

Pelican Bay Prisoners Force Reforms and Win Class-Action Status

In June, a federal judge granted class action status in *Ashker v. Brown*, CCR's case challenging long-term solitary confinement at California's Pelican Bay State Prison. The ruling allows hundreds of prisoners to join the lawsuit, including all Pelican Bay prisoners who have been isolated in the Security Housing Unit (SHU) for more than 10 years and all gang-validated prisoners who are serving indefinite SHU terms. More than 500 men have been in the SHU for over 10 years; more than 200 have been there for over 15 years; and 78 have been there for over 20 years. CCR and our allies have maintained that this sort of treatment – a decade or more in near-total isolation – amounts to torture and violates both U.S. and international law. If society is judged by how it treats its prisoners, we are failing miserably.

As the case proceeds, CCR will highlight the profound – and often irreparable – physical and psychological effects of long-term solitary confinement: persistent and heightened



CCR President Jules Lobel (left) and Marie Levin (center), sister of CCR plaintiff Ronnie Dewberry who has spent 23 years in solitary confinement at California's Pelican Bay Prison, join protestors outside the federal court building prior to a hearing in CCR's lawsuit challenging prolonged solitary confinement as cruel and unusual punishment.

states of anxiety and nervousness, headaches, insomnia, chronic fatigue, nightmares, heart palpitations, and fear of impending nervous break-

downs, among many others. These symptoms have been reported by individuals placed in solitary confinement

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Inform on Your Community or End Up on the FBI's No Fly List

In October 2013, CCR and CUNY Law School filed *Tanvir v. Holder*, on behalf of Mohammed Tanvir, who had been placed on the federal government's notoriously overbroad and inaccurate No Fly List – not because he posed a threat, but because he refused to serve as an informant. On April 22, we amended that complaint to include three others.

Inclusion on the list is intended to be limited to those who pose such a significant threat that allowing them to fly on a commercial flight to, from or over the US is considered

too great a risk. Our clients presented no such threat. Some found themselves on the List after refusing to spy for the FBI. Others were approached by the FBI after being unable to fly and were told that they would be removed from the List if they became informants.

Because of their placement, some of the plaintiffs have not been able to see family overseas for years – tragically one has been separated from his family for five years. They

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Against War and All its Horrors

This spring marked the 10th anniversary of the release of the Abu Ghraib torture photos, another grim marker in the officially endless and borderless “War on Terror.” In June, CCR won a significant ruling when the Fourth Circuit reinstated our case against private military contractor CACI on behalf of four Iraqi men who were tortured at the notorious prison. Meanwhile, in July, we filed a Freedom of Information Act request as an important step in holding the U.S. accountable for its use of depleted uranium during the Iraq War.

These recent actions are just the latest in a long history of work in opposition to the Iraq War. Indeed, CCR was among those who actively worked to prevent the war before it started. We published *Against War with Iraq: An Anti-War Primer* in early 2003. Three years later we laid out the case of how the invasion of Iraq was illegal in our book *Articles of Impeachment Against George Bush*.

Once the war began, human rights violations inevitably followed and CCR has been working ever since to expose, end and demand accountability for the suffering inflicted by U.S. military and corporate forces. When the Abu Ghraib photos came to light, we were the first organization to seek accountability for the victims. We filed a suit against private companies that oversaw the torture in June 2004. We have filed two additional suits since then, including the *Al-Quraishi* case on behalf of 72 victims that led to the first-ever settlement for those who were tortured during the war. The other case is *Al-Shimari*, the case the Fourth Circuit ruled could move forward.

The Abu Ghraib victims were not the only people on whose behalf we have fought, nor were the hired private companies the only ones we went after. We reached settlement with Blackwater for its killing of Iraqi civilians in the 2007 Nisour Square massacre. We went to Germany and filed a complaint in court there against Donald Rumsfeld for his role in the Abu Ghraib torture.

The German case was our first use of the principle of universal jurisdiction – that all countries have an interest in and jurisdiction over crimes such as war crimes, torture and genocide. Since then we have pioneered this legal strategy and pursued accountability for the architects of U.S. torture in numerous international venues. This work continues today.

