

THE GITMO LAWYERS' INFORMATION GULAG

Charlie Savage reports on the new “relaxed” standards that will allow Gitmo defense lawyers to glance at the Gitmo Detainee Assessment Briefs released by WikiLeaks. (h/t fatster)

In guidance to the lawyers – who have security clearances, and so are required to follow government rules for the handling of classified information – the department’s court security officer said Friday that they were now permitted to view the leaked documents on the Internet.

But they are still not allowed to download, save or print the documents because they might contain restricted information.

“While you may access such material from your non-U.S.-government-issued personal and work computers, you are not permitted to download, save, print, disseminate, or otherwise reproduce, maintain, or transport potentially classified information,” the directive said.

I’m not sure how this is all that much better for Gitmo lawyers.

As I explained back in April, the request to allow access to the Gitmo files came from Saifullah Paracha’s lawyer, David Remes. His client’s file contains a number of glaringly problematic details that have now been in the public domain for two months.

Remes goes on to describe how this prevents him from defending his client publicly, specifically because he can’t comment for a **big article** the NYT did which (IMO) offered a credulous reading

of Paracha's file. While that article contains a quote from ACLU National Security Project Director Hina Shamsi noting that the information in the files is uncorroborated, and while NYT admits much of the evidence derives from KSM whom they note was waterboarded, rather than point out obvious suspect details in Paracha's file, it simply repeats those details uncritically.

Here's just one reason why Remes needs to have access to the file to adequately represent his client and refute credulous readings of Paracha's file:

(S//NF) The plan called for shipping explosives in containers that detainee used to ship women's and children's clothing to the US. Detainee agreed to this plan. KU-10024 [Khalid Sheikh Mohammed] claimed in early March 2003, PK-10020 and PK-10018 [Ammar al-Baluchi, KSM's nephew] were arranging the details with detainee and his son Uzair. KU-10024 stated detainee knew all the details of the plan. Uzair understood PK-10018 and PK-10020 were al-Qaida, but KU-10024 was unsure how much Uzair [Paracha's son] knew about the actual smuggling plan.⁸ [my emphasis]

There are, in general, just two kinds of evidence offered by KSM in March 2003: evidence the CIA itself claims was disinformation offered by KSM in his early days of captivity while he was still successfully resisting interrogation, and evidence offered up under torture, potentially one of the 183 waterboarding sessions KSM survived in March 2003.

It's unclear which category this piece of intelligence falls into, but the use of the verb "claimed" suggests there's something about the intelligence that may have led even the briefer on Paracha's file to doubt it.

The intelligence report cited for this detail (and therefore collected in March 2003), TD-314/16519-03, is cited three more times in Paracha's file, only one of which is corroborated by reports dated 2004 and 2005.

In other words, one of the claims against Paracha can be traced back to a March 2003 interrogation of KSM that no one should consider credible. The entire case against Paracha builds off this early interrogation.

There are a number of other reasons to doubt the "facts" laid out in Paracha's file. Notably, references to Aafia Siddiqui make no mention of her earlier reported detention by the US in Afghanistan, and instead claims "Siddiqui was detained in Afghanistan in mid-July 2008," thereby hiding a key detail as to the credibility of any intelligence Siddiqui may have offered (or, just as likely, making no mention of intelligence Siddiqui refuted during years of interrogation in US custody in Afghanistan).

The government just generously granted Remes the opportunity to look at all these glaring problems firsthand.

But if he can't "disseminate" this information—if he can't go to reporters and say, "all that damning information against my client comes not just from a detainee who was waterboarded, but it comes from the period when he was being waterboarded," what good does it do?