

AMERICAN GULAG

Prisoners' tales from the War on Terror

By Eliza Griswold

Every year, the United States government sends Fidel Castro a check for \$4,085 to pay the rent on forty-five square miles of Guantánamo Bay real estate. Castro, who has long wanted the U.S. to vacate the premises, refuses to cash the checks. The lease agreement, which dates from 1934, cannot be broken without the consent of both countries, and it is unlikely that ours will ever be given. We have, after all, a network of seven prison camps there, and we've just spent \$30 million to open an eighth. The U.S. Supreme Court recently acknowledged, in *Hamdan v. Bush*, that holding a human being in such a facility, and subjecting him to torture, and denying him even those protections afforded POWs, is in direct violation of Article Three of the Geneva Conventions. Yet there is no indication that this ruling will actually improve the lots of the 450 prisoners held at Guantánamo, let alone the 13,000 people currently "detained" in Iraq, the 500 or so in Afghanistan, and the unknown number (estimated to be about 100) at se-

cret CIA "black sites" around the world. There is no indication that the ruling will at all alter the conditions under which, to date, 98 detainees

have died (34 of these deaths are being investigated as homicides) and more than 600 U.S. personnel have been implicated in some form of abuse. President Bush maintained shortly after the decision that the Supreme Court had actually ruled in his favor. "They were silent on whether or not

Guantánamo—whether or not we should have used Guantánamo," he said. "In other words, they accepted the use of Guantánamo, the decision I made."

What this means is that for the foreseeable future we will be unable to ascertain what goes on in places like Guantánamo without taking some extraordinary measures. Not even the Red Cross is allowed into the CIA black sites or shipboard brigs, and the organization does not visit the "forward operating bases" where many abuses occur. Red Cross workers are permitted into Guantánamo only on the condition that they not discuss



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what they see there. Therefore we must turn to the lawyers who attempt, despite intentional and ridiculous obstacles, to provide these prisoners with the representation to which they are entitled under both U.S. and international law. To learn about life at U.S. detention centers, one of these, Tina Monshipour Foster, who as an attorney for the Center for Constitutional Rights organized more than 500 pro-bono lawyers to represent the detainees at Guantánamo, recently traveled not to Cuba but to Bahrain, Yemen, and Afghanistan, so that she might speak with some of the few to be released.

I went along.

Last winter, twenty-four-year-old Abdullah al Noaimi returned home from more than four years of prison in Cuba to the tiny island kingdom of Bahrain. Abdullah lives in Bahrain's wealthiest suburb, Riffa, near a Starbucks and across the street from King Hot Dog, where those close to the royal family have homes. One evening,

several weeks after he had returned home, Tina and I knocked on the al Noaimis' steel gate. A servant led us past a Nautilus machine and swimming pool to where Abdullah sat in a marble-

floored reception room with his mother, his aunt, and two of his sisters. His father works for King Hamad bin Isa al Khalifa. His grandmother was a princess. When Abdullah's mother saw Tina, she hugged her and started to cry.

Abdullah was more circumspect. He said it might be okay to tell his story in front of his mother since she didn't speak English. His own English was inflected with the lazy slang of an American college kid. "I lived in Virginia," he explained. "I went to Old Dominion University for two years. I've even been to Disneyland." His thirteen-year-old sister said to him, "I understand you."

There are three kinds of detainees: high-ranking Al Qaeda suspects; men who are not necessarily accused of anything but may have intelligence value; and those, like Abdullah, who were supposedly rounded up on the battlefield, fighting against Coalition troops. Any of these may be designated enemy combatants. Abdullah was accused of traveling to Afghanistan with the intention of fighting jihad, an accusation he denies. Like 95 percent of the detainees at Guantánamo, Abdullah wasn't arrested by Americans. Instead, he was abducted and sold by Pashtun tribesmen to Pakistani security forces. At the time of his arrest, in late 2001, there seemed to

be a bounty on every Arab's head, and fliers promising "wealth and power beyond your dreams" were dropping, as Defense Secretary Donald Rumsfeld said, "like snowflakes in December in Chicago." The Pakistanis piled Abdullah and others into the back of a truck. "They blindfolded and cuffed us," he said. "I shouted at them, 'You monsters, you don't even know what Islam is.'"

Over the next two weeks, Abdullah was taken to a series of prisons in Pakistan's tribal areas, along the Afghan border, and eventually to a large prison at Kohat. The prison at Kohat and another at Alizai are significant because, according to Human Rights First, both are suspected of being proxy detention centers, where detainees are held by third-party countries—Jordan, Egypt, Morocco, and Syria among them—allowing the United States to deny culpability for abuses committed on its behalf. After several weeks there, Abdullah heard that he and other prisoners were going to be handed over to the Americans.

