

Wednesday, November 29, 2006

A Shell Game of Cruelty and Injustice - German Man Kidnapped by CIA; Case Was Dismissed for National Security Now He Asks for Appeal



Man Mistakenly Abducted by C.I.A. Seeks Redress

By NEIL A. LEWIS

RICHMOND, Va., Nov. 28
— A lawyer for a German man who was abducted

while on vacation in Macedonia and said he was tortured while in C.I.A. custody in Afghanistan urged a federal appeals court on Tuesday to reinstate his lawsuit against the agency, which had been dismissed for national security reasons.

In May, a federal trial judge threw out the suit brought by Khaled el-Masri, who said he was an innocent victim of the Central Intelligence Agency's program of transferring terrorism suspects secretly to other countries for detention and interrogation. Judge T. S. Ellis III of Federal District Court in Alexandria said that although it appeared a great injustice might have been done to Mr. Masri, he was persuaded by the government that there was no way to even begin a trial without impermissibly disclosing state secrets.

Benjamin Wizner, a lawyer with the [American Civil Liberties Union](#), told a three-judge appeals panel on Tuesday that the government's position was absurd because what happened to Mr. Masri had hardly remained secret. He noted that the German government was openly investigating whether its officials had played a role in Mr. Masri's ordeal, and numerous news accounts have quoted unidentified American officials as confirming what happened. [More Here](#)

COMMENT:

In the Padilla case, the government argues that Mr. Padilla's only redress for his mistreatment while in detention is not dismissal of the charges against him, but only a civil suite for money damages. Well, in the above case of Mr. Masri, an innocent man, we see just what kind of "justice" such a detainee can expect - his civil suit was dismissed for national security reasons!


What a bizzaro version of justice: rather than the State having its case dismissed when it abuses detainees, it is the abused detainee who can expect to have his eventual civil case dismissed, even when it is clear and uncontroverted that he was mistreated.

Welcome to the "due process" shell game, where you can expect to be shifted from one legal track to another at the pleasure of the U.S. government, and government agents will not be held accountable.

In Padilla's case, the government held him for years, incomunicado, without charges, until the Supreme Court was about to review that detention. At that point, simply to avoid judicial review, the government transferred him from military to civilian custody and charged him with a crime a full THREE YEARS after his initial arrest.

In "normal" criminal law, such detention without charges would cause a prompt dismissal of the case against him. But now, in the post-9-11 world we live in, it is entirely possible that the government will be allowed to get away with such outrageous behavior and still prosecute this man for the vague charges of belonging to some jihad recruiting organization.

Stewart Rhodes

Posted by Stewart Rhodes at 9:39 AM 

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