

By Andy Worthington

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*This is the third article in “[Bagram Week](#)” here at Andy Worthington, with seven articles in total exploring what is happening at the main US prison in Afghanistan through reports, analyses of review boards, and the voices of the prisoners themselves, and ongoing updates to [the definitive annotated Bagram prisoner list](#)*

Since the US prison at Bagram airbase in Afghanistan opened in December 2001, the voices of the prisoners held there have never been made available to the outside world by the US authorities. When they have become known, it is either after the prisoners’ release, or, for those sent to Guantánamo from Bagram between 2002 and 2004, through the transcripts of their tribunals and review boards at Guantánamo, when some spoke about what happened to them in Bagram.

The prison has changed over the years. It was [a place of mayhem and murder](#) in the early years, when horrendous brutality accompanied its role as the prison used for processing prisoners for Guantánamo. After the transfer of ordinary prisoners ceased (in November 2003), and most of the additional prisoners who had passed through a variety of secret prisons were also disposed of (by September 2004, when some were sent to Guantánamo and others were forcibly repatriated), Bagram became Guantánamo's dark mirror, untouched by the lawyers who, at Guantánamo, fought for and secured habeas corpus rights for the men held there.

Under Obama, attempts have been made to pry Bagram open. Three foreign nationals, seized in other countries and rendered to Bagram, where they have been held for many years (since 2002, in two of the cases), [had their habeas corpus petitions granted](#) in a court in Washington D.C. in March 2009, when Judge John D. Bates ruled that their circumstances were essentially the same as the Guantánamo prisoners and that therefore the habeas rights that [the Supreme Court granted the Guantánamo prisoners in June 2008](#) extended to foreigners rendered to Bagram as well. This was undoubtedly true, but the ruling was [overturned on appeal last May](#), hurling the men back into a legal black hole.

In an attempt to hide this blatant unfairness, the Obama administration [introduced a new review process at Bagram](#), replacing the disgraceful set-up under President Bush, whereby prisoners had to make a statement before they were even told what the allegations against them were. Obama's solution was to introduce a process almost identical to the [Combatant Status Review Tribunals](#) at Guantánamo — which the Supreme Court found to be “inadequate” — in which the prisoners are assigned personal representatives, instead of lawyers, and are not allowed to see or hear any evidence that the government regards as classified.

The Detainee Review Boards, which began in September 2009, are therefore as “inadequate” as the tribunals at Guantánamo, in particular because they maintain the Bush administration's unchallenged fiction that the Geneva Conventions do not apply to current US wars, and that prisoners seized by the US since 9/11 are therefore not prisoners of war.

The Review Boards also reveal the chaotic nature of detention policies in Afghanistan, where there are prisons run by the Americans and prisons run by the Afghans, and the Boards, as a result, are given a smorgasbord of options for dealing with the prisoners: releasing them, continuing to hold them, or transferring them to Afghan custody, either to face criminal

prosecutions, or to be put through a process of reconciliation and rehabilitation.

Although the Review Boards have led to the release of hundreds of prisoners, it would be difficult to regard them as a success, not only because they continue the unacceptable sidelining of the Geneva Conventions, but also because the entire process of holding hearings for prisoners who are not allowed to have lawyers and are not able to see or hear classified evidence against them is fundamentally unfair, as was demonstrated at Guantánamo, and as has also been demonstrated in reports from Bagram over the last year, as discussed in my articles, [What is Obama Doing at Bagram? \(Part Two\): Executive Detention, Rendition, Review Boards, Released Prisoners and Trials](#) and [Broken Justice at Bagram — for Afghans, and for Foreign Prisoners Held by the US](#)

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Nevertheless, the Detainee Review Boards have produced the first documents that reveal the words of the prisoners themselves, albeit in a heavily redacted form. In documents obtained by the ACLU through FOIA (Freedom of Information Act) requests, the Pentagon not only released [documents providing summaries of the review boards' conclusions](#)

(which I began analyzing

[here](#)

), but also released

[58 documents relating to specific prisoners](#)

, which contain more information than those brief summaries — the Commander's Final Decision Memo, a Memo from the DRB President to the Commander or the Deputy Commander, a DRB Report of Findings and Recommendations, and, most importantly, a Summary of the DRB Hearing, which, between redactions, usually contains some of the allegations against the prisoners, which are otherwise unknown, and some of the prisoners' own statements and their responses to questions from the panel.

Below, I'm posting synopses of the first 18 of these documents, and will cover the other 40 in two articles to follow. Individually, they are not always revealing — although in some cases they clearly are — but cumulatively they help to provide an overview of the entire process, and, unfortunately, echo the problems with the tribunals at Guantánamo on which they were modelled.

