

2009

executive power

military contractors

rendition

corporate human rights abuse

illegal wiretapping

racial profiling

dissent

preventive detention

habeas corpus

centerforconstitutionalrights

Annual Report

Our Mission

The Center for Constitutional Rights is a non-profit legal and educational organization 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 committed to the creative use of law as a positive force for social change.

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Letter from the Executive Director



In November 2008, we witnessed an extraordinary and historic event in the election of Barack Hussein Obama. This year also saw Sonia Sotomayor join the Supreme Court, the first Latina and only the third woman to sit on that bench. These important milestones in the struggle for racial and gender equality are cause for celebration, reflection and remembrance of the many people who have fought alongside us – even in the darkest days – but were not with us to see these achievements. Now we must take time to assess the landscape before us. What do these momentous events portend for our work to create positive social change? More specifically, will current leadership aid our work in dismantling the national security state?

In thinking about these questions, we would do well to remember what Shirley Chisholm, the first Black woman to be elected to congress, taught us 40 years ago, "[t]hat I am a national figure because I was the first person in 192 years to be at once a congressman [sic], black and a woman proves, I think, that our society is not yet either just or free." Even as we celebrate the change in complexion of some of our government's leaders, we must be prepared for the often vicious backlash from the right that is sure to follow. We must push aggressively and uncompromisingly beyond the status quo and toward the change we want to see in our society and the world.

As the new administration gets down to work,

we see a pronounced chasm between the values Obama extolled on the campaign trail and the policies that he is putting into place as president. And CCR has called him out on it. We launched our 100 Days Campaign to help focus the national debate on issues including indefinite detention, torture, the repression of dissent, and illegal wire-tapping. The campaign culminated in our report card on President Obama's lackluster work in these areas. As a result, the nation now sees what we see: that in more ways than not, Obama has adopted the Bush plan in virtually all of these areas. CCR has also led, and will continue to lead, the national fight for accountability for Bush-era war crimes, bringing home to the United States the push for a criminal investigation that we took to Europe through our universal jurisdiction litigation several years ago.

Importantly, our work attracted the attention of the president himself. For the first time in our history, the Center was invited to the White House to meet with the President of the United States. I was very clear with him that he was on the wrong track and that, like it or not, history will assess the Obama administration, at least in part, on the extent to which it renounces the illegal Bush-era detention and civil liberties policies, brings the U.S. in line with international law, and holds those responsible for illegalities accountable through a meaningful criminal investigation.

President Obama starts negotiating from the middle and has shown an instinct to move to the right at

the first sign of pressure. The right, for its part, is breathing new life into the pernicious tactics that were its stock in trade in the South during the 1960's when CCR was founded. They have found footing by fomenting racism to effectively mobilize angry, hysterical opposition against even the most tepid administration policies. The Supreme Court under John Roberts has the singular mission of closing the courthouse doors to cases that advance and defend the rights of the people in this country. Last year, our allies lost all First Amendment cases, all environmental cases and 8 out of 13 employment discrimination cases before that Court. Congress has yet to even dip its toe into the pool of leadership on the issues that are so important to us, even while significantly undercutting President Obama on his pledge to close Guantánamo. Indeed, one MSNBC commentator noted that there are only 90 people in the entire United States that are afraid to house detainees in U.S. facilities when Guantánamo closes, and all of them are in the Senate.

So, even if President Obama and Justice Sotomayor were bold social justice visionaries, they would, like us, be faced with overwhelming opposition from all branches of government. But it is clear that they are not such visionaries and it remains to be seen whether they will live the values we ascribe to them through their offices. CCR must continue to push. This shouldn't be surprising to anyone, but may be gravely disappointing to many. We must remember that the road to a just and free society is a long one and fraught with severe challenges. For every extraordinary victory that CCR

achieves, there are a thousand losses. For every loss, there are ten thousand stories of injustice that have yet to be told. It is our role to keep pushing for justice no matter who is in the seat of power.

CCR's mission, forged 43 years ago in the fires of the civil rights movement, is simply to fight – and fight hard – for justice, and to defend and expand the rights enshrined in the U.S. Constitution and the Universal Declaration of Human Rights. When those rights are curtailed by government or corporations, we defend those rights. When the government or corporations violate those rights, we put the government and corporations on trial.

For years we have fought the illegal expansion of executive power to detain and spy on people. As we move forward, we will focus our efforts on dismantling the national security state erected by George W. Bush and maintained by Barack Obama. Our strategies on Guantánamo and related issues will continue to shift as the policy debate does. We will also focus on the root causes of much of the injustice in our society through a focus on the expansion of social and economic rights so people can live and thrive in decency. CCR will remain steadfast in our work to create meaningful change in policy and practice, justice for the victims, and accountability for those who are responsible.

A handwritten signature in blue ink, appearing to read "V. Warren".

Vincent Warren

Letter from the President



The first few months of the Obama administration have proven how difficult it is to make change and restore the fundamental rights that were trampled on by the Bush administration. Our 100 Days Campaign called on Obama to restore key constitutional rights within the first 100 days of his administration. Our list of necessary changes included: the closing of Guantánamo and ending of the preventive detention scheme it embodies; an end to military commissions; ending the torture program and accountability for its architects; limitations on the assertions by the government of state secrets used as a weapon to dismiss lawsuits seeking accountability; a reigning in of domestic warrantless wiretapping of U.S. citizens; the stopping of renditions; and an end to the use of signing statements.

While there has been progress in some areas, the majority of Bush policies on these issues have been adopted by the new administration. While we hope Guantánamo will be closed as a physical location, the preventive detention scheme underlying it will apparently become part of our legal landscape. Amazingly, military commissions to try alleged terrorists are back up and running under procedures that will

make conviction easier than in regular courts. That is why such commissions are unacceptable; writing the rules subsequent to the crime is anathema to the rule of law. The torture program appears to be more or less at an end, but accountability for its architects has been taken off the table. Without such a reckoning there is no assurance that another president will not revive the program, but there is every assurance that other countries will feel free to follow our infamous example.

Despite promises to the contrary, invoking state secrets is still employed by the administration to hide embarrassing or illegal conduct including the torture program, to subvert justice for the victims and to prevent accountability in lawsuits against government officials. Nor has there been any change in the warrantless wiretapping practices of the Bush administration.

Obama is continuing the rendition program—simply repeating Bush administration assurances that we would not render someone to a country that tortures. CCR believes that renditions should never be employed. The forcible abduction of a person always involves force and violence, as was recently illustrated

by the first post-Obama case to come to light. President Obama, to our surprise, has continued the practice of signing statements which are an unwarranted assertion of executive power over congressional authority.

This is not to say that we expected change to be easy. We understood the political limitations of a somewhat split electorate and the resistance that the right wing and institutions such as the CIA would have to any efforts to reform and hold accountable those responsible for the disastrous last eight years. Even the mildest of measures taken by the Obama administration are viciously attacked as if those efforts would inevitably open the country to terrorist violence. The recent backlash against the administration for daring to open a limited criminal investigation of CIA agents provides a good example of the difficulty of what we have set out to accomplish.

Despite the antediluvian screaming by the right wing, CCR and many others believe it is absolutely necessary for those who formulated

and implemented the torture program to be held accountable. We have made a major effort to do so and to push the administration into appointing a special prosecutor with a broad mandate to investigate the torture program all the way to the top. From the earliest days of the Bush administration, CCR has sought accountability, whether through our FOIA cases, our *habeas corpus* cases for the Guantánamo detainees, our civil cases on behalf of victims and survivors of torture, and our efforts in Europe at international prosecution of the torture conspirators. We have some faith that the courts, as they occasionally did during the Bush years, will turn back a very dark tide. With continued work and a lot more pressure, this administration can still do the right thing. So far the administration has fallen short. That means we must redouble our efforts.

We are at an historic moment. The sinister policies and practices of the Bush administration must not become rooted in our society. We have only a brief opportunity to permanently undo the Bush legacy. That time is now.



Michael Ratner



International Human Rights

Wiwa v. Shell

CCR celebrated a significant victory this year, obtaining a major settlement agreement in a series of cases on behalf of Nigerian environmental activists suing Shell for human rights abuses in Nigeria.

Royal Dutch Shell (Shell) has a long history of working closely with the Nigerian government to quell popular opposition to its presence in the Niger Delta region. At the request of Shell, and with Shell's assistance and financing, Nigerian

forces used deadly force and oppression against the local Ogoni people to repress a growing movement against the oil company in the early 1990s. In 1995, the "Ogoni 9" activists, including world-renowned writer Ken Saro-Wiwa, were given a sham trial and then hanged. CCR was determined to hold Shell accountable for human rights violations against the Ogoni, and after 13 years of litigation, a trial date was set for 2009.

On the eve of trial, a public settlement was

reached for \$15.5 million. The settlement compensates the plaintiffs who were injured and whose family members were killed, and covers a portion of their legal fees and costs. It also establishes a \$5 million trust to benefit the Ogoni people, including for education, health, community development, and women's programs.

Filed by CCR 13 years ago, and later joined by co-counsel and EarthRights International, these cases are among the first to charge a multinational corporation with human rights violations.



Karadžić Update

Over 13 years after being indicted, Bosnian Serb leader Radovan Karadžić was arrested in July 2008 and is now in the custody of the International Criminal Tribunal for the former Yugoslavia. He is facing criminal prosecution for numerous crimes including genocide, war crimes, murder and inhumane treatment and torture, including physical and sexual violence committed against Bosnian Muslims, Bosnian Croats and other non-Serbs.

In 1993, CCR and co-counsel sued Karadžić for genocide, war crimes and crimes against humanity. Karadžić appeared in the case until defaulting in 1997. In September 2000, a jury awarded a judgment of \$4.5 billion to victims and survivors of his brutal campaign of genocide and torture in Bosnia. Claims of sexual violence were central to the case, with the court citing rape as a form of genocide and torture. The judgment is still outstanding. CCR continues to pursue enforcement of the judgment.



Doe v. Karadžić was the first time that a private person was held liable for violations of international law in U.S. courts under the Alien Tort Statute (ATS), extending accountability for human rights violations to non-governmental entities, including corporations. The ATS, rediscovered by CCR in the landmark 1980 case, *Filártiga v. Peña-Irala*, allows foreigners to sue in U.S. courts for human rights violations committed anywhere in the world.

The statute has become instrumental in holding foreign officials and corporations accountable to the public for human rights violations committed around the globe.

This year, CCR litigated ATS cases against former government officials in Bolivia for attacks on civilian protesters and in Israel for a “targeted assassination” which killed 15 civilians, oil companies for human rights abuses in Africa, and military contractors for murder and torture in Iraq.

This settlement demonstrates that multinational corporations can no longer act with the impunity they once enjoyed.

The struggle for economic and environmental justice will need to continue, both in Nigeria and worldwide. This momentous victory helps to validate CCR’s long-held belief in fighting with creativity and persistence for our principles even when the odds may seem long and even when a successful conclusion may take decades to achieve.

The Center for Constitutional Rights has always worked towards the strengthening of international human rights and humanitarian law. Our work in this area has contributed to a dramatic reshaping of the role of international law in the United States and around the world.

Wiwa is just one of our many cases against former government officials and corporations that use international legal principles in the struggle towards a more universal application of human rights and humanitarian standards around the world.

CCR and our allies launched an international campaign to highlight the issues in this case, including this campaign website at: www.wiwavshell.org



Read more on CCR's website at:
www.CCRjustice.org/Wiwa

Iraqi and foreign mercenary members of a private security company stand on the rooftop of a house in Baghdad as a U.S. Blackhawk helicopter flies over.



Military Contractors in Iraq

Cases Against Blackwater

Blackwater Worldwide is a U.S.-based private company that provides a range of services to U.S. agencies operating in Iraq and other locations – with over one billion dollars worth of government contracts ranging from providing security for U.S. officials, to aviation services, to, as reported in the *NY Times*, a covert CIA assassination program.

CCR, working with lead co-counsel, has two cases against Blackwater (recently renamed Xe) and its founder Erik Prince for shooting Iraqi civilians

in Al Watahba Square in Baghdad in September 2007 and, days later, killing 17 Iraqi civilians in Nisoor Square. *Estate of Himoud Saed Abtan v. Prince, et al.* and *Estate of Ali Hussamaldeen Albazzaz v. Prince, et al.* are on behalf of the families of those killed and injured in the attacks.

The lawsuits allege Blackwater fostered a culture of lawlessness among its employees, encouraging them to act in the company's financial interests at the expense of innocent human life; routinely deployed heavily armed

shooters in urban streets knowing that some were abusing steroids or other judgment-altering drugs; and destroyed evidence of criminal acts.

The Obama administration has continued the use of private military contractors in Iraq, Afghanistan, and beyond. CCR's challenges to the impunity of military contractors remain critical to acknowledging and redressing some of the serious harms done to Iraqis in the course of the U.S. occupation and moving U.S. policy back toward respecting the rule of law.



Torture in Prisons in Iraq

In 2004, the world's attention turned to the torture and humiliation of Iraqi prisoners at Abu Ghraib prison in Iraq. The release of images documenting the horrific abuses led to the court-martial of a few low-level U.S. soldiers. Relatively unexamined, however, is the role played by contractors from two U.S.-based corporations: L-3 Services (formerly Titan Corporation), and CACI International. Although Titan/L-3 and CACI employees were directly involved in the conspiracy to torture Iraqi detainees at Abu Ghraib, no

employee of either company has been convicted of any offense.

In 2004, the Center and co-counsel brought a lawsuit, *Saleh v. Titan and CACI*, on behalf of torture survivors from Abu Ghraib and their families, charging the companies with participating in a conspiracy that included rape and other acts of torture, and assault and killing of Iraqi detainees held at Abu Ghraib and other prisons in Iraq. This case is currently on appeal.

In 2008, CCR and co-counsel filed five new cases against individual torturers and the two private contractors on behalf of new plaintiffs. These cases have been condensed into two lawsuits. *Al-Shimari v. CACI International* is on behalf of four "hard site" victims of torture at Abu Ghraib prison. According to statements by co-conspirators, certain CACI employees directed some of the most egregious torture and abuse at Abu Ghraib. *Al-Quraishi v. Nakhla and L-3 Services, Inc.* is on behalf of 72 Iraqi plaintiffs who were abused at more than 25 prisons in Iraq.

