

Alleged Secret Detentions and Unlawful Inter-state Transfers involving Council of Europe Member States

COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS

Draft report—Part II (Explanatory memorandum)
Restricted, AS/Jur (2006) 16 Part II
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Alliance of Liberals and Democrats for Europe

<http://assembly.coe.int/CommitteeDocs/2006/20060606_Ejdoc162006PartII-FINAL.pdf>

Author's Note: Legal points have been excluded from this version of this Report, tendered in Brussels on January 22, 2006. This edited version is intended to provide only the facts of the actual rendition procedure. The following US case addresses some of the related points regarding rendition.

Footnotes and italics have been deleted. Some minor bolding has been added in ¶ 85.

Report: 2.7.1. CIA Methodology—How a Detainee is Treated During a Rendition:

79. The descriptions of rendition operations in this report reflect many different individual cases. These cases entail a diverse range of victims, being captured in and transferred to numerous different countries, spanning a time period of several years. The stories are recounted by both first- and second-hand witnesses, speaking various languages in various public and private forums. Some of the people subjected to rendition have since been released, while others are still detained in the custody of the United States or another country. In short, the cases appear to have little or no connection to one another.

80. Yet on the contrary there are striking parallels between several of these renditions, particularly as they relate to the CIA's methodology. It seems that in each separate case, rendition was carried out in an almost identical manner. Collectively the cases in the report testify as to the existence of an established modus operandi of rendition, put into practice by an elite, highly-trained and highly disciplined group of CIA agents who travel around the world mistreating victim after victim in exactly the same fashion.

82. According to Michael Scheuer [former Chief of the Bin Laden Unit in the CIA Counter-Terrorism Center], the CIA intentionally puts security concerns ahead of the rights of the detainee during a rendition operation:

Clearly your first priorities in those situations are to protect your officers. So the person would generally be shackled and restrained. And probably at least getting on to the plane and while it was on the ground, he was blindfolded.

I would think that the locals who arrested him would probably be the ones who would handcuff and blindfold him. Then he would be put on

the plane, prepared and tied into his seat ... and be watched over by guards from the receiving country he was going back to.

83. ... While it does not appear to reach the threshold for torture [covered in §9.6.B.4(d–e), 7(a).], it may well be considered as inhuman or degrading, particularly in the extent to which it humiliates the person being rendered.

84. The “security check” used by the CIA to prepare a detainee for transport on a rendition plane was described to us by one source in the American intelligence community as a “twenty-minute takeout.” His explanation was that within a very short space of time, a detainee is transformed into a state of almost total immobility and sensory deprivation. “The CIA can do three of these guys in an hour. In twenty minutes they’re good to go.”

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85. The general characteristics of this “security check” can be established from a host of testimonies as follows:

i. it generally takes place in a small room (a locker room, a police reception area) at the airport, or at a transit facility nearby.

ii. the man is sometimes already blindfolded when the operation begins, or will be blindfolded quickly and remain so throughout most of the operation.

iii. four to six CIA agents perform the operation in a highly-disciplined, consistent fashion—they are dressed in black (either civilian clothes or special ‘uniforms’), wearing black gloves, with their full faces covered. Testimonies speak, variously, of “big people in black balaclavas,” people “dressed in black like ninjas,” or people wearing “ordinary clothes, but hooded.”

iv. the CIA agents “don’t utter a word when they communicate with one another,” using only hand signals or simply knowing their roles implicitly.

v. some men speak of being punched or shoved by the agents at the beginning of the operation in a rough or brutal fashion; others talked about being gripped firmly from several sides.

vi. the man’s hands and feet are shackled.

vii. the man has all his clothes (including his underwear) cut from his body using knives or scissors in a careful, methodical fashion; an eye-witness described how “someone was taking these clothes and feeling every part, you know, as if there was something inside the clothes, and then putting them in a bag.”

viii. the man is subjected to a full-body cavity search, which also entails a close examination of his hair, ears, mouth and lips.

ix. the man is photographed with a flash camera, including when he is nearly or totally naked; in some instances, the man's blindfold may be removed for the purpose of a photograph in which his face is also identifiable.

x. some accounts speak of a foreign object being forcibly inserted into the man's anus; some accounts speak more specifically of a tranquilizer or suppository being administered per rectum—in each description this practice has been perceived as a grossly violating act that affronts the man's dignity.

xi. the man is then dressed in a nappy or incontinence pad and a loose-fitting "jump-suit" or set of overalls; "they put diapers on him and then there is some handling with these handcuffs and foot chains, because first they put them on and then they are supposed to put him in overalls, so then they have to alternately unlock and relock them."

xii. the man has his ears muffled, sometimes being made to wear a pair of "headphones."

xiii. finally a cloth bag is placed over the man's head, with no holes through which to breathe or detect light; they "put a blindfold on him and after that a hood that apparently reaches far down on his body."

xiv. the man is typically forced aboard a waiting aeroplane, where he may be "placed on a stretcher, shackled," or strapped to a mattress or seat, or "laid down on the floor of the plane and they bind him up in a very uncomfortable position that makes him hurt from moving."

xv. in some cases the man is drugged and experiences little or nothing of the actual rendition flight; in other cases, factors such as the pain of the shackles or the refusal to drink water or use the toilet make the flight unbearable: "this was the hardest moment in my life."

xvi. in most cases, the man has no notion of where he is going, nor the fate that awaits him upon arrival.

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