# GLOBALIZING TORTURE

## CIA SECRET DETENTION AND EXTRAORDINARY RENDITION



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JUSTICE INITIATIVE

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## METHODOLOGY

This report focuses primarily on human rights abuses associated with the CIA's post-September 11, 2001, secret detention and extraordinary rendition operations. The report does not document extra-legal overseas transfers or secret detention of detainees by agencies other than the CIA. Thus, the U.S. Defense Department's detention practices and its transfer of detainees to and from Guantánamo Bay or other military detention facilities are not the focus of this report.

The factual contents of this report are derived from credible public sources and information provided by reputable human rights organizations. Sources for the factual assertions are provided in accompanying endnotes. While every source has been carefully reviewed for indicia of credibility, it is ultimately impossible to corroborate every factual assertion due to the extraordinary level of government secrecy associated with secret detention and extraordinary rendition operations.

# EXECUTIVE SUMMARY

*"We also have to work, through, sort of the dark side, if you will. We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies, if we're going to be successful. That's the world these folks operate in, and so it's going to be vital for us to use any means at our disposal, basically, to achieve our objective."*

**U.S. VICE PRESIDENT DICK CHENEY, SEPTEMBER 16, 2001**[1]

Following the terrorist attacks of September 11, 2001, the U.S. Central Intelligence Agency (CIA) commenced a secret detention program under which suspected terrorists were held in CIA prisons, also known as "black sites," outside the United States, where they were subjected to "enhanced interrogation techniques" that involved torture and other abuse. At about the same time, the CIA gained expansive authority to engage in "extraordinary rendition," defined here as the transfer—without legal process—of a detainee to the custody of a foreign government for purposes of detention and interrogation.[2] Both the secret detention program and the extraordinary rendition program were highly classified, conducted outside the United States, and designed to place detainee interrogations beyond the reach of the law. Torture was a hallmark of both. The two programs entailed the abduction and disappearance of detainees and their extra-legal transfer on secret flights to undisclosed locations around the world, followed by their incommunicado detention, interrogation, torture, and abuse. The administration of President George W. Bush embraced the "dark side," a new paradigm for countering terrorism with little regard for the constraints of domestic and international law.

Today, more than a decade after September 11, there is no doubt that high-ranking Bush administration officials bear responsibility for authorizing human rights violations associated with secret detention and extraordinary rendition, and the impunity that they have enjoyed to date remains a matter of significant concern. But responsibility for these violations does not end with the United States. Secret detention and extraordinary rendition operations, designed to be conducted outside the United States under cover of secrecy, could not have been implemented without the active participation of foreign governments. These governments too must be held accountable.

However, to date, the full scale and scope of foreign government participation—as well as the number of victims—remains unknown, largely because of the extreme secrecy maintained by the United States and its partner governments. The U.S.

government has refused to publicly and meaningfully acknowledge its involvement in any particular case of extraordinary rendition or disclose the locations of secret overseas CIA detention facilities. While President Bush acknowledged that the CIA had secretly detained about 100 prisoners, the U.S. government has only identified 16 "high value detainees" as individuals who were secretly held in CIA detention prior to being transferred to U.S. Defense Department custody in Guantánamo Bay. The United States also has refused to disclose the identities of the foreign governments that participated in secret detention or extraordinary rendition, and few of these governments have admitted to their roles.

This report provides for the first time the number of known victims of secret detention and extraordinary rendition operations and the number of governments that were complicit. Based on credible public sources and information provided by reputable human rights organizations, this report is the most comprehensive catalogue of the treatment of 136 individuals reportedly subjected to these operations. There may be many more such individuals, but the total number will remain unknown until the United States and its partners make this information publicly available.

The report also shows that as many as 54 foreign governments reportedly participated in these operations in various ways, including by hosting CIA prisons on their territories; detaining, interrogating, torturing, and abusing individuals; assisting in the capture and transport of detainees; permitting the use of domestic airspace and airports for secret flights transporting detainees; providing intelligence leading to the secret detention and extraordinary rendition of individuals; and interrogating individuals who were secretly being held in the custody of other governments. Foreign governments also failed to protect detainees from secret detention and extraordinary rendition on their territories and to conduct effective investigations into agencies and officials who participated in these operations. The 54 governments identified in this report span the continents of Africa, Asia, Australia, Europe, and North America, and include: Afghanistan[3], Albania, Algeria, Australia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Ethiopia, Finland, Gambia, Georgia, Germany, Greece, Hong Kong,[4] Iceland, Indonesia, Iran, Ireland, Italy, Jordan, Kenya, Libya, Lithuania, Macedonia, Malawi, Malaysia, Mauritania, Morocco, Pakistan, Poland, Portugal, Romania, Saudi Arabia, Somalia, South Africa, Spain, Sri Lanka, Sweden, Syria, Thailand, Turkey, United Arab Emirates, United Kingdom, Uzbekistan, Yemen, and Zimbabwe.[5]

By engaging in torture and other abuses associated with secret detention and extraordinary rendition, the U.S. government violated domestic and international law, thereby diminishing its moral standing and eroding support for its counterterrorism efforts worldwide as these abuses came to light. By enlisting the participation of dozens of foreign governments in these violations, the United States further undermined longstanding human rights protections enshrined in international law—including, in particular, the norm against torture. As this report shows, responsibility for this damage does not lie solely with the United States, but also with the numerous foreign governments without whose participation secret detention and extraordinary rendition operations could not have been carried out. By participating in these operations, these governments too violated domestic and international laws and further undermined the norm against torture.

Torture is not only illegal and immoral, but also ineffective for producing reliable intelligence. Indeed, numerous professional U.S. interrogators have confirmed that torture does not produce reliable intelligence, and that rapport-building techniques are far more effective at eliciting such intelligence. A telling example of the disastrous consequences of extraordinary rendition operations can be seen in the case of Ibn al-Sheikh al-Libi, documented in this report. After being extraordinarily rendered by the United States to Egypt in 2002, al-Libi, under threat of torture at the hands of Egyptian officials, fabricated information relating to Iraq's provision of chemical and biological weapons training to Al Qaeda. In 2003, then Secretary of State Colin Powell relied on this fabricated information in his speech to the United Nations that made the case for war against Iraq.

In December 2012, the U.S. Senate Select Committee on Intelligence voted to approve a comprehensive report on CIA detention and interrogation. Although the report is classified, and was not publicly available at the time of this writing, the committee chairman, Senator Dianne Feinstein, stated that she and a majority of the committee believed that the creation of long-term, clandestine black sites and the use of so-called enhanced interrogation techniques were "terrible mistakes." She added that the report would "settle the debate once and for all over whether our nation should ever employ coercive interrogation techniques such as those detailed in the report."

Despite the scale of torture and other human rights violations associated with secret detention and extraordinary rendition operations, the United States and most of its partner governments have failed to conduct effective investigations into secret detention and extraordinary rendition. The U.S. Justice Department's investigation into detainee abuse was limited to ill-treatment that went beyond what its Office of Legal Counsel had previously authorized, and concluded without bringing any criminal charges, despite ample evidence of CIA torture and abuse. Italy is the only country where a court has criminally convicted officials for their involvement in extraordinary rendition operations. Canada is the only country to issue an apology to an extraordinary rendition victim, Maher Arar, who was extraordinarily rendered to, and tortured in, Syria. Only three countries in addition to Canada—Sweden, Australia, and the United Kingdom—have issued compensation to extraordinary rendition victims, the latter two in the context of confidential settlements that sought to avoid litigation relating to the associated human rights violations.

Moreover, it appears that the Obama administration did not end extraordinary rendition, choosing to rely on anti-torture diplomatic assurances from recipient countries and post-transfer monitoring of detainee treatment. As demonstrated in the cases of Maher Arar, who was tortured in Syria, and Ahmed Agiza and Muhammed al-Zery, who were tortured in Egypt, diplomatic assurances and post-transfer monitoring are not effective safeguards against torture. Soon after taking office in 2009, President Obama did issue an executive order that disavowed torture, ordered the closure of secret CIA detention facilities, and established an interagency task force to review interrogation and transfer policies and issue recommendations on "the practices of transferring individuals to other nations." But the executive order did not repudiate extraordinary rendition, and was crafted to preserve the CIA's authority to detain terrorist suspects on a short-term transitory basis prior to rendering them to another country for interrogation or trial. Moreover, the interagency task force report, which was issued in 2009,

continues to be withheld from the public. The administration also continues to withhold documents relating to CIA Office of Inspector General investigations into extraordinary rendition and secret detention.

In addition, recent reports of secret detention by or with the involvement of the CIA or other U.S. agencies remain a source of significant concern. These include reports of a secret prison in Somalia run with CIA involvement, secret Defense Department detention facilities in Afghanistan where detainees were abused, and the two-month long secret detention of a terrorist suspect aboard a U.S. Navy ship.

Despite the efforts of the United States and its partner governments to withhold the truth about past and ongoing abuses, information relating to these abuses will continue to find its way into the public domain. At the same time, while U.S. courts have closed their doors to victims of secret detention and extraordinary rendition operations, legal challenges to foreign government participation in these operations are being heard in courts around the world. Maher Arar's U.S. lawsuit was dismissed on grounds that judicial intervention was inappropriate in a case that raised sensitive national security and foreign policy questions. Similarly, U.S. courts dismissed on state secrets grounds Khaled El-Masri's lawsuit challenging his abduction, torture, and secret detention by the CIA. In contrast, the European Court of Human Rights recently held that Macedonia's participation in that operation violated El-Masri's rights under the European Convention on Human Rights, and that his ill-treatment by the CIA amounted to torture. In addition, Italy's highest court recently upheld the convictions of U.S. and Italian officials for their role in the extraordinary rendition of Abu Omar to Egypt. Moreover, at the time of this writing, other legal challenges to secret detention and extraordinary rendition are pending before the European Court of Human Rights against Poland, Lithuania, Romania, and Italy; against Djibouti before the African Commission on Human and Peoples' Rights; and against domestic authorities or officials in Egypt, Hong Kong, Italy, and the United Kingdom.

In the face of this trend, the time has come for the United States and its partner governments to own up to their responsibility for secret detention and extraordinary rendition operations. If they do not seize this opportunity, chances are that the truth will emerge by other means to embarrass them. The taint of torture associated with secret detention and extraordinary rendition operations will continue to cling to the United States and its partner governments as long as they fail to air the truth and hold their officials accountable. The impunity currently enjoyed by responsible parties also paves the way for future abuses in counterterrorism operations.

There can be no doubt that in today's world, intergovernmental cooperation is necessary for combating terrorism. But such cooperation must be effected in a manner that is consistent with the rule of law. As recognized in the Global Counter-Terrorism Strategy adopted by the United Nations General Assembly in 2006, "effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing." Consistent with this principle, it is incumbent on the United States and its partner governments to repudiate secret detention and extraordinary rendition, secure accountability for human rights violations associated with these operations, and ensure that future counterterrorism operations do not violate human rights standards.

# RECOMMENDATIONS

**TO THE UNITED STATES GOVERNMENT:**

1. Repudiate the CIA's practice of extraordinary rendition.
2. Cease reliance on "diplomatic assurances" against torture or cruel, inhuman or degrading treatment or punishment, as a basis for transferring individuals to foreign countries.
3. Reaffirm and extend the commitment set forth in Executive Order 13491 to close secret CIA detention facilities by prohibiting secret detention—including short-term secret detention—by or with the involvement of any U.S. federal agency.
4. Disclose information relating to human rights violations associated with secret detention and extraordinary rendition operations, including but not limited to the identities of all individuals subjected to these operations, along with available information on their detention and treatment, current whereabouts, and diplomatic assurances secured in particular cases. The U.S. administration and senate should work to declassify, to the maximum extent possible, the Senate Select Committee on Intelligence report on CIA detention and interrogation.
5. Conduct an effective and thorough criminal investigation into human rights abuses associated with CIA secret detention and extraordinary rendition operations (including into abuses that had been authorized by the Office of Legal Counsel of the U.S. Department of Justice), with a view to examining the role of, and holding legally accountable, officials who authorized, ordered, assisted, or otherwise participated in these abuses.
6. Create an independent, non-partisan commission (with authority to access all relevant documents, subpoena witnesses, and make its concluding report public) to investigate human rights abuses associated with CIA secret detention and extraordinary rendition operations (including into abuses that had been authorized by the Office of Legal Counsel), with a view to examining, and publicly disclosing, the role of officials who authorized, ordered, assisted, or otherwise participated in these abuses.
7. Create an independent, non-partisan board to review compensation claims and provide just compensation to all individuals subjected to human rights abuses associated with CIA secret detention and extraordinary rendition operations.
8. Publicly disclose the report and recommendations of the Special Task Force on Interrogations and Transfer Policies (created pursuant to Executive Order 13491 in January 2009 to issue recommendations

for ensuring that these policies comply with U.S. domestic laws and international obligations) along with descriptions of measures taken to implement the recommendations, so that the public may be able to assess whether policies were revised and adequate safeguards instituted against torture and other abuses associated with CIA secret detention and extraordinary rendition operations.

9. Institute safeguards for ensuring that future joint counterterrorism operations do not run afoul of human rights standards, including by making participation in such operations contingent on compliance of all participating governments with human rights standards.

**TO OTHER GOVERNMENTS THAT PARTICIPATED IN CIA SECRET DETENTION AND EXTRAORDINARY RENDITION OPERATIONS**:

1. Refuse to participate in CIA extraordinary rendition.
2. Refuse to participate in secret detention, including at the behest, or with the involvement, of any U.S. agency or any other government.
3. Disclose information relating to human rights violations associated with CIA secret detention and extraordinary rendition operations, including but not limited to the identities of all individuals subjected to secret detention and extraordinary rendition operations along with available information on their detention and treatment, current whereabouts, and diplomatic assurances secured in particular cases.
4. Conduct effective and thorough investigations (including, where appropriate, criminal investigations) into the full range of human rights abuses associated with CIA secret detention and extraordinary rendition operations, with a view to examining and publicly disclosing the role of, and holding legally accountable, officials who authorized, ordered, assisted, or otherwise participated in these abuses.
5. Provide appropriate compensation to all individuals subjected to secret detention and extraordinary rendition operations in which the particular government participated.
6. Institute safeguards for ensuring that future joint counterterrorism operations do not violate human rights standards, including by making participation in such operations contingent on compliance of all participating governments with human rights standards.

# Section I
# INTRODUCTION

Following the September 11, 2001, terrorist attacks, President George W. Bush authorized the Central Intelligence Agency (CIA) to commence a secret detention program under which suspected terrorists were held in CIA prisons (also known as "black sites") outside the United States, where they were subjected to interrogation methods that involved torture and other abuses. At about the same time, he also granted the CIA expansive authority to engage in "extraordinary rendition," defined here as the transfer—without legal process—of a detainee to the custody of a foreign government for purposes of detention and interrogation.[6]

Both programs, highly classified and conducted outside the United States, were designed to place detainee interrogations beyond the reach of law. Torture was emblematic of both. Cofer Black, who was director of the CIA's Counterterrorism Center on September 11, said in subsequent Congressional testimony: "There was 'before' 9/11 and 'after' 9/11. After 9/11 the gloves come off."[7] Under the secret detention program, the CIA subjected its detainees to "enhanced interrogation methods" involving torture and abuse in secret prisons in far-off countries, removed from public and judicial scrutiny. Extraordinary rendition was intended to outsource abusive interrogations. As one U.S. official "directly involved in rendering captives into foreign hands" told the *Washington Post*: "We don't kick the [expletive] out of them. We send them to other countries so they can kick the [expletive] out of them."[8]

Secret detention placed detainees in CIA custody, whereas extraordinary rendition eventually placed detainees in foreign government custody. But the two programs had similar modalities and entailed the same kinds of human rights violations—the abduction and disappearance of detainees, their extra-legal transfer on secret flights to undisclosed locations around the world, followed by their incommunicado detention, interrogation, torture, and abuse. Moreover, extraordinary rendition typically involved secret detention by the United States if only for the time it took to transfer the person to the custody of another government. In some instances, the same detainee was subjected both to prolonged secret detention in CIA custody and extraordinary rendition to a country where the detainee was at real risk of torture. Consequently, this report focuses on both operations.

Today, more than a decade after September 11, 2001, it is well-established that high-ranking Bush administration officials are responsible for torture and other human rights violations associated with the CIA's secret detention and extraordinary rendition operations. The failure of U.S. authorities to hold these officials accountable remains a matter of significant concern. But responsibility for these violations does not end with the United States. Secret detention and extraordi-

nary rendition would not have been possible without the active participation of numerous foreign governments. These participating governments must also be held accountable.

However, the extraordinary secrecy maintained by the United States and its partner governments with respect to these operations presents a barrier to accountability. The U.S. government has refused to publicly and meaningfully acknowledge its role in any case of extraordinary rendition or to disclose the locations of its secret overseas CIA prisons. Although President Bush acknowledged that about 100 individuals were secretly detained by the CIA, the U.S. government has only disclosed the identities of 16. It has also refused to identify cooperating governments, and few of those governments have admitted to their role. Consequently, no comprehensive official account exists of foreign government participation in these operations. Nor is there a comprehensive official record of the victims of human rights abuses associated with secret detention and extraordinary rendition.

This report seeks to fill that gap. Based on credible public sources and information provided by reputable human rights organizations, it provides the most comprehensive possible account of both the victims subjected to, and the participation of foreign governments in, these operations. The extraordinary level of government secrecy associated with these operations means that it is impossible to corroborate every factual assertion in this report. Nonetheless, the information presented here demonstrates that the human rights abuses associated with secret detention and extraordinary rendition were significant and systemic, and the scale of foreign government participation in these operations was substantial and far greater than previously realized.

Section II below traces the evolution of CIA secret detention and extraordinary rendition operations until the present day. Section III provides an overview of international legal standards applicable to these operations. Section IV describes the cases of 136 individuals reportedly subjected to CIA secret detention and/or extraordinary rendition operations. Section V describes the roles of 54 foreign governments that reportedly participated in various ways in CIA secret detention and/or extraordinary rendition operations. Section VI offers concluding observations.

# Section II

# THE EVOLUTION OF CIA SECRET DETENTION AND EXTRAORDINARY RENDITION OPERATIONS

## Extraordinary Rendition

There is no publicly available official U.S. government definition of "extraordinary rendition." It is defined here as the transfer—without legal process—of a detainee to the custody of a foreign government for purposes of detention and interrogation.[9] Although "extraordinary rendition" is generally regarded as a practice that began after September 11, 2001,[10] the United States government has engaged in "rendition" (defined here as the transfer—without legal process—of a detainee for purposes of criminal prosecution either into the United States or to the custody of a foreign government) for a considerably longer period of time.[11]

Indeed, the practice of rendering a criminal suspect into the United States was specifically addressed by the U.S. Supreme Court as early as 1886. In *Ker v. Illinois*, the court held that the abduction and forcible transportation of a man from Peru to face larceny charges in the United States without availing of the extradition treaty then in existence between the two countries did not violate the U.S. Constitution, nor did the extradition treaty confer on him a right to asylum in Peru that would bar his forcible return to the United States.[12] The Supreme Court held that "for mere irregularities in the manner in which he may be brought into the custody of the law, we do not think he is entitled to say that he should not be tried at all for the crime with which he is charged in a regular indictment."[13] The court did, however, add that its decision did not "leave the detainee or the government of Peru without remedy for his unauthorized seizure within its territory" since the messenger who abducted the detainee could be surrendered and tried for violations of Peruvian laws, and could also be sued by the detainee for trespass and false imprisonment.[14] In *Frisbie v. Collins*, the Supreme Court upheld the *Ker* rule that "the power of a court to try a person for crime is not impaired by the fact that he had been brought within the court's jurisdiction by reason of a 'forcible abduction.'"[15] Subsequently, in *United States v. Alvarez Machain*, the court held that an individual's forcible abduction from

Mexico despite the existence of a valid extradition treaty did not prohibit his trial in a court in the United States for violations of the criminal laws of the United States.[16]

In 1986, in National Security Decision Directive 207, President Ronald Reagan reportedly authorized "renditions to justice" into the United States for suspects to face criminal charges, but only from locations where the U.S. government could not secure custody through extradition procedures, for example in countries where no government exercised effective control; countries known to plan and support international terrorism; and international waters or airspace.[17] In 1993, President George H.W. Bush reportedly authorized specific procedures for renditions into the United States through National Security Directive 77, which remains classified.[18]

The Clinton administration continued to render terrorist suspects into the United States for criminal prosecution: the State Department's report, "Patterns of Global Terrorism 2001," listed ten such renditions into the United States between March 1993 and September 2001.[19] In addition, President Clinton signed a number of presidential directives relating to renditions, including PDD-39[20] and PDD-62,[21] and under his presidency, in the late summer of 1995, the CIA began rendering detainees to foreign governments for prosecution.[22] The National Commission on Terrorist Attacks Upon the United States (also known as the 9-11 Commission) staff statement on diplomacy described this shift: "If extradition procedures were unavailable or put aside, the United States could seek the local country's assistance in a rendition, secretly putting the fugitive in a plane back to America *or some third country for trial*."[23] In 1995, U.S. agents reportedly approached Egypt about becoming a partner in this rendition program, and Egypt accepted because it wanted access to Egyptian Al Qaeda suspects while availing of U.S. resources to track, capture, and transport suspects across the world.[24]

These early renditions to third countries for prosecution were confined to a small number of cases. According to Michael Scheuer, former chief of the CIA unit charged with tracking Osama bin Laden, every target had been convicted in absentia; before a suspect was captured, a dossier was prepared containing the equivalent of a rap sheet, and the CIA's general counsel approved every operation.[25] Nonetheless, individuals subjected to these early renditions allege they were tortured, and some of them were subjected to the death penalty after unfair trials.[26] In September 1995, the United States helped kidnap Talaat Fouad Qassem (an Egyptian who had been sentenced to death in absentia for the assassination of Anwar Sadat) in Croatia, and rendered him to Egypt; he disappeared after being brought to Egypt, and is believed to have been executed.[27] In the summer of 1998, the CIA assisted the Albanian police in the capture of five suspected militants, including Shawki Salama Attiya, who were bound, blindfolded, taken to a deserted airbase, and thereafter flown to Cairo.[28] Attiya alleged he was tortured in Egyptian custody by being subjected to electric shocks, hung from his limbs, and imprisoned in a cell full of knee-deep filthy water, and two of the other suspects, who had been sentenced to death in absentia, were hanged.[29] According to former CIA Director George Tenet, the CIA took part in over 80 renditions before September 11, 2001.[30]

After the September 11, 2001, terrorist attacks, renditions vastly expanded in number and scope to encompass transfers to third countries solely for the purpose of detention and interrogation, where there was no prospect of criminal prosecution,

and where detainees were at risk of torture.[31] Within days of the September 11 attacks, President Bush reportedly issued a directive authorizing the CIA to conduct these "extraordinary" renditions without any advance approval from either the White House or the Departments of Justice or State.[32] The CIA gained broad authority to secretly transfer terrorist suspects to be detained and interrogated in the custody of foreign governments, including those known to employ torture.[33] The *Washington Post* reported that according to a U.S. official who was directly involved in rendering captives to foreign governments, the understanding was: "We don't kick the [expletive] out of them. We send them to other countries so they can kick the [expletive] out of them."[34]

By 2005, the United States had reportedly extraordinarily rendered 100 to 150 suspects to foreign countries.[35] Condoleezza Rice, secretary of state at the time, defended rendition "as a vital tool in combating terrorism."[36] She did not mention that after September 11, 2001, the rendition program was radically expanded to allow transfers of detainees to foreign governments solely for the purpose of detention and interrogation, including to governments known to employ torture. She did state that "where appropriate, the United States seeks assurances that transferred persons will not be tortured."[37] However, CIA Director Porter Goss virtually admitted in congressional testimony that such assurances were of little use, observing that "[w]e have a responsibility of trying to ensure that they are properly treated, and we try and do the best we can to guarantee that. But of course once they're out of our control, there's only so much we can do."[38] Extraordinary rendition victims were tortured despite assurances provided by recipient governments. As set forth below, Maher Arar was imprisoned for more than ten months in a tiny grave-like cell, beaten with cables, and threatened with electric shocks by the Syrian government, despite its assurances to the U.S. government that it would not torture him and despite post-transfer consular visits by Canadian officials.[39] Ahmed Agiza and Muhammed al-Zery reported being subjected to electric shocks in Egyptian custody, despite Egypt's assurances to the Swedish government that they would not be tortured, and despite a post-transfer monitoring mechanism that involved Swedish diplomats visiting the men while they were held in Egyptian custody.[40]

The CIA's Office of Inspector General has reportedly investigated a number of "erroneous renditions" in which the CIA abducted and detained the wrong people.[41] A CIA officer told the *Washington Post*: "They picked up the wrong people, who had no information. In many, many cases there was only some vague association" with terrorism.[42] However, the U.S. administration continues to withhold documents relating to these investigations, despite specific requests for their disclosure.[43]

## Secret Detention and "Enhanced Interrogation Techniques"

On September 17, 2001, President Bush authorized the CIA to operate a secret detention program under which suspected terrorists were secretly transported to be held incommunicado in CIA prisons (known as black sites) outside the United States, where they were subjected to "enhanced interrogation techniques" that in-

volved torture and abuse.[44] As noted above, although there is a conceptual distinction between secret detention and extraordinary rendition operations, there is little practical difference: both entailed the abduction and disappearance of detainees, their extra-legal transfer on secret flights to undisclosed locations around the world, followed by their incommunicado detention, interrogation, torture, and abuse.[45]

President Bush first publicly acknowledged the secret detention program on September 6, 2006, when he announced that the CIA had detained and interrogated detainees in secret locations outside the United States before transferring fourteen of them to Guantánamo Bay.[46] He added that, "[t]he current transfers mean that there are now no terrorists in the CIA program. But as more high-ranking terrorists are captured, the need to obtain intelligence from them will remain critical—and having a CIA program for questioning terrorists will continue to be crucial to getting life-saving information."[47]

The CIA secretly held its detainees in Afghanistan, Lithuania, Morocco, Poland, Romania, Thailand, and Guantánamo Bay.[48] President Bush has stated that about a hundred detainees were held under the CIA secret detention program, about a third of whom were questioned using "enhanced interrogation techniques."[49] These techniques included abusive methods such as "walling" (quickly pulling the detainee forward and then thrusting him against a flexible false wall), "water dousing," "stress positions" (forcing the detainee to remain in body positions designed to induce physical discomfort), "wall standing" (forcing the detainee to remain standing with his arms outstretched in front of him so that his fingers touch a wall four to five feet away and support his entire body weight), "cramped confinement" in a box, "insult slaps," (slapping the detainee on the face with fingers spread), "facial hold" (holding a detainee's head temporarily immobile during interrogation with palms on either side of the face), "attention grasp" (grasping the detainee with both hands, one hand on each side of the collar opening, and quickly drawing him toward the interrogator), forced nudity, sleep deprivation while being vertically shackled, and dietary manipulation.[50]

President Bush stated that he authorized "waterboarding," which was applied on three detainees.[51] Michael Hayden, former CIA director, confirmed in congressional testimony in 2008 that these three detainees were Khaled Shaikh Mohammed, Abd al Rahim al Nashiri, and Abu Zubyadah.[52] Used in its early incarnations during the Spanish Inquisition,[53] waterboarding is described in U.S. government documents as a technique which involves "binding the detainee to a bench with his feet elevated above his head," "immobilizing his head," and "plac[ing] a cloth over his mouth and nose while pouring water onto the cloth in a controlled manner. Airflow is restricted for 20 to 40 seconds and the technique produces the sensation of drowning and suffocation."[54] The United States prosecuted Japanese interrogators for waterboarding U.S. prisoners during World War II.[55]

Waterboarding and other torture methods applied on CIA detainees were specifically authorized by the Justice Department's Office of Legal Counsel (OLC) in a series of legal opinions. In a memorandum dated August 1, 2002, then Assistant Attorney General Jay Bybee opined that physical abuse would not amount to torture unless it inflicted pain of a level associated with organ failure, impairment of bodily function, or even death.[56] In any event, the memorandum found, even if an interrogation

conducted at the behest of the president did amount to torture under the domestic criminal anti-torture statute, "in the circumstances of the current war against al Qaeda and its allies," criminal prosecution under the U.S. anti-torture statute would represent "an unconstitutional infringement of the President's authority to conduct war," and moreover, "necessity or self-defense" could also "justify" interrogation methods that violated the statute.[57] A second August 1, 2002, memorandum, also signed by Bybee, authorized the CIA to use on its detainee Abu Zubaydah 10 specific interrogation methods, including waterboarding, placing him in a "cramped confinement box with an insect" in light of his apparent fear of insects, cramped confinement in a dark space to restrict his movement, walling, stress positions, wall standing, sleep deprivation, attention grasp, facial hold, and "facial slap (insult slap)."[58]

On December 30, 2004, following public outcry over the first Bybee memo described above which was leaked to the public earlier that year, the OLC issued a replacement memorandum (the "December 30, 2004, memorandum") that disavowed torture and appeared on the surface to distance itself from the first Bybee memorandum, but stated in a footnote that the conclusions of that memorandum would not have been different under the standards of the December 30, 2004, memorandum.[59] On May 10, 2005, the OLC issued two more memos relating to the application of the federal anti-torture statute to interrogation methods. The memos authorized virtually all of the methods that had previously been authorized by the second Bybee memo described above.[60] On May 30, 2005, the OLC issued yet another memo concluding that the same interrogation methods were also lawful under the ban against cruel, inhuman, and degrading treatment under Article 16 of the Convention against Torture.[61] The latter memorandum was issued in advance of the enactment later that year of the Detainee Treatment Act, which affirmed that the prohibition against cruel, inhuman, and degrading treatment applied to all detainees in U.S. custody, including foreigners held overseas.[62]

According to a report by the International Committee for the Red Cross (ICRC), which interviewed 14 "high value detainees" in September 2006 after they were transferred from secret CIA detention to Guantánamo Bay, the detainees were subjected to various forms of ill-treatment during their detention in secret locations, including suffocation by water poured over a cloth placed over the nose and mouth, prolonged stress positions such as standing naked with arms held extended and chained above the head, beatings by use of a collar held around the detainee's neck and used to forcefully bang the head and body against a wall, beating and kicking, confinement in a box, prolonged nudity, sleep deprivation, exposure to cold temperature, prolonged shackling, threats of ill-treatment, forced shaving, and deprivation/restricted provision of solid food for up to one month.[63]

On July 20, 2007, President Bush issued an executive order reauthorizing detention and interrogation by the CIA.[64] According to an OLC memorandum issued the same day, the CIA "propose[d] a limited detention and interrogation program pursuant to the authority granted by the President" that intended for persons "to be detained only so long as is necessary to obtain the vital intelligence they may possess" after which the CIA would transfer them to the custody of other entities, including in some cases, the Defense Department.[65] Indeed, the memorandum noted that this "formula" had already been followed with regard to one person—Abd al-Hadi al-Iraqi—held in CIA custody since the president's Septem-

ber 6, 2006, remarks during which he announced that the CIA secret detention program was empty at that time.[66] Al-Iraqi had been questioned by CIA officials, following which, on April 26, 2007, the CIA placed him in the custody of the Defense Department.[67]

The memorandum also made clear that at the time of its writing, the CIA "expect[ed] to detain further high value detainees who meet requirements for the program, and it propos[ed] to have six interrogation techniques available for use, as appropriate."[68] These methods included dietary manipulation (feeding the detainee a bland, liquid meal), extended sleep deprivation up to 96 hours while shackling the detainee in a standing position with his hands positioned below his chin and above his heart to keep him awake, and the techniques known as facial hold, attention grasp, and insult or facial slap.[69] The OLC concluded that these methods were lawful, including under Common Article 3 of the Geneva Conventions (which the U.S. Supreme Court had concluded in June 2006 was applicable to the conflict with Al Qaeda[70]) and under the Detainee Treatment Act, signed into law by President Bush himself on December 30, 2005, which specifically barred the imposition of "the cruel, unusual, [or] inhumane treatment or punishment prohibited by the Fifth, Eighth and Fourteenth Amendments to the United States Constitution" on anyone in the custody of the United States government, regardless of location or nationality.[71]

The "enhanced interrogation techniques" authorized by the OLC and applied by the CIA on its detainees violated U.S. and international law (as examined further in Section III, below). Numerous experts have confirmed that—in addition to being illegal—these techniques are ineffective in eliciting reliable information. FBI interrogator Ali Soufan, who successfully elicited actionable intelligence from terrorist suspects without the use of such methods, testified before congress that these techniques "from an operational perspective, are ineffective, slow and unreliable, and as a result harmful to our efforts to defeat al Qaeda," in addition to being "un-American and harmful to our reputation and cause," and failing to "produce reliable intelligence," in contrast to "rapport-building techniques [that] are far more effective at eliciting such intelligence."[72] Soufan testified before congress that his non-abusive interrogation of Abu Zubaydah yielded "important actionable intelligence," and that once the CIA started subjecting Zubaydah to harsh interrogation methods, he "shut down and stopped talking" until Soufan was able to re-engage him using non-abusive methods.[73]

Career military intelligence officer Col. Steven Kleinman similarly testified before congress that "coercion is decidedly ineffective."[74] Former FBI special agent and counterterrorism expert Jack Cloonan testified that he believed "based on a 27-year career as a special agent and interviews with hundreds of subjects in custodial settings, including members of al Qaeda, that the use of coercive interrogation techniques is not effective," and that "rapport-building" methods are more "effective, efficient and reliable."[75] Matthew Alexander, who led the interrogations team that located Abu Musab Al Zarqawi, the former leader of Al Qaeda in Iraq, testified before congress that in his experience "when interrogators used harsh methods that fit the definition of abuse, in every instance, that method served only to harden the resolve of the detainee and made them more resistant to interrogation."[76] In contrast, he observed, "[d]etainees are more likely to cooperate when they see us live up to our principles."[77] Kleinman, Cloonan, and Alexander informed congress that U.S. interrogation policy

"came with heavy costs" and that "[k]ey allies, in some instances, refused to share needed intelligence, terrorists attacks increased world wide, and Al Qaeda and like-minded groups recruited a new generation of Jihadists."[78]

In December 2012, the U.S. Senate Select Committee on Intelligence voted to approve its 6,000-page report entitled "Study of the Central Intelligence Agency's Detention and Interrogation."[79] Although the report is classified, and was not publicly available at the time of this writing, the committee chairman, Senator Dianne Feinstein, stated that she strongly believed that the creation of long-term, clandestine "black sites" and the use of "enhanced-interrogation techniques" were "terrible mistakes," and that the majority of the committee agreed.[80] She also stated that the report would "settle the debate once and for all over whether our nation should ever employ coercive interrogation techniques such as those detailed in the report."[81]

## Current Policies and Practices

On January 22, 2009, President Barack Obama issued an executive order directing that all detainees in U.S. custody or control during armed conflicts be treated humanely and all interrogations of such individuals conform to techniques authorized by Army Field Manual 2-22.3.[82] The executive order further directed the CIA to close any detention facilities it was operating at that time and not to operate any such facilities in the future.[83] It also established an interagency task force to study, evaluate, and issue a report including recommendations on "the practices of transferring individuals to other nations in order to ensure that such practices comply with the domestic laws, international obligations, and policies of the United States and do not result in the transfer of individuals to other nations to face torture or otherwise for the purpose, or with the effect of undermining or circumventing the commitments or obligations of the United States to ensure the humane treatment of individuals in its custody or control."[84]

Although the task force report authorized by the executive order was issued in 2009, it was not made public.[85] A Justice Department press release confirmed that the task force had made "policy recommendations" with respect to seven different kinds of transfers conducted by the U.S. government, including "transfer pursuant to intelligence authorities."[86] The press release stated that "[w]hen the United States transfers individuals to other countries, it may rely on assurances from the receiving country."[87] It added that the task force had "made several recommendations aimed at clarifying and strengthening U.S. procedures for obtaining and evaluating those assurances," including a recommendation that the State Department be involved in evaluating assurances in all cases, and a recommendation that the inspectors general of the Departments for State, Defense, and Homeland Security prepare annually a coordinated report on transfers conducted by each of their agencies in reliance on assurances.[88] According to the release, the task force also made several recommendations "aimed at improving the United States' ability to monitor the treatment of individuals transferred to other countries," including a recommendation that agencies obtaining assurances from foreign governments insist on a monitoring mechanism, or otherwise establish a monitoring mechanism, to ensure consistent, private access to the individual who has been transferred, with minimal advance notice to the detaining government.[89]

The Obama administration has not stated that it intends to end extraordinary rendition or disclosed its policies and practices with respect to intelligence transfers. It has been reported that President Obama's January 2009 executive order was specifically crafted to preserve the CIA's authority to detain terrorist suspects for short periods prior to "rendering" them to another country for interrogation or trial.[90] Thus, while that executive order required the CIA to close its "detention facilities," it stated that the term did not "refer to facilities used only to hold people on a short-term, transitory basis."[91] The administration reportedly intends to continue the Bush administration's practice of sending terrorist suspects to foreign countries for detention and interrogation while relying on assurances of humane treatment from recipient countries as well as the post-transfer monitoring of detainee treatment.[92] However, as demonstrated below in the cases of extraordinary rendition victims Maher Arar, Ahmed Agiza, and Muhammed al-Zery, diplomatic assurances and post-transfer monitoring are not effective safeguards against torture.

In addition, the United States has not conducted an effective criminal investigation into the CIA's secret detention and extraordinary rendition practices. Shortly before taking office, then President-elect Obama dismissed the possibility of appointing a special prosecutor to investigate torture under the Bush administration, stating that "we need to look forward as opposed to looking backwards."[93] In August 2009, Attorney General Eric Holder appointed Assistant U.S. Attorney John Durham to conduct a "preliminary review into whether federal laws were violated in connection with the interrogation of specific detainees at overseas locations."[94] The investigation was, however, fundamentally flawed from the start because it was restricted to unauthorized interrogation methods applied by the CIA. Holder made clear that "the Department of Justice will not prosecute anyone who acted in good faith and within the scope of the legal guidance given by the Office of Legal Counsel regarding the interrogation of detainees."[95] Acts of torture, including waterboarding, that had previously been authorized by the OLC and applied on detainees by the CIA, did not, therefore, fall within the scope of the investigation.

On June 30, 2011, the Justice Department announced that it had accepted Durham's recommendation to open a full criminal investigation into the deaths of only two terrorism suspects in CIA custody overseas, and that the department would close inquiries into CIA involvement in the treatment of 99 other detainees.[96] The two cases put forward for investigation were reportedly those of an Afghan, Gul Rahman, who died in 2002 at a prison known as the "Salt Pit" in Afghanistan, and an Iraqi, Manadel al-Jamadi, who was interrogated by three CIA officers at Abu Ghraib in 2003.[97] In August 2012, Attorney General Holder summarily announced that the Justice Department would not pursue criminal charges in the two cases "because the admissible evidence would not be sufficient to obtain and sustain a conviction beyond a reasonable doubt."[98]

To make matters worse, U.S. courts have failed to hold the executive branch accountable for abuses associated with CIA secret detention and extraordinary rendition operations. They have accepted successive administrations' arguments—based on the state secrets privilege and an asserted lack of judicial competence to address national security and foreign policy issues—for dismissing lawsuits brought on behalf of extraordinary rendition victims.[99] To date, not a single case brought by an extraordinary rendition victim has reached the merits stage in a U.S. court.

Meanwhile, reports of secret detentions by or with the involvement of the CIA or other U.S. agencies remain a source of significant concern. In April 2011, the Associated Press reported that suspected terrorists in Afghanistan were being secretly detained and interrogated for weeks at 20 temporary sites including one run by the military's elite counterterrorism unit, the Joint Special Operations Command (JSOC), at Bagram Air Base.[100] More than a dozen former detainees reported that they were held for weeks at the JSOC site in 2010, forced to strip naked and kept in solitary confinement in windowless, often cold cells with lights on 24 hours a day.[101] A 2010 Open Society Foundations report based on interviews with over 20 former detainees reportedly held at a secret JSOC facility at Bagram Air Base confirmed that the detainees were subjected to nudity upon arrival, excessive cold, excessive lighting, and sleep deprivation due to accumulation of circumstances, among other forms of ill-treatment.[102] U.S. military officials reportedly confirmed that the detention centers did exist but described them as temporary holding pens whose primary purpose is to gather intelligence, and denied the allegations of abuse.[103]

In July 2011, it was reported that the Obama administration had secretly detained and interrogated Ahmed Abdulkadir Warsame, a Somali national, for two months aboard a U.S. Navy ship, after seizing him on international waters between Yemen and Somalia.[104] He was reportedly interrogated by the "High-Value Interrogation Group," made up of FBI, CIA, and Defense Department personnel, but U.S. officials said his interrogation was in accordance with the U.S. Army Field Manual, and that CIA officers did not directly question Warsame.[105]

In addition, *The Nation* reported in July 2011 that the CIA was using a secret prison in the basement of Somalia's National Security Agency (NSA) headquarters, where detainees suspected of having links to Al Shabaab (a Somali militant group) are held incommunicado in small, filthy, windowless cells.[106] The article stated that while the underground prison is officially run by the Somali NSA, U.S. intelligence personnel pay the salaries of intelligence agents and also directly interrogate detainees there.[107] In addition, U.S. officials reportedly provided intelligence that led to Kenya's kidnapping and extraordinary rendition of Kenyan citizen Ahmed Abdullahi Hassan to Somalia for interrogation and detention without charge or trial.[108] Subsequently, the *New York Times* reported that the CIA has financed and provided training for Somali intelligence operations in addition to joining Somali operatives in interrogating detainees, including Ahmed Abdullahi Hassan.[109]

The *Washington Post* has also reported that in August 2012, three European men with Somali roots were arrested by local authorities in Djibouti, where they were detained and interrogated for months—including by U.S. interrogators—even though no charges were pending against them.[110] Two months after their arrest, the three prisoners were secretly indicted by a federal grand jury in New York, then clandestinely taken into custody by the FBI and flown to the United States to face trial.[111] The *Washington Post* further reported that Eritrean citizen Mohamed Ibrahim Ahmed was held by Nigerian authorities in a Nigerian jail "for four months under pressure from U.S. officials."[112] He was first interrogated by a "dirty" team of U.S. agents who ignored the suspect's right to remain silent or have a lawyer, and then by a "clean" team of U.S. agents who notified him of his rights, before he was ultimately transported to face terrorism charges in U.S. federal court.[113]

# Section III

# INTERNATIONAL LEGAL STANDARDS APPLICABLE TO CIA SECRET DETENTION AND EXTRAORDINARY RENDITION

Numerous human rights bodies have condemned the CIA's secret detention and extraordinary rendition operations. In 2006, the U.N. Committee against Torture called on the United States to "cease the rendition of suspects" and "ensure that no one is detained in any secret detention facility under its de facto effective control," observing that "detaining persons in such conditions constitutes, per se, a violation of the Convention [against Torture]."[114] Similarly, the Human Rights Committee urged the United States to "immediately cease its practice of secret detention and close all secret detention facilities" and "take all necessary measures to ensure that individuals, including those it detains outside its own territory, are not returned to another country by way of, inter alia, their transfer, rendition, extradition, expulsion or refoulement if there are substantial reasons for believing that they would be in danger of being subjected to torture or cruel, inhuman or degrading treatment or punishment."[115]

Indeed, the CIA's secret detention and extraordinary rendition operations involved torture; cruel, inhuman, and degrading treatment; transfer to torture and cruel, inhuman, and degrading treatment; arbitrary and secret detention; and enforced disappearance. As set forth below, each of these elements violated international human rights law. Moreover, responsibility for these violations extends not only to the United States but also to governments that participated in these operations in various ways.

