

Lawsuit to be filed in federal court

Human rights groups list detainees in secret US prisons

Joe Kay
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A report released on Thursday by six human rights organizations provides the names and information on 39 individuals believed to be so-called “ghost detainees” of US intelligence agencies, including the CIA. The report highlights the continued US practice of holding prisoners in secret, where they are subjected to indefinite detention and abuse, with no redress to the courts of any country.

The report notes that among those being secretly held and abused under US auspices are children and spouses of alleged terrorists.

The list includes only those prisoners whose current location is unknown, and therefore does not include those who were held in secret and then either released or transferred to Guantánamo Bay.

The six groups collaborating on the report are Amnesty International, Cageprisoners, the Center for Constitutional Rights, the Center for Human Rights and Global Justice at the New York University School of Law, Human Rights Watch, and Reprieve. Three of the organizations announced that they are filing a lawsuit in US federal court in an attempt to force the government to release the names and information on all prisoners who are being secretly held.

Professor Meg Satterthwaite, faculty director of New York University’s Center for Human Rights and Global Justice, said, “Since the end of Latin America’s dirty wars, the world has rejected the use of ‘disappearances’ as a fundamental violation of international law. Despite this universal condemnation, our research shows that the United States has tried to vanish both the people on this list and the rule of law.”

The list, the result of a partial survey of the US secret detention program, names individuals from many different countries, including Egypt, Kenya, Libya, Morocco, Pakistan and Spain. These individuals were first

arrested in several different countries, including Iran, Iraq, Pakistan, Somalia and Sudan, before being transferred to US custody.

According to the report, the survey “reveals the extent to which the United States illegally uses ‘proxy detention’ to empty its secret sites and demonstrates that far from targeting the ‘worst of the worst,’ the system sweeps up low-level detainees and even involves the detention of the wives and children of the ‘disappeared,’ in violation of human rights.”

The list includes three individuals that the US has acknowledged holding, but whose present fate is unknown. Hassan Ghul and Abu Bakr al Azdi were allegedly involved in the September 11 attacks and were named in the *9-11 Commission Report*. Ibn al-Shaykh al-Libi was captured in Pakistan in November 2001 and reportedly transferred to the control of the CIA. He was subsequently moved from place to place, including Egypt, Afghanistan, Libya, and finally Poland.

The case of al-Libi illustrates the role of the secret detention system in providing justifications for US diplomatic and military actions against targeted countries, in the name of the “global war on terror.” It also highlights the connection between the secret detentions and the policy of rendition—the transfer of prisoners to other countries where they are subject to torture.

While being interrogated in Egypt, where he was in all likelihood subjected to torture, al-Libi reportedly said that Saddam Hussein was attempting to train Al Qaeda operatives. This unsubstantiated claim, with no real basis in fact and subsequently revoked, was seized on by the Bush administration to make the case for war against Iraq. The results of al-Libi’s interrogation were used by then-Secretary of State Colin Powell in his report to the United Nations Security Council in the run-up to the March 2003

invasion.

The report lists 18 prisoners in the category of “individuals about whom there is strong evidence, including witness testimony, of secret detention by the United States and whose fate and whereabouts remain unknown.” For many of these individuals, there is no information available about why they are being held, or of what they might be accused.

Typical of this group is Suleiman Abdalla Salim, who is described as “a national of either Yemen or Tanzania.” Salim was reportedly picked up on March 18, 2003. According to the report, “Somali warlords reportedly abducted him from a hospital and delivered him to an airport in Mogadishu, where US officials took custody of him. Salim was reportedly sought by the US for alleged involvement in the 1998 bombing of the US embassies in Tanzania and Kenya.”

Citing witness testimony, the report finds that “Salim was held in at least two secret US detention facilities in Afghanistan during 2004.” It continues: “The former detainee who saw Salim said that Salim had been badly tortured while in US custody: his arms had been broken, and he had been hit in the head with the butt of a gun.”

An additional 18 prisoners are included in the category of “individuals about whom there is some evidence of secret detention by the United States and whose fate and whereabouts remain unknown.”

In addition to listing those in secret detention, the report notes the US policy of capturing family members, including children, of prisoners or suspects. Two sons of Khalid Sheikh Mohammed, accused of involvement in the September 11 attacks, were captured by Pakistani forces in September 2002. At the time, they were aged seven and nine.

According to the father of a prisoner who was held in the same facility as the boys, “The Pakistani guards told my son that the boys were kept in a separate area upstairs, and were denied food and water by other guards. They were also mentally tortured by having ants or other creatures put on their legs to scare them and get them to say where their father was hiding.” They were transferred to US custody after Khalid Sheikh Mohammed’s arrest. “The children were allegedly being sent for questioning about their father’s activities and to be used by the United States as leverage to force their father to cooperate with the United States,” the report states.

By the very nature of the program, the list produced by the human rights organizations almost certainly underestimates the number of prisoners held in secret by

the United States. In 2004, for example, an Army general testified that as many as 100 “ghost detainees” were held at Abu Ghraib prison in Iraq, apparently by the CIA. None of these individuals are included in the list released on Thursday.

The policy of holding prisoners in secret is a blatant violation of international law, including the Geneva Conventions. It is part of the broader attack on democratic rights carried out by the American government over the past five-and-a-half years, including the denial of habeas corpus rights to Guantánamo detainees and virtually unchecked presidential powers to spy on Americans and declare any individual, citizen or non-citizen, an “unlawful enemy combatant” and place him or her in indefinite military detention.

In September 2006, President Bush publicly acknowledged the CIA detention program, following press reports of the existence of the prisons. At that time, 14 prisoners were transferred to Guantánamo Bay, a move that was used to push through passage of a bill authorizing military commissions for Guantánamo detainees—the Military Commissions Act of 2006.

While Bush insisted at the time that no more prisoners were being held by the CIA, the report by the human rights groups notes that the transfer of an additional prisoner to Guantánamo Bay in 2007 demonstrated that the program was still operating.

Bush is expected to issue an executive order soon that will give broad latitude for torture techniques carried out by the CIA.

The full report can be found at:
<http://web.amnesty.org/library/Index/ENGAMR51093200>
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