

Murders at Guantánamo: The Cover-Up Continues

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In-depth Report: [CRIMINALIZE WAR](#)

Sometimes the truth is so sickening that no one in a position of authority — senior government officials, lawmakers, the mainstream media — wants to go anywhere near it.

This appears to be the case with the deaths of three men at Guantánamo on June 9, 2006. According to the official version of events, Salah Ahmed al-Salami (also identified as Ali Abdullah Ahmed), a 37-year old Yemeni, Mani Shaman al-Utaybi, a 30-year old Saudi, and Yasser Talal al-Zahrani, a Saudi who was [just 17](#) when he was seized in Afghanistan, died by hanging themselves, in what Guantánamo's then-Commander, Rear Adm. Harry Harris, described as an act of "asymmetric warfare."

Adm. Harris was, appropriately, censured for describing as an act of warfare the deaths of three men, held for over four years without charge or trial, but although his comments — and those of Colleen Graffy, the deputy assistant secretary of state for public diplomacy, who described the men's deaths as a "good PR move" — were despicable, it was true that all three men had been implacably opposed to the regime at Guantánamo, and that each had expressed their opposition to it — and their solidarity with their fellow prisoners — through resistance, by enduring [painful months of force-feeding](#) as three of the prison's most persistent hunger strikers, and by raising their fellow prisoners' spirits as accomplished singers of nasheeds (Islamic songs).

Former prisoners cast doubt on the suicide story

In [a statement](#) issued just after the announcement of the deaths in June 2006, nine British ex-prisoners recalled the men's indefatigable spirit, and cast doubt on the US military's claims that they had committed suicide:

The prisoners in Guantánamo knew Manei al-Otaibi [Mani al-Utaybi] as someone who recited the Qur'an and poetry with a beautiful voice. He was of high moral character and was loved and respected amongst the prisoners, as was Yasser. They both came from wealthy backgrounds and had everything to live for.

They were often involved in protests and hunger strikes, which meant that they were always given "level four" statuses. That means the only items they would be allowed in the cell were a mat, and a blanket (only at night). They didn't have toilet paper, let alone bed sheets that could be easily constructed into a noose, or even a pen and paper with which to write a suicide note.

[A more detailed analysis](#) was provided by one of the nine British ex-prisoners, Tarek Dergoul, who wrote:

I knew them personally, so I can judge well their frame of mind. Their iman (belief in God) was very strong, there was high morale and it comes as a complete shock to my system when it is said to me that they could have committed suicide. I was with them for a long period of time, and it never even came into our mind the thought of committing suicide. We were always far too busy constructing some form of hunger strike or non-cooperation strike, to even register the thought of suicide. It is quite simply ridiculous. When we were not in isolation for our continued protests we were in the regular blocks planning our next move.

Dergoul also provided further descriptions of two of the men and their state of mind, explaining that Yasser al-Zahrani and Manei al-Otaibi “would be the first amongst all others to stand up for our rights and the rights of others.”

He added that al-Zahrani was “a beautiful brother,” who had memorised the entire Qur’an, and “was softly spoken and had a very nice voice. He used to sing nasheeds for us and all the brothers loved him as he was always optimistic. He would sing morale-boosting nasheeds for the other detainees nearby to him. He was very well known to everyone in the camp.”

He also explained that al-Zahrani had “participated in all the hunger strikes and non-cooperation strikes,” which, he added, “include[d] not speaking in interrogation and also not standing for any immoral behaviour (such as being sexually harassed or watching the Qur’an being desecrated).” Non-cooperation, he pointed out, “would result in punishment,” and al-Zahrani “ended up doing a lot of time in isolation simply due to the fact that he would never allow for an injustice to take place before him without being defiant for the sake of our rights,” but he “had so much determination, will-power and morale that it is ridiculous to think he could have taken his own life.”

