US DELAYS HANDOVER OF AFGHAN PRISON SO WE CAN NOT TRY DETAINEES RATHER THAN AFGHANS

The WaPo reports the thoroughly unsurprising news that the US is not turning over Parwan prison this year as we begin to withdraw from Afghanistan.

The news is unsurprising because of all the money we've dumped into the prison in recent years—as soon as we put that contract out to bid, it was clear we weren't turning the prison over. (Indeed, it's fairly clear we'll expand our detention in Afghanistan.)

But the excuse the WaPo uncritically gives is nothing short of hysterical.

First, the US says the Afghan judiciary system is not yet mature enough to manage the prison.

> U.S. officials decided that the Afghan legal system is still too weak to permit the handover of the Parwan Detention Center, even after the United States spent millions attempting to improve the country's judiciary.

That, in spite of the fact that Afghans have managed to hold trials at the prison; whereas the Americans still maintain the legal claim they are unable to (the WaPo somehow forgets this detail).

Then there's the claim that Afghan judges can't handle classified information.

> The inability of Afghan judges to handle classified intelligence is one of many problems dela

But the example of Pacha Wazir provides a sense of who can and cannot handle classified information.

> Afghan prosecutors determinedon June 26, 2008 that coalition forces had no evidence of collaboration with al Qaeda, so Wazir should be freed.
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> > In the documents from coalition forces, it has been mentioned that evidence, physical supporting material and pictures do not exist to prove the accusations, he has not been arrested in a face to face battle, has not performed any terrorism related actions, polygraph tests show that there are no evidence of deception.
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> > Based on the requirements of his job and business he has performed currency exchange activities in all parts and corners of the world legally to earn his livelihood.
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> > Therefore, the commission believe that there are no documents in his file that would support the allegations against this person and he has already spent more than five years in prison. Thus, it is considered appropriate if the suspect is released from prison, introduced to National Independent Commission on Peace and Reconciliation and a report be delivered to the President of Islamic Republic of Afghanistan.
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> Nevertheless, several weeks **after** the Afghan determination that coalition forces had no evidence against Wazir, a DOD UECRB determined that he was an

> unlawful enemy combatant.
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> > Petitioner Wazir is a detainee at BTIF. See id. ¶ 19. DoD's records reflect that he was captured in Karachi, Pakistan, and was determined to be an unlawful enemy combatant both when he was first brought under DoD custody and in subsequent reviews. See id. ¶ 20. The UECRB's most recent reevaluation of his status was on July 17, 2008. Id. Following that review, his status as an unlawful enemy combatants was reaffirmed. Id.
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> So ultimately, John Bates denied his petition on jurisdictional grounds to prevent tensions between the US and Afghans. But the US recertified Wazir as an unlawful enemy combatant even after the Afghans had determined there was no evidence to support such a designation.

Not only did the CIA "lose" classified documents Wazir had that showed he wasn't what the CIA claimed he was, not only were our government's documents demonstrably false, but when the Afghans finally reviewed his file, it became clear that Wazir was not an enemy combatant.

Nevertheless, the Americans held Wazir for another for another year and a half.

But I guess that's the idea here. If we turned the prison over the Afghans, they could conduct an independent review of whom we're holding there. And that might reveal that we're holding completely innocent people.