



Department of Justice

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**STATEMENT OF PETER A. CARR, ACTING DIRECTOR OF PUBLIC
AFFAIRS, ON THE HABEAS CORPUS RULING IN *BOUMEDIENE V. BUSH***

“We are pleased with the Court’s decision affirming the determination that Bensayah Belkacem is an enemy combatant and may be held during this armed conflict. As held by the Court, Bensayah Belkacem is an al Qaeda facilitator who attempted to travel to Afghanistan to engage U.S. forces and who arranged for others to do the same. We are of course disappointed by, and disagree with, the Court’s decision that we did not carry our burden of proof with respect to the other detainees.

“These cases present extraordinary circumstances where wartime enemies have been captured abroad and are being detained based often on the same sort of classified intelligence relied upon by the military in conducting wartime operations. Today’s decision is perhaps an understandable consequence of the fact that neither the Supreme Court nor Congress has provided rules on how these habeas corpus cases should proceed in this unprecedented context. For example, classified evidence is important to these proceedings, but there are no clear standards governing how and what types of classified evidence can be used. As the Court requested, we are promptly reviewing the decision with respect to the other five petitioners. But we also think that this ruling demonstrates the need for Congress to enact procedures that allow these petitions to be adjudicated in a way that is fair to the detainee but that allows the Government to present its case without imperiling national security.”

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