Fate and Whereabouts Unknown: Detainees in the “War on Terror”
The Center for Human Rights and Global Justice (CHRGJ) at NYU School of Law focuses on issues related to “global justice,” and aims to advance human rights and respect for the rule of law through cutting-edge advocacy and scholarship. The CHRGJ promotes human rights research, education and training, and encourages interdisciplinary research on emerging issues in international human rights and humanitarian law. Philip Alston is the Center’s Faculty Director; Smita Narula is Executive Director; Margaret Satterthwaite is Research Director; and Jayne Huckerby is Associate Research Scholar.

This report should be cited as: Center for Human Rights and Global Justice, *Fate and Whereabouts Unknown: Detainees in the “War on Terror”* (New York: NYU School of Law, 2005).

About this Briefing Paper
This is the first in a series of Briefing Papers that will address “disappearances” in the “War on Terror.” This Paper presents factual summaries of individuals who may be in secret detention sites. Forthcoming Briefing Papers will address: the wider range of practices that may violate human rights law concerning enforced disappearances; international and regional law relevant to “disappearances”; domestic law applicable to “disappearances”; and legal standards governing collaboration by states in the human rights violations of other states.

Acknowledgements
Primary Writing and Research: Jayne Huckerby and Margaret Satterthwaite.
Law Students for Human Rights (LSHR) Research Team Leader: Andrew Hudson.
LSHR Research Team: Roni Amit, Reena Arora, Kate Baer-Truer, Mitra Ebadolahi, Brendan Kao, Nadya Salcedo, Catherine Sweetser, Erin Warner, and Angela Yen.
The following CHRGJ Interns provided invaluable assistance: Fauzia Dawood, Sumit Galhotra, April Gu, and Anurag Gupta.
The authors also thank the following people for additional research, copyediting, and/or proofreading: Cyrus Dugger, Jeena Shah, Ellen Van Scoyoc, and Madeline A. Zamoyski.
I. OVERVIEW

Introduction

It has been widely reported that the United States is holding detainees in secret locations. Less is known about who these individuals are. In this Briefing Paper, the Center for Human Rights and Global Justice presents the stories of 28 individuals who may have been “disappeared” by the U.S. government. Their stories are drawn from media accounts, human rights reports, and in some cases, interviews with legal representatives. While the level of certainty about the status of these individuals varies, the facts in each case are sufficient to indicate that each may have been a victim of an enforced disappearance by the United States. The Center for Human Rights and Global Justice calls on the United States government to clarify the fate of these individuals by disclosing, at minimum, their detention status, and for those who have been detained, their location and basis for detention.

What are enforced disappearances?

Under international human rights law, enforced disappearances happen when individuals are deprived of their liberty by state agents and the state fails to provide information about their fate or whereabouts; through these actions, detainees are placed outside the protection of law.1 Despite this relatively simple definition, a variety of terms are routinely used by the media, human rights organizations, and governments to describe the U.S. practice of “disappearing” individuals in the “War on Terror.” Terms such as “ghost detainees,” “secret prisoners,” and references to “detainees in black sites” are common and may seem interchangeable. In part, this variety of terms accurately reflects the range of practices reportedly being used by the U.S. in its anti-terror campaign. In part, however, the way the terms are used demonstrates the confusion that results when secret policies are only partially known: informed discussion is difficult without complete information, and human rights standards may seem irrelevant if the fate of individuals is not considered paramount.

Legally, different standards sometimes apply to different kinds of enforced disappearance: “disappearances” may take place in settings that have a different status under international, regional and domestic law (i.e. they may take place on or off the battlefield); they may be carried out by different kinds of officials (i.e. military officials or intelligence agents, or both working together); and they often entail varying levels of U.S. involvement and cooperation with foreign governments (i.e. U.S. officials may directly apprehend and detain an individual in another country, or they may take custody from local officials and transfer the individual, or they may request that certain actions be taken by other governments). Each of these factors has an impact on the relevant rules under domestic and international law. As a practical matter, different procedures are subject to varying levels of scrutiny, oversight and accountability structures. In the end, what matters is that all of these practices may place the United States in violation of the international prohibition on enforced disappearances and relevant domestic standards.

How are people “disappeared” in the “War on Terror”?  

Media accounts and research carried out by human rights organizations indicate that a variety of practices – through which the United States may be violating the prohibition on “disappearances” – are used by the United States in the “War on Terror.” The following practices may entail “disappearances”:

1. Individuals are held in U.S.-controlled secret detention facilities (“black sites”) or in foreign facilities run with U.S. involvement.2
2. Individuals are held in foreign facilities at the direction of the United States.
3. Individuals are extraordinarily rendered.
4. Individuals are detained in conflict zones and are not properly registered – i.e. CIA “ghosts” held in military facilities.3
The legal prohibition on “disappearances” is implicated in different ways in each of these four practices. While not every instance of each practice will amount to a “disappearance,” some will. This is because, regardless of the method, individuals count as “disappeared” when they are deprived of their liberty by state agents and the state fails to provide information about their fate or whereabouts, placing them outside the protection of law. This Briefing Paper will only address individuals possibly subject to the first practice (i.e. individuals held in U.S.-controlled secret detention facilities (“black sites”) or in foreign facilities run with U.S. involvement).

As will be demonstrated through the cases presented in Part II of this Briefing Paper, these practices are closely related, and are not mutually exclusive. Indeed, in some cases a single individual may have been subject to two or three of these practices. See, for example, the case of Ibn al-Shaikh al-Libi in Part II of this Briefing Paper.

In addition to these modes of disappearance, another set of practices implicates the U.S. as a collaborator in violating the prohibition on “disappearances” by other states. Detainees in a variety of countries have reportedly been apprehended by U.S. agents, or by foreign agents with U.S. officials present, and then placed into unacknowledged detention in those states. Others have been interrogated by U.S. officials while they were being held by foreign governments without access to the outside world. When the U.S. takes such actions, it is colluding in the “disappearance” of the individual by the foreign state.4 The case of Abdullah Khadr demonstrates this practice.

**Abdullah Khadr**

Canadian citizen Abdullah Khadr has recently returned to Canada after having been detained in Pakistan for 18 months without charge.7 During his detention in Pakistan, according to his lawyer, Dennis Edney, Abdullah Khadr was tortured repeatedly.6 Khadr was first taken into custody in Islamabad, Pakistan, on October 12, 2004, where he was held for 20 days before being transferred to a prison in Rawalpindi, where he was detained until December 2005.7

When he was initially detained, Khadr was made to stand for 48 hours straight; he also was hooded, stripped of his clothes, and “beaten about the head causing bleeding.”9 Khadr reported to his attorney that he was sexually abused and threatened with sexual assault during this period.9 He was held in Islamabad for 18 more days, during which he was repeatedly interrogated by Pakistani and U.S. officials; the sessions extended on average for 10 hours per day.10 The U.S. officials involved in his interrogation (ranging from 3-5 in number each time) introduced themselves to Khadr as “spies,” but did not explain for which U.S. agency they worked.11 Khadr alleges that both U.S. and Pakistani interrogators “screamed at” and “slapped [him] around the face and head” during this period.12 After he had been detained in Islamabad for 20 days, Khadr was transferred to a prison in Rawalpindi.13 There, Khadr was questioned numerous times by an individual who identified himself by name and explained that he was an FBI agent; this agent was accompanied by a senior agent.14 The FBI agent asked Khadr to sign a waiver form agreeing to speak to him without counsel and Khadr signed the form.15 The FBI agent requested that Khadr become a witness in an as-yet-uncharged terrorism-related case to be brought in the United States; the agent offered Khadr a two-year sentence in exchange for this testimony.16

Abdullah Khadr is one of four sons of Ahmed Said Khadr, a well known terrorism suspect who was killed during a gun battle with Pakistani authorities in 2003.17 Each of his brothers has been arrested at one time or another in connection with the “War on Terror”; his youngest brother is currently detained at Guantánamo Bay Naval Station.18

Concerning the role of the Canadian government, Khadr told his attorney that Canadian officials visited him in prison many times, beginning in January 2005 and ending with his release.19 At one point, representatives of Canada’s intelligence agency, the CSIS, questioned him for three consecutive days, which was followed by another three days of questioning by Royal Canadian Mounted Police (RCMP) officials.20 The CSIS officials recommended that Khadr comply with FBI requests to become a witness.21 Khadr told the *Globe and Mail* that he was questioned about the connections of other Canadians to possible terrorist activities; he named several individuals who were victims of extraordinary rendition or who were imprisoned and tortured, including Maher Arar and Abdulllah Almalki.22
Canadian officials apparently never advised Khadr’s family or legal counsel about his detention in Pakistan. Indeed, he was never given access to an attorney during his detention, and was not informed of the reasons for his detention. In addition, Khadr was never allowed to have access to his family; no government ever informed them of his whereabouts or even whether he was alive or dead. Reports in the press indicate that the United States may be preparing to seek the extradition of Abdullah Khadr on as-yet unspecified charges.

How do the different practices relate to each other?

The example of extraordinary rendition and U.S.-run secret detention facilities

It is clear that “extraordinary rendition” and secret detention facilities are related systems. One report notes, for example, that the secret detentions system is “augmented” by the practice of extraordinary renditions. However, the exact nature of this relationship remains unclear. In part this lack of clarity owes to confusion over what is meant by “extraordinary rendition.” The term “extraordinary rendition” refers to the transfer of an individual, with the involvement of the U.S. or its agents, to a foreign state in circumstances that make it more likely than not that the individual will be subjected to torture or cruel, inhuman or degrading treatment. An “extraordinary rendition” can occur when the person is kept in either a known or unknown facility in a foreign state; the key test will be whether the individual is at risk of torture or cruel, inhuman or degrading treatment. Therefore, the transfer of individuals to states known to hold individuals in secret detention may amount to extraordinary rendition.

In the U.S. context, “extraordinary renditions” are reportedly carried out by the Rendition Group in the Central Intelligence Agency (CIA) Counterterrorist Center. This Rendition Group reportedly captures persons and transfers them to two potential destinations: a “black site,” or CIA detention facility, such as those alleged to have been run in Eastern Europe, or a third country, often Egypt, Jordan, Morocco, Afghanistan and other countries to jails operated by these countries but with some degree of U.S. involvement. However, as the narratives of disappeared persons in Part II of this Briefing Paper show, the trajectory of movement is rarely this simple.

Who is held in the secret detention sites?

