

URGENT ACTION

USA TO APPEAL RELEASE OF GUANTÁNAMO DETAINEE

The US Department of Justice said on 17 September that the federal government will appeal a district court order to release Yemeni national Adnan Farhan Abdul Latif from Guantánamo. He has been held there since January 2002.

On 21 July, Judge Henry Kennedy on the US District Court in Washington, DC, ordered the US administration to “take all necessary and appropriate diplomatic steps to facilitate Latif’s release forthwith”. Judge Kennedy found that the US government had failed to demonstrate “by a preponderance of the evidence” that Adnan Latif was “part of al-Qa’ida or an associated force” and therefore concluded that his detention was unlawful.

Adnan Farhan Abdul Latif has been held in Guantánamo without charge or trial for more than eight years. Amnesty International issued an urgent action on his case in May 2009 after he made an apparent suicide attempt during a meeting with his lawyer. According to his lawyer he had made several previous suicide attempts, including whilst being held in solitary confinement in Guantánamo’s psychiatric ward. In March 2010, he alleged that he had been repeatedly ill-treated by Guantánamo’s Immediate Response Force (IRF), and wrote that the circumstances in which he was living “makes death more desirable than living...I find no taste for life, sleep or rest.”

Amnesty International remains seriously concerned about Abdul Latif’s physical and psychological well-being, particularly now the federal government has decided to appeal against Judge Kennedy’s order to release him. Adnan Farhan Abdul Latif’s indefinite military detention could now be further prolonged.

The appeal will be to the US Court of Appeals for the District of Columbia Circuit.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Expressing disappointment at the decision to appeal against the order to release Adnan Farhan Abdul Latif;
- Expressing concern for his physical and psychological well-being;
- Calling for his immediate release unless he is charged with recognizably criminal offences and brought to trial in an independent and impartial court according to international fair trial standards.

PLEASE SEND APPEALS BEFORE 02 NOVEMBER 2010 TO:

The President
Barack Obama
The White House
Office of the President
1600 Pennsylvania Avenue NW
Washington DC 20500, USA
Fax: + 1 202 456 2461
Email:
www.whitehouse.gov/contact/
Salutation: Dear Mr President

Acting Solicitor General
Neal Katyal
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
USA
Fax: + 1 202 514 9769
Email: askDOJ@usdoj.gov
Salutation: Dear Solicitor General

And copies to:
Attorney General
The Honorable Eric H. Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530 0001
USA
Fax: + 1 202 514 4507
Email: askDOJ@usdoj.gov
Salutation: Dear Attorney General

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the fifth update of UA 125/09. Further information: www.amnesty.org/en/library/info/AMR51/066/2010/en

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ADDITIONAL INFORMATION

Approximately 50 per cent of those who remain detained at Guantánamo are Yemeni nationals. The task force established under President Obama's executive order on ending the Guantánamo detentions approved 36 Yemeni nationals for repatriation. Another 30 were designated for possible future transfer when security conditions were deemed to have been met. Only eight Yemenis have been repatriated so far by the Obama administration. In December 2009 US authorities suspended any transfers of Yemeni nationals from Guantánamo citing security concerns.

On 13 July 2010, another Yemeni national, Mohammed Hassan Mohammed Odaini, was repatriated to Yemen following his court ordered release. The US Department of Justice did not appeal against the ruling, but administration officials made it clear that his repatriation was to be seen as an exception and that his release "should not be viewed as a reflection of the broader policy for other Yemeni detainees" and that the general suspension of transfers to Yemen from Guantánamo was still in place.

Amnesty International has long called upon the USA to immediately release any Guantánamo detainee whom it does not charge and bring to trial in an independent and impartial court in accordance with international fair trial standards. The organization notes that the USA has never shown any intention to prosecute Adnan Farhan Abdul Latif, only to keep him in indefinite detention without charge.

Adnan Latif has asked his lawyer to thank Amnesty International and other organizations for their campaigning efforts on his behalf.

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