

CHRONOLOGY OF ILLEGAL DETENTION OF MURAT KURNAZ

- Murat Kurnaz, a citizen of Turkey, was born March 19, 1982 in Bremen and lived there his entire life.
- In the autumn of 2000, Murat rediscovers his religion and seeks to learn how to better practice Islam.
- In summer of 2001, Murat gets married in Turkey and awaits his wife's relocation to Germany, which is expected in December 2001.
- In the interim, Murat plans a religious excursion with Selcuk Bilgin; he departs Bremen for Pakistan on October 3, 2001. Connects with a large, peaceful missionary group called Jama'at al-Tablighi
- Between October and December 2001, Murat tours Karachi, Islamabad, Lahore, Peshawar, and visits various holy sites. In his travels, he learns to properly read and study the Koran.
- While traveling on a bus to the airport, Murat is pulled off by Pakistani police. The police detain him in Pakistan for several weeks, falsely promising his speedy release, and then transfer him to Afghanistan. Ultimately, U.S. troops transport Murat to prison camp in Guantanamo Bay, Cuba. Murat arrives in Cuba in January 2002.
- Murat's mother, Rabiye Kurnaz, first hears from her son and his whereabouts in March 2002. She is informed that Murat is imprisoned, the reason unknown.
- In May 2002, Mrs. Kurnaz retains Bernhard Docke, a Bremen human rights lawyer, to aid in the representation of Murat.
- In July 2, 2004, Mrs. Kurnaz files a petition challenging Murat's detention under the U.S. Constitution.
- In August 2004, American lawyer and professor Baher Azmy gets involved in Murat's case.
- On September 2004, a sham military proceeding determines Murat to be an "enemy combatant" based on insufficient and secret information. Murat is not allowed to see the secret evidence against him, nor is he afforded with a lawyer to challenge such evidence.
- October 8-13, 2004, Mr. Azmy travels to Guantanamo Bay to visit Murat. This is the first time after more than two years of imprisonment that Murat has contact with an attorney.
- During January 2005, various news agencies report serious torture allegations at Guantanamo Bay.
- In late January 2005, Mr. Azmy visits with Murat a second time, and Murat confirms that the U.S. military is torturing detainees, including him.
- In January 31, 2005, a U.S. federal judge issues a ruling in reference to Murat and other detainees deciding that his detention is illegal because it violates the U.S. Constitution and international law.
- [The Judge concludes that Murat is innocent of any charges that could justify his detention and cites to U.S. government determinations that Murat has no connections to terrorism.](#)
- In February 2005, the U.S. Government appeals this opinion to a higher court. Meanwhile, Murat continues to sit in prison, where he is not allowed to communicate with his mother, wife, or the outside world.

SUMMARY OF LEGAL PROCEEDINGS IN THE UNITED STATES

1. On June 28, 2004, the United States Supreme Court decided *Rasul v. Bush* and held that all detainees confined at the United States Naval Station in Guantanamo Bay, Cuba have a right to file petitions in U.S. federal courts challenging their detention.
2. On July 2, 2004, Rabiye Kurnaz filed a petition for a Writ of Habeas Corpus, on behalf of her son, asserting that Murat's detention violates U.S. Constitutional Law, the Geneva Convention and International Law. Sixty-three other known detainees file similar petitions.
3. In September 2004, Murat underwent a Combat Status Review Tribunal ("CSRT"), a sham military proceeding to determine whether he is an "enemy combatant" of the U.S., a finding which would warrant his indefinite detention. All of the 63 detainees who filed petitions were also deemed to be "enemy combatants" by the CSRT and by December 2004, only two of over 200 detainees were found not to be "enemy combatants."
 - The Tribunal found Murat to be an "enemy combatant," relying on the following unclassified information:
 - i. Murat "is a close associate with, and planned to travel to Pakistan with, an individual who later engaged in a suicide bombing. Selcuk Bilgin possibly is the Elananutus suicide bomber."
 - ii. Murat frequented a mosque in Bremen that housed a branch of the Jama'at-Al-Tablighi, and then Murat went to Pakistan and traveled with this group. The CSRT decided that the Jama'at-Al-Tablighi is "a Muslim missionary organization, alleged to support terrorist organizations." Thus Murat, by association, is a terrorist.
 - The Tribunal also relied on information that was kept secret from Murat
 - Murat was not afforded with a lawyer in this CSRT proceeding.
4. October 8-13, American attorney and Professor Baher Azmy first met with Murat in Guantanamo Bay.
5. On October 20, 2004, a U.S. court decided *Al Odah v. United States*, confirming that the detainees are entitled to be represented by counsel and that the attorney-client privilege will apply to such representations. The court also held that the U.S. government cannot monitor meetings between the detainees and their attorneys.
6. In October 2004, the U.S. government attempted to dismiss the Habeas Corpus petitions in federal court, including Murat's.
7. On December 1, 2004, U.S. Federal Judge Joyce Hens Green heard oral arguments regarding whether these petitions should be dismissed. Judge Green posed the following hypothetical questions, inquiring whether any one of the following people could be deemed "enemy combatants":