It is very difficult to obtain information about individuals who are being held in U.S. secret sites. In the remaining portion of this Briefing Paper, we will present narratives about individuals who may be in secret sites. We have divided the detainees into three categories, depending on the availability and quality of evidence concerning each case at this point in time:

(a) Individuals confirmed to be or to have been in U.S. detention who are probably held in U.S.-controlled secret locations or foreign facilities run with U.S. involvement. Individuals in this category are those commonly referred to as “high-level detainees” suspected of being active with Al Qaeda or other well-known terrorist organizations. U.S. government sources, including the 9-11 Commission Report and the White House website, confirm that these detainees are or have been at some point in U.S. custody. Despite their U.S. custody having been acknowledged, no information is provided about their whereabouts, though media accounts suggest that they are being held in secret detention centers in foreign states. Human Rights Watch has reported consistently on this category; a recent list published by the organization includes numerous examples. Individuals in this category include Abu Zubaydah (Zain al-Abidin Muhahhad Husain), Ramzi Binalshibh, and Khalid Sheikh Mohammed.
(b) **Individuals suspected of being in U.S. detention who are probably held in U.S.-controlled secret locations or foreign facilities run with U.S. involvement.**

Individuals in this category are somewhat harder to identify than those in the first, since the U.S. has not acknowledged that it is holding them. Instead, these are individuals about whom there is substantial evidence that the United States is holding them in secret detention. This evidence consists of:

i. Substantial evidence of apprehension by or with the involvement of U.S. agents, or apprehension by foreign agents followed by transfer to U.S. custody;

ii. Substantial evidence that the U.S. suspects the individual of involvement in terrorist activities; and

iii. Substantial evidence that the fate or whereabouts of the individual is unknown.

The U.S. has not acknowledged that it is detaining any of these individuals. Human Rights Watch includes several detainees in this category, including Ibn Shaikh al-Libi, Muhammed al-Darbi, and Musaad Aruchi.37

(c) **Individuals who may be in U.S. detention and who may be held in U.S.-controlled secret locations or foreign facilities run with U.S. involvement.**

This category consists of individuals about whom there is some evidence that the United States is holding them in secret detention. This evidence consists of:

i. Some evidence of apprehension by or with the involvement of U.S. agents, or apprehension by foreign agents followed by transfer to U.S. custody;

ii. Some evidence that the U.S. suspects the individual of involvement in terrorist activities; and

iii. Some evidence that the fate or whereabouts of the individual is unknown.

The U.S. has not acknowledged that it is detaining any of these individuals. These persons are Suleiman Abdalla, Abu Naseem, and Aafia Siddiqui.
II  INDIVIDUALS WHO MAY BE IN SECRET DETENTION

The narratives presented in this section are based on publicly available materials, augmented by interviews with legal representatives where noted. They have not been independently investigated.

(a) Individuals confirmed to be or to have been in U.S. detention who are probably held in U.S.-controlled secret locations or foreign facilities run with U.S. involvement

Mustafa al-Hawsawi

Mustafa Al-Hawsawi is a Saudi national. He was arrested on March 1, 2003 in Rawalpindi, Pakistan. The arrest is reported to have clearly involved U.S. agents, reportedly the CIA. The U.S. also appears to have received some of the fruits of the raid; unidentified Pakistani officials reported that computer disks found during the raid were turned over to American intelligence agents. Al-Hawsawi was also reported to have been turned over to U.S. custody. He was then reportedly taken to Bagram Air Base and/or another detention facility in Afghanistan and held in solitary confinement. In early March, 2003, another U.S. agency, this time the Federal Bureau of Investigation (FBI), stated in its weekly bulletin that al-Hawsawi was in U.S. custody; a report describing the content of the memo states that it indicated that al-Hawsawi had been transferred to a “secure site outside Pakistan where he is being interrogated.” Intelligence sources have reported to the media that it was likely that even al-Hawsawi himself did not know where he was being held.

Although the FBI confirmed in a weekly law bulletin in March 2003 that al-Hawsawi had been arrested and was in U.S. custody, the U.S. government failed to confirm that Al-Hawsawi was in U.S. custody in the 9-11 Commission Report released in June 2004. On August 29, 2003, in the case of U.S. v. Moussaoui in the United States District Court for the Eastern District of Virginia, Judge Brinkema ordered a videotaped deposition of al-Hawawi for use at trial. The U.S. has refused to give access to him in the case because of national security concerns. Media reports have stated that al-Hawsawi remains in U.S. custody.

Abd al-Rahim al Nashiri (Abdulrahim Mohammad Abda al-Nasheri, Abu Bilal al-Makki, Mullah Ahmad Belal, Mullah Bilal)

Al Nashiri is a Saudi-born Yemeni national. He was reportedly arrested in the United Arab Emirates (U.A.E.) in November 2002. On November 17, 2002, the U.S. Homeland Security Director, Tom Ridge, confirmed that a prisoner had been apprehended (without revealing that it was al Nashiri) and noted that “the prisoner was providing useful information.” On November 21, 2002, U.S. officials disclosed that it was al Nashiri who had been arrested earlier in November 2002 and that he was being interrogated by U.S. authorities at an undisclosed location. The 9-11 Commission Report records that al Nashiri is in U.S. custody, as does George W. Bush: Record of Achievement, Waging and Winning the War on Terror.

The location(s) of al Nashiri’s detention are not known. One account refers to a U.S. official’s confirmation that al Nashiri was held briefly in Afghanistan before being transferred to an undisclosed location. This undisclosed location may be Poland; a recent news report indicates that al Nashiri was held in secret detention in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.

Al Nashiri was subjected to at least nine interrogations between November 2002 and February 2004. It is unknown how many interrogations he has been subjected to since that date.
Ramzi Binalshibh (bin al-Shibh)

Ramzi Binalshibh was an alleged co-conspirator in the September 11 attacks. Following a tip from U.S. intelligence personnel, he was arrested in Karachi, Pakistan, on September 11, 2002 by Pakistani military and police officials. Later the following day, Binalshibh was conclusively identified by American agents. According to Pakistani officials, four FBI agents observed the raid from a car as it was carried out. Binalshibh was then allegedly taken with other detained Al-Qaeda members to a secret military facility near Karachi’s airport.

On September 15, 2002, German Interior Minister Otto Schily stated that the German government would seek to have Binalshibh extradited to Germany, which had already issued an international arrest warrant naming him. On the same day, Pakistani authorities were cited as saying that there had already been a “high-level” decision to ensure the U.S. took custody, not Germany.

Pakistani authorities then reportedly handed Binalshibh over to U.S. custody, and he was flown out of Pakistan on the following day on September 16, 2002. Media sources report that he was subsequently transported to a secret CIA installation in Thailand, and was later moved to another undisclosed location. Binalshibh has allegedly been in U.S. custody at undisclosed locations since his initial transfer to U.S. custody.

The United States District Court trying Zacarias Moussaoui decided in April of 2004 to allow Moussaoui to take testimony from Binalshibh and two other alleged Al Qaeda members. On July 14, 2003, Attorney General Ashcroft refused a court order mandating access to Binalshibh for a videotaped deposition. In September 2004, the United States Court of Appeals for the Fourth Circuit held that Moussaoui could instead submit written questions intended for Binalshibh. The U.S. government formally acknowledged that Binalshibh was in U.S. custody as of July 2004 in the 9-11 Commission Report and reaffirmed this by including reference to his apprehension on the White House website. The 9-11 Commission Report refers to 41 interrogation sessions with Binalshibh between July 2002 and July 2004.

Waleed Mohammed bin Attash (Tawfiq bin Attash, Tawfiq Attash Khallad)

Waleed Mohammed bin Attash is described as a “Saudi citizen of Yemeni descent.” He was reportedly arrested in Karachi, Pakistan on April 29, 2003 by Pakistani officials. After his arrest, bin Attash was reportedly held at an undisclosed location in Pakistani custody until at least May 1, 2003. It has been reported that bin Attash was initially subjected to interrogation by Pakistani intelligence officials before being given to “U.S. agents for questioning in the presence of Pakistani officials.” Bin Attash was reported to have been subsequently transferred to U.S. custody and subject to interrogation in an undisclosed location.

That bin Attash is in U.S. custody was confirmed in the 9-11 Commission Report. His location remains unconfirmed. It is reported that, at some point, bin Attash was in Poland; a recent news report indicates that bin Attash was held in secret detention in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.

Ahmed Khalfan Ghailani

Ghailani is a Tanzanian national. On July 24, 2004, Ghailani was arrested along with his wife (an Uzbek national), his children, and others in Gujartr, Pakistan. The U.S. is reported to have been involved in the following stages of Ghailani’s treatment:

- Providing intelligence leading to arrest: a Pakistani official told the press that Ghailani was seized “following a joint Pakistani-U.S. intelligence operation” and that “The
operation to capture Ghailani...was supervised by agents of Pakistan's Inter-Services Intelligence agency and coordinated with CIA and FBI officials.95

- Receiving, before July 30, 2004, computers and disks confiscated in the raid.96
- Confirming the identity of Ghailani after his arrest.97
- “Participating” in the interrogation of Ghailani after the arrest while Ghailani was being held by the Pakistani authorities at an undisclosed location.98
- Taking Ghailani into custody “shortly” after his arrest, reportedly after he had been held by Pakistan for a week.99 The apprehension of Ghailani is listed on the White House website in a document entitled George W. Bush: Record of Achievement, Waging and Winning the War on Terror.100
- Transporting Ghailani out of Pakistan to an undisclosed location.101 On January 25, 2005 Pakistani security officials confirmed that Ghailani had been transported out of Pakistan by plane in the custody of the U.S. months earlier.102 Another report puts this date at early August 2004, when Ghailani was reportedly handed over to a CIA team and flown out of the country on an unmarked plane.103 When questioned about the incident, the U.S. embassy in Pakistan refused to comment.104
- Reportedly holding Ghailani in Poland.105 This recent ABC News report lists Ghailani in a group of 12 “high-value” detainees “held in CIA prisons.”106 The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.107

The U.S. has at no stage brought Ghailani before a U.S. court, despite the fact that on December 16, 1998, Ghailani was indicted on nine counts in the Southern District of New York for his involvement in the U.S. Embassy bombings in Tanzania and Kenya.108 A bench warrant was also issued for his arrest at this time.109

Hassan Ghul

Hassan Ghul, a Pakistani citizen,110 was reportedly arrested on January 23, 2004 in Iraq.111 The 9-11 Commission Report confirms that Ghul is in U.S. custody.112 A recent news report indicates that Ghul was held in secret detention in Poland.113 He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.”114 The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.115

Hambali (Riduan Isamuddin)

Hambali (an Indonesian)116 and his wife Noralwizah Lee Abdullah (a Malaysian national)117 were arrested on August 11, 2003 in Aythaya, Thailand in a “joint operation” of which the U.S. was a part.118

The arrest of Hambali was formally announced on August 14, 2003 by White House Press Secretary Scott McClellan.119 At this press conference, U.S. officials refused to give significant additional details of the arrest, except to state that Hambali was in U.S. custody.120 Hambali’s detention in U.S. custody was also confirmed in the 9-11 Commission Report121 and the George W. Bush: Record of Achievement, Waging and Winning the War on Terror. The CIA is the U.S. agency to which Hambali was allegedly “handed over” after the arrest.122
Hambali’s location has not been disclosed. The following potential locations are identified in media sources:

- A report dated September 17, 2003 states that “Hambali is now being held in a secret location in U.S. custody. Thailand has said he is being interrogated by Thai authorities as well as representatives of other ‘allied nations.’” 123
- On September 27, 2003, it is reported in the Australian press that Hambali is in Bagram Air Base, Afghanistan being interrogated by U.S. officials. 124
- An article dated October 6, 2003 and a number of subsequent sources record that Hambali is being held in detention on Diego Garcia. 125
- On October 13, 2004, it is reported that the “Central Intelligence Agency runs a top-secret interrogation facility in Jordan” at which Hambali is being held. 126 When questioned about rumors of the torture of Hambali in Jordan, an Indonesian spokesman stated he could not confirm Hambali’s presence in Jordan. 127
- An ABC News report dated December 5, 2005 describes the fate and whereabouts of Hambali in the following terms: “In U.S. custody. Kept isolated from other high-value targets.” 128 This same article lists Hambali in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.

