

## U.S. Troops Honor Bound to Defend Rights of Guantanamo Bay Detainees

By Mary L. Angell

A Wyoming lawyer and JAG officer in the U.S. Army Individual Ready Reserve has written a book defending the United States' treatment of detainees at Guantanamo Bay, Cuba.

Major Kyndra Rotunda, a 1999 University of Wyoming College of Law graduate, served three tours of war in Guantanamo Bay between 2002 and 2004. Her book, *Honor Bound: Inside the Guantanamo Trials*, was released June 10, 2008, and is available on Amazon.com.

Rotunda said one of the reasons she wrote the book was to respond to allegations that United States troops have abused and tortured Gitmo detainees.

"I did not see any violations of the law," Rotunda told the *Wyoming Lawyer* in a July interview. "I knew it as it happened. The government is not disputing allegations, not correcting the record—and I'm baffled, even to this day."

Rotunda served as legal advisor to the detention camp commander and liaison between him and the International Committee of the Red Cross (ICRC), the international human rights group that oversees the treatment of prisoners of war.

"After the fact, we started hearing about the torture that was supposedly happening while I was there," she said. "It was news to me."

"There have been independent investigations and what they have concluded is there were definitely instances of abuse in Iraq and at Bagram Air Field," she continued. "They found 70 instances of abuses. But in Guantanamo Bay, they discovered three instances in the tens of thousands of interviews."

Two of those consisted of a female guard sitting on the lap of a prisoner and behaving in a "sexually suggestive" manner.

Rotunda attended weekly meetings between ICRC representatives and the commander.

"What the ICRC raised with us were trivial things, and the commander did everything he could to meet the detainees' requests," she said.

Their requests—including more Skittles candy, a particular type of soccer ball and spongy Nerf balls—were usually granted by the commander.

Most people are not aware the United States also accommodates Guantanamo detainees' religious needs beyond the requirements of the Geneva Conventions, Rotunda said. These include copies of the Koran, prayer rags, oils and regular calls to prayer.

Because the Koran is off-limits to the prison guards, detainees often use it to hide homemade weapons.

"There was some frustration among the troops who felt like they were not able to do their job and protect themselves," she said. "The guards would be attacked as many as eight times a night. I dealt with some guards who would say, 'Of course that's where he's going to hide a weapon.' You wouldn't see that in a U.S. prison."

Rotunda added that Gitmo detainees—even those who chose not to pray—were granted 20 minutes of uninterrupted time five times each day in which to pray, while U.S. military personnel, who worked seven days a week, could not attend church services on Sunday without a special release.

"We were almost accommodating the detainees' religious rights more than the guards," she said. "It makes sense to be respectful, and we believe in freedom of religion—that's why we accommodate the detainees—but we also have to balance religious accommodation with safety and the troops' rights."

Referring to Staff Sgt. Keith M. "Matt" Maupin (whose body was found in Iraq last March), Rotunda said she's also disturbed that the treatment of U.S. troops by terrorists has failed to capture the ICRC's attention.

"It's sad that we have U.S. troops who should be getting prisoner of war treatment and they are being hauled away and tortured and murdered," she said. "The international community is upset about Guantanamo Bay and the supposed abuses there where the detainees get recreational time, prayer calls, a library. What about the U.S. troops? I wish Americans and the international community would be more concerned when we see U.S. troops are being led off by terrorists. Why doesn't the ICRC go in and demand to see U.S. soldiers? The debate has shifted and focused only on Guantanamo Bay."

"They should be criticizing the terrorists in Iraq," she continued. "We don't expect terrorists to comply—that is how they gain an unfair advantage—but they should be called on it."

After her work as legal advisor at Guantanamo Bay, Rotunda returned to Wyoming and was state planning coordinator with the Freudenthal administration. When she was reactivated in 2004, she served two back-to-back tours of duty. During her first, as a member of the Criminal Investigations Task Force, she provided legal counsel to military law enforcement agents who interview detainees and develop cases for possible prosecution. During her second tour, as a prosecutor at the Office of Military Commissions, she prepared war crimes charges against alleged al Qaida and Taliban members who would be tried at Guantanamo Bay.

The most difficult aspect of her prosecution work, Rotunda said, was the unbelievable delays.

“By 2005, we still had not had a single trial,” she said. “Here it is 2008, and we’re still in preliminary stages with the trials.”

“You’re dealing with classified evidence, and you have to get evidence declassified,” she added. “The government has never kicked a detainee out of a trial; it has let evidence be declassified, but it takes a tremendous amount of time and effort. It’s hard especially because we’re still at war. Some of the information is classified for a reason: to protect the mission and people’s identity. We don’t want to broadcast secret information to the world.”

Coincidentally, *Honor Bound* was released the same week as the U.S. Supreme Court’s unprecedented ruling that terrorist suspects held at Guantanamo Bay have a constitutional right to appear in U.S. civilian courts to challenge their detention.

Rotunda wrote an editorial in the June 20, 2008, *Chicago Tribune* criticizing the Supreme Court ruling. She argued the ruling will lead to more deaths and make it more difficult for American soldiers to detain the enemy during war time.

Because they will have to meet U.S. judges and U.S. courts’ standards for justifying their detention of the enemy, the Supreme Court is handicapping U.S. soldiers by “turning the battlefield into a crime scene investigation,” she told the *Wyoming Lawyer*.

*Honor Bound*, published by Carolina Academic Press, is being sold to university law schools as a supplemental text book, but Rotunda said she wrote it for a general audience.

“I thought it would be interesting to give people a bit of an inside look into what it’s like to practice law in the military, particularly during a time of war,” she said. “I tried to boil it down to key essentials; you don’t have to be a lawyer to understand it.”

Born in Lander and raised in Evanston, Rotunda plans to return to Wyoming in September for a possible engagement at the University of Wyoming. She will also be present at the Wyoming State Bar’s Annual Meeting & Judicial Conference. Look for her in the exhibitor’s area. She will be on hand to discuss her book and even sign a copy for you.

She has been living in the Washington D.C. area, but just recently accepted a teaching position at the Chapman University School of Law in Orange, California, which she will begin this fall.

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