

# USA/Yemen

## “Disappearance”, Secret detention and Arbitrary detention

### **CASE SHEET**

8 November 2005  
AI Index: AMR 51/176/2005



Full name: **Muhammad Abdullah Salah al-Assad**

Nationality: Yemeni

Age: 45

Family status: Married, five children

Amnesty International has received consistent reports that the US authorities have a network of secret detention centres around the globe, holding an unknown number of “war on terror” detainees in unknown conditions. In September 2005, Amnesty International spoke with Muhammad al-Assad, a man who had been caught up in this sinister system. He was effectively “disappeared” by the US for over 16 months.

Muhammad al-Assad is a Yemeni national who had lived in Tanzania for 25 years. He ran a small business importing diesel engine parts. In 1997 he leased office space that he owned to a Saudi Arabian charity named the Al-Haramain Islamic Foundation. After the 11 September 2001 attacks on the US, this charity was placed on a blacklist by the US authorities as a possible link to terrorist funding.

#### **Arrest and secret transfer to US custody**

**“I was frightened, very frightened, and kept asking what was happening to me” –  
Muhammad al-Assad**

On the night of 26 December 2003 Tanzanian immigration officials came to Muhammad al-Assad’s house and arrested him. He was hooded and cuffed and taken to a flat where he was interrogated about his passport.

From here he was taken to a plane. He asked his guards what was happening to him. One replied “we don’t know, we are just following orders, there are high ranking ones who are responsible”. His head was forced down when he entered the plane, leading him to believe it was a small aircraft.

Muhammad al-Assad estimates that he spent three hours on this plane. Confused and scared, he does not know where he was taken, but told AI that one of his guards spoke Arabic with a Somalian or Ethiopian accent, and that the type of bread he was given was typical of East Africa. Muhammad al-Assad was held here for approximately two weeks. He was interrogated three or four times. His interrogator was an English speaking woman and the translator a white western man who spoke good Arabic. He was asked about the Al-Haramain charity.

### **Second transfer**

At the end of the two weeks he was hooded and cuffed again and placed on what he thought was a larger plane. He was flown for a long time, up to eight hours, stopped for an hour, and then flown for a further three hours. He felt that the weather was much cooler at his destination.

He was held in a cell which was larger than the previous one. The cell was old, completely windowless and empty apart from matting on the floor. He says that he was not provided with a blanket and was very cold. He was left for nine days alone in this cell, no-one talked to him.

His interrogator and translator at this facility were both western white men in their forties and the guards here were also English speaking. He was asked similar questions about the Al-Haramain charity and his connection to it. He was held in this cell for two weeks in total, and was then transferred again. He was put in a car and driven for twenty minutes. He was placed in a similar cell, stating only that it was smaller and older. He was held for three months in this cell. He was only irregularly taken to be interrogated. His interrogators, as well as the questions, were the same.

### **Secret detention facility**

#### **“God brought you here and only God can bring you out” – interrogator to Muhammad al-Assad in the US run secret detention facility**

In April 2004, Muhammed al-Assad was put on yet another flight, this one lasting five to six hours. He was then transferred to a helicopter, he was thrown roughly onto the floor. He was taken to a new US run facility. The description of this facility that he gave to AI is remarkably similar to the testimony of Salah Nasser Salim ‘Ali and Muhammad Faraj Ahmed Bashmillah, the two other detainees held in US secret detention who AI spoke to in June 2005.

- The guards at the facility were covered in black clothing, including their faces. They would not speak, only communicating by hand gestures.
- There were no ornaments or distinctive markings and there were no floor coverings.

Additionally, all three men were subject to the same regime of interrogation and sensory deprivation

- Constant white noise was played through loudspeakers
- Artificial light was kept on 24 hours a day. The detainees were unable to discern what time of day it was, save by what meal they were being provided and prayer times
- There were no windows in their cells. The men did not see daylight throughout the entire time they were held in this facility
- They were allowed to speak to no-one but their interrogators
- They were taken for showers once a week
- During the last four months of his captivity, Muhammed al-Assad was allowed to play football on his own for half an hour three times a week.