**Khalid Sheikh Mohammed**

Khalid Sheikh Mohammed is a Kuwaiti national of Pakistani origin. 129 U.S. authorities believe he was the chief intellectual author of the 9-11 attacks on the United States, among other terrorist acts. 130 As such, he was the target of much surveillance and at least one failed attempt to arrest him prior to his final apprehension. 131 In September 2002, Pakistani authorities tried and failed to apprehend him, but succeeded in detaining his two school-age sons, Yusif al-Khalid (then 9 years of age) and Abed al-Khalid (then 7 years of age). The two boys were reportedly held by Pakistani authorities until their father was arrested in March 2003; at that time they were handed over to the CIA for interrogation. 132

United States and Pakistani officials announced that Mohammed’s arrest occurred on March 1, 2003 in Rawalpindi, Pakistan. 133 The arrest reportedly occurred without incident and was carried out by Pakistani and American agents in a joint operation. 134 Mohammed was reportedly hooded and transported by car away from the site of his arrest. 135 However, some sources have suggested that the arrest actually occurred much earlier than March 1, 2003. 136 After his arrest, Mohammed was detained and interrogated by Pakistan’s Inter Services Intelligence (ISI). 137 On or about March 9, 2003, after Pakistani interrogations, Mohammed was reportedly transferred to American custody at Chaklala Air Force Base in Rawalpindi and subsequently transported to Bagram Air Base, Afghanistan. 138 While being interrogated at Bagram, Mohammed was made aware that his sons were being held (by U.S. or Pakistani agents) and that his actions might affect their release. 139 After a few days at Bagram, reports state that he was transferred to an undisclosed location. 140 At some point after his transfer to American custody, it is reported that Mohammed was interrogated in Thailand, although it is not clear whether this was before or after his transfer to Bagram. 141 Reports have also indicated that he was at some point held on the Indian Ocean island of Diego Garcia, a U.K. territory leased by the U.S. for use as a naval base. 142 Despite these reports, the Pentagon, the CIA and the British government have both explicitly denied the existence of detention facilities on Diego Garcia. 143

Mohammed’s detention in U.S. custody as of July 2004 was confirmed in the 9-11 Commission Report. 144 The report includes information about 82 interrogations of Mohammed between March 12, 2002
and July 2004, and cites widely to the fruits of those interrogations. The United States government has provided extracts of interrogations of Mohammed to a German court in the trial of Mounir el-Motassadeq in Hamburg, Germany.

A recent news report indicates that Mohammed was held in secret CIA detention in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.

Abu Zubaydah (Abu Zubaida, Zayn al-Abidin Mohammed Husayn, Zain al-Abidin Muhahhad Husain)

Abu Zubaydah is a Palestinian who was born in Saudi Arabia. Zubaydah was reportedly arrested on March 27, 2002 in Faisalabad, Pakistan. The 9/11 Commission Report records that Zubaydah is in U.S. custody, as does George W. Bush: Record of Achievement, Waging and Winning the War on Terror.

The arrest reportedly involved the U.S. on many levels, including: providing assistance in the lead-up to the arrest (e.g. it is reported that “using ‘extremely sensitive methods’ – FBI-speak for telephone intercepts and locator devices – Pakistani and American investigators zeroed in on at least two houses in Faisalabad…”) and involvement in the actual carrying out of the arrest (e.g. one report recalls the experience of Tsadqui Hussain, the police chief of Faisalabad, Pakistan, of having “members of Pakistani military intelligence, accompanied by American CIA and FBI personnel wearing bulletproof vests” arrive at the police station before the arrest, and another report describes the arrest as being carried out “by a joint team of American and Pakistani special forces”). The U.S. also reportedly received most of the material seized in the operation.

Zubaydah was reportedly rushed to a hospital(s) to address his gunshot wounds sustained during the arrest operation. One news source suggests that Zubaydah was probably taken to a hospital at either Dalbandin or Jacobabad, two military bases which the U.S. has used. It is reported that after his arrest Zubaydah was subjected to a “brief” interrogation by Pakistani officials and then handed over to “the Americans.” On April 3, 2002 Donald Rumsfeld stated that the U.S. was “holding” Zubaydah and that Zubaydah was receiving medical care. On the same day, the Defense Secretary denied that U.S. officials had plans to torture Zubaydah, or that it would allow him to be tortured.

There are a number of potential locations at which Zubaydah may have been kept at different stages in his detention. One press account suggests that Zubaydah was allegedly transferred to Bagram Air Base, Afghanistan, and then again to Jordan where he was detained in various facilities in the capital Amman and the eastern desert portion of the country. His potential transfer to Jordan is especially relevant because Zubaydah had previously been sentenced to death there for alleged terror activities. An ABC News report dated December 5, 2005, sheds more light on the places of Zubaydah’s detention and the significance of the case of Zubaydah in the development of the secret detention system:

According to sources directly involved in setting up the CIA secret prison system, it began with the capture of Abu Zubayda in Pakistan. After treatment there for gunshot wounds, he was whisked by the CIA to Thailand where he was housed in a small, disused warehouse on an active airbase. There, his cell was kept under 24-hour closed circuit TV surveillance and his life-threatening wounds were tended to by a CIA doctor specially sent from Langley headquarters to assure Abu Zubaydah was given proper care, sources said. Once healthy, he was slapped, grabbed, made to stand long hours in a cold cell, and finally handcuffed and strapped feet up to a water board until after 0.31 seconds he begged for mercy and began to cooperate.

This same report indicates that, in addition to Thailand, Zubaydah was held in secret detention in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The
same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.  

In late 2002, CIA officials said that Zubaydah was one prospective defendant to be tried before a military commission. However, subsequently the CIA decided “interrogation was to be given priority over prosecution.” The detention of Zubaydah re-ignited a previous debate between the CIA and FBI over harsh interrogation techniques. The disagreement eventually led to the FBI Director to “hold back” FBI involvement.

(b) Individuals suspected of being in U.S. detention who are probably held in U.S.-controlled secret locations or foreign facilities run with U.S. involvement.

Muhammad al-Darbi

Muhammad al-Darbi, a Yemeni national, was apprehended in Yemen in August 2002. The circumstances of his apprehension are unreported and the extent of his involvement in terrorist activities is unclear. Information leading to his apprehension may have come, in part, from interrogations at Bagram Air Base, Afghanistan, a facility where the use of torture and cruel, inhuman and degrading treatment in interrogation has been reported. Al-Darbi himself is also reported to have been interrogated by U.S. officials. He reportedly “remain(s) under CIA control.”

Adil al-Jazeeri (Adil Amin)

Adil al-Jazeeri, an Algerian national, was arrested on June 17, 2003 in Hayatabad Peshawar, the capital of Pakistan’s North West Frontier Province. The U.S. was again reported to have been involved in the arrest, although this time, rather than the CIA, the arrest was reportedly made by Pakistani security personnel accompanied by FBI agents. This report was echoed by CNN. Another suspected terrorist, Gulzaib Khan (Jaffer), was apprehended in the same raid.

Al-Jazeeri was not on the FBI list of most wanted terrorists at the time, but was characterized as “one of the top seven” officials of the Al-Qaeda network by Pakistani Information Minister Sheikh Rashid Ahmed. He allegedly played a role in Al Qaeda’s communication networks. Al-Jazeeri was taken to
an “undisclosed location” following his arrest, and was reported to have been jointly interrogated by FBI agents and Pakistani intelligence officials.

**Ibn al-Shaikh al-Libi**

Ibn al-Shaikh al-Libi is a Libyan national. Al-Libi’s arrest by Pakistani forces most likely occurred on November 11, 2001. The arrest reportedly occurred in Pakistan while al-Libi was fleeing the fighting in Tora Bora. What happened to al-Libi next provides great insight into the relationship between secret detention and extraordinary rendition and the agencies involved in these practices:

- Before al-Libi comes into U.S. custody, the CIA reportedly has access to al-Libi in Pakistan.
- Al-Libi, in U.S. custody, is reportedly then transferred to Afghanistan; according to media reports, al-Libi was at some point held in U.S. custody at the airport in Kandahar, Afghanistan prior to January 5, 2002. According to unidentified U.S. authorities’ statements to the media, by January 9, 2002 al-Libi was transferred to the U.S.S. Bataan, an amphibious assault ship positioned in the Arabian Sea. Al-Libi’s interrogation on the U.S.S. Bataan was reportedly initially directed by the FBI. Al-Libi reportedly came under the control of the CIA during January of 2002 after a dispute between the CIA and the FBI over who would have control over al-Libi. However, a recent news account of this stage of al-Libi’s detention identifies the role of military in this process; it records that al-Libi was “initially held by the United States military in Afghanistan, and was debriefed there by CIA officers.”
- It is reported that al-Libi was then transferred from Afghanistan to Egypt for “further interrogation” in January 2002. This transfer is alleged to have occurred “because the White House had not yet provided detailed authorization for the CIA to hold him.” It has also been reported that immediately prior to his alleged transfer to Egypt, the FBI and CIA feuded over the use of harsh interrogation methods. The CIA reportedly won the dispute, and initiated the transfer to Egypt. It is during this time in Egyptian custody that al-Libi is alleged to have made “detailed” statements about alleged ties between Iraq and Al Qaeda, upon which the U.S. relied “so heavily” as “foundation” for its claims about links between Iraq and Al Qaeda involving both training and illicit weapons. Al-Libi is reported to have later retracted these statements on the basis that “he had fabricated them to escape harsh treatment.”
- By late 2002, al-Libi is believed to be in CIA custody and is reported to be included on a list of prospective persons to be tried by military tribunals. However, this did not result, as interrogation of al-Libi was reportedly prioritized over prosecution. In late September of 2002, President Bush issued an Executive Order freezing al-Libi’s assets.
- After a year or so in Egypt, in February 2003, al-Libi is then reportedly returned to U.S. custody when he was transferred to Guantánamo Bay Naval Station. In January 2004, al-Libi is reported to have withdrawn his statements concerning ties between Iraq and Al Qaeda.
- The current location of al-Libi is unknown. The 9-11 Commission Report did not confirm U.S. custody of al-Libi. An ABC News report indicates that al-Libi has at some point been held in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.
**Abu Faraj al-Libbi (al-Libi, al-Liby)**

On May 2, 2005 Abu Faraj al-Libbi was arrested in Mardan, Pakistan by “members of the (Pakistani) security forces aided by U.S. intelligence.” Pakistani authorities announced the arrest two days later. After his arrest, it is reported that al-Libbi was airlifted to Islamabad where he was interrogated by both Pakistani and U.S. agents at an undisclosed location. On 6 May 2005, Amnesty International stated that Abu Faraj al-Libbi, 42, was being held in incommunicado detention in Pakistan. Reports indicate that after being interrogated in Pakistan, al-Libbi was transferred to U.S. custody in early June 2005. An Amnesty International report indicates that this was U.S. military custody.

