

# THE CIA WON'T GIVE ABU ZUBAYDAH HIS OWN DIARIES

When Abu Zubaydah had his Combat Status Review Tribunal hearing on March 27, 2007, the President of the tribunal admitted that the government could not or would not produce key volumes of Abu Zubaydah's diaries in preparation for the hearing.

From the evidence request I received, again, from your Personal Representative, you believe the statements in the Summary of Evidence document that you provided that—excuse me, that you were provided are a misrepresentation of what you actually wrote in your diary. I reviewed the Summary of Evidence document and noted that there were at least three items listed which specifically cited your diary as the source of the information. Each of these items referenced operational plans and actions which were associated with enemy forces of particular interest to the Tribunal. It would be helpful for the Tribunal to review the source document of these statements and hear your representation of what you wrote in your diary. I therefore found your diary request relevant. On February 22nd, I ordered the production of your diary. As of today, the government has produced portions of your diary. These have been provided to your Personal Representative to prepare for the Tribunal's hearing today. I understand your statements provided today or the evidence previously provided will refer and provide us some of those diary entries for us to consider. I do need to address one additional matter regarding your

diary. There are two volumes of your diary in U.S. Government custody: volumes five and six. The government has made a diligent effort to produce those volumes for us today but—; however, they have not been located. So they are not available for us during this hearing. I therefore find that the volumes five and six are not available for us during this hearing. Given this situation, the Tribunal will consider your statements if you wish to make any, of what you believe the diary entries represent.

According to Abu Zubaydah, one thing included in the parts of the diary not turned over includes a condemnation of 9/11 and of the killing of innocent children, which violates the tenets of Islam.

I can't remember exactly what you talk about in my diary. I know exactly what I wrote. – writ wrote [asks for correction from Linguist] –One part I do remember, I write against eleven September.

[snip]

They killing of our child so we not care to killing their child; it's not allowed in Islam. I have it exactly, if you read my diary nice, you will understand my idea nice.

Since two years and one Presidential election have passed since that CSRT, and since we've been talking about evidence the CIA destroyed, I thought I'd check to see whether those diary sections still haven't been turned over. Not only haven't they been turned over, but neither have key parts of AZ's diary that would describe the torture he underwent at the hands of the CIA's contractors (as well as some drawings, the description of which has been redacted).

In January, AZ's lawyers moved to get a range of evidence from the government, include volumes 5

and 6 (described above), but also volumes 7 through 9, written while in CIA custody.

Long after his 1992 [head] injury, once Petitioner had recovered the ability to speak and write, he began to keep a diary. It is his memory. Without it, he is lost.

To date, Petitioner has completed eleven volumes of his diary, each written in a slender, bound notebook. He currently is writing volume 12. He wrote the first six volumes before his March 2002 arrest. Volumes 7 through 9 were drafted while Petitioner was in CIA custody. Volumes 10 and 11 were completed in DoD custody at Guantanamo, after September 2006; only these last two volumes, written after Petitioner was transferred from CIA to DoD custody, were given to counsel in late 2008 by Petitioner because they were in his possession. At the present time, Petitioner has access to volumes 1 – 4 in his cell, and **the Government and CIA are wrongfully denying Petitioner access to volumes 5 – 9, which, arguably, are most relevant to issues that are likely to arise before this Court in connection with Petitioner's defense. Volumes 5 and 6 were drafted before Petitioner's arrest and date most closely to the time of his arrest. They are critically important to show what Petitioner was doing during this time frame and contain exculpatory evidence. For example, volumes 7 – 9 were drafted while petitioner was in CIA custody and recount his torture and damaging exculpatory admissions made by Petitioner's torturers and other CIA officials.** [my emphasis]

The filing goes on to note that:

- English translations of his

diary were quoted in his CSRT; AZ maintains the translations are inaccurate, but the government has not turned over those translations

- CIA operatives interrogated AZ about his diaries
- The government had allowed AZ to keep his diaries—until he got put in Gitmo (for what looks like a second time), when they were taken away from him
- The military has no objection to giving AZ his diaries, but CIA has refused to turn them over

The whole filing is worth reading for the Kafkaesque situation it describes, in which AZ, whose memory is described to be completely dysfunctional, has been refused the sole record he has of the events of which he has been accused, even though at least three of those accusations come directly from his diary.

And of course, as with the torture tapes, the CIA refuses to make available the evidence of what they did to AZ.