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Where are the secret prisons?

The story of
**Muhammad Bashmilah,
 Salah Qaru and
 Muhammad al-Assad**

Amnesty International

In an earlier number (Spokesman 89), we recorded several individual stories of extraordinary rendition. Now, new information about 'black site' detention has been provided to Amnesty International by three Yemeni men released after a two-year rendition ordeal, which raises the possibility that they were held somewhere in Eastern Europe or Central Asia. These excerpts are from Amnesty's report Below the radar: Secret flights to torture and 'disappearance'.

Secret detention is the corollary of a secret rendition programme. Without renditions, the US-run 'black sites' could not exist. The United States has acknowledged that it is holding a number of 'high value' detainees – those who are thought to be leading terrorist suspects or to have intelligence information too sensitive to be entrusted to client states. Rendition provides the means to transport them to the CIA-run system of covert prisons that has reportedly operated at various times in at least eight countries. According to reports, these facilities tend to be used in rotation, with detainees transferred from site to site together, rather than being scattered in different locations. Although the existence of secret CIA detention facilities has been acknowledged since early 2002, the term 'black sites' was first reported by the *Washington Post* in November 2005.

The only public testimony from those who have been held in 'black sites' comes from three Yemeni men who 'disappeared' in US custody and were then held in secret detention for more than 18 months, before being returned to Yemen in May 2005. Muhammad Faraj Bashmilah and Salah Nasir Salim 'Ali Qaru had been arrested in Jordan before being transferred to US custody in October 2003. The third man, Muhammad Abdullah Salah al-Assad, was arrested in Tanzania, also in 2003, and turned over to US custody a few hours later. Amnesty International first reported on their cases in 2005, and returned to Yemen to follow up in February and March 2006; Muhammad al-Assad was released on 14 March. Muhammad Bashmilah and Salah Qaru were conditionally released from the political security prison in Aden at around midnight on 27/28 March.

During their 'disappearance', the three men were kept in at least four different secret facilities, likely to have been in at least three different countries, judging by the length of their transfer flights and other information they have been able to provide. Although not

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conclusive, the evidence suggests that they were held at various times in Djibouti, Afghanistan and Eastern Europe.

Muhammad Bashmilah and Salah Qaru were apparently taken from Jordan to Afghanistan in October 2003; other prisoners there managed to get word to them that they were in Afghanistan. The two men have separately described a transfer flight of about four hours from Jordan, which is consistent with a flight to Afghanistan.

It is not clear where in Afghanistan they were held, but it does not appear to be the same Afghan-run prison in Kabul in which Khaled el-Masri was detained at roughly the same time (see *Spokesman 89*). Khaled el-Masri, a German citizen, had been arrested in Macedonia in December 2003 and rendered to Afghanistan, where he spent some four months in a prison he said was run by Afghans but controlled by US officials. In May 2004, apparently realising that they had the wrong man, the United States flew him to Albania and dropped him off on a mountain road to make his own way back to Germany. Khaled el-Masri has drawn a detailed floor map of his Afghan prison; the map was immediately recognisable to Walid al-Qadasi, a Yemeni national who had been detained in Kabul in 2002. Muhammad Bashmilah and Salah Qaru, however, did not recognise the drawing and insisted that there were no Afghan guards or staff at their prison. Both men believe that all of their guards and interrogators were from the United States, although the translators included native Arabic speakers with Lebanese and Moroccan accents.

The men told Amnesty International that they were held with a group of 'important, high ranking' prisoners, who were watched over very closely. One such detainee managed to tell them that he had not been held permanently in any one location, but had been transported with the group from place to place.

The security measures practised in the facility were far stricter and more methodical than those described by other detainees who have been held in Afghanistan. Muhammad Bashmilah and Salah Qaru describe a regime in which each detainee was constantly and individually monitored. The men were held in complete isolation, in cells measuring about 2m x 3m. There was one camera above the door and another on the wall on the other side of the cell. The inmates were permanently shackled to a ring fixed in the floor; the chain was not quite long enough to allow them to reach the door.

If a guard needed to enter their room to take them to shower or for interrogation, for instance, they followed a set routine. When the guard opened the door, the inmate had to face the wall with his back to the door and his hands on the wall. The guard would hood them and handcuff them behind their backs before removing the shackles. The hood had a kind of noose that could be tightened around the neck if the detainee did not move fast enough or in the right direction. The guards were always covered, and wore masks and gloves, but the men said that none of them were Arabs or Afghans. When asked how they knew this, they replied that the guards 'had a different kind of physique'.

