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One Life Inside Gitmo: The U.S. government says Detainee 063 has provided invaluable intelligence. His lawyer says that the statements were coerced and that the interrogation log proves it

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The prisoner didn't trust his lawyer at the start, refusing even to speak with her. She did what she could to win his confidence, donning a hijab, the head covering worn by observant Muslim women, when she visited him at Camp Delta at the U.S. Naval Base in **Guantanamo Bay**, Cuba. Eventually, he began to ask how his aging father in Saudi Arabia made contact with her, how he could be sure she was not another interrogator trying to extract more information from him. "He asked me the same questions over and over," says Gitanjali Gutierrez. "He desperately sought some means of reassuring himself that I was a real lawyer and would not betray him."

It's no wonder that Gutierrez's client would be worried. He is Mohammed al-Qahtani, the Saudi thought by U.S. counterterrorism officials to be the so-called 20th hijacker, the would-be fifth terrorist on the flight that crashed in a Pennsylvania field on 9/ 11. In a June 20, 2005, cover story, TIME chronicled part of the interrogation of al-Qahtani, based on a highly classified log kept at Guantanamo over a 50-day period in the winter of 2002-03. The 84- page log, available in full on TIME.com, showed U.S. interrogators using a wide range of tactics to get him to talk, including sleep deprivation, exposure to cold, forced standing, denial of bathroom breaks, denial of clothing and all manner of emotional manipulations. In the log itself, al-Qahtani both admits and denies working with al-Qaeda. U.S. forces captured him fleeing the battle in Tora Bora in Afghanistan in December 2001. The month before 9/ 11, he tried to enter the U.S. through Orlando, Fla.--while 9/11 leader Mohamed Atta waited for him in the airport parking lot--but was deported after he became evasive with an immigration agent. The Pentagon contends that over time al-Qahtani, known as Detainee 063, proved an invaluable source, identifying al-Qaeda financial contacts in several Arab countries, describing meetings with the organization's top leadership and fingering at least 30 other Guantanamo detainees as bodyguards of Osama bin Laden.

Having spent more than 30 hours in December and January speaking through an interpreter with al-Qahtani at Guantanamo, Gutierrez, the first person to report publicly on his mind-set since his story broke, says he now recants his previous incriminating statements, claiming they were extracted under extreme duress. That may not be surprising. Nor was Pentagon spokesman Bryan Whitman's response: that "the al-Qaeda training manual specifically encourages those captured to make false claims of abuse." But the more that becomes known about the al-Qahtani case--a unique window into the otherwise secretive practices at Guantanamo--the greater the government's vulnerability to challenges to its conduct there. Lawyers for some 60 Guantanamo prisoners told TIME they plan this week to file in a Washington federal appeals court a motion questioning the legality of their clients' detention, based in part on the log of al-Qahtani's questioning that appeared on TIME.com last week. "Using the interrogation logs, we can now demonstrate as fact that statements procured from a man who was abused and tortured have been used to justify the continued detention of Guantanamo prisoners," said Marc Falkoff, a lawyer with Covington & Burling who represents 17 of those detainees. Says Joshua Colangelo-Bryan, another of the lawyers in the case (*al-Odah v. United States*): "Mr. al-Qahtani's statements were elicited in a manner that undermines their credibility entirely. The logs reveal that, with a single day's exception, al-Qahtani was the victim of sleep deprivation that usually lasted a full 20 hours a day for seven straight weeks."

Meanwhile, Gutierrez, a staff attorney for the Center for Constitutional Rights, a New York City--based nonprofit organization that al-Qahtani's father approached last year for help, has challenged his detention in federal court in Washington on the grounds that it is illegal. According to Gutierrez, al-Qahtani insists that he is innocent and that he made many false statements to appease his interrogators. She says he told her he had informed interrogators of his false declarations, a contention supported in part by his interrogation log.

A Pentagon report in July 2005 found that al-Qahtani had been subjected to treatment that was--though not a violation of Defense Department policy-- cumulatively "abusive and degrading." It specifically recommended that the commandant of Guantanamo, Major General Geoffrey Miller, be reprimanded for failing to adequately monitor the interrogation of a high-value detainee, believed to be al-Qahtani. But Miller's superior, Southern Command Commander General Bantz Craddock, decided against the reprimand. Congress last December passed a provision, sponsored by Senator John McCain of Arizona, that bars U.S. personnel from engaging in "cruel, inhuman and degrading treatment" of detainees anywhere. The provision came too late for al-Qahtani; it's not clear how much protection it will afford prisoners like him who are subjected to such handling in the future.