### 18 Stories from Bagram

**ISN 1433: Salah Mohammed Ali**

Ali is — or was — a Pakistani prisoner, who was just 20 years old when he was seized. His Detainee Review Board [took place on June 5, 2010](#), when he had, by his own reckoning, been held for six and a half years. The board recommended that he should be released in Pakistan, having concluded that he was “not an Enduring Security Threat.” During his DRB, he made the following statement:

I never belonged to any of the organizations that were mentioned. I came to study at a madrassa in Lahore. A group came to the madrassa school based on Islamic teaching. They brainwashed me against Americans. They talked a lot about Americans and that they are very bad people. They said Americans did bad things in Iraq, killing innocent kids and raping women. They said Americans came for the oil. I am not associated with any organization like LET [Lashkar-e-Tayyiba] or Al-Qaeda. No one told me to join them. The other people who came to the madrassa might belong to them [redacted]. I accept that I went there for Jihad. That was a serious mistake in my life and I was too young to understand the consequences of that.

### **ISN 2619: Shafiq**

[On October 8, 2009](#), a Detainee Review Board concluded that Shafiq, assessed as “an insurgent member” who had “been involved in coalition attacks,” should be transferred to the Afghan authorities “for participation in a reconciliation program.” The board found that, although he was “not an Enduring Security Threat,” “internment is necessary to mitigate the threat [he] poses.”

In his hearing, Shafiq “sat on the floor and refused to make any statements.”

### **ISN 2638: Mullah Abdullah**

[On October 8, 2009](#), a Detainee Review Board concluded that Mullah Abdullah, assessed as “a low-level Taliban member and informant,” should be transferred to the Afghan authorities “for criminal prosecution.” The board found that, although he was “not an Enduring Security Threat,” “internment is necessary to mitigate the threat [he] poses.”

In his hearing, Mullah Abdullah asked a number of questions indicating that he did not believe the allegations against him:

- If I am Taliban, then who told you this?
- If weapons were found in the village, then it is not my fault. If I had weapons, then they should have taken a picture.
- The weapons were not 10 feet away. The weapons were 200 feet away. I was in my home at the time of the capture.
- I am mad because no one asked me anything for 4 years.

### **ISN 3151: Abdul Rahman Jan**

[On June 7, 2010](#) , a Detainee Review Board concluded that Jan, a recently seized prisoner who was not included in the list of prisoners held in September 2009, should be released. The board “found no support for [his] internment.”

In statements, he explained that he was seized after taking his son to Pakistan, because he was sick, and then returning to meet a friend who had just returned from the Hajj (pilgrimage to Mecca). The exact circumstances of his arrest were redacted, but it was clearly something to do with allegations about a cousin of his, which he said were mistaken, as US forces had a different name to that of his cousin. Specifically, he said, “I don’t know anything about any weapons or radios found in the area I was captured. It was not my house, or my village. I didn’t see anyone carrying any weapons that day.”

He also explained that he had been captured before, and sent to Bagram, but that he did not bear a grudge against US forces:

I was captured in my own house in 2007. There were four of us captured ... I don’t have any hard feelings about the coalition forces, even though they’ve captured me twice. They didn’t disrespect me. They didn’t beat me. I am satisfied with and have confidence in the government. The government brings prosperity and security. I just want to explain to the board that I am a poor person and I’m not involved in any of the activities I’m accused of.

**ISN 3154: Qari Mohamand (aka Mohmand)**

[On October 8, 2009](#) , a Detainee Review Board concluded that Qari Mohamand, captured on February 6, 2007 and “assessed to be an insurgent facilitator,” should be transferred to the Afghan authorities “for criminal prosecution.” The board found that, although he was “not an Enduring Security Threat,” “internment is necessary to mitigate the threat [he] poses.”

In his hearing, Qari Mohamand said, “I have never fought with anyone. I am innocent. It is common for Afghans to make up stories. Nobody found any evidence.” He added, “I went to school at the Madrassa when I was 8 years old. I am only a farmer and I do not know anyone with explosives.”

**ISN 3273: Said Wali Jan**

[On June 7, 2010](#) , a Detainee Review Board concluded that Said Wali Jan was “an Enduring Security Threat,” and should “continue to be detained at the Detention Facility in Parwan.”