Last year, on the 10th anniversary of the U.S. invasion of Iraq, CCR launched a novel initiative, the Right to Heal project, bringing together partners from both sides of the Iraq War, the U.S. group Iraq Veterans Against the War and two Iraqi groups, the Organization of Women’s Freedom in



Vince Warren in front of the White House at the launch of the Right to Heal initiative.

Iraq and the Federation of Workers Councils and Unions in Iraq. Our goal is as radical as it is simple: to hold the U.S. government accountable for the lasting effects of the war and demand the right to heal for both Iraqi civilians and U.S. veterans.

Part of that project involves work around the environmental poisoning caused by the U.S.’s use of certain munitions, most notably depleted uranium, as well as burn pits. The July FOIA filing is the latest effort in the environmental accountability part of this important project.

As I recite this body of work, some familiar themes jump out at me. CCR was in the forefront of responding to the crimes unleashed by the Iraq War. We have pioneered new and creative accountability strategies, year in and year out, regardless of the conventional political thinking of the day. All of these things are hallmark CCR traits, and they are among the things that make CCR such an indispensable voice for human rights and justice.

I am immensely grateful to all of you who have supported CCR through all these years of work. Without the steady support of so many of you, a crucial component to our work against war and all it does to human beings would be impossible. Thank you.

A handwritten signature in black ink, appearing to read "V. Warren".

Vincent Warren, *Executive Director*

Pelican Bay (continued from cover)

after just a few days or months, and have only become more pronounced when a person is held in solitary confinement for many years without any meaningful hope of release. A leading psychological expert who has interviewed Pelican Bay prisoners over time observed they experience a form of “social death” as their isolation continues. In short, long-term solitary confinement amounts to cruel and unusual punishment and cannot constitutionally be imposed on any individual, no matter what the reason.

Throughout the case, the prisoners, their families, and advocates have continued the organizing and the protests that sparked the campaign to abolish long-term solitary confinement. July 8 marked the one-year anniversary of the prisoners’ third hunger strike, which involved 30,000 prisoners throughout California, lasted 60 days, and led to reforms. The California legislature held hearings and the Department of Corrections began reviewing all prisoners in indefinite solitary confinement in California. With many


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more reviews to go, nearly 400 prisoners have qualified for release into general population and 152 have already been moved. Pelican Bay prisoners in solitary confinement are now allowed to have more visits with loved ones (though many family members live too far away to be able to make the trip.) Additionally, SHU prisoners may now have their own underwear, a cup, and a bowl, and are permitted to have televisions and radios. These seemingly miniscule improvements only underscore the inhuman conditions inside the SHU.

Ashker is an example of how CCR uses litigation strategically to support a social movement. Indeed, the case was originally filed by two SHU prisoners on their own behalf, Todd Ashker and Danny Troxell. In joining the case, CCR and various legal and advo-

cacy organizations in California have brought expertise and a public history of litigating prisoner and other human rights issues. We have supported the prisoners, but they have led the charge – despite great challenges, they have organized, agreed on strategies, articulated their demands, decided when and how to protest, and ultimately put their lives on the line for justice. Together, we have made great strides.

While the problem of long-term solitary confinement is far from solved, the beginning of internal reforms and the granting of class action status in the lawsuit are signs that long-term solitary confinement is headed in the right direction: to the history books.

 For more information on this issue please visit us at CCRjustice.org/pelican-bay

No Fly List (continued from cover)

have lost jobs, been stigmatized, and suffered severe financial and emotional distress.


The complete lack of transparency and accountability makes the List ripe for abuse by FBI field agents who often face pressure to recruit human sources, and have a great deal of individual discretion to nominate individuals to the List.

Our clients are asking the court to remove their names from the List, for declaratory and injunctive relief stating that they were kept on the List without cause and in retaliation for their assertion of constitutional rights, and that the List deprives individuals of liberty without sufficient procedural safeguards against abuse. Finally, they seek monetary relief for damages they suffered as a result.

The case is pending before the federal district court.

The government is scheduled to respond to our complaint in late July.

 For more information on this issue please visit us at CCRjustice.org/Tanvir



On July 23, *The Intercept* published a leaked copy of the National Counterterrorism Center's Watchlisting Guidance, which sets forth (among other things) inclusion criteria, evidentiary standards and procedures for placing individuals on the No Fly List that are hopelessly vague and require no showing of a threat to aviation security.

