

BEFORE THE AFRICAN COMMISSION FOR HUMAN & PEOPLES' RIGHTS

49th ORDINARY SESSION: APRIL-MAY 2011

COMMUNICATION NO. 383/2010

In the matter between:

MOHAMMED ABDULLAH SALEH AL-ASAD

and

DJIBOUTI

**FACTUAL SUMMARY OF PUBLICLY AVAILABLE INFORMATION ON THE
U.S. GOVERNMENT'S EXTRAORDINARY RENDITION, SECRET
DETENTION, AND INTERROGATION PROGRAM AND
DJIBOUTI'S ROLE IN THE PROGRAM**

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During the period of Mohammed Abdullah Saleh al-Asad’s detention, the United States government operated an extraordinary rendition and secret detention program led by the Central Intelligence Agency (“CIA”), the existence of which has been verified by the United States government and international inter-governmental organizations.

1. After 11 September 2001, the U.S. government, led by the CIA, began operating an extraordinary rendition and secret detention program for suspected terrorists. According to the Council of Europe, whose Committee on Legal Affairs and Human Rights conducted a thorough investigation into the program, the U.S. program included “a world-wide network of secret detention [in] CIA ‘black sites’” and military sites where detainees were held and interrogated. It also included a transportation network by which detainees were sent to the U.S. military base at Guantánamo Bay, Cuba or other detention centers or were rendered outside the scope of legal protections to other states, many of which “customarily resort to degrading treatment and torture.” See Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States*, 12 June 2006, par. 7 [Document A], and Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States: Second Report*, 7 June 2007, par. 1-2, 67-71 [Document B].
2. After the CIA extraordinary rendition and secret detention program had been in operation for many years, former U.S. President George W. Bush officially acknowledged its existence in a speech on 6 September 2006. During the speech, he confirmed that the United States had captured and detained thousands of individuals and that some had been held and questioned secretly, outside the United States, in a special program operated by the CIA. President Bush also acknowledged that the CIA used an “alternative set of procedures” when interrogating these detainees. This speech followed the U.S. Supreme Court’s decision in *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006), which, as President Bush noted, called into question the legality of the CIA extraordinary rendition and secret detention program under U.S. domestic law. As a result of the legal uncertainty created by the *Hamdan* case, President Bush transferred 14 detainees from the CIA program to the U.S. military base at Guantánamo Bay. However, the CIA overseas prisons that were used for the extraordinary rendition and secret detention program were not closed at that time. See President George W. Bush, *President Discusses Creation of Military Commissions to Try Suspected Terrorists*, 6 September 2006, pp. 2, 3 [Document C].
3. The New York Times reported that the CIA was believed to have continued to use its overseas prisons for detention after President Bush’s 6 September 2006 speech.

See Scott Shane, New York Times, *Obama Orders Secret Prisons and Detention Camps Closed*, 22 January 2009, p. 3 [Document D].

4. The existence of the rendition program was also confirmed by former Director of the CIA, Michael Hayden. In an interview, he stated that there is a “group of people....on whom we’ve conducted renditions. We have moved them from one country to another.” See CIA Director Michael Hayden, *Transcript of Director Hayden's Interview with Charlie Rose*, 22 October 2007, p. 5 [Document E].
5. Following a campaign promise pledging to end “practices of shipping away prisoners in the dead of night to be tortured in far-off countries, of detaining thousands without charge or trial, of maintaining a network of secret prisons to jail people beyond the reach of the law,” President Barack Obama officially ordered the closing of the CIA “black sites” on 22 January 2009. He issued Executive Order 13491 instructing the CIA to “close as expeditiously as possible any detention facilities that it currently operates” and “not operate any such detention facility in the future.” See Barack Obama, Foreign Affairs, *Renewing American Leadership*, July/August 2007, p. 14 [Document F], and Executive Order 13491, 22 January 2009, Sec. 4(a) [Document G].
6. On 9 April 2009, Director of the CIA Leon Panetta announced that the “CIA no longer operates detention facilities or black sites.” However, while the operation of CIA “black sites” ended, the practice of rendition of detainees to third countries continued. See CIA Director Leon Panetta, *Statement to Employees by Director of the Central Intelligence Agency Leon E. Panetta on the CIA's Interrogation Policy and Contracts*, 9 April 2009 [Document H], and David Johnston, New York Times, *U.S. Says Rendition to Continue, but With More Oversight*, 24 August 2009, p. 1 [Document I].

Individuals in the CIA extraordinary rendition and secret detention program were subjected to well-documented, severe human rights abuses.

