

PUBLIC

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UA 161/08 Health concern / Legal concern

USA Binyam Mohamed (m), Ethiopian national/UK resident, aged 29

Amnesty International is seriously concerned for the health and well-being of Guantánamo detainee Binyam Mohamed, particularly following the US government's announcement that it has charged him for trial by military commission. His mental and physical health are reported to be precarious after years of indefinite detention, and alleged torture or other cruel, inhuman or degrading treatment in Pakistan, Morocco, Afghanistan and Guantánamo.

Binyam Mohamed was arrested at Karachi airport in April 2002, and handed over to US custody three months later. In July 2002, he was transferred on a CIA-registered plane to Morocco, where he was held for about 18 months and allegedly tortured, including by having his penis cut by a razor blade. He was allegedly subjected to further torture after his transfer to the "dark prison" in Kabul in Afghanistan in January 2004. After five months, he was transferred to the US airbase in Bagram, and suffered further alleged ill-treatment there, before being transferred in mid-September 2004 to Guantánamo where he has remained ever since. He is currently held in isolation in Guantánamo's Camp 5.

When Binyam Mohamed's US military lawyer saw him in late May 2008, she found that he had lost a lot of weight, and that he was looking "thin, fragile, and weak". He had apparently not been eating, or only eating very little for several weeks. She has told Amnesty International that she is "very concerned" for his health, as this is the latest in a pattern of behaviour indicating possible mental health problems. She says that he suffers "dramatic mood changes". Late last year, she discovered that for several weeks he had been smearing his cell in faeces. Binyam Mohamed has also shown signs of being suicidal. His military lawyer told Amnesty International that she fears that Binyam Mohamed may leave Guantánamo in one of two ways, either "insane or in a coffin". She has attempted to obtain independent an independent examination of Binyam Mohamed's mental health, but this request has been denied. Meanwhile, she says that his conditions of detention and the effects of his previous treatment in custody can only exacerbate the problem.

It is not clear if Binyam Mohamed is currently on hunger strike, but if the authorities consider that he is, of additional concern would be that he would be subjected to force feeding. Amnesty International has previously reported that the methods used to force feed detainees in Guantánamo have amounted to cruel, inhuman or degrading treatment. See USA: Guantánamo: Lives torn apart: The impact of indefinite detention on detainees and their families, February 2006, <http://www.amnesty.org/en/library/info/AMR51/007/2006>).

There have been four suicides reported in Guantánamo, and numerous suicide attempts. A recent suicide attempt was apparently made by a detainee soon after he was charged for trial by military commission (See USA: Where is the accountability? Health concern as charges against Mohamed al-Qahtani dismissed, 20 May 2008, <http://www.amnesty.org/en/library/info/AMR51/042/2008/en>.) On 28 May, the government swore charges against Binyam Mohamed for trial by military commission. The charges are of "conspiracy" with al-Qa'ida, and "providing material support for terrorism".

Binyam Mohamed is an Ethiopian national, and a former resident of the United Kingdom (UK). In August 2007, following years of AI and other campaigning on his behalf, the UK government formally wrote to the US to request his release and return to the UK. The UK was told, however, that the US had "significant additional security concerns" in his case, and that the US would not agree to release him. In May 2008 the UK Foreign Secretary told Parliament that UK officials "continue to discuss" his case with their US counterparts.

BACKGROUND INFORMATION

Binyam Mohamed was charged in November 2005 for trial by military commission under the Military Order signed by President Bush in November 2001. This system of military commissions was ruled unlawful by the US Supreme Court in 2006. The legislative response was the Military Commissions Act (MCA), authorizing the President to convene revised military commissions. The procedures of these commissions do not comply with international fair trial standards (see USA: Justice delayed *and* justice denied? Trials under the Military Commissions Act, March 2007 <http://www.amnesty.org/en/library/info/AMR51/044/2007/en>).

In 2006, a report on the situation of detainees in Guantánamo by five UN experts stated: "The treatment and conditions include the capture and transfer of detainees to an undisclosed overseas location, sensory deprivation and other abusive treatment during transfer; detention in cages without proper sanitation and exposure to extreme temperatures; minimal exercise and hygiene; systematic use of coercive interrogation techniques; long periods of solitary confinement; cultural and religious harassment; denial of or severely delayed communication with family; and the uncertainty generated by the indeterminate nature of confinement and denial of access to independent tribunals. These conditions have led in some instances to serious mental illness, over 350 acts of self-harm in 2003 alone, individual and mass suicide attempts and widespread, prolonged hunger strikes. The severe mental health consequences are likely to be long term in many cases, creating health burdens on detainees and their families for years to come."

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

- expressing concern for the health and well-being of Binyam Mohamed;
- calling for him to have access to an independent mental health expert;
- calling for his conditions of detention to be improved, particularly to end his isolation;
- opposing trials by military commissions as they do not comply with international fair trial standards;
- calling for Binyam Mohamed to be brought to fair trial in an ordinary civilian court, or released.

APPEALS TO:

Rear Admiral David M. Thomas, Jr., Commander Joint Task Force Guantánamo,
Department of Defense Joint Task Force Guantánamo, Guantánamo Bay, Cuba, APO AE 09360

Fax: +1 305 437 1241

Salutation: Dear Rear Admiral Thomas

Sandra Hodgkinson, Office of Detainee Affairs, Office of the Assistant Secretary of Defense
2900 Defense Pentagon, Washington DC 20301-2900, USA

Fax: + 1 703 697 8339

Email via: <http://www.defenselink.mil/faq/comment.html>

Salutation: Dear Assistant Secretary

To UK authorities:

- expressing concern for the health and well-being of Binyam Mohamed;
- noting and welcoming that the UK has sought the return of Binyam Mohamed to the UK;
- urging the UK authorities to redouble their efforts to obtain his return and to protect his human rights, including his right to health, and his right not to be subjected to ill-treatment or unfair trial.

APPEALS TO:

Rt Hon David Miliband MP, Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office, King Charles Street, London SW1A 2AH, United Kingdom

Fax: +44 207 008 2141

Email: Sosfa-action@fco.gov.uk

Salutation: Dear Secretary of State

COPIES TO: diplomatic representatives of USA and UK accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.