

# AFRIDI'S TRIAL: SIMILAR TO GITMO MILITARY COMMISSIONS? BONUS: ROHRBACHER GOES BOLD



Abbottabad district, red, is within Khyber Pakhtunkhwa Province, green, which is next to the Federally Administered Tribal Areas, blue, where the town of Bara is in Khyber Agency. (Wikimedia Commons)

Fallout continues from yesterday's sentencing of Dr. Shakeel Afridi, the doctor who helped the CIA to identify Osama bin Laden prior to the US raid that killed him. Marcy commented yesterday on the poor outcome from Leon Panetta disclosing Afridi's cooperation with the CIA and I noted how the sentencing may have been one motivation behind the potential political impetus for yesterday's drone strike in Pakistan (which has been followed up by yet another drone strike today).

I will get to the obligatory statement of outrage from Dana Rohrabacher in a bit, but first there is a very interesting article in

Dawn that has a few details from Afridi's trial. Although Afridi's cooperation with the CIA occurred in Abbottabad, which is in the Khyber Pakhtunkhwa Province (formerly referred to as North West Frontier Province), Afridi was tried in the town of Bara, which is in the Khyber Agency of the Federally Administered Tribal Areas (FATA). The map on the left shows the FATA in blue, most of Khyber Pakhtunkhwa in green and the Abbottabad district in red.

In the Dawn quotations below, "Khyber" refers to Kyber Agency within FATA and not Khyber Pakhtunkhwa, as far as I can tell.

Dawn describes where the trial took place and the convictions that were handed down:

Officials said Afridi had been tried at the office of assistant political agent (APA) in Bara. He was sentenced on the charges of conspiring "to wage war against Pakistan or depriving it of its sovereignty", "concealing existence of a plan to wage war against Pakistan" and "condemnation of the creation of the state and advocacy of abolition of its sovereignty".

"The trial conducted under the Frontier Crimes Regulation continued for one year during which Dr Afridi was denied the right to engage a lawyer," said Rahat Gul, an administrative official at the Khyber House.

Dawn then moved on to citing criticism about where the trial took place:

Critics have said he should not have been tried under tribal law for an alleged crime that took place outside tribal jurisdiction, in the town of Abbottabad where he ran a fake vaccination programme designed to collect bin Laden family DNA.

A senior official in Khyber, Nasir Khan,

defended Afridi's trial.

"We have powers to try a resident of FATA (the federally administered tribal areas) under the FCR enforced in tribal areas," he told AFP.

Hmmm. Venue-shopping. That would never happen in the US, especially when the chosen venue is seriously lacking in due process.

And the trial had to be secret so that Afridi would not be attacked:

"The trial was kept secret so that no one can attack him. We did not reveal even the name of the jirga members to avoid any risk," he said.

Because of the secrecy surrounding the trial, Dawn informs us that there are conflicting reports on whether Afridi was present. However, they did have a report he was present during sentencing, but this quote appears to differ from the one above on how long the trial took:

Nasir Khan said he had appeared on Wednesday when the verdict was announced in Peshawar.

Khan said Afridi's trial lasted two months and that he was given full opportunity to defend himself, but was not entitled to a lawyer.

But surely, defendants in the US are always free to choose their own counsel, aren't they?

As expected, Republican Congressman Dana Rohrabacher from California is outraged at the conviction of Afridi. Rohrabacher issued a press release in which he declared that **"This is decisive proof Pakistan sees itself as being at war with us"** [emphasis in original].

But Rohrabacher continues. It appears that he was very upset that Pakistani President Asif Ali Zardari did not come to agreement with the US on

opening NATO supply routes while Zardari was in Chicago for the NATO summit:


**“Advocates of aid argue we should draw a distinction between the civilian government and the military-intelligence cabal who are supporting terrorist groups that murder Americans,”**says Rep. Rohrabacher, **“but President Zardari’s behavior at the NATO summit in Chicago indicates that he is either in league with the military or under their domination. Any money that goes to Islamabad will continue to end up in the pockets of people actively and deadly hostile to America.** [Emphasis from original, once again. Gosh the Congressman sure likes the “bold” button...]

I wonder who those “advocates of aid” might be who are suggesting that there are differences between the folks who support terrorist groups and the folks in Pakistan’s government who will work with the US. Perhaps he read this from my post on his bill to revoke funding for Pakistan failing by a vote of 335-84:

I suppose it’s too much to hope for that someone who operates on the fringes of American politics might realize that the Pakistani government is not a monolith that always acts with all of its participants working together for the same outcome. Rather than supporting those within Pakistan who will advance US interests, Rohrabacher wants to punish all of Pakistan because of those who work against US interests.

This really seems to have hit a nerve, because the press release continues (and in bold type yet again):

**Secretary Clinton will have to do more than voice protests over the Afridi**



case. Both the Departments of State and Defense need to take punitive actions against Pakistan. Carrots are not enough when dealing with an adversary. Sticks are needed to prove we are serious.

Fortunately for the world, Rohrabacher's primary use of his stick at this point seems to be in holding down the "bold" button on his computer. If he is given the opportunity to swing his stick in other venues, look for even more violence in a region that needs peacemakers rather than war mongers.

But there are those drone strikes the last two days, so maybe Rohrabacher has a number of folks on his side after all, and his stick was used to push the "fire" button on some drones.