# Torture and Cruel, Inhuman, and Degrading Treatment

International law unequivocally prohibits torture. The norm against torture is a *jus cogens* norm from which no derogation is permitted.[116] The U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which the United States and 152 other countries are party,[117] expressly states that "[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."[118] In fulfillment of its obligation under Articles 4 and 5 of CAT to criminalize torture, the United States enacted 18 U.S.C. §2340A, a federal criminal statute that provides criminal penalties for acts of torture—including attempts and conspiracy to commit such acts—committed outside the United States. The statute recognizes federal extraterritorial jurisdiction over such acts whenever the perpetrator is a national of the United States or the alleged offender is found within the United States, irrespective of the nationality of the victim or of the alleged offender.[119]

Article 16 of CAT also requires states to prevent "other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture…when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."[120] Numerous other human rights treaties and instruments—including the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, and the European Convention on Human Rights—similarly prohibit torture and cruel, inhuman, or degrading treatment.[121] In addition, the prohibitions against torture and ill-treatment continue to apply during international and non-international armed conflicts under Article 3 common to the four Geneva Conventions of 1949.[122]

CAT and the ICCPR also require states to effectively investigate allegations of torture and cruel, inhuman, or degrading treatment.[123] Article 4 of CAT requires states to criminalize torture (including the attempt to commit torture or participation and complicity in torture) and to provide for appropriate penalties.[124] Article 12 of CAT further provides that states must conduct a "prompt and impartial" investigation where there are "reasonable grounds" to believe that torture has occurred.[125] The Committee against Torture has elaborated that the investigation must be conducted by qualified individuals, must be effective, and must attempt to determine both what happened and who is responsible.[126] States party to the 1949 Geneva Conventions are similarly obligated to enact the domestic legislation necessary to prosecute grave breaches of the conventions (which include the torture or inhuman treatment of persons protected by the conventions); to search for those accused of committing grave breaches; and to either prosecute such individuals or turn them over to another state for trial.[127] Thus, none of the aforementioned instruments afford states any discretion regarding whether to investigate allegations of torture or inhuman treatment.

In the case of Muhammed al-Zery, who was abused at Bromma airport in Sweden prior to being extraordinarily rendered to Egypt by the Swedish government (acting in concert with the United States), the Human Rights Committee observed that "the State party is under an obligation to ensure that its investigative apparatus is organized in a manner which preserves the capacity to investigate, as far as possible the criminal responsibility of all relevant officials, domestic and foreign, for conduct in breach of article 7 committed within its jurisdiction and to bring appropriate charges in consequence."[128] The committee found that Sweden's failure to conduct an effective investigation in this case violated its obligations under Article 7 of the ICCPR, read in conjunction with Article 2 of the covenant.[129] The European Court of Human Rights has similarly found, with respect to breaches of Article 3 of the European Convention on Human Rights,[130] that contracting states are required to conduct effective investigations capable of "leading to the identification and punishment of those responsible."[131]

Finally, states have an obligation to provide an effective remedy and reparations for torture victims. Article 14 of CAT requires states to ensure that a victim of torture "obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible."[132] The Committee against Torture considers that Article 14 is applicable to all victims of torture and acts of cruel, inhuman, or degrading treatment or punishment without discrimination of any kind.[133] Moreover, states parties have procedural and substantive obligations under Article 14. Their procedural obligations are to "enact legislation and establish complaints mechanisms, investigation bodies and institutions, including independent judicial bodies, capable of determining the right to and awarding redress for a victim of torture and ill-treatment, and ensure that such mechanisms and bodies are effective and accessible to all victims."[134] Their substantive obligations include "ensur[ing] that victims of torture or ill-treatment obtain full and effective redress and reparation, including compensation and the means for as full rehabilitation as possible."[135] Article 2(3) of the ICCPR also recognizes the right to an effective remedy for victims of human rights violations, which the Human Rights Committee defines to include the right to compensation.[136]

Thus, the United States violated international law by subjecting detainees held in secret CIA detention to "enhanced interrogation techniques" that involved torture and/or cruel, inhuman, and degrading treatment. Foreign governments that subjected extraordinarily rendered detainees to torture and/or cruel, inhuman, and degrading treatment also violated international law. The United States and most of its partner governments further violated international legal standards by failing to effectively investigate allegations of such mistreatment and provide redress to victims.

# Transfer to Torture or Cruel, Inhuman, or Degrading Treatment

International law prohibits states from transferring individuals to countries where there is a real risk of torture or ill-treatment. Article 3 of CAT provides that "no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."[137] The United States implemented this "non-refoulement" obligation in domestic law pursuant to the Foreign Affairs Reform and Restructuring Act of 1998.[138] The ICCPR[139] and the European Convention on Human Rights[140] similarly prohibit the transfer of an individual to another country in the face of a real risk of torture or cruel, inhuman, or degrading treatment. The Committee against Torture found in the case of extraordinary rendition victim Ahmed Agiza that Sweden violated Article 3 of CAT by expelling him to Egypt in the face of a real risk of torture there.[141] The committee further found that Sweden's procurement of anti-torture diplomatic assurances from Egypt "did not suffice to protect against this manifest risk."[142] Similarly, the Human Rights Committee found in the case of extraordinary rendition victim Muhammed al-Zery that Sweden violated Article 7 of the ICCPR by expelling him to Egypt despite the real risk of torture or other ill-treatment there.[143] The committee further found that Sweden had not demonstrated that the diplomatic assurances it procured from Egypt to guard against his torture were sufficient to eliminate the risk of ill-treatment.[144]

The principle of non-refoulement further entails the right to effective, independent, and impartial review of the decision to transfer an individual to another country. Thus, the Committee Against Torture has specifically held in the case of Ahmed Agiza that "the right to an effective remedy contained in Article 3 [of CAT] requires… an opportunity for effective, independent and impartial review of the decision to expel or remove, once that decision is made, when there is a plausible allegation that Article 3 issues arise."[145] The committee found that Sweden violated its procedural obligations under Article 3 by transferring Agiza to Egypt without any such review.[146] Similarly, the Human Rights Committee found in Muhammed al-Zery's case that Article 2 of the ICCPR, read in conjunction with Article 7, requires an opportunity for "effective, independent review" of a decision to expel to an arguable risk of torture.[147] The committee concluded that Sweden breached that obligation by failing to provide al-Zery with such review prior to his expulsion to Egypt.[148]

Thus, the practice of extraordinary rendition violated international legal standards because it entailed transferring individuals to the custody of foreign governments despite a real risk of torture or cruel, inhuman, or degrading treatment, and because it deprived individuals of effective, independent, and impartial review of the transfer decision. Where rendition (i.e. transfer—without legal process—of a detainee either into the United States or to the custody of foreign governments for purposes of criminal prosecution rather than for purposes of detention and interrogation) occurred in the face of such risk, it too violated the same legal standards. As noted in Section II above, many individuals rendered by the United States to foreign governments for criminal prosecution alleged that they were tortured after being transferred.

# Arbitrary Detention and Enforced Disappearance

The ICCPR provides that "[e]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."[149] Other human rights treaties and instruments contain similar provisions.[150] The Working Group on Arbitrary Detention has ruled that secret detention is per se arbitrary.[151] It has further found, with respect to 26 individuals secretly detained by the CIA in association with the "war on terror," that these detentions were "arbitrary, being in contravention of article 9 of the International Covenant on Civil and Political Rights," and that they fell under category I of the categories applicable to the consideration of cases submitted to the Working Group,[152] a category which applies "[w]hen it is clearly impossible to invoke any legal basis justifying the deprivation of liberty."[153]

Furthermore, every instance of secret detention also amounts to a case of an "enforced disappearance" which is prohibited under the International Convention for the Protection of All Persons from Enforced Disappearances.[154] That convention defines "enforced disappearance" as "[t]he arrest, detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."[155] The Working Group on Enforced or Involuntary Disappearances has confirmed that "[u]nder no circumstances, including states of war or public emergency, can any State interests be invoked to justify or legitimize secret centres or places of detention which, by definition would violate the Declaration [on the Protection of All Persons from Enforced Disappearance], without exception."[156] Similarly, the U.N. Human Rights Committee has found that "[t]he prohibitions against taking of hostages, abductions or unacknowledged detention are not subject to derogation. The absolute nature of these prohibitions, even in times of emergency, is justified by their status as norms of general international law."[157]

In addition, international humanitarian law, applicable only to situations of armed conflict, prohibits secret detention. Indeed, the Geneva Conventions are premised on the notion that detainees in armed conflicts—be they prisoners of war or civilians—must be registered and held in officially recognized places of detention.[158] The prohibition against enforced disappearance is also a rule of customary international humanitarian law applicable in all situations of armed conflict.[159] In situations of occupation, Article 49 of the Fourth Geneva Convention, which protects civilians during armed conflict, further provides that "[i]ndividual or mass transfers, as well as deportation of protected persons from occupied territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."[160]

Thus, CIA secret detention and extraordinary rendition operations violated international law because they entailed the arbitrary detention and enforced disappearance of individuals. As described in Section II above, renditions (i.e. transfer—without legal process—of detainees into the United States or to the custody of foreign governments for purposes of criminal prosecution rather than for detention and interrogation) also typically involved abductions, enforced disappearances, and/or arbitrary detention prior to subjecting the detainee to criminal process, and therefore also violated international legal standards even where there was no risk of post-transfer ill-treatment.[161]

## Participation in Secret Detention and Extraordinary Rendition Operations

While primary responsibility for the human rights violations associated with the CIA's secret detention and extraordinary rendition operations no doubt lies with the United States, countries that participated or assisted in these operations also bear responsibility for these violations. International human rights law not only bars states from directly committing the violations associated with the extraordinary rendition and secret detention programs, but also obligates them not to transfer individuals to states where they are at real risk of torture or to otherwise cooperate with or facilitate the commission of those violations. The International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts provide that "[a] State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and (b) the act would be internationally wrongful if committed by that State."[162] Significantly, examples of impermissible aid or assistance include "knowingly providing an essential facility" for the commission of the wrongful act, "facilitating the abduction of persons on foreign soil," and "the act of a State in placing its own territory at the disposal of another State" in order to facilitate the commission of an unlawful act.[163]

As noted above, the Convention against Torture specifically prohibits and requires states to criminalize "complicity" or "participation" in acts of torture.[164] The Committee against Torture has interpreted that prohibition as covering any acts that amount to "directly committing, instigating, inciting, encouraging, acquiescing in or otherwise participating or being complicit in acts of torture."[165] Furthermore, the European Court of Human Rights has observed that "extraordinary rendition, by its deliberate circumvention of due process, is anathema to the rule of law and the values protected by the [European] Convention. It would be incompatible with a Contracting State's obligations under the Convention if it were to extradite or otherwise remove an individual from its territory in circumstances where that individual was at real risk of extraordinary rendition. To do so would be to collude in the violation of the most basic rights guaranteed by the Convention."[166] The Venice Commission, the Council of Europe's advisory body on constitutional matters, has observed that "[f]or a State knowingly to provide transit facilities to another

State may amount to providing assistance to the latter in committing a wrongful act, if the former State is aware of the wrongful character of the act concerned."[167]

Under international law, responsibility for an internationally wrongful act may also arise from the failure to prevent wrongful acts by another state.[168] More specifically, the prohibition against torture under international law includes a positive obligation to prevent torture.[169] The Convention against Torture expressly requires states to "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction,"[170] as well as to also "prevent…other acts of cruel, inhuman or degrading treatment or punishment… committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."[171] The ICCPR also entails a positive obligation to prevent torture and cruel, inhuman, and degrading treatment.[172] Accordingly, states that knew or should have known of human rights violations associated with the CIA's secret detention and extraordinary rendition operations bear responsibility under international human rights law for assisting in operations that entailed such violations. Especially in light of the widespread reporting on the secret detention and torture associated with the United States' post-September 11, 2001, counterterrorism efforts,[173] states were aware of the human rights violations associated with these efforts. In addition, because secret detention and extraordinary rendition operations depended on elaborate plans involving the high-level cooperation of other governments in securing the secret capture, detention, and transfer of detainees, it is extremely unlikely that these governments did not know of the potential human rights violations associated with such operations.

# Section IV

# DETAINEES SUBJECTED TO POST-SEPTEMBER 11, 2001, CIA SECRET DETENTION AND EXTRAORDINARY RENDITION

To date, owing to the extraordinary secrecy surrounding CIA secret detention and extraordinary rendition operations, there is no precise estimate of the total number of detainees subjected to these operations. By 2005, the United States had reportedly extraordinarily rendered 100 to 150 suspects to foreign countries.[174] Ahmed Nazif, then Prime Minister of Egypt, stated in 2005 that Egypt alone had received "60 or 70" terrorist suspects from the United States since September 11, 2001.[175] President Bush has stated that about a hundred detainees were held under the CIA's secret detention program, about a third of whom were questioned using "enhanced interrogation techniques," which, as shown above, involved torture and other abuse.[176]

Previous attempts at identifying individuals subjected to CIA detention and extraordinary rendition operations include a February 2007 Human Rights Watch report, which published a list of 16 people Human Rights Watch believed were once held in CIA prisons and whose whereabouts were unknown at the time, as well as a separate list of 22 missing people who were possibly once held in CIA prisons and whose whereabouts were unknown at the time;[177] a June 2007 report by six human rights organizations (Amnesty International, Cage Prisoners, the Center for Constitutional Rights, the Center for Human Rights and Global Justice at NYU School of Law, Human Rights Watch, and Reprieve), which identified 39 individuals missing at the time and believed to have been held in secret sites run by the United States government overseas;[178] a 2008 article by Peter Bergen and Katherine Tiedemann, which identified 67 rendition victims, 53 of whom had been rendered after September 11, 2001;[179] a 2009 article (based on information provided by Human Rights Watch) by Dafna Linzer, which identified 35 missing detainees believed to have been held in CIA custody;[180] and a 2010 United Nations report on the secret detention practices of various countries in the context of countering terrorism.[181]

Provided below is a list of 136 named detainees who reportedly were subjected to CIA secret detention and/or extraordinary rendition operations. Although there may be many more individuals who were subjected to these operations, this is the most comprehensive list of these individuals assembled to date.[182] The facts in this list are derived from credible public sources and information provided by reputable human rights organizations, as specified in the accompanying endnotes. The list revises and supplements the information contained in the aforementioned lists. Unlike some of the aforementioned lists, this list does not focus solely on individuals who are currently missing, but rather on all known individuals reported to have been subjected to secret detention and extraordinary rendition at some point in time, even if they are no longer missing. It combines secret detention and extraordinary rendition operations because the two programs had similar modalities, and torture, enforced disappearance, arbitrary detention, and other abuses were common to both.

1 **Shaker Aamer**, a Saudi national and British resident, was reportedly captured in Afghanistan after September 11, 2001.[183] Bounty hunters sold Aamer twice to different groups of soldiers before the Northern Alliance transferred him to U.S. custody at Bagram Air Base in December 2001 where he was severely abused.[184] He was also held in CIA custody at the "Dark Prison" in Kabul, where he was tortured.[185] He was transferred to Guantánamo Bay in February 2002, where he has been detained without charge or trial since.[186]

2 **Mohammed Omar Abdel-Rahman**, an Egyptian national, was captured by the CIA in Quetta, Pakistan in February 2003 and secretly detained in U.S. custody (including in Bagram, Afghanistan) for about six months to a year.[187] He was subsequently transferred to a secret prison in Egypt where he was held for about a year before being transferred to Tora prison in Egypt.[188] He was released from Egyptian custody in late 2010.[189]

3 **Muhammad Rahim al-Afghani**, an Afghan national, was captured in Lahore, Pakistan in August 2007,[190] and, according to a U.S. Department of Defense press release, was transferred to Guantánamo Bay on March 14, 2008, as a "high value detainee."[191] The Department of Defense release described him as "a close associate of Usama bin Ladin [who] had ties to Al Qaeda organizations throughout the Middle East. He became one of bin Ladin's most trusted facilitators and procurement specialists prior to his detention."[192] The release stated that, "prior to his arrival at Guantánamo Bay, he was held in CIA custody."[193] Al-Afghani's capture and detention coincided with the Justice Department's issuance of memoranda authorizing the CIA to use severe sleep deprivation tactics on a specific detainee in 2007.[194] (The detainee's name is redacted in the memoranda.) Since al-Afghani was the only detainee known to be held in CIA custody at that time, it is likely that he was the detainee subjected to these tactics.[195]

4 **Ahmed Agiza**, an Egyptian national, was living in Sweden with his wife and five young children, waiting for a determination on their political asylum application, when, on December 18, 2001, he was secretly apprehended by Swedish Security Police who took him to Bromma airport on the outskirts of Stockholm.[196] Agiza was then handed over to CIA agents, who stripped him, dressed him in overalls, and chained and shackled him before transport-

ing him in a Gulfstream V aircraft (N379P) to Egypt, where he was severely tortured.[197] Agiza was subjected to electric shocks in Egyptian custody, despite Egypt's assurances to the Swedish government that he would not be tortured, and despite a post-transfer monitoring mechanism that involved Swedish diplomats visiting him while he was held in Egyptian custody.[198] According to Agiza, he was imprisoned and tortured for a year in the State Security prison in Nasr City, while being temporarily transferred to Tora prison only for the Swedish ambassador's visits.[199] After that, Agiza says he was held in Tora prison for two years, after which he was transferred to the "Scorpion" prison.[200] In April 2004, after a six-hour military trial, Agiza was sentenced to 25 years imprisonment for membership in a banned Islamic organization.[201] The court, without explanation, denied his requests for a forensic medical examination to prove his allegations of torture; according to Human Rights Watch, which acted as an independent trial monitor, the proceedings did not fulfill internationally recognized due process requirements.[202] In June 2004, Agiza's prison sentence was reduced to 15 years, again without explanation.[203] Agiza was released from prison in August 2011.[204] In July 2012, Sweden granted him permanent residency.[205]

5 **Qari Saifullah Akhtar** (Amir Harkat-ul-Ansar Qari Saifullah), a Pakistani national, was transferred from the United Arab Emirates to Pakistan in August 2004,[206] and may have been held in secret CIA custody.[207] Akhtar was alleged to have led the terrorist-designated group Harkat-ul Jihad al-Islami, to be connected to a plot to assassinate Pakistani President Pervez Musharraf, and to have run a terrorist training camp in Rishkor, Afghanistan.[208] The United States was reportedly interested in questioning Akhtar and on July 19, 2006, his name was included in the "Terrorists No Longer a Threat" list.[209] He was released from custody in May 2007.[210]

6 **Ali Abd al-Aziz Ali** (Ammar al-Baluchi), a Kuwaiti national, was captured with Waleed bin Attash and four other suspected Al Qaeda members by the Pakistani Intelligence Bureau and a team of Pakistani rangers in Karachi, Pakistan, on April 30, 2003.[211] (Al-Baluchi is the nephew of Khalid Sheikh Mohammed and is married to Aafia Siddiqui.)[212] He was secretly detained by the CIA in a prison in Rabat, Morocco in 2004.[213] The U.S. government confirmed in September 2006 that al-Baluchi was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[214] His transfer to Guantánamo Bay occurred on September 4, 2006.[215] Al-Baluchi is currently detained in Guantánamo Bay, and awaits trial by military commission on murder and terrorism charges associated with the September 11, 2001, attacks.[216] In May 2011, military prosecutors brought capital charges against him for his role in the September 11, 2001, attacks.[217]

7 **Hussein Salem Muhammed Almerfedi**, a Yemeni national, was captured in Tehran by Iranian authorities sometime after September 11, 2001, handed over to Afghan authorities in March 2002 as part of a prisoner exchange,[218] and was held in CIA detention in Afghanistan.[219] He alleged that he was "kidnapped in the Islamic Republic of Iran and held for a total of 14 months in three prisons in Afghanistan," "two under Afghani control and one under US control [Bagram]."[220] According to detainee Wesam al-Deemawi, a Yemeni

man called Hussein Mohammed was held in the CIA's Dark Prison in Kabul when al-Deemawi was held there.[221] Almerfedi was subsequently transferred to Guantánamo Bay in May 2003, where he remains detained.[222]

8 **Mohamad Farik bin Amin** (Zubair), a Malaysian national, was apprehended in Thailand in June 2003.[223] The U.S. government confirmed in September 2006 that Zubair was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[224] He was transferred to Guantánamo Bay on September 4, 2006, where he remains imprisoned.[225]

9 **Maher Arar**, a dual national of Canada and Syria, was detained while he was in transit at New York's John F. Kennedy airport on September 26, 2002, by U.S. authorities, based on "inaccurate and unfairly prejudicial" intelligence provided by the Royal Canadian Mounted Police.[226] He was detained and interrogated by U.S. officials in New York for almost two weeks, following which, on October 7, 2002, the regional director of the U.S. Immigration and Naturalization Service issued an order finding Arar to be a member of Al Qaeda and directing his removal from the United States.[227] On October 8, 2002, he was flown by the CIA to a detention center in Amman, Jordan, where he was blindfolded and beaten by Jordanian guards.[228] Later the next day, he was driven to Syria, where he was imprisoned in the Far Falestin detention center, also called the Palestine Branch, which was run by the Syrian Military Intelligence (SMI).[229] He was detained for more than ten months in a tiny grave-like cell seven feet high, six feet long, and three feet wide, beaten with cables, and threatened with electric shocks, among other forms of torture.[230] On August 20, 2003, he was transferred to Sednaya prison, before ultimately being released on October 5, 2003, and returned to Canada.[231] Mr. Arar was tortured despite the fact that the U.S. government obtained diplomatic assurances from the Syrian government that it would not torture him.[232] Canadian consular officials visited him several times while he was imprisoned in Syria, during which he could not tell them about his torture for fear of retaliation; it was only during the seventh visit that he decided to speak out despite the serious risks of doing so.[233]

10 **Mohammed al-Asad**, a Yemeni national, was detained in Tanzania by Tanzanian authorities on December 26, 2003, and transferred the next day to Djibouti, according to his complaint before the African Commission on Human and Peoples' Rights.[234] He was held incommunicado and abused in Djibouti for about two weeks before being driven to the airport and transferred to a U.S. "rendition team" of five individuals clad in black, their faces concealed, who carried him onto a waiting plane.[235] He was subjected to further incommunicado detention and abuse in three secret CIA prisons, including two in Afghanistan.[236] While in secret detention, al-Asad was subjected to abusive conditions, including extreme isolation and absence of human contact, loud music and artificial light twenty-four hours a day, exposure to cold, and dietary manipulation.[237] On May 5, 2005, al-Asad was transferred to a prison in Yemen after which he was tried on, and pled guilty to, a charge of forging travel documents based on his own admission to Yemeni prosecutors that he had used unauthorized documentation in Tanzania.[238] He was eventually released on March 14, 2006, without ever being charged with a terrorism-related crime.[239]

11 **Hassan bin Attash** (Umar al-Gharib), a Saudi-born Yemeni, was seized with Ramzi bin al Shibh in Karachi, Pakistan on September 11, 2002, when he was 17 years old.[240] The younger brother of Waleed bin Attash, Hassan bin Attash was held in Karachi for four days, during which time he was beaten and kicked repeatedly during interrogation by U.S. and Pakistani interrogators, then transferred to the CIA's Dark Prison in Kabul, Afghanistan for three days.[241] He was then transferred to GID (General Intelligence Department) custody in Jordan, where he was subjected to sleep deprivation, slapped in the face and ears, hung from the ceiling, beaten on his feet, with salt water poured on after, and then forced to run on his bare feet after these beatings.[242] He was detained in Jordan until January 8, 2004, when he was returned to Afghanistan with Ali al-Hajj al-Sharqawi.[243] He was transferred from Afghanistan to Guantánamo Bay in September 2004, where he remains detained.[244]

12 **Waleed Mohammed bin Attash** (Tawfiq bin Attash),[245] a Yemeni national, was captured in Karachi, Pakistan, on April 29, 2003,[246] after which he was subjected to secret CIA detention, including in Poland in March 2003.[247] He was also reportedly detained in a secret CIA prison in Bucharest, Romania as of October 1, 2004.[248] The U.S. government confirmed in September 2006 that he was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay, where he remains imprisoned.[249] In May 2011, military prosecutors brought capital charges against him for his role in the September 11, 2001, attacks.[250]

13 **Mustafa Faraj al-Azibi** (Abu Faraj al-Libi), a Libyan national, was captured in Mardan, Pakistan, on May 2, 2005, and held in secret CIA detention.[251] The U.S. government confirmed in September 2006 that he was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[252] He remains imprisoned in Guantánamo Bay.

14 **Walid bin Azmi**, nationality unknown, was extraordinarily rendered from Pakistan to an unknown location in January 2004,[253] and there is some evidence[254] that he may have been held in secret CIA detention.[255]

15 **Ghairat Baheer**, an Afghan national, was captured along with Gul Rahman in Islamabad, Pakistan on October 29, 2002, by U.S. agents and Pakistani security forces and subsequently transferred to Afghanistan.[256] He was held in CIA custody in the Salt Pit for six months, during the time that Gul Rahman was also held there; Baheer reports being forced to sleep naked on concrete, being hung naked for hours on end, and being tied to a chair while U.S. interrogators sat on him.[257] He was subsequently detained in Bagram, and released in May 2008.[258]

16 **Fahad al Bahli**, a Saudi national, was arrested on June 22, 2003, in Malawi, in a joint operation involving the CIA and Malawi's National Intelligence Bureau.[259] Suspected of having Al Qaeda links, al Bahli and four other men arrested on the same day were first held in Malawi, and secretly flown two days later to Harare, Zimbabwe, where they were held for almost a month.[260] They were then transferred to Sudan, where they were released after it was established that there was no evidence linking them to Al Qaeda.[261] The out-

going U.S. ambassador to Malawi reportedly denied that U.S. agents were involved, but a Malawian government official told Amnesty International that U.S. agents controlled the operation and that the U.S. authorities had taken the five men out of Malawi on a chartered aircraft.[262]

17 **Amin Mohammad Abdallah al Bakri**, a Yemeni national, was seized in Bangkok on or around December 30, 2002, by U.S. or Thai intelligence agents.[263] According to court papers filed on his behalf, he was held in secret CIA prisons for about six months before being transferred to Bagram Air Base, and coercively interrogated and tortured in those locations; in CIA detention, he was subjected to serious abuse, resulting in injuries to his knees and back.[264] According to alleged Al Qaeda leader and Bagram escapee Abu Yahya al-Libi (now deceased), al Bakri was held in the Dark Prison as well as in "Rissat" prison and a prison in the Panjshir Valley before being transferred to Bagram.[265] Al Bakri's relatives only learned he was alive when they received a letter from him through the ICRC, informing them he was being held at Bagram Air Base.[266] Since 2010, he has been cleared three times for release by U.S. military detainee release boards, but remains detained in Bagram.[267]

18 **Jamil el-Banna** (Abdul Latif el-Banna), a British resident and Jordanian citizen, was arrested by Gambian intelligence agents on November 8, 2002, upon his arrival at Banjul airport with Bisher al-Rawi.[268] Gambian authorities told el-Banna and the other arrestees that the British had ordered the arrests.[269] El-Banna was first detained and interviewed by CIA and Gambian authorities[270] after the British intelligence service MI5 wrongly told U.S. officials that al-Rawi was carrying bomb parts in his luggage.[271] El-Banna was first transferred to the Dark Prison and later to Bagram Air Base in Afghanistan.[272] According to his lawyer, in the Dark Prison, el-Banna was imprisoned underground in isolation and darkness and tortured over two weeks.[273] He was held in leg shackles 24 hours per day, starved, beaten, kicked, dragged along floors while shackled, and was unable to sleep due to continuous screams from fellow detainees.[274] In early 2003, el-Banna was transferred to Guantánamo Bay.[275] He was released without charges on December 19, 2007, and returned to Britain.[276] Spain subsequently issued an extradition warrant for him, but dropped all charges in March of 2008.[277]

19 **Nashwan abd al-Razzaq abd al-Baqi** (Abd al-Hadi al-Iraqi), an Iraqi citizen alleged to be Al Qaeda's top operational planner in Afghanistan,[278] was captured in 2006 by Turkish authorities, who turned him over to the United States.[279] He was in CIA custody as of late 2006,[280] and was transferred to Guantánamo Bay in April 2007.[281] An April 27, 2007, Defense Department press release described him as a "high value detainee" transferred from CIA custody to Defense Department custody at Guantánamo Bay.[282] He remains detained as a "high value detainee" at Guantánamo Bay.[283]

20 **Samer Helmi al-Barq**, a citizen of Palestine and Jordan, was a student in Islamabad, Pakistan when he was arrested on July 15, 2003, by Pakistani Inter-Services Intelligence (ISI) agents as he was leaving the Palestinian embassy in Islamabad.[284] He was detained in ISI custody in Islamabad for about two weeks, during which time he was brought daily to a home for questioning by

U.S. agents.[285] He was then transferred to CIA detention in Bagram.[286] He describes being transferred via plane to an underground prison in Afghanistan where he was stripped naked and hung from the ceiling with handcuffs for nearly three days, with constant lighting and loud music playing.[287] He was held in Bagram for about five weeks, followed by another seven weeks of CIA detention in another facility.[288] On October 26, 2003, he was transferred to Jordan, where he was held in GID custody without charge until he was released on bail in January 2008.[289] On April 25, 2010, Jordanian authorities re-arrested al-Barq and in July 2010 deported him to Israel, where he was arrested by Israeli authorities.[290] Al-Barq remains in detention in Israel, where he has engaged in a hunger strike since May 2012 to protest his detention.[291]

21 **Jawad al-Bashar**, an Egyptian national, was captured by law enforcement agents in May 2003 in Vindher, Pakistan, along with an Afghan national, Farzand Shah.[292] There is some evidence[293] that he may have been secretly detained in CIA custody.[294] No information about al-Bashar's current status has been released by U.S. authorities, and his current whereabouts are unknown.[295]

22 **Muhammad Farag Ahmed Bashmilah**, a Yemeni national, was detained on October 21, 2003, by Jordan's GID, which interrogated him and subjected him to prolonged beatings and threats of electric shock and the rape of his family members.[296] On October 26, 2003, he was transferred to agents who "beat, kicked, diapered, hooded, and handcuffed him."[297] The agents secretly transported him to Bagram Air Base, where he was subjected for six months to solitary confinement, torture, and interrogation.[298] He was transferred "through a series of three different cells involving different methods of sensory manipulation, sleep deprivation and shackling in painful positions."[299] On approximately April 24, 2004, Bashmilah was again diapered, hooded, handcuffed, and flown to another secret CIA black site (likely in Eastern Europe) where he was further tortured and interrogated.[300] There, he was held in two different cells while shackled at the ankle and subjected to further interrogation and sensory deprivation.[301] On May 5, 2005, he was flown to Yemen, detained briefly, and transported to another detention center in Aden, Yemen.[302] In February 2006, he was sentenced to two years in prison for using a false identification document in Indonesia and was ordered released immediately because his detention had exceeded his sentence.[303] On March 27, 2006, Bashmilah was freed; he never faced any charges relating to terrorism.[304]

23 **Abdul Basit**, a Saudi or Yemeni national, was arrested before June 2004, and is believed to have been held in secret CIA detention.[305]

24 **Masaad Omer Behari**, a Sudanese citizen and Austrian resident, was abducted on his way to Vienna from Sudan at Amman airport on January 12, 2003.[306] He was secretly "detained in a prison close to Amman run by the Jordan General Intelligence Department (GID), without trial or legal assistance, and tortured and ill-treated there until 8 April 2003, when he was released without charge."[307] Behari was likely to have been one among many victims extraordinarily rendered by the CIA to Jordan's GID.[308] While he was in custody in Amman, guards struck the soles of his feet with batons while

he was handcuffed and hanging upside down, then doused him with cold water and forced him to walk over a salt-strewn floor.[309] According to Behari's statement to a European Parliament committee, there may have been cooperation among U.S., Austrian, and Jordanian authorities on his case.[310]

25 **Tawfiq al-Bihani**, a Yemeni national, was captured and detained in Iran in late 2001 or early 2002 and flown to Afghanistan, after which he passed through several CIA secret prisons.[311] Al-Bihani describes being initially held in an Afghan prison where he and other detainees were hidden from ICRC representatives until a fellow detainee informed the ICRC of the detainees' existence.[312] In this prison he first encountered U.S. agents, who forcibly undressed him and threatened to kill him.[313] He later was moved to another prison and held in solitary confinement for over five months, before being moved to the Dark Prison where he says he was kept hanging tied to the wall for almost ten days.[314] Wesam al-Deemawi confirmed that al-Bihani was in the Dark Prison when al-Deemawi was held there.[315] In December 2002, al-Bihani was transferred to Bagram, following which, in February 2003, he was transferred to Guantánamo Bay, where he remains detained.[316]

26 **Fatima Bouchar**, a Libyan national, and her husband Abu Abdullah al-Sadiq (Abdul Hakim Belhadj), were seized in 2004 by Malaysian authorities in Kuala Lampur, where they were detained for 13 days.[317] They were told that they could travel to the United Kingdom through Bangkok, but were detained by Thai authorities upon arrival in Bangkok, and, according to al-Sadiq, abused by the CIA for several days in a special room in the airport.[318] Al-Sadiq and his wife also allege that they were ill-treated by persons they believed to be Thai authorities.[319] Bouchar reported she was chained to a wall and not fed for five days, at a time when she was four-and-a-half months pregnant.[320] Then, Bouchar was extraordinarily rendered with al-Sadiq to Libya, where she was released shortly before giving birth to her son.[321] Documents discovered by Human Rights Watch immediately after the fall of Libyan ruler Muammar Gaddafi confirm the role of the CIA and the United Kingdom in al-Sadiq's case.[322] On the basis of these documents, Bouchar and al-Sadiq brought legal actions against the U.K. government and subsequently against former Foreign Secretary Jack Straw for approving their abduction and transfer.[323]

27 **Jamaldi Boudra**, an Algerian national, went in 2001 to Georgia to train with Chechen militants.[324] In April 2002, while he was still in Georgia, he was abducted by the Georgian mafia and handed over to the CIA.[325] After spending nearly two years in CIA custody in Afghanistan, he was rendered to Algeria in January 2004.[326] There, he was prosecuted for the crime of membership in a terrorist group active abroad, and in 2005, sentenced to five years of imprisonment, following which he was released in 2010.[327]

28 **Abu Bakr Muhammad Boulghiti** (Abu Yassir al-Jaza'iri), an Algerian national, was seized in Lahore, Pakistan in March 2003, and held by the CIA in secret detention until at least July 2006 before he was likely transferred to Algeria.[328] At the end of February 2006, Marwan Jabour met Boulghiti while they were both detained in a secret CIA prison that Jabour believed to be in Afghanistan.[329] Boulghiti told Jabour that he had arrived at the prison in

April 2004, and that he had been in a place where they played music continuously for four months and beat him badly, causing permanent damage to his arm.[330] Jabour last spoke with Boulghiti in July 2006.[331] It has also been reported that Boulghiti was held in Poland in 2003.[332]

29 **Abou Elkassim Britel**, an Italian citizen, was apprehended by Pakistani police in Lahore, Pakistan, on March 10, 2002.[333] He was tortured and interrogated for about two months, after which he was turned over to CIA agents who flew him to Rabat, Morocco on May 23, 2002, on flight N379P, a Jeppesen Dataplan flight that originated in Washington, D.C. and made stops in, among other places, Frankfurt, Germany and Porto, Portugal.[334] After he arrived in Rabat, U.S. officials transferred him to the custody of Moroccan agents who detained and tortured him at Témara prison for about eight and a half months.[335] Britel was released from custody in February 2003 but re-arrested in May 2003 by the Moroccan authorities and again detained incommunicado at Témara prison, on suspicion of being involved in the Casablanca bombings of May 16, 2003.[336] Britel was tried and convicted based on a confession obtained through torture, which he was never permitted to read, and sentenced to nine years of incarceration by a Moroccan court.[337] Meanwhile, on September 29, 2006, after a six-year criminal investigation in Italy into Britel's suspected involvement in terrorist activities, the examining judge dismissed the case, finding that there was no evidence linking Britel to any criminal or terrorist activities.[338] On April 14, 2011, Britel was released from Morocco following a pardon granted by the king of Morocco.[339]

30 **Abdul Halim Dalak**, a student whose citizenship is unknown, was seized by the CIA in Pakistan in November 2001 and extraordinarily rendered to Syria in May 2002; his current whereabouts are unknown.[340]

31 **Ahmed Muhammed Haza al-Darbi**, a Saudi Arabian citizen, was arrested in Azerbaijan by Azerbaijani officials in June 2002.[341] Al-Darbi has stated that in August 2002 he was transferred to the custody of U.S. agents who blindfolded him, choked him, and cursed at him.[342] He was then transferred to Bagram, Afghanistan where he was detained for about eight months.[343] At Bagram, he was kept in complete isolation for two weeks, hooded and interrogated for hours while being subjected to painful stress positions, and subjected to extreme temperature, constant bright light, and loud music.[344] Sometimes he was forced for hours to lean against a wall with his forehead pressing against the wall, his hands shackled behind his back, and his feet kept away from the wall so that his body weight rested on his forehead.[345] After two weeks of isolation, he was placed in a cage with other detainees, and hung on the cage door with his hands over his head.[346] A December 2002 article in the *Washington Post* states that, at that time, al-Darbi was "under CIA control."[347] He was eventually transferred in March 2003 to Guantánamo Bay.[348] During his time in Guantánamo Bay, al-Darbi swore out an affidavit that Pfc. Damien M. Corsetti abused him during his time in Bagram.[349] In a 2006 court-martial, Corsetti, who was given the nicknames "Monster" and "King of Torture" by fellow interrogators, was acquitted of all charges by a military jury.[350] Al-Darbi remains detained in Guantánamo Bay.[351]

32 **Wesam Abdulrahman Ahmed al-Deemawi** (Wassam al-Ourdoni), a Jordanian national, was seized in Iran in December 2001.[352] He stated in an interview that he was detained in Iran for about a month without being interrogated or told why he was being held.[353] In early 2002, al-Deemawi was one of ten men transferred in a prisoner exchange by Iranian authorities to Afghan authorities.[354] Afghan authorities subsequently handed him to the CIA.[355] He was first held in the Dark Prison, where he says he spent 77 days in a room that was so dark that it was impossible to distinguish night from day.[356] At this prison, al-Deemawi further states, the guards were Afghan, but the interrogators were American.[357] He was then moved to another prison, "prison number 3," where the food was so bad that his weight dropped considerably.[358] In the spring of 2003, he was transferred to Bagram, where he was held for 40 days and subjected to sleep deprivation, hung from the ceiling by his arms in the "strappado" position, threatened by dogs, made to watch torture videos, and subjected to sounds of electric sawing accompanied by cries of pain.[359] Al-Deemawi was flown to Guantánamo Bay on May 8, 2003.[360] He was released in March or April 2004.[361]

33 **Noor al-Deen**, a Syrian teenager, was captured with Abu Zubaydah in Pakistan in March 2002, extraordinarily rendered by the CIA to Morocco, and then transferred to Syria.[362] U.S. officials questioned al-Deen, and a CIA officer was present at his capture.[363] Abdullah Almalki, who was detained in Syria's Palestinian Branch military prison, claims that an "unnamed teenager" who was seized with Abu Zubaydah was extraordinarily rendered to the Palestinian Branch on May 14, 2002; this unidentified teenager was most likely Noor al-Deen.[364] Al-Deen's current whereabouts are unknown.[365]