On 6 June the Pakistani authorities confirmed that Abu Faraj al-Libbi had been handed over to U.S. custody in response to a request from the U.S. authorities, saying that he had been taken out of Pakistan on a plane by U.S. officials and sent to an unknown destination at the beginning of June. One Pakistani intelligence official said he did not know where al-Libbi had been taken, while another said that he would be taken to a U.S. detention facility where other suspects are held so that interrogators could "verify very quickly" information he had given the Pakistani authorities.

There are numerous sources that refer to the potential location(s) of al-Libbi’s detention. For example, (unspecified) intelligence sources are reported to have told Adnkronos International (AKI) that al-Libbi was “likely” to be interrogated in Morocco and Jordan before being transferred to Guantánamo Bay Naval Station. An e-mail dated 7 June 2005, from Col. James Yont, U.S. military spokesperson based in Afghanistan, to the Associated Press, is said to indicate that al-Libbi was taken “directly from Pakistan to the U.S. and was not brought to Afghanistan.”

It is reported by *ABC News* that at some point al-Libbi was held in secret detention in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.

**Abdul Rahim al-Sharqawi (Riyadh the facilitator)**

Abdul Rahim al-Sharqawi was reportedly arrested in January, 2002 in Karachi, Pakistan. One news report indicates that al-Sharqawi was arrested by “Pakistani forces.” Another report discusses the relationship between the U.S. and Pakistani counter-terrorism activities and states in this context, that “it is also believed that Pakistani authorities aided in the capture of Abdul Rahim al-Sharqawi...” A number of sources refer to the lack of information surrounding the precise circumstances of al-Sharqawi’s apprehension. However, one report suggests that some information leading up to al-Sharqawi’s arrest was gained from responses to advertisements placed in Pakistani papers promising compensation for information regarding suspicious foreigners.

The U.S. did not confirm custody of al-Shaqawi in the 9-11 Commission Report. However, some media reports refer to al-Sharqawi as being “known to be in custody” in a context which suggests that this is U.S. custody. Another report describes al-Sharqawi’s custody in slightly different terms, noting that “…al-Sharqawi reportedly is in the custody in an unidentified country where U.S. officials have access to him.”

As this latter report suggests, the location of al-Sharqawi is unknown. On December 1, 2005 Human Rights Watch suggested that al-Sharqawi was “possibly transferred to Guantánamo.” A recent *ABC News* report suggests that al-Sharqawi was held in secret detention in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.
Ali Abdul Aziz Ali (Ammar al Baluchi)

Ali Abdul Aziz Ali is a Pakistani national apprehended in Karachi, Pakistan on April 29, 2003. He was reportedly apprehended and interrogated initially by Pakistani authorities, and transferred to U.S. custody on May 2, 2003. A media report detailing the handover of Ali Abdul Aziz Ali describes Pakistani law-enforcement officials as confirming that he was “given into the custody of U.S. authorities (FBI or CIA agents) for further interrogation.” Another report indicates that Ali Abdul Aziz Ali was taken into FBI custody.

The U.S. government has neither confirmed nor denied that Ali Abdul Aziz Ali is in U.S. custody. The 9-11 Commission Report cites to information from an “interrogation of” Ali Abdul Aziz Ali on February 11, 2004, but it is not stated that he is in U.S. custody. However, in U.S. v. Paracha, a 2005 New York District Court case, the U.S. provided sworn statements taken from him. The judge in this case refused to allow Ali Abdul Aziz Ali as a live witness citing national security reasons. The exact phrasing of Ali Abdul Aziz Ali’s statements made “during his interrogation by U.S. forces” was kept secret as the sworn statement read aloud in court was a paraphrased summary.

Despite providing the statement of Ali Abdul Aziz Ali (and of Majid Khan, see below), the U.S. refused to either confirm or deny that Ali Abdul Aziz Ali is in the custody of the U.S. Ali Abdul Aziz Ali is presumed by news sources to be in U.S. custody in an undisclosed location.

Mohammad Farik Amin (Zubair)

Mohamad Farik Amin, a Malaysian citizen, was reportedly arrested in 2003 in Southern Thailand. Sources vary on the exact date of his arrest, but it is alleged to have occurred between June and July 2003.

In terms of U.S. involvement, one news report describes the arrest as a “low key” “covert joint Thai-CIA operation.” The Deputy Prime Minister of Malaysia has further stated that both Amin and Mohamad Nazir bin Lep were arrested by U.S. officials and were (as at August 19, 2003) being interrogated.

The location of Amin is unknown, although it was reported that at some point Amin, along with Hambali and bin Lep, was in Bagram Air Base, Afghanistan being interrogated by U.S. officials. One source also believes that he, along with Hambali and bin Lep, has been held at Diego Garcia. In August 2003 Malaysia urged the U.S. to hand Amin over to Malaysian authorities.

Musaad Aruchi (Musab al-Baluchi, al-Balochi, al-Baloshi)

Musaad Aruchi was reportedly arrested in Karachi, Pakistan on June 12, 2004, by Pakistani paramilitary forces in an “operation supervised by the CIA.” The importance of U.S. involvement to the operation is clear from media accounts; the operation reportedly employed sophisticated American eavesdropping technology and computerized identification systems and was funded by the CIA.

It is reported that Pakistani authorities held Aruchi for three days before he was flown in an unmarked CIA plane from a Pakistani air force base to a location that U.S. officials did not disclose.

Abdul Aziz

Abdul Aziz was reportedly arrested on December 14, 2001. His nationality is not known. In one account Aziz is described as one of the “battlefield detainees” held by U.S. troops in Afghanistan, many of whom “have been or are being interrogated by CIA, Defense Intelligence Agency, FBI and Army officials.”
Abu Faisal

Abu Faisal was reportedly arrested on December 12, 2001 in Afghanistan or Pakistan. His nationality is not known. As with Abdul Aziz, one media account describes Faisal as one of the “battlefield detainees” held by U.S. troops in Afghanistan, many of whom “have been or are being interrogated by CIA, Defense Intelligence Agency, FBI and Army officials.”

Majid Khan

Majid Khan, a Pakistani national, was initially detained by Pakistani authorities early in 2003, reportedly at some point between March and April. Numerous reports indicate that Khan is being held in U.S. custody in an undisclosed location. This is also suggested by the fact that the U.S. was able to produce sworn statements from Khan (and Ali Abdul Aziz Ali as discussed above) in the case of U.S. v. Paracha, although the Government has not confirmed or denied that Khan is in custody.

Mohammad Naeem Noor Khan (Abu Talaha)

It is widely reported that Mohammad Naeem Noor Khan, a Pakistani national, was arrested on July 13, 2004 in Lahore, Pakistan. However, it should also be noted that during court proceedings regarding his detention, Khan’s lawyer alleged that he was arrested earlier: on May 5, 2004.

Information leading to Khan’s arrest was allegedly gained from interrogations of Malaysian students who had allegedly been previously detained incommunicado, threatened with torture, and subsequently released by Pakistani authorities during September 2003. It has also been reported that the CIA was involved in Khan’s arrest: one account indicates that Khan was “captured with the help of the CIA”; another indicates that the CIA provided information that led to Khan’s arrest.

The fate and whereabouts of Khan remain unknown, despite court proceedings in Pakistan brought by Khan’s lawyer, requesting the location of his detention and detail of the charges being brought against him. It is unclear even whether there have been charges brought against Khan; one Pakistani official familiar with Khan’s interrogation has told the press that “Nothing very incriminating was found to connect him with any terrorist act or to the planning of an act, hence we are still not sure if he'll be prosecuted or not.” Some sense of the type of interrogation to which Khan has been subjected can be gleaned from a media report from August 8, 2005, in which Khan is characterized as initially “a hard nut to crack.”

On December 1, 2005, Human Rights Watch, citing various media sources, described the fate of Khan as follows: Khan “…was held by Pakistani authorities, and likely transferred to U.S. custody. (Possibly in joint U.S.-Pakistani custody).” There have also been reports that Khan has been working undercover as a double agent after his arrest; the source of this news was reportedly the U.S. government itself who leaked the name of Khan to the U.S. media.

Mohamad Nazir bin Lep (aka Lillie, Lilie, or Li-Li)

Mohamad Nazir bin Lep, a Malaysian, was reportedly arrested on 11 August 2003 in Bangkok, Thailand, after he was “lured to the capital.” His arrest preceded the arrest of Hambali (see above), with whom he was alleged to have been associated, by a few hours. It is reported that bin Lep watched the arrest of Mohamad Farik Amin (Mohamad Zubair) (see above) earlier in 2003.

In terms of U.S. involvement, the Deputy Prime Minister of Malaysia has stated that both bin Lep and Amin were arrested by U.S. officials and were (as at August 19, 2003) being interrogated. The interrogation of bin Lep has been referred to in the media; one account relies on intelligence sources to state that information “extracted by Thai and U.S. intelligence officials” from bin Lep aided in the apprehension of Hambali; another refers more generally to the “confessions” of bin Lep (and Amin). The location of bin Lep is unknown, although it is reported that at some point bin Lep, along with Hambali and Amin, was in Bagram Air Base, Afghanistan being interrogated by U.S. officials. One source also
believes that he, along with Hambali and Mohammad Farik Amin, has been held at Diego Garcia. In August 2003 Malaysia urged the U.S. to hand bin Lep over to Malaysian authorities.

**Tariq Mahmud (Mahmood)**

Tariq Mahmud, a dual British and Pakistani national, was reportedly arrested in October 2003 in Pakistan. He was arrested on suspicion of links to Al Qaeda. Mahmud was allegedly seized in “an operation involving Pakistani and American intelligence officials.” It has also been reported that there was possible U.K. involvement, although Pakistani and U.S. sources deny reports that British officials were involved in the arrest. Mahmud was allegedly seized in “an operation involving Pakistani and American intelligence officials.” It is reported that Mahmud was arrested when a friend made contact with him in Pakistan; that friend was also arrested at the same time as Mahmud, and both were then “hooded, cuffed and taken to an undisclosed location.” That friend was subsequently released from detention; it is alleged that during this detention he was interrogated by Pakistani ISI, CIA and MI6 (British) officers.