In a U.S. district court in Washington last week, lawyers for Mohammad Bawazir, a Yemeni held at Guantanamo since May 2002, challenged treatment of their client that they argued constituted torture. Bawazir, who had lost 33 lbs. in a hunger strike, claims that in January Guantanamo authorities repeatedly force-fed him by brutally inserting into his nose a thick feeding tube and then roughly pulled it out, causing excruciating pain. The Justice Department argued that Bawazir cannot seek protection under the anti-abuse provisions of the McCain amendment because it contains "no private right of action" that would let defendants sue the government. In other words, Justice says, the government can bust an interrogator for abusing a detainee, but the detainee has no recourse.

The McCain provision was an amendment to the Detainee Treatment Act, written by Senators Lindsey Graham and Carl Levin, which, according to Justice's interpretation, gives Guantanamo inmates access to U.S. courts only for purposes of appealing their convictions by military commissions or their designations as enemy combatants, which allows the government to detain them indefinitely without trial. Says Tom Malinowski, Washington advocacy director for Human Rights Watch: "Only the Supreme Court or the Congress can resolve the contradiction between the McCain amendment, which prohibits cruel treatment, and the Detainee Treatment Act, which prevents prisoners from complaining about that treatment in court."

In al-Odah--which many legal experts believe will end up before the Supreme Court--the government has invoked the Detainee Treatment Act in an attempt to preclude extensive court review of the prisoners' detentions. But the detainees' lawyers argue that the act clashes with a 2004 Supreme Court ruling that opened the federal courts to any prisoner held by the U.S. anywhere in the world. "The issue in this case is critically important because if the government has its way, Guantanamo will be returned to a legal black hole," says Eric Freedman, a professor of constitutional law at Hofstra University and a consultant to several detainees. "It would be an outrage if evidence being used to hold prisoners was extracted by unconscionable methods and that fact did not come to light in a court of law."

Questions surrounding the Detainee Treatment Act will be raised in arguments before the Supreme Court as well on March 28, when lawyers for Salim Ahmed Hamdan, alleged to be bin Laden's driver, challenge government attempts to put him on trial before a military commission, claiming his detention is illegal. Guantanamo detainees did win one victory last week when the Pentagon was compelled by a federal judge to release the names and nationalities of all the prisoners who have participated in hearings considering their enemy-combatant status--about 300 of the 500.

As for Detainee 063, according to his lawyer, he is a broken man. In her first meetings with al-Qahtani, says Gutierrez, his mind wandered, and he engaged in rambling monologues. She found him fearful and at times disoriented. Her descriptions called to mind reports by FBI agents who said al-Qahtani, upon arriving at Guantanamo in 2002, resisted interrogation and so was subjected to intimidation by a military dog and "intense isolation over three months" that led to "behavior consistent with extreme psychological trauma (talking to non-existent people, reporting hearing voices, crouching in a cell covered with a sheet for hours)."

When al-Qahtani still didn't break, Secretary of Defense Donald Rumsfeld personally authorized a series of harsh interrogation techniques for him. Concern about the legality of some of those methods prompted the Pentagon to outlaw their use in January 2003, barely a month after Rumsfeld authorized them. Gutierrez says al-Qahtani "painfully described how he could not endure the months of isolation, torture and abuse, during which he was nearly killed, before making false statements to please his interrogators." As documented in the interrogation log, at one point al-Qahtani became seriously dehydrated because of his refusal to drink water regularly, causing him to be hospitalized and his heart rate to drop to 35 beats a minute.

According to the Pentagon, al-Qahtani admitted that he had been sent to the U.S. by Khalid Sheikh Mohammed, architect of the 9/11 attacks, and that he had met bin Laden on several occasions. Al-Qahtani also confirmed that he had received terrorist instruction at two al-Qaeda training camps and met with numerous senior al-Qaeda leaders. Says the Pentagon's Whitman: "The record clearly shows that al-Qahtani is a dangerous individual who should be held to account for his acts of terrorism."