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FOREIGN NATIONALS RENDERED TO GUANTÁNAMO BAY-STYLE DETENTION AND ABUSE IN ETHIOPIA

REPORT

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Background

Reprieve and Cageprisoners are deeply concerned by further reports of abuse, disappearance and Guantánamo Bay-style imprisonment of foreign nationals in Ethiopia. In January and February, at least 88 men, women and children were rendered from Kenya to Somalia.¹ An unknown number were subsequently rendered on to Ethiopia. Ethiopia has now acknowledged custody of 41 of those prisoners.² The other 47 remain missing.

¹ See *Mass Rendition, Incommunicado Detention and Possible Torture of Foreign Nationals in Kenya, Somalia and Ethiopia*, Report issued by Reprieve and Cageprisoners, 22 March 2007, available at <http://www.reprieve.org.uk/documents/070321HOArenditionreportfinal.pdf>. The original total appeared to be 63 prisoners, but flight logs of rendition flights from Kenya to Somalia now reveal that number to be at least 88, taking into account security officials listed as being on board and duplication of names.

² By press statement on 9 April 2007, the Ethiopian government admitted that: "Pursuant to a common understanding between Ethiopia and the TFG [Transitional Federal Government of the Somali Republic] authorities some of those who have been captured have indeed been brought over to Ethiopia. Their number is 41. From among these, five have already been released. These are from Tanzania, Sudan, Denmark, UAE and

Ethiopia appears to be copying the unacceptable and unlawful treatment of prisoners practised by the United States in the global war on terror: incommunicado detention, cross-border transfers without judicial proceedings, secret hearings by military officers without opportunity for prisoners to call witnesses or present a proper defence, the outcome of which is indefinite imprisonment, and abusive conditions and treatment.

Reports indicate that the United States and other western intelligence agencies are taking advantage of these conditions to conduct interrogations, contrary to obligations under international law. Furthermore, information obtained by Reprieve and Cageprisoners indicates that the United States has been involved in prisoner capture, interrogation and detention from the very beginning, and may hold sway over the fate of individual prisoners.

UNITED STATES INVOLVEMENT FROM THE BEGINNING

The United States has denied playing a role in the arrests or transfers of prisoners in the Somali conflict. However, the testimony gathered by Reprieve and Cageprisoners contradicts this statement.

Halima Hashim, a Kenyan citizen who fled Somalia after the bombardment in December 2007, reported to Reprieve and Cageprisoners that the United States was paying a bounty for foreign nationals seized:

Sweden. The rest of the remaining are also at the final stage of their release. This would mean that there will be only 12 detainees left in Ethiopia. These are awaiting their next appearance before the Court which will take place on April 13, 2007.” Press Statement of 9 April 2007, Ministry of Foreign Affairs, Federal Democratic Republic of Ethiopia, available at http://www.mfa.gov.et/Press_Section/publication.php?Main_Page_Number=3540. As of writing, to our knowledge, no further prisoners have been released since this statement was made.

I was with thirty to forty foreign nationals who were in Dinsoor, [Somalia], when it was bombed. Many people died in that place. The Ethiopians went into the hospital there and took the records. Then, they came back and took foreigners out of the hospital. I heard they did this in Mogadishu as well. At that time, the Americans and Ethiopians were buying foreign nationals from the Somali people.

This allegation must be fully investigated. If true, this report is all too reminiscent of the actions by the American government in Pakistan in the wake of the Afghan War. According to research by Seton Hall School of Law, 66% of prisoners in Guantánamo Bay were seized in Pakistan and handed over to the Americans for a bounty. Five years on, not one of those prisoners stands charged with a crime.

Seventeen-year old Swedish citizen Safia Benaouda told Reprieve and Cageprisoners researchers that in January 2007, she, four other women and four children ranging in age from one to ten years, were arrested on the Kenyan/Somali border by three Americans and ten Kenyans.

Saafia Benaouda told Reprieve and Cageprisoners:

When we were arrested, we had just prayed Fajr. It was quite early, about 5am, so we lay down again to rest. Suddenly we heard bullets everywhere. I was sitting next to one woman and the rest of the women ran towards us, and we were all covering the kids. There were three United States soldiers and about 10 Kenyans. The Americans were wearing military uniforms. They were white men and the United States flag was on the shoulder of their uniform. ... That was when the Tunisian woman was wounded. One of the soldiers shot her in the back. The

American soldiers stayed with us until a helicopter came. It was a couple of hours until the helicopter came. The Americans asked us all questions – our names, age, about our husbands, and our nationality. They were asking us what we were doing there. They showed us some pictures and names and asked if we recognised anyone. One of the women told me that she saw an American soldier take mine and my husband's passports from my belongings.

