

PUBLIC

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**UA 359/02 Incommunicado detention/Fear of ill-treatment/
11 December 2002 Health concern**

**GAMBIA Bisher Al-Rawi (m), Iraqi national
Jamil El Banna (m), Jordanian national**

Amnesty International is seriously concerned for the safety of Bisher Al-Rawi and Jamil El Banna, who have been held in incommunicado detention in Banjul, the capital since their arrest by members of the National Intelligence Agency (NIA) on 8 November. Jamil El Banna is believed to be a diabetic. Amnesty International is concerned that he may have neither the medication he requires, nor access to a doctor.

The two men, and another business associate, were arrested on their arrival at Banjul airport. A fourth man, Bisher Al-Rawi's brother, Wahab Al-Rawi, who had arrived in Gambia some days earlier, and who had gone to the airport to meet them, was also arrested. They were reportedly initially told that there was a problem with their visa applications but were subsequently questioned on their alleged links to "terrorist" groups. The four men, all of whom are based in the UK, had reportedly travelled to Gambia in connection with a peanut processing company set up by Wahab Al-Rawi.

After an initial brief period of questioning at the headquarters of the National Intelligence Agency on the purpose of their visit to Gambia, questioning was then allegedly taken over by US investigators. The men are reported to have been held in several houses and their exact current location is not known to Amnesty International. At least one of the men was reportedly threatened by US investigators. Another of the suspects may have been injured during his detention.

Wahab Al-Rawi and the third business associate, both of whom are British nationals, were released without charge on or around 5 December and have since left the country.

BACKGROUND INFORMATION

Gambia has close ties with the United States government and in October, signed an impunity agreement with the USA, agreeing not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the International Criminal Court. Gambia has not yet introduced specific anti-terrorism legislation following the 11 September 2001 attack in New York, although draft legislation has been prepared.

The National Intelligence Agency itself has wide-ranging powers. Decree 45, which established the National Intelligence Agency (NIA), permits detention without trial of a person by the police, or army without trial on the orders of the Minister of the Interior if she is satisfied that the arrest and detention of a person is in the interest of the security, peace and stability of the Gambia. The initial period of detention can last up to 90 days and this can be reviewed by the same Minister. However, this decree contravenes the Gambian Constitution and has been successfully challenged in court on previous occasions by Gambian lawyers.

Since 11 September 2001, Amnesty International has expressed concern on numerous occasions at the arbitrary arrest and unlawful detention of people suspected of links, often arbitrarily on the basis of nationality or religion, with al-Q'aida.

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

- expressing concern at the incommunicado detention of Bisher Al-Rawi and Jamil El Banna in Banjul since their arrest on 8 November 2002;
- seeking guarantees that they will be protected from all forms of ill-treatment and intimidation by both Gambian and US investigators, and that any allegations of ill-treatment and intimidation will be investigated;
- requesting clarification of the reasons behind their arrest and continued detention;
- demanding that if their detention is to continue, they be given immediate access to medical care, legal counsel and human rights groups;
- demanding that the men be released if they are not to be promptly charged with a recognizably criminal offence for which there is substantiating evidence.

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 22 January 2003.