

Center for Constitutional Rights

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

<https://ccrjustice.org/home/press-center/press-releases/ccr-case-argued-court-appeals-first-case-filed-former-guantanamo>

Public Facing Advocacy Writing

On September 14, 2007, Center for Constitutional Rights (CCR) co-counsel argued the appeal of the first case filed by Guantanamo detainees seeking to hold U.S. officials accountable for the physical, psychological, and religious torture and abuse at the offshore prison camp. The civil case *Rasul v. Rumsfeld* was filed by the Center for Constitutional Rights (CCR) along with co-counsel in October 2004 on behalf of four British citizens who were unjustly held for more than three years.

In Friday's cross-appeal before a three-judge panel of the D.C. Circuit Court of Appeals, the government appealed a lower court decision which affirmed that the Religious Freedom Restoration Act (RFRA) does apply to the detainees at Guantanamo. CCR attorneys argued that the lower court's dismissal of the constitutional and international law claims should be overturned.

"The detainees at Guantanamo have been subject to deliberate humiliation because of the Defense Department's misguided and illegal effort to exploit their faith to break them down psychologically," said Eric Lewis of Baach Robinson & Lewis, co-counsel with CCR, who argued the appeal. "The judge below correctly found these practices 'abhorrent.' We hope to persuade the Court of Appeals that the district court was correct in finding such conduct illegal under the Religious Freedom Restoration Act, a statute meant to ensure that the government respects the religious faith of all people."

Rasul v. Rumsfeld was filed in October 2004 in D.C. Circuit Court on behalf of British citizens Shafiq Rasul, Asif Iqbal, and Rhuheh Ahmed - who were featured in the documentary *The Road to Guantanamo* - and fellow British citizen Jamal al-Harith. While at Guantanamo, they were subject to repeated beatings, sleep deprivation, extremes of hot and cold, forced nudity, death threats, interrogations at gunpoint, menacing with unmuzzled dogs, religious abuse, and racial harassment. None of the four had ever been a member of a terrorist group or taken up arms against the United States. The suit charges then-Secretary of State Donald Rumsfeld and the Pentagon chain of command with approving interrogation methods that they knew were in violation of U.S. and international law.

"This is the first case demanding accountability from the government officials who condoned and perpetrated torture and abuse at Guantanamo," said CCR attorney Emi Maclean. "Our courts need to show the world - and the U.S. government - that it takes the documented abuse of detainees in U.S. custody seriously."

CCR and co-counsel's appeal before the D.C. Circuit Court of Appeals seeks to overturn a February 2006 D.C. district court decision that dismissed the plaintiffs' constitutional, Alien Tort Statute (ATS), and Geneva Convention claims and found that the defendants were entitled to qualified immunity as they were acting within the scope of their employment in authorizing or condoning "aggressive interrogation techniques." However, in a May 2006 decision, D.C. District Court Judge Ricardo Urbina upheld the plaintiffs' right to claims of religious abuse under the RFRA, a law that was passed with overwhelming congressional support.

Shafiq Rasul was the lead plaintiff in CCR's landmark Supreme Court case *Rasul v. Bush*, which held that the Guantanamo detainees have a right to challenge their detention in federal court. During the next Supreme Court term, CCR will be bringing - for the third time - the case of the Guantanamo detainees before the highest court in the land. Arguments in the combined cases *Al Odah v. United States* and *Boumediene v. Bush* are tentatively scheduled for December 5, 2007. CCR, which filed *Al Odah* along with co-counsel, represents many of the detainees at Guantanamo and coordinates the work of more than 500 pro bono attorneys working on the detainee cases.

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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