"When I was told I was going to be taken to the Americans, I was relieved. *Please*, take me to an American prison," he said. Under American justice, he believed, innocent men like him were sure to be released. That was more than four years ago.

"I told everybody that it was good the Americans were taking us." But the Pakistani guards said otherwise: "If you can escape, escape now. You're being taken to Kandahar."

The night before Abdullah was moved, a Pakistani officer snuck into his cell to take digital pictures and obtain phone numbers from prisoners, given the likelihood that the young men were about to disappear. It was only because of this officer's efforts that Abdullah's family learned of his arrest.

During his first interrogation by the Americans, Abdullah realized that things were not as he'd expected. An American man and woman, who were not wearing uniforms, became furious when he told them he'd visited the States numerous times and had even attended Old Dominion. Abdullah told them he was nineteen; they decided he was thirty. He remembers being "tied like a package, covered with a white cloth" on his journey to Afghanistan. "It was very cold and quiet," he said. "There were thirty of us tied together." Half of these men were then taken into a tent and heard the sound of triggers being cocked. "They pulled our legs and we fell on our faces and they hit us with rifle butts. They walked on us like we were piano keys."

I asked him what happened next.

He laid his head back against the couch. "They cut off my clothes, and men and women were there..." He paused and looked at the floor. "I pre-

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fer to skip this part," he said. "I don't want anyone to know what happened to me."

At Guantánamo, Abdullah said, his lack of intelligence value wasn't difficult to discern. "For three years, the interrogators said to me, 'We don't know why you're here. You're going home soon.'"

But at his Combatant Status Review Tribunal—a proceeding at which the accused can neither review the evidence against him nor have a lawyer present—Abdullah was found to be an enemy combatant nonetheless, because, according to the U.S. military, he had "traveled to Afghanistan to fight for the Taliban and die in jihad." The evidence in support of this claim remains secret. When eventually it was arranged for him to be released and sent back to Bahrain, he was ordered to sign a paper promising that he would never again be involved with Al Qaeda or the Taliban. He was told that if he didn't sign, he could not go home. The paper also said that he was grateful to America for his release.

"I made so many friends there," he went on. "I wish I could have one more night with my friends in Cuba." Tina and I assumed he was talking about fellow prisoners, but he was referring, oddly, to the guards. "Put it in an American paper: 'Did you know Prisoner 159 at Gitmo?' A lot of people will respond to you."

"The guards are one of the system's victims. Some of them have signed contracts *they can't escape*." Some of the soldiers came to him with marital problems, and one said he wanted to kill himself for what he'd seen in Cuba. "I told him, 'Remember these cages, the orange jumpsuits, and keep going.'"

Before we left, Abdullah's mother gave us dishes of *oud al-Hind*, an incense that is said to cure seven diseases, including sore throat and pleurisy. Out of earshot of Abdullah, she suddenly spoke better English. It was clear that she had pretended not to understand in order to hear her son's story. For a year and a half, she told us, she called her son's mobile phone every day hoping that he would answer. After that, "I did nothing but cry."

If and when a lawyer is allowed to apply to visit Guantánamo, the only part of the U.S. detention system where legal representation is even a possibility, he or she must undergo a thorough background check, with neighbors, friends, and even doormen questioned by the FBI. In one instance, FBI agents asked an anxious girlfriend

why, after four years, her lawyer boyfriend still hadn't married her.

Upon reaching Guantánamo, lawyers are often told that their clients don't want to see them. Clients have later told their lawyers that they didn't even know anyone had visited. Once their lawyers leave, detainees are frequently interrogated. Interrogators have told detainees that cooperating with a lawyer will keep them in Cuba forever, and that the attorneys who visited Guantánamo are "Jews." At times the interrogators have even posed as lawyers themselves.

Upon leaving Guantánamo, attorneys must submit all their notes to the Department of Defense, which then decides what is classified and what is not. To get these notes back, the attorneys must go to Washington, D.C., and apply in



person to have the notes declassified. On one occasion, the government claimed to have lost all the notes from an eighteen-hour interview, forcing the lawyer to go back to Cuba and explain this to a detainee who was already deeply suspicious of the whole process.

"The incredible challenge is having them open up to you in any way," a litigator named Yiota Souras told me. So attorneys will often travel abroad, make contact with their clients' families, take photographs, videos, and collect personal stories only the family would know in an elaborate effort to establish trust. As in: "Look, I've had tea with your brothers, and here we are in the garden," Souras said.

