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Fear of torture and ill-treatment / Fear of “disappearance”

07 June 2005

USA

Detainees in US custody in Afghanistan

Amnesty International fears that any detainees held incommunicado in the US military's Forward Operating Bases in Afghanistan or in the secret custody of the Central Intelligence Agency (CIA) in that country are at particular risk of torture or other cruel, inhuman or degrading treatment. It is not known how many detainees are in these facilities. What is known is that hundreds of detainees are held in the USA's two main airbases, Bagram and Kandahar, outside of any legal framework.

The International Committee of the Red Cross (ICRC), the only organization which has had access to any detainees held by US forces in Afghanistan, does not have access to those held at the Forward Operating Bases, where at least three detainees have died since 2002. The US military has operated more than 20 such bases in Afghanistan. Recent allegations raise concerns that torture or other cruel, inhuman or degrading treatment may be continuing in these bases where detainees have been held for weeks or even months before being released or transferred to Bagram or Kandahar. Amnesty International remains concerned that the CIA may be holding people in secret detention in Afghanistan. Any such cases could amount to “disappearance”, with the detainee's fate, whereabouts and the very fact of their detention, undisclosed.

The US government maintains that conditions for detainees held in the airbases in Bagram and Kandahar, the two main US detention facilities in Afghanistan, are being improved. This follows more than two years of persistent allegations that detainees held there have been tortured or ill-treated. Two Afghan men died in custody in Bagram in December 2002, evidently as a result of prolonged physical assaults over several days. Neither man had been seen by the ICRC before he died. The ICRC does not have access to those held in Bagram and Kandahar immediately after arrest, the time when the risk of torture or ill-treatment is at its peak. All detainees are held incommunicado between ICRC visits.

There are around 450 detainees in Bagram and about 70 in Kandahar. They are held outside any legal framework. Some have been detained without charge or trial for more than a year. They have no access to lawyers or their families. Independent monitors, including those from the United Nations and Amnesty International, have been denied access. Indefinite, incommunicado or virtually incommunicado detention may in itself amount to cruel, inhuman or degrading treatment and leaves the door open to such treatment during interrogation. The ICRC is “increasingly concerned by the fact that the US authorities have not resolved the questions of their legal status and of the applicable legal framework.”

BACKGROUND INFORMATION

Detainees in US custody in Afghanistan are alleged to have been subjected to a range of abuses, including sleep deprivation; forced nudity; humiliating body searches; racial and religious insults and taunting; sexual humiliation of male detainees by female interrogators; prolonged solitary confinement; forced crawling; stress positions, including forced kneeling and standing; arms handcuffed above head to top of cell; threats of torture, rape, or death; light deprivation; use of dogs to cause fear; physical assault; hooding; cruel use of shackles and handcuffs; forced shaving of facial, head or body hair; food deprivation; water deprivation; electric shocks; immersion in water; and cigarette burns.

At a press conference on 31 May 2005, President Bush said that it seemed to him that Amnesty International was basing its concerns about US “war on terror” detentions “on the word of – and the allegations – by people who were held in detention, people who hate America.” In fact, the allegations have come not only from detainees, many of whose claims have been credible and consistent, but also from non-detainee

sources, some within the US government itself. Part of the problem is that the US authorities themselves do not see some of the above techniques as abusive and prohibited.

In an interview broadcast on BBC radio on 2 June 2005, an Afghan detainee released from US custody in March 2005, after about five months in the Kandahar airbase, alleged that he had first been held for a month in the US forward operating base in Gardez. Haji Mirza M'd alleged that in the Gardez facility he had been subjected to forced nudity, sleep deprivation, food deprivation and excessive and cruel use of handcuffs. Another Afghan man, Jannat Gul, said that he had been held for 16 months in Bagram airbase before being released in March 2005. He said that he had initially been held in Gardez where, he alleges, he was subjected to prolonged forced kneeling, beatings, insults, sleep deprivation and death threats. Jamal Naseer, an 18-year-old Afghan youth, reportedly died in the US military base in Gardez in March 2003, allegedly after he was tortured and ill-treated.

In the BBC report, an Afghan interpreter alleged that he had witnessed the abuse of a Pakistani detainee in US military custody at a Forward Operating Base in Khost. He said that the interrogators had played "American" music at high volume at the detainee for 11 hours through two large loudspeakers in the man's cell. The journalist has confirmed to Amnesty International that the interpreter was still noticeably distressed by having witnessed detainees being taunted sexually by female US interrogators, or being told that their wives would be forced into prostitution while they, the men, were in detention. The interpreter also alleged that he witnessed a young male detainee at the US Forward Operating Base in Asadabad being punished by water deprivation. The detainee allegedly died, still handcuffed, after three or four days without adequate water. An Afghan national, Abdul Wali, died in the Asadabad base in June 2003, allegedly after being beaten. A CIA contractor has been charged with assault.

It is not known what detention facilities the CIA is currently using in Afghanistan. One facility it was reportedly using previously, known as the "Salt Pit", an abandoned brick factory north of Kabul, has now been down. An unidentified Afghan detainee is alleged to have died in custody there in November 2002. Khaled El Masri was allegedly detained in the "Salt Pit" in early 2004. In mid-2004, he told Amnesty International that other detainees had told him of a nearby detention facility in which there were around 200 detainees, most of whom "belonged" to the Afghan authorities, but about 10 of whom "belonged" to the US and would be moved whenever the ICRC visited. For more background, please see *USA: US detentions in Afghanistan – An aide-mémoire for continued action*, AMR 51/093/2005, 7 June 2005, <http://web.amnesty.org/library/Index/ENGAMR510932005>.

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

- calling on President Bush to respond to the substance of Amnesty International's concerns, as set out in its reports;
- calling on the authorities to bring all detainees in US custody in Afghanistan, whether in military or CIA custody, under the rule of law and to clarify the legal framework under which they are being held;
- calling for all detainees to be treated humanely, in full accordance with international law, and stressing concern that those held in Forward Operating Bases may be at particular risk of torture or other cruel, inhuman or degrading treatment, as defined under international law;
- urging that detainees be charged and brought to trial in full accordance with international fair trial standards, or else released;
- calling on President Bush to support a full independent commission of inquiry into all aspects of the USA's "war on terror" detention and interrogation policies and practices;
- calling for anyone against whom there is evidence that they have committed or authorized torture, ill-treatment or secret detentions to be brought to justice.

APPEALS TO:

President George W. Bush, The White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500, USA

E-mail: president@whitehouse.gov

Fax: +1 202 456 2461

Salutation: Dear Mr President

COPIES TO: Secretary of State Condoleezza Rice, Secretary of State, Department of State, 2201 C Street, NW, Washington DC 20520, USA. Fax: + 1 202 261 8577

and 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 July 2005.