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## **US detainee moved out of confinement**

Lawyer complaint preceded action

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WASHINGTON -- US officials moved a prominent Guantanamo detainee to a new cell where he can have contact with fellow prisoners, one day after his defense lawyer protested that the military was defying a federal court order that he be housed with the general prison population, the lawyer said yesterday.

Even as the Justice Department acknowledged the move, it denied that there had been anything improper about the military's decision to hold Salim Ahmed Hamdan, a Yemeni man accused of being a driver for Al Qaeda leader Osama bin Laden, far from any other occupied cell.

"His conditions of confinement did not violate the court's order," assistant to the solicitor general Jonathan L. Marcus wrote to Navy Lieutenant Commander Charles Swift, the appointed military defense lawyer for Hamdan.

Hamdan, who argues he was a laborer and not a terrorist, was the plaintiff in a major case overruling the Bush administration's authority to deny detainees the protections of prisoners of war under the Geneva Conventions. In November, a federal judge blocked the administration's attempt to try Hamdan and others before a military commission with limited defense rights.

The judge also ordered the military to house Hamdan in the general prison population after Swift provided evidence that his client suffered extreme mental distress as a result of being held in isolation for 10 months. Last month, Swift visited Guantanamo for the first time since November and learned that Hamdan was being held in an otherwise empty part of a cellblock.

Swift angrily recounted that discovery to a Globe reporter, and later wrote to the Justice Department protesting that Hamdan had been held in quarters that were "tantamount to solitary confinement" in a manner "calculated to prevent him from speaking to or having contact with any other detainee."

His letter, dated Jan. 21, said "returning Mr. Hamdan to isolation has again had severe mental and emotional consequences for him -- the very same consequences our psychologists have continually warned about." Earlier that month, Hamdan "was placed on suicide watch after it was noted that he was destroying some of his papers and a picture of his children."

The dispute added Swift's voice to charges by civilian lawyers that the Bush administration is dragging its feet in complying with judicial rulings regarding the 550 accused "enemy combatants" held at the US Navy base in Cuba.

Asked about Swift's allegation last month, Brigadier General Jay Hood, commander of the Guantanamo operation, called it "absolutely, unequivocally wrong," saying the military was going "to extraordinary lengths to see that we have complied precisely with the instructions of any federal judge."

In his Jan. 28 letter back to Swift, Marcus also denied that Hamdan's confinement had violated the judge's order. But he also acknowledged that the government made a change one day after Swift's letter.

"Hamdan was moved for operational and intelligence reasons on Jan. 22, 2005, to another cell block in the general population," Marcus wrote. "It is our understanding that several cells in his immediate vicinity are occupied. Contrary to the contentions in your letter, Hamdan has not been singled out for adverse treatment, but rather, his treatment has been based on the neutral application of operational and intelligence considerations applicable to the general detainee population."

Swift said he plans to return to Guantanamo later this month to check on the situation.

"Until we can be satisfied he wasn't intentionally placed by Urdu speakers so that he's in effect continuously isolated, we'll have to reserve judgment on whether this ends the issue or not," he said.