Frequently, though, the attorneys end up being interviewed by families desperate for information about the law and news of their fathers and broth-

ers and sons. In Bahrain one morning I found myself behind the closed wooden doors of a conference room with five Saudi men and three American women, all of them lawyers. The Saudis, conservative Salafists, had traveled for days to meet with the only people to have seen their sons since the young men disappeared nearly four years ago. The meeting took place in Bahrain rather than Saudi Arabia because the Saudi government had not yet granted permission for the American



lawyers to enter the country. (Dr. Abdullah Ibrahim el-Kuwaiz, the Saudi ambassador to Bahrain, explained to me later that "in the case of 9/11, fifteen of the nineteen were Saudis. The Saudi government is always being accused of aiding terrorists. It has to clear itself first.")

One of the fathers, Ali Saleh Jrab al Sayari, fifty-three, with clouded blue eyes and a nervous smile, said that for three years he had believed his son to be dead. Then he was called into the office of the Saudi Interior Ministry and handed a note from the Red Cross. This is how many families find out that their missing sons are not dead: they receive a handwritten letter from the Red Cross, which has now delivered more than 20,000 such letters. In his letter, Ali Saleh said, his son's message was unclear and didn't even reveal when or where he'd been arrested, "so much of it had been blacked out." No other word followed.

"Are they chained in their cells?" he asked Jennifer Ching, a thirty-one-year-old corporate litigator. Her head was covered with what looked like a baby blanket trimmed in maroon satin.

"I can only tell you what I have seen," she answered.

The Saudi men nodded and continued with their questions.

"Those who are in an isolated cell, do they eat alone?" Ali Saleh asked.

"Do they pray alone?"

"Is there a toilet in the cell?"

"Do they change their clothes every day?"

Jennifer described how and where men are imprisoned at Guantánamo. Every father was eager to hear if his son was in Camp Four, at that point the communal camp and the only medium-security camp at Guantánamo. Jennifer explained that she met with her clients only in Camp Echo, where they are held in solitary confinement. What she didn't say is that the men there are chained to the floor during meetings and, because of the construction of the new camp, have more reason than ever to fear that they'll be in Cuba forever.

Ali Saleh asked what the men wore in each of these different camps. "It depends," Jennifer said. Generally, the clothing was color-coded: white for the best-behaved, tan for the slightly uncompliant, and the infamous orange for the worst. In the summer of 2005, at the outset of a long hunger strike, the inmates demanded an end to this system, and the color-coding was relaxed—for a while.

The Saudi men went on: "What is your nationality?"

"I'm an American-born Chinese," Jennifer said. The men looked at her blankly.

"What about interrogations?"

"Some men haven't been interrogated in two years," she said. "Others sit in interrogation rooms and say nothing."

"Do they read papers, books?"

"Most of the time just the Koran," she said. Books—like socks or mattresses—are considered comfort items and can be taken away at will. Letters are another luxury, she explained, something that interrogators use against prisoners. Blankets can be withheld, or air-conditioning can be overused to freeze a prisoner into compliance. This, like mock executions, is a "no-touch" torture, two common forms of which are "sensory deprivation" (hooding) and "self-inflicted pain," such as being made to stand with arms outstretched. The combination, Alfred McCoy notes in *A Question of Torture*, "causes victims to feel responsible for their suffering and thus capitulate more readily to their torturers."

In the one letter from his son, Ali Saleh had learned that the young man is suffering from severe memory loss, which is a common symptom of post-traumatic stress disorder. "He says he can't remember very much," Ali Saleh said. "Is that because of psychological or physical torture?"

Jennifer was quiet for a moment. "It very well may be," she said.

After the Saudi fathers left, Jennifer curled up on a couch. She looked worn-out. She has made five visits to Guantánamo, where she finds the staff's bustling mini-mall (Starbucks, McDonald's, KFC) unsettling. Worse, though, are "all these little concrete cells just hanging around on top of each other waiting to be inserted into prisons." When she saw these, she said, "That's when the finality of what the government is doing struck me. This is not a one-time thing; this is a permanent shift in the way we participate in the world."

Despite everything that is hidden about the practices in Guantánamo Bay, it is still the most transparent piece of the larger mosaic of U.S. detention. And so the U.S. has begun to employ a sort of shell game to hide the more embarrassingly innocent detainees from public scrutiny: we simply send them home to be imprisoned by their own governments. When we arrived in Yemen, Tina asked repeatedly for permission to visit former U.S. detainees now held in Yemeni jails, but the government said no. Nonetheless, one visiting day, Tina and I slipped quietly into Sanaa's central prison in an attempt to meet Karam Khamis Said Khamsan, who was reputedly being held there after two years in Cuba.

