

# Ameziane v. Obama / Ameziane v. United States

## Synopsis



### DJAMEL AMEZIANE

**Detained at Guantánamo since February 2002; cleared for transfer since October 2008**

*\*Photo credits: Center for Constitutional Rights*

### See

[Djamel Ameziane's short profile](#) and learn what you can do for him.

Djamel Ameziane is an Algerian refugee who has been detained in Guantánamo Bay since 2002. He has a pending habeas corpus petition, *Ameziane v. Obama*, in the D.C. District Court. He has a petition and request for precautionary measures, *Ameziane v. United States*, filed with the Inter-American Commission on Human Rights (IACHR).

Like many other habeas petitions, Mr. Ameziane's habeas case was stayed pending the outcome of the [Boumediene and Al Odah](#) cases in the Supreme Court, which were decided June 12, 2008. The Supreme Court ruled that detainees at Guantánamo Bay have the constitutional right to have their habeas corpus petitions heard in a U.S. federal court. Subsequently, the stay in Mr. Ameziane's habeas case was lifted and the case began to move forward rapidly. However, in June 2009, the D.C. District Court again stayed the case indefinitely based on his approval for transfer.

Mr. Ameziane's IACHR petition and request for precautionary measures is the first merits petition by a person detained by the United States at Guantánamo Bay, asking the IACHR to consider the torture, abuse, and other human rights violations perpetrated against him, including his continuing indefinite detention without charge or trial.

## Status

Mr. Ameziane's habeas corpus petition is currently stayed indefinitely in the D.C. District Court; Mr. Ameziane's IACHR petition is currently pending.

## Description

*Ameziane v. Obama* is a petition for habeas corpus filed on behalf of Djamel Ameziane. Respondents in the case include the President, the Secretary of Defense, and military commanders of the Joint Task Force – Guantanamo. *Ameziane v. United States*, is a petition to consider the torture, abuse, and other human rights violations perpetrated against him at Guantánamo Bay including his continuing indefinite detention without charge or trial, and requests that the IACHR issue precautionary measures requiring the United States to honor its non-refoulement obligations and cease all mistreatment of Mr. Ameziane.

Mr. Ameziane is an ethnic Berber from Algeria, where he obtained a college diploma and held a respectable job. In the early 1990s Mr. Ameziane left Algeria to escape escalating instability and oppression under the Algerian government then in power. He lived and worked legally as a chef in a high-class restaurant in Vienna, Austria. Following the 1995 election of a new government in Austria, Mr. Ameziane's visa and work permit were not renewed and he was forced to leave the country. He then traveled to Canada where he sought asylum. However, after five years in Canada his application was denied and he was forced to uproot again. With few options left, Mr. Ameziane went to live in Afghanistan. He never participated in any military training or fighting. Soon after the war started, he fled to escape the violence, but was abducted by local police while trying to cross the border into Pakistan and was sold to U.S. forces for a bounty. In early February 2002, Mr. Ameziane was sent to Guantánamo, where he has suffered immensely from abuse and solitary confinement.

The U.S. government has never alleged that Mr. Ameziane has engaged in hostilities, terrorism, or any acts of violence and it has since conceded that there are no “military rationales” for Mr. Ameziane's continued detention. Mr. Ameziane is now a refugee held in Guantánamo Bay. He seeks asylum in a safe third country where he may begin to rebuild his life.



*Artwork created by Mr. Ameziane while imprisoned in Guantánamo Bay, Cuba.*

## Timeline

### *Ameziane v. Obama*

On February 24, 2005, Mr. Ameziane filed a habeas corpus petition, [Ameziane v. Bush](#) (since restyled *Ameziane v. Obama*), in the D.C. District Court.

On April 19, 2007, the government filed a motion to dismiss Mr. Ameziane's habeas case.

On May 3, 2007, Mr. Ameziane opposed the government's motion to dismiss.

On July 5, 2007, U.S. District Judge Ellen Huvelle denied without prejudice the government's motion to dismiss pending the U.S. Supreme Court's decision in *Boumediene v. Bush*, and *Al Odah v. United States*.

On January 3, 2008, the D.C. District Court stayed Mr. Ameziane's habeas case.

On June 12, 2008, the Supreme Court decided [Boumediene v. Bush and Al Odah v. Bush](#), ruling that detainees at Guantánamo Bay have the constitutional right to petition for habeas corpus relief.

On June 13, 2008, Mr. Ameziane filed a motion to lift the stay of his habeas case and schedule an immediate status conference.

On July 29, 2008, Senior U.S. District Judge Thomas F. Hogan, acting as coordinating judge for most detainee cases, ordered that the stay be lifted in Mr. Ameziane's habeas case, and most other habeas cases filed by detainees at Guantánamo Bay.

On November 7, 2008, Judge Hogan granted the government's motion to amend the factual return to Mr. Ameziane's habeas petition over his objection.

On December 2, 2008, Judge Huvelle, the merits judge assigned to Mr. Ameziane's habeas case,

[ordered](#) the government to produce exculpatory evidence, and directed the parties to engage in other discovery. On December 17, 2008, the government [filed a sealed motion](#) to stay Mr. Ameziane's habeas case. On December 19, 2008, Judge Huvelle [entered an amended order](#) regarding production of exculpatory evidence and other discovery. The court also scheduled motion for summary judgment proceedings. Also on December 19, 2008, Mr. Ameziane [filed a sealed opposition](#) to the government's motion to stay and, alternatively, a cross-motion for parole. As reflected on the public docket, on January 2, 2009, Judge Huvelle denied the motion to stay Mr. Ameziane's habeas case. On February 6, 2009, Mr. Ameziane [filed under seal a motion to exclude evidence](#). In response, on February 20, 2009, the government [filed a public notice withdrawing reliance on two documents](#) as a basis for Mr. Ameziane's detention. On February 13, 2009, Mr. Ameziane [filed a preliminary traverse and motion for summary judgment](#) before the D.C. District Court. On February 20, 2009, the government [filed a pleading attempting to avoid summary judgment proceedings](#) as to Mr. Ameziane.

