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## **An Interview with Guantánamo Whistleblower Stephen Abraham, Part 1 by Andy Worthington**

Since the election of Barack Obama as the 44th President of the United States, the closure of the “War on Terror” prison at Guantánamo Bay, Cuba has become a hot topic. Throughout his election campaign, Obama pledged to [close Guantánamo](#), and he reiterated his promise during his first TV interview as President-Elect, on November 15.

In recent weeks, however, a number of commentators — including reporters at the [Weekly Standard](#), and researchers at the Brookings Institution ([PDF](#)) — have stepped forward to warn the President-Elect that his promise will be difficult to fulfill, because, according to the government’s allegations against the remaining 252 prisoners, a significant number of them are connected with al-Qaeda, or were otherwise involved in militant activity.

The problem with all these reports is that those responsible for compiling them have taken the government’s allegations at face value, and have not investigated the many reasons for concluding instead that the government’s evidence is unreliable. In an attempt to encourage a much-needed scepticism regarding the government’s claims, Andy Worthington, the author of [The Guantánamo Files: The Stories of the 774 Detainees in America’s Illegal Prison](#), recently conducted the following interview by phone with Lt. Col. Stephen Abraham, a man who knows more than most about why the allegations against the prisoners are fundamentally unreliable.

A veteran of US Army intelligence, Lt. Col. Abraham served from September 2004 to March 2005 as part of OARDEC (the Office for the Administrative Review of the Detention of Enemy Combatants), the organization responsible for conducting the Combatant Status Review Tribunals (CSRTs) at Guantánamo, as well as compiling the information used by those tribunals. The CSRTs, which began shortly after the Supreme Court ruled in June 2004, in [Rasul v. Bush](#), that the prisoners at Guantánamo had statutory habeas corpus rights, were introduced as a deliberate attempt to subvert the Supreme Court ruling, and were widely criticized for preventing the prisoners from having legal representation and for relying on secret evidence that was withheld from the prisoners.

However, it was not until Lt. Col. Abraham filed a [statement](#) in connection with one of the Guantánamo cases that a former insider confirmed that the gathering of materials for use in the

tribunals was severely flawed, consisting of intelligence “of a generalized nature — often outdated, often ‘generic,’ rarely specifically relating to the individual subjects of the CSRTs or to the circumstances related to those individuals’ status,” that “what purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence,” and that the whole system was geared towards rubber-stamping the detainees’ prior designation as “enemy combatants.” In a subsequent [statement](#), Abraham also pointed out that, because the tribunals had little or no access to the intelligence agencies, “Most of the information collected ... consisted ... of information obtained during interrogations of other detainees” (and may, therefore, have been made through the use of torture, coercion or bribery).

**Andy Worthington:** Good day, Stephen. It’s a pleasure for me to conduct this interview with you, as I have been following your story since it first broke last June. To begin, I was hoping that you could briefly describe your background.

**Stephen Abraham:** I’m 47 years old, and I was commissioned in the U.S. Army as a second lieutenant in 1981, just after my 21st birthday. I was a reserve officer on active duty for the first six years, and I was an intelligence officer the entire time. I spent some time in Europe, as a HUMINT [human intelligence] officer working on issues involving terrorism, sabotage, treason and espionage. From this we may presume that I am not altogether unfamiliar with the composition of the respective intelligence services and other organizational interrelationships of relevance to the present subject.

I then planned to attend law school, but I was mobilized in support of “Operation Desert Storm,” and spent the time in Washington, working closely with different national intelligence components. I then went to law school, remained in the reserves, thought everything was going along fine, and then someone collapsed two buildings and the “War on Terrorism” began in earnest.

**Andy Worthington:** And how did you come to be involved in the tribunals at Guantánamo?

**Stephen Abraham:** Shortly after September 2001, I was mobilized for one year to the Joint Intelligence Center in the Pacific, where I served as lead terrorism analyst. I then returned to my family, my home and my livelihood [as a civilian attorney] until I was asked if I would consider working at OARDEC for six months. I said yes, viewing the offer, as the organization was described to me, as an opportunity of historic dimensions.

