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***USA: Torture and secret detention –
Testimony of the ‘disappeared’ in the ‘war on terror’***

ACTION SHEET 1 – US Authorities

THE ‘DISAPPEARED’

In a recent meeting with AI representatives, Yemeni nationals **Muhammad Farah Ahmed Bashmilah and Salah Nasser Salim ‘Ali** described how they were “disappeared” - held by US authorities in secret, underground, incommunicado detention for over one and a half years. Both had previously been subjected to four days of torture by Jordanian authorities. Both were transferred to Yemen in March 2005 but remain detained without charge or trial, allegedly at the request of US authorities.

AT RISK OF TORTURE OR ILL-TREATMENT IN UNKNOWN LOCATION

Osama Nasr Mostafa Hassan was abducted on a street in Milan and allegedly driven to the US air base in Aviano, Italy, interrogated, drugged and taken to the US military base in Ramstein in Germany. From there he was flown to Egypt, where he was allegedly tortured, including with electric shocks. Although released in 2004 he was rearrested and remains held in an unknown place of detention, although it has been suggested that he may again be detained in Egypt where he may be at risk of torture or ill-treatment.

FREED FROM GUANTÁNAMO, STILL DETAINED IN YEMEN

Walid Muhammad Shahir Muhammad al-Qadasi was released from Guantánamo returned to Yemen in April 2004. More than a year later, he remains detained in Yemen without charge or trial, apparently at the request of US authorities. Before he was transferred to Guantánamo he was held in Kabul and Bagram airbase where he was subject to abuse and threatened with death. He was held in Guantánamo for over two years and was never charged with any offence or brought to trial.

- For more details on these cases, please see AI’s report “Torture and secret detention: Testimony of the ‘disappeared’ in the ‘war on terror’ web link here

- For appeal cases, please see: weblink

- For further action suggestion, please keep reading on

Action Sheet 1 – US authorities

Call on the US authorities to:

STOP secret and incommunicado detention, and ‘disappearances’

- Clarify the location where Muhammad Bashmilah and Salah Nasser Salim ‘Ali were held; Clarify the location where Osama Hassan remains held;
- Clarify the fate and whereabouts of all detainees reported to be or to have been in US custody or under US interrogation in the custody of other countries;
- Stop secret and incommunicado detention, and “disappearance” - human rights violations in themselves and conditions in which torture thrives. Ensure that all detainees have access to lawyers, families and the courts.
- Immediately end all acts of torture and other cruel, inhuman or degrading treatment of punishment by US officials.

INVESTIGATE all allegations of torture and other ill-treatment

- Investigate all allegations of torture and other ill-treatment against Wazir Mohammed and Osama Hassan;
- Establish an independent Commission of Enquiry to investigate the actions of all relevant US agencies in all aspects of the US detention and interrogation policies and practices in the “war on terror”

PROSECUTE anyone found responsible for human rights violations

- Investigate and prosecute alleged perpetrators of torture or other cruel, inhuman or degrading treatment, wherever it has occurred
- Ensure that anyone found responsible for human rights violations is brought to justice in fair proceedings;
- Make it clear to all officials involved in the treatment or interrogation of detainees and prisoners that torture and ill-treatment are prohibited absolutely and will not be tolerated.

*****RELEASE OR FAIR TRIAL*****

- Withdraw all requests or demands from the Yemeni or any other government for the continued detention of persons released from US custody, unless it is with a view to prompt prosecution for internationally recognizable criminal offences and in accordance with international standards of fairness;
- Grant UN human rights monitoring bodies, Amnesty International and other human rights organizations regular access to detainees and officials in Guantánamo Bay and in Yemen, Jordan and any other location..

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