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US detentions in Afghanistan: an *aide-mémoire* for continued actionⁱ

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Amnesty International fears that detainees held in incommunicado detention in the US military's Forward Operating Bases or in the secret custody of the Central Intelligence Agency (CIA) in Afghanistan remain at particular risk of torture or other cruel, inhuman or degrading treatment. It is not known how many detainees are in these bases. What is known is that hundreds of detainees remain in US custody, but outside any legal framework, in the two main airbases in Afghanistan – Bagram and Kandahar.

Although the International Committee of the Red Cross (ICRC) has access to most detainees held by US forces in Bagram and Kandahar, it does not have access to those held at the Forward Operating Bases or by the CIA. At least three detainees have died in Forward Operating Bases since 2003. Recent allegations raise concerns that torture and ill-treatment may be continuing in such bases, where detainees have been held for weeks or months before being released or transferred to Bagram or Kandahar. Concern remains that the CIA may still be holding people in secret detention in Afghanistan in situations which would amount to "disappearance". At least one person is reported to have died in a CIA facility since 2002.

The US government maintains that conditions for detainees held in the airbases in Bagram and Kandahar, the two main US detention facilities in Afghanistan, are being improved. This follows more than two years of persistent allegations of the torture or ill-treatment of detainees held there, including in relation to the deaths in custody of two Afghan men in Bagram in December 2002, evidently as a result of torture and ill-treatment. Neither man had been seen by the ICRC before he died (the ICRC does not have a permanent presence either at Bagram or Kandahar, and so detainees are held entirely incommunicado in between visits as well as immediately after arrest). There is evidence that there was an initial attempt by medical personnel to cover up the abuses that led to the deaths, and by military spokespeople to suggest that the men had died of natural causes, despite the obvious physical indications that they had been subjected to brutal and prolonged physical assaults.

Hundreds of detainees remain held in Bagram and Kandahar outside any legal framework. Some have been detained without charge or trial for more than a year. They have no access to lawyers or relatives. Although the ICRC does have access now (although, as noted, not full), other independent human rights monitors, including from the United Nations and Amnesty International have been denied access. The indefinite, virtually incommunicado, and unlawful detention of these people may in itself amount to cruel, inhuman or degrading treatment and leaves them at risk of such treatment during any interrogations.

Amnesty International is concerned that the conditions for abuse were set by the US administration's rejection of Geneva Convention protections for those captured in

Afghanistan, and at the failure of the US authorities to conduct thorough and impartial investigations into all subsequent allegations of abuse, to make public the investigations it has carried out, and to bring all those responsible for committing or authorizing torture, ill-treatment or “disappearances” to justice. Abuses thrive on impunity and secrecy.

Beyond the law: Military and CIA detentions in Afghanistan

On 28 June 2005, it will be exactly one year since the US Supreme Court ruled that the US District Courts have jurisdiction to hear appeals from those held in the US Naval Base in Guantánamo Bay in Cuba. While none of the Guantánamo detainees has yet had the lawfulness of his detention judicially reviewed because of government intransigence, as Amnesty International has reported, at least some of the detainees there have now been visited by US lawyers seeking to file *habeas corpus* appeals for them. The US administration responded to the US Supreme Court decision in an entirely minimalist way that disregarded international principles, establishing instead the Combatant Status Review Tribunal (CSRT) to determine if the detainee is an “enemy combatant”. The CSRT is an executive body under which panels of three military officers, possibly relying on secret and coerced evidence, determine if the label “enemy combatant” should remain attached to the detainee, who has no access to legal counsel to assist him.

In Afghanistan, detainees held by the US military do not even get this minimal process. Indeed, at the time of the Supreme Court ruling, the Pentagon said that it “believes the decision does not cover detainees held in other parts of the world”. According to the government, once detainees held by the US Department of Defense (DoD) in Afghanistan are designated as “enemy combatants”, they have an initial review of that status by an army Commander or designee within 90 days of being taken into custody. After that, “the detaining combatant commander, on an annual basis, is required to reassess the status of each detainee. Detainees assessed to be enemy combatants under this process remain under DoD control until they no longer present a threat.”

The main US military detention facility in Afghanistan is at its airbase in Bagram. The ICRC has access to most detainees held at the base, but not immediately after arrest when the risk of torture or ill-treatment is at its peak. According to the ICRC, there were about 450 detainees held at Bagram at the end of April 2005. Some have been held for more than a year. The ICRC has said that it is “increasingly concerned by the fact that the US authorities have not resolved the questions of their legal status and of the applicable legal framework”.

The second main detention facility is at the US airbase in Kandahar. The ICRC had access to detainees held at the base between December 2001 and June 2002. The organization regained access to the facility in June 2004 after learning that detentions had resumed there. It is not known how many detainees were held there between June 2002 and June 2004. At the end of April 2005, the ICRC reported that it is visiting about 70 detainees there.¹

In its Second Periodic Report to the United Nations Committee Against Torture, the expert body established by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to oversee implementation of that treaty, the US government stated that it is “in a process of improving the detention facilities at both Bagram and Kandahar”. It added that the “improved facilities should be available to detainees later in 2005”. On 30 April 2005, one week before the US issued its report to the Committee Against Torture, the ICRC said that its “observations regarding certain aspects of the conditions of

¹ A month earlier, the ICRC had reported that the number of detainees in Kandahar was about 250. Amnesty International understands that a substantial number were transferred to Bagram, where previously there were only about 300 detainees. There have also been some releases.

detention and treatment of detainees in Bagram and Guantanamo have not yet been adequately addressed.” It had earlier characterized these as “significant problems”.

The ICRC does not have a permanent presence at Bagram or Kandahar. Detainees are thus held entirely incommunicado between ICRC visits. If ICRC delegates visit a detention facility, for example, every two weeks, and even if they were to meet all detainees, a detainee could be held for at least up to this length of time and released without having had any contact with the outside world.

The ICRC does not have access to the US military’s network of Forward Operating Bases in Afghanistan. From time to time, detainees are held in these facilities as the military conducts operations in the area. The military has operated more than 20 such facilities. Some detainees have been held for as long as one or two months in such bases, entirely incommunicado, before their release or transfer to Bagram or Kandahar. At least three detainees died in US custody in Forward Operating Bases in 2003.

In addition, the CIA is believed to have engaged in secret detentions in Afghanistan. In March 2005, Vice Admiral Albert Church noted, when issuing the executive summary of his review into Department of Defense interrogation operations, that “the CIA has independent operations in Afghanistan”. It was earlier reported that the CIA operated a secret facility at the Bagram airbase. It is not known what presence, if any, the CIA currently has at Bagram or Kandahar. The military reviews that have been conducted into US interrogation and detention practices have not covered, or had the full cooperation of, the CIA.

