

# UNITED KINGDOM

## Rights Denied: the UK's Response to 11 September 2001

### Introduction

Amnesty International is deeply concerned about serious human rights violations that have taken place as a consequence of the United Kingdom (UK) authorities' response to the 11 September 2001 attacks in the United States of America (USA).<sup>1</sup> This document focuses on the human rights violations that those detained in the aftermath of the events of 11 September 2001 have suffered. Among others, these violations include:

- detention of non-UK nationals for unspecified and potentially unlimited duration, without charge or trial, under the Anti-terrorism, Crime and Security Act 2001 (ATCSA);<sup>2</sup>
- conditions of detention amounting to cruel, inhuman or degrading treatment in high security prisons in the UK of those detained under the ATCSA or under the Terrorism Act 2000 or on the basis of warrants for extradition to the USA;
- denial of the opportunity to challenge, in a fair procedure, any decision taken under the ATCSA which negatively affects people's status or rights as recognized refugees or asylum-seekers in the UK;
- the UK authorities' neglect of their obligation under domestic and international law to make representations to the US authorities to ensure that the human rights of their nationals currently detained, without charge or trial or judicial review, for an unspecified period of time, potentially of unlimited duration, at the US naval base in Guantánamo Bay, Cuba, be respected. These UK nationals have been denied access to legal counsel, including during questioning by both US and UK intelligence officers, and may be at risk of being subjected to unfair trial proceedings as a result of which they could be convicted and sentenced to the death penalty.

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<sup>1</sup> Amnesty International has strongly condemned the attacks of 11 September 2001 in the USA and has called for those allegedly responsible to be brought to justice. However, the organization believes that this must be done in accordance with international human rights and humanitarian law.

<sup>2</sup> For Amnesty International's concerns about Part 4 of the ATCSA entitled "Immigration and Asylum" and subtitled "Suspected international terrorists", see "*Amnesty International's Memorandum to the UK Government on Part 4 of the Anti-terrorism, Crime and Security Act 2001*", AI Index: EUR 45/017/2002, issued on 5 September 2002 and available at [www.amnesty.org](http://www.amnesty.org). Concern has also been raised in relation to other parts of the ATCSA, including those dealing with police powers, retention of communication data and race and religion.

In February and June 2002, Amnesty International's representatives visited a number of individuals detained at Her Majesty Prison (HMP) Belmarsh in the wake of measures taken by the UK authorities in response to the events of 11 September 2001 in the USA. In addition, representatives of the organization have monitored judicial proceedings in connection with the extradition of people sought by the USA in relation to their alleged involvement in the 11 September attacks or otherwise because of their purported links with "international terrorism". Amnesty International's representatives have also attended judicial proceedings before the Special Immigration Appeals Commission (SIAC) arising from bail applications and the open sessions of the challenge to the lawfulness of the ATCSA brought by eleven men, all non-UK nationals, who have been arrested and detained under the ATCSA, on the grounds that it violated their human rights.<sup>3</sup> In addition, Amnesty International has had extensive contact with some of the legal representatives of people who have been detained in the UK and at Guantánamo Bay in the wake of the 11 September attacks and with some of the detainees' families.

## **Background**

In the aftermath of the events of 11 September 2001 in the USA, the UK government stated that the threat posed to the UK by the *al-Qa'ida* network made it necessary to enact new "anti-terrorist" legislative measures. In asserting the existence of "a public emergency" in the UK, the government stated that:

*[t]here exists a terrorist threat to the United Kingdom from persons suspected of involvement in international terrorism. In particular, there are foreign nationals present in the United Kingdom who are suspected of being concerned in the commission, preparation or instigation of acts of international terrorism, of being members of organisations or groups which are so concerned or of having links with members of such organisations or groups, and who are a threat to the national security of the United Kingdom.*<sup>4</sup>

As a result of this "public emergency", on 13 November 2001 the UK government laid before the UK Parliament the "Anti-terrorism, Crime and Security Bill", the legislative precursor of the ATCSA. The ATCSA was passed by the UK Parliament and enacted on 14 December 2001. Part 4 of the ATCSA empowers the Secretary of State to certify an individual as an

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<sup>3</sup> Under the ATCSA, the SIAC is empowered to grant bail to ATCSA detainees; it hears appeals against detention under the ATCSA, challenges to its lawfulness, and reviews the lawfulness of detention under the ATCSA.

<sup>4</sup> See "the Human Rights Act 1998 (Designated Derogation) Order 2001, No. 3644", which came into force on 13 November 2001.

“international terrorist” if the Secretary of State “reasonably”: a) believes that the concerned individual’s presence in the UK “is a risk to national security”; and b) “suspects that the person is a terrorist”.<sup>5</sup> In addition, under Part 4 of the ATCSA, those who were either recognized refugees or asylum-seekers prior to being certified as “suspected international terrorists” are denied the opportunity to enjoy refugee protection under the 1951 Convention relating to the Status of Refugees.<sup>6</sup>

Upon certification as “a suspected international terrorist”, a non-UK national can be detained without charge or trial, for an unspecified and potentially unlimited period of time, if the concerned individual’s removal or deportation from the UK cannot be effected.<sup>7</sup> As such detention is inconsistent with the right to liberty and security as guaranteed under Article 5(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)<sup>8</sup> and Article 9 of the International Covenant on Civil and Political Rights (ICCPR),<sup>9</sup> the

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<sup>5</sup> ATCSA, Part 4, Section 21(1) reads as follows: “[t]he Secretary of State may issue a certificate under this section in respect of a person if the Secretary of State reasonably – (a) believes that the person’s presence in the United Kingdom is a risk to national security, and (b) suspects that the person is a terrorist.”

<sup>6</sup> Asylum-seekers, as well as refugees, are entitled to enjoy protection, including from *refoulement*, under the Refugee Convention unless or until they have been found, as a result of a final decision, not to be in need of it.

<sup>7</sup> ATCSA, Part 4, Section 23(1) reads as follows: “[a] suspected international terrorist may be detained under a provision specified in subsection (2) despite the fact that his removal or departure from the United Kingdom is prevented (whether temporarily or indefinitely) by – (a) a point of law which wholly or partly relates to an international agreement, or (b) a practical consideration.”

<sup>8</sup> Article 5(1) of the ECHR states: “[e]veryone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: (...) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition”.

<sup>9</sup> Article 9 of the ICCPR states:

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and,

UK government has derogated from its obligations under these provisions. The UK is the only country that has derogated from the ECHR in the aftermath of the events of 11 September 2001.

