

PUBLIC

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UA 231/05 **Fear of torture/ill-treatment/Health concern**

7 September 2005

USA/EGYPT **Sami al-Laithi (m), teacher**

Egyptian national Sami al-Laithi is at imminent risk of being returned from Guantánamo Bay to Egypt where it is feared he may be at grave risk of torture, ill-treatment, unfair trial or other serious human rights violations.

Sami al-Laithi has been held in Guantánamo Bay without charge or trial for over three and a half years. On 10 May, US authorities determined that he is not an 'enemy combatant' through the Combatant Status Review Tribunal (CSRT) procedure. He remains held at Guantánamo until his transfer is complete.

Sami al-Laithi is confined to a wheelchair as a result of a spinal injury which he says was caused when US officials at the Guantánamo Bay hospital stomped on his back, fracturing two vertebrae. He has said "Once they stomped on my back...An MP threw me on the floor, and they lifted me up and slammed me back down". He has been told that sudden movement could sever his spinal cord and render him paralyzed. He has apparently been denied an operation that could save him from permanent paralysis. Sami al-Laithi has also said that his neck is permanently damaged because it has been repeatedly forced towards his knees by pushing on the back of his head. A prison spokesperson is reported to have attributed his back injury to a degenerative disease.

According to reports, Sami al-Laithi has been sexually abused while in Guantánamo and consistently threatened with return to Egypt. On one occasion a visiting Egyptian delegation are reported to have told him that he would "certainly come back to Egypt" where he was told he would be subjected to military trial. He is currently held at Camp V, a prison block for about 80 detainees who are held for up to 24 hours a day in solitary confinement in a concrete cell approximately four metres by two metres.

Sami al-Laithi is believed to have left Egypt in 1986 to stay with his sister in Pakistan. He has never returned, fearing persecution for his criticism of the Egyptian authorities. He is said to have fled from Pakistan to Afghanistan after two Egyptian officials were sent to find him. In Afghanistan he taught English and Arabic at Kabul University until the US-led invasion of Iraq when he fled back to Pakistan. Shortly after this he is believed to have been seized in Pakistan and subsequently sold to US forces. Soon after this he was transferred to Guantánamo Bay.

On 21 July, Sami al-Laithi's lawyers applied for him to be given at least 30 days' notice of any transfer from Guantánamo and for him to be found a safe country to go to. This application was turned down on 28 August, when the Judge found that the lawyers had failed to offer direct evidence that he would be tortured in Egypt. The Judge also cited US authorities' declarations that it opposes torture and would not send someone to a country where they would be tortured.

BACKGROUND INFORMATION

There are currently approximately 505 detainees from about 35 countries held in Guantánamo. Some have been held for over three-and-a-half years without charge or trial. According to the Department of Defense 174 detainees have previously been released and 68 transferred to other countries (29 to Pakistan, five to Morocco, seven to France, seven to Russia, four to Saudi Arabia, two to Spain, one to Sweden, one to Kuwait, one to Australia, nine to Great Britain and two to Belgium). Some of these have since been released, including those transferred to the UK, Russia, Sweden, Australia and Kuwait.

In Egypt suspected members of armed Islamist opposition groups and political opponents, including those returned from abroad, are frequently tortured, particularly at the State Security Intelligence (SSI) headquarters in Lazoghly Square, Cairo, but also other SSI branches, at police stations and occasionally prisons. The methods most commonly reported are electric shocks, beatings, suspension by the wrists or

ankles, burning with cigarettes, and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainee or their female relatives. Despite hundreds of complaints of torture reported by lawyers and local human rights groups to the Public Prosecutor's Office, no impartial investigations are known to have been conducted.

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

- reminding the US authorities of their absolute obligation not to forcibly return anyone to a country or situation where there are substantial grounds for believing that they would be subjected to torture or other cruel, inhuman or degrading treatment, as defined by international law;
- reminding the US authorities that harsh prison conditions, indefinite detention without charge or trial, and incommunicado detention can amount to torture or cruel, inhuman or degrading treatment;
- stressing that diplomatic assurances have been shown to be inadequate in protecting transferred detainees, and must never be used to circumvent a state's international obligations;
- urging that Sami al-Laithi be removed from Camp V to a medically suitable facility and provided with appropriate medical care for his condition.

APPEALS TO:

Donald Rumsfeld, Secretary of Defense
Office of the Secretary of Defense, The Pentagon, Washington DC 20301, USA

Fax: + 1 703 697 8339

Salutation: Dear Secretary of Defense

Edward H. White, Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue N.W.
Washington DC 20530, USA

Fax: + 1 202 616 8460

Salutation: Dear Edward White

COPIES 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 19 October 2005.

Cruel. Inhuman. Degrades us all.

Stop torture and ill-treatment in the "war on terror"

For more information on AI's campaign see <http://web.amnesty.org/pages/stoptorture-index-eng>