We had two little American girls with us whose mother had died. We told the American soldiers that Rahma and Sumayyah were Americans, but they did not seem to care. ... Later on, in the cell in Nairobi, Rahma the four-year-old had a distended tummy. Her eyes were distant. She looked as though she was in another world. She looked at you and just looked through you. Her mum had died, her dad and brother were missing. She was just there with her little sister, Sumayyah, the baby. ... They were so cold; their noses were running and they were sneezing. We were afraid they would get pneumonia. The baby had a bad nappy rash. She was bleeding with big blisters. They had bad diarrhoea. We were begging the interrogators to give them medical attention. They did not care at all. We felt so horrible. ... Sumayyah was screaming so much because she was in so much pain.

British citizen Reza Afsharrzadagen similarly reported to Reprieve and Cageprisoners the involvement of American (and possibly British) personnel in the original seizure of prisoners on the Kenyan-Somali border:

We were arrested by a group of army men with machine guns. I thought they would shoot up the place. I put my hands up. ... They came and took off our

clothes. Searched every inch of my body. Took my Qur'an. Lots of clicks from guns being cocked. A man stamped his boot on my head. They took us one by one. I was hand-cuffed behind my back and then they put us in the truck. There were a lot of them, maybe 15 in total.

One of the guards sounded like he was from Liverpool. He was black and had an English accent. He said we were being sent to Nairobi tomorrow and we would see our Embassies. We never did.

On the truck they were threatening us. They said they would rape us, stick things up us. The man behind me was crying. His tears were dropping on my arm.

We drove for 30 minutes to somewhere on the coast, then they took us off the trucks one by one. The soldiers were laughing at us. They took us into a police station and put us against the wall one by one. Asked us for our possessions, money, passport, our names, and where we were from.

Then I heard an American accent. There was a man with an American accent, wearing civilian clothes. He asked me what my name was. He took our photo and fingerprints. He took the photos on digital camera. I assume he did this to everyone because it was one by one that we saw him.

I do not know where that station was, but I remember that there was a volleyball pitch with sand and a room with a pool and table-tennis and a big satellite dish near that station.

Reza Afsharzadagen's testimony indicates that far from the United States being allowed access to prisoners on an ad-hoc basis and at the whim of the Kenyans, there was a close working relationship between the Americans and the Kenyans that began with the arrests but continued right through to the interrogations and beyond:

We were then given some food. Tea and cakes, then interrogation by the Kenyans. They were filming us as well whilst we were being interrogated.

I was told by some men I met in Somalia who were captured after us that they were shown films of us being interrogated from this time. For instance, in Somalia [United States citizen] Amir Mohammed [Meshal] said to me that the F.B.I. had shown him videos of me. In Somalia, a doctor from Syria said that the F.B.I. were showing videos that were taken in places of interrogation in Kenya and asking if he knew those people.

Mohammed Ezzoueck is a British citizen who was detained in Kenya for three weeks, rendered to Somalia and then release without charge. He told Reprieve and Cageprisoners that he was questioned by the F.B.I. in Kenya. He also reported that American citizen Amir Mohammed Meshal told him in Kenya that he had been threatened with torture by the F.B.I:

The police came into my cell and said to me: "Someone wants to see you." I went outside and there were three men who said they were from the FBI and one Kenyan officer. They told me to stand by a wall and they took photographs from the front and each side. They took me into a room in the station. It was two of the FBI officers and the Kenyan officer. Another FBI officer stayed outside. ...They took my left and right-hand finger-prints. One man was showing the other how to

use the equipment. The teaching man explained to the other one: "This lap-top transfers the information by satellite back to the United States and from there it goes to our database and other databases around the world." He said: "You know, the good thing about this is that there are a lot of British guys on our system." He asked me my name, address, date of birth. He said, "What group are you from?" I said I was in the group of 13 who came through the jungle. He said: "No, I mean are you Middle-East Al-Qaeda, East African, Al-Qaeda, North African Al-Qaeda?" I said none of those. He said to the learner: "Type in 'possible Islamic Courts East African Al-Qaeda fighter.'" Then they said: "That's enough; now you can go back to your cell."

