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Detainee Was Tortured, a Bush Official Confirms

By [WILLIAM GLABERSON](#)

The senior Pentagon official in the Bush administration's system for prosecuting detainees said in a published interview that she had concluded that interrogators had tortured a [Guantánamo](#) detainee who has sometimes been described as "the 20th hijacker" in the 2001 terrorist attacks.

The public record of the Guantánamo interrogation of the detainee, [Mohammed al-Qahtani](#), has long included what officials labeled abusive techniques, including exposure to extreme temperatures and isolation, but the Pentagon has resisted acknowledging that his treatment rose to the level of torture.

But the official, Susan J. Crawford, told Bob Woodward of The Washington Post that she had concluded that his treatment amounted to torture when she reviewed military charges against him last year. In May she decided that the case could not be referred for trial but provided no explanation at the time.

"His treatment met the legal definition of torture. And that's why I did not refer the case" for prosecution, Ms. Crawford was quoted as saying [in an article published in The Post on Wednesday](#).

Ms. Crawford, the convening authority of military commissions, had never given an interview on Guantánamo. She is an appointee of Defense Secretary [Robert M. Gates](#) and a retired military judge who was Pentagon inspector general when [Dick Cheney](#) was secretary of defense.

Ms. Crawford said she drew her conclusions from a combination of techniques that she said had a "medical impact."

Mr. Qahtani was originally accused of a role in the 2001 attacks along with five other Guantánamo detainees, including [Khalid Shaikh Mohammed](#), the self-described mastermind of the Sept. 11 attacks. The military prosecutors sought the death penalty.

Mr. Qahtani, a Saudi, was denied entry into the United States at the Orlando, Fla., airport in August 2001.

"There's no doubt in my mind he would've been on one of those planes had he gained access to the country in August 2001," Ms. Crawford said in the interview. "He's a muscle hijacker."

She added: "He's a very dangerous man. What do you do with him now if you don't charge him and try him? I would be hesitant to say, 'Let him go.'"

Military documents show that Mr. Qahtani's repeated interrogations at Guantánamo in 2002 and 2003 included prolonged isolation, sleep deprivation, forced nudity, exposure to cold and involuntary grooming. He was also forced to dance with a male interrogator and to obey dog commands, including "stay," "come"

and “bark.”

A Pentagon inquiry in 2005 found that the methods were “degrading and abusive.”

In a statement Tuesday night, the Pentagon said that more than a dozen prior investigations had concluded that the interrogations were lawful.

“However, subsequent to those reviews,” the statement said, “the department adopted new and more restrictive policies and improved oversight procedures for interrogation and detention operations.”

“Some of the aggressive questioning techniques used on al-Qahtani,” the statement continued, “although permissible at the time, are no longer allowed in the updated Army field manual.”

Military prosecutors said this fall that they planned to file new charges with Ms. Crawford, who is permitted wide discretion under the Pentagon’s rules for its Military Commission system of prosecuting detainees at Guantánamo.

The prosecutors said at the time that they had evidence independent of any statements that Mr. Qahtani made in his interrogations but they had yet to file those new charges.

Mr. Qahtani’s lawyers at the Center for Constitutional Rights in New York have said they believe he can never be prosecuted because of his treatment, which they said left him a broken man who has attempted suicide.

His case has drawn wide international notice. It is one of the best documented examples of extreme interrogation methods that critics of the Bush administration have said were later used as a model for other interrogations elsewhere in the world.

If new charges were filed in the current military commission system by the military prosecutors, Ms. Crawford would review them.

People who have been briefed by aides to President-elect [Barack Obama](#) have said, however, that he plans to suspend all activity in the system and may direct that all prosecutions be in federal courts.

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