

PUBLIC

AI Index: AFR 27/001/2004

08 November 2004

Further Information on UA 359/02 (AFR 27/006/2002, 11 December 2002) and follow-ups (AFR 27/002/2003, 9 January 2003 and AFR 27/003/2003, 23 January 2003) – Incommunicado detention / Fear of ill-treatment

USA / UK / GAMBIA

**Bisher al-Rawi (m), Iraqi national, resident in the UK
Jamil al-Banna (m), Jordanian national, resident in the UK**

Two years after Bisher al-Rawi and Jamil al-Banna were arrested on suspicion of having links with al-Qa'ida, they remain held without charge or trial at the US naval base in Guantánamo Bay, Cuba. Although both men are residents of the United Kingdom (UK), the UK government is not known to have raised any concerns regarding the conditions or legality of their detention with US authorities.

Bisher al-Rawi and Jamil al-Banna were arrested on 8 November 2002 at Banjul airport, Gambia, and were held in incommunicado detention for two months before being transferred to a US airbase in Bagram, Afghanistan. They were later transferred in secrecy to Guantánamo. Before their arrest in Gambia, they had been arrested at a UK airport, purportedly on suspicion of links with "terrorist" groups, but were released without charge.

Both men have legal residency in the UK. Bisher al-Rawi, an Iraqi national, lived in the UK for nearly 20 years before his arrest, while Jamil al-Banna, a Jordanian national, has been granted refugee status by the UK authorities.

Under international refugee law, the UK authorities are obliged to raise the case of Jamil al-Banna with US authorities. Additionally, the UK authorities, in their role as one of the occupying powers in Iraq, did not have legitimate reason to deny assistance to Bisher al-Rawi. However, despite the notoriously harsh conditions in Guantánamo Bay, the UK government is not yet known to have raised with the US any concerns regarding the detention without charge or trial of either man.

BACKGROUND INFORMATION

Hundreds of people belonging to around 35 different nationalities remain held without charge or trial at the US Naval Base in Guantánamo Bay in Cuba. Most detainees have had no access to a court, legal counsel or family visits.

Their number includes at least eight men from the UK, four of them British nationals and four, including Bisher al-Rawi and Jamil al-Banna, with other status. The UK government has, however, insisted that it will only make representations on behalf of its nationals, with Foreign Office Minister Valerie Amos stating that the UK government does "not take responsibility for other countries' nationals, purely on the basis of residence in the UK."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

(i) To the UK authorities:

- Reminding them of their obligations to make representations on behalf of Jamil al-Banna and Bisher al-Rawi and other residents of the UK detained at Guantánamo Bay, and urging them to make such representations without delay;
- Asking what steps are being taken to assist the families of the two men and to ensure they are being fully informed of the men's welfare and legal status;
- Calling on the UK authorities to do all they can to ensure the fair trial or release of Jamil al-Banna, Bisher al-Rawi and the other UK residents and nationals.

(ii) To the US authorities:

- Urging that Jamil al-Banna and Bisher al-Rawi and all other Guantánamo detainees be charged and tried in accordance with international fair trial standards, or else released.

APPEALS TO:

(i) UK authorities

Secretary of State for Foreign and Commonwealth Affairs
Rt Hon Jack Straw
Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH
United Kingdom

Faxes: (+44) 20 7008 2144

Salutation: Dear Secretary of State

(ii) US authorities

Secretary of Defense
Donald Rumsfeld,
Secretary of Defense,
The Pentagon,
Washington DC 20301,
USA

Faxes: (+ 1) 703 697 8339

Email via: <http://www.defenselink.mil/faq/comment.html>

Salutation: Dear Secretary of Defense

COPIES TO: diplomatic representatives of UK and USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 December 2004.