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Appeals Court Reverses Ruling Ordering Uighurs' Release into United States

On February 18, 2009, an appeals court overturned a federal judge's ruling ordering 17 Uighurs, members of a Muslim ethnic minority group from Western China, released into the United States. In October 2008, Judge Ricardo Urbina had ordered the 17 men, held at Guantanamo for over 7 years, released. The government conceded that the 17 men should not be classified as "enemy combatants," and that the men cannot be returned to China, where they will face persecution. The U.S. government appealed the judge's ruling, and the appeals court overturned the ruling.

The court's decision, rendered by a three-judge panel, allows the illegal detention of the Uighurs to continue, reasoning that because immigration is controlled exclusively by the executive branch and Congress, a judge has no power to order the entry of the men into the country. One judge filed a separate opinion, saying that the judge had the power to order the Uighur's release into the United States, but that the judge had to first consider whether the men could be held under the immigration laws for some limited period of time.

The Uighurs' lawyers called for President Barack Obama to officially accept the Uighurs into the United States, and planned further legal steps on behalf of the men.

Released Department of Defense Documents Reveal Cooperation with Secret CIA Detention

On February 12, 2009, three human rights groups, Amnesty International USA (AIUSA), the Center for Constitutional Rights (CCR), and the Center for Human Rights and Global Justice (CHRGJ), announced that they had received documents from the Department of Defense as a result of their Freedom of Information Act lawsuit seeking the release of documents relating to secret detention, extraordinary rendition and torture.

The documents revealed the existence of secret prisons in Bagram, Afghanistan and Iraq, confirmed the Department of Defense's cooperation with CIA ghost detention, and indicated one case in which the military sought to delay the release of Guantanamo detainees by 45 days in order to avoid bad press, stating "We need to definitely think about checking ... to see if we can hold off on return flights for 45 days or so until things die down. Otherwise we are likely to have hero's welcomes awaiting the detainees when they arrive."

Guantanamo Detainee Seeks Reunification with Father

Mohammed Khan Tumani, a Syrian man held at Guantanamo, who has been imprisoned since he was 17, is currently held in solitary confinement, subject to coercive interrogations and physical and psychological abuse. He recently attempted suicide and has exhibited severe psychological symptoms. On February 6, 2009, his attorneys filed for emergency relief, seeking an end to his solitary confinement, his relocation to a collective living situation, an independent psychiatric and medical evaluation, an end to abusive interrogations, and access to his father, also held at Guantanamo. The Court issued a ruling granting access to medical records but denying all the other relief on the grounds that the Courts lack power to issue rulings about specific prison conditions at Guantanamo.

Mohammed Khan Tumani and his father have both been at Guantanamo for over seven years and have been separated for that time. During his detention, Khan Tumani has been beaten, threatened, and subject to sleep deprivation and sensory manipulation. He and his father are also both seeking asylum in a safe third country, as they would face persecution if returned to Syria.

European Parliament Calls Upon EU Countries to Accept Guantanamo's Refugees

On February 4, 2009, the European Parliament passed a cross-party resolution calling

upon EU member states to accept prisoners at Guantanamo who need humanitarian protection and cannot return to their home countries due to the risk that they will face persecution or torture there. On February 10, Lithuania joined France, Portugal, Germany, Finland, Switzerland, Ireland and Sweden among European countries indicating their willingness to accept former Guantanamo detainees.

Approximately 60 of the detainees currently held in Guantanamo 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 Guantanamo, accepting eight men in 2006. The U.S. has claimed that it is unable to find other safe third countries to accept the Guantanamo detainees at risk for persecution, and has resisted efforts to resettle detainees in the U.S., despite a federal judge's order to do so in the case of seventeen Uighurs (a Muslim ethnic minority from China) who are classified as non-enemy combatants.

