

STATEMENT OF DEFENSE COUNSEL FOR RAMZI BIN AL SHIBH

TO: News media

FROM: David Bruck david.i.bruck.civ@mail.mil
Lead defense counsel for Ramzi Bin al Shibh

DATE: 25 September 2023

SUBJECT: Status of Ramzi Bin al Shibh

Ramzi Bin al Shibh is a 50-year-old Yemeni national who was charged in a US military commission with participation in the 9/11 conspiracy. He has been in US custody since September 2002 and spent his first four years in captivity as a “disappeared” person in CIA black sites, where he was subjected to torture and extreme isolation. The methods employed on Mr. Bin al Shibh included:

- Sleep deprivation produced by, among other things:
 - Shackling in a standing position for up to 72 hours at a time
 - Cold temperatures and spraying with water
 - Extremely loud music for sustained periods
 - Bright lights all day and night
- “Walling” – repeated slamming against a wooden partition
- Being forced into painful stress positions
- Use of water hoses to produce drowning sensations
- Humiliation produced by
 - prolonged forced nudity,
 - denial of use of toilet while shackled
 - use of diapers followed by spraying with water for “hygiene”
 - sudden facial slaps
 - forced shaving
- Disorientation by
 - use of blindfolds and noise-cancelling headphones during frequent transfers
 - hooding before, during, and after interrogation sessions
 - inability to measure the passage of time or distinguish day from night
 - Threats of sodomy
- Severe food restriction
- Solitary confinement that continued for nearly a year and a half *after* a CIA psychologist warned that his isolation was causing severe and possible irreversible psychological harm.

By the time that the US government transferred Mr. Bin al Shibh to Guantanamo and started to prosecute him, the medical staff in the Guantanamo military prison had concluded that he was suffering from hallucinations and paranoid delusions. In early 2007 military doctors subjected

him to four months of forced anti-psychotic medications that failed to change his thinking but produced severe adverse side effects.

Mr. Bin al Shibh insisted at that time, and continues to insist today, that he is the target of a program of human experimentation involving extreme sleep deprivation and persistent, unexplained physical attacks by remote means. He experiences these attacks as abrupt, painful sensations within his body. They occur at all hours of the day and night, including in court, while praying, and while meeting with his attorneys.

On 21 September 2023, the presiding military judge in the 9/11 case accepted the conclusions of a three-member panel of US military doctors that Mr. Bin al Shibh suffers from Post-Traumatic Stress Disorder with Secondary Psychotic Features and that he lacks the mental capacity to stand trial. The 80-page medical report that provided the basis of this ruling remains sealed, but court proceedings revealed that Mr. Bin al Shibh's current condition is the result of his having been tortured by the CIA.

Because he cannot be tried in his present condition, the military judge severed his case from that of the remaining four 9/11 accused and halted proceedings against him.

It now remains for the US military authorities on Guantanamo to attempt to treat Mr. Bin al Shibh's PTSD. This may prove impossible, however. Mr. Bin al Shibh remains under the control of the same authorities who tortured and isolated him, and who have failed to treat his PTSD before now. *Moreover, there are no known instances of successful treatment of torture survivors while they remain under the torturing government's custody and control.* The possibility exists, therefore, that Mr. Bin al Shibh will remain disabled by PTSD – and thus unable to stand trial – for as long as he remains in US custody. Nevertheless, Mr. Bin al Shibh's counsel hopes that the military authorities on NSGB will work collaboratively with his defense team to identify and implement a treatment program that might offer some hope of alleviating Mr. Bin al Shibh's suffering and restore his capacity to stand trial.

Meanwhile, Mr. Bin al Shibh has not eaten since 7 September 2023 to protest his being placed in punitive isolation. Mr. Bin al Shibh's main form of nonviolent resistance against the attacks that he experiences involves covering, disabling, or damaging surveillance cameras in Camp V. Although the recent competency report and ruling signify that these actions result from Mr. Bin al Shibh's torture-induced PTSD, the prison authorities continue to punish him for these symptoms with one of the very methods – prolonged social isolation – that helped produce his PTSD in the first place.

We have repeatedly urged the JTF Commander to stop punishing Mr. Bin al Shibh's psychiatric symptoms, or at least to move him out of isolation immediately. As of today, Mr. Bin al Shibh has 30 more days of disciplinary isolation yet to serve for a series of incidents involving obstructing or damaging surveillance cameras. He has already lost nearly 30 pounds since beginning his current hunger strike. He is determined not to eat again as long as he remains in disciplinary isolation.

As of 1700 this evening, we have been advised that the JTF Commander expects to decide whether to remove Mr. Bin al Shibh from disciplinary isolation by this Thursday after reviewing the 706 report and discussing the matter with the medical staff. We do not think that another 72 hours is needed to make this call, but if it is, we certainly trust that force-feeding will not be ordered in the interim and have expressed that concern to the military judge and the prosecution. There will always be an obvious alternative to subjecting this already traumatized man to retraumatizing and painful force-feeding. JTF should immediately cease this ineffective and cruel cycle of punishment, release Mr. Bin al Shibh from punitive isolation immediately, and begin the work of ensuring that he receives the care and treatment he needs.

--- 30 ---