The American citizen Amir Mohammed told me he was interrogated first by the Kenyans, then they took him to the FBI. He said he was being handled by the FBI and some other Kenyan intelligence officers. ... They took Amir out. When he came back to the cell he was stressed and he was crying. He told me that they had taken him to the top floor of a hotel. They had said to him "You know Allah is up there. Well we are the FBI and we're on the same level." One agent said to him, "I will put it very clear to you. You are going to start getting tortured from tomorrow if you don't start coughing up information."

ETHIOPIA

Reprieve and Cageprisoners welcome the admission by the Ethiopian government on 9 April 2007, that 41 foreign nationals were transferred into their custody by the Somali Transitional Government. However, Reprieve and Cageprisoners note that 47 prisoners from the original flight logs remain unaccounted for. There are also serious questions regarding the Ethiopian Government's claims that the prisoners have been treated well and will be subject to a legitimate military tribunal.

In contrast with Ethiopian Government claims of due process and the observance of human rights, eye-witness evidence gathered by Reprieve and Cageprisoners indicates that in Ethiopia:

- Prisoners have been subject to secret military tribunals where they were not shown the evidence against them, were not provided lawyers or an opportunity to present a defence, and were told a determination would be made as to whether or not they were “illegal combatants”;
- Prisoners have been held in chicken-wire cages;
- Prisoners have been abused;
- Prisoners have been subject to repeated visits by foreign security and intelligence agents, notably American, British and Swedish personnel.

The Guantánamo Bay-Style Tribunals

According to the Ethiopian government:

*All legal procedures are being followed, and the suspected terrorists have been allowed to appear before the relevant court of law, in this instance before the competent Military Court. Twenty-nine of them have been slated to be released following the order of the Military Court to the military prosecutor for reasons of the detainees being non-essential or for having played only a marginal role. From among these, five have already been released. These are from Tanzania, Sudan, Denmark, UAE and Sweden. The rest of the remaining are also at the final stage of their release. This would mean that there will be only 12 detainees left in Ethiopia.*³

Reprieve and Cageprisoners are deeply concerned that the prisoners have been appearing before tribunals reminiscent of a Guantánamo Bay Combatant Status Review Tribunal rather than a court. The hearings are held in secret, prisoners are denied access to the evidence against them or a fair opportunity to present their case, and no lawyers are permitted. Reprieve and Cageprisoners are worried that prisoners are not being accorded their full rights in a country already well known for its serious human rights abuses.

Swedish citizen Safia Benaouda told Reprieve and Cageprisoners:

One day they took me to a hearing. I was with a group of men and a group of women. There were three judges, three prosecutors, guards and translators. I was not allowed to speak to anyone.

...

³ Press Statement of 9 April 2007, Ministry of Foreign Affairs, Federal Democratic Republic of Ethiopia.

My husband Mounir and the other Swede Yusuf was there too. Also the Danish man Ali Jog. ... They told us that the prosecutors wanted a month to decide if we were illegal combatants or war prisoners.

The Cages

The Ethiopian government stated on 9 April 2007 that: “Ethiopia can confirm that no detainee has been subjected to violation of his/her rights, to torture, to inhumane or to degrading treatment.”⁴

Testimony gathered by Reprieve and Cageprisoners calls this claim into question. Swedish citizen Saafia Benaouda told Cageprisoners and Reprieve:

In the camp in Ethiopia, the Swedish men were held in little wire cages. I was in a separate room. I saw them twice a day when the guards opened the door to bring me food.

According to Saafia Benaouda, in Ethiopia prisoners were subject to treatment amounting to cruel, inhuman and degrading treatment:

In Ethiopia we were all thin. We lost a lot of weight and were depressed. Othman the Swede was tortured a lot - he was really down. He looked depressed and down and humiliated.

...

I saw marks around my husband's neck. He told me that the interrogators had strangled him and tortured him. He told me that they were not allowed to eat,

⁴ Press Statement of 9 April 2007, Ministry of Foreign Affairs, Federal Democratic Republic of Ethiopia.

that he was made to stand up all day. Over and over they asked: “Are you a terrorist?” They beat him up. I could see deep scars on his hands and ankles from the cuffs. The last time I saw him, Mounir was having a really tough time, being in a little cage 24 hours a day, not allowed out and handcuffed from behind all day and all night. Us women could often hear the men being tortured, crying and screaming.

...

