

Washington, D.C., March 4, 2013

Dr. Emilio Álvarez Icaza  
Executive Secretary  
Inter-American Commission on Human Rights  
Washington, D.C. 20006

**Re: Thematic Hearing Situation of Human Rights of Persons Detained in the Guantánamo Naval Base**

Esteemed Dr. Álvarez Icaza:

The Center for Justice and International Law (CEJIL), the Center for Constitutional Rights (CCR), Physicians for Human Rights (PHR), and Reprieve (collectively “Petitioners”) hereby present the following written observations summarizing the main points of our presentation for the thematic hearing on the **Situation of human rights of persons detained in the Guantánamo Naval Base**, to be held at the Inter-American Commission on Human Rights on March 12, 2013.

We thank the Inter-American Commission for granting Petitioners’ request for a thematic hearing to address the indefinite detention of prisoners at Guantánamo Bay and other violations of human rights protected under the American Declaration that continue to occur there. As President Obama begins his second term in office and Guantánamo enters its second decade in operation, we applaud the Commission for continuing to monitor the United States’ detention practices at Guantánamo. The Commission’s involvement began in 2002, not long after former President Bush wrongly identified Guantánamo as a “legal black-hole” and the first prisoners were transported there from U.S. military bases in Afghanistan. Since then, the Commission has issued precautionary measures in favor of all the persons detained at Guantánamo, granted in March 2002 and expanded in November 2005; precautionary measures and petitions of individual detainees such as Omar Khadr (2006) and Djamel Ameziane (2008);<sup>1</sup> and numerous public hearings, press releases, and resolutions,<sup>2</sup> through which this Commission has repeatedly called on the United States to “*close the Guantánamo Bay facility without delay and try or release the detainees through a process undertaken in full accordance with international human rights and humanitarian law.*”<sup>3</sup>

However, despite the Commission’s exhortations and the State’s promises, there are still 166 prisoners at Guantánamo. Over the past eleven years, the prison has become an entrenched part of the State’s detention apparatus. And progress

<sup>1</sup> See also Djamel Ameziane Case No. 12.865 (United States)

<sup>2</sup> See e.g., IACHR Resolutions Nos. 2/06 and 2/11

<sup>3</sup> IACHR Resolution No. 2/11

towards its closure has come to a standstill: sixty-five prisoners were released in the first two years of President Obama's first term, but that number plunged to just 5 during 2011 and 2012.<sup>4</sup> Unsurprisingly, the prisoners who remain trapped at Guantánamo are suffering; not knowing when, if ever, they will be released from indefinite detention is destroying them physically and psychologically. In September 2012, Mr. Adnan Latif – just 36 years old and cleared for release from Guantánamo on three occasions – perished in his cell. Further, on August 21, 2012, the Center for Constitutional rights filed a petition with the Commission on behalf of Yasser Al-Zahrani and Salah Al-Salami, two men who also died while in U.S. custody at Guantánamo Bay in 2006.<sup>5</sup> The petition seeks acknowledgement and responsibility by the State for the wrongful detention and torture of Mr. Zahrani and Al-Salami, and continues their families' quest for the truth about how they died.<sup>6</sup> Under these circumstances, it is indefensible that the United States continues to reject the Inter-American Commission's requests to visit Guantánamo with access to the prisoners.

In light of the humanitarian crisis unfolding at Guantánamo, Petitioner's primary objective for the thematic hearing is to engage the State on two questions: **(1) whether it remains committed to closing the detention center at the Guantánamo Bay Naval Base; and, if so, (2) what specific measures it is currently taking to achieve that objective in compliance with its international obligations.** The Commission should note that this will be the first time since President Obama's reelection that the State will comment on its Guantánamo policy in a formal setting. Accordingly, the State's answers to these foundational questions will be the clearest indication yet of whether it plans to honor the Commission's repeated calls to shutter the prison.