In his hearing, Jan, who evidently worked as a baker, said:

There is no proof of the allegation against me. if you have proof, I am willing to take whatever punishment you give me. If you can prove that I was involved in any suicide mission against the coalition forces, either by training or supplying materials, then bring the proof to me and I will accept it. There is not any proof that I was involved in [redacted]. If I had ties to these types of attacks or operations, I would not have been captured in my bakery. I see Coalition Forces, ANP, and ANA every day while running my bakery. These people come and buy bread from me. If I was that type of person they could have captured me anytime they wanted.

**ISN 3314: Maulawi Ahmad Jan**

[On September 24, 2009](#) , in his Detainee Review Board, it was decided that Jan did not meet the criteria for internment, and that he should be released without conditions. It was stated that he was captured on September 10, 2007 and that “He was but no longer is assessed to be a Taliban commander.”

Most of the case against him was not clear from the documents (as is the case with most of these hearings), but it was stated at the time of his capture that he was regarded as the Taliban district commander of Andar, in Ghazni province, and that he was “known to be extensively involved in the coordination of insurgent activities in Ghazni Province” and had “directed IED and ambush attacks against ANSF and Coalition forces throughout the region.”

Although Army Maj. Chris Belcher, a Combined Joint Task Force-82 spokesperson, said at the time of his capture, “With Ahmad Jan now detained, Ghazni will be a less dangerous place,” it may be that this was not the case, and that he was released because he was not who the US thought he was, or had far less influence than was thought.

Whatever the exact story, Maulawi Ahmed Jan’s dissatisfaction was clear from the following comments he made in response to various allegations:

- I am not part of the Taliban. I was brought here by force.
- I was not captured at home.
- My feet and wrists are injured from fighting with the guards.
- I am frustrated today because people hit me.
- I want to go home so that I can be a farmer.
- I have a wife and children. I have communicated with my family since I have been here.
- I was captured by the Taliban.

### **ISN 3451: Amanullah**

At a Detainee Review Board on [September 24, 2009](#) , it was decided that Amanullah was “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners,” and the Board recommended that he should be transferred to the Afghan authorities for prosecution.

It was not made clear what he was supposed to have done, but it evidently involved his alleged knowledge of another individual in his village. In statements, he said, “I am a poor farmer and not Taliban. If I was guilty, then I would have run away from the scene. I have always been calm and cooperated with you.”

#### **ISN 3483: Mak Mali Jan**

At a Detainee Review Board on [October 1, 2009](#) , Mak Mali Jan’s release without conditions was recommended, even though a box was ticked which indicated that he was “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.”

What Jan, a schools inspector, was supposed to have done was unclear, although it may have involved him allowing — or being prevailed upon to allow — someone to stay at his home who subsequently brought trouble on him. In statements from his hearing, he said:

- I am an innocent man.
- I work for the government so we have the same goal.
- I am an anti-coalition enemy.
- I do not know [redacted]. I do not want them to stay at my home.
- I check the curriculum for schools for the government. I like GIRoA [the Government of the Islamic Republic of Afghanistan]. They are a good government. If I get released, I will do my previous job.

#### **ISN 3485: Qari Abdul Wali**

At a Detainee Review Board on [October 8, 2009](#) , Qari Abdul Wali’s release without conditions was recommended, even though, as with Mak Mali Jan (above), a box was ticked which indicated that he was “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.”

Although it was stated that he was “reported as a Taliban facilitator,” this was clearly not the



case. As he stated at his hearing:

- I have always been cooperative and I will continue to be. When I was captured, they asked me my name and where I was coming from. It is outrageous to call me a Taliban member.
- I never said I was a Taliban member. I am not a driver for the Taliban.
- If I say that I know Taliban, then you will say that I am a bad person. If I say that I do not know any Taliban, then it does me no good because I am already in jail.

### **ISN 3665: Yakoub**

At a Detainee Review Board on [September 17, 2009](#) , it was stated that Yakoub was “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners,” and the Board recommended that he be transferred to the Afghan authorities for criminal prosecution.

Whether this was fair or not was impossible to ascertain, as all Yakoub’s statements were redacted, although the inference that he was involved with the insurgency can be easily reached from the the recorder, Specialist [redacted], who “presented the board with the unclassified information and internment criteria” and “further stated that a vehicle with five RPGs, six RPG propellants, one tank mine, a link of 7.62-mm rounds, one pressure plate, and two fragmentation grenades were found with the detainee.”

### **ISN 3670: Sadik**

At a Detainee Review Board on [October 15, 2009](#) , it was recommended that Sadik be released without conditions, because he did not meet the criteria for internment. Although he was assessed to be “part of or supporting Taliban engaged in hostilities against the US and Coalition forces,” it was clear that he had been falsely regarded as harbouring an insurgent who attacked US forces. As he said, “The guy did not come from my vehicle. I have seen the soldier by my own eyes. I am innocent.”

