

CASES PENDING ON BEHALF OF VICTIMS OF EXTRAORDINARY RENDITION

Binyam Mohamed's case returns to UK High Court

Lawyers defending a British resident kidnapped in 2002, flown from torture chamber to torture chamber, and imprisoned at Guantánamo since 2004, went back to the United Kingdom's High Court last week.

British judges began hearing legal argument on the question of whether the Government can claim Public Interest Immunity to deny Mohamed's lawyers access to evidence which the judges previously held was "essential" to his defense against charges pending before a Military Commission Tribunal.

During the same week, the U.S. Justice Department dropped key allegations against Mohamed -- that he was involved, with American citizen Jose Padilla, in a plot to detonate a "dirty bomb" in a U.S. city.

For more than three years, Mohamed's lawyers have been arguing that the allegations against Mohamed were extracted through the use of torture.

Mohamed explained that, between the savage beatings and the razor cuts to his penis, his torturers "would tell me what to say."

As it happens, one of the confessions tortured out of Binyam proved so ludicrous that it was soon dropped, but not before Clive Stafford Smith had learned of it and used it to cast extreme doubt on the value and accuracy of any of Mohamed's "confessions."

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Federal Court asked to restore torture flight lawsuit against Boeing subsidiary

Sept. 25, 2008, SAN FRANCISCO – The American Civil Liberties Union (ACLU) today asked a federal appeals court to reinstate a lawsuit against Boeing subsidiary Jeppesen Dataplan for its role in the CIA's extraordinary rendition program.

The U.S. government continues to misuse the "state secrets" privilege to avoid legal scrutiny of the unlawful program. It has become increasingly clear in recent months that other governments do not share the Bush administration's conviction that the program must remain shrouded in false claims of state secrets.

Mohamed et al. v. Jeppesen was brought on behalf of five men who were kidnapped and secretly transferred to U.S.-run prisons or foreign intelligence agencies overseas where they were interrogated under torture.

On August 21, Britain's High Court of Justice ruled that one of the men, Binyam Mohamed, is entitled to receive documents from the British government relating to his rendition, detention and interrogation, including documents confirming the cooperation between the U.S. and U.K. governments in those events.

Last week another of the men, Ahmed Agiza, received a \$450,000 settlement from the Swedish government for its role in his rendition to Egypt.

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El-Masri vs. Tenet

The U.S. Supreme Court has denied the ACLU's quest for civil remedy on behalf of Khaled El-Masri, a German citizen captured in Macedonia, detained and tortured for nearly five months, has been thwarted by the U.S. government's claim that the publicizing already widely known facts of El-Masri's capture would compromise state secrets.

Accordingly, the ACLU is now seeking relief from the Inter-American Commission on Human Rights.

At the federal District Court level, Judge T.S. Ellis III held that CIA properly invoked the state secrets to dismiss El-Masri's lawsuit, but noted that: "... ***if El-Masri's allegations are true or essentially true, then all fair-minded people, including those who believe that state secrets must be protected, that this lawsuit cannot proceed, and that renditions are a necessary step to take in this war, must also agree that El-Masri has suffered injuries as a result of our country's mistake and deserves a remedy.***"

El-Masri told Amnesty International: "... I'll never forget an elderly couple in Richmond, Virginia, who came out to support my case against the government, holding signs that read 'Stop the Torture Flights.' That's the real face of the United States. The people who kidnapped me represent the hidden and false face of America.

I'll never forget how I was received in the U.S. Congress. So many people came up to me, personally apologized and said, 'What happened to you is unacceptable. This has to be brought to light.' Not one single person in the United States accused me of being an Arab terrorist. I was heartened by that."

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