

WILL ILLEGALITY OF NASHIRI TORTURE GET EXPOSED?

Carol Rosenberg reports the very big news that Judge James Pohl has ordered the government to turn over to Abd al Rahim al-Nashiri's lawyers top secret information on the torture their client endured.

The judge's order instructs prosecutors to provide nine categories of closely guarded classified CIA information to the lawyers – including the names of agents, interrogators and medical personnel who worked at the so-called black sites. The order covers “locations, personnel and communications” as well as cables between the black sites and headquarters that sought and approved so-called enhanced interrogation techniques, the two sources said.

It does not, however, order the government to turn over Office of Legal Counsel memos that both blessed and defined the so-called Torture Program that sent CIA captives to secret interrogations across the world after the Sept. 11, 2001 attacks – out of reach of International Committee of the Red Cross delegates.

“It's a nuclear bomb that may shut down the case,” said one person who read the order and is not a part of the Cole case.

I find Pohl's decision to order this in Nashiri's case whereas he has not made equivalent orders in the 9/11 case of particular interest. Perhaps he will once public releases back WaPo's report that CIA subjected Ammar al-Baluchi to ice drowning not sanctioned by any

DOJ memo.

But in Nashiri's case, we have reason to believe that CIA realized right away they had broken the law with Nashiri. His treatment generated the referral to CIA IG John Helgerson. And the only technique John Yoo rejected was mock burial, which may have implications for the mock execution Nashiri endured.

I'm also quite interested in two other details. First, there are conflicting reports about how long Nashiri was subject to torture in in the UAE. I'm curious if this is part of the chronology at issue.

And finally, remember that even Papa Dick Cheney and his daughter don't claim waterboarding worked with Nashiri. We've never learned why not, though there are hints he may have had medical problems with the waterboard. Which makes Pohl's order about the doctors present particularly interesting too.