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11 August 2005

Further Information on UA 234/03 (AMR 51/112/2003, 06 August 2003) - Incommunicado detention/detention without charge/legal concern and new concerns: torture/ill-treatment/health concern

USA Ali Saleh Kahlah al-Marri (m), aged 37, Qatari national

Ali Saleh Kahlah al-Marri is now known to be held in conditions that appear to amount to torture, and has not received adequate treatment for his declining mental and physical health. He has now been held in solitary confinement without charge or trial for over three-and-a-half years.

He has said to have been denied basic hygienic necessities such as adequate bedding, clothing and toilet paper. The prison doctors who have seen him have refused to deal adequately with his complaints. His lawyers were first allowed to meet him in October 2004, when he had been in custody for almost three years.

According to a lawsuit filed by his lawyers on 8 August, since 23 June 2003 Ali Saleh Kahlah al-Marri has been held, shackled, in a cell measuring approximately 3m by 2m. The small cell window is covered with plastic, so he is not able to see the outside world. He is allowed only brief periods out for exercise. To make it difficult for him to sleep, a portable industrial fan is left on 24 hours a day near the door of his cell**,** and is reportedly turned up high when he is deemed to be "non-compliant". Sometimes when he is sleeping guards wake him by shaking him, or by banging constantly on his cell door.

As a devout Muslim he prays five times daily at scheduled times; however, he has been denied a prayer rug and has not been given a clock, making it impossible for him to know when to pray. The lawsuit also alleges that prison officers have mistreated and disrespectfully handled his copy of the Qu'ran. The US Religious Freedom Restoration Act prohibits US authorities from discouraging free religious practice unless there is a compelling governmental interest.

The lawsuit also describes how the cell is often made extremely cold and how the water supply is sometimes turned off, forcing him to defecate on his food tray so that the faeces did not remain for days in the same cell where he lives and prays. The lawsuit also states that he has developed a number of medical conditions resulting from his detention, including "sharp and debilitating tingling pains in his leg", "vision problems, including seeing flickering lights and white spots…constant headaches, back pain, dizziness, uncontrollable tremors…and ringing in his ears." It would appear that he has not received adequate medical treatment for these conditions. The doctor who treated him for the tingling pains recommended that a special x-ray was needed to assess nerve damage, but that medical procedure has been denied. Further medical recommendations that he be given a chair with a good cushion and a thicker mattress were also denied.

The lawsuit says that he "has experienced a number of symptoms that demonstrate severe damage to his mental and emotional well-being, including hypersensitivity to external stimuli, manic behaviour, difficulty concentrating and thinking, obsessional thinking, difficulty with impulse control, difficulty sleeping, difficultly keeping track of time and agitation". His lawyers argue that this behaviour is a direct result of the prolonged isolation and other inhumane treatment.
During the first year he was held as an "enemy combatant" he was interrogated repeatedly. On one occasion he says that interrogators threatened to send him to Egypt or Saudi Arabia where, they told him, he would be tortured and sodomized, and his wife would be raped in front of him. Interrogators are also said to have

falsely told him that some of his brothers and his father were in jail because of him, and promised that they would be released if he cooperated. He has not been interrogated for the past year.

Ali-Saleh Kahlah al-Marri reportedly entered the USA legally with his wife and five children on 10 September 2001 to pursue postgraduate studies. He was arrested in December 2001and held as a material witness in the investigation into the September 11 attacks on the Pentagon and World Trade Centre. He was subsequently charged with credit card fraud and making false statements to the FBI, but in June 2003, less than a month before he was due to stand trial, President Bush designated him an ”enemy combatant” and he was transferred to US military custody in the Naval Consolidated Brig in Charleston, South Carolina. He is the first non-US national to be held as an “enemy combatant” on US soil.

He was held incommunicado from June 2003 to August 2004, when he was allowed a visit from the International Committee of the Red Cross (ICRC). He has now had three visits from the ICRC.

A second man, US national Jose Padilla, was designated an “enemy combatant” in June 2002. He has been held without charge or trial on the Naval Brig in South Carolina ever since. For latest information on the case, see: http://web.amnesty.org/library/index/ENGAMR510512005?open&of=ENG-USA

Yaser al-Hamdi, who has joint US/Saudi Arabian nationality, was held as an “enemy combatant” for over three years: he was finally released in October 2003, after the Supreme Court ruled that he was entitled to have the legality of his detention reviewed by US courts. He was deported to Saudi Arabia, where he did not face charges. The conditions of his release included renouncing his US citizenship.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in <preflang> or your own language:
- expressing concern that Ali Saleh Kahlah al-Marri has now been held without charge or trial in solitary confinement for over three-and-a-half years;
- urging that he be given appropriate treatment for his physical and psychological health problems immediately, and given access to his family;
- stating that he should be released unless he is brought to full and fair trial;
- stating that his treatment in detention may amount to torture, and urging that all his allegations of ill-treatment be investigated and anyone responsible be brought to justice.

APPEALS TO:
President George W. Bush
The White House
Office of the President
1600 Pennsylvania Avenue NW
Washington DC 20500, USA
Salutation: **Dear Mr. President**
Fax: **+ 1 202 456 2461**
Email: **president@whitehouse.gov**

The Honorable Condoleeza Rice
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington DC 20520,USA
Salutation: **Dear Secretary of State**
Fax: **+ 1 202 261 8577**
E-mail: **Secretary@state.gov**

COPIES 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 22 September 2005.