

By Alka Pradhan

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## **We have a right to know the full truth**

On Jan. 11, the United States marked a dubious milestone: the 18th anniversary of the prison at Guantanamo Bay. There are still 40 men there, largely forgotten by an American public who wonder how, in 2020, we can bring ourselves to hold people of color in camps without legal process. The answer is that we allowed three different administrations to escape consequences for the torture they admitted, but also to hide most of the story — to this day.

In 2012, the torture of my client Ammar al Baluchi was broadcast to the world as entertainment in the film “Zero Dark Thirty.” He’d been disappeared in 2003 and held by the CIA for 3 ½ years of continuous torture before being brought to Guantanamo. During that time, he was subjected to mock executions, beaten and starved, endured 2 ½ years of intentional sleep deprivation and slammed so hard against a wall by multiple interrogators that he sustained a traumatic brain injury that affects him to this day.

The CIA gave filmmakers Kathryn Bigelow and Mark Boal access to classified information for “Zero Dark Thirty” to make it look like detainee torture led to Osama bin Laden before the Senate Intelligence Committee's report could debunk that falsehood.

But the committee's full report, a 6,000-page behemoth based on the CIA's own documents, was never released. The executive summary that was declassified in 2014 is not the report itself. Five years after the release of the executive summary, the full report remains classified, accessible to only a handful of people in the government and read by fewer than that.

Contrary to “Zero Dark Thirty,” the executive summary concludes that Ammar's torture produced no new intelligence at all, but the full report contains detailed sections on Ammar's

capture and interrogations. I hold a top secret security clearance, and I've never seen those sections or the information that the CIA gave to Ms. Bigelow and Mr. Boal.

Last November, Amazon released "The Report," a new Hollywood depiction of the post-9/11 torture program. The film correctly depicts the CIA's wild efforts to suppress the Senate Intelligence Committee's findings and counter it with misinformation, including its involvement with "Zero Dark Thirty."

But "The Report" tells only the very beginning of a story that has never ended: about the torture of men for years in secret prisons and how our nation has permanently altered as a result. The men brutalized in CIA black sites are still at Guantanamo, struggling to survive their torture injuries without adequate medical care. Some of them face the death penalty before illegal military courts that have become a punchline in legal circles around the world. Most Americans have no idea how this story continues to affect our national security and relationship with allies, in part because the full Senate report is still hidden.

Worse, the cover-up masked the fact that the torture program encompassed the entire federal government, not just the CIA. "The Report" depicts FBI agents as anti-torture heroes. In reality, new witness testimony in the 9/11 case confirms that FBI agents were sending lists of questions for the torture and interrogation sessions at the black sites, and actively soliciting torture-acquired "answers" from detainees in CIA dungeons. In fact, the FBI agents who processed Ammar's torture information from 2003 to 2006 were the same agents to interrogate Ammar based on that information in 2007 at Guantanamo Bay. The FBI association is mostly unreflected in the executive summary, although the full report may shed more light on the extent of the rot.

My team is currently litigating a motion to throw out Ammar's 2007 statements to FBI agents as the product of years of torture. If our motion doesn't succeed, Ammar may well be executed because of his state-sponsored torture.

These are the shadowy chapters of the story whose details are still emerging. When Americans see "The Report" or read coverage of Guantanamo's 18th anniversary, we need to remember that the subjects of the torture program are still deteriorating in an illegal prison, that the full report remains under lock and key, and that we have a right to know the rest of the truth. The release of "The Report" should set in motion the release of the report, and all Americans should call for transparency at Guantanamo Bay until it is closed.

*Alka Pradhan is a civilian human rights attorney representing Ammar al Baluchi in United States v. Khalid Sheikh Mohammad et al. (the "9/11 case") at the Guantanamo Bay military commissions. Ms. Pradhan is a lecturer at the University of Pennsylvania Carey Law School on the topic of International Human Rights Post 9/11. This article does not reflect the opinion of the Department of Defense.*