L-3 and CACI claim immunity as government contractors and because these violations arise out of detentions in Iraq. CCR argues that torture is clearly against U.S. and international law and anyone who tortures, no matter who they are, must be held accountable. Survivors of torture at Abu Ghraib and other prisons in Iraq have waited long enough to have their day in court.



CCR has factsheets with more information on these and other issues available at:
www.CCRjustice.org/faqs

End Human Rights Abuse by Military Contractors

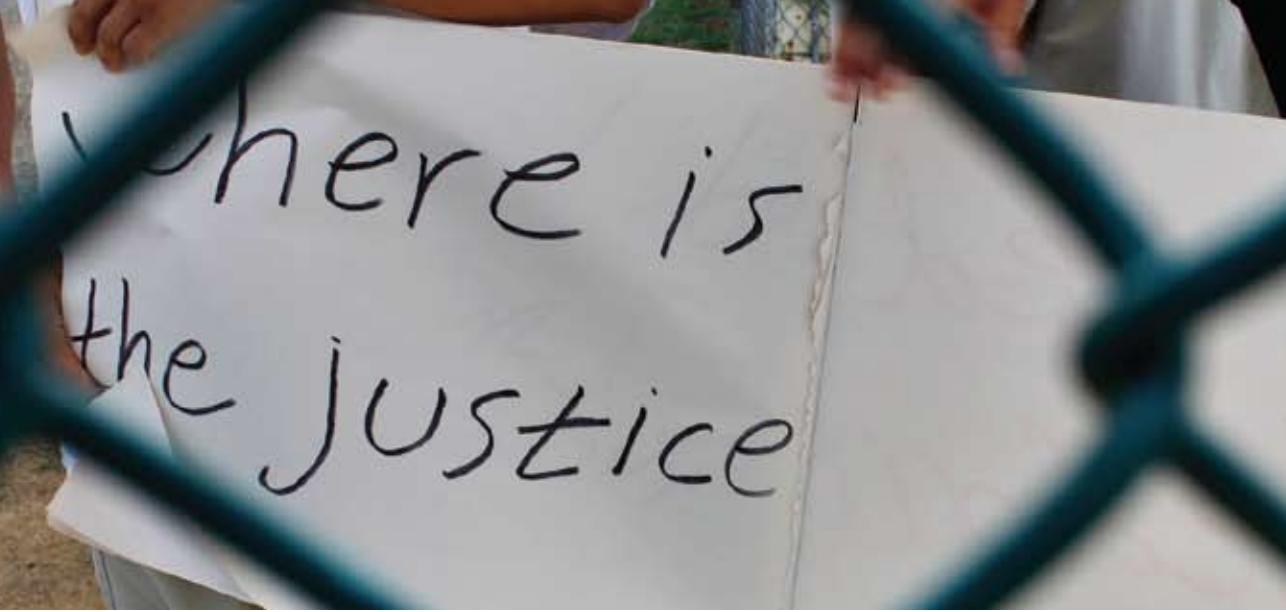
The U.S. government has increasingly been outsourcing functions previously carried out by government employees or members of the military to for-profit corporations. Today, there are more private military contractors than U.S. soldiers in both Iraq and Afghanistan.

After the 2003 invasion of Iraq, dozens of private military companies were hired to support U.S. military and government operations there. These companies provide a vast array of services, ranging from personal security for Iraqi and American officials, to protecting oil facilities and providing armed escorts for "reconstruction" businesses. The contracts are worth billions of dollars.

Titan/L-3 provided translation services for U.S. personnel at Iraqi prisons. CACI provided interrogation services, at one point supplying nearly half of the interrogators at Abu Ghraib. Employees from both corporations were part of the conspiracy to torture Iraqi detainees at Abu Ghraib and other prisons. Employees from another contractor, Blackwater Worldwide, opened fire on Iraqi civilians on at least two occasions, killing dozens of Iraqi civilians. CCR serves as co-counsel in lawsuits brought by Iraqis against all three of these companies.

The use of private contractors is growing dramatically, both domestically and abroad, in areas including: intelligence, homeland security, surveillance, policing and prisons. Hiring private contractors cannot be a route to impunity for illegal acts. Corporations and those who run them must be held accountable for human rights violations.

Guantánamo



Where is
the justice

Since CCR brought the first lawsuit challenging the detentions at Guantánamo Bay over seven years ago, we have been responsible for organizing and coordinating more than 500 *pro bono* lawyers who represent the men still in detention, and have launched a major international effort to repatriate detainees needing asylum in safe third countries.

There are three categories of detainees at Guantánamo. The first and largest group is the people who should never have been picked up, and who could be sent home immediately. The

second group are those who could be released, but who wait in limbo but because their home country routinely engages in torture or other abuses. The real work of closing Guantánamo will be the multilateral effort to find homes for these men: Guantánamo's refugees.

The third and smallest group – those with potential serious criminal charges – need to be charged in regular federal courts, which have proved able to efficiently and fairly try terrorism suspects over the last fifteen years.

President Obama has failed to repudiate the irredeemably flawed military commissions system and spoke of a new preventive detention scheme that would only serve to move Guantánamo to a new location and give it a new name. Military commissions have one purpose: to allow evidence not admissible in real courts – including hearsay, coerced statements and information resulting from torture – and must be abandoned completely. Preventive detention goes against every principle our nation was founded on. We have



Uighur detainees show a protest sign to members of the media at Camp Iguana, Guantánamo.

Guantánamo's Refugees

Within the walls of Guantánamo are approximately 60 men who cannot return home for fear of torture or persecution or because they are stateless. The U.S. put these men in the double jeopardy of being forced to stay in the camp because there is no safe resettlement option. Working with a coalition of habeas co-counsel and NGOs, the Center has instituted international advocacy efforts and is dedicated to ensuring that detainees are transferred out of Guantánamo safely and through a transparent process that must ensure that the men will not be sent into the hands of a torturous regime.

CCR retained a UK-based barrister to coordinate our European resettlement advocacy and has worked with United Nations Special Rapporteurs, the Inter-American Commission on Human Rights, the Council of Europe, the European Union, and European Parliamentarians to garner broader regional support for the resettlement of individuals.

While the U.S. created this human tragedy and legal travesty, it will take a global response to resolve it. Like many at Guantánamo, most of these abandoned detainees were wrongly detained in the first place,



and present no threat to any country. The international community should join us in committing to finding safe havens. These men must not face the impossible choice of continued indefinite detention or forcible repatriation to torture or other abuses.



More information on Guantánamo's refugees is available on our website at:
www.CCRjustice.org/refugees

courts and laws in place that cannot be simply disregarded when they are inconvenient.

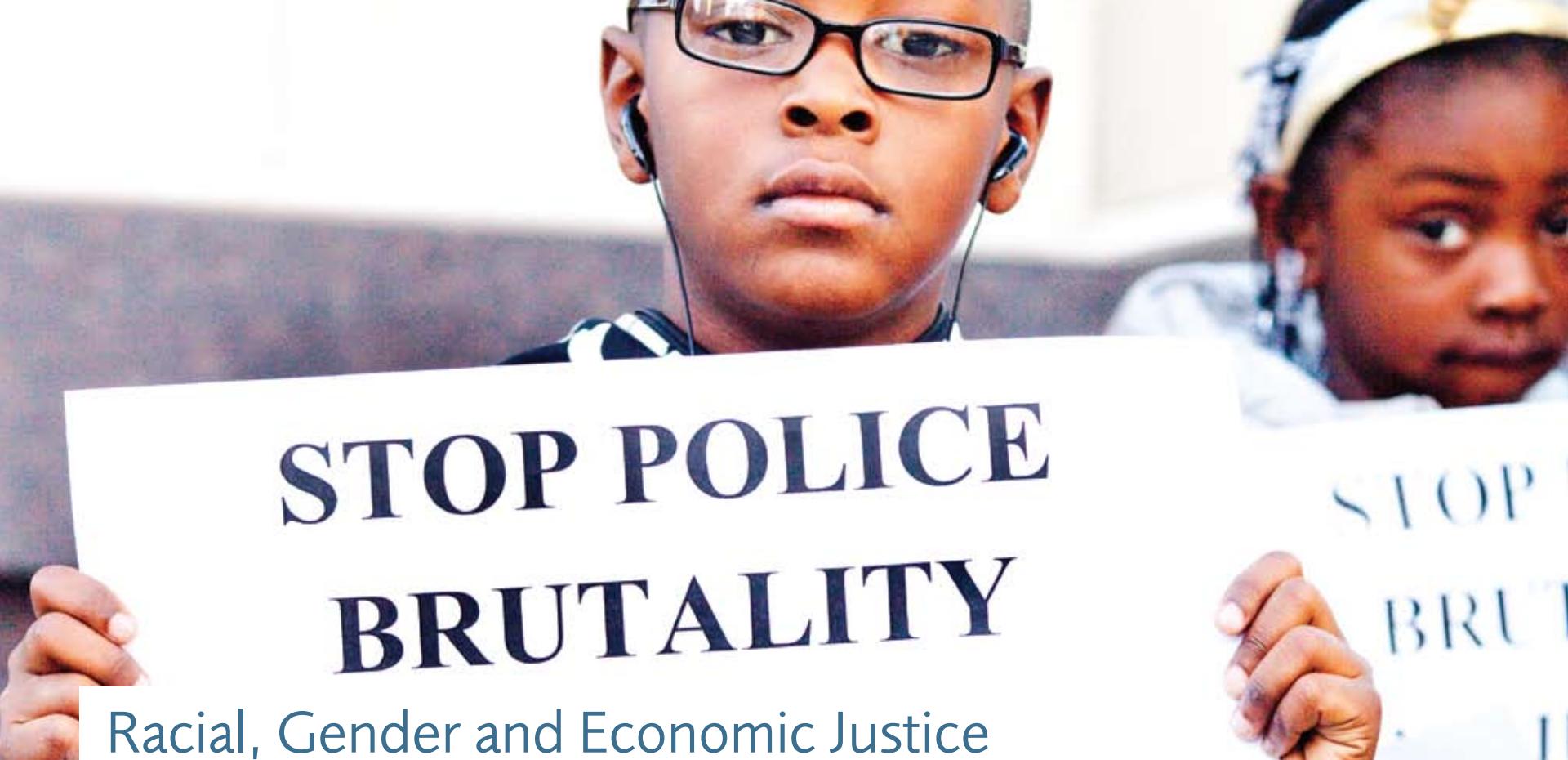
CCR continues to work on behalf of the men who have spent eight years in detention while our government wrestles to find the least embarrassing way to undo its mistakes.

In the wake of CCR's and our allies' Supreme Court victory last year in *Boumediene*, the massive effort of challenging detentions through the *habeas* process continues in federal

courtrooms. Included in this is the case of 13 Uighurs, members of a Muslim ethnic group in China, who face certain persecution and torture if returned to China. After the government failed to defend the legality of their continued detention, a judge ordered them released into the U.S. last October. Yet, after a successful government appeal these men remain in detention and trial courts have interpreted the ruling to mean that even when these men win their *habeas* cases, the court lacks the power to do anything more than order the government to

make diplomatic efforts to release the men.

CCR plays a coordinating role in over 200 cases, as well as directly representing a number of individuals on *habeas* or civil lawsuits. (See our case index on page 25 for more details.) CCR will continue to work on behalf of the detainees and to uphold constitutional principles until Guantánamo is closed and all of the men have been charged or safely released. It is time to bring an end to this sad episode in the history of human rights.



Racial, Gender and Economic Justice

Policing and Prisons

Continuing CCR's groundbreaking work on the *Daniels* case which forced NYC to collect and turn over information on "stops," CCR's current police accountability work includes a class action lawsuit against the NYC Police Department (NYPD) for racial profiling and unconstitutional stop-and-frisks. *Floyd v. City of New York* represents hundreds of thousands of New Yorkers who have been stopped on the way to work, in front of their houses, or walking down the street without any cause, primarily because they were men of color.

Floyd attempts to fully enforce the consent decree issued in our landmark *Daniels* case. CCR produced a report analyzing NYPD stop-and-frisk data obtained in the course of this litigation. The data revealed that police stops increased by more than 500% between 2002 and 2006, with Blacks and Latinos accounting for an overwhelming number of those stopped. The full report and the supporting data are available on our website.

In addition to the litigation, the Center has formed a Police Accountability and Transparency

Project – working in partnership with community-based groups in New York City to develop educational materials and accountability mechanisms to address all aspects of police misconduct, including training, supervision, oversight, and appropriate disciplinary measures. Improving policing in New York City can serve as a model for reforming police departments throughout the nation.

CCR remains active in the movement for police accountability, particularly as it relates to



"We were deprived of our rights and abused simply because of our religion and the color of our skin. I am still waiting for justice more than six years later."

—Yasser Ebrahim, a client in *Turkmen v. Ashcroft*

rounded up and held for up to nine months on minor immigration violations in the post 9-11 sweeps. While detained in New York and New Jersey, the men were subjected to restrictive confinement conditions with some suffering severe physical, verbal, or religious abuse. We are pursuing discovery as we await a decision on a cross-appeal.

In May, the Supreme Court issued a disappointing decision in a similar case on behalf of former post-9/11 immigration detainees: *Iqbal v. Ashcroft*. The decision severely limits plaintiffs' abilities to sue high-level officials by requiring detailed factual allegations proving the official's actions intended to discriminate against a group of people. This type of information about an official's state of mind is difficult to prove and rarely available, even with full discovery. CCR had filed an *amicus* brief in *Iqbal* on behalf of our clients in *Turkmen*.

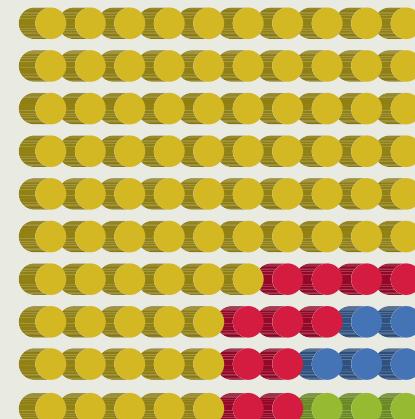
Immigrant detention is the fastest growing form of detention in the United States. See the case index beginning on page 25 of this report for information on CCR's other cases defending non-citizens and challenging this disturbing trend.

immigrants and young men of color. CCR sees a clear connection between our work to end the U.S. overseas torture program to the problem of domestic police abuse – including the use of private contractors, extended solitary confinement of prisoners, and other forms of torture and abuse – in communities and detention facilities within the United States.