Writing about Manei al-Otaibi, Dergoul described him as “another beautiful brother,” who was “extremely funny,” and explained that, like al-Zahrani, he “used to recite poetry — in fact this was the thing he was best known for — and he also used to sing nasheeds for us.” He added:

I stayed beside Manei for three weeks inside the regular blocks, and that is when he told me about his wealthy family and his previous life and how he used to get up to no good as people do when they are young. It was also during those three weeks that he taught me tajweed (the science of reciting the Qur’an correctly). By the end of that time we had shared with one another our inner most thoughts. I consider it an insult and I am sure that his family finds it equally offensive, to suggest that he would stoop to the level of taking his own life.

Admittedly, the men’s outlook on life could have changed in the two years following Tarek Dergoul’s release from Guantánamo, but Omar Deghayes, who was still in Guantánamo at the time of their deaths, recently backed up his analysis, describing them as poets with beautiful voices whose spirits were unbroken at the time of their deaths, although he [did acknowledge](#) that they had been subjected to severe mistreatment.

Seton Hall Law School demolishes the suicide story

If the profiles above suggest problems with the official suicide story, that is entirely

appropriate, as development in the last two years — and particularly in the six months — have demonstrated. The first of these was [the publication](#), in August 2008, of the official report into the deaths, conducted by the Naval Criminal Investigative Service. The report — actually, nothing more than [a 934-word statement](#) — was presumably intended to be buried under coverage of the Presidential election, and did nothing to address doubts about the official story, but over the next year a colossal archive of documents collected for the investigation was thoroughly analyzed by staff and students at the Seton Hall Law School in New Jersey.

On December 7, 2009, Seton Hall published a 136-page report, “Death in Camp Delta” ([PDF](#)), which comprehensively undermined the conclusion of the NCIS investigation. Some of the most important questions asked in the report were:

“[H]ow each of the detainees, much less all three, could have done the following: braided a noose by tearing up his sheets and/or clothing, made a mannequin of himself so it would appear to the guards he was asleep in his cell, hung sheets to block vision into the cell — a violation of Standard Operating Procedures, tied his feet together, tied his hands together, hung the noose from the metal mesh of the cell wall and/or ceiling, climbed up onto the sink, put the noose around his neck and released his weight to result in death by strangulation, hanged until dead and hung for at least two hours completely unnoticed by guards.”

“[H]ow three bodies could have hung in cells for at least two hours while the cells were under constant supervision, both by video camera and by guards continually walking the corridors guarding only 28 detainees.”

Why the authorities did not report that, “when the detainees’ bodies arrived at the clinic, it was determined that each had a rag obstructing his throat.”

Why the authorities did not report that the detainees “had been dead for more than two hours when they were discovered, nor that rigor mortis had set in by the time of discovery.”

How the supposed suicides “could have been coordinated by the three detainees, who had been on the same cell block fewer than 72 hours with occupied and unoccupied cells between them and constant supervision.”

Moreover, the researchers also discovered so many omissions and contradictions in the reports of the various personnel who were present on the night of the men’s deaths that it was impossible to construct a coherent narrative. It was also impossible not to conclude that, with so many holes in the official account, the investigation was, as Professor Mark Denbeaux explained in [a press release](#), “a cover up,” and, in addition, one that raised “more compelling questions”: “Who knew of the cover up? Who approved of the cover up, and why? The government’s investigation is slipshod, and its conclusion leaves the most important questions about this tragedy unanswered.”

In the Seton Hall report, the omissions and contradictions focus on the fact that the only guards who were asked to make statements on the night “were advised that they were

suspected of making false statements or failing to obey direct orders” (the statements have never been publicly released); on asking why other guards were “ordered not to provide sworn statements about what happened that night”; on asking why the government “seemed to be unable to determine who was on duty that night in Alpha Block” (where the deaths supposedly occurred); on asking “why the guards who brought the bodies to the medics did not tell the medics what had happened to cause the deaths and why the medics never asked how the deaths had occurred”; on why there is “no indication that the medics observed anything unusual on the cell block at the time that the detainees were hanging dead in their cells”; and, finally, on “why the guards on duty in the cell block were not systematically interviewed about the events of the night, why the medics who visited the cell block before the hangings were not interviewed, [and] why the tower guards, who had the responsibility and ability to observe all activity in the camp, were not interviewed.”