While Petitioners remain hopeful that the State is prepared to resume the transfer of prisoners and take other immediate steps towards closing the prison, the State's current inaction suggests it is content with the normalization of the Guantánamo. In fact, the few recent steps the State has taken in the area of Guantánamo policy have only put the goal of closing the prison further out of reach.

As Petitioners will address during the thematic hearing, these measures include: signing legislation that imposes onerous restrictions on detainee transfers,<sup>7</sup> failing to use the authority granted by Congress to waive those very same transfer restrictions, and dissolving the office of the special envoy tasked with overseeing the closure of Guantánamo.<sup>8</sup> Finally, the Administration has also refused to lift its blanket

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<sup>4</sup> See The Guantánamo Docket, N.Y. Times, <http://projects.nytimes.com/Guantánamo/>.

The last prisoner to leave Guantánamo Bay alive was Omar Khadr, who was sent to Guantánamo at the age of 15. He was transferred to Canada following a plea agreement. See Human Rights Watch, *Omar Ahmed Khadr*, October 25, 2012, <http://www.hrw.org/news/2012/10/25/omar-ahmed-khadr>; see also PM 8/06: IACHR Precautionary Measures in favor of Omar Khadr.

<sup>5</sup> Al Zahrani, et al., Inter-American Commission on Human Rights Petition Alleging Violations of the American Declaration of the Rights and Duties of Man, filed on Aug. 21, 2012, App. 6.

<sup>6</sup> *Id.* at 1.

<sup>7</sup> Presidential Statement on Signing the National Defense Authorization Act for Fiscal Year 2013, DAILY COMP. PRES. DOC. 201300004 (JAN. 3, 2013) ("2013 NDAA Signing Statement"), App. 24.

<sup>8</sup> See Charlie Savage, *Office Working to Close Guantánamo Is Shuttered*, N.Y. TIMES,

moratorium on the release of Yemeni prisoners.<sup>9</sup> This means that roughly 90 prisoners, including 56 already approved for transfer, are currently being imprisoned at Guantánamo on the basis of their national origin alone.<sup>10</sup>

To be clear, the status quo at Guantánamo will lead to one result: the deterioration and death of a population of exclusively Muslim prisoners held by the State at an off-shore internment camp, the majority of whom will never be charged with a crime and whom the State itself has cleared for release. To avoid this shameful result, and as part of an effort to encourage the State to comply with its international obligations, Petitioners look forward to offering remarks to the Honorable Commission on a range of topics that include the following:

### **I. The Physical and Psychological Impact of Indefinite Detention on Guantánamo Prisoners**

Because the State refuses to permit members of the Commission access to the prisoners at Guantánamo, but also bars the prisoners from speaking publicly, the men at Guantánamo suffer in ways that often escape public scrutiny. Petitioners, however, have collectively represented dozens of Guantánamo prisoners and travel to the prison frequently. We welcome the opportunity to inform the Commission of the heavy toll indefinite detention is taking on our clients. The existential uncertainty of not knowing when, if ever, they will be released from indefinite detention is destroying the men at Guantánamo – physically and psychologically.<sup>11</sup> This is the largest and most pressing health crisis facing Guantánamo’s remaining prisoners.

Guantánamo prisoners, however, often receive inadequate care, despite their need for sophisticated medical attention for illness, age-related problems, and psychological issues. With the passage of time, these health problems are worsening and increasingly cannot be properly treated in a detention context. This is particularly true because indefinite detention itself is often the ultimate cause of the prisoners’ deteriorating health.

There is also a small group of prisoners at Guantánamo who are long-term hunger-strikers. These prisoners are force-fed by the U.S. Department of Defense through nasogastric intubation. In the case of Mr. Tariq Ba Odah, for example, this painful daily routine has been ongoing for six years without interruption.<sup>12</sup> Not only does this contravene international law norms, but it is plainly unsustainable from a medical perspective.

In addition to the ongoing health crisis, nine prisoners have died in the State’s custody at Guantánamo since the prison first opened – four during President

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January 28, 2013, App.11.