UN Committee Against Torture Recognizes Clergy Rape and Sexual Violence as Forms of Torture

CCR continues to push for accountability for Catholic Church officials involved in the cover-up and facilitation of sexual violence by priests worldwide. In April, on behalf of our client, the Survivors Network of those Abused by Priests (SNAP), CCR submitted two reports to the UN Committee Against Torture (CAT). In March, the Committee, which has long addressed rape and sexual violence as forms of torture and cruel and inhuman treatment, strongly questioned the Vatican for the first time on its compliance with the Convention Against Torture. Earlier this year, CCR and SNAP submitted evidence to the UN Committee on the Rights of the Child, which, for the first time, issued a scathing analysis of the church's handling of cases of rape and sexual violence by priests. CCR and SNAP were present at both sessions to give testimony and then bear witness in the pursuit of accountability for Vatican officials.


The CAT issued its report in late May in which it raised serious concerns about the Vatican's handling of cases of sexual violence by clergy. The Committee expressed deep concerns about church policies and practices – such as moving and sheltering offending priests rather than reporting them to civil authorities, refusing to cooperate with national authorities, and lack of accountability for bishops and cardinals who have participated in cover-ups and enabled the crimes.

The Committee will continue to monitor the Vatican's compliance with the Convention Against Torture and its implementation of reforms. CCR and SNAP will also continue to monitor and report in these processes.



(L to R) SNAP President & Founder Barbara Blaine, CCR Senior Staff Attorney Katherine Gallagher, SNAP NYC Co-Leader Megan Peterson and CCR Legal Worker Aliya Hussain at the UN Committee Against Torture hearing in Geneva.

Following the UN reporting session, CCR and SNAP provided a live interactive report back from Geneva to share information and answer questions from survivors and supporters worldwide.

 For more information, and to watch the most recent report from Geneva, go to: www.CCRjustice.org/snap

Challenging Unconstitutional Surveillance of Muslim Americans

In March 2014, CCR and Muslim Advocates filed a notice of appeal in response to the court's dismissal of the first-ever case brought on behalf of Muslim Americans who were unlawfully targeted and surveilled under the NYPD's post-9/11 human mapping and surveillance program. In early July 2014, we filed our opening brief, which was supported by eight amicus briefs.

The case, *Hassan, et al. v. City of New York*, was filed in June 2012 in federal court in New Jersey on behalf of 11 plaintiffs, including: a decorated Iraq

war veteran, current and former Rutgers University students, the parent organization of the Muslim Student Association of Rutgers University, a coalition of New Jersey mosques, and the owners and proprietors of a grade school for Muslim girls.

It is now well known that after the 9/11 attacks, the NYPD established an expansive and secretive human mapping and surveillance program that targeted Muslim American communities in New York, New Jersey, and beyond, exclusively on the basis of their religious affiliation. In

direct violation of the U.S. Constitution, the NYPD monitored and/or infiltrated almost every aspect of Muslim life, from mosques and student associations to halal butcher shops, restaurants and private citizens. NYPD documents confirm that the program was not tied to suspicion of criminality. Unsurprisingly, after more than a decade in operation, the surveillance program has produced no leads to terrorist activity.

 For more information, go to: CCRjustice.org/hassan

Guantánamo: 10 Years after Supreme Court Win, CCR Continues to Fight for Detainees' Rights

This summer marked the 10th anniversary of the landmark Supreme Court ruling in CCR's case *Rasul v. Bush*, described by the *New York Times* as "the most important civil liberties case in half a century." *Rasul* established Guantánamo prisoners' right to challenge their detention, opening the door for all subsequent Guantánamo litigation. While celebrating this accomplishment, CCR has also continued the solemn work of trying to free those who remain trapped and to shutter the prison once and for all.

In May, CCR client Ghaleb Al-Bihani was approved for transfer. Before being sent to Guantánamo, Al-Bihani was an assistant cook for a Taliban-affiliated group that no longer exists. He is also seriously ill. Yet he has languished at Guantánamo without charge or trial for over 12 years. After much effort, Bihani (represented by a CCR lawyer) won his clearance in a hearing before a Periodic Review Board. But for now that only means that he joins the 78 prisoners who are cleared for transfer but remain imprisoned.