In addition, the report also noted the NCIS’s failure to review “audio and video recordings which are systematically maintained; ‘Pass-On’ books prepared by each shift to describe occurrences on the block for the next shift; the Detainee Information Management System, which contains records of all activity for that night as the events occur; and Serious Incident reports, which are the reports used when there are suicide attempts.”

The authors were also particularly concerned that a prominent claim in the NCIS statement — “that on the night in question, another detainee (who did not later commit suicide) had walked through the cell block telling people ‘tonight’s the night’” — was not explained. “There is no indication,” they wrote, “of how this could have happened given camp security rules or, if it had taken place, why security was not tighter as a result.”

Harper’s Magazine reports soldiers’ testimony, suggests prisoners died in torture sessions

Just six weeks after the Seton Hall report was published, answers to some of these questions were provided [in the most extraordinary manner](#). In an article for [Harper’s Magazine](#), law professor Scott Horton revealed the story of Army Staff Sgt. Joe Hickman, and a number of other soldiers — the tower guards mentioned in the Seton Hall report, who “had the responsibility and ability to observe all activity in the camp, [but] were not interviewed.”

Sgt. Hickman, who was on duty in a tower on the prison’s perimeter on the night the three men died, addressed some of the NCIS investigations’ omissions and contradictions by explaining that the reason that men had been dead for over two hours before their deaths were reported, that few reports were taken from the personnel on duty, and that rags were stuffed in the men’s throats was not because they had committed suicide, but because they had been taken from the cell block earlier that evening to a secret facility outside the main perimeter fence of Guantánamo — known to the soldiers as “Camp No” — where they had either been deliberately killed, or had a died as the result of particularly brutal torture sessions.

Sgt. Hickman, and several other witnesses under his supervision, told Scott Horton personally that they had not seen anyone moved to the clinic from Alpha Block, where the prisoners reportedly died, and when I spoke to Sgt. Hickman a few months ago, he confirmed that this was the case, telling me categorically that neither he, nor three men he was in charge of who were stationed no more than 40 feet away from the clinic, saw anyone moved from the block to the clinic. “They didn’t die in their cells,” he explained.

This was not all. Sgt. Hickman — and other witnesses — also explained that the false suicide

story required a cover-up, and that this involved Col. Mike Bumgarner, the warden at Guantánamo, telling a meeting of between 40 and 60 men on the morning of June 10 that, although “‘you all know’ three prisoners in the Alpha Block at Camp 1 committed suicide during the night by swallowing rags, causing them to choke to death,” the media would report that the three men “had committed suicide by hanging themselves in their cells. It was important, he said, that servicemen make no comments or suggestions that in any way undermined the official report. He reminded the soldiers and sailors that their phone and email communications were being monitored.”

In no time at all, the deaths were reinvented as acts of “asymmetrical warfare,” and the whole sordid cover-up began in earnest.

Sgt. Hickman has no reason to lie. He joined the US military in 1983, at the age of 19, as a Marine, and spent time in military intelligence. Later, as a civilian, he worked as a private investigator, but after the 9/11 attacks, he re-enlisted in the Army National Guard and was deployed to Guantánamo in March 2006, where he “was selected as Guantánamo’s ‘NCO of the Quarter’ and was given a commendation medal.” When his tour of duty ended in March 2007 and he returned to the US, he was “promoted to staff sergeant and worked in Maryland as an Army recruiter.”

However, as he explained to Scott Horton, “he could not forget what he had seen at Guantánamo. When Barack Obama became president, [he] decided to act. ‘I thought that with a new administration and new ideas I could actually come forward,’ he said. ‘It was haunting me.’” And as he told me a few months ago, he felt “physically sick” after holding onto his story for three years.

Unfortunately, as I mentioned at the start of this article, some stories are so disturbing that no one in authority wants to go near them, and this is clearly the case with the deaths of Salah Ahmed al-Salami, Mani Shaman al-Utaybi and Yasser Talal al-Zahrani. Although the Harper’s article received widespread coverage around the world, it was almost entirely ignored by the mainstream media in the US, with the New York Times and the Washington Post [content to run an Associated Press story](#), without following up on it, and only [Keith Olbermann of MSNBC](#) covering the story on TV.

