

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2018/04/19/us-dont-transfer-detainee-possible-torture>

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(Washington, DC) The [United States](#) government should not transfer a US citizen detained abroad to the custody of any country where he faces a substantial risk of torture, Human Rights Watch said today. On April 17, 2018, the US filed notice in US federal court indicating it plans to transfer the detainee to another governments custody, which [media reports](#) suggest is Saudi Arabia or Iraq.

The US should either prosecute the detainee in US federal court if there is evidence he committed a crime, or release him, Human Rights Watch said. The US should not be transferring anyone to a country where they face a risk of torture or ill-treatment, said [Laura Pitter](#), senior US national security counsel at Human Rights Watch. The detainee has the right to contest his transfer to Saudi Arabia, Iraq, or any other country where he might face torture.

The US government has been holding the prisoner, a dual US and Saudi citizen identified only as John Doe in court papers, at an undisclosed military prison in Iraq since he surrendered to US-allied forces in Syria in September 2017. According to [media reports](#) and [court filings](#), the US suspects the detainee of being a low-level fighter with the Islamic State (also known as ISIS). In [court filings](#) the detainee disputes this, asserting he travelled to Syria to report on the conflict but was kidnapped and imprisoned by ISIS and tried numerous times to escape. The US has not publicly charged him with a criminal offense. The April 17 [notice](#) was filed in US Federal Court for the District of Columbia indicating that it intended to transfer him to an undisclosed country within the next 72 hours.

The US initially [contested attempts to permit the detainee access to a lawyer](#) but after the American Civil Liberties Union (ACLU) [sued](#), a US federal court ordered the government to permit the ACLU access. The ACLU challenged his detention in court ever since, as well as the governments ability to transfer him to another country. On January 23, US District Court Judge Tanya Chutkan [ordered the US government](#) to give the court 72 hours notice if it intended to transfer the prisoner, which would permit the ACLU to file an emergency motion to block the transfer, which [it did](#) on April 18.

The United Nations Convention against Torture, which the US ratified in 1994, prohibits transferring anyone to the custody of another country where there are substantial grounds for believing that the individual would be in danger of being subjected to torture or other ill-treatment.

In Saudi Arabia, Human Rights Watch has [documented the use of torture in detention facilities](#). There have also been numerous cases in which criminal suspects alleged abuse in court. However, the courts, without investigating the claims, instead based convictions on allegedly coerced confessions. In Iraq, Human Rights Watch has [documented a pattern of torture of captured extremist suspects](#), as well as sham trials followed by executions.

Its bad enough that the US has been detaining this individual for months, fighting his right to contest his detention and access to legal counsel, Pitter said. If the US now intends to transfer him to another country, it needs to make sure he wont face a risk of torture and can challenge the transfer.

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