Mahmud however was not released and his location is unknown. On October 30, 2003, BBC News referred to statements of Masood Khan, a spokesman for Pakistan's Ministry of Foreign Affairs, to the effect that Mahmud was in the “custody of the Pakistani security agencies.” On the same day, however, The Telegraph reported that Mahmud had been arrested by Pakistani security forces and then handed over to “United States forces operating in the region.” The same article refers to information from sources that Mahmud is being held at Bagram Air Base, Afghanistan and may be sent from there to Guantánamo Bay Naval Station. Pakistani and U.S. sources have denied that Mahmud had been moved to Bagram Air Base, Afghanistan. According to Abd al-Rahman Siddique (Mahmud’s solicitor in Pakistan) in the course of legal proceedings in Pakistan in December, 2004, Pakistani authorities first denied that they had arrested Mahmud before then claiming that Mahmud had actually been arrested on December 10, 2003 and was in prison “in the Punjab.” The effect of this, according to al-Rahman Siddique, is that Mahmud had at the time “been arrested unlawfully and detained without charge for nearly three months.” Mahmud did not appear in court in these proceedings.

However, despite the assertions of the Pakistani government, Mahmud’s brother, Tahir Mahmud told Aljazeera.net in December 2003 that:

I have no reason to believe the Pakistani authorities when they say that my brother is still in Pakistan. They have changed their story more than once, and no one from his legal team or from the British Foreign Office have seen him which leads me to believe he is in American custody in Guantánamo Bay Naval Station.

This speculation has been echoed in the media; on January 12, 2005, The Times reported that:

The Foreign Office also said that it was unaware of the whereabouts of Tariq Mahmood, a Birmingham taxi driver and British citizen who may be in Guantánamo.

**Mohammed Omar Abdel Rahman (Asadullah)**

Mohammed Omar Abdel Rahman, an Egyptian national, is one of the sons of Omar Abdul Rahman, who is serving a life sentence in the United States for his 1995 conviction of conspiring to destroy New York landmarks. There are conflicting reports about the location and timing of the arrest: some reports indicate that he was apprehended in Kabul, Afghanistan in November 2001. Other reports state that he was not apprehended until February 2003 in Quetta, Pakistan.

Rahman’s family repeatedly sought information from U.S. authorities about his whereabouts and status; these efforts were unsuccessful. After they read media reports that Rahman had been apprehended in Afghanistan by the Northern Alliance, his family sought assistance from a lawyer, who sent letters to Attorney General John Ashcroft and Secretary of Defense Donald Rumsfeld. In the letter, the family requested that U.S. authorities notify them if Rahman was handed over to their custody, and asked
that Rahman not be interrogated without his lawyers present. According to Amnesty International, reports surfaced in December 2001 stating that Rahman has been transferred to U.S. custody. On January 28, 2002, the U.S. Department of Justice replied to the lawyers' letter. In full, the letter read as follows:

Your letter of November 30, 2001, to the Attorney General advising that you have been retained by the family of Ahmed Abdul Rahman to represent him has been referred to the Criminal Division for response. Receipt of your letter, and your request concerning any potential interrogation of Ahmed Abdul Rahman by agencies of the United States in the event he is taken into custody in Afghanistan, is herewith acknowledged.

A recent news report indicates that Rahman was held in secret CIA detention in Poland. He is listed in this article in a group of 12 “high-value” detainees “held in CIA prisons.” The same article indicates that “11 top al Qaeda suspects have now been moved to a new CIA facility in the North African desert” and that of these 11 persons, 10 were subjected to the CIA’s “enhanced interrogation techniques,” including waterboarding.

(c) Individuals who may be in U.S. detention and who may be held in U.S.-controlled secret locations or foreign facilities run with U.S. involvement

Suleiman Abdalla (Suleiman Abdalla Salim Hemed)

In March 2003, reports surfaced about the apprehension of an unnamed Al Qaeda suspect of Yemeni origin in Somalia. Initial reports were that the individual was picked up on March 18, 2003 with the assistance of Somali warlords in Mogadishu. Injured by the militia force that abducted him, the detainee was taken to a hospital in Mogadishu, and was later handed over to the FBI. Kenyan Foreign Minister Kalonzo Musyoka claimed that Kenyan officers had carried out the arrest in conjunction with the Somalis, he added that “there were other interested parties involved.” Eyewitnesses also reported that “six armed U.S. officials in plain clothes had been present when the man was picked up” in Somalia. In May 2003, Minister Musyoka told the New York Times that the Kenyans had carried out the raid “and handed [the detainee] over to the United States.”

On March 26, 2003, Kenyan Minister for Security Chris Murungaru named the individual detained in Somalia as a Yemeni national named Suleiman Abdalla. The Kenyan government also stated that Abdalla was being transported to the U.S. for trial in connection with the terrorist attacks in East Africa in 1998. The Guardian reported in May 2003 that Kenya had handed Suleiman Abdalla “to U.S. agents” in March 2003.

The relationship between U.S. officials and specific Somalian warlords is contested. Some reports have identified Mohammed Dheere as the warlord who helped capture Suleiman Abdalla. The New York Sun reported that Somali gunmen claim that U.S. agents “regularly visit Mr. Dheere at his Mogadishu home and an AP reporter saw two of the alleged agents, dressed in regular clothing, moving through Mogadishu using a team of bodyguards belonging to Bashir Rageth, a wealthy businessman closely associated with Mr. Dheere.”

In May 2003, a spokesperson for the U.S. military’s anti-terrorism task force in the Horn of Africa indicated to Voice of America (VOA) that the task force had played a role in the apprehension of several suspects by Kenyan officers in Somalia; unnamed military sources told the news agency that Suleiman Abdalla had been taken from Somalia to Kenya, and was later “transported to the United States for interrogation and prosecution.” VOA also reported that “The Horn of Africa task force spokesperson has not responded to inquiries about the man.” In a report filed later concerning the existence of secret detention facilities, VOA reported that the “FBI has denied knowledge of any transfer [of Abdalla] and a Justice Department spokesman tells VOA the suspect is still in Africa.”
Abu Naseem

Abu Naseem is a Tunisian national who was arrested by Pakistani authorities on June 17, 2003 in Peshawar, Pakistan. Several reports indicate that he was arrested on the same day as Adil Al-Jazeeri (see separate entry in this report), in a different location in Peshawar. A single report indicates that Abu Naseem was arrested one week before Al-Jazeeri. Abu Naseem was reportedly suspected of providing forged documents for Al-Qaeda, and of facilitating other Qaeda operations.

The Chicago Tribune reported that Abu Naseem was detained and questioned by Pakistani security forces, “but it wasn’t immediately clear whether [Abu Naseem and Al-Jazeeri] were in Pakistani custody or handed over to U.S. officials.” Pakistani officials told the Daily Times of Pakistan that the U.S. had been “informed of the arrests.” Reports indicate that Al-Jazeeri was subsequently transferred to Bagram Air Base, Afghanistan. No information is available about whether Naseem was similarly transferred; at the time of his arrest, CBS reported that “Nearly 500 al Qaeda suspects have been arrested in Pakistan and most of them have been handed over to the United States.”

Aafia Siddiqui

Aafia Siddiqui was last seen in Pakistan, getting into a cab with her three children. This was reportedly in either March or early April 2003. Her three children were aged 7 years, 5 years and 6 months at that time. Siddiqui and her children were taking the taxi from her mother’s home to the train station; this was to be one leg of a journey to visit an uncle in Islamabad. None of the four have been seen since. A week after the incident, Siddiqui’s mother, Ismet Siddiqui, claimed that an “intelligence agency official” warned her not to draw attention to her daughter’s disappearance.

An article in the Pakistani Urdu press reports that Siddiqui was stopped and arrested by officers of a law enforcement agency, taken to some unknown place and after “strict” initial investigation sent to the United States in “strict custody”. Based on this article, Ismet Siddiqui flew to the United States to try and locate her daughter. On arrival at JFK International Airport, New York, Ismet Siddiqui was detained for questioning by the FBI, NYPD and Homeland Security. The CIA was allegedly not present during this questioning. While in the United States, Ismet Siddiqui was subpoenaed to appear before a grand jury. The Siddiqui family hired Elaine Sharp to represent them, and Ms. Sharp was present during interviews of Ismet Siddiqui with the U.S. Attorney and FBI. In the course of these interviews, according to Ms. Sharp the U.S. Attorney and FBI emphatically stated that they did not know where Aafia Siddiqui was and stated that she was not in U.S. custody. Ms. Sharp does not take the latter as a definitive statement, noting that it does not exclude the possibility, for example, that Siddiqui is being held by another country with the U.S. being granted access to her. According to Ms. Sharp it is also notable that at no stage during these discussions, or indeed at any stage, has such a statement been given by, or on behalf of, the CIA.

The reports detailing the circumstances of Siddiqui’s disappearance have been confusing. On March 18, 2003, the FBI issued an alert requesting information on Siddiqui and her estranged husband Mohammed Khan. It is alleged that this attention to Siddiqui came about because Khalid Shaik Mohammed provided her name to his U.S. interrogators, although it has also been reported that the FBI had paid attention to Siddiqui and her husband at an earlier stage. The Boston Globe surmises that Siddiqui had been “sought by Pakistani and U.S. authorities since March 2003”. In portrayals of Siddiqui as a terrorist threat, a number of themes became prevalent. According to her mother’s lawyer, two are particularly problematic: the attempt to portray Siddiqui as a microbiologist (when her field is cognitive neuroscience) and the allegations that Siddiqui was active in the diamond trade in Liberia to raise funds for al Qaeda. Ms. Sharp disputes these allegations and believes misinformation is being circulated in an attempt to find the “new face” of al Qaeda, i.e. the female face.

