

# IGNORANCE IS NO DEFENCE: DJIBOUTI, RENDITION & TORTURE



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# **SHADOW REPORT CONCERNING RENDITION, SECRET DETENTION AND TORTURE BY THE REPUBLIC OF DJIBOUTI**

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**In Violation of the Republic of Djibouti of Articles 1-7, 12 and 18 of the African Charter of  
Human and Peoples' Rights**

**Submitted to the African Commission on Human and Peoples' Rights in Response to the  
Combined Initial and Periodic Report of the Republic of Djibouti**

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## Reporting Organisations



**Justice Forum** is a UK-based not-for-profit with a focus on investigating human rights violations committed by powerful governments and corporations around the world.



**Haki Africa** is a human rights organisation based in Kenya. Its vision is to work towards a society devoid of poverty and all forms of marginalisation and where each person has an equal opportunity to participate in self-development.



**The Kenyan Section of the International Commission of Jurists (ICJ Kenya)** is a non-governmental, non-partisan, not for profit making, membership organisation registered in Kenya. Its mission is to protect human rights, and promote the rule of law and democracy in Kenya and across Africa through the application of legal expertise and international best practices.

## Djibouti/Horn of Africa region



## Introduction

This report has been prepared for the African Commission (“the Commission”) in its Universal Periodic Review of the Republic of Djibouti (“Djibouti”). We summarise publicly available evidence demonstrating systemic and longstanding violations by Djibouti of its obligations under the African Charter on Human and Peoples’ Rights (“the Charter”), carried out in the context of unlawful counterterrorism practises. The report focuses in particular on violations flowing from bilateral and multilateral counterterrorism operations in and around the East and Horn of Africa.<sup>1</sup>

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<sup>1</sup> Article 62 of the African Charter on Human and Peoples’ Rights (“African Charter”) requires Member States to submit, every two years, a report to the African Commission on Human and Peoples’ Rights (“Commission”) on the legislative or other measures taken to give effect to the rights and freedoms recognised and guaranteed by the Charter. Djibouti’s recently submitted Combined Initial and Periodic Report details its stated commitment to uphold various rights guaranteed by the African Charter, including, among others: the right to non-discrimination and equality before the law (Article 2), the right to be equal before the law and to enjoy equal protection of the law (Article 3), the right to life and to physical and moral integrity (Article 4), the prohibition of torture and other cruel, inhuman or degrading treatment (Article 5), the right to security of the person and freedom from arbitrary arrest or detention (Article 6), and the right to a fair trial (Article 7). See Republic of Djibouti, *Combined Initial and Periodic Report under the African Charter on Human and Peoples’ Rights*, Paragraphs 58-112, available at [http://www.achpr.org/files/sessions/15th-oo/state-reports/1-1993-2013/periodic\\_report\\_1993\\_2013\\_eng.pdf](http://www.achpr.org/files/sessions/15th-oo/state-reports/1-1993-2013/periodic_report_1993_2013_eng.pdf)

## Suggested Questions for Djibouti

In light of the submissions in this report, the Government of Djibouti must urgently clarify:

1. Who has been detained and/or transferred through Djibouti, including on foreign military bases and vessels in Djiboutian waters, in the context of counterterrorism operations?
2. What steps has the government of Djibouti taken to investigate allegations raised by credible NGOs, supranational organisations and committees, and a United States Senate Committee that numerous individuals were illegally held, mistreated and transferred through Djibouti?
3. What information has Djibouti sought or received from the United States regarding the treatment of the following individuals within Djibouti: Suleiman Abdallah, Mohammed al-Asad, Gouled Hassan Dourad, Mohammed Ali Isse, Abdulmalik Mohamed, and Ismail Mohamed?
4. Where were these individuals detained and/or transferred to, and where are they now?
5. What was done to these individuals whilst they were in Djiboutian custody and/or on Djiboutian territory and waters (including on foreign military bases and vessels)?
6. What steps has Djibouti taken to investigate allegations of grave violations of these and any other individuals whilst held in Djiboutian custody and/or on Djiboutian territory and waters (including on foreign military bases and vessels)?
7. What steps has the government of Djibouti taken to ensure that victims of grave violations whilst held in Djiboutian custody and/or on Djiboutian territory and waters (including on foreign military bases and vessels); are provided with appropriate redress for violations of their human rights?
8. What steps has the government of Djibouti taken to ensure that grave violations of individuals held in Djiboutian custody and/or on Djiboutian territory and waters (including on foreign military bases and vessels), will not be repeated?
9. What diplomatic measures have been taken to ensure that the US complies with its purported obligations under the Status Of Forces Agreement to hold individuals accountable for illegal actions carried out on Camp Lemonier or US vessels?

## Summary of Submissions

A range of credible evidence from well-respected human rights organisations, media organisations, and the government of the United States itself, suggests that Djibouti has repeatedly violated the Charter in carrying out counterterrorism operations. Specifically, evidence now in the public domain confirms that Djibouti (either as principle agent, or in collaboration with agents of other states):

- Secretly detained at least 6 individuals incommunicado, subjecting them to torture and/or inhuman or degrading treatment;
- Denied prisoners access to adequate judicial process (in particular the opportunity to challenge the legality of their detention or to access a lawyer);
- Allowed foreign agents to interrogate prisoners held in Djiboutian custody in circumstances violative of Djibouti's international legal obligations;
- Transferred prisoners and/or allowed them to be refouled from Djibouti with no judicial oversight or opportunity to challenge their transfer and to circumstances likely to involve further mistreatment including torture;
- Has been involved in at least 7 highly suspicious flights, which may have been carrying further, as yet unidentified individuals through or from Djibouti in the context of rendition and/or secret detention operations.

Much of the evidence relating to the violations documented in this report is already well known and publicly available. Considered as a whole, the evidence in this report suggests a clear case to answer of contravention of Djibouti's obligations under Articles 1, 2, 3, 4, 5, 6, 7, 12 and 18 of the Charter. The evidence also poses numerous further questions as yet unanswered by Djibouti. However, no acknowledgment of even the bare, publicly known allegations have appeared in Djibouti's report on its international legal compliance submitted to the African Commission in 2013.



## Background

Numerous US government sources have confirmed Djibouti's central role in global counterterrorism operations since 2001.<sup>2</sup> A redacted summary of the US Senate Intelligence Committee's review of the CIA's post-9/11 detention activities has now been made public ("The SICRS").<sup>3</sup>

- The SICRS confirms that at least one detainee, Mr Guleed Hassan Dourad, was captured and detained in Djibouti by Djiboutian authorities before being transferred to CIA custody.
- The SICRS also confirms that two further detainees who have made credible allegations of being detained in and/or rendered via Djibouti. Suleiman Abdallah and Mohammed al-Asad were held in a form of CIA custody between 2001 and 2006.
- The report further confirms that one of those detainees, Suleiman Abdallah, was subjected to the set of unlawful torture techniques described by the CIA as "enhanced interrogation techniques".

Additionally, media reports quoting sources privy to the contents of the entire, classified report have confirmed that the full report contains further, as yet secret, details of Djibouti's role in the extraordinary rendition programme,<sup>4</sup> including that US officials privy

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<sup>2</sup> See for example, United States Department of Defense, Joint Task Force Guantanamo, *JTF-GTMO Detainee Assessment*, 19 September 2008 (available at <http://projects.nytimes.com/guantanamo/detainees/10023-gouled-hassan-dourad>); Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (foreword, findings and conclusions, and executive summary only), released December 2014; Amnesty International, *United States of America: Below the radar- Secret flights to torture and 'disappearance'*, 5 April 2006, p. 11, available at <http://www.amnesty.org/en/library/asset/AMR51/051/2006/en/b543c574-fa09-11dd-b1b0-c961f7df9c35/amr510512006en.pdf> (quoting Statement of General John P. Abizaid, United States Army Commander, United States Central Command, before the Senate Armed Services Committee on the 2005 posture of the United States Central Command, 1 March 2005).

<sup>3</sup> Senator Dianne Feinstein, *Feinstein Statement on CIA Detention, Interrogation Report*, 13 December 2012, available at <http://www.feinstein.senate.gov/public/index.cfm/2012/12/feinstein-statement-on-cia-detention-interrogation-report>

<sup>4</sup> Jason Leopold, *Senate report set to reveal Djibouti as CIA 'black site'*, Al Jazeera America, 2 May 2014, available at <http://america.aljazeera.com/articles/2014/5/2/djibouti-senate-cia.html>

to the full report have “confirmed that the [full] report found that several detainees had been held in Djibouti, and that at least two of them had been wrongfully detained.”<sup>5</sup>

The nature of Djibouti’s support to the US in its conduct of renditions and secret detention of terror suspects has also been documented by the UN, and multiple well-respected human rights organisations.

- In 2010, The UN Human Rights Council, several UN human rights bodies and special rapporteurs in the Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism, reported that Djibouti had been used as a stop-over point in regional renditions, and as a gateway into the wider global CIA detention programme.<sup>6</sup>
- A 2013 report by the Open Society Justice Initiative concluded that “Djibouti allowed the use of its territory for the secret detention of individuals, and allowed its airspace and airports to be used for flights associated with CIA extraordinary rendition operations.”<sup>7</sup>

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<sup>5</sup> Jason Leopold, *Senate report set to reveal Djibouti as CIA ‘black site’*, Al Jazeera America, 2 May 2014, available at <http://america.aljazeera.com/articles/2014/5/2/djibouti-senate-cia.html>  
*In general*, several points must be borne in mind when considering the Senate Intelligence Committee Report Summary: first, it is only a (redacted) summary of a far longer report, which has not been made public. Hence, it is to be assumed that there is further information about the CIA detention and interrogation system between 2001 and 2006 which has not yet been made public. Given that Djibouti features in the summary, it must be the case that further information on Djibouti is contained within the full report. Second, the Senate Committee study only deals with one particularly extreme aspect of US detention and interrogation operations after 9/11: the detention by CIA of a group of 119 men. It does not deal directly with the other locations of detention those men may have been held in (in proxy or joint detention, or the means by which they reached the CIA detention facilities in question. The study is also limited in that by definition it does not deal directly with other forms of U.S detention and rendition operations relevant to Djibouti including, but not limited to, detention under D.O.D control (such as the non-CIA aspects of detention at sites including Guantanamo Bay, Abu Ghraib and Bagram Airforce Base), “proxy detention” where prisoners are held in foreign custody at the request of, or in partnership, with the US, or other forms of cooperative detention and interrogation practises between the US and other states. Third, the Senate Committee study is time-limited in that it only deals with cases of CIA detentions up to September 2006. At least one case of pure CIA detention has been documented to have occurred after this date (that of Mohammed Rahim al-Afghani).

<sup>6</sup> United Nations Human Rights Council, 13th Session, Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism, UN Doc A/HRC/13/42 (20 May 2010), paragraph 157.

<sup>7</sup> Open Society Justice Initiative, *Globalising Torture: CIA Secret Detention and Extraordinary Rendition*, February 2013, p. 73, available at <http://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf>.

- Reports by the International Committee of the Red Cross,<sup>8</sup> and Amnesty International,<sup>9</sup> among others, have also discussed Djibouti's role in extraordinary rendition operations.

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<sup>8</sup> See International Committee of the Red Cross, *ICRC Report on the Treatment of Fourteen "High Value Detainees" in CIA Custody*, 14 February 2007, p. 5, available at <http://assets.nybooks.com/media/doc/2010/04/22/icrc-report.pdf>

<sup>9</sup> See generally, Amnesty International, *United States of America: Below the Radar- Secret Flights to Torture and 'Disappearance'*, 5 April 2006, available at <http://www.amnesty.org/en/library/asset/AMR51/051/2006/en/b543c574-fa09-11dd-b1b0-c961f7df9c35/amr510512006en.pdf>

## CASES

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### Suleiman Abdallah

A Tanzanian national, Mr Abdallah was abducted in Mogadishu in April 2003, handed to US and Kenyan officials in Bossasso, Somalia, and rendered to Kenya, Djibouti, and Afghanistan. In 2008, after five years of incommunicado detention and torture, Mr Abdallah was unconditionally released from Bagram Airforce Base, Afghanistan.<sup>10</sup> Mr Abdallah's own testimony, given to lawyers and UN investigators several years before the public release of the unclassified summary of the SICRS, suggests that he was subjected to arbitrary detention and serious mistreatment amounting to torture in both Djibouti and Afghanistan.



Mr Abdallah recounts being held and physically abused by American personnel at an airport in Djibouti before being forcibly rendered with no judicial oversight or any other process to CIA detention in Afghanistan where he was subjected to a range of treatment amounting to torture and cruel, inhuman and degrading treatment.

The SICRS confirmed that Mr Abdallah was amongst “at least six detainees [who] were stripped and shackled, nude, in the standing stress position for sleep deprivation or subject to other enhanced interrogation techniques prior to being questioned” during 2003.<sup>11</sup> Mr Abdallah is listed as one of 17 CIA detainees subjected to enhanced interrogation techniques without the approval of CIA headquarters.<sup>12</sup> This treatment

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<sup>10</sup> See US DOD exit document for Suleiman Abdallah.

<sup>11</sup> Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (foreword, findings and conclusions, and executive summary only, released December 2014, footnote 2366, pp491-492.

<sup>12</sup> Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (foreword, findings and conclusions, and executive summary only, released December 2014, pp101-102, and 459.

appears to have occurred between January and August 2003,<sup>13</sup> suggesting that it occurred during or directly after Mr Abdallah was detained in and rendered via Djibouti. Mr Abdallah was never charged with any crime, brought before a court, or allowed access to a lawyer during his entire time in US detention in Somalia, Djibouti or Afghanistan. Violations of the Charter include:

- Throughout his incommunicado and secret detention in Djibouti and his forcible transfer out of the country, Mr Abdallah, a non-national, did not receive equal treatment before the law in that he was denied the legal rights and remedies available to Djibouti nationals. Mr Abdallah's status as a non-national rendered him vulnerable to this treatment in violation of Article 2's prohibition on discrimination on the basis of national origin.
- In addition, the secret and incommunicado nature of Mr Abdallah's detention deprived him of any opportunity to seek the protection of the law. Mr Abdallah's standing before the law, and his ability to seek its protection, was completely negated in Djibouti, in violation of Article 3.
- Mr Abdallah suffered a constant state of fear and threat during his detention in Djibouti, in violation of his right to respect for life and integrity of person under Article 4. While detained in Djibouti, Mr Abdallah reasonably feared for his life, having been held incommunicado and in secret in a country with which he had no connection, without being told about the basis for his detention.
- Mr Abdallah continues to suffer psychological and emotional damage due to his detention in, and transfer from, Djibouti, which was marked by a constant threat of death or serious harm. Mr Abdallah was beaten and injured during his detention, and his injuries were not treated whilst in Djibouti, indicating further Article 4 violations.
- Prior to his transfer out of Djibouti in an airport in the territory of Djibouti, Mr Abdallah was forcibly stripped naked, photographed, assaulted, and was diapered by a team of individuals clad head-to-toe in black. He was also shackled and hooded before being forced on to a waiting plane. This treatment was deliberately designed to humiliate, terrify, and cause pain to Mr Abdallah, and was carried out

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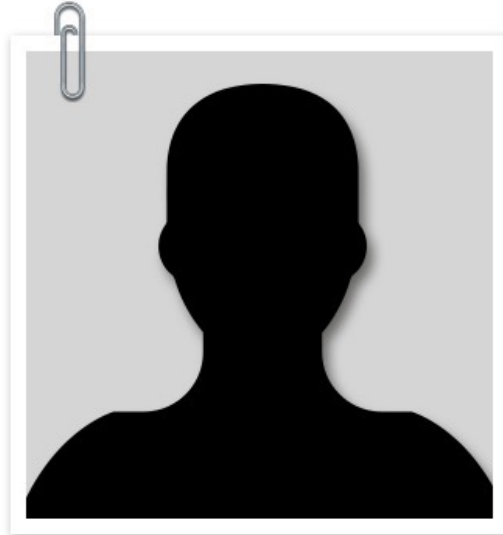
<sup>13</sup> Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (foreword, findings and conclusions, and executive summary only, released December 2014, p96.

in clear violation of Article 5. See Appendix 2 for further details on the rendition process.

