

After Almost 20 Years, Guantanamo “Forever Prisoner” Abdul Latif Nasser Returns Home to Morocco

Abdul Latif Nasser’s attorneys, Thomas A. Durkin and Bernard E. Harcourt, confirm the transfer

Media Contact: Fonda Shen at (212) 853-2138 or ijs@law.columbia.edu

New York, July 19, 2021 — The Biden administration today transferred from Guantanamo Bay prison Abdul Latif Nasser after almost 20 years of incarceration without charge. Mr. Nasser has been returned to Morocco and will be reunited with his family.

His attorneys, lead counsel [Thomas A. Durkin](#), of Durkin & Roberts, and Professor [Bernard E. Harcourt](#) of Columbia Law School have spoken with his family and confirmed his landing. Mr. Nasser had been held at Guantanamo since May 2002, never charged with any crime during his two decades of imprisonment at Guantanamo.

“It is hardly cause to celebrate the release of a man held for nineteen years without ever being charged with a crime, the last four of which were the collateral damage of the Trump Administration’s and zealous Republican War on Terror hawks’ raw politics,” lead counsel Thomas Durkin told the [New York Times](#). “Nevertheless, we applaud the Biden Administration for causing no further harm.”

“The administration has given the federal court its word that Mr. Nasser will be home safely with humane treatment assurances,” attorney Bernard Harcourt added. “That is the proper course of action, long overdue, but right.”

Abdul Latif Nasser was born in Morocco in 1965 and attended university in Casablanca. He was detained by U.S. forces in January 2002 and transferred to Guantanamo Bay in May 2002. Mr. Nasser has never been charged with any crime.

In 2016, Mr. Nasser was [cleared for transfer](#) to Morocco by the Periodic Review Board. Despite this unambiguous decision in favor of Mr. Nasser’s release, he would remain a prisoner for the next four years of the Trump administration. The bureaucratic processes required for Mr. Nasser’s transfer to Morocco had concluded on December 28, 2016, when Morocco confirmed the required security assurances. But given the 30-day notice required by Congress, President Obama’s Secretary of Defense, Ash Carter, left the final decision regarding transfer to his successor. Shortly after taking office, President Trump declared that his administration would keep all detainees at Guantanamo and followed through by eliminating the Office of the Special Envoy for Guantanamo Closure at the Department of State responsible for transfers and signing an [Executive Order](#) that mandated the continued operation of the prison.

For the four years of the Trump presidency, Mr. Nasser was in the peculiar position of having exhausted the Periodic Review Board process, the only process open to Guantanamo Bay detainees, and yet still being prohibited from release.

On January 11, 2018, Mr. Nasser and ten other individuals detained at Guantanamo Bay filed a Motion for Order Granting Writ of Habeas Corpus, known as the “[Mass Petition](#)” in response to President Trump’s declaration of his intent to keep Guantanamo Bay indefinitely open. The petition argued that the perpetual detention of individuals at Guantanamo Bay violated the Due Process Clause of the Constitution, and the AUMF, which authorizes limited military detention, can no longer support such detention.

On October 23, 2020, Mr. Nasser filed a [Supplemental Brief](#) to the federal court to include the argument that the continued and indefinite detention of an individual already cleared by the PRB violated the Suspension Clause.

Mr. Nasser’s lawyers are now in the process of ensuring that all assurances of safety provided by the American and Moroccan governments are carried out and that Nasser is not in any harm upon return to his home country. Counsel are taking all precautions to ensure that after twenty years of unjust separation, Mr. Nasser is properly reunited with his family.

Mr. Nasser is represented by lead counsel [Tom Durkin](#), of Durkin & Roberts, Professor [Bernard E. Harcourt](#) of Columbia Law School, Mark Maher of Reprieve US, and Shelby Sullivan-Bennis. Counsel for Mr. Nasser were assisted by Colin Henderson CLS’22 and Sherwin Nam CLS’21 of Columbia Law School.

“Columbia Law students Colin Henderson and Sherwin Nam were indispensable to the most recent round of briefing on the Suspension and Due Process Clause arguments,” attorney Tom Durkin said. “They did extraordinary work that helped turn this case.”

At Columbia Law School, this case forms part of the [Initiative for a Just Society \(IJS\)](#), a project of the [Columbia Center for Contemporary Critical Thoughts](#) that engages in litigation, research, and curricular development and works actively with students and partner organizations to help create a just society. In addition to Professor Harcourt, [the IJS Team](#) includes Practitioner-in-Residence [Omavi Shukur](#), Curriculum Director [Lisette Bamenga](#), Racial Justice Postdoctoral Fellow [Che Gossett](#), Scholar-in-Residence [Derecka Purnell](#), and Project Coordinator [Fonda Shen](#).

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More information on Mr. Nasser’s case:

On the IJS website: <https://cccct.law.columbia.edu/content/guantanamo-bay-litigation>

Carol Rosenberg and Charlie Savage, “[Biden Administration Transfers its First Detainee From Guantanamo Bay](#),” *New York Times*, July 19, 2021

Carol Rosenberg, “[5 Were Cleared to Leave Guantánamo. Then Trump Was Elected](#),” *New York Times*, October 9, 2020.

Andrew Buncome, “[The Guantanamo Bay prisoner whose fate was sealed by a Trump tweet](#),” *Independent*, November 6, 2019.

Ben Fox, “[Men due to leave Guantanamo seem stuck under Trump](#),” *Associated Press*, December 13, 2017.

New York Times Guantanamo Docket:

<https://www.nytimes.com/interactive/2021/us/guantanamo-bay-detainees.html#detainee-244>