

**Office of Military Commissions:
ISN 10013 Ramzi bin al-Shibh
Pre-Trial Proceedings, 9/11 Commissions
December 17 and 19, 2025**

Events:

Pre-trial/competency proceedings for ISN 10013 Ramzi bin al-Shibh (bin al Shibh) in *United States of America v. Ramzi bin al-Shibh* convened on December 17, 2025, before newly detailed Judge Col. Thomas P. Hynes at 9:02 a.m.

Judge Hynes ensured that all incoming prosecution and defense counsel were sworn in, their detailing qualifications were placed on record, and the mandated weekly attendance colloquy with bin al-Shibh was completed. He then stated that his detailing memorandum and biography had been placed on record as AEs 001 U and V, respectively. He consented to responding to written voir dire questions on the record and allowing the trial and defense teams to ask follow-up questions at the conclusion. Receiving no objections, the judge proceeded with voir dire. No challenges for cause were raised, though the defense team reserved the right to raise challenges in the future. The defense then raised the concern that the accused preferred observing proceedings from the alternate location but couldn't because it was being used by the accused in a simultaneous case and was not available.¹ The judge agreed that this may be a continuing problem as the judicial calendar populates and said he would take it under consideration.

The trial and defense teams discussed motions that were ripe to be brought before the judge, including the government motion for reconsideration of bin al-Shibh's competency to stand trial, defense motions for discovery, and the unsealing of a report. The RMC (Rules for Military Commission) 706 report was unclassified, but sealed, and both teams agreed that it should be unsealed, if the judge were willing to issue the order. The defense team also raised the concern that the <https://www.mc.mil/> website was not being timely updated, holding that that impinges on the right to a public trial, because the public can see exhibits and transcripts exist without being able to view the contents. The defense stated a disinclination to continue filing until the problem was resolved.

With the trial and defense teams in agreement, the judge determined that arguments and briefings on the motions would occur on Friday, December 19, and recessed the commission at 10:12 a.m., authorizing the defense team's use of the courtroom to meet with the client for the remainder of the day.

Pre-trial/competency proceedings resumed at 8:55 a.m. on Friday with further discussion on unsealing the RMC 706 Longform Report. This report was produced in association with the ongoing RMC 706 inquiry into bin al-Shibh's mental status and competency to understand the proceedings or cooperate intelligently in his defense. The 706 Longform Report was entered into the *United States v. KSM et. al.*, record as a sealed exhibit in 2023 by Judge McCall due to medical diagnosis content. The defense noted that the document was unclassified, just sealed, and the trial team confirmed that it had gone through a walled-off declassification procedure. The judge did not rule on the unsealing of the report. He instead expressed his concern over the issue previously raised by the defense that the <https://www.mc.mil/> website was not being updated timely and said he would be monitoring it.

¹ Functionally, a guarded on-site "chamber" afforded to the accused for observing proceedings without themselves being observed.

Government's Argument for bin al-Shibh's Competency to Stand Trial

Argument about the AE 786 motions began with the government trial team providing a history of efforts made to evaluate and treat the accused's symptoms and the commission's various and ongoing attempts to determine his competency. The government maintains that the accused's evaluated delusional persecution-type disorder is likely permanent. However, his selective rejection of treating physicians, differences in expressed behavior when he believes he is or is not under observation, and his ability to direct his attorneys to litigate his accusations of targeting by the guard force all indicate that he is volitional and fully capable of rational decisions.

The government also noted that though the senior medical officer (SMO) cannot ethically treat bin al-Shibh involuntarily, so psychiatric medications are not always possible, the accused has been offered talk therapy and other treatments, including those that involve the defense in his care. However, the SMO has concluded that defense involvement regularly resulted in treatment falling below the standard of care, and the treatment ended.

The government further argued that a cure is not necessary for trial to proceed, just competency, and the accused has shown that he is able to intelligently participate in his own defense. The judge asked what had changed since the 2023 severance of bin al-Shibh due to his incompetence to stand trial. The government answered that evidence of malingering (the intentional fabrication, feigning, or exaggeration of physical or psychological symptoms to obtain an external benefit) changed how diagnosis should be made. The accused has also discussed his knowledge and expectations of court proceedings with his doctors, demonstrating clear, rational, controlled, planned behavior and reality-based thoughts.

