

# Human Rights First

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

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*By Kate Holcombe*

This week, [Abdul Rahim Ghulam Rabbani](#) became the third Guantanamo detainee to receive a review by the [Periodic Review Board \(PRB\)](#) since President Trump took office. The [PRBs](#) are an administrative, interagency process designed to evaluate whether a detainee can be cleared for transfer, or will continue to be detained. Mr. Rabbani, who is ill and was not present at the hearing, has been imprisoned at Guantanamo without charge or trial since September 2004. His [first PRB](#) was conducted in July 2016.

Tuesday's hearing was Mr. Rabbani's Subsequent Full Review, a review process entitled to detainees who have not been cleared for transfer every three years. The proceedings were largely perfunctory, however, since the Board had no questions and Mr. Rabbani had no prepared statement. His counsel testified that he had been unable to meet with Mr. Rabbani and urged the government to consider a secure and cost-effective alternative to his detention at Guantanamo. Mr. Rabbani like the other 40 detainees at Guantanamo has been imprisoned for over ten years, and has cost the U.S. government more than [\\$10 million](#) dollars annually.

The hearing was streamed from new facilities in Guantanamo, which are not fully up and running; only audio was available, instead of the usual audio and visual feed. At the beginning of the PRB, it was emphasized that the purpose of the review was to assess the threat Mr. Rabbani may pose to the United States, not the lawfulness of the process itself. The government alleges that Mr. Rabbani was probably positioned to play a support role in al-Qaida operations, but that he most likely did not have specific insight into al-Qaida operational plans. In fact, Mr. Rabbani was originally arrested because he was thought to be well-known extremist Hassan Ghul.

The [U.S. Senate Torture Report](#) reveals that he was nonetheless rendered to a CIA black site where he was held for over 18-months and subjected to torture, including [forced standing, attention grasps, and cold temperatures without blankets](#).

Mr. Rabbani, who is ethnically Burmese, is originally alleged to have joined a Burmese jihadist group in Pakistan and later as an al-Qaida facilitator operating a safehouse in Karachi, Pakistan. In its initial reviews, the government alleged that he was relatively non-compliant, probably in part to protest his separation from his brother. Mr. Rabbani also participated in a long-term hunger strike. The government attests that Mr. Rabbani has provided little information of value and has recanted several of his earlier statements about his support to al-Qaida. Further, the government has contradictorily stated that Mr. Rabbani's job skills make him suitable for reintegration, while also asserting that an unnamed source claims he may have an extremist mindset.

It's unclear whether this week's hearing will produce much change in Mr. Rabbani's status. His counsel testified that he is hopeful Mr. Rabbani will resume participation in the PRB process in the future, although he reminded the Board that Mr. Rabbani is getting older and has been unwell. The [Life After Guantanamo Project](#) has committed support for Mr. Rabbani should he be released, and his counsel urged the government to recognize that he is no longer an enemy combatant.

[National security leaders](#) of both political parties have supported closing the prison at Guantanamo Bay. Forty-one detainees remain imprisoned there, with [five approved for transfer](#) and one scheduled to be transferred soon to his home country of Saudi Arabia in line with his plea agreement. If the detainee, [Ahmed al-Darbi](#) is transferred, he will be the first detainee to leave Guantanamo since President Trump took office.

Twenty-three detainees, including Mr. Rabbani, are being held without charge or trial. Only eight detainees have been convicted through the military commissions at Guantanamo, three of which have been overturned completely and one partially. By contrast, [U.S. federal courts](#) have proven both swift and effective at prosecuting terrorism cases. A transfer ban put in place by Congress, however, currently prevents Guantanamo detainees from being brought to the U.S. for prosecution in federal court.

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