

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2021/10/04/news-icc-investigation-afghanistan-should-include-victims-voices-and-us-crimes>

Public Facing Advocacy Writing

The CCR blog

The ICC Prosecutor announced Monday that he had requested to resume the investigation into international crimes in the Afghanistan situation, but that he would be focusing on investigations into crimes against humanity and war crimes allegedly committed by the Taliban and the Islamic State. While we welcome the Prosecutors intention to resume the ICCs Afghanistan investigation, we are deeply concerned by the apparent exclusion, without prior information and consultation of victims, of other actors involved in international crimes committed in the context of the Afghan armed conflict since May 2003.

If the Prosecutor is indeed shuttering, or deprioritizing, the courts investigation of U.S. torture at black sites and detention centers, hes telling war criminals around the world that the U.S. playbook of delay and intimidation works, said Senior Staff Attorney [Katherine Gallagher](#). It also validates one of the core criticisms of the ICC: that it only takes action against politically weaker individuals or nations while giving Western powers a pass.

For the process to be legitimate in the eyes of the Afghan population and justice stakeholders, an ICC investigation should look into crimes committed by all actors who have been involved in the past 20 years of conflict. This is key for any meaningful justice process and to protect the mandate of the ICC, said Guissou Jahangiri, FIDH Vice-President and Executive Director of Armanshahr / OPEN ASIA.

Continue reading [our joint press release](#) and read [our organizational response](#) on our website.

On Thursday, a federal court heard arguments in the case of *Al Hela v. Biden* to determine whether the government can hold someone, essentially for life, without charge or trial, based on a legal standard no more rigorous than whats required to prove negligence in an ordinary slip-and-fall case. The government maintains it can, and says it can do so based on evidence neither the person being detained nor his counsel has seen, in a case where the man has already been held for 17 years and the government has already concluded he should be released from a prison the president says he wants to close. The power to imprison someone indefinitely without charge or trial is nothing less than tyrannical. We hope the court will affirm Mr. al-Helas constitutional rights and the government will transfer him and shutter Guantanamo.

For more information about our legal battle against atrocities committed at the infamous Guantanamo Bay prison, head to [our website](#).

We're excited to co-sponsor the [War on Terror Film Festival](#), a month-long, virtual program organized by the Coalition for Civil Freedoms featuring 20 award-winning films made over the last 20 years that document abuses, highlight crimes, and satirize absurdities of the so-called War on Terror.

Center for Constitutional Rights staff will join two of the live discussions:

Saturday, October 2, at 11:30 a.m. EDT: Advocacy Program Manager [Aliya Hussain](#) will join other speakers to reflect on a series of films that highlight indefinite detention and torture at Guantanamo: *The Mauritanian*, *The Road to Guantanamo*, and *The Confession*.

Friday, October 29: Senior Staff Attorney [Katherine Gallagher](#) will join speakers to reflect on the film *Ghosts of Abu Ghraib*. Please check the festival schedule for the exact time.

For the schedule of screenings and conversations throughout October, FAQs, registration, and panelist information, visit the [War on Terror Film Festival website](#).

Deportations soared under Obama; Trump intensified oppression of immigrant communities. Advocates and organizers look to the Biden administration to reshape immigration policy, especially the immigration enforcement infrastructure. There are increased calls for the abolition of ICE and elimination of the practice of imprisoning immigrants significant features of the prison-industrial complex. In the panel, titled *Abolishing Deportation: Migration as a Human Right*, we will examine how abolition of detention would functionally end deportation. This discussion on **Friday, October 8, at 1:00 p.m. ET** is occurring as part of the Netroots Nation 2021 Conference.

Speakers include Jamila Hammami, Khury Petersen-Smith, Fabio Rojas, Virginia L. Roberts professor of sociology at Indiana University, Bloomington, and our own Bertha Justice Fellow [Samah Sisay](#).

Register for the conference [on their website](#).

[View the discussion thread.](#)

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