One reported CIA detention facility was known as The Pit or The Salt Pit, an abandoned brick factory north of Kabul. In November 2002, an Afghan detainee was allegedly stripped, chained to the floor, assaulted, and left in a cell overnight without blankets, on the orders of a CIA agent. He died, with hypothermia being given as the cause of death. According to reports, he was buried by Afghan guards in an unmarked grave, his family never notified. The *Washington Post* quoted one US government official as stating that “he just disappeared off the face of the earth”. The Salt Pit facility has since reportedly been torn down.

The international armed conflict in Afghanistan ended in June 2002. When that armed conflict ended, those who were captured by the USA during hostilities - and who the USA was obliged under the Third Geneva Convention to treat as prisoners of war in the absence of a determination “by a competent tribunal” that they were not - were required to be released, unless charged with criminal offences. Civilians detained in that conflict were entitled to have their detention (“internment”) reviewed “as soon as possible” by a “court or administrative board.” They too were required, when that conflict ended, to be released, unless charged with recognized criminal offences.

The ICRC has stated that “Persons detained in relation to a non-international armed conflict waged as part of the fight against terrorism – as is the case with Afghanistan since June 2002 – are protected by Article 3 common to the Geneva Conventions and the relevant rules of customary international humanitarian law. The rules of international human rights and domestic law also apply to them. If tried for any crimes they may have committed they are entitled to the fair trial guarantees of international humanitarian and human rights law.”² Amnesty International, too, believes that international human rights law applies in the current situation and all detainees have the right to full judicial review of their detention, and to release if that detention is unlawful. Anyone else should be charged under national law with recognizably criminal offences and brought to trial in full accordance with fair trial standards.

² *International humanitarian law and terrorism: questions and answers*. International Committee of the Red Cross, 5 May 2004, <http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/5YNLEV>.

Those detained in countries outside of the zones of armed conflict and transferred to Afghanistan should always have been treated as criminal suspects, therefore subject to international human rights law, including the right to a prompt judicial review of the lawfulness of their detention and to release if that detention is deemed unlawful, and, if prosecuted, to be tried in proceedings which meet international standards of fairness. In the “war on terror”, the USA has transferred to detention in Afghanistan people detained in other countries including Pakistan, Gambia, Zambia, Macedonia and Thailand. As far as Amnesty International is aware it may still be holding such detainees without charge or trial in Afghanistan (as well as having transferred some to Guantánamo).

The USA has applied none of the above-mentioned provisions of international humanitarian law and international human rights law in determining the status of the Afghanistan detainees:

- it has not treated those captured during the international armed conflict in Afghanistan initially as prisoners of war, pending determination of their status by a court;
- it has not convened a court to determine whether or not persons captured during the international armed conflict in Afghanistan are entitled to prisoner of war status;
- it has not reviewed promptly and appropriately the detention of those captured during the subsequent non-international armed conflict in Afghanistan;
- it has not brought the detention of civilians promptly under judicial review, tried or released them;
- it did not, at the close of international hostilities, release the detainees captured during hostilities, with the exception of those against whom criminal procedures had been initiated – in fact, the USA initiated no such procedures.

In early 2002, the White House had announced that anyone detained in the context of the armed conflict in Afghanistan would not be granted prisoner of war status nor brought before a competent tribunal to determine their status as Article 5 of the Third Geneva Conventions required. A soldier interviewed as part of the military investigation into the deaths of the two detainees in Bagram air base in December 2002 told investigators that the decision to withhold Geneva Convention protections from detainees captured in Afghanistan led interrogators to believe that they “could deviate slightly from the rules. There was the Geneva Conventions for enemy prisoners of war, but nothing for terrorists”.³

Allegations of torture and ill-treatment, and deaths in custody

In an interview broadcast on BBC radio on 2 June 2005⁴, an Afghan detainee released from US custody in March 2005 after about five months in the Kandahar airbase, alleged that he had first been held for a month in the US forward operating base in Gardez. Haji Mirza M'd alleged that in the Gardez facility:

“On the first day they took all our clothes off. They were interrogating me and standing in front of me. I was naked. I spent four days with my hands cuffed behind my back. When they started my interrogation, they stopped giving me food and they wouldn't let me sleep.”

Haji Mirza M'd said that he was deprived of food for four days.

³ *In US report, brutal details of 2 Afghan inmates' deaths.* New York Times, 20 May 2005.

⁴ *The World Tonight.* BBC Radio 4, 2 June 2005.

Another Afghan man, Jannat Gul, said that he had been held for 16 months in Bagram air base before being released in March 2005. He said that he had initially been held in the US military facility in Gardez where, he alleges:

“They put me in a kneeling position like this. They told me not to sit back on my heels. They said ‘look straight ahead, don’t look to the sides’. There were four or five guys surrounding me and insulting me and beating me. For three days, I was not allowed to sleep. Then, on the fourth, they made me kneel all night.”

He continued:

“They punched me, they kicked me, once to my chin. Another time I was told to lie down and they picked me up by my neck so I was half-strangled and they said ‘we are going to kill you unless you confess what you did’.”

An 18-year-old Afghan army recruit died in the US military base in Gardez in March 2003. Local Afghan officials were allegedly pressured to cover up the death, which only came to light as a result of a non-governmental investigation, the Crimes of War Project. Jamal Naseer’s body, said to be covered in bruises, was allegedly turned over to local police with no documentation of his death and no autopsy conducted. A US investigation was not initiated until 18 months later. Jamal Naseer had reportedly been arrested with seven other Afghan soldiers on 1 March 2003 by US Special Forces. One of the seven later said that he and his fellow detainees were treated “like animals” when taken to the Gardez base. The detainees have alleged that for 17 days in the base, they were subjected to torture and ill-treatment, including repeated beatings, electric shocks and immersion in cold water. They were hooded and shackled during interrogations.

For the BBC Radio report of 2 June 2005, the journalist spoke to an Afghan interpreter. He has alleged that he witnessed the abuse of a Pakistani detainee held in US military custody at a forward operating base in Khost. He said that the detainee was refusing to “cooperate” during interrogation, and so the US interrogators put two large loudspeakers in his cell. The interpreter alleged that the interrogators played “American” music at high volume. The interpreter continued: “If somebody stay there for 10 minutes, he’s going to be deaf. This tape was running for 11 hours”. The journalist has confirmed to Amnesty International that when she saw the interpreter, he was still noticeably distressed by having witnessed detainees being taunted sexually by female US interrogators, or being told that their wives would be forced into prostitution while they, the men, were in detention. An interpreter who refused to tell the detainees this was reportedly sacked.

The interpreter has also alleged that he witnessed the use of water deprivation as punishment against a young male detainee held in the US Forward Operating Base in Asadabad. The detainee allegedly died, still handcuffed, after three or four days without adequate water. Amnesty International has been unable to obtain further information at this stage on this alleged death in custody.

