



PRESS RELEASE

Former Detainees and Human Rights Groups Appeal Spain’s Decision to Discontinue Guantánamo Investigation

Madrid/ Berlin/ New York, 23 July 2015 – The Berlin-based European Center for Constitutional and Human Rights (ECCHR) and the Center for Constitutional Rights (CCR) in New York, together with their cooperating lawyer in Madrid, Gonzalo Boye, have lodged an appeal against the Spanish National Court’s decision to halt the long-running investigation into torture at the U.S. detention center in Guantánamo.

In closing the investigation, Judge José de la Mata applied reforms to the universal jurisdiction law introduced by the current Conservative government that impose new limits on the jurisdiction of Spanish courts, which require that cases involve suspects who are Spanish citizens or are living in Spain. The new limits are widely reported to be the result of pressure by the Chinese government over universal jurisdiction cases against former Chinese officials; the Spanish Supreme Court closed a case involving charges of genocide in Tibet in May in response to apparent Chinese threats to curtail economic trade with Spain as long as the case was proceeding.

“This decision is the result of politics trumping law. Spain put its economic and political interests ahead of its human rights obligations when it reformed its universal jurisdiction law, when the Supreme Court closed its cases against Chinese officials, and, now, when it halted the Guantánamo torture investigation,” said **CCR Senior Staff Attorney Katherine Gallagher**. “Universal jurisdiction is the court of last resort, when governments cannot or will not investigate their own, which the U.S. has repeatedly made clear it refuses to do. Spain has the opportunity to correct its decision—for the sake of justice, let us hope it does.”

The proceedings were initiated in 2009 on behalf of four former Guantánamo detainees, Hamed Abderrahman Ahmed, Ikassrien Lahcen, Jamiel Abdul Latif Al Banna, and Omar Deghayes, each with ties to Spain. In 2010, CCR and ECCHR intervened as a party (*Acusación Popular*). A joint CCR/ECCHR request to



subpoena the former Guantánamo commander, Geoffery Miller, was pending when the case was dismissed.

“Spain’s reform of universal jurisdiction represents a major encroachment on the rights of victims of human rights violations. This is in breach of the Convention against Torture and the European Convention on Human Rights,” said **ECCHR General Secretary Wolfgang Kaleck**.

In May 2015, Boye, ECCHR and CCR submitted documents to the court on the involvement of Spanish police officials in interrogations at the U.S. detention center in Cuba in May 2002. “In the Guantánamo case, the court is ignoring evidence that Spanish suspects are involved,” said **Gonzalo Boye**.

ECCHR is representing Murat Kurnaz, from Bremen in northern Germany, who was tortured during his detention in Guantánamo from January 2002 to August 2006, and CCR is representing Muhammed Khan Tumani, who was detained at Guantánamo from 2002-2009, beginning at age 17, in these proceedings.

More on the investigations in Spain:

<http://ccrjustice.org/home/what-we-do/our-cases/accountability-us-torture-spain> ;

http://www.ecchr.eu/en/our_work/international-crimes-and-accountability/u-s-accountability/spain.html

Contact:

ECCHR

Tel.: + 49 (0) 30 400 485 90

E-Mail: info@ecchr.eu

CCR

Jen Nessel

Tel.: + 1 (212) 614-6449

E-Mail: jnessel@ccrjustice.org