UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GULED HASSAN DURAN (ISN 10023),	:	
Petitioner,	:	
v.	:	Case No. 16-cv-2358 (RBW)
BARACK H. OBAMA, *et al.*,	:	
Respondents.	:	

NOTICE OF FILING

PLEASE TAKE NOTICE that the attached version of the factual supplement to Petitioner's habeas petition (dkt. no. 4) has been approved for public filing by Respondents, pursuant to the Court's December 22, 2016 scheduling order (dkt. no. 9). Undersigned counsel has further consulted with Respondents' counsel and the Court Security Office prior to filing the document on the public record.

Dated: New York, New York
February 13, 2017

Respectfully submitted,

/s/ J. Wells Dixon

J. Wells Dixon (Pursuant to LCvR 83.2(g))
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2017, I caused the foregoing notice and attachment to be filed with the Court and served on counsel for Respondents via the Court's CM/ECF system.

/s/ J. Wells Dixon
J. Wells Dixon

Attachment

UNCLASSIFIED//FOR PUBLIC RELEASE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GULED HASSAN DURAN (ISN 10023),
Detainee, United States Naval Station,
Guantánamo Bay, Cuba

Petitioner,

v.

BARACK OBAMA,
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500;

ASHTON CARTER,
Secretary, United States
Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000; and

NAVY REAR ADM. PETER J. CLARKE,
Commander, Joint Task Force – GTMO
APO AE 09360,

Respondents.

Filed with Classified
Information Security Officer
CISO Matt Swift
Date 12-2-16

Civil Action No. 16- 2358

FACTUAL SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS

UNCLASSIFIED//FOR PUBLIC RELEASE

ADDITIONAL FACTUAL BACKGROUND

1. In December 2003, prior to the time of his capture, Petitioner was injured in a gunfight in Mogadishu. The incident involved two men who he has described as "street gang guys," who tried to steal his motorcycle. Petitioner was shot, resulting in a broken left arm and a bullet in his abdomen. A Somali doctor operated on him, leaving him with a colostomy bag, but the wound did not heal well. Petitioner has visible scars from his wound.

2. Petitioner was captured on March 4, 2004, as he was transiting through Djibouti to undergo surgery in Sudan to treat his wound, which was not healing properly. He was captured immediately upon arrival at the airport in Djibouti; Djiboutian security forces were waiting for him. The security forces appeared to have prior knowledge of him and his injuries. They put him in an office, asked about his wound, and took his passport and everything in his possession.

3. Petitioner was put into a car and driven to a [redacted] He was turned over to the CIA [redacted] CIA personnel searched him and took him inside the house. There were six or seven Americans with covered faces, gray or black jumpsuits, and a video camera. They spoke to Petitioner in English.

4. Petitioner was then stripped naked and handcuffed. A CIA doctor came in, checked his bandages, and gave him a brief medical check up. The doctor saw the colostomy bag and said, "oh shit, he's got a colostomy bag," and then changed the bag for him.

5. After the doctor left, a team of four men came in and interrogated him. They, too, appeared to know all about him. These men appeared to be more like soldiers than interrogators.

6. Petitioner was cooperative with his interrogators. They screamed at him and were not very professional. They questioned him for a few hours and then [redacted] came to the house to question him in [redacted].

7. Petitioner was then put on a plane and flown from [redacted]. He was shackled by men in black clothes and strapped down to the floor of the plane. The plane stopped in [redacted] on its way to [redacted].

8. After arriving at [redacted] Petitioner's eyes were taped closed, he had a [redacted] placed on him, he was put in a [redacted] and was told that he was now at [redacted]. After crossing the [redacted], he was put in an ambulance and taken straight to the [redacted] hospital [redacted]. There were no other patients around him. He was stripped naked, photographed, placed in hospital clothes, and given a medical check up. He had x-rays and blood tests performed on him.

9. Petitioner was accompanied by [redacted] and another woman. The woman had grey hair, and was tall and strong. She said that she had previously been in [redacted]. She is [redacted].