Amnesty International believes that whether the UK is currently facing a “public emergency threatening the life of the nation” – the test required by Article 15 of the ECHR to justify the taking of measures derogating from Convention rights – continues to remain an open question.<sup>10</sup> In announcing the proposal for the legislation in October 2001, the Secretary of State for the Home Department stated that “[t]here is no immediate intelligence pointing to a specific threat to the United Kingdom...”.

In the wake of the ATCSA’s enactment in December 2001, the organization expressed concern that the ATCSA effectively created a shadow criminal justice system devoid of a number of crucial components and safeguards present in both the ordinary criminal justice system and national procedures for the determination of refugee status.<sup>11</sup> Under the ATCSA, the SIAC hears appeals against the certification by the Secretary of State of non-UK nationals as “suspected international terrorists”. Once the SIAC has confirmed the certificate, there is only one appeal against the SIAC decision and exclusively on a point of law, not on facts.<sup>12</sup> ATCSA detainees can only be released if the certificate is either revoked by the Secretary of State, or cancelled by the SIAC on appeal if the SIAC finds that the Secretary of State’s belief and suspicion upon which the certificate had been issued were not reasonable.<sup>13</sup> However, the reasonableness of the Secretary of State’s belief and suspicion upon which someone is certified as a “suspected international terrorist” may be based in part or entirely on evidence not disclosed

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should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.”

<sup>10</sup> Article 15(1) of the ECHR states: “[i]n time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law”.

<sup>11</sup> See at 2 *supra*.

<sup>12</sup> Appeals against SIAC judgments are heard by the Court of Appeal and from there by the House of Lords.

<sup>13</sup> The SIAC can also cancel the certificate if it believes that for some other reasons it should not have been issued (e.g. it considers that the evidence is capable of withstanding a criminal trial).

to the person concerned or her or his lawyer of choice. Consequently, detention without charge or trial for an unspecified and potentially unlimited period of time may be based in part or entirely on evidence which ATCSA detainees or their legal representatives may never get to see or know about and which cannot, therefore, be effectively challenged or scrutinized. Furthermore, the Secretary of State's certification that someone is "a suspected international terrorist" may then be confirmed by the SIAC, again on the basis of secret evidence which the Secretary of State is entitled to introduce before the SIAC in the course of secret hearings from which the ATCSA detainees and their legal representatives of choice are excluded.

In light of the above and of serious human rights violations that have taken place in the course of the ATCSA's operation over the course of nearly nine months, Amnesty International's concern about the ATCSA has greatly deepened.

Under the ATCSA, 11 non-UK nationals have been arrested and detained without charge or trial, for an unspecified and potentially unlimited period of time, following their certification by the Secretary of State as "suspected international terrorists". The names of these individuals, except for one (see the case of Mahmoud Abu Rideh below) are covered by a UK contempt of court order ban and cannot, therefore, be published. Moreover, Amnesty International is concerned that the public disclosure of their identity could result in further victimization and in the stigmatization of their families and communities. To the best of Amnesty International's knowledge, most, if not all, of the ATCSA detainees are either asylum-seekers or have previously been recognized as refugees in the UK.

Of those originally arrested in December last year, two have since "voluntarily" left the UK. By the end of August, eight non-UK nationals remained in detention under the ATCSA in the UK in two high security prisons, HMP Belmarsh in London, and HMP Woodhill in Buckinghamshire, England, while another non-UK national, Mahmoud Abu Rideh, has been moved from Belmarsh Prison to Broadmoor Psychiatric Hospital, one of three high security mental hospitals in the UK.<sup>14</sup> As of 17 July 2002, none of the ATCSA detainees had been interviewed by the UK authorities.

In addition, in the aftermath of the events of 11 September, the UK authorities have reportedly arrested at least 25 people under the Terrorism Act 2000 (TA). According to reports, some of those arrested under the TA have since been released without charge. Others have reportedly been released on bail, while the police investigate allegations of offences allegedly unconnected with "terrorism". Reportedly, some have, instead, had no charges brought against them under the TA but have, nevertheless, allegedly been detained by UK immigration authorities. There have also been reports that at least one individual who had been arrested under the TA was later deported to France.

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<sup>14</sup> See below under section entitled "The case of Mahmoud Abu Rideh".

In light of requests for extradition received by other governments, including the French and the US authorities, the UK authorities have also detained a number of individuals pending the outcome of extradition proceedings, including some on so-called "holding charges".<sup>15</sup> Amnesty International is also aware of the case of one individual who had been in detention pending the outcome of extradition proceedings to the USA well before the events of 11 September 2001 and whose security status was reviewed on 12 September. As a result, he was transferred to the Special Security Unit at Belmarsh Prison on 12 September 2001, where Amnesty International's representatives visited him in both February and June of this year.

**Amnesty International's concerns about human rights violations of those detained in the UK as a consequence of the UK's response to the events of 11 September 2001 in the USA**

I *Detention conditions of those held under the ATCSA, under the TA or on the basis of extradition warrants.*

The 19 December 2001 arrests of nine non-UK nationals under the ATCSA were carried out very early in the morning, by dozens of police officers, traumatizing wives and children; some of those arrested and their families were roughly and rudely treated; and those arrested were immediately detained in high security prisons. Amnesty International received reports that when some of the detainees first arrived at Belmarsh Prison, they were referred to in a derogatory manner as "Bin men" by prison officers.

Amnesty International is concerned that the conditions in which ATCSA detainees, other remand detainees and potential extraditees have been held in two high security prisons in the UK -- HMP Belmarsh and HMP Woodhill -- violate their human rights.

In particular, the organization is concerned that ATCSA detainees who have not been charged with any recognizably criminal offence were immediately classified as Category A (i.e. high security risk) and subjected to a very restrictive regime, whether in Woodhill Prison or at Belmarsh Prison, as a consequence of the Secretary of State's certification as "suspected international terrorists".<sup>16</sup> Amnesty International believes that their continued detention without charge or trial, for an unspecified and potentially unlimited period of time, at Belmarsh Prison

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<sup>15</sup> For an illustration of one such case, see below under the section entitled "The case of Lotfi Raissi".

<sup>16</sup> Detainees, on remand for or convicted of serious offences, can be categorized as Category A if their escape is considered as highly dangerous to the public or the police or to the security of the state. Category A detainees are divided into three sub-categories: standard risk, high risk, and exceptional risk (of escape).

and at Woodhill Prison may lead to a further deterioration of their physical and mental health.

