

Washington ordered destruction of Guantánamo interrogation records

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In another confirmation of the criminal character of Washington's handling of so-called "enemy combatants," a "Standard Operating Procedure" manual has come to light that explicitly instructs US interrogators at the American prison camp in Guantánamo Bay, Cuba to destroy contemporaneous records of their interrogations.

The existence of the document was made public by the military defense attorney for Omar Khadr, a Canadian national who has been held for six years since being captured by American forces as a 15-year-old minor in Afghanistan.

The lawyer, Lt. Cmdr. Bill Kuebler, filed an affidavit on the manual, reporting that it had been shown to him only last week.

The document, issued for "intelligence exploitation teams," also known as "tiger teams" operating inside the Guantánamo camp, explicitly orders destruction of evidence to avoid potential exposure of government criminality.

"This mission has legal and political issues that may lead to interrogators being called to testify," states the manual, cited in an affidavit filed by Kuebler. It continues, "Keeping the number of documents with interrogation information to a minimum can minimize certain legal issues."

Citing the document, the military attorney has asked for the charges against Khadr to be dismissed, on the grounds that his supposed confession, which comprises the core of the prosecution case, cannot be challenged as to its accuracy based on existing records.

The patent purpose of the order was to assure the destruction of evidence implicating the US government in the systematic torture of those it has detained in the so-called "global war on terrorism."

Khadr is being tried as a war criminal for acts he is alleged to have committed at the age of 15. These acts stem from the siege mounted by US troops of a house in which Khadr was staying in an Afghan village.

The youth was captured after the house was demolished by 500-pound bombs, grenades and gunfire. He is accused of murder in connection with one US soldier killed by a grenade in the siege, though evidence—including the fact that the youth was shot in the back—suggests that he was not responsible.

The United Nations and numerous human rights groups have condemned the US for the prolonged imprisonment of Khadr and the attempt to try him as an adult on charges that could put him in prison for life.

"The government's case against Omar is based almost entirely

on statements interrogators extracted from him in the course of interrogations at Bagram [Afghanistan] and Guantánamo Bay," Lieutenant Commander Kuebler told the Canadian daily *Globe and Mail*. "If handwritten notes were destroyed in accordance with the [Standard Operating Procedure manual], the government intentionally deprived Omar's lawyers of key evidence with which to challenge the reliability of his statements."

The Canadian youth was subjected to torture, beatings and abuse at both the Bagram and Guantánamo prisons. He was also denied adequate medical treatment for wounds suffered in the US assault, which have left him nearly blind in one eye and with severely impaired vision in the other.

The military defense attorney also indicated that he would seek to file his affidavit for a dismissal of the charges with the US Supreme Court. Earlier attempts to appeal to the high court have been rejected by the military authorities. The Supreme Court is expected to rule sometime this month on whether those held at Guantánamo have a right to challenge their detention.

The exposure of the manual ordering the destruction of evidence follows the Pentagon's removal of the military judge charged with hearing Khadr's case. The judge, Colonel Peter Brownback, was replaced last month after he ordered military prosecutors to turn over numerous documents they had been withholding to the defense. Included among them were records detailing Khadr's treatment while at Guantánamo.

Meanwhile, the *Washington Post* reported Sunday that the military defense attorney for another Guantánamo detainee—who was also arrested as a minor and charged as a war criminal—has asked that all charges against his client be dismissed based on the release of documents demonstrating that his client had been subjected to abusive treatment tantamount to torture.

The detainee, Mohammed Jawad, is accused of throwing a grenade at US military convoy in Afghanistan in December 2002, when he was 16 or 17 years old. He faces a possible death penalty based on this alleged act, which he denies committing.

Based on daily prison logs, Jawad's defense lawyer, Air Force Major David Frakt, has established that the youth was subjected to what military interrogators dubbed the "frequent flier program," in which he was moved back and forth between two cells 112 times in just 14 days.

