

PUBLIC

AI Index: AMR 51/075/2009

15 June 2009

Further information on UA 350/08 (AMR 51/156/2008, 23 December 2008) and follow-up (AMR 51/028/2009, 20 February 2009) – Health concern/Legal concern

USA Ahmed Zaid Salem Zuhair (m), Saudi Arabian national, aged 44

Ahmed Zuhair was released from Guantánamo and flown to Saudi Arabia on 12 June. He had been held without charge or trial in Guantánamo since June 2002, and had been on hunger strike and a force feeding regime since 2005.

In a news release announcing the transfer of Ahmed Zuhair and two other Saudi Arabian nationals, Khalid Saad Mohammed and Abdalaziz Kareem Salim Al Noofayee, the US Department of Justice said that "All individuals transferred to Saudi Arabia are subject to judicial review in Saudi Arabia before they undergo a rehabilitation program. While in a rehabilitation program, they will be under the control of the Saudi Government. The US and Saudi Governments are working closely together on all matters related to the transfer of Saudi detainees from Guantánamo to Saudi Arabia."

The Justice Department emphasised that the transfers were the result of the review by the Guantánamo Review Task Force set up under an executive order signed by President Barack Obama on 22 January 2009 (see: *The promise of real change: President Obama's executive orders on detentions and interrogations*, 30 January 2009, <http://www.amnesty.org/en/library/info/AMR51/015/2009/en>). The press release also noted that these three detainees had been cleared for transfer under the Bush administration. As noted in the 20 February Urgent Action update, Ahmed Zuhair had been approved for transfer to Saudi Arabia in December 2008, six months ago.

Ahmed Zuhair has been in detention for more than seven years without charge or trial. According to his 2008 petition for habeas corpus, in late December 2001 he had been seized in a market in Lahore, Pakistan, by a dozen men in civilian clothes. He had been blindfolded and taken to a house in a residential area of Lahore, where, he said, he was tortured and otherwise ill-treated. In early January 2002, he had been transferred to a military facility in the capital, Islamabad, and held incommunicado there for about 10 weeks; in mid-March 2002 he had been handed over to US custody and held in Bagram air base in Afghanistan. In June 2002 he had been transferred to detention in Kandahar, where he was held for two weeks. He said he had been ill-treated in US custody in Afghanistan, including forced prolonged kneeling and stripping during interrogations. He was transported to Guantánamo in June 2002. Ahmed Zuhair began his hunger strike in mid-2005, to protest at his indefinite detention without charge and the conditions in which he was detained. He was force fed from August 2005.

Seven other detainees have recently been released from indefinite military detention in Guantánamo. On 11 June, four Uighur detainees were transferred to Bermuda, an Iraqi national was transferred to Iraq, and a Chadian national to Chad (see <http://www.amnesty.org/en/library/info/AMR51/074/2009/en>). On 9 June, Tanzanian national Ahmed Khalfan Ghailani was transferred to New York to face trial in federal court there. He had previously been facing trial by military commission in Guantánamo. Earlier, two other detainees were released from the base: Ethiopian national and former UK resident Binyam Mohammed was transferred to the UK in February and Algerian national Lakhdar Boumediene was transferred to France in mid-May.

There are reported to be 229 detainees still held in Guantánamo. Amnesty International remains concerned by the slow pace at which the detainees' cases are being resolved.

Ahmed Zuhair and the other two Saudi Arabian men were released on the first anniversary of the US Supreme Court's decision in *Boumediene v. Bush*, finding that the Guantánamo detainees have the constitutional right to challenge the lawfulness of their detention in US federal court. To date, only a handful of detainees have had hearings on the merits of their challenges. Ahmed Zuhair was due to receive such a hearing on 30 June 2009.

A number of those who have made successful challenges, obtaining rulings that their detentions are unlawful, have remained in indefinite detention for months. For example, 13 Uighur men are still in indefinite detention at Guantánamo more than eight months after a US federal judge ruled that their detention was unlawful and ordered their immediate release into the USA. The US authorities appealed successfully, and the case is now pending before the Supreme Court. The administration has continued to hold the Uighur detainees, arguing that it is for the political branches of government to decide who should be allowed into the USA. For further information, see *USA: Detainees continue to bear costs of delay and lack of remedy*, April 2009, <http://www.amnesty.org/en/library/info/AMR51/050/2009/en>.

No further action by the UA Network is requested. Ahmed Zuhair's US lawyers have thanked Amnesty International for its action on his case. They have said that they will continue to seek a judicial determination in the US courts that his detention was "unlawful and unjustified from the very beginning."