

PUBLIC

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**Further Information on UA 166/03 (AMR 51/084/2003, 11 June 2003) and follow-ups (AMR 51/030/2004, 16 February 2004; AMR 51/051/2005, 10 March 2005; AMR 51/145/2005, 13 September 2005) - Incommunicado detention/detention without charge/legal concern/fear of torture/ill-treatment**

USA

Jose Padilla (also known as Abdullah al-Mujahir) (m)

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After more than three-and-a-half years in solitary confinement in a US military prison, Jose Padilla has finally been charged.

He has been indicted in the United States District Court in Florida on counts of "conspiracy to murder, kidnap, and maim persons in a foreign country; conspiracy to provide material support for terrorists; and material support for terrorists. Four other men are to be tried with him on the same charges. The indictment alleges that they were involved in preparations for "violent jihad", and that they "operated and participated in a North American support cell that sent money, physical assets, and mujahideen recruits to overseas conflicts for the purpose of fighting violent jihad."

These lesser charges make no mention of the alleged conspiracy to detonate a "dirty bomb" in a US city, for which Jose Padilla was held in US military custody as an "enemy combatant".

Amnesty International will continue to monitor the case and take further action where necessary.

#### **BACKGROUND INFORMATION**

Jose Padilla was arrested on 8 May 2002 on the suspicion that he was attempting to explode a radioactive "dirty bomb" in a US city. A US citizen, he was initially held for a grand jury investigation on the basis that he was a "material witness" to the 11 September 2001 attacks on the US. On 9 June 2002, he was declared to be an "enemy combatant", under the Authorization for the Use of Military Force Joint Resolution (AUMF), enacted after the 11 September 2001 attacks, which gives the President the power to hold "enemy combatants" until the end of hostilities.

Jose Padilla was held without charge or trial until 17 November 2005. Until November 2004 he was held incommunicado for long periods, and also held in solitary confinement, at the Naval Brig in Charleston, South Carolina.

Jose Padilla launched a legal challenge to President Bush's authority to hold him, and a US District Court ruled that his detention was unlawful; however in September 2005 the Fourth US Circuit Court of Appeals overturned that ruling. He was expected to launch an appeal against the decision in the US Supreme Court.

A second US national who had been held as an "enemy combatant" on US soil, Yaser al-Hamdi, was released in October 2004 after being held without charge or trial for over three years. As a joint Saudi Arabian/US national, he was freed and returned to Saudi Arabia under various conditions, including that he renounce his US citizenship. He did not face charges in Saudi Arabia. His release followed a Supreme Court decision that he was entitled to due process and habeas corpus review of his detention by US courts.

A third man, Ali Saleh Kahlah al-Marri, is the only non-US national held as an "enemy combatant" on US soil. He is still held at the Naval Brig in South Carolina, in conditions that appear to amount to torture. He has not

received adequate treatment for physical and mental health problems, many of which are apparently caused by his detention. (See further information on UA 234/03, AMR 51/124/2005, 11 August 2005).

**No further action is requested at present. Amnesty International will monitor the case closely and take further campaigning action as necessary. Many thanks to all who have sent appeals so far.**

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**Stop torture and ill-treatment in the "war on terror"**

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