Amidst a black sea of *abayas*, we handed over our passports and were hustled into a caged yard, where women shouted out to husbands and brothers and sons coming up from an underground passageway. Eventually Tina spotted Karam and called to him. He came over and peered through the grate at us, then he began to tell his story. "Every day for three months the soldiers at Kandahar used their fingers in my anus," he said, "and also some kind of tool I could feel." For an Arab man, this matter-of-factness was startling. Four months after being cleared by his review tribunal in Cuba, he was sent back to Yemen, where his case had been under further "review" for the last five months. Frankly, after the things he had admitted to during painful interrogations, he was surprised to have been released from Guantánamo at all. "I would have told them anything they wanted to hear," he said. "I would have said I was Osama bin Laden."

The pathways of secret detention have reportedly led through Thailand, the naval base at Diego

Garcia, and even East Africa. Given the criteria essential for total secrecy, the system seems always to be in flux. "The Bush Administration is looking for a place that's beyond the snooping of lawyers and journalists—a small island in the middle of nowhere," Clive Stafford Smith, an attorney for thirty-six detainees at Guantánamo, told me. "It's got to be a place that is under American control, but not by the military, because the military leaks like a sieve. There are only one or two options. Parking a boat at Diego Garcia makes sense, a boat that doesn't belong to the Navy, because they learned early on that since U.S. Navy ships are American territory, habeas applies." There are also reports of two detention centers being built in Israel and a new one in Morocco.

The system of secret detention is linked to the larger network through the CIA rendition flights. After Dana Priest of the *Washington Post* first broke the story of "extraordinary renditions" in 2002, a series of further investigations uncovered a fleet of more than twenty CIA-owned planes that move detainees from location to location. These flights were supposedly authorized in a 2002 executive memo entitled "The President's Power as Commander in Chief to Transfer Captive Terrorists to the Control and Custody of Foreign Nations."



About seven months after this memo was issued, a Yemeni man named Abdulsalam al Hila, a prominent businessman and tribal leader to some 10,000 people, flew from Yemen to Egypt on business. On September 26, 2002, he disappeared.

One afternoon Tina and I had lunch at Abdulsalam's home with his three brothers, some community leaders, and a group of American lawyers from southern California. "The Yemeni

government has said they want him back, but the government is afraid of America," said a man named Hamoud, who was acting as tribal leader in Abdulsalam's stead, as we sat on the floor around a vinyl cloth. "We are hoping for something good from these American people," Hamoud said, nodding toward the southern Californians. He picked up the top half of a goat skull, its yellow teeth intact, and scooped out spoonfuls of brain for his guests. One of the lawyers, a blonde vegetarian, politely ate rice and carrot sticks; I busied myself taking notes.

When lunch was cleared away, the lawyers reclined on pillows around the large, airy room as the Yemenis recounted what they knew of their missing brother's journey through the network of U.S. detention. Abdulsalam brokered large-scale construction deals, and several years ago he arranged

flight plans obtained by British journalist Stephen Grey, the day after Abdulsalam disappeared a Gulfstream V, tail-number N379P, left Dulles airport in the early morning, landed in Athens, and then continued on to Cairo, landing the day before the Egyptians handed Abdulsalam over to the hooded soldiers. The soldiers cut off his suit, stripped him naked, and searched him. They dressed him in a blue jumpsuit and blindfolded him. He was loaded onto the plane, where he was waist-cuffed, hooded, and gagged. That night, at 11:01, the CIA plane left Cairo for Kabul. This plane was and is owned by Premiere Executive Transport Services, a CIA front company. Its tail number has since been changed at least three times.

Abdulsalam was imprisoned in Afghanistan for two years, first in a prison the detainees call the "dark prison," because prisoners there are held in total darkness. At the dark prison, Abdulsalam was hung from the wall by chains. As he would eventually explain to his lawyer, "In the prison of darkness, they made up stories, and I said I'll thumbprint anything—just let me sleep and give me clothes. I was naked." One hand was cuffed to the wall at all times, which made it hard to sleep or to use the toilet. "It sounds bizarre at first," his lawyer Marc Falkoff told me. "But look at the leaked interrogation logs. They do weird, surreal things designed to disorient and humiliate the men."

Meanwhile, Abdulsalam's family had no idea where he had gone. The Egyptian Embassy in Yemen said that he'd been sent "on a special plane" to Baku, Azerbaijan. Finally, they received a letter smuggled out of

Afghanistan by another prisoner. Abdulsalam wrote that after almost two years in Afghanistan he was taken to the U.S. base at Bagram. In 2002, two Afghan men were killed there after being chained and hung from the ceiling and brutally beaten. According to a coroner's testimony, one of the deceased, a taxi driver named Dilawar, had his legs "pulpified." If he'd lived, both of them would have required amputation. Like many detainees, Abdulsalam prefers not to talk about his time at Bagram, because, he says, the "wounds are too bad."