Defense Counterargument

The defense responded by providing a different timeline of evaluation and treatment attempts and noted that volitional activity on the client's part is always a "defense" or retaliation against his delusional notions of being attacked. The defense also pointed out that bin al-Shibh finds diagnosis or attribution of delusion to himself intolerable, to the point that he has specified in plea negotiations that "diagnosis of delusion be removed from his record" as a requirement before he will plead.

In response to the diagnosis of malingering, the defense contends that anyone attempting to evaluate their client's mental competency is seen to be colluding with his attackers, so he refuses to cooperate. Further, only one doctor has diagnosed malingering, where subsequent doctors have not. The defense also noted that a different medical provider who established some relationship with the accused remains uncertain whether his diagnostic signals stem from delusion or from PTSD, each of which would be treated very differently. From the defense point of view, nothing in bin al-Shibh's condition has changed since 2023, so a reconsideration of competency is not timely or warranted.

The judge concluded the session by thanking the parties for their briefings, acknowledging defense's intention to submit further discovery motions in January of 2026, and noting that he will be releasing rulings by the end of February. Proceedings recessed at approximately 12:05 p.m.

Observations:

The government trial team for this case is the same team also prosecuting the ISN 10024 Khalid Sheikh Mohammed, et. al., case. Though the KSM case and the bin al-Shibh case were simultaneously scheduled on the <https://www.mc.mil/> calendar and may be again, the reality is that they will only be able to swap days in court, unless the overseeing judges come to an agreement to allow certain members of the trial team to be regularly excused. This is a complication unique to co-scheduling the

bin al-Shibh and KSM cases, but it adds to complications derived from co-scheduling any cases, such as the inability for detainees from more than one case to use the alternate viewing site, and inability for more than one case to use the Remote Hearing Room.² Resolving these complications will necessitate additional expenditure for facilities and technology; and on island, it will require changes in the guard force and standard operating procedures. Not resolving these complications will result in continuing delays of proceedings, as conflicts will have to be worked around.

The accused, Ramzi bin al-Shibh, appeared groomed, healthy, and relaxed in the courtroom. Both days, he wore markedly different ethnic outfits and at one point seemed to be perusing a magazine. Unlike the accused in other cases, bin al-Shibh eschewed the headset for simultaneous interpretation and spoke with the judge in clear English. This may indicate he either has no need for assistance, or he does not trust anyone else to translate correctly.

The defense was correct that the <http://www.mc.mil/> website is not updated in a timely manner. It has particularly lagged for the bin al-Shibh case, though this may be caused by the “walled-off declassification” process that the trial team referenced. However, since Judge Hynes indicated he would be monitoring the website, the calendar has been updated in a timelier manner, but the posting rate of completed documents has not improved.

The bin al-Shibh defense team's complaint about the website may have been part of a multi-case coordinated effort by defense teams because it occurred at the same time as the Ali/Baluchi defense team in KSM et. al., requested a suspension of hearings until non-governmental organizations can again attend in person. Concurrently, members of the Nashiri defense team were openly investigating the status of remote observation facilities and reporting their findings to their judge in real time. All three complaints were based on facts indicating that the trials were not being made accessible to the public.

Unless the court decides that bin al-Shibh is competent to stand trial, his case will remain in an indefinite posture pending updates on and efforts to treat his condition in such a way that he can be elevated to competency. Neither trial nor plea agreement are possible in this posture. Potentially, the defense could secure a compassionate release on psychiatric grounds if his condition deteriorates significantly.

If the accused is declared competent, a plea agreement is unlikely due to two requirements that must be met before bin al-Shibh is willing to plead. The first requirement is an immediate and permanent cessation of all attacks on him; the second is the removal from his record of all statements of his delusion. The government holds that although bin al-Shibh is capable of rational decisions and is competent to stand trial, they also believe he has a delusional persecution-type disorder. As such, those two requirements will never be met. If it is determined that bin al-Shibh is competent, his case will likely proceed to trial. Consequently, it is in the best interests of the defense to argue that their client remains incompetent to stand trial.

2 A location on U.S. mainland in the national capital region that functions as an extension of the well of the courtroom, where counsel can participate over secured video teleconference and witnesses unable to travel to GTMO may give their testimony.