

Guantanamo Show Trials Re-Started

By [Washington's Blog](#)

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Obama is [re-starting the trials of Guantanamo inmates](#), including the alleged mastermind of 9/11, Khalid Sheik Mohammed.

I have no idea whether or not Mr. Mohammed is a terrorist whose actions killed innocent Americans. If he is, I hope he is convicted and put to death. A decorated 20-year CIA veteran, who Pulitzer-Prize winning investigative reporter Seymour Hersh called “perhaps the best on-the-ground field officer in the Middle East”, and whose astounding career formed the script for the Academy Award winning motion picture *Syriana* (Robert Baer) raised [serious doubts](#) in Time Magazine about Mohammed being the 9/11 mastermind. But his innocence or guilt is beyond the scope of this essay.

What I am against is convicting this guy without due process of law under the United States constitution.

Show Trials

The trials will be held in Guantanamo, which is a huge step backwards. Obama had agreed to try suspects in [American courts](#), which would thus follow the Constitution and the rule of law.

Indeed, the town of Hardin, Montana [requested](#) that 100 Gitmo detainees be sent to its empty prison, and Congressman Jim Moran [said](#) that detainees could be tried in his Alexandria, Virginia district. So there was willingness by Americans to hold the Guantanamo inmate trials here.

Instead, we appear to be to Guantanamo “show trials”.

Specifically, as of 2008, the former chief prosecutor for Guantánamo’s military commissions disclosed that the trials have been rigged to prevent the possibility of acquittal. Specifically, the head of the Guantanamo tribunal — who is actually in charge of both prosecuting and defending the suspects — [told](#) the former chief prosecutor:

Wait a minute, we can’t have acquittals. If we’ve been holding these guys for so long, how can we explain letting them get off? We can’t have acquittals, we’ve got to have convictions.

In addition, three other Guantanamo prosecutors — Maj. Robert Preston, Capt. John Carr and Capt. Carrie Wolf — “asked to be relieved of duties after saying [they were concerned that](#)

[the process was rigged. One said he had been assured he didn't need to worry about building a proper case; convictions were assured."](#)

The head of the tribunal also [said](#) that — even if the defendants are somehow acquitted — [they may not be released from Guantanamo](#).

And MSNBC speculated that the U.S. put a “stun belt” on alleged terrorist Moussaoui during his trial to keep him in line:

No wonder the American Bar Association, “which the Pentagon had said would help arrange such representation, [has refused to participate because it objects to the trial procedures](#).” And no wonder the defense attorneys who have agreed to represent the defendants [say that the process is completely unfair](#). See also [this interview](#).

Torture

Former Congresswoman and prosecutor Liz Holtzman makes a [good point](#):

The criminal justice system identified and convicted some of those involved in the 1993 World Trade Center attacks. By contrast, not one person has been prosecuted for the 9/11 attacks, although seven and a half years have gone by. Even Khalid Sheik Mohammed, one of the masterminds of 9/11, is unlikely ever to be convicted in US courts because he was repeatedly subjected to torture. Significantly, the cruel and torturous methods used on detainees never yielded enough information to capture Osama Bin Laden or his chief deputy. So much for the claims of torture's efficacy.

Before you protest that we didn't torture them, please note that the chief lawyer for Guantanamo litigation – Vijay Padmanabhan – [said](#) that torture was widespread. And Susan J. Crawford, the senior Pentagon official overseeing the military commissions at Guantánamo — the novel system of trials for terror suspects that was conceived in the wake of the 9/11 attacks — [told](#) Bob Woodward:

We tortured Qahtani. His treatment met the legal definition of torture.

In fact, the type of torture used by the U.S. on the Guantanamo suspects is of a special type. Senator Levin revealed that the [the U.S. used torture techniques aimed at extracting false confessions](#).

McClatchy [fills in](#) some of the details:

Former senior U.S. intelligence official familiar with the interrogation issue said that Cheney and former Defense Secretary Donald H. Rumsfeld demanded that the interrogators find evidence of al Qaida-Iraq collaboration...

For most of 2002 and into 2003, Cheney and Rumsfeld, especially, were also demanding proof of the links between al Qaida and Iraq that (former Iraqi exile leader Ahmed) Chalabi and others had told them were there.”

It was during this period that CIA interrogators waterboarded two alleged top al Qaida detainees repeatedly — Abu Zubaydah at least 83 times in August 2002 and Khalid Sheik Muhammed 183 times in March 2003 — according to a newly

released Justice Department document...

When people kept coming up empty, they were told by Cheney's and Rumsfeld's people to push harder," he continued. "Cheney's and Rumsfeld's people were told repeatedly, by CIA . . . and by others, that there wasn't any reliable intelligence that pointed to operational ties between bin Laden and Saddam . . .

A former U.S. Army psychiatrist, Maj. Charles Burney, told Army investigators in 2006 that interrogators at the Guantanamo Bay, Cuba, detention facility were under "pressure" to produce evidence of ties between al Qaida and Iraq.