I.(a) *The Special Security Unit at Belmarsh Prison*

At Belmarsh Prison the ATCSA detainees were held together with remand detainees and potential extraditees in the Special Security Unit (SSU) until March.<sup>17</sup> The SSU at Belmarsh Prison consists of four wings, with 12 cells in each (although all the cells in each unit are not always fully occupied). Detainees' activities and movements are restricted to their wing, except for the gym, and their communication is restricted to only those detainees held in the same wing, except for religious worship; Amnesty International refers to this restriction of movement and association to a wing as "small-group isolation".

When detained in the SSU at Belmarsh Prison, ATCSA detainees and other remand detainees and potential extraditees were subjected to "small-group" isolation and 22-hour-a-day lock-up.

In the SSU, each wing has a small common space for association, and a small exercise yard/cage. The cells are approximately 3m by 1.8m, and although they contain windows, their access to natural light is limited by the mesh wiring on the windows; each cell has a solid door with a slot in it, thus blocking any view outside the cell. The cells contain a toilet and sink.

Amnesty International is very disturbed by reports that Category A detainees held in the SSU are locked up in their cells 22 hours a day; that they have approximately one hour a day of exercise in a small exercise yard which is covered by metal grids and metal mesh, and that their one other hour out-of-cell has to be split between association with other detainees, showers, using gym facilities, making telephone calls, watching TV, etc. Their meals are taken in their cells. The gym facilities provide weights, but do not have any balls (e.g. football) for an active game of any kind. If detainees have visits it usually means they lose association time or exercise time.

In addition to the long hours of being locked up, detainees also complained that they were not allowed to work, and that there were no activities. The detainees stated that they were struggling to get educational facilities and effective library services.

Amnesty International believes that many of these aspects of the SSU regime violate international human rights standards: the lack of adequate association time and activities in

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<sup>17</sup> The SSU is a prison within a prison. For Amnesty International's concerns about SSUs, see "*United Kingdom - Special Security Units: Cruel, Inhuman or Degrading Treatment*", AI Index: EUR 45/06/1997, published in March 1997 and available at [www.amnesty.org](http://www.amnesty.org).

communal areas; “small-group” isolation; the lack of educational, sport, and other meaningful activities and facilities; the lack of access to open air, natural daylight and exercise in a larger space.<sup>18</sup> There is also a danger that the combination of these aspects of the regime can lead to a serious physical and mental deterioration of the detainees’ health which, in turn, could undermine their capacity to prepare their defence.

I.(b) *House Block 4 at HMP Belmarsh*

In March 2002 the ATCSA detainees were decategorized from Category A “high risk” to Category A “standard risk” and transferred from the SSU to House Block 4 of Belmarsh Prison. As a result of this categorization, they have still been subjected to:

- 22-hour-a-day lock-up with no meaningful activities or adequate access to association time;
- denial of adequate health care;
- impediments to contact with the outside world, including denial of access to family for months because of delays in the granting of security clearance and, once clearance was granted, being subjected to “closed” visits with their families (i.e. a glass screen separates the detainee from family members);
- restrictions on opportunities, time and facilities to communicate with their lawyers; and
- strip-searches before and after all visits, including legal.

During Amnesty International’s visit in June 2002, the organization learnt that the ATCSA detainees continued to be locked up for 22 hours a day in single cells (except for Mahmoud Abu Rideh who, before his transfer to Broadmoor, was sharing a cell with another ATCSA detainee on a rota system as a preventive measure to ensure Mahmoud Abu Rideh’s safety as a result of the fact that he was at risk of suicide).<sup>19</sup> As a result of their 22-hour-a-day lock-up, they have insufficient association time by any standard.<sup>20</sup> They have also not been

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<sup>18</sup> For example, Rule 66 of the European Prison Rules of 1987 requires that prison regimes should include opportunities for relevant work, training, education and recreational activities. See also the UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

<sup>19</sup> See below section entitled “The case of Mahmoud Abu Rideh”.

<sup>20</sup> In August 2002, Amnesty International wrote to the Secretary of State for the Home Department about the detention conditions of the ATCSA detainees. This was the second letter sent by the organization to the Home Secretary since the ATCSA detainees’ arrests. In its letter, Amnesty International urged the UK government to adopt the standard promoted by the European Committee for the Prevention of Torture, in their 2<sup>nd</sup> General Report [CPT/Inf (92) 3], that the authorities should “aim at ensuring that prisoners in remand establishments are able to spend a reasonable part of the day (8 hours

provided with an adequate program of purposeful activities. The little time out of their cells is spent associating with other detainees, showering, using gym facilities, and making telephone calls. However, because the time outside their cell is so short, in practice if an ATCSA detainee elects, for example, to use the gym, he will most likely not be able to use the telephone.

The ATCSA detainees also complained to Amnesty International about the dearth of educational courses available to them, namely English grammar and maths only. They also complained about the lack of library access and delays in getting a daily newspaper. In this connection, only one copy of a newspaper is made available to them and the ATCSA detainees have to share it among themselves.

Furthermore, Amnesty International is concerned at reports indicating that ATCSA detainees have been subjected to abuse and intimidation, both from other inmates and from prison officers, and that, as a result, the ATCSA detainees are uncomfortable about mixing with other inmates.

Concern was also expressed to the organization in relation to the fact that the ATCSA detainees felt that they were being treated unfairly by prison staff because of some prison officers' antipathy towards Mahmoud Abu Rideh, who was reportedly thought of as a troublemaker.

One detainee told Amnesty International's representatives that on 18 June 2002 he had been subjected to disciplinary adjudication proceedings for having breached prison rules as a result of allegedly having changed his physical appearance without seeking prior permission from the prison authorities. The change in his appearance was the result of a haircut. He told Amnesty International's representatives that he believed that the treatment meted out to him by the prison authorities was unfair and that he had been punished for purportedly breaching rules of which he had not been made aware in the first place. He and other detainees expressed concern at the fact that there is no information provided about prison rules in a language that the detainees understand.

Finally, in referring to the fact that they have no way of knowing for how long they will be held, some ATCSA detainees have themselves described their situation to Amnesty International's representatives as "mental torture".

In conclusion, Amnesty International believes that those held at Belmarsh are subjected to conditions of detention which amount to cruel, inhuman and degrading treatment, thus

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or more) outside their cells, engaged in purposeful activity of a varied nature. Of course, regimes in establishments for sentenced prisoners should be even more favourable."

constituting a violation of the right not to be subjected to torture or other ill-treatment enshrined in, *inter alia*, Article 3 of the ECHR, which is non-derogable.