A 28-year-old Afghan man, Abdul Wali, died in the Asadabad base on 21 June 2003. Abdul Wali had handed himself into the US military voluntarily. In June 2004, the US Justice Department charged a civilian contractor with assault. The indictment alleges that David Passaro, a contractor working with the CIA, assisted in the interrogation. According to the indictment, David Passaro “beat Abdul Wali, using his hands and feet, and a large flashlight”, during interrogations on 19 and 20 June 2003. It seems that no murder charges were brought because an autopsy was not conducted.

Another Afghan man, Abdul Wahid died in US custody in a cell in a US Forward Operating Base in Gereshk on 6 November 2003. He died from “multiple blunt force injuries” 48 hours after he was handed over to the US forces by Afghan militia. The US military

investigation found that no US personnel were implicated in his death, which it said had been caused by injuries sustained in Afghan militia custody. Amnesty International does not know what, if any, medical treatment Abdul Wahid received in US custody.

In May 2005, the *New York Times* revealed that it had obtained documents relating to the military investigation into the deaths in Bagram in December 2002 of two Afghan men, Dilawar and Mullah Habibullah. The investigative reports point to a terrifying final few days in the lives of these two men, subjected to cruelty and brutality by numerous US personnel. For example, Dilawar, a taxi driver apparently picked up for being in the wrong place at the wrong time, was kept chained to the ceiling of his cell for much of a four-day period, hooded for most if not all of the time. At times, his pleas for water were denied. Under interrogation, unable to hold his handcuffed hands above his head as he was ordered, a soldier would hit them back up whenever they began to drop. He was physically assaulted during interrogation. He was estimated in one 24-hour period to have been struck over 100 times with “common peroneal strikes” – blows to the side of the leg just above the knee. His legs, according to one coroner, “had basically been pulpified”. The coroner who conducted the autopsy later stated that she had “seen similar injuries in an individual run over by a bus”.⁵

Torture and ill-treatment of detainees in US custody in Afghanistan is alleged to have included the following methods: sleep deprivation; stripping and forced nudity; humiliating body searches; racial and religious insults and taunting; sexual humiliation of male detainees by female interrogators; prolonged solitary confinement; forced crawling; stress positions, including forced kneeling and standing; arms handcuffed above head to top of cell; death threats; threats of torture; threats of rape; light deprivation; use of dogs to inspire fear; being forced to lie on rocky ground for hours; kicking, punching and other physical assault; hooding, including for days at a time; cruel and excessive use of shackles and handcuffs; forced shaving, including of all facial and body hair; food deprivation; water deprivation; electric shocks; immersion in water, cigarette burns; and soldiers urinating on detainees.

At a press conference on 31 May 2005, responding to a question relating to Amnesty International’s concerns about US “war on terror” detentions, President George W. Bush said that it seemed to him that the organization was basing such concerns “on the word of – and the allegations – by people who were held in detention, people who hate America.” In fact, the allegations of torture and ill-treatment have come not only from detainees, but also from non-detainee sources, including from within the US government itself. These cannot be dismissed as the product of “anti-Americanism”. For example:

- A Federal Bureau of Investigation (FBI) document, dated December 2004 and originally classified as secret for 25 years revealed that, in relation to US detentions in Afghanistan, FBI agents were “aware of detainees being subjected to interrogation techniques that would not be permitted in the United States (i.e. stress positions for extended periods of time and sleep deprivation) and to psychological techniques (i.e. loud music)” (see further below for more on FBI records).
- Army investigative documents relating to the two deaths in Bagram, obtained by the *New York Times*, indicated that abuses in the airbase were widespread: “In sworn statements to Army investigators, soldiers describe one female interrogator with a taste for humiliation stepping on the neck of one prostrate detainee and kicking another in the genitals. They tell of a shackled prisoner being forced to roll back and forth on the floor of a cell, kissing the boots of his two interrogators as he went. Yet

⁵ *In US report, brutal details of 2 Afghan inmates’ deaths*. *New York Times*, 20 May 2005. Three passengers who had been in Dilawar’s taxi were subsequently transferred to Guantánamo. One of them, Parkhudin, alleged that his hands were chained to the ceiling for eight of the 10 days he spent in isolation in Bagram. *Afghan deaths linked to unit at Iraq prison*. *New York Times*, 23 May 2004.

another prisoner is made to pick plastic bottle caps out of a drum mixed with excrement and water as part of a strategy to soften him up for questioning...[T]he Bagram files includes ample testimony that harsh treatment by some interrogators was routine and that guards could strike shackled detainees with virtual impunity. Prisoners considered important or troublesome were also handcuffed and chained to the ceilings and doors of their cells, sometimes for long periods.” A US soldier described how in Bagram, “there was a policy that detainees were hooded, shackled and isolated for at least the first 24 hours, sometimes 72 hours of captivity”.⁶

- An official military investigation in 2004 (the “Fay report”) found that US interrogators in Afghanistan were “removing clothing, isolating people for long periods of time, using stress positions, exploiting fear of dogs and implementing sleep and light deprivation”. It was not critical of the techniques *per se*. The Fay report noted that “removal of clothing for both [military intelligence] and [military police] objectives was authorized, approved, and employed in Afghanistan and GTMO [Guantánamo].” It stated: The use of nudity as an interrogation technique or incentive to maintain the cooperation of detainees was not a technique developed at Abu Ghraib, but rather a technique which was imported and can be traced through Afghanistan and GTMO. As interrogation operations in Iraq began to take form, it was often the same personnel who had operated and deployed in other theaters and in support of GWOT, who were called upon to establish and conduct interrogation operations in Abu Ghraib... They simply carried forward the use of nudity into the Iraqi theater of operations. The use of clothing as an incentive (nudity) is significant in that it likely contributed to an escalating ‘de-humanization’ of the detainees and set the stage for additional and more severe abuses to occur.”
- In 2004, the “Schlesinger Panel”, appointed by Secretary of Defense Donald Rumsfeld to review Department of Defense detention operations, noted that Special Operations Forces in Afghanistan had been implicated in “a range of abuses... similar in scope and magnitude to those found among conventional forces”. The Schlesinger investigation also revealed that on 24 January 2003, the Commander of Joint Task Force-180 in Afghanistan forwarded to the Pentagon Working Group a list of interrogation techniques being used in Afghanistan. Among the techniques listed was the use of nudity against detainees. The Fay report noted that the CJTF-180 memorandum “highlighted that deprivation of clothing had not historically been included in battlefield interrogations. However, it went on to recommend clothing removal as an effective technique that could potentially raise objections as being degrading or inhumane, but for which no specific written legal prohibition existed.”
- On 10 January 2002, an officer with the UK Secret Intelligence Service (SIS) in Afghanistan reported back to London his concern at the treatment of a detainee in US custody that he had witnessed. What he saw has not been made public, but the response from London included the following instructions sent back to the SIS officer the next day and copied to all UK intelligence personnel in Afghanistan: “*It appears from your description that [the detainees in US custody] are not being treated in accordance with the appropriate standards. Given that they are not within our custody or control, the law does not require you to intervene to prevent this. That said [the UK government’s] stated commitment to human rights makes it important that the Americans understand that we cannot be party to such ill treatment nor can we be seen to condone it... If circumstances allow, you should consider drawing this to the attention of a suitably senior US official locally. It is important that you do not*

⁶ In US report, brutal details of 2 Afghan inmates’ deaths. New York Times, 20 May 2005.

engage in any activity yourself that involves inhumane or degrading treatment of prisoners... [Y]our actions incur criminal liability in the same way as if you were carrying out those acts in the UK”.

