

HOW LONG WAS ABU GHAITH DETAINED IN JORDAN? WAS HE TORTURED THERE?

Barack Obama and Eric Holder, in my opinion, have violated the Constitution and international laws on a large number of fronts in carrying out the Great War on Terror, but they are to be commended for their move to try Osama bin Laden's son-in-law, Suleiman Abu Ghaith, in federal court rather than in a military commission at the US prison in Guantanamo Bay, Cuba. However, in reading reports in this rapidly developing story, a couple of key questions stand out. We only learned yesterday, when New York Republican (or Democrat?) Peter King first broke the news that Abu Ghaith had been captured, that he was to appear today at an arraignment in New York. The exact date on which he was detained is not known and it appears that he spent at least some time in custody in Jordan. The involvement of Jordan in this case is highly problematic, because the Bush administration relied heavily on Jordan for torture of suspects who eventually were sent to Gitmo.

Lara Jakes of AP broke what seems to be the first report on Abu Ghaith's capture:

Rep. Peter King, the former chairman of the House Homeland Security Committee, credited the CIA and FBI with catching al-Qaida propagandist Sulaiman Abu Ghaith in Jordan within the last week. He said the capture was confirmed to him by U.S. law enforcement officials.

A Jordanian security official confirmed that al-Ghaith was handed over last week to U.S. law enforcement officials under both nations' extradition treaty. He declined to disclose other details and

spoke on condition of anonymity because of the sensitivity of the matter.

But just how long was Abu Ghaith in Jordan? Here is NPR:

Sources familiar with the case tell NPR that bin Laden's son-in-law left Iran last month to travel to Turkey. He entered the country under a false passport and Turkish authorities subsequently found him and arrested him in a luxury hotel in Ankara, the Turkish capital. They held him briefly but then decided that they couldn't detain him because hadn't committed a crime on Turkish soil.

Abu Ghaith is originally from Kuwait. He was stripped of his passport soon after 9-11, so he is essentially stateless. Nevertheless, the Turkish authorities decided to deport him back to Kuwait via Jordan.

It was during that transfer that U.S. officials picked him up, officials said. Some media outlets are reporting that the CIA was involved. Others say it was the Special Forces.

The U.S. government has not said how Abu Gaith came into its custody. But he was flown to New York after a big internal discussion within the U.S. government on the best venue in which to try him. And it appears the decision was to bring charges in a federal court.

Here is how the Justice Department described which US agencies were involved in the capture:

The charges and arrest of Abu Ghayth are the result of the close cooperative efforts of the U.S. Attorney's Office for the Southern District of New York, the Joint Terrorism Task Force – which

principally consists of agents and detectives of the FBI and the New York City Police Department – the United States Marshals Service and the National Security Division of the U.S. Department of Justice. The Justice Department’s Office of International Affairs and the U.S. Department of State also provided assistance.

The question of whether Abu Ghaith was held by Jordan and for how long is important because of the torture Jordan carried out on behalf of the US during the Bush administration. From a Washington Post story in 2007:

AMMAN, Jordan – Over the past seven years, an imposing building on the outskirts of this city has served as a secret holding cell for the CIA.

The building is the headquarters of the General Intelligence Department, Jordan’s powerful spy and security agency. Since 2000, at the CIA’s behest, at least 12 non-Jordanian terrorism suspects have been detained and interrogated here, according to documents and former prisoners, human rights advocates, defense lawyers and former U.S. officials.

In most of the cases, the spy center served as a covert way station for CIA prisoners captured in other countries. It was a place where they could be hidden after being arrested and kept for a few days or several months before being moved on to Guantanamo Bay, Cuba, or CIA prisons elsewhere in the world.

And the prisoners held by Jordan were tortured:

In the aftermath of Sept. 11, however, the GID was attractive for another reason, according to former U.S. counterterrorism officials and Jordanian

human rights advocates. Its interrogators had a reputation for persuading tight-lipped suspects to talk, even if that meant using abusive tactics that could violate U.S. or international law.

"I was kidnapped, not knowing anything of my fate, with continuous torture and interrogation for the whole of two years," Al-Haj Abdu Ali Sharqawi, a Guantanamo prisoner from Yemen, recounted in a written account of his experiences in Jordanian custody. "When I told them the truth, I was tortured and beaten."

Human Rights Watch spoke out against the US relying on Jordan for torture in 2008:

The US Central Intelligence Agency (CIA) transferred at least 14 terrorist suspects to Jordanian custody for interrogation and torture since the September 11, 2001 attacks, Human Rights Watch said in a new report released today.

The 36-page report, "**Double Jeopardy: CIA Renditions to Jordan,**" documents how Jordan's General Intelligence Department (GID) served as a proxy jailer and interrogator for the CIA from 2001 until at least 2004. While a handful of countries received persons rendered by the United States during this period, no other country is believed to have held as many as Jordan.

"The Bush administration claims that it has not transferred people to foreign custody for abusive interrogation," said Joanne Mariner, terrorism and counterterrorism director at Human Rights Watch. "But we've documented more than a dozen cases in which prisoners were sent to Jordan for torture."

Note how Peter King praises Jordan for their role in the current case in a Reuters story:

“I commend our CIA and FBI, our allies in Jordan, and President (Barack) Obama for their capture of al-Qaeda spokesman Sulaiman Abu Ghaith. I trust he received a vigorous interrogation, and will face swift and certain justice,” King said in a statement.

Just how “vigorous” was that interrogation? Who carried it out? Whether intentional or not, it looks to me as if Congressman King has left us a bread crumb or two to follow in determining if the US still relies on torture by proxy in Jordan.

Update: As noted by Brindle in comments, the court appearance has been held and Abu Ghaith has entered a not guilty plea. This bit from the New York Times article cited by Brindle stands out especially:

John P. Cronan, one of the prosecutors, told Judge Kaplan that Mr. Abu Ghaith made extensive comments to law enforcement officials after his arrest. He referred to a 22-page document, which was not released publicly, that detailed his statements. Mr. Cronan also referred to audio recordings of statements Mr. Abu Ghaith made to foreign authorities, some of which he said still need to be translated.

So there are “statements Mr. Abu Ghaith made to foreign authorities”, are there? Were those Jordanian authorities? How was Abu Ghaith treated by those authorities and under what conditions were the statements made?

It seems that my questions of whether Abu Ghaith has been tortured just became even more in need of being asked.