



DEPARTMENT OF DEFENSE
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June 27, 2016

United Nations Committee Against Torture
(via email to: cat@ohchr.org)

Subject: The United States Failure to Comply with the Convention Against Torture in the Case of Mohammad Rahim

I am the military counsel for Mohammad Rahim who has been detained at Guantanamo Bay in Camp 7 since March 13, 2008. His Internment Serial Number is 10029. I write to notify of you of the conditions of his detention and confinement, the history of torture by the CIA, his current medical condition and to propose questions for the UN Committee Against Torture to present to the United States.

Mohammad Rahim is currently detained in Camp 7, among the “high value detainees” (HVD) at Guantanamo Bay. Although he is at Camp 7, he should not be considered an HVD. The only reason he is kept there, arguably, is to conceal the history of his torture by the CIA. His character and personality are anomalous compared to the other Camp 7 detainees and he is very much out-of-place there.¹ No sources have ever alleged that Mr. Rahim was a fighter or an important member of Al-Qaeda or the Taliban. He was merely a local Afghan whose ancestral village was located near the mountainous areas in Nangarhar province where Al-Qaeda was operating before December 2001. The worst allegation against Mr. Rahim is that he served as a Pashto translator, “facilitator,” and guide to the Arabs who formed the bulk of Al-Qaeda.

His continued detention is indefinite and, therefore, in violation of International Law. He has not been provided any basis to challenge his detention since 2009. Although he has been notified that he will receive a Periodic Review Board (PRB), he has not been notified that a date has been established. His detention is both arbitrary and indefinite. No charges have ever been filed against him and his access to counsel is subject to whimsical and arbitrary enforcement.

Mohammad Rahim was captured in Pakistan on or about June 25, 2007 and was quickly turned over to the United States government. He was captured while walking in an open market with his wife and children. Within days, he was taken to an undisclosed secret detention facility where he was subject to “enhanced interrogation techniques” (EITs) inflicted by the Central Intelligence Agency (CIA) for approximately eight months in violation of U.S. and international law, specifically in violation of the 1984 United Nations Convention against Torture.² He was

¹ See Executive Summary, Findings and Conclusions, and Foreword by Senate Select Committee on Intelligence (SSCI) Chairman Dianne Feinstein, of the Senate Select Committee on Intelligence’s study of the Central Intelligence Agency’s Detention and Interrogation Program, released on or about December of 2014, at 13, 158, 425.

² See SSCI at 145-156, describing the legal and operation challenges of inflicting torture in violation of international U.S. law; see also SSCI at 163-166, providing a summary of the methods of enhanced interrogations employed against Mr. Rahim.

the final detainee admitted into the CIA's Detention and Interrogation Program.³ His torture under this program and the ineptitude of the CIA's efforts to gain intelligence from Mr. Rahim through the use of torture have been well documented by the Senate Armed Services Committee's Report conducted by Senator Dianne Feinstein, (SSCI).

No reliable intelligence source has ever indicated that Mohammad Rahim was an important member of Al Qaeda or the Taliban such as a Taliban government minister or Taliban military commander. On the contrary, Mr. Rahim was the son of a tribal chief whose family fled to Pakistan as refugees from the Soviets during the 1980s following the deaths of two older brothers during the Soviet occupation. Before his detention at Guantanamo Bay in Camp 7, Mr. Rahim and both his family and his tribe were not associated with any extremist organizations. They were certainly not influential extremists within Al Qaeda or the Taliban.

The reason for Mr. Rahim's initial capture and enhanced interrogation was to obtain information related Osama bin Laden and high-level members of Al Qaeda due to his alleged knowledge of their activities in Afghanistan before December 2001. In March 2002, CIA Headquarters expanded its scope of detention operations and instructed CIA personnel that it would be appropriate to detain individuals who might not be high-value targets in their own right, but could provide information on high-value targets.⁴ Mr. Rahim was never a target in his own right, but was detained for information he might have.

