

'Tortured' Guantanamo Bay prisoner seeks release of secret videos



U.S. Navy guards escort a detainee after a "life skills" class held for prisoners at Camp 6 in the Guantanamo Bay detention center on March 30, 2010.

By Jeff Black, msnbc.com

A new lawsuit seeks to force the U.S. government to make public “extremely disturbing” videotapes of a Saudi national whose abuse at the Guantanamo Bay prison has been called “torture” by a former Bush administration official.

The suit, filed in New York federal court on Monday, comes 10 years after the first prisoners in the United States' global war on terror arrived at the Guantanamo Bay detention center in Cuba. The prison, within a U.S. Navy base, was considered by Bush administration lawyers outside the jurisdiction of U.S. courts.

The controversial prison was ordered closed within a year by President Barack Obama when he took office, but stiff resistance in Congress over housing detainees in the United States and trying them in civilian courts has left most of 171 detainees in limbo as the base remains open.

Indeed, 46 of the detainees held at Guantanamo Bay have been designated as too dangerous to be released at all by the Obama administration and have been assigned for indefinite detention without charges or trial. Through the years, 779 detainees have been incarcerated there with Bush releasing more than 500 and Obama 67.

"Sadly, Guantanamo is becoming a fixture," Baher Azmy, legal director for the Center for Constitutional Rights, which has helped defend detainees, told msnbc.com. "We come to think that during wartime that there are these blips of decreased civil liberties, but eventually we restore ourselves to normalcy. That dynamic 10 years on is not happening now. ... The president who so eloquently criticized it has accepted its existence."

The Obama administration disputes that characterization. A State Department spokesman told NBC News that it has made clear that closing Guantanamo is in the interest of national security and is continuing its efforts to close the facility.

Benjamin Wittes, of the conservative-leaning Brookings Institute, has suggested that Guantanamo has changed since the Bush years.

"Alone among facilities used by the military to detain enemy forces in the war on terror," [Wittes wrote](#), "detentions at Guantanamo are supervised by the federal courts in probing *habeas corpus* cases. Detainees there, unlike at any other detention facility, have access to lawyers. Their cases are followed closely by the press, and many hundreds of journalists have been to Guantanamo."

Harsh interrogation techniques

In their lawsuit filed Monday, Lawrence Lustberg and Sandra Babcock seek to shed light on the treatment of their client Mohammed al-Qahtani, who was captured in Afghanistan during the hunt for Osama bin Laden in 2001 and was whisked to Guantanamo Bay, where government investigators later identified him as a man who had planned to participate in the Sept. 11, 2001 terror attacks.

The case of Qahtani first came to light in 2005 when [Time magazine published secret log files](#) from Guantanamo that detailed harsh interrogation techniques on the Saudi suspect.

In February 2008, he was charged with war crimes and murder, but on May 11 of that same year those charges were dropped. The reasons at the time were not made public.

In 2009, a Bush administration official [revealed the reason to Bob Woodward](#) of the Washington Post:

"We tortured Qahtani," Susan J. Crawford said. "His treatment met the legal definition of torture. And that's why I did not refer the case" for prosecution.

Now, Qahtani's attorneys, who have been to Guantanamo, seek to shine more light on what happened nearly a decade ago.

"It's important at this juncture for the public to have access to visual images of what happened at Guantanamo," Babcock told msnbc.com. "I think people have become desensitized to the plight of the men that came to Guantanamo. They don't see them as human anymore. It's easy to distance yourself to what happened."

- [From Oct. 2006: Battle over tactics raged at Gitmo](#)

The tapes remain classified, according to Lustberg and Babcock, but the lawyers have viewed them and say the government should release them.

"I can't tell you what's in the tapes," Babcock told msnbc.com, citing their secrecy. "But I can tell you that they are extremely disturbing and I think they could change the tenor of the debate in this country about our nation's interrogation and detention practices."

Lustberg points out that "the Army field manual still allows our government to engage in some of the same abuse that was visited on Qahtani. We think that when this sort of thing goes on, detainee abuse should continue to be a robust debate."

The lawsuit says Qahtani's treatment included severe sleep deprivation, 20-hour interrogations and isolation. It also cites threats by military dogs, exposure to extreme temperatures and religious and sexual humiliation.

A spokeswoman for government lawyers told The Associated Press that there would be no comment.

Other cases at Guantanamo are still pending. Five prisoners accused of helping to organize the Sept. 11 case are expected to be arraigned at the base in 2012 in what would be the most high-profile U.S. war crimes tribunal since the World War II-era. The five, including the self-proclaimed mastermind of the attacks, Khalid Sheikh Mohammed, are facing charges that include murder and could be sentenced to death if convicted.

There is no judge yet in the Sept. 11 case.

<http://usnews.msnbc.msn.com/news/2012/01/10/10081516-tortured-guantanamo-bay-prisoner-seeks-release-of-secret-videos>