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Yemeni Held in Guantánamo Was Seized in Cairo, Group Says

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WASHINGTON - Sometime in September 2002, a Yemeni businessman and intelligence officer was abducted on a Cairo street, then kept incommunicado for more than a year by United States authorities, and is now among those imprisoned at Guantánamo Bay, Cuba, according to an examination of his case by Human Rights Watch.

The case of Abdul Salam Ali al-Hila is an example of what human rights groups call "reverse renditions," in which a foreign government assists or cooperates in seizing someone who is then transferred to United States custody. John Sifton, the researcher at Human Rights Watch, the advocacy group - who compiled information on the Hila case from interviews with the man's family, his letters from Guantánamo and government statements published in news reports in Arab countries - said it was "another example of the United States stretching the laws of war and human rights principles to the breaking point.

"You can't just hold people incommunicado indefinitely just by declaring them enemy combatants," he added.

Mr. Sifton and officials from other human rights groups say there are dozens of such people, defined as those who are picked up far from the battlefield of the Afghanistan war and then wind up at the detention center at Guantánamo. Once there, they are considered unlawful combatants.

A Pentagon spokesman, Maj. Michael Shavers, said it was the military's policy not to discuss the details of specific detainees at Guantánamo.

While much attention has been paid lately to the practice of the United States sending many prisoners detained as possible terrorists to other countries, the Hila case is new evidence of the practice in reverse: foreign authorities picking up suspects in noncombat and nonbattlefield situations, perhaps at the behest of American authorities, and handing them over to United States custody.

Included in this category, the rights officials say, are six Algerians arrested in Bosnia and Herzegovina by local authorities. The six men were freed by a local investigating judge, but were quickly seized by United States authorities and are now at Guantánamo. In addition, many Pakistanis at Guantánamo assert in recent court filings challenging their detentions that they were arrested in Pakistan by Pakistani officials, far from the battlefield in Afghanistan.

Barbara Olshansky, a senior official at the Center for Constitutional Rights, said there was no way to know how many people fit into this category. She said she believed the number was in the dozens.

Legal battles on several fronts have challenged whether the orders signed by President Bush after Sept. 11, 2001, provided the authority to detain people arrested and taken from any battleground. Lawyers for two of the Algerians have argued in federal court that the president's order does not provide any authority over them as they were not involved in any armed conflict against the United States. The Bush administration has argued that the nature of the campaign against terrorism is that it is fought throughout the world.

In the case of Mr. Hila, he spoke by telephone daily to his family on the first days of his September 2002 visit to Egypt. After his disappearance, the family did not hear from him again until April 2004, Mr. Sifton said.

The Yemeni foreign minister announced at that time that his country's embassy in Islamabad, Pakistan, had received a letter from Mr. Hila that had been smuggled out of a prison in Afghanistan. The letter indicated that he was in a cell next to another Yemeni who had been arrested in Thailand.

Mr. Hila also wrote that he believed he was being held in Afghanistan by the Central Intelligence Agency. He said C.I.A. officials wanted him to share knowledge he obtained as a colonel in the Yemeni intelligence service about Islamists who fought the Soviets in Afghanistan and then migrated to Europe. C.I.A. officials declined to comment.

Mr. Sifton said people who were seized in places away from the battlefield represented a "third slice of the pie," along with those who were transferred by the United States to other countries and those captured in and around Afghanistan and sent to Guantánamo and other places.