

USA/Yemen/Jordan

Secret detention and torture

CASE SHEET 1

August 2005
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Full name: **Muhammad Faraj Ahmed Bashmilah**

Nationality: Yemeni

Age: 37

Family status: married

"I am in Yemen, but I am still a prisoner of the Americans"

Muhammad Faraj Ahmed Bashmilah from prison in Aden, 20 June 2005

Arrested and tortured in Jordan

Muhammad Faraj Ahmed Bashmilah, a 37-year-old Yemeni living in Indonesia, travelled to Jordan with his wife in October 2003 in order to be with his mother who was about to undergo medical treatment.

When he arrived at Amman airport, Jordanian immigration officials took his passport and told him to come back three days later to collect it. However when he tried to collect it he was detained by the *Da'irat al-Mukhabarat al-'Amah* (General Intelligence Department) and asked whether he had ever travelled to Afghanistan. He answered "yes". From that moment, Muhammad Faraj Ahmed Bashmilah was detained in an unknown location, in total isolation, for more than a year and a half. His family and friends did not know where he was – he had "disappeared".

When his mother contacted Jordanian officials she was told simply "your son is a terrorist". The first time she tried to visit him, she was refused access. The second time she was told that he had been removed from the country.

Muhammad Faraj Ahmed Bashmilah was held for four days in Jordan, and says he was tortured. He still is not able to talk about what was done to him, stating only that his treatment was "inappropriate" before breaking down in tears.

Secret detention

Muhammad Faraj Ahmed Bashmilah says that after four days he was blindfolded and shackled by US guards, then transported in a small military plane to a secret location. He was then held for between six and eight months in an old-style underground facility with high walls.

He was held all alone in a tiny cell, with a bucket for a toilet, and with loud western music playing 24 hours a day. He says he was interrogated by US officials about

people he might have known and about his activities in Afghanistan and Indonesia, but was given no reason for his detention.

After this, he was transferred again. Shackled and blindfolded, he was taken in a small military aircraft and flew for around three hours. He was then transferred to a helicopter and flown for a further two hours or so. Muhammad Faraj Ahmed Bashmilah says that there were other detainees on both flights.

The next secret prison was, according to Muhammad Faraj Ahmed Bashmilah's testimony, a modern purpose-built detention facility run by US officials, apparently underground. It was fully air-conditioned with modern toilets and surveillance cameras in the cells. He was given Islamic books and copies of the Qur'an to read as well as watches and prayer schedules. He was also allowed to watch Arabic and Western films. Muhammad Faraj Ahmed Bashmilah was still held in solitary confinement, always shackled and handcuffed, and never allowed to contact his family.

Still no freedom

"In Yemen I thought they would open their hearts to me, but instead they opened the prisons. I thought they would appreciate the suffering I have been through"

Muhammad Faraj Ahmed Bashmilah from prison in Aden 20 June 2005

In May 2005, without explanation, Muhammad Faraj Ahmed Bashmilah was released from secret detention and flown to Yemen, where he remains in prison. He is detained in the central prison of Aden, even though he has never been charged or tried with any offence, and the Yemeni authorities admit they have no reason to hold him. Yemeni officials have told Amnesty International delegates that he is held at the request of US authorities.

TAKE ACTION FOR

Muhammad Faraj Ahmed Bashmilah

Write to the Yemeni authorities:

- Appeal for the immediate release of Muhammad Faraj Ahmed Bashmilah, unless he is to be promptly charged with a recognizable criminal offence and given a fair trial;
- Call for all detainees to have prompt access to lawyers and to be allowed to challenge the legality of their detention; UN human rights monitoring bodies, Amnesty International and other human rights organizations should be given regular access to detainees.

Write to the Jordanian authorities:

- Demand an immediate end to all acts of torture and other cruel, inhuman or degrading treatment or punishment;
- Call for a prompt and impartial investigation into the allegations of torture and ill-treatment against Muhammad Faraj Ahmed Bashmilah; anyone found responsible should be brought to justice.

Write to the US authorities:

- Ask the US authorities to clarify where Muhammad Faraj Ahmed Bashmilah was held;
- Urge them to withdraw all requests to the Yemeni government to detain people released from US custody, unless they are to be prosecuted in accordance with international standards;
- Demand an end to incommunicado and secret detention; detainees should be held only in officially recognized places of detention with access to family, lawyers and courts;
- All detainees held in US custody in undisclosed locations should either be charged and given a fair trial without recourse to the death penalty, or else they should be released.
- Demand an immediate end to all acts of torture and other cruel, inhuman or degrading treatment of punishment.
- Call for human rights laws and standards to be strictly adhered to in cooperation between US security forces and those of other countries, ensuring that torture and ill-treatment, incommunicado detentions and “disappearance” play no part in such cooperation;

Write to:

His Excellency General ‘Ali ‘Abdullah Saleh
President
Office of The President
Sana’a
Republic of Yemen
Faxes: + 967 127 4147

His Majesty King ‘Abdallah bin Hussein
Office of H.M. the King
Royal Palace
Amman
Hashemite Kingdom of Jordan
Fax + 962 6 462 7421
email: info@nic.gov.jo

Ambassador John Negroponte
Director of National Intelligence
New Executive Office Building
Washington DC 20511

If you want to take further action on this case, please contact your national AI office

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www.amnesty.org