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USA: Administration opts for secrecy on Bagram detainee details

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Yesterday, the US Justice Department filed in court its response to a federal judge's request for updated information on how many people are being held in the US airbase in Bagram in Afghanistan, how many are Afghan nationals, and how many were taken into custody outside Afghanistan. As had occurred two months earlier under the Bush administration, the details of the government's response were redacted (blacked out) from the unclassified version of the filing.

This is not the transparency President Obama promised in the name of government accountability. The administration should declassify these details and immediately begin the process of opening up the Bagram detentions to public scrutiny.

Amnesty International wrote to the administration last week to urge it not to repeat its predecessor's use of classification to conceal from the public details of the Bagram detentions. The organization pointed to President Obama's commitment to creating "an unprecedented level of openness in Government" and his instruction to administration officials that "transparency promotes accountability and provides information for citizens about what their Government is doing".

Amnesty International asked the administration for details beyond those requested by District Court Judge John Bates, including how many of the Bagram detainees were under 18 years old when taken into custody, and whether two individuals whom the UK government recently revealed it had handed over to US forces in Iraq in February 2004 are now in Bagram. The organization also called on the US authorities to issue regular public updates on how many people are being held in Bagram, their nationalities, and where, when, and in what circumstances they were taken into custody. No response has so far been received.

The Bagram detention facility, which has now been operating for over seven years, has been the scene of torture and other ill-treatment, deaths in custody, secret detentions and transfers. Accountability has been minimal. The hundreds of detainees held there have no access to courts or lawyers. Some have been held for years.

The Bush administration exploited secrecy and classification to conceal human rights violations and block accountability and remedy for them. President Obama has committed his administration to changing the "culture of secrecy" and to instituting a National Declassification Center to make declassification "secure but routine, efficient, and cost-effective".

Also yesterday, US Secretary of State Hillary Clinton described the USA as "an exemplar of human rights" and stated that there was "no doubt about our commitment" to human rights.

In its interactions with other governments, she said, the USA will “continue to look for opportunities to not just talk about human rights, but actually to try to advance the agenda on human rights.”

The detainees in US custody in Bagram have long been denied human rights protections. Amnesty International continues to call for the Bagram detainees to be granted access to an independent court to challenge the lawfulness of their detentions, to effective remedies in relation to their treatment and conditions of detention, and to meaningful access to legal counsel for such purposes.

Amnesty International continues to call for the US authorities to ensure, as they are required to do under international law, accountability and remedy for human rights violations committed by or at the instigation of the USA, including in Bagram and other facilities in Afghanistan. Among other things, the US authorities should set up an independent commission of inquiry into all aspects of the USA’s detention and interrogation policies and practices since 11 September 2001.

For further information, see:

USA: Urgent need for transparency on Bagram detentions, 6 March 2009, at <http://www.amnesty.org/en/library/info/AMR51/031/2009/en>

USA: Out of sight, out of mind, out of court? The right of Bagram detainees to judicial review, 18 February 2009, <http://www.amnesty.org/en/library/info/AMR51/021/2009/en>.

USA: Investigation, prosecution, remedy: Accountability for human rights violations in the ‘war on terror’, December 2008, <http://www.amnesty.org/en/library/info/AMR51/151/2008/en>.

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