

# CIA transfers another detainee from secret prison system to Guantánamo

Naomi Spencer  
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The US Defense department announced March 14 that the CIA had transferred a detainee held in secret for at least six months to the military prison camp at Guantánamo Bay. The transfer, the second since the Bush administration admitted the existence of the secret CIA prison network a year and a half ago, is further confirmation that the US continues to use secret prisons to illegally hold and torture prisoners.

The detainee, Muhammad Rahim al-Afghani, was captured in Pakistan last summer by local police and handed over to the CIA in August. US officials described Rahim as a “high-level member of al Qaeda and a close associate of Osama bin Laden,” who helped in the hiding and escape of al Qaeda leaders in Afghanistan following the US invasion. Rahim allegedly worked as a translator and an assistant to bin Laden.

In a memo circulated to agency employees, CIA director Michael Hayden also alleged that Rahim was plotting to attack US troops in Afghanistan with chemical weapons, although no such attack took place and no evidence was provided for the allegation.

Like thousands of other detainees held by the US in Afghanistan, Iraq, Guantánamo Bay and elsewhere, Rahim has not been charged with a crime, and has not had contact with legal or human rights groups.

CIA and Pentagon officials did not provide details on Rahim’s detention or interrogations. However, local Pakistani and Afghani news reports from August suggest that Rahim was arrested in late July in Lahore with a \$200,000 price on his head, and then transferred into the custody of “US forces.”

An August 2 report from Pakistani paper *The Nation* speculated that Rahim was taken to either “Bagram or Guantánamo prison.” Bagram Air Base, in Afghanistan, is notorious for the torture and abuse

perpetrated against prisoners there. At least two captives have died from torture since the US began using abandoned hangars as holding pens for detainees.

In a vague statement, Hayden told the press Friday that Rahim was “eventually moved into US custody and... placed in CIA’s interrogation program.” This suggests Rahim was held in foreign-run prisons, such as those utilized by the US intelligence agency in Jordan.

In these facilities, prisoners are subjected to heinous torture practices including waterboarding, beatings, forced stress positions, and being strung up with chains for long periods. In violation of international law, the Bush administration has refused human rights monitors from the International Committee of the Red Cross access to CIA prison sites.

All the officials quoted in press reports have carefully stressed that Rahim’s detention was in accordance “with US law.”

According to the *New York Times*, “Intelligence officials would not say whether the CIA had used any of what it calls an approved list of ‘enhanced’ interrogation techniques against Mr. Rahim during his months in secret detention.” The newspaper quoted CIA spokesman Paul Gimigliano as claiming, however, “This detention, like others, was conducted in accordance with US law.”

This language is very deliberate. According to the legal theory developed by the Bush administration, US law allows for a wide variety of torture techniques. Nevertheless, they do in fact constitute torture and are banned under international law—and therefore also US law—including under the Geneva Conventions. The Bush administration has attempted to circumvent international law the creation of a separate category—“enemy combatant”—for prisoners detained

and kidnapped by the US.

CIA officials maintain that the agency no longer subjects its prisoners to waterboarding during interrogation, although there is no reason to assume the practice has stopped.

The Bush administration acknowledged last month that the president authorized waterboarding of detainees and reserved the authority to re-authorize its use whenever it deems necessary. Moreover, CIA and US military interrogators regularly employ other “enhanced interrogation techniques,” such as sleep deprivation, sensory abuse such as prolonged exposure to extreme temperatures and noise, and forced stress positions.

“Just like previous detainees who have arrived at Guantánamo,” the Pentagon said, Rahim “will undergo a period of in-processing to help him adjust to detention rules and procedures. He will be given an internment serial number and will undergo a combatant status review tribunal.”

Far from being impartial reviews, combatant status review tribunals (CSRTs) are the mechanism the Bush administration created to assign “enemy combatant” status to detainees, thereby denying detainees access to civilian courts and basic democratic rights. During the CSRTs, military prosecutors may introduce evidence against detainees that was obtained through torture, withhold evidence on the basis of “national security,” or even lock detainees out of their own hearings.

Last week, the American Civil Liberties Union filed a lawsuit against the Bush administration seeking the release of unredacted transcripts from CSRTs for 14 other so-called “high-value” prisoners. According to the ACLU, detainees described torture during their imprisonment in the secret CIA prisons.



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