7. The rights of individuals secretly detained by the CIA were violated as a result of harsh treatment at the hands of CIA agents, as a result of harsh treatment at the hands of partner countries, and as a result of the *incommunicado* nature of the detention. Detainees who were held by the CIA were subjected to severe interrogation techniques that were newly permitted after 11 September 2001. Numerous U.S. government documents describe, authorize and justify an escalating combination of physical and psychological techniques designed to break down the detainee’s resistance in interrogations. These include techniques known as insult slaps, abdominal slaps, facial holds, attention grasps, walling, water dousing, stress positions, wall standing, cramped confinement, the “hard takedown,” water-boarding, and the use of cold temperatures. A government investigation also revealed that CIA agents used unauthorized interrogation techniques, such as mock executions, stiff brush and shackles, smoke, and the threat of using handguns and power drills. See U.S. Department of Justice Office

- of Legal Counsel, *Background Paper on CIA's Combined Use of Interrogation Techniques*, 30 December 2004, pp. 5-9 [Document J], and Assistant Attorney General Jay Bybee, U.S. Department of Justice Office of Legal Counsel, *Memorandum for John Rizzo Acting General Counsel of the CIA, Interrogation of al Qaeda Operative*, 1 August 2002, pp. 2-4, 12-15 [Document K], and CIA Inspector General, *Special Review: Counterterrorism Detention and Interrogation Activities (September 2001- October 2003)*, 7 May 2004, pp. 15, 41-45 [Document L].
8. Concern about the new interrogation techniques in this program led the CIA's own internal investigator, Inspector General John Helgerson, to conduct an investigation into detainee treatment. His resulting report criticized the program for its lack of oversight, and according to the New York Times, Helgerson found that some techniques appeared to constitute cruel, inhuman and degrading treatment under the Convention against Torture. However, the report was kept secret, and even now only a redacted version has been released. Therefore, it did not result in real accountability or an end to the program. The U.N. Committee against Torture also expressed concern about the new interrogation techniques, stating they had resulted in serious prisoner abuse. See CIA Inspector General, *Special Review: Counterterrorism Detention and Interrogation Activities (September 2001- October 2003)*, 7 May 2004, pp. 1-2, 101-105 [Document L], and Douglas Jehl, New York Times, *Report Warned C.I.A on Tactics In Interrogation*, 9 November, 2005, p. 1 [Document M], and Committee against Torture, *Concluding Observations of the Committee against Torture: United States of America*, 25 July 2006, par. 24 [Document N].
 9. In addition to the new interrogation methods used during interrogations, detainees held in CIA "black sites" were subjected to abusive living conditions, also designed to break down their resistance to their captors. Based on the descriptions of released detainees, these techniques included bombardment with loud music or other noises, forced nudity, prolonged stress positions, painful shackling, isolation, sleep deprivation, sensory deprivation, exposure to cold or heat, dietary adjustments, 20-hour interrogations, deprivation of all comfort and religious items, forced shaving, and exploitation of their phobias, for example threats of confinement in a "dog box" (approximately 1 cubic meter in size). See Human Rights Watch, *Ghost Prisoner: Two Years in Secret CIA Detention*, February 2007, pp. 1, 4, 16, 17, 41 [Document O], and Amnesty International, *United States of America: A Case to Answer: From Abu Ghraib to Secret CIA Custody: The Case of Khaled Al-Maqtari*, 14 March 2008, pp. 7, 20, 24, 30, 32 [Document P], and Amnesty International, *United States of America / Yemen: Secret Detention in CIA "Black Sites"*, November 2005, pp. 11-13 [Document Q], and Human Rights Committee, *Concluding Observations of the Human Rights Committee: United States of America*, 18 December 2006, par. 13 [Document R].
 10. Other detainees were not kept in CIA-run prisons, but rather were transferred to partner countries for detention and interrogation and were subjected to extremely

abusive treatment. Anonymous U.S. officials have admitted to reporters that the United States was not only aware that the prisoners could be subjected to torture or cruel, inhuman and degrading treatment, but that the U.S. government transferred them there for that purpose, in order to obtain information from detainees using methods that could not have been used in the United States. See Dana Priest and Barton Gellman, Washington Post, *U.S. Decries Abuse but Defends Interrogations; 'Stress and Duress' Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities*, 26 December 2002, p. 2 [Document S], and Duncan Campbell, Guardian, *U.S. Sends Suspects to Face Torture*, 12 March 2002, p. 1 [Document T].