## II *Health care*

Amnesty International was concerned by reports received in February 2002 that detainees were not receiving adequate health care. In one instance, a detainee stated that he was being refused a hospital examination, which had been booked before his arrest. A detainee who required physiotherapy as a result of having been in an accident was not receiving it. Another who requested to see a doctor had been waiting for ten days when the Amnesty International delegate spoke to him, and had not seen the doctor yet, and had not received physical therapy treatment, which the doctor had previously recommended. A detainee complained that he waited for five days to be examined by a doctor after requesting it. Another complained that although he had been on medication and a special diet ordered by a prison doctor in another prison prior to his transfer, he was told he would have to wait and see a doctor before he could be given the medication and put on a special diet again. A detainee was still waiting, after five months, to receive dental treatment.

During its June 2002 visit, Amnesty International's representatives heard that some of the ATCSA detainees continued to be denied appropriate medical care. Despite repeated requests one person had not been able to obtain the required medication for a colon condition for approximately six months. Another person, who had contracted poliomyelitis as a child and, as a result, had had one of his legs fitted with a prosthesis, was still waiting for physiotherapy and medication despite his repeated requests. Another person had asked to see a psychiatrist and a counsellor for four weeks prior to Amnesty International's visit, to no avail.

## III *Access to legal advice*

Amnesty International is concerned that under the ATCSA there are no explicit provisions according to which those arrested and detained under it have the right to bring proceedings to have a court determine speedily the lawfulness of detention, and order release if detention is deemed unlawful as required by Article 5(4) of the ECHR,<sup>21</sup> and Article 9(4) of the ICCPR. This safeguard, known as *habeas corpus*, is a fundamental protection against arbitrary detention and torture and has been deemed non-derogable at all times.<sup>22</sup>

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<sup>21</sup> Article 5(4) of the ECHR states: "[e]veryone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful".

<sup>22</sup> See, for example, the 1987 Advisory Opinion of the Inter-American Court of Human Rights on the non-derogability of *habeas corpus* in emergency situations, as well as General Comment 29 adopted

In addition, Amnesty International is concerned that the ATCSA does not contain explicit provisions which would give those arrested and detained pursuant to certification as “suspected international terrorists”, the right to immediate access to a solicitor. The organization expressed concern that, for example, upon their arrest and detention at Belmarsh Prison, none of the detainees was provided with the means, information or facilities to contact solicitors. All were refused permission to make telephone calls to solicitors, whether they had pre-existing solicitors or not. It was reported to Amnesty International that at least one of the detainees had to wait for about a week to see his solicitor; his request to telephone his solicitor on the first day of detention was refused and instead he was told to write a letter. This is despite the fact that the ATCSA detainees received not only an order of certification under the Act, but also an order for deportation, printed in English, informing them they had five days to appeal. The denial of access to prompt assistance is a breach of international human rights standards.<sup>23</sup> In addition, the ATCSA does not contain provisions for legal aid to be afforded to those detained.

One extraditee claimed that after being transferred from another prison to Belmarsh Prison on 12 September 2001, he was not permitted for a number of days to contact his lawyer. He reported that, in response to his request, he was informed that he would have to apply to have the lawyer’s name put on his approved list for telephone calls, although the name and number of the same lawyer had been approved by the prison authorities during his previous incarceration both in Belmarsh Prison and in another prison. Thus, he was only allowed to call his lawyer after a delay of about a week.

In February 2002, Amnesty International received reports indicating that the installation of a new telephone system in the SSU in January 2002 hampered detainees’ ability to communicate by telephone with their lawyer. Amnesty International has also been concerned about reports that legal visits were being hampered by the failure of the prison authorities to ensure that lawyers and their clients were able to avail themselves of the full amount of time allocated for the legal visit.

The failure to provide adequate time to prepare a defence is a violation of human rights standards.<sup>24</sup>

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by the Human Rights Committee on 31 August 2001, CCPR/C/21/Rev.1/Add.11, para. 16.

<sup>23</sup> For example, Principle 17(1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: “[a] detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it”.

<sup>24</sup> For example, Principle 8 of the Basic Principles on the Role of Lawyers, which states: “[a]ll arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities

#### IV *Impediments to contact with the outside world*

Amnesty International is concerned about reports that the detainees' initial contacts with the outside world have been impeded and has urged the authorities to ensure adherence to relevant international human rights standards.<sup>25</sup>

Even when detainees have been transferred from one prison to another, they must apply to the prison authorities for clearance for each person they wish to call, including a lawyer, even if the people are the same who had previously been approved by the prison authorities. Some detainees were therefore unable to contact their families in London for between 2-3 weeks and it can take over two months to get "clearance" to telephone family members abroad. In February, one detainee stated that although he had been informed that his father had died abroad, he still was not permitted to call his mother, although clearance had been obtained for calls to his mother while he was detained at another prison.

In February, detainees complained to Amnesty International's representatives that they were being subjected to "closed" visits with their family, even more than two months following their arrival at Belmarsh Prison; at least one detainee was still being subjected to "closed" visits after three months. "Closed" visits make physical contact impossible, and have had a traumatic effect on the detainees' families and in particular on children who do not understand the reasons for this. It was reported that social visits were being tape-recorded, and that a prison officer was present during the whole visit, despite the glass screen. One detainee complained that his request to have a female officer sit in on the visit so that his wife could remove her veil had been arbitrarily and cruelly refused. Moreover, despite the glass screen, detainees stated that they were strip-searched before and after every visit.

Detainees also complained in February that they were being denied their full allocation of social visits. Some detainees reported that, although they were allowed two visits per week, in practice they were getting two visits per month. One detainee stated he had been allowed four visits in over two months since his arrest.

Initially, they were only allowed to communicate with family members in English or have an interpreter. This created great difficulties for those detainees or family members who did not

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to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality".

<sup>25</sup> For example, Principle 15 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: "[n]otwithstanding the exceptions contained in principle 16, para 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days".

speak English. Subsequently, they had visits without an interpreter and could speak, for example, in French.

One detainee complained that on one occasion, although he had applied for his visit and the interpreter two weeks before the visit took place, on the day of the visit he was told that the interpreter would not be present and that he was to conduct his conversations in English. When he inquired further about the absence of the interpreter, he was informed that the interpreter was not being admitted to the unit, as she was refusing to remove her headscarf. The visit was conducted in English, except for the last 30 minutes, when the interpreter appeared.

