

JURISPRUDENCE: THE LAW, LAWYERS, AND THE COURT.

Custody Dispute **WHY IS THE U.S. STASHING DETAINEES AT POLICHARKI PRISON IN AFGHANISTAN?**

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Afghan prisoners released from Bagram

First Guantanamo, then Abu Ghraib, and now add Afghanistan's Policharki prison to the list of hellish U.S.-run prisons around the world. The United States has moved to Policharki Afghan detainees who have begun to challenge their confinement and treatment in American courts. The government claims that the prison is under the sovereign authority of Afghanistan and so lies outside U.S. command—and beyond the reach of our courts. Yet these prisoners are being held in a special "national defense" wing built by our government and staffed by American jailers and interrogators. The Policharki transfers are the latest example of the Bush administration's long-running effort to evade judicial review of the thousands of detentions that have resulted from the war on terror.

Built in the 1970s, Policharki was a notorious torture center during the following decade of Soviet domination. Directed by their Soviet masters, Afghan interrogators administered a protocol of psychological and physical torture: sleep deprivation, electric shocks, cigarette burns, threatened sexual violation. Nearly 17,000 Afghans were murdered in night executions at the prison. Now the United States is using Policharki as a long-term detention center for detainees previously held at Bagram, a U.S. Air Force base in Afghanistan. In recent months, more than 80 prisoners at Bagram have been sent to Policharki.

I have a professional interest in these detainees: I represent Ruzatullah (like many Afghans, he has only one name), an Afghan farmer who was taken from his home more than two and a half years ago by U.S. troops, according to his brother, who was also captured but later released. Ruzatullah was brought to Bagram, where he has been held without charges, without a hearing, and without access to counsel.