

PUBLIC

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27 May 2005

Further Information on UA 340/04 (AMR 51/183/2004, 22 December 2004) and follow-ups (MDE 23/001/2005, 04 February 2005 and AMR 51/044/2005, 23 February 2005) - Fear of Torture and ill treatment/Incommunicado detention New concerns: Health concern/ legal concern

USA

Ahmed Abu 'Ali (m), aged 23, US national

Further evidence has emerged which suggests that Ahmed Abu 'Ali was tortured and ill-treated while detained in Saudi Arabia, with the knowledge of US authorities. In addition, the conditions in which he is currently held in the USA may amount to cruel, inhuman or degrading treatment. Amnesty International is concerned for his health.

Two doctors who have examined Ahmed Abu 'Ali have found scars on his back consistent with having been whipped. He is also reported to have been diagnosed with Post-Traumatic Stress Disorder resulting from the alleged ill-treatment. The US administration has denied that he was tortured and has referred to an earlier medical examination which reportedly found no evidence of any torture or ill-treatment.

According to Ahmed Abu 'Ali's family, he is now being held in solitary confinement in the Alexandria detention centre, Virginia, USA, and has not been able to make any telephone calls or receive any books. The lights in his cell are reported to be kept on 24 hours a day. His family believes that his mental health is very poor.

Ahmed Abu 'Ali was detained without charge in Saudi Arabia from 11 June 2003 before being returned to the USA on 22 February 2005 to face charges of providing material support for *al-Qa'ida* and conspiring to assassinate President Bush. He has pleaded not guilty to the charges. If convicted he faces a maximum sentence of 80 years in prison. His trial is set to begin on 22 August 2005. At a bail hearing on 1 March 2005, it became clear that the charges against Ahmed Abu 'Ali were based extensively on "admissions" he and alleged co-conspirators gave in detention in Saudi Arabia. During this time he was being interrogated without access to legal counsel in incommunicado detention. Amnesty International fears that these "admissions" may have been made under torture or duress.

According to papers filed in court as part of proceedings in his case, Ahmed Abu Ali suffered ill-treatment during interrogations in Saudi Arabia: "His torturers did not only inflict on him physical pain in the form of beating and whipping, but used the most sadistic forms of psychological torture as well". For the first months of his detention in Saudi Arabia, Ahmed Abu 'Ali was held virtually incommunicado and his requests for contact with a lawyer, family and the US consul were denied. He was detained in Saudi Arabia without charge or access to legal counsel for 20 months. Despite receiving details of the alleged solitary confinement and torture, the US consul in Saudi Arabia did not visit him for almost a month after his arrest.

On 16 December 2004, a US District Court Judge, in a lawsuit brought by Ahmed Abu 'Ali's family, stated that there was "considerable evidence" that the US were complicit in his capture. He also noted that there was "at least some circumstantial evidence that Abu Ali has been tortured during interrogations with the knowledge of the United States".

Over a period of four days in mid-September 2003, Ahmed Abu 'Ali was interrogated by two FBI agents, sometimes in the presence of Saudi Arabian security officials. During this time his requests for a lawyer were denied. During one interrogation, FBI agents told him that he faced three possibilities: designation as an

“enemy combatant” and transfer to US military custody; prosecution and imprisonment in Saudi Arabia; or prosecution and imprisonment in Saudi Arabia followed by prosecution in the USA.

The FBI agents involved have denied knowledge of the allegations of torture although upon further questioning one admitted to having “heard that prisoners are mistreated in Saudi jails”, and that he was “aware of a newspaper article whereby a Saudi official was quoted as saying [Ahmed Abu ‘Ali] was mistreated. US authorities regularly criticize the human rights situation in Saudi Arabia. In its 2004 annual human rights report, the US State Department states: “authorities reportedly at times abused detainees, both citizens and foreigners. Ministry of Interior officials were responsible for most incidents of abuse of prisoners, including beatings, whippings, and sleep deprivation. In addition, there were allegations of beatings with sticks and suspension from bars by handcuffs. There were allegations that these practices were used to force confessions from prisoners”.

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

- seeking assurances that Ahmed Abu ‘Ali is being given appropriate medical and psychological care and regular access to his lawyer and family;
- reminding the authorities that no prisoner should be held in long-term conditions of isolation and reduced sensory stimulation; urging that he be removed from solitary confinement immediately;
- expressing concern at the role played by the US authorities in his alleged torture or ill-treatment and calling for these allegations to be thoroughly investigated and those found responsible be brought to justice;
- expressing concern that the charges against him are based on “admissions” which may have been made under torture or duress;
- stating that such “admissions” must not be used as evidence against him.

APPEALS TO:

The Honorable Alberto Gonzalez
Attorney General, Office of the Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 2053-0001, USA

Fax: +1 202 307 6777

Email: AskDOJ@usdoj.gov

Salutation: Dear Attorney General

COPIES TO:

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

Fax: +1 202 261 8577

Email: http://contact-us.state.gov/ask_form_cat/ask_form_secretary.html

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 8 July 2005.