34 **Saleh Hadiyah Abu Abdullah Di'iki**, a Libyan national, was arrested on October 12, 2003, by Mauritanian authorities who detained and interrogated him for about two weeks in the headquarters of the main military intelligence agency, after which Mauritanian authorities told him that they had no problem with him, but that Americans wanted him detained.[366] He was held for another two weeks in the same facility before being transferred to Morocco.[367] In Morocco, he was held in a facility where he saw a message on the prison wall by Ramzi bin al-Shibh asking the reader to inform his family in Yemen of his transfer to Guantánamo Bay.[368] He also spoke to a detainee named al-Maghrebi.[369] After a month, a team of U.S. officials in military uniforms and masks flew Di'iki, diapered and hooded, to Afghanistan, where he was held by U.S. authorities, including the CIA, at two different facilities.[370] In U.S. custody, he was held at times in almost complete darkness, cuffed to a steel ring that was fixed to the wall of his cell, detained naked, and subjected to continuously blaring Western music, among other forms of abuse.[371] In August 2004, he was transferred on the same plane as Hassan Rabi'i (Mohamed Ahmad Mohamed Al Shoroeiya) and al-Maghrebi to Libya, where he was detained by Libyan authorities until his release in February 2011.[372] He was subsequently detained by Libyan authorities from June 2011 until August 2011, during which time he was repeatedly beaten.[373]

35 **Gouled Hassan Dourad** (Haned Hassan Ahmad Guleed), a Somali national, was captured in Djibouti in March 2004 and held in secret CIA prisons abroad.[374] In 2004, he was held in a CIA prison in Rabat.[375] The U.S. government confirmed in September 2006 that Dourad was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[376] He remains imprisoned in Guantánamo Bay.[377]

36 **Mustafa Mohammed Fadhil**, a Kenyan or Egyptian national, was detained in Pakistan in August 2004 and held at some time in CIA custody; his current whereabouts are unknown.[378] He was indicted in U.S. federal court in connection with the 1998 bombings of U.S. embassies in Kenya and Tanzania.[379] On October 10, 2001, he was placed on the FBI's "Most Wanted Terrorists" list, but later his name was removed from the list without explanation.[380]

37 **Ali Muhammed Abdul Aziz al-Fakhiri** (Ibn al-Sheikh al-Libi), a Libyan national, was arrested in Pakistan within a few months of September 11, 2001, and interrogated by the CIA and FBI.[381] He came under the control of the CIA in January 2002, while he was in U.S. custody in Kandahar, Afghanistan.[382] The United States transferred him to the U.S. Navy ship USS Bataan by January 9, 2002, and then extraordinarily rendered him to Egypt the same month.[383] According to a 2006 U.S. Senate Select Committee on Intelligence (SSCI) report, "the CIA relied heavily on the information obtained from the debriefing of detainee Ibn al-Shaykh al-Libi…to assess Iraq's potential [chemical and biological weapons] training of al Qai'da."[384] On February 5, 2003, then Secretary of State Colin Powell relied on information provided by al-Libi in his speech to the United Nations making the case for war against Iraq.[385] According to the SSCI report, in January 2004, al-Libi recanted the information he had previously provided, stating that he had fabricated "all information regarding al-Qaida's sending representatives to Iraq to try to obtain WMD [Weapons of Mass Destruction] assistance."[386] The report notes that al-Libi said that he lied "to avoid torture" while he was held in the custody of a "foreign government service" which threatened him with "a long list of methods [that] could be used against him which were extreme."[387] After he was placed in a small box 50 cm x 50 cm for about 17 hours, punched, and beaten, he came up with a story that three Al Qaeda members went to Iraq to learn about nuclear weapons.[388] The report also notes that al-Libi said that he had previously fabricated information while held in U.S. custody in early 2002, to "gain better treatment and avoid being handed over to a foreign government."[389] After his detention in Egypt, al-Libi was detained by the CIA in secret prisons in Afghanistan and elsewhere, following which he was detained at Abu Salim prison in Libyan custody in late 2005 or early 2006.[390] The Abu Salim prison authorities told Human Rights Watch in April 2009 that the State Security Court, a court whose trial proceedings fail to meet international fair trial standards, sentenced al-Libi to life imprisonment.[391] In 2009, al-Libi was found dead in his cell in Abu Salim prison in Tripoli.[392]

38 **Omar al-Faruq**, an Iraqi citizen brought up in Kuwait, was arrested in Bogor, Indonesia in 2002 and subsequently subjected to secret CIA detention.[393] He was secretly detained in Bagram, but escaped in July 2005.[394] He was killed by British forces in Basra in 2006.[395]

39 **Mouad al Fizani** (Abou Naseem), a Libyan or Tunisian national, is alleged to have been captured in Peshawar, Pakistan, in June of 2003,[396] and may have been held in secret CIA detention.[397] He was reportedly suspected of providing forged documents and other support to Al Qaeda operations, and reports at the time of his arrest suggest that he may have been taken into U.S. custody.[398] Al Fizani's current whereabouts are unknown.[399]

40 **Ahmed Khalfan Ghailani**, a Tanzanian national, was captured in Gujrat, Pakistan, on July 25, 2004, in a joint Pakistani-U.S. operation.[400] The U.S. government confirmed in September 2006 that he was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[401] The first Guantánamo Bay detainee to be tried in the civilian court system, Ghailani was brought from Guantánamo Bay to the United States for his trial in 2009,[402] and later convicted on a charge of conspiracy and sentenced to life in prison.[403]

41 **Ali Abd al-Rahman al-Faqasi al-Ghamdi** (Abu Bakr al Azdi), a Saudi national, was detained in Saudi Arabia in June 2003.[404] The 9/11 Commission Report, which was publicly released in July 2004, referred to al-Ghamdi as a "candidate hijacker" for the attacks of September 11, 2001, and stated that he was "currently in U.S. custody."[405] On July 19, 2006, he was listed in the "Terrorists No Longer a Threat" list.[406] He is believed to have been held in secret CIA detention at some point and subsequently transferred to Saudi custody.[407]

42 **Omar Ghramesh** was seized with Abu Zubaydah in Faisalabad, Pakistan, on March 28, 2002 and extraordinarily rendered by the CIA to Syria on May 14, 2002.[408] His current whereabouts are unknown.[409]

43 **Speen Ghul**, believed to be a Somali citizen, was arrested in Pakistan and likely held in CIA custody; his whereabouts are currently unknown.[410] Marwan Jabour reported that while he was secretly detained in U.S. custody, he was shown a photograph of Ghul who also was apparently in U.S. custody.[411]

44 **Hassan Ghul**, a Pakistani national and suspected Al Qaeda operative, was captured in Iraq in January 2004,[412] and detained secretly in CIA custody.[413] The 9/11 Commission Report, which was publicly released in July 2004, stated that Hassan Ghul was "currently in U.S. custody."[414] According to a 2010 U.N. report, Hassan Ghul was transferred to Pakistani custody in 2006.[415] Pakistani detainee Rangzieb Ahmed, who claims to have met Ghul in Pakistani detention, says that Ghul believed that he had been detained at some point in Morocco as well as Bagram.[416] In 2004, Ghul reportedly told U.S. interrogators that Abu Ahmed al-Kuwaiti was a "trusted courier" who was close to Bin Laden, Khalid Sheikh Mohammed, and Abu Faraj al-Libi, information which apparently led to the killing of Osama Bin Laden in 2011.[417] According to a statement released by Senators Dianne Feinstein and Carl Levin, "[t]he CIA detainee who provided the most significant information about the courier provided the information prior to being subjected to coercive interrogation techniques."[418] Ghul is believed to have been released by Pakistani authorities in 2007.[419]

45 **Janat Gul** (also known as Hammidullah), former president of Afghanistan's Ariana Airline, was captured in January 2003 in Lashkargar, Afghanistan.[420] He was held in a secret CIA prison in Bucharest in 2004.[421] According to Jay Bybee's response to a Justice Department Office of Responsibility report on the OLC memos clearing torture methods for use by the CIA, Janat Gul's "possible interrogation" was discussed at a July 2, 2004, National Security Council Principals Meeting where Deputy Attorney General James Comey and Attorney General John Ashcroft were present.[422] Furthermore, according to a May 30, 2005 OLC memorandum, the CIA interrogated a man named "Gul."[423] In 2011, a U.S. official confirmed that this "Gul" was Janat Gul, and not Hassan Ghul.[424] Janat Gul was also detained for a time in Guantánamo Bay, and was transferred to Afghanistan on April 18, 2005.[425]

46 **Ibrahim Habaci**, a Turkish national, was arrested on June 22, 2003, in Malawi, in a joint operation involving the CIA and Malawi's National Intelligence Bureau.[426] Suspected of having Al Qaeda links, Habaci and four other men arrested on the same day were first held in Malawi, and secretly flown two days later to Harare, Zimbabwe, where they were held for almost a month.[427] They were then transferred to Sudan, where they were released after it was established that there was no evidence linking them to Al Qaeda.[428] The outgoing U.S. ambassador to Malawi reportedly denied that U.S. agents were involved, but a Malawian government official told Amnesty International that U.S. agents controlled the operation and that the U.S. authorities had taken the five men out of Malawi on a chartered aircraft.[429]

47 **Mamdouh Habib**, an Australian national, was captured in Pakistan in October 2001.[430] He was subsequently detained in an Islamabad prison where he was interrogated by U.S. and Australian officials, and also interrogated and abused by individuals he believed to be Pakistani.[431] Next he was transferred to U.S. custody and extraordinarily rendered to Egypt where he was tortured.[432] After months of detention in Egypt, he was detained in U.S. custody in Bagram for about a week before being flown to Guantánamo Bay in May 2002.[433] He was freed in 2005.[434] Australian officials interrogated him with U.S. officials soon after his capture in Pakistan, but failed to prevent his subsequent mistreatment and extraordinary rendition to Egypt.[435]

48 **Mullah Habibullah**, an Afghan national, was captured by an Afghan warlord on November 28, 2002, and brought to Bagram Collection Point by CIA operatives two days later.[436] On December 3, 2002, Habibullah died after severe mistreatment by military intelligence interrogators.[437] Army investigators concluded that the use of stress positions and sleep deprivation combined with other mistreatment at the hands of Bagram personnel caused, or were direct contributing factors in, his death.[438]

49 **Rafiq al-Hami**, a Tunisian national, was arrested in Iran in November 2001 and taken to Afghanistan.[439] He alleged that he was held in three CIA "dark sites" in Afghanistan where he was stripped naked, threatened with dogs, shackled in painful "stress" positions for hours, punched, kicked, and exposed to extremes of heat and cold.[440] He stated: "I was in an Afghan prison but the interrogation was done by Americans. I was there for about a one-

year period, transferring from one place to another. I was tortured for about three months in a prison called the Prison of Darkness or the Dark Prison."[441] According to Wesam al-Deemawi, a Tunisian man called Rafiq was held in the Dark Prison at the same time that al-Deemawi was detained there.[442] Al-Hami also said, "[b]ack in Afghanistan, I would be tortured. I was threatened. I was left out all night in the cold. It was different there. I spent two months with no water, no shoes, in darkness and in the cold. There was darkness and loud music for two months. I was not allowed to pray. I was not allowed to fast during Ramadan."[443] He was eventually transferred to Guantánamo Bay.[444] In January 2010, al-Hami was transferred to a detention center in Slovakia.[445] He left Slovakia for Tunisia in 2011.[446]

**50** **Safwan al-Hasham** (Haffan al-Hasham), a Saudi national, was detained in Pakistan in May 2003 and likely held in CIA custody.[447] He appeared on a congressional "Terrorists No Longer a Threat" list in 2006.[448] His whereabouts are unknown.[449]

**51** **Khalifa Abdi Hassan**, a Kenyan national, was arrested on June 22, 2003, in Malawi, in a joint operation involving the CIA and Malawi's National Intelligence Bureau.[450] Suspected of having Al Qaeda links, Hassan and four other men arrested on the same day were first held in Malawi, and secretly flown two days later to Harare, Zimbabwe, where they were held for almost a month.[451] They were then transferred to Sudan, where they were released after it was established that there was no evidence linking them to Al Qaeda.[452] The outgoing U.S. ambassador to Malawi reportedly denied that U.S. agents were involved, but a Malawian government official told Amnesty International that U.S. agents controlled the operation and that the U.S. authorities had taken the five men out of Malawi on a chartered aircraft.[453]

**52** **Omar bin Hassan**, a Palestinian national, was extraordinarily rendered by the CIA from Somalia to Ethiopia in July 2002, and subsequently released after questioning on the Somali border.[454]

**53** **Mustafa al-Hawsawi**, a Saudi national, was captured with Khalid Sheikh Mohammed in Rawalpindi, Pakistan, on March 1, 2003.[455] The U.S. government confirmed in September 2006 that he was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[456] He was reportedly also held in a prison in Rabat in 2004.[457] In May 2011, military prosecutors brought capital charges against him for his role in the September 11, 2001, attacks.[458]

**54** **Abdulsalam al-Hela**, a Yemeni national, was arrested in Egypt, detained and subjected to degrading treatment in Egyptian custody for about seven or eight days, and then handed over to U.S. officials who flew him to another location.[459] He was held in CIA detention in Afghanistan, including in the Dark Prison and another underground facility in or near Kabul which he believed was called "Malidu," where he was held for two and a half months and interrogated by U.S. agents for 15 consecutive days.[460] He was detained and tortured in another facility in Afghanistan for one year and two months, where his jailors told him he was being held at the behest of the United States, after

which he was taken briefly back to the "Malidu" prison before being taken to Bagram Air Base.[461] In September 2004, he was sent to Guantánamo Bay, where he remains detained.[462]

55 **Abou Hudeifa**, a Tunisian national, is alleged to have been captured in Peshawar, Pakistan, at the end of 2002.[463] Alleged Al Qaeda member Abu Yahya al-Libi (now deceased), who escaped from Bagram in July 2005, stated that another detainee in Bagram during his time there was a Tunisian named Abou Houdayfa, who al-Libi also identified as "Lotfi."[464] Abu Hudeifa was held in several CIA prisons in Afghanistan, including the Dark Prison, before being held in Bagram.[465] A list of detainees at Guantánamo Bay, released by the Pentagon in 2010, contains "Lutfi al-Arabi al-Gharisi;" it is possible that this is Abu Hudeifa.[466] Detainee Marwan Jabour has also reported that during his time in a secret U.S. detention facility, another detainee there went by the name "Hudaifa," who had been transferred to that facility before or during June 2004.[467] As it is unclear whether Abu Hudeifa is Lufti al-Arabi al-Gharisi, his whereabouts are still unknown.[468]

56 **Soufian al-Huwari** (Soufian Abar Huwari), an Algerian national, was seized in Georgia in early 2002, sold to U.S. forces, held in CIA detention in the Dark Prison among other facilities in Afghanistan, and transferred to Guantánamo Bay and then to Algerian custody in November 2008.[469] According to Wesam al-Deemawi, al-Huwari was detained at the Dark Prison with al-Deemawi when he was held there.[470]

57 **Abdel Aziz Inayatullah** (Mohammed al Afghani), an Afghan national, was arrested in Peshawar, Pakistan, in April or May 2004, along with his brother, Abdul Basit, and three Uzbeks and their wives.[471] According to Wesam al-Deemawi, Inayatullah was imprisoned in the Dark Prison in Kabul while al-Deemawi was held there.[472] According to Marwan Jabour, Inayatullah was also detained with Jabour in a facility in Islamabad, Pakistan, and transferred with Jabour to the CIA black site in Bagram.[473] He is believed to be in Guantánamo Bay.[474]

58 **Riduan Isamuddin** (Hambali), an Indonesian citizen and suspected Al Qaeda member, was captured on August 14, 2003, in Thailand in a joint U.S.-Thai operation.[475] Isamuddin told the ICRC that during his four to five day long detention in Thailand, he was subjected to stress positions while blindfolded with a sack over his head, kept naked, and deprived of solid food.[476] He was held in a CIA prison in Rabat in 2004[477] and also held in a secret CIA prison in Romania.[478] The U.S. government confirmed in September 2006 that he was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[479] The transfer occurred on September 4, 2006, and he remains imprisoned at Guantánamo Bay.[480]

59 **Mahmud Sardar Issa**, a Sudanese national, was arrested on June 22, 2003, in Malawi, in a joint operation involving the CIA and Malawi's National Intelligence Bureau.[481] Suspected of having Al Qaeda links, Issa and four other men arrested on the same day were first held in Malawi, and secretly flown two days later to Harare, Zimbabwe, where they were held for almost a

month.[482] They were then transferred to Sudan, where they were released after it was established that there was no evidence linking them to Al Qaeda.[483] The outgoing U.S. ambassador to Malawi reportedly denied that U.S. agents were involved, but a Malawian government official told Amnesty International that U.S. agents controlled the operation and that the U.S. authorities had taken the five men out of Malawi on a chartered aircraft.[484]

60 **Mohammed Ali Isse**, a Somali national, was captured in a June 2004 "CIA-ordered" raid of a Mogadishu house and flown, bleeding, on a U.S. military helicopter to an offshore U.S. Navy ship where he was interrogated for about a month before being transferred by the CIA to Camp Lemonnier in Djibouti.[485] He was subsequently sent to a clandestine prison in Addis Ababa, Ethiopia, where he says he was detained and tortured by Ethiopian intelligence agents with electric shocks.[486] In late 2004, security officials in Somaliland collected Isse from the Ethiopian police, after which he was interrogated, subjected to a local trial, and sentenced to life in Berbera prison for organizing the killings of four foreign aid workers in 2003 and early 2004.[487]

61 **Marwan Jabour**, a Jordanian-born Palestinian, was arrested in Lahore, Pakistan, on May 9, 2004, and held in a CIA detention facility in Afghanistan for 25 months.[488] He was then transferred to Jordan and held for six weeks, before being transferred to Israel, where he was held for another six weeks.[489] No charges were ever filed against him and he was freed in Gaza in the fall of 2006.[490]

62 **Bahaa Mustafa Jaghel**, a Syrian national, was arrested in Pakistan in January 2002.[491] The CIA extraordinarily rendered him to Syria in May 2002, where he was questioned at the Palestine Branch prison in Damascus.[492] He was kept in prison until February 2005, but was re-arrested in December 2005.[493]

63 **Abu Yousef al-Jaza'eri**, an Algerian national, was captured in Georgia and extraordinarily rendered by the CIA to Jordan in 2002.[494]

64 **Khayr al-Din al-Jaza'eri**, an Algerian national, was captured in Georgia and extraordinarily rendered by the CIA to Jordan in 2002.[495]

65 **Adil al-Jazeeri** (Adil Hadi al-Jazairi Bin Hamlili), an Algerian national, was seized in Pakistan in 2003, and after about a month in Pakistani custody, transferred to CIA custody near Kabul, Afghanistan in July 13, 2003.[496] He was held for some time in a secret CIA prison before being moved to Bagram, following which, in September 2004, he was transferred to Guantánamo Bay until his release in January 2010.[497]

66 **Ibrahim Abu Mu'ath al-Jeddawi** (Ahmad Ibrahim Abu al-Hasana), a Saudi citizen living in Yemen, was arrested by U.S. officials, in Yemen or Kuwait according to different accounts, and extraordinarily rendered by the CIA to Jordan in the first half of 2002.[498] Another detainee who spoke with al-Jeddawi's family said that al-Jeddawi was held in Jordan at GID headquarters for more than a year, during which time he was hidden from the ICRC.[499] Al-Jeddawi is believed to have been subsequently incarcerated in Saudi Arabia.[500]

67 **Sanad al-Kazimi**, a Yemeni national, was arrested in January 2003 in the United Arab Emirates, where he describes being tortured in secret incommunicado detention for eight months in U.A.E. custody.[501] He was then transferred in August 2003 to U.S. custody in the CIA's Dark Prison, where he endured further torture, following which in May 2004 he was transferred to Bagram where he was detained for four months before his transfer in September 2004 to Guantánamo Bay.[502] United States District Court Judge Henry Kennedy Jr. held in a case challenging the detention of another detainee that the court would not rely on al-Kazimi's statements in this case because "there is unrebutted evidence in the record that, at the time of the interrogations at which [he] made the statements,…[he] had recently been tortured."[503]

68 **Majid Khan**, a Pakistani national, was captured in Karachi, Pakistan, on March 5, 2003 prior to being held in secret CIA custody overseas and being transferred by September 2006 to Guantánamo Bay.[504] The U.S. government confirmed in September 2006 that he was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[505] Released detainee Khaled El-Masri reported that he had been held with Khan in the Salt Pit facility in Afghanistan.[506] In February 2012, Khan pled guilty to terrorism related charges in a deal requiring him to testify against Khalid Sheikh Mohammed and other terrorism suspects.[507]

69 **Mohammed Naeem Noor Khan** (Abu Talaha), a Pakistani national, was captured in Lahore, Pakistan in July 2004, and held in secret CIA detention.[508] Pakistani interrogators, in partnership with the CIA, forced him to send urgent emails to various operatives directing them to email him back, which they did, thereby revealing their locations.[509] He was released by July 2007.[510]

70 **Haji Wazir Khougiani** (Pacha Wazir), an Afghan national seized in the United Arab Emirates in late 2002, was held in CIA custody before being transferred to U.S. military custody in Bagram.[511] He was released after seven and a half years of detention in February 2010.[512] In 2011, former CIA interrogator Glenn Carle wrote of his experiences interrogating a detainee he named "CAPTUS;" *Harper's* magazine columnist Scott Horton has since argued that CAPTUS is "clearly Pacha Wazir" and that the interrogations took place in Morocco.[514] Carle claims that, while he did not abuse CAPTUS, CAPTUS was later sent to another secret prison where he was abused; Horton argues that this prison was the Salt Pit.[514]

71 **Mohammad Nasir Yahya Khusruf**, a Yemeni citizen, was seized by Afghan forces in a village near Tora Bora in mid-December, 2001.[515] He was taken to Kabul and transferred to U.S. custody, then relocated to Kandahar on December 15, 2001.[516] Khusruf was held by the CIA at the Dark Prison[517] before being transferred to Guantánamo Bay on May 3, 2003,[518] where he remains detained.[519]

72 **Barah Abdul Latif**, a Syrian national, was extraordinarily rendered by the CIA from Pakistan to Syria in February or March 2002 and was questioned in the Palestine Branch prison in Damascus; his current whereabouts are unknown.[520]

73 **Mohammed Nazir bin Lep** (Lillie), a Malaysian national, was apprehended on August 11, 2003, in Bangkok, Thailand, and suspected of involvement in the Marriott Hotel bombing in Jarkata and other plots against targets in Southeast Asia.[521] According to an ICRC report on "high value" detainees held in secret CIA detention, bin Lep alleged that he was held naked for three to four days in Thailand and nine days in Afghanistan, that he was denied any solid food for the first eleven days after his arrest, that he underwent seven days of prolonged stress standing in Afghanistan, and that he had to defecate and urinate on himself while standing.[522] The U.S. government confirmed in September 2006 that bin Lep was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[523] He remains imprisoned at Guantánamo Bay.[524]

74 **Ayoub al-Libi** (Mustafa al-Mahdi Jawda), a Libyan citizen, was arrested outside Peshawar in Pakistan in early 2004 and likely held in secret CIA detention in Afghanistan.[525] After being detained for about 40 days in a facility in Peshawar, he was transferred to a facility in Islamabad where he was held for another two and a half months, and then taken in June 2004 to a secret U.S. detention facility in Afghanistan where he was held for about 10 months.[526] He was held naked and shackled, and subjected to continuous lights and loud music playing.[527] In April 2005, he was transferred to Libya where he was held in a number of different prisons and eventually charged, convicted, and sentenced to death for attempting to overthrow the government.[528] Al-Libi was released in February 2011 when the uprisings against Gaddafi began.[529]

75 **Mustafa Salim Ali el-Madaghi**, a Libyan national, was arrested in Mauritania in February 2004 and interrogated by foreign interrogators and Mauritanian intelligence officers.[530] Then, around late March 2004, he was flown, after being diapered and hooded by Americans in accordance with "standard CIA [extraordinary] rendition transportation procedures," to Morocco, and held in a facility that appeared to be "run by Americans."[531] On May 5, 2004, he was once again subjected to the CIA extraordinary rendition transportation procedures and flown to Libya.[532] In Libya, Madaghi was charged with overthrowing the government and sentenced to life in prison, but was released in February 2011 when the uprising against Gaddafi began.[533]

76 **Muhammed Saad Iqbal Madni**, a Pakistani national, was arrested in Jakarta in early 2002, after Indonesian intelligence agents passed on information to the CIA that he supposedly boasted to members of an Indonesian Islamic group that he knew how to make a shoe bomb, an allegation he subsequently denied.[534] He was interrogated in Jakarta for two days before being transferred by the CIA to Egypt.[535] In Egypt, Madni was held in a six-by-four foot cell and tortured by Egyptian interrogators using electric shocks.[536] After 92 days of detention in Egypt, he was then transferred to the Bagram Air Base in Afghanistan where he was held and interrogated for almost a year, at times shackled and handcuffed in a small cage with other detainees, before being sent to Guantánamo Bay.[537] In August 2008, Madni was released from Guantánamo Bay and repatriated to Pakistan.[538]

77 **Majid Mokhtar Sasy al-Maghrebi**, a Libyan national, was arrested in Pakistan in 2003 by Pakistani authorities and detained and tortured for 39 days in a facility he believed was in Peshawar.[539] He was then prepared in accordance with procedures associated with CIA extraordinary rendition transportation procedures and transferred to Afghanistan, where he was held by U.S. authorities, including by the CIA, in two different facilities.[540] He was held in the same U.S. facilities as Hassan Rabi'i (Mohamed Ahmad Mohamed Al Shoroeiya) and Khaled al-Sharif (Abu Hazam), and managed to converse with them.[541] In U.S. custody, he was held in almost complete darkness and, amongst other treatment, subjected to stress positions for prolonged periods, dressed in a diaper without being permitted to use a latrine, and forced to listen to blaring Western music.[542] In August 2004, his U.S. captors again prepared him in accordance with transportation procedures associated with CIA extraordinary rendition, and transferred him to Libya, where he was threatened with rape, beaten, and subjected to other abuse before being released in February 2011.[543]

78 **Khaled al-Makhtari**, a Yemeni national, was seized in Iraq in January 2004, initially held in Abu Ghraib, then transferred to a secret CIA detention facility in Afghanistan, after which, in April 2004 he was moved to a second secret detention facility (possibly in Eastern Europe), where he remained in complete isolation for 28 months.[544] He was then taken on or about September 1, 2006, to Yemen, imprisoned in the political security prison in Sana'a for 16 days, and then transferred to a jail in Hodeidah.[545] He was eventually released in Yemen in May 2007.[546]

79 **Fadi al-Maqaleh**, a Yemeni national seized in 2004, was held in CIA custody before being transferred to U.S. military custody in Bagram.[547] Al-Maqaleh was reportedly held for a time in Abu Ghraib before being transferred to Bagram, according to deceased Al Qaeda leader Yahya al-Libi, who escaped from Bagram in July 2005.[548] In 2009, al-Maqaleh was transferred from Bagram Prison to the adjacent detention facility in Parwan, where he is currently detained.[549]

80 **Jamal al-Mar'i** (Jamal Muhammed Alawi Mar'i), a Yemeni citizen living in Pakistan, was arrested by a joint team of CIA and Pakistani operatives at his home on September 23, 2001.[550] He was held at a Pakistani jail for a month, where he reports that he was interrogated two or three times a week by U.S. personnel, who he believes were intelligence agents.[551] In late October 2001, he was extraordinarily rendered by the CIA to Jordan, where he was held for four months before being flown in mid-2002 to Guantánamo Bay.[552] Mar'i was transferred to Yemen on December 19, 2009.[553]

81 **Bashir Nasir Ali Al Marwalah**, a Yemeni citizen, was captured on September 11, 2002, by Pakistani forces and held for approximately one month before being transferred to U.S. custody.[554] Subsequently, the CIA held Marwalah at the Dark Prison[555] before transferring him to Guantánamo Bay on October 28, 2002, where he remains detained.[556]

82 **Khaled El-Masri**, a German national, was seized by Macedonian security officers on December 31, 2003, at a border crossing, because he had

been mistaken for an Al Qaeda suspect with a similar name.[557] He was held incommunicado and abused in Macedonian custody for 23 days, after which he was handcuffed, blindfolded, and driven to Skopje airport, where he was handed over to the CIA and severely beaten.[558] The CIA stripped, hooded, shackled, and sodomized El-Masri with a suppository as Macedonian officials stood by at the airport.[559] The CIA then drugged him and flew him to Kabul to be locked up in a secret CIA prison known as the "Salt Pit," where he was slammed into walls, kicked, beaten, and subjected to other forms of abuse.[560] El-Masri was held at the Salt Pit for four months, and never charged, brought before a judge, or given access to his family or German government representatives.[561] On May 28, 2004, he was flown on a CIA-chartered Gulfstream aircraft with the tail number N982RK to a military airbase in Albania called Berat-Kuçova Aerodrome and released without apology or explanation in Albania.[562] On December 6, 2005, German Chancellor Angela Merkel publicly stated at a press conference—with then Secretary of State Condoleezza Rice standing by her side—that the United States had accepted that it had made a mistake in El-Masri's case, but senior U.S. officials travelling with Rice disagreed with Merkel's interpretation.[563] El-Masri's case was investigated by the CIA's Office of Inspector General.[564] Although the inspector general found that there had been "no legal justification for el-Masri's rendition," and faulted a CIA analyst and a CIA lawyer responsible for the operation, the analyst was promoted and the lawyer received only a reprimand.[565] (The inspector general's report is not publicly available).[566] On December 13, 2012, the European Court of Human Rights held that Macedonia had violated El-Masri's rights under the European Convention on Human Rights, and found that his ill-treatment by the CIA at Skopje airport amounted to torture.[567]

**83** **Saif al-Aslam el-Masry**, an Egyptian national, was captured by Georgian authorities in September 2002 in Pankisi Gorge, Georgia.[568] He is believed to have been held in secret CIA detention[569] and possibly extraordinarily rendered to Egypt in 2002.[570]

**84** **Sharif al-Masri**, an Egyptian national, was apprehended by Pakistani authorities in Quetta, Pakistan,[571] and is likely to have been held in secret CIA detention.[572] In November 2005, U.S. sources indicated that al-Masri told his interrogators of an Al Qaeda plot to target U.S. sites using nuclear materials smuggled through Mexico.[573] His current whereabouts are unknown.[574]

**85** **Hail Aziz Ahmed al-Maythali**, a Yemeni citizen, was captured on September 11, 2002, by Pakistani forces and held for approximately one month before being transferred to U.S. custody.[575] Subsequently, the CIA held al-Maythali at the Dark Prison[576] before transferring him to Guantánamo Bay on October 28, 2002, where he remains detained.[577]

**86** **Abdul Karim Mehmood** (Abu Musab al-Baluchi/Musaab Aruchi), a Pakistani national and nephew of Khalid Sheikh Mohammed, was captured in Pakistan in June 2004 and is likely to have been held in CIA custody; his current whereabouts are unknown.[578]

87 **Saud Memon**, a Pakistani national who was implicated in the murder of American journalist Daniel Pearl, was reportedly abducted in and extraordinarily rendered from South Africa to Pakistan in March 2003.[579] The *Wall Street Journal* reported that Memon was secretly detained by U.S. and Pakistani intelligence agencies.[580] Investigators at Human Rights Watch believe he was held by the CIA before being transferred to the custody of Pakistani intelligence agents.[581] He was ultimately released in April 2007 in Pakistan in poor physical health and died within several weeks of his release.[582]

88 **Amir Hussein Abdullah al-Misri**, an Egyptian national, was arrested in Pakistan in January 2004 and likely held in secret CIA detention; his whereabouts are unknown.[583]

89 **Binyam Mohamed**, an Ethiopian citizen and British resident, was captured in Pakistan and transferred to Morocco, where he was tortured, then moved to and held incommunicado at the CIA's Dark Prison and Bagram Air Base in Afghanistan.[584] Pakistani immigration officials arrested Mohamed at Karachi airport in April 2002.[585] He was then detained in Karachi and held in Pakistani custody until July 2002, when he was handed over to the United States, and flown on July 22, 2002 on flight N379P to Rabat, Morocco, where he was interrogated and tortured for 18 months.[586] He was interrogated by a British intelligence official in Pakistan in May 2002, and MI5 fed the CIA questions in the knowledge that he was secretly detained in CIA custody in some third country.[587] In February 2003, MI5 received a report from U.S. officials of what Mohamed said under torture.[588] In Morocco, his interrogators tortured him in various ways: they subjected him to regular beatings, causing multiple broken bones and occasionally until he lost consciousness; sliced his genitals; poured hot liquid onto his penis while cutting it; and threatened him with rape, electrocution, and death.[589] He was also repeatedly drugged, subjected to incessant loud music day and night, and placed in a room with open sewage for a month at a time.[590] On January 21, 2004, he was taken to an airport and the next day flown on extraordinary rendition flight N313P from Rabat to Kabul.[591] He was then taken to the Dark Prison, where he was beaten, chained to the floor of an approximately six-by-six foot cell, and given inadequate clothing for the extreme cold.[592] In the Dark Prison, Mohamed was kept in darkness for 23 hours per day and forced to stay awake for days at a time.[593] In late May 2004, Mohamed was blindfolded and taken to Bagram Air Base where he remained until he was transferred in September 2004 to Guantánamo Bay.[594] Mohamed was released from Guantánamo Bay on February 23, 2009, when he returned to the UK.[595]

90 **Jamil Qasim Saeed Mohammed**, a Yemeni citizen living in Karachi, Pakistan, where he studied microbiology, was arrested by Pakistani security forces and transferred to U.S. authorities, after which he was extraordinarily rendered to Jordan on a "CIA-linked" jet, registration number N379P, on October 24, 2001.[596] His current whereabouts are unknown.[597]

91 **Khalid Sheikh Mohammed**, a Pakistani national and alleged mastermind behind the September 11, 2001, terrorist attacks, was arrested in Pakistan on March 1, 2003.[598] Within days of Mohammed's arrest in Pakistan, the CIA

reportedly secretly detained him in Afghanistan and then transferred him to Poland for further secret detention and interrogation,[599] where he was waterboarded 183 times.[600] According to a leaked ICRC report, Mohammed knew that he was in Poland when he received a bottle of water with a Polish label.[601] He was also reportedly held in Romania in 2004.[602] The U.S. government confirmed in September 2006 that Mohammed was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[603] The transfer occurred on September 4, 2006, and he remains imprisoned at Guantánamo Bay.[604] In May 2011, military prosecutors brought capital charges against him for his role in the September 11, 2001, attacks.[605]

92 **Musab Omar Ali Al Mudwani**, a Yemeni citizen, was captured on September 11, 2002, by Pakistani forces and held for approximately one month before being transferred to U.S. custody.[606] Subsequently, the CIA held Al Mudwani at the Dark Prison and subjected him to abusive interrogation.[607] He was transferred to Guantánamo Bay on October 28, 2002, where he remains detained.[608]

93 **Redha al-Najar**, a Tunisian national, was seized in Karachi in May 2002 and was reportedly held in CIA custody and transferred between different black sites before being transferred to U.S. military custody in Bagram.[609] According to former Al Qaeda leader and Bagram escapee Abu Yahya al-Libi, al-Najar was held in the Dark Prison, Panjshir prison, "Rissat" prison, and "Rissat 2" prison.[610] Al-Najar's family first heard from him in or around 2003, approximately 18 months after his arrest, by way of an ICRC-communicated letter.[611] Al-Najar remains detained in U.S. custody at Bagram.[612]

94 **Abd al Rahim al Nashiri**, a Saudi national, was captured in Dubai in October 2002, taken to the Salt Pit secret CIA prison in Afghanistan, and then to another black site in Bangkok, Thailand, where he was waterboarded.[613] According to a United Nations report, on December 4, 2002, the CIA transported al Nashiri on a chartered flight with tail number N63MU from Bangkok to a secret CIA detention site in Poland.[614] In Poland, U.S. interrogators subjected al Nashiri to a mock execution with a power drill as he stood naked and hooded; racked a semi-automatic handgun close to his head as he sat shackled before them; held him in "standing stress positions;" and threatened to bring in his mother and sexually abuse her in front of him.[615] (The CIA interrogator who subjected al Nashiri to mock execution was subsequently reprimanded but returned to the agency as a CIA contractor and helped train future officers.[616]) On or about June 6, 2003, Poland assisted the United States in secretly flying al Nashiri out of Poland.[617] Al Nashiri was later detained in Rabat, Morocco, Guantánamo Bay, Cuba, and another secret CIA prison in Bucharest, Romania, before being brought to Guantánamo Bay again by September 2006, where he remains detained.[618] The U.S. government confirmed in September 2006 that al Nashiri was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[619] On April 20, 2011, U.S. military commission prosecutors brought capital charges against al Nashiri relating to his alleged role in the attack on the USS Cole in 2000 and the attack on the French civilian oil tanker MV Limburg in the Gulf of Aden in 2002.[620] On September 28, 2011, the convening authority

for military commissions referred capital charges against al Nashiri for trial by military commission at Guantánamo Bay.[621] In May 2011 and August 2012, the Open Society Justice Initiative filed applications on behalf of al Nashiri before the European Court of Human Rights against Poland and Romania respectively.[622]

95 **Mustafa Setmariam Nassar** (Abu Musab al-Suri), a Spanish citizen of Syrian origin, was captured in Pakistan in October 2005, detained in Pakistan for a period of time and then transferred to U.S. custody and subjected to extraordinary rendition.[623] According to British NGO Reprieve, Nassar may have been transferred to Syrian custody.[624] In February 2012, it was reported that he was released from a Syrian jail where he had been held for six years after being captured by the CIA.[625]

96 **Osama Nazir**, a Pakistani national, is believed to have been detained in Pakistan in November 2004,[626] and may have been held in CIA custody,[627] following which he was believed to have been transferred to Pakistani custody.[628]

97 **Abu Omar** (Hassan Mustafa Osama Nasr), an Egyptian national with Italian residency, was abducted from a street in Milan, Italy on February 17, 2003.[629] According to Omar, a police officer stopped him and asked him for identification, before forcing him into a white van.[630] Evidence, including phone records, wiretap transcripts, and closed circuit television footage, suggests that the CIA was involved in his extraordinary rendition.[631] Additionally, CIA officer Robert Selden Lady responded to a question about Omar's extraordinary rendition saying, "I was only responsible for carrying out orders that I received from my superiors."[632] Omar was taken to the NATO military base in Aviano, Italy, flown to the NATO military base in Ramstein, Germany, and flown to Cairo, Egypt on a "CIA-leased" plane.[633] He was secretly detained in Egypt for fourteen months while Egyptian agents interrogated and tortured him by subjecting him to electric shocks.[634] On April 20, 2004, he was released from prison and warned by the State Security Investigations Services (SSIS) not to disclose what happened to him.[635] On May 12, 2004, however, he called his wife and friends in Italy and told them of his treatment.[636] Egyptian authorities then arrested him and took him to the SSIS office in Nasr City, and then to Istiqbal Tora prison, and finally to Damanhour prison where he was held in administrative detention by successive orders of the Ministry of the Interior under the emergency law.[637] In February 2005, he was transferred back to Istiqbal Tora prison.[638] He was eventually released in February 2007.[639] In September 2012, Italy's Court of Cassation upheld in absentia criminal convictions for 22 CIA agents and one Air Force pilot involved in Abu Omar's extraordinary rendition.[640] Additionally, Omar and his wife filed a petition against Italy before the European Court of Human Rights in August 2009.[641]

98 **Saifullah Paracha**, a Pakistani national, was seized in Bangkok, Thailand on July 8, 2003, and held in CIA custody in Afghanistan.[642] He was ultimately transferred on September 19, 2004, to Guantánamo, where he remains detained.[643]

99 **Walid Muhammad Shahir al-Qadasi**, a Yemeni citizen, was arrested in Iran by Iranian police in December 2001.[644] The Iranian authorities apparently

considered him an Al Qaeda operative.[645] After being detained for about three and a half months in an Iranian prison, he was transported to Afghanistan as part of a prisoner exchange between the two countries.[646] The Afghan authorities transferred him to CIA custody in the Dark Prison in Kabul,[647] where he was detained for about three months with nine other detainees in a tiny underground cell two meters by three meters, fed once a day, and subjected to loud music.[648] According to Wesam al-Deemawi, a man called Walid Muhammad Shahir was held in the Dark Prison at the same time that al-Deemawi was detained there.[649] Al-Qadasi was then transferred to Bagram where he faced a month of interrogation[650] before being transferred to Guantánamo Bay on May 9, 2003.[651] The United States ultimately determined that he was unlikely to pose a threat[652] following which, in April 2004, al-Qadasi was transferred to Yemen, where he was detained in the Political Security prison in Sana'a.[653]

100 **Salah Nasir Salim Ali Qaru** (Marwan al-Adeni),[654] a Yemeni national, reports that he was arrested and detained in Indonesia in 2003 and transferred to Jordan where he was detained for several days and tortured.[655] In October 2003, the United States transported Qaru to an unknown detention facility (which other detainees said was in Afghanistan, a location consistent with the flight duration) where he was secretly detained until about April 2004.[656] He was then transferred to another secret CIA detention facility (which he believed to be in Eastern Europe) where he spent 13 months in detention.[657] He was flown to Yemen in May 2005, tried in February 2006 on a charge of forgery in connection with obtaining a false travel document, which he pled guilty to, and released in Aden on March 27 or 28, 2006, on the basis of time served.[658]

101 **Abdul al-Rahim Ghulam Rabbani**, a Pakistani citizen born in Saudi Arabia, was captured by Pakistani forces in September 2002 in Pakistan where he was detained for two months before being transferred to Kabul.[659] Rabbani was held in CIA custody at the Salt Pit (where he met Khaled El-Masri),[660] and Bagram before he was ultimately transferred to Guantánamo Bay in September 2004.[661] Rabbani remains detained at Guantánamo Bay.[662]

102 **Mohammed Ahmed Ghulam Rabbani**, a Pakistani citizen born in Saudi Arabia, was captured in September 2002 in Karachi, Pakistan by the Pakistani Inter-Services Intelligence Directorate.[663] Rabbani is the brother of Abdul al-Rahim Rabbani (listed above). Rabbani, like his brother, was held at the CIA's Salt Pit prison where he met Khaled El-Masri.[664] In May 2004, he was transferred to Bagram, before his ultimate transfer in September 2004 to Guantánamo Bay where he remains detained.[665]

