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# Afghanistan: UN expert denounces abuses in illegal prisons



22 August 2004 – A United Nations Independent Expert on Afghanistan is denouncing abuses taking place at an illegal jail there, and seeking answers from the United States on getting the prisoners released.

Briefing reporters in Kabul on Saturday, Professor Cherif Bassiouni referred to a group of 725 out of some 3,200 persons originally detained by the Northern Alliance – “and apparently some US forces were involved” – who then were transferred from Shibergan to Pul-e-Charkhi prison under the authority of the Government.

The expert, who visited the prison, called conditions there inhuman. “They violate every standard of human rights whether under UN standards of minimum rules for the treatment of offenders or under international humanitarian law,” he said.

He also called the detention illegal, because the suspects were arrested as combatants and therefore as prisoners of war. “Every Government official I have discussed this matter with has agreed that there’s no legal basis for their detention, and everyone has said that they should be released,” he said.

“There are allegations that the US authorities ask that they continue to be kept in detention,” he said. “I have protested this situation with the appropriate government officials and I will continue to do so.”

Asked what Washington’s reaction was, he said, “The official response is that the US has never asked to put a hold on their release. But, it is quite clear having spoken to almost every senior official other than the President, that all of the indications are that they want them to be released and that there’s someone else who’s putting the hold on them.”

“It seems that there’s a question of credibility at stake here,” he added.

Professor Bassiouni said about half of those detained at the site – an estimated 350 – are Pakistanis.

The expert also raised the issue of US forces holding between 300 and 400 detainees in Kandahar and Bagram. “Nobody has had a chance to visit them,” he noted. “The lack of giving an opportunity for people to go

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and see these facilities is a lack of transparency that raises serious concerns about the legality of detention as well as the condition of those detentions.”

Since Afghanistan is a sovereign State with its own interim government, he said that when foreign forces operate in its territory, they must have a 'status of forces agreement,' or SOFA. “To the best of my knowledge there is no SOFA between the US and the Government of Afghanistan, which raises another serious legal question,” he observed.

Mr. Bassiouni's concerns will be transmitted to the UN in a forthcoming report, which will also touch on the problems faced by women tried and sentenced by tribal councils for “social and alleged moral violations but not legal violations.” He said the condition of these women could be compared to modern slavery.

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