- Mr Abdallah was held without charge and incommunicado at the airport in Djibouti. During this detention, he was not permitted to speak with a lawyer. He was not at any point presented before a court or able to challenge the basis or circumstances of his detention before a competent jurisdiction. His subsequent transfer from Djibouti to Afghanistan was abrupt, clandestine, and highly irregular. It was completely devoid of any opportunity for Mr Abdallah to engage a lawyer or to seize a court or other competent jurisdiction to challenge the legality of his transfer. Mr Abdallah was deprived of his right to have his cause heard in respect of both his detention in, and transfer from, Djibouti in violation of Article 7(1).
- Mr Abdallah was accepted into Djibouti by the authorities of these countries (even though the process may have been irregular). Once he had been accepted into Djibouti, Djibouti had an obligation under Article 12 (4) to ensure that he was not removed from the territory except in accordance with the law. Nevertheless, Mr Abdallah was unlawfully handed over to agents of the United States and forcibly and summarily removed from Djibouti to Afghanistan, in violation of non-refoulement obligations.
- Prior to his transfer out of Djibouti, Mr Abdallah was not informed of the impending transfer or its basis, nor was he afforded the opportunity to engage a lawyer or to challenge the decision concerning his transfer before a competent authority. Mr Abdallah's forcible transfer out of Djibouti was therefore fundamentally inconsistent with due process of law, in violation of Article 12(4).
- Mr Abdallah's incommunicado and secret detention in Djibouti prevented him from communicating with his family and deprived Mr Abdallah of his family and his family's support. This failure violated Article 18 of the Charter. Moreover, Mr Abdallah's forcible transfer from Djibouti in violation of the non-refoulement principal facilitated Mr Abdallah's separation from his family for an additional five years, breaking up the family unit and further violating Article 18.

## Mohammed Al-Asad

A Yemeni national, Mr al-Asad was arrested in Dar es Salaam, Tanzania, on 26 December 2003. The following day he was secretly flown on a small plane to Djibouti where he was questioned by US officials, who told him they were from the FBI.<sup>14</sup> Amnesty International has conducted investigations into Mr al-Asad's detention and has published a report finding that he was held in Djibouti, and that there appears to have been a close collaboration between US and Djiboutian authorities in Mr al-Asad's detention.<sup>15</sup> In addition, during a habeas corpus case filed with the Tanzanian High



Court while he was disappeared, Tanzanian authorities affirmed that they had sent al-Asad to Djibouti and provided a Departure Declaration Card proving this.<sup>16</sup> Mr al-Asad spent about two weeks in Djibouti before being forcibly rendered again to Afghanistan, where he was tortured in several CIA 'black sites'. Mr al-Asad passed through several US-run secret detention sites before being returned to Yemen in May 2005. He was never charged with any terrorism-related crime.<sup>17</sup> The SICRS has confirmed that Mr al-Asad was held in the custody of the CIA for 480 to 489 days.<sup>18</sup> Violations of the Charter include:

<sup>14</sup> See Amnesty International, *supra* note 9 at p. 11.

<sup>15</sup> *Id.*

<sup>16</sup> For a discussion of the Departure Declaration Card and the *habeas* case, see al-Asad v. Djibouti, Communication No. 383/2010, Arguments on Admissibility paras 3, 21 (2011), available at: <http://chrgj.org/wp-content/uploads/2014/05/ITEM-4-Al-Asad-Arguments-on-Admissibility-110228.pdf>. For a photocopy of the Departure Declaration Card, see Mohammed Abdullah Saleh al-Asad v. Djibouti, Communication No. 383/2010, Exhibits Attached to Arguments on Admissibility Ex. A (2011), available at: <http://chrgj.org/wp-content/uploads/2013/01/Exhibits-revised-pagination.pdf>

<sup>17</sup> Center for Human Rights & Global Justice, *Mohammed al-Asad v. Djibouti: Seeking Justice for a Victim of Extraordinary Rendition*, available at <http://chrgj.org/mohammed-al-asad-v-djibouti-seeking-justice-for-a-victim-of-extraordinary-rendition>

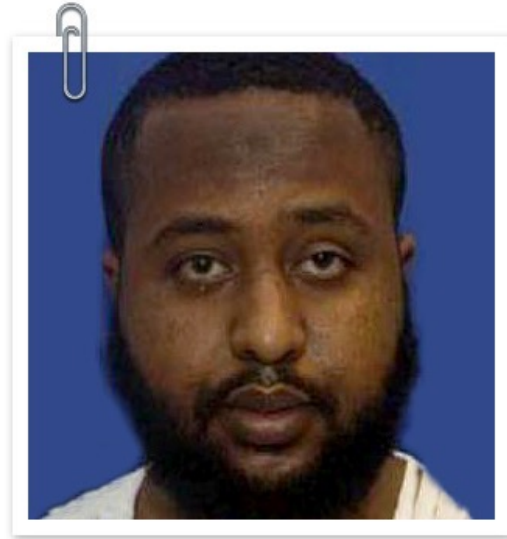
<sup>18</sup> Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (foreword, findings and conclusions, and executive summary only, released December 2014, at p460. Mr al-Asad appears at no. 92 of this list under the name Muhammad Abdullah Saleh. See Appendix 3.

- Mr al-Asad's incommunicado detention in Djibouti and his forcible transfer to Afghanistan involved a denial of legal remedies and is therefore a violation of Article 3 of the Charter.
- Given that Mr al-Asad's status as a non-national rendered him further vulnerable to this treatment, violations of Article 2 also occurred.
- Mr al-Asad's constant state of fear whilst held in Djibouti, and the continuing psychological sequelae suffered amount to a violation of Article 4, the right to respect for life and integrity of the person.
- Mr al-Asad's transfer out of Djibouti involved being forcibly stripped naked, photographed, diapered, shackled and hooded, and having a finger inserted into his rectum, in treatment deliberately designed to cause pain, humiliate and terrify Mr al-Asad, in violation of Article 5. During Mr. al-Asad's detention in Djibouti the translator for the officials interrogating Mr. al-Asad also threatened him, stating that Mr. al-Asad and his wife would be "put aside," and their children would grow up orphans, also in violation of Article 5.
- The denial of Mr al-Asad's right to access a lawyer or challenge the basis of his detention, and the lack of judicial oversight of his transfer from Djibouti to Afghanistan, involved a deprivation of Mr al-Asad's right to have his cause heard in respect of both his detention in, and transfer from, Djibouti in violation of Article 7(1).
- Mr al-Asad's forcible transfer from Djibouti with no opportunity to contest the expulsion or judicial oversight was also fundamentally inconsistent with due process of law, in violation of Article 12(4).
- Mr al-Asad's incommunicado and secret detention in Djibouti prevented him from communicating with his family and deprived him of his family and his family's support. This failure to protect and assist the family violated Article 18. Moreover, Mr al-Asad's forcible transfer from Djibouti in violation of non-refoulement obligations facilitated Mr al-Asad's separation from his family for an additional five years, breaking up the family unit and further violating Article 18.



## Gouled Hassan Dourad

According to US military documentation, Mr Dourad is a Somali citizen who was given asylum in Sweden in 1993 but returned to Somalia in 1996.<sup>19</sup> Mr Dourad's US Department of Defence (DOD) "Detainee Assessment," released by Wikileaks, confirms that "Djiboutian authorities captured detainee at his house in March 2004 for his involvement in terrorist activities and turned him over to US custody on an unknown date."<sup>20</sup> A leaked ICRC report also confirms that Mr Dourad was captured in Djibouti on 4 March 2004.<sup>21</sup>



Following capture by Djiboutian authorities, Mr Dourad disappeared, resurfacing on 6 September 2006 when US President George W. Bush announced that he had been transferred out of secret CIA custody to Guantánamo Bay. The Senate Intelligence Committee report additionally confirms that Mr Dourad was captured on 4 March 2004 in Djibouti "based on information obtained from a foreign government and CIA source", and that "Prior to entering CIA custody, Guleed provided information....to CIA officers." The latter statements alongside Mr Dourad's DOD Detainee Assessment strongly suggests that Mr Dourad was held in proxy US custody by Djibouti, and interrogated directly by CIA officers, prior to being transferred to full CIA custody. Mr Dourad remains in Guantánamo Bay and at the time of writing he has not been charged with any crime nor do there appear to be any plans by prosecuting authorities to do so.

Mr Dourad's personal testimony is unavailable at the present time as he remains detained at Guantanamo Bay and his statements are subject to "top secret" classification rules. Violations of the African Charter include:

<sup>19</sup> See United States Department of Defence, Joint Task Force Guantanamo, *JTF-GTMO Detainee Assessment*, 19 September 2008, available at <http://projects.nytimes.com/guantanamo/detainees/10023-gouled-hassan-dourad>.

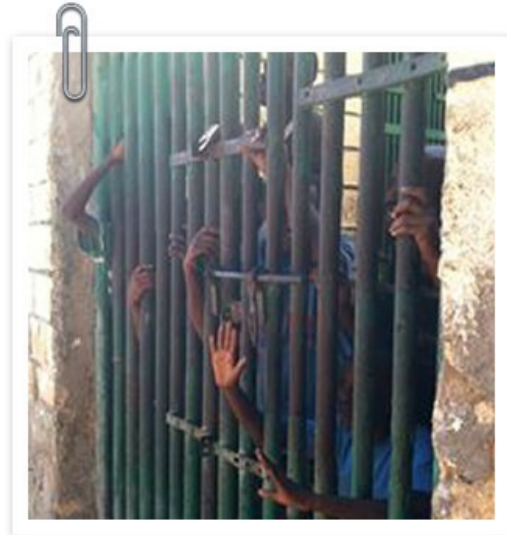
<sup>20</sup> *Id.*

<sup>21</sup> See International Committee of the Red Cross, *ICRC Report on the Treatment of Fourteen "High Value Detainees" in CIA Custody*, 14 February 2007, p. 5, available at <http://assets.nybooks.com/media/doc/2010/04/22/icrc-report.pdf> (referring to Mr Dourad by his alias Haned Hassan Ahmad Guleed).

- On the evidence available, it is beyond doubt that Mr Dourad's treatment in Djibouti involved violations of Articles 2, 3 and 18 of the African Charter, for reasons similar to those in the cases of Suleiman Abdallah and Mohammed al-Asad, above.
- Given what is known about the modus operandi of US rendition operations, it is highly likely that Mr Dourad was as a result of his treatment in a constant state of fear whilst held in Djibouti, amounting to a violation of Article 4, the right to respect for life and integrity of the person.
- Additionally, Mr Dourad's onward rendition from Djibouti very likely involved a violation of Article 5 through being subjected to the rendition procedure of being forcibly stripped naked, photographed, diapered, shackled and hooded, a process acknowledged in internal CIA documents to have been deliberately designed to cause pain, humiliate and terrify. See Appendix 2 for further details on the rendition process.
- There is no positive evidence to suggest that Mr Dourad was allowed to access a lawyer or challenge the basis of his detention in Djibouti, or his transfer from Djibouti. On the evidence available therefore it is likely that Mr Dourad was denied the right to have his cause heard in respect of his detention in, and transfer from, Djibouti contrary to Article 7(1), and in a way fundamentally inconsistent with due process of law, in violation of Article 12(4).

## Mohammed Ali Isse

Mr Isse, a Somali national, was reportedly detained and interrogated on a US naval ship in or near Djiboutian territorial waters, off the coast of Djibouti in 2004. Mr Isse was reportedly then transferred to Camp Lemonnier and from there to Addis Ababa. Pulitzer prize winning journalist Paul Salopek has reported extensively on Mr Isse's case in the Chicago Tribune. Mr Salopek has written that Mr Isse was captured in Somalia in June 2004 by the Somali warlord Mohamed Afrah Qanyare, who was at that time part of a Somali mercenary force created by the CIA, known as



the Alliance for the Restoration of Peace and Counterterrorism in Somalia. The Somali mercenaries reportedly summoned a US military helicopter by satellite telephone, which then flew Mr Isse to an off-shore US ship. According to Somali intelligence officials, Mr Isse was then transferred to Camp Lemonnier. From Camp Lemonnier, Mr Isse appears to have then been rendered to a secret prison in Addis Ababa, Ethiopia, where he alleges that Ethiopian military tortured him with electric shocks. Mr Isse alleges that Djiboutian officials were involved in his detention in Djibouti.<sup>22</sup> Mr Isse was, several years after his apprehension in Somalia, transferred from Ethiopia to his home state of Somaliland where he eventually stood trial and was convicted of a fatal attack on a group of foreigners in Sheikh, Somaliland. Violations of the African Charter include:

- Regarding Mr Isse's treatment in Djibouti and/or Djiboutian territorial waters, on the evidence available we can say with some certainty that this involved violations of Articles 2 and 3 of the African Charter.
- There is no evidence to suggest that Mr Isse was allowed to access a lawyer or challenge the basis of his detention in Djibouti, or his transfer from Djibouti, therefore suggesting a violation of Mr Isse's right to have his cause heard in respect of both his detention in, and transfer from, Djibouti contrary to Article 7(1) and fundamentally inconsistent with due process of law, in violation of Article 12(4).

<sup>22</sup> Paul Salopek, Chicago Tribune, '*Nobody is Watching*': America's Hidden War in Somalia, 24 November 2008, available at [http://www.chicagotribune.com/news/nationworld/chi-shadow\\_war2nov24,0,4720127.story](http://www.chicagotribune.com/news/nationworld/chi-shadow_war2nov24,0,4720127.story)

- Given that it is well known that Ethiopia routinely tortures prisoners, Mr Isse's transfer from Djibouti to Ethiopian custody was carried out in contravention of the principle of non-refoulement and Article 5 of the Charter.

## Mohammed Abdulmalik

According to US DOD records, Kenyan citizen Mohammed Abdulmalik was captured by Kenyan police on 13 February 2007 and transferred to Guantánamo Bay on 23 March 2007.<sup>23</sup> According to his own unclassified statement, filed in habeas corpus proceedings in court in Washington, DC in November 2010, Mr Abdulmalik was arrested and questioned in Kenya and then flown on a US plane to Djibouti, where he was held incommunicado and interrogated, including by an American interrogator.<sup>24</sup> Mr Abdulmalik was later flown by US personnel to Afghanistan, where he was held in two US-run detention sites before being flown to Guantánamo, where he remains.<sup>25</sup>



- Throughout his incommunicado and secret detention in Djibouti and his forcible transfer out of the country, Mr Abdulmalik, a non-national, did not receive equal treatment before the law because he was denied the legal rights and remedies available to Djibouti nationals respectively. Mr Abdulmalik's status as a non-national rendered him vulnerable to this treatment in violation of Article 2's prohibition on discrimination on the basis of national origin.
- In addition, the secret and incommunicado nature of his detention deprived Mr Abdulmalik of any opportunity to seek the protection of the law. Mr Abdulmalik's standing before the law, and his ability to seek its protection, was completely negated in Djibouti, in violation of Article 3.
- Mr Abdulmalik suffered a constant state of fear and threat during his detention in and Djibouti, in violation of his right to respect for life and integrity of person under Article 4. While detained in Djibouti, Mr Abdulmalik reasonably feared for his life,

<sup>23</sup> See United States Department of Defence, Joint Task Force Guantanamo, *JTF-GTMO Detainee Assessment*, 22 May 2007, available at <http://projects.nytimes.com/guantanamo/detainees/10026-abdul-malik>

<sup>24</sup> Declaration of Mohamed Abdulmalik, *Abdulmalik v Obama*, Northern District of Ohio, No. 08-1440 (20 December 2009).

<sup>25</sup> [Declaration of Mohamed Abdulmalik, *Abdulmalik v Obama*, Northern District of Ohio, No. 08-1440 (20 December 2009).

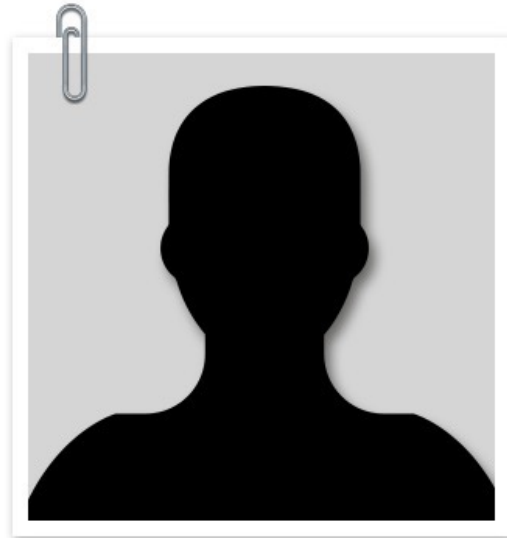
having been held incommunicado and in secret in a country with which he had no connection, without being told about the basis for his detention.