10. That night Petitioner was placed in [redacted] with no one else near him. In the morning, [redacted] and the woman came and told Petitioner that he was an enemy combatant and was not entitled to meet with a lawyer. They interrogated him and said, "Guled, no one knows you," meaning no one in Al Qaeda knew who he was. He was stripped naked during his interrogations.

11. After two or three days of interrogation, CIA interrogators tried to get Petitioner to cooperate and to agree to give them more information. At times they tried to recruit him, offering to return him to Somalia or the United Arab Emirates to spy for them. They also said

that they would send him to the United States, where members of his family live, and send him into mosques to spy for them. They offered him millions of dollars. At other times interrogators threatened him. They threatened to send him somewhere he would not believe, where he would not see the sun. They also threatened to make life horrible for his family; they specifically threatened to send the FBI to make life miserable for his family in the United States.

12. At the end of March or early April 2004, Petitioner was flown from [redacted] to [redacted] He was moved out of [redacted] because the International Committee of the Red Cross was coming to [redacted] and the CIA did not want them to discover him.

13. Petitioner was interrogated every day in [redacted] by the [redacted] officials who had interrogated him at [redacted]. The guards were [redacted] He was held in [redacted] with other [redacted] prisoners, including perhaps [redacted] and others.

14. In February 2005, Petitioner and the [redacted] prisoners were flown to [redacted] The [redacted] was newly constructed, with new cells that [redacted] or [redacted] such that Petitioner could not see the sky.

15. After his first month in [redacted] no one came to see Petitioner or interrogate him. Occasionally someone would come and show him photographs, but it appeared to be a half-hearted attempt to keep him busy.

16. In April 2006, Petitioner and the [redacted] prisoners were flown from [redacted] to [redacted]

17. After one week in [redacted] Petitioner was flown to [redacted] for surgery for his wound. He was put in a hospital in [redacted] in a VIP room with armed guards. He was attended to by a [redacted] doctor and [redacted] nurses. The hospital was large.

18. Due to the severity of the procedure, Petitioner remained in the hospital in [redacted] for about one month. In late April or early May 2006, after his wound started to heal, he was sent back to [redacted] where he remained until his transfer to Guantánamo on or about September 6, 2006.

19. After arriving at Guantánamo in September 2006, Petitioner's sole, assigned recreation partner was Khalid Sheikh Mohammed. He did not know who KSM was, and KSM did not know who he was. KSM had to tell Petitioner who he was; KSM thought Petitioner was someone else, a Pakistani man named [redacted].

20. Petitioner was also interrogated by the FBI at some point after arriving at Guantánamo in September 2006, but he refused to answer their questions. He has not been interrogated by anyone since then. He has never been interrogated about Al Shabaab.

21. [redacted] The military has refused to provide him with copies of his medical records. [redacted]

22. To summarize, CIA interrogators withheld medical care for Petitioner's wound to pressure him to cooperate, including to recruit him as a spy for them, and to agree to give them more information. Medical care was used as a lever for his interrogations. From the time of his capture until his surgery in [redacted] Petitioner received no adequate therapeutic medical care. To the contrary, throughout his CIA detention, Petitioner's colostomy bag was changed and he was given self-cleaning supplies, but adequate medical care was deliberately withheld. Petitioner continues to suffer from his wound and the aftereffects from the long period of neglect.

Filed with the Court Security Office
~~*Pending Classification Review*~~

Dated: November 28, 2016

Respectfully submitted,

J. Wells Dixon (Pursuant to LCvR 83.2(g))
Shayana D. Kadidal (D.D.C. Bar No. 454248)
Omar A. Farah (Pursuant to LCvR 83.2(g))
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Counsel for Petitioner Guled Hassan Duran

Filed with the Court Security Office
~~*Pending Classification Review*~~

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was submitted to the Court Security Office on this 28th day of November 2016, for filing with the Court and service on counsel for Respondents listed below:

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J. Wells Dixon