

# US tortured Guantanamo prisoners, Army judge admits

Patrick Martin  
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In an extraordinary public declaration, the top military judge overseeing the military tribunals at Guantanamo Bay admitted two of the principal charges long made against the Bush administration—that prisoners at the Guantanamo Bay detention camp have been tortured, and that the torture was carried out in accordance with an official policy set in Washington.

In an interview with *Washington Post* reporter Bob Woodward, Susan Crawford said that prisoner Mohammed al-Qahtani had been so systematically abused through isolation, sleep deprivation, forced nudity and exposure to cold that he was in a "life-threatening condition."

"We tortured Qahtani," she told Woodward. "His treatment met the legal definition of torture. And that's why I did not refer the case" for prosecution.

A 61-year-old former Army counsel and former Pentagon inspector general, Crawford served from 1991 to 2006 as a judge of the United States Court of Appeals for the Armed Forces. In February 2007, Defense Secretary Robert Gates named her the convening authority of the military commissions. In May 2008 she dismissed war crimes charges against Qahtani, without giving her reasons publicly.

While saying that she did not know any specifics of the treatment of the five other Guantanamo prisoners accused of 9/11 offenses, Crawford said, "I assume torture," noting that Bush administration officials have admitted that several of the prisoners, including alleged 9/11 organizer Khalid Sheik Mohammed, had been waterboarded.

Crawford made clear that the abuse of prisoners was not the result of lower-ranking interrogators being overzealous, but the consequence of policies set at the top. The techniques used against Qahtani were approved by then-Defense Secretary Donald Rumsfeld. "A lot of this happened on his watch," she said.

The responsibility, she suggested, goes even higher, to the Bush White House. "I think the buck stops in the Oval Office," Crawford told the *Post*. "I think he hurt his own effort," she added, referring to Bush's establishment of the system of military tribunals. "I think someone should acknowledge that mistakes were made and that they hurt the effort and take responsibility for it."

A Saudi national, Qahtani was refused entrance to the United States at the airport in Orlando, Florida in August 2001. Bush administration officials have described him as the "20<sup>th</sup> hijacker," an Al Qaeda militant who was seeking to join the 19 other men, mostly Saudis, who took part in the September 11 attacks.

He was subsequently picked up by US forces in Afghanistan and shipped to Guantanamo in January 2002, where he attracted little initial attention—inexplicably, given his supposed role in 9/11. His interrogation began in November 2002 and continued for three months, followed by another three months of solitary confinement.

The grisly nature of his treatment at Guantanamo has been previously reported in the American press, based on statements from defense attorneys and others familiar with the case. But no high-level official—let alone the presiding judicial authority—has confirmed the details and categorically declared his treatment to be torture.

"The techniques they used were all authorized, but the manner in which they applied them was overly aggressive and too persistent," she told the *Post*. "You think of torture, you think of some horrendous physical act done to an individual. This was not any one particular act; this was just a combination of things that had a medical impact on him, that hurt his health. It was abusive and uncalled for. And coercive. Clearly coercive. It was that medical impact that pushed me over the edge" to call it torture.

Qahtani was repeatedly strip-searched, frequently with female agents involved, forced to wear women's underclothes and a dog leash while chained and being interrogated, threatened with assault by military dogs, and compelled to perform a series of dog tricks. He suffered long periods of sleep deprivation, including "48 of 54 consecutive days of 18-to-20-hour interrogations," according to one document.

The suffering was so intense that Qahtani was hospitalized twice with bradycardia, a severe lowering of the heart rate which can be fatal. At one point his heart rate was only 35 beats per minute. According to his attorney, Qahtani suffers from loss of memory and ability to focus, as well as paranoia. Still imprisoned at Guantanamo, he maintains his innocence and denies any connection to Al Qaeda.

