

Council on American-Islamic Relations (CAIR)

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

https://www.cair.com/press_releases/suit-u-s-muslims-isolated-denied-rights-in-special-prison-units/

Public Facing Advocacy Writing

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March 30, 2010, New York – Today, the Center for Constitutional Rights (CCR) filed a lawsuit challenging violations of fundamental constitutional rights, including the right to due process, at two experimental federal prison units called "Communications Management Units" (CMUs). The units are being used overwhelmingly to hold Muslim prisoners and prisoners with unpopular political beliefs.

CCR filed *Aref v. Holder* in the D.C. District Court on behalf of five current and former prisoners of the units in Terre Haute, IN and Marion, IL; two other plaintiffs are the spouses of prisoners. The CMUs were secretly opened under the Bush administration in 2006 and 2007 respectively and were designed to monitor and control the communications of certain prisoners and to isolate them from other prisoners and the outside world.

Transfers to the CMU are not explained; nor are prisoners told how release into less restrictive confinement may be earned as there is no review process. Lawyers say that because these transfers are not based on facts or discipline for infractions, a pattern of religious and political discrimination and retaliation for prisoners' lawful advocacy has emerged. The five plaintiffs in *Aref* were designated to the two CMUs despite having relatively or totally clean disciplinary histories, and none of the plaintiffs have received any communications-related disciplinary infractions in the last decade. Several of the plaintiffs expect to serve the entire remaining duration of their sentences at the CMU.

"These units are an experiment in social isolation," said CCR Attorney Alexis Agathocleous. "People are being put in these extraordinarily restrictive units without being told why and without any meaningful review. Dispensing with due process creates a situation ripe for abuse; in this case, it has allowed for a pattern of religious profiling, retaliation and arbitrary punishment. This is precisely what the rule of law and the Constitution forbid."

In addition to heavily restricted telephone and visitation access, CMU prisoners are categorically denied any physical contact with family members and are forbidden from hugging, touching or embracing their children or spouses during visits. Attorneys say this blanket ban on contact visitation, which is unique in the federal prison system, not only causes suffering to the families of the incarcerated men, but is a violation of fundamental constitutional rights.

Said the 14-year-old daughter of one of the prisoners in the lawsuit, "The thing that hurts the most is that I can hear him but I can never touch him. I haven't hugged, kissed or held my dad since December of 2007."

Between 65 and 72 percent of CMU prisoners are Muslim men, a fact that attorneys say demonstrates that the CMUs were created to allow for the segregation and restrictive treatment of Muslims based on the discriminatory belief that such prisoners are more likely than others to pose a threat to prison security.

Others prisoners appear to be transferred to the CMU because of other protected First Amendment activity, such as speaking out on social justice issues or filing grievances in prison or court regarding conditions and abuse.

For more information on *Aref v. Holder*, visit CCR's legal case page.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.

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