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NY lawsuit: Public release of Guantanamo detainee video could alter anti-terrorism debate

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NEW YORK — A lawsuit filed Monday seeks to force the U.S. government to make public the videotapes of harsh interrogation carried out on a Saudi citizen who authorities once said was supposed to have been the 20th hijacker in the Sept. 11 attacks.

Lawyers for the Center for Constitutional Rights said the videos have been seen by attorneys for Mohammed al-Qahtani but cannot be shown to the public because they are classified. He remains at Guantanamo Bay, Cuba.

They noted that al-Qahtani's treatment since he was seized in December 2001 and later transferred to Guantanamo has drawn the attention of the public, Congress and internal agency investigations.

"The American public should now be permitted to see what occurred for itself," the lawsuit said. "Releasing the videotapes and photographs of Mr. al-Qahtani's interrogations will serve the public interest, by providing the American public with unique documentation of the systematic abuses at Guantanamo."

The lawsuit in U.S. District Court in Manhattan said al-Qahtani from 2002 through 2003 was "the victim of a deliberate and calculated interrogation strategy involving the repeated use of torture and other profoundly cruel, inhuman and degrading treatment." It cited an FBI account that said the treatment was causing him to talk to non-existent people in his cell, report that he was hearing voices, and crouch in a corner covered with a sheet for hours on end.

It seeks to force the Department of Defense, the Department of Justice, the FBI, and the CIA to release the videotapes to the public based on a 2010 Freedom of Information Act request by the center, a nonprofit legal organization that boasts that it has matched hundreds of lawyers nationwide to represent Guantanamo detainees.

Jerika Richardson, a spokeswoman for federal government attorneys in New York, said the government had no comment on the lawsuit.

In October, 2006, al-Qahtani recanted a confession he said he made after he was tortured and humiliated at Guantanamo. In a written statement, he said he had been beaten, restrained for long periods in uncomfortable positions, threatened with dogs, exposed to loud music and freezing temperatures and stripped nude in front



of female personnel. The lawsuit said al-Qahtani was subjected to religious, sexual and moral humiliation and that female interrogators sometimes straddled him or molested him while other military guards pinned his body to the floor.

The U.S. originally had charged six men in the Sept. 11 case, including al-Qahtani. Authorities said he had hoped to become the 20th hijacker but narrowly missed taking part because a U.S. immigration agent denied him entry when he arrived at the airport in Orlando, Fla. The charges against him were dropped. Susan Crawford, a U.S. government official who formerly oversaw the tribunal system, told the Washington Post in an interview published in January 2009 that she refused to refer charges against him because she believed he was tortured.

During a media conference call Monday, attorney Lawrence S. Lustberg said the lawsuit was necessary because some interrogation techniques used on al-Qahtani may still be used and are listed in Army manuals.

“Here on the 10-year anniversary of Guantanamo, we’re concerned that the public has been desensitized to the plight of those who are detained there,” he said.

Alicia L. Bannon, a lawyer working on the lawsuit, said a Freedom of Information Act request filed with seven different agencies resulted in scant information, with the Department of Justice saying that the requested information was classified and other agencies alleging disclosures would result in an invasion of personal privacy.

She said the lawsuit wants a judge to require the government to provide at least portions of the tapes because the government should not be able to use exemptions to requests for public information to hide activity that is illegal or embarrassing to the government.

Another lawyer, Sandra L. Babcock from the Center for International Human Rights at Northwestern Law School, said the government will not let lawyers working on the case describe the content of the tapes or say how many exist. But she added that tapes she has seen are “extremely disturbing, sickening even.”

“I think they would have the power to change the tenor of the debate on the government detention policies and the war on terror,” Babcock said.

Babcock said the interrogation techniques had ravaged al-Qahtani, causing his weight to drop from 160 pounds to 100 pounds and his health to decline even before the most severe interrogation began.

Now, she said, he is a broken man, unlikely to ever recover from the physical and psychological effects of torture.

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