

# US to hold 9/11 show trial at Guantánamo

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The US military on Monday announced charges against six individuals it alleges helped plan the terrorist attacks of September 11, 2001. The six prisoners—all of whom have been held incommunicado for more than six years, deprived of any legal rights or representation, and subjected to illegal and abusive interrogation methods—are to be tried in a single trial before a military commission at the Guantánamo Bay prison camp. The prosecution is seeking the death penalty for alleged war crimes.

With the announced charges, the American government is setting in motion a vast show trial within its drumhead military tribunal system. The aim is not to arrive at the truth of what happened on September 11 and who was responsible, but to intimidate popular opposition to the occupation of Iraq and bolster the “war on terror,” which has served as the basic pretext for a vast expansion of US militarism abroad and a wholesale assault on democratic rights at home.

The process announced Monday is a travesty of justice and an affront to any conception of due process. The timing of the announcement and likely time-table for the proceedings—due to unfold in the midst of the 2008 presidential election campaign—point to the reactionary political calculations underlying the project.

Air Force Brigadier General Thomas Hartmann, the legal adviser to the convening authority of the military commission system, presented the allegations against the six men at a Pentagon press conference. Chief among the accused is Khalid Sheikh Mohammed, the alleged organizer of the 9/11 attacks. Mohammed is one of three individuals who, as the US officially acknowledged last week, was subjected to the torture method of water-boarding while being held in a secret CIA prison.

The other five men charged include Mohammed al-Qahtani, who has been labeled the “20th hijacker” and whose leaked interrogation records indicate he was subjected to brutal treatment by the US military; Ramzi Binalshibh, alleged to be a top intermediary between the hijackers and leaders of Al Qaeda; Ammar al-Baluchi, nephew of Khalid Sheikh Mohammed; Mustafa Ahmad al-Hawsawi, alleged assistant to al-Baluchi; and Waleed bin Attash, alleged trainer of some of the hijackers.

The six will be charged under the Military Commissions Act, a law enacted in October 2006 after the US Supreme Court ruled unconstitutional the Bush administration’s previous system of military commissions. The charges, all linked to the September 11 attacks, include conspiracy, murder in violation of the law of war, attacking civilians, and terrorism.

In announcing the charges, Hartmann sought to present the future trials as models of due process. He insisted that the defendants would be given “a fair trial, consistent with American standards of justice,” and that they would be treated according to the “rule of law.” However, the entire military commission system and the law upon which it is based represent a massive assault on constitutionally mandated judicial principles and democratic rights.

All six prisoners have been subjected to years of unlawful imprisonment. Several have been held by the CIA in secret torture centers, from which the International Red Cross has been barred, in violation of international laws and conventions.

Conditions of interrogation have been leaked for two of the accused, and

it is clear that they were systematically tortured. None of the statements made under these conditions would have any legal standing in a legitimate judicial procedure, even under traditional US military law.

The CIA, along with Pakistani authorities, captured Khalid Sheikh Mohammed in March 2003. He was reportedly transferred to a secret prison in Jordan, known for its regular use of torture. He was later held in a CIA prison, and last week CIA Director Michael Hayden acknowledged that he had been subjected to water-boarding, among other interrogation methods.

Water-boarding is a notorious form of torture in which the prisoner is strapped to a board, his mouth and nose covered with cloth, and water poured over his head to induce near-drowning.

During one or more of these interrogations, Mohammed confessed that he was responsible for the 9/11 attacks. He also reportedly confessed to organizing the 2002 nightclub bombings in Bali, Indonesia and the 2002 murder of *Wall Street Journal* reporter Daniel Pearl.

Al-Qahtani was interrogated by the military in Guantánamo Bay under special procedures approved by then-Defense Secretary Donald Rumsfeld in 2002. Military logs leaked by *Time* magazine in March 2006 revealed that he was forcibly administered drugs and enemas and subjected to interrogation methods that included prolonged restraint, sleep deprivation, sensory overload, use of dogs, and exposure to extreme temperatures.

Through his lawyers, al-Qahtani later attempted to retract his confessions and allegations made against other prisoners, saying they were made under duress. The methods used on al-Qahtani were later transferred to Iraq, leading ultimately to the sadistic torture of prisoners graphically displayed in the photographs from Abu Ghraib prison.

The Military Commissions Act was enacted with the specific aim of legitimizing anti-democratic and illegal procedures. It contains measures revising the War Crimes Act to protect government officials who ordered torture. The Bush administration was able to obtain passage of the act because of the complicity of the Democratic congressional leadership.

The act explicitly allows for evidence obtained through coercion, a provision included with the specific intent of admitting the confessions of Mohammed, al-Qahtani and others. Hartmann said that the military judge would determine whether such evidence could be used—meaning that it will not be ruled out.

The law includes a series of additional measures that ensure the drumhead character of the commissions. Hearsay evidence is allowed, and classified evidence can be presented of which the defendant is allowed to see only an unclassified summary. The military judge will determine whether or not a defendant’s witnesses will be made available.

Most importantly, the defendants are denied the right to habeas corpus, meaning they cannot challenge the lawfulness of their imprisonment in US courts.