Fifty-eight of these men, including Al-Bihani, are Yemeni. Though President Obama lifted his self-imposed moratorium on transfers to Yemen a year ago, he has not transferred a single Yemeni since then. The administration promised to do a "case-by-case" review, deciding individually who could be safely transferred, but the Yemenis continue to be treated as a monolithic block, imprisoned based not on what they've done but where they're from.

In August, CCR intends to file a new "second generation" habeas case and motion for summary judgment in order to challenge the arbitrary detention of Yemeni prisoners based on their citizenship. *Alhag v. Obama* will challenge the imprisonment at Guantánamo of Abd Al Hakim Ghalib Ahmad Alhag, a Yemeni citizen who has been



CCR supporters in New York City's Times Square at the May 23 Global Day of Action to Close Guantánamo & End Indefinite Detention.

held at Guantánamo since 2002. CCR will argue that the continued detention of Alhag and other cleared Yemenis violates U.S. and international law, including the Geneva Conventions and international human rights law.


By clearing Alhag and other Yemenis for release, the Obama administration has conceded that they do not pose a threat. Yet the government continues to hold these men – failing to send them home or even to a third country – because of political instability in their homeland. This is classic arbitrary detention.

In recognizing the prisoners' right to challenge their detention, *Rasul* gave lawyers access to Guantánamo prisoners and their stories. This is how the public learned the true character of Guantánamo: incompetence, unlawfulness, and even torture. This, as much as litigation, has driven efforts to close Guantánamo and obtain accountability for the abuses committed there.

But CCR is still fighting for some of

these stories to be told in full. In June, attorneys argued to the Second Circuit Court of Appeals that video tapes of Guantánamo prisoner Mohammed al Qahtani should be made public under the Freedom of Information Act. Al Qahtani is the only Guantánamo prisoner the U.S. government has explicitly acknowledged torturing, and some of the tapes depict Al Qahtani when he was in solitary confinement immediately prior to the worst period of torture. Public scrutiny of practices inside Guantánamo is the best hope of holding officials accountable and ensuring that abuses never occur again.

Until *Rasul* has done all of its work, until every possible case has been litigated and every story told, until Guantánamo is nothing but a painful memory, CCR will continue what we started when *Rasul* was filed in 2002: demanding that the U.S. uphold human rights and comply with the law, and that those who do not be held accountable.

 For more information, go to: CCRjustice.org/gitmo

Donor Spotlight: A Shaffer Family Tradition Continues

Doris and Donald Shaffer were longtime members of the CCR community; as donors and volunteers they gave generously of their time and resources. Sadly we lost both over the last few years, but their sons Nathan, David and Robert continued the family tradition of supporting CCR by establishing the Doris and Don Shaffer Memorial Internship and making a generous gift to CCR. The five-year pledge provides annual support to CCR and funds the fellowship stipend.



The Shaffer intern will participate in the Center's Ella Baker Program, part of our mission to train the next generation of movement lawyers in partnership with the Bertha Justice Institute. Interns receive hands-on training working closely with CCR attorneys, clients and allies.

The Center is honored to have this opportunity to carry on the Shaffer's tradition of social justice and progressive activism and is grateful to their sons for making support of CCR a family affair.

For more information on how you can make a planned gift, including charitable gift annuities, bequests, or endowed internships, please contact Sara Beinert at sbeinert@CCRjustice.org or 212-614-6448.

Ella Baker Spotlight:

Zamira Djabarova

Zamira Djabarova, a third year student at Brooklyn Law School, was an Ella Baker Fellow this summer and worked



on the Right to Heal Initiative (see Vince Warren letter page 2) and CCR's case challenging the persecution of LGBTI people in Uganda by a U.S.-based anti-gay extremist. Zamira first came to the U.S. from Tajikistan for her graduate studies in International Development at The New School. Prior to law school, she worked at the U.N. on women's economic rights in Central Asia and Eastern Europe.

When asked about her internship at CCR, Zamira said that her most valuable lesson was learning CCR's model of movement lawyering: "It's easy to come in with the best of intentions and then impose on those you're helping by assuming their needs. At CCR, I experienced first-hand how attorneys, by partnering with their clients and following their lead, can develop legal strategies that best support and compliment social justice movements."

