

By Andy Worthington

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This is the fifth article in “.” 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](#)

With perfect timing, as “Bagram Week,” my series looking at US detention policies in Afghanistan, continues, the Associated Press has published [an exclusive report](#) about secret US prisons in Afghanistan, including the notorious Tor Jail at Bagram, which I discussed in my recent article,

[The “Dark Side” of Bagram: An Ex-Prisoner’s Account of Two Years of Abuse](#)

. In that article, a former prisoner, seized in a house raid with eight others (including a 12-year old boy), and held for two and a half years, even though the raid was based on lamentably poor intelligence, explained how he was held in the Tor Jail for 33 days before being transferred to the main prison facility at Bagram:

After our arrest we were first taken to Tor Jail, or the Black Jail. It was terrible. They didn't treat us like humans at all. They didn't allow us to sleep. There was nothing to cover ourselves with. They insulted the Quran. Whenever we were taken to the bathroom, they left the door open. We never knew when it was time to pray or which direction we should face. We never saw sunlight. We were treated rudely during interrogation.

Although the original US prison at Bagram airbase, housed in a gloomy Soviet-era factory building, has recently been replaced with a brand-new, state-of-the-art facility, and renamed — or rebranded — as the Detention Facility at Parwan (even though this is a transparent attempt to banish the brutal reputation that clung to Bagram throughout its long existence), the US authorities have found it impossible to suppress reports about abuse in the Tor Jail (as I explained in an article last year, entitled, [What is Obama Doing at Bagram? \(Part One\): Torture and the “Black Prison”](#)). The authorities have also found it impossible to suppress reports about abuse in other short-term detention facilities, housed in forward operating bases throughout Afghanistan, which I reported in another article last year, [Bagram: Graveyard of the Geneva Conventions](#), and which were also discussed in [an important article by Anand Gopal](#).

The persistent stories about the Tor Jail and these other shadowy facilities have gnawed away at President Obama's otherwise decent record when it comes to banishing the bleak ghosts of [the network of CIA “black sites”](#) that was established under the Bush administration. Obama ordered the “black sites” to be closed in [an executive order issued on his second day in office](#) (along with another promising the closure of Guantánamo, which has been spectacularly unsuccessful), but to be honest, it is unlikely that any “black sites” were still in operation by 2009, and Obama's fine words are further undermined by the realization that, although the “black sites” may have been banished, he has [failed to hold anyone accountable for torture](#), and has, in many ways, merely replaced the Bush administration's contentious detention policies with [drone attacks](#) instead — a policy of “kill rather than capture,” if you are looking for a description.

For the AP's exclusive report, unidentified US officials explained, as the agency described it, that "suspected terrorists are still being held under hazy circumstances with uncertain rights in secret, military-run jails across Afghanistan, where they can be interrogated for weeks without charge."

The Pentagon has previously acknowledged holding prisoners in temporary detention sites, but officials have stated that [the maximum time permitted for their detention was 14 days](#) — although they have also conceded that the 14-day limit could be extended "under extraordinary circumstances."

Now, however, officials have told the AP that prisoners are being held in a number of shadowy, frontline jails "for up to nine weeks, depending on the value of information they produce." According to the AP, there are "roughly 20" of these sites, which accords with [a report I received over a year ago](#), when a reliable Afghan source informed a US lawyer friend of mine that:

there were, at the time, about two dozen secret facilities in Afghanistan, including three or four in Herat, four or five in northern Afghanistan, and three or four in Kabul. According to this source, the majority were US facilities, although a few were run by the National Directorate of Security (NDS), the Afghan government's domestic intelligence agency, and a few others were run by the Afghan Army.

According to the AP, the "most secretive" site, run by the Joint Special Operations Command (JSOC), a suitably shadowy counter-terrorism unit, is at Bagram — the long-mentioned Tor Jail, or Black Jail, which, as described to the AP, is "responsible for questioning high-value targets ... suspected of top roles in the Taliban, al-Qaida or other militant groups."