Use of Force Feeding Chair Authorized by Federal Judge

The use of a force feeding chair at Guantanamo was approved by a federal judge on February 11, 2009. Two men held at Guantanamo had sought an injunction against use of the "restraint chair" to force feed hunger strikers. The World Medical Association, of which the American Medical Association is a part, has stated that force-feeding is a violation of medical ethics, and that force-feeding that is accompanied by threats, coercion, force and the use of physical restraints is considered inhuman and degrading treatment. The use of the restraint chair is one aspect of the excessive physical force used against hunger strikers at Guantanamo in order to break their will and convince them to end their hunger strike. Hunger

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strikes continue to be widespread at Guantanamo, as detainees protest their continued confinement.

Defense Secretary Issues Report, Human Rights Groups Expose Illegal Conditions at Guantanamo

U.S. President Barack Obama's executive order of January 22, 2009 ordered a review of conditions at Guantanamo to be completed by the Secretary of Defense, Robert Gates to determine whether the conditions conform to legal standards in the Geneva Conventions and other applicable law.

Human rights groups and attorneys for detainees submitted several letters detailing the legal standards for confinement in executive detention that should govern Gates' review, as well as exposing the continued damaging conditions of psychological and physical abuse suffered by the men at Guantanamo, and protesting the use of force feeding, particularly the use of the brutal restraint chair.

The Center for Constitutional Rights issued a report accompanying its own letter to the Secretary of Defense, detailing the conditions suffered by the men in solitary confinement in Camps 5 and 6 in Guantanamo, including damaging solitary confinement, environmental manipulation, sensory deprivation, denial of family contact and religious rights, and physical abuse and assaults. The report and letter called for Camps 5 and 6 to be closed immediately and for the men held there, who represent the majority of Guantanamo detainees, to be moved to a collective housing environment.

The Defense Department's report was issued on February 23. It found that conditions at the base were in compliance with Common Article 3 of the Geneva Conventions (which spells out the minimum standards of treatment for wartime detainees), a conclusion which was widely criticized in the media. The report did acknowledge that much more social interaction between detainees currently held in solitary confinement facilities would be beneficial and ordered increased recreation and reduced isolation

for the men at Camps 5 and 6.

Guantanamo Torture Victim Seeks Exculpatory Evidence

Attorneys for Mohammed Al Qahtani, the victim of torture at Guantanamo, filed a motion on February 4, 2009 seeking to compel the government to turn over evidence that casts doubt on their claims against him and to hold the government in contempt for continuing to violate a judge's November 2008 order to do so.

According to attorneys, the government has in its possession readily available information that documents the torture Mr. al Qahtani endured at the hands of interrogators at Guantanamo. The existence of these documents was exposed in the media four years ago, and additional information about his torture has(?) been provided for Congressional investigations, yet has(?) not been turned over to his attorneys as a judge ordered.

Until recently, the Government had adamantly denied that any U.S. personnel engaged in acts of torture during Mr. al Qahtani's interrogation, but on January 14, 2009, Military Commission Convening Authority Susan Crawford conceded that by subjecting Mr. al Qahtani to the combination of systematic 20-hour interrogations, prolonged sleep deprivation, 160 days of severe isolation, forced nudity, sexual and religious humiliation, and other aggressive interrogation tactics, the government had engaged in acts of torture.

Binyam Mohammed released from Guantanamo

Binyam Mohammed, a British resident, was released from Guantanamo on February 23, 2009. Mohammed had been captured by Pakistani security forces and turned over to the United States military, who subjected him to "extraordinary rendition" to Morocco on July 21, 2002. In Morocco, he was tortured: scalded, beaten and slashed with a scalpel. He remained in Morocco until January 2004, when he was transferred to the 'Dark Prison' near Kabul, Afghanistan, a secret prison run by the CIA. From there he was taken to the US military prison at

Bagram airbase, and finally, in September 2004, to Guantanamo Bay.

In June 2008, the US Department of Defense put him forward for trial by military commission. His attorneys sued the British government, demanding that they turn over evidence that could help prove both his innocence and the extent of his torture. The charges against him were dropped in October 2008.

In a statement released through Reprieve, his attorneys, upon his release, Binyam Mohamed said 'I am not asking for vengeance; only that the truth should be made known, so that nobody in the future should have to endure what I have endured.'

about the news briefing..

This news briefing is produced monthly by the Center for Constitutional Rights, which coordinates the representation of detainees at Guantanamo 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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