

# Press barred from Guantánamo hearings

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The Pentagon announced March 6 that reporters will be barred from hearings for 14 US-held detainees in Guantánamo Bay, Cuba. The hearings are scheduled to begin March 9 for the 14 men, all of whom were transferred to the Guantánamo facility last September from secret CIA prisons.

Deemed “combatant status review tribunals” by the Pentagon, the hearings are intended to determine whether the prisoner can be classified as an “enemy combatant.” The prisoners, accompanied by US government representatives rather than lawyers, will face panels comprising three officers at the hearings. Those designated as enemy combatants can be subjected to military trials at the direction of President George W. Bush. The first of these trials is slated to begin this summer.

The hearings come in the context of last month’s US appeals court ruling denying Guantánamo detainees habeas corpus rights, and the refusal of the Bush administration to sign onto a UN treaty banning secret renditions.

Pentagon spokesman Bryan Whitman announced the tribunals with few details, such as which of the 14 men were scheduled to appear first, or an estimate of how long the process would take.

The Associated Press reported that no official statement on the hearings is planned until the government releases a transcript of the proceedings, with material deemed “damaging to national security” redacted. According to Whitman, this currently includes the names of the detainees facing tribunals.

Whitman told the press, “Because of the nature of their capture, the fact that they are high-value detainees and based on the information that they possess and are likely to present in a combatant status review tribunal, based on national security concerns, we’re going to need an opportunity to redact things for security purposes before providing that in a public forum.”

In reality, the prime reason the Bush administration is invoking national security is to conceal the crimes that have been committed under executive order and to protect itself from political and legal blowback. Above all, the hearings are being held in secret because of what the detainees could reveal about the illegal CIA “gulag” authorized by Bush.

Except for these 14 men, all of the 385 prisoners held at Guantánamo have been through the review hearings. According to the Associated Press, more than 550 such hearings took place at the facility between July 2004 and March 2005. The media was granted access to these previous hearings.

A review of some of those known to be facing review hearings, and what has been reported of their years in CIA detention, gives a good indication of the government’s rationale for barring the press.

The highest-profile case is that of Khalid Sheikh Mohammed, whom the government’s 9/11 Commission accuses of being “the principal architect of the 9/11 attacks.” Mohammed is also charged with masterminding virtually every other terrorist act attributed to Al Qaeda, including the 1993 World Trade Center bombing and the 2002 Bali nightclub bombings. In addition, he reportedly confessed under CIA interrogation to personally beheading American journalist Daniel Pearl in 2002.

Mohammed was captured in March 2003 in Pakistan and, according to Human Rights Watch, flown to a CIA interrogation center in Afghanistan and then “disappeared” to a secret prison in Jordan. There, CIA interrogators subjected him to torture, including waterboarding. Human Rights Watch also reported that Mohammed’s two sons, aged seven and nine, were “picked up” in 2002 and held first by Pakistani security forces and then US officials within the United States to compel Mohammed to talk.

Another detainee up for status review, Majid Khan, is

represented by the New York-based Center for Constitutional Rights (CCR). According to the Associated Press, US officials said Khan was being “groomed” by Khalid Sheikh Mohammed for an attack within the United States.

In a March 6 statement, the CCR condemned the combatant status review tribunal. Khan has been denied access to the organization’s attorneys since October 2006 “solely to prevent his torture and abuse from becoming public, and to protect any foreign governments who may have assisted or been complicit in Khan’s secret detention.”

Other detainees include:

\* Abd al-Rahim al-Nashiri, accused of masterminding the 2000 USS Cole bombing in Yemen. In the 1980s, al-Nashiri was part of the “Afghan Arabs” funded by the US in their fight against the USSR.

\* Ramzi Binalshibh, captured in 2002 in Pakistan, accused of helping to plan the September 11 attacks. He is described as the “20th hijacker” by the Bush administration.

\* Abu Zubaydah, also captured in 2002 in Pakistan. Much of the evidence against him was collected under CIA interrogation in a disused warehouse on an air force base in Thailand. ABC news reported in 2005 that Zubaydah was subjected to waterboarding, made to stand for hours in a cold cell, and beaten.

\* Ahmed Khalfan Ghailani, accused of helping to plan the 1998 bombings of the US embassies in Kenya and Tanzania. Ghailani was captured in Pakistan in 2004 along with 13 others, including his wife and children.

The nature of the tribunals is made clear by the fact that the government is willing to consider evidence obtained by torture, deny the right to counsel, bar the public witness of the press and redact hearing transcripts. All of this is aimed at designating prisoners as enemy combatants, a category concocted by the Bush administration for the express purpose of circumventing democratic and constitutional rights.

It is notable that in the 2006 round of status review hearings, 55 of the 328 detainees evaluated were deemed eligible for transfer out of Guantánamo, in many cases after being held for years.

Since 2002, 390 prisoners have been transferred out of the facility to their home countries or elsewhere.

Currently, 80 Guantánamo detainees have been designated for transfer or release, but remain prisoners because the US government has not made other arrangements.

Human Rights Watch background on some of the prisoners previously held by the CIA who now face status review hearings can be found here: <http://www.hrw.org/backgrounder/usa/us1004/7.htm>



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