In September of 2004, Abdulsalam was on one of the very last airlifts from Bagram to Cuba, along with nine other detainees, some of whom had been rendered to third-party countries before transfer to Afghanistan. The June 2004 Supreme Court decision in *Rasul v. Bush*, which established the detainees' right to habeas corpus, meant



to help some Egyptian contractors build universities. When the Egyptians stiffed him, he flew to Cairo to sort it out. Within days he was detained by Egyptian intelligence officers. The family's theory was that the cheating businessmen somehow framed their brother. More likely, though, Abdulsalam fits into that second category of detainees: those who are not necessarily suspected of wrongdoing but might have valuable intelligence. As a tribal leader, Abdulsalam had been instrumental in helping Arab Afghan fighters return home after the Yemeni civil war. This association with foreign fighters may have interested the American military, but no one can say for sure.

After several days of interrogation in Cairo, Abdulsalam was loaded into a minibus by the Egyptian intelligence officers and taken to the airport. On the runway a group of ski-masked men waited in front of a private plane. According to

Photograph of Iraqi detainees at the forward operating base of Charlie Company outside Samarra, March 2003 © Martin Adler/Panos

that Cuba would no longer be a legal black hole. The number of detainees at Bagram, which no one could claim was U.S. soil, soon swelled from 100 to more than 600. Some prisoners, though, have simply disappeared—most likely into the shadow world of CIA black sites.

In Yemen I met with Zacharia bin al Shibh, elder brother of Ramzi, reportedly one of the 9/11 plotters. "You know what was the biggest surprise for me?" he said. "Seeing his picture on Al Jazeera with his big beard." He pulled a picture from his wallet. The brothers had the same deep-set eyes. His family thought Ramzi worked in a German bank. Apparently, he was roommates with Mohammad Atta and had joined the Hamburg Cell.

"I had no idea he was an extremist," Zacharia said, "and it's too hard to say I believe it now." Ramzi was arrested after a shootout in Karachi in 2002 and was immediately handed over to the U.S. He was reportedly flown to Thailand, but now he has vanished. Homeland Security Director Michael Chertoff has said that interrupting Ramzi's interrogation would cause "immediate and irreparable" damage.

"We know American history better than our own," Zacharia said. "Even the Nazis who burned more than half the world were given a fair trial."

As he showed me out he asked, under his breath, "Is he alive or dead?"

Toward the end of our trip, Tina and I traveled to Afghanistan so that she could search for family members of the 100 or so Afghans still in Guantánamo. We were hoping as well to speak with former detainees who'd been held in the detention centers closest to the fighting, known as "forward operating bases." The U.S. military has at various times made use of some twenty-five holding facilities in Afghanistan, though there may be more. Along with two translators, Tina and I drove three hours south from Kabul, then climbed a snowy pass and dropped down into the valley town of Gardez to meet Dr. Rafiullah Bidar of the Afghanistan Independent Human Rights Commission. He'd put out word of our visit in advance so that families who feared their sons were detained in Cuba could come and talk to Tina. Some had traveled for days.

As we walked up the path to Dr. Bidar's squat stucco office, we passed a group of twenty angry-looking men in gray turbans beneath a stand of eucalyptus trees. I asked our translator who they were, but no one seemed to know. Dr. Bidar's office monitors U.S. detention in three Afghan provinces—Paktia, Paktika, and Khost—where, according to former detainees, there are at least three U.S. prisons, one of which is undisclosed. The commission has documented eighty-five cases of abuse by U.S. soldiers. "Every journalist comes through this office," Dr. Bidar said as we sat

on his couch. He handed around a plate of wilted cookies and told a story about a young human-rights worker recently killed in Iraq, and how, just months earlier, she had sat on this very couch saying that she didn't want to go back to Baghdad.

Here, as in Iraq, the closer you get to the fighting the worse things are for the detainees. Detainees aren't supposed to be held near the fighting for more than ten days, but many talk about being held for a month. And because there is no formal system for finding out who is detained in such a place, anyone held there is a virtual ghost. Dr. Bidar has made repeated requests to the U.S. military to be allowed to visit the base near Gardez, as not even the Red Cross has been there, but these requests have been denied.

Tina set up shop in a small cold room, and family members filed in one by one to tell the stories of missing sons and to

ask questions. Sitting stiffly in front of a video camera, most looked down and spoke in a monotone as they shared familiarities—a love of computers, the time so-and-so fell out of a window—that might later win a lawyer a detainee's trust. Just next door a counselor named Jamila met with a woman who was about to be given to another family because of a blood feud: one of her relatives had killed a man, and she was intended as payment for the death. Over the past three years, the commission has successfully intervened in a number of such cases. When Jamila learned that I was looking for men who'd been detained in forward operating bases, she put on her coat and said, "There is a family I think you should meet."