Another detainee complained that because his wife wrote letters in French, they were placed into his property and he had no access to them; they have refused to let him see these letters or to have them translated. Another detainee complained that he was only allowed one 15-minute telephone conversation per week in his language; the others had to be conducted in English which he found very difficult and his family members impossible. Similar complaints about the distress caused by these rules were made by other detainees. Telephone calls, except to lawyers, were reportedly taped.

In June 2002 the ATCSA detainees complained to Amnesty International's representatives about impediments in getting access to the telephone within the already extremely limited time they are allowed outside their cells. Telephone access is severely hindered despite the fact that they try to follow procedures, booking well in advance and regularly checking that their bookings are being processed. Reportedly, this is because there are only three telephones available to be shared among up to 70 detainees at any one time. As a result, the detainees spend most of their extremely limited daily association time queuing for the telephone.

#### V *Right to exercise of religion*

In February, the detainees complained to Amnesty International that they had not had access to an imam at the SSU in Belmarsh Prison and that initially they had been given extremely limited time for religious worship. The detainees informed Amnesty International representatives that they took turns leading the prayers. The organization's representatives were also informed that on 23 December 2001, during a prayer service, a prison guard entered the room and told them to finish up earlier than expected; when one of the detainees, who was leading the prayers, did not reply, because -- in accordance with religious custom -- he was unable to do so in the middle of the prayer, he was punished by being placed on "basic regime" for three weeks - without a hearing and without the right to contest the decision. The "basic regime" consists of losing one of the two hours to be spent out of the cell and a cut in visiting time.

### **The case of Mahmoud Abu Rideh**

Mahmoud Abu Rideh, a 31-year-old Palestinian refugee and a torture victim, diagnosed as suffering from severe Post-traumatic Stress Disorder, has been detained under the ATCSA since his arrest in December 2001. Amnesty International expressed concern that Mahmoud Abu Rideh's detention conditions as a Category A detainee in House Block 4 at Belmarsh Prison amounted to cruel, inhuman or degrading treatment, and that he was at serious risk of taking his own life.<sup>26</sup> Mahmoud Abu Rideh is currently detained under the ATCSA at Broadmoor Psychiatric Hospital.

As a category A detainee in Belmarsh Prison, Mahmoud Abu Rideh was subjected to treatment which contravened many basic rights set out in international standards, such as the right to adequate physical and mental health care,<sup>27</sup> and the right to have adequate access to exercise and meaningful activities.

Mahmoud Abu Rideh was granted refugee status in the UK in 1997. In December 2001 he was arrested and has since been detained without charge or trial under the ATCSA. His mental and physical health seriously deteriorated in the several months since his arrest and detention. At a bail hearing on 24 June 2002 before the SIAC, an Amnesty International's representative heard detailed expert testimony about Mahmoud Abu Rideh's mental and physical health. In addition, on 26 June 2002 Amnesty International's representatives visited Mahmoud Abu Rideh who was then still at Belmarsh Prison.

Amnesty International is concerned that, contrary to the expert medical evidence presented to the SIAC at the bail hearing on 24 June 2002, and against the advice of the medical authorities at Broadmoor Psychiatric Hospital -- and contrary to the wishes of Mahmoud Abu Rideh's family and legal representatives -- on 19 July 2002 the Home Secretary ordered his

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<sup>26</sup> See AI Index: EUR 45/010/2002; EUR 45/013/2002 and EUR 45/015/2002.

<sup>27</sup> For example, Principle 9 of the UN Basic Principles on the Treatment of Prisoners states: "[p]risoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation." In addition, Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: "[a] proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge." Also, Rule 30(1) of the European Prison Rules states: "[t]he medical officer shall have the care of the physical and mental health of the prisoners and shall see, under the conditions and with a frequency consistent with hospital standards, all sick prisoners, all who report illness or injury and any prisoner to whom attention is specially directed."

transfer from Belmarsh Prison to Broadmoor Psychiatric Hospital which took place on 24 July 2002.

Amnesty International has been extremely concerned at this recent turn of events. The organization understands that psychiatric authorities at Broadmoor recommended against Mahmoud Abu Rideh's transfer there, on account of their considered opinion that it would not be conducive to improving his mental and physical well-being. Amnesty International considers that his detention in a high-security mental hospital is inappropriate and that the deterioration of Mahmoud Abu Rideh's mental and physical health can be attributed to his arrest under the ATCSA and subsequent detention in conditions amounting to cruel, inhuman and degrading treatment at Belmarsh Prison. The organization believes that Mahmoud Abu Rideh's move to Broadmoor could contribute to a further deterioration of his mental and physical health and increase the already serious risk to his life.

According to reports available to Amnesty International, the mental and physical health care provided to Mahmoud Abu Rideh at Belmarsh Prison was seriously inadequate. In addition, his ability to instruct his legal representatives was greatly undermined by the severe deterioration in his mental and physical health. Like the other ATCSA detainees, Mahmoud Abu Rideh was locked up in his cell for 22 hours a day. According to the evidence introduced at the 24 June 2002 bail hearing, Mahmoud Abu Rideh had frequent flashbacks of his torture which were triggered by his detention in very harsh conditions. He was suicidal and carried out frequent and repeated acts of self-harm. Mahmoud Abu Rideh had been suffering from lower back pain for years, including sciatica, and his condition had deteriorated since his arrest and, as a result, while at Belmarsh, he began using a wheelchair.

At the bail hearing it was stated that due to his mental and physical state, Mahmoud Abu Rideh could only be a threat to himself. However, despite the wealth of evidence presented at the hearing, the SIAC judge refused Mahmoud Abu Rideh bail to a low level secure mental hospital as his legal representatives had requested.

With respect to the 24 June 2002 bail hearing, Amnesty International understands that under the ATCSA, bail could only be granted if the detention conditions were such as to fall within the ambit of Article 3 of the ECHR, which enshrines the prohibition of torture or other ill-treatment. The organization believes that the detention of Mahmoud Abu Rideh in a high security prison was cruel, inhuman and degrading and, therefore, fell squarely within the ambit of Article 3 of the ECHR. Furthermore, in Mahmoud Abu Rideh's case, release from detention was being sought on humanitarian grounds as a way of: a) ensuring the provision of appropriate medical care; b) diminishing the risk of suicide and acts of self-harm; and c) removing him from a high security prison environment whose harsh conditions triggered frequent flashbacks of his torture. Under these circumstances, the fact that the UK government opposed the granting of

bail in his case raises the legitimate question as to what exactly the content of the right to apply for bail under the ATCSA is.

