

JOSHUA CLAUS: THE RAPE THREAT AND THE DEAD DETAINEES

Jim White catalogued some of the hesitancy among the traditional media (and, frankly, the blogosphere) to highlight the precise piece of news that DOD banned four reporters from Gitmo over: the name of the witness dubbed Interrogator #1 who testified at the Omar Khadr hearing the other day, Joshua Claus. Kudos to HuffPo and CNN for refusing to accept DOD's censorship by printing Claus' name.

Joshua Claus, Joshua Claus, Joshua Claus.

Froomkin aptly describes DOD's ridiculous demand that reporters not report on a name that is in the public domain as a demand for amnesia:

Jack Newfield, the legendary investigative reporter, once wrote that if government officials had their way, journalists would be "stenographers with amnesia."

The "amnesia" part, at least, was generally considered a bit of an exaggeration.

But now, the Pentagon has banned four reporters from covering the military commissions at Guantanamo Bay, Cuba, because they refused to forget something that had already been reported to the world.

But DOD claims it is doing something different: making sure that Joshua Claus, whose role in the Dilawar killing has been documented, is not connected to this week's hearing.

Pentagon officials said it didn't matter that Claus' name was already widely known.

"If his name was out there, it was not related to this hearing. Identifying him with Interrogator No. 1 was the problem," Lapan said.

Which really ought to encourage those of us who would like to confound DOD's attempt at censorship to focus on what new information can now be connected to Joshua Claus: specifically, that the same guy involved in the killing of the Afghan taxi driver Dilawar also implicitly threatened Omar Khadr with rape.

Both Steven Edwards and Michelle Shepherd (who are both among the journalists banned on Thursday) previously reported that Claus conducted most of Khadr's interrogations at Bagram. Both raised the question whether Khadr was subjected to the same kind of abuse Claus used on other detainees, most of all Dilawar, who died after abuse in US custody. But in his on-the-record interview with Shepherd, Claus insisted that Khadr wasn't subject to any of that same kind of abuse.

In the first interview he has given since leaving the army, Joshua Claus told the *Toronto Star* that he feels he has been unfairly portrayed concerning his work as an interrogator at the U.S. base in Bagram, Afghanistan.

"They're trying to imply I'm beating or torturing everybody I ever talked to," Claus said by telephone yesterday. "I really don't care what people think of me. I know what I did and I know what I didn't do."

[snip]

Claus was 21 at the time, and the assignment was his first deployment. But he said yesterday it was unfair to compare his interrogation of Khadr to that of Dilawar or the other detainees.

"Omar was pretty much my first big

case," Claus said, noting that they'd talk for six to eight hours a day. "With Omar I spent a lot of time trying to understand who he was and what I could say to him or do for him, whether it be to bring him extra food or get a letter out to his family ... I needed to talk to him and get him to trust me."

He said he was trying to find a "symbiotic relationship" with Khadr, who was 15 at the time of his capture.

Claus wants us (or at least wanted us) to believe a "symbiotic relationship" existed between him and Khadr. And that's, frankly, how DOD would like it to remain, with Claus' denials that Khadr was subject to any of the same abusive treatment that Claus used on others.

Only, we come to learn that as part of that "symbiotic relationship," Claus told Khadr a story that might lead him to believe if he didn't give Claus what Claus wanted, he might be sent to a US prison and exposed to rape and possibly even death.

"I told him a fictitious story we had invented when we were there," Interrogator #1 said. It was something "three or four" interrogators at Bagram came up with after learning that Afghans were "terrified of getting raped and general homosexuality, things of that nature." The story went like this:

Interrogator #1 would tell the detainee, "I know you're lying about something." And so, for an instruction about the consequences of lying, Khadr learned that lying "not so seriously" wouldn't land him in a place like "Cuba" – meaning, presumably, Guantanamo Bay – but in an American prison instead. And this one time, a "poor little 20-year-old kid" sent from Afghanistan ended up

in an American prison for lying to an American. "A bunch of big black guys and big Nazis noticed the little Afghan didn't speak their language, and prayed five times a day – he's Muslim," Interrogator #1 said. Although the fictitious inmates were criminals, "they're still patriotic," and the guards "can't be everywhere at once."

"So this one unfortunate time, he's in the shower by himself, and these four big black guys show up – and it's terrible something would happen – but they caught him in the shower and raped him. And it's terrible that these things happen, the kid got hurt and ended up dying," Interrogator #1 said. "It's all a fictitious story."

"It's all a fictitious story," a natural part of any "symbiotic relationship," right? And those threats of rape and death have nothing to do with an environment in which detainees did die, at Claus' hand (among others), right?

If we take DOD at its word that the big problem with naming Joshua Claus as Interrogator #1 even after he has been named as Khadr's primary interrogator at Bagram in the past, then the big problem must be connecting the content of Claus' testimony at this week's hearing—that he threatened Khadr with rape—with the general climate of abusiveness which led to the deaths of two detainees.

Remember, DOD is arguing that Khadr's admissions after he heard this story implicitly threatening rape and possibly death were untainted by abuse. That's the whole point of this hearing. That claim is much harder to sustain if we also know that the same guy who threatened rape went on to contribute to another detainee's death.

All the more reason to make that connection clear.