

Cover-Up in Guantanamo: Torturing to Death, Hiding and Fabricating Evidence, and Calling it Suicide

Three Detainees Likely Died from "Dryboarding", not Suicide

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DoD photo by Petty Officer 1st class Shane T. McCoy, U.S. Navy

The Senior Medical Officer (SMO) at Guantanamo who attended at least two of three high-profile "suicides" at Guantanamo nearly eight years ago concluded at the time that, contrary to the conclusions of a later government investigation, the detainees did not die by hanging but by "likely asphyxiation" from "obstruction" of the airway. Moreover this SMO found a prisoner he examined and pronounced dead had "cotton clothing material in [his] mouth and upper pharynx." (See pgs. 5-7 of [this PDF](#) to view the SMO's original findings.)

The finding is consistent with other accounts, and with the theory the three prisoners died from a torture procedure known as "dryboarding," as researcher Almerindo Ojeda described in an [2011 story](#) at [Truthout](#).

Yet, unaccountably, the SMO was never formally interviewed by the Naval Criminal Investigative Service (NCIS), which had the Department of Defense mandate to investigate the supposed suicides. Furthermore, the SMO's account was not included in the NCIS final report. This new finding is one of a number of such discoveries detailed in a new investigatory report published last month by The Center for Policy and Research (CPR) at Seton Hall University School of Law.

Thus far, their report has been totally ignored by the press.

Other findings in CPR's new report either ignored or overlooked in previous investigations include the fact that guards who searched the deceased's rooms only hours prior to their deaths did "not discover anything that a detainee could hang himself with.... in the manner of the rumors" of their death by hanging.

CPR's report, "**Uncovering the Cover-ups: Death in Camp Delta,**" was supervised by Seton Hall law professor (and attorney for some Guantanamo detainees) Mark Denbeaux, and co-written by Charles Church, Ryan K. Gallagher, Adam Kirchner and Joshua Wirtshafter. Joseph Hickman, who was at Guantanamo at the time of the deaths, and who figured so prominently in Scott Horton's January 2010 Harper's [article](#), "The Guantanamo Suicides," acted as lead investigator. A full PDF download of the paper is [available at this link](#).

This article will summarize CPR's findings, but it is highly recommended that readers study the entire report.

Newly Uncovered Documents

Last month, Scott Horton wrote an [article](#) at Harpers Magazine, “The Guantanamo ‘Suicides,’ Revisited,” which reproduced and annotated a document that had been suppressed in the Naval Criminal Investigative Service (NCIS) release of documents concerning their investigation into three purported suicides at Guantanamo on June 10, 2006. The document, part of a group of documents associated with a separate Staff Judge Advocate investigation of the deaths, had sat unexamined on a DoD FOIA website for literally years, until both Seton Hall and Scott Horton brought it to the public’s attention. The original can be found on pgs. 15-17 of [this PDF](#).

The explosive document — a sworn statement by Master of Arms Denny called to attend to the suicides that evening — states a number of facts from a witness on the scene that directly contradicts the story promulgated by Guantanamo officials and the NCIS report into the deaths. (Denny was named by Horton, but not described by name in the CPR report.) Horton and CPR describe Denny’s account in some detail, including the fact attempts to revive a still living “suicide” were not made for some time, and that cloth wrapped tightly around his neck was not removed.

Government authorities contend the three prisoners died in an act of simultaneous suicide by hanging, an act JTF Guantanamo Commander Harry Harris [described](#) only one day after the deaths as “asymmetrical warfare.” It is this version of what happened that has been [accepted](#) by a wide section of the press. Horton’s article surmises that the prisoners may have died at Guantanamo’s “Camp No,” also known as “Penny Lane,” thought to be a special CIA black site at Guantanamo used to coerce prisoners, including through torture, to turn informants for the U.S. government.

CPR’s report goes much farther than Horton’s article in documenting exactly how the government pulled this document — Exhibit 25 of the NCIS report — and replaced it with random pages from elsewhere in the group of documents gathered in the course of the investigation. Detailed in Appendix D of the report, the work is an impressive piece of forensic research.

