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Defense Lawyers Get Access To Secret Guantanamo Camp

By Peter Finn, October 28, 2008

A military judge has ruled that defense lawyers can inspect the mysterious Camp 7 at the detention center at Guantanamo Bay, Cuba, puncturing the secrecy surrounding a facility where some of the major al-Qaeda suspects are being held.

Defense lawyers said yesterday that Judge Ralph H. Kohlmann, a Marine colonel, ruled that attorneys for **Ramzi Binalshibh** -- an alleged liaison between the Sept. 11 hijackers and al-Qaeda's leadership in Afghanistan in the run-up to the 2001 attacks -- could visit Camp 7 and inspect the defendant's conditions of confinement as part of an inquiry into his mental health.

At a hearing last month, Binalshibh's attorneys told a military court that their client is being administered a psychotropic drug normally used to treat schizophrenia. The lawyers argue that the Yemeni detainee's condition raises serious questions about his ability to stand trial on war-crimes charges and his insistence on defending himself in a capital case.

Binalshibh has told the court that he is perfectly capable of defending himself and that he resented the assertion of his assigned military attorney that he might be mentally ill. **The visit, yet to be scheduled, would be the first by any defense lawyer to a lockup that is guarded by a special military unit code-named Task Force Platinum. The location of Camp 7 on the 45-square-mile Guantanamo Bay base remains classified; military officials acknowledged its existence only this year, and even approaches to the facility are said to be heavily guarded.**

The camp houses 16 high-value detainees, including Khalid Sheik Mohammed, the self-described operational mastermind of the Sept. 11 attacks. Fourteen suspects were transferred to Guantanamo in September 2006 after being held, some for years, at secret CIA detention facilities around the world. Two more suspects were subsequently transferred to Camp 7.

The military has said that the facility was built before President Bush announced that 14 suspects were being transferred from secret prisons to Guantanamo. The CIA reportedly used Guantanamo Bay to hold suspects before September 2006. Military officials refuse to discuss what role, if any, the CIA continues to play at Camp 7. Binalshibh's attorneys also petitioned the court last month for an independent medical evaluation of their client.

Kohlmann, over the government's objections, agreed to the Camp 7 visit. He also ruled that a clinical psychologist chosen by the defense could examine Binalshibh's classified medical records, which are thought to detail some effects of the enhanced interrogation techniques to which he was subjected while in CIA custody. The psychologist will not, however, be allowed to visit Camp 7 or interview Binalshibh, as his attorneys had requested.

Navy Cmdr. Suzanne Lachelier, Binalshibh's attorney, told the court last month that she was willing to be hooded while being taken to Camp 7 if that would assuage the military's security concerns. Military officials at Guantanamo Bay say the location of the camp needs to be kept secret to prevent a terrorist attack.

Lachelier described Kohlmann's rulings yesterday but would not provide the unclassified documents because they have not been released by the court. A spokesman for the Pentagon's Office of Military Commissions said the court was preparing the rulings for release. Human Rights Watch, a New York-based advocacy group, said in a June report that harsh, restrictive conditions at maximum-security facilities at Guantanamo Bay were contributing to a marked deterioration in the mental health of detainees. The group

said that "very little is known about Camp 7" but added that "to judge by the little information that is available, however, conditions at Camp 7 are even more restrictive."

Attorneys for the detainees at Camp 7 are prevented by a court order from discussing their clients' medical conditions or records. But there have been some indications that detainees are experiencing mental and physical health problems.

One high-value detainee, Majid Khan, a former Baltimore resident alleged to have planned to blow up gas stations in the United States, told a military panel that he tried to kill himself by biting on one of his arteries. And in a memo filed in U.S. District Court this month, Joseph Margulies, an attorney for Zayn al-Abidin Muhammed Hussein, better known by the nom de guerre Abu Zubaida, said that during a visit with his client in Guantanamo in September "I felt I was talking to an elderly infirm patient whose mind was beginning to fail him."

U.S. officials have acknowledged that Abu Zubaida, 37, was subjected to waterboarding and other coercive interrogation techniques while in CIA custody. In a separate filing in a habeas corpus proceeding, Abu Zubaida's attorneys said their client has had 116 seizures since his transfer to Guantanamo. According to court papers,

Abu Zubaida also told Margulies that he was injected with Haldol, normally used to treat psychosis. The use of the drug in correctional settings is controversial because of its strong side effects and the history of its use in the Soviet Union to control dissidents sent to psychiatric hospitals.

Abu Zubaida's attorneys said "the difference in his demeanor was striking" compared with previous visits. According to court papers, Abu Zubaida once asked for copies of James Joyce's novels "Ulysses" and "A Portrait of the Artist as a Young Man." One of his attorneys, Brent Mickum, said he was able to provide him with a copy of "Ulysses" translated into Arabic.

Staff researcher Julie Tate contributed to this report.