



november 2008

Uighurs' release into United States granted, then delayed for government appeal

On October 7, 2008, a federal judge ordered that 17 innocent Uighur men imprisoned in Guantanamo be released into the United States. These 17 men are members of a Muslim minority group who face persecution and imprisonment if returned to their home country, China. The government had conceded that the 17 men are not properly detained and cannot return to China. Yet, the government argues that a federal judge cannot order Guantanamo detainees released into the U.S.

After the judge's release order, the appeals court in Washington, D.C. granted the government's request for a delay until a decision from that higher court. The Uighurs' attorneys are continuing to press for the judge's ruling to be implemented. Several organizations and communities have stepped up to offer housing, employment and other needed services.

Habeas hearings begin in Boumediene case

Habeas corpus hearings in the case of six Bosnian men held at Guantanamo began in Washington, DC. The six men were arrested by the Bosnian government at the behest of the U.S., then ordered released by the Bosnian high court after a challenge in 2002. Instead of being released, the men were turned over to

the U.S. and sent to Guantanamo. They have never been charged with a crime, and the U.S. government recently dropped allegations that the men were involved in a U.S. embassy bombing plot.

Most of the over 200 habeas challenges filed by the men at Guantanamo are currently before one judge awaiting some preliminary decisions about how the hearings will proceed. Two judges are proceeding independently.

Guantanamo detainee seeks asylum in Canada and goes before IACHR

On October 22, the Anglican Diocese of Montreal presented a refugee sponsorship petition to the Canadian government for Guantanamo detainee Djamel Ameziane. Ameziane, who lived in Canada for five years and whose brother lives there now, is an Algerian who cannot return to Algeria because of a risk of torture or persecution. The U.S. government has never alleged that Mr. Ameziane participated in any act of hostilities, yet he has been imprisoned without charge or trial for nearly seven years. Also in October, the Inter American Commission on Human Rights heard Ameziane's claims that the U.S. violated his rights. Ameziane's petition additionally asked the IACHR to instruct the United States not to return Ameziane to Algeria.

100 Days to Close Guantánamo and End Tor-

ture – From Witness Against Torture

The following statement was submitted to the News Briefing by grassroots activist group, Witness Against Torture, which has led efforts to close Guantanamo:

100 Days to Close Guantánamo and End Torture
www.witnesstorture.org/100days

With a new administration taking office, we have a historic opportunity to reverse the disastrous policies of the last seven years. Both candidates have signaled a willingness to close the U.S. prison camp at Guantánamo Bay, Cuba:

"We're going to close Guantánamo... We're going to lead by example – by not just word but by deed. That's our vision for the future." – Barack Obama, June 2007

"I believe we should close Guantánamo and work with our allies to forge a new international understanding on the disposition of dangerous detainees under our control." – John McCain, March 2008

We must not let these words remain mere rhetoric. We insist on action.

Witness Against Torture announces a campaign to close the U.S. detention facilities at Guantánamo Bay, Cuba, and end torture by the United States within the first 100 days of the new President's administration.

(continued on pg. 2)

Join us in Washington, DC, as we mount a sustained physical presence at the White House and organize activities— from film screenings to lectures and community meetings— in the nation’s capital and across the country.

We will launch the campaign with a nine-day fast starting January 11, 2009, which marks seven years since the opening of the prison at Guantánamo.

The 100 Days to Close Guantánamo campaign will formally begin on January 20, the inauguration of the next President, and continue with a regular schedule of activities for the next 15 weeks. Join us. At the end of the 100 Days (April 30, 2009), we hope to celebrate the closure of the detention camp at Guantánamo and the adoption of policies and laws that decisively ban torture by the U.S. government.

Initiated by Witness Against Torture, the campaign is supported by the Center for Constitutional Rights, the Torture Abolition and Survivors Support Coalition International, September 11th Families for Peaceful Tomorrows, United for Peace and Justice, the War Resisters League and the School of the Americas Watch. We welcome the participation of other groups.

CLOSE GUANTANAMO. END TORTURE.

Issued by Witness Against Torture
For more information, please go to www.witnesstorture.org/100days

Military Commissions Updates

The government dropped military commissions charges against five detainees, Binyam Mohamed, Noor Muhammed, Sufyiam Barhoumi, Ghassan al-Sharbi and Jabran al-Qahtani on October 21 after the resignation of military prosecutor Lt. Col. Darrel Vandeveld. Vandeveld resigned, stating that the military was refusing to turn over evidence that could clear the men to their attorneys. Further, in Mohamed’s habeas case, the government withdrew allegations that he had participated in a “dirty bomb” plot, following an order to turn over certain evidence to his attorneys. Mohamed, a British resident, was tortured in Morocco before being turned over to the United States.

In addition, Brig. Gen. Thomas Hartmann is facing two investigations into whether he abused his power and improperly influenced prosecutions. Hartmann was supposed to be both a legal adviser to a theoretically impartial overseeing authority while maintaining authority over prosecutions. The Air Force is reviewing allegations that Hartmann bullied prosecutors and advocated using coerced evidence despite prosecutors’ objections.

In other proceedings, Ali Hamza al Bahlul pledged to boycott his commission by standing silent and directing his lawyer to remain silent. The commission of Omar Khadr, the Canadian captured at 15, has been delayed until January 26 to secure an independent psychological assessment. The

government filed charges against two Kuwaitis, Fouad al-Rabia and Faiz al-Kandari, accused of conspiracy and material support for terrorism.

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>

If you would like to receive this newsletter, send us more information, or get in contact:

Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
<http://www.ccrjustice.org/>
(212) 614-6443
LKates@ccrjustice.org