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## Fear of Freedom

A prisoner who begs to stay indefinitely at the Guantánamo Bay detention center rather than be sent back to Algeria probably has a strong reason to fear the welcoming reception at home.

Abdul Aziz Naji, who has been held at Guantánamo since 2002, told the Obama administration that he would be tortured if he was transferred to Algeria, by either the Algerian government or fundamentalist groups there. Though he offered to remain at the prison, the administration shipped him home last weekend and washed its hands of the man. Almost immediately upon arrival, he disappeared, and his family fears the worst.

It is an act of cruelty that seems to defy explanation.

Mr. Naji, 35 and born in Algeria, was picked up by the police in Pakistan in May 2002 and turned over to the Americans on suspicion of being a terrorist. He admitted working for the humanitarian wing of Lashkar-e-Taiba, the Pakistani terrorist organization, but the Bush administration never charged him with a crime, explained why he was being held, or demonstrated any connection to terrorist acts.

The Obama administration, which is trying to reduce the population at Guantánamo, battled Mr. Naji's lawyers all the way to the Supreme Court for the right to send him to Algeria. Mr. Naji argued that once he was in his home country, he would be tortured, either by the government on suspicion of being a terrorist, or by fundamentalist groups pressuring him to join their cause.

The court, which issued a [terse order](#) rejecting his plea, apparently accepted the Obama administration's assurance that the Algerian government promised not to torture Mr. Naji. Under a 2008 Supreme Court [decision](#), the government is given broad discretion to decide

when to accept such promises from a foreign government.

Mr. Naji asked for political asylum in Switzerland, but within hours of the court's order, he was on a plane bound for Algeria. The court refused to accept a similar plea from another Algerian at Guantánamo who does not wish to go home, Farhi Saeed Bin Mohammed, who has not yet been returned but could be at any time. Four other Algerian prisoners have made similar claims.

Algeria may well have promised not to torture the two men, but it is hard to take that promise seriously, or to know whether it has already been broken. Government officials there say they are not detaining Mr. Naji, but have not accounted for his whereabouts, which they need to do promptly.

The State Department's [human rights report on the country](#), issued in March, said that reports of torture in Algeria have been reduced but are still prevalent. It quotes human rights lawyers there as saying the practice still takes place to extract confessions in security cases. People disappear in the country, the report said, and armed groups — which obviously made no promises to the administration — continue to act with impunity.

We support the administration's efforts to close Guantánamo, and understand the concern that if there is a more heavily Republican Congress next year, doing so may become harder. That is no reason to deliver prisoners to governments that the United States considers hostile and that have a record of torture and lawlessness.

The government refuses to deport prisoners to Libya, Syria and other countries known for abuse. It could find a new home for the Algerians.