

Guantanamo Detainees are “Not Persons” Entitled to Religious Freedom Unlike US Corporation Hobby Lobby

By [Reprive](#)

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The Obama Administration is resisting giving religious rights to Guantanamo detainees on the basis that they are “not...‘person[s]’” entitled to the protection of the Religious Freedom Restoration Act (RFRA) – unlike US corporation Hobby Lobby.

Responding to attempts by the detainees’ attorneys at legal charity Reprive to ensure that their religious freedoms are recognised, Department of Justice lawyers argue that the US Supreme Court’s recent decision that “defines a ‘person’ to include ‘corporations’” makes no difference to their view that Guantanamo detainees remain non-persons.

Last week, the Supreme Court ruled that Hobby Lobby was legally a ‘person’ entitled to religious freedom under the RFRA. In their submission to the US District Court in Washington, D.C. which is considering the case brought by lawyers for detainees Emad Hassan and Ahmed Rabbani, President Obama’s lawyers do not contest that ruling. However, they do take issue with the argument that Guantanamo prisoners should be considered ‘people’ under the same law.

In [court documents filed last night](#) ahead of a hearing tomorrow (Thursday July 10), the DoJ claims that “Guantanamo detainees [...] are not protected “person[s]” within the meaning and scope of RFRA.” They note that “In Hobby Lobby, the Supreme Court held RFRA rights extend to for profit

closely held corporations, reasoning in part that the Dictionary Act defines a “person” to include “corporations,” but argue that “that opinion cannot be read as extending RFRA rights to [Guantanamo detainees].”

The court will tomorrow hear arguments concerning whether Guantanamo detainees can be denied the right to communal prayer, a key part of their faith during the current Ramadan period.

Cori Crider, an attorney at international human rights organisation [Reprive](#), which represents Mr Hassan and Mr Rabbani, said:

“It is staggering that the Obama administration is prepared to argue that Guantanamo prisoners aren’t people, while accepting that corporations are. I fail to see how the President can stand up and claim Guantánamo is a scandal while his lawyers call detainees non-persons in court. If the President is serious

about closing this prison, he could start by recognising that its inmates are people – most of whom have been cleared by his own Government.”

1. The next hearing on Mr Hassan and Mr Rabbani’s emergency motion is expected at 10am (EST) on Thursday July 10th at the DC District Court.
2. For the full court filing, see [here](#).
3. For a full timeline of the force-feeding litigation, see [here](#).
4. The motions filed by Reprive can be accessed here ([Emad Hassan](#) and [Ahmad Rabbani](#))
3. Details of the separate force-feeding case *Dhiab v Obama* can be accessed [here](#).
4. For further information, please contact Reprive’s press office in the US: clemency.wells@reprive.org.uk / 001 (929) 258 2754 or UK: alice.gillham@reprive.org.uk / +44 207 553 8160.

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