11. Some detainees who were rendered by the United States to other countries, including Morocco, Syria and Jordan, have described being tortured in the course of their interrogations. Their treatment included beatings with a cable on their palms, hips and lower back; pouring hot liquid on open wounds; electrocution; being hung from a pole; and threats of rape, genital mutilation, spine breaking, and death. Some of these detainees have sued the government, or their partners, on the basis of this treatment. See Complaint and Demand for Jury Trial, *Arar v. Ashcroft*, 22 January 2004, pp. 16-18 [Document U], and First Amended Complaint, *Mohamed et al. v. Jeppesen Dataplan*, 1 August 2007, pp. 21, 23, 26, 28, 36 [Document V].
12. The U.N. Committee Against Torture and the U.N. Human Rights Committee have concluded that the United States does have a practice of rendering individuals to countries where they are at risk of torture, and that the United States too narrowly interprets its obligation of *non-refoulement* to exclude detainees held outside the United States. See Committee against Torture, *Concluding Observations of the Committee against Torture: United States of America*, 25 July 2006, par. 20 [Document N], and Human Rights Committee, *Concluding Observations of the Human Rights Committee: United States of America*, 18 December 2006, par. 16 [Document R].
13. The secretive nature of the CIA program intentionally prevented legal recourse for the detainees whose rights were violated. Detainee testimonies and U.N. reports have confirmed that throughout the period of their detention, CIA detainees were not able to contact lawyers, humanitarian organizations, their families or their governments, in stark violation of their right to legal counsel and in violation of human rights norms outlawing secret, *incommunicado* detention. See Complaint and Demand for Jury Trial, *Arar v. Ashcroft*, 22 January 2004, pp. 12-19 [Document U], and Order, *El-Masri v. Tenet*, 12 May 2006, pp. 2-4 [Document W], and Human Rights Watch, *U.S. Holding at Least Twenty-Six "Ghost Detainees,"* 1 December 2005 [Document X], and Human Rights Council, *Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism*, 19 February 2010, par. 22 [Document Y], and Human Rights Committee, *Concluding Observations of the Human Rights*

Committee: United States of America, 18 December 2006, par. 12, 26 [Document R].

14. This deprivation was officially confirmed by former President Bush, who said that individuals held by the CIA in its program were kept outside regular judicial processes. In reference to the transfer of individuals from secret CIA custody to Guantánamo Bay, he stated that the men were being brought into the open in order to start the process of bringing them to trial, and only at that point was the International Committee of the Red Cross informed about their detention and given the opportunity to meet with them. See President George W. Bush, *President Discusses Creation of Military Commissions to Try Suspected Terrorists*, 6 September 2006, pp. 6-7 [Document C].
15. The secretive nature of the CIA program also prevented accountability and external oversight. As a result, a number of innocent individuals were detained within the program. One official estimated that three dozen people were mistakenly detained, and other officials have given lower estimations. One reason for the mistakes, according to CIA officials, is that the individuals were captured solely on the basis of information offered by other detainees during interrogation. For example, one al-Qaeda member gave the interrogator the name of a professor who gave him a poor grade, and it was later discovered that the professor had no terrorist ties. In another case, German citizen Khaled El-Masri was mistaken for another man, al-Masri, due to the similarity in their names and was held by the CIA for several months. See Dana Priest, *Washington Post*, *Wrongful Imprisonment: Anatomy of a CIA Mistake*, 4 December 2005, pp. 1-2 [Document Z], and Jane Mayer, *New Yorker*, *The "Black Sites": A Rare Look Inside the CIA's Secret Interrogation Program*, 13 August 2007, p. 12 [Document AA].

The CIA followed a standard procedure for detainee transfer, detention and interrogation, and many of the experiences of Mohammed Abdullah Saleh al-Asad are corroborated by other detainee accounts.

16. Numerous detainees have described being subjected to the same treatment when they were transferred to a secret CIA detention center or a third country by the CIA. First, individuals dressed entirely in black with masks covering their faces stripped the detainees and then dressed them in a disposable diaper and clothing that included calf-length pants. Their eyes were covered, and cotton or earplugs were placed in their ears, often covered by noise-reducing headphones and a hood. Their hands and feet were shackled, and they were made to lie on the floor of a plane. See Amnesty International, *United States of America: A Case to Answer: From Abu Ghraib to Secret CIA Custody: The Case of Khaled Al-Maqtari*, 14 March 2008, pp. 12-13 [Document P], and Craig S. Smith and Souad Mekhennet, *New York Times*, *Algerian Tells of Dark Term in U.S. Hands*, 7 July 2006, p. 3 [Document BB], and Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-*