<sup>9</sup> See Steve Holland, *U.S. Suspends Guantánamo prisoner transfers to Yemen*, REUTERS, January 5, 2010, App. 22; see also TRUTHOUT, *Bowing to Pressure, Obama Halts Transfer of Guantánamo Detainees to Yemen*, Jan 5., 2010, App. 21.

<sup>10</sup> See List of Yemeni Guantánamo Prisoners Cleared for Transfer as of September 21, 2012, App. 16.

<sup>11</sup> See Physicians for Human Rights, *Punishment Before Justice: Indefinite Detention in the US*, June 2011, App. 8.

<sup>12</sup> See *Ba Odah v. Obama*, 06-cv-1668 (TFH), Status Report of January 7, 2013, App. 1.

Obama's first term alone. Among the dead are Yasser Al-Zahrani and Salah Al-Salami, whose families have petitioned the Commission for redress.<sup>13</sup> The most recent prisoner to die was Adnan Latif, a 36 year-old Yemeni man who perished in his cell in September 2012 after being approved for transfer on multiple occasions.<sup>14</sup>

Death is rapidly becoming the only way out of Guantánamo. That is the predictable result of the State's inaction. The only way to avoid the potentially irrevocable cost of further delay is for the State to promptly resume transfers and finally abandon the prison at Guantánamo. Petitioners hope the Commission will take the opportunity of the thematic hearing to engage the State directly on this critical issue.

## II. The State's Failure to Release Prisoners Approved for Transfer

Since 2010, the State has effectively halted all releases from Guantánamo. This includes the 86 prisoners who are already approved for transfer, putting the Obama administration's lack of political will on Guantánamo matters in stark relief. As the Commission is aware, obtaining approval for transfer required prisoners to receive the unanimous consent of every national security and law enforcement agency with a stake in Guantánamo detention policy.<sup>15</sup> But by the time the parties convene for the thematic hearing, the cleared prisoners will have been held for almost four years *after* having received notification from the State of their approval for transfer. Indefinite detention without charge or trial violates international law; that is certain. But it is particularly cruel to hold men in an internment camp for years after the State itself publicly concedes that continued detention is unwarranted. More than half of Guantánamo's remaining population endures this torment each day.

For years, the State also self-servingly concealed the identities of the prisoners approved for transfer. Only on September 21, 2012, were their names publically disclosed.<sup>16</sup> Petitioners can now report to the Commission that they personally represent several of the men approved for transfer and look forward to sharing their unique perspective on current conditions at Guantánamo at the thematic hearing.

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<sup>13</sup> *Al Zahrani, et al., Inter-American Commission on Human Rights Petition Alleging Violations of the American Declaration of the Rights and Duties of Man, filed on Aug. 21, 2012, App. 6.*

<sup>14</sup> *See* Letter from Petitioners CEJIL and CCR to the Commission Re: *Detainees in the Guantánamo Bay Military Base, Precautionary Measures No. MC-259-02 (United States) and Djamel Ameziane Case 12.865 (United States)*, September 19, 2012.

<sup>15</sup> *See* Guantánamo Review Task Force, Final Report, January 22, 2010, pp. 4-5. App. 14.

<sup>16</sup> *See* Respondents' Notice Lifting Protected Information Designation of Decisions by the Guantánamo Bay Review Task Force Approving Detainees for Transfer, *In re: Guantánamo Bay Detainee Litigation*, 08-442, Sept. 21, 2012, Ex. 2, App. 13; *see also* Letter from Petitioners CEJIL and CCR to the Commission Re: *Djamel Ameziane Case 12.865 (United States)*, October 29, 2012; Respondents' Motion To Stay All Proceedings For Petitioner Who Is Approved For Transfer or Release, filed in *In re: Guantánamo Bay Detainee Litigation*, 08-442 and *Ameziane v. Obama*, 05-cv-392, August 6, 2009, at p.6. (indicating that Djamel Ameziane is cleared for release though his name did not appear on the U.S. Department of Justice's list of Guantánamo prisoners who are approved for transfer), App. 15.