As reflected on the public docket, on February 24, 2009, Judge Huvelle rejected the government's attempt to avoid summary judgment proceedings but permitted the government to amend its statement of material facts.

On February 27, 2009, the government filed its opposition to Mr. Ameziane's summary judgment motion and moved to amend its statement of material facts.

On March 3, 2009, Mr. Ameziane filed a reply in further support of his summary judgment motion.

On March 6, 2009, Judge Huvelle issued a classified discovery order, which was publicly disclosed on March 13, 2009, in [redacted form](#).

On March 13, 2009, Judge Huvelle ordered closing briefing and argument.

Also on March 13, 2009, the government [filed a memorandum regarding its detention authority](#). Mr. Ameziane [filed a response](#) on March 24, 2009.

On April 1, 2009, Mr. Ameziane filed his closing brief in support of his summary judgment motion.

On April 30, 2009, the D.C. District Court [denied](#) Mr. Ameziane's motion for summary judgment, and ordered the parties to proceed to discovery and an evidentiary hearing on the merits.

As reflected on the public docket, on May 27, 2009, U.S. District Judge Ellen Huvelle stayed Mr. Ameziane's habeas case indefinitely.

Also as reflected on the public docket, the parties thereafter filed a series of sealed pleadings, and the court issued a series of sealed orders.

On June 30, 2009, U.S. District Judge Ellen Huvelle entered a sealed order, and the [government appealed](#) on July 7, 2009 and sought an emergency stay pending appeal. The D.C. Circuit issued an administrative stay on the same day, and then [granted the government's motion for a stay pending appeal](#) on July 16, 2009.

On July 10, 2009, the government [filed a sealed motion in six habeas cases](#), including Mr. Ameziane's.

As reflected on the public docket, on July 20, 2009, the D.C. District Court issued a sealed order.

On July 31, 2009, Mr. Ameziane [filed a sealed response](#) to the court's July 20, 2009 sealed order on behalf of the petitioners in the six habeas cases. The government [filed a reply memorandum](#) on August 14, 2009. On September 10, 2009, the government [filed a sealed notice of supplemental authority](#) in the six habeas cases. Mr. Ameziane [filed a sealed response](#) on behalf of the petitioners on September 14, 2009.

As reflected on the public docket, on February 4, 2010 and March 10, 2010, Senior U.S. District Judge Thomas F. Hogan issued sealed orders.

On February 27, 2010, Mr. Ameziane and other petitioners in the six habeas cases

[filed an emergency motion for reconsideration or, alternatively, for a stay pending appeal](#). On March 15, 2010, the government [opposed](#). Petitioners [replied](#) on March 17, 2010. On March 24, 2010, the government [filed a sealed notice of supplemental authority](#) in the six habeas cases. Mr. Ameziane [filed a sealed response](#) on behalf of the petitioners on March 29, 2010.

As reflected on the public docket, in April 2010, Senior U.S. District Judge Thomas F. Hogan issued sealed orders.

In the interim, on January 8, 2010, the D.C. Circuit issued a sealed opinion reversing Judge Huvelle's June 30, 2009 sealed order, *Ameziane v. Obama*, No. 09-5236 (D.C. Cir.). The court denied [rehearing](#) and [rehearing en banc](#) on March 31, 2010. Mr. Ameziane then petitioned the Supreme Court for a writ of certiorari, which was [denied](#) on March 21, 2011. On September 21, 2012, the government [moved to unseal](#) the D.C. Circuit's opinion and all other appellate records in Mr. Ameziane's case. The D.C. Circuit [granted](#) that request on October 5, 2012, and publicly disclosed several records including: [Government's Opening Brief](#), [Ameziane's Opening Brief](#), [Government's Reply Brief](#), [D.C. Circuit Opinion](#), [Ameziane's Petition for Rehearing and Suggestion for Rehearing En Banc](#), and [Appendix](#).

Mr. Ameziane's habeas case currently remains stayed indefinitely, as he has been detained at Guantánamo without charge or trial for more than 10 years.

### **[Ameziane v. United States](#)**

On August 6, 2008, the Center for Constitutional Rights and the Center for Justice and International Law filed [Ameziane v. United States](#), a petition and request for precautionary measures with the IACHR.

On August 20, 2008, the IACHR issued [Urgent Precautionary Measures](#) requiring that all necessary measures be taken to ensure that Mr. Ameziane is not transferred or removed to a country where he would likely face torture or other persecution.

On October 29, 2010, the IACHR held a [hearing](#) regarding Mr. Ameziane's case. CCR counsel for Mr. Ameziane provided testimony to the Commissioners about the lack of effective remedies available in U.S. courts, Mr. Ameziane's continuing need to be protected from forcible transfer to Algeria and his plea for resettlement in a safe third country.

On March 20, 2012, the IACHR issued a landmark [admissibility report](#) in Mr. Ameziane's case. This decision marks the first time the IACHR has accepted jurisdiction over the case of a man detained at Guantánamo, and underscores the fact that there has been no effective domestic remedy available to victims of unjust detentions and other abuses at the base. The IACHR will now move to gather more information on the substantive human rights law violations suffered by Djamel Ameziane—including the harsh conditions of confinement he has endured, the abuses inflicted on him, and the illegality of his detention.

## **Attached Files**