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## **Yemeni Prisoner Boycotts Gitmo Trial, doesn't Show Up for Hearings**

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Associated Press  
March 2, 2006

GUANTANAMO BAY NAVAL BASE, Cuba (AP) - Efforts to try a Yemeni accused of being Osama bin Laden's bodyguard suffered a setback when the man refused to attend part of his hearing, making him the first detainee not to participate in the Guantanamo Bay military tribunals.

Ali Hamza Ahmad Sulayman al Bahlul, charged with conspiracy to commit murder, attack civilians and civilian objects, and to destroy property, attended the afternoon pre-trial hearing Wednesday, but did not return after an evening break.

The tribunal's presiding officer, Army Col. Peter E. Brownback, said he wasn't sure how to proceed, though he wasn't aware of any requirement to force al Bahlul to attend. He asked the defense and prosecution to research the issue and report to him at a hearing early Thursday.

"I have no great desire to drag someone from the camp to here in shackles and chains," said Brownback, who is presiding over the first U.S. military tribunals since World War II.

It was the latest twist in the hearings for al Bahlul, who began his boycott of the proceedings at his second hearing in January, when he held up what appeared to be a handwritten sign that said "boycott" in Arabic and removed his translating headphones.

"He believes that he's been oppressed from the beginning," his appointed military counsel, Army Maj. Tom Fleener, told the tribunal after al Bahlul decided not to return. "His absence now is another form of boycott."

Al Bahlul, one of 10 prisoners facing charges before the tribunal held at the base in eastern Cuba, has repeatedly been at loggerheads with Brownback.

He wants to represent himself or have a Yemeni lawyer, but not an American. He said he considers Americans enemies.

Brownback has denied the request, saying commission rules require defendants to have a military lawyer and that civilian lawyers must be Americans who hold licenses to practice law in the United States.

It's "difficult to envisage real impartiality," al Bahlul, who took notes and once smiled at Brownback, said Wednesday. "For me, impartiality equates being non-American."

"Al Bahlul is the first detainee who has chosen not to attend a hearing on his behalf," said Army Capt. Bruce Roberts, a public affairs officer in the Office of Military Commissions who has attended all of the detainee hearings.

Al Bahlul, who has close-cropped hair and a short beard, referred several times to comments he made about being a part of al-Qaida at his first hearing in August 2004. It's not clear why he did so, but at one point he added: "I had no direct relationship with the events of Sept. 11."

Al Bahlul allegedly created several instructional and motivational recruiting videotapes for al-Qaida, including one "glorifying" the USS Cole attack in 2000, according to the U.S. military. He is one of about 490 prisoners held at Guantanamo.

Neal Sonnett, a Miami attorney observing the tribunal for the American Bar Association, said the proceedings were flawed and the commission rules were being developed "on the fly."

"The whole world is watching these proceedings," he said after al Bahlul's hearing. "We ought to be working extra hard, (the U.S. government) ought to be doing everything ... to ensure not only that there is in fact a full and fair trial, but that it is appreciated and perceived by the world as a full and fair trial."

Chief prosecutor, Air Force Col. Morris Davis, defended the Guantanamo hearings as fair.

"If you look at the due process that al-Qaida extends to people like Daniel Pearl, or the folks at the New York World Trade Centers, or to the Pentagon ... if you look at the due process they extend, their concern for rights, certainly what we're doing exceeds that by a magnitude that's unfathomable," he said.

The issue of whether information obtained through torture can be admitted as evidence also came up during al Bahlul's hearing. The Office of Military Commissions has not specifically dealt with that, said Air Force Maj. Jane Boomer, a spokeswoman for the office.

Jumana Musa, a legal observer for Amnesty International, said such evidence should not be admitted.

"I think the law is quite clear, whether you want to talk about U.S law or international law, the (U.N.) convention against torture signed and ratified by the United States says quite clearly no evidence obtained by torture can be used in any legal proceedings," except for those against a person charged with committing the torture, she said.

Hearings scheduled this week for two other Guantanamo detainees facing charges were postponed. One that was granted a delay on Tuesday -- for 32-year-old Sufyian Barhoumi, an Algerian, will go ahead on Thursday.

Barhoumi, who allegedly belonged to al-Qaida, is accused of training two al-Qaida members how to make explosive devices that could be used against U.S. troops.