US illegally detains more Afghans than ever at Bagram military base

David Walsh
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The US government is continuing its global policy of illegal detention, abuse and torture of prisoners. This emerges from a *New York Times* article published January 7, which reports on conditions at the notorious Bagram military base in northern Afghanistan's Parvan province.

The US detention center now houses some 630 prisoners, an increase from a total of little more than 100 in early 2004 and some 500 in early 2006, and more than twice the number currently held at Guantánamo Bay, Cuba. The deteriorating military and security situation in Afghanistan is driving the process, notes the *Times*. All but 30 of the prisoners are Afghans, allegedly captured in raids or on the battlefield.

The International Committee of the Red Cross, in a confidential memo last summer, issued a "strong complaint" to the US Defense Department. The organization protested, writes the *Times*, that "dozens of prisoners had been held incommunicado for weeks or even months in a previously undisclosed warren of isolation cells at Bagram ... The Red Cross said the prisoners were kept from its inspectors and sometimes subjected to cruel treatment in violation of the Geneva Conventions."

While conditions at Guantánamo have received far more publicity, detainees who have experienced both describe "their treatment at Bagram as far worse than" at the Cuban camp, the *Times* noted in a May 2005 article describing the cruel deaths of two prisoners at the Afghan base.

Since the flow of prisoners to Guantánamo essentially stopped in September 2004, those deemed by the US to be more dangerous prisoners captured in Afghanistan have been sent to Bagram.

The *Times*' most recent piece observes, "Despite some expansion and renovation, the detention center remains a crude place where most prisoners are fenced into large metal pens, military officers and former detainees have said.

"Military personnel who know both Bagram and Guantánamo describe the Afghan site, on an American-controlled military base 40 miles north of Kabul, as far more spartan. Bagram prisoners have fewer privileges, less ability to contest their detention and no access to lawyers. Some detainees have been held without charge for more than five years, officials said." US officials claim they intend to hold hundreds of prisoners at Bagram "indefinitely."

The Associated Press commented in October 2007 that the US was turning the base, "originally envisioned as a temporary home for invading U.S. forces," into a permanent facility. An American officer told the AP, "This is going to become a long-term base for us, whether that means five years, 10 years, we don't know."

Red Cross officials apparently complained to American authorities in private that detainees in the camp's isolation area were sometimes subjected to harsh interrogation and their presence was not reported to the organization, contrary to the Geneva Conventions, until they had been held incommunicado, in some cases, for months.

The prisoners at Bagram, also labeled "unlawful enemy combatants" by the Bush administration, have even fewer legal rights than those held in Guantánamo. As an article in the *New Republic* pointed out in May 2007, "Prisoners don't even have the limited access to lawyers available to prisoners in Guantánamo. Nor do they have the right to Combatant Status Review Tribunals, which Guantánamo detainees won in the 2004 Supreme Court ruling in *Hamdi v. Rumsfeld.* Instead, if a combat commander chooses, he can convene an Enemy Combatant Review Board (ECRB), at which the detainee has no right to a personal advocate, no chance to speak in his own defense, and no opportunity to review the evidence against him. The detainee isn't even allowed to attend. And, thanks to such

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limited access to justice, many former detainees say they have no idea why they were either detained or released."

US officials claim they have been attempting to turn over the detainees to the Afghan government and house them in a new facility, but that the plan to build the new high-security prison outside Kabul has been beset by difficulties. One of the obstacles has been the reluctance of the Afghan puppet government to follow the Bush administration and adopt a detention system modeled on the "enemy combatant" framework. The Afghans have been urged to organize drumhead trials like those at Guantánamo, to this point without success.

Under US control, Bagram has a record of brutality. As noted above, in December 2002, US military personnel, in a particularly savage manner, murdered two Afghans, an alleged Taliban commander and an ordinary taxi driver, arrested entirely by mistake.

The *New York Times* obtained a copy of a nearly 2,000-page confidential military investigation into the deaths and reported the story in May 2005. The *Times* piece began: "Even as the young Afghan man was dying before them, his American jailers continued to torment him. The prisoner, a slight, 22-year-old taxi driver known only as Dilawar, was hauled from his cell at the detention center in Bagram, Afghanistan, at around 2 a.m. to answer questions about a rocket attack on an American base. When he arrived in the interrogation room, an interpreter who was present said, his legs were bouncing uncontrollably in the plastic chair and his hands were numb. He had been chained by the wrists to the top of his cell for much of the previous four days."

The other prisoner, known as Habibullah, was literally beaten to death at Bagram by US guards and interrogators. His autopsy "showed bruises or abrasions on his chest, arms and head. There were deep contusions on his calves, knees and thighs. His left calf was marked by what appeared to have been the sole of a boot. His death was attributed to a blood clot, probably caused by the severe injuries to his legs, which traveled to his heart and blocked the blood flow to his lungs."

Many other Afghans have undergone violence in American custody at Bagram. "In sworn statements to Army investigators," the *Times* reported, "soldiers describe one female interrogator with a taste for humiliation stepping on the neck of one prostrate detainee and kicking another in the genitals. They tell of a shackled prisoner being forced to roll back and forth on the floor of a cell, kissing the boots of his two interrogators as he went. Yet another prisoner is made to pick plastic bottle caps out of a drum mixed with excrement and water as part of a strategy to soften him up for questioning."

Harsh treatment was routine. "Guards could strike shackled detainees with virtual impunity. Prisoners considered important or troublesome were also handcuffed and chained to the ceilings and doors of their cells, sometimes for long periods, an action Army prosecutors recently classified as criminal assault."

Many of the Bagram interrogators, including Capt. Carolyn Wood, were transferred to Iraq in July 2003 and took charge of interrogation at Abu Ghraib. Wood applied techniques there that were "remarkably similar" to those that had been used at Bagram.

The Center for Constitutional Rights (CCR), based on reports compiled by the Red Cross and US military investigators, found the following torture techniques had been used at Bagram: sleep deprivation for weeks; shackling detainees while standing; forced nudity; sexual taunting by women soldiers; forcing detainees to lie on frozen ground and beatings.

In October 2006 the CCR filed a habeas petition, challenging provisions of the Military Commissions Act, on behalf of 25 detainees held at Bagram who had been detained without charge or trial. The center noted: "Though some have been held for years, none of these men has ever received a hearing of any sort. Bagram has been the site of notorious examples of abuse—including abuses that led to the December 2002 deaths of two Afghan detainees."

As the Red Cross report reveals, in a worsening situation for the occupying forces, the criminal and sadistic conduct persists.

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