103 **Hassan Rabi'i** (Mohamed Ahmad Mohamed Al Shoroeiya), a Libyan national, was captured along with Khaled al-Sharif (Abu Hazam) in Peshawar, Pakistan, in April 2003, and transferred to a facility in Islamabad where the two men were interrogated by U.S. and Pakistani personnel.[666] After a week of detention there, they were prepared in accordance with CIA extraordinary rendition transportation procedures and flown to Afghanistan, where they were detained by U.S. authorities, including by the CIA, at two different facilities.[667] Rabi'i told Human Rights Watch that Ibn Sheikh al-Libi, al-Sharif,

and others were being held at the first facility where Rabi'i was detained.[668] While in U.S. custody, Rabi'i was chained to a wall and subjected to stress positions, waterboarded, locked in a small wooden box, and beaten against a wooden wall.[669] He also provided credible testimony that he was waterboarded on repeated occasions during U.S. interrogations in Afghanistan.[670] He was transferred to Libya in August 2004, where he was subsequently abused and then released in February 2011.[671]

**104** **Gul Rahman**, an Afghan national, was captured in Islamabad, Pakistan on October 29, 2002, by U.S. agents and Pakistani security forces, and subsequently transferred to Afghanistan.[672] On November 20, 2002, Gul Rahman froze to death in the Salt Pit, after a CIA case officer ordered guards to strip him naked, chain him to the concrete floor, and leave him there overnight without blankets.[673] A CIA Office of Inspector General investigation "determined that the CIA's top officer…at the prison displayed poor judgment by leaving Rahman in the cold."[674] The investigative report also "expressed concerns about the CIA station chief in Afghanistan, and later placed some blame on agency management at headquarters."[675] The inspector general referred the case to the Justice Department, but prosecutors decided not to bring charges.[676] Although a review board comprised of senior officials subsequently recommended that the CIA's top officer at the Salt Pit should be disclipined, CIA high-ranking official Kyle "Dusty" Foggo, determined no one would be punished.[677] In 2011, Rahman's case became one of two cases to be criminally investigated by the U.S. Justice Department.[678] In August 2012, Attorney General Holder summarily announced that the Justice Department would not pursue criminal charges in these cases.[679]

**105** **Omar Muhammad Ali al-Rammah** (Zakaria al-Baidany), a Yemeni national, was reportedly seized by Georgian Security Forces in the Pankisi Gorge in Georgia in early 2002, sold to U.S. forces, and held in CIA detention in the Dark Prison among other facilities in Afghanistan.[680] He was transferred to Bagram on April 9, 2003, and to Guantánamo Bay on May 9, 2003.[681] Al-Rammah remains detained in U.S. custody in Guantánamo Bay.[682]

**106** **Ahmed Abdul Rashid**, a Somali citizen, was likely held in CIA custody; his current whereabouts are unknown.[683]

**107** **Hiwa Abdul Rahman Rashul**, an Iraqi citizen, was arrested in Iraq by Kurdish soldiers in June or July of 2003 and turned over to CIA agents, who took him to Afghanistan for interrogation.[684] CNN reported that the Pentagon acknowledged that Rashul was secretly held near Bagdad for about nine months by order of Defense Secretary Donald Rumsfeld at the request of CIA Director George Tenet.[685] According to the *Washington Post*, Tenet also asked that Rashul not be given a prison number and be hidden from ICRC officials.[686] Rashul is the first publicly acknowledged "ghost" detainee.[687]

**108** **Bisher al-Rawi**, an Iraqi citizen resident in the United Kingdom, was arrested and detained by the Gambian National Intelligence Agency on November 8, 2002, upon arrival at Banjul airport with his brother Wahab al-Rawi,[688] based on false information provided by MI5 about him carrying bomb parts

on a business trip to Gambia.[689] According to al-Rawi, Americans controlled his detention and interrogation in Gambia, but Gambian officials also participated in interviews.[690] For example, he described a formal interrogation session during which he sat "with two American officials and two Gambian officials."[691] He also stated that both Gambians and Americans were present when he was taken from his prison cell and readied for transfer to Afghanistan.[692] Following his detention in Gambia, he and his friend Jamil el-Banna were turned over to U.S. custody in Banjul where they were detained until late December, 2002.[693] (Wahab al-Rawi was released after a month of questioning in Gambia by U.S. agents).[694] CIA officials sent Bisher al-Rawi first to the Dark Prison, where "screams of other prisoners were only broken by the blaring of strange noises and loud music throughout the day and night," and then to Bagram Air Base in Afghanistan, and ultimately to Guantánamo Bay on February 7, 2003.[695] Al-Rawi was released on March 30, 2007, without charges, and returned to Britain.[696]

109 **Abdullah Ahmad Salih al-Rimi** (Uways/Awaiss), a Yemeni national, was likely held in CIA custody in 2003-2004 before being handed over to Yemen, where he reportedly escaped from prison in 2006.[697] In U.S. court proceedings relating to Adham Hassoun (a co-defendant of Jose Padilla) it emerged that al-Rimi had reportedly made a statement to the CIA during detention in 2003-2004 relevant to Hassoun's case.[698]

110 **Al-Rubaia** (first name unknown), believed to be an Iraqi citizen, was arrested in 2002, and likely held in CIA custody.[699] Another detainee in the same secret detention facility reportedly read Al-Rubaia's name and story off a cell wall; Al-Rubaia's whereabouts are unknown.[700]

111 **Sami al-Saadi** (Abu Munthir), a Libyan national, was captured with his wife and family at the Hong Kong airport in 2004, and extraordinarily rendered to Libya where he remained in prison for six years until his release.[701] Documents found in September 2011 in Tripoli include a March 2004 memo from the CIA to Libyan intelligence stating: "We are aware that your service had been co-operating with the British to effect Abu Munthir's removal to Tripoli. If payment of a charter aircraft is an issue, our service would be willing to assist financially to help underwrite those costs. Please be advised that if we pursue that option, we must have assurances from your government that Abu Munthir and his family will be treated humanely and that his human rights will be respected; we must receive such assurances prior to any assistance being provided."[702] In the memo, the CIA offered to help pay for the aircraft used by the Libyans, saying: "If your government were to charter a foreign aircraft from a third country, the Hong Kong government may be able to co-ordinate with you to render [al-Saadi] and his family into your custody."[703] Al-Saadi said he was imprisoned in a six foot by seven foot cell for the next 14 months, subjected to constant threats directed at himself and his family, and that he was also questioned by MI6 agents during his imprisonment.[704] In December 2012, the British government paid al-Saadi £2.23m to settle a lawsuit he had filed against it.[705]

**112** **Abu Bakr Saddiqi**, an Algerian national, was captured in Georgia and extraordinarily rendered by the CIA to Jordan in 2002.[706]

**113** **Abu Abdullah al-Sadiq** (Abdul Hakim Belhadj), a Libyan national, and his pregnant wife, Fatima Bouchar, were seized in 2004 by Malaysian authorities in Kuala Lampur, where they were detained for 13 days.[707] They were told that they could travel to the United Kingdom through Bangkok, but were detained by Thai authorities upon arrival in Bangkok, and, according to al-Sadiq, abused by the CIA for several days in a special room in the airport.[708] Al-Sadiq and his wife also allege that they were ill-treated by persons they believed to be Thai authorities.[709] In addition, al-Sadiq reported that in Bangkok he was questioned by British spies.[710] The two were then separately put on the same flight to Libya.[711] Al-Sadiq was held in Libyan custody for the next six years, five of which were in solitary confinement, and during which time he believes he was interrogated by U.S. and British officials.[712] He was eventually sentenced to death but was released in early 2010.[713] Documents discovered by Human Rights Watch immediately after Gaddafi's fall confirm the role of the CIA and the United Kingdom in al-Sadiq's case.[714] On the basis of these documents, al-Sadiq and his wife brought legal actions against the U.K. government and subsequently against former Foreign Secretary Jack Straw for approving their abduction and transfer.[715]

**114** **Laid Saidi**, an Algerian citizen, was apprehended in May 2003 by Tanzanian police, driven to Dar es Salaam, and put in jail.[716] He claims that three days later, he was driven to the Malawi border and handed over to uniformed Malawian authorities, who were accompanied by two middle-aged Caucasian men dressed in jeans and T-shirts.[717] He was held in a detention facility in Malawi for a week.[718] He reports that the Malawians blindfolded him and cut away his clothes, and that he heard someone taking photographs.[719] Next, the agents replaced the blindfold with cotton and tape, inserted a plug in his anus, put a disposable diaper on him and dressed him.[720] They covered his ears and chained his hands and feet before driving him to an airplane and placing him on the floor.[721] He was then flown to Afghanistan where he was held in the CIA's Dark Prison, and the Salt Pit (where he and Khaled El-Masri met the Rabbani brothers), and another unidentified prison.[722] A year after being seized, he was flown to Tunisia where he was detained for another 75 days before being returned to Algeria where he was released.[723]

**115** **Sheikh Ahmed Salim** (Swedan), reported as both a Kenyan and a Tanzanian national, was reportedly apprehended in Karachi, Pakistan, and may have been held in CIA custody.[724] He was reportedly extraordinarily rendered from Pakistan to an unknown location in July 2002; his whereabouts are unknown.[725]

**116** **Suleiman Abdallah Salim**, a Tanzanian citizen, was abducted and badly beaten by a Somali warlord in Mogadishu, Somalia in March or April 2003.[726] He was detained for eight days by the Kenyan police in Nairobi and interrogated by the CIA and the FBI,[727] then flown by the CIA to Bosaso, Somalia, and the following day flown to Djibouti, where he was kept for one day in a building at the airport and subjected to further abuse.[728] He was then flown

by the CIA to Kabul and held in the Dark Prison for two months where he was kept in solitary confinement in complete darkness with very loud music continuously playing.[729] In the Dark Prison, he was subjected to stress positions, chained to a wall in a tiny, dark room in solitary confinement, had freezing water poured on him, kept forcibly naked, beaten and hung from the ceiling in the "strappado" position, and subjected to other forms of abuse.[730] He was subsequently detained for fourteen months in the Salt Pit, where there was continuous light and the Afghan guards would occasionally urinate on the detainees' food, and where two FBI agents visited him several times.[731] He was then taken to Bagram Air Base where he was held, blindfolded, in a wooden cage for a week and subjected to further abuse.[732] After more than four years of detention in Bagram, he was released to Tanzania in November 2008[733] with a document from U.S. officials stating that he was not considered a threat to the United States.[734]

**117** **Khaled al-Sharif** (Abu Hazam), a Libyan national, was captured along with Hassan Rabi'i (also known as Mohamed Ahmad Mohamed Al Shoroeiya) in Peshawar, Pakistan, in 2003, and transferred to a facility in Islamabad where the two men were interrogated by U.S. and Pakistani personnel.[735] He was subsequently detained by U.S. authorities in Afghanistan, including by the CIA, in two different facilities.[736] Al-Sharif told Human Rights Watch that Ibn al-Shaikh al-Libi, Hassan Rabi'i, and others were held at the first facility.[737] While in U.S. custody, he was subjected to stress positions, had freezing water poured over his body including over his mouth and nose while wearing a hood, was threatened with being put in a small wooden box, and was beaten against a wooden wall.[738] He was transferred in April 2005 to Libya where he was detained until his release in 2010.[739] Libyan authorities detained him again in April 2011, two months after the Libyan uprising began, but he was subsequently released.[740]

**118** **Abdu Ali al-Hajj Sharqawi**, a Yemeni national, was seized in a joint operation by U.S. and Pakistani forces in Karachi, Pakistan in February 2002.[741] The CIA then extraordinarily rendered him to Jordan, where he was held and tortured for nearly two years.[742] According to a declaration by Sharqawi's attorney filed in a case challenging the detention of Guantánamo Bay detainee Uthman Abdul Rahim Mohammed Uthman, Sharqawi "was regularly beaten and threatened with electrocution and molestation" while held in Jordan.[743] He was then transferred to the CIA's Dark Prison near Kabul, Afghanistan, where, according to the declaration, he was "kept in complete darkness and was subject to continuous loud music."[744] Sharqawi was subsequently detained at Bagram Air Base before being transferred to Guantánamo Bay.[745] U.S. district court judge Henry Kennedy Jr. held in Uthman's case that the court would not rely on Sharqawi's statements because "there [was] unrebutted evidence in the record that, at the time of the interrogations at which [he] made the statements, … [he] had recently been tortured."[746] Sharqawi remains imprisoned in Guantánamo Bay.[747]

**119** **Ramzi bin al-Shibh**, a Yemeni citizen, was arrested in Pakistan on September 11, 2002, and the same month transported to Bagram, Afghanistan, where he was interrogated for days at a CIA facility.[748] On September 17, 2002, he

was flown from Kabul and, after a stop in Amman, Jordan, delivered to a CIA-funded, Moroccan-run prison outside Rabat.[749] Videotapes of his interrogation in Morocco were discovered in 2007.[750] He was then transported on March 7, 2003, to a CIA facility in Poland, returned to the prison outside Rabat on June 6, 2003, transported to Guantánamo Bay on September 23, 2003, returned to Morocco on March 22, 2004, and sent to a secret CIA prison in Bucharest on October 1, 2004.[751] The U.S. government confirmed in September 2006 that al-Shibh was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[752] He remains imprisoned in Guantánamo Bay. In May 2011, military prosecutors brought capital charges against him for his role in the September 11, 2001, attacks.[753]

**120** **Aafia Siddiqui**, a national of Pakistan, was reportedly seized in Karachi, Pakistan along with her three children (then aged seven years, five years, and six months) on March 28, 2003.[754] Several reports allege that she was subsequently transferred to U.S. custody[755] and that she may have been secretly detained by the CIA.[756] Siddiqui was later found and arrested in Ghazni, Afghanistan in July 2008, leaving her whereabouts between 2003 and 2008 unknown.[757] In late 2009, an anonymous senior Pakistani intelligence officer claimed that Pakistani intelligence had delivered her to the CIA days after her 2003 apprehension.[758] In 2010, Siddiqui was sentenced to 86 years in prison for charges relating to circumstances surrounding her 2008 arrest.[759] In 2011, a member of Siddiqui's defense team stated that after Siddiqui's capture in March 2003 by Pakistani intelligence agents and the CIA, she was detained for five years in a black site outside of Pakistan.[760]

**121** **Mohamedou Ould Slahi** (Abu Musab),[761] a Mauritanian national, submitted voluntarily to questioning by the Mauritanian authorities in November 2001, after which he was arrested and transferred to CIA custody.[762] On November 28, 2001, he was extraordinarily rendered to Jordan where he says he was held for eight months and where Jordanian interrogators hit him in the face and slammed him against concrete walls numerous times.[763] He claims he was flown from Jordan to Afghanistan on July 19, 2002, and held for three weeks in U.S. military custody at Bagram Air Base, following which on August 4, 2002, he was transferred to Guantánamo Bay, where he remains detained.[764]

**122** **Ibad al Yaquti al Sheikh al-Soufiyan**, a Saudi national, was detained in Pakistan in January 2004 and may have been held in secret CIA custody; his current whereabouts are unknown.[765]

**123** **Abu Hassan al-Suri**, nationality unknown, was captured in Georgia and extraordinarily rendered by the CIA to Jordan in 2002.[766]

**124** **Abu Hamza al-Tabuki**, a Saudi citizen, was arrested in Karachi, Pakistan in late 2001 and interrogated by U.S. officials before being extraordinarily rendered to the CIA-linked GID facility in Jordan.[767] Al-Tabuki reported that U.S. officials in Pakistan told him that he would be sent to a country where he could be interrogated "more freely."[768] According to al-Tabuki, U.S. interrogators thought that detention in Jordan "was more suitable for people like

[him] because American laws tie their hands and they cannot apply the methods of the Jordanians."[769] He also reported being tortured in Jordan and stated that during visits from the ICRC, the Jordanians would hide detainees and give the ICRC the impression that the floor or cell was empty.[770] A detainee that was held with al-Tabuki told Human Rights Watch that al-Tabuki was returned to Saudi Arabia and released in late 2002 or early 2003.[771]

**125 Yasser Tinawi**, a Syrian national, was captured in Somalia on July 17, 2002.[772] From there, he was transferred to Ethiopia by U.S. agents, who interrogated him for three months.[773] He was transferred to Egypt on October 26, 2002.[774] On October 29, 2002, Tinawi was extraordinarily rendered by the CIA to Syria and in March 2003 he was sentenced to two years imprisonment by a military court in Syria on unknown charges.[775] The Syrian Human Rights Committee learned that he was held in the "disreputable" Sednaya prison, which is located west of Damascus, before his release in February 2005.[776]

**126 Aminullah Baryalai Tukhi**, an Afghan national and taxi driver, was living in Iran when he was captured by Iranian authorities in Meshad, Iran, in March 2002.[777] After being held in a prison in Meshad, Tukhi was transferred to Afghanistan,[778] and subsequently transferred into CIA custody in Afghanistan.[779] According to Wesam al-Deemawi, Tukhi was held in the Dark Prison at the same time that al-Deemawi was held there.[780] Tukhi was then transferred to Guantánamo Bay in May 2003,[781] where he was detained until he was transferred to Afghan custody on December 12, 2007.[782]

**127 Arif Ulusam**, a Turkish national, was arrested on June 22, 2003, in Malawi, in a joint operation involving the CIA and Malawi's National Intelligence Bureau.[783] Suspected of having Al Qaeda links, Ulusam and four other men arrested on the same day were first held in Malawi, and secretly flown two days later to Harare, Zimbabwe, where they were held for almost a month.[784] They were then transferred to Sudan, where they were released after it was established that there was no evidence linking them to Al Qaeda.[785] The outgoing U.S. ambassador to Malawi reportedly denied that U.S. agents were involved, but a Malawian government official told Amnesty International that U.S. agents controlled the operation and that the U.S. authorities had taken the five men out of Malawi on a chartered aircraft.[786]

**128 Khalil al-Uzbeki**, an Uzbeki citizen, was likely held in CIA custody; his whereabouts are unknown.[787]

**129 Amin al-Yafia**, a Yemeni national, was captured in Iran in 2002 and may have been held in CIA custody; his whereabouts are unknown.[788]

**130 Majid Abu Yasser** (Adnan al-Libi), a Libyan national, was held in CIA custody.[789] He was reportedly apprehended in Afghanistan, held in a secret detention facility in Afghanistan in late 2003, and transferred to another secret U.S. detention facility, where he was present in April 2004.[790] He was later transferred to Libya.[791]

**131 Osama bin Yousaf**, believed to be either a Pakistani or Saudi national, and suspected of having links with Abu Faraj al-Libi, was apprehended in Fais-

alabad, Pakistan on August 7, 2005, and likely held in CIA detention.[792] On August 9, 2005, he was taken to Lahore, and on August 10, 2005, transferred to Islamabad, where he was interrogated by U.S. officials.[793] His whereabouts are unknown.[794]

**132** **Hassan Zamiri** (Zumiri/Ahcene Zemiri), an Algerian national, married a Canadian citizen and lived in Canada for some time.[795] After he and his wife immigrated to Afghanistan, he was captured in the aftermath of a raid by the Northern Alliance in 2001 and transferred to U.S. custody in January 2002.[796] He may have been held in CIA custody in Afghanistan (possibly the Dark Prison) before he was flown to Guantánamo Bay in May 2002, where he remained until his release in January 2010.[797] While in Afghanistan, he claims to have been subjected to brutal physical abuse and repeatedly beaten by guards so that he lost a tooth and sustained other injuries.[798]

**133** **Mohammad Haydar Zammar**, a German national, was captured in Morocco on December 8, 2001, and extraordinarily rendered by the CIA to Far Falestin, a notorious Syrian prison, on December 22, 2001.[799] According to a European Parliament report, "on 26 November 2001 the German Federal Criminal Police Office provided details of Mohammed Zammar's whereabouts to the US Federal Bureau of Investigation (FBI), and…this facilitated Mohammed Zammar's arrest."[800] The same report adds that "subsequently to a meeting between the officials of the German Federal Chancellery and Syrian intelligence officials in July 2002, German prosecutors dropped charges against several Syrian citizens in Germany while the Syrian authorities allowed German officials to meet Mohammed Zammar in the Syrian prison Far' Falastin," and also "regrets that Mohammed Zammar was interrogated by German agents in that prison."[801] A 2010 U.N. report also notes that German security agencies interrogated Zammar on at least one occasion, on November 20, 2002, while he was secretly held in Syria.[802] Evidence before a German parliamentary inquiry also confirmed that German security agencies did interrogate Zammar and sent questions for Syrian agents to use in Zammar's interrogations.[803] In 2007, a court in Damascus sentenced Zammar to twelve years in prison.[804]

**134** **Khalid al-Zawahiri**, an Egyptian national, was seized in Azam Warak, Pakistan by Pakistani officials.[805] Both Pakistani and U.S. intelligence officials questioned him shortly after his apprehension; there are "indications that he was transferred to US custody, possibly in Afghanistan."[806] He may have been held in CIA custody and his current whereabouts are unknown.[807]

**135** **Muhammed al-Zery**, an Egyptian national, was a chemistry and physics teacher who was educated at Cairo University.[808] During his studies there, he was involved in an Islamist opposition group through which he handed out flyers, participated in meetings, and read the Koran to children in the community.[809] Muhammed al-Zery denies ever encouraging violence.[810] Following harassment and persecution in Egypt, he went to Sweden, where he sought asylum.[811] Following a decision dismissing his asylum application and ordering his deportation on grounds of security, al-Zery was transferred from Sweden to Egypt by CIA agents through Stockholm's Bromma airport in De-

cember 2001, on a U.S.-registered Gulfstream jet, N379P.[812] Al-Zery alleges that while in Egyptian custody, he was subjected to electric shocks to his genitals and was forced to lie on an electrified bed frame,[813] despite Egypt's assurances to the Swedish government that he would not be tortured, and a post-return monitoring mechanism that involved Swedish diplomats visiting him while he was held in Egyptian custody.[814] Al-Zery was released in October 2003, after spending about two years in an Egyptian prison.[815]

136 **Abu Zubaydah** (Zayn al-Abidin Muhammad Husayn), a stateless Palestinian, was reportedly seized from a house in Faisalabad, Pakistan on March 28, 2002, by agents of the U.S. and Pakistan, and transferred to a CIA black site in Thailand and then another black site in Poland.[816] Zubaydah was held for four years in secret CIA detention sites all over the world until his transfer to Guantánamo Bay in September 2006.[817] A May 30, 2005, Office of Legal Counsel memorandum revealed that CIA interrogators had waterboarded Abu Zubaydah at least 83 times in August 2002, but he had revealed nothing new after being waterboarded.[818] As set forth in his application filed before the European Court of Human Rights, "on or about 17 February 2005, Abu Zubaydah was extraordinarily rendered to Lithuania where he was held in a secret detention facility, constructed and equipped specifically for CIA detention, in accordance with prior authorization from high level Lithuanian authorities."[819] Abu Zubaydah was also reportedly held in a prison in Rabat in 2003.[820] The application adds that "[o]n an unknown date, Abu Zubaydah was transferred by extraordinary rendition from Lithuanian territory to detention in an undisclosed facility from where he was later transferred to Guantánamo Bay."[821] The U.S. government confirmed in September 2006 that Zubaydah was among 14 "high value detainees" transferred from secret CIA detention to Guantánamo Bay.[822] He remains imprisoned in Guantánamo Bay.[823]

# Section V

# FOREIGN GOVERNMENT PARTICIPATION IN CIA SECRET DETENTION AND EXTRAORDINARY RENDITION

Secret detention and extraordinary rendition operations, designed to be entirely conducted outside the United States under the utmost secrecy, were made possible through the active participation of dozens of foreign governments, all of which must be held accountable for the human rights violations associated with these operations. However, to date, the full scale and scope of this participation remain unknown, largely as a result of the extraordinary secrecy maintained by the United States and its partner governments. The U.S. government has refused to publicly disclose the locations of its secret CIA prisons or the identities of cooperating governments, and few of those governments have admitted to their role. Consequently, no comprehensive account exists of foreign government participation in these operations.

Provided below is information on 54 countries that participated in CIA secret detention and extraordinary rendition operations in various ways, including by hosting CIA prisons on their territories; detaining, interrogating, torturing, and abusing individuals; assisting the CIA in the capture and transportation of detainees; permitting the use of their airspace and airports for secret CIA flights transporting detainees; providing intelligence leading to the CIA's secret detention and extraordinary rendition of individuals; and interrogating individuals who were being secretly held in the custody of other governments.

In addition to affirmative acts of assistance, foreign governments failed to act in critical respects, including by failing to intervene to protect detainees who were subjected to secret detention and extraordinary rendition on their territory and failing to conduct effective investigations into agencies and officials who helped to facilitate the extraordinary renditions, tortured extraordinarily rendered detainees, or otherwise participated in these operations. Indeed, only a single country—Canada—has issued an apology to an extraordinary rendition victim, Maher

Arar. Only four countries (Canada, Sweden, Australia, and the United Kingdom) have issued compensation to extraordinary rendition victims, the latter two in the context of confidential settlements that sought to avoid litigation concerning the associated human rights violations. Italy is the only country whose officials have been convicted by a national court of crimes for their involvement in extraordinary rendition operations.

Thus, responsibility for the human rights violations committed under the auspices of CIA secret detention and extraordinary rendition operations does not lie solely with the United States. At least 54 foreign governments participated in the operations and must be held to account for these violations.

The list below describes foreign government participation in CIA secret detention and extraordinary rendition operations. The facts in this list are derived from credible public sources and information provided by reputable human rights organizations, as specified in the accompanying endnotes.

# 1. Afghanistan [824]

Following President Bush's September 17, 2001, directive authorizing the CIA to detain and interrogate terrorist suspects overseas,[825] Afghanistan hosted at least three CIA prisons where detainees were secretly imprisoned, tortured, and abused. These prisons, located near Kabul, included a facility in the U.S. air base in Bagram, the Dark Prison where detainees were held in total darkness, and an abandoned brick factory known as the Salt Pit. In all three locations, numerous detainees were held incommunicado, tortured, and abused for prolonged periods of time. Afghanistan also permitted the CIA to use its airports and airspace to transport detainees to and from Kabul.

Established after the U.S. led invasion of Afghanistan commenced in 2001, Bagram Air Base was the U.S. military's main detention facility in Afghanistan.[826] The CIA interrogated detainees held in metal shipping containers deep inside this air base.[827] Detainees held in this detention center were "sometimes kept standing or kneeling for hours, in black hoods or spray-painted goggles, according to intelligence specialists familiar with CIA interrogation methods. At times they [were] held in awkward, painful positions and deprived of sleep with a 24-hour bombardment of lights — subject to what are known as 'stress and duress' techniques."[828] Detainees held in CIA detention in Bagram include: Hussein Salem Muhammed Almerfedi, Jamil el-Banna, Samer Helmi al-Barq, Muhammad Farag Ahmed Bashmilah, Ahmed Muhammed Haza al-Darbi, Abdel Aziz Inayatulla (Mohammed al Afghani), and Ramzi bin al-Shibh. See the detainee list in Section IV.

A second CIA facility, the Dark Prison, was located outside of Kabul and held detainees in complete darkness.[829] According to Human Rights Watch, "eight detainees [then] held at Guantánamo described to their attorneys how they were held incommunicado, with no ICRC access at a facility near Kabul at various times between 2002 and 2004. The detainees, who called the facility the 'dark prison' or 'prison of darkness,' said they were chained to walls, deprived of food and drinking water, and kept in total darkness with loud rap, heavy metal music, or other sounds blared for

weeks at a time."[830] Detainees held in the Dark Prison include Shaker Aamer, Hassan bin Attash, Jamil el-Banna, Tawfiq al-Bihani, Wesam Abdulrahman Ahmed al-Deemawi (Wassam al-Ourdoni), Rafiq al-Hami, Abdulsalam al-Hela, Abou Hudeifa, Soufian al-Huwari, Sanad al-Kazimi, Mohammad Nasir Yahya Khusruf, Bashir Nasir Ali Al Marwalah, Hail Aziz Ahmed al-Maythali, Binyam Mohamed, Musab Omar Ali Al Mudwani, Redha al-Najar, Walid Muhammad Shahir al-Qadasi, Omar Muhammad Ali al-Rammah (Zakaria al-Baidany), Laid Saidi, Suleiman Abdallah Salim, and Abdu Ali al-Hajj Sharqawi. Additionally, al-Deemawi claimed that Hussein Salem Muhammed Almerfedi, and Abdel Aziz Inayatulla (Mohammed al Afghani) were all held at the Dark Prison while he was there.[831] According to former Bagram escapee Abu Yahya al-Libi, Amin Mohammad Abdallah al Bakri and Redha al-Najar had also been kept in the Dark Prison.[832] Hassan Zamiri (Zumiri/Ahcene Zemiri) may have been held in CIA custody in Afghanistan (possibly at the Dark Prison) before May 2002.[833] See the detainee list in Section IV.

A third CIA facility was the Salt Pit, an abandoned brick factory north of Kabul[834] guarded by Afghans who were paid for and supervised by the CIA.[835] Here, detainees were subjected to abuse and at least one mock execution in small, windowless cells.[836] On November 20, 2002, Gul Rahman, a young Afghan detainee, froze to death here, after a CIA case officer allegedly ordered guards to strip him naked, chain him to the concrete floor, and leave him there overnight without blankets.[837] Other detainees held in the Salt Pit include Ghairat Baheer, Khaled El-Masri, Abd al Rahim al Nashiri, Abdul al-Rahim Ghulam Rabbani, Mohammed Ahmed Ghulam Rabbani, Laid Saidi, and Suleiman Abdallah Salim. See the detainee list in Section IV.

A U.N. report also revealed unverified allegations of three lesser-known secret CIA prisons in Afghanistan, including one in the Panjshir Valley, north of Kabul, and two others identified as "Rissat" and "Rissat 2."[838] According to Bagram escapee Abu Yahya al-Libi, al Bakri was held in "Rissat" prison and a prison in the Panjshir Valley, and Redha al-Najar had been kept in the Panjshir prison, "Rissat" prison, and "Rissat 2" prison.[839]

A 2012 Human Rights Watch report revealed evidence of four Libyan nationals that U.S. authorities, including the CIA, held in two separate prisons in Afghanistan:[840] Saleh Hadiyah Abu Abdullah Di'iki, Majid Mokhtar Sasy al-Maghrebi, Hassan Rabi'i (Mohamed Ahmad Mohamed Al Shoroeiya), and Khaled al-Sharif (Abu Hazam). See the detainee list in Section IV. It is unclear, however, whether these two facilities are the same as those listed above.

Other detainees held at unidentified CIA prisons in Afghanistan include Mohammed al-Asad, Tawfik al-Bihani, Ali Muhammed Abdul Aziz al-Fakhiri (Ibn al-Sheikh al-Libi), Marwan Jabour, Adil al-Jazeeri (Adil Hadi al-Jazairi Bin Hamlili), Mohammed Nazir bin Lep (Lillie), Khaled al-Makhtari, Khalid Sheikh Mohammed, Saifullah Paracha, Khaled al-Sharif (Abu Hazam), and Aminullah Baryalai Tukhi. See the detainee list in Section IV.

In addition to hosting secret CIA prisons where detainees were secretly detained, tortured, and abused, Afghanistan also allowed use of its airports and airspace for flights reportedly connected to the CIA extraordinary rendition program.[841] Court

records involving Richmor Aviation, a company reportedly involved in transporting CIA extraordinary rendition victims,[842] reveal that at least 13 flights operated by Richmor Aviation landed in Afghanistan.[843] These include flights with tail number N85VM that stopped in Kabul at some point between: July 31, 2002 and August 2, 2002; November 8 and 12, 2002; November 20 and 26, 2002; August 12 and 15, 2003; December 15 and 18, 2003; April 25 and 29, 2004; July 20 and August 3, 2004; August 12 and 16, 2004; September 5 and 9, 2004; and September 19 and 22, 2004. A flight with tail number N70HS stopped in Kabul at some point between November 9 and 12, 2004. A flight with tail number N227SV stopped in Kabul at some point between December 14 and 17, 2004, and finally, a flight with tail number N450D stopped in Kabul at some point between May 23 and 26, 2005.[844]

The corporation Jeppesen Dataplan also provided flights and logistical support to the CIA for its transportation of extraordinary rendition victims (including Binyam Mohamed, Mohamed Bashmilah, Bisher al-Rawi, Jamil el-Banna and Khaled El-Masri) to and from Afghanistan.[845] On December 9, 2002, Jeppesen Dataplan transported al-Rawi and el-Banna from Banjul, Gambia, to Kabul, Afghanistan, in a Gulfstream V aircraft formerly registered with the Federal Aviation Administration (FAA) as N379P.[846] On January 22, 2004, Jeppesen Dataplan transported Binyam Mohamed from Rabat, Morocco, to a U.S. detention facility in Afghanistan, in a Boeing 737 formerly registered with the FAA as N313P.[847] On January 24, 2004, Jeppesen Dataplan transported Khaled El-Masri from Skopje, Macedonia, to Kabul, Afghanistan in the same Boeing 737.[848]

There are no known judicial cases or investigations in Afghanistan regarding its participation in CIA secret detention and extraordinary rendition operations.

# 2. Albania

Albania permitted use of its airspace and military airbase for a CIA extraordinary rendition flight that transported Khaled El-Masri out of Afghanistan and into Albania.[849] Albanian authorities also arrested El-Masri upon his arrival in Albania and transferred him to a flight bound for Germany.[850] See the detainee list in Section IV.

A 2007 Council of Europe report confirms that El-Masri "was flown out of Kabul on 28 May 2004 on board a CIA-chartered Gulfstream aircraft with the tail number N982RK to a military airbase in Albania called Bezat-Kuçova Aerodrome."[851] On arrival he was driven in a car for several hours and then let out and told not to look back.[852] Soon thereafter, Albanian authorities drove him to Mother Teresa airport near Tirana where he was accompanied through customs and immigration controls and put on a commercial flight to Frankfurt.[853]

The Albanian government has not conducted any official investigation of its role in CIA secret detention and extraordinary rendition operations. It has denied any involvement in El-Masri's extraordinary rendition even though Albanian authorities stamped El-Masri's passport upon his exiting Albania.[854]

The Albanian authorities also failed to respond to questions, or provide any explanations, regarding the circumstances of El-Masri's entry and stay in Albania.[855] In early 2009, the Center for Development and Democratization of Institutions (CDDI), based in Albania, filed freedom of information requests with the Ministry of Defense and the Ministry of the Interior seeking information related to Albania's participation in the detention, interrogation, and extraordinary rendition of El-Masri.[856] Both ministries refused the requests—the government argued that it could not provide details on privacy grounds, and then, presented with legal permission from El-Masri, claimed the information was classified because it involved a military airport.[857] In 2008, CDDI filed another freedom of information request with the Ministry of the Interior seeking clarification with regard to its refusal to answer the CDDI's inquiries.[858] The Ministry of the Interior confirmed only that El-Masri left Albania on a commercial flight on May 29, 2004.[859] In September and November 2011, the NGOs Access Info and Reprieve submitted information requests regarding specific extraordinary rendition flights to the general director of civil aviation and received no response at all.[860]

In June 2012, the Committee against Torture published its Concluding Observations on Albania, after consideration of the country's second periodic report.[861] The committee "note[d] with concern that no meaningful Government investigation has been undertaken into the allegations of secret detention carried out on the territory of the State party in the context of its cooperation in countering terrorism."[862] The committee further noted, and expressed its concern regarding, "the lack of information from the State party about the specific measures it has taken to implement the recommendations of the United Nations joint study on global practices in relation to secret detention in the context of countering terrorism."[863]

## 3. Algeria

Algeria likely received at least one extraordinary rendition victim from CIA custody and also permitted use of its airspace and airports for CIA extraordinary rendition operations.

In January 2004, Algeria took custody of Jamaldi Boudra, an Algerian militant who reportedly sympathized with the Chechen cause, and who had previously been held in CIA custody.[864] It is likely that Algeria also took custody of a former CIA detainee Abu Bakr Muhammad Boulghiti (Abu Yassir al-Jaza'iri), who was held by the CIA in secret detention until at least July 2006 before he was likely transferred to Algeria.[865] See the detainee list in Section IV.

According to a 2006 Council of Europe report, the Algiers airport was a stop in January 2004 in the path of extraordinary rendition flight N313P carrying Binyam Mohamed, Al Habashi, and Khaled El-Masri.[866] Algiers is also noted in the flight logs of other aircraft reportedly associated with the CIA extraordinary rendition program.[867]

There are no known judicial cases or investigations in Algeria regarding its participation in CIA secret detention and extraordinary rendition operations.

# 4. Australia

The Australian government has been implicated in the extraordinary rendition of Australian national Mamdouh Habib. Australian officials interrogated him with U.S. officials soon after his capture in Pakistan, but failed to prevent his subsequent mistreatment and extraordinary rendition to Egypt.[868] It has also been alleged that Australian officials witnessed his mistreatment in Egypt but failed to intervene on his behalf.[869]

Habib was captured in Pakistan in October 2001, detained in an Islamabad prison, interrogated by U.S. and Australian officials, and subsequently abused in a separate room by individuals he believed to be Pakistani.[870] The Pakistanis took him to an airport and handed him over to the United States, who rendered him to Egypt where he was tortured.[871] An Egyptian intelligence officer has claimed that Australian officials were present during Habib's torture in Egypt, and that one Australian official named "George" was present for Habib's "medical check," during which he was naked, hysterical, handcuffed, and had his feet tied.[872] In May 2011, the Australian government cleared Habib of being a threat to national security and returned his passport.[873]

After months of detention in Egypt, he was detained in U.S. custody at Bagram for about a week before being flown to Guantánamo Bay in May 2002.[874] In April 2002, the Australian government issued a statement saying Habib "was being held in custody by the United States military in Afghanistan."[875] In November 2001, his wife received a fax from the Australian Foreign Ministry stating that "[w]e remain confident that your husband is detained in Egypt," and adding that, "the government has received credible advice that he is well and being treated well."[876] At Guantánamo Bay, Australian officials also interrogated Habib.[877] Australian officials acknowledged that they hoped to garner enough information from the United States to prosecute him, with one official stating, "all [the Americans] had was that he was caught on the bus, and whatever he gave up under 'extreme circumstances' in Egypt."[878]

When the United States resolved not to charge Habib, the Australians asked for his release.[879] He was released without charge in 2005 and his Australian passport was revoked.[880] He alleges that he suffered both physical and psychological abuse throughout his detention.[881]

After his release in 2005, Habib initiated civil litigation against the Australian government in the Federal Court of New South Wales. In February 2010, the Australian government sought to have Habib's claims dismissed as non-justiciable. The Australian government argued that deciding his claims would require a "determination of the unlawfulness of acts of foreign states within the territories of foreign states," and therefore the claims "g[a]ve rise to no 'matter' within the jurisdiction of the Court[.]"[882] The court ruled against dismissal of the case, holding that the common law "act of state doctrine" did not bar determinations of Habib's factual claims in a civil case.[883] The court ultimately did not rule on the merits of Habib's claims as, after it emerged that Australian officials were present during his torture at the hands of the Egyptians, the Australian government paid an undisclosed settlement to Habib in December 2010.[884]

Subsequently, at the request of Australian Prime Minister Julia Gillard, the inspector-general of Intelligence and Security ordered an inquiry into the role of Australian agencies in Habib's arrest and detention.[885] The inspector-general, Vivienne Thom, asked Gillard for permission to expand the inquiry because "[i]t became apparent to [Dr. Thom] that officers from the Department of Prime Minister and Cabinet and the Attorney-General's Department were also directly involved in decision-making at the time."[886] In December 2011, Thom released a public report of the results of the inquiry, concluding that Australian officials who visited Habib in Pakistan had no knowledge of Habib's mistreatment there, that Australian officials were not involved in Habib's transfer to Egypt, and that "no Australian official attended Mr. Habib's place of detention" in Egypt.[887] However, the report also concluded that the Australian Security Intelligence Organization (ASIO) should have made active inquiries into how Habib would be treated in Egypt before providing information that may have been used in his questioning there.[888] It also found credible Habib's claim that he was questioned in Egypt regarding information that had been gained by an ASIO search of his home.[889] Furthermore, the report concluded that the Australian government did not provide adequate consular assistance and that the Australian Department of Foreign Affairs and Trade (DFAT) should have taken a more "proactive approach" to pursuing welfare visits with Habib between June 2002 and June 2003.[890] It further concluded that notice to Habib's wife of her husband's situation was "inadequate."[891] The inquiry seemingly did not investigate the statements of an Egyptian intelligence officer who alleged the involvement of Australian officials in Habib's detention in Egypt, with Thom claiming that Habib did not provide the inquiry with a copy of the statements.[892]

# 5. Austria

Austria permitted the use of its airspace for flights associated with CIA extraordinary rendition, and may have assisted with the apprehension of an Austrian resident extraordinary rendition victim.

According to a 2007 European Parliament report, two Austrian residents were the subject of extraordinary rendition operations, and the Austrian government may have cooperated with the United States and Jordan with respect to one case.[893] A working document appended to the European Parliament report notes that Austria provided airspace for flights associated with CIA extraordinary rendition operations.[894]

The 2007 European Parliament report identified Austria among other member states that may have colluded in CIA extraordinary rendition operations.[895] The report condemned the abductions of Austrian residents Masaad Omer Behari (a Sudanese national) and Gamal al-Menshawi (an Egyptian national).[896] Behari, who had been watched for a long time by the Austrian secret services, was seized at Amman airport on January 12, 2003, while returning to Vienna from Sudan, and later "illegally secretly detained in a prison close to Amman run by the Jordan General Intelligence Department, without trial or legal assistance, and tortured and ill-treated there until 8 April 2003, when he was released without charge."[897] See the detainee list in Section IV. The report "deplore[d] the fact that, according to Behari's testimony, there may have been cooperation between the US, Austrian and Jordanian

authorities in respect of his case."[898] Gamal al-Menshawi was arrested at Amman airport in February 2003 while traveling to Mecca.[899] He was subsequently brought to Egypt and "secretly detained until 2005 without trial or legal rights."[900] It is not, however, established whether the CIA was involved in his case.

