

HUMAN RIGHTS LITIGATION: *Hamad v. Gates, et al*

International Human Rights Clinic at Willamette University College of Law
Gwynne Skinner, Assistant Professor of Clinical Law

ENGAGING STUDENTS

Representation of former Guantanamo Bay detainee in federal litigation



In A HUMAN RIGHTS ISSUE OF OUR TIME

Bringing customary international law and Bivens claims for civilian held at Gitmo for over five years and later released:

- Prolonged Arbitrary Detention
- Targeting of Civilians
- Forced Disappearance
- Cruel, Inhuman and Degrading Treatment Torture
- Due Process Violations (procedural and substantive)



And PROVIDING A RIGOROUS ACADEMIC EXPERIENCE

Students:

- Interviewed and Corresponded with the Client
- Conducted Extensive Factual Research
- Met with Client's Habeas Counsel
- Engaged in Sophisticated Analysis and Legal Writing
- Drafted Response to Motion to Dismiss in Several Cutting-Edge Substantive Issues, Including:

Whether 28 U.S.C. § 1391(b)(3) Provides the Court with Personal Jurisdiction Over All Defendants

Whether the Military Commissions Act Precludes the Court From Hearing Claims

Whether the Supreme Court Struck Down the Entire Act as Unconstitutional in Boumediene

Whether the Act is Otherwise Unconstitutional Under Article III as an Attempt to Preclude State Jurisdiction or as an Invalid Bill of Attainder

Whether Defendants' Acts were Within the Scope of Their Employment and Thus Subject to the Westfall Act

Whether the Claims are Prohibited Under the FTCA

Whether Guantanamo Detainees Have Constitutional Rights

Whether Defendants are Entitled to Qualified Immunity

Whether "Special Factors Counseling Hesitation" Apply

