

Rendition to Torture

We filed and won the first direct legal challenge to the policy of rendition to torture in the Abu Ali case (Abu Ali v. Ashcroft, 350 F.Supp.2d 28 (D.D.C. 2004) and Abu Ali v. Gonzales, 387 F. Supp. 2d 16 (D.C. Cir. 2005)), in which we secured the return of Abu Ali to the United States from Saudi Arabia, where he had been detained, interrogated, and tortured for 20 months as part of the U.S. government's "extraordinary rendition" program. You can read more about Abu Ali's case here .

We followed up our success in Abu Ali with the Feghoul case (2006 U.S. Dist. LEXIS 79147) by stopping the "transfer" of a Guantanamo Bay detainee to a location where he would likely suffer torture.

We made a similar challenge using a petition for habeas corpus in the case of Sameh Khouzam, a refugee who was faced with the threat of being deported to Egypt based on "diplomatic assurances" from that country that he would not be tortured, despite a human rights record filled with reports of torture and other major human rights abuses. A federal district judge recently ruled in Khouzam v. Hogan that "no showing has been made ... that removal based upon diplomatic assurances by a country known to have engaged in torture is consistent with the [Convention Against Torture]." This is the first U.S. court decision challenging the reliability of diplomatic assurances.

Human Rights USA has been taking the lead in challenging the U.S. government's use of diplomatic assurances to evade its obligations under Article 3 of the Convention Against Torture, which prohibits returning individuals to other countries where they are in danger of being subjected to torture.

Our litigation efforts are supplemented by the filing of criminal complaints seeking investigations and prosecutions of U.S. officials who have been implicated in participating in, or providing support to, rendition to torture practices.

See below for documents related to our work on Rendition to Torture:

Abu Ali:

- Our Petition for Writ of Habeas Corpus , seeking the release and return to the U.S. of Abu Ali, a U.S. citizen who had been unlawfully and indefinitely detained, interrogated, and tortured in Saudi Arabia at the United States' behest.
- Our additional submission to the court, detailing specific acts of torture committed against Abu Ali, as well as evidence of the complicity between the United States and Saudi Arabia.
- The court's denial of the U.S. government's motion to dismiss, holding instead that U.S. citizens continue to possess constitutional rights even when detained overseas by foreign officials at the direction of the U.S. government.

Khouzam:

- The District Court of the Eastern District of Pennsylvania's decision in *Khouzam v. Hogan*, that diplomatic assurances from countries that routinely torture detainees may not be used to justify deportation of aliens who have demonstrated a likelihood that they will be tortured.

Criminal Complaints:

- Human Rights USA's Criminal Complaint filed with Attorney General John Ashcroft in 2004, requesting the investigation and prosecution of U.S. officials implicated in the torture of detainees.

- Our Letter and Memorandum to Attorney General Alberto Gonzales in 2006, urging for the appointment of independent counsel to investigate and prosecute crimes associated with "extraordinary renditions."

- Formal request for a hearing before the Inter-American Commission on Human Rights of the Organization of American States, filed in 2007, to investigate whether the Military Commissions Act of 2006 violates international law, treaties, and human rights standards.