Flights reportedly associated with CIA extraordinary rendition operations also used Austrian airspace. In January 2003, Austrian fighter jets intercepted a CIA affiliated plane, a Hercules C130 operated by Tepper Aviation with the tail-marking N8183J, in Austrian airspace after it filed a suspicious "civilian" flight plan from the Frankfurt U.S. military air base to Azerbaijan.[901] According to Austrian Air Force commander Erich Wolf, the Austrian Armed Forces dispatched fighter jets to make contact with the airplane, but did not suspect anything wrong at the time and did not lodge a diplomatic complaint.[902] He added that since then, however, Austrian authorities had found evidence suggesting that the flight was transporting detainees.[903] The U.S. embassy assured the Austrians that the plane was not connected with the U.S. government, but corporate records show that the CIA owned the plane.[904] In addition, flight N368CE, associated with CIA extraordinary rendition operations, made a stopover in Austria.[905]

There are no known judicial cases or investigations in Austria regarding its participation in CIA secret detention and extraordinary rendition operations. The European Parliament has urged Austria to conduct an inquiry into the state's role in the overseas transfers of Behari and al-Menshawi, but no investigation has been initiated.[906] After the disclosure that a U.S. extraordinary rendition flight had crossed Austrian airspace, some members of the Austrian parliament called for the Austrian National Security Council to determine whether Austria's airspace had been violated.[907] In 2006, Rudolf Gollia, a spokesman for the Austrian Interior Ministry stated, "[s]ince the alleged abductions [of Behari and al-Menshawi] did not take place on Austrian soil, in an Austrian airplane or on an Austrian ship, we see no need for action."[908]

# 6. Azerbaijan

Azerbaijan permitted use of its airports and airspace for flights associated with CIA extraordinary rendition operations, and also arrested an individual who was subjected to secret CIA detention.

Aircraft linked to the CIA landed in Azerbaijan 76 times between the end of 2001 and the end of 2005.[909] Azerbaijan's capital, Baku, is reported to have been used as a common "staging point" for extraordinary rendition operations, meaning that planes and crews would often meet and prepare there.[910] More specifically, U.S. court records show that Richmor Aviation, a company that operated CIA extraordinary rendition flights, landed two flights in Baku in 2004.[911] The records show that Richmor-operated flight N85VM stopped in Baku at some point between April 25 and 29, 2004, and again between August 12 and 16, 2004.[912]

Azerbaijani officials also arrested Saudi Arabian citizen Ahmed Muhammed al-Darbi in June 2002 and transferred him to U.S. custody in August 2002, after which he was transferred to Bagram, Afghanistan and later to Guantánamo Bay, where he remains imprisoned.[913] A December 2002 article in the *Washington Post*

reported that al-Darbi was under CIA control at that time.[914] See the detainee list in Section IV.

There are no known judicial cases or investigations in Azerbaijan regarding its participation in CIA secret detention and extraordinary rendition.

# 7. Belgium

Belgium allowed the use of its airports and airspace for flights associated with CIA extraordinary rendition operations.

Between the end of 2001 and December 31, 2005, CIA aircraft N829MG and N1HC made a total of four stopovers in Belgium at the Antwerp and Brussels airports.[915] CIA flight N829MG was also used in the extraordinary rendition of Maher Arar.[916]

In 2006, the Belgian Senate published a report by an oversight committee addressing the possibility that Belgium's airports had been used by the CIA for its extraordinary rendition program.[917] In response to numerous reports in the European press in November and December 2005 regarding the use of European airports by the CIA for extraordinary rendition, the oversight committee was tasked with investigating whether any of the flights had used Belgian airports and whether the Belgian intelligence service was aware of the flights.[918] The report was inconclusive as to whether CIA-chartered aircraft involved in extraordinary renditions had used Belgian airports, though the committee concluded that there was little possibility that Belgium was involved in fundamental human rights violations in connection with the CIA extraordinary rendition program.[919] The committee questioned the unwillingness of the Belgian intelligence service to cooperate with the investigation, and noted that the intelligence services had initially provided inaccurate information and did not seem interested in the allegations.[920]

In 2007, the European Parliament called on the Belgian government to disclose the results of all investigations into its complicity with the CIA extraordinary rendition program and "deplore[d] the fact that Belgium did not conduct a thorough investigation concerning the use of Belgian airports and the Belgian airspace by aircraft clearly involved in the extraordinary rendition program or the transport of detainees."[921]

# 8. Bosnia-Herzegovina

Bosnia-Herzegovina allowed the use of its airspace and airports for flights associated with CIA extraordinary rendition operations. It also permitted the use of its territory for U.S. military bases that held detainees, but it is not clear whether the CIA was involved in the detentions.

At least one flight—registered as N85VM—operated by Richmor Aviation (a company that operated flights for the CIA's extraordinary rendition program)[922] landed in Bosnia-Herzegovina at some point between November 6 and 7, 2003.[923]

According to a 2010 U.N. report, the United States used two military bases in Bosnia-Herzegovina—the NATO base in Butmir and the American military's Eagle Base in Tuzla—for secret detentions.[924] It is, however, not clear that these bases were used for CIA (as opposed to U.S. Defense Department) operations. The Tuzla base was used to "process" eight detainees.[925] Around September 25, 2001, Nihad Karsic and Almin Hardaus were arrested at work by Italian Carabiniers (part of the Italian peacekeeping force) and taken to Butmir base and then to Eagle Base where they were held in secret detention.[926] The two men report that they were frequently beaten and verbally harassed, stripped naked, deprived of food and sleep, photographed, and subjected to solitary confinement.[927] During their transport from Butmir to Tuzla, both men reported being hooded and handcuffed with earphones placed over their ears.[928] Abdel Halim Khafagy, a 69-year-old Egyptian-born Munich-based publisher was also held by U.S. authorities at Tuzla for several weeks, during which time German officials were alleged to have been involved in his interrogation.[929] However, it is not clear that the CIA was involved in these cases.

There are no known judicial cases or investigations in Bosnia-Herzegovina regarding its participation in CIA secret detention and extraordinary rendition operations.

# 9. Canada

Canada provided information leading to the capture of a Canadian national who was extraordinarily rendered to Syria. Canada also permitted the use of its airspace and airports for flights associated with CIA extraordinary rendition operations.

The Royal Canadian Mounted Police (RCMP) provided inaccurate information regarding Maher Arar to the United States which likely led to his extraordinary rendition and torture in Syria.[930] Arar, a dual national of Canada and Syria, was detained by U.S. authorities while he was in transit at JFK airport on September 26, 2002, based on "inaccurate and unfairly prejudicial" intelligence provided by the RCMP.[931] He was detained in New York City for almost two weeks before the regional director of the U.S. Immigration and Naturalization Service issued an order declaring that Arar was a member of Al Qaeda and directing his removal from the United States on October 7, 2002.[932] The next day, he was flown, in U.S. custody, to Jordan and subsequently driven to Syria.[933] He was imprisoned in Syria for nearly a year and tortured before being released and returned to Canada.[934] See the detainee list in Section IV.

Canada also allowed use of its airspace and airports for flights associated with CIA extraordinary renditions. After September 11, 2001, about 20 aircraft linked to the CIA made 74 flights to Canada.[935] According to a research report for the Canadian Parliament, "the Department of Public Safety in late 2005 reviewed flight logs filed with Canadian authorities. Officials concluded that there was no evidence of illegal activity by the United States, with officials from the Canada Border Services Agency and Nav Canada indicating that proper administrative and operational procedures were followed in relation to those flights."[936] However, flight logs recently obtained by Reprieve, a British human rights group, from the U.S. Federal Aviation Agency show that in 2004, a chartered plane suspected of transferring detainees for the CIA extraordinary renditions program departed from Washing-

ton, D.C.; stopped in Guantánamo Bay; then Gander, Canada; Bagram Air Base; and eventually in Vilnius, Lithuania.[937]

In 2004, Canada launched a Commission of Inquiry (called the "Arar Commission") headed by Justice Dennis O'Connor to investigate and report on the actions of Canadian officials in relation to Maher Arar.[938] U.S. authorities declined an invitation to testify at the inquiry.[939] The commission found that there was "nothing to indicate that Arar committed an offence or that his activities were a threat to the security of Canada."[940] The commission further concluded, among other findings, that the RCMP provided U.S. authorities with "inaccurate" information about Arar on which the United States likely relied in deciding to detain and remove him to Syria; that there was cause for "serious concern in regard to a number of actions taken by Canadian officials during Mr. Arar's imprisonment, including some that could have had an effect on the time taken to release [him];" that Canadian consular officials should have been alert to the likelihood that Arar had been tortured in Syrian custody and therefore should have assessed the reliability of Arar's statements in Syrian custody; and that "both before and after Mr. Arar's return to Canada, Canadian officials leaked confidential and sometimes inaccurate information about the case to the media for the purpose of damaging [his] reputation or protecting their self-interests or government interests."[941] In 2007, Canadian Prime Minister Stephen Harper apologized to Maher Arar for Canada's role in his "terrible ordeal" and announced he would receive $10.5 million in a legal settlement with the government.[942]

# 10. Croatia

Croatia allowed the use of its airports and airspace for flights associated with CIA extraordinary rendition operations.

In 2006, Amnesty International reported that flights N313P-N4476S, associated with CIA extraordinary rendition operations, stopped over twice in Dubrovnik airport in Croatia.[943] Dubrovnik airport manager Tonci Peovic confirmed in April 2006 that "[t]he airport's log book contains entries on a plane with registration number N4476S from Khartoum in Sudan landing in Dubrovnik on 23 April 2005 and leaving for the United States on 25 April 2005."[944] A 2009 report of the U.N. Special Rapporteur on counterterrorism issues named Croatia as one of a number of countries that "facilitated extraordinary renditions in various ways."[945]

There are no known judicial cases or investigations in Croatia relating to its participation in CIA secret detention and extraordinary rendition operations.

# 11. Cyprus

Cyprus allowed the use of its airports and airspace for flights associated with CIA extraordinary rendition operations. In 2007, a European Parliament report "[e]xpressed serious concern about the 57 stopovers made by CIA-operated aircraft at Cypriot airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees;

[and] deplore[d] the stopovers in Cyprus of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary rendition of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed and Abu Omar."[946] A working document that provides underlying analysis for the European Parliament report indicates that two airports in Cyprus (Larnaca and Paphos) had on various occasions allowed fifteen different CIA aircraft to land.[947]

Specifically, flight N313P, associated with CIA extraordinary rendition operations, departed Larnaca at 6:39 p.m. on January 21, 2004 and arrived in Rabat, Morocco, at 11:48 p.m. that night.[948] In addition, between 2002 and 2005, Cyprus allowed use of its airports and air space for at least six flights operated by Richmor Aviation,[949] a company that operated flights for the CIA's extraordinary rendition program.[950] Richmor flight logs obtained from U.S. court records show that flight N85VM stopped over in Larnaca at some point between December 4 and 8, 2002; N85VM stopped in Paphos between August 11 and 15, 2004; N85VM stopped in Paphos between August 11 and 15, 2004; N70HS stopped in Paphos between November 9 and 12, 2004; N227SV stopped in Paphos between December 14 and 17, 2005; and N450D stopped in Paphos between May 23 and 26, 2005.[951]

There are no known judicial cases or investigations in Cyprus relating to its participation in CIA secret detention and extraordinary rendition operations.

# 12. Czech Republic

The Czech Republic allowed the use of its airports and airspace for flights associated with CIA extraordinary rendition operations. The U.N. Human Rights Committee and other organizations have alleged that rendition flights included layovers in Czech airports on the way to countries where detainees were at risk of torture or ill-treatment.[952] The Human Rights Committee requested an investigation of rendition through Czech airports, but the Czech government denied any knowledge of such incidents.[953]

There are no known judicial cases or investigations in the Czech Republic relating to its participation in CIA secret detention and extraordinary rendition operations.

# 13. Denmark

Denmark allowed the use of its airspace and airports for flights associated with CIA extraordinary rendition operations.

In October 2007, the Danish newspaper *Politiken* reported that a CIA extraordinary rendition flight had received permission to cross Danish airspace on October 25, 2003.[954] It is suspected that the plane transported Muhammad Bashmilah from Jordan to U.S. custody at a secret location.[955] The United States held Bashmilah in undisclosed locations for over a year and a half.[956] See the detainee list in Section IV.

A working document accompanying a 2007 European Parliament report noted that flight N221SG, associated with CIA extraordinary rendition operations, had stopped in Copenhagen.[957] In a letter to a European Parliament committee, the Danish government reported more than 100 flights credibly alleged to be involved in extraordinary renditions had passed through Danish airspace, with 45 stopovers in Danish airports.[958]

In 2008, prompted by a documentary film entitled "The CIA's Danish Connection" that detailed various CIA extraordinary rendition flights through Danish airspace, the Danish government formed a 48 person working group comprised of parliament members to investigate rendition flights alleged to have flown through Danish air space.[959] The working group issued a report concluding, among other findings, that it was unable to confirm or deny that extraordinary rendition flights had flown in Danish airspace (or the airspace of Greenland and the Faroe Islands).[960]

In 2011, following the release on WikiLeaks of cables apparently showing collusion between Denmark and the United States to undermine the 2008 investigation, Denmark's foreign minister announced that a second investigation would be conducted by the Danish Institute for International Studies, an independent body.[961] This investigation, however, has been criticized on the grounds that it is limited to alleged extraordinary rendition flights over Greenland and to a review of the documents obtained in the course of the 2008 investigation.[962]

# 14. Djibouti

Djibouti allowed the use of its territory for the secret detention of individuals, and allowed its airspace and airports to be used for flights associated with CIA extraordinary rendition operations.

Mohammed al-Asad, a Yemeni national, was held incommunicado and abused in Djibouti for approximately two weeks before being transferred to secret CIA detention in Afghanistan, where he was further abused and held in incommunicado detention.[963] In 2004, the CIA transferred Mohammed Ali Isse, a Somali national, from an offshore U.S. Navy ship to Camp Lemonnier, a U.S. military base in Djibouti city.[964] Suleiman Abdallah Salim, a Tanzanian citizen, was detained for a day in a building near the Djibouti airport and abused before being flown by the CIA to Afghanistan where he was subjected to further incommunicado detention and abuse.[965] See the detainee list in Section IV.

In addition, Mohammed Abdulmalik and Ismail Mahmoud Muhammed were transferred and held in Djibouti with U.S. participation, but it is unclear that the CIA (as opposed to the U.S. military) was involved in these two cases. Mohammed Abdulmalik, a Kenyan national, was transferred by U.S. officials from Kenya to Djibouti and detained in a shipping container on a U.S. military base before being flown to Afghanistan.[966] Similarly, Ismail Mahmoud Muhammed, a Somali national, was reportedly arrested in Djibouti in 2007 by local authorities apparently acting at the behest of United States.[967] Djiboutian local police detained Muhammed for three days before handing him over to U.S. custody at Camp Lemonnier,[968] a base where other detainees were held with CIA involvement.[969] At Camp Lem-

onnier, U.S. officials held him in a shipping container and interrogated him.[970] In June 2007, U.S. officials transferred Muhammed to Guantánamo Bay, but never charged him; he was subsequently released in December 2009.[971] In March 2005, General John Abizaid, U.S. Army commander for the Central Command, reported to the U.S. Senate Armed Services Committee that "Djibouti has given extraordinary support for US military basing, training, and counter-terrorism operations."[972]

Flights bearing registration numbers N379P, N8068V, and N44982, associated with CIA extraordinary rendition operations, passed through Djibouti airport.[973] U.S. court records show that least four flights operated by Richmor Aviation—a company that operated CIA extraordinary rendition flights[974]— landed in Djibouti between 2003 and 2004.[975] The flights include N85VM, which stopped in Djibouti sometime between December 15 and 18, 2003; N85VM, which stopped in Djibouti sometime between April 25 and 29, 2004; N85VM, which stopped in Djibouti sometime between June 11 and 15, 2004; and N70HS, which stopped in Djibouti sometime between November 9 and 12, 2004.[976]

In December 2009, Interights and the Center for Human Rights and Global Justice at New York University filed a case against Djibouti before the African Commission on Human and Peoples' Rights on behalf of Mohammed al-Asad.[977] The African Commission seized itself of the matter in November 2010, and arguments in support of admissibility of the case were filed in February 2011. [978]

There are no other known judicial cases or investigations in Djibouti relating to its participation in CIA secret detention and extraordinary rendition operations.

# 15. Egypt

Egypt has detained, interrogated, tortured, and abused a number of individuals subjected to extraordinary rendition. Egypt also transferred extraordinarily rendered individuals to other countries, and permitted the use of its airspace and airports for flights associated with CIA extraordinary rendition operations.

Egypt has been described as "the country to which the greatest numbers of rendered suspects have been sent [by the U.S.]."[979] In 2005, the Egyptian prime minister acknowledged that since 2001 the United States had transferred 60 to 70 individuals to Egypt in the context of the "war on terror."[980] Almost all of the fourteen documented renditions that took place under the Clinton administration were to Egypt.[981]

As early as 1995, U.S. agents approached Egypt about becoming a partner in the renditions program.[982] Egypt welcomed the idea because many Al Qaeda operatives were Egyptian, and Egypt wanted access to them while availing itself of U.S. resources to track, capture, and transport detainees across the world.[983] However, with respect to these early renditions, according to former CIA counterterrorism expert Michael Scheuer, every target had been convicted in absentia, a dossier—equivalent to a rap sheet—was prepared before a suspect was captured, and the CIA's general counsel approved every operation.[984] Nonetheless, as noted in Section II above, individuals subjected to these early renditions allege they were tortured, and some of them were subjected to the death penalty after unfair tri-

als.[985] U.S. intelligence agents were often able to provide Egyptian interrogators with questions for individuals in the morning and receive answers later that evening.[986] Egyptian authorities refused U.S. intelligence agents' requests to directly question individuals themselves.[987]

Since September 11, 2001, the United States has extraordinarily rendered several individuals to be detained and interrogated in Egyptian custody. These individuals include Mohammed Omar Abdel-Rahman, Ahmed Agiza, Ali Muhammed Abdul Aziz al-Fakhiri (Ibn al-Sheikh al-Libi), Mamdouh Habib, Abdulsalam al-Hela, Muhammed Saad Iqbal Madni, Saif al-Aslam el-Masry, Abu Omar (Hassan Mustafa Osama Nasr), Yasser Tinawi, and Muhammed al-Zery. See the detainee list in Section IV.

Egyptian prison facilities that were used to detain individuals subjected to the CIA extraordinary rendition program include Tora prison, a prison complex located 14 miles south of Cairo which encompasses Istikbal Tora prison, Mazra Tora prison and its annex Mulhaq Mazra, the Leman Tora prison, and its hospital and "Scorpion" high security prison.[988] Abu Omar (Hassan Mustafa Osama Nasr), Ahmed Agiza, and Muhammed al-Zery were detained at Tora prison.[989] Mohammed Omar Abdel-Rahman was also detained at Tora prison.[990] In addition, Damanhour prison, outside Alexandria, held Abu Omar.[991]

Egypt has also allowed the use of its airports and airspace for flights associated with the CIA extraordinary rendition program. For instance, Egypt permitted flights operated by Jeppesen Dataplan to use Egyptian airports and airspace.[992] U.S. court records show that during 2003 and 2004, Egypt allowed at least five flights operated by Richmor Aviation, a company that operated CIA extraordinary rendition flights, to use its airports and airspace.[993] Richmor flights included N85VM into Cairo at some point between February 3-18, 2003; N85VM into Sharm el-Shaikh at some point between April 25-29, 2004; N85VM into Cairo at some point between September 5-9, 2004; and N227SV into Cairo at some point between December 14-17, 2005.[994]

Since his release from detention, Mamdouh Habib has filed suit against Egypt's former Vice-President Omar Suleiman in connection with Habib's detention and torture in Egypt after his extraordinary rendition from Pakistan.[995] There are no other known judicial cases or investigations in Egypt relating to its participation in CIA secret detention and extraordinary rendition operations.

# 16. Ethiopia

Ethiopia hosted the U.S. detention and interrogation of at least one extraordinarily rendered individual, and has detained and tortured at least one extraordinarily rendered individual.

Ethiopia hosted the U.S. detention and interrogation of Yasser Tinawi, who the CIA subsequently extraordinarily rendered to Egypt and Syria.[996] Mohammed Ali Isse[997] and Omar bin Hassan[998] were extraordinarily rendered to Ethiopia, and Ali Isse was tortured with electric shocks by Ethiopian interrogators.[999] See the detainee list in Section IV.

There are no known judicial cases or investigations in Ethiopia relating to its relating to its participation in CIA secret detention and extraordinary rendition operations.

# 17. Finland

Finland allowed its airspace and airports to be used for flights associated with CIA extraordinary rendition operations.

In 2011, the Finnish Ministry for Foreign Affairs released records detailing 150 landings in Finland by aircraft associated with the CIA extraordinary rendition and secret detention programs.[1000] The ministry, however, claimed that all of the flights except one were "civilian" and therefore not connected to unlawful activity by the United States or other states.[1001] The Finnish authorities identified a single Miami Air flight with tail number N733MA that travelled back and forth between Helsinki and Manas U.S. Air Force transit base in Kyrgyzstan in a single day in December 2002.[1002] The Finnish Defense Ministry granted a U.S. request to land the aircraft in Helsinki.[1003] However, Finland's distinction between civilian and state aircraft in this context is not material because the CIA is known to have contracted with private carriers to conduct extraordinary renditions and carry detainees to secret CIA prisons.[1004]

Amnesty International identified a number of additional flights that raised concerns about Finnish complicity in extraordinary renditions, including: a March 2006 flight, tail number N733MA, that landed in Helsinki on the same date that the Lithuanian government has acknowledged the aircraft landed in Lithuania.[1005] According to Finnish documents, the plane departed from Porto, Portugal, and landed at Vantaa Airport in Helsinki on March 25, 2006 at 8:37 p.m.[1006] Although the Finnish documents contain no information about that plane's subsequent movements, a Lithuanian parliamentary report on the subject of a secret CIA prison in Lithuania states that the same plane landed at Palanga Airport in Lithuania at 10:25 p.m. the same day.[1007] The Amnesty International report also identified a July 2005 flight, tail number N1HC, from Kabul to Helsinki and a September 2004 flight, tail number N88ZL, from Bagram to Helsinki that landed in Lithuania the same day.[1008] It is possible that Abu Zubaydah's secret detention in Lithuania may be connected to the flight with tail number N733MA that landed in Finland and Lithuania on the same day.[1009]

In 2005, Finland's Minister for Foreign Affairs Erkki Tuomioja said he would send an inquiry to the U.S. embassy after a Swedish newspaper reported that a plane leased by the CIA had landed at Helsinki's Vantaa Airport in the spring of 2003.[1010] The minister expressed his disappointment with the "very general" response received from the United States.[1011] A leaked U.S. diplomatic cable also notes that the Finnish prime minister raised the issue of an alleged CIA flight through Finland in a December 2005 meeting, to which American officials responded that the American embassy could neither confirm or deny anything on the issue.[1012]

In May of 2006, the Finnish Undersecretary for Political Affairs Markus Lyra met with the U.S. ambassador and discussed a recent Finnish television report "alleging that a CIA extraordinary rendition flight transited Helsinki in 2004."[1013] Ac-

cording to a leaked U.S. diplomatic cable, Lyra "agreed that the report offered little evidence regarding the alleged flight, and accepted the Ambassador's statements indicating that the U.S. does not condone torture but cannot comment on specific flights."[1014] The ambassador went on to "express…appreciation that [the Minister for Foreign Affairs Erkki] Tuomioja had sought to downplay the allegations in the press," with Lyra responding that the Finnish government "did not wish to make a big issue out of the TV report."[1015]

Also in 2006, the rapporteur on secret detentions for the Parliamentary Assembly of the Council of Europe, Dick Marty, provided a list of 41 suspicious flights to Finland and requested that the Finnish government look into them.[1016] The government never responded, and the Finnish delegation to the Council of Europe indicated that the delegation lacked the resources to undertake the studies the council requested.[1017] Years later, in November 2011, the Finnish Ministry for Foreign Affairs ultimately published much of the information it had previously withheld in response to Marty's request.[1018]

In 2011, the Parliamentary Ombudsman's Office confirmed that the ombudsman was looking into claims of CIA extraordinary rendition flights using Finnish airports.[1019]

# 18. Republic of the Gambia

Gambia captured, detained, and interrogated individuals subsequently subjected to secret CIA detention and allowed use of its airports and airspace for flights associated with extraordinary rendition operations.

In November 2002, Gambian intelligence agents, acting at the behest of the CIA, captured and detained British residents Bisher al-Rawi, Jamil el-Banna, and Wahab al-Rawi upon their arrival at Banjul airport.[1020] The CIA was acting on intelligence reports passed on from the UK's MI5 about the men's alleged connection to Islamic militant groups.[1021] Bisher al-Rawi was detained for almost a month in Gambia and was interrogated by both Gambian and U.S. officials.[1022] Jamil el-Banna too was detained in Gambia until December 2002.[1023] During their detention, both Jamil el-Banna and Bisher al-Rawi were held at the Gambian Intelligence Agency building, located a 45-minute drive from Banjul airport.[1024] Bisher al-Rawi and el-Banna were later secretly detained in Afghanistan then transferred to Guantánamo Bay; Wahab al-Rawi was released after a month of questioning in Gambia by U.S. agents.[1025] See the detainee list in Section IV.

Gambia also allowed use of its airports and airspace for flights connected to the CIA extraordinary rendition program.[1026] Flight records show that on December 8, 2002, a Gulfstream V aircraft registered as N379P departed Washington D.C. at 1:15 p.m., arrived in Banjul, Gambia at 8:10 p.m., before taking off again at 9:45 p.m.[1027] The flight stopped in Cairo, Egypt, for one hour and landed in Kabul, Afghanistan at 9:04 a.m on December 9, 2002, allegedly in connection with the extraordinary rendition of Bisher al-Rawi from Gambia to Afghanistan.[1028]

There are no known judicial cases or investigations in Gambia relating to its participation in CIA secret detention and extraordinary rendition operations.

# 19. Georgia

Georgia captured and transferred to U.S. custody individuals who the CIA secretly detained and extraordinarily rendered.

In early 2002, under pressure from the United States, Georgia captured a number of individuals in the Pankisi Gorge, who the CIA subsequently extraordinarily rendered or secretly detained.[1029] Georgian security forces captured Omar Muhammad Ali al-Rammah (Zakaria al-Baidany) in the Pankisi Gorge in early 2002 and transferred him to U.S. custody.[1030] The CIA subsequently held him in secret detention in Afghanistan.[1031] Georgian authorities also captured Saif al-Aslam el-Masry in September 2002 in the Pankisi Gorge.[1032] He is believed to have been held in secret CIA detention[1033] and possibly extraordinarily rendered to Egypt in 2002.[1034] According to a Human Rights Watch report, "at least four of the men who were reportedly rendered to Jordan in 2002—Abu Yousef al-Jaza'eri, Khayr al-Din al-Jaza'eri, Abu Hassan al-Suri and Abu Bakr Saddiqi—were reportedly picked up in Georgia."[1035] However, it is not known who arrested these four men.[1036] See the detainee list in Section IV.

There are no known judicial cases or investigations in Georgia relating to its participation in CIA secret detention and extraordinary rendition operations.

# 20. Germany

Germany participated in the interrogation of at least one extraordinarily rendered individual. It also had knowledge of the abduction of a German national who was held in secret CIA detention. Further, Germany permitted use of its airspace and airports for flights associated with the CIA extraordinary rendition program.

A 2010 U.N. report noted that German agents participated in the CIA extraordinary rendition program by interrogating extraordinary rendition victim Muhammad Zammar while he was being secretly held in Syrian custody.[1037] See the detainee list in Section IV. In addition, in September 2001, Germany assisted in interrogating Abdel Halim Khafagy in Bosnia before he was transferred to Egypt.[1038] It is not, however, clear that the CIA was involved in Khafagy's case.

Germany also may have been aware of the detention, and provided information assisting in the interrogation, of German national Khaled El-Masri. See the detainee list in Section IV. According to a 2006 Council of Europe report, El-Masri stated that on May 16, 2004, while being held in Afghanistan, a uniformed German speaker who identified himself as "Sam," visited him and later flew with him from Afghanistan to Albania.[1039] Subsequent to his release, El-Masri identified this man through a photo and a police line-up as Gerhard Lehmann, a German intelligence officer.[1040] In addition, according to El-Masri, the questions he faced while held in Afghanistan were detailed and personal, further indicating that German authorities had cooperated in providing information to his interrogators, but German agencies denied having turned over information on El-Masri to the United States.[1041]

Furthermore, there are reports that high-level German officials were informed of El-Masri's situation. At the end of May 2004, Daniel Coats, the U.S. ambassador to Germany, briefed Otto Schilly, the German interior minister, about El-Masri's case, and Schilly made clear he would prefer not to have received the briefing.[1042] Later, on December 6, 2005, German Chancellor Angela Merkel stated at a press conference—with then Secretary of State Condoleezza Rice by her side—that the United States had accepted that it had made a mistake in El-Masri's case.[1043] Senior U.S. officials traveling with Rice on her European tour disagreed with Merkel's interpretation.[1044]

A 2007 European Parliamentary Report "deplore[d] the fact that Germany at least had knowledge of the illegal abduction of German citizen Khaled El-Masri."[1045] This same report also noted the case of Murat Kurnaz, a resident of Germany who was arrested in Pakistan in 2001 and transferred to the U.S. air base in Kandahar, Afghanistan, and later to Guantánamo Bay.[1046] According to the report, the German government refused the U.S. offer to release Murat Kurnaz in 2002. The report further charges that German officials also interrogated Kurnaz twice in Guantánamo Bay, denying him any judicial assistance, and that Kurnaz was confronted with details during his interrogations that may have come from German intelligence sources.[1047] Kurnaz also claimed that German soldiers of the elite KSK military unit mistreated him during his detention in Kandahar.[1048] In response, Germany's Defense Ministry denied that KSK members were in Afghanistan at the time, but later admitted, while denying that any abuse occurred, that KSK were present in Afghanistan at the time that they had contact with Kurnaz.[1049] However, it is not clear that the CIA (as opposed another U.S. agency) was involved in this case.

Germany also allowed use of its airports and airspace for flights connected to the CIA extraordinary rendition program. A 2007 European Parliament report on the alleged use of European countries by the CIA for the transportation and illegal detention of individuals states that extraordinary rendition victim Abu Omar (Hassan Mustafa Osama Nasr) was flown via the NATO Ramstein Air Base in Germany to Egypt.[1050] The report also "expresse[d] serious concern about the 336 stopovers made by CIA-operated aircraft at German airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees [and] deplore[d] the stopovers in Germany of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar and for the expulsion of Ahmed Agiza and Mohammed El Zari."[1051] Flight records show that on May 23, 2002, a Gulfstream V aircraft registered as N379P arrived in Frankfurt before taking off the same day for Dubai, Islamabad, and Rabat, Morocco, apparently in connection with the extraordinary rendition of Abou Elkassim Britel from Pakistan to Morocco.[1052] U.S. court records also show that at least nine flights operated by Richmor Aviation (a company that operated CIA extraordinary rendition flights)[1048] landed in Germany between 2002 and 2004.[1053] These flights included flight N85VM, which landed in Germany at some point between July 17 and 23, 2002; N85VM, which landed in Germany between July 31 and Aug 2, 2002; N85VM, which landed in Germany between December 4 and 8, 2002; N85VM, which landed in Germany between January 17 and 20, 2003; N85VM, which landed in Germany between Feb-

ruary 3 and 18, 2003; N85VM, which landed in Germany between May 15 and 24, 2003; N85VM, which landed in Germany between May 20 and 22, 2004; N982RK, which landed in Germany between July 15 and 19, 2004; and N85VM, which landed in Germany between July 19 and 21, 2003.[1055]

Following a complaint from El-Masri, prosecutors in Munich opened an investigation into his allegations in June 2004.[1056] During the investigation, German officials verified from eyewitnesses that El-Masri did indeed travel to Macedonia by bus at the end of 2003, and that he was detained shortly after entering that country.[1057] Prosecutors also confirmed from stamps in his passport that he entered Macedonia on December 31, 2003 and exited on January 23, 2004.[1058] They conducted scientific tests of his hair which proved that he had spent time in a South Asian country and had been deprived of food for an extended period.[1059]

In January 2007, German prosecutors issued arrest warrants for 13 suspected CIA agents in connection with Khaled El-Masri's extraordinary rendition.[1060] The warrants were forwarded to Interpol on February 21, 2007.[1061] In September 2007, the German government decided against pursuing extradition requests for the 13 suspected agents.[1062] In December 2010, the Cologne administrative court dismissed Khaled El-Masri's case against the German government challenging its failure to pursue the extradition of 13 U.S. citizens reportedly involved in his extraordinary rendition to Afghanistan in 2004.[1063] U.S. diplomatic cables made public by WikiLeaks in 2010 indicate that U.S. officials exerted pressure on the German government not to pursue these extradition requests.[1064]

In 2006, the public prosecutor in Potsdam launched an investigation into whether Murat Kurnaz was abused by KSK soldiers in Afghanistan. In October 2006, the investigation was transferred to the public prosecutor in Tübingen/Karlsruhe.[1065] Prosecutors dropped the investigation in 2007 for lack of evidence, although they voiced "remaining doubts" about the soldiers' version of events.[1066] The investigation was reopened in August 2007, and again closed in June 2008 for lack of evidence.[1067] A request to hear U.S. army personnel as witnesses to the case was rejected by U.S. authorities.[1068]

A special inquiry by the Parliamentary Committee for Defence also investigated whether members of the KSK ill-treated Kurnaz in Afghanistan, concluding that there was insufficient evidence to substantiate the allegations.[1069] The concluding report was not publicly issued, and the inquiry was conducted in closed sessions.[1070]

A German parliamentary inquiry was conducted from 2006 to 2009 into Germany's alleged involvement in the CIA extraordinary rendition program.[1071] The investigative report focused on Germany's involvement in the extraordinary rendition of German national Khalid El-Masri, who was held in secret detention in Macedonia and subsequently extraordinarily rendered to Afghanistan; lifelong German resident, Murat Kurnaz, who was transferred from Pakistan to Afghanistan in late 2001 and then to Guantánamo Bay in 2002; the December 2001 unlawful transfer of German national Muhammed Haydar Zammar from Morocco to Syria; and the September 2001 transfer of Munich-based publisher Abdel Halim Khafagy from Bosnia-Herzegovina to Egypt.[1072] The report ultimately determined that no German state actors were responsible for any unlawful involvement in the ap-

prehensions, renditions, enforced disappearances, secret detentions, or torture and ill-treatment of German nationals or residents.[1073] However, the investigation's credibility was significantly undermined by a June 2009 constitutional court ruling that the government's failure to cooperate with the parliamentary inquiry violated the German Constitution by impeding the parliament's right as an oversight body to investigate the government.[1074]

In November 2005, a German prosecutor, Eberhard Bayer, confirmed that he had asked U.S. authorities for assistance in investigating whether German law was violated by the transfer of Abu Omar from a military Learjet to the Gulfstream at Ramstein Air Base in Germany.[1075] The investigation by German prosecutors into the Abu Omar extraordinary rendition was closed in February 2009 due to "no prospects of success."[1076] A European Parliament inquiry identified the following obstacles for Germany's inquiries and investigations: "[i.] The German Government did not sufficiently cooperate with the parliamentary inquiry, in particular by failing to disclose crucial documents and information, and by limiting the authorisation of some of the witnesses to testify. [ii.] US authorities did not cooperate. [iii.] Investigations and report of committee for defence were not made public. [iv.] Court cases had insufficient evidence."[1077]

# 21. Greece

Greece permitted use of its airspace and airports for flights associated with the CIA extraordinary rendition program.

A report by the European Parliament "expresse[d] serious concern about the 64 stopovers made by CIA-operated aircraft at Greek airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; [and] deplore[d] the stopovers in Greece of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary rendition of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, and Maher Arar."[1078]

According to a 2006 Council of Europe report on the involvement of member states in the CIA extraordinary rendition program, Greece could be held responsible for "collusion" with the U.S. extraordinary rendition program by providing Greek territory for "stopovers" for flights involving the unlawful transfer of detainees.[1079]

There are no known judicial cases or investigations in Greece relating to its participation in CIA secret detention and extraordinary rendition operations.

# 22. Hong Kong [1080]

Hong Kong captured, detained, interrogated, and transferred custody of an individual who was subsequently extraordinarily rendered to Libya.

The Hong Kong authorities arrested Libyan national Sami al-Saadi (Abu Munthir) at

Chek Lap Kok airport in March 2004 and detained and interrogated him for almost two weeks before handing him and his family over to Libyan agents who then transported them to Libya.[1081] Al-Saadi's family, which included four children under the age of 13, was held with him in Hong Kong, extraordinarily rendered with him to Libya, and spent several months in prison within Libya before being released.[1082]Al-Saadi spent six years in prison in Libya and suffered mistreatment which included being placed in a six-by-seven foot cell for 14 months.[1083]

Documents discovered in Libya after the overthrow of Gaddafi included a CIA memo to Libyan intelligence agencies, stating that "if your government [Libya] were to charter a foreign aircraft from a third country, the Hong Kong government may be able to coordinate with you to render Abu Munthir and his family into your custody."[1084] The document notes that Hong Kong officials "insisted that prior to turning Abu Munthir over to your [Libyan] custody, they must receive clear assurances from your government that Abu Munthir and his family will be treated humanely and in accordance with human rights standards."[1085] The document informs Libyan officials that Hong Kong officials would require "specific information" regarding the flight, and provides the 24-hour number for a Hong Kong government official.[1086]

In June 2012, al-Saadi brought suit against the Hong Kong government for damages and full disclosure of his treatment while in Hong Kong custody.[1087] The chairman of the security panel of the city's Legislative Council has also urged officials to "come clean" about the extraordinary rendition.[1088] There are no known investigations in Hong Kong relating to its participation in CIA secret detention and extraordinary rendition operations.

# 23. Iceland

Iceland permitted use of its airspace and airports for flights associated with the CIA extraordinary rendition program.

In November 2005, the Icelandic television station Stoed 2 reported that CIA airplanes landed in Iceland at least 67 times since 2001.[1089] On October 2007, Iceland's Ministry of Foreign Affairs confirmed in a cable that extraordinary rendition flights travelled through Iceland since 2001.[1090] U.S. court records show that at least four flights operated by Richmor Aviation (a company that operated extraordinary rendition flights)[1091] landed in Iceland between 2002 and 2005.[1092]

A cable released by the U.S. government stated that on October 27, 2007, Iceland's Minister for Foreign Affairs Ingibjorg Solrun Gisladottir confirmed that aircraft linked to the CIA extraordinary rendition program had landed in or used Iceland's airspace between 2001 and July 2007, but was unable to confirm whether such flights had carried any detainees when landing in Iceland or entering the country's airspace.[1093] The foreign minister dismissed calls for an independent investigation on the subject of rendition flights being routed through Iceland.[1094] The flights include N982RK, which stopped in Keflavik at some point between July 15 and 19, 2004; N227SV, which stopped in Keflavik between December 14 and 17, 2005; N85VM, which stopped in Keflavik between October 24 and 26, 2002; and N450D, which stopped in Keflavik between May 23 and 26, 2005.[1095]

There are no known judicial cases or investigations in Iceland relating to its participation in CIA secret detention and extraordinary rendition operations.

# 24. Indonesia

Indonesia apprehended individuals who were extraordinarily rendered.

It has been reported that Lt. Gen. Abdullah Hendropriyono, former head of the Indonesian Intelligence Service, cooperated with the CIA extraordinary rendition program.[1096] On January 9, 2002, Hendropriyono reportedly arrested Muhammed Saad Iqbal Madni, a Pakistani-Egyptian national in Jakarta, based on a request from the CIA.[1097] Hendropriyono also allowed Madni to subsequently be extraordinarily rendered to Egypt.[1098] Salah Nasir Salim Ali Qaru (Marwan al-Adeni) was also arrested and detained in Indonesia in 2003 and transferred from Indonesia[1099] to Jordan where he was tortured by Jordanian intelligence services.[1100] Subsequently, he was transferred to a CIA facility in an unknown location before being transferred in May 2005 to Yemen.[1101] Omar al-Faruq was arrested in Indonesia and subsequently detained in CIA custody.[1102] See the detainee list in Section IV.

There are no known judicial cases or investigations in Indonesia relating to its participation in CIA secret detention and extraordinary rendition operations.

# 25. Iran

Iran was involved in the capture and transfer of individuals subjected to CIA secret detention. In March 2002, the Iranian government transferred fifteen individuals to the government of Afghanistan, which in turn transferred ten of these individuals to the U.S. government.[1103] At least six of those transferred to U.S. custody were held in secret CIA detention in Afghanistan.[1104] These six individuals included Hussein Almerfedi, Tawfik al-Bihani, Wesam Abdulrahman Ahmed al-Deemawi (Wassam al-Ourdoni), Rafiq al-Hami, Walid Shahir al-Qadasi, and Aminullah Baryalai Tukhi.[1105] Iran's transfer occurred as part of a detainee exchange.[1106] Because the hand-over happened soon after the U.S. invasion of Afghanistan, Iran was aware that the United States would have effective control over any detainees handed over to Afghan authorities. Amin al-Yafia, another individual believed to have been captured in Iran, in 2002, may have been subsequently held in CIA custody.[1107] Yafia's whereabouts are unknown.[1108] See the detainee list in Section IV.