Targeting of Immigrants

In 2002, CCR filed *Turkmen v. Ashcroft* on behalf of non-citizen detainees who were

Racial Disparity in NYPD Stops-and-Fisks: CCR's Preliminary Report, 2005 through June 2008



- 81% Black/Latino
- 11% White
- 5% Other
- 3% Asian/Pacific Islander

Data released as part of CCR's ongoing racial profiling case, *Floyd v. City of New York*, shows that New York City Police Department's stop-and-frisk practices are on the rise, with nearly 1,600,000 stops in the 3 1/2 years beginning in 2005. Over 80% of those stops targeted Blacks or Latinos while 11% were of Whites.



CCR's full report and the supporting data is available at:
www.CCRjustice.org/stopandfrisk

Racial, Gender and Economic Justice

Employment Discrimination

The struggle for racial and gender equality must include achieving economic justice for women and racial minorities. CCR has a series of employment discrimination cases on behalf of women and minorities who are being unfairly excluded from, or marginalized in, the workplace.

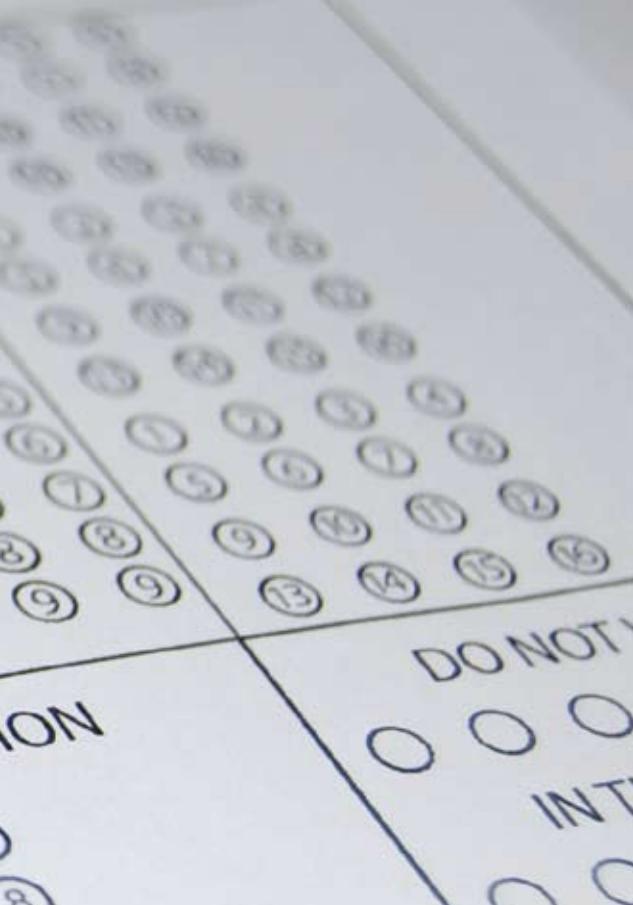
CCR has partnered with the Vulcan Society, the organization of Black firefighters in New York City, to take a stand against the discriminatory entrance exam used by the Fire Department of New York (FDNY). After our successful Equal

Employment Opportunity Commission (EEOC) filings, the U.S. Department of Justice decided to file a lawsuit against the city, charging that the test disproportionately disqualifies Black and Latino applicants in a way that does not relate to job skills.

When the first EEOC charge was filed New York City's fire department was 2.9 percent Black, in a city whose Black population is 27 percent. Five years later, those numbers had still not changed. The FDNY has by far the worst minority hiring record of any major city in America. CCR has

joined the DOJ lawsuit, now called *U.S.A. and Vulcan Society v. City of New York*, and continues to work with the Vulcan Society towards increasing racial diversity in the FDNY.

Another challenge to discriminatory testing is CCR's case on behalf of New York public school teachers of color. *Gulino v. Board of Education* represents teachers who were demoted for not passing a test – often losing licenses, seniority and having their salaries reduced drastically – yet still retained in the same teaching positions on a per diem basis.



Victory for Women's Reproductive Freedom

CCR represents a group of feminist activists who challenged Food and Drug Administration (FDA) policies regarding the Morning-After Pill (also known as "emergency contraception" or by the brand name Plan B). Decades of scientific research and testimony from women show that the Morning-After Pill is effective and safe as an over the counter self-medication. Restrictions on access to the drug are motivated by anti-birth control politics and political pressure, not science.

Following legal and organizing pressure, the FDA had approved the switch of Plan B from prescription only to over-the-counter use in 2006, but only for women 18 and older. In practice, this meant that Plan B could only be obtained from behind a pharmacy counter for women 18 and older, and only if they show identification.

The lawsuit, *Tummino v. Hamburg*, asked the court to order the FDA to make Plan B available to women of all ages and without any behind-the-counter restrictions or identification requirements. In March, the court agreed that the FDA had put politics before



women's health when it limited access, ordering the agency to reconsider its decision and to extend over-the-counter access to 17-year-olds in the meantime. This is a major victory that expands reproductive rights and access to contraception for women all over the country.

CCR worked in support of the Center for Reproductive Rights on this case. The activist clients are organizers with the Morning-After Pill Conspiracy. For more information visit their website at www.nationalwomensliberation.org.

CCR is also defending the religious freedom and First Amendment rights of Sikh transit workers. *Harrington v. MTA* is on behalf of a subway motorman who was ordered by the Metropolitan Transit Authority of New York to either wear an MTA cap instead of his turban or choose a yard job out of sight of the public.

Women's Reproductive Rights

In March, CCR scored a major victory when a federal court ruled that the Food and Drug Administration (FDA) must reconsider its policies regarding the Morning-After Pill, often referred to

by its brand name, *Plan B*. The agency must now make the Morning-After Pill available to women 17 and older without a prescription and has to review the age and other restrictions currently placed on the drug through reconsideration of a "Citizen's Petition" previously filed by numerous reproductive health organizations and advocates.

The case, *Tummino v. Hamburg*, charged that the FDA bowed to political pressure from the Bush administration when it imposed medically unnecessary age restrictions on a drug that is safe and effective. The agency violated women's

constitutional rights to privacy and equal protection by unlawfully restricting access to contraception and discriminated against women, who are the exclusive users of Plan B.

CCR has been supporting the feminist movement and the struggle for women's reproductive freedom since bringing the country's first abortion rights cases in the 1960's. Unrestricted access to the Morning-After Pill is an important step towards realizing women's liberation through the ability to control the direction of their lives by choosing if, or when, to have children.



Accountability for Torture

Since the first days of the public revelations regarding the Bush administration's torture program, the Center for Constitutional Rights has made efforts to hold high level officials and their lawyers accountable for their crimes.

European Cases:

When it became apparent that the Bush administration and Congress would not properly investigate and punish those responsible for serious violations of U.S. and international law, CCR and our co-counsel and allies in Europe

launched criminal lawsuits in Europe under the principle of universal jurisdiction.

CCR has now tried three times, twice in Germany and once in France, to bring criminal cases in Europe against former Defense Secretary Rumsfeld, former CIA director George Tenet, and former White House Counsel/former Attorney General Alberto Gonzales as well as the other lawyers who were part of the conspiracy that authorized the torture program in Guantánamo, Iraq, secret CIA sites, and elsewhere. CCR

also has torture cases pending in U.S. courts.

In one of the German cases, the prosecutor found that there was "no indication" that the U.S. would "refrain" from investigating these allegations, and dismissed the case. Our motion for reconsideration was denied.

Those who bear the greatest responsibility for the torture policy and practices employed by the United States must be held individually criminally responsible. (The center spread of



Despite the health professions' universally recognized duty to do no harm, doctors and psychologists have played a key role in the U.S. government's policy of torture in its overseas prisons. They crafted and justified torture tactics, inflicted pain, oversaw abuse and enabled, covered up and turned a blind eye to cruel treatment. CCR launched our "When Healers Harm" campaign as part of our efforts to hold accountable those most responsible for torture and abuse.

Most torture regimes - even ones as old as the Holy Roman Empire and as notorious as the Nazi government during World War II - have relied on health professionals to facilitate torture. It is critical that we also explore the role of health professionals in our systems of injustice at home - since our mainland prisons are no strangers to abuse. Wherever torture and abuse occurs, it is time to hold accountable the healers who have harmed.

this report has more information on our work towards prosecutions in the U.S.) If the United States does not initiate a meaningful criminal investigation, then other venues must be pursued to ensure that justice is done.

When Healers Harm

This year, CCR expanded its accountability efforts to include government and contractor health professionals who have been involved in the torture program at both policy and operations levels.

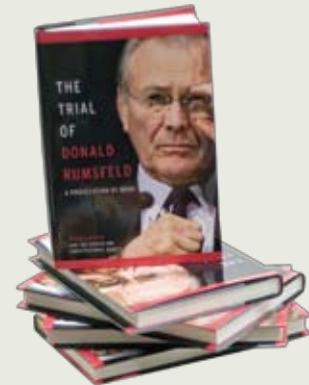


More information on CCR's work to hold health professionals accountable for torture is available on the campaign website: www.whenhealersharm.org

A Prosecution by Book

As part of our ongoing efforts to hold Bush administration officials criminally responsible for war crimes, CCR released *The Trial of Donald Rumsfeld: A Prosecution by Book*.

Presented in the form of a court case brought by CCR, the book lays out the proof that high-level officials ordered, authorized, implemented, and permitted war crimes, in particular the crimes of torture and cruel, inhuman, and degrading treatment in the name of fighting the "war on terror."



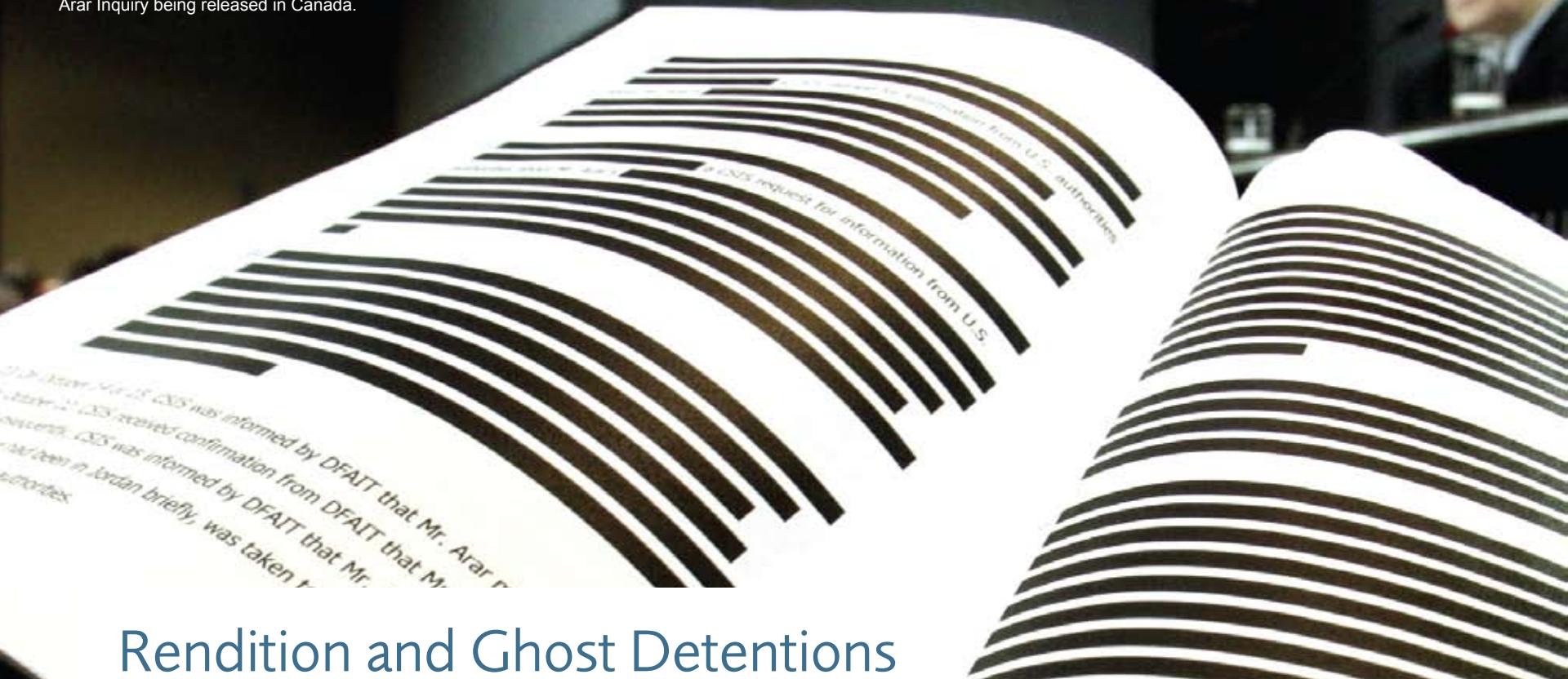
The right of every human being to be free from torture and cruel, inhuman, or degrading treatment is universal and absolute. Under the laws of war, commission of such acts constitutes war crimes. War crimes and acts of torture are some of the most serious international crimes that exist. They are an attack on humanity as a whole, and it is in the interest of all that the authors of these crimes be prosecuted. For these reasons, international law provides that all states have an obligation to prosecute the alleged perpetrators of these crimes or turn them over to another state for prosecution.

This obligation applies regardless of the nationality of the perpetrator, the nationality of the victim, or the place where the crime was committed, and applies regardless of the rank or political station of the perpetrator up to and including heads of state. This is the principle of universal jurisdiction.

- From *The Trial of Donald Rumsfeld: A Prosecution by Book* by Michael Ratner and the Center for Constitutional Rights



Read more on CCR's website at:
www.CCRjustice.org/trialofrumsfeld



Rendition and Ghost Detentions

Arar v. Ashcroft

In 2002, Maher Arar, a Syrian-born Canadian, was detained at JFK airport while changing planes on his way back to Canada. He was interrogated, detained for two weeks, denied his right to go to court, and sent to Syria where he was tortured and held in a grave-like cell for ten months. Mr. Arar was returned to Canada in 2003 and was eventually cleared of all allegations by a Canadian government inquiry. He was never charged with any crime. *Arar v. Ashcroft* charges former Attorney General Ashcroft and

other officials with violating Mr. Arar's right to be free from torture and arbitrary detention as well as his right to have access to a court.