With regard to her disappearance, it is reported that initially a spokesperson for the interior ministry of Pakistan and two unnamed U.S. officials confirmed information in the Urdu press that Siddiqui and her children were “picked up” by Pakistani authorities and taken into U.S. custody. On April 3,
2003, Chicago NBC (drawing on a report in the *Press Trust of India*) also records that “U.S. intelligence officials are reportedly interrogating a Pakistani woman…” 389 The article identifies this woman as Siddiqui.390 On May 1, 2003, *Newsweek* stated that “Inside sources claim that Afia had been ‘picked up’ by intelligence agencies on the way to the airport and initial reports suggest she was handed over to the FBI.” 391

However, both Pakistani and American officials are alleged to have later “backtracked” on any form of acknowledgement of Siddiqui’s fate. 392 On April 1 and 2, 2003, the Pakistani Interior Minister Faisal Saleh Hayat is reported to have stated that Siddiqui had not been arrested.393 Another “senior” Pakistani source is alleged to have told the *Associated Press* that “she has apparently gone underground.” 394 Likewise, the FBI has denied any knowledge of Aafia’s location. 395 At a press conference on May 26, 2004, Attorney General Ashcroft and FBI Director Robert Mueller III firmly indicated that the FBI was still seeking custody of Siddiqui when it identified her as one of seven persons who presented a “clear and present danger” to the United States. 396 However, two days later, on May 28, 2004, a Pakistani “interior ministry spokesman” is alleged to have confirmed that “Dr. Aafia Siddiqui, allegedly involved in terrorist activities, had been arrested in 2003 from Karachi and handed over to the U.S. authorities.” 397 It is alleged that this hand over occurred because Siddiqui had retained her United States nationality. 398 The same article also states, on the basis of information from “another interior ministry official,” that “Pakistani intelligence officials had interrogated her but her links with Al Qaeda could not be established.” 399 There are also suggestions in the press that Siddiqui has been killed by the Pakistani ISI 400 or that her disappearance has been the result of domestic violence. 401
registration of prisoners “happened pretty often”).

http://www.democracynow.org/article.pl?sid=05/11/15/1632233 (former interrogator Tony Lagouranis noting that non-officials said they could find no evidence of a signed agreement.

of official agreement. A Navy report issued yesterday said there was evidence of about 30 ghost detainees, but Pentagon

1900 ghost detainees held in prisons in Iraq but that the detainees slipped through the cracks and were not part of any

Annex to Fay/Jones/Kern Report (May 7, 2004); Statement of B/Co, 66th MI Group, 202nd MI BN, Annex to Fay/Jones/Kern Report (May 24, 2004); Sworn Statement of SGT, 372nd MP Co SPC, Annex to Fay/Jones/Kern Report (May 7, 2004); Sworn Statement of SPC/E4, B Co., 66th MI Group, 202nd MI BN, Annex to Fay/Jones/Kern Report (May 24, 2004); Sworn Statement of SGT, Member of GTMO team, “Shut Up Group,” Annex to Fay/Jones/Kern Report (June 4, 2004); Sworn Statement of CW2, A/519th MI Bn, Annex to Fay/Jones/Kern Report (May 19, 2004); Sworn Statement of SGT, 372nd MP Co, Annex to Fay/Jones/Kern Report (May 7, 2004); Statement of B/Co, 470th MI Grp. SGT, Annex to Fay/Jones/Kern Report (May 18, 2004). In terms of the numbers involved see Josh White, Army, CIA Agreed on ‘Ghost’ Prisoners, WASH. POST, Mar. 11, 2005, at A16 (noting that “Defense Department officials have said that there were as many as 100 ghost detainees held in prisons in Iraq but that the detainees slipped through the cracks and were not part of any official agreement. A Navy report issued yesterday said there was evidence of about 30 ghost detainees, but Pentagon officials said they could find no evidence of a signed agreement.”); Former U.S. Army Interrogator Describes the Harsh Techniques He Used in Iraq, Detainee Abuse by Marines and Navy Seals and Why “Torture is the Worst Possible Thing We Could Do” (Democracy Now! radio & television broadcast, Nov. 15, 2005, transcript available at http://www.democracynow.org/article.pl?sid=05/11/15/1632233 (former interrogator Tony Lagouranis noting that non-registration of prisoners “happened pretty often”).

The legal standards and implications for these collaborations will also be addressed in a future CHRGJ Briefing Paper.

Email from Dennis Edney to Margaret Satterthwaite, dated December 14, 2005 (on file with authors).

Email from Dennis Edney, supra note 5.

Email from Dennis Edney, supra note 5. See also Colin Freeze, Mounties Bring Khadr Home, GLOBE AND MAIL UPDATE, Dec. 8, 2005.

Email from Dennis Edney, supra note 5.

Abdullah Khadr is one of four sons of Ahmed Said Khadr, a well known terrorism suspect who was killed during a gun battle with Pakistani authorities in 2003.

Email from Dennis Edney, supra note 5.

Email from Dennis Edney, supra note 5.

Email from Dennis Edney, supra note 5.

Freeze, supra note 9.

Email from Dennis Edney, supra note 5.

Friscolanti & Alcoba, supra note 6.

Email from Dennis Edney, supra note 5.

Email from Dennis Edney, supra note 5.


See generally Torture by Proxy: International and Domestic Law Applicable to “Extraordinary Renditions” (New York: ABCNY & NYU School of Law, 2004); Beyond Guantánamo: Transfers to Torture One Year After Rasul v. Bush (New York: NYU School of Law, 2005) (noting that the definition of Extraordinary Rendition uses the ‘more likely than not’ standard for assessing an individual’s risk upon transfer because this is the test that the U.S. employs when assessing that risk; however, the relevant human rights treaties contain significantly more protective standards concerning the level of risk of torture or CID treatment that an individual faces upon transfer).

See e.g. jurisprudence of the Human Rights Committee on the relationship between incommunicado detention and torture or cruel, inhuman or degrading treatment outlined in Report submitted by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearances, pursuant to paragraph 11 of Commission resolution 2001/46, E/ CN.4/2002/71, paras 17 – 25 (2002).


Id.


See Priest, supra note 2.


See Human Rights Watch, List of “Ghost Prisoners,” supra note 35.

See Human Rights Watch, List of “Ghost Prisoners,” supra note 35.


He was arrested along with Khalid Sheikh Mohammed. See id. See also HUMAN RIGHTS WATCH, THE ROAD TO ABU GHRAIB 12 n.27 (2004), available at http://www.hrw.org/reports/2004/usa0604/usa0604.pdf; HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED,” supra note 3, 24-42.

See U.S. Says 9/11 Financier Caught, BBC NEWS, Mar. 4, 2003, available at http://news.bbc.co.uk/1/hi/world/south_asia/2819317.stm (referring to “the pre-dawn raid by U.S. and Pakistani forces”). See also Pakistan’s ISI Breaks Silence on al-Qaeda Captures, Shows Videos of Raid, supra note 38 (referring to statement of a Pakistani official (given on condition of anonymity) that although the raid was led by Pakistani Inter Service Intelligence (ISI) forces, CIA operatives were posted outside the house during the raid).

See Pakistan’s ISI Breaks Silence on al-Qaeda Captures, Shows Videos of Raid, supra note 38 (noting that paper documents were kept in the custody of the ISI). This report of the U.S. taking the computer disks is verified by another media report which refers in general terms to the contents of these disks: see further FBI Warns Mohammed Arrest May Speed Attacks, FOX NEWS, Mar. 6, 2003, http://www.foxnews.com/story/0,2933,80381,00.html.

FBI Warns Mohammed Arrest May Speed Attacks, supra note 41.


See FBI Warns Mohammed Arrest May Speed Attacks, supra note 41.

See McGrory, supra note 43.

NAT’L COMM’N ON TERRORIST ATTACKS UPON THE U.S., supra note 32. See also HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED,” supra note 3, at 24-42.

See Motion by Zacarias Moussaoui to Bring the Mujahid Mustafa Ahmed Hawsawi to Testify at the World Top Circus Trial of Zacarias Moussaoui (Unsealed in Redacted Form 3/21/2003) U.S. v. Moussaoui, No. CR. 01-455-A,

See Bohn, supra note 47.


See George W. Bush, Record of Achievement, supra note 33.


See ‘Al-Qaeda Gulf Chief’ Held by US, supra note 54.


See also ‘Al-Qaeda Gulf Chief’ Held by US, supra note 54.


See Khan & Finn, supra note 64.


See Khan & Finn, supra note 64.


In a subsequent raid the same day, FBI agents left the area of the raid once fighting began, and then returned after the surrender of the terror suspects, see id.


See Khan & Finn, supra note 64.

76 See George W. Bush, Record of Achievement, supra note 33.


79 See Nat’l Comm’n on Terrorist Attacks Upon the U.S., supra note 32, at 434 (2004); Human Rights Watch, List of “Ghost Prisoners,” supra note 35.


82 Johnson & Locy, supra note 80.


84 See Nat’l Comm’n on Terrorist Attacks Upon the U.S., supra note 32, at 434 (2004); Human Rights Watch, List of “Ghost Prisoners,” supra note 35.

85 Johnson & Locy, supra note 80.


87 Ross & Esposito, supra note 59.

88 Id.

89 Id.

90 Id.


92 Human Rights Watch, List of “Ghost Prisoners,” supra note 35.


95 Khan, supra note 92.

96 Id.

97 Id.

98 Id.

99 Khalfan Ghailani in U.S. Hands, supra note 94.

100 George W. Bush, Record of Achievement, supra note 33; Human Rights Watch, List of “Ghost Prisoners,” supra note 35.


103 Iqbal, supra note 101.


105 Ross & Esposito, supra note 59.

106 Id.

107 Id.

108 See USA v. Hage, et al, No. 1:98-cr-01023-KTD, SDNY (filed 09/21/1998) full docket text for document 31, 12/16/1998 (“(S3) SUPERSEDEDING INDICTMENT as to Wadih El Hage (1) count(s) 1sss, 228sss-235sss, 236sss-
238ss, Fazul Abdullah Mohammed (2) count(s) 1ss, 2ss-3ss, 4ss-216s, 217ss-227ss, Mohamed Sadeek Odeh (3) count(s) 1ss, 2ss-3ss, 4ss-216s, 217ss-227ss, Mohamed Rashid Daoud Al-Owhali (4) count(s) 1ss, 2ss-3ss, 4ss-216s, 217ss-227ss, Usama Bin Laden (5) count(s) 1ss, 2ss-3ss, 4ss-216s, 217ss-227ss, Muhammad Atef (6) count(s) 1ss, 2ss-3ss, 4ss-216s, 217ss-227ss, Mustafa Mohamed Fadhlil (7) count(s) 1, 3, 217-227, Khalfan Khamis Mohamed (8) count(s) 1, 3, 217-227, Sadeek Odeh (9) count(s) 1, 3, 217-227, Fahid Mohmed Msalam (10) count(s) 1, 3, 217-227, Sheikh Ahmed Salim Swedan (11) count(s) 1, 3, 217-227 (rag)”; About.com, supra note 90; Al Qaeda Suspect Handed Over to the US, DAWN ONLINE EDITION, Jan. 26, 2005, available at http://www.dawn.com/2005/01/26/top5.htm; Pakistan Interrogates al-Qaida Suspect, ASSOCIATED PRESS, July 30, 2004, available at http://www.msnbc.msn.com/id/5550599/.


111 Human Rights Watch, List of “Ghost Prisoners,” supra note 35 (citing statements of President Bush to the press in Little Rock, Arkansas on January 26, 2004 describing the arrest); Dana Milbank, Bush Hails Al Qaeda Arrest In Iraq: President Defends U.S. Intelligence, WASH. POST, Jan. 27, 2004, at A13; Walter Pincus, Al Qaeda Figure Captured; Senior Associate of Bin Laden Found in Iraq, WASH. POST, Jan. 24, 2004, at A9.