I was communicating back and forth with the individual who invited me, and during that time I was conducting a great deal of research regarding what I anticipated would be the scope of my duties. It was an expectation that fell short, and an enthusiasm that was dampened within a short time of my arrival.

**Andy Worthington:** I’ve read a lot about your experiences, but I’ve never heard you say before that it took such a short amount of time to become disillusioned. Can you explain more?

**Stephen Abraham:** Let’s begin by understanding very clearly the context in which I was to perform whatever duties would subsequently be assigned. OARDEC is an organization under the Secretary of the Navy, but which was mobilized very quickly in the wake of the Supreme Court’s two

decisions in June 2004 [*Rasul v. Bush* and [Hamdi v. Rumsfeld](#)]. OARDEC had been set up to conduct annual review boards, and was dealing with what I call aspects of detention preliminary to war crimes tribunals — or, as we know them, the Military Commissions — but there was no institutionalising of the process used to determine whether individuals were “enemy combatants.” Until the Supreme Court made its ruling, there was no reason for them to do it.

Very quickly, in July 2004, the authorities realized that they now needed to hold what we refer to in shorthand as tribunals — the Combatant Status Review Tribunals (CSRTs). So they took the preexisting organization and said, we will have it do the CSRT process. At that point OARDEC became responsible for conducting tribunals. Slight problem: OARDEC had never conducted a tribunal, didn’t know how to conduct a tribunal, and was woefully understaffed to be able to do all of the things necessary to conduct a tribunal.

So whereas before you might have had officers determining whether someone is now a “nice guy” — by taking current information, contemporaneously collected; that is, information relating to their detention, and trying to make subjective decisions about it — now suddenly you’re having to collect information that relates to periods of time perhaps years before the board is convening. The board was now going to have to consider information that might be collected from host nations, from other agencies, that might speak to moments years in the past. So OARDEC had to be able to collect information, process it, assimilate it, evaluate it and ultimately make decisions based on it.

The problem was that the organization only had a few individuals who were actively engaged in the information gathering functions of OARDEC and now they were handed a Herculean task. They very quickly increased the numbers of individuals that were assigned to the unit, but all the while the reserve components were stretched intolerably thin, which means essentially that the authorities were putting out calls not for the most qualified individuals, but for anybody who could spare six months of their lives. What this also means, with no disrespect intended towards any of the individuals who volunteered, is that they had whoever was available, whenever they could be available, and no matter what their skill set. So they got merchants, they got non-intelligence professionals, they got accountants, they got postal workers, they got anybody who was available. The organization got individuals with incredible military skill sets, but, unfortunately, skills geared towards conventional military tasks, not the legal tasks thrust upon the organization.

**Andy Worthington:** This sounds very much like what I’ve heard about the recruitment of personnel elsewhere in the “War on Terror.” In 2003, in a report produced for the Pentagon by the Center for Army Lessons Learned ([PDF](#)), the Center’s director, Lt. Col. Bob Chamberlin, concluded that the lack of competent interpreters “impeded operations” in Afghanistan and Iraq. “Laugh if you will,” he wrote, “but many of the linguists with which I conversed were convenience store workers and cab drivers, mostly over the age of 40. None had any previous military experience.” Most of the linguists, he insisted, only had “the ability to tell the difference between a burro and a burrito.” This, I think, is an example of a situation similar to what you were talking about at OARDEC, and, like your

experiences, it demonstrates that whether or not there was any intention of establishing a high ideal, what was actually involved was simply making the most of whoever was available.

**Stephen Abraham:** Exactly. I should not have been surprised that there simply wasn't going to be a readily available pool of skilled intelligence professionals, and if they had made the decision to create an organization, rather than to assign the task to an already existing organization, it might have been different. But as it was, the people with the skill sets required to jump right in and perform the function to the degree suggested by the Supreme Court were not available. So essentially what OARDEC did was the equivalent of insisting that an all-volunteer staff with limited relevant experience run before they walk or even crawl.

