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USA: Another CIA detainee transferred to Guantánamo

The Pentagon today announced that a “high value” detainee, ‘Abd al-Hadi al-Iraqi, has been transferred to the US Naval Base in Guantánamo Bay. The Pentagon has not revealed when or where he was detained, only that “prior to his arrival at Guantánamo Bay, he was held in CIA custody”.

“This announcement raises a number of immediate questions: When was ‘Abd al-Hadi al-Iraqi taken into custody? How long has he been in CIA detention? Where has he been he held and what were his confinement conditions?. The lack of information around this transfer only adds to the deep concerns surrounding the USA’s conduct in the so-called ‘war on terror’,” said Amnesty International.

Other questions raised by the announcement include the following:

- If ‘Abd al-Hadi al-Iraqi was arrested prior to September 2006, where was he on 6 September 2006 when President Bush confirmed the existence of the secret CIA detention program, but stated that no one was at that time held in it?
- Has he been subjected to the “alternative interrogation techniques” previously authorized for use by the CIA, but not elaborated upon by President Bush?
- How many other people are in CIA custody?

“As well as answering all such questions, the USA should put an end to all secret detentions immediately and bring its detention policies and practices into full compliance with international law,” said Amnesty International.

Information about ‘Abd al-Hadi al-Iraqi’s background remains confused. In January 2002, a US official in Pakistan reportedly claimed that “Abd al-Hadi al-Iraqi, who ran some of bin Laden’s training camps, has been captured”. However, reports in Pakistan indicated that he was made al-Qaida’s field commander in south-western Afghanistan in late 2005, and today’s statement from the US Department of Defense claims that al-Iraqi was responsible for cross-border attacks in Afghanistan between 2002 and 2004.

‘Abd al-Hadi al-Iraqi, an Iraqi national, joins 14 other “high-value” detainees who were transferred from the secret CIA program in early September 2006. Their cases have been put before Combatant Status Review Tribunals (CSRTs), panels of three military officers who can rely on coerced and secret evidence in assessing the detainee’s so-called “enemy combatant” status. A number of these detainees have alleged that they were subjected to torture in CIA custody. Details of their allegations have not been made public.

The 14 detainees still have no access to legal counsel. In denying access to lawyers, the government has argued that they have knowledge of the secret CIA program, including conditions of confinement, location of detention facilities, and interrogation techniques, that are classified as top secret and would damage national security if made public.

Secret detention violates the USA's international legal obligations, as the two expert treaty monitoring bodies, the UN Committee against Torture and the UN Human Rights Committee made clear to the US government last year.

Confirmation of a detainee's "unlawful enemy combatant" status renders him eligible for trial by military commission. The "high value" detainees may face trial by commission under procedures that fail to comply with international law and standards. The commissions have the power to hand down death sentences.

Public Document

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