- In June 2002, the UK authorities raised with their US counterparts allegations of detainees in US custody in Afghanistan being hooded and subjected to sleep deprivation. A month later, a UK intelligence official raised with a US official in Afghanistan the inappropriateness of sleep deprivation, hooding and the use of stress positions against detainees, which the US official had said was being used to “get a detainee ready” for interrogation. The UK officer also raised with a US official in charge of a detention facility a detainee’s allegations of ill-treatment, including “the use of constant bright lights”.
- The US military lawyer for one of the four men charged in Guantánamo in preparation for their trial by military commission has described as “credible” allegations made by his client that he was subjected to abuse in US custody in Afghanistan. Salim Ahmed Hamdan has told his military lawyer that in US custody in Afghanistan he was “beaten, that he was held for about three days in a bound position, cold... dragged, kicked, punched.”
- The regional director of the Afghan Independent Human Rights Commission in Gardez, Afghanistan, told Amnesty International on 23 March 2005 that his office has recorded some 80 complaints of abuse by US forces in the single province of Paktika over the past two years, ranging from destruction and confiscation of property to “inhuman” treatment of detainees. He said that detainees taken to US Forward Operating Bases have alleged that they were subjected to sleep deprivation, food deprivation, strip searching and stripping, as well as to interrogations while blindfolded.

Recent [heavily redacted] documents released to the American Civil Liberties Union (ACLU) under a Freedom of Information Act lawsuit, and published by the ACLU on 25 May 2005, including the following reports by FBI agents on allegations made to them by detainees held at Guantánamo:

- “prior to an interview in Bagram, he was forced to strip naked in front of others.”
- “treated harshly by US soldiers at Peshawar and Kandahar. He was beaten on the head, chest, back, hands and feet. He could hear people screaming and shouting but could not see them because his face was covered. He was put face down on the ground.”
- “[w]hen REDACTED was turned over to US authorities, he was beaten by the US military forces. REDACTED was turned over to US authorities REDACTED. He was taken by helicopter to an unknown location where he was beaten. While his eyes were covered, he was kicked in the stomach and back by several individuals. He noted American English accents. After being moved to an unknown facility in Bagram, his head was placed against the cement floor and his head was kicked. As a result of other beatings in Bagram, REDACTED received a broken shoulder. During one evening REDACTED was left outside of the facility where he was being held. The ground was wet and it was snowing. He was wearing only pants and a ragged shirt. As a result of being out in the cold, he became unconscious. . . . When he was moved to Kandahar, he was not beaten as frequently and severely. Periodically, REDACTED was kicked and pushed. He was dragged three times to interrogations. On one occasion during prayer time, a soldier placed his foot on REDACTED head and sat on his head. REDACTED stated that the soldiers wore tan and brown camouflage uniforms, with US flags on their arms.”

- “REDACTED explained that during his detention by the US military in Kandahar, Afghanistan, he was beaten by some guards as he was lying face down on the ground. He stated that he was not resisting, and was beaten for apparently no reason. REDACTED further stated that there were other guards that treated him very well.”
- “REDACTED claimed that when he was first captured, he was tortured by those asking him questions. He had to stand up for five days straight and answer questions. He was also forced to strip naked and stand in front of a female interrogator.”
- “Subsequently, he was moved to Bagram where he was interrogated by females after being stripped naked.”
- “REDACTED complained of being mistreated by US forces while in detention in Bagram.”

The US government has said that it has “acted swiftly in response to allegations of serious abuses by [Department of Defense] personnel in Afghanistan.”⁷ In May 2005, it reported to the UN Committee against Torture that there had been 23 investigations into allegations of abuse of detainees in Afghanistan, of which 22 were substantiated and one was unsubstantiated. It added that seven investigations were continuing. As of 1 March 2005, there had been two courts-martial, 10 non-judicial punishments and two reprimands.⁸

In its report to the Committee, the US authorities promote the case of the two Bagram deaths as an example of the system of accountability working, noting that 28 US military personnel were implicated in the deaths. By 6 May 2005, two had been charged. It failed to tell the Committee that there was evidence at initial attempts to cover up the abuses, and that the revelations about the deaths have only emerged into the public domain as a result of investigative reporting and leaks. It remains to be seen whether the pattern of impunity and military leniency elsewhere in the USA’s “war on terror” is continued in these two deaths-in-custody cases.

As Amnesty International has previously pointed out, precisely what is considered by US forces (and the US administration) to be abusive is open to question. In any event, it does not comply with international law and standards, as interrogation techniques and detention conditions have been authorized that violate the absolute prohibition under international law of torture and other cruel, inhuman or degrading treatment. Another recently emerged example of this is contained in the record of an official investigation into the alleged mistreatment of six Afghan nationals in the Forward Operating Base Ripley in Afghanistan in June 2004. The allegation included that the detainees had been:

- (a) Forced to repeat stand up and sit down.
- (b) Move small rocks from one pile to another.
- (c) Stand with extended arms for long periods.
- (d) Kneel in place for long periods...

The investigation found on 6 July 2004 that the allegations were “unsubstantiated”. This was apparently because the above methods are authorized. The investigation found that techniques (a) to (d) “take place as control measures for sleep deprivation and as punishment

⁷ *Second Periodic Report of the United States of America to the Committee Against Torture*. US Department of State, 6 May 2005.

⁸ *Ibid.*

for breaking camp rules... Investigative efforts supported Marines' actions as appropriate and within [standard operating procedures], guidance and training".⁹

Responding to a question about Amnesty International's concerns regarding the USA's "war on terror" detentions at the 31 May 2005 White House press conference, President Bush said: "The United States is a country that is – promotes freedom around the world. When there's accusations made about certain actions by our people, they're fully investigated in a transparent way. In terms of the detainees, we've had thousands of people detained. We've investigated every single complaint against the detainees."

