

PUBLIC

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27 March 2003

Further Information on UA 86/03 (ASA 11/009/2003, 26 March 2003) - Possible incommunicado detention / Health concerns / Fear of torture or ill-treatment and new Legal concern

USA / AFGHANISTAN Haji Naim KUCHAI (m), aged 65

Amnesty International has learned that Haji Naim Kuchai was amongst a group of detainees transferred from Afghanistan to Camp Delta in the US Naval Base in Guantánamo Bay, Cuba, on 23 March. This prominent elder of the Kuchi tribe in eastern Afghanistan had been arrested on 1 January and held incommunicado at an undisclosed location.

Concern for the well-being of Haji Naim Kuchai is heightened by his age and serious health problems, including diabetes and the need to wear a surgical belt following the removal of one of his kidneys.

Haji Naim Kuchai was one of about 30 detainees transferred from Afghanistan to Guantánamo Bay on 23 March. Their transfer brings to about 660 the number of foreign nationals currently detained at Camp Delta by the US military. Some have been held there for more than a year, without charge or trial, and without access to relatives, to legal counsel, or to the courts.

BACKGROUND INFORMATION

In April 2002, Amnesty International sent a detailed memorandum to the US Government setting out the organization's concerns in relation to those held in US custody in Afghanistan and Guantánamo Bay (see AMR 51/053/2002, April 2002, updated in AMR 51/184/2002, 13 December 2002). The US government has not responded to this or other communications, nor has it granted Amnesty International's repeated requests for access to the detainees held in the US Air Base in Bagram, Afghanistan, or in Camp Delta at the US Naval Base in Guantánamo Bay (see also: *USA – International standards for all* (AMR 51/045/2003, 25 March 2003).

Transfers to Guantánamo Bay began in early January 2002. On 21 March 2003, 18 or 19 Afghan nationals were returned to Afghanistan, adding to the handful of detainees who have been released from Camp Delta. There are currently some 660 detainees of more than 40 nationalities still held there. Although a small number of detainees (around 20) were reportedly transferred in early March to a medium-security prison block where they are held in dormitories and have more recreation time, the majority are held alone in tiny cells for up to 24 hours a day. Out-of-cell "exercise" time is believed to be limited to two 15 minute periods per prisoner per week, taken alone and in shackles. The lack of exercise directly contravenes the UN Standard Minimum Rules for the Treatment of Prisoners which has long been the international standard. There have been several suicide attempts among the Guantánamo detainees. Amnesty International has written to the US Government calling on it to fully investigate these suicide attempts in an effort to evaluate what role the conditions of incarceration have played in them, with a view to taking all necessary remedial measures.

The US Government has stressed that the detainees at Guantánamo Bay are treated humanely and are provided with adequate food and medical care and are able to practice their religion. However, Amnesty International believes that the totality of the conditions, including the indefinite and prolonged nature of the detentions, can amount to cruel, inhuman and degrading treatment in violation of international standards. Amnesty International has called for the voluntary repatriation of all those detained as combatants during the international armed conflict in Afghanistan, as required under the Geneva Conventions, unless they are to be

charged with criminal offences or would face serious human rights abuses if returned to their country. Any other of the detainees should be charged with recognizably criminal offences and tried within a reasonable time, or released, but not returned to any country where they would be at risk of torture, execution or other serious human rights abuses.

Some detainees held at Bagram Air Base in Afghanistan have allegedly been subjected to "stress and duress" techniques, including sleep deprivation and prolonged standing in painful positions. Amnesty International has written to the US Government to call for a full and impartial inquiry into these allegations and into reports that two prisoners died on the Air Base in December 2002. They reportedly died as a result of "blunt force injury", which suggests that they may have been beaten.

In recent interviews concerning the military conflict in Iraq, US Secretary of State Colin Powell has recognized international public concern about the US-led attack, particularly in the Middle East. He has stated: "We have got to do all we can to change the tone in the world with respect to what we are doing". Amnesty International suggests that the situation of the Guantánamo detainees also continues to cause serious damage to the USA's image abroad, including amongst public opinion in the Middle East, where many of the detainees are from.

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

- expressing concern that Haji Naim Kuchai was held incommunicado at an undisclosed location for three months;
- expressing concern that he has been transferred to Camp Delta in Guantánamo Bay, Cuba;
- asking for the reasons for his transfer and continuing detention;
- expressing concern at the prospect of a 65-year-old man with health problems being held in the harsh conditions of Camp Delta;
- seeking assurances that he is receiving all necessary medical treatment;
- calling for him to be granted access to counsel and family members;
- calling for him to be promptly charged with a recognizable criminal offence and brought to fair trial, within a reasonable time and without recourse to the death penalty, or immediately released;
- noting the damage being done to the USA's image abroad by the situation of the Guantánamo detainees.

APPEALS TO:

The Honorable Donald Rumsfeld
Secretary of Defence

Office of the Secretary of Defence, The Pentagon, Washington DC, USA

Telegram: Secretary of Defence Donald Rumsfeld, The Pentagon, Washington DC, USA

Fax: + 1 703 697 8339

Salutation: Dear Secretary of Defence

The Honorable Colin Powell
Secretary of State

Department of State, 2201 C Street NW, Washington DC 20520, USA

Telegram: US Secretary of State Colin Powell, Washington DC, USA

Fax: + 1 202 261 8577

Salutation: Dear Secretary of State

COPIES TO: Diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending 8 May 2003.