

## CLOSE GUANTÁNAMO

Amnesty International December 2006

## USA

### **Guantánamo: tip of the iceberg of rendition, unlawful detention and ill-treatment in the ‘war on terror’**

Guantánamo must be shut down not only because human rights are flagrantly violated there, but also because it symbolizes the USA’s disregard of international law in its “war on terror”. It is the visible – although far from transparent – tip of the iceberg of indefinite and secret detentions, renditions and resort to torture or other cruel, inhuman or degrading treatment.

#### **Secrecy at Guantánamo**

On 26 June 2003, President Bush issued his annual statement on the USA’s commitment to the global struggle against torture. He promised that unlike “notorious human rights abusers” which had “long sought to shield their abuses from the eyes of the world by denying access to international human rights monitors”, the USA would lead by example.

At this point, Amnesty International and other international human rights monitors had sought and been denied access to the USA’s “war on terror” detainees and had raised allegations of torture and ill-treatment by US forces in Afghanistan and Guantánamo, and of secret detentions and renditions. Such concerns were dismissed by the US authorities.

Secrecy surrounding detentions is dangerous for the prisoner, distressing for relatives, and detrimental to the rule of law.

For a long time the Pentagon kept secret the identities of those incarcerated in Guantánamo, only finally providing a list of names more than four years after detentions began. It has always given only approximate numbers of those held there, providing a loophole for detainees to be taken to and from Guantánamo, or between different US agencies, without public knowledge of such transfers.

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*“My country turned me over, short-cutting all kinds of due process of law, like a candy bar to the United States. They sent me to Jordan for torture and later on to Bagram and then to this place... I have been kept out of the world for more than four years and I really don’t know what is going on outside.”*

Guantánamo detainee Mohamedou Ould Slahi, 13 December 2005

Mohamedou Slahi was detained by the Mauritanian authorities in late November 2001 after he handed himself in. Eight days later he was transferred to Jordan, where he says he was tortured. In July 2002, after eight months' incommunicado military detention, he was put on a CIA-leased plane, tail number N379P, flown to Afghanistan, and allegedly ill-treated.

In August 2002 he was transferred to Guantánamo. There, the International Committee of the Red Cross was denied access to him for more than a year on the grounds of "military necessity". During this period in incommunicado detention, he was subjected to extremes of temperature, to threats against his family and to threats of death or disappearance. Mohamedou Slahi remains in Guantánamo.  
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It is known that the CIA ran its own facility at the camp, and it is reported to have held "high-value" detainees there, as well as participating in interrogations of detainees held in military custody. However, the CIA's activities in the camp remain shrouded in secrecy.

Many other questions about what has gone on in Guantánamo remain unanswered. For example, Amnesty International has raised allegations that agents of other countries, including China and Libya, have been in Guantánamo and participated in ill-treatment there. The organization has received no substantive response to its inquiries.

Secrecy is the friend of abusers. It allows torture and other cruel, inhuman and degrading treatment to flourish. It also keeps hidden the full extent of the abuse.

## **Hub of rendition**

Guantánamo Bay is a central part of the global rendition web. The unlawful rendition programme, run by the CIA, has used planes leased by front companies as well as legitimate aviation firms to secretly transfer suspects into the custody of other states – including Egypt, Jordan and Syria – where torture is known to accompany interrogation.

Many of the individuals allegedly tortured at these destinations were subsequently transferred to Guantánamo. One of the planes used by the CIA, a Gulfstream V variously registered as N379P, N8068V and N44982, has made more than 50 trips to Guantánamo, earning it the nickname "The Guantánamo Bay Express".

## **From 'black sites' to Guantánamo**

The rendition programme has delivered people to other US-run prisons, including clandestine CIA-run detention facilities known as "black sites" around the world. These secret centres have been reported in Afghanistan, the British Indian Ocean territory of Diego Garcia, Jordan, Pakistan, Thailand and countries in Eastern Europe.

President Bush confirmed the existence of the secret programme in September 2006. He did not say where the detention facilities were, nor did he explain what the CIA's "alternative" interrogation techniques employed in the programme have entailed. Despite being sued in court, the CIA has so far refused to confirm or deny the existence of an alleged presidential directive and an alleged Justice Department

memorandum authorizing and outlining the secret detention programme and its interrogation methods. However, the methods are widely reported to have included techniques that would clearly violate international law, including “waterboarding” (simulated drowning), forced standing for more than 40 hours while shackled to a bolt in the floor, and the “cold cell” (whereby the detainee is left standing naked in a cold cell while being repeatedly doused with cold water).

When confirming the CIA programme on 6 September 2006, President Bush simultaneously announced that 14 “high-value” detainees had just been transferred from secret custody to military detention at Guantánamo. They had been held incommunicado in secret locations for up to four and a half years. President Bush produced them as pawns while seeking to persuade Congress to replace the military commissions struck down by the US Supreme Court three months earlier, to strip the US courts of the jurisdiction to consider habeas corpus appeals from “enemy combatants”, and to provide legislative cover for the CIA secret programme and all those involved in it. He got what he wanted when Congress passed the Military Commissions Act. Signing the Act into law, President Bush emphasized that it would allow the CIA programme to continue.

The 14 have now had access to the International Committee of the Red Cross but the US administration is seeking to ensure that what the 14 detainees know about the CIA programme – such as the location of secret detention facilities, conditions of confinement in them, and the interrogation techniques used – remains secret. The government maintains that such information would cause “exceptionally grave damage” to national security if revealed. Secrecy is being used to cover up human rights violations, and to facilitate a further lack of accountability.

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### **Afghanistan’s ‘prison of darkness’**

In addition to operating a secret facility in Bagram air base in Afghanistan, the CIA allegedly ran a secret prison near Kabul that was known as the “prison of darkness” because detainees were subjected to darkness and loud music around the clock. Detainees have recounted being chained to the roof for prolonged periods, being deprived of sleep, and being interrogated for days on end. Binyam Mohammed, Abdulsalam al-Hela, Bisher al-Rawi, Jamil al-Banna, Walid al-Qadasi and Hassan bin Attash all say that they were held at this facility before being transferred to Guantánamo.

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AI Index: AMR 51/190/2006,

December 2006