We drove to a nearby compound. Jamila disappeared inside for a moment, then reappeared at a green door and beckoned to me. I stepped over a pair of a child's muddy rubber boots and followed her under a piece of lace and into a carpeted receiving room filled with terra-cotta pots of geraniums and zinnias.

We were met by Haji Mohammad, a man of about fifty, who showed us around the house and told us his story. One night in January 2004, as his family slept, a group of American soldiers pounded on the door. The soldiers ordered the fourteen adults and fifteen children living there out into the frozen courtyard while they searched the house. Haji showed me where shots had been fired into the roof. "They broke the locks on all of our trunks," he said. "Maybe they heard I'd gone to Saudi Arabia twenty-five years ago." He said that the Americans took several thousand dollars in cash and a gold clock, as well as a Thuraya satellite phone and a couple of Kalashnikovs. It seemed

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a large claim to make, but later Dr. Bidar told me that stolen money is a common complaint after raids.

Haji disappeared for a minute behind the lace and returned with a laminated paper and what looked like a thick hospital bracelet with the number BT958 on it and, next to the number, a digital picture of a man in an orange jumpsuit with a shaved head. I didn't recognize the man until Haji pointed to himself. It was his prison tag from Bagram. I peered at the laminated paper and read, "This individual has been determined to pose no threat to the United States Armed Forces or its interests in Afghanistan." During the raid, Haji had been arrested with his young son, Taj. My attention was directed to a quiet boy nearby with grease-covered hands. Since the raid, Taj had dropped out of school and was learning to be a mechanic to help support his family.

The soldiers hooded and cuffed the father and son and took them to the detention center at the Gardez forward operating base, a small, dirty jail where prisoners were packed together. "We were fed and allowed to go to the bathroom once every two days," Taj said. "We couldn't lie down to sleep." The men were repeatedly beaten, and they weren't given water to perform ablutions before praying. "I wore a hood for eighteen days," Taj told me. If any soldier had bothered to remove Taj's hood, he would have found beneath it a twelve-year-old child.

punished by being made to assume and maintain "stress positions." Then, inexplicably, Haji was released. He even got an apology. "The Americans said they were sorry," he grimaced, "and they gave me two dollars to get home."

"They said, 'Because you're innocent, we'll give you this paper.'" He held up the sheet again, which he'd laminated and, like many other former detainees I met, kept with him at all times in case he was stopped again. Because it was in English, he couldn't read it himself, and so he didn't know that the line at the bottom read, *This has no bearing on future misconduct.*

When we arrived back at the Human Rights Commission, those same gray-turbaned men I had noticed beneath the eucalyptus trees were now lined up outside the door, glowering. I went to ask Dr. Bidar if he had any idea who they were. "They've been waiting all day to speak to you," he said. "They were held at Bagram."

Among those waiting was a man named Najibullah, who said that until his release in May of 2004 he had been repeatedly beaten. He also said that he had been given an injection he believed would cause sterility. He likened the cage he was kept in to an animal kennel. For days he received no food. He was short-shackled and forced to squat between three soldiers and two Afghan translators. "They kicked me around like a football," he said.

The next man to enter the room said that before giving information about Bagram he wanted to tell a joke. "You know those monkeys who are forced to dance in the bazaar?" he asked. "Afghans are those monkeys. First the Soviets, then the Pakistanis, and now America forces us to dance." Lately, he said, he'd been trotted out to meet every human-rights delegation and journalist who came through Gardez. "How is telling you this story going to help me?" he asked. He pulled out the same laminated letter that Haji Mohammad had shown me, then left.

Dr. Bidar was somewhat embarrassed. "It was the Afghans themselves who pointed one another out to the Americans," he said. Now they wanted justice from the Americans in the form of reparations none would ever receive, even those whose businesses had been

destroyed and whose homes had been looted. An increasing rage, as well as the lack of security in the villages, was making these men perfect fodder for the resurgent Taliban. Just the day before, in Kandahar, a suicide bomber had attacked the police headquarters, killing thirteen people. Even as we



Haji was taken to Bagram, where 500 detainees are currently being held in conditions much worse than those in Cuba. There he was kept in "a kind of steel net" for seven months with sixteen other men under bright lights that shone around the clock. If a prisoner tried to cover his face, he was

Photograph of U.S. Marine moving a detainee at a detention facility in Western Iraq, April 2004 © Andrew Cutraro/St. Louis Post-Dispatch/Aurora Photos

returned to the relative safety of Kabul, there were rumors that more suicide bombers were expected. A couple of attempted kidnappings made it unwise to stroll about the town.

