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## **Meltdown at the Guantánamo Trials**

**by Andy Worthington**

Recent events at Guantánamo are turning out like some kind of Christian fable. A principled military officer — politically conservative and a devout Catholic — who served in Iraq, where he was “praised by his superiors for his bravery,” and was now serving his government as a prosecutor in a system of special trials conceived for prisoners held in the “war on terror,” began to uncover information, withheld from the defense teams, which indicated that all was not right with the system.

In one of his cases — that of [Mohamed Jawad](#), an Afghan alleged to have thrown a grenade at a jeep containing two U.S. soldiers and an Afghan translator — he discovered that the defendant was just 16 or 17 years old at the time of the attack, and, moreover, that evidence indicating that the boy was drugged before the attack and that two other men confessed to the crime had been deliberately suppressed. As the [Los Angeles Times](#) explained, it encouraged a radical shift in his views, as he had initially been convinced that Jawad was “a war criminal who had been taught by an al-Qaeda-linked group to kill American troops and, if caught, to make up claims he had been tortured and was underage.”

Doubting his job, the officer — Lt. Col. Darrel Vandeveld — turned to a priest for advice. “I am beginning to have grave misgivings about what I am doing, and what we are doing as a country,” he explained in an email to Father John Dear, a Jesuit peace activist. “I no longer want to participate in the system, but I lack the courage to quit. I am married, with children, and not only will they suffer, I’ll lose a lot of friends.” Dear encouraged him to act, saying he might “save lives and change the direction of the entire policy.”

Fortified by the priest’s advice, Vandeveld [resigned](#) his post, denouncing the trial system — the Military Commissions — as a rigged system in which “potentially exculpatory evidence” was “not provided” to the defense teams. In a [statement](#), he explained how the Commissions’ Convening Authority (Susan Crawford, a protégée of Dick Cheney and the Pentagon-appointed supervisor of the trials) and her legal adviser (Brig. Gen. Thomas Hartmann, who was recently removed from his post after three judges ruled that he had demonstrated pro-prosecution bias)

conspired to prevent the disclosure of evidence. “I have observed,” he wrote, “that a number of defense requests which I considered to be reasonable and in some cases indicated support for were nevertheless rejected by the Convening Authority, presumably on the advice of the Legal Adviser.”

He also explained that, although his own practice “has been to relinquish immediately any piece of evidence I have come across to the defense,” this was “not universally practiced at OMC-P [the Prosecutors’ Office of the Military Commissions],” and provided an almost casual example of the suppression of evidence, which served to indicate how routine it was:

To take the Jawad case as only one example — a case where no intelligence agency had any significant involvement — I discovered just yesterday that something as basic as agents’ interrogation notes had been entered into a database, to which I do not have personal access.... These and other examples too legion to list are not only appalling, they deprive the accused of basic due process and subject the well-intentioned prosecutor to claims of ethical misconduct.

After explaining that his view of Jawad’s case had “evolved over time,” as he had learnt more about it, he declared, “One of my motivations in seeking a reasonable resolution of the case is that, as a juvenile at the time of capture, Jawad should have been segregated from the adult detainees, and some serious attempt made to rehabilitate him. I am bothered by the fact that this was not done.” And then, reaching deep into the heart of his faith, he delivered an extraordinary example of Christian compassion: “I am a resolute Catholic and take as an article of faith that justice is defined as reparative and restorative, and that Christ’s most radical pronouncement — command, if you will — is to love one’s enemies.”

His former masters — at the Pentagon, and in the Office of the Vice President, whose views of the Bible are based almost exclusively on their relish for smiting their enemies — were so disturbed by Vandeveld’s conversion, and mindful of the [damage caused](#) by previous prosecutors who [resigned](#), that, according to Maj. David Frakt, Jawad’s military defense lawyer, the chief prosecutor, Col. Lawrence Morris, [sought](#) to subject Vandeveld to a “psychological exam.”

When that failed to silence him, and after he had reiterated his complaints in testimony for Jawad’s defense, explaining that he “reached a turning point” when he chanced upon “key evidence among material scattered throughout the prosecutors’ office,” which “helped convert him from a ‘true believer to someone who felt truly deceived,” they issued dark warnings when he subsequently conducted an email exchange with the *Los Angeles Times*, reminding him that he “could not talk to the press until his release from active duty is final.”

