

Biden rejects medical treatment as part of a possible plea bargain for Guantanamo prisoners tortured by CIA

Barry Grey
8 September 2023

According to multiple press reports, President Joe Biden has rejected requests by lawyers for five prisoners illegally held by the United States, first at CIA “black sites” and then at the Guantanamo Bay prison camp, that a possible plea deal include medical treatment for the physical and psychological damage resulting from years of systematic and sadistic torture.

Biden has also reportedly rejected the request of the prisoners, accused of conspiring to carry out the September 11, 2001 terror attacks on New York City and Washington D.C., that they not be held in solitary confinement if they agree to plead guilty in return for a life sentence.

The five men, including the alleged “mastermind” of 9/11, Khalid Shaikh Mohammed, were abducted shortly after the 9/11 attacks under the pseudo-legal provisions of “war on terror” legislation passed overwhelmingly by Congress. This legislation sanctioned the “rendition” of “enemy combatants” anywhere in the world, including citizens of the US, and their indefinite detention, without formal charges or a trial, at CIA sites and military facilities, where they were subjected to “enhanced interrogation,” i.e., torture.

A total of 30 prisoners remain in legal limbo at the Guantanamo Bay Naval Base in southeastern Cuba, outside of any constitutional judicial system and subject to the rules of so-called “military commissions,” in which the prosecutor, judge and jury are all military officers. The prisoners include, in addition to the five 9/11 detainees, Abd al-Rahim al-Nashiri, a Saudi national who is alleged to have helped organize the suicide bombing of the USS Cole in 2000.

For the past year and a half, the US government has been scrambling to resolve the cases of the 9/11 defendants while avoiding trials, which, even under the conditions of the military tribunals, could expose damning details of the government-sanctioned torture inflicted on the defendants. This would shatter US claims to be fighting for “democracy,” “human rights” and a “rules-based

international order” in the proxy war in Ukraine against Russia and the escalating provocations against China, as well as other US interventions around the world.

Moreover, the undeniable use of torture to extract confessions of guilt could undermine the prosecutions even within the prosecution-friendly confines of the tribunal at Guantanamo. Under international law, the use of torture against defendants automatically renders the process illegal and requires the release of the detainees.

Military prosecutors and lawyers for the 9/11 prisoners have been seeking to negotiate a deal that would forgo trials and drop the potential for death sentences. They have been awaiting a signal from Biden on both the overall question of avoiding trials and reaching a plea deal, as well as the terms of such a deal. The White House, itself implicated in the torture regime and fearful of attacks from Republicans and even Democrats for anything short of a show trial followed by executions, has avoided weighing in.

On Wednesday, the *New York Times* and other news outlets cited reports from an anonymous member of the National Security Council that Biden had rejected the above-cited plea deal conditions requested by the defendants, while remaining silent on the president’s attitude to a possible plea in itself, as well as possible life sentences for the accused rather than executions. In this, Biden was following the recommendation of his Secretary of Defense Lloyd Austin.

The five 9/11 defendants and al-Nashiri have been held by the US for more than two decades. Since 2006, when they were brought to Camp X-Ray at Guantanamo, the military has been seeking to bring them to trial. In an attempt to remove the taint of torture from confessions extracted from the prisoners, in 2007 the military prosecutors brought “clean teams” of interrogators to Guantanamo to obtain “voluntary” confessions, supposedly free of the barbaric methods previously used.

Those methods include sexual abuse, such as so-called “rectal feeding,” waterboarding, prolonged isolation, sleep

deprivation, the pointing of live drills at the hooded heads of prisoners, and other depraved torture techniques. As the *World Socialist Web Site* wrote on September 1, in relation to the torture of al-Nashiri:

The depravity of al-Nashiri's torture exceeds the most depraved of the depraved films in the horror film genre—and is all the more horrifying because it really happened, and at the direction and with the approval of the highest levels of the US government.

Last month, in an exceptional ruling in the pre-trial phase of proceedings against al-Nashiri, the presiding judge, Army Colonel Lanny J. Acosta, Jr., threw a wrench into the “clean team” scheme of military prosecutors by ruling as inadmissible a confession supposedly obtained without coercion. In a 50-page ruling, the judge found that the “clean team” confession was categorically tainted by torture because “any resistance the accused might have been inclined to put up when asked to incriminate himself was intentionally and literally beaten out of him years before.”

The judge continued: “Even if the 2007 statements were not *obtained* by torture or cruel, inhuman, and degrading treatment, they were *derived* from it.”

Acosta, Jr. is scheduled to retire next month, and military prosecutors have already filed an appeal of his ruling.

Writing on the judge's ruling, the *New York Times* noted on August 26:

The government argues that Mr. [Khalid Shaikh] Mohammed voluntarily incriminated himself in his fourth month at Guantánamo Bay, nearly four years after he was taken into US custody.

By then, CIA interrogators had waterboarded Mr. Mohammed 183 times. He had also been kept in chains, left nude, deprived of sleep and isolated—many of the same techniques that were first used on Mr. Nashiri. Both men were threatened with return to “the hard times” if they did not cooperate with their captors in the black sites under the rendition, detention and interrogation program.

These methods—war crimes under international law—have left prisoners irredeemably traumatized to the point of being functionally incompetent. One of the five accused 9/11 plotters, Ramzi bin al-Shibh, has been excluded from the plea talks because of questions about his sanity. Last month,

a military medical board ruled him incompetent to either face trial or offer a plea.

In August, prior to Judge Acosta, Jr.'s ruling in the al-Nashiri case, the Pentagon met with selected families of 9/11 victims and then sent a notice to all of the families alerting them to the discussions on a plea bargain that would forgo a trial of the five alleged conspirators and entail lifetime prison sentences rather than death sentences.

Aside from the fact that such an intervention would be entirely illegal in a civilian court, it was designed to elicit vocal opposition from a section of the families as well as from right-wing lawmakers.

More than 2,000 family members of victims of the 9/11 attacks signed a letter urging Biden to oppose any plea agreement with the alleged Al Qaeda plotters. This was followed two days later by an open letter to Biden authored by Republican Representative Michael Lawler of New York and signed by 32 other Republican members of Congress plus one Democrat, Representative Pat Ryan from New York's 18th Congressional District.

Ignoring the savage torture of the accused, the letter declared: “We owe it to the victims and their families to deliver justice—and that should mean the death penalty for these murderers.”

No one has been held accountable for the systematic state torture carried out under successive Republican and Democratic administrations, including the two-term Obama-Biden administration. These latest developments once again demonstrate the criminal complicity of the entire US political establishment in war crimes and police state methods.



To contact the WSWs and the Socialist Equality Party visit:

wsws.org/contact