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**CRUEL.
INHUMAN.
DEGRADES
US ALL.**

**STOP TORTURE
AND ILL-TREATMENT
IN THE 'WAR ON TERROR'**

'Disappearances' in the 'war on terror'

Amnesty International's campaign to stop torture in the 'war on terror'

Fundamental human rights are under threat. The ban on torture and other cruel, inhuman or degrading treatment – one of the most universally accepted human rights – is being undermined. In the “war on terror”, governments are not only using torture and ill-treatment, they are seeking to justify it. They argue that interrogation methods which amount to torture or ill-treatment, and detention conditions which constitute cruel, inhuman or degrading treatment, are both justifiable and necessary.

This is a crisis in the struggle to eliminate torture, and we are therefore redoubling our efforts. We are urging the widest possible network of people to join us in reasserting the absolute ban on torture and ill-treatment, including methods currently being described as “coercive interrogation”. No euphemisms can justify the unjustifiable. We want to stop the torture and ill-treatment that is being inflicted in the “war on terror”. We also want the prohibition on such brutal treatment to emerge all the stronger from our campaign.

'Disappearances'

When people are held in secret detention and the authorities refuse to disclose their fate or whereabouts, they have “disappeared”. This practice is referred to by the UN as enforced disappearance. “Disappearances” often go hand in hand with torture and ill-treatment.

The Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in 1992, states that enforced disappearance “constitutes a violation of ... the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment”. According to international human rights tribunals and other bodies, “disappearance” amounts in itself to torture or ill-treatment of the “disappeared” person, as well as ill-treatment of their family members – deliberately deprived of any information and desperate for news. The “disappeared” person is also highly vulnerable to further human rights violations. Enforced disappearance can in certain circumstances be a crime against humanity, as set out in the statute establishing the International Criminal Court.

Amnesty International puts the word “disappeared” in quotation marks to emphasize that the person has not simply vanished. The person's whereabouts and fate, concealed from the outside world, are known to someone. The person is cut off from the world, placed beyond any form of protection, and completely in the power of their captors.

The UN Declaration on Enforced Disappearance describes “disappearances” as follows:

people “are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the

Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law."

Sometimes those who "disappear" are never seen alive again. Sometimes the person reappears after weeks, months, or even years in secret custody.

'Disappearances' by the USA in the 'war on terror'

After the Abu Ghraib torture scandal, which emerged in February 2004, the US administration ordered a number of investigations and reviews of its detention and interrogation practices. The leaked report of the investigation by Major General Antonio Taguba and the report by Major General George Fay, among others, documented so-called "ghost detainees". These detainees were held in secret and moved around the prisons where they were held to hide them from visits by the International Committee of the Red Cross (ICRC). The Taguba report described this manoeuvre as "deceptive, contrary to Army Doctrine and in violation of international law". These and other secret and unacknowledged detentions amount to "disappearances". Some of the "disappeared" are held in known prisons, some in undisclosed locations. Some are in US custody, some in the custody of other states acting in cooperation with the USA or using the rhetoric of the "war on terror" to justify existing patterns of human rights violations. The acknowledgement of such detentions has been at best limited and at worst non-existent, and the fate and whereabouts of many of the "disappeared" remain unknown.

Example: Muhammad Faraj Ahmed Bashmilah and Salah Nasser Salim 'Ali'

These two friends from Yemen told Amnesty International that they were arrested, detained and tortured for several days in Jordan. They said that they were then held incommunicado without charge or trial in unknown locations for more than a year and a half. They said they were transported between detention facilities by air, held and interrogated by guards they say came from the USA. Neither was ever told why they were detained. Each said he was held in solitary confinement the entire time with no access to family, lawyers or diplomatic representatives, no visits from the ICRC and no contact with other detainees. They were subsequently detained without charge in Yemen, where Amnesty International visited them in June 2005. Their stories are described in Amnesty International's August 2005 report *USA: Torture and secret detention: Testimony of the 'disappeared' in the 'war on terror'* (AI Index: AMR 51/108/2005).

What we are asking for

- An end to all secret and incommunicado detentions, and "disappearances" – human rights violations in themselves and the source of conditions in which torture thrives.
- An international treaty to protect all people from enforced disappearances.

Take action!

- Take action as part of Amnesty International's campaign – see www.amnesty.org and the campaign home page at <http://web.amnesty.org/pages/stoptorture-index-eng>
- Contact the Amnesty International members in your country to get involved in their work on the campaign: see <http://web.amnesty.org/contacts/engindex> for details.

For further reading see *USA: Torture and secret detention – Testimony of the 'disappeared' in the 'war on terror'* (AI Index: AMR 51/108/2005); *USA: Human Dignity Denied – Torture and accountability in the "war on terror"* (AI Index: AMR 51/145/2004) (pages 100 to 116); *Combating Torture: a manual for action* (AI Index: ACT 40/001/2003).