They were going to take people who for the most part, with few exceptions, had no experience reading and applying Supreme Court decisions. And to these people what they attempted to do was to give a layer of insulation. They said, "You don't need to understand the legal nuances of what the Court was addressing. We're going to give you implementing guidelines and regulations and that will be good enough. And then you will be able to perform all the functions of OARDEC."

The problem is: if, as Secretary of the Navy, Gordon England said, at the very outset, they didn't have the facilities, they didn't have the resources, they didn't have the budget, they didn't have the manpower to do all these things, and they didn't have the authority to task agencies to provide information, something was going to have to yield, and in this case it was, at its simplest level, any regard or any respect for the Supreme Court decision. So they could create an organization, they could give it a task, they could tell it, as if these were autonomic functions, what it would do, how it would wave its hands, how it would move paper from the left side to the right, but they couldn't expect an independent, fact-finding and decision-making body. For it to do anything that reached the level of a competent tribunal, it wasn't possessed of the ability to do that.

**Andy Worthington:** OK, so there's a couple of fundamental problems here with the set-up, one of which is that you're explaining that the personnel recruited were not able, in general, to do the job, but the other is to do with the information you were allowed, or not allowed access to —

**Stephen Abraham:** Absolutely. Bear in mind, in our discussion at this point, we have only touched upon general aspects of the organization. We haven't even gotten to what are some of the more profound and serious issues that plagued the organization and in fact rendered its ability to perform its duties impossible. The best way, perhaps, to leap forward and describe that is to describe the environment in which most of the intelligence organizations work, and by this what I'm referring to are the organizations that, by necessity or function, would have dealt with the kind of information that, in all likelihood, would have related to the detainees or the environment, context or setting in which they presumably operated.

Most of that information — timely, raw information collected by a myriad of sources relating to their activities, at a human level — would have been some of the most classified pieces of information that you would expect to see. Not finished products, not analysis, but raw reports, highly

classified and fairly sensitive. Now if I were to ask you, what did so-and-so do or what were the conversations he had on a particular day or at a particular location, or what corroborative information do you have relating to these activities, it might involve the use of very sensitive sources. Right away, the question is: what did OARDEC have access to? Directly, OARDEC had access to none of that information. Put a big zero there. Couldn't have gotten it, couldn't have seen it, couldn't have had direct access to it, couldn't in all likelihood have even requested it.

**Andy Worthington:** Because you weren't allowed access to the agencies that had this information?

**Stephen Abraham:** What we didn't have was the architectural capability to directly access the information. Now the argument might be made that very few people would have access to this type of information, but that's rubbish, because, in the year that I was in the Pacific Theater, I had access that was appropriate to respond to the tasks assigned to me, and the fact is, if I was told to do something, I had access to the information needed to perform those tasks.

However, at OARDEC, for the vast majority of the people there, they were largely unaware of the sort of sources of information that should have been made available for them to be able to competently perform their tasks. They didn't even know that many of these organizations existed, and even if they did they had no ability to get the information.

**Andy Worthington:** Do you think that this was deliberate on the part of the administration, that they weren't actually seeking any quality of review of any information?

**Stephen Abraham:** There are two ways of looking at it, the result of which, from either perspective, is exactly the same. One, as you say, is that they always understood that, in some twisted Machiavellian way, if they gave the job to a non-functional organization, which, by any number of criteria, was incapable of performing its work as described, this would further a particular agenda.

The other way of looking at it is that they are blazingly incompetent. You know, if I tell you that you need to write a top secret report, but I don't give you access to top secret information, or systems, or to an architecture that allows you to have access to that information, we can say, "I intended for you to fail," just as we can also say that the deprivation of resources would render the task impossible. In either case, the end result is the same: you can't do what I've asked you to do.

**Andy Worthington:** So do you think it was bit of both, if that's possible?

**Stephen Abraham:** I think that either one is certainly plausible. If anyone who was responsible for setting up the organization insists that they had the knowledge to appreciate and understand fully what would have been required to perform the duties, then I have to ascribe to them a more sinister motive. On the other hand, if you take a less intellectually invested approach to it, and say, "Gosh, all I knew is that I had to run these tribunals," then perhaps we can ascribe to them a degree of incompetence — or a failure to appreciate the degree of sophistication that needed to be incorporated into the construction of the organization. You can't seriously believe that you can take a hundred people off the street, not vest them with the authority to request or to collect information —

essentially, put them at the mercy of providers of information who, without any suggestion of common courtesy, need not respond to those requests — and expect them to be able to do their job.