## **Return to Yemen and continued detention**

**“If I am guilty of anything, try me and I will spend the rest of my life in jail...only give me a trial” Muhammad al-Assad to Amnesty International, September 2005**

On 5 May 2005 Muhammad al Assad was taken from the secret detention facility and returned to Yemen. He maintains that he was on the same flight as Muhammad Bashmillah and Salah ‘Ali.

The three men were held in the Political Security Prison in Sana’a for two weeks. Muhammad al-Assad was then transferred to al-Ghaydah, in the east of the country. The other two men were sent to Aden.

Four months after his transfer he remains detained. When Amnesty International asked Yemeni officials about the status of the three men they replied that they had been given explicit instructions on the continued detention of the men, and that they are “awaiting files” from the US so that they can try them. The official stated that the instructions came from the US embassy in Yemen

When AI asked whether they would release the men if the US requested it, a high-ranking Political Security official answered, without hesitation, “yes”.

## **Family**

**“They came to take our father at night, like thieves...” Fatima al-Assad, 12 year old daughter of Muhammad al-Assad**

Muhammad al-Assad’s family has had to bear to the intense emotional and psychological burden of not knowing where he was for over a year and a half, and have endured economic privation as a result of his “disappearance” and continued detention.

Tanzanian authorities told Muhammad al-Assad’s wife that he had been deported to Yemen. When Muhammad al-Assad’s 75 year old father found out, he travelled 1,300km from the remote al-Mahra governate to the capital Sana’a, to find his son. He was given written assurances that his son had never entered the country. His father carried on to Tanzania to file a habeas corpus petition. He was eventually told that his son had been transferred to US custody, but that no-one knew where he had been taken.

Muhammad’s wife, Zahra Salloum, has had to relocate to Yemen with her five children. She speaks no Arabic and told Amnesty International that in addition to the economic hardship, adjusting to life in Yemen has been difficult.

# **TAKE ACTION FOR Muhammad al-Assad**

## **Write to the US authorities:**

- Ask the US authorities to clarify where Muhammed al-Assad was held;

- Urge them to withdraw all requests to the Yemeni government to detain people released from US custody, unless they are to be prosecuted in accordance with international standards;
- Calling on them to disclose the location of all places of detention around the globe;
- Demand an end to incommunicado and secret detention; detainees should be held only in officially recognized places of detention with access to family, lawyers and courts;
- All detainees held in US custody in undisclosed locations should either be charged and given a fair trial without recourse to the death penalty, or else they should be released;
- Demand an immediate end to the practices of rendition and “disappearance”;
- Call for human rights laws and standards to be strictly adhered to in cooperation between US security forces and those of other countries, ensuring that torture and ill-treatment, incommunicado detentions and “disappearance” play no part in such cooperation;

**Write to the Yemeni authorities:**

- Appeal for the immediate release of Muhammed al-Assad unless he is to be promptly charged with a recognizable criminal offence and given a fair trial;
- Call on the authorities to respect the rule of law and to refrain from using “pressure from the US” as an excuse to sideline its obligations
- Remind the authorities of their obligations under both national and international human rights law and allow Muhammad al-Assad access to legal counsel and the opportunity to challenge the legality of his detention

Addresses:

The Honorable Condoleezza Rice  
 Secretary of State  
 U.S. Department of State  
 2201 C Street, N.W.

Washington DC 20520

Tel: + 1 202 647 4000

Fax: + 1 202 261 8577

E-mail: [http://contact-us.state.gov/ask\\_form\\_cat/ask\\_form\\_secretary.html](http://contact-us.state.gov/ask_form_cat/ask_form_secretary.html)

His Excellency General ‘Ali ‘Abdullah Saleh

President

Office of The President

Sana’a

Republic of Yemen

Faxes: + 967 127 4147

If you want to take further action on this case, please contact your national AI office

Amnesty International, International Secretariat, Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK.

[www.amnesty.org](http://www.amnesty.org)