



# the facts about cia ghost detention

guantanamo  
global  
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## what is "ghost detention"?

Soon after September 11, reports began appearing that people were being picked up around the world and held 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 disappearance, becoming "ghosts" held in secret prisons unknown to anyone in the outside world - "black sites." These black sites are located around the world - in Thailand, Afghanistan, several Eastern European countries, and perhaps elsewhere.

The program of CIA secret detention operated in close secrecy for almost five years. Authorized by a September 17, 2001 classified presidential directive - which remains secret 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.

While government officials would, from time to time, refer to the CIA detaining people in "undisclosed locations abroad," it was not until September 2006 - long after information about the program had reached the public eye through the experiences of former detainees - 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, and that it 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 Guantanamo 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," in April 2007, Bush announced the transfer of another "high-profile detainee" to Guantanamo Bay from CIA secret custody, making it clear that the program continues to operate - in secret, and without oversight.

## is this legal?

These individuals are victims of enforced disappearance as defined by international human rights law. Enforced

disappearances involve violations of numerous treaties binding on the United States, and also violate international humanitarian law. An enforced disappearance takes place when the government arrests, detains or abducts a person and then refuses to acknowledge the arrest or detention, or the location of the person detained. Enforced disappearances place victims outside the protection of the law, without access to anyone who can protect them. 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 CIA admits to using so-called "enhanced interrogation techniques" or "alternative interrogation techniques" against ghost detainees held in the black sites. These techniques amount to torture and cruel, inhuman or degrading treatment, including "waterboarding," a form of mock execution where a detainee is strapped to a board and water poured over the detainee, causing him to believe and physically experience the sensation of drowning.

Various accounts of individuals who have been released from secret CIA 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 Guantanamo Bay who were transferred there from CIA custody. Public transcripts that have been released of preliminary military hearings held for those detainees 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 “terrorism suspects,” capturing these men and holding them in a web of extralegal facilities and secret locations, preventing them from access to 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 (Guantanamo Bay and prisons in Afghanistan and Iraq), detention in secret CIA 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 any substantive protection 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 CIA secret detention, and many more are suspected to be held in secret sites. Several victims of secret detention have spoken out about their experiences after being released. One man, Khaled el-Masri, a German citizen of Lebanese descent, who was held for months in secret CIA detention because of mistaken identity, has shared his experience in detail, and filed suit against the U.S. government. A new report, *Off the Record: U.S. Responsibility for Enforced Disappearances in the “War on Terror,”* produced by six human rights organizations, including the Center for Constitutional Rights, provides specific information about individuals believed to be held in secret CIA detention. In some cases, family members - including young children - of “ghost detainees” have been detained themselves, and held in CIA secret sites, including 9 and 7 year old boys.

## what should be done?

CIA secret detention is a violation of international law and an affront to all principles of 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 immediate access to the Red Cross, allow access to attorneys and family members, and either charge detainees with a crime or release them. The U.S. government must, in addition, 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. In addition, it is imperative that the U.S. come clean about the program, and release the names and fates of all of those who have been held in the secret detention program. 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?

With other human rights and legal organizations, the Center for Constitutional Rights is filing a lawsuit against the government, demanding they release requested information about the program under the Freedom of Information Act. This lawsuit attempts to stop the shroud of secrecy and silence surrounding this program, and open its operations to the public eye and meaningful oversight. In addition, CCR provides legal representation to Majid Khan, one of the 15 men transferred from secret CIA custody to Guantanamo Bay. CCR, with five other human rights organizations, also cooperated to release the report, *Off the Record: U.S. Responsibility for Enforced Disappearances in the “War on Terror,”* that details the ghost detention program and exposes its reality.

## 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,”* at the CCR website, [www.ccr-ny.org](http://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.ccrjustice.org](http://www.ccrjustice.org)

**WRITE** letters to the editor of your local newspaper, or editorials for your 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. The Center for Constitutional Rights can assist you in planning an event, finding films and speakers, and much more. Contact us at [LKates@ccrjustice.org](mailto:LKates@ccrjustice.org) for more information.

**DONATE** to the Center for Constitutional Rights. Your financial support enables us to keep doing the work we do. Donate online at [www.ccrjustice.org](http://www.ccrjustice.org).