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Bush administration: 'We tortured Qahtani'

- President expected to issue last-minute pardons
- Politicians risk being arrested and tried abroad

Ewen MacAskill in Washington, **Vikram Dodd**
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US lawyers battling against torture and other abuses at Guantánamo Bay are braced for George Bush issuing last-minute pardons to protect those in his administration most closely implicated.

The lawyers' warning came after a senior member of the Bush administration, Susan Crawford, admitted for the first time that torture had been carried out. Until now, the Bush administration, in particular the vice-president, Dick Cheney, had denied the interrogation techniques at Guantánamo constituted torture.

Crawford's admission of torture is in relation to the case of a Saudi national, Mohammed al-Qahtani, 30, accused of involvement in the 9/11 attack. He is often referred to by US authorities as the "20th hijacker". He was denied entry to the US in August 2001 and captured in Afghanistan in 2002. He was tortured for a month and then kept in isolation.

Crawford, a Pentagon official who last year was put in charge of military commissions that decide whether detainees should be tried, told the Washington Post: "We tortured Qahtani. His treatment met the legal definition of torture. And that's why I did not refer the case [for prosecution]." She added: "The techniques they used were all authorised, but the manner in which they applied them was overly aggressive and too persistent."

Bush can issue a pardon to anyone he chooses between now and leaving office at midday on Tuesday. But lawyers warned yesterday that although such a pardon would prevent the politicians and officials from being prosecuted in the US, they would face the risk of being arrested in other countries, as was President Augusto Pinochet.

Gita Gutierrez, Qahtani's lawyer, said yesterday: "We are all concerned that President Bush will hand out pardons as he leaves office. His closest advisers are those most involved in overseeing torture by US personnel. It may prevent their prosecution in the US but it would not prevent other countries pursuing justice along the lines of Pinochet."

Pinochet, who took power in a coup in Chile in the 1970s, was arrested in Britain in 1998 accused of human rights abuses and held until allowed to go home in 2000 on medical grounds.

Gutierrez, who works for the New York-based Center for Constitutional Rights, which represents many of Guantánamo's 200-plus inmates, said she thought Qahtani's torture constituted a war crime.

The International Red Cross, the only independent body with access to Guantánamo, does not speak about specific cases, but it said yesterday that in general, acts of torture could amount to war crimes. Red Cross spokesman Simon Schorno said: "The third Geneva convention prohibits any ill treatment of a person held in the context of a conflict."

The US will find it difficult to go ahead with any prosecution of Qahtani given that evidence obtained under torture would be inadmissible. Some within the US have argued that evidence obtained at a later stage and not tainted by torture could still be used. Gutierrez described Qahtani as severely traumatised and suggested he be returned to Saudi Arabia, which runs a rehabilitation programme.

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