

## Judge drops 1 of 5 defendants from Guantánamo's 9/11 case

Associated Press

A military judge has ruled that one of five prisoners at the Guantánamo Bay Navy base charged in the Sept. 11 attack should be tried separately from his co-defendants.

Army Col. James Pohl ruled Thursday that Ramzi Bin al Shibh should get a separate war crimes trial because legal issues that apply only to him are preventing the case from moving forward against the other defendants.

Bin al Shibh, of Yemen, and the four others are awaiting a [war crimes trial](#) at the U.S. base in Cuba for allegedly planning and aiding the Sept. 11, 2001, terrorist attack. They could get the death penalty if convicted. A trial date has not been set.

The case has bogged down over whether the Yemeni is mentally competent to stand trial and whether an investigation of defense team members has compromised his legal representation. Pohl said neither issue will be resolved soon.

Prosecutors had opposed severing any of the defendants from the case and had argued in court papers that all five played significant roles in the terrorist attacks. Bin al Shibh's attorney, James Harrington, said his client preferred to be tried with the co-defendants, one of whom is Khalid Sheik Mohammed, a Pakistani who is the self-proclaimed mastermind of the plot.

James Connell, a lawyer for Pakistani defendant Ammar al-Baluchi said the ruling to sever one defendant will likely allow the proceedings to move forward. A weeklong pretrial hearing is scheduled to start Aug. 11. "We can now return to the legal issues regarding the military commissions instead of the legal issues regarding Mr. Bin al Shibh."