

Center for Constitutional Rights

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

<https://ccrjustice.org/home/press-center/press-releases/men-held-post-911-sweeps-urge-court-protect-their-right-sue-abuse>

Public Facing Advocacy Writing

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March 15, 2018, New York Today, attorneys from the Center for Constitutional Rights (CCR) urged a federal court to protect the ability of people detained in federal prisons to sue for damages over violence and other abusive treatment. People convicted and sentenced to prison already have this right, but in a [June 2017 ruling](#) in CCRs longstanding case, *Turkmen v. Ashcroft* the Supreme Court asked the lower court to determine whether immigration detainees not convicted of anything have the same right.

These men were brutally beaten and harassed in a federal prison, said Center for Constitutional Rights Senior Staff Attorney [Rachel Meeropol](#). There is no question that a prisoner in the next cell, beaten by the same guards, could sue the warden who allowed it to happen. To deny our clients this last opportunity for justice would be rank discrimination and would leave vulnerable thousands of other immigration detainees at a time when racist and anti-immigrant violence demands our urgent attention.

Turkmen v. Ashcroft (captioned in the Supreme Court as *Ziglar v. Abbasi*) was filed against prison administrators and high-level Bush administration officials for their roles in the profiling and abuse of detainees at the Metropolitan Detention Center (MDC) in New York City. In the wake of the 9/11 attacks, hundreds of non-citizen Muslim, Arab, and South Asian men were rounded up solely on the basis of their race, religion, ethnicity, and immigration status. They were held for months in extremely restrictive confinement and physically and psychologically abused. In June, the U.S. Supreme Court held that high-level federal officials could not be individually sued for their policy of profiling and ultra-restrictive conditions of confinement, but sent claims against the warden, who according to the complaint allowed physical and other abuse not required by the high-level officials policy, back to a lower court to determine whether the case against him may proceed.

This is my last chance at accountability and compensation for the abuse I suffered, said [Benamar Benatta](#), one of the men detained after 9/11. If the court allows the warden to evade responsibility, after the Supreme Court has already let the most powerful people off the hook, the message will be clear: my rights may be violated and no one will be held accountable for it.

Prior to the Supreme Courts decision, few courts even questioned the idea that federal detainees, just like convicted prisoners, could sue their abusers for money damages, and every appellate judge on the Second Circuit agreed that these claims against the warden should go forward. The Supreme Courts June decision already reversed the bulk of the [historic ruling in the case by the Second Circuit Court of Appeals](#), which had allowed claims to proceed against former Attorney General John Ashcroft, former FBI director Robert Mueller, and former Immigration and Naturalization Service Commissioner James Ziglar for ordering that the men be held on the basis of blatantly discriminatory tips about their race, religion, and ethnicity.

Many of the detained men were held in a specially created maximum security housing unit for months in solitary confinement, prohibited from contact with the outside world, beaten, deprived of sleep, and denied the ability to practice their religion. Upon arrival at MDC, many of the detainees had their faces smashed into a t-shirt pinned to a wall with a picture of the American flag and the words "These colors don't run and were told, Welcome to America. The blood-smear shirt hung on the prison wall for months. Ultimately, the men were charged with civil immigration violations, such as overstaying a visa or working without authorization, cleared of any connection to terrorism, and deported.

The *Turkmen* plaintiffs are represented by the Center for Constitutional Rights, cooperating attorneys Michael Winger and Alexander A. Reinert, and Covington & Burling, LLP.

The case was first filed in April 2002 and has been working its way through the courts ever since.

For more information, [visit CCRs case page](#).

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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