Part of the problem is that, although a Justice Department investigation was launched after Sgt. Hickman approached Mark Denbeaux and his son Josh last February, and the Denbeauxs took the case to the Justice Department’s Criminal Division, an initial flurry of interest rapidly waned, and Teresa McHenry, the head of the Criminal Division’s Domestic Security Section, who took charge of the investigation, notified Mark Denbeaux on November 2, 2009 that the investigation was being closed. Scott Horton described Denbeaux’s reaction as follows:

“It was a strange conversation,” Denbeaux recalled. McHenry explained that “the gist of Sergeant Hickman’s information could not be confirmed.” But when Denbeaux asked what that “gist” actually was, McHenry declined to say. She just reiterated that Hickman’s conclusions “appeared” to be unsupported. Denbeaux asked what conclusions exactly were unsupported. McHenry refused to say.

As Horton also noted, McHenry “ha[d] firsthand knowledge of the Justice Department’s role in auditing such techniques, having served at the Justice Department under Bush and

having participated in the preparation of” at least one of a number of memoranda “approving and setting the conditions for the use of torture techniques” — commonly known as [the “torture memos”](#) — which “CIA agents and others could use to defend themselves against any subsequent criminal prosecution.”

Today, as we pause to remember the three men who died at Guantánamo four years ago, we should also reflect that, as with the two other supposed suicides at Guantánamo — of [Abdul Rahman al-Amri](#), a Saudi, on May 30, 2007, and of [Mohammed al-Hanashi](#), a Yemeni, on June 1, 2009 — nothing resembling an adequate explanation has yet been provided for their deaths, and Sgt. Joe Hickman, the man who has done the most to try to expose the truth about the deaths in June 2006, has apparently put his career on the line for nothing, sidelined for doing what was right. “Under the Constitution I swore to defend, we don’t do this,” he told me when we spoke a few months ago.

Why an independent inquiry is needed – and a call for Shaker Aamer to be released

Calls for a full investigation into all the deaths at Guantánamo may come to nothing, but they must be made, or we will demonstrate to those who hold the reins of accountability that the darker the allegations, the easier they are to hide.

In addition, the fallout from that horrendous night in Guantánamo is still affecting one other man, who was brutally tortured that same evening, but who, unlike Salah Ahmed al-Salami, Mani Shaman al-Utaybi and Yasser Talal al-Zahrani, did not die.

That man is [Shaker Aamer](#), the last British resident in Guantánamo, who is still held, despite being cleared for release by a military review board in 2007. A passionate and fearless defender of the rights of the prisoners — also like the men who died — he may still be held because of what he knows.

Describing what happened to him — which involved choking, and the kind of violent punishment for dissent that Tarek Dergoul identified in the cases of Mani Shaman al-Utaybi and Yasser Talal al-Zahrani — Shaker Aamer provided a statement to one of his lawyers, which was later filed as an affidavit with the District Court in Washington D.C.:

On June 9th, 2006, [Shaker Aamer] was beaten for two and a half hours straight. Seven naval military police participated in his beating. Mr. Aamer stated he had refused to provide a retina scan and fingerprints. He reported to me that he was strapped to a chair, fully restrained at the head, arms and legs. The MPs inflicted so much pain, Mr. Aamer said he thought he was going to die. The MPs pressed on pressure points all over his body: his temples, just under his jawline, in the hollow beneath his ears. They choked him. They bent his nose repeatedly so hard to the side he thought it would break. They pinched his thighs and feet constantly. They gouged his eyes. They held his eyes open and shined a mag-lite in them for minutes on end, generating intense heat. They bent his fingers until he screamed. When he screamed, they cut off his airway, then put a mask on him so he could not cry out.

Note: To take action for Shaker Aamer, please feel free to cut and paste a letter to foreign secretary William Hague, [available here](#), asking him to do all in his power to secure his return from Guantánamo to the UK, to be reunited with his family.

Written exclusively for Cageprisoners

Andy Worthington is the author of [The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison](#) (published by Pluto Press) and the co-director (with Polly Nash) of the new documentary, "[Outside the Law: Stories from Guantánamo](#)." Visit his website [here](#), and [see here](#) for details of the UK tour of "Outside the Law."

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