



Yale Law School
Allard K. Lowenstein International Human Rights Clinic
National Litigation Project

VIA FEDERAL EXPRESS AND E-MAIL

██████████
Administrative Officer
Guantánamo Review Taskforce
U.S. Department of Justice
National Security Division—OAAG
950 Pennsylvania Avenue, N.W., Room ██████████
Washington, DC 20530
██████████@usdoj.gov

Re: Ahmed Zaid Salem Zuhair, ISN 669, Saudi Arabia

To the Members of the Interagency Review Team:

As counsel for Ahmed Zaid Salem Zuhair (ISN 669), we submit this short, two-page description of the key issues we would like to call to your attention as you conduct your review. The accompanying letter explains the lack of any basis for Mr. Zuhair's detention or prosecution in greater detail.

KEY ISSUES

The allegations against Mr. Zuhair are based on unverified, secondhand media reports, unevaluated raw intelligence, and the uncorroborated statements of sources who were either tortured and/or lack all credibility:

Bosnia-Herzegovina allegations

- Mr. Zuhair's *in absentia* conviction in Bosnia for the 1997 Mostar bombing was based on a compromised investigation that was denounced by the UN and rested essentially on the testimony of a single witness who has since recanted his story.
- Additional allegations concerning Bosnia—that Mr. Zuhair was part of a group of Muslim fighters, received financial support from Khalid Shaykh Muhammad, and was associated with the al-Haramain relief organization—are all based on unverified, secondhand media reports, unevaluated raw intelligence, and/or the statements of a convict who has no credibility.

UNCLASSIFIED

- These allegations are thoroughly debunked in sworn declarations by reliable, knowledgeable sources, and fatally undermined by the factual errors and inconsistencies in the Government's own evidence.
- Many of these allegations against Mr. Zuhair, even if true, would be insufficient as a matter of law to justify Mr. Zuhair's detention or prosecution because they have no nexus to September 11 or to al-Qaeda and such a nexus is required by the AUMF.

Afghanistan and Pakistan allegations

- The Government's allegations that Mr. Zuhair received military training at al-Qaida camps in Afghanistan and Pakistan and fought against the United States rely on the contradictory, inconsistent, and demonstrably false statements of discredited sources who were either tortured and/or subjected to other forms of coercion.
- The torture of most of the sources of the allegations is a matter of well-established public record corroborated by other detainees and major international human rights organizations.

There are multiple factors favoring expedited review of Mr. Zuhair's case:

- The Government acknowledged that Mr. Zuhair's continued detention or prosecution is unnecessary when the Administrative Review Board cleared Mr. Zuhair for transfer in December 2008.
- Mr. Zuhair's habeas corpus case will proceed to a merits hearing in early May so his release—which has already been approved by the Department of Defense—would preserve scarce party and judicial resources and prevent unnecessary litigation.
- Mr. Zuhair has been on hunger strike since June 2005, making his the longest hunger strike at Guantánamo, and his health is in a precarious state.

There exist no obstacles to Mr. Zuhair's repatriation:

- Saudi Arabia welcomes repatriation of all its nationals.
- Saudi Arabia has a widely lauded and well-established repatriation program to reintegrate former detainees into Saudi society, and Mr. Zuhair is willing to participate in this program.
- Mr. Zuhair has an extensive family support network in Saudi Arabia, including his elderly mother, siblings, wives, and young children, who all eagerly anticipate

UNCLASSIFIED

his return home, having been deprived of Mr. Zuhair's company and support for the past seven years. Mr. Zuhair wishes to resume family life and work, though his extended family is able to support him should he choose not to work.

Very truly yours,



Ramzi Kassem
Michael J. Wishnie
Supervising Attorneys

Tanya Abrams
Anand Balakrishnan
Jessica Chen
Darryl Li
Joseph Pace
Basha Rubin
Garth Schofield
Law Student Interns

National Litigation Project
Allard K. Lowenstein International Human Rights
Clinic
Yale Law School
127 Wall Street
New Haven, CT 06511
(203) 432-0138
ramzi.kassem@yale.edu
Counsel for Ahmed Zaid Salem Zuhair