The defendants will have the right to appeal the verdicts and sentences of the military commission first to the Court of Military Commission Review, then to the District of Columbia Circuit Court of Appeals, and finally the US Supreme Court. However, appeals will be limited to the question of whether the Military Commissions Act was followed correctly. The defendants will not be allowed to argue against the legality

of the proceedings themselves, nor dispute the facts presented in the trial.

Interrogation records have been carefully vetted by the intelligence agencies involved, including the CIA. In December, CIA Director Hayden admitted that the CIA had destroyed videotapes of the water-boarding and interrogation of two prisoners, Abu Zubaydah and Abd al-Rahim al-Nashiri. The evidence was destroyed despite ongoing and relevant legal cases and in defiance of judicial orders. It is notable that Zubaydah is not one of those charged on Monday, despite his alleged connection to the September 11 attacks.

While the CIA has not admitted that it videotaped the interrogation of Mohammed or any of his co-defendants, there is every reason to believe that the agency will withhold any evidence not helpful to the prosecution. Hartmann admitted in response to a reporter's question that the military tribunal will not be able to compel cooperation from any other agency.

The individuals responsible for the crime of September 11—which resulted in the deaths of nearly 3,000 people—should be brought to justice through the criminal court system. However, the response of the US government to 9/11 has never been guided by a desire for genuine justice. Rather, 9/11 was seized upon as a pretext for effecting a far-reaching and deeply reactionary shift in US policy, both foreign and domestic.

The so-called “war on terror” became the ideological and political framework for the launching of aggressive wars in Afghanistan and Iraq—mounted in pursuit of imperialist aims centered on US control of the energy resources of the Middle East and Central Asia—and the official adoption of the policy of “preventive war,” the very policy that was employed by the German Nazi regime and condemned as a war crime by the Nuremberg tribunal.

Fear-mongering, anti-Muslim racism and national chauvinism were promoted to justify the most far-reaching attacks on democratic rights and the erection of the framework for a police state within the US.

The officially promoted anti-terrorism hysteria—aided and abetted by the media and the Democratic Party—served as well to block any serious investigation into the events surrounding the 9/11 attacks and the many unanswered questions that point either to criminal negligence or direct complicity on the part of US government and intelligence agencies.

Even assuming that those singled out by the American government were involved in the 9/11 attacks, there is a profound political and historical responsibility that has been systematically ignored. That is because the ultimate political responsibility for the attacks lies with the US political establishment that is carrying out the prosecution.

Al Qaeda has its roots in the US-sponsored war in Afghanistan, conducted as a proxy war against the Soviet Union beginning in 1979. Individuals who would later form Al Qaeda, including Osama bin Laden himself, were recruited and financed by the CIA. Anger against the United States, which found a reactionary expression in the terrorist attacks on the Twin Towers, has been fueled by decades of military aggression, repression of the Palestinians, and US support for corrupt and dictatorial regimes in the Middle East.

Instead of a serious investigation, the US government has produced a series of confessions extracted by individuals held in solitary confinement and tortured. It will attempt to present this mockery of accountability as a final reckoning for the crime committed over six years ago.

Those conducting this trial have absolutely no standing to prosecute others for war crimes. The US military and the Bush administration have killed hundreds of thousands, if not millions, on the pretext of the “war on terror.” The illegal and unprovoked war in Iraq alone is estimated by highly reputable authorities to have caused over a million deaths, making it one of the great war crimes of modern history.

Many of the charges brought against the alleged September 11 attackers, including murder in violation of the law of war and attacking civilians, could—and should—be brought against top officials in the American political and military establishment.

There are both domestic and international aims behind the Bush administration's decision to hold this trial. Internationally, the trial will be used to bolster the military campaigns in Iraq and Afghanistan. Secretary of Defense Robert Gates said on Monday he would order a “pause” in the drawdown of US troops in Iraq, leaving at least 130,000 US soldiers in the country.

The day before, he warned European governments that Europe would face terrorist attacks if it did not make more troops available to prop up the tottering US-backed Afghan government. The coming 9/11 show trial will be used to whip up an international atmosphere more conducive to US bullying of its nominal allies.

In the US, the trial is designed to coincide with the 2008 US elections. The Bush administration will seek to bombard the public with supposed threats, while lurid details of the original plot and the horrific results on 9/11 are reported endlessly in the newspapers and mass media.

The presumptive Republican presidential candidate, Senator John McCain, a hard-line supporter of the war in Iraq as well as military threats against Iran, will seek to use the trial to cower his Democratic opponent, painting his or her hypocritical appeals to antiwar sentiment as capitulation to terrorism. The thrust of the Republican campaign was indicated by Mitt Romney in his speech last week announcing his withdrawal from the Republican primary contest, in which he said a Democratic victory would be “a surrender to terror.”

This is the response of a deeply unpopular administration to a political crisis intensified by the growth of social discontent and a process of political radicalization spurred on by mounting home foreclosures, rising unemployment and all of the other consequences of economic recession.

The Democratic Party, whether its candidate is Hillary Clinton or Barack Obama, will adapt itself to this fear-mongering and present itself as the most consistent advocate of the “war on terror,” even as it accommodates itself to the star chamber proceedings at Guantánamo. It is entirely complicit in the militaristic and anti-democratic policies of the Bush administration.



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