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Judge approves charges against accused 9/11 mastermind

STORY HIGHLIGHTS

- Khalid Sheikh Mohammed is one of five accused 9/11 plotters charged
- They face the death penalty if convicted
- Judge refuses to approve prosecutors' charges against alleged "20th hijacker"
- Mohammed al-Qahtani will remain in custody as an enemy combatant

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TEXT SIZE

WASHINGTON (CNN) -- A military judge approved charges against five accused September 11 plotters, including the alleged mastermind, but rejected charges against a man suspected of planning to be the "20th hijacker."



Khalid Sheikh Mohammed appears shortly after his capture in Pakistan in a 2003 photo.

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The men, all of whom are Guantanamo Bay detainees, face the death penalty if convicted.

Charges against them were approved Friday, but the attorney for Khalid Sheikh Mohammed, the alleged mastermind, was not informed until late on Monday, he told CNN.

"To me that shows what little regard the government has for the defense and the defense process," said Capt. Prescott Prince, the military lawyer appointed to defend Mohammed.

"I am frustrated with the game-playing."

The sixth man, Mohammed al-Qahtani, will remain in custody as an enemy combatant.

Susan Crawford, the convening authority for military commissions, refused to approve prosecutors' charges against him. The reason for her decision has not been made public, but the military can refile

charges.

The military commission now considers him an "unindicted co-conspirator."

Authorities said al-Qahtani, a Saudi national, was to take part in the plot, but immigration agents stopped him at the airport in Orlando, Florida, The Associated Press reported.

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He was carrying more than \$2,400 in cash, did not possess a return ticket and was to be met by lead hijacker Mohamed Atta, the military has said, according to the AP.

Gitanjali Gutierrez of the Center for Constitutional Rights -- the civilian lawyer for al-Qahtani -- maintains her client has been tortured at Guantanamo Bay.

She was not surprised the charges against him had been rejected, she told CNN.

Al-Qahtani "says he never said anything that wasn't extracted through torture and interrogators fed him information to say," Gutierrez said.

She argued the military does not want al-Qahtani to come to trial because military interrogators -- and not the CIA -- abused him. She said the military would have to deal with his alleged mistreatment if they bring him before a military commission.

Gutierrez last saw her client about a week ago. She has been able to visit him since 2005.

Army Lt. Col. Bryan Broyles is the military attorney for al-Qahtani, but says his client refuses to speak to him. Broyles said it's his understanding prosecutors would have to draft new charges against his client if they wish to try again to bring him before a commission.

The other men facing charges include Ramzi bin al-Shibh, accused of finding flight schools for the hijackers and being an intermediary between the hijackers and al Qaeda leaders.

Also charged were Ali Abd al-Aziz Ali, alleged to have sent \$120,000 to hijackers and arranged travel for nine of them; Mustafa Ahmed al-Hawsawi, accused of providing the hijackers with money, clothes and credit cards; and Walid bin Attash, accused of training two of the [9/11](#) hijackers and assisting in the hijacking plan.

All six suspects are accused of helping plan the attacks in which hijackers flew two passenger jets into the World Trade Center in New York and another into the Pentagon in Washington.

Another hijacked plane crashed near Shanksville, Pennsylvania. In all, 2,974 people were killed in the attacks, not including the 19 hijackers, according to the 9/11 commission report. [E-mail to a friend](#) [Mxx it](#) | [Share](#)

CNN's Jamie McIntyre and Carol Cratty contributed to this report.

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