

PUBLIC

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UA 214/03 Incommunicado detention / Fear of ill-treatment

USA Adil al-Jazeera (m), Algerian national

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According to reports, Adil al-Jazeera, allegedly a leading member of *al-Qa'ida*, was handed over to US agents by Pakistan authorities on 13 July and may have been taken to the US Air Base in Bagram, Afghanistan, for further interrogation. In recent months, there have been disturbing allegations of ill-treatment of detainees held incommunicado in Bagram.

Adil al-Jazeera was reportedly arrested on 17 June by members of Pakistan's security services in the residential district of Hayatabad in the city of Peshawar. On 13 July, blindfolded and with his hands bound, he was reportedly flown out of Peshawar on a small plane in the custody of US agents. Amnesty International has no information on his treatment while in custody in Pakistan, but fears that he may have been ill-treated in incommunicado detention. In June, an unidentified Pakistan intelligence official was quoted as saying that the detainee was being subjected to "some tough questioning". Similarly, speaking on the condition of anonymity following the detainee's transfer to US custody, an intelligence official reportedly said that he believed that Adil al-Jazeera had been taken to the Bagram Air Base in neighbouring Afghanistan.

#### **BACKGROUND INFORMATION**

Amnesty International recognizes the duty of governments to protect the safety of the public, to investigate crime and to bring those responsible to justice. It also recognizes that governments will need to cooperate to this end where the threats or crimes in question cross national boundaries. At the same time, the organization stresses that human rights must be at the centre of the search for justice and security.

According to the US Government, since the attacks in the USA on 11 September 2001, "more than 3,000 *al-Qa'ida* operatives or associates have been detained in over 100 countries, largely as a result of cooperation among law enforcement agencies". It is not known how many remain in custody, or the whereabouts of all of them. It is likely that the US government had a hand in, or knowledge of, many of the arrests. In some cases, detainees have been "rendered" to or from US custody. Renditions, as they are in US terminology, are transfers that bypass formal human rights protections.

In the context of its so-called "war against terrorism", the USA is holding more than 650 foreign nationals in its Naval Base in Guantánamo Bay in Cuba, many of whom have been held there for well over a year. Other people are held in Bagram Air Base in Afghanistan, and others still are being held in US custody in undisclosed locations. None of the detainees in any of these places has had access to legal counsel or to visits from relatives, or access to the courts to be able to challenge the lawfulness of their detention. Incommunicado detention facilitates torture and ill-treatment, and denial to the judicial review of detention facilitates arbitrary detention. While the International Committee of the Red Cross (ICRC) has had access to the Guantánamo detainees, there is conflicting information about what level of access it has had to detainees held in US custody elsewhere. Some information suggests that it does not have access to detainees undergoing interrogation by the Central Intelligence Agency (CIA) in Bagram Air Base. Other information indicates that its delegates have been denied access to any detainee for the first two weeks of detention.

Detainees undergoing interrogation by agents of the CIA in the Bagram Air Base have allegedly been subjected to "stress and duress" techniques, including prolonged standing or kneeling, hooding, blindfolding with spray-painted goggles, being kept in painful or awkward positions, sleep deprivation, and 24-hour lighting. Two detainees died at Bagram Air Base in December 2002 in circumstances suggesting that they

may have been beaten. The military investigation into the deaths was still ongoing in late June, according to the Pentagon.

The US Government has consistently maintained that it treats all detainees humanely. On 25 June 2003, the Pentagon wrote in a letter to a concerned US Senator that the government's policy was to "comply with all of its legal obligations in its treatment of detainees, and in particular with legal obligations prohibiting torture". The letter also stated that detainees will be treated and interrogated in a manner that is "consistent with" the constitutional prohibition on cruel and unusual punishment. When the USA ratified the Convention against Torture in 1994, it lodged a reservation to Article 16 to the effect that it agreed to be bound by the treaty's prohibition on "cruel, inhuman or degrading" treatment or punishment only to the extent that this term matched the constitutional ban on "cruel and unusual" punishments. In effect, the reservation can severely limit US obligations under the Convention. In any event, none of the hundreds of foreign nationals held by the USA have access to the US courts to be able to challenge the conditions of their detention or seek redress for any abuses.

Amnesty International has welcomed the Pentagon's assurances, but remains concerned by the persistent allegations that have emerged from Bagram. The organization has called for a full inquiry into the treatment of detainees in Bagram, but has received no response from the authorities.

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

- seeking confirmation that Algerian national Adil al-Jazeera was rendered to US custody by Pakistan on 13 July;
- seeking information on his current whereabouts and legal status, and calling for this information to be made public;
- seeking assurances that he is being treated humanely, in full accordance with international law and standards;
- calling for him to be granted access to legal counsel, to medical care if needed, and to a court to be able to challenge the lawfulness of his detention;
- calling for a full and impartial investigation into the allegations of ill-treatment of detainees held in Bagram Air Base, and for the results to be made public.

**APPEALS TO:**

Donald Rumsfeld  
Secretary of Defence  
The White House  
Washington, DC 20301, USA  
**Telegram: Secretary of Defence, Washington D.C. USA**  
**Fax: +1 703 697 9080**  
**Salutation: Dear Secretary of Defence**

George J. Tenet  
Director of Central Intelligence  
Office of Public Affairs  
Washington, D.C. 20505, USA  
**Telegram: Director of Central Intelligence, Washington D.C. USA**  
**Fax: +1 703 482 1739**  
**Salutation: Dear Mr Tenet**

**COPIES TO:**

Lorne Craner, Assistant Secretary of State  
Department of State, Bureau of Democracy  
Human Rights and Labor, 2201 C Street  
NW, Room 7802, Washington, DC 20520, USA  
**Fax: +1 202 647 5283**  
**Email: cranerlw@state.gov**

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 27 August 2003.