Bertha Justice Conference

This year's Bertha Justice Institute (BJI) Social Justice Conference was attended by a record 280 law students, young lawyers, and activists from around the country. The two-day conference celebrated the 50th anniversary of Freedom Summer, and featured keynote addresses from artist and activist Harry Belafonte and the Dream Defenders' Executive Director Phillip Agnew. Topics covered included: stop-and-frisk in NYC, anti-LGBTQ legislation in Uganda, stand your ground laws in Florida, indefinite detention at Guantánamo, torture in Colombia, exploitation of laborers in New Orleans, and the Marikana mineworker massacre in South Africa.

To watch highlights from the conference, go to: CCRjustice.org/SJConference



Harry Belafonte in conversation with CCR BJI Director Purvi Shah at the 2014 Social Justice Conference.

Huge Victory for Racial Equality in the FDNY

On March 18 a settlement was reached in CCR's class action lawsuit *Vulcan Society v. City of New York*, which readers will recall charged the FDNY with racially discriminatory hiring practices that violated the 1964 Civil Rights Act and the U.S. and New York State constitutions.

Under the settlement, the City will implement broad injunctive relief to increase opportunities for New Yorkers of color to become firefighters and to change the culture of the FDNY to make it more welcoming to people from all backgrounds. There is also a significant monetary victory: the thousands of Black and Latino victims of the City's 1999 and 2002 discriminatory firefighter hiring exams will be eligible to receive back pay totaling \$98 million.

As a result of the case and advocacy, the most recent class of firefighters hired in December 2013 was the most diverse in NYC's history.

However, the FDNY remains a dif-




Members of the Vulcan Society, the CCR legal team and co-counsel from Levy Ratner at the March 18 announcement of the settlement.

ficult place to work for firefighters of color, and CCR continues to advocate for victims of discrimination, and will continue to monitor the implementation of the settlement and remedial court orders.

Given the victory, it is hard to remem-

ber that 10 years ago the Vulcan Society could not find lawyers to support them – until they came to CCR.

 For more information on this issue please visit us at CCRjustice.org/vulcans

Justice Denied for Targeted Killings

In a deeply disappointing decision on April 4, our case with the ACLU against CIA and military officials for their role in authorizing drone strikes that killed three U.S. citizens in Yemen in 2011 – Anwar Al-Aulaqi, his 16-year-old son Abdulrahman Al-Aulaqi, and Samir Khan – was dismissed by the district court in Washington, DC.

The dismissal marks the end of this case, in accordance with our clients' wishes. As Nasser Al-Aulaqi (father to Anwar, grandfather to Abdulrahman) stated in explaining his decision not to appeal: "I have now spent years asking American courts to decide whether the U.S. government can deprive even its own citizens of life ... This isn't justice... the district court's opinion went out of its way to defer to the government's claims of killing authority ... I have no faith left in a judiciary that refuses even to hear whether Abdulrahman, an American child, was wrongfully killed by his own government."

CCR's efforts to end unlawful drone killings by the United States, which began four years ago with our first case with the ACLU challenging the authorization for Al-Aulaqi's kill-



Nasser al-Aulaqi, grandfather of 16-year-old Abdulrahman, pictured in foreground. U.S. citizens, his son and grandson were killed in separate drone attacks.

ing, will persist. We must continue to challenge the government's dangerous claims of authority and impunity in and out of court, and we will.

Breaking News:

Win Against Solitary Confinement

Challenge to FBI's No Fly List

Reflections on Iraq

GITMO: 10 years after SCOTUS Win

Racial Justice Victory



Give to CCR and Your Gift Will Have 2x the Impact!



Thanks to our friends at The Atlantic Philanthropies, CCR has an exciting opportunity to raise an additional half million dollars this year. From July 1, 2014 through June 30, 2015, Atlantic will match, dollar for dollar, up to \$500,000 from:

- **First time donors to CCR.** Any gift you make will be matched 100%;
- **Donors who increase their giving to CCR.** For example, if you gave \$100 last year and increase your giving to \$150 during the matching period, \$50 will count toward the match;
- **Lapsed Donors.** Haven't been able to give to CCR in over two years? That's okay. Now is the time to renew your support! Give today and 100% of your gift will count toward the match.

We are incredibly grateful to The Atlantic Philanthropies for this tremendous opportunity to fuel the fight for justice, and hope that you will join with CCR to help us reach our goal. Thank you for your goodwill, generosity, and for partnering with CCR to make a more just world.



To donate online, go to
www.CCRjustice.org/donatotoday

