

Handout # 3 (Lesson 4): Innocent Men Win Lawsuit

NEW YORK — The Center for Constitutional Rights (CCR) has announced that five men who had been living in New York and were ultimately deported won a \$1.26 million settlement from the United States government in a case challenging post-9/11 racial profiling, illegal detention and abuse of Muslim, Arab and South Asian men.

Yasser Ebrahim, one of the men held at the Metropolitan Detention Center (MDC) in Brooklyn, NY after the post-9/11 sweeps and now living in Egypt, said: "We were deprived of our rights and abused simply because of our religion and the color of our skin. After seven long years, I am relieved to be able to try to rebuild my life. I know that I and others are still affected by what happened and that communities in the U.S. continue to feel the fallout. I sincerely hope this will never happen again."

CCR's class action, *Turkmen v. Ashcroft*, was filed in September 2002 to challenge the arbitrary detention and mistreatment of immigration detainees by prison guards and high-level Bush administration officials in the wake of 9/11. With no evidence of any connection to terrorism, hundreds of Muslim, Arab and South Asian men were rounded up on the basis of racial and religious profiling and subjected to unlawful detention and abuse.

Among other documented abuses, many of the men had their faces smashed into a wall where guards had pinned a t-shirt with a picture of an American flag and the words, "These colors don't run." The men were pushed against the t-shirt upon their entrance to MDC and told, "welcome to America." The t-shirt was smeared with blood, yet it stayed up on the wall at MDC for months.

All of the men were eventually deported, though several of the plaintiffs returned to New York under strict conditions to participate in depositions for their case against the government in early 2006.

"As with the Japanese internment, history will not look kindly upon the Ashcroft raids," said CCR Attorney Rachel Meeropol. "This is just the first step, though. To ensure that this never happens again, the former Attorney General and his cronies — the architects of this policy — must also be held accountable."

Michael Winger, co-counsel at Covington & Burling, LLP, said: "We applaud our clients for being willing to fight seven long years to gain some compensation for the injustice of their treatment. We hope the government will take the hint, and not repeat this outrage."

The suit named as defendants then-Attorney General John Ashcroft, FBI Director Robert Mueller, former INS Commissioner James Ziglar and officials at the Metropolitan Detention Center in Brooklyn, where the plaintiffs were held.

The plaintiffs who settled are Yasser Ebrahim and Hany Ibrahim, brothers, and Ashraf Ibrahim, no relation, all currently living in Egypt; Asif-Ur-Rehman Saffi, a native of Pakistan currently

residing in France, where he is a citizen, with his wife and three children; and Shakir Baloch, a former physician from Pakistan residing with his wife and 15-year-old daughter in Toronto.

To continue the fight to hold these officials accountable, CCR attorneys have asked the judge in the case to allow them to file a new complaint on behalf of five new MDC plaintiffs. The new version of the case would also be a class action, and would include a substantial number of detailed allegations tying Ashcroft, Mueller and Ziglar to the illegal round-ups and abuse based on information CCR has gathered through years of litigating Turkmen. CCR attorneys asked that the remaining two original named plaintiffs in the case who were held at Passaic County Jail rather than the MDC have their claims remanded with the new plaintiffs' to the District Court. They are Ibrahim Turkmen and Akhil Sachdeva.

The new plaintiffs include two Pakistani men, Ahmer Iqbal Abbasi and Anser Mehmood; two men from Egypt, Ahmed Khalifa and Saeed Hammouda; and Benamar Benatta, an Algerian who has sought and received refugee status in Canada. Despite the fact that the government never charged any of them with a terrorism-related offense, the INS kept them in detention for up to eight months, long past the resolution of their immigration cases. CCR attorneys say that the government deliberately avoided the requirements of the Fourth Amendment and tried to avoid judicial oversight by placing the men in immigration rather than criminal detention when the sole purpose of the round-ups was to investigate so-called terrorist threats and should have proceeded under criminal law.

Source:

Arab-American News.com excerpted from a press release from the Center for Constitutional Rights, November 9, 2009.

[<http://www.arabamericannews.com/news/index.php?mod=article&cat=USA&article=2633>]