

May 31, 2013

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano,

We, the undersigned organizations, are writing to urge the United States government to allow Taha Yaseen Arraq Rashid, Asa'ad Hamza Hanfoosh Al-Zuba'e and Suhail Najim Abdullah Al Shimari to travel from Iraq to the United States to participate in a lawsuit they brought against a private military contractor, CACI Premier Technology, Inc., alleging torture and other abuse at Abu Ghraib, *Al Shimari v. CACI Premier Technology*, Civil Action No. 08-cv-0827 (E.D. Va. filed Sept. 15, 2008). All three men were released from U.S. detention more than five years ago without charge.

The United States has consistently reaffirmed its commitment to providing redress to persons who suffer human rights violations, such as torture and war crimes, including by military contractors. Likewise, the courts of this country have affirmed that aliens suffering from grave human rights abuses can bring these claims in U.S. federal courts. Their right to a remedy is also supported by this country's principles of due process and fundamental principles of international human rights law. This right, enshrined in international treaties and customary international law – including in Articles 13 and 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in Articles 2(3)(a) and 9(5) of the International Covenant on Civil and Political Rights – strongly counsels against a state depriving victims of human rights violations of an opportunity to present their claims.

Mr. Rashid, Mr. Al-Zuba'e, and Mr. Al Shimari, along with a fourth plaintiff, Salah Al-Ejaili,¹ filed timely claims in federal court in an effort to secure some form of accountability for the abuses they allege they were subjected to in 2003-2004 while detained at Abu Ghraib prison. However, their right to pursue a remedy is currently in jeopardy because of the logistical challenges they have encountered seeking entry to the United States. The judge presiding over their litigation, Honorable Judge Gerald Bruce Lee, has ordered that they appear in the United States to testify in their case – and indeed, each plaintiff is eager to travel to the U.S. to provide a detailed account of the serious harms they suffered. While they were all granted visas to travel to the U.S. this winter, and were able to secure boarding passes for their flight from Baghdad, Iraq to the U.S. on March 15, 2013, they were informed that U.S. authorities would not permit them

¹ Mr. Al-Ejaili currently resides in Qatar and was able to travel to the U.S. in March 2013 to appear for a deposition in this litigation.

to board the flight just before the flight's departure. All three men immediately reapplied for expedited visas to travel to the U.S., but these visas have not yet been granted. The plaintiffs and their lawyers have sought information from the Department of Homeland Security to ascertain why they have been unable to travel to the United States, but have not received any answers.

In order to ensure Mr. Rashid, Mr. Al-Zuba'e, and Mr. Al Shimari have a right to a remedy for the serious abuses they allege, we urge the Department of Homeland Security to allow them to travel to the United States so that their claims are not prematurely dismissed, without consideration on the merits.

Sincerely,

American Civil Liberties Union
Amnesty International
Asylum and Human Rights Program, Boston University School of Law
Center on National Security at Fordham Law
Council on American-Islamic Relations
Global Justice Clinic, NYU School of Law²
Human Rights First
Human Rights Watch
International Justice Network
National Religious Campaign Against Torture
The Center for Victims of Torture
Witness Against Torture

CC: David Pressman Assistant Secretary, Office of Policy Development, Department of Homeland Security

² This letter does not reflect the views of NYU School of Law.