- State Transfers of Detainees Involving Council of Europe Member States*, 12 June 2006, par. 202 [Document A], and Dana Priest, Washington Post, *Wrongful Imprisonment: Anatomy of a CIA Mistake*, 4 December 2005, pp. 2, 4 [Document Z].
17. Detainee testimony concerning this treatment has been officially confirmed by a U.S. government memo that describes shackling and sensory deprivation as the standard protocol for detainee transfer. See U.S. Department of Justice Office of Legal Counsel, *Background Paper on CIA's Combined Use of Interrogation Techniques*, 30 December 2004, p. 2 [Document J].
 18. Detainees transferred to a CIA "black site" were subjected to procedures intended to bring them completely within the control of their captors. Upon their arrival, standard protocol included invasive examinations and nude photographs. While being held in the "black sites," detainees were subjected to a series of techniques designed to bring them into a state of dependence. These included constant noise and light, sleep deprivation, isolation, nudity and dietary manipulation. See Amnesty International, *United States of America: A Case to Answer: From Abu Ghraib to Secret CIA Custody: The Case of Khaled Al-Maqtari*, 14 March 2008, pp. 16-17, 19-21, 24-25, 28, 32, 35, 41 [Document P], and Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States: Second Report*, 7 June 2007, pp. 51-53 [Document B].
 19. The use of these techniques are also confirmed in a government memo, which instructs agents to shave the detainee's face and head, take a series of nude photographs, and conduct physical and psychological examinations. It also recommends the use of constant noise and light, nudity, sleep deprivations and dietary manipulation as conditioning techniques to prepare a detainee for interrogation by bringing them to a state of complete dependence and completely under the control of their captors. See U.S. Department of Justice Office of Legal Counsel, *Background Paper on CIA's Combined Use of Interrogation Techniques*, 30 December 2004, pp. 2-5 [Document J].

The U.S. Government made agreements with partner countries in order to operate the CIA's rendition and secret detention program abroad.

20. Official U.S. government statements and a Council of Europe report indicate that the CIA only operated its rendition and secret detention program within the borders of a partner country with that government's informed consent. Every foreign country the CIA partnered with, regardless of whether the partner country took the lead or a secondary role in the detention, acquiesced to the conduct of the CIA. Former Secretary of State Condoleezza Rice and former Press Secretary Scott McClellan have confirmed this by stating, respectively, that the "United States has fully respected the sovereignty of other countries that cooperate in [detention] matters" and that the United States "respect[s] the sovereignty of each

nation. And we have and we will continue to do so. It is their choice as to how they want to--it is their choice in terms of how they want to participate.” The Council of Europe also confirmed that the United States would not operate the extraordinary rendition and secret detention program “without the express knowledge and approval of [the ally].” See Secretary of State Condoleezza Rice, *Remarks Upon Her Departure for Europe*, 5 December 2005, p. 3 [Document CC], and Scott McClellan, *Press Briefing by Scott McClellan*, 6 December 2005, p. 4 [Document DD], and Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States: Second Report*, 7 June 2007, par. 10, 74, 75, 129, 165 [Document B].

21. Reports also indicate that the CIA would choose these partner countries in part because of the perception that the selected country had relaxed rules relating to human rights, thus permitting harsh interrogation methods that violated international law and would violate U.S. law. Often, the partner country would receive monetary aid or equipment, reportedly in exchange for cooperating with the CIA’s program, and many of the partner countries were economically vulnerable and dependent on U.S. aid. A prerequisite for selection as a partner country was a close relationship between the intelligence and/or military services of the partner country and the United States. These facts have been reported by U.S. government officials, reports by the Council of Europe, and the media. See Craig Whitlock, *Washington Post*, *Jordan's Spy Agency Holding Cell for the CIA*, 1 December 2007, pp. 1, 3 [Document EE], and Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States: Second Report*, 7 June 2007, par. 75, 123, 129, 210 [Document B].
22. Reports demonstrate that in some instances, the United States made a proxy detention agreement with the partner country whereby the country would detain the individual on behalf of the United States. The partner country would retain day-to-day operation and control over the detainee, but CIA interrogators would sometimes participate. This proxy detention is in contrast to the CIA “black site” prisons, which were run directly by the CIA. As noted in the U.N.’s Joint Study on Global Practices in Relation to Secret Detention, the CIA’s program took varying forms. In some cases, the CIA “established its own secret detention facilities to interrogate so-called ‘high value detainees’” and alternatively, “[i]t asked partners with poor human rights records to secretly detain and interrogate persons on its behalf.” Former CIA Director Michael Hayden confirmed that CIA personnel were often not present during interrogations that were part of the CIA extraordinary rendition and secret detention program. Partner countries would not only provide security for the CIA operations but would also disguise the CIA operations, for instance by ensuring that normal security procedures for incoming planes were not followed for CIA rendition flights, or by covering up the CIA flight data so that the CIA’s movements could not be tracked. See Human Rights Council, *Joint Study on Global Practices in Relation to Secret Detention in the*

