

Indefinite Detention Uncharged and Untried a Crime Against Humanity

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These are troubled times. Rule of law protections don't help. The US does whatever it pleases, operating by its own rules, inflicting harm on nations, groups and individuals, including its own citizens.

The UN, world community nations, and international courts are complicit by failing to denounce and challenge flagrant US breaches of laws, norms, and standards.

Its authorities have a free hand to operate unrestrained, taking full advantage, at the expense of world peace, equity and justice – things worsening, not improving over time.

On January 13, Press TV Iranian/American journalist/anchor Marzhieh Hashemi was arrested and detained by the FBI without just cause.



She's held at an undisclosed location in Washington uncharged and untried, given minimal contact with family members in America, afforded no legal counsel for days before assigned public defender representation for a Friday court appearance.

As of now, she's scheduled to appear before a grand jury on Wednesday. True or false, the FBI claims she's a material witness in a criminal case her family members know nothing about. Perhaps neither does she.

Article 9 of the International Covenant on Civil and Political Rights affirms "the right to liberty and security of person," adding "(n)o one shall be subjected to arbitrary arrest or detention."

Anyone arrested "shall be informed at the time of arrest of the reasons" for this action

“promptly...”

America’s Fourth Amendment prohibits “unreasonable searches and seizures...” Marzieh was illegally seized without just cause.

The Fifth Amendment affirms the right of “due process of law” in any proceeding that denies a citizen “life, liberty or property.”

America’s Eighth Amendment prohibits “cruel and unusual punishments” – what Marzieh has been subjected to daily.

The nation’s 14th Amendment states “(a)ll persons born or naturalized in the United States and subject to the jurisdiction thereof...”

“No state shall make or enforce any law which shall abridge the privileges or immunities of (US) citizens..nor shall any state deprive any person of life, liberty, or property, without due process of law...”

Supreme Court rulings affirmed Bill of Rights protections. Retired Justice Anthony Kennedy sided with a majority 2008 ruling, saying:

“Until such time as it can be definitively proven that citizens no longer require the protections provided by the Bill of Rights, it shall remain the principal legal guidance for the United States of America.”

High Court constitutional protections are supposed to be inviolable. Yet the rule of law in America is being systematically eroded, Republicans and undemocratic Dems operating the same way.

Marzieh’s arrest, detention, and mistreatment on what may be spurious grounds violates her international and constitutionally guaranteed rights.

What’s going on is likely connected to US hostility toward Iran, its abhorrence of truth-telling media like Press TV, Marzieh held hostage despite authorities admitting she’s not charged with a crime.

In 2012, America’s National Defense Authorization Act (NDAA) legitimized indefinite detentions prohibited by international law.

It permits America’s military to arrest and indefinitely detain anyone uncharged and untried at home and abroad, including US citizens – holding them on suspicions, hearsay, secret evidence, or none at all.

It denies due process, equal protection under law, habeas rights, and virtually all others. US authorities may order anyone arrested and imprisoned indefinitely without charge or trial.

Abuse of power replaced rule of law protections, a giant step toward full-blown tyranny in America.

Inviolable rights no longer apply. Opposition to imperial lawlessness, social injustice, corporate crime, government corruption, or authorities serving privileged interests exclusively can be criminalized.

So can speech, media, and academic freedoms, assembly, religion, or anything challenging America's right to kill, destroy, pillage, and do virtually anything else it wishes with impunity.

Indefinite detention uncharged and untried is the hallmark of police state rule. The NDAA authorized military tribunals over civil courts at the discretion of authorities.

Supreme Court rulings are mixed on this issue. In *Jennings v. Rodriguez* (February 2018), it reversed an appellate court decision, stating that US immigration statutes do not authorize indefinitely detaining undocumented aliens.

The case was sent back to the lower court to consider statutory limits of detention. Center for Gender and Refugee Studies director Karen Musalo responded to the ruling, saying "the Court failed to recognize the statutory rights of immigrants in detention, including the many thousands of asylum seekers fleeing persecution and torture."

The ruling potentially affects everyone arrested and detained in America. Holding anyone for any reasons uncharged and untried is a crime against humanity, violating statutes explained above.

Indefinite detention in America is longstanding. During WW II, loyal Japanese Americans were lawlessly detained without just cause.

Today, social justice protesters and others wanting responsible change can be arrested and detained charged or uncharged, tried or untried. America's framers sought to prohibit what's going on with Bill of Rights protections – what US ruling authorities ignore at their discretion.

The Supreme Court ruled that tribunals other than civil ones are illegal (*Rasul v. Bush*, June 2004). It granted Guantanamo detainees habeas rights – the ruling reversed by the 2005 Detainee Treatment Act.

In *Hamdan v. Rumsfeld* (June 2006), the Supreme Court held that federal courts retain jurisdiction over habeas cases, affirming constitutionally guaranteed rights.

In *Boumediene v. Bush*, the High Court again ruled that Guantanamo detainees (and everyone else held by US authorities) retain habeas rights.

Actions denying what's affirmed under constitutional and international laws are flagrantly illegal, no allowed exceptions.

US citizens and numerous others have been detained, denied due process, habeas, and equal protection under law without just cause – dehumanized, tortured, and otherwise mistreated.

Post-9/11, legal protections in America greatly eroded on the phony pretext of national security concerns and global war on terrorism US authorities use to advance the nation's imperium.

Like countless others in America and abroad, Marzieh's fundamental rights were denied. It's unclear how long she'll be held or how the disposition of her detention will turn out.

Middle East commentator Rannie Amiri cited “the muted response” of high-profile human rights groups “whose primary purpose is to stand for” fundamental rights, denouncing abuses when occur.

The ACLU, Amnesty International, Human Rights Watch, Reporters Without Borders, and other high-profile groups ignored Marzieh’s unlawful arrest and detention so far.

Responses of other human rights organizations were largely inadequate, failing to denounce the flagrant violation of her fundamental rights.

The ACLU ignored its own [commentary](#) on indefinite detention headlined: “No Charges? No Trials? No Justice.”

Former right-wing Supreme Court Justice Antonin Scalia once said

“freedom from indefinite imprisonment at the will of the Executive” represents the “very core of liberty.”

The ACLU stressed that

“(i)ndefinite detention without charge or trial violates the essence of American due process and the rule of law.”

That’s precisely how Marzieh and countless others have been and continue to be mistreated by US authorities – police state injustice, pretending otherwise.

US statutes and actions violating international and constitutional law are flagrantly illegal.

On Saturday, the Inminds Human Rights Group and Islamic Human Rights Commission projected Marzieh’s image on the BBC’s wall in London with the tag line “FREE MARZIEH HASHEMI.”

The groups accused the state owned, controlled and run broadcaster of failing to explain her illegal arrest, detention and mistreatment, the same true for most other Western media.

They called her a “Journalist Abducted for Exposing US Crimes Against the Oppressed,” adding:

“We strongly condemn the abduction of Marzieh Hashemi. She is being punished for her forthright reporting, in exposing the crimes of Empire against the oppressed, both internationally and in the United States. She is a political prisoner. We demand her immediate release.”

Western media and major international human rights groups failed to denounce her mistreatment. Everyone criticizing unlawful US actions is vulnerable to similar retaliatory abuse.

America’s self-styled exceptionalism conceals its dark side, threatening everyone everywhere.

That's the deplorable state of things in the so-called "land of the free and home of the brave."

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