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Guantánamo Diary

And my press ID? I hung it on a hook with an old pass from the Capitol, where it will remain until the trial of the September 11 defendants begins in 2023.

I spent twenty years covering the U.S. secret detention regime. Torture always made up the subtext.

Banksy, *Guantanamo Bay,*oil on canvas, 93×123 cm 2006. It is part of the series Crude Oils

"The United States takes hooded and shackled detainees to Cuba," the *Washington Post* headline declared on January 11, 2002. The journalists who wrote it were on the ground in Guantanamo and Kandahar, Afghanistan. I was in Washington, at my desk in the *Post*newsroom, where I worked as a researcher. As I read the story, an ominous revelation stuck with me: "The 20 prisoners, whose identities have not been made public..."

He would spend the next two decades learning the names of those prisoners and covering the history of America's not-so-secret counterterrorism detention complex. It began as a research challenge: uncovering the secrets of what some have called the "American gulag." Later, when hundreds of unnamed "enemy combatants" were taken to the remote U.S. naval base on Cuba's southern coast, I followed the story through the brief boom and long decline of the Guantanamo news cycle. He wanted to know who was being held and why, and when the "war on terror" would end.

I gathered boxes of files and spreadsheets with data, creating a trove of research on Guantanamo as I changed jobs and cities. Along the way, I came across other reporters and researchers with similar habits and disparate methods, all of them trying to understand what was going on there.

Some 780 Muslim men have been detained at Guantanamo since 2002. More than 500 were released during the Bush administration, about 200 under President Barack Obama, one by President Donald Trump and one so far by President Joe Biden. Many have been repatriated, while others have been transferred to countries that negotiated with the United States to accept them. Nine died in custody. Thirty-nine remain at Guantanamo. Of those, 18 have been approved for moving to other countries, including the five approved by the Biden administration on Tuesday.

In 2004 the *Post* attached my list of detainees and added my name to the headline on page 1 of an article titled "Guantanamo: A Holding Cell in the War on Terror". Reporters Scott Higham and Joe Stephens had visited the U.S. enclave in Cuba while I remained in the newsroom. I was brought from the Guantanamo gift shop a baseball cap with the logo of the Joint Detention Operations Group, known as JDOG.

The logo of the Joint Detention Operations Group. (Photo: Margot*Williams/The Intercept)*

It wasn't until the spring of 2006 that the Pentagon released an official list of detainee names. (The list is no longer even available on the .milwebsite, but it's safe at the Internet Archive's Wayback Machine.) By then, I had accepted an investigative position at the *New York Times,*where I joined reporters in obsessively tracking the flights of secret CIA planes for extrajudicial renditions to and from black places around the world. We focused on linking the names of Guantanamo detainees to military court documents released, following litigation under the Freedom of Information Act, by human rights lawyers and news organizations. Months of work by newsroom engineers produced the innovative interactive database known as Guantánamo Docket,launched in 2007 and

still *online.* The database, recently updated by *Times* journalist Carol Rosenberg, now has an extensive list of contributors spanning its nearly fifteen years of existence.

In September 2006, President George W. Bush acknowledged the CIA's secret detention program by saying that 14 "high-value detainees" at cia black sites had been taken to Guantanamo. ("I want to be absolutely clear with our people and with the world: America does not torture," Bush promised in the same speech. "It goes against our laws and our values. I have not authorized it – and I will not authorize it.")

"That is why I announce today that Khalid Sheikh Mohammed, Abu Zubaydah, Ramzi bin al-Shibh and 11 other terrorists in CIA custody have been transferred to the U.S. naval base at Guantanamo," the president said to applause from a white house audience. "They are in the custody of the Department of Defense. As soon as Congress acts to authorize the military commissions I have proposed, the men our intelligence officials believe orchestrated the deaths of nearly 3,000 Americans on September 11, 2001, will be able to face justice."

Fifteen years later, the organizers of the September 11 attacks still do not face justice.

Members of the media are escorted to the courtroom to witness the appearance of the accused of organizing on September 11, Khalid Sheikh Mohammed, and four co-defendants at Guantanamo Bay, Cuba, on May 5, 2012. (Photo: *The Miami Herald* via *AP)*

The Obama Years

On January 22, 2009, Obama's second day in office, he signed an executive order to close Guantanamo within a year. He wanted to try the architects of September 11 in U.S. federal

courts, but a Democratic-controlled Congress blockedhim. In 2011 the government initiated a new procedure to review the situation of the remaining detainees, and the trials of the military commission were reinstated. I was following the "war on terror" when it came home.

At *NPR,* where I had joined a new investigative team by then, I worked with criminal justice reporter Carrie Johnson to bring to light another secret prison system right here in the United States, where convicted terrorists, mostly Muslims, were segregated into facilities known as Communications Management Units. Our editors named these prisons "Guantanamo North".

