

Torture and secret detention

Testimony of the ‘disappeared’ in the ‘war on terror’

ACTION SHEET 3 – Yemeni authorities

INDEFINITE DETENTION WITHOUT RECOURSE TO JUSTICE

“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 in prison in Aden, 20 June 2005

Speaking to AI representatives in prison in Aden, Yemen, **Muhammad Faraj Ahmed Bashmilah** and **Salah Nasser Salim ‘Ali**, both Yemeni nationals, described how they were held by US authorities in secret, underground, incommunicado detention for over one and a half years. They were “disappeared”. Both had previously been subjected to four days of torture by Jordanian authorities after which they were held and interrogated at unknown locations by guards they say came from the USA. Both were released in March 2005 and returned to Yemen where they continue to be detained without charge or trial, possibly at the request of US authorities.

Walid Muhammad Shahir Muhammad al-Qadasi was released from the US detention centre at Guantánamo Bay, Cuba, in April 2004. More than a year later, he remains detained in Yemen without charge or trial, apparently at the request of US authorities. Before he was transferred to Guantánamo he was held in Kabul and at Bagram airbase in Afghanistan, where he was subjected to abuse and threatened with death. He was held in Guantánamo for over two years and was never charged with any offence or brought to trial.

Muhammad Faraj Ahmed Bashmilah, Salah Nasser Salim ‘Ali and Walid Muhammad Shahir Muhammad al-Qadasi are among hundreds of people who find themselves victims of an open-ended and borderless “war”, in Yemen and elsewhere, as part of the US-led “war on terror”. People have been and continue to be held incommunicado where they are at grave risk of torture and ill-treatment.

↪ For more details on these cases, please see AI’s report *Torture and secret detention: Testimony of the ‘disappeared’ in the ‘war on terror’*. AI Index: AMR 51/108/2005

<http://web.amnesty.org/library/index/engamr511082005>

↪ For more information on the campaign, including appeals, see

<http://web.amnesty.org/pages/stoptorture-index-eng>

↪ For more details about other cases in Yemen, please see AI’s report, *The Gulf and the Arabian Peninsula:*

Human rights fall victim to the “War on Terror”, MDE 04/002/2004, 22 June 2004
<http://web.amnesty.org/library/index/engmde040022004>
and *Yemen: The rule of law sidelined in the name of security*, MDE 31/006/2003, 24 September 2003
<http://web.amnesty.org/library/Index/ENGMDE310062003?open&of=ENG-YEM> ↪ To take further action,
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Call on the Yemeni authorities to:

STOP secret and incommunicado detention, and 'disappearances'

- ▷ Stop secret and incommunicado detention, and “disappearance” – human rights violations in themselves and conditions in which torture thrives.
- ▷ Give all detainees access to lawyers, families and the courts as well as prompt access to lawyers and to the judiciary to challenge the legality of their detention.
- ▷ Prevent the use of information obtained under torture or other cruel, inhuman or degrading treatment. Ensure that no statement coerced as a result of torture or other ill-treatment, including long-term indefinite detention without trial, or any other information or evidence obtained directly or indirectly as the result of torture or ill-treatment, is admitted as evidence against any defendant, except the perpetrator of the human rights violation in question.

INVESTIGATE all allegations of torture and other ill-treatment

- ▷ Investigate all allegations of torture and ill-treatment.

PROSECUTE anyone found responsible for human rights violations

- ▷ Prosecute any individual against whom there is evidence of having committed, ordered or authorized torture or other cruel, inhuman or degrading treatment.
- ▷ Ensure that anyone found responsible for human rights violations is brought to justice in fair proceedings.
- ▷ Make it clear to all officials involved in the treatment or interrogation of detainees and prisoners that torture and ill-treatment are prohibited absolutely and will not be tolerated.

COMPENSATE the victims who have been subjected to torture and other ill-treatment

- ▷ Ensure that all victims of torture have access to, and the means to obtain, full reparation including restitution, compensation and rehabilitation.

RELEASE OR FAIR TRIAL

- ▷ Release Muhammad Faraj Ahmed Bashmilah, Salah Nasser Salim 'Ali and Walid Muhammad Shahir Muhammad al-Qadasi immediately unless they are to be promptly charged with internationally recognizable criminal offences and brought to trial in a reasonable time in full accordance with international standards.

Write to:

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