- In continuing violation of Article 4, Mr Abdulmalik continues to suffer psychological and emotional damage due to his detention in, and transfer from, Djibouti, which was marked by a constant threat of death or serious harm.
- Prior to his transfer out of Djibouti, in the territory of Djibouti, Mr Abdulmalik was forcibly stripped naked, photographed, assaulted, and was diapered by a team of individuals clad head-to-toe in black. He was also shackled and hooded before being forced on to a waiting plane. This treatment was deliberately designed to humiliate, terrify, and cause pain to Mr Abdulmalik, and was in clear violation of Article 5. See Appendix 2 for further information on the rendition process.
- Mr Abdulmalik was held without charge and incommunicado at a location believed to be Camp Lemonnier, Djibouti. During this detention, he was not permitted to speak with a lawyer. He was not at any point presented before a court or able to challenge the basis or circumstances of his detention before a competent jurisdiction. His subsequent transfer from Djibouti to Afghanistan was conducted with no judicial oversight and there was no opportunity for Mr Abdulmalik to engage a lawyer or to seize a court or other competent jurisdiction to challenge the legality of his transfer. Mr Abdulmalik was deprived of his right to have his cause heard in respect of both his detention in, and transfer from, Djibouti in violation of Article 7(1).
- Mr Abdulmalik was accepted into Djibouti by the authorities of these countries (even though the process may have been irregular). Once he had been accepted into Djibouti, this state had an obligation under Article 12 (4) to ensure that he was not removed from the territory except in accordance with the law. Nevertheless, Mr Abdulmalik was unlawfully transferred from Djibouti in violation of non-refoulement obligations.
- Prior to his transfer out of each country, Mr Abdulmalik was not informed of the impending transfer or its basis, nor was he afforded the opportunity to engage a lawyer or to challenge the decision concerning his transfer before a competent authority. Mr Abdulmalik's forcible transfer out of Djibouti was therefore fundamentally inconsistent with due process of law, in violation of Article 12(4).
- Mr Abdulmalik's incommunicado and secret detention in Djibouti prevented him from communicating with his family and deprived Mr Abdulmalik of his family and his family's support. This failure to protect and assist the family violated Article

18. Moreover, Mr Abdulmalik's forcible transfer from Djibouti in violation of non-refoulement obligations facilitated Mr Abdallah's continuing separation from his family, breaking up the family unit and further violating Article 18. Moreover, Mr Mohamed's forcible transfer from Djibouti in violation of non-refoulement facilitated Mr Mohamed's separation from his family for an additional (ongoing) more than 8 years, breaking up the family unit and further violating Article 18.

## Ismail Mohamed

Official US DOD documentation notes that Somali national Ismail Mohamed was arrested by Djiboutian authorities whilst travelling through Djibouti on 31 May 2007, en-route to a meeting in Eritrea. Mr Mohamed was transferred to US control at Camp Lemonnier, Djibouti on about 3 June, then transferred to Guantánamo Bay on 5 June 2007.<sup>26</sup> Mr Mohamed remained in Guantánamo until 18 November 2009, when he was released without charge. In an unclassified statement filed in December 2009, Mr Mohamed gave an account of his captivity and interrogation in



Djibouti, describing treatment that included sleep deprivation and threats to his life.<sup>27</sup>

- Throughout his incommunicado and secret detention in Djibouti and his forcible transfer out of the country, Mr Mohamed, a non-national, did not receive equal treatment before the law because he was denied the legal rights and remedies available to Djibouti nationals. Mr Mohamed's status as a non-national rendered him vulnerable to this treatment in violation of Article 2's prohibition on discrimination on the basis of national origin.
- In addition, the secret and incommunicado nature of his detention deprived him of any opportunity to seek the protection of the law. Mr Mohamed's standing before the law, and his ability to seek its protection, was completely negated in Djibouti, in violation of Article 3.
- Mr Mohamed suffered a constant state of fear and threat during his detention in and Djibouti, in violation of his right to respect for life and integrity of person under Article 4.
- Prior to his transfer out of Djibouti in an airport in the territory of Djibouti, Mr Mohamed was forcibly stripped naked, photographed, assaulted, and was diapered by a team of individuals. Mr Mohamed was also shackled and hooded

<sup>26</sup> United States Department of Defence, Joint Task Force Guantanamo, *JTF-GTMO Detainee Assessment*, 6 August 2007.

<sup>27</sup> Declaration of Ismail Mohamed.



before being forced on to a waiting plane. This treatment was deliberately designed to humiliate, terrify, and cause pain to Mr Mohamed, and was in clear violation of Article 5.

- Mr Mohamed was held without charge and incommunicado at the airport in Djibouti. During this detention, he was not permitted to speak with a lawyer. He was not at any point presented before a court or able to challenge the basis or circumstances of his detention before a competent jurisdiction. His subsequent transfer from Djibouti to Guantánamo Bay was devoid of any opportunity for Mr Mohamed to engage a lawyer or to seize a court or other competent jurisdiction to challenge the legality of his transfer. Mr Mohamed was deprived of his right to have his cause heard in respect of both his detention in, and transfer from, Djibouti in violation of Article 7(1).
- Mr Mohamed was accepted into Djibouti by the authorities of these countries (even though the process may have been irregular). Once he had been accepted into Djibouti, this state had an obligation under Article 12 (4) to ensure that he was not removed from the territory except in accordance with the law. Nevertheless, Mr Mohamed was unlawfully handed over to agents of the United States who forcibly and summarily removed him from Djibouti to Guantánamo Bay, in violation of non-refoulement obligations.
- Prior to his transfer out of each country, Mr Mohamed was not informed of the impending transfer or its basis, nor was he afforded the opportunity to engage a lawyer or to challenge the decision concerning his transfer before a competent authority. Mr Mohamed's forcible transfer out of Djibouti was therefore fundamentally inconsistent with due process of law, in violation of Article 12(4).
- Mr Mohamed's incommunicado and secret detention in Djibouti prevented him from communicating with his family and deprived Mr Mohamed of his family and his family's support. This failure to protect and assist the family violated Article 18. Moreover, Mr Mohamed's forcible transfer from Djibouti in violation of non-refoulement facilitated Mr Mohamed's separation from his family for an additional more than 2 years, breaking up the family unit and further violating Article 18.

## Unexplained Ghost Flights

The wider US extraterritorial detention program is known to have utilised a network of sites including large military prisons in Guantanamo Bay, Afghanistan and Iraq, as well as smaller, ad-hoc locations such as Camp Lemonier in Djibouti and a former US military base in Thailand. Within this wider system, CIA renditions and interrogations occurred, with prisoners being transferred to and held in proxy detention by foreign states including but not limited to Djibouti, Morocco, Egypt and Jordan, as well as in specially designated CIA-run detention sites in locations including but not limited to Afghanistan, Poland, Lithuania, Romania, Morocco and Guantánamo Bay.<sup>28</sup>

A still unknown number of prisoners were shuttled to and from these various detention locations by business jets specially contracted by the CIA, and on military US planes.<sup>29</sup>

As well as functioning as a temporary detention location and a sometime proxy detention partner, Djibouti appears to have functioned as a key staging post for prisoners being transferred out of East Africa, to locations within the wider secret prison system, in particular CIA and US military facilities in Afghanistan and Guantanamo Bay.

The Republic of Djibouti has never made flight records available to investigators. There is no central repository of flight data in East Africa (as there is, for example, in Europe). Despite these challenges, researchers have identified at least 7 suspicious flights through Djibouti, which must be urgently investigated. These include:

- Two flights by the so-called “Guantanamo Bay Express”, Gulfstream, N379P (later re-designated N8068V), recorded as having passed through Djibouti in both May 2003, and in March 2004.

Legal teams and investigators including those from Amnesty, Human Rights Watch, the UN and the Council of Europe have connected this plane to over 20 renditions between

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<sup>28</sup> See The Constitution Project, *Report of the Constitution Project’s Task Force on Detainee Treatment*, April 2013, available at <http://detaineeetaskforce.org/report>; see also Open Society Justice Initiative, *Globalising Torture: CIA Secret Detention and Extraordinary Rendition*, February 2013, available at <http://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf>

<sup>29</sup> A comprehensive database of publicly available flight records, incorporating known and suspected rendition flights, is maintained by The Rendition Project at <http://www.therenditionproject.org.uk/global-rendition/index.html>

2001 and 2004.<sup>30</sup>

- Flight records produced in disclosure in US federal court proceedings and analysed by the NGO Reprieve, demonstrate five trips through between Djibouti and Kabul carried out by the DynCorp / CSC network between March 2003 and November 2004.



Aerial photograph of Camp Lemonnier, Djibouti, showing runway

All five trips utilised jets operated by Richmor Aviation, a company known to have been involved in US rendition operations, and/or can be connected to a well-known rendition plane or operation.<sup>31</sup> Although as yet unconnected to individual prisoners, the records of these flights outlined above, when counted together with those of the Aero Contractors / “Stevens Express” plane N379P, cohere with statements from an intelligence source quoted in the Army Times in December 2011: “During that period [2001-2005], warlords

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<sup>30</sup> The Rendition Project, University of Kent, *Aircraft Profile: N63MU*, available at <http://www.therenditionproject.org.uk/global-rendition/the-aircraft/N85VM.html>

<sup>31</sup> The Rendition Project, University of Kent, *N85VM-N227SV*, available at <http://www.therenditionproject.org.uk/global-rendition/the-aircraft/N85VM.html>. The first trip, which correlates to the rendition of Suleiman Abdallah, involves the plane with tail number N63MU, which has been linked to several other renditions (see The Rendition Project, University of Kent, *Aircraft Profile N63MU*, <http://www.therenditionproject.org.uk/global-rendition/the-aircraft/N63MU.html>), in particular those of Abu Zubaydah and Abd al-Rahim al-Nashiri from Thailand to Poland in December 2002 (see Crofton Black, *Rendition Mission: N63MU, 3-6 Dec. 2002*, Reprieve, 14 June 2012, available at <http://www.reprieve.org.uk/rendition-mission-n63mu-3-6-dec-2002/>) and those of three Libyan dissidents from Afghanistan to Libya in August 2004 (see Crofton Black, *N63MU, 22 August 2004: Rendition to Libya*, Reprieve, 6 September 2012, available at <http://www.reprieve.org.uk/n63mu-22-august-2004-rendition-to-libya/>).

paid by the CIA helped render "seven or eight" al-Qaida figures out of Somalia, [an intelligence source with long experience in the Horn] said. But although the US focus was on rendering, rather than killing, members of al-Qaida in East Africa, this presented its own challenges. "The big problem was, what do you do with one of these guys" once he had been captured, a senior military official said. That was "the \$100,000 question." The US was reluctant to put its captives on trial. "All the evidence [against the al-Qaida figures] is intelligence," the official said. "So unless you want to give it up ... we have a problem with [that] based on sources and methods." Normal procedure was for the warlords to capture the targets, who were then transferred to Djibouti, processed and sent on from there, according to the intelligence source. As for their ultimate destinations, "the only ones I knew were sent to the 'Salt Pit' in Afghanistan," the source said. The "Salt Pit" is the name of a CIA clandestine prison – sometimes referred to as a "black site" – north of Kabul.<sup>32</sup> It should be noted that despite the journalist's characterisation of rendition victims as "al-Qaida figures", only one individual known to have been rendered from Somalia/Djibouti between the period of 2001 – 2005 has ever been convicted of a terrorism-related offence. There may in addition be further unknown renditions carried out on US military planes not included within the above analysis.

Djibouti ratified the African Charter ("The Charter") on 11 November, 1991. As a State Party to the Charter, Djibouti has primary responsibility for the protection of human rights in Djibouti. Under Article 1 of the Charter, Djibouti has a positive duty to ensure human rights are not violated within its territory.<sup>33</sup> By refraining from acknowledging or properly investigating these suspicious flights, Djibouti is continuing to violate its obligations under the Charter. Additionally, particular attention must be paid to Article 4 of the Charter, which guarantees the right to life, including respect for integrity of the person.<sup>34</sup> To the extent that the existence of as yet unexplained "ghost flights" through the Djibouti suggests that further unknown individuals may have been detained and/or rendered through Djibouti and are now subject to (continuing) enforced disappearance, Djibouti may have carried out serious breaches of Article 4 as well as other Charter obligations.

Further information about rendition flights through Djibouti can be found at Appendix 1.

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<sup>32</sup> Army Times, "The Secret War: Africa ops may be just starting", 5 Dec. 2011, available at <http://www.armytimes.com/article/20111205/NEWS/112050312/The-Secret-War-Africa-ops-may-be-just-starting>

<sup>33</sup> Organisation of African Unity, *African Charter on Human and Peoples' Rights ("Banjul Charter")*, 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), Article 1.

<sup>34</sup> Organisation of African Unity, *African Charter on Human and Peoples' Rights ("Banjul Charter")*, 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), Article 4..

## Acquiescence Liability and Failure to Investigate

The facts documented in this report primarily involve acts of foreign (US) officials on Djibouti's territory. Those officials acted either with Djibouti's consent and acquiescence. In the case that any acts were carried out under agreements purported to limit Djibouti's knowledge and/or liability for those acts, or ability to enforce the rights of those individuals, Djibouti's obligations under the Charter remain. States who acted as acquiescent partners in counterterrorism operations conducted by foreign states on their territory, such as Poland and Macedonia have been found liable both in relation to substantive violations carried out by another, principal state, and also in relation to subsequent failures to investigate allegations.<sup>35</sup>

This approach is directly in line with Article 1 of the Charter, which makes it clear that Djibouti has a positive duty to ensure human rights are not violated within its territory.<sup>36</sup> In permitting, tacitly or otherwise, foreign states to commit violations on Djiboutian territory, Djibouti has therefore breached its primary obligations under the Charter to ensure Charter protections to all individuals in its territory. Djibouti's failure to do this therefore involves breaches of the Charter even in respect of those violations documented in this report that were not directly perpetrated by Djibouti or its agents.

Additionally, The African Union Guidelines and Measures for the Prohibition of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (also known as the Robben Island Guidelines) state that there should be no immunity from prosecution for nationals suspected of torture, and that those responsible for acts of torture or ill-

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<sup>35</sup> For example, In 2014, the European Court of Human Rights (ECHR) decided in *Al-Nashiri v. Poland* that "the treatment to which the applicant was subjected by the CIA during his detention in Poland at the relevant time amounted to torture within the meaning of Article 3" of the Convention for the Protection of Human Rights and Fundamental Freedoms (*Al Nashiri v. Poland*, ECtHR No. 28761/11 (24 July 2014), Paragraph 516; *Husayn (Abu Zubaydah) v. Poland*, ECtHR No. 7511/13 (24 July 2014); In *El-Masri v. Macedonia*, the ECHR found that the condition of the applicant's detention and interrogation "amounted to torture in breach of Article 3 of the Convention (*El-Masri v. Macedonia*, ECtHR No. 39360/09 (13 December 2012), Paragraph 211); In addition, it found that the manner of the applicant's transfer to US authorities created a "real risk of torture or cruel, inhuman or degrading treatment." (*El-Masri v. Macedonia*, ECtHR No. 39360/09 (13 December 2012), Paragraph 221); In *Al-Zery v. Sweden*, the Human Rights Committee found that Sweden violated Article 7 of the International Covenant on Civil and Political Rights by expelling the applicant to Egypt in cooperation with foreign agents, where there was a risk of torture (*Mohammed Alzery v. Sweden*, Communication No. 1416/2005, U.N. Doc. CCPR/C/88/D/1416/2005 (2006); In *Agiza v. Sweden*, the Committee Against Torture found that Sweden violated Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by expelling the applicant to Egypt in cooperation with foreign agents, where there was a significant risk of torture (*Agiza v. Sweden*, Communication No. 233/2003, U.N. Doc. CAT/C/34/D/233/2003 (2005).

<sup>36</sup> Organisation of African Unity, *African Charter on Human and Peoples' Rights ("Banjul Charter")*, 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), Article 1.

treatment should be subject to legal process. As well as international legal obligations to provide redress and acknowledgement to individuals whose rights have been violated, it is a central principle of restorative justice that systemic state-sponsored violations must be fully publicly known and understood in order for societies to move on, and to ensure that such violations have minimal chance of happening again.

The Republic of Djibouti's failure to investigate and prosecute the repeated allegations of mistreatment on its territory is therefore a continuing violation of its obligations to prevent torture.<sup>37</sup>

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<sup>37</sup> Guidelines and Measures for the Prohibition of Torture, Cruel, Inhumane or Degrading Treatment or Punishment in Africa, October, 2002, Article 1.

## Conclusion and Suggested Recommendations

Whilst the threat of global terrorism remains potent in the East and Horn of Africa, carrying out counterterrorism operations with a disregard for domestic and international legal standards has demonstrably failed to succeed in promoting regional or global security. Counterterrorism operations must be carried out with respect for the rule of law or else they risk creating the very conditions of insecurity they seek to protect against. The East and Horn of Africa region is now by any standards more insecure than it was at the beginning of the global “War on Terror”.

Further, in its posture of refusing to acknowledge these credible allegations of violations, Djibouti is acting contrary to a global trend towards acknowledging, and accepting responsibility for, past mistreatment of security detainees. In the US, the UK, and Canada, official reports and/or commissions of inquiries have begun to deal with past national security violations committed during the last decade.<sup>38</sup> Supranational human rights courts and bodies similar to the African Commission, including the European Court of Human Rights and UN Committees, have increasingly not only accepted jurisdiction over matters relating to bilateral and multilateral counterterrorism operations involving foreign states, but also recognised violations of human rights guarantees comparable to those in the African Charter.<sup>39</sup>

In light of the material in this report, and the important principles at stake, we suggest that as a part of its review of Djibouti, the Commission should engage the Republic of Djibouti in an urgent, constructive dialogue to (a) determine the extent of the Republic of Djibouti’s violations; and (b) to recommend appropriate remedies under applicable principles of international law.

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<sup>38</sup> For example, Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program* (foreword, findings and conclusions, and executive summary only, released December 2014); Canada’s Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar, (2009); The UK Iraq Detainee Inquiry (2013).

