

DURHAM TARGETING MORE CONTRACTORS?

Time reports that John Durham has sent out recent subpoenas for grand jury testimony pertaining to torture and war crimes, specifically as it relates to Manadel al-Jamadi, the dead Iraqi depicted in one of the most graphic Abu Ghraib photo.

It has been nearly a decade since an Iraqi prisoner known as “the Iceman” – for the bumbled attempt to cool his body and make him look less dead – perished in CIA custody at Abu Ghraib prison. But now there are rumbles in Washington that other alleged CIA abuses as well as the notorious case could be coming back to haunt the agency. TIME has learned that a prosecutor tasked with probing the CIA – John Durham, a respected Republican-appointed U.S. attorney from Connecticut – recently began calling witnesses before a secret federal grand jury in Alexandria, Va., looking into, among other things, the lurid Nov. 4, 2003, “homicide,” documented by the magazine in 2005.

TIME has obtained a copy of a subpoena signed by Durham that points to his grand jury’s broader mandate, which could involve the charging of additional CIA officers and contract employees in other cases. The subpoena says that “the grand jury is conducting an investigation of possible violations of federal criminal laws involving War Crimes (18 USC/2441), Torture (18 USC 2430A) and related federal offenses.”

As Time points out, the likely target of any inquiry focusing on al-Jamadi’s death would be Mark Swanner, a contract CIA interrogator.

Perhaps most importantly, according to someone familiar with the investigation, Durham and FBI agents have said the probe's focus involves "a specific civilian person." Durham didn't name names, but those close to the case believe that person is Mark Swanner, a non-covert CIA interrogator and polygraph expert who questioned Jamadi immediately before his death.

Don't get me wrong, I would lose no sleep if someone—Swanner—actually paid a legal price for al-Jamadi's death. But it does seem remarkable that the only criminal torturers our government can find are either low-level people like Lynndie England or contractors like David Passaro. The apparent immunity of everyone else involved in our torture system sure leads to cynicism, as if the only reason to go after a contractor whose role has been discussed for years was just to show a scalp to the international community.