

Pentagon plans rendition of Guantánamo prisoners

Detainees face torture in Saudi Arabia, Afghanistan, Yemen

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The Pentagon has requested that the US State Department and other government agencies assist in the transfer of many of the detainees at Guantánamo Bay, Cuba to prisons in Saudi Arabia, Afghanistan and Yemen, senior Bush administration officials told the *New York Times*.

The plan calls for cutting the population at the facility in half by sending some detainees to other countries and releasing others outright. Those remaining would be left to languish indefinitely at the US-run prison.

The proposed transfers would be modeled on the “extraordinary renditions” carried out by the Central Intelligence Agency in the period since September 11, 2001. Former US intelligence officials have estimated that the CIA has carried out 100 to 150 such renditions since 9/11, snatching up individuals and flying them to countries where they can face indefinite detention, torture or death. [See “More evidence of US government’s torture by proxy”]

The rendition program was authorized under the Clinton administration and received bipartisan Congressional approval. After the 9/11 attacks, President Bush empowered the CIA to transfer prisoners from one foreign country to another without case-by-base approval by other government agencies. The proposed Pentagon transfers from Guantánamo, on the other hand, would require interagency authorization.

In a February 5 memo, Defense Secretary Donald Rumsfeld called for support from other government agencies for the rendition of the Guantánamo prisoners, beginning with the transfer of “significant numbers” of detainees to Afghanistan, according to the March 11 *Times* article.

There are presently approximately 540 prisoners at the US-run detention facility, down from a peak of around

750. Of these, 146 have been released and 65 have been transferred to other countries, including to Pakistan, Britain, France, Russia, Morocco and Saudi Arabia.

Since 9/11, the Bush administration has asserted that it has the right to indefinitely detain individuals it has labeled “enemy combatants”—without charges and without access to legal counsel. The administration claims these detainees are not prisoners of war and therefore are not protected by the Geneva Conventions. Government officials have further contended that US laws—including those guaranteeing access to US courts—do not apply at Guantánamo because it is not on US soil.

However, a series of recent judicial decisions have posed a dilemma for the Bush administration. Last June, the US Supreme Court ruled that US courts have jurisdiction to decide habeas corpus petitions filed on behalf of Guantánamo prisoners. In August, a federal district judge ruled that the special military tribunals devised by the Pentagon and the White House to try the detainees were unconstitutional and that the Geneva Conventions apply to the prisoners. The government’s appeal of that ruling is expected to be heard next month.

Then, in a ruling at the end of January, a federal district judge in Washington, DC ruled that the US cannot deny the Guantánamo detainees the right to due process under the US Constitution, and that those captured while fighting for the Taliban are entitled to prisoner of war status under the Third Geneva Convention. In a direct rebuke of Bush administration policy, Senior District Judge Joyce Hens Green rebuffed the Pentagon’s classification of “enemy combatants,” which authorized “the indefinite detention of individuals who never committed a belligerent act or who never directly supported hostilities against the US or its allies.”

The Pentagon’s plan to conduct renditions from

Guantánamo is a response to these legal setbacks as well as to growing opposition, both internationally and within the US, to the Bush administration's illegal detention of detainees at the prison facility. This opposition has been additionally fueled by a growing body of evidence documenting abuse and torture at the camp in Cuba. [See "Guantánamo videotapes expose brutality against detainees"]

The Pentagon's proposed solution is to transfer many of these prisoners to their native countries, where they could face prosecution, torture or indefinite detention. Bush officials claim that these transfers would not qualify as "extraordinary renditions" such as those carried out by the CIA, because the governments accepting the prisoners would not be expected to carry out the will of the United States.

What is clear, however, is that a number of the countries where the detainees could be sent are known to employ torture. The Bush administration states that its policy prohibits the rendition of prisoners to nations where they are likely to be tortured. But of the 65 transfers approved to date from Guantánamo, 29 were to Pakistan and 4 to Saudi Arabia, both of which have been identified in the State Department's own human rights reports as countries where torture is common.

The Guantánamo population includes more than 100 prisoners each from Afghanistan, Saudi Arabia and Yemen. Under the new Pentagon plan, those prisoners who are released would be sent to their home countries. Statements of those involved with the CIA's rendition policy in the past make clear that these prisoners face the danger of falling victim to an operation that amounts to torture by proxy.

Mike Scheuer, the former head of the CIA's Osama bin Laden unit set up under the Clinton administration, discussed the rendition policy in an interview on the CBS News program "60 Minutes." He described the program as "finding someone else to do your dirty work" and said, in his opinion, it was "OK" if torture had been used to extract "useful information" from suspects.

"60 Minutes" also tracked the secret jet the CIA has reportedly used to transport suspects to countries known for torturing people. The plane made at least 600 flights to 40 countries, all after 9/11, including 30 trips to Jordan, 19 to Afghanistan, 17 to Morocco and 16 to Iraq.

The jet also made 10 trips to Uzbekistan. Craig Murray, the former British ambassador to Uzbekistan, told CBS that the owner of the jet, Premier Executive Transport Services, kept a small staff at the airport in Tashkent.

Murray described some of the methods used by Uzbek interrogators: "Techniques of drowning and suffocation, rape was used ... and also the insertion of limbs in boiling liquid.... It's quite common."

Government authorities in Italy, Germany and Sweden have begun probes into three cases of abduction of suspects on European soil, where those kidnapped may have been transported to countries where they faced abuse. The circumstances surrounding these renditions were examined in a March 13 article in the *Washington Post*.

In Italy, Egyptian cleric Abu Omar was grabbed on the sidewalk on the way to a Milan mosque in February 2003 by two men, sprayed in the face with chemicals, and stuffed into a van. After examining airplane records, Italian officials now suspect Abu Omar was the target of a CIA-sponsored rendition. His whereabouts remains unknown.

Now back in Germany, Khaled Masri, 41, says he was locked up during a vacation in the Balkans in January 2004 and flown to Kabul, Afghanistan, where he was held for four months by captors who spoke English with an American accent. He said he was dropped off on a hillside along the Albanian border after his captors realized he was not the Al Qaeda suspect they were hunting.

A parliamentary investigation in Sweden has determined that the CIA seized two Egyptian nationals from that country in December 2001. The two men were grabbed by CIA agents wearing hoods and flown on a US-registered airplane to Cairo, where the two claimed they were held in prison and tortured.

The transfer of prisoners from Guantánamo requested by the Pentagon would be based on this model, and there is every reason to believe that detainees would face similar fates in their destination countries. The Bush administration has indicated that those who are not either released or transferred—possibly up to 200 prisoners—will be held indefinitely at the prison camp.



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