Nevertheless, his final words to the *Los Angeles Times* were even more damaging to the administration. He wrote that anyone who knows him “will probably tell you that I’ve been a conformist my entire life, and [that] to speak out against the injustice wrought upon our worst

enemies entailed a weather shift in my worldview,” and delivered a final observation about the Commissions that managed to combine his Christian beliefs with his patriotic feelings. “I don't know how else the creeping rot of the commissions and the politics that fostered and continued to surround them could be exposed to the curative powers of the sunlight,” he explained, adding, “I care not for myself; our enemies deserve nothing less than what we would expect from them were the situations reversed. More than anything, I hope we can rediscover some of our American values.”

Despite the administration's attempts to silence and belittle him, Vandeveld succeeded in exposing the Commissions' corrupt processes to the “curative powers of the sunlight.” Although his masters refused to drop the charges against Mohamed Jawad, they were so concerned that he would again testify for the defense in five other cases for which he was responsible — revealing, quite possibly, more extraordinary tales of suppressed evidence and incriminating documents stumbled upon by mistake — that they dropped all the charges against these prisoners on October 21.

The five men in question are loosely related. Ghassan al-Sharbi and Jabran al-Qahtani (both Saudis), Sufyian Barhoumi (an Algerian) and Noor Uthman Muhammed (from Sudan) were captured with Abu Zubaydah, a training camp facilitator regarded by the U.S. administration as a senior al-Qaeda operative, in a house raid in Faisalabad, Pakistan, on March 28, 2002. Thirteen days later, [Binyam Mohamed](#), a British resident, was seized at an airport in Pakistan, and was subsequently accused of having a connection with Abu Zubaydah and other senior figures in al-Qaeda.

As I have explained in previous [articles](#), the extent of the first four men's involvement with terrorism is largely unknown, as, with the exception of al-Sharbi, who has openly declared his membership in al-Qaeda, they have either spoken little (al-Qahtani), refuted all the allegations against them (Barhoumi) or claimed that Abu Zubaydah and the training camp had nothing to do with al-Qaeda (Muhammed).

Binyam Mohamed's case is more extreme — and more worrying for the administration — as courts in both the [UK](#) and the U.S. have been circling ever closer to demanding evidence of his rendition by the CIA to 18 months of torture in Morocco, and his subsequent rendition to a CIA torture prison near Kabul. Such is the government's concern about this evidence being revealed that last week the Justice Department [dropped](#) its long-standing claim that Mohamed was involved in a plot to detonate a “dirty bomb” in a U.S. city (a claim which Mohamed says was based on a false confession extracted from him through torture), but although it's tempting to conclude that this was the reason that the charges against him were subsequently dropped in his proposed trial by Military Commission, it is, on its own, insufficient to explain why the charges in Vandeveld's other cases were also abandoned.

The key to this whole story, therefore, is Col. Vandeveld, even though the Pentagon denied yesterday that his testimony "had anything to do with the charges being dropped," and the [Associated Press](#) noted that the Pentagon reports "recommending dismissal said only that the new prosecution teams taking over the cases needed more time to evaluate them." Although the AP also quoted comments made by the Commissions' new legal adviser, Michael Chapman, in two reports seen by the AP, in which he stated, "I find the prosecution has been unable to complete its preparation for this case," it's difficult not to conclude that the Pentagon is terrified that Vandeveld knows something profoundly disturbing about the cases — perhaps to do with the [FBI's long-standing claim](#) that Zubaydah, who was [waterboarded](#) in a secret CIA prison, was a minor logistician with a personality disorder, and not an al-Qaeda mastermind, or perhaps to do with suppressed evidence about these men's actual role, or lack of it, in the "war on terror."

We have clearly not heard the end of this story, but although Binyam Mohamed's civilian lawyer, Clive Stafford Smith of the legal action charity Reprieve, [explained](#) that "Military prosecutors have told U.S. that they are going to refile charges in about 30 days," I cannot understand how the Pentagon proposes to silence Col. Vandeveld if the cases are revived. Unless, of course, the authorities intend to send him to Guantánamo, to replace the prison's only other known Christian detainee, a young Iranian named Abdul Majid Mohammed, who was released in October 2006.

As I explained in my book [The Guantánamo Files](#), Mohammed, who was a dirt-poor well-digger, admitted that he occasionally dealt in opium and hashish, and said that he went to Afghanistan in December 2001 to make money out of drugs in order to bribe the Iranian military so that he would not be punished for desertion. In his tribunal at Guantánamo, he denied an allegation that he served as a watchman for the Taliban, explaining that the Taliban had been known to kill Iranians, and that he was particularly at risk because he was a Catholic, and said that he was captured by Northern Alliance soldiers, who decided they could sell him to U.S. forces by pretending he was an Arab.

*Andy Worthington is the author of [The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison](#) (published by Pluto Press). Visit his website at: [www.andyworthington.co.uk](http://www.andyworthington.co.uk).*

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