113 Ross & Esposito, supra note 59.

114 Id.

115 Id.


118 See Scott McClellan, Briefing on the Capture of Suspect in the Mariot Hotel Bombing in Jakarta, supra note 116 (with senior administration official declining to share details of the operation and merely confirming that “It did involve others”).


120 See Scott McClellan, Briefing on the Capture of Suspect in the Mariot Hotel Bombing in Jakarta, supra note 116.


122 See Praise Caution at Hambali Arrest, supra note 116. See generally Jason Burke, Secret world of U.S. jails, OBSERVER, Jun. 13, 2004, available at http://observer.guardian.co.uk/international/story/0,6903,1237589,00.html (noting that Hambali was “passed to the Americans following arrest by Thai security forces”). Note that subsequent to Hambali’s arrest, both Indonesia and the Philippines have reportedly been denied direct access to Hambali and have instead been allowed to relay written questions to be put to him. See e.g. Shawn Donnan, Indonesian Anger Grows over U.S. Delay in Allowing Access to Hambali, FINANCIAL TIMES, Feb. 5, 2004; Jim Gomez, U.S. won’t give Philippines immediate access to suspect Hambali, ASSOCIATED PRESS, September 15, 2003; Marian Wilkinson, U.S. Denies Indonesia Access to Hambali, SYDNEY MORNING HERALD, Sept. 22, 2003.

Kimina Lyall, *Hambali Moved JI Front Line to Bangladesh, Pakistan*, WEEKEND AUSTRALIAN, Sept. 27, 2003 (citing a senior Asian intelligence officer and also recording that the U.S. was “providing country specific information from their interrogations to their regional allies”).


Ross & Esposito, supra note 59.


Id. French authorities have issued an arrest warrant for Muhammad in connection with a suicide bomb attack on a synagogue in Djerba, Tunisia. Id.


See id. CIA officials told Craig that “‘We are handling them with kid gloves. After all, they are only little children,’ said one official, ‘but we need to know as much about their father’s recent activities as possible. We have child psychologists on hand at all times and they are given the best of care.’” Id.

See HUMAN RIGHTS WATCH, THE UNITED STATES’ ‘DISAPPEARED,’ supra note 3, at 24-42.


Id.

See HUMAN RIGHTS WATCH, THE UNITED STATES’ ‘DISAPPEARED,’ supra note 3, at 24-42.

See HUMAN RIGHTS WATCH, THE UNITED STATES’ ‘DISAPPEARED,’ supra note 3, at 24-42.

See Bowden, supra note 134.

See Craig, supra note 131.

See Bowden, supra note 134.

See Burke, supra note 122. Support for this course of events is also increased by the fact that the United States reportedly has a secret detention facility in Thailand. See HUMAN RIGHTS FIRST, supra note 125, at 11.


See HUMAN RIGHTS FIRST, supra note 125, at 16; Heard, supra note 142.

See NAT’L COMM’N ON TERRORIST ATTACKS UPON THE U.S., supra note 32, at 436.

See HUMAN RIGHTS WATCH, THE UNITED STATES’ ‘DISAPPEARED,’ supra note 3, at n.165 (“The first interrogation report referred to is dated March 12, 2002, followed by August 13, 2002, October 31, 2002, March 24, 2003, and March 27, 2003. Thereafter, the frequency of the reports cited picks up, with two in April 2003, six in March, six in June, twelve in July, five in August, six in September, four in October, six in November, five in January 2004, seven in February, two in March, six in April, two in May, and two in July.”).


Ross & Esposito, supra note 59.

Id.

See George W. Bush, Record of Achievement, supra note 33.


Human Rights Watch, List of “Ghost Prisoners,” supra note 35.

See Burke, supra note 122 (describing Zubaydah as “Palestinian-born”); *Key al-Qaeda recruiter captured*, BBC NEWS, Apr. 3, 2002, available at http://news.bbc.co.uk/1/hi/world/americas/1907400.stm (stating that Zubaydah is “believed to have been born of Palestinian parents in Saudi Arabia….”).

Burke, supra note 122.

See NAT’L COMM’N ON TERRORIST ATTACKS UPON THE U.S., supra note 32, at 435.

George W. Bush, Record of Achievement, supra note 33; Human Rights Watch, List of “Ghost Prisoners,” supra note 35.

McGirk, supra note 151.

Id.

See Burke, supra note 122.
25

McGirk, supra note 151 (referring to the “trove” of material found and stating that “Most of this cache was flown back to the U.S. for analysis”).

Id. Burke, supra note 122.

McGirk, supra note 151.

See Burke, supra note 122.

See HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42.


Burke, supra note 122.

See ‘Key’ al-Qaeda Recruiter Captured, supra note 153.

Ross & Esposito, supra note 59.

Id.

Id.

Id.

See Burke, supra note 122.

See HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42.

164 See HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42.

165 See also ‘Key’ al-Qaeda Suspect Questioned, supra note 184.


169 See Alleged Qaeda Big Goes To Bagram, supra note 187.

170 Id.

171 Id.


173 Id.

174 See HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42.

175 See HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42.

176 Human Rights Watch, List of “Ghost Prisoners,” supra note 35.


178 Muhammad Al-Darbi is variously referred to as “an al Qaeda member” (Dana Priest & Susan Schmidt, Al Qaeda Threat Has Increased, Tenet Says; Panel Told Recent Attacks Evoke Pre-9/11 Dangers, WASH. POST, Oct. 18, 2002, at A1); a “suspected al-Qaeda member” (Human Rights Watch, List of “Ghost Prisoners,” supra note 35) and “al Qaeda leader(s)” (Priest & Gellman, supra note 177).

179 Priest & Gellman, supra note 177 (referring more generally to the capture of Muhammad al-Darbi, among others, as being “... partly the result of information gained during interrogations”)

180 Paul Valley, The Invisible Cost of this War, INDEPENDENT (UK), Jun. 26, 2003. See Priest & Gellman, supra note 177 (referring more generally to the capture of Muhammad al-Darbi, among others, as being “... partly the result of information gained during interrogations”)

181 See e.g. Priest & Gellman, supra note 177 (referring to the treatment given to prisoners at the “secret CIA interrogation center” at Bagram Air Base). See also Valley, supra note 180.

182 Priest & Schmidt, supra note 178 (referring to information obtained by U.S. officials from “interviews with Muhammad Darbi”).

183 Priest, supra note 177; Priest & Gellman, supra note 177.


185 ‘Key’ al-Qaeda Suspect Questioned, supra note 184.

186 Id.

187 Id.


190 See Alleged Qaeda Big Goes To Bagram, supra note 187.

191 Id.

192 Id.

193 Cageprisoners.com, supra note 184.

194 Human Rights Watch, List of “Ghost Prisoners,” supra note 35.


196 Ali, supra note 195.
197 Michael Dorgan, Suspected al-Qaeda Member Arrested in Pakistan, KNIGHT-RIDDER NEWS SERVICE, Mar. 16, 2003 (citing an unnamed Pakistani police official).
198 CNN Saturday Night, Mar. 15, 2003 (transcript no. 031505CN.V88).
199 Ali, supra note 195.

Id.

Hamish McDonald, supra note 195.

200 Id.

201 Hamish McDonald, supra note 195.
202 Ali, supra note 195.
203 Scott Baldauf, Terror Funding Hurt by Al Qaeda Arrest in Pakistan, CHRISTIAN SCIENCE MONITOR, Mar. 17, 2003.
205 See Dana Priest, Al Qaeda-Iraq Link Recanted; Captured Libyan Reverses Previous Statement to CIA, Officials Say, WASH. POST, Aug. 1, 2004, at A20, available at http://www.washingtonpost.com/wp-dyn/articles/A30909-2004Jul31.html (reporting the date to be November 11, 2001). This date was also given in the list of secret detainees released by Human Rights Watch. Human Rights Watch, List of “Ghost Prisoners,” supra note 35.
207 See Priest, supra note 205.
209 See HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42; Myers: Intelligence Might Have Thwarted Attacks; Senior Taliban Fighters Taken Into Custody, supra note 208.
210 See Michael Hirsh, John Barry, & Daniel Klaidman, A Tortured Debate, NEWSWEEK, June 21, 2004 (noting that “FBI officials brought their plea to retain control over al-Libi’s interrogation up to FBI Director Robert Mueller”).
211 See Priest, supra note 205.
213 Id. On the transfer to Egypt, see generally Hirsh, Barry, & Klaidman, supra note 210.
214 Jehl, supra note 212.
215 Priest, supra note 177. See also HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42.
216 Hirsh, Barry, & Klaidman, supra note 210. See also HUMAN RIGHTS WATCH, THE UNITED STATES’ “DISAPPEARED, supra note 3, at 24-42.
217 Jehl, supra note 212.
Id.

Golden, supra note 172.

Id.

172 Id.

173 Id.

174 Id.

175 NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., supra note 32.
176 Ross & Esposito, supra note 59.
177 Id.

Id.

178 Id.

179 Id.
180 Id.
181 Id.


See Kaplan, supra note 242.

See generally Anti-Defamation League, supra note 245 (noting that “He is being held in an undisclosed location”).

Human Rights Watch, List of “Ghost Prisoners,” supra note 35.

Ross & Esposito, supra note 59.

Id.

Id.