- *“a little old lady in Switzerland who writes checks to what she thinks is a charity that helps orphans in Afghanistan but [what] really is a front to finance al-Qaeda activities”;*
- *“a person who teaches English-to the son of an al Qaeda member”;*
- *“a journalist who knows the location of Osama Bin Laden but refuses to disclose it to protect her source.”*

The U.S. government responded that each one of these people could be deemed an enemy combatant by the U.S. military, justifying their indefinite detention in Guantanamo Bay.

8. On January 31, 2004, Judge Hens Green issued a ruling, holding:

- These detentions violate the Geneva Conventions
- The detentions violate the Constitution on several grounds:
 - i. The detainees did not receive access to the material evidence upon which the U.S. relied on when determining that they are “enemy combatants”
 - ii. The detainees did not have the assistance of counsel contest charges against them
- In this ruling, the Judge paid special attention to Murat’s case. The Judge explained that the U.S. government determined that Murat was an enemy combatant using unclassified information and one classified document. The Judge accordingly ruled that:
 - i. The unclassified information is not sufficient to detain Murat because:
 1. Even if it is true that Selcuk Bilgin is a “suicide bomber,” there is no evidence that Murat “had knowledge of his associate’s planned suicide bombing, let alone establish that [Murat] assisted the bombing in any way. In fact, [Murat] expressly denied knowledge of a bombing plan when he was informed of it by the American authorities) (Green Opinion at 62) [NB: Green was not even aware that Bilgin was not, in fact, a suicide bomber].
 2. There is no evidence that Murat “planned to be a suicide bomber himself, took up arms against the United States or otherwise intended to attack American interests.” (Green Opinion at 49.) In addition, “there is no evidence to establish that his studies involved anything other than the Koran.” (Green Opinion at 63). The U.S. government is thus holding Murat “possibly for life, solely because of his contacts with individuals or organizations tied to terrorism and not because of any terrorist activities that the detainee aided, abetted, or undertook himself.... This would violate due process.” (Green Opinion at 64).
 - ii. The determination that he is an “enemy combatant” is illegal also because it completely ignored significant evidence in his classified file that demonstrates he is innocent and that the U.S. government knows he is innocent. For example these exculpatory statements are from Murat’s classified file and have recently been declassified:
 1. “CITF has no definite link/evidence of detainee having an association with Al Qaida or making any specific threat against the U.S. (Kurnaz Classified File.)
 2. “The Germans confirmed that this detainee has no connection to AQ”

~~ii.3. "CITF is not aware of any evidence that Kurnaz ... harbored any individual ... who has engaged in, aided, abetted, or conspired to commit acts of terrorism against the United States."~~

~~iii. Also, the one classified document upon which the CSRT relied is flawed. According to Judge Green, this document, "fails to provide significant details to support its conclusory allegations, does not reveal the sources for its information, and is contradicted by other evidence in the record." (Green Opinion at 63).:~~

- ~~1. Neither Murat nor his lawyer saw this classified document~~
- ~~2. The document, on its own, is not reliable~~

~~iii. Lastly, the CSRT proceeding itself, did not involve an "impartial decision maker" and was basically a sham proceeding~~

~~• Next, Judge Green found more flaws with the CSRTs:~~

- ~~i. The U.S. government's definition of "enemy combatant" is vague and overbroad~~
- ~~ii. iv. The U.S. justifies these detentions relying on statements obtained through torture and coercion~~

9. In February 2005, the U.S. government appealed this opinion to a higher court. Resolution of these complex and novel issues of law may take years. In the meanwhile, Murat continues to be imprisoned, tortured, and humiliated.