

UN Asks U.S. To 'Stop Secret Detention and Abuse'

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The UN has called on U.S. and other countries to put an end to their secret detention policies and human rights abuses in their so-called global war on terrorism. It has failed, however, to demand the immediate closure of two major U.S. "public" detention centres — Guantanamo and Bagram, where human rights have been systematically violated, reaching the threshold of 'crimes against humanity'.

"Despite the fact that international law clearly prohibits secret detention, the practice is widespread and 'reinvigorated' by the so-called global war on terror," said UN independent experts.

In a 222-page study, to be presented to the UN Human Rights Council in March, the UN experts conclude, "secret detention is irreconcilably in violation of international human rights law including during states of emergency and armed conflict."

Though the study does not explicitly mention specific countries, it is clearly referring to the U.S. and its allies, mainly Western powers, which carried out and/or participated in this kind of prohibited practices.

"Crime Against Humanity"

"Likewise, it is in violation of international humanitarian law during any form of armed conflict."

The study, elaborated by UN experts on counter-terrorism and torture, and the two UN expert bodies on arbitrary detention and enforced or involuntary disappearances, was announced on Jan 22.

In it, the UN experts alert, "If resorted to in a widespread or systematic manner, secret detention might reach the threshold of a crime against humanity."

Guantanamo

Though focussed on the secret detention centres, this last sentence (crime against humanity) describes properly the situation in the U.S. Guantanamo Bay detainment facility, located in Cuba.

This detention camp has been operated by Joint Task Force Guantanamo of the U.S. administration since 2002 on its Naval Base.

The detainment areas consist of three camps: Camp Delta (which includes Camp Echo), Camp Iguana, and Camp X-Ray, the last of which has been closed.

After the U.S. Justice Department advised that the Guantanamo Bay Detention Camp could be considered outside U.S. legal jurisdiction, prisoners captured in Afghanistan were moved there beginning of 2002.

The administration of previous White House occupant asserted that detainees were not entitled to any of the protections of the Geneva Conventions.

Therefore, the widely denounced detentions without charges and practices of torture against detainees have escaped all international human and legal laws and conventions.

Since October 7, 2001, when the current war on Afghanistan began, 775 detainees have been brought to Guantanamo. Of these, some 420 have been released without charge. In January 2009, around 245 detainees remained. This number further decreased to 215 by November 2009.

During his electoral campaign, President Barack Obama announced he would close Guantanamo detention camp by June 2009.

All that the current White House chief has done so far is to issue a Presidential Memorandum on December 15, 2009 ordering the preparation of the Thomson Correctional Center, Thomson, Illinois so as to enable the transfer of Guantanamo prisoners there.

Bagram

The UN reference to “crime against humanity” would also properly apply to the case of another major U.S. “public” detention — Bagram.

Torture and homicides took place at the U.S. military detention centre, known as the Bagram Theater Internment Facility, situated near Afghan capital Kabul.

The Bagram military detention centre had been built by the Soviets as an aircraft machine shop during the Soviet invasion of Afghanistan (1980-1989).

A concrete-and-sheet metal facility that was retrofitted with wire pens and wooden isolation cells, the centre is part of Bagram Air Base.

Both the U.S. military and Central Intelligence Agency (CIA) have systematically refused to provide information regarding the detainees.

It was only in January this year that the U.S. military released the names of 645 detainees held at the main detention centre at Bagram, modifying its long-held position against publicizing such information.

This list was prompted by a Freedom of Information Act lawsuit filed in September 2009 by the American Civil Liberties Union, whose lawyers had also demanded detailed information about conditions, rules and regulations.

The first public news on Bagram detention centre jumped to the headlines when the New York Times obtained in 2005, a 2,000-page U.S. Army report concerning the homicides of two unarmed civilian Afghan prisoners by U.S. armed forces in 2002 at the Bagram Theater Internment Facility (also known as Bagram Collection Point or B.C.P.

The prisoners were chained to the ceiling and beaten, which caused their deaths. Military coroners ruled that both the prisoners' deaths were homicides. Autopsies revealed severe trauma to both prisoners' legs, describing the trauma as comparable to being run over by a bus. Seven U.S. soldiers were charged.

Likewise the Guantanamo detention camp, the Bagram centre is still operational.

Abu Ghraib

Nothing and nobody did categorically deny that both centres practiced similar human rights abuses as in the case of Abu Ghraib centre in the capital of another U.S. occupied country — Iraq.

Beginning of 2004, accounts of physical, psychological, and sexual abuse, including torture, rape, sodomy, and homicide of prisoners held in the Abu Ghraib prison in Iraq (also known as Baghdad Correctional Facility) came to public attention.

These acts were committed by personnel of the 372nd Military Police Company of the United States Army together with additional U.S. governmental agencies, according to reports.

The widely circulated pictures of these and other human rights violations provided a definite evidence of U.S. torture practices.

Like Nazis and Soviets

Back to the UN study, which took almost a year to complete, it involves responses from 44 states to a detailed questionnaire, as well as interviews with 30 individuals — or their family members or their legal counsel — who were victims of secret detention, and in many cases, may also have been subjected to torture.

It also provides an historical overview of the use of secret detention, noting that it is not a new phenomenon in the context of counter-terrorism.

From the Nazi regime to the former USSR with its Gulag system of forced labour camps, states have often resorted to secret detention to silence opposition, according to the report.

The study goes on to address the use of secret detention in the context of the so-called "global war on terror" following the events of September 11, 2001.

It describes "the progressive and determined elaboration of a comprehensive and coordinated system of secret detention" of persons suspected of terrorism, involving not only U.S. authorities, but also other states in almost all regions of the world.

It also highlights that secret detention in connection with counter-terrorism policies remains a serious problem on a global scale, either through the use of secret detention facilities; through declarations of a state of emergency, which allow prolonged secret detention; or through forms of "administrative detention," which also allow prolonged secret detention.

Violating Rights and Laws

The UN experts reiterate that international law clearly prohibits secret detention, which violates a number of human rights and humanitarian law norms that may not be derogated

from under any circumstances.

“However, in spite of these unequivocal norms, the practice of secret detention in the context of countering terrorism is widespread and has been reinvigorated by the so-called global war on terror,” states the report.

It adds that many states, referring to national security concerns — often perceived or presented as unprecedented emergencies or threats — resort to secret detention.

An important recommendation of UN experts is to address this serious human rights violation by “explicitly prohibiting secret detention, along with all other forms of unofficial detention”.

Impunity

They also urge that “safeguards for persons deprived of their liberty be fully respected, and that timely action be taken to ensure that immediate families of those detained are informed of their relatives’ capture, location, legal status and health condition.”

The experts point out that in “almost no recent cases have there been any judicial investigations into allegations of secret detention and practically no one has been brought to justice.”

“Although many victims feel that the secret detention has ‘stolen’ years of their lives and left indelible traces, often in terms of loss of their jobs and frequently their health, they almost never received any form of reparation, including rehabilitation or compensation.”

Therefore, the experts also recommend a number of steps to provide judicial remedies, reparations and rehabilitation to victims, and in some cases to their families.

The study was issued by the Special Rapporteur on the promotion and protection of human rights while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary, and the Working Group on Enforced or Involuntary Disappearances.

Working in an independent and unpaid capacity, they are all appointed by, and report to, the Geneva-based Human Rights Council. (IDN-InDepthNews/28.01.2010)

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