

## CIA secretly transfers detainees out of Iraq

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WASHINGTON, Oct. 24 (Xinhuanet) — The CIA has used a memo drafted by the Justice Department to secretly transport as many as a dozen detainees out of Iraq in the last six months, a practice that experts say contravenes the Geneva Convention, The Washington Post reported Sunday.

The CIA, which requested the confidential memo, has concealed the detainees from the International Committee of the Red Cross and other authorities, the Post quoted officials familiar with the operation as saying.

The draft memo, dated March 19, 2004, permits the CIA to take Iraqis out of the country to be interrogated for a “brief but not indefinite period.” It also says the CIA can permanently remove persons deemed to be “illegal aliens” under “local immigration law,” according to the report.

Specialists in international law say the opinion amounts to a reinterpretation of one of the most basic rights of Article 49 of the Fourth Geneva Convention. The treaty prohibits “individual or mass forcible transfers, as well as deportation of protected persons from occupied territory . . . regardless of their motive” during wartime and occupation.

The 1949 treaty notes that a violation of this particular provision constitutes a “grave breach” of the accord, and thus a “war crime” under US federal law, according to a footnote in the Justice Department draft.

The footnote recommends that “any contemplated relocations of ‘protected persons’ from Iraq” be carefully evaluated for compliance with Article 49 on a case by case basis.

International law experts described the legal reasoning contained in the memo as unconventional and disturbing. “The memorandum seeks to create a legal regime justifying conduct that the international community clearly considers in violation of international law and the Convention,” former senior military attorney Scott Silliman, executive director of Duke University’s Center on Law, Ethics and National Security, told the Post.

The Justice Department was under fire in June after a memo it written in 2002 advised the CIA and the White House that torturing al Qaeda terrorists in captivity abroad “may be justified,” and that international laws against torture “may be unconstitutional if applied to interrogations” conducted in the war on terrorism.

The scandal at Abu Ghraib, and the investigations and congressional hearings that followed, forced the disclosure of the Pentagon’s behind-closed-doors debate and classified rules for detentions and interrogations at Guantanamo Bay and in Afghanistan and Iraq. But the CIA’s

policies and practices remain shrouded in secrecy.

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