<sup>39</sup> See for example, *Al Nashiri v. Poland*, ECtHR No. 28761/11 (24 July 2014); *Husayn (Abu Zubaydah) v. Poland*, ECtHR No. 7511/1 (24 July 2014); *El-Masri v. Macedonia*, ECtHR No. 39360/09 (13 December 2012); (*Mohammed Alzery v. Sweden*, Communication No. 1416/2005, U.N. Doc. CCPR/C/88/D/1416/2005 (2006); (*Agiza v. Sweden*, Communication No. 233/2003, U.N. Doc. CAT/C/34/D/233/2003 (2005).

The Commission should call upon Djibouti to:

1. Reveal the names, fate, and whereabouts of all of the victims held within and transferred through the territory of Djibouti in the context of counterterrorism operations, and provide redress, including appropriate compensation, for violations of their human rights.
2. Issue an apology to victims of violations stemming from Djibouti's involvement in unlawful counterterrorism operations, and implement measures to ensure that such violations will not be repeated.
3. Conduct an affirmative review of cooperation arrangements with foreign governments to ensure that Djibouti does not further collaborate in the violation of individual rights on its territory, whether passively or actively.
4. Make public the nature and extent of Djibouti's counterterrorism cooperation with the US and other western powers.



## Appendix 1

### Rendition Flight Data<sup>40</sup>

Suleiman Abdallah, Mohammed al-Asad and Gouled Hasan Dourad were all transferred via Djibouti to secret prisons run within the CIA's Rendition, Detention and Interrogation programme. This programme utilised a network of covert sites now known to have been in Afghanistan, Thailand, Eastern Europe, Morocco and Guantanamo Bay.<sup>41</sup> Prisoners were shuttled between these sites by specially contracted business jets.<sup>42</sup>

Following investigations by legal teams, human rights NGOs, international bodies and journalists, among others, considerable detail about these clandestine transfers has come to light. In particular, the operation of certain planes, companies and contract numbers has been shown to correlate with covert prisoner transfer flights. The combination of these elements supports the prisoner narratives outlined above and points to further suspicious transfers between Djibouti and the CIA's secret prison network.

Between 2001 and 2006, the CIA had two principal groups of assets available for covert prisoner transport. One group was operated by Aero Contractors Ltd. and headquartered in Johnston County, North Carolina, although its planes were, on paper, registered to other entities including "Stevens Express" and "Premier Executive Transport".<sup>43</sup> Two such planes in particular played a role in the rendition programme: a Gulfstream V with tail number N379P, and a Boeing 737 with tailnumber N313P. The other group consisted of commercially hired planes managed by a succession of two Virginia-based prime contracting companies, DynCorp and Computer Sciences Corporation, and a chain of subcontractors.

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<sup>40</sup> Research compiled and written principally by Crofton Black.

<sup>41</sup> *Report of the Constitution Project's Task Force on Detainee Treatment*, Apr. 2013, available at <http://detainee-taskforce.org/report>; Open Society Justice Initiative, *Globalising Torture: CIA Secret Detention and Extraordinary Rendition*, Feb. 2013, available at <http://www.opensocietyfoundations.org/reports/globalizing-torture-cia-secret-detention-and-extraordinary-rendition>.

<sup>42</sup> A comprehensive database of publicly available flight records, incorporating known and suspected rendition flights, is maintained by The Rendition Project at <http://www.therenditionproject.org.uk/global-rendition/index.html>

<sup>43</sup> Deborah M. Weissman et al., *The North Carolina Connection To Extraordinary Rendition and Torture*, University of North Carolina School of Law, January 2012, available at <http://www.law.unc.edu/documents/clinicalprograms/finalrenditionreportweb.pdf>. See also New York Times, "CIA. Expanding Terror Battle Under Guise of Charter Flights", 31 May 2005, available at <http://www.nytimes.com/2005/05/31/national/31planes.html>

Data on these flight operations has been built up from various sources, including freedom of information requests, corporate research, disclosures by aviation bodies (notably EuroControl) to various parliamentary or governmental bodies, and evidence put on record in legal cases. Although incomplete – for example, no data corresponding to Mr al-Asad’s flight from Djibouti to Afghanistan in January 2004 have yet come to light – the existing data strongly corroborate accounts of known prisoners’ movements and point to other possible movements of as yet unidentified prisoners.

Flight records released by EuroControl to the Parliamentary Assembly of the Council of Europe and the European Parliament gave partial details of flights by several dozen US-registered private jets in the period between 2001 and 2005. Among these data were two flight circuits by an Aero Contractors / “Stevens Express” Gulfstream, N379P (later redesignated N8068V), which was recorded as having passed through Djibouti in May 2003 and in March 2004.

Legal teams and investigators have connected this plane to over 20 renditions between 2001 and 2004.<sup>44</sup> The latter of its two Djibouti circuits plausibly correlates to the transfer out of Djibouti of Gouled Hassan Dourad, passing as it does through both locations in which Adam Goldman of the Washington Post has placed him in March 2004 (Guantánamo Bay and Morocco) as well as through Afghanistan. N8068V left its base in North Carolina, stopped off in Washington DC, crossed the Atlantic and made a pause in Shannon, Ireland before flying on to Djibouti where it was scheduled to touch down on the morning of 7 March. Gouled Hasan Dourad had been captured three days earlier. The following evening it departed Djibouti heading for Kabul, where it was due to arrive at 01:40 on 9 March. Although its departure from Kabul was not recorded by EuroControl, by 11 March it had evidently made its way to Rabat, Morocco, from where it proceeded directly to Guantanamo Bay.

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<sup>44</sup> <http://www.therenditionproject.org.uk/global-rendition/the-aircraft/N379P.html>

## Flight Data and Visualisation

N379P-N8068V-N44982	06/03/2004	KJNX	KIAD	14:55	15:34
N379P-N8068V-N44982	07/03/2004	EINN	HDAM	01:12	09:26
N379P-N8068V-N44982	08/03/2004	HDAM	OAKB	19:15	01:40
N379P-N8068V-N44982	11/03/2004	GMME	MUGM	02:18	06:58
N379P-N8068V-N44982	12/03/2004	MUGM	MBPV	07:44	08:17
N379P-N8068V-N44982	13/03/2004	MBPV	KIAD	14:54	17:33

The May 2003 mission by N379P (as it then was) connects Djibouti with Kabul and Cairo, and Algiers with Kabul, an itinerary which could represent multiple transfers between several prison sites that were operating at that time, although no identities of detainees on board have yet been proposed. From its base in Johnston County, North Carolina, the plane flew to Washington DC, stopped off at Frankfurt in Germany and then the following day continued to Djibouti, arriving at around 11:29 GMT on 15 May 2003. Its departure time from Djibouti was not recorded by EuroControl.<sup>45</sup> By 19 May, it was in Kabul, from where it departed for Cairo. After just over 30 minutes on the tarmac in Cairo it went to Porto, Portugal, where it remained until 22 May awaiting the next part of its mission, which was to head back to Kabul and then on to Algiers. It returned to Washington DC on 24 May.

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<sup>45</sup> This may indicate that no flight plan was filed, or that its route did not cross into EuroControl's area of operation.

## EuroControl Data

N379P	KIAD	EDDF	14/05/2003	14, 20:40	03:38	GLF5
N379P	EDDF	HDAM	15/05/2003	15, 05:00	11:29	GLF5
N379P	OAKB	HECA	19/05/2003	19, 13:15	18:22	GLF5
N379P	HECA	LPPR	19/05/2003	19, 18:59	23:46	GLF5
N379P	DAAG	LPPR	22/05/2003	22, 17:40	19:15	GLF5
N379P	LPPR	DAAG	22/05/2003	22, 21:10	22:35	GLF5
N379P	DAAG	OAKB	23/05/2003	23, 00:29	07:03	GLF5
N379P	OAKB	DAAG	23/05/2003	23, 09:03	15:51	GLF5
N379P	DAAG	LPPR	23/05/2003	23, 16:42	18:15	GLF5
N379P	LPPR	KIAD	24/05/2003	24, 10:54	17:30	GLF5
N379P	KIAD	GCTS	26/05/2003	26, 00:35	06:36	GLF5
N379P	GCTS	HKJK	26/05/2003	26, 10:40	18:51	GLF5
N379P	GCTS	HELX	27/05/2003	27, 10:43	17:09	GLF5
N379P	HKJK	LCLK	27/05/2003	27, 23:25	04:45	GLF5
N379P	LCLK	EGPF	29/05/2003	29, 07:13	12:05	GLF5
N379P	EGPF	KIAD	29/05/2003	29, 13:28	19:40	GLF5

In addition to these two missions by the Aero Contractors / “Stevens Express” Gulfstream, flight records attest to five trips through Djibouti by the DynCorp / CSC network, also in 2003-2004. Of these, the first may confidently be ascribed to the transfer of Suleiman Abdallah. The other four, while not yet connected to any individual detainee, are demonstrably all part of the same contracting network. It is a matter of record that this network was used by the US government to facilitate transfer of prisoners between secret sites. All five of these trips involve routes from Djibouti to Kabul, where (as noted above) the US maintained several secret detention locations between 2002 and 2006.

The pattern of business supporting these transfers came to light via commercial litigation in New York, in the case of *Richmor Aviation v. Sportsflight Air* (2011).<sup>46</sup> The following account is based on documents put on record in the course of this litigation.<sup>47</sup> In early 2002, the US government contacted a prime contractor, DynCorp Systems and

<sup>46</sup> *Richmor Aviation, Inc. v. Sportsflight Air, Inc.*, 918 N.Y.S.2d 806 (2011).

<sup>47</sup> Reprieve, “Huge stash of rendition documents reveal how the CIA covered its tracks”, 31 Aug. 2011, available at [http://www.reprieve.org.uk/press/2011\\_08\\_31\\_rendition\\_documents/#.UwdJf0JdWR8](http://www.reprieve.org.uk/press/2011_08_31_rendition_documents/#.UwdJf0JdWR8)

Solutions LLC, and asked them to locate a private jet for government use. DynCorp established a relationship with a group of brokers, Capital Aviation, Air Marketing and Sportsflight. These brokers in turn located a Gulfstream jet, registered N85VM, managed by Richmor Aviation on behalf of its owner, Philip Morse.<sup>48</sup> In June 2002, DynCorp entered into a contract with Capital Aviation numbered LT050602 and Sportsflight entered into a contract with Richmor to provide the services of N85VM to the US government. This pair of contracts ran for an initial six month term. After their expiry, at the end of 2002, the same companies maintained the same pattern of business, except that alongside Richmor's N85VM the government requested that other jets, of different prices and sizes, be made available on an ad hoc basis. This ad hoc relationship between DynCorp, Capital, Sportsflight and Richmor continued into 2003 without any new contract being entered into. In 2003, DynCorp was taken over by another company, Computer Sciences Corporation (CSC).<sup>49</sup> CSC initially maintained the existing ad hoc business relationship and continued to provide the US government with aviation services for the rendition program in the same way as before. In 2004, however, CSC formalised this pattern of business with a new contract, S1007312, between it and "Sportsflight dba Capital Aviation". This new contract was in force from 1 August 2004 until 31 July 2005. In all these contracts, it was stipulated that planes would fly under US government letters of convenience. These letters stated that the planes were carrying personnel operating under contract to the US government and carrying out "support to US embassies worldwide". In addition, invoices for trips flown under the subsequent contract with CSC continued to bear numbers referring to the original contract with DynCorp, demonstrating that this family of contracts constituted a coherent unity.<sup>50</sup> Testimony on both sides in the Richmor Aviation v. Sportsflight Air case refers to trips conducted pursuant to these contracts as being renditions or related to the US rendition program.<sup>51</sup>

Research by the NGO Reprieve has identified five trips between Djibouti and Kabul operated via this family of contracts between March 2003 and November 2004. In chronological order, these trips are:

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<sup>48</sup> <http://www.therenditionproject.org.uk/global-rendition/the-aircraft/N85VM.html>

<sup>49</sup> Computer Sciences Corporation, Media Release - Computer Sciences Corporation Completes Acquisition of Dyncorp, [http://www.csc.com/newsroom/press\\_releases/2633-computer\\_sciences\\_corporation\\_completes\\_acquisition\\_of\\_dyncorp](http://www.csc.com/newsroom/press_releases/2633-computer_sciences_corporation_completes_acquisition_of_dyncorp) (last visited 18 September 2013).

<sup>50</sup> Documents of file with Reprieve

<sup>51</sup> For citations and further discussion, see Abu Zubaydah v. Lithuania, European Court of Human Rights, Application No. 46454/11, Reply to Government's Observations, 15 July 2013, available at <http://www.interights.org/document/293/index.html>

Trip No.	Date	Aircraft Reg. No.	Flight path
A	25-29 March 2003	N63MU	Washington DC – Dakar – Nairobi – Djibouti – Kabul – Frankfurt – Washington DC
B	15-18 December 2003	N85VM	Washington DC – Madrid – Luxor – Djibouti – Kabul – Shannon – Washington DC
C	25-29 April 2004	N85VM	Washington DC – Shannon – Sharm-el-Sheikh – Djibouti – Kabul – Baku – Shannon – Washington DC
D	12-15 June 2004	N85VM	Washington DC - Shannon - Paphos – Kabul – Djibouti – Palma – Washington DC
E	9-12 November 2004	N70HS	Washington DC – London – Paphos – Djibouti – Kabul – Dubai – Paphos – Santa Maria – Washington DC

The first of these trips correlates to the transfer of Suleiman Abdallah from Djibouti to Afghanistan on 27 March 2003. N63MU, operated by First Flight Management, has been linked to several renditions,<sup>52</sup> in particular those of Abu Zubaydah and Abd al-Rahim al-Nashiri from Thailand to Poland in December 2002<sup>53</sup> and those of three Libyan dissidents from Afghanistan to Libya in August 2004.<sup>54</sup> In March 2003 it was subcontracted by DynCorp for a four-day mission.<sup>55</sup> It left its home base in Elmira, New York, on the evening of 25 March, made a stop at Dulles International airport outside Washington DC, then flew across the Atlantic to Senegal. After a brief pause in Dakar it headed to Nairobi, Kenya, where it made an unanticipated overnight stop before continuing to Djibouti. It was in Djibouti for about 45 minutes – a standard loading or unloading duration for a rendition – before departing at 2232 for Kabul, where it arrived in the small hours of 28 March. Having completed its mission in Kabul the plane flew to Frankfurt where it spent the night, presumably to allow for some rest and recuperation for the crew. It arrived back in the US in the evening of 29 March.

<sup>52</sup> <http://www.therenditionproject.org.uk/global-rendition/the-aircraft/N63MU.html>

<sup>53</sup> Crofton Black, “Rendition Mission: N63MU, 3-6 Dec. 2002”, Reprieve, 14 June 2012, available at <http://www.reprieve.org.uk/rendition-mission-n63mu-3-6-dec-2002/>

<sup>54</sup> Crofton Black, “N63MU, 22 August 2004: Rendition to Libya”, Reprieve, 6 Sept. 2012, available at <http://www.reprieve.org.uk/n63mu-22-august-2004-rendition-to-libya/>

<sup>55</sup> Flight documents relating to the mission by N63MU in March 2003 are on file with Reprieve.

The other four trips all utilised Richmor jets N85VM and N70HS. N85VM has been connected with various renditions, as the Richmor Aviation v. Sportsflight Air case makes clear.<sup>56</sup> N70HS was less frequently used.

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<sup>56</sup> <http://www.therenditionproject.org.uk/global-rendition/the-aircraft/N85VM.html>

## Appendix 2

18 October 2004 unclassified memo from CIA to Dan Levin, released via litigation by the American Civil Liberties Union.



available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

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**FAX COVER SHEET**

Central Intelligence Agency



Office of General Counsel  
Washington, DC 20505

18 Oct. 2004

<b>To:</b>	Dan Levin
<b>Organization:</b>	DoJ – Acting Asst. Attorney General
<b>Phone:</b>	(202) 514-5000
<b>Fax:</b>	(202) 514-1584
<b>From:</b>	[REDACTED]
<b>Organization:</b>	[REDACTED]
<b>Phone:</b>	[REDACTED]
<b>Fax:</b>	[REDACTED]

Number of pages (including cover sheet): 29

Comments: Attached is a copy of the OMS Guidelines, as requested.



