

Editorial

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Adnan Farhan Abdul Latif, a Yemeni citizen and one of the first detainees sent to Guantánamo Bay, Cuba, in January 2002, [died there](#) earlier this month. There is no official autopsy report yet, but in his decade in prison he had gone on hunger strikes and made several suicide attempts.



Adnan Latif, left, with Hussain Almerfedi, another Yemeni man imprisoned.

In [2006 and 2008](#), during the George W. Bush administration, and again in [2010](#), during the Obama administration, government officials recommended Mr. Latif for transfer out of Guantánamo as a low-level threat. But he was kept behind bars — though no formal charges were brought against him — because both administrations were wary of sending detainees

back to Yemen for security reasons, and other countries were wary of accepting them.

Mr. Latif's lawyers battled for his freedom in federal court, making him a test case for the rule of law at Guantánamo, which has been notably deficient.

In 1994, when he was 18, Mr. Latif sustained injuries to his skull and ear in a car accident in Yemen, and he went to Jordan for treatment. Seven years later, he went to Pakistan, he said, to get additional medical treatment. The Pakistani police seized him near the Afghanistan border, and he was transferred to American custody. The United States government contended that he was an Al Qaeda recruit who trained and fought with the Taliban.

In 2010, he was [ordered](#) freed from Guantánamo by Federal District Judge Henry Kennedy Jr., who ruled that Mr. Latif's detention was unlawful because the government had not shown that he was part of Al Qaeda or any associated force. But last October, the United States Court of Appeals for the District of Columbia Circuit [reversed](#) Judge Kennedy's ruling.

The appeals court majority, in [a manifestly incorrect decision](#), said that the government's dubious and uncorroborated intelligence report about Mr. Latif had to be treated as reliable and accurate, like official tax receipts, unless there was "clear evidence to the contrary" — shifting the burden of proof to the detainee.

The Supreme Court did not take the Latif case for review, despite its promise in its 2008 decision in the [Boumediene](#) case that prisoners were entitled to a "meaningful opportunity" to challenge the lawfulness of their detention.

For much of the time in custody, Mr. Latif was in solitary confinement, often with his hands in cuffs and his arms pinned by a body cuff. He was also housed in a psychiatric ward and force-fed through tubes in his nose because of his hunger strikes.

When he died he had not been charged with any crime or legal violation, as is the case for most of the 167 prisoners remaining at Guantánamo. This brutal outpost has tarnished

American justice every day of its existence.