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First habeas corpus hearings on the horizon for men at Guantánamo

The men at Guantánamo continue to await fair hearings before a real judge, following the Supreme Court decision in June 2008 – the *Boumediene* decision – that recognized their constitutional right to habeas corpus hearings. Attorneys for the Guantánamo detainees, and for the government, have filed a series of procedural briefs before various judges, including the lead judge in Washington, DC, coordinating many of these cases. The issues to be decided include how much information each side can demand from the other; the basis for seeking court hearings on the evidence; the basis for allowing out-of-court statements, including hearsay, as evidence; the right to compel witnesses to appear; and the amount of proof necessary to justify detention, and who bears the burden of proof. The detainees' attorneys are seeking a full process for the men at Guantánamo, while the government is seeking to create narrow hearings that provide very little due process. For most of the cases, the judge required the government to notify the attorneys for the men detained before they are transferred. This was requested by the attorneys for the detainees so that they would know if the government intended to transfer them to countries where their lives or safety would be at risk. The government is currently challenging the order. The first court hearings are expected to take place in late September.

Salim Ahmad Hamdan sentenced to 5 ½ years, to be completed in six months, at close of first military commission

In the first verdict to be issued by the U.S. military commissions at Guantánamo, Salim Ahmad Hamdan was convicted of material support for terrorism, and acquitted of conspiracy charges on August 5, 2008. He was sentenced to 66 months in prison, but the time that he has already been detained counts as part of that sentence, meaning his sentence will expire in six months. Hamdan was found guilty based largely upon his role as a paid driver of Osama bin Laden. He was found not guilty of three other counts of material support, and of two counts of conspiracy. The Bush Administration has not said that the government is required to release Hamdan, or any other military commission defendant, at the end of his sentence, but has insisted that the government could continue to keep him.

Hamdan had previously successfully challenged the military commissions system, in which the U.S. Supreme Court ruled that the then-existing system was invalid and that detainees at Guantánamo had rights under the Geneva Conventions. The Military Commissions Act, passed in 2006 by Congress, created a new military commissions procedure. The new procedures, which deny defendants many rights recognized in U.S. criminal courts, continue to be challenged by advocates for the men at

Guantánamo.

In other military commissions news, on August 14, members of the defense team for Mohammad Jawad, a young man at Guantánamo currently facing a military commission, submitted evidence that a military psychologist was complicit in Jawad's abusive treatment at Guantánamo. The psychologist assessed Jawad's mental condition after he was seen talking to a poster on his wall, and then authorized for him to be kept in isolation, despite what may have been evidence of mental stress or illness. Jawad, who was under 18 when he was captured in Afghanistan and a teenager when subjected to these tactics, later attempted suicide. The military psychologist has refused to testify about her experiences based on a protection against incriminating herself. In addition, on August 15, Ali Al-Bahlul announced that he refused to participate in the commissions process and would boycott the commission charging him.

Guantánamo detainee Djamel Ameziane files complaint before Inter-American Commission on Human Rights

On August 6, 2008, Djamel Ameziane, an Algerian man held by the U.S. military at Guantánamo Bay, filed a petition with the Inter-American Commission on Human Rights (IACHR), asking IACHR to consider the torture, abuse, and other human rights violations perpetrated by the U.S. military at Guantánamo Bay. (continued on pg. 2)

trated against him during his six years at Guantánamo. The IACHR receives and investigates reports of violations of the American Declaration of the Rights and Duties of Man, to which the United States is a party. Ameziane's petition is the first such complaint to be filed to the IACHR by a detainee at the base. The IACHR has already issued preliminary protective measures (precautionary measures) to prevent the US from committing further abuses against Ameziane, to consider his release in a timely manner, and to ensure that he is not returned to a country where he could face abuse once he is released. The US does not recognize such precautionary measures from the IACHR as binding, however.

Dr. Aafia Siddiqui, suspected victim of enforced disappearance, appears in Manhattan court in U.S. custody

On August 4, 2008, the U.S. Federal Bureau of Investigation announced that longtime disappeared person and suspected "ghost detainee" Dr. Aafia Siddiqui was indeed in U.S. custody. Dr. Siddiqui is currently being held in New York City, and appeared in court on August 11, 2008.

Dr. Siddiqui mysteriously disappeared, with her three children, from Karachi, Pakistan five years ago and has been suspected to have been held in secret U.S. "ghost detention" or by Pakistani intelligence. The location of only one of her children is currently known. The FBI nevertheless al-

leged that she was arrested in Afghanistan on July 17 with recipes for explosives and weaponry, and has not said anything about her being detained by the CIA. Dr. Siddiqui is accused of grabbing a soldier's gun while he was attempting to arrest her and firing two shots. She, herself, was shot and is deeply ill. Dr. Siddiqui is rumored to be the "Grey Lady of Bagram," a female prisoner that former detainees reported hearing at the U.S. prison at Bagram in Afghanistan.

Psychologists against torture challenge psychological role in interrogations and detention

On August 16, 2008, members of the American Psychological Association rallied outside the organization's annual convention, calling upon the APA to take a stand against psychologists' participation in interrogations and torture at Guantánamo Bay and elsewhere.

Many members of the association have called for the APA to create a formal policy against the involvement of its members in coercive interrogations. While the APA's resolutions have become increasingly critical of interrogation procedures and members are prohibited from involvement with waterboarding or physical abuse, the APA continues to support officially the involvement of its members in military interrogations.

On August 14, a state resolution passed the California legislature officially condemning torture and coercive interrogation and directing licensing boards to remind

medical professionals of their ethical and legal obligations regarding participation in torture and requesting that the Department of Defense and CIA remove California-based psychologists from such programs.

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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