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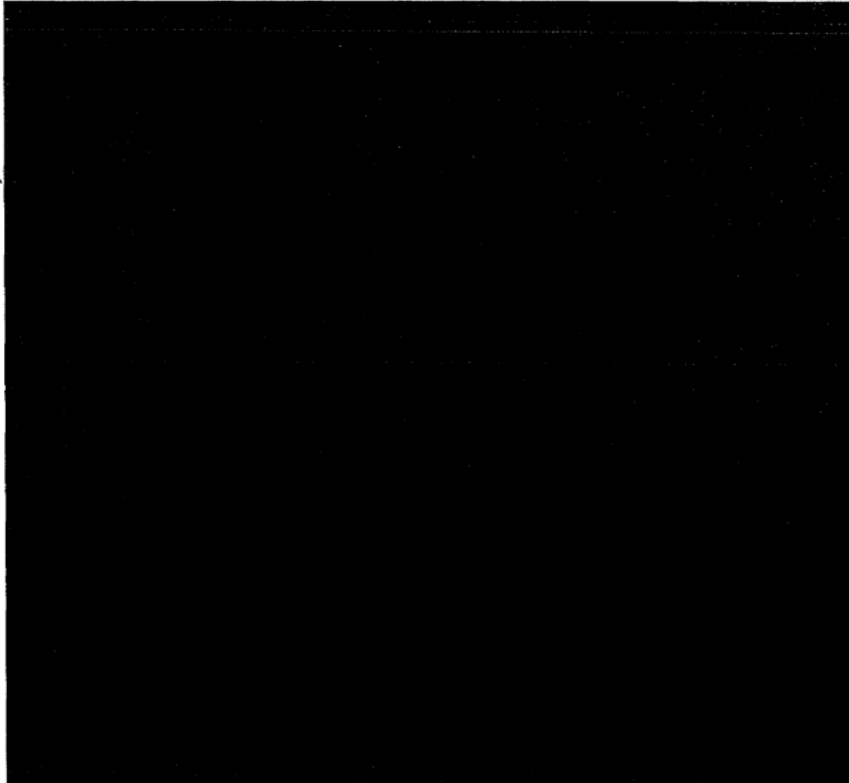
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available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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OMS GUIDELINES ON MEDICAL AND PSYCHOLOGICAL SUPPORT TO  
DETAINEE RENDITION, INTERROGATION, AND DETENTION  
17 May 2004

The following guidelines offer general references for medical officers supporting the rendition and detention of terrorists captured and turned over to the Central Intelligence Agency for interrogation and debriefing. There are three different contexts in which these guidelines may be applied: (1) during the period of rendition and initial interrogation, (2) during the more sustained period of debriefing at an interrogation site, and (3) [REDACTED]



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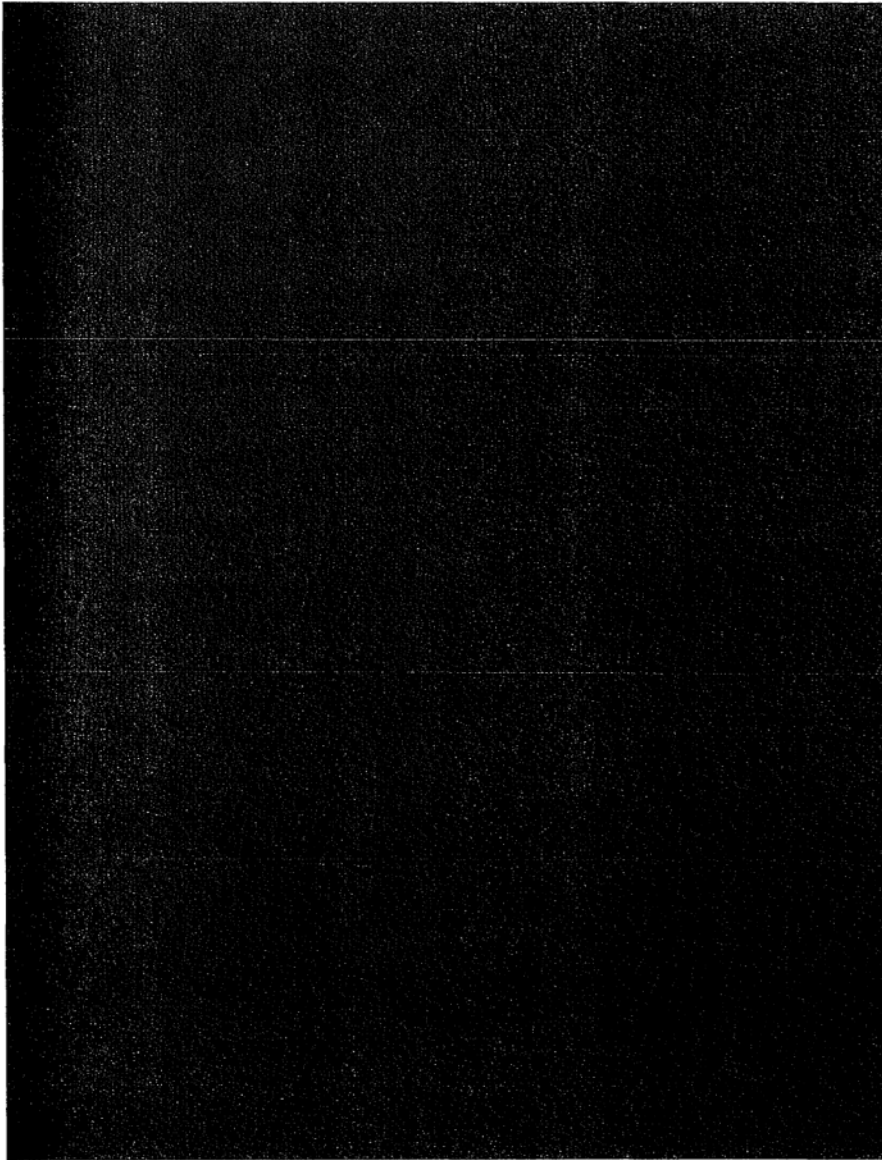
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002188

IGNORANCE IS NO DEFENCE: DJIBOUTI, RENDITION AND TORTURE

available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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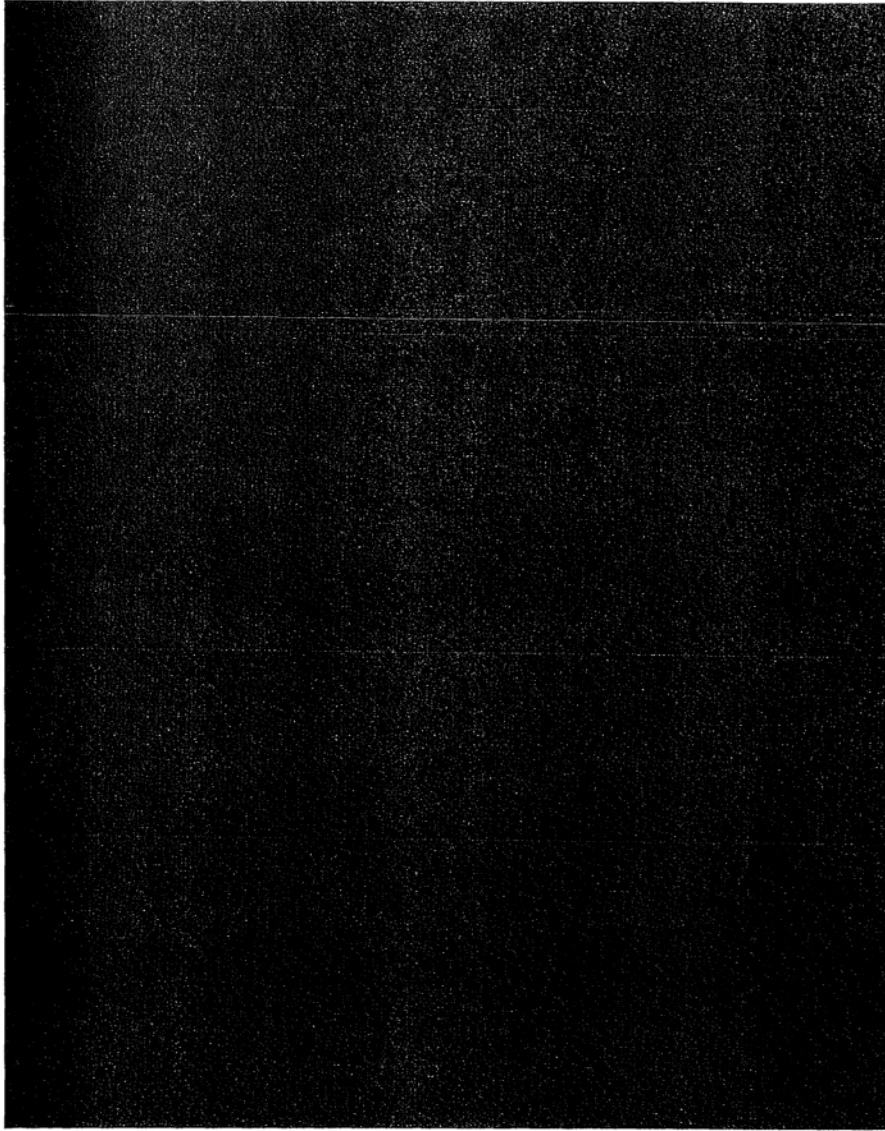
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IGNORANCE IS NO DEFENCE: DJIBOUTI, RENDITION AND TORTURE

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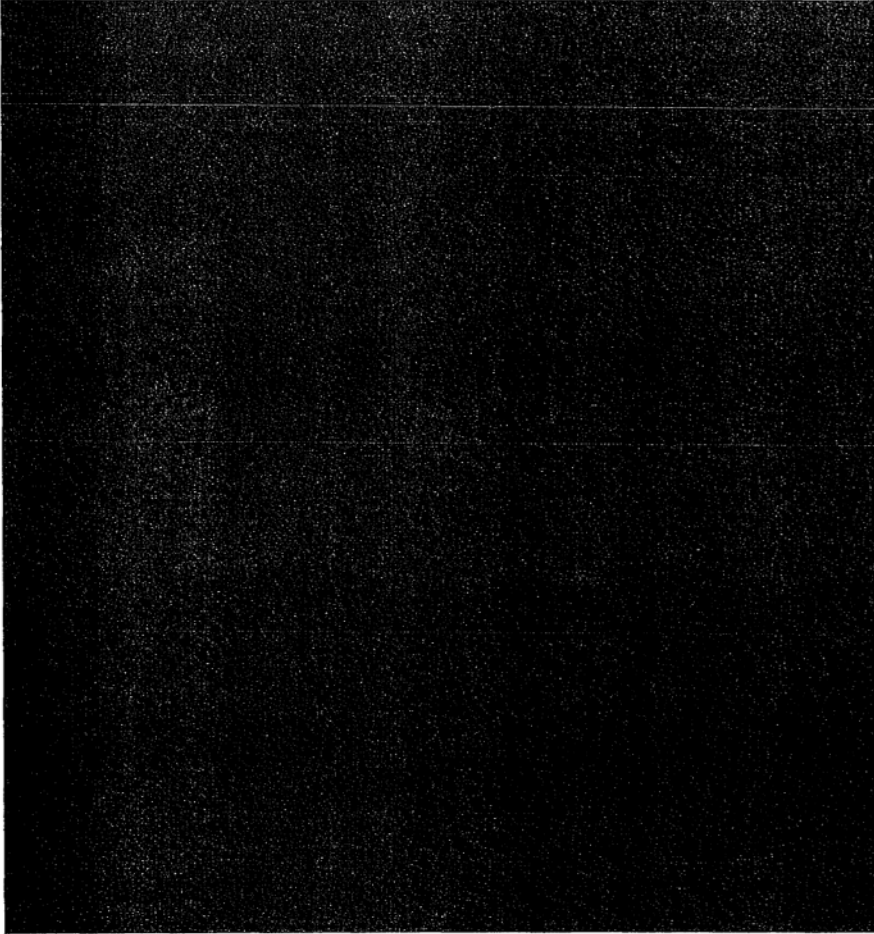
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Guidelines for the use of sedatives.

At times it may be necessary to sedate a subject during the initial transfer or subsequent transport, to protect either the subject or the rendition security team.

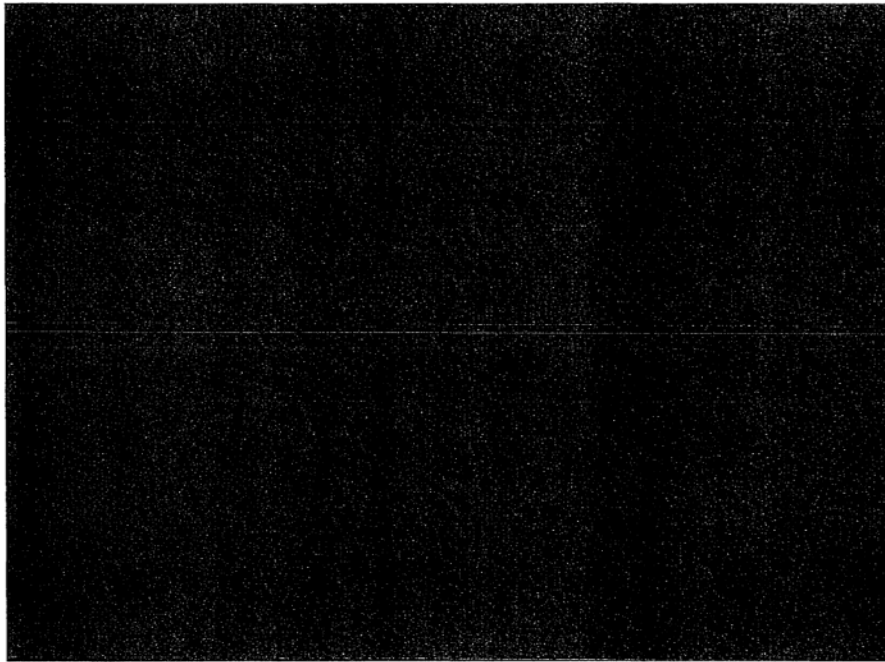


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DETENTION AND INTERROGATION

General intake evaluation

New detainees are to have a thorough initial medical assessment upon arrival at the first Agency detention facility, with a complete, documented history and physical addressing in depth any chronic or previous medical problems. This assessment should especially attend to cardio-vascular, pulmonary, neurological and musculoskeletal findings. [REDACTED]

Vital signs and weight should be recorded, and blood work drawn [REDACTED]

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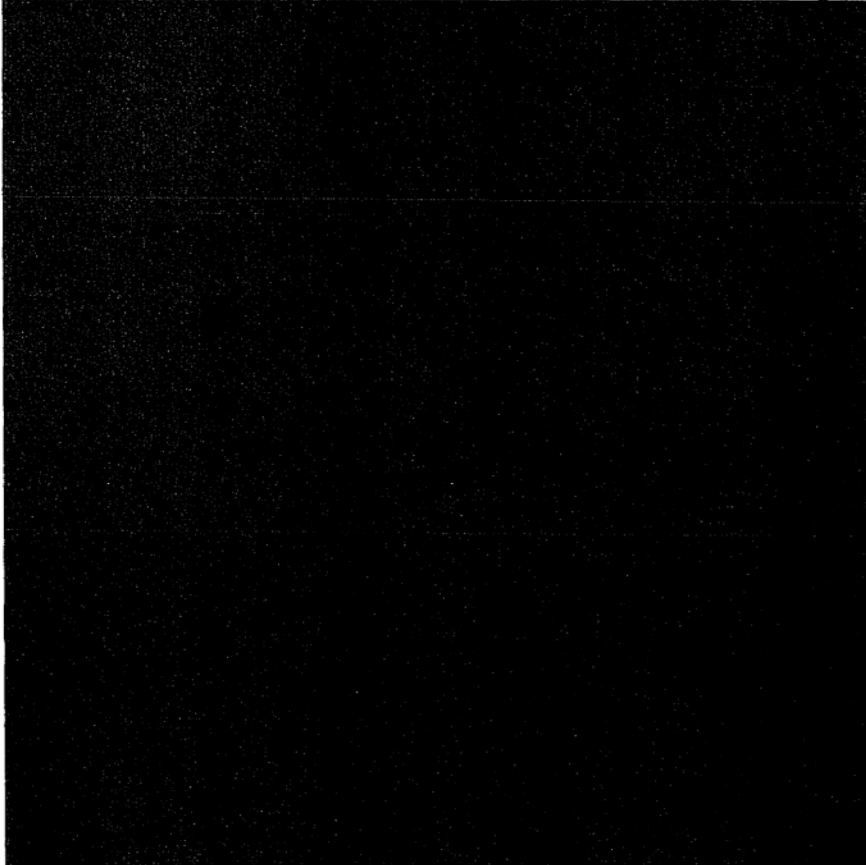
available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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Documented subsequent medical rechecks should be performed on a regular basis,



Although brief, the data should reflect what was checked and include negative findings.



Interrogation.

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available at www.aclu.org/torturefoia/released/103009/cia-olc2.pdf, accessed on 4 November 2010.

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Captured terrorists turned over to the C.I.A. for interrogation may be subjected to a wide range of legally sanctioned techniques, all of which are also used on U.S. military personnel in SERE training programs. These are designed to psychologically "dislocate" the detainee, maximize his feeling of vulnerability and helplessness, and reduce or eliminate his will to resist our efforts to obtain critical intelligence.