Investigations cannot be considered to be "full" if the investigators and the prosecuting authorities tolerate what international law and standards would prohibit as torture or other cruel, inhuman or degrading treatment or punishment.¹⁰

Lack of outside scrutiny: UN expert mandate not renewed

As already noted, the ICRC has had access to some of the detainees in Bagram and Kandahar some of the time, and to none of the detainees held in Forward Operating Bases or in the custody of the CIA. The ICRC's policy is not to publish its findings, but only to make recommendations in confidence to the detaining authority.

Amnesty International and other independent human rights monitors, including from the United Nations (UN), have been denied access to detainees held in US custody in Afghanistan throughout the "war on terror".

In his report of March 2005, the UN Independent Expert on the Situation of Human Rights in Afghanistan, M. Cherif Bassiouni, wrote of the reports of abuses by Coalition forces in Afghanistan that he had received from victims, the Afghan Independent Human Rights Commission and others. The alleged abuses include: "forced entry into homes, arrest and detention of nationals and foreigners without legal authority or judicial review, sometimes for extended periods of time, forced nudity, hooding and sensory deprivation, sleep and food deprivation, forced squatting and standing for long periods of time in stress positions, sexual abuse, beatings, torture and use of force resulting in death".

Professor Bassiouni's mandate as UN independent expert on Afghanistan was not renewed at the UN Commission for Human Rights in April 2005. In an interview with the BBC on 25 April 2005, he suggested that one reason for this was because of his "insistence" that he be allowed access to detainees held in US custody in Bagram, Kandahar and the forward operating bases. He reiterated that he had "interviewed a number of persons who have indicated that they had been arbitrarily arrested, that they had been tortured" by US

⁹ <http://www.aclu.org/torturefoia/released/navy3716.3726.pdf>

¹⁰ This is amply illustrated by an FBI email dated 22 May 2004 referring to an instruction to FBI personnel in Iraq "not to participate in interrogations by military personnel which might include techniques authorized by Executive Order but beyond the bounds of standard FBI practice". The email said that some of FBI personnel, although not themselves participating in abuse, had been "in the general vicinity of interrogations in which such tactics were being used". The email goes on to seek clarification of an instruction from the Office of General Counsel (OGC) requiring FBI personnel to report any abuse that he or she comes across: "*This instruction begs the question of what constitutes 'abuse'. We assume this does not include lawful interrogation techniques authorized by Executive Order. We are aware that prior to a revision in policy last week, an Executive Order signed by President Bush authorized the following interrogation techniques among others: sleep 'management', use of MWDs (military working dogs), 'stress positions' such as half squats, 'environmental manipulation' such as use of loud music, sensory deprivation through the use of hoods, etc. We assume the OGC instruction does not include the reporting of these authorized interrogation techniques, and that the use of these techniques does not constitute 'abuse'.*"

forces in Afghanistan. The reason his mandate had not been renewed, he suggested, was not because “anybody felt the job was done”, but because of US government pressure not to renew. The interview continued:

Q. Let’s be clear about this, what you are suggesting is that an independent human rights monitor mandated by the UN in Afghanistan has been prevented from doing that job because, you say, the Americans didn’t want you, to put it bluntly, poking your nose into what they were getting up to in various camps where they were holding detainees.

A. That is correct. In fact what my report does not contain is an exchange of correspondence I’ve had with the US ambassador to Geneva... in which he basically says the United Nations mandate does not include going into areas where American bases are. He takes the position that the American bases there are above and beyond the reach of the law.

Call for legality, transparency and accountability

Among the numerous official reviews of detentions and interrogations that have been conducted since the Abu Ghraib torture scandal, one was carried out in Afghanistan. Brigadier General Chuck Jacoby carried out an “inspection” of US detentions in Afghanistan to “ascertain the standard of treatment provided by persons detained by US forces throughout the detention process from capture to release or detention”.¹¹ The Jacoby report is said by the government to have not “disclose[d] new allegations of abuse or misconduct”.¹² Brigadier General Jacoby’s “consistent and overarching observation” is said to have been that all detainees were being treated humanely.¹³

In December 2004, however, the Pentagon had characterized the Jacoby inquiry as “a kind of snapshot of training, of conditions inside of prisons. It did not look back to incidents that may have occurred inside of Afghanistan.”¹⁴ As a “snapshot”, it was never likely to uncover “new allegations of abuse or misconduct”. In any event, the Jacoby report has not been published. Given the gap between what the US authorities consider abusive and what is abusive under international law and standards, the reported conclusions of the Jacoby report are unsurprising. Indeed, they form part of what appears to have been a general whitewash of senior official accountability in relation to the USA’s “war on terror” detention regime.

A former UN Special Rapporteur on torture (2002-2004), Professor Theo van Boven, has stated on the question of the USA’s involvement in torture and ill-treatment in the “war on terror” that “what we know is only the tip of an iceberg”. What we do know is that treaties, including the Geneva Conventions, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights (ICCPR), all of which have been ratified by the USA, have been selectively disregarded and systematically violated.

The USA’s Second Periodic Report to the UN Committee against Torture, submitted on 6 May 2005, insists that the USA “has taken and continues to take all allegations of abuse very seriously”. It states, however, that none of the “extensive investigative reports” into abuses against detainees in US custody in the “war on terror” have found that “any

¹¹ *Second Periodic Report of the United States of America to the Committee Against Torture*. US Department of State, 6 May 2005.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Principal Deputy Assistant Secretary of Defense for Public Affairs Lawrence Di Rita. US Department of Defense Briefing, 3 December 2004.

governmental policy directed, encouraged or condoned these abuses". The reports to which it refers have generally taken a "lessons-learned" approach rather than an approach that also clarifies where responsibility for abuse lies and facilitates prosecution or disciplinary sanctions as appropriate, as international standards require. Secrecy remains the order of the day, with much material from the investigations remaining classified.

Since May 2004, Amnesty International has been calling for US Congress to set up a full independent commission of inquiry into all aspects of the USA's "war on terror" detention and interrogation policies and practices. Such a commission, composed of credible experts with all the necessary powers to be able to investigate all levels and agencies of government, must be independent, impartial and non-partisan and should apply all relevant international law and standards, and would benefit from expert international input.

Amnesty International stresses that, under international law, US legislators have, alongside the executive and the judiciary, an obligation to ensure that all allegations of human rights violations are fully investigated. The UN Human Rights Committee has made it clear that, for violations of the ICCPR, which the USA ratified in 1992, failures to abide by the requirements of the treaty "cannot be justified by reference to political, social, cultural or economic considerations within the State". Amnesty International urges Congress not to allow party politics to interfere with their obligation to ensure full accountability for past violations and to initiate all necessary legislative and oversight measures to ensure non-repetition. The Human Rights Committee continued that state parties must "make reparation to individuals whose rights have been violated":

"Without reparation to individuals whose Covenant rights have been violated, the obligation to provide an effective remedy...is not discharged... [T]he Committee considers that the Covenant generally entails appropriate compensation. The Committee notes that, where appropriate, reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations".