They were allowed outside for 20 minutes once a week, when they were

brought into a courtyard with very high walls and made to sit in a chair facing the wall. Once seated, their hood was removed. They were not allowed to look to the left or the right, and a guard stood behind them to 'enforce the rules'.

Muhammad al-Assad was arrested in Dar es Salaam, Tanzania, on 26 December 2003 and flown out some time before dawn the next day. Sources in Tanzania have said that he was flown to Djibouti on a small US plane. According to press reports, about 800 US personnel, part of a counter-terrorism task force, had been located in Djibouti in late 2002, and the site was known to be a base for the CIA's unmanned predator planes. Speaking before the US Senate Armed Services Committee in March 2005, General John Abizaid noted: 'Djibouti has given extraordinary support for US military basing, training, and counter-terrorism operations'.

Muhammad al-Assad says that he was questioned there by US officials, one man and one woman, who told him they were from the United States' Federal Bureau of Investigation (FBI); a picture of the President of Djibouti hung on the wall of the interrogation room. Muhammad al-Assad spent about two weeks there before being processed for another transfer. This time he thinks he was in a larger plane as he entered it without having his head pushed down or bending. He believes he was strapped down to a bench and that the plane had a row of benches along the side. He knows the flight was long and that it touched down once before flying on to a place that was 'cold and muddy'. At this location, he was held in two different detention centres, about 20-40 minutes apart by car, over unpaved roads. The first room was large and dirty, with a rug and a high narrow window; the second was smaller and darker, and the walls were covered in graffiti. The bread he was given there, he said, was from Pakistan or Afghanistan. Muhammad al-Assad is diabetic and says that he was not given proper medication during this period, so was often dizzy or ill. It is not certain that he was held with Muhammad Bashmilah and Salah Qaru, although all three men were transferred to the same final secret destination at about the same time.

At the end of April 2004, probably around the 24th, the men were brought, one at a time, to be prepared for transfer. They were stripped naked before being given absorbent plastic underpants, a pair of knee length cotton trousers to wear over them, a cotton shirt, and a pair of blue overalls. They were handcuffed and their hands were strapped to a belt around the waist, their legs were shackled together and to the belt. Foam earplugs were inserted in their ears. They were blindfolded and had their mouths covered with a surgical facemask, presumably to prevent them from talking. They were then hooded, and tape or a bandage was wrapped around the hood to prevent movement. Finally, a pair of heavy, sound-deadening headphones were placed over the hood. A similar process was described by Swedish police officers who witnessed a US-led renditions team preparing two men for transfer in December 2001; the renditions team told them that the procedures had become policy for transporting terrorist suspects 'post 9/11'.

'You lose most of your senses', said Muhammad Bashmilah, 'but you can still feel a bit, and on this flight I felt the presence of a number of other bodies swaying

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back and forth.' The preparations are done very quickly and professionally, he added, by a team of black masked 'ninjas' who carried out the whole operation in about 20 minutes. After he was prepared, he was taken to a waiting room for a couple of hours, so he believes there must have been a number of others undergoing the same treatment.

Muhammad Bashmilah and Salah Qaru said that this flight lasted three to four hours, Muhammad al-Assad thought the flight was longer. Whether or not they were on the same plane for the first leg of their journey, all three describe landing and waiting for an hour or so before being thrown roughly into a helicopter with a number of other prisoners. All three noted separately that they felt that there were a number of prisoners being transported at the same time, perhaps a dozen or more. All three agree that the helicopter flew for about two and a half or three hours, and that once it had landed they were taken to the new detention centre by car.

The size and location of the final secret facility, where they spent 13 months, remains unconfirmed. Two of the men told Amnesty International in October 2005 that they believed this detention centre was in Europe. Other information they have since provided, some of it confirmed or augmented by media reports, indicates a strong possibility that the men were indeed held in an Eastern European 'black site'.

As Amnesty International has reported, the facility was new or refurbished, and carefully designed and operated to ensure maximum security and secrecy, as well as disorientation, dependence and stress for the detainees. Well-staffed and resourced, and highly organised, the system in operation there could not have been maintained solely for the purpose of interrogating low-level suspects like Muhammad Bashmilah, Salah Qaru and Muhammad al-Assad. One of the men calculated that at least 20 people were being taken to the shower room in his section each week, although he does not know whether the facility contained more than one section.

