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28 June 2004

Excellency,

I have the honour to address you in my capacity as Chairperson-Rapporteur of the Working Group on Arbitrary Detention pursuant to Commission on Human Rights resolution 2003/31.

In this connection, I would like to draw the attention of your Government to information I have received regarding Feroz Ali Abbasi (m), UK national, aged 23, Moazzam Begg (m), UK/Pakistan national, aged 35, David Hicks (m), Australian national, aged 28, Salim Ahmed Hamdan (m), Yemen national, aged 34, Ali Hamza Ahmed Sulayman al Bahlul (m), Yemen national and Ibrahim Ahmed Mahmoud al Qasi (m), Sudan national who remain in solitary confinement in US military custody in Guantanamo Bay, Cuba. They are reportedly the only detainees so far made subject to the Military Order on the Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism signed by President Bush in November 2001. Those held under the Order can reportedly be detained indefinitely without charge or trial. They can also be tried by military commissions, whose verdicts, including death sentences, cannot be appealed in any court. Three of them, Ali Hamza Ahmed Sulayman al Bahlul, Ibrahim Ahmed Mahmoud al Qasi and David Hicks, have allegedly been charged with conspiracy to commit war crimes. No dates for their trials have been set, but reportedly David Hicks may face a military commission in August.

All six men are believed to be held in Camp Echo, the part of the Guantanamo facility where pre-commission detainees are held. Each man is allegedly held for 23-24 hours a day in a reportedly windowless cell with no possibility of communication with other detainees. Prolonged isolation in conditions of reduced sensory stimulation can reportedly cause severe physical and psychological damage. In a declaration signed on 31 March 2004, psychiatrist Dr Daryl Matthews, who visited Guantanamo in 2003 at the invitation of the Pentagon, stated that the solitary confinement places the detainees "at significant risk for future psychiatric deterioration, possibly including the development of irreversible psychiatric symptoms.

The announcement that these six detainees were subject to the Military Order came reportedly on 3 July 2003, and they were supposedly transferred to Camp Echo after this. Salim Ahmed Hamdan, who has been in US custody since November 2001, was transferred to Camp Echo in early December 2003, while Feroz Abbasi and Moazzam Begg are believed to have been held there longer, in a separate development.

H.E. M. Kevin E. Moley
Ambassador
Permanent Mission of the United States of America
Geneva

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK E SCHMELZER
DATE/CASE ID: 10 DEC 2004 200303827

Ali Hamza Ahmed Sulayman al Bahlul's military lawyer said on 22 June that he has not met with his client for two months because of delays obtaining security clearance for an interpreter.

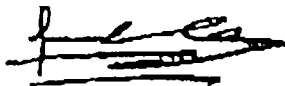
Concerns have been expressed that any guilty pleas or detainee testimony before the military commissions could be the result of the coercive nature of the conditions in which the detainees have long been held without any legal process. The conditions in Camp Echo are likely to leave the detainees there even more susceptible to psychological coercion and false confession. According to Dr Matthews's declaration, [redacted] has said that he has considered confessing falsely to ameliorate his situation. Also a legal petition filed in a US federal court on behalf of [redacted] military lawyer allegedly claims that the authorities have told the prisoner that he shall remain in custody until such time as he wishes to plead guilty to some unspecified crime against the United States in a manner satisfactory to [the authorities], and that his appointed defense counsel is not authorized to mount any legal defense to either his detention or the circumstances of his incarceration, but rather is available only to assist Mr [redacted] in pleading guilty to some unspecified offense.

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Without in any way making any determination on the facts and circumstances of this case and on whether the detention of the above-mentioned persons is arbitrary or not, I would like to appeal to your Excellency's Government, to take all necessary measures to guarantee the right of the above named persons not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

I would greatly appreciate receiving information from your Government concerning the steps taken by the competent authorities in compliance with the provisions contained in the international legal instruments referred to above, as they apply to the aforementioned persons.

Accept, Excellency, the assurances of my highest consideration.



Lolita Zerrotigui
Chairperson-Rapporteur of the Working Group on Arbitrary Detention