He also said:

- I deny any part of any forces against the US. My little brother is 15 years old. I am poor. I transport things in my truck. I am innocently in jail. My truck is now ruined because it was shot up. I am innocent. Are you going to pay for my truck and pay me for the time I've been here innocently? Once I'm out, I expect someone to pay for my truck.
- I am innocent. If I stay, it is unfair to hold an innocent person for another 6 months.

### **ISN 3686: Ghulam Yaya**

At a Detainee Review Board on [October 15, 2009](#) , it was recommended that Ghulam Yaya, described as “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners,” should be transferred to the Afghan authorities for participation in a reconciliation program.

The exact cause of his detention was unclear, although it obviously involved his uncle, whose purported connections with the insurgency he claimed to know nothing about, and a white car. As he explained:

- I haven't seen the white car. I am a working man, What. have I been brought here for? I haven't done anything. Look at my file and ask about me. What is my fault? Why am I here?
- I am a peasant. That morning I was sleeping. I heard gunfire so I went outside to see what was going on. They put my wife, and children in a corner and asked me questions.
- For God's sake, I have not done anything. I have a wife. It is cruelty that I am here. Please, don't be cruel to me.

### **ISN 3687: Mohammad Nazar**

At a Detainee Review Board on [November 15, 2009](#) , it was recommended that, even though Nazar was “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners,” he should be transferred to the Afghan authorities for participation in a reconciliation program.

In a statement at his hearing, it was claimed that “pressure plate IEDs, six pressure cooker IEDs, two propane tank IEDs, one PKM, three AK-47s, five chest rigs, two hand grenades, and multiple amounts of ammo” were found near his point of capture, and that, according to a sworn statement by a US soldier, Nazar “was seen fleeing the raid.”

Whether Nazar had any connection to this cache of weapons and a firefight that is mentioned in the documents is unknown, but from his testimony he appeared to be a nobody, seized only because he was around and had run away. He said:

- I am new to this village, and I am just a farmer. All accusations are wrong. I am a poor farmer just trying to feed my family. I have done nothing wrong. I have nothing to feed my family, and it is not good for my family that I am in here. I moved to Baqua to work for [redacted]. I have three daughters, two sons, and a wife. I have no idea on why you are holding me here.
- I live at someone else’s home. The house does not have a door. I was inside, with my family. I will do labor job to feed my kids.

He also complained about being the victim of violence after his capture:

After I was cuffed I was hit. I did not resist arrest. It was too dark to tell who hit me ... They hit me on the head and many other places. I was bleeding after being hit in the head. I was hit with a gun, and I was kicked. I talked to the investigators about it, many times.

It was clear that he was an extremely unsophisticated man, nothing more than the laborer he said he was, because, in the words of a US Army sergeant who was called as a witness, “The detainee is not good with seeing himself in pictures because he is not used to it.”

### **ISN 3691: Noor Ahmad**

At a Detainee Review Board on [November 15, 2009](#) , it was recommended that Ahmed, designated as someone who was “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its

coalition partners,” should be transferred to the Afghan authorities for criminal prosecution.

Ahmad was evidently seized in the same raid as Mohammad Nazar, above, as it was stated that his arrest involved “a white vehicle containing four pressure plate IEDs, one PKM, three AK-47s, five chest rigs, two hand grenades, and various amounts of ammo.”

Ahmed also spoke less than Mohammad Nazar, and all that was unredacted in the report of his hearing were the following statements, which make it impossible to know whether he played any role in the events that led to his capture:

- These things are not true, Everything you are saying is not true. I am a poor person. I have told everything to the 10 or 15 investigators, make your decision off of them.
- Everything is in my file. Please don't beg me to speak.

#### **ISN 3748: Shahbodin**

At a Detainee Review Board on [October 8, 2009](#) , it was recommended that Shahbodin, designated as someone who was “part of, or substantially supported Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners,” should be transferred to the Afghan authorities for criminal prosecution.

In an “Unclassified Summary” included with the documents — not made available in any other cases — it was stated that Shahbodin had “confessed to IED activity” and had led his Afghan captors to “a site where he had hidden IED material.” He was then transferred to other Afghan forces, who discovered that he had been abused by his previous captors. Nevertheless, he then “confessed to placing IEDs with intent to target CF [Coalition Forces]” during an interview after he was handed over to US forces a few days later.

