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President Obama issues Executive Order to close Guantanamo and CIA prisons within one year

On January 22, 2008, newly inaugurated President Obama issued a series of executive orders. These executive orders required the closure of the prison camp at Guantanamo Bay within one year, ordered the closure of the secret CIA prisons or black sites, and ordered that all interrogations comply with the Army Field Manual.

The executive orders did not provide detailed structures or timelines for the dismantlement of the Guantanamo prison camp. The habeas litigation of Guantanamo detainees in the federal courts is continuing. The executive order also pledged a new review of all current detainees' files, as well as diplomatic efforts to release or transfer detainees. A separate executive order also temporarily suspended all military commissions and all referrals to military commissions for the length of this review.

The Center for Constitutional Rights praised the orders, but advised that it is neither necessary nor acceptable to continue indefinite detention without charge for one more year before the eventual closure of Guantanamo. CCR reiterated that there are three steps that will allow Guantanamo to be closed easily and safely: repatriating all the men who can go home; finding a safe third country for those who cannot return home for fear of torture or persecution; and charging

those who will be charged with crimes in a standard U.S. federal criminal court. Furthermore, CCR has called on the Obama administration to end extended solitary confinement and other cruel and inhuman conditions in Guantánamo immediately.

Military Commissions Authority Admits Mohammad al Qahtani Tortured

Susan Crawford, convening authority of the military commissions at Guantanamo, said in an interview on January 14, 2009 that Guantánamo prisoner Mohammed al Qahtani was tortured during his US interrogations. Crawford referred to the well-documented interrogations of al Qahtani that included sustained isolation, sleep deprivation, forced nudity, exposure to cold, and sexual abuse. Al Qahtani has been hospitalized on several occasions and his lawyers have repeatedly spoken about the damage caused him by his torture at Guantanamo.

Crawford confirmed in the interview that she earlier had refused to refer military commissions charges against al Qahtani due to his torture. Al Qahtani's attorneys at CCR have called for him to be repatriated to Saudi Arabia, and particularly, to the Saudi government's intensive rehabilitation program for former detainees.

European Countries Indicate Willingness to Accept Guantanamo Detainees in Need of Protection

France joined Portugal, Germany, Finland, Switzerland, Ireland and Sweden on January 14, 2009, as countries that have officially announced that they would consider granting humanitarian protection to former Guantanamo detainees as part of closing the prison camp or urging the European Union to address this issue.

Approximately 60 of the detainees currently held in Guantánamo cannot lawfully be sent back to their countries of origin because they face a risk of persecution or torture. They come from countries including Algeria, China, Libya, Russia, Syria, Tajikistan, Tunisia, and Uzbekistan. Others are stateless and have no country to which they can return.

Thus far, only Albania has accepted refugees from Guantánamo, accepting eight men in 2006. In October 2008, a federal judge ordered that the seventeen Uighurs, men of a Muslim ethnic minority from China, be released into the United States. The U.S. has resisted this judge's order and has also claimed that it cannot find other safe third countries to accept the Guantánamo detainees at risk for persecution.

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Families of Guantanamo Detainees File Suit Over Prisoner Deaths

The parents of two detainees who died at Guantanamo, Yasser al-Zahrani and Salah Ali Abdullah Ahmed al-Salami, filed a lawsuit against former Defense Secretary Donald Rumsfeld and 23 other military officers and personnel on January 7, 2009 for their role in the illegal detention, torture, inhumane conditions, and ultimate deaths of their sons at Guantánamo.

Al-Zahrani of Saudi Arabia, who was just 17 at the time of his arrest, and Al-Salami of Yemen were reportedly found dead in their cells at Guantanamo on June 10, 2006. At the time of their deaths, both men had been detained incommunicado for more than four years without charge in conditions constituting torture.

The families of the men also seek to hold the U.S. government responsible for its callous response following the deaths. Government officials never notified the men's families that their sons had died.

While Islamic law calls for burials within 24 hours of death, the remains of the men were not returned to their home countries until almost a week after they died, and with organs removed and signs of physical injury and trauma. Autopsies were performed on the men without notifying their families or obtaining the families' consent. Government officials also made a number of

derisive comments about the men following their deaths, including referring to the deaths as "a good PR move to get attention."

Hunger Strikes Continue at Guantanamo

Lawyers have reported that over 70 men are currently engaged in a hunger strike at Guantanamo. The men are very frustrated over their continued detention without charge, as well as by the conditions of confinement. In Camps 5 and 6, men are subject to extensive solitary confinement. Hunger striking detainees are often forced by the military, using equipment and measures that have been widely condemned as abusive and inhumane.

Six detainees, including Haji Bismullah, transferred from Guantanamo

On January 17, 2009, six detainees were transferred from Guantanamo—four to Iraq, one to Algeria and one to Afghanistan.

Mohammed al-Gharani wins habeas case; ordered released

On January 13, 2009, Mohammed al-Gharani, a young Chadian man held at Guantanamo, was ordered released in his habeas corpus hearing by a federal judge. Al-Gharani, who was approximately 14 years old when he was taken to Guantanamo after being seized in Pakistan by Pakistani intelligence

forces, has been held without charge at the prison camp since 2002. Of the 27 men whose cases have been heard by federal judges in the United States, 24 have been ordered released.

about the news briefing..

This news briefing is produced monthly by the Center for Constitutional Rights, which coordinates the representation of detainees at Guantánamo Bay with a network of over 500 pro bono habeas counsel. It is translated into Arabic and Dari and is available online at

<http://www.ccrjustice.org/learn-more/reports/Guantanamo-newsletter>

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