"While we were there a large part of the time we were focused on trying to establish a link between al Qaida and Iraq and we were not successful in establishing a link between al Qaida and Iraq," Burney told staff of the Army Inspector General. "The more frustrated people got in not being able to establish that link . . . there was more and more pressure to resort to measures that might produce more immediate results."

"I think it's obvious that the administration was scrambling then to try to find a connection, a link (between al Qaida and Iraq)," [Senator] Levin said in a conference call with reporters. "They made out links where they didn't exist."

Levin recalled Cheney's assertions that a senior Iraqi intelligence officer had met Mohammad Atta, the leader of the 9/11 hijackers, in the Czech Republic capital of Prague just months before the attacks on the World Trade Center and the Pentagon.

The FBI and CIA found that no such meeting occurred.

In other words, top Bush administration officials not only knowingly lied about a non-existent connection between Al Qaida and Iraq, but they pushed and insisted that interrogators use special torture methods aimed at extracting false confessions to attempt to create such a false linkage. See also [this](#) and [this](#).

Paul Krugman eloquently [summarized](#) the truth about the type of torture used:

Let's say this slowly: the Bush administration wanted to use 9/11 as a pretext to invade Iraq, even though Iraq had nothing to do with 9/11. So it tortured people to make them confess to the nonexistent link.

There's a word for this: it's evil.

The Accused Made Up False Statements to Stop Torture

The Miami Herald ran a [story](#) entitled "Alleged 9/11 mastermind: 'I make up stories'", noting:

Accused al Qaeda mastermind Khalid Sheik Mohammed complained that interrogators tortured lies out of him...

"I make up stories," Mohammed said ...

In broken English, he described an interrogation in which he was asked the location of al Qaeda leader Osama bin Laden.

"Where is he? I don't know," Mohammed said. 'Then he torture me. Then I said, 'Yes, he is in this area or this is al Qaeda which I don't know him.' I said no, they torture me."

This is not new. It has already been documented that Mohammed confessed to crimes which [he could not have committed](#), and that he said that he gave the interrogators a lot of [false information - telling them what he thought they wanted to hear - in an attempt to stop the torture](#).

Indeed, Khalid Sheikh Mohammed [told](#) the Red Cross:

During the harshest period of my interrogation I gave a lot of false information in order to satisfy what I believed the interrogators wished to hear in order to make the ill-treatment stop. I later told the interrogators that their methods were stupid and counterproductive. I'm sure that the false information I was forced to invent in order to make the ill-treatment stop wasted a lot of their time and led to several false red-alerts being placed in the U.S.

And see [this](#) Washington Post report.

The Telegraph also [noted](#):

Khalid Sheikh Mohammed, the self-confessed mastermind of 9/11, was waterboarded 183 times in one month, and "confessed" to murdering the journalist Daniel Pearl, which he did not. There could hardly be more compelling evidence that such techniques are neither swift, nor efficient, nor reliable

Dick Cheney claimed that waterboarding Khalid Shaikh Mohammed stopped a terror attack on L.A., but as the Chicago Tribune [notes](#):

The Bush administration claimed that the waterboarding of Khalid Shaikh Mohammed helped foil a planned 2002 attack on Los Angeles — forgetting that he wasn't captured until 2003.

(see [this confirmation](#) from the BBC: "Khalid Sheikh Mohammed ... was captured in Pakistan in 2003").

The Other Witness Against Khalid Sheik Mohammed

But a second witness - Abu Zubaida - fingered Khalid Sheikh Mohammed as the 9/11 mastermind (Zubaida was subsequently severely tortured for many months. But he initially identified KSM even [before being tortured](#)).

So we have independent confirmation that KSM was the chief architect of 9/11, right?

Well, the New Yorker [notes](#) week:

The F.B.I.'s point man on the Abu Zubaydah interrogation, Daniel Coleman, had read Zubaydah's diaries and concluded that he "had a schizophrenic

personality.”

Indeed, the [Washington Post](#) noted in 2007:

Retired FBI agent Daniel Coleman, who led an examination of documents after Abu Zubaida’s capture in early 2002 and worked on the case, said the CIA’s harsh tactics cast doubt on the credibility of Abu Zubaida’s information.

“I don’t have confidence in anything he says, because once you go down that road, everything you say is tainted,” Coleman said, referring to the harsh measures. “He was talking before they did that to him, but they didn’t believe him. The problem is they didn’t realize he didn’t know all that much.”

Abu Zubaida ... was a “safehouse keeper” with mental problems who claimed to know more about al-Qaeda and its inner workings than he really did.

Looking at other evidence, including a serious head injury that Abu Zubaida had suffered years earlier, Coleman and others at the FBI believed that he had severe mental problems that called his credibility into question. “They all knew he was crazy, and they knew he was always on the damn phone,” Coleman said, referring to al-Qaeda operatives. “You think they’re going to tell him anything?”

Pulitzer Prize winning journalist Ron Suskind [writes](#) that Coleman advised a top FBI official at the time:

“This guy is insane, certifiable, split personality.”

Note: Some reports state that al-Khalid Sheikh Mohammed [was killed years ago](#), and that the U.S. military is really holding someone else.

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