

RAMZI BIN AL-SHIBH'S LAWYERS CAN'T KNOW ABOUT THE TORTURE THAT DROVE HIM CRAZY

bmaz and I have both covered the government's Kafkaesque refusal to give Abu Zubaydah—who reportedly has very serious memory issues—his own diary back, thereby making it impossible for him to catalog just what was done to him by James Mitchell's torturers.

Well, from a Gitmo judge's ruling last week, it appears there's a concerted effort to prevent defense attorneys from learning what happened to their clients while being interrogated. (h/t fatster)

Bin al Shibh, 37, is one of five men charged in a complex death penalty prosecution by military commission currently under review by the Obama administration. He allegedly helped organize the Hamburg, Germany, cell of the Sept. 11, 2001, hijackers before the suicide mission that killed 2,974 people in New York, the Pentagon and Pennsylvania.

But his lawyers say he suffers a "delusional disorder," and hallucinations in his cell at Guantánamo may leave him neither sane enough to act as his own attorney nor to stand trial. Prison camp doctors treat him with psychotropic drugs.

Army Col. Stephen Henley, the military judge on the case, has scheduled a competency hearing for mid-September.

Meantime, the judge ruled on Aug. 6 that "evidence of specific techniques employed by various governmental agencies to interrogate the accused is .

. . not essential to a fair resolution of the incompetence determination hearing in this case." The Miami Herald obtained a copy of the ruling Monday.

According to the Red Cross, bin al-Shibh was exposed to water dousing, stress positions, food deprivation, and forced shaving. For the entire month of February 2005, he was "restrained on a bed, unable to move ... and subjected to cold air conditioning." Of course, that also suggests that his intense interrogation lasted much longer than it did for Abu Zubaydah and Khalid Sheikh Mohammed (per the same Red Cross report), since that means he was subjected to intense treatment more than two years after he was captured.

But we (and more importantly, bin al-Shibh's lawyers) can't have the details of that treatment because if they learned why he was mentally unfit to stand trial, then it might make it clear that it was torture. And if it did, then bin al-Shibh wouldn't be the only one standing trial.