Context of Countering Terrorism, 19 February 2010, par. 22, 102, 108, 141, 143 [Document Y], and Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States: Second Report*, 7 June 2007, par. 68, 171, 184 [Document B], and CIA Director Michael Hayden, *Transcript of Director Hayden's Interview with Charlie Rose*, 22 October 2007, p. 5 [Document E].

Djibouti was the United States' principal partner country in the Horn of Africa.

23. Similar to other proxy detention and extraordinary rendition partners, after 11 September 2001, Djibouti and the United States became increasingly intertwined in the military and counterterrorism arenas. After 11 September 2001, Djibouti received extensive and increasing military and counterterrorism funding from the United States. This increase has been drastic: "In the five years [after] Sept. 11, Djibouti received more than forty times the amount of military assistance it received in the five years prior [to 11 September 2001]." U.S. military sales to Djibouti over the same time period also increased by a factor of 18. From 2004 through 2007, in terms of dollars, Djibouti transacted with the United States for more defense articles and services than any other African country. Examples of the types of aid received include Djibouti's 2004 membership induction into the U.S. Safe Skies for Africa Program, whereby Djibouti received direct aid from the United States for airport security infrastructure. Another example is Djibouti's participation in the \$100 million U.S. East Africa Counterterrorism Initiative (EACTI), which provided resources to member countries to improve their counterterrorism capabilities, including money for equipment, training, border security and the creation of counterterrorism task forces. By 2010, Djibouti had also received the third most dollars in Africa from Section 1206, the U.S. Department of Defense's "primary counterterrorism capacity building program." Through the end of 2010, Djibouti had received almost \$28 million in Section 1206 aid. Some of the foregoing aid allowed Djibouti to establish a "counterterrorist regiment, using material provided under a cooperation agreement between the United States and Djibouti." See Center for Defense Information, *U.S. Arms Exports and Military Assistance in the "Global War on Terror" Djibouti Report*, 2007, pp. 3-4 [Document FF], and Richard Grimmett, Congressional Research Service, *U.S. Arms Sales: Agreements with and Deliveries to Major Clients, 2000-2007*, 26 November 2008, p. 5 [Document GG], and U.S. Department of State, *2004 Country Reports on Terrorism: Africa Overview*, 27 April 2005, p. 2 [Document HH], and Lauren Ploch, Congressional Research Service, *Countering Terrorism in East Africa: The U.S. Response*, 3 November 2010, pp. 23-25, 33, 46 [Document II], and U.N. Security Council, *Letter dated 15 March 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counterterrorism addressed to the President of the Security Council*, 17 March 2006, p. 7 [Document JJ].

24. This close relationship between the United States and Djibouti's counterterrorism units continues today, evidenced by the fact that in fiscal year 2010, the U.S. Department of State provided over \$2 million "to train and equip Djibouti's counterterrorism force, the National Gendarmerie" and "over \$2 million for the Djiboutian Republican National Guard, which provides security to prevent terrorist incidents." See Lauren Ploch, Congressional Research Service, *Countering Terrorism in East Africa: The U.S. Response*, 3 November 2010, p. 45 [Document II].
25. In addition to monetary aid, the United States and Djibouti's military and counterterrorism connection was confirmed and strengthened by the establishment of Camp Lemonier, a U.S. military base in Djibouti. As of 2007, reports indicate that in exchange for an annual rent of \$30 million, the United States uses Camp Lemonier to base special operations teams, troops, and the U.S. Combined Joint Task Force-Horn of Africa (CJTF-HOA), whose primary mission is "detecting, disrupting, and ultimately defeating transnational terrorist groups operating in the region--denying safe havens, external support and material assistance for terrorist activity." See Alain Lallemand, The Center for Public Integrity, *Profiteering on Location: Djibouti's Repressive Regime, not its People, has Prospered Since 9/11*, 22 May 2007, pp. 2-3 [Document KK], and Paul Salopek, Chicago Tribune, *War on Terror's Hidden Front: U.S. Military Quietly Trying to Wage Peace in Africa*, 18 November 2008, p. 6 [Document LL].
26. The U.S. Department of State confirmed that Djibouti became a willing counterterrorism partner and supported U.S.-led counterterrorism efforts. According to the U.S. Department of State, after 11 September 2001 Djibouti was "one of the most forward-leaning Arab League members supporting ongoing efforts against terrorism. President Ismail Omar Guelleh and many top leaders in Djibouti repeatedly expressed their country's *full and unqualified* support for the global war on terror. Djibouti was one of the *very first* Arab League nations to do so" (emphasis added). Djiboutian counterterrorism officials were also "very proactive, and were highly receptive and responsive to U.S. requests for cooperation," by, among other things, "sharing intelligence, providing overflight rights, and granting access to airfields and bases" for counterterrorism operations. See U.S. Department of State, *2005 Country Reports on Terrorism: Africa Overview*, 28 April 2006, p. 3 [Document MM], and Center for Defense Information, *U.S. Arms Exports and Military Assistance in the "Global War on Terror" Djibouti Report*, 2007, p. 3 [Document FF].