The case was dismissed primarily on national security grounds in 2006, and a majority of a three-judge Second Circuit Court of Appeals panel affirmed the dismissal on similar grounds. However, the full Second Circuit Court of Appeals (twelve judges) reheard Mr. Arar's appeal in December 2008. The argument was aired by C-SPAN and can be viewed on our website. Mr.

Arar continues to speak out on behalf of human rights as he awaits the Court's decision on whether this case can proceed. He remains on a "watch list" and is not allowed to enter the United States.

Ghost Detentions

CCR is participating in two Freedom of Information Act (FOIA) lawsuits seeking records pertaining to secret detentions, extraordinary rendition and torture. This information is critical to many of our civil cases and for exposing abuses committed under the guise of the so-called "war on terror."



Extraordinary Rendition

Extraordinary rendition is the forced transfer of a person from one country to another in order to hold that person with no legal oversight and to conduct interrogations under torture. Suspects are put on planes and secreted off to either a prison run by cooperative countries in the Middle East or Central Asia, or to one of the CIA's own covert prisons, also called "black sites."

Since September 11, 2001, the Bush administration used extraordinary rendition to covertly transport an estimated 150 persons—and possibly more—for detention and interrogation as part of the so-called "war on terror." Victims of extraordinary rendition are sent to countries where torture is routinely practiced on detainees. CCR represents rendition victims Maher Arar, who was sent to Syria where he was tortured and jailed for a year before being returned home to Canada, and Majid Khan, who was detained in secret for years before being transferred to Guantánamo Bay.



CCR and Witness Against Torture coordinated a rally and procession to the courthouse before the *en banc* Court of Appeals argument in *Arar v. Ashcroft*.



For more information on this case, including interviews with Maher Arar and video of the Court of Appeals argument, visit: www.CCRjustice.org/Arar

ACLU, CCR, et al. v. Department of Defense charges that government agencies illegally withheld records concerning the abuse of detainees in American military custody. *Amnesty International, CCR, et al. v. CIA, Department of Defense, et al.* seeks information about "disappeared" detainees, including those at CIA 'ghost' sites, and has produced thousands of documents so far. These documents, even in their heavily redacted form, confirm the existence of secret prisons at Bagram (Afghanistan) and in Iraq; affirm the DOD's cooperation with the CIA's ghost

detention program; and show the DOD delayed the release of cleared Guantánamo prisoners for a month and a half merely to avoid embarrassing press coverage.

It is clear this is only the tip of the iceberg and that most agencies have not complied with President Obama's memo promising more transparency in government, including Freedom of Information Act (FOIA) requests. CCR will continue to work towards exposing these abuses and ending torture and illegal detentions wherever they occur.

"This is who I am. I am a father and a husband. I am a telecommunications engineer and entrepreneur. I have never had trouble with the police, and have always been a good citizen. So I still cannot believe what has happened to me, and how my life and career have been destroyed." — Maher Arar



Government Abuse of Power

Illegal Surveillance

Since at least 2001, the U.S. Government has worked with major telecommunications companies in a massive program of illegal surveillance of individuals' communications. The Center for Constitutional Rights is continuing our work to expose and challenge this program.

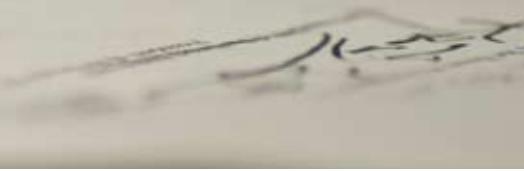
Shortly after details of the program were released, CCR filed *CCR v. Bush*, charging that the program was illegal and seeking an injunction that would prohibit the government from

conducting warrantless surveillance of communications in the U.S. This case is still pending, although Congress has since passed legislation intended to legalize part of this program.

Wilner v. NSA is a Freedom of Information Act (FOIA) lawsuit demanding records of wiretapping of 16 attorneys who represent Guantánamo detainees. The plaintiffs – who include CCR staff attorneys Gitanjali Gutierrez and Wells Dixon – may have been the subjects of the National Security Agency (NSA) warrantless wiretapping program.

The agency is refusing to either confirm or deny the existence of any relevant materials, claiming that to do so "would reveal information about the NSA's capabilities and activities." It would be unconstitutional and illegal to eavesdrop on lawyers without a warrant, and FOIA exemptions cannot shield illegal conduct. The new administration has no legal basis for refusing to come clean about any violations of attorney-client privilege by the NSA.

George W Bush extending the "Protect America Act" (PAA): an amendment to the Foreign Intelligence Surveillance Act (FISA) that removed the warrant requirement for government surveillance of some foreign intelligence targets. Later, the FISA Amendments Act of 2008 reauthorized many provisions of the PAA.



Challenging the "Material Support" Provisions

The 1996 Anti-Terrorism and Effective Death Penalty Act made it a crime to provide "material support" to any organization designated by the U.S. State Department as a "Foreign Terrorist Organization." Expanded by the USA PATRIOT Act and an executive order by President Bush, these provisions violate the First Amendment and amount to guilt by association by criminalizing support that is intended to promote the lawful activities of a designated organization.

Abuse of the State Secrets Privilege

During its tenure, the Bush administration sought to centralize power in the executive in order to carry out its policies without oversight by any other branch of government. In the name of the "war on terror," the government spied on American citizens, tortured and abused detainees in Iraq, Afghanistan, Guantánamo and CIA "black sites" and carried out abuses of human rights around the globe in defiance of U.S. and international law.

When these unconstitutional actions were challenged in court, the administration resorted more than any previous one to invoking the "state secrets privilege," in attempts to prevent these challenges from ever being heard by a court of law. This privilege allows the head of an executive department to refuse to produce evidence on the grounds it would harm national security or foreign relations interests if disclosed.

The Bush administration frequently invoked the privilege in order to dismiss cases altogether, attempting to use it to cover up government abuses and criminal activities and to block embarrassing disclosures. This abuse of the state secrets privilege

undermines the very idea of an independent judiciary; contradicts the core idea of judicial review, in which independent judges make independent evaluations of all of the facts; and essentially allows the executive branch to dictate to the federal courts what cases they can and can't hear.

In addition to challenging NSA warrantless wiretapping, *CCR v. Bush* challenged the abuse of this doctrine by the Justice Department. In this case, which is fundamentally about Americans' right to be free of unchecked government surveillance, the government professed its own need for secrecy in order to block scrutiny of blatantly unlawful actions and asked the judge to dismiss the case without reviewing the evidence. CCR's extraordinary rendition case, *Arar v. Ashcroft*, was also met with "state secrets" claims. (See p. 18 of this report for more on that case.)

The judicial system must serve as a check upon the power of the executive. Preventing judges from seeing the evidence in question is an end run around judicial review and an unacceptable shield for government lawbreaking.

Under these provisions it is a crime to provide support, including humanitarian aid, literature distribution and political advocacy, to any foreign entity that the government has designated as a "terrorist" group. CCR has been tackling these provisions in court for nearly ten years, with a series of cases on behalf of the Humanitarian Law Project, a Los Angeles-based non-profit that advocates for the peaceful resolution of armed conflicts, and Tamil-American aid groups which sought to provide tsunami relief in areas of Sri Lanka that are controlled by

a designated organization. The case is pending review at the Supreme Court under the consolidated case name: *Holder v. Humanitarian Law Project*.

The Center for Constitutional Rights has always taken a stand when government oversteps its constitutionally defined boundaries and abuses its power. In an era that has been marked by a culture of secrecy paired with a dramatic increase in the reach of the executive branch, these challenges remain vitally important.



Attacks on Dissent

The Center for Constitutional Rights, founded out of the Southern civil rights movement, has always represented demonstrators who have been wrongfully arrested and movements that have been infiltrated and spied on. The right to political dissent is a fundamental and necessary liberty in any democratic society. The Bush era saw a rise in the criminalization of dissent, from the surveillance of activists and the federalization of local law enforcement, to the labeling of activists as "terrorists."

In 2003, for meetings of the Free Trade Agreement of the Americas (FTAA) in Miami, authorities adopted a repressive approach to policing protests that came to be known as the "Miami model"—the extreme use of surveillance, brutal force, and mass arrests, that effectively suspended the First and Fourth Amendments in the city. This year we reached a settlement agreement in a FTAA protest case, *Bell v. Miami-Dade County*, on behalf of 29 activists, including a CCR staff attorney, who were arrested at a jail solidarity vigil for others arrested earlier.

The Center celebrated another victory for the right to dissent with a major settlement for over 70 protesters who were arrested outside the NYC offices of an affiliate of the Carlyle Group, a defense-related investment firm with financial ties to the Bush and bin Laden families. The protesters were illegally arrested, detained for excessive periods of time and denied access to their lawyers. CCR sued for violations of the First, Fourth, and Fourteenth Amendment. The lawsuit, *Kunstler v. City of New York*, settled for \$2 million.



The Animal Enterprise Terrorism Act: The Most Dangerous Domestic Terror Law You've Never Heard Of

In 2006, the Animal Enterprise Terrorism Act (AETA) became law. Presented as a way to crack down on violent extremists, the bill in fact criminalizes legal, constitutionally protected activity in order to silence political dissent.

The AETA primarily targets animal rights and environmental activists, but is written in language so broad that it can be read to cover many types of political activism. It uses a broad definition of "terrorism" that includes protest that causes a company, or "animal enterprise," to lose profits. It even extends to attempting to interfere with an animal enterprise company, even if no economic damage actually occurs. Use of the internet in conjunction with these actions is sufficient to trigger prosecution under this federal criminal law. Put another way, if you and a friend go on the web to research a company whose practices you plan to protest, you may have just become a terrorist.

CCR is currently defending four animal rights activists in the first prosecution under the AETA. Our clients in this case, *USA v. Buddenberg*, are accused of chanting, making leaflets and writing with chalk on the sidewalk in front of a senior bio-researcher's house, as well as using the internet to research the company whose actions they planned to protest. They are charged with acts of animal enterprise terrorism.

The AETA is a serious threat to free speech. Part of a larger effort by corporate interests to use the terrorism label to constrain social activism, it is one of the most extreme pieces of legislation to come out of the last eight years. The Center for Constitutional Rights, in partnership with the Civil Liberties Defense Center and grassroots activists around the country, has launched the Coalition to Abolish the AETA to put an end to this repressive legislation and to protect your right to dissent.

The "Green Scare"

The "Green Scare" refers to recent government targeting of environmental and animal rights activists under the guise of fighting terrorism. The federal government, at the behest of corporate industry groups, increased the surveillance and intimidation of activists in these movements, as well as the severity of criminal penalties, declaring the animal rights movement "the number one domestic terrorism threat."

CCR joined the defense team in *United States v. Buddenberg*, the first criminal prosecutions

under the Animal Enterprise Terrorism Act (AETA). CCR is mounting a direct challenge to the constitutionality of the act arguing the law violates the First Amendment and Due Process.

From our beginnings in the Southern civil rights movement, CCR has always worked to defend activists and organize legal support for political movements. Our commitment to standing up to the silencing of dissent and the targeting of political activists has never been more necessary.



Learn more and join
the campaign at:
www.CCRjustice.org/anti-AETA

Letter from the Legal Director

Why I Am at the Center for Constitutional Rights

I joined the Center for Constitutional Rights as Legal Director in May and it feels like I have been building towards this job for over 30 years.

My ties to CCR go back 30 years, to my first job out of law school as the law clerk for legendary New Orleans civil rights lawyer and CCR founder Ben Smith. I went on to become a civil and human rights lawyer in New Orleans where I fought for voting rights, decent public housing, quality public education, ending homelessness, creating a living wage, justice after Katrina, and against police brutality and sanctions against Iraq, the death penalty, and the imprisonment of political prisoners in Haiti.

Along the way, groups of public housing grandmothers, Haitian revolutionaries, as well as peace and community activists took me in and trained me in social justice advocacy and solidarity. Together, we went to housing developments, classrooms, shelters, death row chambers, military installations, and the back streets of Baghdad and Port au Prince. We sued, marched, boycotted, demonstrated, petitioned, lobbied, sang, prayed, sat in, blockaded, did vigils, poured blood, witnessed deaths, got shot at and got arrested for standing up for human rights. For a stretch of over 15 years, I was privileged to teach and practice social justice lawyering at Loyola University's Poverty Law Center and Social Justice Clinic.

Joining CCR I have found a community of staff, directors, board members and allies working furiously to challenge the status quo in our courts, in the media, and in our communities, and to further social justice work and support movements for change.



This annual report demonstrates both the challenges we are up against and the tremendous energy and passion that CCR staff and supporters bring to this work. The index of cases that follows represents a truly stunning breadth and depth of work and an audacity of spirit that is exhilarating and at times daunting. The good news is that CCR is up to the task.

Looking ahead, I see CCR continuing our efforts to prosecute President Bush and his torture team, to hold private military contractors accountable for the damage they caused, to challenge the racist prison system of this country, and to close Guantánamo once and for all.

New CCR work on the horizon will expand our commitment to international human rights, particularly in the areas of economic and social rights. I also look forward to helping CCR get back to its roots in the South with new cases along the Gulf Coast. We will actively support Gulf Coast struggles for rebuilding, especially for low-income and marginalized groups. We will remain strongly supportive of the right to dissent by representing protesters, targeted press, and marginalized groups like animal rights activists.

On a personal level, it is clear to me that CCR is the place I belong at this important moment in history – the logical next step on my 30-year journey as a social justice lawyer. Thank you to all of you who have stood by CCR in these difficult years and who will be there with us in our work to restore our rights and move forward on opportunities in the future.

A handwritten signature in black ink that reads "Bill Quigley".

Bill Quigley

Case Index

Below is an index of cases and *amicus* briefs that CCR litigated or filed during this past year. In addition, we are continuously developing new cases and working closely with progressive attorneys and other organizations on a host of constitutional and human rights issues.

