

PUBLIC

AI Index: AFR 27/003/2003

23 January 2003

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

GAMBIA

Bisher Al-Rawi (m), Iraqi national
Jamil Al-Banna (m), Jordanian national

Amnesty International has received confirmation that Bisher Al-Rawi and Jamil Al-Banna have been transferred to a US airbase in Bagram, north of Kabul, Afghanistan. The men were originally arrested in Gambia on 8 November 2002 on suspicion of links with *al-Qa'ida*. They were held incommunicado until their transfer from Gambia, which is thought to have been in early January 2003.

Earlier reports had suggested that the two men had been transferred to the US Naval Base at Guantánamo Bay in Cuba. Both the US and Gambian authorities have consistently refused to confirm the whereabouts of the two men. Amnesty International considers them to be at risk of ill-treatment or other cruel, inhuman and degrading treatment.

BACKGROUND INFORMATION

The exact number of people detained on suspicion of links with *al-Qa'ida* or the former Taliban authorities in US custody in Afghanistan is not known. The US airbase at Bagram is believed to hold 40 to 60 detainees at any one time. An article published on 26 December 2002 in the *Washington Post*, alleged that suspected *al-Qa'ida* detainees held incommunicado in Bagram may be subject to CIA "stress and duress" techniques, including being kept standing or kneeling for hours, in black hoods or blacked out goggles, and subject to sleep deprivation under 24-hour lighting. Amnesty International's repeated attempts to gain access to the airbase have either been denied or ignored.

In April 2002, Amnesty International submitted a Memorandum to the US Government on the rights of people in US custody in Afghanistan and Guantánamo Bay (AMR 51/053/2002, April 2002). The Memorandum included allegations by some of those detained that they were ill-treated while in US military custody. There have been further allegations of torture or ill-treatment by US military personnel since this Memorandum was issued.

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

- expressing concern at the transfer of Bisher Al-Rawi and Jamil Al-Banna, to a US airbase at Bagram, Afghanistan;
- asking the authorities to disclose the grounds for the transfer, which took place after approximately two months of incommunicado detention and when neither man had access to a lawyer;
- calling on the authorities to justify the on-going detention of the two men;
- calling for the two men to be released if they are not to be promptly charged with a recognized criminal offence and brought to justice in accordance with international standards of fair trial and without recourse to the death penalty;
- asking for assurances that neither man will be transferred to a country where they would be at risk of human rights violations, in particular Jamil Al-Banna, who has refugee status, should not be transferred to Jordan or any other country where he could be at risk of human rights violations;
- calling for confirmation that Bisher Al-Rawi not be sent to any country where he could be at risk of human rights violations;

- urging the authorities to ensure that Bisher Al-Rawi's and Jamil Al-Banna's rights are fully respected, including the right to be protected from cruel, inhuman and degrading treatment and the right to prompt access to and assistance of a lawyer;
- urging that they be given access to the International Committee of the Red Cross (ICRC), the United Nations Assistance Mission in Afghanistan and Amnesty International.

APPEALS TO:

General Tommy Franks
Commander
US Central Command
7115 South Boundary Boulevard
MacDill, AFB FL33621-5101
USA
Fax: +1 813 827 2211
Salutation: Dear Commander Tommy Franks

Robert P. Finn
US Ambassador
US Embassy
Great Masood Road between Radio Afghanistan and the Ministry of Public Health
Kabul, Afghanistan
Salutation: Dear Ambassador Finn

COPIES TO:

The Honorable Donald Rumsfeld
Secretary of Defence
Office of the Secretary of Defence
The Pentagon
Washington DC
USA
Fax: + 1 703 697 8339
Salutation: Dear Secretary of Defence

The Honorable Colin Powell
Secretary of State
US Department of State
2201 C Street NW
Washington DC 20520
USA
Fax: + 1 202 261 8577
Salutation: Dear Secretary of State

Jackson McDonald
USA Ambassador to Gambia
Banjul
Republic of the Gambia
Telegrams: Ambassador, US Embassy, Banjul, Gambia
Faxes: + 220 392475
Email: ambanjul@gamtel.gm
Salutation: Dear Sir

and to diplomatic representatives of USA and Gambia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 March 2003.