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February 26, 2007

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Bush:

I am writing to request information about people who were previously held in secret detention facilities operated by the Central Intelligence Agency (CIA). Specifically, I ask that you disclose the identities, fate, and current whereabouts of all prisoners held for any period of time at facilities operated or controlled by the CIA since 2001. In addition, for any such prisoners who were transferred to the custody of another government, I ask that you disclose the date and location of the transfer.

I would like first to express Human Rights Watch's strong concern over the CIA's use of secret prisons to hold people suspected of involvement in terrorism. By holding such people in unacknowledged, incommunicado detention, the United States violated fundamental human rights norms, in particular, the prohibition on enforced disappearance.¹

Human Rights Watch recognizes that some terrorism suspects may have committed serious crimes that merit the sanction of incarceration. The decision to imprison such persons must be taken in accordance with legal processes, however. If such persons are indeed implicated in terrorist crimes, they should be charged and prosecuted, not subject to enforced disappearance.

I would note that, to date, your administration has concealed nearly all information regarding persons imprisoned by the CIA since 2001. In a televised speech in early September 2006, you did acknowledge that the CIA had been secretly detaining suspected terrorists in facilities outside of the United States. But while you announced that 14 people who had previously been in CIA detention had been

¹See International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly on December 20, 2006, opened for signature on February 6, 2007. Although the newly adopted convention has yet to enter into force, its definition of enforced disappearance is consistent with definitions contained in a number of earlier international instruments. Human Rights Watch notes that the United States was not among the 57 countries that signed the convention.

transferred to the US detention facilities at Guantanamo Bay—saying that with those transfers there were no more people in CIA custody—you said nothing about the fate or whereabouts of other persons who were believed to have been detained by the CIA.

It is beyond dispute that more than 14 people were imprisoned by the CIA at some point prior to September 2006. Indeed, in April 2006, just a few months before your speech, Director of National Intelligence John Negroponte publicly acknowledged that the CIA was holding some three dozen persons in detention.

Given the close secrecy surrounding the CIA's detention practices, Human Rights Watch does not believe that it has information about every person who, since 2001, has been held in CIA detention. But based on accounts from former detainees, press articles, and other sources, Human Rights Watch has put together a list of 16 people whom we believe were once held in CIA prisons and whose current whereabouts are unknown. We have also compiled a separate list of 22 people who were possibly once held in CIA prisons and whose current whereabouts are also unknown.

The following people—whose name, nationality, and place and date of arrest are provided, where known—are believed to have once been held in secret CIA prisons:

1. Ibn al-Shaykh al-Libi (Libyan) (Pakistan, 11/01)²
2. Mohammed Omar Abdel-Rahman (aka Asadallah) (Egyptian) (Quetta, Pakistan, 2/03)
3. Yassir al-Jazeera (Algerian) (Lahore, Pakistan, 3/03)
4. Suleiman Abdalla Salim (Kenyan) (Mogadishu, Somalia, 3/03)
5. Marwan al-Adeni (Yemeni) (approximately 5/03)
6. Ali Abd al Rahman al Faqasi al Ghamdi (aka Abu Bakr al Azdi) (Saudi) (Medina, Saudi Arabia, 6/03)
7. Hassan Ghul (Pakistani) (northern Iraq, 1/04)
8. Ayoub al-Libi (Libyan) (Peshawar, Pakistan, 1/04)
9. Mohammed al Afghani (Afghan born in Saudi Arabia) (Peshawar, Pakistan, 5/04)
10. Abdul Basit (probably Saudi or Yemeni) (arrested before 6/04)
11. Adnan (arrested before 6/04)
12. Hudeifa (arrested before 6/04)
13. Mohammed Naeem Noor Khan (aka Abu Talaha) (Pakistani) (Lahore, Pakistan, 7/04)
14. Muhammad Setmariam Naser (Syrian/Spanish) (Quetta, Pakistan, 11/05)
15. Unnamed Somali (possibly Shoeab as-Somali)
16. Unnamed Somali (possibly Rethwan as-Somali)

² By some accounts, al-Libi was transferred from CIA custody to Libya in early 2006, but this has not been confirmed.