In Kabul the lawyers among us continued their efforts to track down their clients' families. Because of the security situation, they couldn't travel outside of the capital, so Tina and her cohorts depended on a local network of detainee families to spread the word about free legal aid for those in Guantánamo. Sadly, most families made the trip because they had loved ones in Bagram, only to discover that there was nothing the lawyers could do: so far it has been next to impossible to prove that U.S. law applies there. One afternoon, as the lawyers sat in the canteen at their guesthouse, a Talib arrived on crutches from Kandahar. Terrified and angry, he didn't look like the other tribesmen and had trouble convincing the guard at the guesthouse to let him in. The Talib refused to give his name. He said that he wanted help in freeing his brother from Bagram. He said that a Bagram guard had used a cell phone to take a photograph of his brother's pulverized face, and that if

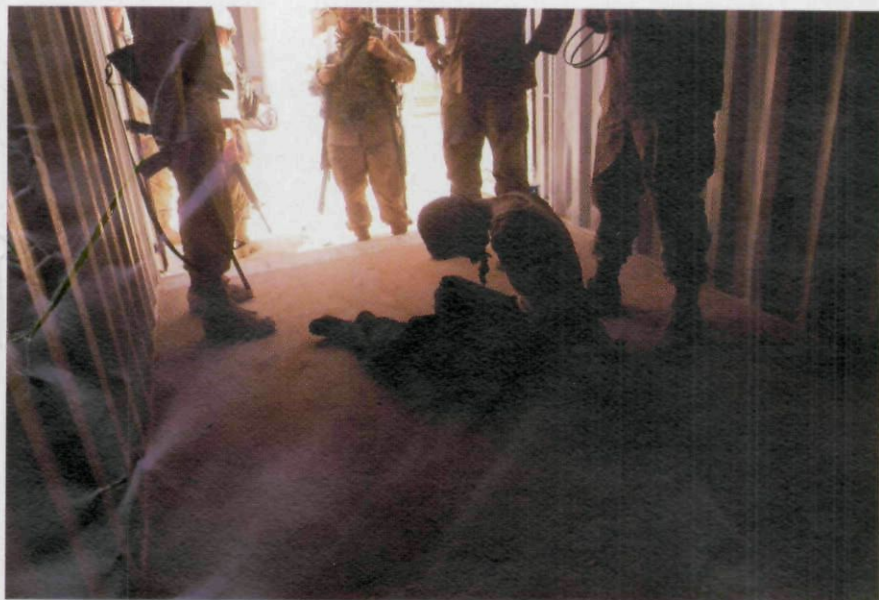
no one would help him he was considering becoming a suicide bomber.

Although about 100 Afghans are still being detained in Guantánamo, some of the more high-profile detainees have begun to return home. It isn't easy to return in the middle of an ongoing war, and some have become the unlikely spokesmen for civil liberties. One of these is Abdul Salam Zaeef, who formerly served as the Taliban ambassador to Islamabad. He is currently under house arrest with his two wives and eight children in a muddy and new section of Kabul. Zaeef spent the past three years in Cuba and then was suddenly released last September just in time for Afghanistan's elections, a political move he says was designed to appease the Afghan people and convince them to support the American-backed Karzai government.

Zaeef's journey through U.S. detention is unusual in that he was held aboard a ship. The Department of Defense claims that it does not keep detainees on Navy vessels, but, according to Human Rights First, at least two ships, the USS *Bataan* and the USS *Peleliu*, have been used as brigs. Zaeef spent a week aboard the ship, then was taken to Bagram. "Bagram was the worst kind of mistreatment," he told us. "The first night, the soldiers broke my shoulder, took off all of my clothes, and threw me out into the snow." After several hours, he lost consciousness. "I was sure they

were going to kill me," he said, "so I wanted them to do it more quickly."

Once he arrived in Cuba, Zaeef served as an ambassador of sorts between the Afghan detainees and the U.S. military. He counted out the seven hunger strikes on his fingers. "We asked them to



give us our rights according to the Geneva Conventions," he said. (Lawyers had sent copies of the Geneva Conventions, in Arabic, to Guantánamo.) Zaeef then met directly with Colonel Mike Bumgardner, who oversaw interrogations at the time, and was told that Secretary Rumsfeld had agreed to some of the demands. Along with five other chosen leaders among the detainees, Zaeef was granted permission to meet detainees to convince them to eat, but the promised changes at the camp never materialized. All six of the chosen leaders were taken to solitary confinement in Camp Echo. Five days later, Zaeef was sent back to Afghanistan. Before he was flown home, Zaeef was presented with a paper similar to the one given to Abdullah from Bahrain. "It said, number one, the detainee confesses to his crime; number two, the detainee asks for forgiveness; number three, the detainee won't engage in terrorist acts again, which is an admission of guilt; number four, the detainee won't have any links with Al Qaeda; number five, the detainee is thankful to the United States for releasing him."

