

# AMNESTY INTERNATIONAL

## Public Statement

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### **USA: Ahmed Abu Ali sentenced to 30 years imprisonment – concerns remain over his trial and conviction**

Ahmed Omar Abu Ali was yesterday sentenced in a US federal court to 30 years' imprisonment with an extra 30 years of supervised release, after being convicted in November 2005 by a federal jury on nine counts of conspiracy to commit acts of terrorism, including plotting with members of *al Qa'ida* to assassinate US President George W. Bush. US District Judge Gerald Bruce Lee stated that the sentence would "provide just punishment" and Deputy Attorney General Paul J. McNulty called the conviction and sentencing a "milestone achievement in the international effort to bring terrorists to justice".

Amnesty International remains seriously concerned that the trial of Ahmed Abu Ali was flawed as the jury was not allowed to hear evidence supporting his claim that he was tortured into confessing while he was held for one and a half years without charge or trial in Saudi Arabia. Amnesty International is seriously concerned that the case may have set a worrying precedent on the admissibility of torture evidence in US courts. Amnesty International urges that, if appealed, the courts will address this issue.

#### **Background**

Ahmed Abu Ali was arrested in Saudi Arabia in June 2003 where he states that he was subjected to beatings, whipped, and threatened with amputation and beheading. Despite repeated requests he did not receive a visit from the US embassy until 8 July and was not allowed to contact his family until 31 July. While in detention in Saudi Arabia Ahmed Abu Ali was interrogated several times by officials from the US Federal Bureau of Investigations (FBI). He confessed on videotape on 24 July 2003.

Ahmed Abu Ali was returned to the USA on 21 February 2005 and was formally charged with terrorism related offences, after more than a year-and-a-half without charge or trial in Saudi Arabia.

Ahmed Abu Ali's account of the torture he was reported to have been subjected to in Saudi Arabia is consistent with the practice of torture documented by Amnesty International over many years.

At his trial, however, Judge Gerald Bruce Lee ruled that only evidence that related directly to Ahmed Abu Ali's interrogation would be admissible, thus denying the defence the opportunity to present relevant contextual evidence. Judge Lee had ruled during pre-trial proceedings that the US government had shown by a "preponderance of evidence" that the statements made by Ahmed Abu Ali in Saudi Arabia were "voluntary", and that his incriminating statements were admissible at trial. During the trial, general statements from Saudi Arabian officials were used to undermine Ahmed Abu Ali's allegations whilst his defence lawyers were not allowed to present any evidence pertaining to Saudi Arabia's human rights record on torture.

An observer sent by Amnesty International to monitor the trial concluded that the trial was flawed due to this inadmissibility of contextual or general evidence about torture in Saudi Arabia.

Amnesty International is seriously concerned that the trial of Ahmed Abu Ali may have set a precedent in US courts of according unqualified support to the declarations of a foreign government regarding its human rights record as a means of rendering evidence admissible, including statements obtained by torture and ill-treatment. In this case, the statements of officials from Saudi Arabia, a state with a clear record of widespread torture and ill-treatment, flatly denying that such practices existed appear to have been taken at face value with no serious attempts allowed to challenge the claims presented.

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