### **The case of Lotfi Raissi**

On 21 September 2001, Lotfi Raissi, an Algerian man aged 27, was arrested in Slough, England, reportedly at gun-point at 3 am and forced to get into a police car, while allegedly still naked, along with his wife and brother, on suspicion of involvement in “terrorist” activities under the Terrorism Act 2000. His brother was released without charge after two days, and Sonia Raissi, his French wife, was released, also without charge, after five days. Lotfi Raissi was released after seven days’ questioning and immediately re-arrested on the basis of a warrant for his extradition to the USA. He was then detained as a Category A prisoner in Belmarsh Prison, first in the SSU and then in the high-risk wing. The US authorities sought his extradition on the basis of suspicions that he may have been involved in the 11 September attacks in the USA. With respect to this, it was initially claimed that he was a flight instructor of some of the 11 September hijackers. At the time of his arrest, the US authorities claimed that they had sufficient evidence to show not only association with some of the 11 September pilots, but also evidence that he was actively involved in a conspiracy with members of the *al-Qa’ida* network. This evidence reportedly included correspondence, telecommunications and video footage. The extradition warrant, however, was not based on any such evidence; the US authorities brought instead so-called “holding charges” in connection with Lotfi Raissi’s failure to disclose, on an application for a US pilot’s licence, a minor theft conviction, for which he was fined ten years earlier, and a knee surgery to repair an old tennis injury. These minor offences, which provided the basis for the extradition warrant were, technically, extraditable offences, punishable by more than a year in prison.

The “holding charges” in the extradition warrant were used in order to detain Lotfi Raissi for five months. Amnesty International is concerned that the US authorities’ reasons for seeking Lotfi Raissi’s extradition included the fact that his identity and professional occupation fit a certain profile: an Algerian man and a Muslim, a pilot and a flight instructor in the USA. Lotfi Raissi’s detention was justified on the basis of initial allegations by the US authorities that he would most likely be charged with conspiracy to murder and could face the death penalty.

As a consequence of such serious allegations and on the basis of the above-mentioned “holding charges”, he was labelled as a “suspected terrorist” and detained for five months at Belmarsh Prison in harsh conditions as a Category A detainee.<sup>28</sup> On 12 February 2002 Lotfi

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<sup>28</sup> In a letter to the Secretary of State for the Home Department of February of this year, Amnesty International raised concern about the case of Lotfi Raissi. In particular, the organization expressed concern about his detention at Belmarsh prison, where he had been detained in harsh conditions in the

Raissi was released on bail as the presiding judge reportedly stated that no substantive evidence had been provided to indicate his involvement in the 11 September attacks, and that he did not foresee any such charges being brought in the near future.

On 24 April of this year, the presiding judge brought the extradition proceedings against Lotfi Raissi to an end. The judge stated that there was no evidence whatsoever substantiating Lotfi Raissi's involvement in "terrorism", and, addressing Lotfi Raissi's legal representative, the judge added: "your client has appeared before me on several occasions where allegations of involvement in terrorism have been made. I would like to make it clear I have received no evidence whatsoever to support that contention." Despite such statements, the Crown Prosecution Service (the UK prosecuting authorities) on behalf of the US authorities, in turn, stated that: "Mr Raissi continues to be the subject of an on-going investigation into those responsible for the September 11 attacks."

In this connection, Amnesty International notes that the US authorities have failed to date to substantiate the serious allegations they have made against Lotfi Raissi. In addition, the organization is concerned that the case of Lotfi Raissi is a powerful illustration that in the FBI's wide sweep in its hunt for conspirators in the attacks in the USA or for members of the *al-Qa'ida* network, innocent people could get caught up, violating their rights and those of their relatives to liberty and livelihood.

In light of Lotfi Raissi's case, the organization remains concerned, in particular, about procedures which can be used to target someone on the basis of identity profiling, and to then detain them for a prolonged period of time while evidence is sought to substantiate suspicions of their involvement in criminal acts. Amnesty International believes that Lotfi Raissi's case also shows the dangers of how the extradition process could be used to label someone as a "suspected terrorist" and to detain someone for a prolonged period of time, in the absence of a prompt and thorough assessment of the evidence.

Amnesty International is concerned at recent reports that member states of the European Union (EU) and the US authorities are currently negotiating the terms of a "secret agreement", reportedly a treaty, on, among other things, judicial cooperation in extradition

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SSU and initially had allegedly been denied access to a lawyer and had not been allowed a proper visit by his wife for six weeks. In addition, Amnesty International urged the UK government not to extradite Lotfi Raissi to the USA unless it received firm assurances from the US authorities that his extradition would not lead to him being charged with offences which could result in an unfair trial, for example, by US military commissions, and upon conviction, in the imposition of the death penalty.

cases.<sup>29</sup> Reportedly, the negotiations have been held without national parliaments of EU member states and the EU Parliament being consulted.

The organization is concerned that, in the name of security, human rights protection could be further undermined, in particular because the death penalty is still carried out in the USA. Reportedly, the draft treaty aims at establishing judicial cooperation in criminal matters between the EU and the USA, including with respect to extradition, “the setting up of joint investigative teams” and the creation of “a common approach to searches, seizures, interception of telecommunications”.

### **UK nationals held in US custody at Guantánamo Bay, Cuba**

Amnesty International has been concerned about a variety of aspects of the detention of suspected *al-Qaeda* and Taliban detainees, including UK nationals, held in US custody, Camp X-ray, at a US naval base in Guantánamo Bay, Cuba. The organization is particularly concerned about the failure to hold the detainees in a manner consistent with the principles of international humanitarian and human rights law and standards. In this connection, the disturbing role that the UK authorities have played, and continue to do so, has also been a primary concern to Amnesty International.

The US authorities began transporting people they had captured in Afghanistan to what was known as Camp X-ray in Guantánamo Bay on 10 January 2002. In May, Amnesty International received confirmation from the UK authorities that seven UK nationals, including 22-year-old Feroz Abbassi from Croydon, London, 20-year-old Asif Iqbal from West Bromwich, England, and 24-year-old Shafiq Rasul from Tipton, England, were being detained at Camp X-ray. The organization has learnt that, more recently, they were moved to a more permanent detention facility within the naval base, known as Camp Delta. The UK authorities also confirmed to Amnesty International that UK nationals held at Guantánamo had twice been “visited” by UK officials, including from MI5 (i.e. the UK Security Services), and that they had been interviewed in relation to issues relevant to the UK’s national security.