Halima Badrouline the Comorian woman got it really bad in Ethiopia. She was held with us in the same place the whole time, just not allowed to talk to us or spend time with us. She had her own cell with her kids. Later on they let her talk to us again. In those first weeks, she told us that the interrogators had hit her and screamed at her in front of her children. Her kids looked so afraid when they came back. She looked depressed, stressed, as though she was going out of her mind.

The Agents

Eye-witness testimony gathered by Cageprisoners and Reprieve indicates that prisoners have been questioned by agents of foreign governments, that this has been happening on a regular basis, and that determinations of guilt or innocence of prisoners made by these agents may have had some influence on the determination of the Ethiopian “tribunal.”

UAE citizen Kamilya Tuweil, recently released from Ethiopia, told Cageprisoners and Reprieve:

Every morning in Addis [Ababa, Ethiopia], they would take some people for interrogation from our cells to a villa. Three or four people would be interrogated daily. During my month and a half in Addis Ababa, I was interrogated twice. When they took me for interrogation the second time, there was a man interrogating me. He introduced himself as being from the American government but I don't remember his name or any other specific details. He was of average height and had a full beard (blond/brown). He wore normal clothes. Our fingerprints were taken and a few photographs of us were taken holding some card.

I spoke to the American. The American man interrogated me for an hour. I asked how long we would be there.... I explained my story to the time I arrived at Mogadishu. ... He said to me, "I know you are innocent...."

Kamilya Tuweil was released from Ethiopia in early April 2007.

Swedish citizen Saafia Benouada told Reprieve and Cageprisoners:

They took a group of women including me. There was a man taking our fingerprints and DNA. He told us he was American. He was tall, with dark blond/light brow hair, around 35 years old. He said he was a specialist on taking DNA. He had a computer for taking fingerprints. Not ink fingerprints - it was a machine with a blue light that you put your fingerprints on. He was kind of polite, but it was false politeness.

He took DNA with a swab in my mouth. He did this to all the women I was with and later to the others. The later ones told me that even a 7 month-old was photographed and fingerprinted and DNA was taken.

When we were taken to meet the Americans, they took the Ethiopian women somewhere else. When they came back to the camp and said they met MI5.

A few days later was when the Ethiopians took me to interrogation. About ten or twelve white men and women were questioning me. From their accents, I could tell that some of them were from America.

Recommendations

Reprieve and Cageprisoners make the following urgent recommendations:

1. The Ethiopian government must make a full, frank and public disclosure regarding the identities and location of all foreign and Ethiopian prisoners held in its custody or transferred elsewhere in relation to the recent hostilities in the Horn of Africa. The Ethiopian Government must facilitate full and immediate access to all prisoners by international humanitarian organisations, relevant consular representatives, and lawyers, and ensure adequate due process for all prisoners in its custody.
2. The United States government must make a full, frank and public disclosure regarding its true role in the rendition, interrogation and detention of prisoners in the Horn and East Africa. The United States Government must use its influence to press for full and

immediate access to all prisoners by international humanitarian organisations, relevant consular representatives and lawyers, and ensure adequate due process for all prisoners.

3. The Transitional Federal Government of Somalia must make a full, frank and public disclosure regarding the identities and location of all foreign and Somali prisoners in its custody or transferred to Ethiopia or elsewhere in relation to the recent hostilities in the Horn of Africa. The Transitional Federal Government must facilitate full and immediate access to all prisoners by international humanitarian organisations, relevant consular representatives and lawyers, and ensure adequate due process for all prisoners in its custody.
4. The Kenyan government must make a full, frank and public disclosure regarding the identities and location of all foreign and Kenyan prisoners in its custody or transferred to Somalia, Ethiopia or elsewhere in relation to recent hostilities in the Horn of Africa. The Kenyan Government must facilitate full and immediate access to all prisoners by international humanitarian organisations, relevant consular representatives and lawyers, and ensure adequate due process for all prisoners in its custody.
5. The governments of Canada, Comoros, Eritrea, France, Kenya, Ethiopia, Oman, Rwanda, Saudi Arabia, Somalia, Sweden, Tunisia, United Arab Emirates, United States and Yemen must make immediate and effective representations to the Kenyan, Somali and Ethiopian governments in relation to the apparent illegal detention, rendition and possible torture of their citizens, and secure their immediate return home.
6. All relevant governments must make a full, frank and public disclosure regarding the identities and location of all prisoners in its custody, held or transferred in relation to the

recent hostilities in the Horn of Africa. All relevant governments must facilitate full and immediate access to all prisoners by international humanitarian organisations, relevant consular representatives and lawyers, and ensure adequate due process for all prisoners.