

PENTAGON CHARGES THE THIRD DETAINEE WHO WAS WATER- BOARDED

The Pentagon charged Abd al Rahim al Nashiri in relation to the USS Cole bombing today (and click through for links to the charging documents and more).

The Pentagon Monday announced a proposed death penalty prosecution of a Saudi man at Guantánamo, alleging he organized the October 2000 suicide bombing of the USS Cole off Aden, Yemen, that killed 17 American sailors.

The 11-page charge sheets, signed by a Marine major, accuse Abd al Rahim al Nashiri, 43, of conspiracy, murder and other law of war violations.

It seeks to try him by military commission at the U.S. Navy base in southeast Cuba, and execute him if convicted.

This one will be interesting.

As you recall, the CIA has admitted to water-boarding three detainees: Abu Zubaydah, Khalid Sheikh Mohammed, and al-Nashiri.

Abu Zubaydah remains uncharged at the moment. Perhaps they think he's too crazy to stand trial. Perhaps, once they realized he was a glorified travel agent, they didn't want to try him. Perhaps they simply don't have the evidence. But for some reason, after accusing Abu Zubaydah of being a 9/11 mastermind for years, they haven't included him in the batch of people they're trying for 9/11.

Then there's KSM. KSM appears ready to lead his four co-defendants straight to the gallows in

hopes of becoming martyrs to the cause. And the Bush Show Trial administrators seem only too happy to go along. Thus, while KSM has already repeatedly raised the torture used on him in the one public hearing he had, it won't make much difference so long as he continues to request to be killed.

Finally, there's Nashiri. Though there appears to be abundant evidence tying Nashiri to the Cole bombing, the Administration hasn't vilified (or glorified, if you're KSM) him like they have other high value detainees. To most Americans, I'd guess, he's a rather anonymous terrorist.

But Nashiri, unlike KSM, is fighting his charges.

In March 2007, according to a partially censored Pentagon transcript, Nashiri told U.S. military officers at Guantánamo that he concocted the confession to please his captors. "From the time I was arrested five years ago, they have been torturing me," he said then.

Which, for all that KSM wants and seems capable of orchestrating a collective martyrdom, means Nashiri's trial will be particularly interesting. Given that he claims his confession was false, it'll really expose how the Gitmo Show Trials will deal with people who claim to be being falsely tried because of torture.

But then, given that Nashiri is nowhere near as controversial as KSM or Abu Zubaydah, perhaps no one will notice.