We couldn't visit the facility, but we met with prisoners who had been released, including a man at his home in Washington, D.C. (The only former Guantanamo detainee I've met in real life, and not via *Zoom,* is Sami al-Hajj, the *Al Jazeera* journalist who was imprisoned there for six years. We spoke when he was sitting at his table at an awards banquet during a journalism conference in Norway in 2008.)

In April 2011, *NPR* and the *Times* collaborated on the publication of a set of secret Guantanamo documents obtained by WikiLeaks. I went up to New York to read and process them for inclusion in the Guantanamo Docket database while reporting for *NPR* on the revelations.

Finally, on May 5, 2012, the September 11 defendants were tried in the military courtroom of Guantánamo. I was watching it on CCTV from a building at Fort Meade with a large group of reporters who had failed to enter Guantanamo on the journey of the military-approved media. As the hours passed, we saw the defendant as the camera passed over the defense tables. It was our first glimpse of a gray-bearded Khalid Sheikh Mohammed – known to everyone as "KSM" – who would appear around the world the next day in cartoonist Janet Hamlin's stunning drawing.

Torture was always the subtext. As the months and years of pre-trial hearings dragged on, defence lawyers continued to demand evidence about the conditions in which the captives had been held, the details of their "enhanced interrogations" and the reliability of the admissions obtained while they were kept underwater, locked in a box or standing. naked and sleep deprived in Afghanistan, Thailand, Poland, Lithuania, Romania and Guantanamo.

After joining *The Intercept* in 2014, I continued to travel to Fort Meade for military commission hearings, and to the Pentagon to observe the Periodic Review Board process launched during the Obama administration. Detainees who have not yet been charged — despite being held for 15 to 20 years — can make their case to a panel of U.S. defense and intelligence officials about whether they still "pose a threat." The "open" part, which observers can watch by live video at the Pentagon, lasts a maximum of 15 minutes, and the detainee does not speak. I attend them so that I can see the prisoners and report,and so that the Pentagon knows that yes, the press is still interested in their appearance and in the aging of the detained population. Needless to say, there are very few in the press room for these ongoing hearings.

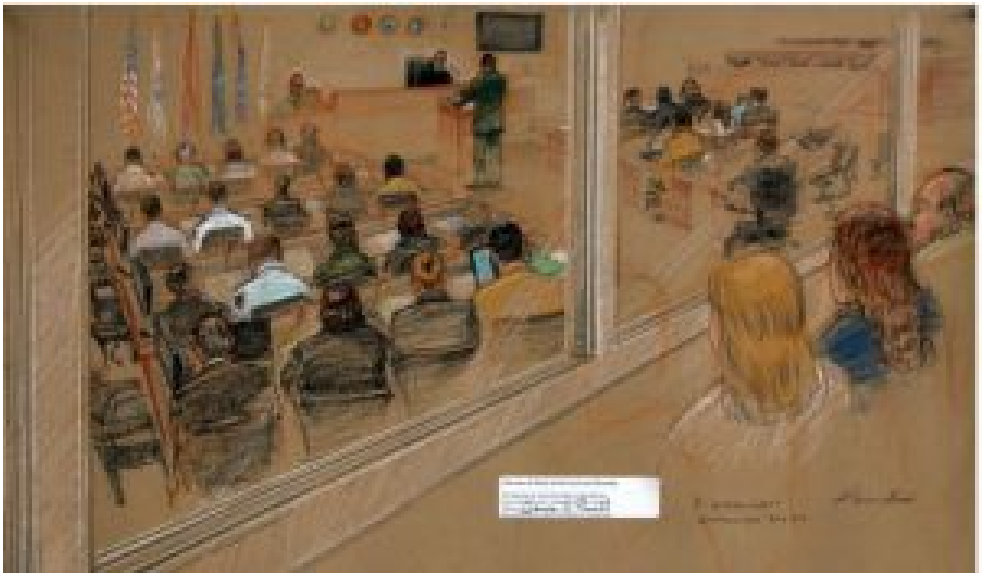
When the Senate Intelligence Committee's report on the torture regime was released in December 2014, my *Intercept* colleagues and I dug through the text and footnotes to map the black sites and searched for CIA detainees who were not taken to Guantanamo.

The banality of the torture system was highlighted in 2016 when we developed Guantanamo stories from *The Intercept's* archive of NSA documents leaked by whistleblower Edward Snowden. In 2003, an employee of the

NSA described a mission there. As we report:

"In a given week," he wrote,"I would gather intelligence to support an upcoming interrogation, formulate questions and strategies for interrogation, and observe or participate in interrogation."

Outside of work, "fun awaits us," he said enthusiastically. "The water sports are exceptional: sailing, rowing, fishing, water skiing and boarding, sailing, swimming, diving and scuba diving." If water sports are "not your thing", there is also cinema, ceramics, paintball and outings to the Tiki Bar. "Relaxing is easy," he concluded.