### The State's Collective Punishment of Yemeni Prisoners

Prisoners from Yemen are a subset of the Guantánamo population that merits particular attention from the Commission. Over half of the total prison population at Guantánamo is from Yemen – the single largest national group at the prison by far. Of the 86 prisoners who are approved for release, 56 are from Yemen.<sup>17</sup> By any measure, Guantánamo is devolving into an internment camp for Muslim men from Yemen. Yet, as it stands, the Yemenis have no prospect of leaving Guantánamo because President Obama unilaterally instituted a blanket, citizenship-based moratorium on their release. This is among the most significant obstacles to closing the prison. Current United States policy toward the Yemenis at Guantánamo amounts to collective punishment based solely on nationality, in contravention of the standards of the American Declaration.

### Prisoners Requiring Safe Resettlement

Also among the cleared prisoners are several men who need safe resettlement because they fear persecution in their countries of citizenship and thus require assurances that the United States will act in full compliance with its *non-refoulement* obligations. The absolute, universal prohibition of torture, including that of Articles I and XXV of the American Declaration, also includes the obligation of *non-refoulement*, which precludes expelling, returning, transferring, “rendering,” or extraditing a person to another state where there are grounds for believing the person would be at risk of being tortured.<sup>18</sup> The United States must resettle detainees in keeping with its *non-refoulement* obligations – this includes Djamel Ameziane, whose petition is now pending before this Commission.

The U.S. Department of State recently reassigned Ambassador Daniel Fried, who until January 28, 2013 served as the Special Envoy to facilitate the closure of Guantánamo.<sup>19</sup> Though Ambassador Fried was the principal U.S. government official responsible for closing Guantánamo and resettling prisoners, no successor has been named. Rather, Ambassador Fried’s former responsibilities have been “assumed” by the Office of the Legal Adviser to the United States Department of State.<sup>20</sup> Petitioners can only interpret the dissolution of Ambassador Fried’s role as yet another unfortunate sign that the State is abandoning its previously stated commitment to close Guantánamo.

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<sup>17</sup> See List of Yemeni Guantánamo Prisoners Cleared for Transfer as of September 21, 2012, App 16.

<sup>18</sup> See, e.g., Art. 3, Convention against Torture; cf. Jean Allain, “The Jus Cogens Nature of Non-Refoulement,” 13(4) Int. J. Refugee Law (2001), pp. 533-558.

<sup>19</sup> See Letter from Petitioners to the Commission of January 31, 2013.

<sup>20</sup> See Charlie Savage, *Office Working to Close Guantánamo Is Shuttered*, NY Times, January 28, 2013. App. 11.

### **III. Despite Congressional Obstructionism, the State is Empowered to Release Prisoners from Guantánamo**

In past appearances before the Commission, the State has criticized its own legislative branch for obstructing efforts to close Guantánamo. Petitioners acknowledge that Congress has impeded President Obama's past efforts to close Guantánamo through the National Defense Authorization Act (NDAA). However, there can be no dispute that Congress has nonetheless authorized the Executive to transfer prisoners from Guantánamo if it were willing to do so. As a result, the Executive's criticism of the NDAA rings hollow. As Guantánamo enters its twelfth year in operation, the State must not be permitted to shift the blame for the impasse at Guantánamo onto its own legislative branch. Even if the United States Congress were solely responsible for the failure to release detainees, international law prohibits the State from invoking the provisions of its internal law as justification for its failure to perform its international obligations; the actions of all branches of government trigger the State's international responsibility.<sup>21</sup>