All secret and incommunicado US detentions must end. Access for all detainees to lawyers, relatives, the ICRC and national and international human rights monitors should be granted and maintained. All detainees must be treated humanely in the real sense of the term, namely in full accordance with international law and standards. All past violations must be fully and independently investigated and revealed, and those responsible for them held accountable. Anyone in US custody suspected of a criminal offence should be charged and brought to trial in full accordance with international standards of fairness. Anyone else should be released. No one should be returned from US custody to a country or situation where he or she would face execution or torture or other cruel, inhuman or degrading treatment or punishment, or to unfair trial, or indefinite incommunicado or secret detention without charge or trial.

Appendix: Some cases of alleged abuse by US in Afghanistan

- Early in the "war on terror", on the night of 23/24 January 2002, US Special Forces in Uruzgan province in Afghanistan took 27 villagers into custody. All 27 were released on 6 February 2002 after two weeks in detention once it was determined that they were villagers mistakenly identified by US forces as Taleban or *al-Qa'ida* members. It is alleged that at the scene of the raid the villagers had their hands and feet tied, were blindfolded and hooded, and flown to the US base at Kandahar. Having arrived at the base the prisoners were allegedly beaten, kicked and punched by soldiers, made to lie on their stomachs with their hands tied behind their backs and

their legs chained, whereupon soldiers walked across their backs. Amnesty International never received a substantive reply to its concerns expressed to the US authorities about allegations of torture or ill-treatment raised in these or subsequent cases.

- Abdullah's arrest along with 33 others took place at 3am in a compound near Kandahar in Afghanistan on 18 March 2002. He told Amnesty International in October 2002 after his release that US forces broke down all the doors and took everybody outside. The detainees had their hands zip-tied behind their backs and were taken to Kandahar air base, where they were forced to lie on the gravel for several hours, their hands cuffed, now with metal handcuffs, behind their backs. Abdullah said that during this time he was kicked in the ribs and that he and all his fellow detainees were hooded and searched by dogs. They were subjected to forced shaving. He said that he was shaved of his entire facial and body hair by a woman. He was then put in a cage, under a tent, with about 14 others, including a boy of about 15. Some in the cage refused to eat because they did not want to have to use the toilet, a portable pot in the corner. Abdullah said that during interrogation, he was handcuffed, shackled and hooded, and that a female interrogator pulled and pushed him. He said that the cultural violations were the most traumatizing aspects of the treatment.
- In May 2003 in Kabul, former detainee Sayed Abbasin recalled to Amnesty International how in the US air base at Bagram he had been held in handcuffs and shackles for the first week, kept under 24-hour lighting and woken by guards when trying to sleep, not given enough food, not allowed to talk to or look at other detainees, and forced to stand and kneel for hours. During this time he was interrogated six or seven times. He recalled his transfer to Kandahar air base – blindfolded, a black bag over his head and taped around his neck, his hands and legs tied. He said the handling was so rough, he would not have been surprised if someone would have died. In Kandahar, again the detainees were not allowed to look at the soldiers' faces. If they did, they were made to kneel for an hour. If they looked twice, they were made to kneel for two hours. He says he was interrogated five or six times in Kandahar, before being transferred to Guantánamo Bay.
- In a letter sent from Guantánamo, dated 12 July 2004 and copied to Amnesty International, Moazzam Begg alleges that in Afghanistan he was “physically abused, and degradingly stripped by force, then paraded in front of several cameras toted by US personnel”. Moazzam Begg, a dual UK/Pakistan national, was abducted in January 2002 from Pakistan by US agents and taken to the US air force base in Bagram in Afghanistan where he claims to have been subjected to “pernicious threats of torture, actual vindictive torture and death threats – amongst other coercively employed interrogation techniques”. He has alleged that he was interrogated “in an environment of generated fear, resonant with terrifying screams of fellow detainees facing similar methods. In this atmosphere of severe antipathy towards detainees was the compounded use of racially and religiously prejudicial taunts.” He wrote that he was denied natural light and fresh food for a year in Bagram before being transferred to Guantánamo where he was subsequently held in indefinite solitary confinement.
- Afghan national Wazir Mohammed told Amnesty International in Kabul in February 2004 that during his nearly two months in US custody in Bagram and Kandahar air bases in mid-2002, he never saw anyone from the ICRC. He has alleged that he was subjected to sleep deprivation as well as being forced to crawl on his knees from his cell to his interrogation.

- On 13 April 2004 in Yemen, Walid Muhammad Shahir Muhammad al-Qadasi spoke with Amnesty International in a cell in the Political Security Prison in Sana'a. He had recently been returned from detention in Guantánamo Bay. He recalled how he had been arrested in Iran in late 2001 and detained there for about three months before being handed over with other detained foreign nationals to the authorities in Afghanistan who in turn handed them over to the custody of the US. There they were kept in a prison in Kabul. *"The Americans interrogated us on our first night which we coined as 'the black night'. They cut our clothes with scissors, left us naked and took photos of us before they gave us Afghan clothes to wear. They then handcuffed our hands behind our backs, blindfolded us and started interrogating us. The interrogator was an Egyptian. He asked me about the names of all members of my family, relatives and friends. They threatened me with death, accusing me of belonging to al-Qa'ida. They put us in an underground cell measuring approximately two metres by three metres. There were ten of us in the cell. We spent three months in the cell. There was no room for us to sleep so we had to alternate. The window of the cell was very small. It was too hot in the cell, despite the fact that outside the temperature was freezing (there was snow), because the cell was overcrowded. They used to open the cell from time to time to allow air in. During the three-month period in the cell we were not allowed outside into the open air. We were allowed access to toilets twice a day; the toilets were located by the cell."* Walid al-Qadasi said that the prisoners were only fed once a day and that loud music was used as "torture". He said that one of his fellow detainees went insane. Walid al-Qadasi was eventually transferred to Bagram, where he faced a month of interrogation.
- In June 2004, Khaled El-Masri, a German national, told Amnesty International that he had been secretly held in Kabul, Afghanistan, after being abducted and taken there aboard a plane from Macedonia in early 2004. It has since been reported by NBC News that Khaled El Masri was kept in secret detention in the "Salt Pit" in Kabul, even after the CIA realized it had the wrong man in a case of mistaken identity. In mid-2004, Khaled El Masri told Amnesty International that he was detained in Kabul in early 2004. He alleged that other detainees told him of a nearby detention facility in which there were around 200 detainees, most of whom "belonged" to the Afghan authorities, but about 10 of whom "belonged" to the US and would be moved whenever the ICRC visited.
- Mohammed Ismail Agha was aged 13 when he was taken into US custody in Afghanistan in late 2002 and held in Bagram air base for six weeks. He was nevertheless considered to be a "threat to US security" and was subsequently held in US custody without charge or trial for more than a year, including at Guantánamo Bay. He has alleged that he was held in solitary confinement in Bagram and subjected to sleep deprivation and stress positions: "They were interrogating me every day and in the first three or four days giving just a little food, and giving punishment". He said he was forced to sit on his haunches for three or four hours at a time, even when he wanted to sleep. He said: *"It was a very bad place. Whenever I started to fall asleep, they would kick on my door and yell at me to wake up. When they were trying to get me to confess, they made me stand partway, with my knees bent, for one or two hours. Sometimes I couldn't bear it anymore and I fell down, but they made me stand that way some more."*
- At the Combatant Status Review Tribunal (CSRT) hearing for Yemeni detainee Khaled Qasim in September 2004, the following exchange took place between the Tribunal President (TP) and the "Personal Representative" (PR) of the detainee (Khaled Qasim did not attend the hearing himself):

