

Detainee ejected from courtroom at Guantanamo trial

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One of the five Guantanamo detainees facing a possible death sentence was repeatedly ejected from the courtroom during the military commission hearing at the US base when he shouted that he had been tortured by the authorities.

Ramzi bin al-Shibh, a 41-year-old Yemeni prisoner, has been held for years by the US military, and was transferred to Guantanamo, along with other “high value” detainees, in 2006.

When asked by Col. James L. Pohl, the presiding judge, whether he understood his rights at the proceeding, bin al-Shibh said, “I totally refuse to answer this question as long as the judge is taking positions against me and my allegations.” According to the report in the *New York Times*, he shouted words to the effect that, “I am not a war criminal; you are a war criminal,” as he was removed from the courtroom.

The prisoner, who has been accused of passing money and messages to al Qaeda in the period before the September 11 attacks, charged that Guantanamo guards were preventing him from getting sleep at night by making banging sounds. “This is torture. You have to stop the sleep deprivation and the noises,” bin al-Shibh declared, according to another account.

Reporters are not allowed in the military courtroom, with closed-circuit coverage of the proceeding being made available both at Guantanamo and at Fort Meade in Maryland.

Bin al-Shibh was ejected at both morning and afternoon sessions on Tuesday and then again on Wednesday, forcing an interruption in the proceedings. The military commissions have become a drawn-out procedure since the arraignment of the five main defendants in May 2012. That followed the Obama administration’s abortive attempt to have the trials take place in a federal civilian court.

Defense attorneys for all of the defendants have strenuously objected to the conditions under which the hearing is taking place. One of the main objections has been that the decision to classify the case as one that could carry a death penalty was made without the defense having the opportunity to argue that CIA torture of the detainees made it unacceptable.

The decision was made by Bruce MacDonald, a retired admiral. Attorneys for the defendants say that testimony is needed on whether and what MacDonald was told about CIA torture before he reached his conclusion.

On a related issue, Walter Ruiz, a Navy commander who represents Mustafa al Hawsawi, complained to the court on Wednesday about the problems he encountered when he attempted to get a translator and a death penalty expert with security clearances before MacDonald made his decision.

In Wednesday’s testimony, after bin al-Shibh was removed, Guantanamo Detention Group commander, Col. John Bogdan, was asked about the draconian rules he had established for attorney visits with their clients facing a possible death penalty.

According to a report in the *Huffington Post*, Col. Bogdan’s strict limits do not allow visits after 4:00 pm, although many of the lawyers arrive on flights from different parts of the US that do not even arrive until after that hour. Lawyers must then wait until the following day to begin consulting with the detainees.

Cheryl Bormann, representing Walid bin Attash, was particularly disturbed about the impact of these restrictions. “It’s particularly poignant when it comes to a death penalty case,” Bormann told the judge. She declares that the restrictions are an unconstitutional interference with attorneys’ access to their clients. “I want a day that goes from 8:30 or 9:00 am into the

evening hours,” she said. “It boggles the mind that I can’t land in Guantanamo and meet with my client the same day I land because they close at 4:00.”

Bogdan also mentioned during questioning, perhaps inadvertently, that he had previously run US detention operations in Somalia. The judge quickly shifted the subject back to Guantanamo. The US military has never admitted having a detention facility in that country.

Col. Bogdan’s harsh regime has been held responsible for the massive hunger strike that took place earlier this year among Guantanamo detainees, at one point involving more than 100 of a total of 166 remaining at the prison. The number refusing food is now reported to be less than 20, but the authorities announced several weeks ago that they would no longer provide any information on hunger strikers.



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