

# JANICE ROGERS BROWN AND OUR FAILED JUSTICE SYSTEM KILLED ADNAN FARHAN ABD AL LATIF

Since the Pentagon announced a detainee died yesterday, I've been praying it wouldn't be Adnan Farhan abd al Latif, even as details suggesting it was—that the detainee who had died had been a hunger striker, that he had never been charged—piled up.

But I knew it was.

The detainee found dead in a maximum-security cell at Guantánamo was a Yemeni captive with a history of suicide attempts who at one time won a federal judge's release order, only to see his case overturned on appeal and rejected by the U.S. Supreme Court.

The detention center on Tuesday identified the dead captive as Adnan Farhan Abdul Latif, in his 30s, held since January 2002 as prisoner No. 156.

Latif was found unconscious in his cell Saturday afternoon, the military said. Guards and military medical staff could not revive him. He was the ninth detainee to die in the 11 years of the detention center.

The military withheld Latif's identity while the Naval Criminal Intelligence Service began an investigation and the Obama administration notified members of Congress and Latif's family of the death.

What did they think would happen to this man, against whom there was just one scrap of

evidence, an intelligence report, with several acknowledged errors, from an interrogation taken in Pakistani custody at a time when Pakistanis were inventing stories about Arab men for bounties. DOD even had exonerating information about Latif—evidence from their own intake form that he had the medical records showing a head injury he claimed he had traveled to Pakistan to treat. And DOD had cleared Latif for release over and over and over.

In spite of that, both the Obama Administration and Circuit Court Judge Janice Rogers Brown proceeded on the assumption that inculpatory government records were entitled to a presumption of regularity, but exculpatory ones weren't.

It was as if it was just a joke, some rigged game to help the Obama Administration shut away Gitmo, back to what it had been before Boumediene.

I'm sure they'll release a report that Latif finally found a way to bypass all the efforts the government had made to force him to live out this limbo, a probably innocent man rounded up in the confusion after 9/11. I'm sure they'll say Latif killed himself.

But Latif gave our legal system a good faith effort, fighting all the way to the Supreme Court. And it failed him. It failed to uphold the simple principle that the government's evidence to hold someone indefinitely should be something more than a single problematic interrogation report refuted by 10 years of interrogations.

And whatever report they release explaining his cause of death, it was that fundamental injustice that killed him.

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Update: Here are all my posts on Latif.

Pakistani Bounty Claims: Adnan Farhan Abd Al Latif and TD-314/00684-02

With Latif Decision, Section 1031 Authorizes  
Indefinitely Detaining Americans Based on Gossip

Latif: The Administration Blew Up Habeas with a  
Detainee They Determined Could Be Transferred

Who Will Redact Our Next Big Constitutional  
Debate?

Exhibits in Latif's SCOTUS Petition Prove  
Interrogation Summaries Should Not Be Entitled  
to Presumption of Regularity

Latif and the Misattribution Problem: "All Arabs  
Look the Same"

Latif: Presumption of Regularity for Thee, But  
Not for Me

Prediction: Latif Will Be Repatriated

Janice Rogers Brown Sings "Follow the Yellow  
Brick Road" as She Guts Habeas

Confirmed: The Government Is Blowing Up Habeas  
with an Interrogation Report Involving Pakistan

Going to Jihad with the Medical Records You  
Have, Not the Jihad Fighters You Might Want

The Government Continues to Play Redaction Games  
with Latif

The Problem with Equating Travel Routes and  
Terrorism: 34 Dead Civilians

SCOTUS Reviews the "Military Age Male" Standard  
on Thursday

SCOTUS Kills Habeas Corpus

Update: Some more key documents on Latif:

Witness for Torture's page on Latif, including a  
poem he wrote about his despair

An amicus curiae brief from intelligence  
professionals and evidence professors calling  
for Latif's release

An amicus curiae brief from a bunch of retired  
judges talking about the damage this case would  
do to habeas

Three desperate letters Latif wrote to his attorney, David Remes