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Human Rights Groups Submit File to French Court on Former U.S. Department of Defense General Counsel in Ongoing Guantánamo Torture Investigation

Attorneys ask investigating judge to subpoena William Haynes as part of criminal case

October 12, 2016, New York, Paris, Berlin – Today, supported by the New York-based Center for Constitutional Rights ([CCR](#)) and the Berlin-based European Center for Constitutional and Human Rights ([ECCHR](#)), two former Guantánamo detainees Nizar Sassi and Mourad Benchellali urged a French judge to subpoena William “Jim” Haynes, the former General Counsel for the U.S. Department of Defense (DOD) during the George W. Bush administration. Sassi and Benchellali request the Investigative Judge of the High Court of Paris (*Cour d’Appel de Paris - Tribunal de Grande Instance de Paris*) to question Haynes on his role in the torture and other serious mistreatment of the former detainees. The CCR and ECCHR detail Haynes’ responsibility for torture and war crimes related to detainee treatment in the [26-page expert report](#).

“That high-level U.S. officials alleged to bear responsible for torture continue to enjoy impunity domestically is a stain on the U.S. system of justice,” said **Katherine Gallagher, Senior Staff Attorney at CCR**. “We hope that this report will be of use in holding officials such as Haynes accountable in France, a venue that – unlike the United States – is willing to investigate torture, and assist in providing some measure of justice to the torture survivors.”

The expert report establishes that Haynes was one of the primary architects of the Bush administration’s interrogation and detention policies. It sets out the role Haynes played in formulating and approving the list of interrogation techniques that led directly to torture and abuse at Guantánamo; allowing the torture and abuse to continue by silencing objections to the interrogation techniques from the military and other government departments; and further facilitating the torture and abuse in various ways. Haynes was DOD’s General Counsel from 2001-2008 and worked closely with former Secretary of Defense Donald Rumsfeld during his tenure.

“It is important to fully investigate and prosecute high-level officials for developing, approving and implementing systems of torture,” said **Andreas Schueller, ECCHR Program Coordinator on International Crimes and Accountability**. “Only a strong judicial response will contribute to stop torture globally.”

The investigation began in France after the families of French citizens Sassi and Benchellali, lodged a criminal complaint in November 2002. They were later joined by a third, Khaled Ben Mustapha. The men’s

lawyer, William Bourdon, said “William Haynes’s functions and the positions he adopted in order to justify torture and prevent the application of the Geneva Conventions to Guantánamo detainees make him a key actor of the understanding of the crimes denounced by the plaintiffs. Therefore, his questioning by the French courts is necessary.”

CCR and ECCHR have previously submitted a similar [file](#) and [documents](#) explaining the role of former Guantánamo prison chief, retired U.S. General Geoffrey Miller, to the French court. CCR and ECCHR’s submissions were relied upon when a French [appeals court](#), the *Chambre de l’instruction de la Cour d’appel de Paris*, reversed a decision by the Investigating Judge to deny the victims’ request to subpoena Miller. Miller was summoned to appear in March, but was a no-show. On July 20, 2016, Bourdon requested that an international arrest warrant be issued by the Investigative Judge against Miller.

For more information and filings, visit the websites of the [CCR](#) and [ECCHR](#).

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. CCR has led the legal battle over Guantánamo since 2002 – representing clients in two United States Supreme Court cases and organizing and coordinating hundreds of pro bono lawyers across the country to represent the men at Guantánamo. CCR has also filed cases against high-level U.S. officials, including George W. Bush and Donald Rumsfeld, in Canada, Germany, Spain and France, and released a Bush Torture Indictment, ready to be tailored to the specific laws of any of the 159 countries that are a party to the Convention Against Torture where he may travel.

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The European Center for Constitutional and Human Rights (ECCHR) is an independent, non-profit legal and educational organization dedicated to protecting civil and human rights. ECCHR focusses on enforcing human rights by legal means. Since its foundation in 2007, ECCHR acted before national and international prosecution services and courts to bring perpetrators of international crimes to justice. Based on a communication submitted by the ECCHR, the International Criminal Court decided to open preliminary examinations in May 2014 into the liability of British military officials for the torture of detainees in Iraq. From the very beginning, ECCHR pursued cases against U.S. officials for their responsibility within the U.S. torture and rendition programs.

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