

USA: Who are the Guant<namo detainees?

Case Sheet 3

Detainees from the UK

“Dear Sir Tony Blair, I am a boy called Anas Jamil El-Banna. I am 7 years old. Me and my four brothers are writing to you this letter from my heart because I miss my father. I am wishing that you can help me and my father. I am always asking mother, Where is my father, when will he come back? And my mother says I don't know.

Now I have started to know that my father is in prison in a place called Cuba and I don't know the reason why and I don't know where is Cuba. I hope that you can help me because I miss my father. Every night I think of my dad and I cry in a very low voice so that my mother doesn't hear, and I dream that he is coming home and gives me a big, big hug.

Every Eid I wait for my father to come back. I hope to God that you can help me to bring my daddy back to me. I don't want anything, I just want my daddy please.

Please Mr Blair can you bring my daddy back to me on this Eid. I wish you a happy life with your children in your house. Love Anas - 7 years old, Mohamed - 6 years, Abdulrahman - 4 years, Badeah - 3 years, Mariam - 9 months”

“We do not take responsibility for other countries' nationals, purely on the basis of residence in the UK” UK Foreign Office Minister Valerie Amos

Full Name: Bisher al-Rawi and Jamil al-Banna

Nationality: Iraqi with UK residency, Jordanian with refugee status in the UK

Ages: Late 30s

Family status: Jamil married with five children

Occupations: Businessmen

Information: Bisher al-Rawi is an Iraqi national, all of his immediate family are UK nationals and he has lived in the UK for nearly 20 years. Jamil al-Banna is a Jordanian national who was given refugee status by the UK authorities. Both have legal residency in the UK. They and two others were arrested by the Gambian National Intelligence Agency on arrival at Banjul airport in Gambia on 8 November 2002, purportedly on suspicion of alleged links to al-Qa'ida. They had previously been held at Gatwick airport in the UK for questioning on suspicion of alleged terrorist links, but were released without charge. The four men had reportedly travelled to Gambia for business purposes. The two other men were released without charge in December 2002, but Bisher and Jamil remained in *incommunicado* detention in Banjul for a further two months where they were questioned by US investigators. They were later transferred to Bagram airbase in Afghanistan and then on to Guant<namo.

Despite their legal status in the UK, the authorities there have refused to make representations on their behalf on the basis that they are not UK citizens despite being obliged to do so under international refugee law. In the case of Bisher al-Rawi, the UK authorities, as occupying powers in Iraq, have additional responsibilities towards him. AI is also concerned about the role that the UK government may have played in their unlawful rendering to US custody.

Jamil al-Banna has never seen his youngest daughter who was born in April 2003 while he was in detention.

"The most difficult thing in my life is being away from you and the kids"

Quote from a letter Moazzam Begg sent to his family from Guant<namo Bay

Full Name: Moazzam Begg

Nationality: British

Age: 35

Family status: Married with three children

Occupation: Former law student and book shop owner

Information: Born in England, Moazzam Begg moved to Afghanistan with his wife and children in June 2001. There they are thought to have intended to set up a school in a remote area and work on projects to install water pumps. In December 2001, following the US attacks on Afghanistan first Moazzam then his family travelled to Pakistan. He was allegedly seized by Pakistan and US agents in early 2002 from his flat in Islamabad in Pakistan, reportedly taken away in the boot of a car. Despite a pending *habeas corpus* petition in court in Pakistan, in early February 2002 he was transferred out of Pakistan into US custody. He was subsequently taken to the Bagram Air Base, from where he was transferred to Guant<namo Bay a year later. His family received around 11 letters from him but the latest was six months ago. They have heard nothing since. Moazzam is one of six Guant<namo detainees named as being eligible to face trial by military commission. These six are held in solitary confinement in separate detention in Camp Echo.

Moazzam has never met his fourth child, a son born after his arrest.

"Whatever they are going to do to him, at least I have the right to see my child."

Quote from Feroz Abbasi's mother

Full Name: Feroz Abbasi

Nationality: British/Ugandan

Age: 23

Family status: Single, no children

Occupation: Former computer studies student

Information: Feroz Abassi was born in Uganda, but his family moved to Britain when he was eight-years-old. His mother last saw him in December 2000, around the time he is believed to have travelled to Afghanistan. He was taken into custody in Kunduz, Afghanistan in January 2002 and transferred to Guant<namo. Contact with his family has since been limited – the last letter they received was written in August 2003. Feroz is one of six Guant<namo detainees named as being eligible to face trial by military commission. These six are held in solitary confinement in separate detention in Camp Echo.

Feroz has reportedly been diagnosed by a US military forensic psychiatrist as suffering from depression and news reports suggest that he has tried to commit suicide at least once.

"If they have this so-called evidence why haven't they put these charges to him?"

Quote from Richard Belmar's sister

Full Name: Richard Belmar

Nationality: British

Age: 24

Family status: Single

Occupation: Former post office worker

Information: Richard Belmar's sister last saw him in June 2001 when he left his family home saying he was going to study in Pakistan. From there his family received two phone calls from him saying that he enjoyed the culture and would extend his stay. In October 2002 they received a letter informing them that he had been taken into custody in Pakistan eight months previously after being found with an expired visa. In December 2002, they received a phone call from the UK Foreign Office telling them he had been transferred to Guantánamo Bay. The family have not received letters from him for months.

"He's not a British national and therefore we're not able to take up his interests."