On July 20, 2007, the Office of Legal Counsel approved the torture of Mr. Rahim. The next day, the CIA initiated the employment of six specifically approved methods of enhanced interrogation: sleep deprivation, dietary manipulation, facial grasp, facial slap, abdominal slap, and the attention grab. The torture continued for approximately eight months. The method of sleep deprivation was executed by shackling Mr. Rahim in a standing position for extended periods of time. According to the SSCI, the longest period of sleep deprivation was 138.5 hours.⁵

The CIA's detention and interrogation of Mohammad Rahim resulted in no disseminated intelligence reports. On April 21, 2008, and April 22, 2008, the CIA conducted an internal investigation to learn why, despite months of torture, Mr. Rahim provided no intelligence – overlooking the obvious conclusion that he did not know what he was alleged to have known.⁶

Any evidence that Mr. Rahim played a more serious role in Al-Qaeda, or the Taliban, other than that of an opportunistic villager was based on flimsy and unbelievable allegations from dubious sources. The only reason for Mr. Rahim's initial detention and interrogation was that there existed the possibility that he might know something related to Osama bin Laden. The only reason for his continued detention in Camp 7 is his certain knowledge related to his own torture at the hands of the CIA following his capture in 2007.

³ See SSCI at 143.

⁴ See SSCI at 13, explaining the CIA's expansion of detention authority.

⁵ See SSCI at 163-166.

⁶ See SSCI at 167.

Although the SSCI has released parts of its investigation related to the torture of Mohammad Rahim, much of it remains classified and his current medical conditions are currently unknown. My own requests for his medical records have been ignored. He is suffering from many health problems that are the direct result of his torture by the CIA and he is not receiving adequate treatment for these conditions. The physical effects of his torture are plainly visible, including deformed wrists from being hanged for long periods of time. He has specifically requested that I seek assistance in gaining access to medical care.

Today Mr. Rahim looks forward to living in peace. He bears no malice. He hopes to be reunited with his wife(s) and children, as well as his extended family. He has been notified that his detention will be reviewed by a Periodic Review Board (PRB), but he has not been assigned a date or personal representative. He is prepared to provide evidence related to his total lack of extremism and radicalism and his own and his family's past efforts combating the Soviet occupation of Afghanistan.

Accordingly, I propose that the following questions be submitted to the United States regarding their failure to comply the Convention Against Torture

1. Does the United States continue to authorize the physical torture of individuals such as Mohammad Rahim, who are not themselves suspected of violations of law but are considered to have knowledge that may be of value to the United States? If so, is there a standard to determine the type of knowledge that would justify the torture of the person who possesses it? Also, is there a standard to describe the methods and degree of torture that is authorized? Finally, is the use of torture restricted to certain races, religions or ethnicities? If not, has the United States engaged in the torture of any victims who were not Muslim? Or, has the infliction of torture by the United States been applied solely against Muslim prisoners?
2. Has the United States government provided medical assistance related to healing the wounds inflicted on the survivors of the CIA's RDI torture program? Specifically, has the United States attempted to treat or heal the mangled ligaments in Mohammad Rahim's wrists and arms and the nerve damage to his back resulting from extended periods of being hanged while in CIA custody? Also, has the United States attempted to treat the esophageal and intestinal damage done to Mohammad Rahim resulting from the dietary manipulation and starvation inflicted as part of his torture? Does the United States possess a comprehensive method for providing medical treatment to the victims of its torture based interrogation methods?
3. Is the United States' continued indefinite detention of Mohammad Rahim due to a perceived assessment that he presents a security risk to the United States or is it part of an effort to suppress incriminating evidence of his torture and the shield the United States from evidence of its own violations of the Convention Against Torture? If there has been no formal review of Mohammad Rahim's detention for over seven years, how can the United States assert that his detention is related to any credible threat assessment? To what degree, if any, has the torture of Mohammad Rahim contributed to his continued detention?
4. Is it true that the detainees at Guantanamo Bay, including Mohammad Rahim have been prohibited from reading a copy of the Senate Select Committee on Intelligence "torture report"

released in December 2014? If so, what is the reason? Is it true that the prison commander (JTF Guantanamo Bay Commander) restricted it as “contraband.” What other restrictions on information related to detainee torture are in effect. Is it true that detainees are prohibited from accessing their own medical histories? Why has the United States refused to release the medical history of Mohammad Rahim, and other detainees, to assigned counsel, if not to suppress evidence of torture?

If I can be of any assistance in providing additional information, please do not hesitate to contact me at james.valentine@osd.mil or at 202-368-7262.

A handwritten signature in black ink, appearing to read 'J. D. Valentine', with a long horizontal flourish extending to the right.

J. D. VALENTINE
Major, USMC