Sanctioned interrogation techniques must be specifically approved in advance by the Director, CTC in the case of each individual case. They include, in approximately ascending degree of intensity:

- Standard measures (i.e., without physical or substantial psychological pressure)
  - Shaving
  - Stripping
  - Diapering (generally for periods not greater than 72 hours)
  - Flooding
  - Isolation
  - White noise or loud music (at a decibel level that will not damage hearing)
  - Continuous light or darkness
  - Uncomfortably cool environment
  - Restricted diet, including reduced caloric intake (sufficient to maintain general health)
  - Shackling in upright, sitting, or horizontal position
  - Sleep deprivation (up to 48 hours)
- Enhanced measures (with physical or psychological pressure beyond the above)
  - Attention grasp
  - Facial hold
  - Insult (facial) slap
  - Abdominal slap
  - Prolonged diapering
  - Sleep deprivation (over 48 hours)
  - Water Dousing
  - Stress positions
    - on knees, body slanted forward or backward
    - leaning with forehead on wall
  - Walling
  - Cramped confinement (Confinement boxes)
  - Waterboard

In all instances the general goal of these techniques is a psychological impact, and not some physical effect, with a specific goal of "dislocat[ing] his expectations regarding the treatment he believes he will receive...." The more physical techniques are

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available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

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delivered in a manner carefully limited to avoid serious physical harm. The slaps, for example, are designed "to induce shock, surprise, and/or humiliation" and "not to inflict physical pain that is severe or lasting." To this end they must be delivered in a specifically prescribed manner, e.g. with fingers spread. Walling is performed only against a springboard designed to be loud and bouncy (and cushion the blow). All walling and most attention grasps are delivered only with the subject's head solidly supported with a towel to avoid extension-flexion injury.

OMS is responsible for assessing and monitoring the health of all Agency detainees subject to "enhanced" interrogation techniques, and for determining that the authorized administration of these techniques would not be expected to cause serious or permanent harm.<sup>1</sup> "DCI Guidelines" have been issued formalizing these responsibilities, and these should be read directly.

Advance Headquarters approval is required to use any measures beyond standard measures; technique-specific advanced approval is required for all "enhanced" measures and is conditional on on-site medical and psychological personnel<sup>2</sup> confirming from direct detainee examination that the enhanced technique(s) is not expected to produce "severe physical or mental pain or suffering." As a practical matter, the detainee's physical condition must be such that these interventions will not have lasting effect, and his psychological state strong enough that no severe psychological harm will result.

The medical implications of the DCI guidelines are discussed below. [REDACTED]

#### Medical treatment

<sup>1</sup> The standard used by the Justice Department for "mental" harm is "prolonged mental harm," i.e., "mental harm of some lasting duration, e.g., mental harm lasting months or years." "In the absence of prolonged mental harm, no severe mental pain or suffering would have been inflicted." Memorandum of August 1, 2002, p. 15.

<sup>2</sup> [REDACTED]  
Unless the waterboard is being used, the medical officer can be a physician or a PA; use of the waterboard requires the presence of a physician.

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IGNORANCE IS NO DEFENCE: DJIBOUTI, RENDITION AND TORTURE

available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

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Adequate medical care shall be provided to detainees, even those undergoing enhanced interrogation. Those requiring chronic medications should receive them, acute medical problems should be treated, and adequate fluids and nutrition provided. [REDACTED]

[REDACTED]

[REDACTED]

The basic diet during the period of enhanced interrogation need not be palatable, but should include adequate fluids and nutrition. Actual consumption should be monitored and recorded. Liquid Ensure (or equivalent) is a good way to assure that there is adequate nutrition. [REDACTED]

[REDACTED] Individuals refusing adequate liquids during this stage should have fluids administered at the earliest signs of dehydration [REDACTED]

[REDACTED] If there is any question about adequacy of fluid intake, urine output also should be monitored and recorded.

All medical officers remain under the professional obligation to do no harm. [REDACTED]

[REDACTED] Medical officers must remain cognizant at all times of their obligation to prevent "severe physical or mental pain or suffering."

Uncomfortably cool environments

Detainees can safely be placed in uncomfortably cool environments for varying lengths of time, ranging from hours to days. [REDACTED]

[REDACTED]

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[REDACTED]

Core body temperature falls after more than 2 hours at an ambient temperature of 10°C/50°F. At this temperature increased metabolic rate cannot compensate for heat loss. The WHO recommended minimum indoor temperature is 18°C/64°F. The "thermoneutral zone" where minimal compensatory activity is required to maintain core temperature is 20°C/68°F to 30°C/86°F. Within the thermoneutral zone, 26°C/78°F is considered optimally comfortable for lightly clothed individuals and 30°C/86°F for naked individuals. [REDACTED]

If there is any possibility that ambient temperatures are below the thermoneutral range, they should be monitored and the actual temperatures documented. [REDACTED]

At ambient temperatures below 18°C/64°F, detainees should be monitored for the development of hypothermia. [REDACTED]

Restricted diet during interrogation

During the interrogation phase, detainee diets may be modified to enhance compliance with interrogators and facilitate movement to the debriefing phase. Detainees health should not be jeopardized by such restrictions, however, so medical officers should attend to adequate fluid and nutrition intake. In general, daily fluid and nutritional requirements may be estimated using the following formulae:

Fluid requirement: 35 ml / kg / day. Will alter with ambient temperature, body temperature, level of activity, intercurrent illness. Monitoring of fluid intake and of urine output and specific gravity may be necessary when the medical officer suspects the detainee is becoming dehydrated.

Energy requirement (male): 900 + 10x weight in kilograms for basal Kcal requirement; multiply by 1.2 for sedentary activity level, 1.4 for moderate activity level.

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available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

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Widely available commercial weight loss programs in the US employ diets of 1000 Kcal / day for sustained periods of weeks or longer without required medical supervision in persons voluntarily seeking to lose weight; these diets have proven safe and effective in inducing short term weight loss. Franchised medically supervised programs may employ diets with even lower daily calorie provision (as low as 500 Kcal / day), but do entail some risk because of alterations in serum electrolytes.

Should the interrogation team choose to limit the detainee's food intake, OMS recommends a minimum intake of 1000 Kcalories / day. The nutrients may be presented as either a balance liquid supplement, such as Ensure Plus (360 Kcal / can), or a reduction in the detainee's normal solid food intake. If enhanced interrogation methods are contemplated, a liquid diet is appropriate to minimize risk to the detainee of aspiration; a liquid diet is mandatory if use of the waterboard is being contemplated.

[REDACTED]

Water dousing

[REDACTED] OMS

guidelines for exposure to water are:

For water temperature of 41 F / 5 C - total duration of exposure not to exceed 20 minutes without drying and rewarming.

For water temperature of 50 F / 10 C - total duration of exposure not to exceed 40 minutes without drying and rewarming.

For water temperature of 59 F / 15 C - total duration of exposure not to exceed 60 minutes without drying and rewarming.

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available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

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[REDACTED] and represent 2/3 of the time at which hypothermia is likely to develop in healthy individuals submerged in water, wearing light clothing. In our opinion, a partial dousing, with concomitant less total exposure and potential heat loss, would therefore be safe to undertake within these parameters. The total dousing time includes both the actual dousing and time in wet clothing.

[REDACTED]

White noise or loud music

As a practical guide, there is no permanent hearing risk for continuous, 24-hours-a-day exposures to sound at 82 dB or lower; at 84 dB for up to 18 hours a day; 90 dB for up to 8 hours, 95 dB for 4 hours, and 100 dB for 2 hours. If necessary, instruments can be provided to measure these ambient sound levels.

[REDACTED]

Shackling and prolonged standing

Shackling in non-stressful positions requires only monitoring for the development of pressure sores with appropriate treatment and adjustment of the shackles as required.

[REDACTED]

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available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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If the detainee is to be shackled standing with hands at or above the head (as part of a sleep deprivation protocol), the medical assessment should include a pre-check for anatomic factors that might influence how long the arms could be elevated. [REDACTED]

Assuming no medical contraindications are found, extended periods (up to 48 hours) in a standing position can be approved if the hands are no higher than head level and weight is borne fully by the lower extremities. [REDACTED]

[REDACTED]

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available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

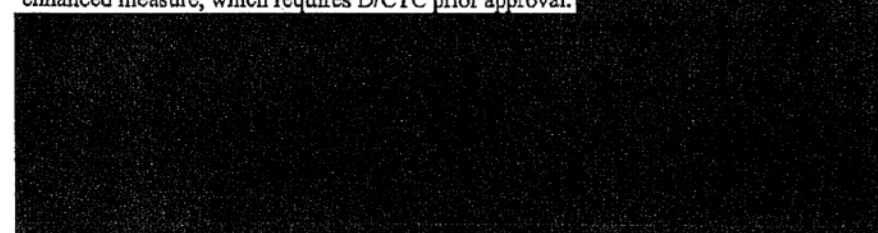
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Sleep deprivation



The standard approval for sleep deprivation, per se (without regard to shackling position) is 48 hours. Extension of sleep deprivation beyond 48 continuous hours is considered an enhanced measure, which requires D/CTC prior approval.



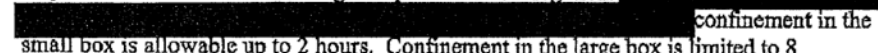
*NOTE: Examinations performed during periods of sleep deprivation should include the current number of hours without sleep; and, if only a brief rest preceded this period, the specifics of the previous deprivation also should be recorded.*

Cramped confinement (Confinement boxes)

Detainees can be placed in awkward boxes, specifically constructed for this purpose.



These have not proved particularly effective, as they may become a safehaven offering a respite from interrogation.



Confinement in the small box is allowable up to 2 hours. Confinement in the large box is limited to 8 consecutive hours, up to a total of 18 hours a day.

Waterboard

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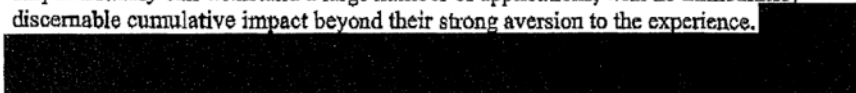
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This is by far the most traumatic of the enhanced interrogation techniques. The historical context here was limited knowledge of the use of the waterboard in SERE training (several hundred trainees experience it every year or two). In the SERE model the subject is immobilized on his back, and his forehead and eyes covered with a cloth. A stream of water is directed at the upper lip. Resistant subjects then have the cloth lowered to cover the nose and mouth, as the water continues to be applied, fully saturating the cloth, and precluding the passage of air. Relatively little water enters the mouth. The occlusion (which may be partial) lasts no more than 20 seconds. On removal of the cloth, the subject is immediately able to breathe, but continues to have water directed at the upper lip to prolong the effect. This process can continue for several minutes, and involve up to 15 canteen cups of water. Ostensibly the primary desired effect derives from the sense of suffocation resulting from the wet cloth temporarily occluding the nose and mouth, and psychological impact of the continued application of water after the cloth is removed. SERE trainees usually have only a single exposure to this technique, and never more than two; SERE trainers consider it their most effective technique, and deem it virtually irresistible in the training setting.



While SERE trainers believe that trainees are unable to maintain psychological resistance to the waterboard, our experience was otherwise. Some subjects unquestionably can withstand a large number of applications, with no immediately discernable cumulative impact beyond their strong aversion to the experience.



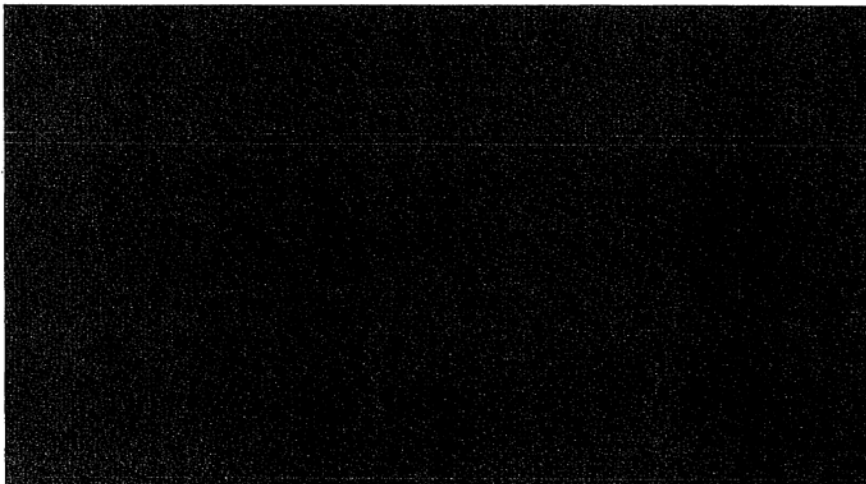
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available at [www.aclu.org/torturefoia/released/103009/cia-olc2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc2.pdf), accessed on 4 November 2010.

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The SERE training program has applied the waterboard technique (single exposure) to trainees for years, and reportedly there have been thousands of applications without significant or lasting medical complications. The procedure nonetheless carries some risks, particularly when repeated a large number of times or when applied to an individual less fit than a typical SERE trainee. Several medical dimensions need to be monitored to ensure the safety of the subject.



In our limited experience, extensive sustained use of the waterboard can introduce new risks. Most seriously, for reasons of physical fatigue or psychological resignation, the subject may simply give up, allowing excessive filling of the airways and loss of consciousness. An unresponsive subject should be righted immediately, and the interrogator should deliver a sub-xyphoid thrust to expel the water. If this fails to restore normal breathing, aggressive medical intervention is required. Any subject who has reached this degree of compromise is not considered an appropriate candidate for the waterboard, and the physician on the scene can not approve further use of the waterboard without specific C/OMS consultation and approval.

A rigid guide to medically approved use of the waterboard in essentially healthy individuals is not possible, as safety will depend on how the water is applied and the specific response each time it is used. The following general guidelines are based on very limited knowledge, drawn from very few subjects whose experience and response was quite varied. These represent only the medical guidelines; legal guidelines also are operative and may be more restrictive.

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A series (within a "session") of several relatively rapid waterboard applications is medically acceptable in all healthy subjects, so long as there is no indication of some emerging vulnerability [REDACTED]

[REDACTED] Several such sessions per 24 hours have been employed without apparent medical complication. The exact number of sessions cannot be prescribed, and will depend on the response to each. If more than 3 sessions of 5 or more applications are envisioned within a 24 hours period, a careful medical reassessment must be made before each later session.

By days 3-5 of an aggressive program, cumulative effects become a potential concern. Without any hard data to quantify either this risk or the advantages of this technique, we believe that beyond this point continued intense waterboard applications may not be medically appropriate. Continued aggressive use of the waterboard beyond this point should be reviewed by the HVT team in consultation with Headquarters prior to any further aggressive use. [REDACTED]

*NOTE: In order to best inform future medical judgments and recommendations, it is important that every application of the waterboard be thoroughly documented: how long each application (and the entire procedure) lasted, how much water was used in the process (realizing that much splashes off), how exactly the water was applied, if a seal was achieved, if the naso- or oropharynx was filled, what sort of volume was expelled, how long was the break between applications, and how the subject looked between each treatment.*

[REDACTED]

[REDACTED]

