

MILITARY COMMISSIONS (IN US!) FOR NON- AFGHAN PRISONERS HELD AT PARWAN? BRILLIANT!

When it comes to building policy around Afghanistan, the Obama administration is an endless fount of ideas with colossally ugly optics mixed with untenable legal positions. The latest brilliant offering from them is a beauty:

The Obama administration is actively considering the use of a military commission in the United States to try a Russian who was captured fighting with the Taliban several years ago and has been held by the U.S. military at a detention facility near Bagram air base in Afghanistan, former and current U.S. officials said.

Wait. He was “fighting with the Taliban”? Doesn’t that make him a standard combatant and traditional prisoner of war? Here is more of what the Post has on his history:

The Russian is a veteran of the Soviet war in Afghanistan in the 1980s who deserted and ended up fighting U.S. forces after the Sept. 11, 2001, attacks. U.S. officials said the man, thought to be in his mid- to late 50s, is suspected of involvement in several 2009 attacks in which U.S. troops were wounded or killed. He was wounded during an assault on an Afghan border post that year and later captured.

Little else is known about him except for his nom de guerre, Irek Hamidullan.

No. Still nothing in this description that

distinguishes Hamidullan from any other non-Afghan teaming up with the Taliban to take on US forces there. And yet, the military seems to think that their “case” against Hamidullan is among the strongest against the 53 non-Afghan prisoners the US admits to housing at Parwan:

Military prosecutors have examined the evidence against Hamidullan and consider the case among the strongest that could be brought against any of the foreigners held at the Parwan Detention Facility near Bagram.

“He’s pretty well-connected in the terrorist world,” said one official with firsthand knowledge of the case.

Hamidullan is thought to have links to one or more insurgent groups and ties to Chechnya, a part of the Russian Federation where rebels have fought two unsuccessful wars for independence.

Officials said Hamidullan remains committed to violent jihad and has sworn that he will return to the battlefield if he is released from prison. U.S. officials said that they have discussed the case with Moscow but that the Russians displayed little or no interest in his return. The senior official said transfers “are not always just up to us. Other countries have a say. Detainees have a say” in cases in which there are concerns about inhumane treatment.

How in the world does one become a fitting subject for a special military commission as an illegal combatant even while pledging to “return to the battlefield”? Even with the accusations that Hamidullan is said to be “pretty well-connected in the terrorist world” his own description of his commitment to violent jihad is to return to the battlefield, not to bring that jihad to the US. I still see nothing in what has been disclosed here that makes him different from a conventional prisoner of war.

The Post article eventually gets around to the whole issue of how Congress, led by such brave figures as Lindsey Graham, has been paralyzed in fear of the “Holy Hell” that could break out should Guantanamo prisoners be tried in US Federal Court. They bring out Adam Schiff to note that the same cowardice would apply for the Parwan prisoners. And just as Afghanistan balked at instituting their own program of indefinite detention without trial during the process of handing over the Parwan prison to Afghan control, we learn in this article that Afghanistan refused to put similar language into the Bilateral Security Agreement.

Perhaps the biggest laugh of all in this episode comes from the Obama administration having to rely on none other than Mike Rogers for the admonition that we must be very afraid of this group of prisoners:

“The people the U.S. houses in Bagram are pretty bad,” said Rep. Mike Rogers (R-Mich.), chairman of the House Intelligence Committee, who has visited the prison in Afghanistan. “They are the worst.”

After first characterizing this group of prisoners as “pretty bad”, Rogers seems to catch himself and remember his duty in delivering the statement, upgrading their status to “the worst”. Even though Rogers has served in Congress since just before 9/11, it seems that he has selective amnesia when it comes to making stupid pronouncements about prisoners. Rumsfeld’s famous pronouncement that the Guantanamo prisoners were the “worst of the worst” was later debunked when it was revealed that only about 4% of them had actually been taking part in fighting. Rogers seems determined not to let a pesky thing like history stand in the way of a well-turned phrase. And the Obama administration seems determined not to let a pesky thing like international law or the rules of war get in the way of security theater as played out in a military commission.