

PUBLIC

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UA 112/05 Incommunicado detention / Fear of “disappearance” / Fear of torture or ill-treatment / Fear of forcible transfer 06 May 2005

PAKISTAN / USA Abu Faraj al Libbi (m), Libyan national
An unknown number of others

Libyan national Abu Faraj al Libbi and an unknown number of others are being held in incommunicado detention in Pakistan. They are suspected of “terrorist” activities and may be subjected to torture or other ill-treatment. They may be handed over to US custody, in contravention of the principle of *non-refoulement* which requires Pakistan to ensure that detainees are not forcibly returned to countries where he or she may be at risk of human rights violations.

Around 2 May, Abu Faraj al Libbi and possibly four other suspects were arrested in the North West Frontier Province of Pakistan by members of the security forces aided by US intelligence. On 4 May, Pakistani authorities announced that Abu Faraj al Libbi had been arrested two days earlier after a brief shootout in the town of Mardan and been airlifted to Islamabad where he is being interrogated at an undisclosed location. Following his arrest, two dozen suspects were reportedly arrested on the basis of information obtained from Abu Faraj al Libbi.

On 4 May, US President George W. Bush described Abu Faraj al Libbi “a top general for bin Laden. He was a major facilitator and a chief planner for the *al-Qa’ida* network. His arrest removes a dangerous enemy who was a direct threat to America and for those who love freedom”. Such a description increases the likelihood that Abu Faraj al Libbi will be interrogated by US agents, or even handed over into secret US custody. Amnesty International is concerned that previous so called “high-value detainees” have “disappeared” in CIA facilities in undisclosed locations where they are alleged to have been subjected to torture and other cruel, inhuman or degrading treatment. The whereabouts of some have remained unknown for more than three years.

BACKGROUND INFORMATION

According to US counter-terrorism officials, Abu Faraj al Libbi was the *al-Qa’ida*’s operations chief and the number three in its leadership hierarchy. Security experts have questioned this description. Pakistan intelligence sources are reported to have said that his capture presented the best chance to locate the rest of the leadership. Abu Faraj al Libbi was also said to have planned two assassination attempts on President Musharraf’s life in December 2003.

Abu Faraj al Libbi reportedly went to Pakistan in the 1980s to participate in the fight against the Soviet occupation of Afghanistan which was covertly supported by the USA. After the operations in Afghanistan ended, he reportedly married a Pakistani woman and later became *al-Qa’ida*’s operations chief in North Africa. Following the arrest in March 2003 in Rawalpindi of Khalid Sheikh Mohammed, who was alleged to have masterminded the attacks in the USA on 11 September 2001, Abu Faraj al Libbi is reported to have taken over his functions.

Abu Faraj al Libbi’s is the latest in a string of arrest of people suspected of links to *al-Qa’ida*. Besides Khalid Sheikh Mohammed, those arrested include Pakistani computer expert Naeem Noor Khan, and Tanzanian Ahmed Khalfan Ghailani, both arrested in July 2004, Ramzi bin al-Shaib arrested in September 2002 and Abu Zubaydah, arrested in March 2002. Pakistani authorities have admitted handing over more than 500 *al-Qa’ida* suspects to the USA. In all the cases known to Amnesty International, the transfers occurred without reference to Pakistan’s extradition law and in violation of the prohibition of *refoulement*. Some of the detainees were transferred to US custody in Afghanistan and thence to the US Naval Base in Guantánamo Bay, where more than 500 detainees remain held without charge or trial. For example, Omar Deghayes, who was born in Libya but fled to the United Kingdom as a child, has claimed that after he was arrested in Pakistan in April 2002, the authorities there told him he was being held at the behest of the USA. He has

alleged that he was tortured and ill-treated in Pakistan, and that once transferred to US custody in Afghanistan he was subjected to food deprivation, stripping, beatings, hooding, shackling, and forced kneeling, and in Guantánamo to solitary confinement and being assaulted when removed from his cell. He remains in Guantánamo.

Evidence that the USA has used torture and other cruel, inhuman or degrading treatment in the “war on terror” continues to mount. It has been alleged, for example, that the CIA subjected Khalid Sheikh Mohammed to a torture technique known as “water boarding” in which the prisoner is forcibly pushed under water to the point that he believes he will drown. In the case of Abu Zubaydah, painkillers were allegedly used “selectively” to obtain his cooperation during interrogation in secret CIA custody. For more information, see *USA: Human dignity denied: Torture and accountability in the ‘war on terror’*, AI Index: AMR 51/145/2004, October 2004, <http://web.amnesty.org/library/Index/ENGAMR511452004>.

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

To Pakistan authorities:

- urging that the whereabouts of Abu Faraj al Libbi and others arrested on suspicion of links with *al-Qa’ida* be revealed forthwith;
- urging that the detainees be treated strictly in accordance with law including being informed of the charges against them, being brought before a magistrate forthwith, allowed access to lawyers and relatives and not be subjected to torture or ill-treatment;
- urging that the detainees not be handed over to any other country’s custody without strict adherence to Pakistan’s extradition law and adhering to the prohibition of *non-refoulement* to a country where they would be at risk of human rights abuse.

APPEALS TO: (Please note that email addresses in Pakistan can be unreliable. If you receive notification that your message has not been delivered, please re-send your email. If it fails again, please use fax numbers or postal addresses to send your appeal.)

President Pervez Musharraf
Pakistan Secretariat
Islamabad, Pakistan

Fax: + 92 51 9221422
E-mail: CE@pak.gov.pk
Salutation: Dear President Musharraf

Minister of Foreign Affairs
Mian Khursheed Mahmud Kasuri
Ministry of Foreign Affairs
Constitution Avenue
Islamabad, Pakistan

Fax: +92 51 920 2518/7600 / +92 51 922 4205/4206
E-mail: pak.fm@usa.net
Salutation: Dear Minister

To US authorities:

- noting the arrest of Abu Faraj al Libbi and others, with the reported involvement of US intelligence;
- urging the USA to use its influence to ensure that Abu Faraj al Libbi and others are treated humanely and in full accordance with international law and standards;
- noting past cases in which Pakistan has handed suspects over to the USA, and urging that any US involvement in or control over these detentions or others is in full compliance with the USA’s international legal obligations for the treatment of detainees.

APPEALS TO:

Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520, USA

Fax: + 1 202 261 8577
Salutation: Dear Secretary of State

Porter Goss
Director, Central Intelligence Agency
Office of Public Affairs, Washington DC 20505, USA

Fax: +1 703 4821739

Salutation: Dear Director Goss

COPIES TO: diplomatic representatives of Pakistan / USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 June 2005.