With respect to the role played by the UK authorities, Amnesty International believes that they have failed to make adequate representation to the US authorities to ensure that the human rights of UK nationals currently detained, without charge or trial or judicial review, for

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<sup>29</sup> See “*Statewatch analysis - EU/US agreement on extradition and mutual assistance*”, available at [www.statewatch.org/news/2002/jul/11Buseu.htm](http://www.statewatch.org/news/2002/jul/11Buseu.htm), 2 September 2002.

an unspecified period of time, potentially of unlimited duration, in Guantánamo, be upheld.<sup>30</sup> This failure is particularly disturbing in light of the fact that the detainees were transferred to Camp X-ray and held there in conditions that may have amounted to cruel, inhuman or degrading treatment in violation of international human rights law and standards.<sup>31</sup> During the 25-hour flights from Afghanistan, detainees were handcuffed, shackled, and made to wear mittens, surgical masks, and ear muffs, and were effectively blindfolded by the use of taped-over ski goggles. They also had their beards and heads shaved. With respect to the detention conditions at the Camp X-Ray facility, Amnesty International was concerned about the small size of the cells and the fact that the cells left the detainees exposed to the elements. In addition, the organization was concerned by the possible effects on the detainees of the powerful arc lighting that lit up the wire-mesh cells throughout the night. Detainees were made to wear shackles whenever they are out of their cells, although the organization was unable to confirm whether this included during any periods allocated for exercise. Initially, the detainees had to walk from the cells to the interrogation buildings, but for reasons of speed and because the shackles were causing injury, they began being taken for interrogation either by two-wheeled stretcher or by motorized cart (while shackled). It was reported that the detainees were also shackled during medical treatment, including when unconscious during surgery, and when in recovery, unless that interfered with medical care. Amnesty International has also been concerned by information it has received that the detainees only received, on average, two to three 15-minute periods of out-of-cell exercise time per week, an allocation which would fall well below international standards. In addition, at least until 1 February 2002 the detainees were apparently not being told by the US military authorities where they were. Such denial of information would likely have exacerbated any disorientation of the detainees caused by the sensory-depriving conditions under which they had been transferred from Afghanistan, and their limited contact with the outside world. Human contact within the facility was minimal. Although they were able to communicate with inmates in adjoining cells, guards would not respond to attempts by detainees to engage them in conversation, and the detainees were punished if they "talk back" to guards.

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<sup>30</sup> Under international humanitarian law and international human rights law and standards, all persons under any form of detention, including POWs and other persons detained in connection with the armed conflict, are entitled to a broad range of fundamental rights. These rights include:

- the right to humane treatment and to be treated with dignity;
- the right not to be subjected to cruel, inhuman or degrading treatment or punishment;
- the right to be informed of one's rights;
- the right to prompt and confidential access to counsel of one's choice;
- the right to independent medical attention; and
- the right to have a judge determine the lawfulness of one's detention and to order release if that detention is unlawful.

<sup>31</sup> See "United States of America - Memorandum to the US Government on the rights of people in US custody in Afghanistan and Guantánamo Bay", issued by Amnesty International on 15 April 2002 (AI Index: AMR 51/053/2002), and available at [www.amnesty.org](http://www.amnesty.org).

In addition, the detainees, including UK nationals were, and continue to be at risk of being subjected to unfair trial proceedings as a result of which they could be convicted and sentenced to the death penalty.

They continue to be denied the presumption to enjoy prisoner of war (POW) status to which they are entitled under international humanitarian law. In this connection, Amnesty International notes that the UN High Commissioner for Human Rights and the International Committee of the Red Cross stated that those detained during the military operations in Afghanistan are presumed to be POWs, under the Third Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, unless a competent court decides otherwise.<sup>32</sup> The court deciding their status must be independent and impartial, affording all the internationally recognized guarantees of the right to a fair trial. It cannot be an executive or administrative body.

On 18 January 2002, it was reported that a UK Foreign Office delegation to Guantánamo Bay was there “to help the process of identification, report on the welfare of the British detainees and help US authorities”. Media reports also stated that the delegation included MI5 agents who were sent to interrogate the UK detainees. It was subsequently reported that the US authorities had begun interrogating detainees on 23 January.

Amnesty International is particularly concerned that detainees, including UK nationals, have been denied access to legal counsel during questioning by US and UK intelligence officers, and that such questioning has taken place despite the limbo of the detainees’ legal status and the fact that the grounds for their interrogation have remained unclear.<sup>33</sup> In this connection, the organization notes that anyone arrested in the UK and questioned in connection with *al-Qa’ida* activities would have the right to legal assistance, including having a lawyer present during questioning.<sup>34</sup>

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<sup>32</sup> See Articles 4 and 5 of the Third Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

<sup>33</sup> With respect to the legal limbo of those held in US custody in Guantánamo, including UK nationals, their plight was further compounded by a recent US federal court decision. At the end of July 2002, in a case brought by three Guantánamo detainees -- UK nationals Shafiq Rasul and Asif Iqbal and Australian national David Hicks -- the presiding judge ruled that the US courts had no jurisdiction over those detainees held in US custody at the US naval base in Guantánamo Bay.

<sup>34</sup> In addition, as the Rules of Procedure and Evidence of the International Criminal Tribunals for the former Yugoslavia and for Rwanda and Article 55 of the Rome Statute of the International Criminal Court recognize, no suspect -- even a person suspected of the worst possible crimes in the world: genocide, crimes against humanity and war crimes -- should be questioned, who has not been informed of his or her rights and without his or her counsel being present. These rights include the right to silence

In conclusion, as much as the actual conditions in which the Guantánamo detainees, including UK nationals were transferred and have been held, their legal limbo – denial of POW status, interrogation without access to counsel, denial of *habeas corpus*, limited communications with families, potential trial by military commission with the power to pass death sentences, and the prospect of indefinite detention without charge or trial – is of great concern to Amnesty International.

In May 2002, the Secretary of State for Foreign and Commonwealth Affairs stated to Amnesty International that he had repeatedly raised with the US authorities the circumstances in which UK nationals were being held and that, following receipt of assurances from the US authorities that the detainees were “being treated humanely and consistently with the principles of the Geneva Conventions”, he was satisfied that that was the case. In addition, the Foreign Secretary informed Amnesty International that two UK nationals were being detained in Afghanistan by the US and that they also had not been accorded POW status. Finally, he informed Amnesty International that the Guantánamo detainees had not complained of any ill-treatment.

