

# WHY DON'T THEY CLAIM AL-NASHIRI'S WATERBOARDING WORKED?

As I noted last night, Liz “MiniCheney” Cheney very pointedly avoided claiming that al-Nashiri provided important intelligence as a result of being waterboarded. In a non-sequitur response to Norah O'Donnell's assertion that waterboarding is torture, MiniCheney offered this as rebuttal to O'Donnell's point (at 2:15).

There were three people who were waterboarded, and two of those people are people who gave us incredibly important and useful information, information that saved American lives after they were waterboarded, both Khalid Sheikh Mohammed and Abu Zubaydah.

That's pretty shocking, coming as it does from someone trying hard to claim waterboarding is effective. The implication is that Rahim al-Nashiri did not give such information after he was waterboarded.

But it turns out the 9/11 Commission actually used more information from al-Nashiri in its report than it did from Abu Zubaydah (though still not a lot), a total of 16 references—and the Commission may have included more information gathered immediately after waterboarding. There's some confusion about when al-Nashiri was captured (the contemporaneous public announcement placed it in early November 2002, whereas the ICRC lists October 2002 without the specific date; the ICRC also reports that al-Nashiri was allegedly interrogated by Dubai agents for a month before being handed over to the Americans), and we have no reporting on precisely when al-Nashiri was waterboarded. Nevertheless, al-Nashiri gave information that

was used in the 9/11 Report closer to his capture date than AZ and as close as a few of the KSM reports. And reports were generated consistently in all four months after he was captured:

November 20, 2002: One citation  
November 21, 2002: Two citations (one contradicted by later reporting)  
December 26, 2002: Three citations (one labeled "may not be true")  
January 14, 2003: One citation  
January 27, 2003: One citation  
January 28, 2003: One citation  
February 10, 2003: One citation  
February 20, 2003: One citation  
May 21, 2003: One citation  
February 21, 2004: Four (probably) citations, all presumably in response to 9/11 Commission questions

Thus, if al-Nashiri was waterboarded in any of the four months following his capture, information collected in the same month made it into the report. (Note, much more of this testimony was corroborated than AZ's or KSM's.)

In other words, they did get information from al-Nashiri, at least in the 9/11 Report, more than they did from Abu Zubaydah. And while we can't be sure, it may have been collected using waterboarding. But for some reason, MiniCheney carefully stops short of claiming they got information from al-Nashiri.

Now, there are several possible reasons why MiniCheney doesn't want to claim that waterboarding worked with al-Nashiri. Perhaps because, in his public appearance before the Combatant States Review Tribunal and unlike AZ and KSM, al-Nashiri did not admit to the central charges against him. KSM accepted the charges, AZ disputed specific allegations of allegiance to Al Qaeda but largely admitted his role in training terrorists. Al-Nashiri, however, claimed he was just a fisherman-businessman whose clients had used things he had sold them

to bomb the Cole. Thus, while AZ and KSM have in a public statement supported the veracity of some of the central claims against them, al-Nashiri challenged all of it. This might make it harder for MiniCheney to claim his intelligence was true.

Or perhaps it has to do with the statements about false confessions each man made. All three stated they had made false confessions. KSM didn't provide much detail on this point; he was more focused on defending the innocent detainees who had also made false confessions. AZ had very specific complaints about the evidence against him and spoke of false confessions, but without much detail in his public statements. Al-Nashiri, however, makes specific statements about the things he confessed to.

[Listing the accusations] In regarding point number five. A relationship with people committing bombings in Saudi Arabia. They tortured me. [REDACTED] They used to call me "commander of the sea". The [sic] used to call me the "commander of the Gulf". He was in charge of the people there. When everything happened in Saudi Arabia or whenever explosions occurred. They used to tell me what relation do I have with those things and they used to torture me. And I have nothing to do with these things. Five years they weren't able to get anything from me. I don't know. Like now to admit what. Yes, I know these people. I know a lot of people in Saudi Arabia who do not want a military presence in Saudi Arabia. They will move against you in a natural way. I know some people in Saudi Arabia who I have helped financially. Some of them get married and some of them to do other stuff. But I'm not responsible if they take the money and they go and fight or do something else. Number six. Usama bin Laden having a nuclear bomb. [REDACTED]. Then they used to laugh. Then they used

to tell me you need to admit to those information. So I used to invent some of the stuff for them to say Usama bin laden had a, had a nuclear bomb. And they use to laugh and they were very happy. They were extremely happy because of the news. Then after that I told them, listen. He has no bomb. [my emphasis]

There's a lot more in the same vein. But this passage is particularly problematic because he reveals the degree to which the torturers were cueing al-Nashiri to tell them things they wanted to hear—up to and including claiming that OBL had a nuclear bomb. And, al-Nashiri reveals the laughs of the torturers, he explains he confessed these things because the torturers asked him to, and he maintained they had gotten nothing from him in five years. Thus, while AZ and KSM make it clear that torturers elicited false testimony, al-Nashiri not only depicts the process of eliciting false testimony—complete with laughter from the torturers—but he insists that nothing he confessed to is true.

Now all that—the embarrassment of false confession expressed in such detail—might explain why MiniCheney doesn't claim they got useful information from him. One way or another, al-Nashiri's public statement proves waterboarding got neither real information nor—just as importantly—someone even willing to play the compliant prisoner/show trial defendant.

But then why did they stop after waterboarding him just twice?

Is it just that al-Nashiri willingly admitted their stories of nuclear bombs and other plots immediately, so they didn't have to waterboard him anymore? But we know AZ and KSM did, too but they kept torturing them, ten or a hundred more times.

I don't know the answer. It doesn't make sense

to me.

But I am wondering whether drational's really important diary from today explains it. drational points out that one of the big "improvements" they made in 2005, after problems exposed—among other places—in the CIA IG Report, was to make sure doctors attending waterboarding sessions had tracheotomy kits available. Presumably, we might know now if al-Nashiri required a traheotomy after waterboarding. But is it possible something equally as serious happened?