

By Andy Worthington

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For eight and a half years, the US prison at Bagram airbase has been the site of a disturbing number of experiments in detention and interrogation, where murders have taken place, the Geneva Conventions have been shredded and the encroachment of the US courts — unlike at Guantánamo — has been thoroughly resisted.

In the last few months, there have been a few improvements — hearings, releases, even the promise of imminent trials — but behind this veneer of respectability, the US government’s unilateral reworking of the Geneva Conventions continues unabated, and evidence has recently surfaced of a secret prison within Bagram, where a torture program that could have been lifted straight from the Bush administration’s rule book is still underway.

From December 2001 to November 2003, the US prison at Bagram airbase was used by the US military to process prisoners for Guantánamo, and in those early days it played host to a murderous regime that, in the last half of 2002, led to the deaths of at least two — and possibly [as many as five](#) — prisoners. Throughout this period, and after the transfer of regular prisoners to Guantánamo came to an end, Bagram — or, in some cases, a facility within Bagram — was where prisoners regarded as more significant than the general population, who had mostly passed through [a number of other secret prisons run by the CIA](#), were also held, and for the last six and a half years Bagram has, in addition, been the US military’s frontline prison in the Afghan war zone.

Shining a light on these stories has been immensely difficult, of course. From time to time, [reports surfaced](#) of Afghan prisoners released from the facility, who described the abusive regime at the prison, but the stories of the prisoners regarded as more significant have remained mostly hidden, surfacing only in reports from those who were transferred to Guantánamo, through information released by their lawyers (after passing the Pentagon’s censors), and, on the odd occasion, through other means — as, for example, in a handful of [habeas corpus](#)

[petitions](#)

, in

[this report on the multiple renditions of Ibn al-Shaykh al-Libi](#)

, who was finally returned to Libya, where he

[died in a prison last May](#)

, and in the leaked report by the International Committee of the Red Cross on the 14 “high-value detainees” transferred to Guantánamo from secret prisons in September 2006 (

[PDF](#)

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Last August, the [New York Times](#) brought Bagram’s secret prison to light, reporting that Special Operations forces were running secret prisons, known, perhaps euphemistically, as “temporary screening sites,” at Bagram, and also in Balad, Iraq (a replacement for the notorious Camp Nama, where [abuse was rife](#)). The *Times* explained that, according to three military officials, “As many as 30 to 40 foreign prisoners have been held at the camp in Iraq at any given time, adding that “they did not provide an estimate for the Afghan camp but suggested that the number was smaller.”

The *Times* report coincided with an apparent shift in US policy, with the Pentagon announcing that the military would be allowing representatives of the International Committee of the Red Cross to have access to prisoners held in the secret prisons at Bagram and Balad. As the *Times* described it, “the military must notify the Red Cross of the detainees’ names and identification numbers within two weeks of capture, a notification that before happened only after a detainee was transferred to a long-term prison.”

Under previous rules, those imprisoned in the Special Operations prisons could be held incommunicado for up to two weeks, in defiance of internationally agreed standards governing the detention of prisoners. As the *Times* explained, “Formerly, the military at that point had to release a detainee; transfer him to a long-term prison in Iraq or Afghanistan, to which the Red Cross has broad access; or seek one-week renewable extensions from Defense Secretary Robert M. Gates or his representative.” Announcing the new policy, a senior Pentagon official added that the “option to seek custody extensions” had been eliminated.

### **Voices from Bagram’s secret prison**

Although the *New York Times* report was important, it was largely overlooked at the time, and it was not until November that the existence of the secret prison burst out of the shadows, when both the [New York Times](#) and the [Washington Post](#) interviewed former prisoners. The *Times*

spoke to Hayatullah, a 33-year old pharmacist, who was seized from his shop in Kandahar in July 2007, and released in October 2009; Gulham Khan, a 25-year old sheep delivery man, who was seized by US forces in three helicopters at a village in the desert outside Ghazni in late October 2008, and released in early September 2009; and Hamidullah, a 42-year old spare auto-parts dealer, who was seized from his house in Kandahar in a midnight raid in June 2009 and released in late October. All

[told similar stories](#)

, and this was Hayatullah’s description of the secret prison:

They took me to a place that was completely dark except for one bulb. It was hard to know whether it was night, day or afternoon, I had no idea when to pray because I could not tell the time. There are no windows. That was the Tor jail. I was there for 40 days. At that Tor jail everybody was separate. Each in a concrete room. The walls and ceilings were concrete, but the detainees who had been there a long time told me it had been made of black wood before it was concrete and that’s why they called it the black jail. It’s difficult to know how many of us there were in that place. When you are taken to the interrogation office, you are blindfolded and there is a hood on your head. No one has permission to come to Tor jail. Neither the ICRC [International Committee of the Red Cross] or others.

The *Post* spoke to three teenagers — 17-year old Issa Mohammad, Abdul Rashid, “who said he is younger than 16,” and Sayid Sardar Ahmad, also 17 — at “the Afghan-run Juvenile Rehabilitation Center in Kabul, where they were transferred after their detention at Bagram and a brief stay in ... Pul-i-Charkhi,” the main Afghan prison in Kabul. Rashid, a woodcutter from Khost province, told the *Post* that he was “arrested in the spring with his cousin and father during a US military raid,” and said of his interrogation, “That was the hardest time I have ever had in my life. It was better to just kill me. But they would not kill me.” He also explained that he “lived in a small concrete cell that was slightly longer than the length of his body. Food was tossed in a plastic bag through a slot in the metal door.” Mohammad, a vegetable farmer from Kandahar province, told the *Post* that he was also arrested during a US military raid, and spent two weeks in the secret prison, where “interrogation sessions lasted hours, with one man ‘yelling at me and also punching and slapping my face.’”

