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U.S. had advance warning of abuse at Afghan prisons, officials say

By Joshua Partlow and Julie Tate

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Across the street from U.S. military headquarters in Kabul, shrouded from view by concrete walls, the Afghan intelligence agency runs a detention facility for up to 40 terrorism suspects that is known as Department 124. So much torture took place inside, one detainee told the United Nations, that it has earned another name: “People call it Hell.”

But long before the world body publicly revealed “systematic torture” in Afghan intelligence agency detention centers, top officials from the State Department, the CIA and the U.S. military received multiple warnings about abuses at Department 124 and other Afghan facilities, according to Afghan and Western officials with knowledge of the situation.

Despite the warnings, the United States continued to transfer detainees to Afghan intelligence service custody, the officials said. Even as other countries stopped handing over detainees to problematic facilities, the U.S. government did not.

U.S. Special Operations troops delivered detainees to Department 124. CIA officials regularly visited the facility, which was rebuilt last year with American money, to interrogate high-level Taliban and al-Qaeda suspects, according to Afghan and Western officials familiar with the site. Afghan intelligence officials said Americans never participated in the torture but should have known about it.

When the United Nations on Aug. 30 brought allegations of widespread detainee abuse to Gen. John Allen, the top U.S. military commander here, he took swift action ahead of the public release of the findings. Coalition troops stopped transferring detainees to Department 124 and 15 other police and intelligence agency prisons. They also hastily began a program to monitor those facilities and conduct human rights classes for interrogators.

But the prospect that U.S. officials failed to act on prior warnings raises questions about their compliance with a law, known as the Leahy Amendment, that prohibits the United States from funding units of foreign security forces when there is credible evidence that they have committed human rights abuses.

The State Department is investigating whether the law applies and what funding might be affected, according to U.S. officials.

American officials denied that they had ignored credible warnings of detainee abuse and said that whenever such an allegation was raised, they took action. For instance, Gen. David H. Petraeus, when he was the top U.S. commander in Afghanistan, ordered a halt to detainee transfers to Afghan intelligence and police custody in Kandahar in July.

“Anyplace that we’ve had a concern in the past, we’ve taken the appropriate steps, I’m confident of that, and we’re taking the appropriate steps now,” Lt. Gen. Curtis M. Scaparrotti, the second-ranking U.S. commander in Afghanistan, said in an interview. “I don’t see it as a systemic problem, as some have said it might be.”

White House spokeswoman Caitlin Hayden said the United States has a “long-standing policy against transferring individuals to torture” and that “whenever allegations of human rights violations are raised with us, we move quickly to work with the host government to investigate and resolve them.”

The “CIA adheres to those same rules,” another U.S. official said. “The reality is that the system in place works.”

Confidential warnings

Even by the standards of Afghanistan’s deeply troubled justice system, Department 124 stood out. With chilling detail, the United Nations recounted detainees’ stories of interrogators hanging them by their hands for hours, beating them with metal pipes, shocking them with electricity and twisting their genitals until they passed out.

Of the 28 detainees interviewed who had spent time at the facility, 26 told the United Nations that they had been tortured, according to a report released this month.

Before the U.N. investigation began in October 2010, the International Committee of the Red Cross told Afghan and U.S. officials of its concerns about detainee abuse at Department 124 and elsewhere, according to people briefed on the confidential discussions.

The conversations intensified this year, with the ICRC warning top-level officials from the U.S. Embassy, the CIA and the Joint Special Operations Command, among others. One person familiar with the conversations said the concerns involved the “prevalence and pervasiveness” of detainee abuse by the National Directorate of Security, or NDS, as Afghanistan’s primary intelligence service is known.

When the discussions failed to produce improved treatment and conditions, the ICRC issued confidential written findings to the Afghan government outlining the extent of the problems.

One former senior U.S. Embassy official disputed those characterizations of the briefings. If there had been “serious, substantive allegations of systemic institutional torture of detainees, the embassy would have acted on these,” the official said.

Many of the officials interviewed for this article spoke on the condition of anonymity because of the sensitivity of discussing confidential matters that carry potential legal ramifications.

