

GLOBAL JUSTICE CLINIC
WASHINGTON SQUARE LEGAL SERVICES, INC.

245 SULLIVAN STREET, 5th FLOOR, NEW YORK, NY 10012, USA
TEL: +1-212 992-8899 - FAX: +1-212- 995-4031

MARGARET L. SATTERTHWAITE
Professor & Supervising Attorney

NIKKI REISCH
Supervising Attorney

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TO: Anafia Banfi (abanfi@oas.org)
CC: CIDH Portal (CIDHPortal@oas.org)
IACHR (cidhdenuncias@oas.org)

RE: P-1638-11: Abou Elkassim Britel, Binyam Mohamed, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, United States

Dear IACHR:

I write to bring to your attention a procedural error concerning a case currently under consideration by the IACHR, and to request that this error be rectified as soon as possible. Specifically, I request that the Commission: continue to process P-1638-11: Abou Elkassim Britel, Binyam Mohamed, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, United States; transmit to the Petitioners the State's observations on the petition; and grant us fair and adequate time to respond to those observations. Yesterday, I received a letter from the IACHR, dated October 18, 2018, but postmarked November 14, 2018. The letter (attached) notified the Petitioners that the Commission was considering closing P-1638-11 under Article 42 of the IACHR's Rules of Procedure due to the purported procedural inactivity of the Petitioners. The letter requested that we reply within one month to the State's observations on our petition.

Neither my co-counsel, Steven Watt, nor I have ever been notified of, or ever received, the State's observations on our petition, or a letter from the Commission asking us to respond to those observations. We reconfirmed today that no documents relating to this petition are visible to either of us on the IACHR portal, nor have they ever been. We received the IACHR's October 18 letter a full month after it was written. We therefore request that the Commission: (1) not close our petition but continue to process and consider it; (2) transmit to us all relevant documents, especially the State's observations on the petition, as soon as possible; and (3) grant us leave and adequate time to reply to the State's observations. Because we have never received the State's observations in this case, we request that we be granted leave and at least three months to submit our responses once the State's observations have been transmitted to us. Granting us time equivalent to that given to the State under Article 30 of the IACHR's Rules of Procedure would be fair, and is necessary to rectify the procedural mistake in this case.

Thank you in advance for your prompt attention to this matter.

Yours sincerely,



Margaret Satterthwaite
Director, Global Justice Clinic
satterth@mercury.law.nyu.edu

CC: Steven Watt, ACLU (swatt@aclu.org)