"I was told if I wouldn't sign the paper, I wouldn't be released." He didn't care. "You made me sit here for three years. You can make me sit here for my entire life, but I'm not a criminal and I won't sign it." Finally, after several hours of this, the soldier across from him gave up and said, "Okay, you write something." So Zaeef took the paper and wrote, "I was kept

here for three years and I am not a criminal."

"The American interrogators told me to be cautious about you," Zaeef said, teasingly. "They said not to give you permission to be my lawyers. I'd be in trouble forever and the case would never go away." He smiled. "The interrogators said that lawyers are bad people and that they're always after bad things."

Another former Talib, Mohammed Ibrahim Sahadat, is now one of Afghanistan's leading defense lawyers. He finds the job overwhelming. On one of our last days in Afghanistan, Ibrahim took Tina and me to visit Policharki Prison, where the United Nations is now helping to revamp the block that will house former detainees from Guantánamo Bay. With white turrets and a sullen concrete needle that serves as a watchtower, Policharki looks as if it is made of Soviet-style Legos. Built in the 1970s, and expanded during the Soviet occupation, Policharki was the site of frequent executions for more than twenty years.

According to CNN, some 70,000 bodies are buried in mass graves in the surrounding plains. Today, Policharki houses about 2,000 prisoners, including the Afghan Christian convert recently tried for his faith and three Americans who ran a private prison in Kabul and were convicted of torture. The prison also holds hundreds of former Taliban and Al Qaeda fighters. Two weeks before our visit, Ibrahim told us, seven Talibs had broken out of the prison. The men had escaped with their families during visiting hours. One of them had been a client of his, he said a bit sheepishly. After the escape, eleven guards had been arrested, and even the warden was under investigation. As a result of the prison break, the detainees were going to be forced to wear uniforms for the first time.

The day we visited was sunny and bright, turning the recent snow to mush. As we waited around a wood stove for permission to visit the new cellblock, a grumbly Tajik guard from the Panjshir Valley—the new face of the law in Afghanistan—eyed us from across the room. He did not offer us tea.

"If I were the warden," he said, "I wouldn't let you in here." Later, as he grudgingly led us toward the new block, he spoke up again and said, "This is the worst war ever."

As we tromped through a muddy field behind the prison, a man appeared from a shiny white United Nations trailer. His name was Sohail Sahibi, and he was an engineer. He was oversee-

ing the work on the Guantánamo block on behalf of the United Nations Office on Drugs and Crime (UNODC). He looked at us strangely. Here we were: a former Talib, a huge red-haired Pashtun, a Persian-looking woman with a video camera, and an amoebic American scrawling notes. He was friendly enough, though, and he led us through the large half-built cells and pointed out where new bathrooms would be installed and where, in the center, the prisoners would be able to exercise.

There wasn't much to see there—just four old cement bunkers that looked a lot like a dilapidated U.S. prison. And as Sahibi led us through the old cells, he seemed to grow increasingly suspicious. He asked us again who we were. When finally he

understood that Tina was one of the American lawyers attempting to free Afghans at Guantánamo, he broke into a sudden smile. "Come back to the trailer," he said. "Have tea with me."

As we sat in the U.N. trailer, on brand-new office chairs still covered in plastic, he served us tea and stale chocolates,

and said, "My uncle has been in the U.S. prison at Bagram for two months." He said that his uncle, a shepherd named Saqi Jan, had wanted to build a bridge over the river between his village and the next so that his sheep could cross the water to graze. The neighboring village didn't want more livestock traffic, so they reported the old man to the Americans as a member of Al Qaeda. Outside, workers poured the foundation for the new prison. Over the sound of the cement mixer's engine, Sahibi asked if Tina could help get his uncle out of detention. "He's an innocent old man," he said. "Can you help get him free?"

Three weeks after our tea, a riot broke out in Policharki when some of the 350 Al Qaeda and Taliban inmates seized control of their block for several days. Smoke poured out of windows as the inmates set fire to whatever they could find. One of the three Americans convicted of torturing people in a private prison got caught up in the rioting. Frantic, he called the Associated Press from inside the prison on a contraband cell phone: "They said they are going to chop off my head." The prisoners chanted "Death to America" and dropped notes about their mistreatment through the bars. Apparently the protest began when several "high-value" inmates refused to accept the new dress code. ■