The men were initially examined by a doctor or medic, who had access to the medical records that had been kept on the men throughout their detention. At each transfer, the men said, they were stripped and photographed, front and back, and any wounds or marks on their bodies were noted on a medical record, which followed them from place to place. Salah Qaru explained that the doctor used a template drawing, and that he has two scars that the doctors always recorded. The scales used at their checkups, he noted, measured weight only in pounds, the unit used in the United States.

According to one of the men, 'all of the guards and officials were Americans. One doctor we saw was an American and one spoke English with a European accent. Of the translators, some were native Arabic speakers, and some spoke Arabic with an American accent.' The director of the prison was one of the few people they ever saw unmasked. When he arrived in late 2004, he told Muhammad al-Assad that he had been sent from Washington DC in order to decide who they should keep and who they should send home. 'You are at the top of the list to be returned,' he told Muhammad al-Assad.

Although the men were never allowed outside, or even to look through a window, they were given prayer schedules throughout the year. The schedules were not made up by the prison officials, but were downloaded from an Internet site (islamicfinder.org) which the men could see at the bottom of the printouts. On these schedules, they said that the time of sundown prayer over the course of the year changed by over three hours, from about 4.30pm to about 8.45pm (including an additional hour for daylight saving time). Such a degree of variation indicates a location north of the 41st parallel, well above the Middle East, and very likely to be within one of the member states of the Council of Europe. Countries that would fit the time range include Turkey, Azerbaijan, Georgia, Romania, Bulgaria, Albania and Macedonia. They were also in a location that observed daylight saving time, which is observed in all Council of Europe member states, but not, for instance, in Afghanistan, Jordan or Pakistan.

Moreover, the men said that there was significant variation in the temperature. In particular, they noted the extreme cold during the winter. By December 2004, they said, it was so cold that they had to pray wearing their blankets. Even though they were issued new sets of extra warm blankets, they say the temperatures were colder than any they had ever known.

The detention centre had an on-site inventory of some 600 books, again suggesting that many more than three detainees were held there. Most of the books listed were in Arabic, but there were also titles in English, Farsi, Pashto, Russian and Indonesian. The men said that the Arabic books usually had a white and gold sticker, with Arabic and English writing, naming a bookshop in Washington DC and another in Chicago. The detainees were given the book list one morning a week, and ticked off their choices; the book or books were delivered with their evening meal.

The men said that much of the food they were served seemed 'European', once including pizza which they had never eaten before. Their description of the meals also echoes the account provided in an *ABC* news report on a 'black site' facility allegedly located in Poland. For breakfast, they were served two slices of bread with two triangles of cheese with the wrappers already removed, and yoghurt in a cup. Lunch was usually rice with tinned salty meat, sometimes fish or chicken, and olives or tomatoes. Dinner was more of the same, sometimes with some salad. For a short time in late 2004, they said, there was a dish of 'normal' food, a spicy hot chicken with onions, but that stopped after Ramadan.

On Fridays they got two fingers of a 'Kit Kat' chocolate bar, again with the wrappers removed (although the name was on the bar itself); *ABC* news reported that Kit Kats were a favourite of Abu Zubaydah, a 'high value' detainee allegedly held in Poland in 2005. Labels were usually removed from their clothes and their bottles of water. They had some blankets and t-shirts made in Mexico, while their water cups, although made in China, had the name and telephone number of a US company embossed on the bottom.

The detention facility was about 10-15 minutes by car via a bumpy, possibly unpaved, road from the airstrip. When they got out of the car, they said, they

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walked up a flight of steps to get into the building, then once inside the building they walked down a ramp or slope of some kind. Their cells were new or refurbished – the walls were freshly painted and bare of any graffiti or identifying marks. The toilet facilities were modern – the men noted that the toilets were Western-style and faced in the direction of Mecca (which they had been given for prayers), which they thought meant they were unlikely to be in a Muslim country. There was artificial light in the cells, which was usually on 24 hours a day. On the few occasions when the electricity failed, the men said, the cells were absolutely pitch black, leading them to believe that they may have been in the basement of the building. ‘We don’t have daylight here,’ one of the interrogators told them, ‘we have capsules’. The men assumed that these capsules, which they were given every morning, contained vitamin C or D.