This deliberate suppression of information contrary to the government’s story should be a matter of public outrage and congressional investigation, but the CPR report also shows how the Obama administration’s Justice Department deliberately misled congressional queries about the report in the wake of the 2010 Harpers report and earlier Seton Hall CPR investigation and report, [“Death in Camp Delta”](#) (PDF).

Unfortunately, for reasons that are not clear at present, Horton’s recent article, which drew upon work done by Seton Hall’s (CPR), did not include reference to a number of other new findings and documents CPR uncovered in their ongoing analysis of the Guantanamo deaths (including the SMO report). The documents describe how important evidence contradicting the official narrative were withheld from the NCIS report. Furthermore, when congressional representatives went to the Department of Justice to ask for an investigation, they were lied to about how long the investigation had taken, and whether or not there was evidence that showed something other than death by hanging.

According to the CPR Executive Summary, besides the findings discussed above, the new report concludes:

- Contrary to standard investigative protocol, NCIS never authenticated “suspected suicide notes.”
- Contrary to standard suspected suicide protocol, NCIS never investigated the behavior, state of mind, or emotional condition of the dead men during the minutes, hours, days, and weeks before they died.
- NCIS failed to investigate multiple irregularities in protocol, among them: tampering with the contents of cells where the men were reported to have died, as well as more than fifty discrete events so irregular that they had no specific designation in the log book, and that were so secret that their details were redacted which occurred for hours before the alleged crime scene was secured and investigated by NCIS....
- Contrary to extensive protocol, the Camp Commander ordered the cessation of video recording of the events.

Cover-up or “Conspiracy building”?

The most compelling evidence of a cover-up consists of contemporaneous reports that all three prisoners were found with socks or other cloth material shoved deep into their throats. It was this account of the deaths that Guantanamo authorities moved quickly to cover-up and replace with a story that the detainees had hanged themselves.

According to Horton’s 2010 article, the Joint Detention Group Commander, Michael Bumgarner, gathered camp personnel hours after the deaths and told them “you all know” the prisoners had died from swallowing rags and choking to death, but the press would be told something different: the prisoners had died by hanging themselves.

In May 2011, Alex Koppelman, then writing for Adweek, but currently the News Editor for The Guardian/US, wrote an influential [article](#) criticizing Scott Horton for “conspiracy building.” He decried the story about Baumgarner’s speech about “rags” — because Bumgarner denied to him having ever made it. Koppelman’s account was later [cited](#) in a government legal brief used to counter a lawsuit by the relatives of two of the Guantanamo “suicides.” I deconstructed Koppelman’s account in a series of [articles](#) that examined his arguments in detail.

But the new evidence in Horton’s article and the Seton Hall report demonstrates conclusively that multiple witnesses on the scene, including the Senior Medical Officer, found cloth material inside the deceased’s mouths and throats. This was no “conspiracy building”: the evidence was covered up.

Among many telling details in the new documents, Master of Arms Denny’s account of how one detainee, ISN 093, Yasser Talal al Zahrani, was found alive even two hours after he supposedly hanged himself. Denny witnessed cloth matching a ligature placed around Zahrain’s throat being wrapped around his hands:

I observed a Corpsman wrapping an altered detainee sheet... around the detainee’s right wrist. The other side of the material was bound to the detainee’s left wrist with approximately a foot of cloth in between. The cloth was not on the detainees [sic] wrists when the Camp 1 guards removed the handcuffs a few minutes earlier.

The fact all the “suicides” had their hands bound was supposed to be evidence of collaboration in the “asymmetrical warfare” that was simultaneous suicide. But Denny’s account shows the “evidence” was being fabricated *after* the supposed suicides themselves.

The Seton Hall report deserves wide exposure and Congress must undertake its own investigation, as it’s evident that DOJ and the Obama administration have no intention of looking further into what happened. But according to Seton Hall’s Executive Director for Communications, Janet LeMonnier, attempts to get attention from multiple attempts at media outreach have garnered “very little interest,” and CPR personnel are frustrated at the lack of response.

Even so, Mark Denbeaux told me in a phone interview that Seton Hall’s investigations are going forward, and another report with even more new revelations is due out early next year.

DoD photo by Petty Officer 1st class Shane T. McCoy, U.S. Navy

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