These cell extractions, conducted every 2 hours and 55 minutes, were aimed at "breaking" the detainees through sleep deprivation. There has been no attempt to claim that Jawad held any

intelligence value for the US military, and the tactic appeared to have been employed largely as part of the sadistic “standard operating procedure” utilized against all of the Guantánamo inmates. In Jawad’s case, the disorienting and abusive treatment was organized in 2004, just a few months after the youth had attempted suicide.

“I think it reflects the abandonment of basic American values of human decency that occurred on a widespread basis in detention operations in the first two to three years of the global war on terror,” Major Frakt said of his client’s torture. “What started as an effort focused on a few detainees believed to possess critical intelligence filtered down to ordinary detainees and became routine.”

The use of this procedure against Jawad also occurred two months after it was supposedly banned at Guantánamo in March 2004, after FBI interrogators filed reports expressing concern about it and other forms of torture being carried out at the offshore US detention facility. A subsequent military investigation claimed, falsely, that it had been carried out solely against so-called high-value detainees and discontinued. No mention was made in the report of Jawad’s treatment.

The military’s chief prosecutor at Guantánamo, Colonel Lawrence Morris, while acknowledging that Jawad had been subjected to the protracted sleep deprivation technique, insisted that just “because the government may have stumbled some in how he was treated,” this constituted no grounds for dropping the charges.

The 2006 Military Commissions Act, under which the detainees are to be tried, treats confessions extracted through torture as well as hearsay and secret evidence as admissible. It explicitly denies all those declared by the president to be “illegal enemy combatants”—US citizens and non-citizens alike—any rights under the US Constitution or the Geneva Conventions.

The new revelations of torture and cover-up in the cases of these two individuals—the first in history to be charged as war criminals for acts committed when they were minors—has served to further discredit the entire military commissions system, which is now being revved up to conduct a politically motivated show trial of individuals charged in connection with the September 11, 2001 attacks on New York City and Washington.

Air Force Brigadier General Thomas Hartmann, the legal advisor to the civilian appointees overseeing the trials, told the media over the weekend that the Pentagon has made the trials “the No. 1 obligation” for its legal services division and is dispatching another 108 uniformed lawyers to participate in the sham proceedings.

Hartmann has been charged by other participants in the process with politically interfering in the organization of the drumhead trials. Air Force Col. Morris Davis, who formerly served as the chief military prosecutor at Guantánamo, has given sworn testimony that Hartmann had instructed him to speed up trials of “sexy...high profile cases,” cases “with blood on them” in order to generate popular support for the military commissions.

Davis has likewise accused the second highest civilian official at the Pentagon, Deputy Defense Secretary Gordon England, of demanding that he rush the prosecution of the 9/11 defendants,

including Khalid Sheikh Mohammed, “because there could be strategic value before the [November] election.”

This process is moving full steam ahead. Five individuals allegedly involved in the planning of the September 11 attacks were brought before a military commission in Guantánamo for the first time last Thursday in preparation for a trial that is set to begin a week and a half after Republican presidential candidate John McCain is formally nominated and to run through the height of the election campaign.

In this initial arraignment, the defendants rejected their defense teams—uniformed lawyers presented to them on the eve of the trial after they had spent at least five years in isolation and undergoing torture.

While observers were allowed into the courtroom, they were seated behind soundproof glass and provided a time-delayed audio transmission of the proceedings, in which prisoners’ statements referring to their torture at the hands of interrogators, drugs that had been administered to them and the circumstances of their arrests were all deleted.

One of the defendants, Ammar al-Baluchi, mocked the military judge when he explained the “rights” of the accused. Speaking in fluent English, he declared, “Everything that has happened here is unfair and unjust.”

“Since the first time I was arrested, I might have appreciated that,” he said in response to the judge’s assurance that he would be provided free legal counsel. “The government is talking about lawyers free of charge,” he continued. “The government also tortured me free of charge all these years.”

The mounting revelations about the criminality dominating the imprisonment of detainees at Guantánamo, Bagram, Abu Ghraib and secret CIA prisons around the world have thoroughly discredited these sham legal proceedings before they can even begin.

More than ample evidence has been uncovered in the course of these exposures to place Bush, Cheney, Rice and other top officials in the Bush administration on trial for their own war crimes.



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