



the facts about cia ghost detention

guantanamo
global
justice
initiative

what is "ghost detention"?

Soon after September 11, reports began appearing that people were being picked up around the world and held in secret by the U.S. government, often by the Central Intelligence Agency (CIA). These people weren't being held by their own countries' intelligence or security services, and they weren't being openly held by the U.S. military. Instead, they were lost in the black hole of enforced disappearances, becoming "ghosts" held in secret prisons unknown to anyone in the outside world. These secret prisons became known as "black sites" and are located around the world - reportedly in Thailand, Afghanistan, Eastern Europe, and elsewhere.

The program of secret detention has operated for over five years. Authorized by a September 17, 2001 classified presidential directive - which remains undisclosed to the present day - the CIA's secret detention program holds people in secret facilities, their detention often unacknowledged, and barred from communication with family, legal counsel, or anyone in the outside world.

It was not until September 2006 that President George W. Bush officially and publicly acknowledged the program, declaring that the CIA had been holding people in secret detention facilities around the world. President Bush boldly asserted that the U.S. government had the right to continue to do so. At the same time, Bush announced the transfer of 14 so-called "high-value detainees" to the Guantánamo Bay detention facility in Cuba, for the first time acknowledging that these men had been held in ghost detention for years. While Bush stated that the sites were then "empty," he left open the possibility of using them again in the future. In addition to a number of individuals who have been suspected for some time to be held in CIA "ghost detention," Bush announced in April 2007 the transfer of another "high-profile detainee" to Guantánamo Bay from CIA secret custody, making it clear that the program continues to operate - in secret, and without oversight.

is this legal?

An enforced disappearance takes place when the government arrests, detains, or abducts a person and then refuses to acknowledge the arrest or detention, or to

divulge the location of the person detained. Enforced disappearances place victims outside the protection of the law without access to anyone who can protect them. Individuals detained by the U.S. in secret facilities are victims of enforced disappearances as defined by international human rights law. Enforced disappearances involve violations of numerous treaties that the U.S. has signed onto; they also violate international humanitarian law. International law considers enforced disappearance a continuing violation, ongoing until the fate or the whereabouts of the disappeared person are revealed.

what are conditions like?



The cover of the new report, *Off the Record: U.S. Responsibility for Enforced Disappearances in the "War on Terror,"* released in June 2007 by the Center for Constitutional Rights with five other major human rights organizations.

The U.S. government has acknowledged using so-called "enhanced interrogation techniques" or "alternative interrogation techniques" against ghost detainees held in black sites. One such technique is "waterboarding," a form of mock execution where a detainee is strapped to a board and water is poured over him, causing him to physically experience the sensation of drowning. Some of these techniques amount to torture and cruel, inhuman, or degrading treatment. Various accounts of individuals who have been released from secret prisons intersect in their experiences of abuse, including sleep deprivation, forced standing, and exposure to extreme cold.

To this day, the government has resisted providing any legal access to those men in Guantánamo Bay who were transferred there from CIA custody. Public transcripts of the detainees' preliminary military hearings reveal time and again that they speak of experiencing torture, yet the government has redacted all of their descriptions of the torture they experienced, preventing their stories from reaching the public eye.

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what else is the government doing?

The government has constructed a detention system of international scope for those it designates as “terrorists,” capturing these men and holding them in a web of extralegal facilities and secret locations and preventing them from accessing the courts or the outside world. This system includes the transfer of some men to third countries, often where they are subject to torture and abuse (so-called “extraordinary rendition”); detention in acknowledged facilities that the government claims to be outside standard legal authority (Guantánamo Bay and prisons in Afghanistan and Iraq); detention in secret facilities (ghost detention); and detention in foreign-controlled facilities at the behest of the U.S. government (proxy detention). In all cases, detainees are deprived of substantive protections of their rights, and reports of torture and abuse are common.

who are the ghost detainees?

A number of individuals from many countries have been held in secret detention. CCR represents one individual, Majid Khan, who was a legal resident of Baltimore, Maryland, and who was detained for years in secret prison before being transferred to Guantánamo. The government has refused to allow his attorneys to visit him for fear that he would disclose the location of the secret detention facilities and the types of coercive interrogation techniques used against him. A new report, *Off the Record: U.S. Responsibility for Enforced Disappearances in the “War on Terror,”* produced by the Center for Constitutional Rights and five other human rights organizations provides specific information about individuals believed to be held, or to have been held, in secret detention whose fate is still unknown. In some cases, family members – including young children – of suspects have been detained themselves and held in secret sites. This has included children as young as 7 who have reportedly been intentionally abused in custody. Aafia Siddiqui, a woman believed to be held in CIA secret detention, has been missing since 2003 along with her three children, aged 7, 5, and 6 months.

what should be done?

Secret detention is a violation of international law and an affront to principles of human rights or justice. The United States must cease the use of secret detention and must immediately make known the names and whereabouts of all detainees; provide the Red Cross with immediate access to the men, women and children held in secret detention; allow them access to attorneys and family members; and either charge detainees with a crime or release them. In addition, the U.S. government must stop the detention of family members of suspects based on their family relationships and provide compensation to those who have been victims of secret detention. Other countries also have a responsibility—they should not facilitate secret detention or allow secret prisons on their territory and should release the information they have about such programs.

what is ccr doing about this?

The Center for Constitutional Rights, along with two other human rights organizations, filed a Freedom of Information Act (FOIA) lawsuit against the government, demanding they release requested information about the program. This lawsuit attempts to remove the shroud of secrecy and silence surrounding this program and open its operations to the public eye and meaningful oversight. CCR provides legal representation to Majid Khan, one of the 15 men transferred from secret detention to Guantánamo Bay and the only one who is currently represented. CCR has been active in working to secure Majid Khan’s rights despite the fact that the government has refused to allow his attorneys to visit him in Guantánamo and potentially learn more about the secret detention program. Lastly, CCR, along with five other human rights organizations, recently released the report, *Off the Record: U.S. Responsibility for Enforced Disappearances in the “War on Terror,”* that details the ghost detention program and that details the ghost detention program and those detainees whose whereabouts are still unknown.

take action!

Outraged that CIA secret detention is taking place in your name? Want to do something about it? You can!

DOWNLOAD THE REPORT, *Off the Record: U.S. Responsibility for Enforced Disappearances in the “War on Terror,”* from the CCR website, www.ccr-ny.org. Read it, make photocopies, and distribute it to friends. Forward it to them in email!

INFORM OTHERS. Take this factsheet and the entire report. Make copies, hand them out, post them on bulletin boards, and leave them on tables at school, your workplace, your place of worship, community centers, local businesses, or anywhere else there may be an audience. Find out more at www.ccr-ny.org

WRITE letters to the editor or op-eds for your local or school newspaper. These are an easy way to inform ALL the readers of a publication about what is happening in CIA secret detention.

HOST an event, film showing, or speaker to discuss secret CIA detention. CCR can assist you in planning an event, finding films and speakers, and much more. Contact us at LKates@ccr-ny.org for more information.

DONATE to the Center for Constitutional Rights. Your financial support enables us to keep doing the work we do. You can donate online at www.ccr-ny.org.