Both Mohammed and Rashid also explained that, “when they tried to sleep, on the floor, their

captors shouted at them and hammered on their cells,” and the *Post* also spoke to two other former prisoners, Malik Mohammad Hassan, a tribal elder from the Jalalabad area, and Mohammad Mukhtar, a former teacher, who were held “for some time” in the prison, and who described “[s]imilar living conditions, particularly the lengthy sleep deprivation and intense cold.” Hassan told the *Post*, “This is something nobody can bear. It’s extraordinary. They treated us like wild animals.”

### **New revelations about the secret prison**

On April 15 this year, [the BBC followed up](#) on these reports, speaking to a number of former prisoners who confirmed that the prison consists of windowless concrete cells, permanently illuminated, and that prisoners are subjected to sleep deprivation. A man called Sher Agha, who spent six days in the prison in autumn 2009, told the BBC, “They call it the Black Hole,” adding, “When they released us they told us we should not tell our stories to outsiders because that will harm us.” Like all the men interviewed by the BBC, he also explained that the cells were “very cold.”

Describing the process of sleep deprivation, another former prisoner, Mirwais, who said he was held for 24 days in the secret prison, stated, “I could not sleep, nobody could sleep because there was a machine that was making noise. There was a small camera in my cell, and if you were sleeping they’d come in and disturb you.”

On May 11, [the BBC explained](#) that the existence of the prison had been confirmed by the International Committee of the Red Cross. An ICRC representative also confirmed the change implemented in August 2009, as described above. Asked about the status of prisoners held “in a separate structure at Bagram,” the spokesman explained, “The ICRC is being notified by the US authorities of detained people within 14 days of their arrest. This has been routine practice since August 2009 and is a development welcomed by the ICRC.”

Despite this, the BBC reported that, although the existence of the facility had been disclosed in the *New York Times* report last August, a military spokesperson maintained that the main prison at Bagram, now identified as “the Detention Facility in Parwan,” was “the only detention facility on the base.” However, the day after, in [a detailed article in the \*Atlantic\*](#), Marc Ambinder thoroughly demolished this claim.

Ambinder began by explaining how it had been previously reported that the secret prison, which is “beige on the outside with a green gate,” was “operated by members of a Joint Special Operations Command (JSOC) group,” which was allegedly outside of the jurisdiction of Vice Admiral Robert Harward, the commander in charge of detention operations in Afghanistan. However, he added, “JSOC, a component command made up of highly secret special mission units and task forces, does not operate the facility. Instead, it is manned by intelligence operatives and interrogators who work for the ... Defense Counterintelligence and Human Intelligence Center (DCHC),” a branch of the Defense Intelligence Agency (DIA), the Pentagon’s main military intelligence department.

Complicating matters further, Ambinder also explained that DCHC “perform interrogations for a sub-unit of Task Force 714, an elite counter-terrorism brigade,” which, last year, was described to Spencer Ackerman of the [Washington Independent](#) by a National Security Council staffer as “small groups of Rangers going wherever the hell they want to go’ in Afghanistan and operating under legal authority granted at the end of the Bush Administration that President Obama has not revoked.”

Describing the process through which prisoners end up at the “black prison,” Ambinder added, “Usually, captives are first detained at one of at least six classified Field Interrogation Sites in Afghanistan, and then dropped off at the DIA facility — and, when the interrogators are finished, transferred to the main prison population at the Bagram Theater Internment Facility.” This provides an additional insight into the web of other secret, frontline facilities feeding into Bagram that I touched upon in an article earlier this year entitled, “[Bagram: Graveyard of the Geneva Conventions](#),” and which were also exposed in an article by Anand Gopal for [TomDispatch.com](#).

Pentagon spokesman Bryan Whitman attempted to dismiss Ambinder’s claim, stating that “DoD does operate some temporary screening detention facilities which are classified to preserve operational security,” but that “both the [Red Cross] and the host nation have knowledge of these facilities.” However, Ambinder’s report painted a bleaker picture, involving torture techniques contained in a little-known appendix to the current Army Field Manual.

Although President Obama issued [an executive order](#) on his second day in office, in January 2009, requiring interrogations to conform to the Army Field Manual (

### [PDF](#)

), which prohibits physical violence and “enhanced interrogation,” Ambinder reported that, in the “black jail,” prisoners are subjected to sleep deprivation and isolation based on the Field Manual’s Appendix M (which

[Jeff Kaye has been writing about](#)

since last January), and which, under controlled circumstances, allows a range of Bush-era “enhanced interrogation techniques” to be used, including sleep deprivation and isolation. Ambinder also explained that when Appendix M techniques are being used, the man responsible for overseeing them is Gen. James Clapper (Ret.), the undersecretary of defense for intelligence.

Underscoring the difference between the general prison population at Bagram and those held by the DIA’s Defense Counterintelligence and Human Intelligence Center, Ambinder added that prisoners “designated as prisoners of war cannot be subjected to Appendix M measures.” To be strictly accurate, Marc Ambinder should have referred to prisoners “held in conditions that vaguely approximate those of prisoners of war,” because President Obama has maintained the Bush administration’s unilateral reworking of the Geneva Conventions.

This will be discussed in [the second part of this article](#) , but for now the distinction between the general population of Guantánamo and those subjected to torture techniques in Bagram’s “black prison” — based on Marc Ambinder’s disturbing revelations about Appendix M and the activities of the Defense Counterintelligence and Human Intelligence Center — should be sufficient to rouse progressive critics of President Obama’s policies to demand transparency regarding the “black prison,” and to call for an end to this disturbing continuation of the Bush administration’s detention and interrogation policies.