In statements, Shahbodin explained that he had been involved in a planned IED attack, but had not been in charge, and had handed himself in because he was not happy with his involvement:

I have been here for 30 months, I am an Afghan and I would not destroy my country. I was present when the IEDs/mines were placed. I turned myself in because I realized it was wrong. I took the authorities to show them where they were placed.

After explaining that he used to “ship bread to Pakistan” from Ghazni, he spoke about meeting two men, whose names were redacted, who, he claimed, were in charge of the operation and recruited him. One of the men, he said, “gave me a speech about the Americans being bad and how he wanted to kill them,” and while these two men “placed the mines,” Shahbodin said, “I was the watch man.”

### **ISN 3771: Fazel Rahman**

At a Detainee Review Board on [June 5, 2010](#), “the board members found that [he] did not meet the criteria for internment,” and a more senior military figure then ordered his release. It was disclosed that Fazel Rahman, also identified as Hajji Nazar Gul, was a shopkeeper, and the following extraordinary passage explained why his “support” for the Taliban was no basis for his detention — because it consisted of him standing by while they robbed him:

Overall the DRB assessed that if Fazel Rahman provided any support at all to the Taliban it was most likely in the form of him standing by while they took items without payment from the store. The DRB considered this kind of support to be unwilling and under implied threat of violence.

The Review Board also noted:

- Notably, there is some evidence that Fazel Rahman smokes hashish and supplements his income in the off season by working in opium fields. The DRB considered these habits inconsistent with the tenets of some of the puritanical types of Taliban.
- Lacking any substantial support of or membership of an insurgent group, the DRB voted that Fazel Rahman, ISN 3771, does not meet internment criteria.

The Board also explained that Fazel Rahman’s small shop sold “chai, candies, sugar, chewing gums, candy, and groceries,” and that he understood that he was “accused of having a

nefarious relationship” with someone whose name was redacted, but the mention of whose name prompted him to say that he “knows three of them, a shopkeeper, a barber, and a mullah,” who “is a suspected Taliban member.” The Board considered that he “was forthcoming when admitting ‘borderline’ nefarious conduct, lending a sense of credibility to his testimony generally,” and mentioned that he “discussed his travel to Iran for work. including the use of smugglers to cross the border.”

He also said that his brother and others would vouch for him: “They can tell the DRB what kind of person he is. When released he will try to help Americans. He likes the Americans because they build clinics, madrassas, and roads.”

In statements, Fazel Rahman said:

- I appreciate the respect I have received while here. I want to help Americans but I cannot because I’m a detainee. I have a shop and almost all the people know me and my brother and they all would have good things to say about me.
- I am receiving excellent medical treatment here. I have received two [doctors' visits] since being here. I was trying to tell the guard I needed to go to the Dr. and they would not take me so I spit on the guard. Yes, I threw my feces at the guard. I did it because I’m a sick person.

#### **ISN 3776: Gul Haider**

At a Detainee Review Board on [June 9, 2010](#) , the board members found that Gul Haider met detention criteria, but recommended that internment was not necessary to mitigate the threat that he posed, and that he should be released without conditions.

In his hearing it was stated that Gul Haider had admitted that his brother was a “known Taliban member,” and that he also “expresse[d] personal knowledge of numerous Taliban personalities and details regarding Taliban activities.”

In a statement, Gul Haider said:

- Thank you very much for giving me the time to speak, here. I was never a Taliban. When my father was sick I went to Kabul and stayed at the hospital for 19 days. If I was a Taliban I would have never gone to the hospital ran by the government. I am very happy with my government and happy for the Coalition Forces. If I was a Taliban I could not have stayed in Kabul for so long. When I was captured by the Americans I knew that I would be safe but I have been captured too long. If I am released I will still say that I like the Americans. I am very happy with the education classes here. I have signed up for English and farming. This is really nice for people here but I should not be here because I have done nothing wrong. My behavior has been good here.
- The government is not bad; with your help we can build our country. I like the Coalition Forces; they are building schools and roads. They are good for this country.

He also said:

- I have never been a part of the Taliban. I have never wanted to become a part of the Taliban. I said before that the Taliban came to my house and I gave them food, but only one time.
- How can I admire my brother? Because of him I have been put in jail. He has caused me a lot of suffering so how can I like him? We are brothers and we have the same family but we each have our own five fingers. I have my own mentality and can think for myself. Each person has their own mentality so people living together don't always do the same things.
- If your enemy comes in your home you have to be hospitable and when he leaves then you can say what you want.

**Note:** For more information about the prisoners at Bagram, see: [Bagram: The First Ever Prisoner List \(The Annotated\)](#)