There are no known judicial cases or investigations in Iran relating to its participation in CIA secret detention and extraordinary rendition operations.

# 26. Ireland

Ireland permitted the use of its airspace and airports for flights associated with CIA extraordinary rendition operations.

A 2007 European Parliament report "express[ed] serious concern about the 147

stopovers made by CIA-operated aircraft at Irish airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees."[1109] The report further "deplor[ed] the stopovers in Ireland of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary rendition of Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar and for the expulsion of Ahmed Agiza and Mohammed El Zari."[1110] A 2006 Council of Europe report similarly stated that Ireland, among other countries, may be held accountable for "collusion" because it was used for "'stopovers' for flights involving the unlawful transfer of detainees."[1111]

Documents referenced in a lawsuit brought by extraordinary rendition victims against Jeppesen Dataplan, a company that provided flight planning and logistical support services for CIA extraordinary rendition flights, also indicate that Ireland allowed use of its airspace and use of Shannon airport for CIA extraordinary rendition flights.[1112] According to Amnesty International, aircraft that transferred Khaled al-Makhtari, a Yemeni national, from Iraq to Afghanistan refueled at Shannon airport the day before the transfer.[1113] Al-Makhtari was initially held in Abu Ghraib prison before being transferred to a secret CIA prison in Afghanistan.[1114] In April 2004, he was transferred to another secret prison in an unidentified country, possibly in Eastern Europe.[1115] He was held there in complete isolation for 28 months before being sent to Yemen, where he was eventually released without charge or trial in May 2007.[1116] See the detainee list in Section IV.

U.S. court records from a lawsuit involving Richmor Aviation, a company that operated CIA extraordinary rendition flights,[1117] also show that at least 13 flights operated by Richmor involving U.S. personnel landed in Ireland between 2002 and 2004.[1118] These include several flights stopping at Shannon airport, such as N85VM, which landed there at some point between November 8 and 12, 2002; N85VM, which landed there between November 20 and 26, 2002; N85VM, which landed there between December 4 and 9, 2002; N85VM, which landed there between February 3 and 18, 2003; N85VM, which landed there between August 12 and 15, 2003; N85VM, which landed there between November 6 and 7, 2003; N85VM, which landed there between December 15 and 18, 2003; N85VM, which landed there between February 13 and 14, 2004; N85VM, which landed there between April 25 and 29, 2004; N85VM, which landed there between June 11 and 15, 2004; N85VM, which landed there between August 12 and 16, 2004; N85VM, which landed there between September 5 and 9, 2004; and N227SV, which landed there between September 29 and October 2, 2004.[1119]

Richmor-operated flights were involved in the extraordinary rendition of the Egyptian cleric Abu Omar,[1120] and are also suspected of having refueled at Shannon before transporting Abd al Nashiri.[1121] Diplomatic cables released by WikiLeaks in 2010 revealed that former Irish Foreign Affairs Minister Dermot Ahern told U.S. Ambassador Thomas Foley that he was "quite convinced that at least three flights involving renditions had refueled at Shannon Airport before or after conducting renditions elsewhere."[1122] Other cables revealed that former U.S. Ambassador James Kenny noted in 2006 that the Irish government had "acted to ensure continued US military transits at Shannon in the face of public criticism" despite public concern that the airport was being used for extraordinary rendition flights.[1123]

In December 2005, amid concerns that extraordinary rendition flights were landing in Ireland, the Irish Human Rights Commission (IHRC) recommended to the Irish government that it seek agreement from U.S. authorities to inspect suspect aircraft.[1124] The Irish government responded that inspections were not necessary because it had received assurances from the United States that detainees had not been and would not be transported illegally through Irish territory.[1125] In 2007, the IHRC conducted a substantive review of the matter and concluded that "the Irish State is not complying with its human rights obligations to prevent torture or inhuman or degrading treatment [and that its] reliance on the assurances of the US Government is not enough."[1126] The commission concluded that "the Irish State should put in place a reliable and independently verifiable system of inspection so that no prisoner is ever transported through this country except in accordance with proper legal formalities and the highest observance of human rights standards."[1127] In June 2011, the U.N. Committee against Torture stated that it was "concerned at the various reports of [Ireland's] alleged cooperation in a rendition programme, where rendition flights use the State party's airports and airspace," and that it was "also concerned at the inadequate response by the State party with regard to investigating these allegations."[1128]

# 27. Italy

Italy participated in the CIA extraordinary rendition program on several occasions.[1129] It assisted in the abduction of an individual who was subsequently extraordinarily rendered, and permitted use of its airspace and airports for flights associated with CIA extraordinary rendition operations.

Italy was involved in the extraordinary rendition of Abu Omar, an Egyptian cleric who had been granted asylum in Italy and was abducted in Milan in 2003, just prior to the CIA's rendering him to Egypt.[1130] A 2007 European Parliament report "condemn[ed] the active role played by a carabinieri marshal and certain officials of the Italian military security and intelligence services (SISMI) in the abduction of Abu Omar, as shown by the judicial investigation and the evidence collated by Milan's Public Prosecutor Armando Spataro," and "consider[ed] it very likely, in view of the involvement of its secret services, that the Italian Government of the day was aware of the extraordinary rendition of Abu Omar from within its territory."[1131]

The same European Parliament report also "condemn[ed] the extraordinary rendition of Italian citizen Abou Elkassim Britel, who was arrested in Pakistan in March 2002 by the Pakistani police and interrogated by US and Pakistani officials, and subsequently extraordinarily rendered to the Moroccan authorities and imprisoned in the detention facility 'Temara', where he remains detained."[1132] Further, it "[r]egret[ed] that, according to the documentation provided to the Temporary Committee by Abou Elkassim Britel's lawyer, the Italian Ministry of Internal Affairs was at the time in 'constant cooperation' with foreign secret services concerning the case of Abou Elkassim Britel following his arrest in Pakistan."[1133]

Italy has also allowed the use of its airspace and airports for flights associated with the U.S. extraordinary rendition program. The 2007 European Parliament report "[d]eeply regret[ted] that Italian territory was used by the CIA to make a stopover

during the flight that was used to carry out the extraordinary rendition of Maher Arar, who gave testimony to the Temporary Committee, from the United States to Syria, via Rome."[1134] Finally, the report "[n]ote[d] the 46 stopovers made by CIA-operated aircraft at Italian airports and expresse[d] serious concern about the purpose of those flights which came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; [and] deplore[d] the stopovers at Italian airports of aircraft which have been shown to have been used by the CIA on other occasions for the extraordinary rendition of Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar, and Maher Arar and for the expulsion of Ahmed Agiza and Mohammed El Zari."[1135]

U.S. court records show that between 2003 and 2004 at least two flights operated by Richmor Aviation, a company that operated CIA extraordinary rendition flights,[1136] landed in Italy.[1137] These flights included N85VM, which stopped in Rome at some point between March 1 and 3, 2003 and N85VM, which stopped in Naples between May 3 and 7, 2004.[1138]

In 2005, the Parliamentary Committee for Intelligence and Security Services and for State Secrecy questioned the directors of the Servizio per le Informazioni e la Sicurezza Militare (SISMI) and the Servizio per la Informazioni e la Sicurezza Democratica (SISDI) security services on the subject of alleged Italian collaboration with the extraordinary rendition program.[1139] The Italian Parliament also engaged in oral inquiries that year regarding the kidnapping of Abu Omar.[1140]

In November 2009, an Italian court became the first and only court to hand down convictions in relation to human rights violations that occurred in connection with the CIA secret detention and extraordinary rendition program.[1141] The court convicted 22 CIA agents (including the Milan CIA station chief Robert Seldon Lady) and one U.S. military official, in addition to two Italian intelligence operatives, for their role in the Abu Omar's kidnapping in Milan in February 2003.[1142] Cases against three other U.S. nationals (including Jeffrey Castelli, the then CIA station chief in Rome) were dismissed on grounds of diplomatic immunity.[1143] Cases against five Italians, including the former head of the Italian military intelligence service, SISMI, Nicolò Pollari, and his deputy, Marco Mancini, were dismissed on grounds of the "state secrets privilege."[1144] The Americans were convicted in absentia, as they were not extradited to Italy for the trial.[1145] Lawyers for the convicted Americans appealed, but instead of overturning their conviction, on December 15, 2010, the Italian appeals court increased their sentences.[1146] The sentence for former Milan CIA station chief Robert Seldon Lady was increased from eight to nine years, and the 22 other Americans were sentenced to terms of seven years, up from five years.[1147] In September 2012, Italy's highest appeals court upheld the criminal convictions of the 23 U.S. and two Italian officials, and ordered the retrial of five other Italian intelligence agency officials.[1148]

In a suit filed on May 14, 2009, in the District Court for the District of Columbia, Sabrina de Sousa, a U.S. defendant in the Italian criminal case who was allegedly implicated in Omar's abduction, sued the U.S. government to compel it to assert diplomatic immunity for all of the Americans involved in the Omar case.[1149] The case was dismissed in January 2012 on the grounds that de Sousa's entitlement to immunity was a political question that lay beyond the competence of the court.[1150]

On August 6, 2009, Abu Omar and his wife filed an application before the European Court of Human Rights against Italy for its alleged violations of their rights under Articles 3, 5, 6, 8, and 13 of the European Convention on Human Rights.[1151] On November 22, 2011, the European Court communicated the case, *Nasr and Ghali v. Italy*.[1152]

# 28. Jordan

The CIA extraordinarily rendered several individuals to Jordan where they were interrogated and tortured. Jordan also captured one individual who was subjected to extraordinary rendition. Further, Jordan permitted the use of its airspace and airports for the CIA extraordinary rendition program.

According to a 2010 U.N. report, "[a]t least 15 prisoners, mostly seized in Karachi, Pakistan, or in the Pankisi Gorge in Georgia, claim to have been rendered by the CIA to the main headquarters of the General Intelligence Department of Jordan in Amman, between September 2001 and 2004."[1153] Human Rights Watch has also reported that from 2001 to at least 2004, Jordan's General Intelligence Department (GID) kept detainees in proxy for the CIA, holding detainees at the CIA's request and later returning some to CIA custody.[1154] Human Rights Watch further reported that detainees were held at a large four-story detention facility at the GID main headquarters in Wadi Sir, Amman, and that the facility had a basement where many detainees claimed the most violent treatment occurred.[1155] Several of these detainees claimed to have been severely tortured.[1156]

Individuals who were extraordinarily rendered to Jordan including Maher Arar, Hassan bin Attash, Samer Helmi al-Barq, Masaad Omer Behari, Marwan Jabour, Abu Yousef al-Jaza'eri, Khayr al-Din al-Jaza'eri, Ibrahim Abu Mu'ath al-Jeddawi (Ahmad Ibrahim Abu al-Hasana), Jamal al-Mar'i (Jamal Muhammed Alawi Mar'i), Jamil Qasim Saeed Mohammed, Salah Nasir Salim Ali Qaru (Marwan al-Adeni), Abu Bakr Saddiqi, Abdu Ali al-Hajj al-Sharqawi, Mohamedou Ould Slahi, Abu Hassan al-Suri, and Abu Hamza al-Tabuki. See the detainee list in Section IV.

On October 21, 2003, the GID detained Muhammad Farag Ahmed Bashmilah, interrogated him, and subjected him to prolonged beatings and threats of electric shock and the rape of his family members.[1157] On October 26, 2003, he was transferred to agents who "beat, kicked, diapered, hooded and handcuffed him" before transporting him to Bagram for subsequent secret CIA detention.[1158]

Jordan also permitted use of its airports and airspace for flights associated with extraordinary rendition operations.[1159] In addition, at least eight flights operated by Richmor Aviation (a company that operated CIA extraordinary rendition flights)[1160] landed in Amman between 2002 and 2004.[1161] These included flight N85VM, which landed in Amman at some point between December 4 and 8, 2002; N85VM, which landed in Amman between January 17 and 20, 2003; N85VM, which landed in Amman between January 25 and 28, 2004; N85VM, which landed in Amman between February 13 and 14, 2004; N227SV, which landed in Amman between September 29 and October 2, 2004; N227SV, which landed in Amman between December 14 and 17, 2005; N85VM, which landed in Amman between July 19 and 21, 2003; and N450D, which landed in Amman between May 23 and 26, 2005.[1162]

There are no known judicial cases or investigations in Jordan relating to its participation in CIA secret detention and extraordinary rendition operations.

# 29. Kenya

Kenya detained Tanzanian national Suleiman Abdallah Salim before transferring him to the CIA.[1163] It also assisted in the capture, detention, and transfer of Kenyan national Mohamed Abdulmalik,[1164] although it is unclear whether the CIA (as opposed to another U.S. agency) was involved in Abdulmalik's case.

Suleiman Abdallah Salim was detained by the Kenyan police for eight days in Nairobi, where he was interrogated by U.S. personnel before being transported out of the country on a CIA plane to face several years of incommunicado detention in secret prisons including the Dark Prison and the Salt Pit in Afghanistan.[1165] See the detainee list in Section IV.

Mohammed Abdulmalik, a Kenyan national, was arrested by Kenyan police in Mombasa in February of 2007.[1166] The Kenyan Anti-Terrorism Police Unit (ATPU) detained him for two weeks; meanwhile, officials beat and interrogated him regarding alleged plans to attack a marathon.[1167] Kenyan authorities drove him to the Nairobi airport and handed him over to U.S. personnel.[1168] U.S. officials then transferred him to Djibouti where he was detained in a shipping container on a U.S. military base.[1169] Interrogators told him he was going on a "long journey."[1170] U.S. officials subsequently flew him to Afghanistan, where he was moved back and forth between Bagram and another Afghan prison before finally being shackled to the floor of a plane, drugged, and flown to Guantánamo Bay, where he remains detained.[1171]

In December 2009, Abdulmalik's family sued the Kenyan government for Sh 2.25 billion ($30 million) compensation for wrongful detention and subsequent torture.[1172] In 2010, the Kenyan government sought Abdulmalik's repatriation from Guantánamo Bay to Kenya.[1173]

There are no other known judicial cases or investigations in Kenya relating to its participation in CIA secret detention and extraordinary rendition operations.

# 30. Libya

Libya detained, interrogated, and tortured extraordinarily rendered individuals, and also permitted use of its airspace and airports for the CIA's extraordinary rendition operations.

Documents discovered in Tripoli in September 2011[1174] after the fall of the Gaddafi regime, combined with prior reports, suggest that the United States extraordinarily rendered at least eleven individuals to Libya despite its record of systematically engaging in torture.[1175] The documents discovered in 2011 are dated after Libya abandoned its unconventional weapons program in 2004.[1176] Some documents explicitly mention a scenario in which an allied country would arrest a suspect and suggest that the suspect would subsequently be transferred via airplane to the Libyans for

questioning.[1177] A 2012 Human Rights Watch report describes the documents as "showing a close degree of cooperation among the US, the UK, and other Western governments with regard to the forcible return and subsequent interrogation of Gaddafi opponents in Libya."[1178] Although the Tripoli documents show that the United States sought diplomatic assurances that Libya would respect the basic rights of transferred detainees, all extraordinarily rendered individuals were held in incommunicado detention and some were abused.[1179]

One document from CIA operatives to Libya said the operatives were "in a position to deliver Shaykh Musa to your [Libyan] physical custody, similar to what we have done with other senior L.I.F.G. members in the recent past."[1180] (L.I.F.G. referred to the Libyan Islamic Fighting Group, which was dedicated to the overthrow of Colonel Gaddafi, and which U.S. officials believed had ties to Al Qaeda.)[1181]

The documents indicate that the CIA and Libya cooperated in the extraordinary rendition of Abu Abdullah al-Sadiq (also known as Abdul Hakim Belhadj), in 2004 when he was a leading dissident member of the LIFG; he later became a rebel military leader and, after the fall of the Gaddafi regime, became the new security commander in Tripoli.[1182] Al-Sadiq reported that he was seized and held in Bangkok and tortured by two CIA officials before being extraordinarily rendered to Libya, where he was questioned by British spies.[1183] Fatima Bouchar, al-Sadiq's wife, was also arrested in Bangkok with al-Sadiq and abused before being extraordinarily rendered to Libya.[1184]

The documents also indicate collaboration between Libya, the United States, and United Kingdom in the extraordinary rendition of Sami al-Saadi (Abu Munthir), a Libyan national who was captured with his wife and family at Hong Kong airport in 2004 and extraordinarily rendered to Libya, where he remained in prison for six years until his release.[1185]

Prior to release of the aforementioned documents, it had been reported that since 2004, the CIA had extraordinarily rendered five Libyan fighters to authorities in Tripoli, two of whom the CIA had captured in China and Thailand, and three of whom had been caught in Pakistan and held in CIA prisons in Afghanistan, Eastern Europe, and other locations.[1186] Besides Abu Abdullah al-Sadiq, Fatima Bouchar, and Sami al-Saadi, other individuals extraordinarily rendered to and/or detained in Libya include Saleh Hadiyah Abu Abdullah Di'iki, Ali Muhammed Abdul Aziz al-Fakhiri (Ibn al-Sheikh al-Libi), Ayoub al-Libi (al-Mahdi Jawda), Mustafa Salim Ali el-Madaghi, Majid Mokhtar Sasy al-Maghrebi, Hassan Rabi'i (Mohamed Ahmad Mohamed Al Shoroeiya), Khaled al-Sharif (Abu Hazam), Majid Abu Yasser (Adnan al-Libi). See the detainee list in Section IV.

Abu Salim prison, a notorious high-security prison in Tripoli,[1187] housed CIA extraordinary rendition victims[1188] including Ali Muhammed Abdul Aziz al-Fakhiri (Ibn al-Sheikh al-Libi), who was held there after his transfer in late 2005 or early 2006.[1189] Abu Salim prison authorities told Human Rights Watch in April 2009 that the State Security Court, a court whose trial proceedings fail to meet international fair trial standards, sentenced al-Libi to life imprisonment.[1190] In 2009, al-Libi was found dead in his cell in Abu Salim.[1191] Al-Sadiq was also imprisoned in Abu Salim after he was extraordinarily rendered from Thailand to Libya by the

CIA.[1192] Saleh Hadiyah Abu Abdullah Di'iki,[1193] Mustafa Salim Ali el-Madaghi,[1194] Majid Mokhtar Sasy al-Maghrebi,[1195] Hassan Rabi'i (Mohamed Ahmad Mohamed Al Shoroeiya),[1196] and Khaled al-Sharif (Abu Hazam) were also held in Abu Salim.[1197] See the detainee list in Section IV.

In addition, U.S. court records show that at least one flight operated by flight charter company Richmor Aviation (a company that operated CIA extraordinary rendition flights)[1198] landed in Tripoli, Libya during 2004.[1199] This flight was N85VM, which stopped in Tripoli at some point between May 3 and 7, 2004.[1200]

There are no known judicial cases or investigations in Libya relating to its participation in CIA secret detention and extraordinary rendition operations.

# 31. Lithuania

Lithuania hosted a secret CIA prison and permitted use of its airspace and airports for flights associated with CIA secret detention and extraordinary rendition operations.

In August 2009, ABC News reported that the CIA used a site in Lithuania as a secret detention facility for "high value" detainees.[1201] According to that report, the CIA held up to eight "high value detainees" at the facility until late 2005.[1202] Dick Marty, rapporteur on secret detentions for the Parliamentary Assembly of the Council of Europe, subsequently confirmed that U.S. "high value detainees" were held in Lithuania.[1203]

In November 2009, ABC News reported that the secret CIA prison was located inside what used to be (until March 2004) an exclusive riding school academy in Antaviliai, about twenty kilometers from Vilnius.[1204] Lithuanian land-registry documents show that in March 2004, the family that owned the academy sold the property to Elite LLC, a former CIA front company.[1205] Villagers living in an apartment complex approximately 100 yards from the site reported that English-speaking construction workers brought shipping containers filled with building materials to the site, and built a large, two-story building without windows, ringed by a metal fence and security cameras.[1206] They said, "'if you got close they would tell us, in English, to go away.'"[1207] The prison opened in September 2004.[1208] In November 2005, it closed following public disclosures about the secret detention program.[1209] In 2007, Elite L.L.C. sold the property to the Lithuanian government.[1210] The installation is now a training facility for the Lithuanian secret service.[1211]

An application filed before the European Court of Human Rights on behalf of Abu Zubaydah, a stateless Palestinian, states that he was transported to Lithuania on or about February 17, 2005, and held in the CIA black site on Lithuanian territory.[1212] The application alleges that Lithuanian officials were responsible for the establishment of the secret detention facilities for use by the CIA—they participated in and provided cover for the extraordinary rendition of individuals including Abu Zubaydah into and out of Lithuania, and their secret detention and torture on Lithuanian soil.[1213]

In October 2009, ABC News reported that "on September 20th, 2004, a Boeing 707 with tail number N88ZL flew directly from Bagram Airbase to Vilnius. According

to several former CIA officials, the flight carried an Al Qaeda detainee who was being moved from one CIA detention facility to another. Additionally, in July 2005, a CIA-chartered Gulfstream IV, tail number N63MU, flew direct from Kabul to Vilnius. Several former intelligence officials involved in the CIA's prison program confirmed the flight as a detainee transfer to Lithuania."[1214]

A 2010 U.N. report cited flight data strings that appeared to confirm that Lithuania was integrated into the secret detention program in 2004.[1215] The report also identified a September 20, 2004, flight from Bagram to Vilnius, and another July 28, 2005, flight from Kabul to Vilnius that used dummy flight plans to disguise their destinations.[1216] Flight logs obtained from the U.S. Federal Aviation Administration by the British NGO Reprieve show a 2004 flight that departed from Washington, D.C., with stopovers in Guantánamo Bay; then Gander, Canada; then Bagram Air Base; and eventually Vilnius, Lithuania.[1217] Documents acquired by Reprieve and verified by Amnesty International show that a flight with registration number N724CL, subcontracted to operate flights by a U.S. company associated with CIA extraordinary renditions, flew from Rabat, Morocco to Amman, Jordan, and landed in Vilnius on February 17, 2005, at 6:03 p.m.[1218] The flight departed from Vilnius at 7:31 p.m. and returned to the United States via Iceland.[1219]

In November 2009, the Lithuanian Parliament mandated that the Committee on National Security and Defense conduct an inquiry into Lithuania's participation in the CIA extraordinary rendition program and present findings to the parliament.[1220] The inquiry was limited to the following issues: "(1) whether CIA detainees were subject to transportation and confinement in the territory of the Republic of Lithuania; (2) whether state institutions of Lithuania (politicians, officers, civil servants) considered the issues relating to the activities of secret CIA detention centers in the territory; and (3) whether secret CIA detention centers operated in the territory of the Republic of Lithuania."[1221]

The report, issued in December of 2009, concluded that the State Security Department (SSD) "had received a request from the partners to equip facilities in Lithuania suitable for holding detainees," and that two potential detention facilities, identified as "Project 1" and "Project 2" had existed in Lithuania, but could not confirm that detainees had actually been held there.[1222]

The Lithuanian parliamentary report did not discuss the September 20, 2004, flight from Bagram to Vilnius or the July 28, 2005, flight from Kabul to Vilnius that were later identified by the 2010 U.N. report.[1223] Nor did the parliamentary report mention the flight identified by Reprieve and Amnesty International, registered as N724CL.[1224] The report confirmed that CIA-related aircraft did land in Lithuania, but failed to establish whether CIA detainees were transported through the territory of Lithuania, while noting that conditions for such transportation did exist.[1225] The report also observed that data provided by the Lithuanian Air Navigation authorities in 2006 to a Council of Europe inquiry showed that between 2002 and 2005, U.S. aircraft referred to in the media and a European Parliament investigation as aircraft used to transport CIA detainees crossed Lithuania's airspace on 29 occasions.[1226] These aircraft included flights with registration numbers N85VM, N2189M, N8183J, N8213G, 510MG, N313P, N379P, and N1HC. The report identified three additional occasions on which such flights crossed Lithuanian airspace: N961BW,

which landed in Palanga on January 2, 2005; N787WH, which landed in Palanga on February 18, 2005; and N787WH, which landed in Vilnius on October 6, 2005.[1227]

The report further established that two CIA-related aircraft landed at Vilnius airport:

(i) N8213G (February 4, 2003, on a route of Frankfurt-Vilnius-Warsaw, landed at 6:15 p.m., and departed at 7:27 p.m.); and

(ii) N787WH (October 6, 2005, on a route of Antalya-Tallin-Vilnius-Oslo).[1228]

In addition, the committee established that three CIA-related aircraft landed at Palanga international airport:

(i) N961BW (January 2, 2005, operator "Presidential Airways," on a route of Flesland [Norway]-Palanga-Simferopol [Ukraine], departed on 5 January 2005 at 9:00 a.m.); and

(ii) N787WH, recorded as arriving carrying five passengers and three crew members (February 18, 2005, operator "Victory Aviation," on a route of Bucharest-Palanga-Copenhagen, arrived at 6:09 p.m., departed at 7:30 p.m.); and

(iii) N733MA (March 25, 2006, on a route of Porto [Portugal]-Palanga-Porto, arrived at 10:25 p.m. and departed at 11:55 p.m.).[1229]

The report also found that SSD officers received and escorted three aircraft (N787, which landed in Palanga on February 18, 2005, carrying five passengers; N787WH, which landed in Vilnius on October 6, 2005; and N733MA, which landed in Palanga on March 25, 2006) with the knowledge of SSD heads.[1230] The report concluded that SSD Deputy Director General Dainius Dabašinskas, with the knowledge of SSD Director General Arvydas Pocius, "provided the US officers with opportunities to get unrestricted access to the aircraft on at least two occasions," and "at least on one occasion the opportunities for inspection of the aircraft by the SBGS officers were deliberately restricted."[1231] According to the report, top Lithuanian officials stated that they were not informed about the objectives or details of the SSD's cooperation with the CIA in 2002 and that several SSD officials had knowledge of the "Project No. 1" detention facility.[1232] Moreover, according to the report, neither then President of the Republic Rolandas Paksas nor acting President of the Republic Artūras Paulauskas was asked to approve activities under "Project No 2."[1233]

In January 2010, the Lithuanian prosecutor general opened a criminal inquiry into whether Lithuanian officials had committed possible criminal acts under Article 228 (Abuse of Official Position) of the Lithuanian criminal code.[1234] While the criminal inquiry was pending, the European Committee for the Prevention of Torture (CPT) examined the question of the alleged existence of secret detention facilities in Lithuania. In its June 2010 report, the CPT questioned whether the Lithuanian investigation was sufficiently prompt, thorough and comprehensive.[1235] The committee also observed its delegation did not receive information that it had requested from the Lithuanian authorities.[1236]

On January 14, 2011, the prosecutor general declared that the investigation was closed,[1237] citing an absence of data regarding passengers aboard CIA flights that

landed in Lithuania, a five year statute of limitations on the criminal charge of abuse of official position, and the fact that SSD officials' failure to inform higher level state officials did not constitute criminal activity.[1238] The final justification rested on the determination that Lithuanian law did not require higher political actors to approve details of "intelligence cooperation" between Lithuanian intelligence services and foreign intelligence services.[1239] Although Reprieve and Amnesty International submitted additional evidence to the prosecutor general's office,[1240] on October 21, 2011, the prosecutor general decided not to re-open the criminal investigation.[1241]

The closure of the criminal investigation was criticized by human rights groups and specialized international inquiries.[1242] On September 11, 2012, following an April 2012 visit to Lithuania by the Committee on Civil Liberties, Justice and Home Affairs (LIBE), the European Parliament issued a resolution that "call[ed] on the Lithuanian authorities to honour their commitment to reopen the criminal investigation into Lithuania's involvement in the CIA programme if new information should come to light, in view of new evidence provided by the Eurocontrol data showing that plane N787WH, alleged to have transported Abu Zubaydah, did stop in Morocco on 18 February 2005 on its way to Romania and Lithuania; note[d] that analysis of the Eurocontrol data also reveals new information through flight plans connecting Romania to Lithuania, via a plane switch in Tirana, Albania, on 5 October 2005, and Lithuania to Afghanistan, via Cairo, Egypt, on 26 March 2006; [and] consider[ed] it essential that the scope of new investigations cover, beyond abuses of power by state officials, possible unlawful detention and ill-treatment of persons on Lithuanian territory.'"[1243]

On October 27, 2011, Interights filed an application on behalf of Abu Zubaydah against Lithuania before the European Court of Human Rights, challenging Lithuania's role in his enforced disappearance, torture, and ill-treatment at a secret CIA detention facility in Lithuania.[1244] On July 4, 2011, the Human Rights Monitoring Institute (HRMI), a Lithuanian NGO, filed freedom of information requests with several state agencies, (including the State Security Department (SSD), Air Navigation, State Border Guard Services, Civil Aviation and Customs Department) seeking disclosure of information relating to Lithuania's complicity in the CIA extraordinary rendition and secret detention programs.[1245] Following denials of the requests for information, including denial by the SSD on state secrets grounds, HRMI litigated the denials in domestic courts.[1246] In December 2012, HRMI and the Open Society Justice Initiative filed an application before the European Court of Human Rights challenging the customs department's withholding of information relating to CIA extraordinary rendition flights.

# 32. Macedonia

Macedonia captured, detained, interrogated, abused, and transferred an individual to secret CIA detention, and also permitted the use of its airspace and airports for his transfer.

Macedonia played a significant role in the kidnapping, abuse, secret detention and transfer of German national Khaled El-Masri to Afghanistan. On December

31, 2003, El-Masri traveled by bus from his home in Ulm, Germany, to Skopje, Macedonia.[1247] When he reached the border, Macedonian law enforcement officials confiscated his passport and detained him for several hours.[1248] Armed officers in plainclothes then transferred him to the Skopski Merak hotel in Skopje, where he was detained incommunicado for 23 days, abused, guarded at all hours by rotating shifts of armed Macedonian officers, and repeatedly interrogated.[1249] His frequent requests to see a lawyer, translator, or German consular official, or to contact his wife, were denied.[1250] On January 23, 2004, seven or eight Macedonian men entered the hotel room, handcuffed and blindfolded El-Masri, placed him in a car, and drove him to Skopje airport.[1251] At the airport, he was handed over to the CIA, and severely beaten, stripped, hooded, shackled and sodomized with a suppository, as Macedonian officials stood by.[1252] The CIA then drugged him and flew him to Kabul to be locked up in a secret CIA prison known as the "Salt Pit," where he was slammed into walls, kicked, beaten, and subjected to other forms of abuse.[1253] He was released without explanation or apology in Albania on May 28, 2004.[1254] See the detainee list in Section IV.

A 2007 European Parliament report "[c]ondemned the extraordinary rendition of the German citizen Khaled El-Masri, abducted at the border-crossing Tabanovce in the Former Yugoslav Republic of Macedonia on 31 December 2003, illegally held in Skopje from 31 December 2003 to 23 January 2004 and then transported to Afghanistan on 23-24 January 2004, where he was held until May 2004 and subjected to degrading and inhuman treatment."[1255] The European Parliament report also "[f]ully endorse[d] the preliminary findings of Munich Public Prosecutor Martin Hofmann that there is no evidence on the basis of which to refute Khaled El-Masri's version of events."[1256]

A 2006 Council of Europe report gave a detailed account of El-Masri's case and "f[ound] credible his account of detention in Macedonia and Afghanistan for nearly five months."[1257] The report also observed that the Macedonian authorities denied having any role in his abuse and secret detention.[1258] The 2007 Council of Europe report noted that the Macedonian authorities "hid…the truth and g[a]ve an obviously false account of the actions of its own national agencies and the CIA in carrying out the secret detention and rendition of Khaled El-Masri."[1259] Both the 2006 and the 2007 Council of Europe reports found that the Macedonian UBK (Uprava za Bezbednosti i Kontrarazuznavanje, or Security and Counter-Intelligence Service) collaborated with the CIA to detain and transfer Khaled El-Masri to Afghanistan.[1260]

Macedonia also allowed use of its airspace and airports for flights connected to the CIA's secret detention and extraordinary rendition program.[1261] The 2007 Council of Europe report notes that El-Masri was transferred on flight N313P from Skopje to Kabul via Baghdad on January 24, 2004.[1262] According to the 2007 Council of Europe report, a Macedonian parliamentary committee concluded on May 18, 2007 that "the country's secret services 'did not overstep their powers'" in this case.[1263]

On October 6, 2008, El-Masri filed a formal request with the Office of the Skopje Prosecutor to carry out a criminal investigation of his illegal detention and abduction and to bring criminal proceedings against those responsible.[1264] The request alleged that unnamed personnel of the Macedonian Ministry of Interior

were responsible for the unauthorized deprivation of his liberty and for the crime of torture or other cruel, inhuman, or degrading treatment or punishment.[1265] The prosecutor took no action until the statutory time limit for commencing a criminal case expired in early 2009.[1266]

El-Masri also filed a civil lawsuit for damages in Macedonia on January 24, 2009, against the Macedonian Ministry of Interior, whose personnel he alleges were responsible for his detention and mistreatment. The civil case is still pending at the Basic Court Skopje II.[1267]

On September 21, 2009, the Open Society Justice Initiative filed an application on behalf of El-Masri before the European Court of Human Rights, challenging Macedonia's participation in his abduction, torture, and secret detention.[1268] In December 2012, the European Court of Human Rights held that Macedonia had violated El-Masri's rights under the European Convention, and found that his ill-treatment by the CIA at Skopje airport amounted to torture.[1269]

# 33. Malawi

Malawi has been involved in the capture, detention, abuse, and transfer of individuals subjected to extraordinary rendition.

Laid Saidi, an Algerian citizen, was apprehended in May 2003 by Tanzanian police, driven to Dar es Salaam, and put in jail.[1270] Three days later, he was driven to the Malawi border and handed over to Malawian authorities in plainclothes who were accompanied by two middle-aged Caucasian men wearing jeans and t-shirts.[1271] He was held in a detention facility in Malawi for a week. He reports that the Malawians blindfolded him, his clothes were cut away, and he heard someone taking photographs.[1272] Next, the agents replaced the blindfold with cotton and tape, inserted a plug in his anus, put a disposable diaper on him, and dressed him.[1273] He reports that they covered his ears and chained his hands and feet before driving him to an airplane and placing him on the floor.[1274] He was then flown to Afghanistan where he was held in the Dark Prison and the Salt Pit.[1275] See the detainee list in Section IV.

Similarly, Fahad al Bahli, Ibrahim Habaci, Khalifa Abdi Hassan, Mahmud Sardar Issa, and Arif Ulusam were arrested on June 22, 2003, in Malawi, in a joint operation involving the CIA and Malawi's National Intelligence Bureau.[1276] Suspected of having Al Qaeda links, the five men were first held in Malawi, and secretly flown two days later to Harare, Zimbabwe, where they were held for almost a month.[1277] They were then transferred to Sudan, where they were released after it was established that there was no evidence linking them to Al Qaeda.[1278] The outgoing U.S. ambassador to Malawi reportedly denied that U.S. agents were involved, but a Malawian government official told Amnesty International that U.S. agents controlled the operation and that the U.S. authorities had taken the men out of Malawi on a chartered aircraft.[1279] See the detainee list in Section IV.

There have been no known judicial cases or investigations in Malawi relating to its participation in CIA secret detention and extraordinary rendition operations.

# 34. Malaysia

Malaysia detained and assisted in the extraordinary rendition of Libyan nationals Abu Abdullah al-Sadiq (Abdul Hakim Belhadj) and his wife Fatima Bouchar in 2004 in Kuala Lumpur airport.[1280] They were detained in Malaysian custody for 13 days under harsh conditions.[1281] Bouchar, who was four months pregnant at the time, was unable to get medical care.[1282] After one of al-Sadiq's associates informed the British embassy in Kuala Lumpur of the couple's intent to seek asylum in Britain, they were told they could go to the United Kingdom via Bangkok.[1283] However, on arriving in Bangkok, they were detained and extraordinarily rendered to Libya.[1284] See the detainee list in Section IV.

Documents discovered in Tripoli in September 2011 show cooperation between the CIA and the Malaysian government in effecting al-Sadiq's transfer. A memorandum dated March 4, 2004, from the CIA to the Libyan government states "[w]e are working energetically with the Malaysian government to effect the extradition of Abdullah al-Sadiq from Malaysia. The Malaysians have promised to cooperate and arrange for Sadiq's transfer to our custody."[1285]

# 35. Mauritania

Mauritania captured, detained, and interrogated individuals who the CIA subjected to secret detention or extraordinary rendition.

Individuals originally detained in Mauritania and transferred to U.S. custody include Saleh Hadiyah Abu Abdullah Di'iki, Mustafa Salim Ali el-Madaghi, and Mohemedou Ould Slahi (Abu Musab). Mauritanian authorities arrested Saleh Hadiyah Abu Abdullah Di'iki, a Libyan national, on October 12, 2003, and detained and interrogated him.[1286] After two weeks, the authorities told Di'iki that they had no problem with him, but that the United States wanted him detained, and they subsequently held him for two more weeks before he was transferred to Morocco.[1287] Mustafa Salim Ali el-Madaghi, a Libyan national, was arrested in Mauritania in February 2004 and interrogated by foreign interrogators and Mauritanian intelligence officers.[1288] Then, around late March 2004, he was flown, after being diapered and hooded by Americans in accordance with "standard CIA [extraordinary] rendition transportation procedures," to Morocco and held in a facility that appeared to be "run by Americans."[1289] Mohemedou Ould Slahi (Abu Musab), a Mauritanian citizen, voluntarily submitted himself for questioning by Mauritanian authorities in November 2001, after which he was arrested and subsequently transferred to CIA custody.[1290] On November 28, 2001, Slahi was extraordinarily rendered to Jordan, where he reported that interrogators tortured him during his eight months of detention.[1291] Slahi was returned to Afghanistan on July 19, 2002, where he spent three weeks in U.S. custody at Bagram Air Base.[1292] He was then transferred on August 4, 2002 to Guantánamo Bay, where he remains today.[1293] See the detainee list in Section IV.

There have been no known judicial cases or investigations in Mauritania relating to its participation in CIA secret detention and extraordinary rendition operations.

# 36. Morocco

Morocco detained and tortured extraordinarily rendered individuals, and hosted secret CIA detention. It also permitted use of its airspace and airports for flights associated with CIA extraordinary rendition operations.

Individuals that the CIA extraordinarily rendered to Morocco include Abou Elkassim Britel, Noor al-Deen, and Binyam Mohamed. The CIA transferred Abu Britel to Morocco on May 23, 2002, where he was tortured for eight and half months in the custody of Moroccan agents at Témara prison.[1294] On July 22, 2002, the CIA transferred Mohamed to Morocco where his interrogators broke his bones while beating him, sliced his genitals, poured hot liquid onto his penis while cutting it, and threatened him with rape, electrocution, and death.[1295] See the detainee list in Section IV.

Saleh Hadiyah Abu Abdullah Di'iki was transferred from Mauritania, where he was held reportedly at the behest of the United States, to Morocco in November 2003.[1296] After a month of detention in Morocco, a team of U.S. officials in military uniforms and masks flew Di'iki, diapered and hooded, to Afghanistan, where he was held by U.S. authorities, including by the CIA, at two different facilities, before being transferred to Libya.[1297] Mustafa Salim Ali el-Madaghi was flown, after being diapered and hooded by Americans in accordance with "standard CIA rendition transportation procedures," to Morocco, and held in a facility that appeared to be "run by Americans" for around two months before being extraordinarily rendered to Libya.[1298] Additionally, Hassan Ghul reportedly believed that he was detained in Morocco at some point while the CIA held him in secret detention.[1299] See the detainee list in Section IV.

In addition, Ali Abd al-Aziz Ali (Ammar al-Baluchi), Gouled Hassan Dourad (Haned Hassan Ahmad Guleed), Riduan Isamuddin (Hambali), Abd al Rahim al Nashiri, Ramzi bin al-Shibh, and Abu Zubaydah were secretly detained by the CIA in Morocco.[1300] See the detainee list in Section IV.

There are two detention facilities in Morocco associated with CIA secret detention and extraordinary rendition operations. First, there is the Témara Detention Center south of Rabat, which is run by the Moroccan Internal Security Service.[1301] According to a 2010 U.N. report, at least three extraordinary rendition victims—including Binyam Mohammed, Abou Britel, and Noor al-Deen—were held in the Témara prison.[1302] Second, the United States reportedly helped Morocco build an additional facility in Ain Aouda, near Rabat, specifically for Al Qaeda suspects.[1303]

Jeppesen Dataplan was involved in landing extraordinary rendition flights in Rabat, Morocco.[1304] Additionally, court documents show that at least seven flights operated by Richmor Aviation (a company whose flights transported CIA extraordinary rendition victims)[1305] landed in Morocco in 2004.[1306] These include flight N85VM, which landed in Rabat at some point between March 27 and 30, 2004; N85VM, which landed in Rabat between April 11 and 13, 2004; N85VM, which landed in Rabat between May 3 and 7, 2004; N85VM, which landed in Rabat between May 20 and 22, 2004; N85VM, which landed in Rabat between July 23 and 25, 2004; N85VM, which landed in Rabat between July 30 and August 3, 2004; and N227SV, which landed in Rabat between September 29 and October 2, 2004.[1307]

There have been no known judicial cases or investigations in Morocco relating to its participation in CIA secret detention and extraordinary rendition operations.

# 37. Pakistan

Pakistan captured, detained, interrogated, tortured, and abused individuals subjected to CIA secret detention and extraordinary rendition operations. It also permitted its airspace and airports to be used for flights associated with these operations.

