

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 51/114/2002 (Public)
News Service No: 120
15 July 2002

Embargo Date: 15 July 2002 00:01 GMT

USA: Amnesty International sends observer to pre-trial hearing of American Taliban soldier

An Amnesty International observer is attending today's pre-trial hearing in the case of John Walker Lindh, a US national arrested in Afghanistan who is facing trial in the USA on charges of conspiring to kill US nationals and supporting al-Qa'ida and the Taliban.

A US federal district court in Alexandria, Virginia, will hear a defence motion to suppress (exclude from his forthcoming trial) statements Lindh made while in US custody in Afghanistan on the ground that they were not voluntary because of the "torturous conditions" under which he was being held. These reportedly include being held blindfolded, naked and shackled in a metal shipping container while being interrogated at a US base near Kandahar last December. At no time during his interrogation in Afghanistan did he have access to a lawyer.

"The alleged treatment of Lindh is deeply disturbing and raises serious questions under US and international law," Amnesty International said. "International law provides that evidence elicited as a result of torture, ill-treatment or coercion, must be excluded by a court. Furthermore, prosecutors should refuse to use any such tainted evidence." Amnesty International will be closely following the evidence presented by both sides in the case.

Amnesty International's observer is David Marshall, a Canadian national and member of the Bar for London, New York, the Federal District Court for the Northern District of Texas and the Bar of the U.S. Supreme Court. From February 2000 until August 2001 he served as head of the Legal System Monitoring Section for the Organization of Security and Cooperation in Europe, part of the UN Mission in Kosovo. David Marshall will be reporting to the International Secretariat of Amnesty International in London.

Background

John Walker Lindh was reportedly among those who surrendered to the Northern Alliance in Kunduz, Afghanistan, in November 2001 and was a prisoner in Qala-i-Jhangi, a fort on the outskirts of Mazar-e Sharif. In late November 2001, an alleged uprising at the prison led to the killing of hundreds of prisoners, prompting AI to call on the allied forces to hold a full inquiry. Shortly before this, Lindh was seen on TV with his hands tied behind his back being questioned by two US agents in the fort, one of whom was killed during the uprising. Lindh reportedly spent days

hiding in a basement at Qala-i-Jhangi where many trapped prisoners are believed to have died after Northern Alliance troops bombarded them with grenades, rockets, lighted fuel and icy water. He was handed over to US custody after emerging, wounded, with other survivors on 1 December.

Lindh was returned to the USA in January 2002 and has been indicted on 10 counts, including conspiracy to murder US nationals and providing material and other support to al-Q'aida and the Taleban and using weapons in crimes of violence. The charges carry a potential life prison sentence. The trial is due to start on 26 August 2002.

Amnesty International's wider concerns about treatment of detainees in US custody in Afghanistan and Guantánamo Bay -- many of whom have been deprived of basic safeguards under international law -- are described in a report published last April: *USA: Memorandum to the US Government on the rights of people in US custody in Afghanistan and Guantánamo Bay (AI Index AMR 51/053/2002)* . Thus far, the US Government has ignored that report and AI's requests to visit Guantánamo Bay, where more than 500 non US nationals are held in limbo, without access to legal counsel and without their status being determined by a competent tribunal as required under international law.

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