

Human Rights Watch

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

<https://www.hrw.org/news/2004/10/12/us-detained-al-qaeda-suspects-disappeared>

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At least 11 al-Qaeda suspects have disappeared in U.S. custody, Human Rights Watch said in a report released today. U.S. officials are holding the detainees in undisclosed locations, where some have reportedly been tortured.

The 46-page report, [The United States Disappeared: The CIAs Long-Term Ghost Detainees](#), describes how the Central Intelligence Agency is holding al-Qaeda suspects in secret locations, reportedly outside the United States, with no notification to their families, no access to the International Committee of the Red Cross or oversight of any sort of their treatment, and in some cases, no acknowledgement that they are even being held.

Disappearances were a trademark abuse of Latin American military dictatorships in their dirty war on alleged subversion, said Reed Brody, special counsel with Human Rights Watch. Now they have become a United States tactic in its conflict with al-Qaeda.

Under international law, enforced disappearances occur when persons are deprived of their liberty and the detaining authority refuses to disclose their fate or whereabouts or refuses to acknowledge their detention, which places the detainees outside the protection of the law.

The report profiles eleven such disappeared prisoners. They include Khalid Shaikh Muhammed, the alleged principal architect of the September 11 attacks; Abu Zubayda, reputedly a close aide of Osama bin Laden; Ramzi bin al-Shibh, who but for his failure to get a U.S. visa might have been one of the 9/11 hijackers; and Hambali, an alleged key al-Qaeda ally in Southeast Asia. Some, such as Khalid Shaikh Muhammed, are reported to have been tortured in custody.

U.S. officials have said that many of those held have provided valuable intelligence that has foiled planned terrorist acts, Human Rights Watch said. There are also reports that some detainees have lied under duress to please their captors. For instance, ghost detainee Ibn al-Shaikh al-Libi apparently fabricated the claim, then relayed by Secretary of State Colin Powell to the United Nations, that Iraq had provided training in poisons and deadly gases for al-Qaeda.

International treaties ratified by the United States prohibit incommunicado detention of persons in secret locations. The Geneva Conventions require that the International Committee of the Red Cross have access to all detainees and that information on those detained be provided to their relatives. Under international human rights law, detainees must be held in recognized places of detention and be able to communicate with lawyers and family members.

Human Rights Watch called on the United States to bring all detainees, wherever they are being held, under the protection of the law. In particular, it demanded that the government grant unrestricted access to the International Committee of the Red Cross to all detainees held pursuant to anti-terrorist operations.

Those guilty of serious crimes must be brought to justice before fair trials, said Brody. If the United States embraces the torture and disappearance of its opponents, it abandons its ideals and international obligations and becomes a lesser nation.

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