

PUBLIC

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EXTRA 87/02

Incommunicado detention/
fear of torture or ill-treatment

22 November 2002

USA/AFGHANISTAN Baryalai (m), aged 18

Baryalai, a telephone operator, has reportedly been taken into custody by US military forces in Afghanistan. He is being held incommunicado at an unknown location, and is at risk of torture or ill-treatment.

On 12 November a large force of US military personnel raided the main bazaar in Sharan, the capital of Paktika province in eastern Afghanistan. During the raid, a number of soldiers were reportedly searching for Khan Agha, the owner of a local satellite telephone booth. They located the telephone booth, but could not find Khan Agha. Instead, the soldiers took the operator of the telephone, Baryalai, into custody, and confiscated communication equipment from the booth.

According to eyewitnesses, Baryalai was removed from the telephone booth and made to kneel with his hands behind his back and a hood over his head for approximately six hours. At some point a body bag was placed over him, covering him completely while he knelt. His requests for water to carry out ritual prayers were denied. Baryalai was only allowed to move once during this time when he was taken to a nearby petrol station, presumably to use the toilet.

According to reports, Baryalai was eventually taken to a nearby US military base. Since then, he has allegedly been moved to an unknown location outside the province, where he is detained incommunicado. Detaining individuals incommunicado increases the likelihood of torture or ill-treatment occurring. US authorities have reportedly refused to disclose Baryalai's current whereabouts.

BACKGROUND INFORMATION

US military operations began in Afghanistan on 7 October 2001. Shortly afterwards, with the fall of the Taliban, under the Bonn agreement an interim government was put into place for six months until the establishment of the Transitional Administration headed by Hamid Karzai, in June 2002. Throughout this period, US military operations in the 'hunt for the Taliban and *al-Qai'da*' have continued with air strikes and ground operations in the eastern and southern provinces of Afghanistan.

US ground forces have raided villages as part of the campaign, and there are reports that they have detained innocent civilians, mistaking them for *al-Qai'da* and Taliban soldiers. Amnesty International has expressed concern that the US failed to disclose full information on the circumstances of these detentions.

Some of those detained have alleged that they were ill-treated while in US military custody (see for example pages 8-10 and 17-21 of Memorandum to the US Government on the rights of people in US custody in Afghanistan and Guantánamo Bay, AMR 51/053/2002, April 2002). There have been further allegations of torture or ill-treatment by US military personnel since this Memorandum was issued. Amnesty International has also expressed concern over these allegations.

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

- expressing concern at the detention of 18-year-old Baryalai, detained during the US military raid on Sharan, Paktika province in eastern Afghanistan, on 12 November;
- expressing concern that his whereabouts are unknown and at reports which suggest that during his arrest he may have been subjected to cruel, inhuman or degrading treatment or punishment, in violation of international standards;
- asking the US authorities to disclose if he is being held in US military custody, and if so, where and on what grounds;
- urging that he be charged with a recognizable criminal offence or released;
- seeking assurances that he is being treated humanely and in full accordance with the international prohibition on torture or cruel, inhuman or degrading treatment or punishment;
- urging the authorities to ensure that Baryalai's rights are fully respected, including the right to prompt access to and assistance of a lawyer, and to be able to communicate with, and receive visits from family and friends;
- urging that he also have access to the International Committee of the Red Cross (ICRC) and the United Nations Assistance Mission in Afghanistan (UNAMA).

APPEALS TO:

General Tommy Franks
Commander
US Central Command
7115 South Boundary Boulevard
MacDill, AFB FL33621-5101
USA

Fax: +1 813 827 2211

E-Mail: pao@centcom.mil

Salutation: Dear Commander Tommy Franks

Robert P. Finn
US Ambassador
US Embassy
Great Masood Road between Radio Afghanistan and the Ministry of Public Health
Kabul, Afghanistan

Salutation: Dear Ambassador Finn

COPIES TO:

The Honorable Donald Rumsfeld
Secretary of Defence
Office of the Secretary of Defence
The Pentagon
Washington DC
USA

Fax: + 1 703 697 8339

Salutation: Dear Secretary of Defence

The Honorable Colin Powell
Secretary of State
US Department of State
2201 C Street NW
Washington DC 20520
USA

Fax: + 1 202 261 8577

Salutation: Dear Secretary of State

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 January 2002.