Reports and other accounts indicate that Djibouti also participated in the detention and rendition of other detainees, many of whom had similar experiences to Mohammed Abdullah Saleh al-Asad.

27. The experience of other detainees sheds light on the close connection between Djibouti and the United States, as well as Djibouti's role as a proxy detention partner in the U.S. extraordinary rendition and secret detention program. One

- example of this is Djibouti's involvement in the detention of Mohamed Ali Isse, an alleged Somali jihadist. In 2004, Isse was captured in a raid of a Mogadishu house and was transferred by the CIA to Camp Lemonier. Much like Mohammed Abdullah Saleh al-Asad's detention, Djibouti was used as a temporary holding location before the detainee was shipped off to a third country. In Isse's case, he was detained in Djibouti and then sent to Ethiopia. Much of Isse's own "account of his capture and imprisonment [has been] independently corroborated by Western intelligence analysts, Somali security officials, and court records in Somaliland." See Paul Salopek, *Chicago Tribune*, 'Nobody is watching': America's hidden war in Somalia, 24 November 2008, pp. 3-5 [Document NN].
28. The Human Rights Council has also reported on Djibouti's role in the detention of Suleiman Abdallah after he had been captured in Somalia and handed over to the CIA. Abdallah was flown, while he was blindfolded and his feet were shackled, from Kenya to Djibouti. After a brief stay in Djibouti, the CIA then flew Abdallah to Afghanistan, and during the flight, he was "put in a diaper, hooded, cuffed, [and] shackled." The conditions and experience Abdallah encountered upon his entry to and exit from Djibouti closely mirror those experienced by Mohammed Abdullah Saleh al-Asad and others in the CIA's extraordinary rendition and secret detention program. See Human Rights Council, *Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism*, 19 February 2010, pp. 154-55 [Document Y].
 29. Mohammed Abdulmalik is another detainee who passed through Djibouti as part of the U.S. extraordinary rendition and secret detention program when he was transferred from Kenya to Djibouti. Much like Mohammed Abdullah Saleh al-Asad, while in Djibouti, Abdulmalik was detained, interrogated and abused, and then was subsequently transferred to a U.S. detention facility in Afghanistan. See Status Report, *Mohammed Abdulmalik v. Barack Obama*, 22 June 2009, pp. 5-7 [Document OO].
 30. Matt Bryden, a researcher at the International Crisis Group, speculates that the CIA may have used Djibouti both as a detention center in and of itself, and also as a temporary detention location where the individual would be kept until the CIA made a decision about where next to transfer the prisoner. See Rik Delhaas, Trouw, *Amerika foltert in Somalië*, 15 August 2005, pp. 4-5 (citing Bryden) [Document PP].
 31. While some of the foregoing detentions were alleged to occur at Camp Lemonier, there is strong evidence that safehouses outside of Camp Lemonier were also used for detention of individuals in the extraordinary rendition and secret detention program. In 2005, a Somali guard based in Djibouti described seeing American officials, with three Arab-looking prisoners by their side, arrive at and later depart from a modest building near, but not inside, Camp Lemonier. See Alain Lallemand, The Center for Public Integrity, *Profiteering on Location: Djibouti's*

Repressive Regime, Not Its People, has Prospered Since 9/11, 22 May 2007, p. 2
[Document KK].