PR: [Khaled Qasim] said he was not tortured. All he said is that he heard people crying at night, but he was not tortured.

TP: While here in Guantanamo Bay, Cuba?

PR: He said he was not tortured here in Guantanamo Bay.

TP: Did he say he was not tortured in Afghanistan or did he say he was not tortured here in Guantanamo Bay?

PR: He said he was not tortured here in Guantanamo Bay.

TP: Did he say he was tortured in Afghanistan?

PR: He said he was treated bad and mistreated.

TP: But he did not say he was tortured?

PR: He did not say he was tortured.

- Bisher al-Rawi, an Iraqi national and UK resident seized in Gambia in late 2002 and transferred to Guantánamo via Afghanistan, told his CSRT hearing in September 2004 that “we were taken from Gambia to Kabul and then to Bagram Airbase. In Bagram, I provided information only after I was subjected to sleep deprivation, and various threats were made against me.” Moazzam Begg has revealed that he saw Bisher al-Rawi in Bagram in late 2002 and that “his face had obviously the marks and bruises of what were the remnants of a beating”.
- A Saudi detainee in Guantánamo has told investigators that when he was held in Bagram, a US soldier pulled out his penis during an interrogation, held it against the detainee’s face, and threatened to rape him.¹⁵
- Richard Belmar, another UK national, has said that he sustained a fractured skull as a result of being struck on the head while hooded on his way to Bagram airbase. He has further claimed that this was not the worst thing that happened to him in US custody: “The worst thing that happened to me, I can’t even explain because it’s too horrific, I can’t, you know, I can’t handle it, to speak on it”. At his CSRT hearing in Guantánamo in 2004, he also said that at Bagram he had seen “a lot of things they [US personnel] did to people that they thought weren’t telling the truth or were withholding information. That scared me.”
- An elderly Afghan man was arrested in his village by US marines in June 2004 and detained for three days. Noor Mohammad Lala alleged: “They told me to take off my shirt. I said ‘How can I do that?’ Then I told myself ‘Take your shirt off.’ When I took off my shirt, they told me to undo my belt. I found that very painful. I felt like I was having a nervous breakdown. In my entire life I’d never exposed myself. With respect, I have a bladder problem and I could not stop urinating. After that I was so humiliated I couldn’t see for my pain. When they took off my trousers I had my eyes closed. I was totally disoriented, they stood me up in the container. When they stood me up like this, they took off all my clothes. I was completely naked, I’m not telling you a lie. They told me to look straight ahead, not to look around. While I was standing, I’m not lying to you, they kicked my feet apart with their boots and they were touching me. That’s how it was I did not know what was going on. That’s the sort of treatment I received. That’s what they did. When I looked around there was only an interpreter, no one else. He told me to get dressed, my bottom was wet. I would not be a Muslim if I lied to you. When I put on my clothes, I rubbed it off. And

¹⁵ In US report, brutal details of 2 Afghan inmates’ deaths. New York Times, 20 May 2005.

this happened when I'm old, white-bearded with no teeth. And this outrage happened to me."

- Another Afghan national, Syed Nabi Siddiqi, has said that he was ill-treated during his 22-day detention in US custody in Gardez, Afghanistan, in July 2003. He says that he was blindfolded, kicked and beaten, and had his clothes removed: *"Then they asked me which animals – they made the noise of goats, sheep, dogs, cows – I had had sexual activities with. They laughed at me. I said that such actions were against our Afghan and Islamic tradition, but they again asked me, 'Which kind of animals do you want to have sex with?' Then they...beat me with a stick from the back and kicked me. I still have pains in my back as a result."* After Gardez, Syed Nabi Siddiqi said that he was flown to the US air base in Kandahar, where the ill-treatment continued, including when the soldiers "brought dogs close to us, they were biting at us". This case is currently under investigation by the US military.
- In a witness statement in legal proceedings in the UK in 2004, former detainee Tarek Dergoul recalled his detention in Kandahar: *"[I]n Kandahar I was hooded whilst being taken to interrogation and some of the time during interrogation. I was interrogated at least three or four times a week for up to seven or eight hours a day. Sometimes I was just left sitting in the interrogation tent with nothing, no food or toilet facilities. The guards in Kandahar regularly tore up the Qur'an and threw it. My body hair was shaved, including my pubic hair... After three months in Kandahar I was flown to Guantanamo Bay, Cuba, on 1 May 2002... I was stripped naked, given a full body search and pictures were taken of me naked."*
- Some Guantánamo detainees have been visited by lawyers representing them for their *habeas corpus* appeals in US courts. Unclassified details of the alleged treatment of Bahraini detainee Jum'ah Mohammad Abdul Latif Al Dossari, as provided to Amnesty International by the US lawyers for the detainees: *"Mr Al Dossari was arrested in Pakistan and held by Pakistani authorities for several weeks. Mr Al Dossari was transferred from Pakistan to Kandahar, Afghanistan via airplane by US authorities. On the plane, he was shackled by chains on his thighs, waist and shoulders, with his hands tied behind him. The chains were so tight around his shoulders that he was forced to lean forward at an extreme angle during the entire flight. This caused great pain to Mr Al Dossari's stomach, where he had had an operation some years before. When Mr Al Dossari complained about the pain, he was hit and kicked in the stomach, causing him to vomit blood. Upon arriving in Kandahar, Mr Al Dossari and other detainees were put on a row on the ground in a tent. US Marines urinated on the detainees and put cigarettes out on them (Mr Al Dossari has scars that are consistent with those that would be caused by cigarette burns). A US soldier pushed Mr Al Dossari's head into the ground violently and other soldiers walked on him..."* Mohammad Al Dossari has alleged, among other things, that he was forced to walk barefoot over barbed wire and that his head was pushed to the ground on broken glass. He has alleged that US soldiers subjected him to electric shocks, death threats, assault and humiliation.
- Fellow Bahraini detainee Abdullah Al Noaimi has alleged that he was physically assaulted by US soldiers in Kandahar air base in Afghanistan, stripped and sexually humiliated. He says that he witnessed detainees being bitten by dogs in Kandahar.
- Yasin Qasem Muhammad Ismail has alleged that when held in Bagram air base in Afghanistan, US soldiers beat him, kicked him, and stood on his back and knees.

