

Center for Constitutional Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Public Facing Advocacy Writing

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Washington D.C. & New York, September 30, 2015 Today, the Center for Constitutional Rights (CCR) and the Center for Justice and International Law (CEJIL) urged the Inter-American Commission on Human Rights (IACHR) to declare that the United States violated former Guantanamo detainee Djamel Ameziane's human rights and to recommend relief, including appropriate compensation and other reparations. This is the first case in which the IACHR will decide the merits of claims against the United States arising from the prison at Guantanamo Bay.

Mr. Ameziane, an Algerian citizen, was held without charge at Guantanamo for nearly 12 years, during which time he was subjected to physical and psychological torture and other human rights violations. Although by 2008 the United States conceded there was no military rationale for Ameziane's detention, he never had the opportunity to contest the legality of his detention in U.S. courts. The government convinced the court not to hear his case based on its repeated promises which were kept secret from the IACHR and the public that he would be released. But the United States continued to detain him arbitrarily for several more years despite expressions of interest from other countries in resettling him.

The time I spent at Guantanamo was the most difficult time of my life. I was tortured physically and psychologically, and for many years subjected to degrading and humiliating treatment without any rights. I was always told that the food I was eating, the clothes I was wearing, the water I was drinking in Guantanamo are not rights, they are privileges, **said petitioner Djamel Ameziane**.

I also had the actual privilege to have legal counsel who filed a habeas case in U.S. court on my behalf, but never had the opportunity to litigate the case and have my name cleared. When released from Guantanamo I was sent to Algeria in an airplane, shackled and blindfolded, and never received a remedy of any kind for the years that I lost, not even an apology.

In December 2013, the United States forcibly returned Ameziane to his home country of Algeria, from which he had fled violence in the early 1990s, and where he feared persecution based on several factors including his Berber ethnic minority status. The transfer violated a series of precautionary measures issued by the IACHR requiring the United States to protect Ameziane from human rights abuses, including a requirement that he not be transferred or removed to a country where there are substantial [dangers] of being subjected to torture or other mistreatment. The United States' open defiance of the IACHR is one basis for Ameziane's claim of aggravated state responsibility for the human rights abuses that he suffered.

In the seven years that we have litigated this case, the United States has not seriously disputed Djamel Ameziane's claims, including its efforts to conceal his approval for transfer and other material facts from the IACHR, **said Center for Constitutional Rights Senior Staff Attorney J. Wells Dixon**. There is also no dispute that the United States has denied detainees like Ameziane a remedy for the human rights abuses they suffered at Guantanamo. We now look to the IACHR and OAS member states to provide a remedy and address impunity for the abuses at Guantanamo.

The IACHR is the human rights body of the Organization of American States (OAS). It receives and investigates reports of violations of the American Declaration of the Rights and Duties of Man, to which the United States is a party, and accepted jurisdiction over the case in April 2012. Previously, in 2006 and 2011, the IACHR issued two resolutions which determined that the U.S. caused irreparable damage to detainees and that Guantanamo must be shut down immediately. In addition, in a joint declaration issued in 2014 by the UN Special Rapporteur on Torture, several other UN agencies, and the Commission, the United States was urged to adopt all legislative, administrative, judicial, and any other types of measures necessary to prosecute, with full respect for the right to due process, the individuals being held at Guantanamo Naval Base or, where applicable, to provide for their immediate release or transfer to a third country. In August 2015, the IACHR issued a thematic report titled [Towards the Closure of Guantanamo](#) that discussed Ameziane's case at length and detailed widespread human rights violations at Guantanamo.

Despite promises made seven years ago, Guantanamo remains open, **said Viviana Krsticevic, Executive Director of CEJIL**.

Mr. Ameziane's case gives the IACHR an opportunity to render a landmark decision on the right to a judicial remedy and reparations for Guantanamo detainees that were subjected to torture and discrimination. It is time for the U.S. government to fulfill its commitment to close Guantanamo, which has become a symbol of injustice and failed anti-terrorism policies."

To read today's filing and for more information on the Center for Constitutional Rights work with Mr. Ameziane and documents relating to his IACHR case, visit the [Ameziane v. Obama / Ameziane v. United States case page](#).

To read this press release in Spanish, please [click here](#).

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org.

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