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TALES FROM THE GULAG: ATTORNEY TRAVELS TO G'TMO TO VISIT CLIENT ONLY
TO LEARN
HE IS NOT THERE.

Detainee Hazi Ahmed Whereabouts Unknown After Release from G'tmo

Second Man Obtains Representation as a result of DOD foul up

August 13, 2009, New York, NY -- In early 2005, a Guantánamo detainee, Mohammed Hassen, informed his attorney that another detainee, Mr. **Hazi Ahmed**, was requesting legal assistance to challenge his detention at Guantánamo. Hassen told his lawyer that Mr. Ahmed was in his forties, quite ill, and suffering from severe pain that required him to take several dozen pills a day. After learning of the case, attorney **Marjorie Smith**, a cooperating counsel with the **Center for Constitutional Rights (CCR)**, filed a habeas petition on behalf of Mr. Ahmed on April 1, 2005.

In early July 2005, the Judge Richard Roberts, before whom Mr. Ahmed's case was pending ordered that Mr. Ahmed must not be transferred from Guantánamo without first providing both the Court and his counsel minimum thirty days notice. The Court also ordered the Department of Defense (DOD) to provide Ms. Smith with the facts on which the government based its decision to hold Mr. Ahmed at Guantánamo for her client. Inexplicably, the DOD responded by providing a factual return for a different detainee; a man named "Fawaz Naman Hamoud Abdullah Mahdi." When Ms. Smith questioned DOD about the obvious difference, DOD insisted that Mr. Mahdi was Mr. Ahmed, and suggested that the information provided by Mr. Ahmed's friend was inaccurate.

On August 22 2005, attorney Smith was finally given clearance by the DOD to meet with her client for the first time. Upon her arrival, the military police produced "Fawaz Naman Hamoud Abdullah Mahdi"—a twenty-five-year-old young man who was not on pain medication and who emphatically denied ever being known as "Hazi Ahmed." Without a doubt, Mahdi and Ahmed were not the same person, and the DOD had produced the wrong detainee. In the process the DOD revealed that they had been holding detainee Mahdi *incommunicado* for more than three years! Mr. Mahdi took advantage of his first opportunity to communicate with a lawyer and immediately signed an authorization for Ms. Smith to act as his lawyer.

Ms. Smith then again asked the government to produce her original client—Mr. Ahmed—for his scheduled interview. An hour and a half later, base command responded that their records indicated that a detainee, "Haji Mohammed Ahmed" had been moved from Guantánamo earlier that year, but did not provide any information about where they had transferred Mr. Ahmed.

"The difference in the two men was so apparent, that I am not sure how this could have happened," stated CCR cooperating counsel Marjorie Smith. *"I am still extremely concerned about my first client, Mr. Ahmed. I am outraged that DOD did not bother to inform me or the Court that Mr. Ahmed had been transferred months ago and only today gave me any information about Mr. Ahmed and what had been done with him."*

According to CCR attorney Tina M. Foster, *"These incidents reflect two sides of the Government's tendency to keep lawyers from access to detainees. One man is disappeared out of Guantánamo and another held incommunicado. Once again we see that the U.S. will do anything to avoid providing detainees access to the courts—as is their right under the Supreme Court's ruling in Rasul. In almost every case CCR has filed to date, the courts have recognized the danger to detainees of being transferred to secret detention facilities, or other places where they may be tortured or even killed. The government has done everything in its power to avoid judicial scrutiny of what it is doing to these men."*