In addition, the following people may have once been held in secret CIA prisons:

1. Abd al-Hadi al-Iraqi (presumably Iraqi) (1/02)
2. Anas al-Liby (Libyan) (Khartoum, Sudan, 2/02)
3. Retha al-Tunisi (Tunisian) (Karachi, Pakistan, early- to mid-2002)
4. Sheikh Ahmed Salim (aka Swedan) (Tanzanian) (Kharadar, Pakistan, 7/02)
5. Saif al Islam el Masry (Egyptian) (Pankisi Gorge, Georgia, 9/02)
6. Amin al-Yafia (Yemeni) (Iran, 2002)
7. _ al-Rubaia (Iraqi) (Iran, 2002)
8. Aafia Siddiqui (Pakistani) (Karachi, Pakistan, 3/03)
9. Jawad al-Bashar (Egyptian) (Vindher, Balochistan, Pakistan, 5/03)
10. Safwan al-Hasham (aka Haffan al-Hasham) (Saudi) (Hyderabad, Pakistan, 5/03)
11. Abu Naseem (Tunisian) (Peshawar, Pakistan, 6/03)
12. Walid bin Azmi (unknown nationality) (Karachi, Pakistan, 1/04)
13. Ibad Al Yaquti al Sheikh al Sufiyan (Saudi) (Karachi, Pakistan, 1/04)
14. Amir Hussein Abdullah al-Misri (aka Fazal Mohammad Abdullah al-Misri) (Egyptian) (Karachi, Pakistan, 1/04)
15. Khalid al-Zawahiri (Egyptian) (South Waziristan, Pakistan, 2/04)
16. Musaab Aruchi (aka al-Baluchi) (Pakistani) (Karachi, Pakistan, 6/04)
17. Qari Saifullah Akhtar (Pakistani) (arrested in the UAE, 8/04)
18. Mustafa Mohamed Fadhil (Kenyan/Egyptian) (eastern Punjab, Pakistan, 8/04)
19. Sharif al-Masri (Egyptian) (Pakistan border, 8/04)
20. Osama Nazir (Pakistani) (Faisalabad, Pakistan, 11/04)
21. Osama bin Yousaf (Pakistani) (Faisalabad, Pakistan, 8/05)
22. Speen Ghul (from Africa) (Pakistan)

Human Rights Watch is extremely concerned about the fate of these people. One possibility is that the CIA may have transferred some of them to foreign prisons where for practical purposes they remain under CIA control. Another worrying alternative is that prisoners were transferred from CIA custody to places where they face a serious risk of torture, in violation of the fundamental prohibition on returns to torture. We note that some of the missing prisoners are from Algeria, Egypt, Libya, and Syria, countries where the torture of terrorism suspects is common.

Enforced disappearance violates both international human rights law and international humanitarian law. It has long been recognized that enforced disappearance is a “continuous crime until the fate or whereabouts of the disappeared person becomes known.”³ We note, therefore, that persons “disappeared” in US custody who have since been transferred elsewhere remain the

³ See, for example, Report of the Working Group on Enforced or Involuntary Disappearances, Commission on Human Rights, E/CN.4/2006/56, December 27, 2005, para. 10.

legal obligation of the United States so long as their fate or whereabouts remain unknown.

I would also like to point out that refusing to reveal the whereabouts of these people is extraordinarily cruel to their families. To take one small but telling detail, the wife of a man who has not been seen since he was believed to have been taken into CIA custody told Human Rights Watch that she has continually lied to her four children about her husband's absence. She explained that she could not bear telling them that she did not know where he was: "[W]hat I'm hoping is if they find out their father has been detained, that I'll at least be able to tell them what country he's being held in, and in what conditions."

As you may know, the CIA's detention program has inflicted great harm on the reputation, moral standing, and integrity of the United States. By revealing information about the fate and whereabouts of people formerly held in CIA custody, you could begin to repair the damage this abusive program has caused.

Sincerely,

Joanne Mariner, Director
Terrorism and Counterterrorism Program
Human Rights Watch

Cc: Condoleezza Rice, United States Secretary of State
John M. McConnell, United States Director of National Intelligence
Gen. Michael V. Hayden, Director of the Central Intelligence Agency
John B. Bellinger, III, Legal Adviser to the Secretary of State of the United States