

As American commanders target Afghan children

Karzai offers immunity for continued US occupation

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Afghan President Hamid Karzai said Saturday that he is willing to offer immunity from prosecution to US troops who remain in the country after 2014, the formal deadline for the withdrawal of American and NATO combat forces.

The US-backed president said he was willing to trade immunity for “Afghanistan’s sovereignty,” which he defined as agreement by the US occupation authorities to turn over Afghans held in US detention, halt raids on Afghan villages, and cede control of the country’s airspace to the Afghan government.

“Within those conditions, and once those conditions are fulfilled...Afghanistan is willing to consider immunity” for the troops,” said Karzai.

Karzai has repeatedly raised similar demands in an attempt to deflect popular outrage over crimes against civilians carried out under the US-led occupation. The granting of immunity, however, by definition precludes sovereignty, as the Afghan government would have no means of holding American forces accountable for such crimes.

The public statement came as US and Afghan negotiators continued their efforts to iron out a status of forces agreement that would cover US military forces after 2014. There are currently 66,000 US troops in Afghanistan, by far the largest contingent in a 100,000-strong NATO deployment.

Despite the formal withdrawal deadline, it is anticipated that a large number of soldiers will remain behind, including special operations forces who will continue carrying out counterinsurgency attacks, as well as trainers and advisers who will exert continued US dominance over Afghan security forces.

While no official number has been put forward as to

how many American troops will remain after 2014, most estimates have put the figure at 20,000 or more. Both the number of troops and the number of bases to be left in US hands are part of the negotiations.

The issue of immunity, however, is viewed by Washington as among the most crucial. Failure to win such a guarantee from the regime in Iraq last year resulted in the pullout of virtually all US troops, even though the Obama administration had tried to get a deal that would have allowed it to keep some 10,000 soldiers and Marines in the country. Prime Minister Nuri al-Maliki refused to provide such protection, fearing the popular hostility among Iraqis to a continued US military presence as well as the likely consequences of their operating with legal impunity.

The immunity agreement will protect American occupation forces from being arrested and tried for war crimes, either in Afghanistan or before the International Criminal Court, and prevent US troops from being held accountable in the occupied country for any criminal offense against its people.

Significantly, the negotiations are unfolding under conditions in which new evidence of US war crimes in Afghanistan are emerging on an almost daily basis.

Comments by a US commander about targeting Afghan children as potential Taliban supporters provoked a firestorm of international criticism last week. Lt. Col. Marion Carrington, the commander of the 1st Battalion, 508th Parachute Infantry Regiment in Afghanistan, told the *Military Times*, a chain of newspapers directed to members of the US military, that in regard to his unit: “It kind of opens our aperture. In addition to looking for military-age males, it’s looking for children with potentially hostile intent.”

The article, headlined “Some Afghan Kids Aren’t Bystanders” amounted to a US military justification for the murder of Afghan children.

The article specifically cited a US missile attack in October in Helmand’s Nawa district that took the lives of three Afghan children: Borjan, 12, Sardar Wali, 10, and Khan Bibi, 8. An unnamed Marine officer told the *Military Times* that he questioned the children’s “innocence.”

The officer claimed that before the missile strike, Marines had seen the children digging holes and speculated they could have been recruited by the Taliban to plant improvised explosive devices (IEDs).

Local officials had insisted that the children were collecting dung, which is burned by Afghans as fuel.

The implication of the officer’s account was to justify the killing of the three children and suggest that they were deliberately targeted, even though the US military knew they were taking the lives of young minors.

Similar issues have arisen from a written response provided by the Obama administration to an inquiry from a United Nations committee monitoring the implementation of a treaty protecting the rights of children in armed conflicts. Washington acknowledged that “over the last several years” the US occupation forces have captured some 200 children under the age of 18 and held them in military custody.

While refusing to provide any specific information about any of the detainees, the US allowed that their average age was 16, suggesting that many of them were pre-teens. It also reported that “for juveniles, the average length of stay [in US military custody] has been approximately one year.”

The administration failed to answer questions as to what American occupation forces had done to aid in the rehabilitation of these children or assist their reintegration into society as required under the treaty. The clear implication is that no such steps were taken. It gave no information as to the individual fate of any of the children, while claiming, “Many of them have been released or transferred to the Afghan government.”

The lack of any specific information calls into serious question the claim that only 200 children have been imprisoned at the Bagram detention center—notorious for use of torture—and other US military prisons.

Human rights advocates familiar with conditions in these facilities believe the number to be much higher and charge that US officials frequently refuse to acknowledge that those they are holding are minors.

While the US reply insisted that the purpose of detaining juveniles was “not punitive but preventive,” holding young children in military prisons away from their families for a year or more amounts to a form of extreme abuse and mental torture.

Meanwhile, the British government has been asked to investigate an incident in which British troops shot and killed four young Afghan boys. Britain’s Ministry of Defense described the dead children as “Taliban targets,” but witnesses said they were gunned down in cold blood while they were in their home drinking tea.

The massacre took place in a village in Afghanistan’s Helmand province on October 18, leaving dead Fazel Mohammed, 18, Naik Mohammed, 16, Mohammed Tayeb, 14, and Ahmed Shah, 12. All four victims were shot at close range.

According to a letter sent by a lawyer representing a brother of the four boys, which was obtained by the *Guardian*, the victims’ relatives found the bodies of the “four teenagers lying in a line with their heads towards the doorway... The four boys killed all appear to have been deliberately targeted at close range by British forces. All were killed in a residential area over which UK forces clearly had the requisite degree of control and authority.”

The letter added: “It was clear that the bodies had been dragged into that position and all had been shot in the head and neck region as they sat on the floor of the guesthouse leaning against the wall drinking tea.”

It is clear that these kind of war crimes—and even worse ones such as the massacre of some 16 Afghan men, women and children attributed to Sgt. Robert Bales last March—will continue as long as Afghanistan remains occupied by US, British and other NATO troops. This is what lies behind the demand for a guarantee of immunity.



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