

By Carol Rosenberg

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## The News

A United Nations human rights panel has issued a damning report that blames the United States and seven other nations for the C.I.A.'s "torture and cruel, inhuman or degrading treatment" of a Saudi prisoner who now awaits a death penalty trial at Guantánamo Bay.

The [U.N. Working Group on Arbitrary Detention](#) also named as responsible the United Arab Emirates, where the prisoner, [Abd al-Rahim al-Nashiri](#), was captured in 2002, and Afghanistan, Lithuania, Morocco, Poland, Romania and Thailand, where he was held as part of a rendition and interrogation program run by the George W. Bush administration.

The working group, which has no enforcement authority, adopted the [18-page report](#) on Nov. 15 but did not release it until this weekend.

The group called for the immediate release of and compensation for Mr. Nashiri, who is accused of orchestrating the bombing of the U.S. Navy destroyer Cole off Yemen nearly 23 years ago. It said the Guantánamo war crimes court, which was devised to prosecute only non-U.S. citizens, deprives Mr. Nashiri of "the fair trial guarantees that would ordinarily apply within the judicial system of the United States."

**Why It Matters: Criticism of Guantánamo Bay is mounting, again.**

The finding is the [latest in a series](#) of U.N. investigations condemning the previous and [current treatment](#) of detainees being held at Guantánamo Bay at a time when lawyers and the International Committee of the Red Cross have [protested inadequate health care for the last detainees there](#).

The U.N. bodies are also refocusing attention on the Pentagon prison, which holds [30 prisoners of the war on terrorism](#), including 17 men for whom the Biden administration is seeking countries to offer them resettlement.

The report could be presented to a sentencing jury of U.S. military officers in Mr. Nashiri's case. In October 2021, a military jury in the case of another Guantánamo prisoner who was tortured by the C.I.A. urged clemency and called that prisoner's abuse "[a stain on the moral fiber of America](#)".

### **Background: Torture has been at the heart of the Cole case.**

U.S. investigations and testimony in Mr. Nashiri's case show he was [waterboarded by psychologists working as contractors for the C.I.A.](#), confined naked to a claustrophobic wooden box, and subjected to threats and violence, including [rectal abuse](#), by agency staff members.

[His military commissions case](#) has been in pretrial proceedings since 2011. Seventeen U.S. sailors were killed in the suicide bombing of the Cole in Aden Harbor, and prosecutors argue the case can be tried in the court that was created in response to the Sept. 11, 2001, attacks.

Mr. Nashiri's lawyers describe him as a [torture survivor](#) who suffers from post-traumatic stress disorder, depression and other conditions attributed to untreated physical, psychological and sexual abuse.

### **What's Next: More pretrial hearings, and countries are asked to respond.**

Mr. Nashiri has more hearings this month focused on what evidence can be used at his eventual capital trial. The judge in the case is retiring, and a new one is expected to take over this summer.

One of Mr. Nashiri's lawyers, Katie Carmon, said on Sunday that if Mr. Nashiri were convicted, the latest U.N. report could be a basis for a legal filing seeking sentencing credit because he was subjected to "pretrial punishment" as a prisoner of the United States.

The U.N. panel asked the countries to report on any human rights reforms they had adopted and whether they had followed any of its recommendations.

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