Britain: Government sued over illegal detentions in Afghanistan

Julie Hyland
22 August 2009

The legal charity Reprieve is suing the British government in connection with the illegal detention of two men held in Afghanistan.

Details of the challenge further expose the Labour government's complicity in Washington's programme of "extraordinary rendition". It confirms that the deprivations and abuses associated with Guantanamo Bay are by no means unique, but part of a broader network of US-organised torture facilities, which continue under President Barack Obama.

The two men, believed to be Pakistani nationals, were seized in Iraq by British soldiers in 2004 and have been held at Bagram air base in Afghanistan without charge for five years.

The charity is challenging the government's refusal to name the two. Without confirmation of their identities it is not possible to mount a legal challenge against their indefinite detention without charge or trial.

The Ministry of Defence ludicrously justifies its refusal to identify them on the grounds that this would breach the men's rights under the Data Protection Act.

A letter to Defence Secretary Bob Ainsworth from Leigh Day, the lawyers acting for Reprieve stated, "There can be no doubt that the two individuals handed to the US by the UK, and subsequently transported to Afghanistan, may have suffered illegal ill-treatment of some sort, and potentially very serious torture. Indeed they may still be suffering such treatment."

Through an independent investigation Reprieve believes it has tentatively identified the two men as Pakistani nationals, Salah el Din and Saifullah.

"Unfortunately, this information is insufficient to identify the men properly, and track down their families in order to secure authorisation to bring litigation on their behalf," the charity stated. "We are now suing the Government to force them to reveal the necessary information."

Until earlier this year, the Labour government had insisted that the two were still being held in Iraq. In February, however, then Defence Secretary John Hutton admitted that "inaccurate information" had been given to Parliament as to the men's whereabouts.

Parroting US officials that the two are associated with a proscribed organisation, Lashkar-e-Taiba, Hutton claimed at the time that they had been transferred to Afghanistan due to a lack of linguists for their interrogation.

In a statement, Clive Stafford Smith, director of Reprieve, said "These two men have been held in appalling conditions for five years, and for all that time the British government chose to do nothing.

"While we have not been able to identify their full names, we have learned that at least one of the men is now suffering from very serious mental problems as a result of his mistreatment.

"Here, the government admits its involvement in the crime of rendition, says it apologises, but then does nothing to reunite the victims with their legal rights.

"We have an urgent moral, as well as legal, duty to repair the damage his rendition has caused. How many more times is the Government going to say one thing-that they never cover up complicity in torture-while doing the opposite?"

The MoD has said it is reviewing Reprieve's legal points, but a spokesman said, "We have no reason to believe that Reprieve's unsubstantiated allegations about their [the two Pakistani nationals] welfare are accurate.

"The US has assured us the detainees are held in a humane, safe and secure environment within the detention facility, which meets international standards for the care and custody of detained persons."

The charity says that the two men are among hundreds detained "beyond the rule of law" at the Bagram base, which is surrounded by "a shroud of secrecy."

© World Socialist Web Site

A spokesperson told the BBC the Afghan prison was "like Guantanamo, but far, far worse."

The Bagram base near Kabul has been the centre for US-led occupying forces in Afghanistan since the 2001 invasion. In addition to accommodating up to 10,000 troops, it is the main detention facility for those imprisoned by US forces, including many "rendered" to Afghanistan from other countries.

The BBC reported, "Those who have been inside describe it as being divided up into cages in some areas, with walled-off rooms in others."

According to another BBC report in June 2009 by Ian Pannell, numerous detainees have spoken of their abuse at the camp.

Out of 27 ex-inmates, held between 2002 and 2008, interviewed by the broadcaster, "just two said they had been treated well." Others spoke of beatings, sleep deprivation and the use of dogs to intimidate them.

Those held were accused of membership of Al Qaeda or the Taliban, or of aiding them in some way. However, "none was charged with any offence or put on trial-some even received apologies when they were released."

Pannell recounted allegations of "physical abuse, the use of stress positions, excessive heat or cold, unbearably loud noise, being forced to remove clothes in front of female soldiers."

Four reported that they were threatened with death at gunpoint.

The BBC cited one former detainee, a Dr. Khandan, stating, "They did things that you would not do against animals, let alone to humans.

"They poured cold water on you in winter and hot water in summer. They used dogs against us. They put a pistol or a gun to your head and threatened you with death.

"They put some kind of medicine in the juice or water to make you sleepless and then they would interrogate you."

The Pentagon claims that conditions at Bagram "meet international standards for care and custody".

Writing in the *Guardian,* August 17, Liberal Democrat MP Edward Davey recounted how a constituent of his, Bisher Al-Rawi, had been held in Afghanistan where he was "detained and tortured for several months".

Al-Rawi was arrested while on a business trip to Gambia on December 8, 2002. After he was turned over to the US authorities by the Gambian National Intelligence Agency, he was transferred to Bagram air base and then on to Guantanamo Bay.

After reports that Al-Rawi was an informant for Britain's MI5, in April 2006 the British government formally requested his release. He was finally freed without charge on April 3, 2007.

Al-Rawi "described Guantánamo as a 'holiday camp' in comparison" with the Bagram base, Davey wrote.

Since taking office in January, the Obama administration has continued the anti-democratic policies of its predecessor, blocking legal challenges to the Bush administration's practices of rendition, torture and illegal domestic spying. It has indicated it will adopt a policy of indefinite detention for those imprisoned at Guantanamo where, according to a July report in the German magazine *Der Spiegel,* torture continues.

In Bagram, prisoners continue to be denied access to lawyers and are unable to challenge their detention. In June the US District Court in Columbia dismissed the petition of one Bagram detainee held for more than six years without charge, on the grounds that as a citizen of Afghanistan he had no right to petition the US courts.

The International Justice Network, which was providing legal support for the detainee, said those jailed in Bagram were being kept in a "legal black hole". The US Justice Department argued that granting legal rights to detainees could undermine the Obama administration's "ability to succeed in armed conflict and to protect United States' forces".

According to reports, the US is now planning to construct an even larger prison at Bagram.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site