If I task you with conducting a tribunal, but you have no experience conducting tribunals, you've never worked with intelligence organizations, you've never worked with this kind of information before — in other words, this is in every way alien to you — and I say, “Go search on the system for information relating to the detainees,” you don't even know how to begin the search, and you ultimately come to the conclusion that there's no information on the detainee within your system, so that there's nothing you can physically do by yourself.

But then I say, “Don't worry, we'll request information from the other intelligence agencies,” but they have no obligation to respond to the requests, and you have no ability to confirm the diligence of their searches, and so, as you assess your ability to succeed at this mission, to what conclusions do you come? I would be fairly quick in saying, “I hope I'm not being paid or rated based on substantive performance markers, because this is a mission doomed to failure.”

I hate to say it, but within a very short period of time, as I spoke with one of the civilians who was there, and who was responsible for also engaging in this liaison function — you know, asking him, “Have you talked with this agency, with that agency? Where are the terminals that will allow access to particular categories of information?” — I was told, “We don't have them.”

Of course, I could tell from the building itself, and its setting — I knew that they would have no access to that sort of information. When I asked what invested liaison officers there were from these other organizations, the answer was, “none.” When I asked what the timeline was for the collecting of information for requests and responses, it was woefully short and inadequate. There was no hammer, so to speak, if an agency decided not to participate.

**Andy Worthington:** But this, surely, was part of the process in which everything was expedited, whereby all 558 tribunals were supposed to take place in as short an amount of time as possible?

**Stephen Abraham:** Yes, but whether they had said three days, 30 days or 300 days, the bottom line is, if you had no ability to assess the completeness of information, then when you started the tribunal — in terms of your assessment of the quality of the record with which you'd be going forward — it was largely a futile exercise. After all, no matter how much time you spent developing a record, to what extent could you say that it was complete, that it was accurate, comprehensive, that it tended to draw an accurate picture of the detainee who was facing the tribunal? You just simply couldn't. It was a random collection of information in almost every instance.

**Andy Worthington:** So what you have expressed in the past, about how generic information was put into the pot, because there was very little specific information relating to the prisoners in question, you've expressed this very well. Moreover, I understand from my sustained study of the prisoners' stories for *The Guantánamo Files* that it is valid to look at the tribunals as a pale and mocking echo of the Article 5 battlefield tribunals that are supposed to take place close to the time and

place of capture, according to the Geneva Conventions, so that people who know whether those captured are farmers or soldiers can come and give evidence, and say, “This is a farmer, you’ve got the wrong man.” This, of course, is what happened in all U.S. wars since the Second World War, including “Operation Desert Storm.”

So the tribunals are a horribly dysfunctional echo of the battlefield tribunals, in which everything was expedited, and requests for outside witnesses, which were supposed to be part of the architecture of the tribunals, were [never fulfilled](#) — not a single outside witness was called — and my feeling is that no depth was really required in the tribunals because, as you’ve said, the impression that you came away with, having undergone this six-month experience, was that it was designed to rubber-stamp the prisoners’ prior designation as “enemy combatants.”

**Stephen Abraham:** What it was designed to do — and in that regard, let’s be clear, it succeeded beyond most people’s wildest expectations — was to get the outside lawyers off the administration’s asses. Let me explain what I mean by that. You had two Supreme Court decisions in 2004, saying — first O’Connor, then Stevens — you have to have some kind of a hearing that comports with notions of due process, and it’s not just limited to American citizens.

So the administration then very quickly had to create this tribunal process. What they had to be able to do was to represent to the world that the process exists, and that they were capable of performing the functions described within the context of the organization committed to that process. Now what I just said is utterly meaningless. It’s like a ne’er-do-well saying, “I have this capability of working.” The fact is, he sits on his ass doing nothing. So the administration had an organization that was capable of conducting a hearing — not particularly well, but it could certainly conduct a hearing — and, as you and many others have seen, it had the capability of conducting hundreds of hearings.

