



Survivors of U.S. Torture and Rendition to Be Heard Before International Tribunal

Inter-American Commission on Human Rights Orders Case to Proceed

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NEW YORK — In an [historic decision](#) released on July 8, the Inter-American Commission on Human Rights determined that four survivors of the U.S. secret detention and torture program have the right to present their case before the regional tribunal. Binyam Mohamed, Abou Elkassim Britel, Mohamed Farag Ahmad Bashmilah, and Bisher al-Rawi are victims of the U.S. extraordinary rendition program—the post-9/11 coordinated global enterprise of kidnapping, bounty payments, incommunicado detention, and torture. Their [landmark complaint](#) was lodged with the Inter-American Commission in 2011 after a federal case they filed was thrown out on the basis that allowing the case to proceed would have revealed “state secrets.”

In ordering the case to move forward, the Inter-American Commission found that “insurmountable obstacles within the U.S. legal system” prevent victims of U.S. counterterrorism operations from obtaining remedies before U.S. courts. The four individuals are jointly represented by the NYU Global Justice Clinic* and the American Civil Liberties Union (ACLU).

“At a time when the Trump administration is doing everything in its power to thwart accountability for U.S. torture, this decision demonstrates that the U.S. is not above the law,” said **Professor Margaret Satterthwaite, Director of the NYU Global Justice Clinic and counsel for Mr. Bashmilah.** “President Trump has relentlessly attacked international justice institutions, most recently with an [executive order](#) authorizing sanctions against the International Criminal Court for even investigating U.S. war crimes. The Inter-American Commission’s decision to accept this case shows that the quest for accountability will not be quashed.”

The Inter-American Commission, an international human rights tribunal based in Washington, D.C., found that the U.S. is responsible under the American Declaration on the Rights and Duties of Man to respect the rights of everyone under U.S. control, even when such persons are located outside the country. The Inter-American Commission will now consider the merits of the survivors’ legal claims, including any U.S. violations of the rights enshrined in the American Declaration.

“Unlike U.S. courts, the Commission found that victims of U.S. extraordinary rendition and torture can have their claims heard,” said **Steven Watt, senior staff attorney with the ACLU’s Human Rights Program.** “Our clients’ decades-long pursuit of justice has finally paid off.”



Mohamed, Britel, Bashmilah, and al-Rawi filed their joint petition before the Inter-American Commission after U.S. federal courts [dismissed their lawsuit](#) against Jeppesen Dataplan, Inc., a Boeing subsidiary that provided flight support services to the CIA as part of the extraordinary rendition program. During rendition flights, victims were often stripped naked, sexually assaulted, diapered, chained, and strapped down to the floor of an airplane as part of a brutal procedure known as [“capture shock”](#) treatment. The U.S. government intervened in the lawsuit to invoke the state secrets privilege, leading to the lawsuit’s dismissal.

For more about the litigation, see: <https://www.aclu.org/cases/samma-v-us-department-defense-lawsuit-challenging-policy-denying-us-military-service-members>.

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