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Saudi Facing US Tribunal, Defense Charges Torture

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GUANTANAMO BAY U.S. NAVAL BASE, Cuba, April 25 (Reuters) - A Saudi charged with being part of an al Qaeda bomb-making cell was set to appear on Tuesday before a U.S. military tribunal in Guantanamo Bay, Cuba, on evidence that his military defense attorney says was obtained through torture.

Jabran Said bin al Qahtani, an electrical engineer captured at an al Qaeda safe house in Pakistan in March 2002, was trained by the militant network to make small hand-held remote detonators of a kind later used in improvised devices against U.S. forces in Afghanistan, the U.S. military says.

A military charge sheet says Qahtani wrote two instruction manuals on how to assemble circuit boards that could be used as timing devices for bombs and was preparing to join the fight against U.S. troops when Pakistani forces captured him and two alleged co-conspirators in the Pakistani city of Faisalabad.

The three men -- Qahtani, Algerian Sufyan Barhoumi and Saudi Ghassan Abdullah al Sharbi -- are scheduled to appear separately before the tribunal for pretrial hearings this week.

They are among only 10 out of 490 detainees in the Guantanamo Bay prison camp who have been charged with war crimes before the tribunals, known formally as commissions. All of those charged so far face life in prison if convicted.

Air Force Col. Moe Davis, chief prosecutor for the tribunals, said the military was developing charges in two dozen more cases against Guantanamo prisoners, including some that could draw the death penalty.

Qahtani is to make his first appearance before the tribunal on Tuesday for what his military attorney, Army Lt. Col. Bryan Broyles, said would be an uneventful proceeding.

'TORTURE-RELATED EVIDENCE'

But Broyles is preparing to challenge the case against his client under a Defense Department directive that formally instructs tribunals to prohibit the use of evidence found to result from torture.

"I believe there's torture-related evidence in the prosecution's case against my client," he told reporters without elaborating.

"It'll be a pretrial motion," Broyles added. "I have to take a specific piece of evidence and say, 'This statement I challenge because I believe it's a result of torture.'"

Davis, the chief prosecutor, said a ruling on suspect evidence would be eligible for appeals ranging from special review boards to the U.S. Supreme Court.

"I would think that in those seven layers, there's pretty good protection," he said.

The tribunal system, set up by President George W. Bush in the aftermath of the Sept. 11 attacks, is itself awaiting a key ruling from the Supreme Court that could determine whether military trials can go forward. A high court decision is expected in June.

But military officials have chosen to proceed in the meantime with procedural matters that do not strike at the underlying merits of each case.

Military documents say Qahtani, a father of two in his late 20s, left Saudi Arabia for Afghanistan shortly after the Sept. 11 attacks to fight U.S. forces and the Northern Alliance, an Afghan militia that helped U.S. forces oust the Taliban government.

After training in electronically controlled devices in March 2002, he was assigned by former al Qaeda operations director Abu Zubaydah to construct as many circuit boards as possible with the intent to ship them to Afghanistan to be used as timing devices in bombs, the military says.