In this photo from a sketch of Janet Hamlin, reviewed by the U.S. military, relatives of victims of the Sept. 11 attacks observe the courtroom's proceedings during hearings for five alleged Sept. 11 co-conspirators at the Camp Justice courthouse at the Guantanamo Bay naval base, Cuba, on July 16, 2009. (Illustration: Janet*Hamlin/AP)*

The Trump Era

In January 2017 I went to Guantanamo for the first time, as a reporter for *The Intercept* covering the hearings of the military commission of September 11. Under the direction of Rosenberg, the dean of the Guantanamo press corps who was then writing for the Miami *Herald,*I was introduced to the amenities of the press room, the sleeping tents of the media, the latrines, the showers and the confusing and ever-changing traffic rules. There is no wifi, except in the supermarket complex, internet access for a week in the press room, and do not forget the ethernet connector. Military vigilantes who accompany us everywhere on the base. Operational safety – OPSEC – reviews of every photo taken every day. Notebooks and pens only in the gallery of visitors at the back of the room, where we sat separated by a glass of the accused, the legal teams and the judge. Drawing or doodling is not allowed.

I was excited to be there, in the room, as the September 11 defendants entered, surrounded by military guards until they took their seats and then turned to chat with each other. Five defendants, each with a legal defense team headed by a "lawyer," that is, a lawyer with experience in death penalty cases.

Also in the visitors' gallery, separated from the press and representatives of non-governmental organizations by a curtain, were the relatives of the victims, giving testimony of the process.

In June 2018 I went on the media tour organized by the Joint Task Force Guantánamo. The JTF GTMO is in charge of the detention center. We were able to enter the prison, mostly to see a reproduction of Potemkin village in a cell block, complete with a prison library. With my former *Intercept*colleague Miriam Pensack and a team from *Voice of America* we had access to certain parts of the mysterious facility, including many institutional kitchens. We could even briefly see a detainee from inside the guard center, a man I was later able to identify by his physical description in the files he had been collecting for the previous 16 years.

The admiral in charge met with us, and a contractor working as a cultural advisor gave us a lecture on the "pretending" hunger strikers. We also drove to the abandoned X-Ray Camp, where the first detainees were held in 2002 and the site of those infamous photos of men in orange overalls and shackles. We took pictures of the fences and weeds and drove to the lonely border with Cuba, where more photos were allowed and then OPSEC.

On September 11, 2019, reporters and relatives of the victims joined sailors, soldiers, their families and military commission lawyers at the base for the annual September 11 night race commemorating the attacks on the World Trade Center and the Pentagon and the downed plane in Shanksville, Pennsylvania. At dusk, near the turn mark, I saw the Windward Point lighthouse, built in 1904 by the American occupants of Guantanamo in 1898. I was the last person to finish the race on that beautiful tropical night. The next day, back in the courtroom, the hearings of the motions on classified evidence and discovery and potential witnesses continued.

Returning in January 2020, I saw the defense call in a reluctant and hostile witness, James Mitchell, a psychologist known to be the architect of the CIA's "enhanced interrogation" techniques. He testified a few meters from defendants drowned under his orders in the black sites. "I felt that my moral obligation to protect the lives of Americans outweighed the temporary discomfort of the terrorists who had voluntarily risen up against us," Mitchell said,holding back tears. "I would get up today and do it again."

Then came the coronavirus pandemic. Military commissions were suspended for more than a year and a half. By the time they resumed, the media tents had disappeared and

public health restrictions prevailed. Suspicious, I watched from Fort Meade in August 2021 as the appearance of the three alleged Bali terrorists, 18 years after their capture, dissolved into disagreements over the quality of the Malaysian interpreters.

In November 2021,Covid testing, masks, and takeout meals were required in hotel rooms and at backyard tables. The X-ray field was now off limits, photos were not allowed and we had to accept that we were not going to post or hang any selfies from the border gate. There was a new judge in the Case of September 11 – the fourth – and he had a lot to do to catch up. The chief prosecutor was gone and the head of the defense was retiring. Some of the victims' families were now talking about possible plea deals, rather than a capital trial after 20 years of waiting.

U.S. Army soldier Jodi Smith watches detainees in orange overalls kneel in a detention area at Camp X-Ray at Guantanamo Bay, Cuba, on January 14, 2002. (Photo: Petty Officer First Class Shane T. McCoy/U.S. Navy/Getty Images)

The Biden administration could take some relatively simple steps to increase transparency around Guantanamo. For starters, it could declassify the Senate's 6,000-page report on torture. A second room being built at Guantanamo for four million dollars could have facilities for the press to observe the proceedings in person, something not included in the current plans. And the Freedom of Information Act process could be accelerated. My 2017 request for State Department documents related to the detainee transfer process remains open, with a due date of 2023.

I signed up for this month's session at Guantanamo so I could be there on the twentieth anniversary of the first detention, which was on Tuesday. But the hearings in the September 11 case were canceled. Therefore, I did not take an Uber to Joint Base Andrews

at 4:30 a.m. on Saturday for a Covid test or a charter flight to Cuba a few hours later. I didn't need my ethernet connector, or my insect repellent, or my T-Mobile phone because it's the only carrier on the base.

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