#### *Passage of the 2013 National Defense Authorization Act*

In January 2013, President Obama signed the National Defense Authorization Act for Fiscal Year 2013 (NDAA) into law.<sup>22</sup> Like previous Defense appropriation bills, the NDAA includes onerous restrictions on the transfer of prisoners from Guantánamo. Section 1027 prohibits using the U.S. Department of Defense funds authorized in the Act to transfer Guantánamo detainees to the United States, even for trial in federal courts.<sup>23</sup> And Section 1028 bars the use of funds to transfer prisoners to their home country or any other entity, unless the Secretary of Defense personally certifies that the receiving country meets impossibly difficult criteria. These include, for example: i) that the receiving government agree to take action "to ensure" that a released prisoner will not threaten the United States in the future, and ii) that the receiving government agree to take actions "to ensure" that the released prisoner will not participate in any future terrorist activity.<sup>24</sup> Together, Sections 1027 and 1028 hinder efforts to close Guantánamo. As President Obama explained in his signing statement, "Congress designed these sections ... in order to foreclose [the executive's] ability to shut down the Guantánamo Bay detention facility."<sup>25</sup>

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<sup>21</sup> See Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331, Art. 27; see also, I/A Court H.R., International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention. Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35; cf. I/A Court H.R., Case of Barrios Altos v. Peru. Monitoring compliance with Judgment. Order of September 07, 2012, fourth considering paragraph.

<sup>22</sup> See National Defense Authorization Act for Fiscal Year 2013 ["2013 NDAA"], H.R. 4310, available at: <http://www.govtrack.us/congress/bills/112/hr4310/text>., relevant excerpts at App. 25.

<sup>23</sup> See 2013 NDAA, Subsection 1027, App. 25.

<sup>24</sup> Id. at Subsection 1028.

<sup>25</sup> See 2013 NDAA Signing Statement, App. 24.

The Commission should be aware, however, that the same section of the NDAA that supposedly prevents the State from complying with the Commission's calls to close Guantánamo, also allows the U.S. Secretary of Defense to waive the onerous restriction outlined above. Specifically, Section 1028(d), entitled National Security Waiver, allows the Secretary of Defense to certify that "alternative actions will be taken" that "substantially mitigate" the risk that a released prisoner will threaten the U.S. or engage in a future act of terror.<sup>26</sup> In practical terms, this means that the State could effect a transfer under the NDAA if, in its judgment, the bilateral agreement reached with the receiving country properly addresses any purported security concerns attendant to a prisoner's release. As Petitioners know from representing former Guantánamo prisoners, striking such agreements (which in the past have required former prisoners to enter reintegration programs or to meet periodically with local authorities, for example) has always been the State's practice. Yet, the State has declined to issue a single waiver since the NDAA first included transfer restrictions in 2011 – even for the 86 men who are already cleared for release. Under the circumstances, the State's inaction is better explained by lack of political will than by Congressional obstructionism.

#### **IV. Conclusion and request**

The situation of the persons currently detained at the Guantánamo Naval Base calls for urgent action. Petitioners are deeply concerned for the physical and psychological welfare of our individual clients and the other men trapped at Guantánamo. We genuinely hope the State plans to use the opportunity of the thematic hearing to engage in a constructive and open dialogue about how to finally close Guantánamo – an ill-conceived detention experiment that is now in entering its second decade. Accordingly, Petitioners respectfully request that the Commission direct the representatives of the State to report (1) whether the State remains committed to closing the detention center in the Guantánamo Naval Base; and, if so, (2) what specific measures the State is currently taking to achieve that objective in a manner consistent with its international obligations.

Based on the foregoing, we request that the Inter-American Commission on Human Rights continue to actively monitor the ongoing human rights situation of the persons detained at Guantánamo. Specifically, we request that this Honorable Commission:

1. Reiterate that the United States must close down the detention center at the Naval Base in Guantánamo, Cuba, without further delay;
2. Issue a report on the ongoing human rights situation of the persons detained in Guantánamo in which the Commission would acknowledge that indefinite detention without charge or trial causes harmful physical and psychological effects; and
3. Renew its request to the United States government to allow the Commission to visit the detention center in the Guantánamo Naval Base Hearing, with full access to the detainees.

