

Attorneys File First New Habeas Petitions Following Historic Supreme Court Ruling Protecting Guantánamo Detainees

By [Center for Constitutional Rights](#)

Global Research, June 30, 2008

Center for Constitutional Rights 30 June
2008

Region: [USA](#)

Theme: [Law and Justice](#)

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Center for Constitutional Rights Challenges Detention of Somali Refugee Mohammed Barre, Imprisoned for Nearly Seven Years Despite UNHCR Protected Status

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June 26, 2008, New York—Today, the Center for Constitutional Rights (CCR) filed one of the first new habeas corpus petitions since the Supreme Court ruled on June 12 that the men at Guantánamo have the constitutional right to habeas corpus. The petition was filed on behalf of detainee Mohammed Sulaymon Barre, a UN mandate refugee from Somalia protected by the United Nations High Commissioner for Refugees (UNHCR).

Detained since November 2001 when he was picked up in a nighttime raid on the house in which he and his wife lived in Pakistan, Barre's case mirrors that of so many of the more than 200 men who remain at the base – sold for a bounty in the fog of war, tortured for information and detained without the government ever providing evidence of illegal activity.

Yet his case is also unique as he is one of only three men at Guantánamo who had been officially recognized as a refugee who had sought protection after he fled war-torn Somalia. He had a family, was legally employed, and had never been to Afghanistan until the U.S. forcibly brought him to U.S. military bases there before transferring him to Guantánamo. He is challenging his detention at Guantánamo, a right afforded to him by the Supreme Court's June 12 decision in *Boumediene et al. v. Bush*.

"Mohammed Barre has been wrongly imprisoned for over six years without a shred of evidence against him," said J. Wells Dixon, staff attorney at the Center for Constitutional Rights and Barre's attorney. "His story is tragic, and has gone on for too long. Finally these men will have the opportunity to challenge their detention in a real, impartial court."

Barre is one of more than 50 refugees still detained at Guantánamo due to diplomatic hurdles. As a UNHCR protected refugee, he cannot be repatriated to Somalia, which is still wartorn and on the brink of anarchy. Barre wishes to rejoin his family in Somaliland, a large area of northern Somalia that declared its independence from Somalia. However, the U.S. has not recognized Somaliland as a country and thus Barre remains imprisoned.

“Many of the men once held at Guantánamo have been released. But too many remain simply because of diplomatic hurdles that prevent their transfer, or because it is not safe for them to return home.” said **Emi MacLean, staff attorney at the Center for Constitutional Rights** and Barre’s attorney. *“One day of wrongful detention is too much, yet most of these men have been imprisoned for over 2000 days. After destroying their lives, the U.S. should be acting much more vigorously to find them safe haven.”*

Barre, 42 and college educated, was working in Pakistan for the Dahabshiil Company, a well-known international financial transfer firm with agents in 34 countries including the U.S., when was taken from his home in the middle of the night by Pakistani authorities. Originally from Somalia, Barre fled civil war to Pakistan where he received the assistance of the UNHCR in the early 1990’s.

CCR was the only nonprofit organization on the *Boumediene et al. v. Bush* legal team. The landmark case established that the men imprisoned at Guantánamo Bay have the constitutional right to habeas corpus. One of the oldest and most basic legal protections, habeas corpus affords the incarcerated the right to stand before a judge and confront the charges presented against him or her. The Center for Constitutional Rights has been sending habeas counsel to represent the prisoners at the base since winning the first Guantánamo case, *Rasul v. Bush*, in 2004.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.

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