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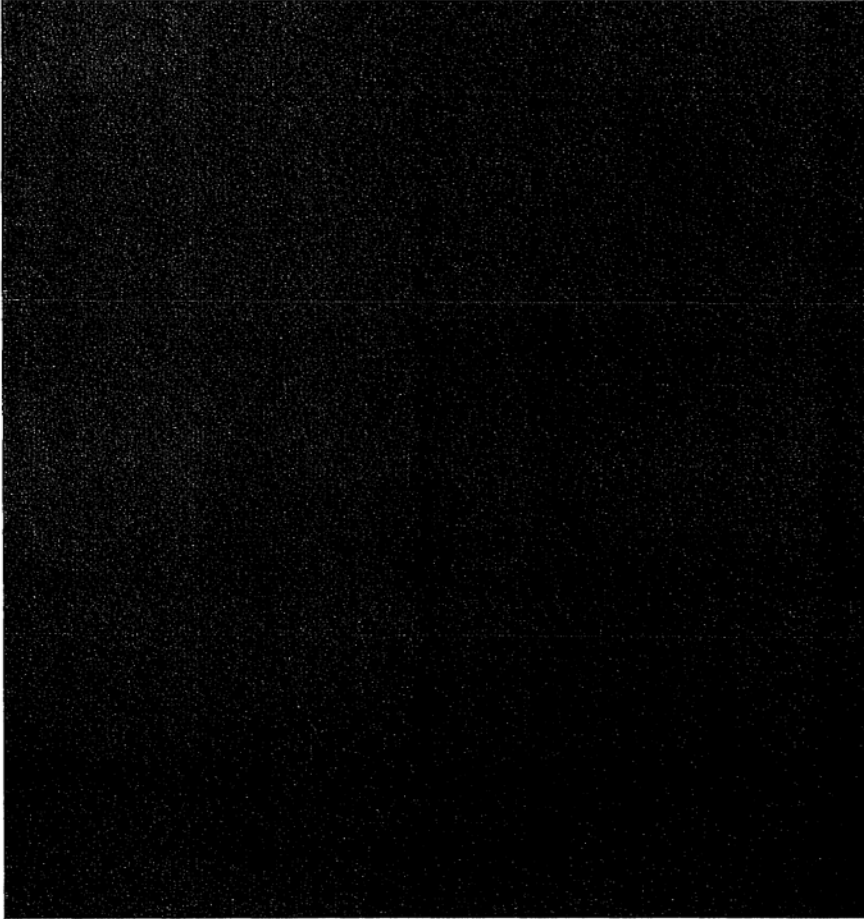
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IGNORANCE IS NO DEFENCE: DJIBOUTI, RENDITION AND TORTURE

available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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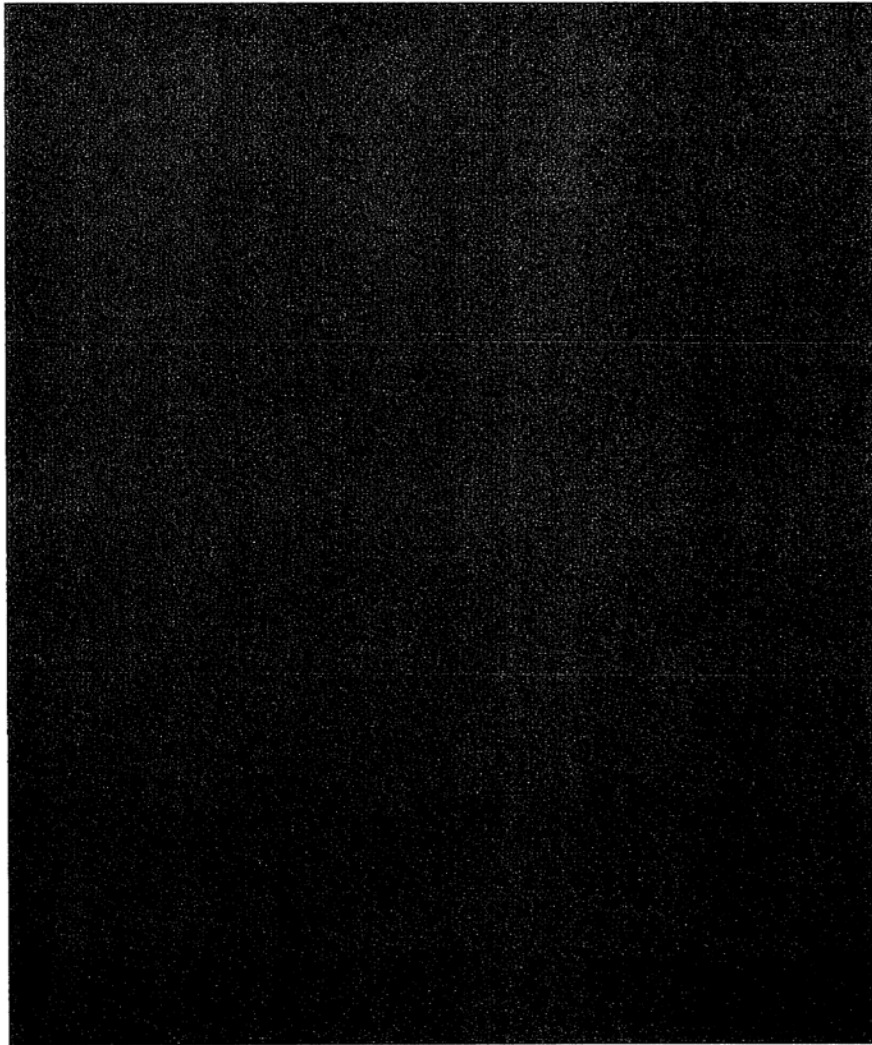
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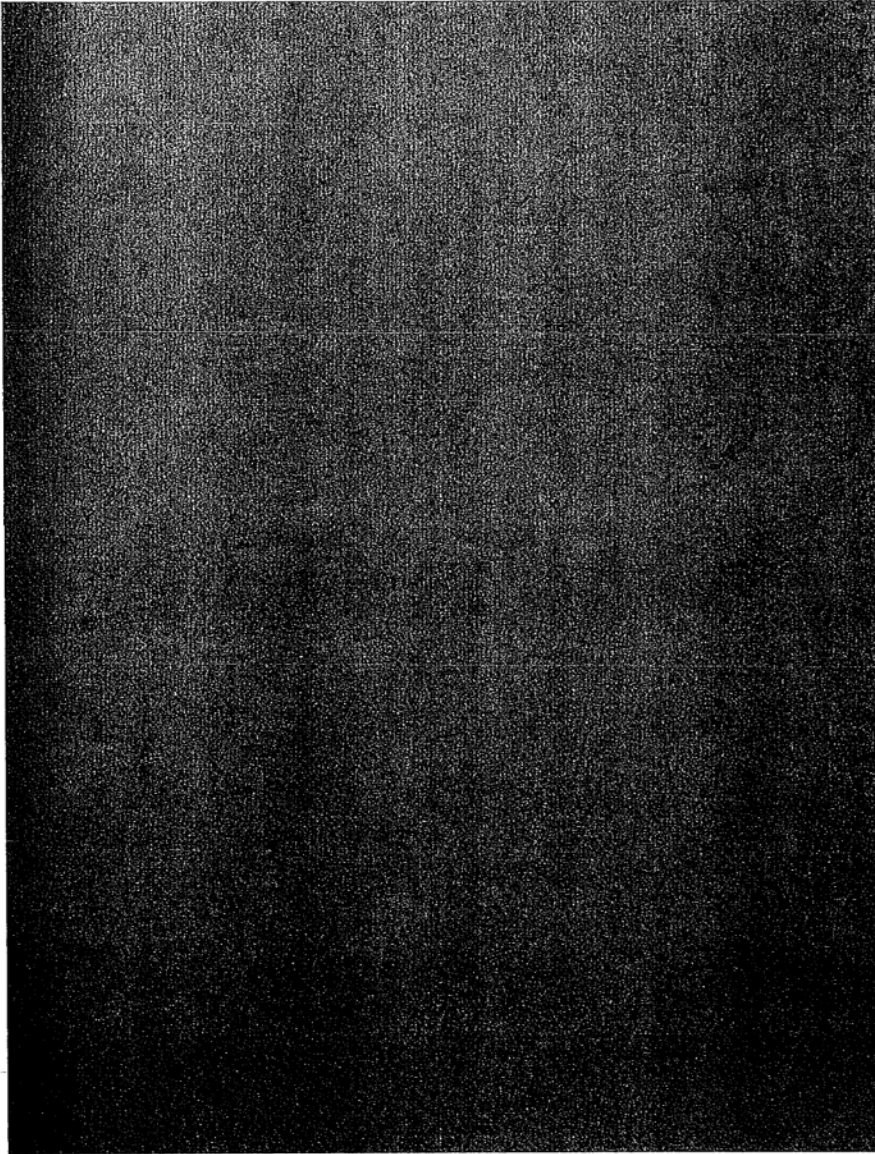
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IGNORANCE IS NO DEFENCE: DJIBOUTI, RENDITION AND TORTURE

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IGNORANCE IS NO DEFENCE: DJIBOUTI, RENDITION AND TORTURE

available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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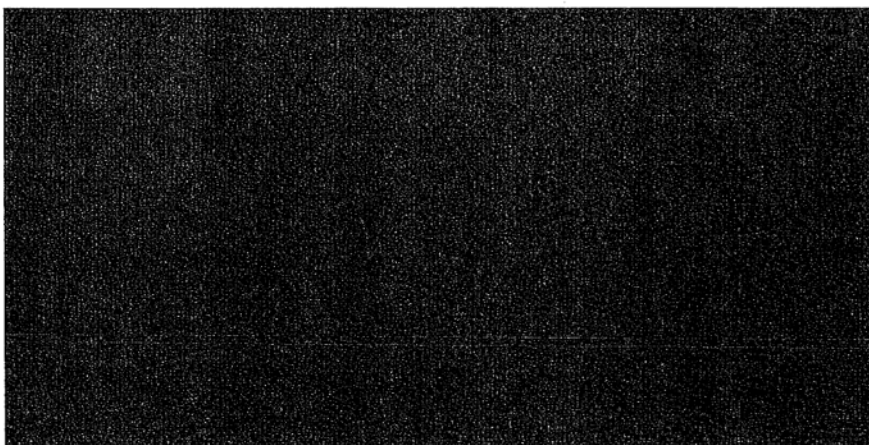
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available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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General references: In addition to standard medical works, medical officers should refer to the Department of Justice Bureau of Prisons website at [www.bop.gov](http://www.bop.gov), accessing "Central Office", then "Health Services" to view their clinical practice guidelines. These guidelines and policies are useful references for procedures in novel situations.

Other standard references which medical officers may find useful include "Standards for Health Services in Prisons", a regular publication of the National Commission on Correctional Health Care, last revised in 2003. *Clinical Practice in Correctional Medicine*, Michael Puiasis, ed. Mosby Publishing, 1998, is a useful compendium of care for chronic and infectious health issues in the prison setting.

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available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

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Appendix A. Medical rationales for limitations on physical pressures

Measure	Medical Limitation	Rationale for Limitation	References
Shaving	None	Standard hygiene measure in other custodial settings; risk of skin infections	None
Stripping	Ambient air temperature at minimum 64 F/ 18 C	Below this temperature hypothermia may develop	WHO guidelines
Diapering	Evidence of loss of skin integrity due to contact with human waste materials	Diapering commonly employed in hospital and other care settings where incontinence is an issue.	None
Hooding	None; [REDACTED]	Methodology used in SERE training	[REDACTED]
Isolation	[REDACTED]	Methodology used in SERE, prison settings	[REDACTED]
White noise	79 dB max	Prevention of permanent hearing damage	OSHA guidelines for continuous noise exposure
Continuous light or darkness	Related to sleep deprivation	Used in other settings	[REDACTED]
Uncomfortably cool environment	<3 hours below 60 F / 16 C, with monitoring for development of hypothermia; use of water will further limit exposure time	Requires monitoring for development of hypothermia; risk is patient-specific	WHO guidelines; "Wilderness Medicine" 4 <sup>th</sup> Ed., Ch 6 – Accidental Hypothermia; Ch 9 Immersion into cold water
Restricted diet	Loss of 10% of	10% loss indicates	BOP guidelines

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available at www.aclu.org/torturefoia/released/103009/cia-olc2.pdf, accessed on 4 November 2010.

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<p><b>Shackling in upright sitting or horizontal position</b> <b>Water dousing</b></p>	<p>body weight</p> <p>48 hours standard; longer periods require medical monitoring</p> <p>Cessation upon evidence of hypothermia; ambient temperature minimum of 64 F / 18 C; potable water source.</p>	<p>significant malnutrition and requires corrective action</p> <p>Prolonged standing likely to induce dependent edema, increase risk for DVT, cellulitis.</p> <p>Increased heat loss promoted by contact with water below 35 C; death can result from prolonged (i.e. 6 hour) exposure to 15 C water, 2 hrs at 10 C, 1 hr at 5 C; hypothermia can be induced in 30 minutes with 5 C / 41 F water, 45 minutes with 10 C / 54 F water, and 60 minutes with 15 C / 59 F water immersion.</p> <p>Immersion at temperatures below 25 C / 77 F will eventually be fatal over time.</p>	<p>CTC guidelines; experience with 20+ detainees</p> <p>“Wilderness Medicine” 4<sup>th</sup> Ed., Ch 6 – Accidental Hypothermia; Ch 9 Immersion into cold water; Transport Canada, “Survival in Cold Waters”, PREAL Operating Instructions</p>
<p><b>Sleep deprivation</b></p>	<p>48 hours for standard [REDACTED]</p>	<p>Periods of sleep deprivation of 90+ hours have been shown to be safe and without long term sequellae in large groups, and 200+ hours in individuals; required recuperative period undefined. Note 0.5 C drop in body temperature, which may impact use of water. Sleep deprivation does degrade cognitive performance, may induce visual disturbances, may reduce immune competence acutely.</p>	<p>CTC Guidelines; Home, J. Why We Sleep NINDS/NIH web site</p>

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available at www.aclu.org/torturefoia/released/103009/cia-olc2.pdf accessed on 4 November 2010.

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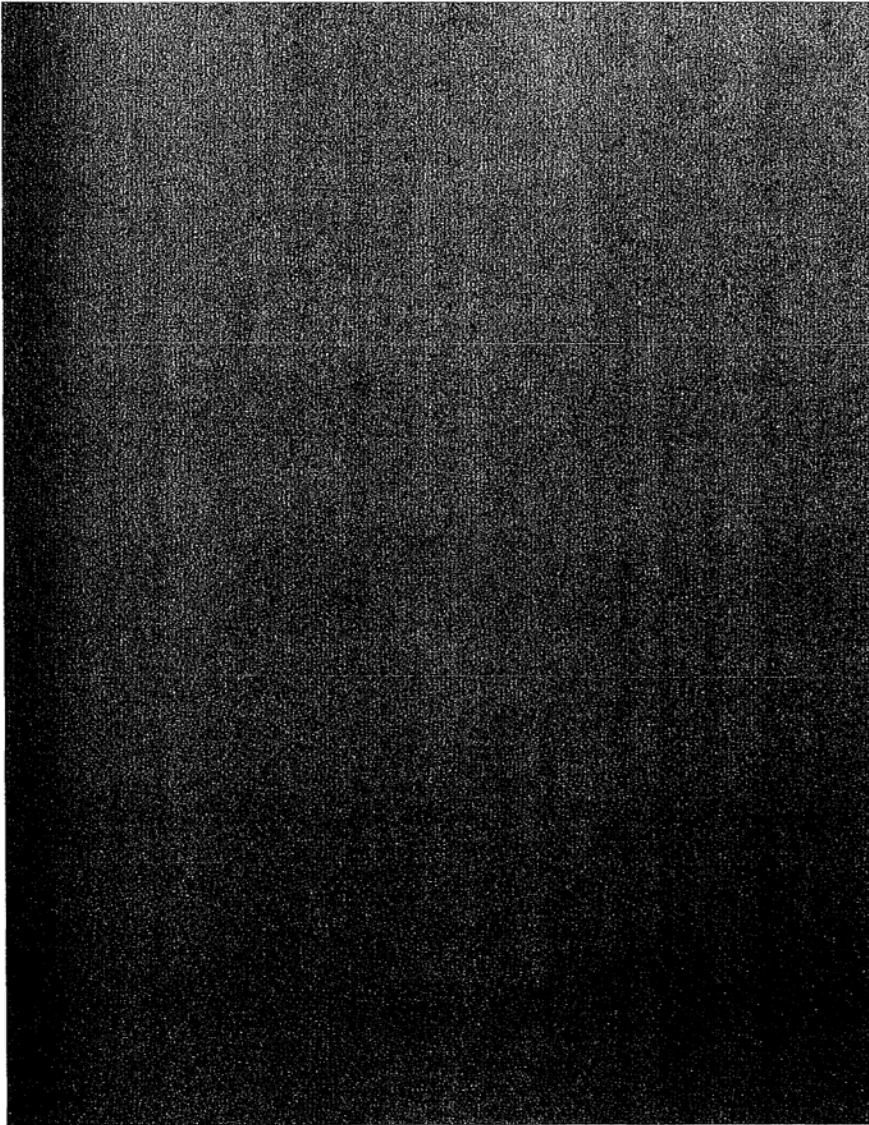
Attention grasp	Correct technique; no preexisting injury likely to be aggravated	[REDACTED]	
Facial hold	Correct technique; no preexisting injury likely to be aggravated	[REDACTED]	
Insult slap	Correct technique; no preexisting injury likely to be aggravated	[REDACTED]	
Abdominal slap	Correct technique; no preexisting injury likely to be aggravated	[REDACTED]	
Stress positions	Correct technique; no preexisting injury likely to be aggravated	[REDACTED]	PREAL Operating Instructions
Walling	Correct technique; no preexisting injury likely to be aggravated	Risk of whiplash type injury [REDACTED]	[REDACTED]
Cramped confinement	Correct technique; no preexisting injury likely to be aggravated	Attention to risks of immobilization, including DVT; ensure adequate air flow, ambient temperature	PREAL Operating Instructions
Waterboard	Correct technique; no preexisting injury likely to be aggravated; [REDACTED] [REDACTED] resuscitation capability immediately at hand; potable water source	Risks include drowning or near drowning; hypothermia from water exposure; aspiration pneumonia	OMS Draft Guidelines;

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available at [www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf), accessed on 4 November 2010.