Guantánamo Habeas Cases

Al-Qahtani v. Obama

Habeas corpus petition for Mohammed al Qahtani, who suffered physical and psychological torture when he was subjected to the extraordinarily abusive "First Special Interrogation Plan," a regime of "systematic enhanced interrogation techniques" authorized by Donald Rumsfeld.

Status: pending in D.C. District Court

Ameziane v. Obama

Habeas corpus petition on behalf of Djamel Ameziane, an Algerian man who requires urgent resettlement protection. Mr. Ameziane has never been charged with any crime and fears forced repatriation to Algeria.



CCR Client Djamel Ameziane.

Status: pending in D.C. District Court

Ameziane v. United States

First ever Inter-American Commission on Human Rights (IACtHR) petition and request for precautionary measures filed on behalf of a Guantánamo detainee Djamel Ameziane, an Algerian man who has been severely abused

at Guantánamo Bay and is at risk of continued serious harm if forcibly transferred to Algeria. He is seeking third country resettlement.

Status: urgent precautionary measures granted in August 2008; petition pending before the IACtHR

Barre v. Obama

Habeas corpus petition filed on behalf of Mohammed Barre, a United Nations High Commissioner for Refugees mandate refugee from Somalia. Mr. Barre has never been charged with any crime and wishes to return to his family in Somaliland, an autonomous, stable region in northwestern Somalia.

Status: pending in D.C. District Court

Khan v. Obama

Habeas corpus petition filed on behalf of Majid Khan, who was held and tortured in CIA secret detention for several years prior to his transfer to Guantánamo. Because the government has classified Khan's experiences in CIA detention, access to our client is subject to extraordinary security and censorship procedures.

Status: pending in D.C. District Court

Khan Tumani, et al., v. Obama

Habeas corpus petition filed on behalf of Syrian father and son, Abdul Nasser and Muhammed Khan Tumani, detained at Guantánamo Bay. Muhammed was still a juvenile when he was originally detained with his father. Despite being

Guantánamo

imprisoned at the same facility, Muhammed has been held in solitary confinement in Camp 6 and separated from his father for years.

Status: pending in D.C. District Court

Kiyemba v. Obama

Consolidated *habeas corpus* petition for ethnic Uighurs captured by bounty hunters, sold to the U.S. military and detained at Guantánamo Bay. Despite being found not to be enemy combatants and ordered released by a U.S. federal judge, some of the Uighurs still remain in Guantánamo awaiting an offer of resettlement from a safe third country.

Status: ordered released into U.S. in October 2008; Court of Appeals reversed; petition for *certiorari* review in Supreme Court is pending

Taher v. Obama

Habeas corpus petition for Mohammed Taher, one of the remaining 95 Yemenis in Guantánamo. Yemenis comprise over one-third of the remaining Guantánamo population due to breakdowns in negotiations between the U.S. and Yemen regarding their return.

Status: pending in D.C. District Court

Zalita v. Obama

Habeas corpus petition involving the first legal challenge brought by a Guantánamo detainee to an intended transfer to his native country, Libya, where he would likely face torture or execution.

Status: pending in D.C. District Court

Guantánamo

Guantánamo Civil Cases

Al Laithi v. Rumsfeld

Civil suit for damages filed on behalf of an Egyptian doctor who is now confined to a wheelchair due to the torture and mistreatment he experienced at Guantánamo Bay.
Status: stayed pending outcome of appeals in *Rasul v. Rumsfeld*

Al-Zahrani v. Rumsfeld

Civil suit for damages on behalf of the families and estates of Yasser Al-Zahrani and Salah Ali Abdullah Al-Salami, two Yemeni men who died while in U.S. custody at Guantánamo Bay in 2006.

Status: pending in D.C. District Court; government's motion to dismiss will be briefed during fall of 2009

Boumediene et al. v. Bosnia and Herzegovina (amicus)

The first case on behalf of Guantánamo detainees before an international tribunal, this case at the European Court of Human Rights addresses the responsibility of countries that assisted the U.S. in transferring men to Guantánamo for the violations that occur there.

Status: the European Court of Human Rights ruled the application inadmissible

Celikgogus v. Rumsfeld

Civil suit for damages against Donald Rumsfeld and others responsible for the detention, torture and mistreatment of five men illegally detained in Guantánamo for years, including two men detained for more than four years and released years after being classified as non-enemy combatants.

Status: stayed pending outcome of appeals in *Rasul v. Rumsfeld*



The "Tipton Three." From left: Shafiq Rasul, Rhuhel Ahmed, and Asif Iqbal.

Rasul v. Rumsfeld

Civil suit for damages against former Secretary of Defense Donald Rumsfeld on behalf of four British former detainees seeking damages for their arbitrary detention and torture while detained at Guantánamo.

Status: Court of Appeals dismissed all claims; Supreme Court reversed for reconsideration in light of *Boumediene*; Court of Appeals again dismissed all claims on sovereign immunity and qualified immunity grounds; petition for *certiorari* review in Supreme Court is pending

International Law and Accountability

Human Rights Abuse by Military Contractors in Iraq

Al-Shimari v. CACI

Al-Quraishi v. Nakhla and L-3

Saleh v. Titan

Lawsuits on behalf of nearly 340 Iraqi civilian detainees alleging that individual military contractors and the corporations that hired them (CACI and L-3), participated in a torture conspiracy at Abu Ghraib and other detention facilities in Iraq.

Status: *Saleh* appeal is pending following oral argument in February. In *Al Shimari*, CACI's motion to dismiss was denied; CACI's petition for interlocutory appeal is pending. In *Al-Quraishi*, Defendants' motions to dismiss were briefed and argued; a decision is pending



Mr. Al-Janabi, a plaintiff in *Al-Quraishi v. Nakhla* and L-3, was held and tortured at Abu Ghraib prison for nearly a year.

Estate of Himoud Saed Abtan v. Erik Prince

Suing the private military contractor, Blackwater, on behalf of Iraqi plaintiffs injured or killed when Blackwater shooters opened fire at Nisoor Square in Baghdad, September 2007.

Status: voluntarily dismissed in the District of Columbia and re-filed in the Eastern District of Virginia, where preliminary motions are pending

Estate of Ali Hussamaldeen

Albazzaz v. Erik Prince

Suing the private military contractor, Blackwater, on behalf of two Iraqi civilians killed near Al Watahba Square in Baghdad in September 2007.

Status: voluntarily dismissed in the District of Columbia and re-filed in the Eastern District of Virginia, where preliminary motions are pending

Corporate Human Rights Abuse

Bowoto v. Chevron

Part of a team suing Chevron for its involvement in a helicopter-borne attack killing unarmed environmental protesters in Nigeria in 1998 and 1999.

Status: lost at trial – appealing based on the district court's trial errors

Corrie v. Caterpillar

Suing Caterpillar, Inc. for selling D9 bulldozers to the Israel Defense Forces knowing they would be used to unlawfully destroy homes and endanger civilians.

Status: petition for rehearing was denied, ending the case on grounds that it would interfere with U.S. foreign policy

Kiobel v. Royal Dutch Petroleum (amicus)

Arguing that the executions of the Ogoni 9 in Nigeria constitute extrajudicial executions under international law and are justiciable in U.S. Courts.

Kiobel v. Royal Dutch Petroleum (amicus)

A second amicus in this case regarding the legal definitions of crimes against humanity, arbitrary arrest and detention, and cruel, inhuman or degrading treatment or punishment.



Photo: Qaid Jacobs

CCR clients in *Wiwa v. Shell*, Karalolo Kogbara (left) and Friday Nuate (right) with CCR attorney Maria LaHood (center).

Wiwa v. Royal Dutch Shell

Wiwa v. Anderson

Wiwa v. Shell Petroleum

Development Company

13-year-long battle on behalf of Ogoni human rights defenders and their relatives suing Shell for complicity in torture, arbitrary detention and extrajudicial killings in Nigeria.

Status: settled on the eve of trial for \$15.5 million to compensate plaintiffs and to establish a trust fund to benefit the Ogoni people

Government Officials

Complaint to German Federal Prosecutor re: Individual Criminal Responsibility of U.S. Officials in Abu Ghraib and Guantánamo Torture

Petition submitted to the German Prosecutor requesting an investigation into the responsibility of civilian and military high-ranking U.S.

officials for war crimes and torture under the principle of "universal jurisdiction."

Status: in 2007, CCR and our allies appealed the decision not to open an investigation – appeal was dismissed and a motion for reconsideration was filed and dismissed

Mamani v. Sanchez de Lozada

Mamani v. Sanchez Berzain

Cases against former President and former Minister of Defense of Bolivia for attacks on villagers to suppress popular civilian protests in 2003.

Status: plaintiffs were ordered to exhaust remedies in Bolivia for their Torture Victim Protection Act claims, and a decision on their other claims is pending

Matar v. Dichter

Suing Israeli official for a "targeted assassination" in Gaza that killed eight children and seven adults and injured more than 150 civilians.

Status: Second Circuit affirmed the dismissal, deferring to the U.S. Executive's position that Dichter had immunity, ending the case



Rally supporting CCR's lawsuit *Matar v. Dichter*.

Racial, Gender and Economic Justice

Policing and Prisons

Bandele v. The City of New York

Representing members of the Malcolm X Grassroots Movement who were arrested while peacefully and lawfully videotaping NYPD officers.

Status: successful settlement

Floyd v. The City of New York

Class action lawsuit against the New York City Police Department challenging widespread racial profiling and unconstitutional "stop-and-frisk" practices.

Status: in discovery – CCR has received raw statistical data on the number of "stop-and-frisks" for 1998 through 2008

Graham v. Florida (amicus)

Sullivan v. Florida (amicus)

Argues that under international law, life in prison without parole is indecent and excessive punishment for juveniles under 18. The United States is the only country in the world that imposes sentences of life without parole against juveniles.

Status: Supreme Court will hear the case in its fall 2009 term

Walton v. New York State Department of Correctional Services (NYSDOCS) and MCI/Verizon

Challenging the NYSDOCS monopoly telephone contract with MCI/Verizon, which forced family members to pay exorbitant phone rates to speak with incarcerated family members.

Status: on appeal to Court of Appeals



Ivey Walton, plaintiff in *Walton v. NYSDOCS*.

Wright v. Corrections Corporation of America (FCC Rule-making Petition)

Petitioning the FCC to regulate interstate prison telephone calls to ensure fair and reasonable rates for prisoners and their families.

Status: awaiting FCC action on Petition for Rule-making

Cardenas Abreu v. Holder

Petition to review a Board of Immigration Appeals precedent decision that orders a deportation based on a criminal conviction that is not yet final.

Status: petition for review pending

Turkmen v. Ashcroft

Class-action lawsuit seeking to hold former Attorney General John Ashcroft and other high-level officials accountable for unlawful racial profiling, mass detentions, and abusive treatment of South Asian, Arab, and Muslim non-citizens after 9/11.

Status: in discovery; awaiting decision on cross-appeal from Second Circuit



CCR attorneys Matthew Strugar (left) and Rachel Meeropol (right) with *Turkmen v. Ashcroft* clients Yasser Ibrahim and Hany Ibrahim (center) in Alexandria, Egypt.

Targeting of Immigrants

Ashcroft v. Iqbal (amicus)

Supreme Court amicus in this post 9-11 detention case regarding immunity for high level government officials. Companion case to *Turkmen v. Ashcroft* (see below).

Status: Supreme Court ruled that top government officials were not liable for the actions of their subordinates absent evidence that they explicitly ordered the discriminatory activity

Anderson v. Holder, DHS v. Anderson

Habeas petition and immigration case defending a mentally disabled and mentally ill permanent resident facing deportation.

Status: successfully ended deportation proceedings – client was released to his family after two years in detention

Employment Discrimination

Gulino v. The Board of Education of the City of New York and the New York State Education Department

Class action on behalf of public school teachers of color who are challenging the use of discriminatory tests and licensing rules.

Status: Second Circuit Court of Appeals remanded to the District Court with instructions to reevaluate the challenged tests – awaiting further order from District Court

Harrington v. New York Metropolitan Transit Authority

Defending the First Amendment rights of Sikh transit workers to wear turbans at work as a religious observance.

Status: pending – awaiting decisions on summary judgment



Co-counsel Amardeep Singh of the Sikh Coalition (right) and Ravinder Singh Bhalla (left) with CCR Attorney Shayana Kadidal at press conference showing photos of MTA employees wearing permitted non-religious headgear.



NYC firefighter members of the Vulcan Society and CCR clients in *United States of America and Vulcan Society v. City of New York*. From left: Duery Smith, Paul Washington and John Coombs.

United States of America and Vulcan Society v. City of New York

Challenging discriminatory hiring practices of the NYC Fire Department on behalf of an association of Black firefighters and individual class representatives. The NYC fire department is the least racially diverse of any major U.S. city – 2.9% Black, of a population that is 27% Black.

Status: district court found that the entrance exams had a discriminatory impact on African-American and Hispanic test-takers and is currently deciding on the appropriate remedy – Vulcan Society's intentional discrimination claim is still pending



Members of CCR client organization, Morning-After Pill Conspiracy, at a speak out and civil disobedience.

Women's Rights

Amador v. Superintendents of the Department of Correctional Services (amicus)

Supporting the Legal Aid Society of New York in challenging the systemic sexual abuse and harassment of women prisoners in New York State.

Tummino v. Hamburg

Feminist activists sued the FDA for relying on political bias instead of science in refusing to approve the Morning-After Pill as an over-the-counter drug available to women of all ages.

Status: won on cross motions for summary judgment. Agency ordered to make Plan B available to 17-year-olds and up without a prescription and reconsider all age and other restrictions

Government Abuse of Power

Illegal Government Surveillance

CCR v. Bush

Challenging NSA warrantless domestic electronic surveillance, asserting that it violates FISA and the First and Fourth Amendments. Lawsuit is on behalf of CCR attorneys, seeking to protect our clients' right to confidential attorney-client communications.

Status: Congress amended FISA statute in mid-2008; case remains pending in Northern District of California

Wilner v. NSA and DOJ

FOIA lawsuit to determine if the government has engaged in warrantless wiretapping of CCR attorneys and Guantánamo *habeas* counsel. Status: appeal pending to Second Circuit on *Glomar* issues

Cuba

Ruben Campa v. U.S. (amicus)

Requesting the Supreme Court to review the Miami convictions of five Cuban government agents, the so-called "Cuban Five."

