging to national security” is blacked out.

The Bush administration invokes these “national security” concerns in an effort to conceal the appalling realities of Guantánamo and the workings of the clandestine prisons the US operated in countries around the world. US intelligence agents have rounded up an unknown number of individuals in “extraordinary renditions”—sending them to these prisons and others operated by foreign governments, where they face torture. Many of these prisoners were eventually sent to Guantánamo.

The secrecy surrounding the Guantánamo proceedings is also aimed at protecting the countries—including Jordan, Egypt, Poland, Thailand and Morocco—which have hosted CIA prisons or held detainees in their own prisons.

Most of the estimated 385 prisoners still detained at Guantánamo were rounded up by US military and intelligence forces following the October, 2001

invasion of Afghanistan. According to the Pentagon, 111 detainees were either released or transferred from the prison camp in 2006, resulting in a cumulative total of approximately 390 detainees released or transferred since 2002.

While the majority detained are Afghan, Saudi, Yemeni or Pakistani, there are prisoners from dozens of other countries. Human rights organizations charge that many of those who have been released and returned to their home countries face torture. The US dismisses such charges with the claim that it has received “diplomatic assurances” from governments—many known to conduct torture—that the returning detainees will be treated humanely.

Human Rights Watch on Wednesday challenged this practice, saying that governments with records of torture “don’t suddenly change their behavior” because of agreements with Washington. The organization cited the cases of seven Russians who were released from Guantánamo because the US lacked evidence to prosecute them. Six of the seven interviewed by the human rights group said they had begged US officials not to be returned to Russia. Following diplomatic assurances from the Russian government that they would be treated humanely, they were returned there.

Human Rights Watch reports, “The Russian authorities have variously harassed, detained, mistreated and beaten the former Guantánamo detainees since they returned.”

The US faces mounting international condemnation of the Guantánamo prison. In testimony before the House Defense Appropriations subcommittee on Thursday, Defense Secretary Robert Gates called on Congress to work out an arrangement with the Bush administration to close the prison to deflect this criticism, while insuring that a number of “hard-core” detainees are imprisoned indefinitely.



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