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Leading human rights groups name 39 CIA “disappeared” detainees Three groups file lawsuit seeking information about “ghost” detention

Amnesty International, Cageprisoners, the Center for Constitutional Rights, the Center for Human Rights and Global Justice at New York University School of Law, Human Rights Watch, and Reprieve

(London and New York, 7 June 2007) -- In the most comprehensive accounting to date, six leading human rights organizations today published the names and details of 39 people who are believed to have been held in secret US custody and whose current whereabouts remain unknown. The briefing paper also names relatives of suspects who were themselves detained in secret prisons, including children as young as seven.

In a related action, three of the groups filed a lawsuit in US federal court under the Freedom of Information Act (FOIA) seeking the disclosure of information concerning “disappeared” detainees.

The 21-page briefing paper, *Off the Record: U.S. Responsibility for Enforced Disappearances in the “War on Terror”*, includes detailed information about four people named as “disappeared” prisoners for the first time. The full list of people includes nationals from countries including Egypt, Kenya, Libya, Morocco, Pakistan and Spain. They are believed to have been arrested in countries including Iran, Iraq, Pakistan, Somalia and Sudan, and transferred to secret US detention centres.

The list—drafted by Amnesty International (AI), Cageprisoners, the Center for Constitutional Rights (CCR), the Center for Human Rights and Global Justice at New York University School of Law (CHRGJ), Human Rights Watch (HRW), and Reprieve — draws together information from government and media sources, as well as from interviews with former prisoners and other witnesses.

Off the Record highlights aspects of the CIA detention programme that the US government has actively tried to conceal, such as the locations where prisoners may have been held, the mistreatment they endured, and the countries to which they may have been transferred.

It reveals how suspects’ relatives, including wives and children as young as seven, have been held in secret detention. In September 2002 Khalid Sheikh Mohammed’s two young sons, aged seven and nine, were arrested. According to eyewitnesses, the two were held in an adult detention centre for at least four months while US agents questioned the children about their father’s whereabouts.

Similarly, when Tanzanian national Ahmed Khalfan Ghailani was seized in Gujarat, Pakistan, in July 2004, his Uzbek wife was detained with him.

The human rights groups are calling on the US government to put a permanent end to the CIA's secret detention and interrogation programme, and to disclose the identities, fate, and whereabouts of all detainees currently or previously held at secret facilities operated or overseen by the US government as part of the "war on terror".

In a related action, Amnesty International USA (AIUSA), CCR and the International Human Rights Clinic of NYU School of Law today filed a lawsuit in US federal court under the Freedom of Information Act (FOIA) seeking disclosure of information concerning "disappeared" detainees, including "ghost" and unregistered prisoners. AIUSA, CCR and the NYU International Human Rights Clinic filed FOIA requests with several US government agencies, including the Departments of Justice and Defense, and the CIA. These FOIA requests sought information about individuals who are — or have been — held by, or with the involvement of, the US government, where there is no public record of the detentions. Though a few departments produced documents containing little relevant information, no agency provided a list of secretly-held detainees or an assessment of the legality of the secret programme.

The documents that the groups are seeking are known to exist. President George W. Bush publicly acknowledged the existence of CIA-operated secret prisons in September 2006; 14 detainees from these facilities were transferred to Guantánamo, and the US Department of Justice has issued an analysis concluding that the secret detention programme is legal.

Yet information about the location of the prisons, identity of the prisoners, and the types of interrogation methods used has never been publicly revealed. This prevents scrutiny by the public or the courts, and leaves detainees vulnerable to abuses that include torture and other ill-treatment.

The secrecy surrounding the programme also means that no one outside the US government knows exactly how many prisoners have been detained and how many remain "disappeared". The transfer in April 2007 of Abd al-Hadi al-Iraqi from CIA custody to Guantánamo indicates that the programme continues to operate, although some prisoners may have been transferred to prisons in other countries, possibly as a form of proxy detention. *Off the Record* indicates that some missing detainees may have been moved to countries where they face the risk of torture and where they continue to be held secretly, without charge or trial.

Interviews with prisoners who have been released from secret CIA prisons indicate that low-level detainees have frequently been arrested far from any battlefield, and held in isolation for years without legal recourse or contact with their families or outside agencies. Those who have been released have received no acknowledgment of their detention or any legal or financial redress.

Quotes:

Clive Stafford Smith, Legal Director of Reprieve, said: "It's time for the US government to come clean: these 39 people have been missing for years, and the evidence shows they were in US custody at some point. Where are they and what has been done to them?"

Joanne Mariner, Terrorism and Counterterrorism Director at Human Rights Watch, said: "What we're asking is where are these 39 people now, and what's happened to them since they 'disappeared'? It is already a serious abuse to hold them in secret CIA prisons. Now we fear they may have been transferred to countries where they face further secret detention and abuse."

Professor Meg Satterthwaite, Faculty Director of the Center for Human Rights and Global Justice at NYU School of Law, 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 United States cannot ignore human rights by hiding detainees in shadowy black sites. Enforced disappearances are illegal, regardless of who carries them out.”

Vincent Warren, Executive Director of the Center for Constitutional Rights, said: “Our client Majid Khan was subjected to torture and abuse while in secret CIA detention for three years. His family didn't know if he was alive, let alone where he was. The only reason to make someone disappear is to be able to operate outside the law and hidden from public view. Ghost detention is incompatible with basic respect for human rights and the rule of law. The US government must cease this shameful practice at once.”

Moazzam Begg, Spokesman for Cageprisoners and former Guantánamo detainee, said: “Representing individuals detained by the world's most powerful democracy has become more of an exercise in chasing ghosts than it is about providing justice. Concepts such as habeas corpus bear no meaning to those being detained in black sites or darker more sinister holes. For many of those detained, simply gaining the right to speak the truth unhindered by the need to escape the signing of a false confession means more than the fact they have been detained.”

Claudio Cordone, Senior Director for Research at Amnesty International, said: “The duty of governments to protect people from acts of terrorism is not in question. But seizing men, women and even children, and placing people in secret locations deprived of the most basic safeguards for any detainees most definitely is. The US Administration must end this illegal and morally repugnant practice once and for all.”

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