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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
TUCSON DIVISION

USA

V NO. 4:07-CR-00575-TUC-HCE

STEPHEN M. KELLY

USA

V NO. 4:07-CR-00576-TUC-HCE

LOUIS VITALE

Motion for Dismissal of Prosecution

Louis Vitale, OFM, and Steven Kelly, SJ, ask this Court to dismiss this prosecution because they were engaged in non-violent legally protected protest against illegal torture.

The reasons for this request for dismissal of the prosecution of Fathers Vitale and Kelly are the following:

Torture is illegal under U.S. and International Law;

Despite its illegality, the U.S. has an extensive history of use of torture in interrogations and intelligence gathering before September 11, 2001;

After September 11, 2001, the U.S. has tried politically to redefine torture to allow torture in interrogations and intelligence gathering;

After September 11, 2001, the U.S. has tried politically to redefine who are prisoners of war to allow the use of torture in interrogations and intelligence gathering;

After September 11, 2001, the U.S. has used torture in interrogations and intelligence gathering at Guantanamo, Afghanistan and Iraq;

Legal doctrines protect non-violent protest against the illegal use of torture and this prosecution should be dismissed.

A fuller explanation for these reasons is included in the accompanying memorandum in support of this motion to dismiss this prosecution.

Respectfully submitted,

s/ William P. Quigley, Pro Hac Vice
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Certificate of Service

I certify that I electronically filed this pleading with the Clerk of Court so that copies will be served on all counsel this day and I emailed this pleading to opposing counsel Evan R. Seamone. s/ William P. Quigley