

Oberursel (Taunus),

United States Department of Defense
Office of the Secretary of Defense
Lloyd Austin
1000 Defense Pentagon
Washington, DC 20301-1000
- USA -

CASE OF TOFFIQ AL BIHANI

Dear Secretary of Defense,

with this letter I would like to express that I am very concerned about the case of Yemeni national Toffiq al-Bihani, who remains in Guantánamo without charge or trial since nearly 18 years.

Al-Bihani has been held in Guantánamo since early 2003 after his arrest by Iranian police between 2001 and 2002 on grounds of “being illegally in the country” and nearly two months of secret CIA custody in Afghanistan in late 2002. Here, according to the Senate Select Committee on Intelligence, detainees were kept in total darkness, guards monitored detainees using headlamps and where loud music was played constantly in the facility. While in their cells, detainees were shackled to the wall and given buckets for human waste. Some cells at the facility included a bar across the top of the cell, where detainees were shackled to the bar with their hands above their heads, forcing them to stand, and therefore not allowing them to sleep.

US authorities have made it clear that they have no intention of charging Toffiq with any criminal offence. Amnesty International members worldwide are calling on the US Government to release him from Guantánamo, to resolve all the other detentions in line with international human rights law, and to close the detention center. The US government’s use of indefinite detention without charge as a response to 9/11 has been unlawful from the outset. This detention regime must be brought to an end, and any proposal for its continuation or expansion condemned. The impunity that persists in relation to the torture, enforced disappearance and other human rights violations committed against these detainees is outrageous. Torture and enforced disappearance are crimes under international law.

Mr. Secretary, I urge you to work toward a lawful solution for the detainees still held at Guantánamo by either bringing individuals to fair trial in ordinary federal court or transferring them. Those detainees already cleared for transfer, like Toffiq al-Bihani, should be transferred immediately to their home country or country of choice. Here, the US government must effectuate its own decision recommending their transfer. All victims of torture or other cruel treatment must receive genuine access to rehabilitation and redress. Those responsible for torture and enforced disappearance must be brought to justice in a fair trial.

January 11, just days before President Biden took office in the White House, marks the 19th anniversary of the opening of the detention center at the U.S. military base at Guantánamo Bay, Cuba. Amnesty

International is calling upon him to make good on his 2009 promise to close the detention center immediately upon taking office.

Yours sincerely