See also Anti-Defamation League, Pakistan: Friend or Foe of the United States, supra note 245.
270 See e.g. Human Rights Watch, List of “Ghost Prisoners,” supra note 35 (giving date as June, 2003); Lyall, supra note 124 (referring to the “July arrest of Zubair Mohammed”); Vivian Ho, Malaysia Wants U.S. to Hand Over Hamhali Informers, KYODO NEWS INT’L., Aug. 19, 2003 (noting that the arrest took place in June 2003).
272 Ho, supra note 270.
273 Lyall, supra note 124 (citing a senior Asian intelligence officer and also recording that the U.S. was then “providing country specific information from their interrogations to their regional allies”).
274 Eddie Chua, Hambali Gave RM 90,000 to MILF, Abu Sayyaf, MALAY Mail, Oct. 28, 2003.
275 Ho, supra note 270.
276 Human Rights Watch, List of “Ghost Prisoners,” supra note 35.
279 Khan, supra note 277. See further Human Rights Watch, List of “Ghost Prisoners,” supra note 35 (citing various media sources pertaining to Musaad Aruchi).
280 See Human Rights Watch, List of “Ghost Prisoners,” supra note 35 (noting that Abdul Aziz was listed as detained on a chart produced by in January 2002 by Kenton Keith, a spokesman at the U.S. Embassy in Islamabad). See further Bradley Graham & Walter Pincus, Al-Qaeda Trainer in U.S. Hands, WASH. POST, Jan. 5, 2002, at A1 (noting that “…Abdul Aziz and Abu Faisal -- were listed as detained in mid-December”).
281 Human Rights Watch, List of “Ghost Prisoners,” supra note 35.
283 See Human Rights Watch, List of “Ghost Prisoners,” supra note 35 (noting that Abu Faisal was listed as detained on a chart produced by in January 2002 by Kenton Keith, a spokesman at the U.S. Embassy in Islamabad). See further Graham & Pincus, supra note 280 (noting that “…Abdul Aziz and Abu Faisal -- were listed as detained in mid-December”).
284 Human Rights Watch, List of “Ghost Prisoners,” supra note 35.
285 Stone, supra note 282; U.S. Interrogates al-Qaeda, Taliban Prisoners in Hope of Nailing Down War on Terror’s Prime Targets, supra note 282.
288 Hirschkorn, supra note 287 2004 (noting location not disclosed); NY Case of Accused as al Qaeda Supporter Nears End, REUTERS, Nov. 21, 2005, available at http://www.alertnet.org/thenews/newsdesk/N21315094.htm (noting that Khan is being held in U.S. custody in undisclosed location); Pakistani Denies Links to Terror Plot, NATION ON WEB (Pakistan), Nov. 19, 2005, available at http://www.nation.com.pk/daily/nov-2005/19/index16.php (also noting that Khan is being held in U.S. custody in undisclosed location).
289 See infra notes 263 – 267 and accompanying text.
290 See Garcia, supra note 264.
Against Suspected al-Qaida Computer Expert, Lawyer Says

still being held in Pakistan, or was at least in Pakistani custody).

2003).

http://www.cageprisoners.com/articles.php?id=121

http://english.aljazeera.net/NR/exeres/089326D2-0706-40A6-A15B-2E690FEA7B98.htm

January 25, 2005 the Pakistani Deputy Attorney General for the region reportedly told the Lahore High Court that

Information Behind Warning

Khan was under the custody of “some agency” and characterizing this statement as potentially implying that he was

Northern Ireland), Oct. 30, 2003


Nov. 10, 2003,

Escape

http://english.aljazeera.net/NR/exeres/1ED24A70-F5E4-46AF-A2D8-4A7A9D355D6B.htm

provided by Mahmud’s lawyer that Mahmud was arrested in Rawalpindi); [314] Human Rights Watch, List of “Ghost Prisoners,” supra note 35. See further Leak Allowed at Qaeda Suspects to Escape, USA TODAY, Aug. 10, 2004, available at [315] http://www.usatoday.com/news/world/2004-08-10-pakistan-intel_x.htm (reporting that Khan was still in Pakistani custody); Pakistan Court Orders Authorities to Explain Charges Against Suspected al-Qa’ida Computer Expert, Lawyer Says, ASSOCIATED PRESS, Dec.15, 2004 (detailing that on January 25, 2005 the Pakistani Deputy Attorney General for the region reportedly told the Lahore High Court that Khan was under the custody of “some agency” and characterizing this statement as potentially implying that he was still being held in Pakistan, or at least in Pakistani custody).

See Graff, supra note 292.

Ho, supra note 270; Kimina Lyall, Hambali Talks Under Grilling—Slaughter of Innocents, AUSTRALIAN, Aug. 21, 2003. See also Human Rights Watch, List of “Ghost Prisoners,” supra note 35 (identifying the date of arrest as August 2003).

Lyall, supra note 302.

See generally Ho, supra note 270; Elegant & Perrin, supra note 125; Lyall, supra note 302; Lyall, supra note 124.

See also Elegant & Perrin, supra note 125 (noting that Hambali was captured on August 11 2003).

Lyall, supra note 302.

Ho, supra note 270.

Id.

Elegant & Perrin, supra note 125.

Lyall, supra note 124 (citing a senior Asian intelligence officer and also recording that the U.S. was then “providing country specific information from their interrogations to their regional allies”).

Chua, supra note 274.

Ho, supra note 270.

Human Rights Watch, List of “Ghost Prisoners,” supra note 35.

News reports contain discrepancies regarding the exact date of the arrest: see e.g. Shaiesta Aziz, Guantanamo fears for missing Briton, AL JAZEERA, Dec. 24, 2003, available at http://english.aljazeera.net/NR/exeres/089326D2-0706-40A6-A15B-2E690FEA7B98.htm; (referring to information provided by Mahmud’s lawyer that Mahmud was arrested on October 4, 2003); Guantanamo Bay Travel Agency – A joint U.S. and UK Project, Mar. 11, 2003, available at http://www.cageprisoners.com/articles.php?id=121 (referring to the date of October 20, 2003).

The location of this arrest is either identified as Rawalpindi (see e.g. Aziz, supra note 314 (referring to information provided by Mahmud’s lawyer that Mahmud was arrested in Rawalpindi); Pakistan grills British al-Qaida suspect, Nov. 10, 2003, available at http://english.aljazeera.net/NR/exeres/1ED24A70-F5E4-46AF-A2D8-4A7A9D355D6B.htm (stating that the arrest was in Rawalpindi, near Islamabad) or Islamabad (see e.g. Human Rights Watch, List of “Ghost Prisoners” Possibly in CIA Custody, http://hrw.org/english/docs/2005/11/30/usdom12109.htm (last updated Dec. 1, 2005); Briton held in Pakistan on terror charges, THE INDEPENDENT (London), Oct. 30, 2003).


See Briton held in Pakistan on terror charges, supra note 315.

Guantanamo Bay Travel Agency – A joint U.S. and UK Project, supra note 314.

Id.

Briton arrested over ‘terror links’, supra note 317.

See Briton held in Pakistan on terror charges, supra note 315.

Aziz, supra note 314.

Aziz, supra note 314.

See Aziz, supra note 314.

Aziz, supra note 314.


See Mintz, supra note 330.

See Khalid makes confusing statements about Laden (The Pakistan Newswire: March 5, 2003).

See Amnesty International USA, Memorandum on the Rights of People in U.S. Custody, supra note 330.

See Amnesty International USA, Memorandum on the Rights of People in U.S. Custody, supra note 330.

Id.

Id.

Id. (citing letter to legal team from James S. Reynolds, Chief, Terrorism and Violent Crime Section, Criminal Division, U.S. Department of Justice, Washington, DC, Jan. 28, 2002).

Id. (citing and quoting letter to legal team from James S. Reynolds, Chief, Terrorism and Violent Crime Section, Criminal Division, U.S. Department of Justice, Washington, DC, Jan. 28, 2002).

Ross & Esposito, supra note 59.

Id.

Id.

The name Suleiman Abdalla is used in some news reports (see, for example, Kenya Names Held al-Qaeda Suspect, Prepares to Despatch [sic] him to U.S.(AFX News Limited, Mar. 26, 2003); other reports use the name Suleiman Abdalla Salim Hemed (see, for example, Chris Tomlinson, Mogadishu Warlords Root Out Al-Qaeda – For a Fee, THE N.Y. SUN, Nov. 6, 2003).

See Salmon, supra note 343.


See Salmon, Somalia, supra note 343.


Id.


See Chris Tomlinson, supra note 342.

See Alex Belida, Pentagon/Horn of Africa (Voice of America News, May 6, 2003).

Id.


Investigators gleaning info from Qaeda suspects, supra note 188.

Raid Nets 2 Men, Including Suspected Bin Laden Aide, CHICAGO TRIBUNE, June 19, 2003; Alleged Qaeda Big Goes To Bagram, supra note 187.


Investigators gleaning info from Qaeda suspects, supra note 188.


Raid Nets 2 Men, supra note 358.
Investigators gleaning info from Qaeda suspects, supra note 188.

Alleged Qaeda Big Goes To Bagram, supra note 187.

Id.

See e.g. Pakistani 'al-Qaeda' Woman Named, BBC NEWS, May 27, 2004; Mazhar Abbas, Aafia Siddiqui’s mysterious disappearance leads to speculation about an official cover-up, NEWSWEEK, May 1, 2003. See also Woman Sought by FBI Reportedly Arrested in Pakistan, CHICAGO NBC5.COM, Apr. 3, 2003, at http://www.nbc5.com/news/2088397/detail.html (stating that Siddiqui was reportedly followed from Karachi’s Qaid-e-Azam International Airport and arrested at a “relative’s home”).

Abbas, supra note 366; Mac Daniel, Relatives of Wanted Alum Request Help, BOSTON GLOBE, June 2, 2004 (stating that Siddiqui was “last seen in March 2003”).

See Pakistani ‘al-Qaeda’ Woman Named, supra note 366.


Telephone Interview with Elaine Sharp, Lawyer (Dec. 15, 2005). See also Abbas, supra note 366; Daniel, supra note 367.

See e.g. Abbas, supra nonte 366.

Copy of a relevant article was provided in Urdu to authors by Ms. Elaine Sharp on Dec. 15, 2005 and copy was translated into English and reviewed. Both copies on file with authors. See also Katherine Ozment, Who’s Afraid of Aafia Siddiqui?, BOSTON MAGAZINE, Dec. 9, 2004; Cage Prisoners, Report on Ghost Detention 16 (2005) available at http://www.cageprisoners.com/media.php?section=Documents (referring to the content of the Urdu press in general terms).

Telephone Interview with Elaine Sharp, supra note 370. See also Ozment, supra note 372.

Telephone Interview with Elaine Sharp, supra note 370. See also Ozment, supra note 372.

Telephone Interview with Elaine Sharp, supra note 370.

Telephone Interview with Elaine Sharp, supra note 370. See also Ozment, supra note 372.

Telephone Interview with Elaine Sharp, supra note 370.

Telephone Interview with Elaine Sharp, supra note 370.

Id.

Id.


See e.g. Daniel, supra note 367. For the response of the Siddiqui family’s lawyer to the significance of the information of Khalid Shaik Mohammed see supra note 372; Ozment, supra note 372.

Daniel, supra note 367.


Telephone Interview with Elaine Sharp, supra note 370. See also Ozment, supra note 372.

Telephone Interview with Elaine Sharp, supra note 370. For details of these allegations see e.g. Simpson, supra note 380. WALL STREET J., June 28, 2004. For the response of Ms. Sharp to these allegations see e.g. Ozment, supra note 372 (quoting Ms. Sharp’s statement that “Aafia Siddiqui was here in June 2001 [the time Siddiqui was alleged to be in Montovia]. And I can prove it”).

Telephone Interview with Elaine Sharp, supra note 370.

Ozment, supra note 372.

Woman Sought by FBI Reportedly Arrested in Pakistan, supra note 366.

Id.

Abbas, supra note 366.

Ozment, supra note 372.


Pakistani ‘al-Qaeda’ Woman Named, supra note 366.

Abbas, supra note 366.


399 Staff Reporter, supra note 397.
400 See e.g. sources cited in Ozment, supra note 372.
401 See e.g. Daniel, supra note 367.