A 2010 U.N. report observed that from December 2001 until the summer of 2002, Pakistan operated a secret detention program under which detainees were initially detained in Pakistan before being transferred to Afghanistan and/or to Guantánamo Bay.[1308] Pakistan's former President Pervez Musharraf acknowledged capturing 672 alleged Al Qaeda members and handing over 369 of them to the United States.[1309] According to Amnesty International, "[m]ost of the known victims of rendition were initially detained in Pakistan."[1310]

According to available information, Pakistani authorities were involved in the capture of the following individuals who were subsequently extraordinarily rendered or secretly detained: Ali Abd al-Aziz Ali (Ammar al-Baluchi), Ghairat Baheer, Jawad al-Bashar, Ahmed Khalfan Ghailani, Sharif al-Masri, Jamil Qasim Saeed Mohammed, Mohammed Ahmed Ghulam Rabbani, Gul Rahman, Abdu Ali al-Hajj Sharqawi, and Abu Zubaydah. See the detainee list in Section IV.

Pakistani authorities were involved in the capture, initial detention, and in many instances interrogation, torture, and abuse of the following individuals who were subsequently extraordinarily rendered or secretly detained: Hassan bin Attash, Samer Helmi al-Barq, Abou Britel, Mamdouh Habib, Adil al-Jazeeri, Ayoub al-Libi (al-Mahdi Jawda), Majid Mokhtar Sasy al-Maghrebi, Jamal al-Mar'i (Jamal Muhammed Alawi Mar'i), Bashir Nasir Ali Al Marwalah, Hail Aziz Ahmed al-Maythali, Binyam Mohamed, Musab Omar Ali Al Mudwani, Mustafa Setmariam Nassar (Abu Musab al-Suri), Osama Nazir, Abdul al-Rahim Ghulam Rabbani, Hassan Rabi'i (Mohamed Ahmad Mohamed Al Shoroeiya), Khaled al-Sharif (Abu Hazam), Ibad al Yaquti al Sheikh al-Soufiyan, and Khalid al-Zawahiri. See the detainee list in Section IV.

Saud Memon, a Pakistani national, was extraordinarily rendered from South Africa to Pakistan in March 2003.[1311] Human Rights Watch believed the CIA held him before transferring him to Pakistani intelligence agents.[1312] Additionally, Omar Deghayes, a Libyan national and British resident, was arrested in April 2002 at his home in Lahore and tortured in a Pakistani-run facility, following which he was moved to a facility in Islamabad where he was also questioned by CIA and MI6 officials before being transferred to Bagram and later Guantánamo Bay.[1313] Murat Kurnaz, a Turkish national residing in Germany, was arrested in Pakistan in November or December 2001 and initially held by Pakistani and U.S. officers before being transferred to the U.S. air base in Kandahar, Afghanistan.[1314] He was subsequently held secretly at Guantánamo Bay where the CIA frequently interrogated him.[1315] It is unclear whether the CIA (as opposed to another U.S. agency) was involved in Deghayes's or Kurnaz's detention or transfer.

Pakistan has allowed use of its airports and airspace for flights operated by Jeppesen Dataplan that were associated with CIA extraordinary renditions.[1316] U.S. court records also show that in 2003, Pakistan allowed use of its airports and air space for at least one flight flown by the private charter company Richmor Aviation,[1317] which operated flights for the CIA's extraordinary rendition program.[1318] This flight was registered as N85VM and stopped over in Islamabad at some point between March 1 and 3, 2003.[1319]

Detention facilities in which detainees were held at the behest of the CIA include the ISI (Inter-Services Intelligence) detention facility in Karachi, which was allegedly used as an initial detention and interrogation point before detainees were transferred to other prisons.[1320] Although it is controlled by the ISI, detainees at the facility claim to have been interviewed by both U.S. and British intelligence officials.[1321] According to Binyam Mohamed, he was held there for a week and hung by his wrists.[1322]

There has been no official investigation in Pakistan into its complicity in CIA extraordinary renditions and secret detentions. While many habeas corpus petitions have been filed in Pakistani courts on behalf of disappeared individuals, the vast majority of these petitions have been dismissed because Pakistani police and military agencies denied arresting or holding the individuals in question.[1323] In its 2005 annual report, the Human Rights Commission of Pakistan (HRCP) stated that "these cases of disappearance [observed in 2004] brought to light the inadequacies of the habeas corpus process because the superior courts could offer no relief if the agency/force/department named as respondents denied the arrest or detention of the missing persons."[1324]

# 38. Poland

Poland hosted a secret CIA prison on its territory, assisted with the transfer of secretly detained individuals in and out of Poland, including to other secret detention sites, and permitted the use of its airspace and airports for such transfers. [1325]

The fact that Poland hosted a CIA black site was first made public by Human Rights Watch on November 6, 2005[1326] and confirmed by a 2006 Council of Europe Report.[1327] A 2007 Council of Europe report provides further details relating to Poland's role in extraordinary renditions and secret detentions, and confirms that there was a CIA black site at the Stare Kiejkuty intelligence training base in Poland.[1328] It includes information from civil aviation records revealing how CIA-operated planes used for detainee transfers landed at Szymany airport, near the town of Szczytno, in Warmia-Mazuria province in north-eastern Poland.[1329] Polish military intelligence officials and Polish documentation confirmed that "high value detainees" entered Poland "on the runway of Szczytno-Szymany [airport]."[1330] Passengers from flights were transferred in vans that promptly departed Szymany airport for the Stare Kiejkuty intelligence training base where the "high value detainees" were held.[1331]

The 2007 Council of Europe report also explains that secret flights carrying detainees in and out of Poland were disguised using fake flight plans, with the Polish

Air Navigation Services Agency (PANSA) playing a "crucial role in this systematic cover-up."[1332] The same report states that Poland was "knowingly complicit in the CIA's secret detention programme."[1333] It adds that "the key arrangements for CIA clandestine operations in Europe were secured on a bilateral level."[1334]

According to the 2007 report, the following individuals "knew about and authorised Poland's role in the CIA's operation of secret detention facilities for High Value Detainees on Polish territory, from 2002 to 2005" and could be held accountable: the president of Poland, Aleksander Kwasniewski; the chief of the National Security Bureau, Marek Siwiec; the minister of national defense, Jerzy Szmajdzinski; and the head of military intelligence, Marek Dukaczewski.[1335]

In June 2012, Polish Senator Jozef Pinior said he had information showing that a local contractor was commissioned to build a cage to be supplied to Stare Kiejkuty where CIA detainees were held.[1336] The same month, a source at the Kraków prosecutor's office reportedly said there existed a partially signed agreement over the establishment of the secret prison in Poland inked by Zbigniew Siemiatkowski, who was head of Poland's secret service at the time.[1337]

Individuals who were secretly detained in the secret CIA prison in Poland (code named "Quartz") include Waleed Mohammed bin Attash (Tawfiq bin Attash), Abu Bakr Muhammad Boulghiti (Abu Yassir al-Jaza'iri), Khalid Sheikh Mohammed, Abd al Rahim al Nashiri, Ramzi bin al-Shibh, and Abu Zubaydah. Waleed Mohammed bin Attash, a Yemeni national, was detained in Poland in March 2003.[1338] Abu Bakr Muhammad Boulghiti, an Algerian national, was held in Poland in 2003.[1339] Khalid Sheikh Mohammed, a Pakistani national, was detained and waterboarded 183 times in Poland in 2003.[1340] According to a leaked ICRC report, he knew that he was in Poland when he received a bottle of water with a Polish label.[1341] Abd al Rahim al Nashiri, a Saudi national, was secretly detained in Poland from about December 5, 2002, to June 6, 2003.[1342] In Poland, U.S. interrogators subjected him to mock executions with a power drill as he stood naked and hooded, racked a semi-automatic handgun close to his head as he sat shackled before them, held him in "standing stress positions," and threatened to bring in his mother and sexually abuse her in front of him.[1343] Ramzi bin al-Shibh, a Yemeni citizen, was brought to Poland on March 7, 2003, and detained there for three months.[1344] Finally, the CIA transferred Abu Zubaydah, a stateless Palestinian, to Poland on December 5, 2002, and held him there for nine or ten months.[1345] See the detainee list in Section IV.

A February 2007 European Parliament resolution, based on the report of rapporteur Giovanni Claudio Fava of the temporary committee on the alleged use of European countries by the CIA for the transportation and illegal detention of detainees,[1346] "[n]ote[d] the 11 stopovers made by CIA-operated aircraft at Polish airports and expresse[d] serious concern about the purpose of those flights which came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; [it further] deplore[d] the stopovers in Poland of aircraft that have been shown to have been used by the CIA, on other occasions, for the extraordinary rendition of Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri and Binyam Mohammed and for the expulsion of Ahmed Agiza and Mohammed El Zar."[1347]

Official documents disclosed in July 2010 by the Polish Border Guard to the Hel-

sinki Foundation for Human Rights further confirm that between December 5, 2002, and September 22, 2003, seven planes commonly associated with CIA extraordinary rendition operations landed at Szymany airport.[1348] In 2009, the Polish air navigation services agency disclosed to the Helsinki Foundation records showing that two aircraft (registered N379P and N313P) had landed in Szymany a total of six times between February and September 2003, with five of the flights originating in Kabul, and one arriving from Rabat, Morocco.[1349] In a 2012 European Parliament report, the Committee on Civil Liberties, Justice and Home Affairs confirmed that "the data obtained from the Polish agencies in 2009 and 2010 'provide definite proof' that seven CIA-associated aircraft landed in Poland."[1350]

Poland's own investigations into the CIA detention site have been inadequate and it has been uncooperative with outside investigations into its complicity in the CIA secret detention and extraordinary rendition program. In 2005, Poland conducted a brief, two-month parliamentary inquiry into allegations that a secret CIA detention site existed in the country.[1351] The inquiry was conducted behind closed doors, and none of its findings have been made public.[1352] The only public statement the Polish government made was at a press conference announcing that the inquiry had not found anything "untoward."[1353] According to the 2006 Council of Europe report, "this exercise was insufficient in terms of the positive obligation to conduct a credible investigation of credible allegations of serious human rights violations."[1354] Similarly, in a February 2007 resolution, the European Parliament chastised Polish authorities for their lack of cooperation with the temporary committee on the alleged use of European countries by the CIA for the transportation and illegal detention of detainees, and their failure to conduct an effective investigation.[1355]

On March 11, 2008, the district prosecutor's office in Warsaw commenced a criminal investigation into secret CIA prisons in Poland.[1356] Although that investigation has been pending since 2008, no meaningful information on its terms of reference, precise scope, or progress has been publicly disclosed.[1357] Nor have Polish prosecutors provided any information on when the investigation is likely to conclude.[1358] A 2010 United Nations report recorded its "concern…about the lack of transparency into the investigation," observing that "[a]fter 18 months, still nothing is known about the exact scope of the investigation."[1359] The Human Rights Committee similarly noted "with concern" in October 2010 that the investigation had not been concluded.[1360]

Furthermore, there have been concerns that the pending investigation is subject to undue political influence.[1361] On May 20, 2011, more than three years into the investigation, and just days before U.S. President Barack Obama's visit to Poland, Warsaw prosecutor Jerzy Mierzewski was removed from the criminal investigation and replaced by Waldemar Tyl, the deputy appellate prosecutor in Warsaw.[1362] No public explanation was provided for the removal.[1363] It appeared that Mierzewski was being penalized for attempting to pursue charges against officials for their role in secret CIA detention on Polish territory and for submitting questions on the associated violations of international law to a team of legal experts who confirmed in May 2012 that there had in fact been violations of the law.[1364]

In November 2011, Waldemar Tyl indicated that he expected the investigation to conclude in 2012, possibly in August.[1365] However, in February 2012, Tyl too was removed from the investigation, which was transferred from the Warsaw prosecutor's office to the prosecutor's office in Kraków.[1366] Moreover, *Gazeta Wyborcza*, a leading Polish newspaper, reported that on January 10, 2012, the Warsaw prosecutors had filed charges against Zbigniew Siemiatkowski, the former Intelligence Agency chief in Poland, for violating international law by "unlawfully depriving prisoners of their liberty," associated with the secret CIA prison.[1367] This report, along with the absence of a public explanation for transferring the case to Kraków almost four years into the investigation, prompted concerns that the transfer was aimed at prolonging the investigation in light of the fact that the Warsaw prosecutors had brought charges against Zbigniew Siemiatkowski.[1368] The Kraków prosecutors refused to confirm that charges had been brought,[1369] and it is unclear whether they will pursue charges reportedly brought by the Warsaw prosecutors.[1370] In August 2012, the prosecutors announced that they were extending the pending investigation until February 2013.[1371]

On September 21, 2010, Polish lawyers for al Nashiri filed an application with Polish prosecutors in Warsaw requesting an investigation into his detention and treatment in Poland.[1372] In October 2010, the prosecutor granted victim status to al Nashiri, thereby recognizing that his claims against the Polish government may have merit.[1373] In December 2010, Polish counsel for Abu Zubaydah requested that he be formally recognized as a victim in the ongoing investigation into abuse of office by Polish officials, a status that was granted within weeks.[1374]

On May 6, 2011, the Open Society Justice Initiative filed an application on behalf of al Nashiri before the European Court of Human Rights challenging Poland's complicity in his secret detention, torture, and extraordinary rendition.[1375] The court communicated the application to the Polish government on July 10, 2012, and directed the Polish government to confidentially supply the court with documents relating to al Nashiri's detention in the secret CIA prison in Poland.[1376]

# 39. Portugal

Portugal has permitted use of its airspace and airports for flights associated with CIA extraordinary rendition operations.[1377]

A 2006 Council of Europe report found that Portugal, among other countries, was used for "stopovers" for flights involving the unlawful transfer of detainees.[1378] A February 2007 European Parliament report further noted that CIA planes associated with extraordinary renditions made 91 stopovers in Portugal, that "the aircraft involved in the rendition of Maher Arar and Abou Elkassim Britel made stopovers in Portugal on their return flights," and that "aircraft from a number of countries, travelling to or from Guantánamo, made 17 stopovers (including three contained in Eurocontrol lists) at the Portuguese airports of Lajes and Santa Maria between 11 January 2002 and 24 June 2006."[1379] The European Parliament report "ask[ed] the Portuguese authorities to investigate the case of Abdurahman Khadr, allegedly carried on board the Gulfstream IV N85VM from Guantánamo to Tuzla in Bosnia and Herzegovina on 6 November 2003, with a stopover in Santa Maria on the Azores Islands on 7 November 2003."[1380]

The NGO Reprieve has identified at least 115 suspected stopovers between 2001 and 2006 by aircraft associated with the CIA.[1381] It further identified at least six known extraordinary renditions of ghost prisoners that were facilitated through Portuguese jurisdiction, including those of Muhammad Farag Ahmed Bashmilah, Salah Nasser Salim Ali Qaru (Marwan al-Adeni), Hassan bin Attash, Maher Arar, Abou Elkassim Britel, and unidentified ghost prisoners extraordinarily rendered through the island of Diego Garcia.[1382]

Documents filed in connection with a lawsuit against Jeppesen Dataplan (a company that provided logistical support for CIA extraordinary rendition flights) also show that Portugal allowed use of its airports and airspace for extraordinary rendition flights operated by the CIA.[1383] In addition, during 2003 and 2004, Portugal also allowed use of its airports and airspace for at least five flights operated by Richmor Aviation, a company that operated CIA extraordinary rendition flights.[1384] These include flight N85VM that stopped in Santa Maria Azores at some point between November 6 and 7, 2003; N982RK that stopped in Santa Maria Azores between July 15 and 19, 2004; N85VM that stopped in Santa Maria Azores between July 25 and 29, 2004; N85VM that stopped in Santa Maria Azores between July 30 and August 3, 2004; and N70HS that stopped in Santa Maria between November 9 and 12, 2004. [1385]

In February 2007, the Portuguese General Prosecutor's Office commenced a criminal investigation into the stopovers in Portugal made by CIA-operated flights allegedly involved in renditions.[1386] The investigation was prompted when Ana Gomes, a European member of parliament, provided to the Portuguese attorney general information regarding dozens of CIA planes that had landed in Portugal.[1387] Gomes said she collected statements from witnesses who claimed to have seen handcuffed detainees at an airport in Portugal's mid-Atlantic Azorean Islands, and that local authorities knew Portugal was being used for CIA flights.[1388]

In May 2009, the investigation into suspected CIA extraordinary rendition flights alleged to have crossed through Portuguese territory was closed on grounds of insufficient evidence.[1389] Ana Gomes submitted an appeal in July calling for the investigation to be continued, arguing that it had been inadequate, and had failed to take testimony from relevant intelligence service officials, the foreign affairs and defense ministers, former prime ministers, U.S. embassy officials, or the directors of the Portuguese Civil Aviation Institute and air traffic control authorities.[1390] The public prosecutor rejected the appeal in September 2009, stating that the additional investigatory measures requested were "irrelevant."[1391]

# 40. Romania

Romania hosted a secret CIA prison and permitted use of its airspace and airports for CIA secret detention operations.[1392]

The fact that Romania hosted a CIA black site was first made public by Human Rights Watch on November 6, 2005.[1393] A 2006 Council of Europe report drawing on flight data confirmed that "the existence of secret detention facilities can be inferred in…Romania"[1394] and found that Romania could be held responsible for colluding with the CIA secret detention and extraordinary rendition program

with respect to "the running of secret detention centers."[1395] It added that "[t]he N313P rendition plane landed in Timisoara at 11.51 p.m. on 25 January 2004 and departed just 72 minutes later, at 1.03 a.m. on 26 January 2004."[1396] In another instance, the report found that the N313P plane flew on September 22, 2003, from Szymany, Poland to Baneasa airport in Bucharest, Romania, and then on to Rabat, Morocco.[1397] Both instances, according to the report, fit the profile of a "detainee drop-off."[1398] The report also noted that a journalist working for German television interviewed a young Afghan in Kabul who said that he had been held in Romania.[1399] The witness had been told by a guard to whom he had complained about his conditions of detention that he was lucky to be in Romania.[1400]

A 2007 Council of Europe report considered it to be "factually established" that a secret CIA detention center had operated in Romania.[1401] According to the report, "the CIA brokered 'operating agreements' with the Government…of Romania to hold 'high value detainees' on a secret detention facility on Romanian territory."[1402] The report concluded that "the following individual office-holders knew about, authorized and stand accountable for Romania's role in the CIA's operation of 'out-of-theatre' secret detention facilities on Romanian territory, from 2003 to 2005: the former President of Romania (up to 20 December 2004), Ion Iliescu, the current President of Romania (20 December 2004 onwards), Traian Basescu, the Presidential Advisor on National Security (until 20 December 2004), Ioan Talpes, the Minister of National Defence (Ministerial oversight up to 20 December 2004), Ioan Mircea Pasc, and the Head of Directorate for Military Intelligence, Sergiu Tudor Medar."[1403]

In August 2009, former U.S. intelligence officials disclosed to the *New York Times* that Kyle D. Foggo, at that time head of the CIA's main European supply base in Frankfurt, oversaw the construction of three CIA detention centers, "each built to house about a half-dozen detainees." They added that "one jail was a renovated building on a busy street in Bucharest."[1404] In September 2011, Council of Europe Human Rights Commissioner Thomas Hammarberg stated that Romania was among at least seven countries that hosted black sites for "enhanced interrogation" during the "war on terror."[1405]

According to a December 2011 Associated Press/German TV report, the CIA prison in Romania (code-named "Bright Light") was located in a government building in Bucharest used as the National Registry Office for Classified Information (ORNISS),[1406] and that now displays a NATO flag out front.[1407] In an interview at the building in November, senior ORNISS official Adrian Camarasan said the basement is one of the most secure rooms in all of Romania. But he said Americans never ran a prison there.[1408] The report adds that the Romanian site was eventually closed in the first half of 2006.[1409]

A 2007 European Parliament report "[e]xpresse[d] serious concern about the 21 stopovers made by CIA-operated aircraft at Romanian airports, which on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees."[1410] It further noted that a flight from Bagram Air Base in Afghanistan with registration number N478GS experienced an accident upon landing in Bucharest on December 6, 2004, and that "its seven passengers disappeared following the accident."[1411]

In addition, U.S. court records show at least three flights operated by Richmor Aviation (a company that operated some of the CIA's extraordinary rendition flights)[1412] landed in Romania in 2004.[1413] These include flight N85VM, which stopped in Bucharest at some point between January 25 and 28, 2004; N85VM, which stopped in Bucharest between April 11 and 13, 2004; and flight N227SV, which stopped in Constanta airport between September 29 and October 2, 2004.[1414] In addition, official documents disclosed by the Polish Border Guard to the Helsinki Foundation for Human Rights further confirm that between December 5, 2002 and September 22, 2003, seven planes associated with CIA extraordinary rendition operations landed at Szymany airport.[1415] Documents disclosed by the Lithuanian civil aviation authorities to Reprieve and Access Info show flight N787WH (a flight associated with CIA extraordinary renditions) arriving from Bucharest into Palanga, Lithuania, on February 18, 2005 at 5:42 p.m. and departing for Copenhagen at 1:20 p.m. the same day.[1416]

Documents released to the Helsinki Foundation for Human Rights by the Polish Border Guard Office in July 2010 indicate that a Boeing 737, registration number N313P, arrived in Szymany, Poland on September 22, 2003, with no passengers aboard, but took on five passengers before departing Szymany.[1417] Other documents disclosed to the Helsinki Foundation show that this flight (operated by Jeppesen Dataplan) was in Kabul before it arrived in Szymany airport, and was bound for Constanta airport in Romania.[1418] A 2010 U.N. report similarly concluded on the basis of data string analysis that a Boeing 737 aircraft, registered with the Federal Aviation Administration as N313P, flew to Romania in September 2003.[1419] The aircraft took off from Dulles Airport in Washington, D.C. on September 20, 2003, and undertook a four-day flight "circuit," during which time it landed in and departed from six different foreign territories—the Czech Republic, Uzbekistan, Afghanistan, Poland, Romania, and Morocco—as well as Guantánamo Bay.[1420]

Individuals secretly detained by the CIA in Romania include Waleed Mohammed bin Attash (Tawfiq bin Attash), Janat Gul (Hammidullah), Riduan Isamuddin (Hambali), Khalid Sheikh Mohammed, Abd al Rahim al Nashiri, and Ramzi bin al-Shibh. See the detainee list in Section IV.

Romanian authorities have consistently denied hosting a secret CIA prison. The Romanian Senate began a superficial inquiry into the matter in 2005 and issued a report in 2008 claiming that CIA detention centers did not exist in Romania, no flights transported detainees through Romania, and no Romanian institutions participated in the program.[1421] Recent investigations by Reprieve into CIA extraordinary rendition flights that flew into and out of Romania confirm the ineffectiveness of the Senate inquiry.[1422]

On August 2, 2012, the Open Society Justice Initiative filed an application on behalf of Abd al Rahim al Nashiri against Romania before the European Court of Human Rights.[1423] The court communicated the application to the Romanian government on September 18, 2012, and directed it to confidentially supply to the court documents relating to a secret detention facility in Romania and al Nashiri's detention there.[1424] The application argues that al Nashiri is not required to exhaust domestic remedies in Romania, which would plainly be ineffective, but as a precautionary measure, the Justice Initiative previously filed on May 29, 2012, a

criminal complaint on al Nashiri's behalf before the Romanian general prosecutor seeking a criminal investigation into the violation of his rights under Romanian law and under the European Convention on Human Rights.[1425] The general prosecutor has acknowledged that the complaint has been registered and assigned a file number, and that its review is at a preliminary stage.[1426]

# 41. Saudi Arabia

Saudi Arabia detained individuals before and after they were subjected to secret CIA detention or extraordinary rendition. Ali Abd al-Rahman al-Faqasi al-Ghamdi, a Saudi national, was detained in Saudi Arabia in June 2003 before he disappeared after being held in CIA custody.[1427] The 9/11 Commission Report, referring to al-Ghamdi as a "candidate hijacker" for the attacks of September 11, 2001, stated that he was "currently in U.S. custody."[1428] On July 19, 2006, his name was included in the "Terrorists No Longer a Threat" list.[1429] He is believed to have been held in CIA custody and subsequently transferred to Saudi custody.[1430] Ibrahim Abu Mu'ath al-Jeddawi is also believed to have been incarcerated in Saudi Arabia after he was extraordinarily rendered to Jordan.[1431] See the detainee list in Section IV.

There have been no known judicial cases or investigations in Saudi Arabia relating to its participation in CIA secret detention and extraordinary rendition operations.

# 42. Somalia

Somalia provided territory and guards for individuals subjected to secret CIA detention. From about 2002 onwards, U.S. counterterrorism efforts in Somalia required the cooperation of faction leaders and former military or police officers.[1432] The CIA hired Somali warlords to kidnap suspected militants, creating what the International Crisis Group termed "a small industry in abductions."[1433] According to a Somali militia leader working closely with the United States, up to 17 suspects were apprehended in Mogadishu alone, all but three of them apparently innocent.[1434]

In 2003, Somali warlord Mohammed Dere and his team (working at the behest of the CIA) abducted and beat Suleiman Abdallah Salim in Mogadishu, breaking his fingers and teeth.[1435] Afterwards, Salim was "forcibly taken to a hospital, then blindfolded and taken to the airport, where he was flown to Nairobi."[1436] In Nairobi, he was detained incommunicado in Kenyan custody for about eight days before being transferred to CIA custody.[1437] The CIA flew him to Bosaso, Somalia, where he was detained in a boarding house surrounded by four armed Somali soldiers.[1438] He was then flown to Djibouti where he was held for a day before he was transferred to secret CIA detention in Afghanistan.[1439]

In addition, Somali warlord Mohamed Afrah Qanyare and his militia captured Mohammed Ali Isse, a Somali national, in a June 2004 "CIA-ordered" raid of a Mogadishu house.[1440] A U.S. military helicopter subsequently flew Isse, still bleeding, to an offshore U.S. Navy ship where he was interrogated for about a month before being transferred by the CIA to Camp Lemonnier in Djibouti and then on to Ethiopian custody.[1441] See the detainee list in Section IV.

In July 2011, the *Nation* reported that Kenyan officials had rendered individuals suspected of links to Al Shabaab (an Islamic militant group) to Mogadishu, where they remained imprisoned in the basement of Somalia's National Security Agency headquarters.[1442] Although Somali officials ran the prison, U.S. intelligence authorities reportedly paid their salaries and interrogated the detainees.[1443] "According to former detainees, the underground prison…consists of a long corridor lined with filthy small cells infested with bedbugs and mosquitoes…the cells [are] windowless and the air thick, moist and disgusting. Prisoners…are not allowed outside."[1444] Some of the detainees had reportedly been held at the prison for a year or more.[1445] One of the detainees was Ahmed Abdullahi Hassan, a Kenyan national whose whereabouts had been unknown since July 2009.[1446] Hassan allegedly told a former detainee that he had been interrogated by both "Somali men and white men."[1447] A U.S. official interviewed for the *Nation* article denied the CIA had rendered Hassan, but stated that the United States had provided information which helped to get Hassan "off the street."[1448]

There have been no known judicial cases or investigations in Somalia relating to its participation in CIA secret detention and extraordinary rendition operations.

# 43. South Africa

South Africa was implicated in the March 2003 extraordinary rendition of Saud Memon, a Pakistani national and suspect in the murder of journalist Daniel Pearl.[1449] In light of the secrecy associated with the abduction and the lack of any record in South Africa of his deportation or extradition, it appears that South Africa gave U.S. intelligence agencies "carte blanche" to pursue his abduction and rendition from South Africa.[1450] Investigators at Human Rights Watch believed he was held in CIA custody and then transferred to Pakistani intelligence agents.[1451] See the detainee list in Section IV.

It has also been alleged by the lawyer for Pakistani national Khalid Rashid that the South African government was involved in Rashid's "rendition" in October 2005 from South Africa to Pakistan, and that Rashid may have been handed over to U.S. agents.[1452] However, it is not clear that the CIA was involved in this case. In 2005, the South African Department of Home Affairs admitted to transferring Khalid Rashid to "Pakistani authorities who travelled to South Africa to receive him."[1453] The South African minister of home affairs claimed that Rashid was arrested and deported because he resided in the country illegally.[1454] Rashid was flown from South Africa in a Gulfstream II owned by AVE, a company registered in Kyrgyzstan; the charter was arranged by the government of Pakistan.[1455] In 2009, the Supreme Court of Appeal of the Republic of South Africa found that Rashid's detention at the Cullinan Police Station without a warrant, his removal from that facility without a warrant, and his deportation to Pakistan were unlawful.[1456] The court noted in its judgment that Rashid had been released in December 2007.[1457]

There are no other known judicial cases or investigations relating to South Africa's participation in CIA secret detention and extraordinary rendition operations.

# 44. Spain

Spain has permitted use of its airspace and airports for flights associated with CIA secret detention and extraordinary rendition operations.[1458]

A 2007 European Parliament report states that CIA-operated aircraft—on many occasions coming from or bound for countries linked with extraordinary rendition—made 68 stopovers in Spain.[1459] At least three of these flights originated from, or were bound for, Guantánamo Bay.[1460] Documents referenced in a lawsuit against Jeppesen Dataplan (a company that provided logistical support for CIA extraordinary rendition flights) appear to confirm that Spain allowed use of its airports and air space for extraordinary rendition flights operated by the CIA.[1461] In addition, the flight carrying Khaled El-Masri to secret CIA detention in Afghanistan originated in Palma de Mallorca, Spain and stopped in Skopje, Macedonia to pick him up on January 23, 2004.[1462]

A 2006 Council of Europe report also identified Spain among countries used as "staging points" for flights involving the unlawful transfer of detainees.[1463] The report also noted that documents confirming Khaled El-Masri's account of his flight circuit include aviation logs that show that a Boeing business jet registered as N313P took off from Palma de Mallorca, Spain on January 23, 2004; landed at the Skopje airport at 8:51 p.m. that evening; and left Skopje more than three hours later, flying to Baghdad and then on to Kabul, Afghanistan.[1464] During 2003 and 2004, Spain also allowed use of its airports and air space for at least eight flights operated by Richmor Aviation,[1465] which operated flights for the CIA extraordinary rendition program. These include flight N85VM that stopped in Madrid at some point between December 15 and 18, 2003; N85VM that stopped in Barcelona between January 25 and 26, 2004; N85VM that stopped in Tenerife between May 3 and 7, 2004; N85VM that stopped in Palma between June 11 and15, 2004; N85VM that stopped in Tenerife-South between July 30 and August 3, 2004; N85VM that stopped in Palma between September 5 and 9, 2004; and N227SV that stopped in Tenerife-South between September 29 and October 2, 2004. [1466]

In 2005, a European Parliament explanatory memorandum noted that the Palma de Mallorca public prosecutor's office, following the release of a Civil Guard file containing a flight passenger list, began an investigation into an aircraft that took off from a local airport and then travelled to Macedonia where it allegedly picked up El-Masri en route to Afghanistan.[1467]

In 2006, Spain's National Court began an investigation into allegations that the CIA used the Mallorca airport for extraordinary rendition flights.[1468] Diplomatic cables released by WikiLeaks suggest that U.S. State Department officials attempted to influence prosecutors and government officials to curtail Spanish courts' investigations into extraordinary renditions.[1469] Additionally, in May 2010, a Spanish prosecutor asked a judge to authorize the arrests of 13 CIA agents allegedly involved in the extraordinary rendition of El-Masri.[1470] In the fall of 2012, Spanish Examining Judge Ismael Moreno asked the United Kingdom and Germany to interview journalists Stephen Grey and John Goetz to verify the identities of four of the 13 CIA agents involved in El-Masri's transfer from Skopje to Kabul.[1471]

# 45. Sri Lanka

Sri Lanka permitted use of its airspace and airports for flights associated with CIA extraordinary rendition operations.

Court documents indicate that at least one flight operated by Richmor Aviation (a company that operated flights for the CIA's extraordinary rendition program)[1472] landed in Sri Lanka in 2003.[1473] The documents show that between August 12 and 15, 2003, a Richmor flight registered as N85VM took off from Washington, D.C., and stopped in Bangkok before making another stop at Sri Lanka's Bandaranaike international airport in Colombo, and then flying on to Kabul, Dubai, and Shannon airport in Ireland.[1474] That flight coincided in time with the capture of Riduan Isamuddin (Hambali) in Bangkok in 2003.[1475] Isamuddin spent the next three years in secret CIA prisons[1476] before ultimately being transferred as a "high value detainee" to Guantánamo Bay in September 2006, where he remains detained.[1477] See the detainee list in Section IV.

There have been no known judicial cases or investigations in Sri Lanka relating to its participation in CIA secret detention and extraordinary rendition operations.

# 46. Sweden

Sweden apprehended individuals and transferred them to CIA custody for extraordinary rendition. It also permitted use of its airspace and airports for extraordinary rendition operations.

In December 2001, the Swedish Security Police secretly apprehended Ahmed Agiza and Muhammed al-Zery (both Egyptian nationals seeking asylum in Sweden) and handed them over to U.S. officials who flew them to Egypt where they were tortured.[1478] Prior to their transfer, U.S. officials cut off their clothes with scissors, forcibly administered sedatives by suppository, swaddled them in diapers, and dressed them in orange jumpsuits before ordering them to be blindfolded, placed in handcuffs and leg irons, and flown to Cairo on a U.S. registered Gulfstream V jet.[1479] The two men report that they were tortured while detained in Egypt; they were subjected to electric shocks to their genitals and forced to lie on an electrified bed frame.[1480] This treatment occurred despite Egypt's assurances to the Swedish government that they would not be tortured, and a post-return monitoring mechanism that involved Swedish diplomats visiting them while they were held in Egyptian custody.[1481] See the detainee list in Section IV.

A 2007 European Parliament report "condemn[ed] the fact that Sweden's expulsion in December 2001 of Mohammed El-Zari and Ahmed Agiza, Egyptian nationals who were seeking asylum in Sweden, was based solely on diplomatic assurances from the Egyptian Government, which did not provide effective safeguards against torture;…acknowledge[d] that the Swedish government hindered them from exercising their rights in accordance with the European Convention, by not informing their lawyers until before they had arrived in Cairo; [and] deplore[d] the fact that the Swedish authorities accepted an US offer to place at their disposal an

aircraft which benefited from special overflight authorisation in order to transport the two men to Egypt."[1482] It further "deplor[ed] the fact that the Swedish security police lost control over the enforcement of the expulsion of Ahmed Agiza and Mohammed El-Zari to Egypt, outside the rule of law, by remaining passive during the degrading treatment of the men by US agents at Bromma airport."[1483] The report fully endorsed the U.N. Human Rights Committee's (HRC) November 6, 2006 decision finding that Sweden had breached the absolute ban on torture as well as the May 20, 2005 U.N. Committee against Torture conclusion that Sweden had violated the U.N. Convention against Torture (CAT).[1484]

A 2006 Council of Europe report noted that "[t]he case of the two Egyptian asylum-seekers 'handed over' by the Swedish authorities to American agents who took them to Egypt, where they were tortured in spite of diplomatic assurances given to Sweden, is another very well documented case."[1485] The report found that Sweden could be held responsible for the human rights violations endured by Agiza and al-Zery.[1486]

In 2003, a complaint on Agiza's behalf was filed before the U.N. Committee against Torture, alleging that Sweden violated its obligations under Article 3 of CAT by removing him to Egypt.[1487] In May 2005, the committee found that Sweden's expulsion of Agiza was in breach of Article 3 of CAT, and that "[t]he procurement of diplomatic assurances, which, moreover, provided no mechanism for their enforcement, did not suffice to protect against this manifest risk."[1488]

Similarly, in 2005, al-Zery submitted a communication to the HRC alleging that Sweden had violated Article 7 of the International Covenant on Civil and Political Rights (ICCPR) which prohibits torture and cruel, inhuman, and degrading treatment.[1489] In November 2006, the HRC found that Sweden's failure to prevent al-Zery's ill-treatment at the airport, its expulsion of him in the face of risk of ill-treatment in Egypt, and its failure to conduct a criminal investigation violated Article 7.[1490]

Also in 2005, Sweden's parliamentary ombudsman, Mats Melin, conducted an investigation of the Swedish government's decision to expel Agiza and al-Zery.[1491] The ombudsman concluded that the Swedish police failed to maintain control at the airport, instead relinquishing control to U.S. officials; that Agiza and al-Zery were treated in an inhumane and unlawful manner that raised questions about violation of Article 3 of the European Convention; and that the Swedish police acted passively and there was inadequate organization within the Security Police.[1492] However, the ombudsman did not call for criminal prosecutions of Swedish officials involved in these criminal activities.[1493]

Finally, in 2008, the Swedish chancellor of justice awarded Agiza and al-Zery approximately three million Swedish kronor (approximately $500,000) each as compensation for Sweden's involvement in their rendition and torture.[1494] In July 2012, Ahmed Agiza was granted permanent residence in Sweden.[1495]

# 47. Syria

Syria detained, interrogated, and tortured extraordinarily rendered individuals. It was one of the "most common destinations for rendered suspects."[1496]

The CIA extraordinarily rendered at least nine individuals to Syria between December 2001 and October 2002.[1497] The case of Maher Arar, a Syrian-born Canadian who was transferred to Syria from New York by the CIA in 2002, is one of the most well-known cases of extraordinary rendition involving Syria.[1498] See the detainee list in Section IV.

Individuals extraordinarily rendered to Syria include Arar, Abdul Halim Dalak, Noor al-Deen, Omar Ghramesh, Bahaa Mustafa Jaghel, Barah Abdul Latif, Mustafa Setmariam Nassar (Abu Musab al-Suri), Yasser Tinawi, and Mohammed Haydar Zammar. See the detainee list in Section IV.

Known detention facilities where extraordinary rendition victims were held in Syria include the Palestine Branch/Far Falastin Prison (in western Damascus) where detainees were held in communal cells and also in an area called "the Grave," which consisted of individual cells that were roughly the size of coffins.[1499] Detainees report incidents of torture involving a chair frame used to stretch the spine (the "German chair") and beatings.[1500]

There have been no known judicial cases or investigations in Syria relating to its participation in CIA secret detention and extraordinary rendition operations.

# 48. Thailand

Thailand hosted a secret CIA prison where detainees were tortured and also apprehended individuals subjected to secret detention and extraordinary rendition. It also allowed the use of its airspace and airports for CIA secret detention and extraordinary rendition operations.

Thailand hosted a secret CIA prison outside Bangkok that was code-named "Cat's Eye," and located on a military base in the northeastern province of Udon Thani.[1501] At least three "high value detainees"—Ramzi Bin al-Shibh, Abu Zubaydah, and Abd al Rahim al Nashiri—were detained and interrogated there.[1502] (In a submission to a 2010 U.N. Joint Study on secret detention, the government of Thailand denied the existence of such a facility).[1503] Abu Zubaydah was waterboarded in Thailand 83 times, and al Nashiri was also waterboarded there.[1504] In November 2005, the CIA destroyed 92 videotapes recording the interrogations of these two detainees.[1505]

Court records show that at least one flight, registered as N85VM and operated by Richmor Aviation (a company that operated CIA extraordinary rendition flights[1506]), landed in Thailand some time between August 12 and 15, 2003.[1507] The timing of this flight coincided with the capture and possible transportation to secret detention of Riduan Isamuddin (Hambali), who was captured in Bangkok on August 11, 2003.[1508] Thai authorities also assisted in the August 14, 2003, capture of Isamuddin in Thailand.[1509] See the detainee list in Section IV.

Other individuals subjected to CIA secret detention and extraordinary rendition operations in Thailand include Mohamad Farik bin Amin (Zubair), Amin Mohammad Abdallah al Bakri, Riduan Isamuddin (Hambali), Mohammed Nazir bin Lep, Saifullah Paracha, Abdullah al-Sadiq (Abdul Hakim Belhadj), and Fatima Bouchar. Mohamad Farik bin Amin (Zubair), a Malaysian national, was apprehended in Thailand on June 8, 2003, before ultimately being detained at Guantánamo Bay.[1510] Amin Mohammad Abdallah al Bakri, a Yemeni national, was seized in Bangkok in 2002 by U.S. or Thai intelligence agents before being secretly detained by the CIA.[1511] Throughout 2003, his location was unknown. During 2003, Thai authorities confirmed to al-Bakri's relatives that he had entered Thai territory, but denied knowledge of his location.[1512] Riduan Isamuddin (Hambali), an Indonesian citizen, was captured on August 14, 2003, in Thailand in a joint U.S.-Thai operation.[1513] Isamuddin told the ICRC that during his four to five day-long detention in Thailand, he was subjected to stress positions while blindfolded with a sack over his head, kept naked, and deprived of solid food.[1514] Similarly, Mohammed Nazir bin Lep, a Malaysian national, was apprehended on August 11, 2003, in Bangkok, Thailand.[1515] Bin Lep alleged that he was held naked for three to four days while detained in Thailand and not provided any solid food until twelve days after his arrest.[1516] He was also subsequently transferred to Guantánamo Bay.[1517] In 2004, Thai authorities detained Libyan nationals Abu Abdullah al-Sadiq (Abdul Hakim Belhadj) and his wife Fatima Bouchar as they were transiting through Bangkok airport.[1518] Al-Sadiq and his wife allege that they were ill-treated by persons they believed to be Thai and U.S. authorities.[1519] They were ultimately extraordinarily rendered to Libya.[1520] See the detainee list in Section IV.

There have been no known judicial cases or investigations in Thailand relating to its participation in CIA secret detention and extraordinary rendition operations.

# 49. Turkey

Turkey captured at least one individual subjected to secret CIA detention, and also allowed use of its airport and airspace for flights associated with CIA extraordinary rendition operations.[1521]

In 2006, Turkish authorities captured Nashwan abd al-Razzaq abd al-Baqi (Abd al-Hadi al-Iraqi), an Iraqi citizen accused of being Al Qaeda's top operational planner in Afghanistan,[1522] and turned him over to the United States.[1523] He was in CIA custody as of late 2006,[1524] and was transferred to Guantánamo Bay in April 2007.[1525] See the detainee list in Section IV.