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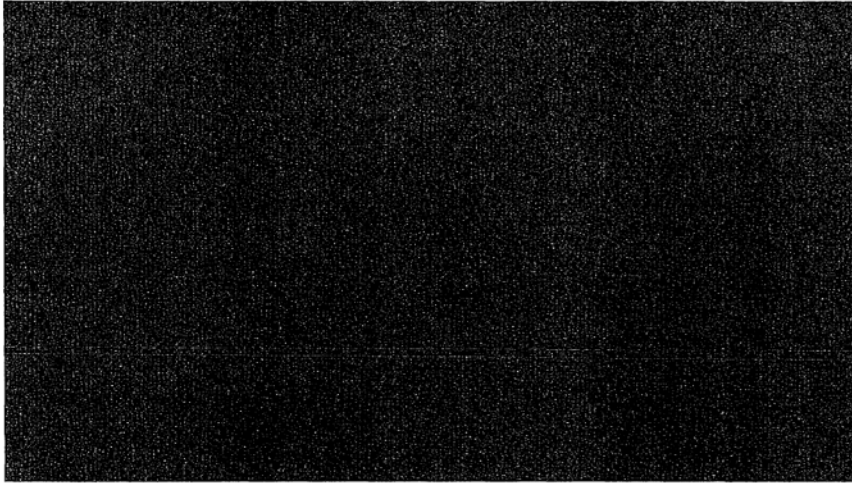
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available at [www.aclu.org/torturefoia/released/103009/cia-ole2.pdf](http://www.aclu.org/torturefoia/released/103009/cia-ole2.pdf), accessed on 4 November 2010.

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available at www.aclu.org/torturefoia/released/103009/cia-olc/2.pdf, accessed on 4 November 2010.

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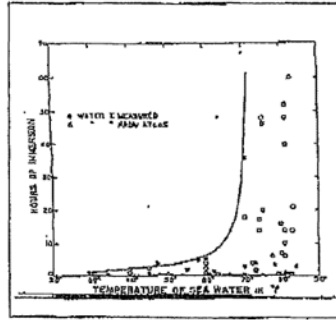


Figure 1 (After Molnar 1948) - Duration of immersion of shipwreck survivors in ocean waters of diverse temperatures. The dots are from the files of the Bureau of Medicine and Surgery, US Navy. Open circles, sea-water temperature was measured at time of rescue. Black dots, sea water temperature was obtained from the World Atlas of Sea Surface Temperatures on the basis of date and location of shipwreck or rescue. Each point represents the survival of at least one person.

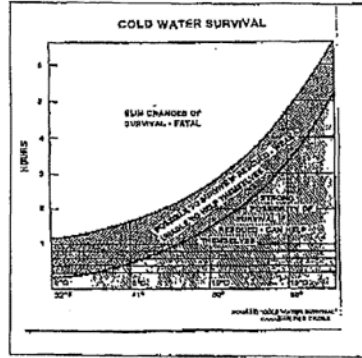


Figure 2 - Cold Water Survival (Canadian Red Cross)

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## Appendix 3

Extract from US Senate Select Committee on Intelligence, Committee Study of the Central Intelligence Agency's Detention and Interrogation Program, (Foreword, Finding and Conclusions, and Executive Summary Only), Released December 2014.

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IX. Appendix 2: CIA Detainees from 2002 – 2008

#	CIA Detainees	Date of Custody	Days in CIA Custody	
1	Abu Zubaydah	[REDACTED] 2002	1,59	<p><b>TS [REDACTED] NF</b></p> <p><b>KEY</b></p> <p><b>Bold Text:</b> Detainees in bold text were subjected to the CIA's enhanced interrogation techniques.</p> <p><i>Italics Text:</i> Detainees in italics have not been previously acknowledged by the CIA to the SSCI.</p> <p>#: Detainee number on main detainee spreadsheet; based on date of CIA custody. Number is based on a designation made by the Committee, not the CIA.</p> <p>Note on Redaction: The last digit of days in CIA custody is redacted.</p> <p><b>SOURCE INFORMATION</b></p> <p>CIA Fax to SSCI Committee Staff, entitled, "15 June Request for Excel Spreadsheet," June 17, 2009. DTS #2009-2529.</p> <p>CIA detainee charts provided to the Committee on April 27, 2007. Document in Committee Records entitled, "Briefing Charts provided to committee members from CIA Director Michael Hayden at the closed Hearing on April 12, 2007, concerning EITs used with CIA detainees, and a list of techniques." DTS #2007-1594.</p> <p>CIA operational cables and other records produced for the Committee's Study of the CIA's Detention and Interrogation Program.</p>
2	Zakariya	[REDACTED] 2002	36	
3	Jamal Eldin Boudraa	[REDACTED] 2002	62	
4	Abbar al-Hawari, aka Abu Sufiyan	[REDACTED] 2002	36	
5	Hassan Muhammad Abu Bakr Qa'id	[REDACTED] 2002	51	
6	<b>Ridha Ahmad Najjar, aka Najjar</b>	[REDACTED] 2002	69	
7	Ayub Marshid Ali Salih	[REDACTED] 2002	4	
8	Bashir Nasir Ali al-Marwalah	[REDACTED] 2002	4	
9	Ha'il Aziz Ahmad al-Mithali	[REDACTED] 2002	4	
10	Hassan bin Attash	[REDACTED] 2002	59	
11	Musab Umar Ali al-Mudwani	[REDACTED] 2002	4	
12	Said Saleh Said, aka Said Salih Said	[REDACTED] 2002	4	
13	Shawqi Awad	[REDACTED] 2002	4	
14	Umar Faruq, aka Abu al-Faruq al-Kuwaiti	[REDACTED] 2002	41	
15	Abd al-Salam al-Hilah	[REDACTED] 2002	59	
16	<i>Karim, aka Asat Sar Jan</i>	[REDACTED] 2002	6	
17	<i>Akbar Zakaria, aka Zakaria Zeineddin</i>	[REDACTED] 2002	5	
18	<i>Rafiq bin Bashir bin Halul al-Hami</i>	[REDACTED] 2002	5	
19	<i>Tawfiq Nasir Awad al Bihani</i>	[REDACTED] 2002	5	
20	Lutfi al-Arabi al-Gharisi	[REDACTED] 2002	38	
21	<i>Dr. Hikmat Nafi Shankat</i>	[REDACTED] 2002	7	
22	<i>Yaqub al-Baluchi aka Abu Talha</i>	[REDACTED] 2002	8	
23	Abd al-Rahim Ghulam Rabbani	[REDACTED] 2002	54	
24	<b>Gul Rahman</b>	[REDACTED] 2002	1	
25	<b>Ghulam Rabbani aka Abu Badr</b>	[REDACTED] 2002	54	
26	<b>Abd al-Rahim al-Nashiri</b>	[REDACTED] 2002	1,37	
27	<i>Haji Chalgi</i>	[REDACTED] 2002	18	
28	<i>Nazar Ali</i>	[REDACTED] 2002	3	
29	<i>Juma Gul</i>	[REDACTED] 2002	8	
30	<i>Wafiq bin Ali aka Abdullah</i>	[REDACTED] 2002	8	
31	<i>Adel</i>	[REDACTED] 2002	6	
32	<i>Qari Mohib Ur Rehman</i>	[REDACTED] 2002	6	
33	<i>Shah Wali Khan</i>	[REDACTED] 2002	2	
34	<i>Hayatullah Haqqani</i>	[REDACTED] 2002	8	
35	Bisher al-Rawi	[REDACTED] 2002		
36	Jamil el-Banna, aka Abu Anas	[REDACTED] 2002		

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#	CIA Detainees	Date of Custody	Days in CIA Custody	
37	Ghairat Bahir	[REDACTED] 2002	51	<p><b>TS [REDACTED] NF</b></p> <p><b>KEY</b></p> <p><b>Bold Text:</b> Detainees in bold text were subjected to the CIA's enhanced interrogation techniques.</p> <p><i>Italics Text:</i> Detainees in italics have not been previously acknowledged by the CIA to the SSCI.</p> <p>#: Detainee number on main detainee spreadsheet; based on date of CIA custody. Number is based on a designation made by the SSCI, not the CIA.</p> <p><b>SOURCE INFORMATION</b></p> <p>CIA Fax to SSCI Committee Staff, entitled, "15 June Request for Excel Spreadsheet," June 17, 2009. DTS #2009-2529.</p> <p>CIA detainee charts provided to the Committee on April 27, 2007. Document in Committee Records entitled, "Briefing Charts provided to committee members from CIA Director Michael Hayden at the closed Hearing on April 12, 2007, concerning EITs used with CIA detainees, and a list of techniques." DTS #2007-1594.</p> <p>CIA operational cables and other records produced for the Committee's Study of the CIA's Detention and Interrogation Program.</p>
38	Pacha Wazir	[REDACTED] 2002	33	
39	Muhammad Ameen al-Bakri	[REDACTED] 2003	49	
40	Abdullah Midhat Mursi	[REDACTED] 2003	11	
41	<b>Ramzi bin al-Shibh</b>	[REDACTED] 2003	128	
42	Ibn Shaykh al-Libi	[REDACTED] 2003	114	
43	<b>Muhammad Umar 'Abd al-Rahman, aka Asadallah</b>	[REDACTED] 2003	15	
44	<i>Abu Khalid</i>	[REDACTED] 2003	2	
45	Khalid Shaykh Mohammad	[REDACTED] 2003	126	
46	Mustafa Ahmad al-Hawsawi	[REDACTED] 2003	126	
47	Abu Yasir al-Jaza'iri	[REDACTED] 2003	124	
48	Suleiman Abdullah	[REDACTED] 2003	43	
49	Hamid Aich	[REDACTED] 2003	4	
50	Sayed Habib	[REDACTED] 2003	49	
51	Abu Hazim, aka Abu Hazim al-Libi	[REDACTED] 2003	72	
52	Al-Shara'iya, aka Abd al-Karim	[REDACTED] 2003	48	
53	Muhammad Khan (son of Suhbat)	[REDACTED] 2003	38	
54	<i>Ibrahim Haqqani</i>	[REDACTED] 2003	1	
55	Ammar al-Baluchi	[REDACTED] 2003	118	
56	Khallad bin Attash	[REDACTED] 2003	118	
57	Laid Ben Dohman Saidi, aka Abu Hudhaifa	[REDACTED] 2003	46	
58	Majid Khan	[REDACTED] 2003	118	
59	Mohammad Dinshah	[REDACTED] 2003	26	
60	Muhammad Jafar Jamal al-Qahtani	[REDACTED] 2003	34	
61	Abu Nasim al-Tunisi	[REDACTED] 2003	32	
62	Mohd Farik bin Amin, aka Abu Zubair	[REDACTED] 2003	115	
63	Zarnein	[REDACTED] 2003	19	
64	Hiwa Abdul Rahman Rashid	[REDACTED] 2003	11	
65	Adel Abu Redwan Ben Hamlii	[REDACTED] 2003	30	
66	Shaiqah Habibullah Khan	[REDACTED] 2003	21	
67	<b>Sumr Hilmi Abdul Latif al-Barq</b>	[REDACTED] 2003	8	
68	Ali Jan	[REDACTED] 2003	34	
69	Muhammad Khan (son of Amir)	[REDACTED] 2003	1	
70	Modin Nik Muhammad	[REDACTED] 2003	20	
71	Abdullah Ashami	[REDACTED] 2003	27	
72	Bashir bin Lap, aka Lillie	[REDACTED] 2003	110	
73	Riduan bin Isomuddin, aka Hambali	[REDACTED] 2003	128	

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#	CIA Detainees	Date of Custody	Days in CIA Custody	
74	Sanad 'Ali Yislam al-Kazimi	[REDACTED] 2003	26	<b>TS</b> [REDACTED] <b>NF</b>
75	Salah Nasir Salim Ali, aka Muhsin	[REDACTED] 2003	59	
76	Abd Qudra Allah Mala Azrat al-Hadi	[REDACTED] 2003	8	
77	Bismullah	[REDACTED] 2003	1	
78	Sa'id Allam	[REDACTED] 2003	8	
79	Sa'ida Gul	[REDACTED] 2003	8	
80	Shah Khan Wati	[REDACTED] 2003	8	
81	Yahya, aka Rugollah	[REDACTED] 2003	8	
82	Zakariya 'abd al-Rauf	[REDACTED] 2003	8	
83	Zamarai Nur Muhammad Juma Khan	[REDACTED] 2003	8	
84	<i>Abdullah Salim al-Qalhtani</i>	[REDACTED] 2003	3	<b>KEY</b>  <b>Bold Text:</b> Detainees in bold text were subjected to the CIA's enhanced interrogation techniques.  <i>Italics Text:</i> Detainees in italics have not been previously acknowledged by the CIA to the SSCI.  #: Detainee number on main detainee spreadsheet; based on date of CIA custody. Number is based on a designation made by the SSCI, not the CIA.
85	<i>Awwad Sabhan al-Shammari</i>	[REDACTED] 2003	3	
86	Noor Jalal	[REDACTED] 2003	23	
87	<b>Majid Bin Muhammad Bin Sulayman Khayil, aka Arsala Khan</b>	[REDACTED] 2003	5	
88	<i>Aso Hawleri</i>	[REDACTED] 2003	2	
89	Mohd al-Shomaila	[REDACTED] 2003	54	
90	Ali Saeed Awadh	[REDACTED] 2003	17	
91	<b>Adnan al-Libi</b>	[REDACTED] 2003	23	
92	Muhammad Abdullah Saleh	[REDACTED] 2004	48	
93	Riyadh the Facilitator	[REDACTED] 2004	12	
94	Abu Abdallah al-Zulaytini	[REDACTED] 2004	21	<b>SOURCE INFORMATION</b>  CIA Fax to SSCI Committee Staff, entitled, "15 June Request for Excel Spreadsheet," June 17, 2009. DTS #2009-2529.  CIA detainee charts provided to the Committee on April 27, 2007. Document in Committee Records entitled, "Briefing Charts provided to committee members from CIA Director Michael Hayden at the closed Hearing on April 12, 2007, concerning EITs used with CIA detainees, and a list of techniques." DTS #2007-1594.  CIA operational cables and other records produced for the Committee's Study of the CIA's Detention and Interrogation Program.
95	Binyam Ahmed Mohamed	[REDACTED] 2004	11	
96	Firas al-Yemeni	[REDACTED] 2004	95	
98	Khalid 'Abd al-Razzaq al-Masri	[REDACTED] 2004	12	
97	<b>Hassan Ghul</b>	[REDACTED] 2004	94	
99	<b>Muhammad Qurban Sayyid Ibrahim</b>	[REDACTED] 2004	26	
100	Saud Memon	[REDACTED] 2004	74	
101	<i>Gul Rahman (2)</i>	[REDACTED] 2004	3	
102	Hassan Ahmed Guleed	[REDACTED] 2004	90	
103	Abu 'Abdallah	[REDACTED] 2004	87	
104	<b>ABU BAHAR AL-TURKI</b>	[REDACTED] 2004	Approximately 13	
105	<b>ABU TALHA AL-MAGREBI</b>	[REDACTED] 2004	Approximately 13	
106	Abd al-Bari al-Filistini	[REDACTED] 2004	77	
107	Ayyub al-Libi	[REDACTED] 2004	30	
108	Marwan al-Jabbur	[REDACTED] 2004	77	
109	Qattal al-Uzbeki	[REDACTED] 2004	80	

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#	<i>CIA Detainees</i>	<i>Date of Custody</i>	<i>Days in CIA Custody</i>	
110	<b>Janat Gul</b>	[REDACTED] 2004	92	<b>KEY</b>  <b>Bold Text:</b> Detainees in bold text were subjected to the CIA's enhanced interrogation techniques.  <i>Italics Text:</i> Detainees in italics have not been previously acknowledged by the CIA to the SSCI.  #: Detainee number on main detainee spreadsheet; based on date of CIA custody. Number is based on a designation made by the SSCI, not the CIA.
111	<b>Ahmed Khalfan Ghailani</b>	[REDACTED] 2004	73	
112	<b>Sharif al-Masri</b>	[REDACTED] 2004	81	
113	<b>Abdi Rashid Samatar</b>	[REDACTED] 2004	65	
114	<b>Abu Faraj al-Libi</b>	[REDACTED] 2005	46	
115	<b>Abu Munthir al-Magrebi</b>	[REDACTED] 2005	46	
116	<b>Ibrahim Jan</b>	[REDACTED]	31	
117	<b>Abu Ja'far al-Iraqi</b>	[REDACTED] 2005	28	
118	<b>Abd al-Hadi al-Iraqi</b>	[REDACTED] 2006	17	
119	<b>Muhammad Rahim</b>	[REDACTED] 2007	24	

**Sources:** CIA Fax to SSCI Committee Staff, entitled, "15 June Request for Excel Spreadsheet," June 17, 2009 (DTS #2009-2529); CIA detainee charts provided to the Committee on April 27, 2007; document in Committee records entitled, "Briefing Charts provided to committee Members from CIA Director Michael Hayden at the closed Hearing on April 12, 2007, concerning EITs used with CIA detainees, and a list of techniques" (DTS #2007-1594, hearing transcript at DTS# 2007-3158); and CIA operational cables and other records produced for the Committee's Study of the CIA's Detention and Interrogation Program.

\*\* Gul Rahman, listed as detainee 24, was the subject of a notification to the Senate Select Committee on Intelligence following his death at DETENTION SITE COBALT; however, he has not appeared on lists of CIA detainees provided to Committee.

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