
US May Keep Secret Prisoners in Custody After Afghan War Exit

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The inmates, all foreign nationals captured on battlefields around the world, could be transferred to the US court system or, as a last resort, to the Guantanamo Bay prison in Cuba, Brigadier General Patrick J Reinert told Reuters.

The quandary over what to do with the detainees held in a prison near Bagram airfield, north of Kabul, has rekindled the outrage over the US policy of rendition in the early phases of the Afghan war.

In the years after the September 11, 2001, attacks on the United States, suspected militants were abducted and held in secret prisons worldwide without charge or evidence.

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The United State abandoned that policy under President Barack Obama, but the detention of

those being held near Bagram is a reminder that the issue has not been concluded.

"We've got to resolve their fate by either returning them to their home country or turning them over to the Afghans for prosecution or any other number of ways that the Department of Defense has to resolve," Mr Reinert told Reuters.

Almost nothing is known of the detainees' identities. The United States has declined to disclose their nationalities, where they were captured and how many are still in its custody.

Their status is increasingly urgent because the United States will lose the right to hold prisoners in Afghanistan after the 2014 end of mission for the US-led force there.

Most of the prisoners are Pakistani, according to the human rights group Justice Project Pakistan. Some are from Yemen, Russia and Saudi Arabia.

The inmates remained in US custody after the prison on the outskirts of the US military's Bagram base handed its Afghan detainees over to Afghan control last year.

DILEMMA

The United States wants to repatriate the detainees to their home countries, Mr Reinert said, but that might not be possible because Washington has not received assurances they will not be prosecuted at home or kept in humane conditions.

"Until the country provides assurances, the individual cannot be transferred," he said. He declined to say how many were held at the prison.

There were about 50 foreign nationals there last year when it was transferred to Afghan control, US officials said at the time, but some have since been repatriated.

One possible solution could be to transfer them to the United States, where they could be prosecuted.

"If someone has committed a crime overseas that could be a crime also in the United States, a detainee could be transferred back to the United States," Mr Reinert said.

They could also end up in Guantanamo Bay, although this was less likely because of pressure to close the facility, he said.

Mr Obama's 2008 vow to close the prison in Cuba has gone unfulfilled, and there are 155 detainees still held there because they are either considered too dangerous to release or the United States cannot find another country to take them.

The possibility of the Bagram detainees' remaining in US custody has alarmed rights groups.

"It would be an absolute nightmare if that happened ... We don't even know who they are. Our effort is to ensure all Pakistanis are back before the end of December," said Maryam Haq, a lawyer with the Justice Project Pakistan.

The United States last week quietly repatriated 14 Pakistani detainees from the facility because there was no real evidence to keep them in prison. Other Pakistanis repatriated in the past had been held for a decade without charge, Haq said.

The United States had long resisted handing over the prison over concerns "dangerous" prisoners would be set free by the Afghan authorities and had earlier strongly objected to Afghanistan's release of about 65 prisoners.