Although they were brought by helicopter, the facility was located within a 10-minute drive of an airbase or airstrip that is probably not a commercial airport, as it only receives light traffic. From their cells, Muhammad al-Assad said, they could hear planes taking off and landing. ‘Sometimes there were two or three a day,’ added Muhammad Bashmilah, ‘but some days there were none. A week wouldn’t go by without planes and the most movement was on Wednesdays.’

The information that the men provided about the duration of their flights provides general indications of where they might have been. However, without knowing the size, speed and route of the aircraft, as well as the exact duration of the flights, the locations cannot be pinpointed.

The flight that returned the men to Yemen in May 2005 was separately described by all three as a non-stop journey of approximately seven hours. The plane seems to have been a small jet. The men agree that there were about six steps from the ground to the door of the plane, and they think there were probably two seats on the aisle, at least on one side. They believe that they left in the early afternoon and arrived at about 10pm. An airport official said they might have arrived in Yemen in a military plane, although the Yemeni government has thus far refused to comment. Given that cruise speeds for likely aircraft vary from about 250 to more than 500 knots, the final flight could have been between 1,400-2,800 nautical miles (around 2,600-5,200 kilometres).

The triangulation between this flight and the shorter journeys the men had apparently made from Afghanistan to their final secret destination rule out locations in Western Europe and the Middle East. If the flight times given by the men are accurate, the initial flight from Afghanistan could have reached Azerbaijan, Armenia, Turkey or Georgia or coastal Bulgaria or Romania; an additional helicopter flight of 150-180 minutes from such locations would have been unlikely to have gone more than 500 nautical miles (around 925km). Aviation experts note that it is not common for helicopter flights to cross international borders, although technically possible. Assuming that the flight from Afghanistan had reached Turkey, eastern Bulgaria or Romania, possible sites for the final detention centre could have included Turkey, Bulgaria, Romania, Albania, Bosnia-Herzegovina and the Slovak Republic.

Senior Yemeni officials told Amnesty International that they had first heard of the men on 4 May 2005, when the US Embassy in Yemen informed them that the three would be flown to Sana'a and transferred to Yemeni custody the following day. The United States provided no further information about what the men might have done, or any evidence or charges against the men, but Yemeni officials say they were instructed by the US Embassy to keep the men in custody until their case files were transferred from Washington DC. No files or evidence were ever received.

On 13 February 2006, after more than nine months in arbitrary detention in Yemen, and some two and a half years since they were first arrested, the three men were brought to trial in Sana'a. On the basis of statements they made during their interview with the prosecutor of the Special Penal Court each was charged with forgery in connection with obtaining a false travel document for personal use. None of the alleged forgeries was presented in evidence. None of the men was charged with any terrorism-related offence; the Chief of Special Prosecutions told Amnesty International that they were not suspected of any such offences. The men all pleaded guilty and the judge had it written into the trial record that they had been detained in an unknown place by US agents. On 27 February the judge sentenced the men each to two years in prison, adding the instructions: 'to count the period that the accused spent in prisons outside the country as part of the sentence'. He calculated that, in addition to their nine months in prison in Yemen, their time in secret US detention had been at least 18 months, and ordered their release.

Muhammad al-Assad was released from custody in Sana'a on 14 March. Muhammad Bashmilah and Salah Qaru were transferred to Aden, where they were released at around midnight on 27/28 March. They were given instructions to report to political security every month and not to leave Aden without permission.

The human cost of rendition and secret detention is too often ignored. Muhammad al-Assad told Amnesty International on his release that 'for me now, it has to be a new life, because I will never recover the old one'. His business is in ruins, he is in debt, and he does not yet know if he will even be allowed to return to Tanzania, where he had lived since 1985, to try and rebuild the life he had made there.

The prospects are also bleak for Muhammad Bashmilah and Salah Qaru. The men do not know if they will be reunited with their wives in Indonesia, who have been thrown into destitution by their absence. Even if they manage to raise the money, they may not get permission to travel to Indonesia. Nor will it be easy for them to support themselves in Yemen. Even though they were never charged with a terrorist offence, they believe that they will remain stigmatised because they were detained by the United States. Under suspicion by any potential employers, and harassed by the security and intelligence service, they fear they will never be able to lead normal lives or take care of their families. All three men have suffered emotional and physical trauma – Salah Qaru and Muhammad Bashmilah have described severe torture during their detention in Jordan and are in urgent need of medical attention for problems caused or exacerbated by the long months in isolation and secret detention.