

Center for Constitutional Rights

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

<https://ccrjustice.org/home/press-center/press-releases/human-rights-group-urges-international-court-investigate-us>

Public Facing Advocacy Writing

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January 31, 2018, The Hague Today, the Center for Constitutional Rights (CCR) submitted a filing to the International Criminal Court (ICC), concerning two men detained at Guantanamo, in support of the [ICC Prosecutors request to open a formal investigation](#) into crimes in and related to the armed conflict in Afghanistan. The filing, which includes two victims representations, draws from publicly available information to detail the treatment, including torture, that the men endured in CIA black sites, proxy-detention, and DOD facilities, as well as their ongoing indefinite detention at Guantanamo, elaborates on the importance of an ICC investigation into these international crimes, and elaborates on the suggested scope of the inquiry to ensure the investigation captures the full liability of those who bear the greatest criminal responsibility. The Center for Constitutional Rights calls it a long-awaited opportunity for accountability.

Impunity has been the norm for U.S. officials who created and ran a torture program that centered on black sites and other detention facilities in Afghanistan, but extended to other black-site host countries, including Romania, Poland, or Lithuania, and proxy-detention sites in places like Jordan, said CCR Senior Staff Attorney [Katherine Gallagher](#) who serves as victims representative for purposes of today's submission to the ICC. We have long sought accountability for U.S. violations, both domestically and abroad. Now the victims of these grave crimes have the opportunity to present their view that the ICC must take action to hold U.S.-actors accountable.

The investigation sought by the ICC Prosecutor would seek to hold accountable three groups of perpetrators: the Taliban, Afghan forces, and members of the U.S. armed forces and the CIA for crimes against humanity and war crimes. CCR's filing focuses on the U.S. role; Afghan victims have submitted representations focusing on violations by the Taliban or Afghan forces. The court has jurisdiction over international crimes committed on any of the 123 State Parties' territories, including Afghanistan since May 1, 2003, regardless of the nationality of the perpetrators. The ICC is unique among international criminal tribunals in that it allows for [victims to directly participate](#) in proceedings, including at the investigation stage. The victims representation will be reviewed by a pre-trial chamber of three ICC judges who will decide whether to approve the Prosecutors request to open a formal investigation. Today's filing in support of the ICC investigation concerns two participating detainees represented by the Center for Constitutional Rights, [Sharqawi Al Hajj](#) and [Guled Hassan Duran](#).^[1]

CCR maintains that an ICC prosecution is crucial to demonstrate that no one is above the law regardless of their power or position, that those who bear the greatest responsibility for serious international crimes will be held accountable and not enjoy global impunity, and that all victims of serious crimes can and will have their claims heard and adjudicated by an independent and impartial tribunal. CCR also urges the ICC to include CIA proxy-detention and continuing crimes at Guantanamo in its investigation, to consider crimes against humanity as well as war crimes for U.S. actors, and to include senior civilian and military leadership as well as private contractors among the potential perpetrators to be investigated for possible prosecution in The Hague.

CCR has [long sought to hold Bush administration officials accountable](#) for their role in the torture of detainees at Guantanamo, Afghanistan, and secret black sites around the globe.

For more information, visit CCR's [case page](#).

The Center for Constitutional Rights has led the legal battle over Guantanamo for more than 16 years representing clients in two Supreme Court cases and organizing and coordinating hundreds of pro bono lawyers across the country, ensuring that all the men detained at Guantanamo have had the option of legal representation. CCR is responsible for many Guantanamo cases in many venues, representing men in their habeas cases in federal court and before the military commissions and Periodic Review Boards, the families of men who died at Guantanamo, and men who have been released and are seeking accountability in international courts.

^[1] Habeas counsel for Guled Hassan Duran and Sharqawi Abdu Al Hajj have no involvement in this matter and do not confirm or deny any statement or other aspect of this matter.

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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