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<sup>26</sup> See 2013 NDAA, Section 1028(d)(1)(B), App. 25.

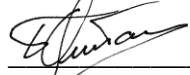
We thank the Commission for its time and consideration.

Respectfully submitted,



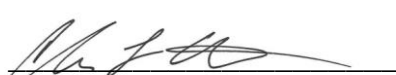
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APPENDIX

<b><i>The Physical and Psychological Impact of Indefinite Detention on Guantánamo Prisoners</i></b>	
<b>1</b>	Petitioner’s Status Report, <i>Ba Odah v. Obama</i> , Civil No. 06-1669 (TFH), Jan. 7, 2013
<b>2</b>	Jason Leopold, <i>Latif Autopsy Report Calls Gitmo Death a Suicide: Questions Remain</i> , Truthout, Nov. 26, 2012
<b>3</b>	Jason Leopold, <i>Sold Into "a Piece of Hell:" A Death of Innocence at Gitmo</i> , Truthout, Oct. 18, 2012
<b>4</b>	Baher Azmy, <i>The Face of Indefinite Detention</i> , N.Y. Times, Sept. 14, 2012
<b>5</b>	United States Southern Command, <i>News Release: Joint Task Force Guantánamo Releases Deceased Detainee’s Identity</i> , Sept. 11, 2012.
<b>6</b>	Al Zahrani, et al., Inter-American Commission on Human Rights Petition Alleging Violations of the American Declaration of the Rights and Duties of Man, filed on Aug. 21, 2012
<b>7</b>	Jeff Kaye & Jason Leopold, <i>Exclusive: DoD Report Reveals Some Detainees Interrogated While Drugged, Others "Chemically Restrained"</i> , Truthout, July 11, 2012
<b>8</b>	Physicians for Human Rights, <i>Punishment Before Justice: Indefinite Detention in the US</i> , June 2011
<b>9</b>	Scott Horton, <i>The Guantánamo “Suicides”</i> , Harper’s Magazine, Mar. 2010
<b>10</b>	Seton Hall University School of Law Center for Policy & Research, <i>DOD contradicts DOD: An Analysis of the Response to Death in Camp Delta</i> , Feb. 2010
<b><i>The State’s Failure to Release Prisoners Approved for Transfer</i></b>	
<b>11</b>	Charlie Savage, <i>Office Working to Close Guantánamo Is Shuttered</i> , N.Y. Times Jan. 28, 2013
<b>12</b>	Josh Gerstein, <i>U.S. names 55 Gitmo Prisoners Cleared to Go</i> , Politico, Sept. 21, 2012
<b>13</b>	Respondents’ Notice Lifting Protected Information Designation of Decisions by the Guantánamo Bay Review Task Force Approving Detainees for Transfer, <i>In Re: Guantánamo Bay Detainee Litigation</i> , Misc. No. 08-442, Sept. 21, 2012 (includes <i>Declaration of Daniel Fried</i> and <i>Current Guantánamo Bay Detainee-Petitioners Approved for Transfer</i> )
<b>14</b>	Guantánamo Review Task Force, <i>Final Report</i> , Jan. 22, 2012
<b>15</b>	Respondents’ Motion to Stay All Proceedings for Petitioner Who is Approved For Transfer or Release, <i>Ameziane v. Obama</i> , Civil No. 05-392 (ESH), Dec. 17, 2008

