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Poland grants victim status to Guantánamo detainee over torture allegations

By granting “injured person” status to a torture survivor currently detained by the US military at Guantánamo Bay, the Polish authorities are a step closer to revealing the truth about the US-led secret detention and rendition programme in Poland, Amnesty International said today.

Yemeni national Walid Mohammed bin Attash is the third person to be recognized as a victim by the Polish Prosecutor General in its five-year investigation into alleged human rights violations by the CIA on Polish territory.

“Walid bin Attash’s allegations of torture are extremely serious and deserve investigation – it is good that the Polish prosecutors agree,” said Julia Hall, Amnesty International’s expert on counter-terrorism and human rights.

“This development should provide the much-needed push forward for the lagging investigation, which is now over five years running.”

Mariusz Paplaczek, who is representing Walid bin Attash, joined Amnesty International in welcoming the development: “This is a breakthrough. Information about granting ‘injured person’ status in the Polish investigation is extremely important to my client.”

Under Polish law an “injured person” may review files as well as make a complaint concerning refusal to disclose documents. He has also the right to challenge delays in the proceedings.

This is a key development since the Polish investigation of the CIA “black site” has been conducted largely under cover of secrecy since it opened in 2008. The Polish prosecutors have thus far declined to disclose almost any information related to the investigation or make its findings public.

Amnesty International’s report, *Unlock the truth: Poland’s involvement in CIA secret detention*, explores the search for accountability in Poland. This includes the state’s duty to investigate and – where there is sufficient admissible evidence – to prosecute and bring to justice the alleged perpetrators of crimes under international law such as torture and enforced disappearance, including for complicity in such crimes.

“If Poland is committed to human rights and the rule of law, its authorities must have the political courage to tell the truth about the CIA secret site and what happened there. The criminal investigation must be truly independent and effective, and anyone responsible for torture or enforced disappearance must be brought to justice,” said Julia Hall.

Amnesty International and other human rights organizations are at the United Nations in Geneva this week as Poland reports to the UN Committee against Torture about its human rights record. The CIA secret site investigation and its progress were key concerns at the session. UN High Commissioner for

Human Rights Navi Pillay also raised them in a recent visit to Poland.

Background

Media reports and other documents have identified several detainees linked to a secret detention facility in Poland, among them Walid Mohammad bin Attash, a Yemeni national, currently in detention at Guantánamo Bay and facing trial by military commission. Walid bin Attash is charged with crimes connected to the 11 September 2001 attacks in the USA.

The charges against him carry the death penalty in the USA, and the prosecution has been authorized to seek it. But Walid bin Attash's lawyers believe that what happened to him while he was in secret CIA detention – including in Poland – might mitigate any potential sentence.

The US authorities allowed the 9/11 Commission, in its July 2004 report, to identify Walid bin Attash and another nine named detainees as being held in US custody, this acknowledgement was not enough to clarify the detainees' fates and whereabouts, leaving them as victims of enforced disappearance.

Amnesty International subsequently included the case of Walid bin Attash's enforced disappearance, presumably in CIA secret custody, in a report on rendition and secret detention issued in April 2006. Although then President George W. Bush had announced on 30 April 2003 that Walid bin Attash had been apprehended by the Pakistani authorities, his whereabouts were not disclosed by the USA until President Bush confirmed publicly for the first time on 6 September 2006 that the USA had been operating a secret detention programme and that 14 men had been transferred from secret CIA detention to military custody at Guantánamo Bay. Walid bin Attash turned out to be one of the 14.

After his arrival in Guantánamo, Walid bin Attash was interviewed by the International Committee of the Red Cross (ICRC) and some of his statements were included in a confidential report that the ICRC sent to the CIA, and which was subsequently leaked to the public. This report, and other public documents, indicate that between 29 April 2003 and 4 September 2006 Walid bin Attash was held by the CIA, in secret, in a variety of locations around the world, and that he was subjected to torture and other ill-treatment, in addition to enforced disappearance, during that time. Walid bin Attash's complaint to the Polish Prosecutor General alleges that one of his places of secret detention was in Poland.

When he spoke to the ICRC, Walid bin Attash described how he was treated during his transfer, allegedly to Poland, which he maintains was aboard a military aircraft:

“After approximately three weeks in Afghanistan I was transferred to another place. I was blindfolded and earphones were placed over my ears. I was transported in a sitting position, shackled by the ankles and by the wrists with my hands in front of my body. I think that the flight lasted probably more than eight hours. On this occasion the transfer was done using a military plane. If I shifted my position too much during the journey somebody hit me by hand on the head.”