

PUBLIC

AI Index: AMR 51/044/2005

23 February 2005

Further Information on UA 340/04 (AMR 51/183/2004, 22 December 2004) and follow-up (MDE 23/001/2005, 04 February 2005) - Fear of Torture and Ill Treatment/Incommunicado detention

USA/SAUDI ARABIA

Ahmed Abu 'Ali (m), aged 23, US national

Ahmed Abu Ali was released from detention in Saudi Arabia and returned to the USA on 22 February to face charges that include conspiring to assassinate President George W. Bush. If convicted he faces a maximum sentence of 80 years in prison.

On his return to the USA, Ahmed Abu Ali appeared before a US District Court in Virginia facing a six-count indictment that includes charges of "Providing material support and resources to *al-Qaeda*, a designated foreign terrorist organization" and "Contribution of services to *al-Qaeda*".

During the proceedings Ahmed Abu Ali's lawyer claimed that he was tortured during his detention in Saudi Arabia. When the lawyer offered to show the judge the scars on Ahmed Abu Ali's back, the judge said that it might be possible to enter this as evidence at a detention hearing which is scheduled for 24 February. The judge also said "I can assure you, you will not suffer any torture or humiliation while in the [U.S.] marshals' custody,"

The US State Department made a formal request to the Saudi Arabian authorities on 3 February to either indict Ahmed Abu Ali or return him to the USA. This request came shortly before a hearing to determine the process for deciding what information the US authorities would have to disclose about its possible role in Ahmed Abu Ali's detention in Saudi Arabia.

Ahmed Abu 'Ali had been detained in Saudi Arabia without charge or trial for 20 months. He was arrested in the city of Medina on 11 June 2003 while taking an exam at al-Madina University. At the time of his initial arrest Ahmed Abu 'Ali was reportedly held in incommunicado detention for two months, when he was allegedly tortured and ill-treated.

In response to a lawsuit brought by Ahmed Abu Ali's family in December 2004, the government of the USA had previously argued that the US Court has no jurisdiction to consider a petition brought if a US citizen is in the hands of a foreign state. However, US District Court Judge John D Bates had responded that "a citizen cannot be so easily separated from his constitutional rights". The US authorities had also been ordered to disclose any information about whether it played a role in Ahmed Abu Ali's detention in Saudi Arabia.

Judge John D Bates also stated that there was "considerable evidence" that the US authorities were complicit in his capture. In addition, the US consul in Saudi Arabia did not visit Ahmed Abu 'Ali for almost a month after his arrest. US federal agents are also alleged to have been involved in his interrogation and alleged torture. During an interrogation, Federal Bureau of Investigation (FBI) agents allegedly threatened Ahmed Abu 'Ali with being declared an "enemy combatant" and sent to Guantánamo Bay, or tried in Saudi Arabia where he would have no legal assistance, public hearing or the right of appeal to a higher tribunal.

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

-expressing concern at the possible role played by US authorities in the detention without charge or trial of Ahmed Abu Ali in Saudi Arabia;

-urging that all allegations of torture and ill-treatment of Ahmed Abu Ali in Saudi Arabia and the alleged US involvement in his interrogation and alleged torture be thoroughly investigated and those found responsible brought to account;
-seeking assurances that no evidence obtained under torture or duress will be admitted as evidence against Ahmed Abu Ali;
-seeking assurances that he is being treated humanely and given access to medical attention as required.

APPEALS TO:

The Honorable Alberto Gonzalez
Attorney General, Office of the Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 2053-0001, USA
Fax: +1 202 307 6777
Email: AskDOJ@usdoj.gov
Salutation: Dear Attorney General

COPIES TO:

The Honorable Condoleezza Rice
Secretary of State, U.S. Department of State
2201 C Street NW, Washington, DC 20520, USA
Fax: +1 202 261 8577
Email: http://contact-us.state.gov/ask_form_cat/ask_form_secretary.html
Salutation: Dear Secretary of State

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 April 2005