

PUBLIC

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05 July 2005

Further Information on UA 112/05 (ASA 33/007/2005, 06 May 2005) - Incommunicado detention/Fear of "disappearance"/Fear of torture

USA/PAKISTAN

**Abu Faraj al Libbi (m), Libyan national
An unknown number of others**

Libyan national Abu Faraj al-Libbi was handed over to US military custody at the beginning of June by the Pakistani authorities, in violation of international law, which forbids governments from forcibly transferring detainees to countries where they would be at risk of serious human rights violations. It is not known where he is now detained, and Amnesty International fears that he is at risk of torture or ill-treatment in secret, incommunicado detention.

On 6 June the Pakistani authorities confirmed that Abu Faraj al-Libbi had been handed over to US custody in response to a request from the US authorities, saying that he had been taken out of Pakistan on a plane by US officials and sent to an unknown destination at the beginning of June. One Pakistani intelligence official said he did not know where al-Libbi had been taken, while another said that he would be taken to a US detention facility where other suspects are held so that interrogators could "verify very quickly" information he had given the Pakistani authorities.

A 7 June Associated Press report quoted an email from a US military spokesman based in Afghanistan, Colonel James Yonts, saying that Abu Faraj al-Libbi had been taken directly from Pakistan to the USA. No other details are available and other US officials have refused to comment on the case. The fate of the others arrested with al-Libbi is unknown.

The report went on to quote Pakistan's President Musharraf as saying, "Yes, we turned Abu Farraj al-Libbi over to the United States recently, and we don't want people like him in our country." Other reports quote Pakistani military spokesman Major-General Shaukat Sultan saying that "We have completed our investigations, and he has given useful information, but there is no good reason to try him in the country."

Abu Faraj al-Libbi had been arrested in Pakistan on 4 May, together with possibly up to four others suspected of "terrorist" activities, by members of the Pakistani security forces aided by US intelligence agents. They were reportedly interrogated by US and Pakistani agents at an undisclosed location. Two dozen others were reportedly later arrested on the basis of information obtained from al-Libbi.

Abu Faraj al Libbi is the latest in a string of people arrested because of their suspected links to al-Qa'ida. According to US counter-terrorism experts he was al-Qa'ida's operations chief and number three in its leadership hierarchy. His arrest was hailed as "a major breakthrough" by the US administration and President Bush called him a "top general" and "a major facilitator and chief planner for the al-Qa'ida network". However, some security experts have questioned this description, pointing out that he is not on the FBI's "most wanted" list. One expert has stated that "Pakistan and US authorities have completely overestimated his role and importance. He was never more than a regional facilitator between al-Qa'ida and local Pakistani Islamic groups."

BACKGROUND INFORMATION

The Pakistani authorities have admitted handing over more than 500 *al-Qa'ida* suspects to the USA. Those detained in unknown locations include Khalid Sheikh Mohammed, Pakistani computer expert Naeem Noor Khan, Tanzanian national Ahmed Khalfan Ghailani, Ramzi bin al-Shaib and Abu Zubaydah. In all the cases known to Amnesty International, the detainees were handed over without reference to Pakistan's extradition law and in violation of the binding principle of *non-refoulement*, which prohibits the forcible return of any person to a country or territory where they would be at risk of serious human rights violations. There is mounting evidence that the USA has used torture and other cruel, inhuman or degrading treatment in the "war on terror". For more information, see *USA: Human dignity denied: Torture and accountability in the 'war on terror'*, AI Index: AMR 51/145/2004, October 2004, <http://web.amnesty.org/library/Index/ENGAMR511452004>.

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

To the US authorities:

- urging them to reveal the whereabouts of Abu Faraj al-Libbi and others arrested on suspicion of links with *al-Qa'ida* immediately;
- urging that the detainees be treated strictly in accordance with international human rights law, including being informed of the charges against them, being brought to fair trial, allowed access to lawyers and relatives and not being subjected to torture or ill-treatment;

To the Pakistani authorities:

- expressing concern that the transfer to US custody was in contravention of Pakistan's extradition law and the principle of *non-refoulement*; urging that no other detainees be handed over to any other country's custody without strict adherence to Pakistan's extradition law and the principle of *non-refoulement*.

APPEALS TO:

Secretary of State, U.S. Department of State,
2201 C Street NW
Washington, DC 20520, USA

Fax: + 1 202 261 8577

Salutation: Dear Secretary of State

Porter Goss
Director, Central Intelligence Agency
Office of Public Affairs, Washington DC 20505, USA

Fax: +1 703 4821739

Salutation: Dear Director Goss

(Please note that email addresses in Pakistan can be unreliable. If you receive notification that your message has not been delivered, please re-send your email. If it fails again, please use fax numbers or postal addresses to send your appeal.)

President Pervez Musharraf
Pakistan Secretariat
Islamabad, Pakistan

Fax: + 92 51 9221422

E-mail: CE@pak.gov.pk

Salutation: Dear President Musharraf

COPIES TO: diplomatic representatives of the USA and Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 August 2005.