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Obama administration suppresses account of CIA torture

By Patrick Martin

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The US government has declared that the first-person account by Guantanamo detainee Abu Zubaydah of how he was tortured in a CIA prison is a classified document. In other words, the criminals who ordered the torture have stamped “TOP SECRET” on the eyewitness testimony of one of their victims.

The legal action involves an effort to make public the notes taken by defense lawyers for Abu Zubaydah, a US prisoner since 2002, held at Guantanamo Bay for the past nine years. The alleged al Qaeda member was waterboarded 83 times in one month and lost an eye under torture at a CIA secret prison.

“We submitted 116 pages in 10 separate submissions,” Joe Margulies, lead attorney for Zubaydah, told Reuters. “The government declared all of it classified.”

Margulies said that the attorneys had conformed to CIA classification rules, laid out in a January 2015 court filing, that permitted the release of “general allegations of torture,” and “information regarding the conditions of confinement,” but barred release of names of CIA torturers or identification of the location of CIA “black site” prisons in a half-dozen countries around the world.

The attorney told Reuters that he followed “the rule to the letter” and accused the CIA of trying to “guarantee that Abu Zubaydah never discloses what was done to him.”

Abu Zubaydah was the first CIA prisoner designated for waterboarding, with the explicit approval of Defense Secretary Donald Rumsfeld, Vice President Richard Cheney and President George W. Bush. His torture, including 83 sessions of waterboarding in a 30-day period, produced no useful information about impending al Qaeda operations.

It was later revealed that, far from being the high-level al Qaeda operative, Abu Zubaydah was not even a member of the organization, but rather a low-level employee hired by Osama bin Laden to perform household duties.

Abu Zubaydah’s torture is detailed in the opening chapter of the Senate Intelligence Committee’s executive summary. According to the report:

The use of the CIA’s enhanced interrogation techniques—including “walling, attention grasps, slapping, facial hold, stress positions, cramped confinement, white noise and sleep deprivation”—continued in “varying combinations, 24 hours a day” for 17 straight days, through August 20, 2002. When Abu Zubaydah was left alone during this period, he was placed in a stress position, left on the waterboard with a cloth over his face, or locked in one of two confinement boxes. According to the cables, Abu Zubaydah was also subjected to the waterboard “2-4 times a day...with multiple iterations of the watering cycle during each application.” (Senate report, p. 52)

The prisoner spent 266 hours, more than 11 days out 20, inside the “large” confinement box, which was coffin-sized. He spent a total of 29 hours, more than an entire day, inside the small confinement box, which was 21 inches by 30 inches by 30 inches. He was told that the only way he would leave the facility was in the coffin (p. 53).

After four years in CIA custody, Abu Zubaydah was transferred in 2006 to Guantanamo. He was wearing an eye patch to cover his completely destroyed left eye, although when captured in 2002, he had normal vision.

An article earlier this summer in the *New Yorker* posed the question, “What happened to Abu Zubaydah’s eye?” The author, former *New York Times* correspondent Dexter Filkins, noted CIA claims that the prisoner had a preexisting eye condition, then observed, “Being subjected to near-drowning, while naked and sitting in your own filth—these are not exactly conditions conducive to healing.”

Filkins noted an even more chilling possibility, writing, “In 2003, John Yoo, then a senior lawyer at the Justice Department, wrote a memo, now declassified, in which he said that ‘to put out or destroy an eye’ could be legal as long as no specific intent to cause the prisoner severe pain could be proved.”

In the immediate aftermath of the release of the Senate Intelligence Committee report, the Obama administration released 27 pages of interview notes drafted by lawyers for another

Guantanamo prisoner, Majid Khan, which described his torture in far more gruesome terms than had previously been known.

The CIA then issued new classification rules to insure that no further such details were made public. Wells Dixon, Khan's lawyer, told Reuters, "The CIA has apparently changed its mind about allowing detainees to talk about their torture."

The Catch-22 character of the CIA classification rules is extraordinary. In the face of massive evidence of CIA torture, including the 480-page executive summary of a report by the Senate Intelligence Committee, released last December, the agency is maintaining that all information about torture is classified, including eyewitness accounts of those tortured.

In effect, the torturers are demanding that the screams of their victims should be silenced.

The US action to suppress the notes of Abu Zubaydah's torture comes amid official commemorations of 14 years since the 9/11 terrorist attacks. Five men, including Khalid Sheikh Mohammed, the alleged organizer of the attacks, have been in US custody for more than 10 years, but a military tribunal hearing charges against them has not even met since April. The proceeding was halted because of evidence that the FBI had infiltrated the defense team and was spying on its actions, effectively destroying even the pretense of a fair trial.

Remarkably, there has been no reporting of the suppression of the notes on Abu Zubaydah's torture in any of the major US media outlets. The Reuters story has not been followed up by the *New York Times*, the *Washington Post*, or any of the television networks. This maintains the pattern of collaboration and cover-up by the corporate-controlled media when it comes to criminal conduct by the US military-intelligence apparatus.

Nor has there been any protest from within the US political establishment, either Democrats or Republicans. The Obama administration has moved aggressively to prosecute, not the torturers, but anyone who seeks to expose them. Only one CIA officer has been subjected to a torture-related prosecution: John Kiriakou, who revealed details of the torture program in a television interview.

Chelsea (Bradley) Manning, who has been sent to prison on a 35-year sentence for leaking materials documenting US war crimes in Iraq and Afghanistan, was charged last month with violation of prison procedures and briefly threatened with indefinite solitary confinement. One of the allegedly "illicit" documents that was found in his possession, and confiscated, was the Senate Intelligence Committee report on torture.

The position of the Obama administration, and of the military-intelligence apparatus as a whole, is not just to cover up the criminality of the Bush administration, which authorized and supervised the systematic torture in the name of the "war on terror." What is involved is the protection of ongoing, continuing criminality, and of those who perpetrate it today.

Given the systematic suppression of information, there is no reason to believe that the CIA and other intelligence agencies have stopped torture, as the White House claims. Nor is there an iron

wall between what the US government does overseas, at secret prisons, or at Guantanamo Bay, on territory stolen from Cuba, and what the US government is doing at home.

As demonstrated in the recent exposure of a secret torture facility run by the Chicago Police Department at Homan Square, similar methods are increasingly used inside the United States against the American population. Just as Ferguson demonstrated that the military methods of Iraq and Afghanistan are being brought home to the streets of America, the methods of secret detention and torture are also being “redeployed.”