Status: Supreme Court refused to review the convictions

U.S. v. Sanders

Legal defense of people in penalty proceedings due to alleged violation of the Cuba travel embargo, and a constitutional challenge to the process by which the government investigates suspected violations.

Status: CCR's appeal was denied and the fine increased – planning a broader challenge to the entire investigative process in federal court

Vilaseca v. U.S. Department of Treasury (amicus)

Federal lawsuit in Vermont challenging severe restrictions imposed by the Bush administration on travel to visit close family members in Cuba. Status: stipulation agreement voluntarily dismissing the case after the rollback of family travel restrictions to Cuba

Rendition and Ghost Detentions

ACLU, CCR, et al. v. Department of Defense

Freedom of Information Act (FOIA) lawsuit charging that government agencies illegally withheld records sought concerning the abuse of detainees in American military custody.

Status: litigation pending in the Southern District of New York and the 2nd Circuit Court of Appeals

Amnesty International, CCR, et al. v. CIA, Department of Defense, et al.

Freedom of Information Act (FOIA) lawsuit seeking information about renditions and "disappeared" detainees, including those at CIA "ghost" sites and unregistered prisoners.

Status: over 6,000 pages of documents from the Department of Defense, Department of State and Central Intelligence Agency have been released – litigation is pending

Arar v. Ashcroft

Challenging the "extraordinary rendition" of Maher Arar and seeking accountability from Ashcroft, Mueller and other U.S. officials for sending Canadian citizen Arar to Syria to be tortured.

Status: decision by the full Second Circuit is pending after it decided on its own to rehear the case



CCR board member David Cole arguing for Maher Arar at the Second Circuit Court of Appeals.

Defending Dissent

Challenging the "Material Support" Statutes

Holder v. Humanitarian Law Project

Series of cases challenging the material support statute that makes it a crime to provide support, including humanitarian aid, literature distribution and political advocacy, to any foreign entity that the government has designated as a "terrorist" group.

Status: partial victory in the lower court, holding significant parts of the statute unconstitutional on vagueness grounds; Supreme Court has accepted the case for review; argument will take place in February 2010

Humanitarian Law Project v. Department of the Treasury

Challenge to similar restrictions under the Global Terrorism Sanctions Regulations, the IEEPA statute, and post-9/11 Executive Order 13,224.

Status: further action stayed pending Supreme Court ruling in *Holder v. HLP* (see above)

The Right to Political Dissent

Bell v. Miami-Dade County

Challenging mass arrests and police misconduct during the 2003 Free Trade Area of the Americas meeting in Miami, FL.

Status: successful settlement

Kunstler v. City of New York ("A7")

Suing the NYPD on behalf of protesters who were illegally arrested during an anti-war rally in April, 2003 and detained for excessively long periods of time.

Status: settled for \$2 million

United States v. Buddenberg

Defending four animal rights activists who are being charged under the Animal Enterprise Terrorism Act (AETA) for First Amendment – protected political activity.

Status: our motion to dismiss the indictment is pending



CCR clients in *USA v. Buddenberg*. From left: Nathan Pope, Adriana Stumpo, Maryam Khajavi and Joseph Buddenberg (the AETA 4).

United States v. Stop Huntingdon Animal Cruelty ("SHAC7") (amicus)

In support of animal rights activists convicted of violating the Animal Enterprise Protection Act (AEPA) for website postings and organizing demonstrations.

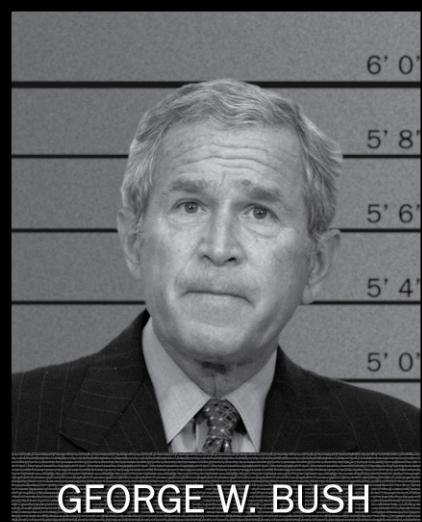
Status: filed an amicus brief



From left: Andrew Stepanian, Lauren Gazzola, Kevin Kjonaas, Joshua Harper, Jacob Conroy, Darius Fullmer, members of the "SHAC7."

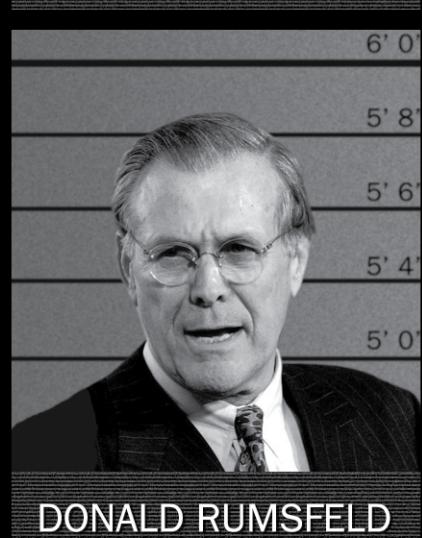


More information on all of CCR's cases can be found on our website at: www.CCRjustice.org/our-cases



6' 0"
5' 8"
5' 6"
5' 4"
5' 0"

GEORGE W. BUSH



6' 0"
5' 8"
5' 6"
5' 4"
5' 0"

DONALD RUMSFELD



6' 0"
5' 8"
5' 6"
5' 4"
5' 0"

DICK CHENEY

The Case for Prosecutions

The unlawful activities of the Bush administration are now well documented, in many cases as a direct result of CCR's litigation and early detainee representation. The evidence is clear that officials at the highest level of government were involved in egregious and illegal actions, including the authorization of torture and other war crimes. The United States must immediately undertake thorough investigations and prosecute those government officials who designed, orchestrated, or implemented the U.S. torture program.

Why prosecutions?

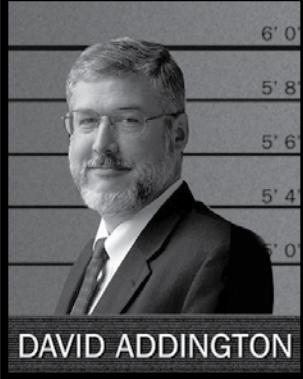
President Obama has indicated his reluctance to pursue prosecution for the crimes of the Bush administration, saying that he prefers to look forward rather than backward. CCR strongly disagrees. That egregious crimes were committed is undeniable. President Obama has reiterated the fundamental principle that no one is above the law. Therefore, he must not step back from this principle by granting a pass to the perpetrators of those crimes for the sake of political expediency. By definition, fully investigating those crimes requires looking back. Prosecuting the high-level former officials responsible for torture and other crimes can offer a measure of justice to the victims, re-establish higher standards for human rights protection, and provide the strongest deterrent against future administrations going down this dark path again. Prosecutions will also be a clear signal to countries around the world that the U.S. has drawn the line at torture. No commission, executive order, policy change or new legislation will have that same power.

A criminal investigation and the prosecution of any officials responsible for egregious human rights violations are required under both domestic and international law, including Article 4 of the Convention Against Torture. As a treaty ratified by the U.S., the Convention is binding as "supreme law" under the U.S. Constitution. As the Supreme Court said last year in CCR and co-counsel's Guantánamo case, *Boumediene v. Bush*, "The laws and Constitution are designed to survive, and remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law."

What crimes were committed?

The Bush administration displayed shameless contempt for the rule of law and conducted their policies under an unprecedented veil of secrecy, consistently attempting to evade judicial, congressional, and public inquiry. In closed meetings, the so-called "Principals Committee"—which included Vice President Cheney, Attorney General Ashcroft, Secretary of State Powell, CIA Director Tenet, and National Security Advisor Rice – authorized the use of "enhanced interrogation techniques" that included waterboarding and other interrogation methods that clearly amounted to torture.

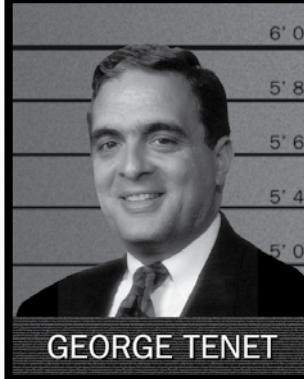
Secretary of Defense Donald Rumsfeld authorized and implemented unlawful interrogation practices; in fact, a recently released Senate Armed Services Committee report held Rumsfeld largely responsible for the abuses committed against detainees at Guantánamo, Abu Ghraib and other prisons. Inexcusably, administration



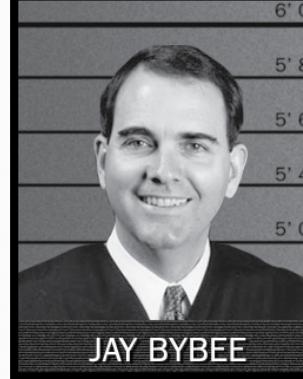
DAVID ADDINGTON



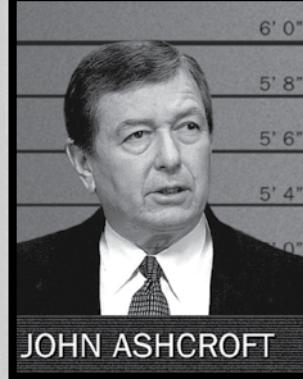
CONDOLEEZZA RICE



GEORGE TENET



JAY BYBEE



JOHN ASHCROFT

lawyers – including David Addington, John Yoo, Alberto Gonzales, Jay Bybee and others – constructed strained rationales to give the torture program legal cover.

The prohibition against torture and cruel, inhuman and degrading treatment is reflected in several international treaties and domestic laws. These include the Convention Against Torture, the Geneva Conventions, the War Crimes Statute and the Anti-Torture Statute. Torture is prohibited under any circumstance and for any reason, and when it is committed during a war, is considered a war crime. When it comes to charges of torture, officials who hold high office are not entitled to immunity. As the U.N. High Commissioner for Human Rights, Navanethem Pillay, has stated: "People who order or inflict torture cannot be exonerated."

What can be done?

The Attorney General must appoint an independent prosecutor with a full mandate to investigate those responsible for torture and war crimes, especially the high-ranking officials who authorized and orchestrated the torture program. We call on the Obama administration not to tie the prosecutor's hands but to let the investigation go as far up the chain of command as the facts lead.

Responsibility for the torture program cannot be laid solely at the feet of a few low-level operatives. Some agents in the

field may have gone further than the limits so ghoulishly laid out by the lawyers who twisted the law to create legal cover for the program, but the lawyers and officials who oversaw and approved the program must also be investigated and held accountable.

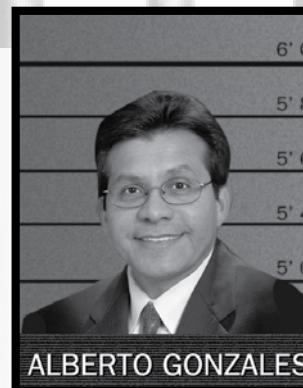
It is essential that any inquiry or commission not be a substitute for criminal prosecutions. Furthermore, the possibility of prosecutions must not be undercut by commissions that offer amnesty or any other measure that would shield those responsible from being held accountable. Only prosecutions will send a clear message to the rest of the world, to future government officials, and to the victims of torture that these crimes are unacceptable and that the rule of law has been restored in the United States.

Take action!

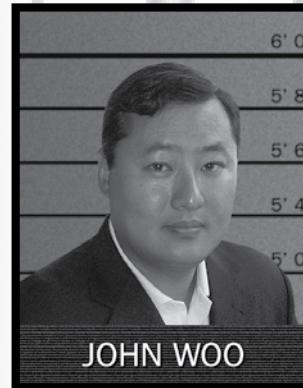
Join us in the call for meaningful investigations and prosecutions. This important moment in our nation's history provides us with the opportunity to take some critical steps to protect and expand human rights and social justice.



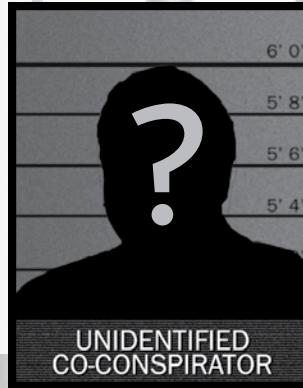
To get involved with CCR's ongoing accountability work and other campaigns, sign up for our e-Action Alerts on our website: www.CCRjustice.org/get-involved



ALBERTO GONZALES



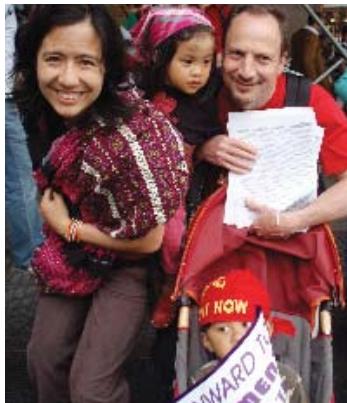
JOHN WOO



UNIDENTIFIED CO-CONSPIRATOR

Internships and Fellowships

The Ella Baker Fellowship Program was named in honor of a great and often unheralded leader of the civil rights movement. The program strives to exemplify Ella Baker's firm commitment to mentoring and developing young leaders to carry the mantle of the struggle for social justice through the generations. In addition, CCR hosts undergraduate students who work on cases and campaigns throughout the year. Our International Scholars program brings law students, legal scholars and lawyers from around the globe to work with CCR attorneys on constitutional, international and human rights litigation.



Terri Nilliasca grew up in Virginia, the child of a Filipina immigrant mother and an Anglo-American father. Racism, displacement and loss of culture had a profound, radicalizing effect on her and she began organizing around issues of race and gender in college. After graduation, she organized welfare recipients, was an organizer at UNITE, organized low wage textile workers in the U.S. South and worked in the Philippines with a progressive labor federation. Inspired by the depth of the movement in the Philippines, Terri decided to go to law school in order to gain tools for the struggle for social justice and the liberation of all peoples. She is the proud and exhausted mother of four year-old twins and a second year law student at CUNY School of Law.

"It has been an honor to work at the Center. CCR's work is vitally important to our ability to resist forces that seek to crush the poor, incarcerate and torture people of color, and deny our rights as women, LGBTQ peoples or political activists. Interns made substantive contributions to CCR's work and the seminars and discussions added political depth to our journey towards becoming people's lawyers in this struggle for a truly just world."



