

TORTURED CONFESSIONS AND THE GITMO PROTECTION ORDERS

An unfortunate side effect of the NYT and NPR's attempt to preempt WikiLeaks' embargo on the Gitmo Files is that their coverage—rather than the coverage of those who had been working on the files for several weeks—got the most attention. Notably, McClatchy's team of Tom Lasseter (who had done a series on Gitmo) and Carol Rosenberg (who knows more about it than anyone) had to scramble to get their first story out.

McClatchy's [chief of correspondents Mark] Seibel said the WikiLeaks notified him at 5:30 p.m. EST that the embargo was lifted. So McClatchy – and the other news organizations working on the project – needed to scramble to finish their first stories as The Times and NPR put the finishing touches on theirs.

Carol Rosenberg, a reporter for McClatchy's *Miami Herald* and one of the foremost authorities on Guantanamo Bay in the press corps, said she was caught off guard by the abrupt change of plans. "All I know is I spent nearly the last month digging through documents and was surprised tonight to learn that the embargo was about to be lifted on two hours notice," Rosenberg said in an email.

Which is why the topic of their second story is so important. It shows that 8 unreliable detainees, several of whom are known to have been tortured, provided a great deal of the intelligence justifying the continuing detention of Gitmo detainees.

The allegations and observations of just eight detainees were used to help build cases against some 255 men at Guantanamo roughly a third of all who passed through the prison. Yet the testimony of some of the eight was later questioned by Guantanamo analysts themselves, and the others were subjected to interrogation tactics that defense attorneys say amounted to torture and compromised the veracity of their information.

How different would the focus on the Gitmo Files be if the first story about it were about the unreliability of the intelligence in the Detainee Assessment Briefs, rather than how many people labeled “high risk” in those DABs went on to be transferred?

To see background on the people who incriminated many of the other Gitmo detainees, go read the whole article. Meanwhile, I just wanted to point out one point about the Gitmo protection order I described yesterday.

McClatchy notes that Mohammed al-Qahtani—whom Convening Authority Susan Crawford admitted was tortured at Gitmo—provided intelligence against 31 detainees.

Muhammad al Qahtani, a Saudi man whose interrogations reportedly included 20-hour sessions and being led around by a leash, appeared as a source in at least 31 cases. A Guantanamo analyst note about Qahtani acknowledged that “starting in winter 2002/2003, (Qahtani) began retracting statements,” though it argued that based on corroborating information “it is believed that (his) initial admissions were the truth.” At the Center for Constitutional Rights in New York, the firm that has championed Qahtani’s unlawful detention lawsuit, senior attorney Shane Kadidal said that “the information that was given in the

first place (by Qahtani) was not reliable." As a condition of his security clearance, Kadidal said, he couldn't discuss the specifics of the WikiLeaks documents.

As they point out, Shane Kadidal and the Center for Constitutional Rights have handled his defense and presumably know a great deal about the intelligence tied to Qahtani. But because DOJ (and surely, DOD) have warned them that speaking about the Gitmo Files leaked by WikiLeaks would be a violation of their protection order, they can't comment on them.

In effect, in the name of protecting secrets that are already in the public domain, DOJ has gagged the people best able to comment on these issues.

But then, that's the way our government uses secrecy to stifle informed discussions in this country.