<b><i>The State's Collective Punishment of Yemeni Prisoners</i></b>	
<b>16</b>	List of Yemeni Guantánamo Prisoners Cleared for Transfer as of September 21, 2012
<b>17</b>	Center for Constitutional Rights, Letter to Mr. Mohammed Naji Allawo, President, The Committee to Review the Cases of Yemen Nationals Imprisoned Abroad re: Yemeni Prisoners Detained at the Guantánamo Bay Military Base, June 13, 2012
<b>18</b>	Ali Muhamad Mujawwar, Prime Minister, Republic of Yemen, Decree No. 13 for the Year 2012, Apr. 2010 (Arabic and English translation)
<b>19</b>	U.S. Dep't. of Defense, <i>News Release: Detainee Transfer Announced</i> , July 13, 2010
<b>20</b>	Peter Finn, <i>U.S. to Repatriate Guantánamo Detainee to Yemen After Judge Orders Him to be Released</i> , Washington Post (June 26, 2010)
<b>21</b>	Truthout, <i>Bowing to Pressure, Obama Halts Transfer of Guantánamo Detainees to Yemen</i> , Truthout, Jan. 5, 2010
<b>22</b>	Steve Holland, <i>U.S. Suspends Guantánamo Prisoner Transfer to Yemen</i> , Reuters, Jan. 5, 2010
<b><i>Passage of the 2013 National Defense Authorization Act</i></b>	
<b>23</b>	Charlie Savage, <i>Obama Disputes Limits on Detainee Transfers Imposed in Defense Bill</i> , N.Y. Times, Jan. 3, 2013
<b>24</b>	Presidential Statement on Signing H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, JAN. 3, 2013
<b>25</b>	National Defense Authorization Act for Fiscal Year 2013, H.R. 4310, Title X – General Provisions, Subtitle D – Counterterrorism, pp. 280-286
<b>26</b>	Jennifer K. Elsea & Michael John Garcia, Congressional Research Service, <i>The National Defense Authorization Act for FY2012: Detainee Matters</i> , Dec. 11, 2012, pp. 37-41
<b>27</b>	Leon Panetta, Secretary of Defense, Letter to The Honorable Howard McKeon, Chairman, Committee on Armed Services, U.S. House of Representatives, Dece. 11, 2012 (including Dep't. of Defense Concerns with HR 4310 and S. 3254)
<b>28</b>	Coalition Letter to President Obama re: <i>VETO the National Defense Authorization Act, If It Extends Restrictions on Transferring Detainees Out of the Guantánamo Prison</i> , Dec. 5, 2012
<b><i>No Meaningful Access to Habeas Corpus at Guantánamo</i></b>	
<b>29</b>	Memorandum Opinion, In re: Guantánamo Bay Detainee Continued Access to Counsel, Misc. No. 12-398 (RCL), Sept. 6, 2012
<b>30</b>	Baher Azmy, <i>Obama Turns Back the Clock on Guantánamo</i> , Washington Post, Aug. 16, 2012
<b>31</b>	Seton Hall University School of Law, Center for Policy & Research, <i>No</i>

	<i>Hearing Habeas: D.C. Circuit Restricts Meaningful Review</i> , May 2012
<b>32</b>	Editorial, <i>Reneging on Justice at Guantánamo</i> , N.Y. Times, Nov. 19, 2011
<b>33</b>	<i>Latif v. Obama</i> , 666 F.3d 746 (D.C. Cir. 2011) (Tatel, J., dissenting opinion)
<b><i>Access to Fair Trials / Military Commissions</i></b>	
<b>34</b>	Summary of Military Commissions Procedure, March 1, 2013
<b>35</b>	John Knefel, <i>What's Really Going on at Guantánamo?</i> , Salon, Feb. 5, 2013
<b>36</b>	Jess Bravin, <i>'Imagine the Worst Possible Scenario': Why a Guantánamo Prosecutor Withdrew From the Case</i> , The Atlantic, Feb. 11, 2013
<b>37</b>	Carol Rosenberg, <i>Guantánamo Defense Attorneys Worry About Eavesdropping</i> , The Miami Herald, Jan. 31, 2013
<b>38</b>	Charlie Savage, <i>Who Decides the Laws of War?</i> , N.Y. Times, Jan. 26, 2013
<b>39</b>	Charlie Savage, <i>In a Reversal, Military Trials for 9/11 Cases</i> , N.Y. Times, April 4, 2011
<b>40</b>	Truthout, <i>A Campaign Promise Dies: Obama and Military Commissions</i> (March 8, 2010)