

PUBLIC

AI Index: AFR 27/002/2003

09 January 2003

Further Information on UA 359/02 (AFR 27/006/2002, 11 December 2002) Incommunicado detention/Fear of ill-treatment/Health concern

GAMBIA

(Note corrected spelling)

Bisher Al-Rawi (m), Iraqi national

Jamil Al-Banna (m), Jordanian national

Bisher Al-Rawi and Jamil Al-Banna are reported to have been secretly transferred to the US Naval Base at Guantánamo Bay in Cuba in early January 2003.

Both men were detained on arrival in Gambia on 8 November 2002 apparently on suspicion of links with the al-Qa'ida movement. Bisher Al-Rawi's brother and another man, both of whom hold UK nationality, were also detained but were released on or around 5 December. Bisher Al-Rawi and Jamil Al-Banna, who have been held in incommunicado detention since their arrest, have been questioned by US investigators and may have been subjected to intimidation and ill-treatment. Neither man has had access to a lawyer, nor appeared in court to challenge the basis or the legality of their detention.

Both the Gambian and US authorities have refused to confirm the whereabouts of the two men.

BACKGROUND INFORMATION

Conditions of detention in the US Naval Base at Guantánamo Bay are harsh and may amount to cruel, inhuman and degrading treatment. Detainees are held indefinitely without access to the courts, lawyers or relatives. Hundreds of suspected al-Qa'ida members or of the former Taleban authorities in Afghanistan have been detained in Guantánamo Bay for many months. The US government continues to ignore international condemnation of their conditions of detention and their continued detention without trial.

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

- expressing concern at reports that Bisher Al-Rawi and Jamil Al-Banna have been secretly transferred to the US Naval Base at Guantánamo Bay in Cuba, after being detained incommunicado for approximately two months;
- expressing concern that their transfer, if confirmed, has taken place before either man has had any opportunity to question in court the basis of their detention, or even have access to a lawyer;
- demanding that the US and Gambian authorities publicly confirm the whereabouts of the two men;
- requesting clarification on the legal process followed which has allowed for them to be transferred in this manner.

APPEALS TO:

President and Minister of Defence

Captain (retd.) Alhaji Yahya A. J. J. Jammeh

Office of the President

State House, Banjul

Republic of the Gambia

Telegrams: President Jammeh, Banjul, Gambia
Faxes: + 220 227034
Salutation: Your Excellency

USA Ambassador to Gambia

Jackson McDonald

Banjul

Republic of the Gambia

Telegrams: Ambassador, US Embassy, Banjul, Gambia

Faxes: + 220 392475

Email: ambanjul@gamtel.gm

Salutation: Dear Sir

Director of the NIA

NIA Headquarters

Banjul,

Republic of the Gambia

Telegrams: Director of the NIA, Banjul, Republic of the Gambia

Faxes: + 220 225 562

Salutation: Dear Sir

Attorney General and Secretary of State for Justice

Joseph Joof

Department of State for Justice and Attorney General's Chambers

Marina Parade

Banjul

Republic of the Gambia

Telegrams: Secretary of State, Justice, Banjul, Republic of the Gambia

Faxes: + 220 225 352

Salutation: Dear Secretary of State

COPIES TO:

Secretary of State for Foreign Affairs

Honourable Baboucar Blaise Jagne

Department of State for Foreign Affairs

4 Marina Parade, Banjul

Gambia

Faxes: + 220 223 578

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 20 February 2003.