JSOC's role has been disputed, as, for example, in [an article in the Atlantic last year by Marc Ambinder](#), which I discussed in [my own analysis](#) of the secret prison last June:

[According to Ambinder,] “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.”

Explaining how the nine-week detention period can come about, US officials told the AP that, when prisoners are first seized and interrogated in the field, the intention is to discover, fairly swiftly, what their status is, and what intelligence they might therefore possess. Generally, after 14 days maximum, they are then moved to Parwan (Bagram) or released.

Vice Adm. Robert Harward, who is in charge of detention operations in Afghanistan, has explained that Taliban foot soldiers “often provide useful information about how insurgent networks work, who runs them and who pays the bills,” but that, “if detainees can provide unusually valuable information on the location of a bomb-building factory or are willing to identify the local Taliban commander, their interrogators can ask to keep them longer,” as the AP described it.

There is, at first, a three-week extension, for reasons including “producing good tactical intel” or being “too sick to move,” and then a month’s extension, leading to nine weeks in total. After that, officials would have to appeal to the defense secretary Robert Gates, or even President Obama, although apparently that has never happened. If the prisoners produce useful information after this period, they are then moved to Parwan, to await a decision to transfer them to Afghan custody to face prosecution.

No one knows how many prisoners are held in this manner. A military spokeswoman, Capt. Pamela Kunze, said it was not more than “a small fraction of the total number of detainees,” and the AP noted that 1,900 prisoners are currently held at Parwan, but that, last year, only 1,300 out of a total of 6,600 suspects arrested across Afghanistan ended up at Parwan, according to

Vice Adm. Harward.

Despite the best explanations of the military, this report only confirms that the United States, in Afghanistan, continues to behave in a manner that demonstrates the government's disdain for international law, and senior officials' belief that they are a law unto themselves.

Beyond the obvious fact that the sleep deprivation and isolation used in the Tor Jail, and, by extension, in the other secret prisons, is clearly abusive, and that the entire set-up reveals how the US military remains in the post-9/11 world shaped by Bush's first defense secretary Donald Rumsfeld, who presided over the terrible departure from the Geneva Conventions, and the torrent of torture, abuse and murder that followed, the current snapshot of US activities, as revealed by the Associated Press, also relies on readers' trust that US operatives in Afghanistan know what they are doing.

And on this point, unfortunately, the US also fails. As I have been discovering through my analyses of the limited number of stories that have emerged from the Detainee Review Boards at Bagram — or Parwan — in which panels of military officers have decided whether to release prisoners, whether to continue holding them, or whether to transfer them to Afghan custody, what passes for intelligence has often been revealed as woefully lacking in substance.

The most shocking example in the first article I published on this topic, [Voices from Bagram: Prisoners Speak in Their Detainee Review Boards \(Part One of Three\)](#), was in the case of Fazel Rahman, a shopkeeper, whose review board thought long and hard about whether to conclude that he could be detained as a supporter of the Taliban because he "allowed" them to rob him at his shop. In the end, common sense prevailed, and the board recommended his release, but it could have gone either way.

In Part 2 of "Voices from Bagram" (forthcoming), I have just been examining the case of Nek Marjan, a cab driver from a village in Khost province, whose continued detention was approved by two out of three board members, even though the dissent of the third official was based on the fact that there was absolutely no evidence that he had done anything wrong. As the official report stated, "Notwithstanding the majority vote, the evidence was so weak that one board member found no internment criteria."

With reports like these — and the recollections of the young man detained in the Tor Jail for no reason — it is impossible to have any faith that America's ongoing refusal to obey the Geneva Conventions in Afghanistan serves any purpose, other than to continue to allow the military to abuse individuals who were never even a threat to them in the first place.

It's a grim scenario, to be honest — a project called "Losing Hearts and Minds," which has been going on for nearly ten years in Afghanistan. The wonder is that it can continue with such impudence, and apparently still with no end in sight ...