

NO HABEAS IF THEY'VE MOVED YOUR BODY

Fatster linked to this Carol Rosenberg story, describing how Judge Thomas Hogan dismissed the habeas petitions of over a hundred former Gitmo detainees because they were no longer held at Gitmo—though they may be held by US proxies elsewhere.

A federal judge has dismissed more than 100 habeas corpus lawsuits filed by former Guantanamo captives, ruling that because the Bush and Obama administrations had transferred them elsewhere, the courts need not decide whether the Pentagon imprisoned them illegally. The ruling dismayed attorneys for some of the detainees who'd hoped any favorable U.S. court findings would help clear their clients of the stigma, travel restrictions and, in some instances, perhaps more jail time that resulted from their stay at Guantanamo.

While I can see how the ruling makes sense legally, Rosenberg's story does demonstrate how some of these former detainees are still screwed because the US once rounded them up.

There's one argument, in particular, that is very haunting, given our recent discussions of the way the US was playing with jurisdictional definitions to hold or kill captives.

Moreover, he added, CCR affiliated attorneys have tracked former captives to prison at Pol-i-charki, Afghanistan, that was once run by the U.S. military. He said "the U.S. may be pulling the puppet strings" of their continued

captivity.

[snip]

Hogan said the attorneys for the former detainees hadn't offered enough proof that other countries were operating essentially as U.S. proxies. "Petitioners are short on examples, except for the fact that former Guantanamo detainees from Afghanistan transferred back to Afghanistan have been detained at a detention facility built by the United States," he wrote.

And let's not forget how Ibn Sheikh al-Libi was suicided conveniently after we sent him back to a Libyan prison rather than Gitmo.