

Obama defends his “Guantánamo” in Afghanistan

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The Obama administration has insisted that prisoners being detained indefinitely without trial at a US prison at Bagram air base in Afghanistan have no right to challenge their detention or treatment through American courts.

Last Friday, in a case in the federal district court involving four detainees at Bagram, Obama's Justice Department stood by the Bush administration's claim that the men were "enemy combatants" and that US courts had no jurisdiction. "Having considered the matter," Acting Assistant Attorney General Michael Hertz wrote in a submission, "the government adheres to its previously articulated position".

Upon taking office, Obama has attempted to repair the damage done to the image of US imperialism by the Guantánamo Bay detention centre. He announced its closure and publicly declared that "we don't torture". Now, the real stance of his administration is clear. While alleged "terrorist suspects" will no longer be abused at Guantánamo—which American courts ultimately ruled was US territory and subject to legal oversight—similar outrages will continue unchecked in Afghanistan and elsewhere.

Jonathan Hafetz, of the American Civil Liberties Union, commented to the Associated Press: "They've [the Obama White House] now embraced the Bush policy that you can create prisons outside the law."

The Bagram detention centre reportedly holds at least 600 prisoners. Other US prisons are known to be operating in Afghan cities such as Kandahar, Jalalabad and Khost. The detainees are not brought before a

court; do not see or hear the alleged evidence against them; and cannot consult lawyers. They are held at the whim of the US military. They are only visited by Red Cross representatives, who are not permitted to report on the conditions inside.

In some cases, including the men involved in the federal court action, the detainees were seized in other countries as "terrorist suspects" and then "rendered" to Afghanistan. The four plaintiffs had been rendered from Yemen, Tunisia, Thailand and Pakistan. One of them has been held without charges for six years. The British government admitted last week that it had sent two Pakistani nationals detained in Iraq to Afghanistan on "suspicion" of belonging to an Islamist organisation.

The bulk of the detainees at Bagram are Afghans who have been seized by the US military on the suspicion of involvement in the armed, anti-occupation resistance being waged by the Taliban and other groups.

These "enemy combatants" are not covered by the Geneva Convention for prisoners of war, which states: "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

According to this month's UN report on Afghanistan, ex-Bagram detainees reported being subjected to repeated interrogation involving torture or abuse for not answering questions or signing confessions. They were kept in overcrowded cells with as many as 15 to 20 other men. All the methods made infamous at Abu

Ghraib in Iraq and Guantánamo were reportedly used at the camp. In late 2002, two detainees at Bagram died after being physically abused by US military personnel.

After American military and intelligence agencies have finished with them, dozens of detainees have been handed over to be tried in the courts established by the US-backed Afghan government. A 2008 report by Human Rights First described these trials:

"The detainees are being charged under Afghan law for crimes ranging from treason and destruction of government property to threatening the security of Afghanistan. Trials last between 30 minutes to an hour and defendants have been sentenced to terms of imprisonment ranging from 3 to 20 years.... there are no prosecution witnesses presented, no out-of-court sworn prosecution witness statements to support the charges, and little or no physical evidence is presented.... Such trials violate both Afghan criminal procedure law and international fair trial standards."

When the lack of evidence has been challenged by defence lawyers, prosecutors have allegedly replied that the US military would not have detained the person unless they were guilty. The relatives of detainees last month told the British-based *Telegraph* that many of the prisoners had been seized on the basis of false information provided by tribal rivals or family enemies.

As the Obama administration deploys additional troops to Afghanistan to secure US interests in Central Asia, it is preparing to expand the capacity of the Bagram detention centre. The camp is undergoing a \$60 million revamp so it can hold over 1,100 prisoners. Hundreds more people, from inside and outside Afghanistan, will vanish into the legal black-hole created by Bush, and now continued by Obama, in the name of a fraudulent "war on terror".



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