

Amnesty International

Public Statement

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Afghanistan: Torture fear over US transfer of detainees held at Bagram

Afghan authorities have assumed control from the US military of detainee operations on the US airbase at Bagram, north of Kabul. Given the history of torture and other human rights violations carried out by Afghanistan's security forces, Amnesty International is deeply concerned about the transfer of Bagram detainees into Afghan custody.

The degree of US influence over the cases of individual detainees at Bagram remains unclear. However, the Afghan authorities are reported to have taken custody, using a system of administrative detention modelled on the US detention regime at Bagram, of the approximately 3,000 Afghan nationals who were at the Bagram detention facility as of 9 March this year, when the transfer agreement was finalized.

More than 600 detainees reported to have been taken to the base since March, apparently remain under US military jurisdiction, as do the cases of about 50 non-Afghan nationals currently held in the base, some of whom have been in US custody for years.

Amnesty International and others have previously reported on the use of torture and other ill-treatment, with impunity, by Afghanistan's National Directorate of Security (NDS), and other Afghan authorities. The detainee transfer comes just a week after President Karzai nominated Assadullah Khalid¹ as the new NDS director, despite numerous reports of his alleged involvement in torture and unlawful killings over the last decade.

As the UN has documented, abuses by Afghan security forces against suspected insurgents, including Taliban fighters, are especially rife, with many being beaten with rubber hoses and threatened with sexual assault.

Amnesty International has received credible reports that following the transfer, the Afghan authorities intend to release some high profile Taliban commanders held at Bagram as part of ongoing peace efforts with the Taliban. There is publicly available evidence that some of these individuals may have been involved in crimes under international law, including war crimes, against civilians. However the Afghan government is obligated to investigate any individuals implicated in such allegations prior to their release, and where there is sufficient admissible evidence, bring them to justice in compliance with international standards and without recourse to the death penalty.

The Afghan authorities must ensure also that all credible allegations of human rights violations such as torture and unlawful killing by its own security forces should be fully investigated and suspected perpetrators brought promptly to justice.

Amnesty International urges the Government of Afghanistan to reform the detention and criminal justice system. This includes ending the system of administrative detention that the authorities have instituted at Bagram, and putting in place minimum human rights safeguards that are implemented and respected in practice for all detainees and suspects in criminal proceedings.

¹ <http://amnesty.org/en/library/info/ASA11/015/2012/en>

The absence of full accountability and access to remedy for human rights violations committed by US personnel against detainees in Bagram since 2002 is a part of a wider failure of the US authorities to end impunity for such violations, including the crimes under international law of torture and enforced disappearance, committed in the counter-terrorism context since 11 September 2001. Amnesty International continues to call on the USA to meet its international obligations to fully investigate and bring to justice those responsible for these violations committed in this context over the past decade.