U.S. court records show that at least one flight—registered as N85VM—operated by Richmor Aviation (a company that operated CIA extraordinary rendition flights)[1526] landed in Adana, Turkey at some point between July 17 and 23, 2002.[1527]

According to a leaked diplomatic cable dated June 8, 2006, and written by Ross Wilson, then U.S. ambassador to Turkey, "the Turkish military had allowed [the U.S.] to use Incirlik as a refueling stop for Operation Fundamental Justice detainee movement operations since 2002, but revoked this permission in February of [2006]."[1528] At least six men were transferred through the Incirlik air base before being transported to Guantánamo Bay, but it is not clear that the CIA (as opposed

to another U.S. agency) was involved in this operation.[1529] These men—Mustafa Aït Idir, Belkacem Bensayah, Lakhdar Boumediene, Boudella El Hadj, Nechla Mohamed, and Saber Lahmar Mahfoud—were arrested in Bosnia and Herzogovina in 2002, taken to a NATO base in Tuzla, and then transferred by a U.S. military C-130 aircraft to Incirlik before being flown to Guantánamo Bay.[1530] A 2007 European Parliament report "[d]eplore[d] the silence of the Turkish authorities concerning the use of their territory for the stopover of an aircraft which had taken to Guantánamo the six nationals of or residents in Bosnia and Herzogovina, of Algerian origin, who were illegally arrested in Bosnia and Herzegovina."[1531]

There have been no known judicial cases or investigations in Turkey relating to its participation in CIA secret detention and extraordinary rendition operations.

# 50. United Arab Emirates

The United Arab Emirates (U.A.E.) captured and initially detained a number of individuals subjected to secret detention and extraordinary rendition operations. Qari Saifullah Akhtar (Amir Harkat-ul-Ansar Qari Saifullah), a Pakistani national, was transferred from the United Arab Emirates to Pakistan in August 2004,[1532] and may have been held in secret CIA custody.[1533] Sanad al-Kazimi, a Yemeni national, was arrested in the United Arab Emirates in January 2003 before being transferred in August 2003 to the CIA's Dark Prison. He described being tortured in incommunicado detention for eight months in U.A.E. custody.[1534] Similarly, Dubai agents captured Abd al Rahim al Nashiri, a Saudi national, in Dubai in November 2002, before he was transferred to secret CIA detention.[1535] See the detainee list in Section IV.

There are no known judicial cases or investigations in the U.A.E. relating to its participation in CIA secret detention and extraordinary rendition operations.

# 51. United Kingdom

The U.K. government assisted in the extraordinary rendition of individuals, gave the CIA intelligence that led to the extraordinary rendition of individuals, interrogated individuals who were later secretly detained and extraordinarily rendered, submitted questions for interrogation of individuals who were secretly detained and extraordinarily rendered, and permitted use of its airspace and airports for flights associated with extraordinary rendition operations.

According to British journalist Ian Cobain, within days of the September 11, 2001, attacks, the CIA informed British intelligence officials at a meeting in the British embassy in Washington of the CIA's plans to abduct and secretly detain Al Qaeda suspects.[1536] Cofer Black, director of the CIA's Counterterrorism Center, made a three-hour long presentation at this meeting in the presence of his MI6 counterpart, Mark Allen.[1537] At a subsequent NATO meeting in October 2001, the U.K. government pledged logistical support to the CIA's extraordinary rendition program, which resulted in CIA flights en route to secret prisons making frequent stopovers in British airports.[1538]

In September 2011, Sami al-Saadi (Abu Munthir), former deputy leader of the Libyan Islamic Fighting Group, reported that the United Kingdom had arranged his extraordinary rendition to Libya in 2004.[1539] He claimed that when he was in China in 2004, the British government approached him through an intermediary to inform him that he could return to Britain if he reported to the British consulate in Hong Kong so that the government could check his political views.[1540] He therefore flew to Hong Kong with his wife and four children but upon their arrival, he and his entire family were arrested at the airport and placed on a plane to Libya.[1541] Documents discovered in Tripoli in 2011 include a March 2004 memorandum from the CIA to Libyan Intelligence that states that "[w]e are aware that your service had been co-operating with the British to effect Abu Munthir's removal to Tripoli" and offers to help pay for the aircraft used by the Libyans to transport Saadi.[1542] Al-Saadi was detained in Libya for six years, and alleges that during this time he was beaten with a black wooden stick that was just over a foot long, whipped with a rope, slapped, kicked, punched, and subjected to electric shocks on the neck, chest, and arms.[1543] Al-Saadi also alleges that MI6 agents questioned him during his imprisonment in Libya.[1544] See the detainee list in Section IV.

The United Kingdom also provided intelligence to the CIA that led to the extraordinary rendition of Abu Abdullah al-Sadiq (Abdul Hakim Belhadj) and his wife, Fatima Bouchar.[1545] The CIA detained Al-Sadiq and Bouchar after it received news of his travels from MI6.[1546] The flight on which al-Sadiq was transported appears to have refueled at the U.S. air base located in Diego Garcia.[1547] See the detainee list in Section IV.

Documents discovered in Tripoli in 2011 confirm that the United Kingdom was involved in helping Libya take custody of al-Sadiq.[1548] MI6's former head of counterterrorism, Sir Mark Allen, wrote in March 2004 to Libya's spy chief under Gaddafi, Moussa Koussa, stating:

> Most importantly, I congratulate you on the safe arrival of Abu Abd Allah Sadiq [Mr Belhadj]. This was the least we could do for you and for Libya to demonstrate the remarkable relationship we have built over the years. I am so glad. I was grateful to you for helping the officer we sent out last week…Amusingly, we got a request from the Americans to channel requests for information from Abu 'Abd Allah through the Americans. I have no intention of doing any such thing. The intelligence on Abu 'Abd Allah was British. I know I did not pay for the air cargo. But I feel I have the right to deal with you direct on this and am very grateful for the help you are giving us.[1549]

Al-Sadiq was subsequently detained in Libyan custody for six years.[1550] He claims that during that time, the U.K. intelligence services knew he was being tortured, and that on several occasions he was interrogated by U.S. and U.K. officials.[1551]

The United Kingdom may also have supplied intelligence that led to the secret CIA detention of Bisher al-Rawi and Jamil el-Banna. A 2007 European Parliament report "[p]oints out that the telegrams from the UK security service MI5 to an unspecified foreign government…suggest that the abduction of Bisher Al-Rawi

and Jamil el-Banna was facilitated by partly erroneous information supplied by the UK security service."[1552] The CIA seized the two men in 2002 while they were on a business trip in Gambia after MI5 provided false information to U.S. authorities that al-Rawi was carrying bomb parts in his luggage.[1553] El-Banna and al-Rawi were secretly detained by the CIA in Afghanistan and later flown to Guantánamo Bay.[1554] See the detainee list in Section IV.

The United Kingdom also interrogated individuals who were subsequently subjected to secret CIA detention and supplied questions to ask of the CIA's detainees. A British intelligence official interrogated Binyam Mohamed, an Ethiopian citizen and British resident, while he was detained in Pakistan in May 2002.[1555] Later, MI5 fed the CIA questions to ask him, knowing that Mohamed was secretly detained in CIA custody in a third country.[1556] In February 2003, MI5 received a report from the United States detailing statements Mohamed made under torture.[1557] A 2007 European Parliament report "[e]mphasise[d] that the former UK Secretary of State for Foreign and Commonwealth Affairs, Jack Straw, conceded in December 2005 that UK intelligence officials met Binyam Mohammed when he was arrested in Pakistan" and "point[ed] out in this respect that some of the questions put by the Moroccan officials to Binyam Mohammed appear to have been inspired by information supplied by the UK."[1558]

In addition, the United Kingdom provided its airspace and airports for use by flights associated with CIA extraordinary rendition operations. A 2007 European Parliament report "[e]xpresse[d] serious concern about the 170 stopovers made by CIA-operated aircraft at UK airports, which on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees."[1559] Reports describe Glasgow's Prestwick airport as a "crucial staging point" in extraordinary rendition circuits.[1560] In addition, two British overseas territories, Diego Garcia and the Turks and Caicos, were used by the CIA extraordinary rendition program on various occasions.[1561] In February 2008, Foreign Secretary David Miliband admitted that in 2002, two extraordinary rendition flights, each carrying one detainee, stopped over in Diego Garcia.[1562] Reprieve has documented 23 suspicious stops between 2001 and 2005 in the Turks and Caicos by aircraft associated with extraordinary renditions.[1563] The alleged aircraft include N379P (also known as N8068V), N313P, N85VM, and N829MG.[1564]

British intelligence officials were also involved in the case of Omar Deghayes, a Libyan national and British resident, who was arrested in April 2002 at his home in Lahore.[1565] According to a 2010 U.N. report, he was detained and abused in Pakistan and then met with U.K. and U.S. officers who took him to Bagram, where he was subjected to further abuse in U.S. custody.[1566] MI5 officers interrogated him multiple times at Bagram.[1567] He was transferred to Guantánamo in August 2002.[1568] At Guantánamo, Deghayes states he underwent abuse including hooding and stress positions, as well as physical abuse which resulted in damage to his right eye, a broken finger, and a broken nose.[1569] He was released in December 2007.[1570] It is not, however, clear whether the CIA (as opposed to another U.S. agency) was involved in Deghayes's case.

There have been a few judicial cases and investigations pertaining to the United Kingdom's involvement in CIA secret detention and extraordinary rendition op-

erations. In May 2008, Reprieve sued Foreign Secretary David Miliband on Binyam Mohamed's behalf, requesting disclosure of British correspondence with the United States relating to Mohamed's detention and interrogation.[1571] Reprieve argued that the British government was "mixed-up" in wrongdoing relating to Mohamed's mistreatment in U.S. custody, and that the documents would be vital to Mohamed's defense in military commission proceedings.[1572] The U.K. government resisted disclosure, arguing that releasing the documents without U.S. permission would damage the United Kingdom's relationship with the United States, and that the United States would cut intelligence-sharing ties with the United Kingdom if this information or the documents themselves were released to the press.[1573] On July 30, 2009, the High Court issued a judgment revealing that U.K. secret services made a far greater contribution to Mohamed's interrogation than they originally admitted, providing questions to his torturers for over twelve months, despite knowing he was held in "covert" detention.[1574] The High Court also ruled that seven paragraphs of an earlier decision that summarized CIA documents passed to MI5 relating to Mohamed's treatment should be unredacted.[1575] On February 10, 2010, the Court of Appeal dismissed the British government's appeal of the High Court judgment and ordered Miliband to reveal evidence of MI5 complicity in the torture of Binyam Mohamed, including the seven-paragraph summary of classified CIA information showing what U.K. agents knew about his treatment.[1576]

In November 2010, the U.K. government entered into a confidential settlement with Bisher al-Rawi, Jamil el-Banna, Richard Belmar, Omar Deghayes, Binyam Mohamed, and Martin Mubanga, who had brought a suit for civil damages against five government departments including MI5 and MI6 for being complicit in their ill-treatment and transfer to Guantánamo Bay.[1577] The settlement followed a May 2010 Court of Appeal decision prohibiting the government from using secret evidence in its defense in the six cases, and requiring allegations of wrongdoing to be heard in public.[1578] In July 2011, the U.K. Supreme Court rejected MI5's appeal of the Court of Appeal judgment.[1579]

In November 2008, Scotland Yard commenced Operation Hinton, an investigation into "alleged involvement of British officials in the ill-treatment and torture of Mr Binyam Mohamed when he was detained in Pakistan between about April and July 2002 and/or when he was detained elsewhere between about July 2002 and early 2004."[1580] The Crown Prosecution Service found that "members of the Security Service provided information to the US authorities about Mr Mohamed and supplied questions for the US authorities to put to Mr Mohamed while he was being detained between 2002 and 2004."[1581] It also found that it could not press charges because there was "insufficient evidence to prove to the standard required in a criminal court that any identifiable individual provided information to the US authorities about Mr. Mohamed or supplied questions for the US authorities to put to Mr. Mohamed, or was party to doing so, at a time when he or she knew or ought to have known that there was a real or serious risk that Mr. Mohamed would be exposed to ill treatment amounting to torture."[1582]

In June 2009, after MI6 itself referred one of its officers to the attorney general, the police commenced Operation Iden, an investigation into the actions of MI6 officers who interrogated suspects at the U.S.-run prison at Bagram, Afghanistan, in January 2002.[1583] Detectives did not take a statement from Shaker Aamer, who is believed

to have been a witness to the interrogation, and who remains detained in Guantánamo Bay.[1584] Noting that "it ha[d] not been possible to obtain access to, or take an account from, the detainee in question in this case," the Crown Prosecution Service concluded that there was "insufficient evidence to provide a realistic prospect of convicting [the MI6 officer in question] of any criminal offence."[1585]

In July 2010, the U.K. government announced its intention to launch an inquiry into the involvement of U.K. officials in the mistreatment of detainees abroad, once related criminal and civil cases had been resolved.[1586] The terms of reference for the inquiry were to "examine whether, and if so to what extent, the UK Government and its security and intelligence agencies in the aftermath of 9/11: i. were involved in improper treatment, or rendition, of detainees held by other countries in counter terrorism operations overseas; and/or ii. were aware of improper treatment, or rendition, of detainees held by other countries in counter terrorism operations in which the UK was involved."[1587] In August 2011, a number of U.K.-based NGOs and lawyers for some of the detainees announced that they would not cooperate with the inquiry because "the issue of what material may be disclosed to the public [would] not be determined independently of Government and, further, that there [would] be no meaningful participation of the former and current detainees and other interested third parties."[1588] In January 2012, the U.K. government decided to abandon this investigation.[1589]

In January 2012, the Crown Prosecution Service and the Metropolitan police established a joint panel to look into evidence that U.K. intelligence agencies were involved in the extraordinary rendition of Abdullah al-Sadiq (Abdul Hakim Belhadj) and Sami al-Saadi, who claim to have been tortured after being returned to Libya by a joint U.K./U.S. operation.[1590] At the end of January 2012, the two men sued Mark Allen, MI6's former head of counterterrorism, for civil damages.[1591] In April 2012, al-Sadiq and his wife sued former Foreign Secretary Jack Straw alleging his complicity in the torture and abuse that they suffered at the hands of Thai, U.S., and Libyan officials, as well as malfeasance in public office.[1592] In December 2012, the British government paid al-Saadi £2.23m to settle his lawsuit without admitting liability.[1593]

# 52. Uzbekistan

The CIA may have extraordinarily rendered terrorist suspects to Uzbekistan. In addition, Uzbekistan permitted use of its airspace and airports for flights associated with the CIA's extraordinary rendition operations.

In May 2005, the *New York Times* reported that "a half-dozen current and former intelligence officials working in Europe, the Middle East and the United States" had confirmed that the United States had sent terrorist suspects to Uzbekistan for detention and interrogation.[1594] According to the report, "the C.I.A. declined to comment on the prisoner transfer program, but an intelligence official estimated that the number of terrorism suspects sent by the United States to Tashkent was in the dozens."[1595] According to an August 2009 BBC report, Ikrom Yakubov, an Uzbek intelligence officer who was granted political asylum in the United Kingdom, stated that the United States had rendered terrorist suspects for questioning to Uzbekistan.[1596] A 2010 U.N. report further cites an August 2009 *Der Spiegel* report that, in

an arrangement between the private security firm Blackwater and the CIA, Blackwater and its subsidiaries had been commissioned "to transport terror suspects from Guantánamo to interrogations at secret prison camps in Pakistan, Afghanistan and Uzbekistan."[1597]

In addition, according to the *New York Times* report, flight logs show that at least seven flights associated with the CIA's extraordinary rendition program arrived in Tashkent from early 2002 to late 2003.[1598] The 2010 U.N. report notes that flight N313P—which was associated with CIA extraordinary renditions—stopped in Uzbekistan in a circuit that also involved Afghanistan, Poland, Romania, and Morocco, as well as Guantánamo Bay.[1599]

There are no known judicial cases or investigations in Uzbekistan relating to its participation in CIA secret detention and extraordinary rendition operations.

# 53. Yemen

Yemen detained extraordinarily rendered individuals at the request of the United States. U.S. officials detained and abused Mohamed al-Asad in three secret CIA prisons before transferring him to Yemen.[1600] Al-Asad was tried in Yemen for forging travel documents, convicted, and sentenced to time served, including time spent imprisoned outside Yemen.[1601] After spending time in a CIA facility in Afghanistan, Khaled al-Makhtari, a Yemeni national, was also held in the political security prison in Sana'a for sixteen days, and then transferred to a jail in Hodeidah.[1602] He was eventually released in Yemen in May 2007.[1603] Mohamed Farag Ahmad Bashmilah was also transferred from Afghanistan and detained in Aden, Yemen.[1604] Similarly, Salah Nasir Salim Ali Qaru (Marwan al-Adeni) was flown to Yemen in May 2005, tried in February 2006 on a charge of forgery in connection with obtaining a false travel document, which he pled guilty to, and released in Aden in March 2006 on the basis of time served.[1605] Amnesty International reports that Yemeni officials "had been given explicit instructions by the U.S. government to continue to detain the three men [Mohamed al-Asad, Mohamed Farag Ahmad Bashmilah, and Salah Nasir Salim Ali Qaru]."[1606] See the detainee list in Section IV.

There are no known judicial cases or investigations in Yemen relating to its participation in CIA secret detention and extraordinary rendition operations.

# 54. Zimbabwe

Zimbabwe has detained extraordinarily rendered individuals.

Fahad al Bahli, Ibrahim Habaci, Khalifa Abdi Hassan, Mahmud Sardar Issa, and Arif Ulusam were arrested in June 2003 in Malawi, in a joint operation involving the CIA and Malawi's National Intelligence Bureau, flown to Harare, Zimbabwe, where they were held for almost a month, and ultimately flown to Sudan where they were released.[1607] See the detainee list in Section IV. There have been no known judicial cases or investigations in Zimbabwe relating to its participation in CIA secret detention and extraordinary rendition operations.

# Section VI
# CONCLUSION

The human rights violations associated with CIA secret detention and extraordinary rendition operations were significant and systemic. But the United States and most of its partner governments have yet to meaningfully acknowledge their role in perpetrating these violations or provide appropriate redress to the victims. Moreover, the United States has still not repudiated the unlawful practice of extraordinary rendition. Indeed, President Obama's January 2009 executive order directing the closure of CIA detention facilities did not apply to facilities used for short term, transitiory detention, and was reportedly crafted to preserve the CIA's authority to detain terrorist suspects prior to rendering them to another country for interrogation or trial. In addition, recent reports of secret detention by or with the involvement of the CIA or other U.S. agencies remain a source of significant concern.

Despite the efforts of the United States and its partner governments to withhold information relating to secret detention and extraordinary rendition, further public revelations on this subject, such as those documented in this report, are likely to continue. At the same time, although U.S. courts have largely closed their doors to victims of secret detention and extraordinary rendition, legal challenges to these practices are filtering through courts around the world. The European Court of Human Rights recently held that Macedonia's participation in Khaled El-Masri's abduction, torture, and secret detention violated the European Convention on Human Rights, and that his treatment by the CIA amounted to torture. Italy's Court of Cassation upheld the convictions of U.S. and Italian officials for their role in the extraordinary rendition of Abu Omar to Egypt. As of the time of this writing, other legal challenges to secret detention and extraordinary rendition operations are pending against Italy, Lithuania, Poland, and Romania before the European Court of Human Rights; against Djibouti before the African Commission on Human and Peoples' Rights; and against domestic authorities or officials in Egypt, Hong Kong, Italy, and the United Kingdom.

Especially in the face of these developments, the time has come for the United States and its partner governments to admit to the truth of their involvement in secret detention and extraordinary rendition, repudiate these practices, and conduct effective investigations directed at holding officials accountable. These measures are essential not only for ensuring that torture and other human rights violations have no place in future counterterrorism operations, but also for ensuring the effectiveness of these operations. Indeed, as recognized in the Global Counter-Terrorism Strategy adopted by the United Nations General Assembly in 2006, "effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing."

# ENDNOTES

1 Vice President Dick Cheney, Interview by Tim Russert, "Meet the Press," *NBC News*, Sep. 16, 2001.

2 The terms "extraordinary rendition" and "rendition" have no publicly available official U.S. government definition, and are variously used. This report distinguishes post-September 11, 2001, "extraordinary rendition" from pre-September 11, 2001, "rendition," which is defined here as the transfer-without legal process-of a detainee into the United States or to the custody of a foreign government for purposes of criminal prosecution. "Legal process" means procedures prescribed by law for the detainee to challenge the transfer before judicial or administrative adjudicative authorities prior to transfer.

3 Afghanistan presents a special case in light of U.S.-led military operations which commenced there on October 7, 2001. However, an Afghan Interim Authority, formed under the "Bonn Agreement," took office in Kabul on December 22, 2001, with Hamid Karzai as Chairman, and held office for about six months while preparing for a nationwide "Loya Jirga" (Grand Council) in mid-June 2002 that decided on the structure of a Transitional Authority. The Transitional Authority, headed by President Hamid Karzai, renamed the government as the Transitional Islamic State of Afghanistan (TISA). See U.S. State Dep't, "Background Note: Afghanistan," Nov. 28, 2011, available at http://www.state.gov/outofdate/bgn/afghanistan/191350.htm. Afghanistan continued to host CIA detention and rendition operations well after the formation of this government.

4 Hong Kong is a Special Administrative Region of the People's Republic of China. It is, however, a customs territory and economic entity separate from the rest of China and is able to enter into international agreements on its own behalf in commercial and economic matters. See U.S. State Dep't, "U.S. Relations With Hong Kong," July 3, 2012, available at http://www.state.gov/r/pa/ei/bgn/2747.htm.

5 Sources for the factual assertions made in this report are provided in accompanying endnotes. The extraordinary level of government secrecy associated with secret detention and extraordinary rendition means that it is impossible to corroborate every factual assertion in this report. Notwithstanding, the information presented here demonstrates that the human rights abuses associated with these operations were significant and systemic, and the scale of foreign government participation in these operations was substantial and far greater than previously realized. As such, any gaps in information only underscore the need for further disclosures and investigations on the part of governments that participated in secret detention and extraordinary rendition operations.

6 The terms "extraordinary rendition" and "rendition" have no publicly available official U.S. government definition, and are variously used. This report distinguishes post-September 11, 2001, "extraordinary rendition" from pre-September 11, 2001, "rendition," which is defined here as the transfer-without legal process-of a detainee into the United States or to the custody of a foreign government for purposes of criminal prosecution. "Legal process" means procedures prescribed by law for the detainee to challenge the transfer before judicial or administrative adjudicative

authorities prior to transfer. This report does not document secret detention, extra-legal transfers, and associated post-September 11, 2001, abuses conducted by U.S. agencies other than the CIA.

7 Senate Select Committee on Intelligence and House of Representatives Permanent Select Committee on Intelligence, Testimony of Cofer Black, former chief of the DCI's Counterterrorism Center, CIA, "Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001," Sep. 26, 2002, available at http://www.fas.org/irp/congress/2002_hr/092602black.html.

8 Dana Priest and Barton Gellman, "U.S. Decries Abuse but Defends Interrogations: 'Stress and Duress' Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities," *Washington Post*, Dec. 26, 2002, available at http://www.washingtonpost.com/wp-dyn/content/article/2006/06/09/AR2006060901356.html.

9 "Legal process" means procedures prescribed by law for the detainee to challenge the transfer before judicial or administrative adjudicative authorities prior to transfer.

10 See Stephen Grey, *Ghost Plane* (2007) at 149.

11 Like the term "extraordinary rendition," the term "rendition" also lacks an official U.S. government definition, and is variously used.

12 118 U.S. 436, 440-443 (1886).

13 Ibid. at 440.

14 *Ker v. Illinois*, 118 U.S. 436, 444 (1886).

15 342 U.S. 519, 522 (1952).

16 504 U.S. 655, 670 (1992).

17 Margaret Satterthwaite and Angelina Fisher, *Tortured Logic: Renditions to Justice, Extraordinary Rendition, and Human Rights Law*, The Long Term View, Vol. 6, (2006), at 55. A partially declassified version of the National Security Decision Directive 207 is available at http://www.fas.org/irp/offdocs/nsdd/nsdd-207.pdf.

18 Margaret Satterthwaite and Angelina Fisher, *Tortured Logic*: *Renditions to Justice, Extraordinary Rendition, and Human Rights Law*, The Long Term View, Vol. 6, (2006) at 57.

19 See U.S. State Dep't, *Patterns of Global Terrorism 2001*, May 2002, at 131, Appendix D (listing extraditions and renditions to the United States from 1993-2001), available at http://www.state.gov/documents/organization/10319.pdf.

20 William J. Clinton, Memorandum from the White House for the Vice President et al, "U.S. Policy on Counterterrorism," June 21, 1995, (PDD 39), available (in heavily redacted form) at www.fas.org/irp/offdocs/pdd39.htm.

21 Margaret Satterthwaite and Angelina Fisher, *Tortured Logic: Renditions to Justice, Extraordinary Rendition, and Human Rights Law*, The Long Term View, Vol. 6, (2006) at 57.

22 Committee on Foreign Affairs, Statement of Michael F. Scheuer, former Chief of Bin Laden Unit of the CIA, at United States House of Representatives, "Extraordinary Rendition in U.S. Counterterrorism Policy: The Impact on Transatlantic Relations," Serial No. 110-28, Apr. 17, 2007 at 12, available at http://foreignaffairs.house.gov/110/34712.pdf.

23 National Commission on Terrorist Attacks Upon the United States, "Diplomacy: Staff Statement No. 5" Mar. 23, 2004 at 2, available at http://govinfo.library.unt.edu/911/staff_statements/staff_statement_5.pdf (Emphasis added);

24 Jane Mayer, "Outsourcing Torture: The Secret History of America's 'Extraordinary Rendition' Program," New Yorker, Feb. 14, 2005 at 109, available at http://www.newyorker.com/archive/2005/02/14/050214fa_fact6.

25 Ibid.

26 Ibid.; Human Rights Watch, *Double Jeopardy* (2008) at 6.

27 Jane Mayer, "Outsourcing Torture: The Secret History of America's 'Extraordinary Rendition' Program," *New Yorker*, Feb. 14, 2005.

28 Ibid.

29 Ibid.

30 National Commission on Terrorist Attacks Upon the United States," Statement by George Tenet, former Director of Central Intelligence, "Eighth Public Hearing," Mar. 24, 2004, available at http://www.9-11commission.gov/archive/hearing8/9-11Commission_Hearing_2004-03-24.htm. It is not clear what definition of rendition this figure was based on, but it probably included about 20 renditions into the United States. See Douglas Jehl and David Johnston, "Rule Change Lets C.I.A. Freely Send Suspects Abroad to Jails," *New York Times*, Mar. 6, 2005, available at http://www.nytimes.com/2005/03/06/politics/06intel.html.

31 Douglas Jehl and David Johnston, "Rule Change Lets C.I.A. Freely Send Suspects Abroad to Jails," *New York Times*, Mar. 6, 2005; Jane Mayer, "Outsourcing Torture: The Secret History of America's 'Extraordinary Rendition' Program," *New Yorker*, Feb. 14, 2005.

32 Stephen Grey, *Ghost Plane* (2007) at 149; see also Douglas Jehl and David Johnston, "Rule Change Lets C.I.A. Freely Send Suspects Abroad to Jails," *New York Times*, Mar. 6, 2005 ("The unusually expansive authority for the C.I.A. to operate independently was provided by the White House under a still-classified directive signed by President Bush within days of the Sept. 11, 2001, attacks at the World Trade Center and the Pentagon, the officials said.").

33 Ibid, Jehl and Johnston.

34 Dana Priest and Barton Gellman, "U.S. Decries Abuse but Defends Interrogations; 'Stress and Duress' Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities," *Washington Post*, Dec. 26, 2002.

35 Douglas Jehl and David Johnston, "Rule Change Lets C.I.A. Freely Send Suspects Abroad to Jails," *New York Times*, Mar. 6, 2005.

36 Condoleezza Rice, U.S. Sec'y of State, "Remarks Upon Her Departure for Europe," Dec. 5, 2005, available at http://2001-2009.state.gov/secretary/rm/2005/57602.htm.

37 Ibid, Jehl and Johnston.

38 Senate Select Committee on Intelligence, Testimony of the Director of Central Intelligence Porter J. Goss, "Global Intelligence Challenges 2005: Meeting Long-Term Challenges with a Long-Term Strategy," Feb. 16, 2005, available at https://www.cia.gov/news-information/speeches-testimony/2005/Goss_testimony_02162005.html.

39 Human Rights Watch, *Still at Risk: Diplomatic Assurances No Safeguard Against Torture* (2005) at 22, 33.

40 Ibid. at 25, 57-60.

41 See Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals*, 287 (2008) (reporting that the CIA's inspector

general investigated "seven or eight other cases like Masri in which the CIA had apparently abducted and jailed the wrong people in its black sites"); Dana Priest, "Wrongful Imprisonment: Anatomy of a CIA Mistake," *Washington Post*, Dec. 4, 2005 (citing "several former and current intelligence officials" confirming that the inspector general was investigating "a growing number" of suspected "erroneous renditions," including that of "[o]ne who turned out to be an innocent college professor who had given the al Qaeda member a bad grade"); "CIA Watchdog Looks into "Erroneous Renditions," *MSNBC.com*, available at http://www.msnbc.msn.com/id/10618427 (citing confirmation by "a current intelligence official" that the CIA's inspector general, John Helgerson, was investigating "fewer than 10 cases" of "erroneous renditions").

42 Dana Priest, "Wrongful Imprisonment: Anatomy of a CIA Mistake," *Washington Post*, Dec. 4, 2005.

43 In September 2010, the Open Society Justice Initiative filed requests under the Freedom of Information Act with the CIA, FBI, and the Departments of Justice, State, and Homeland Security, seeking disclosure of documents relating to these investigations.

44 See *ACLU v. Dep't of Defense*, 04 Civ. 4151, Sixth Declaration of Marilyn A. Dorn, Information Review Officer, Central Intelligence Agency, Jan. 5, 2007, at 4, 10, 34-35, available at www.aclu.org/pdfs/safefree/20070110/cia_dorn_declaration_items_1_29_61.pdf (acknowledging existence of a 14-page memorandum from President Bush to the CIA Director, pertaining to the CIA's authorization to detain terrorists). See also Mark Danner, "U.S. Torture: Voices from the Black Sites, " *New York Review of Books*, Apr. 9, 2009, available at http://www.nybooks.com/articles/archives/2009/apr/09/us-torture-voices-from-the-black-sites/?pagination=false; Central Intelligence Agency, "Memo to DOJ Command Center - Background Paper on CIA's Combined Use of Interrogation Techniques," Dec. 30, 2004 ("CIA Background Paper"), available at http://www.aclu.org/torturefoia/released/082409/olcremand/2004olc97.pdf (describing coercive interrogation methods applied on detainees at black sites).

45 As noted above, there is no publicly available official definition of "extraordinary rendition" as distinct from "secret detention," and publicly available U.S. government documents refer to these operations by various terms. A December 2004 CIA memorandum characterized the transfer of detainees to black sites as rendition. See CIA Background Paper, at 2; see also Dana Priest and Barton Gellman, "U.S. Decries Abuse but Defends Interrogations: 'Stress and Duress' Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities," *Washington Post*, Dec. 26, 2002. In some instances, U.S. government documents refer jointly to the "Rendition, Detention and Interrogation Program. *ACLU v. Dep't of Defense*, 04 Civ. 4151, Vaughn Index of CIA OIG Remand Documents, Aug. 31, 2009, at 1, available at http://www.thetorturedatabase.org/files/foia_subsite/pdfs/20090831_govt_vaughn_index_oig_remand_docs.pdf (referring to a May 7, 2004 report withheld by the U.S. government as a "special review of the CIA Terrorist Rendition, Detention and Interrogation (RDI) program."); see also CIA Office of Medical Services, "OMS Guidelines on Medical and Psychological Support to Detainee Rendition Detention and Interrogation," May 17, 2004, available at http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf.

46 President George W. Bush, Transcript of President Bush's Remarks, "Speech from the East Room of the White House," Sep. 6, 2006, available at http://georgewbush-whitehouse.archives.gov/news/releases/2006/09/20060906-3.html ("a small number of suspected terrorist leaders and operatives captured during the war have been

held and questioned outside the United States in a separate program operated by the Central Intelligence Agency."). The program operated pursuant to President Bush's September 17, 2001, directive, which granted the CIA the authority to set up secret detention facilities outside the United States where it could interrogate detainees. See *ACLU v. Dep't of Defense*, 04 Civ. 4151, Eighth Declaration of Marilyn A. Dorn, Jan. 5, 2007, at para. 66, available at http://www.aclu.org/files/pdfs/natsec/20070105_Dorn_Declaration_8.pdf; see also Mark Danner, "U.S. Torture: Voices from the Black Sites," *New York Review of Books*, Apr. 9, 2009.

47 President George W. Bush, Transcript of President Bush's Remarks, "Speech from the East Room of the White House," Sep. 6, 2006.

48 Adam Goldman and Matt Apuzzo, "Romania CIA Prison: Central Intelligence Agency Used Secret Makeshift Prison For Its Most Valuable Detainees," *Huffington Post*, Dec. 19, 2011, available at http://www.huffingtonpost.com/2011/12/08/romania-cia-prison_n_1135799.html; Adam Goldman and Monica Scislowska, "Poles urged to probe CIA prison acts," *Washington Times*, Sep. 21, 2010, available at http://www.washingtontimes.com/news/2010/sep/21/poles-urged-probe-cia-prison-acts/?page=all.

49 George W. Bush, *Decision Points* (2010) at 171. According to a July 20, 2007 Office of Legal Counsel memorandum, from March 2003 until July 20, 2007, the CIA had custody of a total of 98 detainees, and it used "enhanced interrogation techniques" on about 30 of them. U.S. Justice Dep't Office of General Counsel, Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant General, "Re: Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 2 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees," July 20, 2007 at 5, available at https://www.aclu.org/files/torturefoia/released/082409/olc/2007%20OLC%20opinion%20on%20Interrogation%20Techniques.pdf. According to a previous Office of Legal Counsel memorandum, on May 30, 2005, the CIA had held 94 detainees in its custody and applied "enhanced interrogation techniques" to 28 of them. U.S. Justice Dep't Office of General Counsel, Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, "Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees," May 30, 2005 at 5, available at http://media.luxmedia.com/aclu/olc_05302005_bradbury.pdf.

50 See Central Intelligence Agency, "Memo to DOJ Command Center - Background Paper on CIA's Combined Use of Interrogation Techniques," Dec. 30, 2004, at 4-8, available at http://www.aclu.org/torturefoia/released/082409/olcremand/2004olc97.pdf (describing coercive interrogation methods applied on detainees at black sites); CIA Office of Inspector General, "Counterterrorism Detention and Interrogation Activities (Sep. 2001 - Oct. 2003)," May 7, 2004 at 15, available at http://media.luxmedia.com/aclu/IG_Report.pdf.

51 George W. Bush, *Decision Points* (2010) at 169-171. Although the Bush administration acknowledged only three instances of waterboarding, a Human Rights Watch report describes an additional instance of waterboarding by the CIA, on Mohammed Shoroeiya in Afghanistan in 2003. See Human Rights Watch, *Delivered into Enemy Hands: U.S.-Led Abuse and Rendition of Opponents to Gaddafi's Libya* (2012) at 2, 4-5, 47; Charlie Savage and Scott Shane, "Libyan Alleges Waterboarding by C.I.A., Report Says," *New York Times*, Sep. 6, 2012.

52 Testimony of Michael V. Hayden, Senate Select Committee on Intelligence Hearing, February 5, 2012.

53 Daniel Kanstroom, "On "Waterboarding": Legal Interpretation and the Continuing Struggle for Human Rights," *Boston College International and Comparative Law Review*, Vol. 32, Iss. 2 (2009) at 205.

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the international legal obligations of Council of Europe member States in respect of secret detention facilities and inter-State transport of Prisoners, Opinion no. 363/2005, CDL-AD(2006)009, Mar. 17, 2006, paras 78-82, available at http://www.venice.coe.int/docs/2006/CDL-AD(2006)009-e.asp (opining that "counter-terrorist measures which are part of what has sometimes been called 'war on terror' are not part of an 'armed conflict' in the sense of making the regime of International Humanitarian Law applicable to them.")

123 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), art. 12, Dec. 10, 1984, 1465 U.N.T.S. 85, 23 I.L.M 1027 ("Convention against Torture"); International Covenant on Civil and Political Rights, arts. 2, 7, Dec. 16, 1966, 999 U.N.T.S. 171, 6 I.L.M. 368 ("ICCPR").

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159 See International Committee of the Red Cross, "Customary International Humanitarian Law," Mar. 2005, Rule 98, available at http://www.icrc.org/ihl.nsf/FULL/612?OpenDocument ("Enforced disappearance is prohibited"); see generally, U.N. Human Rights Council, *Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism* (2010) ("U.N. Joint Study on Secret Detention") at paras 54-56, available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf.

160 Geneva Convention IV, art 49. The term "protected persons" includes nationals of states party to the Convention who are not otherwise protected by the First, Second, and Third Geneva Conventions. Ibid. art. 4.

161 See Human Rights Committee, Communication No. R.12/52: *Burgos v. Uruguay*, para. 13, Supp. No. 40, U.N.DOC. A/36/40 (1981) (finding that "the act of abduction [of individuals by Uruguayan officials in Argentina] into Uruguayan territory constituted an arbitrary arrest and detention" in violation of Article 9 of the ICCPR); Human Rights Committee, Communication No. 56/1979: *Celiberti de Casariego v. Uruguay*, para. 11, U.N. DOC. CCPR/C/13/D/56/1979 (1981) (finding that "the act of abduction [of individuals by Uruguayan officials in Brazil] into Uruguayan territory constituted an arbitrary arrest and detention" in violation of Article 9 of the ICCPR). International case law on the legality of renditions to criminal prosecution is not as fully developed for contexts where there is no risk of post-transfer torture or ill-treatment as compared to where this risk exists. In *Öcalan v. Turkey*, the European Court of Human Rights found that Turkey's capture of a PKK leader in Kenya did not violate Article 5§1 of the European Convention because Turkish courts had issued several warrants for his arrest and Kenya had apparently cooperated in the operation. The Court did, however, find a violation of Article 5 §3 on account of the failure to bring the applicant before a judge promptly after his arrest. *Öcalan v. Turkey*, ECtHR (GC), Judgment of May 12, 2005, paras. 83-99, 103-105. See also *Prosecutor v. Dragan Nikolic*, Decision on Interlocutory Appeal Concerning Legality of Arrest, Case No. IT-94-2-PT, A. Ch., June 5, 2003, paras. 11-12 (declining to relinquish jurisdiction over an accused unless his transfer entailed "serious" human rights violations akin to torture or cruel, inhuman or degrading treatment). Domestic courts vary in how they address the legality of rendition for criminal prosecution, including in the context of post-transfer challenges to a court's jurisdiction to try the rendered individual. Compare *Bennett v. Horseferry Road Magistrates Court* (1993) 3 All E.R. 138, 141 (H.L.) (where a defendant had been brought back to the U.K. in disregard of available extradition process, U.K. courts should take cognizance of those circumstances and refuse to try the defendant), *Zuhura Suleiman v. Commissioner of Police and three others*, High Court of Kenya at Nairobi, Miscellaneous Application 441 of 2010, Sep. 30, 2010 (Kenya's transfer of Kenyan national to Uganda without arrest warrant or formal request from Uganda in circumvention of extradition treaty violated his fundamental rights and liberties and was illegal) and *State v. Ebrahim*, 31 I.L.M. 888 (S. Afr. S. Ct. 1991) (South African court had

no jurisdiction over a defendant abducted from Swaziland and brought to South Africa) with *Att'y Gen. of Isr. v. Eichmann*, 36 I.L.R. 277, 304-08 (Sup. Ct. 1962) (Israel's abduction of Nazi officer Adolf Eichmann from Argentina was no ground for denying to the court the competence to try him) and *United States v. Alvarez Machain*, 504 U.S. 655, 670 (1992) (an individual's forcible abduction from Mexico despite the existence of a valid extradition treaty did not prohibit his trial in a U.S. court for violations of the U.S. criminal law).

162 International Law Commission (ILC), Draft Articles on Responsibility of States for Internationally Wrongful Acts, art. 16, U.N. Doc. A/RES/56/83 (Aug. 9, 2001). The ILC Articles were adopted by the International Law Commission on August 9, 2001, and commended to governments by a resolution of the General Assembly on December 12, 2001. Article 16 reflects a rule of customary international law. See Application of the Convention on the Prevention and Punishment of the Crime of Genocide International Court of Justice (*Bosnia and Herzegovina v. Serbia and Montenegro*), Judgment, 2007 I.C.J. 43, para. 420 (Feb. 26, 2007).

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## OPEN SOCIETY JUSTICE INITIATIVE

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Following the terrorist attacks of September 11, 2001, the Central Intelligence Agency embarked on a highly classified program of secret detention and extraordinary rendition of terrorist suspects. The program was designed to place detainee interrogations beyond the reach of law. Suspected terrorists were seized and secretly flown across national borders to be interrogated by foreign governments that used torture, or by the CIA itself in clandestine "black sites" using torture techniques.

*Globalizing Torture* is the most comprehensive account yet assembled of the human rights abuses associated with secret detention and extraordinary rendition operations. It details for the first time the number of known victims, and lists the foreign governments that participated in these operations. It shows that responsibility for the abuses lies not only with the United States but with dozens of foreign governments that were complicit.

More than 10 years after the 2001 attacks, *Globalizing Torture* makes it unequivocally clear that the time has come for the United States and its partners to definitively repudiate these illegal practices and secure accountability for the associated human rights abuses.

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