On 28 June 2002, following reports of a third visit to Guantánamo Bay by MI5 officers, during which Feroz Abbassi had been questioned despite having repeatedly asked for and been denied access to legal counsel, his mother, Zumrati Juma, initiated a judicial review of a March decision by the High Court. At that time, the High Court judge had ruled that the UK courts had no jurisdiction to rule on her claim that the UK authorities had not been doing enough to ensure respect for the rights of UK nationals detained at Guantánamo Bay, including demanding that the US government granted her son access to legal counsel. The Court of Appeal ruled in Zumrati Juma’s favour and ordered a full hearing into her claim that the UK government was not doing enough to protect her son’s human rights. A full hearing before the Court of Appeal is due to take place shortly.

### **Amnesty International’s conclusions and recommendations**

#### *Part 4 of the ATCSA*

Amnesty International has been deeply concerned about serious human rights violations that have resulted from the implementation of provisions of Part 4 of the ATCSA. Amnesty International believes that detention without charge or trial, for an unspecified and potentially unlimited period of time, under the ATCSA, is tantamount to charging a person with a criminal offence, convicting the person concerned without a trial and imposing on him/her an open-ended sentence. The organization believes that some provisions of the ATCSA are inconsistent with

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without the exercise of that right being used against the suspect at trial.

a number of international human rights and refugee law standards, including treaty provisions by which the UK is bound. As a result, the organization calls on the UK government to immediately repeal Part 4 of the ATCSA.

Amnesty International continues to reiterate its opposition to detention under the ATCSA and urges the UK government to:

- release all persons detained under the ATCSA unless they are charged with a recognizably criminal offence and tried by an independent and impartial court in proceedings which meet international standards of fairness; and
- ensure that those recognized refugees and asylum-seekers who have been certified as “suspected international terrorists” under the ATCSA are not denied international protection, including protection under the 1951 Convention relating to the Status of Refugees, where they would otherwise be entitled to it as a matter of international law.

*Detention conditions of those held in the UK in the wake of the events of 11 September 2001*

Amnesty International continues to be deeply concerned about the conditions of detention for Category A detainees at Belmarsh Prison and at Woodhill Prison. The organization is also concerned that people, who have not been charged with any recognizably criminal offence, have been, either as a consequence of the Secretary of State for the Home Department’s certification, or because of their status as extraditees on allegations of purported involvement with “international terrorism”, immediately classified as Category A and are subjected to the most restrictive regime. In particular, the organization is concerned that the locking up of detainees for 22 hours per day, in combination with other aspects of the prison regime, can lead to their physical and mental deterioration, and can have a consequent deleterious effect on their ability to prepare their defence.

In conclusion, Amnesty International considers that the above-mentioned detention conditions amount to a violation of the right not to be subjected to torture or other ill-treatment enshrined in, *inter alia*, Article 3 of the ECHR, which is non-derogable. The organization is also concerned that the ATCSA and other detainees’ ability to instruct legal representatives is being seriously undermined by a deterioration in their mental and physical health caused by the conditions in which they are held.

- Amnesty International urges the UK authorities to ensure that the detention conditions of those held at Belmarsh Prison and at Woodhill Prison do not amount to cruel, inhuman or degrading treatment or be otherwise in breach of international human rights

law and standards and that they do not result in any further physical and/or mental deterioration of detainees' health.

Amnesty International is also concerned about the original conditions of detention of the ATCSA detainees, and the continued detention of other remand prisoners or potential extraditees, in the SSU at Belmarsh Prison. Based on the information received, Amnesty International considers that the treatment of Category A prisoners in the SSUs constitutes cruel, inhuman and degrading treatment and is, therefore, not in compliance with international human rights law and standards and is likely to lead to the physical and/or mental deterioration of detainees' health.

- Amnesty International reiterates its call on the UK authorities for the dismantling of the SSUs, which can have damaging effects on the mental and physical well-being of detainees.

#### *Mahmoud Abu Rideh*

- Amnesty International urges the UK authorities to immediately release Mahmoud Abu Rideh from detention at Broadmoor Hospital, and transfer him to a psychiatric hospital near his family where he can continue to receive appropriate mental and physical care.

#### *Extradition Proceedings*

Amnesty International believes that the case of Lotfi Raissi is a powerful illustration of the danger that in the FBI's wide sweep in its hunt for conspirators in the attacks in the USA or for members of *al-Qa'ida*, innocent people could get caught up, violating their rights and those of their relatives to liberty and livelihood. Given its concerns in the case of Lotfi Raissi,

- Amnesty International calls on the UK authorities to ensure that in the context of extradition proceedings there be a prompt and thorough assessment of evidence before serious measures, such as detaining people in a high security prison and subjecting them to a very restrictive regime, be taken;
- the organization also calls on the UK authorities to ensure that the presumption of innocence of those individuals subject to extradition proceedings, as well as that of their family members, be respected. The UK authorities have a responsibility to ensure that innocent people are not victimized as a result of identity profiling.

#### *UK nationals held in US custody at Guantánamo Bay, Cuba*

Amnesty International is deeply concerned at the UK authorities' failure to make representations to ensure that the human rights of their nationals currently detained, without charge or trial or judicial review, for an unspecified period of time, potentially of unlimited duration, at the US naval base in Guantánamo Bay, Cuba, be respected. In light of such failure, the organization urges the UK government to:

- make representations immediately to the US authorities urging them to ensure that the detainees be treated in a manner which is consistent with international human rights law and standards and with international humanitarian law.

In particular, Amnesty International urges the UK government to:

- call on the US authorities to grant the detainees the presumption to enjoy POW status to which they are entitled under international humanitarian law and, if doubt as to their status arises, to have an independent and impartial court affording all the internationally recognized guarantees of the right to a fair trial, determine such a question;
- seek assurances from the US authorities that if any detainee, including UK nationals, is suspected of committing crimes, their questioning will be carried out in accordance with international human rights law and standards, which include being provided with prompt access to legal counsel and having the right to be questioned in the presence of such counsel.

Finally, should the determination of the status of the detainees carried out in compliance with international humanitarian law establish that they are not entitled to POW status, Amnesty International calls on the UK government to make representations to the US authorities urging that:

- all persons detained at Guantánamo be released unless they are charged with a recognizably criminal offence and tried by an independent and impartial court in proceedings which meet international standards of fairness and exclude the possibility that the death penalty may be imposed; and
- any information collected by the US or UK officials during the questioning of detainees should not be used for the purpose of bringing criminal proceedings against them.