

Los Angeles Times

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From the Los Angeles Times

Supreme Court revives suit by 4 Guantanamo Bay ex-inmates

U.S. justices tell a federal appeals court to revisit the lawsuit. The British Muslim detainees say they seek to hold Pentagon officials responsible for their torture and abuse at the prison.

By David G. Savage

December 16, 2008

Reporting from Washington — The Supreme Court today revived a lawsuit by four British Muslims who say they were tortured and abused at the U.S. military prison at Guantanamo Bay, Cuba, and seek to hold top Pentagon officials responsible.

The suit was thrown out last year by the U.S. Court of Appeals in Washington, which said the Guantanamo prisoners had no rights under the Constitution because they were foreigners held by the military.

In a one-line order today, the justices told the appeals court to take another look at the case.

In June, the Supreme Court rejected the premise that the Guantanamo prisoners had no rights. In a 5-4 ruling, the justices said the Constitution's protection for the right to habeas corpus extends to the Guantanamo prisoners. This decision cleared the way for them to sue for their freedom before a judge.

Citing that decision, lawyers for the former Guantanamo prisoners appealed to the high court in August. "The torture, abuse and religious humiliation of Muslims detainees at Guantanamo Bay stands as a shameful episode in our history," their lawyer Eric Lewis wrote in his appeal.

The four British men include Shafiq Rasul. He was the lead plaintiff in the 2004 ruling by the high court that first granted the right to habeas corpus to the Guantanamo prisoners.

Rasul, a native of Tipton in the British Midlands, went to Pakistan in 2001 to study computer science. He and three others went to Afghanistan a few months later to help with a humanitarian crisis. The men were captured by warlords and turned over to American forces. They spent more than two years at Guantanamo before they were freed and returned to England.

In their suit, the men say they were shackled in painful positions, threatened by dogs, subjected to extremes of hot and cold and were harassed during their daily prayers.

Their suit named former Defense Secretary Donald H. Rumsfeld and top generals who were in charge of the Guantanamo prison.

"It is an important step that the Supreme Court would reach out and vacate an opinion that denied rights that are fundamental to human dignity," said Michael Ratner, president of the Center for Constitutional Rights, which was co-counsel for the former prisoners.

Bush administration lawyers had urged the high court to reject the appeal and dismiss the lawsuit. U.S. Solicitor General Gregory Garre said the appeals court had correctly concluded "that military detainees could not impose personal monetary liability on the nation's military commanders for overseas conditions of confinement during a time of war."

The justices rejected that advice today and said the suit should continue.

Savage is a Times staff writer.

david.savage@latimes.com

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