Crawford, a Republican and career military jurist, expressing sentiments now widespread in the Pentagon, voiced her concern that the torture of prisoners at Guantanamo Bay has been a public relations disaster for the US government, as well as endangering US military personnel who may be captured in the future.

"I sympathize with the intelligence gatherers in those days after 9/11, not knowing what was coming next and trying to gain information to keep us safe," she told the *Post*. "But there still has to be a line that we should not cross. And unfortunately what this has done, I think, has tainted everything going forward."

The treatment of Qahtani "did shock me," she said. "I was upset by it. I was embarrassed by it. If we tolerate this and allow it, then how can we object when our servicemen and women, or others in foreign service, are captured and subjected to the same techniques? How can we complain? Where is our moral authority to complain? Well, we may have lost it."

Crawford's interview with the *Post* coincided with another major legal blow against the kangaroo courts at Guantanamo Bay. A former Guantanamo prosecutor, Darrel Vandeveld, filed a declaration with a US appeals court Tuesday supporting the release of Mohammed Jawad, an Afghan youth seized by US troops in 2002 and held in Guantanamo for the past six years.

Vandeveld, a former lieutenant colonel in the Army Reserve responsible for the cases against seven prisoners facing military tribunal, resigned his position last September citing the abuse of Jawad by Afghan police and the US military and the use of evidence he said was suspect, false or outright fabricated, including a confession signed by Jawad in a language, Farsi, that he does not speak.

Jawad is one of two prisoners facing trial at Guantanamo Bay who were 17 years old or younger when captured by US forces. The Bush administration is prosecuting both Jawad and Canadian citizen Omar Khadr as adults, although international agreements require that both be classified as "child soldiers" and treated as victims of the conflict.

The American Civil Liberties Union, Amnesty International, the Coalition to Stop the Use of Child Soldiers, Human Rights First and Human Rights Watch issued an appeal Monday to President-elect Barack Obama to halt proceedings against Jawad.

This appeal came one day after an ABC television interview in which Obama backed off from his election campaign pledge to close the Guantanamo Bay detention camp as soon as he takes office, and distanced himself from suggestions that top Bush administration officials should face prosecution for authorizing torture, illegal wiretapping and other attacks on democratic rights.

Meanwhile, the *Times of London* reported that nearly one fifth of the prisoners at Guantanamo Bay have gone on hunger strike and are being force-fed by the military authorities. According to the newspaper, of the 248 inmates of the facility,

44 are refusing food and 33 are suffering the brutal reprisal of liquid being forced up their noses through tubes and into their stomachs. One attorney for several prisoners said the actual total of hunger strikers was over 70, nearly one third of those still held.

Over the past seven years, the Bush administration has incarcerated more than 700 men at Guantanamo, portraying them as, in Rumsfeld's words, "the worst of the worst." Of these, nearly 500 have been repatriated and released without charges—and without any compensation for the loss of years of their lives to brutality and false imprisonment.

The testimony of Susan Crawford, Darrel Vandeveld and other military and civilian officials who have spoken out on the crimes taking place at Guantanamo or their cover-up would be of critical importance in bringing the top officials of the Bush administration to justice.

All the officials responsible for the Guantanamo Bay atrocities should face an international tribunal for their crimes—as well as the other acts of torture, illegal detention, kidnapping and murder committed by US agencies in the course of the "war on terror." This should include Bush himself, Vice President Cheney, Rumsfeld, Condoleezza Rice and the high-ranking CIA and military officers who implemented the torture policy, as well as executive branch lawyers who wrote the legal apologetics for these gross violations of international law.

Obama's statement that he wants to "look forward rather than back" amounts to declaring a political amnesty for all the crimes committed by the Bush administration. Obama and the congressional Democrats are adamantly opposed to any serious investigation into these crimes because such an effort would expose the complicity of the Democrats themselves—as well as cut across the program of state violence and repression that the Obama administration intends to carry out in Afghanistan, Iraq and other countries targeted by American imperialism.



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