Hiba Hafiz was born in Al-Khobar, Saudi Arabia, where her family still lives. After graduating from Wellesley College, she completed a Ph.D. in Comparative Literature at Yale University. She was involved in organizing with HERE and spent a summer interning in the Ramallah office of the Palestinian Academic Society for the Study of International Affairs where she researched the effects of Israel's Wall on Palestinian religious rights. Now a student at Columbia Law School, she has worked on a variety of international human rights issues.

Hiba is incredibly grateful to have had the opportunity to intern at the Center for Constitutional Rights. She has long admired the work of CCR founders Arthur Kinoy and William Kunstler as people's lawyers, as well as CCR's pioneering work in Alien Tort Statute cases and in challenging U.S. illegal detention and torture policies in Guantánamo and elsewhere.

"I applied to CCR because I see it as the ideal model of social justice lawyering. My experience as an Ella Baker intern was transformative and deeply enriching. It allowed me to participate in the breadth of CCR's public interest work and to meet a community of activists that will inspire me for the rest of my life!"



More information on all of these programs is available on our website: www.CCRjustice.org/ella-baker-fellowship

In the News

CCR understands that the court of public opinion can be as important as any court of law for bringing about change. Getting the right messages out can affect outcomes both in and out of the courtroom. That's why we work with bloggers, reporters, producers and editors to make our voice heard and bring our perspective to the widest possible audiences.

Our staff members are interviewed for their insight and expertise in publications, and on radio and television around the world. Our communications department keeps the media up to date on our cases and campaigns and lays the groundwork for a more progressive point of view to deepen the way a story is covered.



Clockwise from top left: CCR Executive Director Vince Warren on *The Rachel Maddow Show* discussing preventive detention after his meeting with President Obama. CCR President, Michael Ratner, speaks with *Democracy Now!* about pushing for prosecutions of former Bush administration officials. CCR attorney Darius Charney gives a television interview on the courthouse steps. CCR attorney Shayana Kadidal on *World Focus*, speaking about the decision to close Guantánamo.



For more news and updates or to set up an interview, visit:
www.CCRjustice.org/newsroom

Honors

CCR is proud of our staff and board members who have received awards this year for their work with the Center. Below are a few of these honors:

- The same week the President Obama signed the executive order to close Guantánamo, CCR president, Michael Ratner, was awarded BuzzFlash's Wings of Justice Award for his work fighting against illegal detentions "from the very beginning"
- The Houston Peace and Justice Center honored CCR at its annual awards dinner. CCR attorney Pardiss Kebriaei accepted the award on behalf of the Center.
- CCR attorney Shayana Kadidal was honored for his work at CCR by the South Asian Bar Association with the Access to Justice Award.
- The Williams J. Butler Human Rights Medal was awarded to Michael Ratner by the Urban Morgan Institute for Human Rights at the University of Cincinnati College of Law for his "leadership on behalf of the Center for Constitutional Rights for the defense of prisoners at Guantánamo."
- Michelle DePass, former Kunstler Fellow and CCR board member, has been appointed Assistant Administrator for International Affairs at the Environmental Protection Agency Office of International Activities.



CCR attorney Pardiss Kebriaei (left) accepts an award from the Houston Peace and Justice Center President, Debbie Antoon.

100 Days Campaign

CCR has always approached challenges from multiple angles: combining our litigation with public education and strategic organizing work. The Center organizes speaking engagements, summits, community forums and legal education seminars. We also produce reports, provide expertise to policy makers and conduct grassroots campaigns.

The 100 Days project exemplified CCR's approach to integrating non-litigation advocacy into our work. The project combined research, policy analysis, legislative advocacy, public education and organizing work in a multi-faceted effort to inform and mobilize the public to insist the new administration take strong first steps to undo the harm from the past eight years.

While CCR never shies away from challenges in court, we know that real change comes from building a movement outside of the courtroom. CCR will utilize every avenue available in pursuing our mission to use the law as a creative force for social change.

The 100 Days Campaign

To make the most of the opportunities presented by the presidential transition, CCR implemented an aggressive media, educational and web-based organizing campaign to keep our issues upfront in the political debate, provide alternatives to the tepid reform plans offered by many of the candidates, and engage our supporters in advocacy efforts to demonstrate political support for meaningful reforms and real change.

A centerpiece of these efforts was our 100 Days project, calling on the new president to work

with Congress to restore the Constitution and the traditional checks and balances of our democratic system.

Based on our clients' own stories, CCR's analysis often puts a face to the policy debates. We laid out the very human consequences of prolonged detention in places such as Guantánamo and the inherent likelihood of abuse in prisons like Abu Ghraib.

In January, CCR convened a summit of national human rights organizations in Washington, D.C. to set a human rights agenda for advocates and government – *The First 100 Days: Bringing Human Rights Home*. The groups joined in a call to rein in executive power, restore the rule of law and ensure accountability.

The final phase of the campaign included an assessment of the new administration's first 100 days. Sadly, little progress had been made in many important areas. CCR continues to push for a swift closure of Guantánamo; the safe resettlement or return of the detainees; the end of the use of extraordinary rendition; increased protections against domestic wiretaps; and for the complete repudiation of the Bush program of "enhanced interrogations." CCR continues to fight for independent and full investigations and prosecutions of officials who violated U.S. or international law.

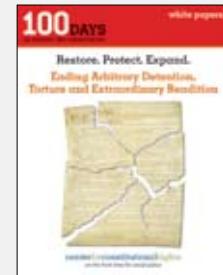


More information on our 100 Days Campaign is available on our website at:
www.CCRjustice.org/100days

100 DAYS

to restore the constitution

Our series of white papers outlining policy recommendations to restore the Constitution are available on our website: www.CCRjustice.org/100days.



The Right to Dissent explores attacks on dissent, from surveillance of activists, to federalization of local law enforcement, to labeling activists as "terrorists."

Ending Arbitrary Detention, Torture and Extraordinary Rendition provides an overview of these Bush administration policies and what must be done to reverse them.

Amend the War Powers Resolution outlines the executive abuse of war-making power, and calls for restoring checks and balances and increased congressional oversight.

Stop Warrantless Wiretapping exposes the last eight years of secret surveillance, including the expansion of warrantless wiretapping and the dangers inherent in the erosion of privacy rights.

Get Involved



CCR sponsors numerous events across the country each year.

To find out about upcoming CCR events in your area, sign up for email alerts, or visit our calendar page at:
www.CCRjustice.org/calendar



From left: CNN's Rachel Maddow, General Ricardo Sanchez, CCR Executive Director Vince Warren and journalist Ron Suskind at *Blueprint for Accountability*, a panel arranged by the Culture Project.

Download Reports On-line

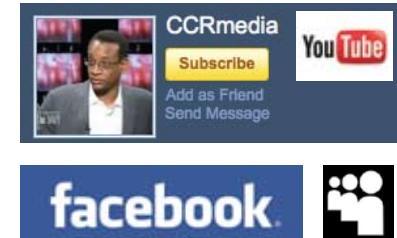
CCR partnered with the University of California, Berkeley to study the impact of Guantánamo on the lives of former detainees. The report, *Guantánamo and Its Aftermath: U.S. Detention and Interrogation Practices and Their Impact on Detainees*, based on a two-year study, reveals in graphic detail the cumulative effect of Bush administration policies on the lives of 62 released detainees.

Get Involved

"Is there anything I can DO about this horrible situation?" is a refrain often heard at CCR from people concerned about social justice work. We regularly generate email action alerts that include calls to take specific actions in critical situations, or to inform you of important developments in cases or issues. This year, action alert topics have ranged from calls to "pack the courtroom" for one of our cases, to sending letters to President-elect Obama calling on him to stand by his promise to close Guantánamo.

Our emails are informative, motivating, and help to mobilize our many wonderful supporters on important issues. Our work in the courtroom will not always be enough to turn back the tide; we need you to keep the pressure on.

- Watch one of CCR's videos on YouTube. If you like a video you can give it a good rating, pass it along to friends or embed it on a webpage.
- Make CCR a friend online. If you belong to MySpace or Facebook be sure to make CCR your friend.



Want the torturers prosecuted?

Tired of the "few bad apples" line? The Center for Constitutional Rights has partnered with CREDO Mobile to distribute Torture Team trading cards to spark the conversation about responsibility for torture at the highest levels. View them all or order your own set of cards for free at www.tortureteam.org



To sign up for email updates, follow us on YouTube or become a fan of the Center on Facebook, visit our website at: <http://CCRjustice.org/spread-word>

2009 President's Reception

The Center for Constitutional Rights held our annual President's Reception in New York City in May. This event is an expression of gratitude and appreciation for our generous donors and supporters who are indispensable partners in advancing and protecting fundamental rights for everyone.

CCR major donors Laurie Arbeiter and Jennifer Hobbs were honored for being outstanding partners to CCR through their unstinting support, tireless activism for government accountability, and fearless and outspoken leadership for the right to dissent.

CCR presents a Pro Bono Service Award each year to lawyers and firms who, without compensation, have provided legal services for those with the fewest protections and least access to legal resources. This year the award went to the law firm of Bingham McCutchen, for their tenacious and impassioned representation of Uighur prisoners, past and present, at Guantánamo Bay.

The event welcomed CCR's new Legal Director, Bill Quigley, who spoke about his connection to CCR and his vision for where the legal work is headed. Special Recognition was also given to the JEHT Foundation for its visionary support for social justice and human rights work. The JEHT Foundation and its staff exemplified CCR's determination to find innovative and effective approaches to advance justice and defend human rights.



Left: Sabin Willett accepted the Pro Bono Service Award on behalf of the legal team at Bingham McCutchen who represented Uighur prisoners at Guantánamo Bay.
Right: CCR donors Jennifer Hobbs and Laurie Arbeiter were honored for their tireless financial support and activism. Top: CCR welcomed Bill Quigley as Legal Director.

Friends and Allies

Over the past year, the Center for Constitutional Rights has worked with hundreds of attorneys, legal organizations, private law firms, clients and activists on our cases, campaigns and fundraising efforts. CCR extends its deepest appreciation for all they have done as volunteer attorneys, cooperating attorneys, co-counsel and colleagues in the struggle for justice. (* CCR board member/co-counsel)

Demissie Abebe
ACLU
ACLU of Florida
ACLU of Massachusetts
ACLU of Vermont
Action Réfugiés Montréal
Debo Adegbile
Suzanne Adely
Agit-Pop
Amna Akbar
Shereef Hadi Akeel
Akeel & Valentine P.C.
Akin, Gump, Strauss, Hauer & Feld
Kali Akuno
Iyad Alami
Ashlee Albies
Debbie Almontaser
Adrian Alvarez
Brigit G. Alvarez
American Univ. International Human Rights Clinic
Amnesty International
Amnesty International USA
Chris Anders
Heather Andersen
Rumzi Araj
Nan Aron
Ahilan Arulanathan
Frank Askin
Barbara Aubrey
Audre Lorde Project
Tracy Austin
John Austria
Michael Avery
Mojgone Azemun
Baach Robinson & Lewis PLLC
Sandra Babcock
Baker & McKenzie LLP
David Baluarte

Chiann Bao
Octavia Barber
Garvey Schubert Barer
Nigel Barrella
Chris Bartlett
Monika Batra
Jack Beck
Beldock, Levine & Hoffman LLP
Derrick Bell
Bellevue/NYU Program for Survivors of Torture
Khadine Bennett
Najla Benson
Nancy Bernstein
Frida Berrigan
Ravinder S. Bhalla
Anurima Bhargava
Chandra Bhatnagar*
Andy Bichlbaum
John A. Bick
Bingham McCutchen LLP
Bob Bloom
Douglas Bloom
Patty Blum
Martha Boden
Jocelyn Bogdan
Heidi Boghosian
Jeremy F. Bollinger
Victoria Bolton
Mike Bonanno
Trudy Bond
Jenn Borchetta
Karen Borg
Andrew Boyd
Bob Boyle
Emma Bradford
Sharon Bradford Franklin
Matt Brinckerhoff
Yael Bromberg

Andrew Brouwer
David Brown
Jessica Buchanan
Allan Buchman
Susan Burke
Burke O'Neil LLC
Paul Butler
Butler Rubin Saltarelli & Boyd LLP
Brian Byrd
Jean Callahan
Canadian Council for Refugees
Alan Cantos
Edmund Cardoni
Cheri Carr
Juan Cartagena
Kenavon T. Carter
James Cavallaro
Antonia Cedrone
Center for Human Rights and Global Justice
Center for International Human Rights, Northwestern Univ Sch of Law
Center for Justice and Accountability (CJA)
Center for Justice and International Law (CEJIL)
Center for Reproductive Rights
Devon Chaffee
Nathaniel Charny
Marco Chelo
Erwin Chemerinsky
Emily Chiang
Judith Brown Chomsky
Cindy Chupack
Civil Liberties Defense Center
Melanca D. Clark
George Clarke
Right Reverend Barry B. Clarke, Anglican Bishop of Montreal

Coalition for an Ethical Psychology
Coalition for Parole
Restoration (CPR)
Coalition for the Defense of Human Rights
Coalition to Raise Minimum Standards at NYC Jails
Stanford Cohen
Cohen, Milstein, Sellers & Toll
Cindy Cohn
Marjorie Cohn
David Cole*
Sandy Coliver
Community Church of New York
Community Service Society
Jenny-Brooke Condon
Sophia Conroy
Rhonda Copelon*
Correctional Association of New York
Clare Coss
Nicholas Coster
Brenda Coughlin
Andrea Cousins
Kurt Coutain
Covington & Burling LLP
CREDO/Working Assets
Catherine E. Creely
Critical Arts Ensemble Defense Fund (CAE)
Culture Project
D.C. Prisoners' Project
Jamil Dakwar
Matthew Daloisio
George Daly
Ron Daniels
Jennifer Daskal
Thomas Davies
Jeff Davis

Friends and Allies (continued)

