

URGENT ACTION

ABDUCTED LIBYAN HELD IN INHUMANE CONDITIONS

A Libyan man seized by US forces in Libya on 5 October was detained following a US federal court hearing on 15 October. He is not facing the death penalty, as previously feared, however concerns remain about the inhumane conditions in which he is held.

A Libyan man seized by US Special Forces on 5 October, **Nazih Abdul-Hamed al-Ruqai**, also known as **Abu Anas al-Libi**, was transferred from military to civilian custody on 12 or 13 October. In a statement given on 14 October, US Attorney for the Southern District of New York announced that Abu Anas al-Libi had been transferred there as he has been under indictment in New York State since 1998. Under this indictment, he is charged among other things with involvement in the August 1998 bombings of two US embassies in Kenya and Tanzania in which 224 people were killed and many more injured. Abu Anas al-Libi appeared in US federal court on 15 October where he pleaded not guilty to the charges against him, however the judge ordered him detained pending trial.

Amnesty International is concerned that Abu Anas al-Libi is being held under conditions which breach international standards for humane treatment. According to Amnesty International's information, he is in solitary confinement in the Special Housing Unit (SHU) of the Metropolitan Correctional Center (MCC) in New York City, confined for 23 hours a day to a cell with the outside window glazed over so that he has no view and little access to natural light. All meals are taken in his cell. He is not allowed any outdoor exercise, but exercises alone for an hour a day in a bare interior room. He has visits with his attorney but restrictions are reportedly placed on phone calls to his family.

Some of the conditions, such as lack of access to natural light or outdoor exercise are in direct breach of the UN Standard Minimum Rules for the Treatment of Prisoners. Amnesty International considers that these conditions, particularly when imposed for a prolonged period, constitute cruel, inhuman or degrading treatment in violation of the USA's obligation under international human rights law and treaties. The conditions under which Abu Anas al-Libi is reportedly held are also incompatible with the presumption of innocence in the case of untried prisoners whose detention should not be a form of punishment. Several other pre-trial detainees charged with terrorism-related offences are reported to be held in similar conditions in the Unit.

Please write immediately in English or your own language:

- Reiterating concern that Abu Anas al-Libi was abducted from Libya in violation of international law;
- Expressing concern about reports that he is being held in solitary confinement in conditions which breach international standards for humane treatment, are incompatible with the presumption of innocence in the case of untried prisoners, and which may negatively impact on his mental health and his ability to assist in his defence;
- Calling for his conditions of pre-trial detention to be immediately improved so that they fully comply with international law and standards and that he receive all necessary medical care;
- Urging that conditions for all those held in MCC SHU fully conform to international standards.

PLEASE SEND APPEALS BEFORE 6 DECEMBER 2013 TO:

Attorney General, US Department of Justice

The Honorable Eric H. Holder
950 Pennsylvania Avenue, NW,
Washington DC 20530-0001, USA
Fax: + 1 202 514 4507

Email: AskDOJ@usdoj.gov

Salutation: Dear Attorney General

Director, Federal Bureau of Prisons

The Honorable Charles E. Samuels, Jr
320 First Street, NW
Washington, DC 20534
Email: info@bop.gov

Salutation: Dear Director Samuels

And copies to:

US Attorney

Preet Bahrara

United States Attorney's Office

1 St. Andrews Plaza

New York City, NY 10007, USA

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA 283/13. Further information:

<http://www.amnesty.org/en/library/info/AMR51/066/2013/en>

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ADDITIONAL INFORMATION

US Special Forces seized Nazih Abdul-Hamed al-Ruqai, also known as Abu Anas al-Libi, on a street in the Libyan capital, Tripoli, on 5 October. He was taken out of the country and held incommunicado in US military custody on board a navy vessel for about a week. Although there were concerns he would be held this way for several weeks, US officials said that Abu Anas al-Libi's ill-health prevented the military from detaining him any longer aboard the ship. His interrogation stopped when he began refusing food and water, and his pre-existing medical condition (he suffers from Hepatitis C) worsened.

Until 10 October, US authorities said they may consider a military commission trial for Abu Anas al-Libi, although they assured he would not be transferred to the US detention facility at Guantánamo Bay. Then, on 14 October, the US Attorney for the Southern District of New York issued a statement announcing that "Anas al Liby [sic] was transferred to law enforcement custody this weekend and was brought directly to the Southern District of New York where he has been under indictment for more than a decade." Abu Anas al-Libi was indicted in 1998 in the US District Court for the Southern District of New York (a superseding indictment was filed in 2000).

Name: Nazih Abdul-Hamed al-Ruqai, also known as Abu Anas al-Libi
Gender m/f: m

Further information on UA: 283/13 Index: AMR 51/071/2013 Issue Date: 25 October 2013