UK Foreign Office spokesperson

Full Name: Jamal Abdullah

Nationality: Ugandan/UK resident

Age: 24

Family status:

Occupation:

Information: Jamal Abdullah came to the UK from Uganda in 1993 to help his mother, a UK citizen, after his father died. He is reported to be eligible for UK citizenship, but has not applied. His lawyer is asking the government to help him apply from within Guantánamo so that the UK authorities would have obligations to assume responsibility for him. Little information is available regarding the circumstances of his detention and transfer to Guantánamo.

Full Name: Martin Mubanga

Nationality: Zambian/British

Age: 29

Family status: Single, no children

Occupation: Former motorcycle courier

Information: Martin Mubanga was born in Zambia and came to the UK with his family in the 1970s. He has dual UK/Zambian nationality. After spending some time in Afghanistan he left for Zambia, where he was taken into custody by local authorities on 1 March 2002 and handed over to US authorities who transferred him to Guantanamo. His family have received only a few letters from him since his detention.

“The youngest...he doesn't even know who his Daddy is because he has never seen him or spoken to him until this day” – Quote from Shaker Aamer's wife

Full Name: Shaker Abdur-Raheem Aamer

Nationality: Saudi Arabian/UK resident

Age: 38

Family status: Married with four children

Occupation:

Information: Shaker Abdur-Raheem Aamer has been living in the UK since 1996. He is reported to have travelled to Afghanistan in August 2001 for voluntary charity work. Following the outbreak of war, his wife in the UK heard nothing from him until January 2002 when she heard through newspaper reporters that he had been captured in Afghanistan by Northern Alliance fighters and handed over to the US Army. This was later confirmed in a letter sent by the Red Cross. His first letter from Guantanamo Bay was dated 16 February 2002. His wife received regular communication throughout 2002, but she has now not heard from him since the last letter written in June 2003.

Since being captured, Shaker's wife has given birth to his fourth child.

Background

Five British nationals were released from Guantanamo Bay on 5 March 2004. Four of them were questioned by UK authorities on their return, but all were later released without charge. All have since spoken out about the poor conditions of detention at Guantanamo and have alleged ill-treatment. Some of them have also implicated the UK authorities in taking advantage of the legal limbo and coercive detention conditions of Guantanamo to interrogate them and extract information to use in proceedings in the UK under the Anti-terrorism, Crime and Security Act 2001.

At least eight men from the UK remain detained at the military base, some of them are UK nationals, others legal residents or with other status. Two of them, Moazzem Begg and Feroz Abassi, are among six detainees who have been named as being eligible for trial by military commission. Since being named as eligible, these pre-commission detainees are being held in separate detention at Camp Echo where they are held for 23-24 hours a day in a reportedly windowless cell with no possibility of communication with other detainees. Amnesty

International is particularly concerned for the physical and psychological health of the detainees held in such conditions of reduced sensory stimulation.

No representation is known to have been made on behalf of the four non-citizens despite their long-term residency in the UK and the fact they have family members who are UK nationals. The UK authorities have consistently refused to make such representations. The status of the eighth detainee, Shaker Aamer is unclear.

The families of the UK detainees remain in the dark about the fate of their relatives and often hear news via media speculation rather than through official government channels. In March 2004, Ahmet Begg, the father of Moazzem, joined relatives of a German and French detainee and other campaigners in a visit to Washington to protest against the detention of their relatives.

Guantanamo Bay – A Human Rights Scandal

Hundreds of people of around 40 different nationalities remain held without charge or trial at the US Naval Base in Guantanamo Bay in Cuba, without access to any court, legal counsel or family visits. Denied their rights under international law and held in conditions which may amount to cruel, inhuman or degrading treatment, the detainees face severe psychological distress. There have been numerous suicide attempts.

Many of those held were captured during the international conflict in Afghanistan, from where transfers to the Naval Base began in January 2002 under harsh conditions of transportation. Others were arrested elsewhere and handed over to the US authorities. Sporadic transfers to, and releases from, the base continue, but the precise numbers, identities and nationalities of those held has never been made public.

None of the detainees have been granted prisoner of war status or brought before a “competent tribunal” to determine his status, as required by Article 5 of the Third Geneva Convention. The US government refuses to clarify their legal status, despite calls from the International Committee of the Red Cross (ICRC) to do so.

The majority are held in maximum security blocks in small cells, sometimes for up to 24 hours a day and with very little out-of-cell exercise time. They are also subjected to repeated interrogations sometimes for hours at a time and without the presence of a lawyer, raising fears that statements may be extracted under coercion. The ICRC is the only non-governmental organization allowed access to the detainees.

With no opportunity to challenge the lawfulness of their detention and the prospect of indefinite detention without trial in such conditions, the potential psychological impact upon those held is a major concern. The ICRC delegation has stated that it has observed a “worrying deterioration” in the mental health of a large number of the detainees, and that their psychological condition has become a “major problem”.

In November 2001, President Bush signed a Military Order establishing trials by military commission which have the power to hand down death sentences and against whose decisions there will be no right of appeal to any court. In addition to the lack of right to appeal, the commissions will lack independence and will restrict the right of defendants to choose their own counsel and to an effective defence. The commissions will also accept a lower standard of evidence than in ordinary courts. This could include evidence extracted under torture or coercion.

On 20 April 2004, the US Supreme Court heard arguments as to whether the US courts should have jurisdiction to consider *habeas corpus* appeals from those held at Guantanamo. A ruling is expected in June 2004.

AMNESTY INTERNATIONAL DEMANDS THAT

- **The US government end the legal limbo of all detainees**
- **All those held are charged and given fair trials or released**
- **The military order allowing for trial by military commission be revoked**
- **All those detained are granted full access to lawyers and families**
- **All are treated humanely and granted access to their rights**
- **Their families are kept informed of their legal status and well-being**
- **There be an immediate improvement in conditions of detention for those held at Camp Echo**