

PUBLIC

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UA 250/03

Incommunicado detention/Fear of ill-treatment

20 August 2003

USA

Riduan Isamuddin aka Hambali (m), Indonesian national

On 11 August, Riduan Isamuddin aka Hambali, alleged to be the operations chief of *Jemaah Islamiyah (JI)*, a Southeast Asian extremist Islamic group, with suspected links to *al-Qa'ida*, was arrested in the city of Ayutthaya in Thailand. According to media reports he is being held in US custody at an undisclosed location for interrogation.

JI is linked to a number of deadly attacks in Indonesia and the Philippines in recent years. Riduan Isamuddin is alleged to have been involved in organizing a number of these attacks, including the bomb attacks in Bali in October 2002 in which some 200 people were killed. According to media reports, he is also suspected of having been involved in some of the planning meetings for the 11 September attacks on the USA in 2001. Authorities in Indonesia have publicly called for Riduan Isamuddin to be transferred to their custody. He is also reported to be wanted for questioning by the authorities in Philippines, Singapore and Malaysia.

Amnesty International is concerned that the detention of suspects in undisclosed locations without access to legal representation or to family members and the "rendering" of suspects between countries without any formal human rights protections is in violation of the right to a fair trial, places them at risk of ill-treatment and undermines the rule of law.

The organisation has called on the US authorities on several occasions to not forcibly return detainees to countries where they would be at risk of serious human rights abuses, including torture or ill-treatment, or where they would face unfair trials or the death penalty. Also, if the extradition of any of the detainees is requested by other countries, the decision on whether to extradite or not should be determined in a fair individual procedure. If there are substantial grounds for believing the individuals are at risk of serious human rights abuse, the United States should refuse the request.

Noralwieseh Lee Abdullah, the wife of Riduan Isamuddin who was arrested with him in Thailand, is reported to have been transferred to police custody in Malaysia. (see UA 249/03, ASA 28/022/2003, 20 August 2003)

BACKGROUND INFORMATION

Amnesty International recognizes the duty of governments to protect the safety of the public, to investigate crime and to bring those responsible to justice. It also recognizes that governments will need to cooperate to this end where the threats or crimes in question cross national boundaries. At the same time, the organization stresses that human rights must be at the centre of the search for justice and security.

Since the attacks in the USA on 11 September 2001, more than 3,000 alleged members or associates of *al-Qa'ida* have been detained in over 100 countries, according to the US Government. It is not known how many remain in custody, or the whereabouts of all of them.

More than 650 foreign nationals are held without charge or trial in the custody of the US Department of Defence in Guantánamo Bay in Cuba. Held in the US Naval Base there, they have had no access to any court, to legal counsel, or to their relatives. Many have been so held for more than a year. Although many of the detainees were taken into custody in the context of the international armed conflict in Afghanistan, some were not. They include, for example, six Algerian nationals unlawfully seized by the USA in Bosnia-Herzegovina in January 2002. The USA is planning to bring selected detainees to trial before executive military commissions, in proceedings which would violate international fair trial standards, for example by not

providing the right of appeal to any court. The commissions will have the power to hand down death sentences.

Other detainees are held in the US Air Base in Bagram in Afghanistan. Allegations of torture and ill-treatment at the hands of CIA interrogators have emerged from the Base. It is alleged that so-called “stress and duress” techniques have been used against detainees under interrogation – including forced prolonged standing or kneeling, hooding, blindfolding, being kept in painful or awkward positions, sleep deprivation, and 24-hour lighting. Other detainees have been held incommunicado by US agents at other undisclosed locations outside the USA.

It is also alleged that detainees have been transferred by the USA to third countries, including Morocco, Jordan and Egypt. The US Government has given assurances that “if the war on terrorists of global reach requires transfers of detained enemy combatants to other countries for continued detention on its behalf, US Government instructions are to seek and obtain appropriate assurances that such enemy combatants are not tortured.” The *Washington Post*, however, has reported that, according to an official directly involved in “rendering” detainees to other countries: “We don’t kick the [expletive] out of them. We send them to other countries so they can kick the [expletive] out of them.” Article 3 of the Convention against Torture prohibits the transfer of anyone to another state where “there are substantial grounds for believing that he would be in danger of being subjected to torture.”

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

- acknowledging the duty of governments to protect public safety and to investigate crime, and recognizing that governments will need to cooperate to this end where the threats or crimes in question cross national boundaries;
- stressing, however, that human rights must be at the centre of the search for justice and security;
- urging that the whereabouts of Riduan Isamuddin aka Hambali be made public and seeking assurances that he will be treated humanely in full accordance with international law and standards;
- urging that he be promptly brought before a court of law to be able to challenge the lawfulness of his detention;
- urging that he be charged with recognizably criminal offences, and brought to trial within a reasonable time in accordance with international fair trial norms, or else released;
- calling for him to be given access to legal counsel and his family;
- seeking assurances that any request for extradition by other countries is determined in a fair individual procedure and that he will not be transferred to any country where he would be at risk of torture or other human rights violations.

APPEALS TO:

George J. Tenet
Director of Central Intelligence
Office of Public Affairs
Washington, D.C. 20505, USA
Telegram: Director of Central Intelligence, Washington D.C. USA
Fax: +1 703 482 1739
Salutation: Dear Mr Tenet

Donald Rumsfeld
Secretary of Defence
The White House
Washington, DC 20301, USA
Telegram: Secretary of Defence, Washington D.C. USA
Fax: +1 703 697 8339
Salutation: Dear Secretary of Defence

COPIES TO:

Lorne Craner, Assistant Secretary of State,

Department of State, Bureau of Democracy,
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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 1 October 2003.