The problem was that, if you take the moment that the organization decides to have a hearing — Day One — and it sends out notices to the countries [with which the prisoners may, in some way, be involved], saying, “We’re going to hold a hearing,” the country itself has no duty, obligation or even a motive to respond. Essentially, their reaction to the letter is, “So what?” You also send the letter to different organizations outside of your own — outside of the Department of the Navy, in many instances outside of the Department of Defense — and you say, “We’re going to hold a hearing in 30 days,” to which they respond, “So?”

But you go further. You ask for information. And let’s keep this real, pragmatic. Let’s talk about what motivates responses. In a theoretical sense, you might expect the answer to be, “We’re all on the same side, we’ll get you what you need.” But that’s not a response that was received by OARDEC. Responses, though not always expressed openly, were motivated by a number of primary questions: “Who’s paying for this? What assets do I have available? What are you asking me to do? What’s your authority for asking me to do it? Have I programmed your request into my annual resource budget? Is this something I have that’s available because somebody else has already asked for it, so I can give you a copy, or are you asking me to do new work? How long is it going to take me to

do it, and how will that interfere with other missions for which I have organizational or even statutory obligations?”

**Andy Worthington:** I understand that, and it’s very interesting on the level of, “Where’s the budget for my responsibility?”

**Stephen Abraham:** But not just, “Where’s the budget?” but, “Where’s my ability to do it?” And that then leads to the other organizations looking at OARDEC and saying, in essence, “Why do you think that I’m forced to respond to you?”

**Andy Worthington:** I’d like to ask you one more specific question about the gathering of information for the tribunals. In your declaration last November, you explained that, because OARDEC had little or no access to the intelligence agencies, “Most of the information collected ... consisted ... of information obtained during interrogations of other detainees.” This is a point that I think is particularly relevant as the moment, as various pundits begin looking at the Unclassified Summaries of Evidence and raising alarms about how dangerous the remaining prisoners are, and how very carefully Barack Obama should tread. Now I know, from my own study of the documents and from my knowledge of Guantánamo’s history, that the many allegations made by unattributed “al-Qaeda lieutenants” and “al-Qaeda operatives,” and other unidentified “sources,” are unreliable because they may have been made through the use of torture, coercion or bribery (the promise of better treatment in exchange for “confessions”), but I wondered if you could elaborate a little on your experiences of the information obtained from other prisoners.

**Stephen Abraham:** Though it would be wrong to characterize all of the information obtained from detainees as being the product of “torture, coercion or bribery,” it is important to consider the information both discretely and in the aggregate. What I mean by that is to look at the totality of the information on the one hand. How was it obtained? What were the motivations of the sources? What issues might have colored the testimony, such as fading memories over time, bias on the part of the witness, or promises of favors? Also, to what degree would comparisons of different pieces of evidence tend to belie assurances of legitimacy where the claims of a detainee against one particular detainee mirrored other claims against other detainees?

The problem is not just the issues we easily raise now, years after the tribunals were held, but the fact that the tribunal members never knew of these issues and never considered them in weighing the information presented at the hearings. Simply put, tribunal members were told to trust all of the information presented against the detainee without hesitation or question, and to distrust any inconsistent testimony or other information. That is not the hallmark of a fair hearing and not a hearing in which we, citizens of a nation of laws, should put any faith.

*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).*

In Part Two of this interview (published next week), Stephen Abraham and Andy Worthington discuss the significance of two cases in June: *Boumediene v. Bush*, in which the Supreme Court ruled that the Guantánamo prisoners had constitutional habeas corpus rights, and *Parhat v. Gates*, in which a court first ruled that the government's evidence against a prisoner was inadequate. Lt. Col. Abraham also discusses the tribunal on which he served at Guantánamo, explains more about the inbuilt inadequacies of the tribunal process, and delivers an impassioned criticism of the administration's motives for holding prisoners without charge or trial.

**This article was originally published in December 2008.**