

Center for Constitutional Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://ccrjustice.org/home/press-center/press-releases/appeals-court-rules-gtmo-torture-victim-should-be-seen-independent>

Public Facing Advocacy Writing

Contact: press@ccrjustice.org

September 29, 2020, Washington, D.C. Today, the U.S. Court of Appeals for the D.C. Circuit ruled that a neutral panel of medical experts known as a Mixed Medical Commission under the laws of war should examine Mohammed al-Qahtani to determine whether he should be released from Guantanamo and repatriated due to his medical condition. The court dismissed an appeal by the Trump administration that sought to block an order by the district court that the medical examination proceed. Mr. al-Qahtani, who has been in U.S. custody since 2002, is the only person imprisoned at Guantanamo whose torture has been formally admitted to by a U.S. government official. The district court ordered that an independent panel of doctors evaluate him, in compliance with the process mandated by the military's own regulations and the Geneva Conventions for situations where a prisoner is suffering from a severe, lasting medical disability.

Mohammed al-Qahtani was already gravely mentally ill when he was taken into U.S. custody and tortured, said Prof. [Ramzi Kassem](#), founding director of [CLEAR](#) at [CUNY School of Law](#). None of this is seriously disputed by the government so we hope that today's ruling sends a message that it is high time for Mohammed's ordeal to end and for the larger travesty at Guantanamo to conclude.

Our client has suffered from schizophrenia since his adolescence. The government has never seriously challenged that conclusion, nor could it, said [Shayana Kadidal](#), Senior Managing Attorney of the Guantanamo Project at the Center. Today's ruling means the military will have to break with its preferred habit of inertia and move this process forward towards a conclusion all parties acknowledge will result in a finding that Mohammed suffers from schizophrenia, and should be sent home to a psychiatric facility in Saudi Arabia.

Mr. al-Qahtani suffers from serious mental and physical health conditions, including schizophrenia. Medical records prove that that incurable disorder long predates his imprisonment. In addition, he suffers from major depression and post-traumatic stress disorder (PTSD) resulting from his systematic torture at Guantanamo beginning in 2002. The Mixed Medical Commission would be composed of one doctor chosen by the government and two others from neutral third countries. The Trump administration twice tried to stay the order for a Mixed Medical Commission, in both the district court and the appellate court, both of which rejected the stay.

The motion for a Mixed Medical Commission was filed in 2017, and medical expert declarations in the case say that Mr. al-Qahtani's condition has deteriorated to an alarming degree since then. He suffers from an inability to control his behavior that is triggered by hallucinations, such as screaming, being angry, throwing things, [and] taking off [his] clothes; he has withdrawn from interacting with his family; and he has failed to attend meetings with his attorneys and then forgotten that he missed them. Charges against Mr. al-Qahtani were dismissed in 2008, but he has remained imprisoned in the place he was tortured, without adequate psychiatric treatment. The court-appointed expert, Dr. Emily Keram, the only psychiatrist independent of the U.S. government known to have examined Mr. al-Qahtani since his imprisonment, has concluded that Mr. al-Qahtani cannot receive effective treatment for his current mental health conditions while he remains in U.S. custody at GTMO or elsewhere, despite the best efforts of available and competent clinicians.

At Guantanamo, Mr. al-Qahtani was subjected to beatings, stress positions, restraints for months on end, extreme temperatures, sleep deprivation, forced nudity, threats to his family, religious humiliation, and other torture, both physical and psychological. This treatment left him in a life-threatening condition. He was hospitalized twice during his interrogation because he was on the brink of heart failure and death. He suffered from psychiatric disabilities before being held in U.S. custody, which were exacerbated by his torture, and developed PTSD following his torture and 18 years of indefinite detention. The ostensible legal authority to continue detaining Mr. al-Qahtani is based on preventing him from returning to the battlefield. Without conceding that nearly 20 years of the global so-called war on terror allows for ongoing detention, attorneys say that in any event, Mr. al-Qahtani is too mentally and physically ill for the U.S. to continue to legally detain him, and that he must be released.

For more information, [visit the Center for Constitutional Rights case page](#).

The CLEAR project (Creating Law Enforcement Accountability & Responsibility) is based out of Main Street Legal Services, Inc., the clinical arm of CUNY School of Law. CLEAR serves Muslim and all other clients, communities, and movements that are targeted by local, state, or federal government agencies under the guise of national security and counterterrorism. Learn more at www.cunyclear.org and follow CLEAR on social media: @CUNY_CLEAR on Twitter, CUNY CLEAR on Facebook, and CUNY_CLEAR on Instagram.

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org.

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New York, NY 10012

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