Martha Davis	Electronic Frontier Foundation	Sharon Flaherty	Cathe Giffuni
Pat Davis	Laurie Elkin	Laura Flanders	John Gilmore
Shelbi Day	Elkin, Steliger & Elkin Ltd.	Laurel Fletcher	Beth Gilson
Maddy DeLone	Emery, Celli, Brinckerhoff & Abady LLP	Tina Foster	Leah Gitter
Janet Dench	Kathy Engel	Rachel Fowler	Sarah Goetz
Jamie Denvir	Megan Erickson	Ben Fox	Miriam Gohara
Meera Deo	Ethical Culture Society	Caroline Fredrickson	Deborah Golden
Detention Watch Network	European Center for Constitutional and Human Rights (ECCHR)	Spencer Freedman	Eliza Golden
Jeff Deutch	Chinyere Ezie	Daniel Friedman	Brian Goldman
Anthony DiCaprio	Fabulous Independent Educated Radicals for Community Empowerment (FIERCE!)	Friends of the Earth	Carla Goldstein
Angelia Dickens	Natasha Fain	Agnieszka Fryszman	Thomas C. Goldstein
DLA Piper US LLP	Families for Freedom	Jose Luis Fuentes	Bill Goodman
George Dobbins	Families Rally for Emancipation and Empowerment (FREE)	Kit Gage	Melissa Goodman
Domestic Workers United	Susan Farbstein	Rosa Garcia	Debbie Gordon
Paul Donowitz	Jamie Fellner	Janice Gehlmeyer	Sabrina Gordon
Terrence Dougherty	Arwa Fidahusein	Mary Geissman	Richard Gottfried
Drop the Rock	Omar Figueroa	Georgetown Law – Institute for Public Representation	Amy Gottlieb
Drug Policy Alliance	Jonathan Fine	Andrew Geraghty	William Gould
Thomas Duane	Davida Finger	Carsten Gericke	Amanda Gourdine
Jon Dubin	Gregory H. Finger*	Frances Geteles-Shapiro	Eldon Greenberg
Malika Dutt		Rana Ghaleb	Greenpeace
EarthRights International (ERI)		Tyler Giannini	Kate Greenwood
Harrison Eiteljorg, II		Gibbons P.C.	Colin Greer
Edward J. Elder			Olivia Greer

CCR Spotlight



Merry Neisner is a CCR volunteer who for several years has distributed our Jailhouse Lawyers Handbook (JLH), a free CCR/NLG publication that we send to prisoners throughout the country. Merry responds to hundreds of prisoners' letters per month, sending out a package of print resources and often researching further referrals, resources or answers to legal questions. She has made a real and positive impact on the lives and conditions of prisoners as well as on the work of the Center.

" I got the idea to volunteer at an event where CCR presented The Articles of Impeachment against our last president. Sending the JLH, the Constitution and the Human Rights Declaration to prisoners who write in is such a concrete and simple act. The fact that thousands of incarcerated people ask for legal information, and then receive it, is mind-boggling to me. For me, knowing CCR lawyers whose cause is the Constitution and who are in this struggle for the longhaul is a source of real inspiration."

Grinnell College
Bob Guild
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CCR Spotlight



Elizabeth Gilson calls herself "profoundly marked" by the Sixties' hope for a better America. That inspiration is evident in so much of her work, from teaching in a Lebanese village, to working for civil rights, to her law practice suing polluters and devising environmental solutions. Her zeal for speaking out against injustice motivated her to bring *habeas corpus* petitions on behalf of two Uighur men detained at Guantánamo since 2002. These cases are a significant undertaking, particularly for a solo practitioner, requiring regular travel to the prison; to D.C. courtrooms to fight obstructive government motions; translator costs; plus countless hours away from paying clients. Beth says she couldn't do this work without the expertise and support from CCR's staff, and the collegial network of *habeas* lawyers CCR has built. The Center for Constitutional Rights is grateful to Beth and the many other lawyers for their commitment and dedication to the rule of law.

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Our planned giving program forms the bedrock of our efforts to build an endowment for CCR and to create an institutional legacy dedicated to upholding the hard-won victories of your lifetime and protecting them from future challenges and attack. By becoming a member of the Thelma Newman Society, you will join others committed to ensuring that CCR will be there to fight into the next generation. Please contact us if you have any questions about making a bequest, endowment, gift annuity or other form of estate gift.

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and the many members
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Doris Shaffer

The Center for Constitutional Rights mourns the passing of our dear friend and long-time supporter, Doris Shaffer (1929-2009). A history professor at Nassau Community College, Doris served as president of the faculty union for 14 years. One of her proudest accomplishments was winning the inclusion of sexual orientation in the union contract's non-discrimination clause, making NCC one of the first unions to do so. With her husband, Donald, she helped form the Great Neck Committee for Human Rights, and she served as a board member and chapter advocate of the New York Civil Liberties Union for more than 35 years.



Doris devoted much of her life to working for social justice causes, and became a member of CCR's Thelma Newman Planned Giving Society when she took out a Charitable Gift Annuity with us. After her retirement Doris could regularly be found volunteering in the CCR office. All of us at the Center will miss her good company and unflailing support. We send our deepest condolences to Donald and their family.

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CCR Spotlight



Robert Crane, Foundation President, accepting an award on behalf of JEHT from CCR Executive Director, Vince Warren, at CCR's President's Reception in May 2009.

The JEHT Foundation supported CCR on projects ranging from the New York Telephone Justice Campaign to Guantánamo, and to cases against Blackwater, the notorious military contractor. JEHT always went "out on a limb" funding work that many found too politically sensitive. Sadly, the foundation closed its doors in 2009, their investments a casualty of Bernard Madoff's fraud. CCR will miss the deep relationship we had with this staunch partner in the social justice struggle. JEHT helped CCR become the effective institution that it is today and their past support will continue to have an impact for years to come.

" I am proud of JEHT's support for CCR, which, as it so often does, jumped out first to challenge the U.S. government's lawless detention of prisoners in Guantánamo and elsewhere. CCR acts with the haste that those in peril demand from a human rights organization!"
– Garth Meintjes, former JEHT Program Officer

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CCR Spotlight



Steven Kurtz and participant in Critical Art Ensemble's science-theater project GenTerra, at the London Museum of Natural History, 2003. The project was among several seized in the FBI's 2004 raid of Kurtz's home.

The Critical Art Ensemble (CAE) Defense Fund recently celebrated a victory for the First Amendment with the dismissal of criminal charges against artist and SUNY Professor, Steven Kurtz. In 2004, Dr. Kurtz's wife, Hope, died suddenly as the couple was putting together a show about genetically modified agriculture for the Massachusetts Museum of Contemporary Art. The police who responded after Hope's death decided the couple's art materials represented a bio-terrorist threat. Dr. Kurtz and his supporters spent the next four years fighting mail and wire fraud charges against him and a colleague. The team has graciously decided to donate the bulk of their remaining funds to CCR.

"The CAE Defense Fund committee is extremely honored to be able to donate to the Center for Constitutional Rights. Throughout the rogue years of the Bush administration and to this day, CCR has stood on the just side of every legal dispute regarding rights on both national and international levels, no matter how unpopular or risky."

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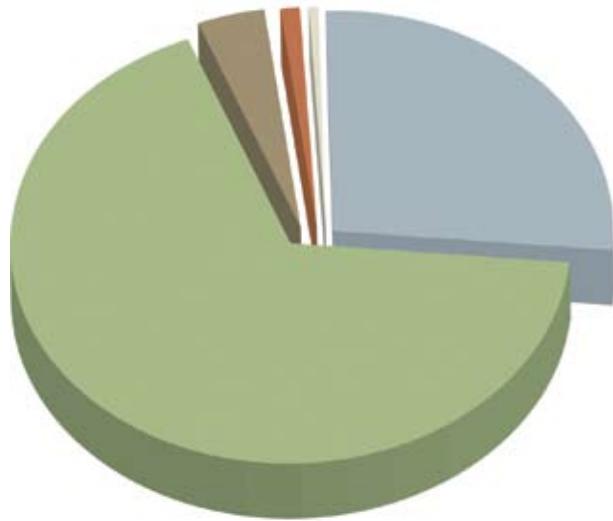
CCR staff with colleagues from the U.S. Human Rights Network (Ajamu Baraka, Kali Akuno, and Rachel Fowler) and the National Economic and Social Rights Initiative (Cathy Albisa, Phil Wider, Liz Sullivan and Meredith Vacek). The three groups received a grant from the Omega Institute in New York for a strategic planning retreat to discuss opportunities for strengthening our social and economic justice work.

Financial Report July 1 2008 – June 30 2009*

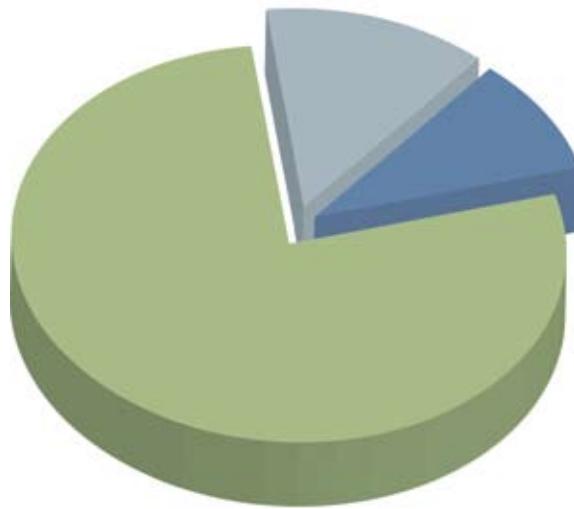
Net Assets

Net Assets as of June 30, 2008	\$4,472,207
Change in Net Assets	\$2,048,493
Net Assets as of June 30, 2009	\$6,520,700

Revenue, Gains and Other Support



Expenses



Foundations (including Donor Advised Funds)	\$6,159,223
Individuals (including Planned Gifts)	\$2,468,382
Court Awards and Attorney Fees	\$368,381
Interest	\$94,039
Other	\$(44,362)
Total Revenue, Gains and Other Support	\$9,045,663

Program: Litigation, Education and Outreach	\$5,068,554
Development	\$845,519
Administration & General	\$610,890
Total Expenses	\$6,524,963

For an independent evaluation of our financial health visit Charity Navigator at www.charitynavigator.org, which gave us a perfect four star rating

In memoriam

The following CCR supporters passed away this year and many thoughtfully honored CCR with a bequest. It is always sad to lose a member of our community, but their ideals will live on in the work they supported at CCR.

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Lise Giraud

This year the Center mourned the loss of our longtime donor, Lise Giraud. Born in Austria in 1924, Lise escaped with her parents after the Nazis had killed most of her family. She earned a library degree and worked as a librarian at Stanford University, where her husband Raymond was a professor of French literature. The Girauds worked tirelessly for human rights, including serving as election observers in Haiti and supporting student anti-war protests, and were passionate advocates for animal rights. Ray and Lise were members of our Thelma Newman Planned Giving Society, memorializing their commitment to human rights with a generous legacy gift to CCR.

Chorale Page

Chorale Page was a lover of life and justice until her passing in October 2008. Named after a musical composition by J.S. Bach, Chorale graduated from Wellesley College and received a Masters in Counseling from Montclair State College in New Jersey. She worked variously as a representative for Blue Cross of Chicago, a career counselor and hospital ombudsman until she and her husband Edward retired to Sarasota, Florida. Chorale and Ed were proud supporters of the Center for Constitutional Rights for more than 20 years, and generously named the Center as a beneficiary of their Charitable Remainder Trust. All of us at CCR are very grateful for their support and share in the loss of Chorale.

Edwin Salpeter

CCR supporter Edwin Salpeter, who passed away in November 2008 at age 83, was an eminent astrophysicist whose theories revolutionized the field. Salpeter fled his homeland of Austria as the Nazis rose to power and arrived at Cornell University, where he remained throughout his career. In his wide-ranging research, he gained notoriety for debunking Ronald Reagan's proposal for a "Star Wars" missile defense system. Ed and his wife, Antonia Lhamo Shouse Salpeter, frequently visited New York City for CCR events and cultural outings, and were generous to CCR both financially—and in the occasional gift of opera tickets! He will be greatly missed.

In memoriam

Marilyn Clement



Marilyn receiving an award from CCR at our 2008 President's Reception.

freedom cannot rest." In her own life, Marilyn worked tirelessly for a wide range of progressive causes.

During her twelve years as Executive Director, Marilyn's vision and leadership shaped CCR into a nationally renowned instrument for social justice without compromising the principles which motivate our work. Her initiative to open CCR South led to a docket of voting rights cases which had a profound impact on the American South. CCR's Movement Support Network, which Marilyn championed, broadened our work to include community education and organizing. The Ella Baker Program, which brings progressive law students to the Center each summer, may be one of Marilyn's most enduring contributions to CCR. The program has trained hundreds of law students to be effective social justice and legal advocates in the service of the people.

Marilyn was CCR's Executive Director during the landmark *Filártiga* case, which pioneered the use of the Alien Tort Statute (ATS) to enable victims of human rights abuses from anywhere in the world to sue the

The Center for Constitutional Rights mourns the passing on August 3, 2009, of a core member of the CCR family, Marilyn Clement. A lifelong social justice activist who worked with Martin Luther King, Jr. in Atlanta in the 1960s, Marilyn served as CCR's Executive Director from 1976 to 1989, and continued working with the Center as an active member of our board of directors.

Marilyn was fond of quoting civil rights activist Ella Baker, who famously said, "We who believe in

perpetrators in U.S. courts. While at CCR, Marilyn also helped found the National Anti-Klan Network. As CCR President Michael Ratner notes: "Marilyn was incredibly courageous putting herself into people's struggles, especially on issues of race."

Marilyn later headed the U.S. office of the Women's International League for Peace and Freedom and helped organize the WILPF Peace Train to the International Women's Congress in Beijing in 1995. When Rep. John Conyers introduced legislation in 2003 for a national, single-payer health care system, Marilyn decided to devote her energies to building a movement to support that important cause and she founded the organization, Healthcare-NOW! After being diagnosed with multiple myeloma in June 2008, Marilyn continued to serve as Healthcare-NOW's National Coordinator and helped train a younger generation of leaders to keep the movement growing.

Marilyn Clement possessed a remarkable combination of passion, creativity, personal honesty, extraordinary organizing skills, and a great sense of humor and friendship that all of us here at CCR will deeply miss.



with Victoria Gray Adams at a CCR event honoring Arthur Kinoy in 1999.

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CCR supporter David Hermann makes his politics known
at CCR's 2009 President's Reception in New York.

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