

PUBLIC

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Possible incommunicado detention/health concerns/  
fear of torture or ill-treatment

26 March 2003

AFGHANISTAN  
/USA

Haji Naim KUCHAI (m) aged 65

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Haji Naim KUCHAI, a prominent elder of the Kuchi tribe in eastern Afghanistan, was arrested by US military forces in Afghanistan on 1 January. He has been held for almost three months at an unknown location, possibly in incommunicado detention. There are serious concerns for his health as he has been on diabetes medication for the last four years. He also wears a surgical belt following an operation in which one of his kidneys was removed.

According to reports, on 1 January Haji Naim KUCHAI was arrested by US military forces at Sang-e Naweshta in Char Asiab district of Kabul province, in central Afghanistan. He was on the way to a meeting with President Karzai regarding a tribal dispute.

Eyewitnesses, who were in the car with Haji Naim KUCHAI when he was arrested, report that they were stopped by US military personnel in two vehicles which blocked them in. US military personnel then surrounded the car and pointed their guns at those inside. Haji Naim KUCHAI was removed from the car and put into one of the military vehicles before being driven off. None of the other passengers were arrested.

The International Committee of the Red Cross (ICRC) has delivered two letters to Haji Naim KUCHAI's family, in which some sentences were blacked out. It is not known whether the ICRC has been given access to Haji Naim KUCHAI.

## 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. This was replaced in June 2002 by a Transitional Administration headed by Hamid Karzai. Throughout this period, US led military operations in the 'hunt for the Taliban and *al-Qa'ida* have continued. There have been air strikes and ground operations in the eastern and southern Afghanistan.

US ground forces have raided villages as part of the campaign, and there are reports that they have detained innocent civilians, who have been mistaken for *al-Qa'ida* and Taliban soldiers. Amnesty International has expressed concern that the US failed to disclose full information on the circumstances of the detentions. The organisation has called for the US government to instigate a full, impartial inquiry into the treatment of detainees at the US military base at Bagram, north of Kabul and to make the findings public.

Some of those detained have alleged that they were ill-treated while in US military custody (see 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 and Amnesty International has 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 possible incommunicado detention of Haji Naim KUCHAI;
- seeking clarification of his exact whereabouts;
- asking the US authorities to disclose if he is being held in US military custody, and if so for information about exactly where and why he is being held;

- requesting that Haji Naim KUCHAI be provided with adequate medical care whilst in detention;
- urging that he be charged with a recognizable criminal offence or immediately released;
- urging the authorities to ensure that Haji Naim KUCHAI is given prompt access to a lawyer and that he is able to communicate with, and receive visits from his family;
- expressing concern at recent reports of the ill-treatment of detainees at Bagram base, north of Kabul;
- calling for all detainees in US custody to be treated humanely.

**APPEALS TO:**

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

**Telegram: Secretary of Defence Donald Rumsfeld, The Pentagon, Washington DC, USA**

**Fax: + 1 703 697 8339**

**Salutation: Dear Secretary of Defence**

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

**Telegram: Commander Tommy Franks, 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 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 7 May 2003.