- Abd Al Malik Abd Al Wahab has said that he had his thumb broken during beatings by US soldiers in the US air base in Kandahar in Afghanistan. He told his CSRT in October 2004 that “we were tortured by beatings in Kandahar”.
- Turkish national and German resident Murat Kurnaz has alleged that when he was held in the US air base in Kandahar, interrogators repeatedly forced his head into a bucket of cold water for long periods of time, as well as subjecting him to an electric shock on his feet. He has alleged that he was held for days shackled and handcuffed with his arms secured above his head. On one occasion, he claims that a military officer loaded his gun and pointed it at Murat Kurnaz’s head, screaming at him to admit to being an *al-Qa’ida* associate. Murat Kurnaz also claims to have witnessed other detainee beatings, in one case that he believes may have resulted in the detainee’s death.
- The handwritten notes of a US lawyer who met with Kuwaiti detainees in Guantánamo in January 2005 make for similarly disturbing reading: *All indicated that they had been horribly treated, particularly in Afghanistan and Pakistan where they were first held for many months after being taken into custody (in Kandahar, Kohat, Bagram). Although the words they used were different, the stories they told were remarkably similar – terrible beatings, hung from wrists and beaten, removal of clothes, hooding, exposure naked to extreme cold, naked in front of female guards, sexual taunting by both male and female guards/interrogators, some sexual abuse (rectal intrusion), terrible uncomfortable positions for hours. All confirmed that all this treatment was by Americans... Several said pictures were taken of some of this abuse...Some of the pictures still exist and are still used by the interrogators. Many knew that the Americans had killed several people during the interrogations at these places. Several also mentioned the use of electric shocks – like ping pong paddles put under arms – some had this done; many saw it done. Several said they just could not believe Americans could act this way.*
- Libyan national and UK resident Omar Deghayes has alleged that he was subjected to torture and ill-treatment in Pakistan following his arrest there. Following his transfer to US custody in Afghanistan, he has alleged that the following took place in Bagram air base where he was held for two months. According to his account recorded by a lawyer who visited him in Guantánamo in early 2005: “Omar went for 7-8 days without food in Bagram. Omar was held in a dark room for days on end, without any access to light. Omar and others were locked in boxes with no air and effectively suffocated for long periods. Omar was chained to the wall, with his hands high up in the Strappado position. This caused extreme pain. Omar was forced to live naked for long periods while he was in Bagram, as part of the humiliation process. Tied so tightly that hands and feet swelled to much above normal size. Forced to move and assume uncomfortable positions while tied this way. Beaten with chains when would go to the bathroom. Forced to stay in positions and to urinate and defecate on self.”
- Kamal Sadat, a reporter with the BBC World Service in Afghanistan, has said that he was detained by US forces in Khost in September 2004. He says he was hooded and flown to a US base, whose location he did not know, and where there were detainees of different nationalities. He was released without explanation three days later. He has recalled: “Every time I was moved within the base, I was hooded again. Every prisoner has to maintain absolute silence... Prisoners were arriving and leaving all the time. There were also cells beneath me, under the ground. It was only later I learned that I had been held in Bagram. If the BBC had not intervened, I fear I would not have got out.”

- In a handwritten letter to the CSRT, dated 8 December 2004, Pakistan national Saifullah Paracha wrote of his abduction by US agents in Thailand and his transportation to Afghanistan where he was held for more than a year before being transferred to Guantánamo where he remains: *“I reached Bangkok International Airport on July 06, 2003 and at the airport I was illegally and immorally arrested – back hand/leg cuffed, black big mask on my head up to neck, was thrown on floor of station wagon facing down. I am heart patient / diabetic / high blood pressure / skin disorder, gout; it could have been fatal, there was no human consideration at all. From airport I was taken to unknown place for few days and kept eyes covered, ears cover, handcuffed, leg cuffed. After few day I was transported by plane to Afghanistan, under extremely severe bad conditions. I was kept in isolation from July 2003 – September 20, 2004 and since September 20, 2004 – I am in isolation cell in Guantanamo Bay Island... Am I being considered human being or animal, or is USA my God?”*
- At his hearing in front of the Combatant Status Review Tribunal in Guantánamo on 9 October 2004, Jordanian national and UK resident Jamil El Banna recalled his transfer from Gambia to Afghanistan in what he described as a “kidnapping” by US agents: *“When they came and arrested and handcuffed me, they were wearing all black. They even covered their heads black... They took me, covered me, put me in a vehicle and sent me somewhere. I don’t know where. It was at night. Then from there to the airport right away... We were in a room like this with about eight men. All with covered up faces... They cut off my clothes. They were pulling on my hands and my legs...They put me in an airplane and they made me wear the handcuffs that go around your body so I would not do anything on the airplane... This is all kidnapping. Yes. They took me underground in the dark. I did not see light for two weeks... Bagram, Afghanistan. Right there in the dark. They put me in the dark. I was surprised. I did not know what I did wrong or what I did. They starved me; they handcuffed me, there was no food... I was under their control. They are the ones who took me and put me there. They know what they have done. I was surprised that the Americans would do such a thing. It shocked me.”*

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ⁱ The information in this report is compiled from earlier AI documents. These should be consulted for further background on US “war on terror” detention policies and practices and Amnesty International’s analysis of them. References for the sources of information are contained in these reports. See: USA: *Guantánamo and beyond: The continuing pursuit of unchecked executive power*, AMR 51/063/2005, May 2005, <http://web.amnesty.org/library/Index/ENGAMR510632005>. USA: *Human dignity denied: Torture and accountability in the ‘war on terror’*, AMR 51/145/2004, 27 October 2004, <http://web.amnesty.org/library/Index/ENGAMR511452004>. USA: *The threat of a bad example – Undermining international standards as “war on terror” detentions continue*, AI Index: AMR 51/114/2003, 19 August, 2003, <http://web.amnesty.org/library/Index/ENGAMR511142003>. USA: *Memorandum to the US Government on the rights of people in US custody in Afghanistan and Guantánamo Bay*, AI Index: AMR 51/053/2002, 15 April 2002, <http://web.amnesty.org/library/Index/ENGAMR510532002>