The International Committee of the Red Cross declined to comment on the content of its confidential meetings. “In Afghanistan, the ICRC shared observations and recommendations with the detaining authorities and with others who were mentoring and training them,” said ICRC spokesman Simon Schorno. “It did so on numerous occasions during confidential, bilateral meetings.”

Schorno said the “public silence of the ICRC on its visits should never be interpreted to mean that there are no prevailing concerns to be addressed by the authorities in charge.”

Americans at the site

Department 124 was long sealed off from the outside world; the ICRC, the United Nations and other organizations concerned with human rights were barred by Afghan officials from monitoring conditions there.

But American officials frequently went inside, according to Afghan officials and others familiar with the site. U.S. Special Operations troops brought detainees there, and CIA officials met with Department 124’s leadership on a weekly basis, reviewed their interrogation reports and used the intelligence gleaned from interrogations to inform their operations, the officials said.

The detainees’ physical characteristics were entered into an American biometric database. They wore orange jumpsuits — as detainees do at the U.S.-run prison at Bagram air base, but not at other Afghan prisons — and were sometimes hooded, according to an Afghan intelligence official. Seventeen detainees said they had been transferred to the prison by international military forces; the United Nations found “compelling evidence” that those detainees were tortured once they arrived. The detainees told U.N. officials that their interrogators were Afghans.

That such harsh tactics are used to get information and extract confessions is no secret among current and former Afghan intelligence officials. One of them said their CIA partners were “totally aware” of such treatment.

“They work with us every other day, if not every day,” another Afghan intelligence official said of the CIA. Because of their close collaboration and the prevalence of beatings, “the CIA guys should have known about it,” he said.

Most Afghan officials interviewed said the CIA and other partners sought to avoid abuse. “Neither the Americans nor the British agreed with any torture of detainees,” a senior Afghan intelligence official said. “They would ask: ‘Have you tortured this detainee so he confessed?’ That was the first question they would ask.”

Another agreed, saying that although the CIA “never approved torture,” that didn’t mean it was well hidden. The U.N. report is “underestimating what’s going on,” the Afghan official said.

One U.S. official in Kabul said the CIA officers and Special Operations troops would not have ignored torture. “Not in the post-Abu Ghraib era,” the official said. “All American entities out there are hyper-aware of these allegations and would report them up the chain.”

‘A dubious distinction’

Since the overthrow of the Taliban a decade ago, the United States has helped rebuild the NDS. The United States has paid for the majority of the intelligence agency’s budget, supporting a force that includes about 20,000 people, current and former NDS officials said.

From the beginning of the war, the CIA and the NDS shared intelligence, coordinated on operations to nab suspected insurgents, and cooperated in interrogating them, said Muhammad Arif Sarwari, who ran the NDS from 2001 to 2004. The CIA partnership has been mutually beneficial, with the Americans gaining access to local knowledge and the Afghans to high-tech tools in the war against the Taliban.

But as the war has intensified, so have reports of detainee abuse by NDS interrogators. As early as 2007, human rights groups such as Amnesty International and Human Rights Watch were writing reports on the problem of detainee abuse in NDS custody. Allegations of NDS torture prompted Canada and Britain to halt detainee transfers to Afghan intelligence facilities in Kabul and Kandahar at different times starting in 2007, and both countries launched monitoring programs to look into detainee treatment.

In February 2010, the U.S. Embassy in Kabul issued a cable, later uncovered by the anti-secrecy organization WikiLeaks, saying that “human rights organizations point to a dubious distinction — we are the only detaining nation in Afghanistan that does not have a monitoring program.”

The State Department has still not implemented a monitoring program. A proposal to start one was given to the Afghan government a few months ago, but no agreement has been reached.

During his extensive review of the Afghan detention system in 2009, Marine Maj. Gen. Douglas M. Stone said he found less reason to worry about detainee abuse than about the prospect that Afghan prisons bred radical Islamists. He said his team had access to all aspects of Afghan

detentions except NDS facilities, but he recalled being told that the ICRC was conducting “really rigorous reviews.”

“I was told repeatedly that there was really no abuse going on, that the ICRC had pretty much free rein,” said Stone, who is now retired from the military.

‘There’s nothing to hide’

In an interview, the NDS deputy director for operations, Ahmed Zia, described the U.N. report as an inaccurate attack on the agency and said insurgents are trained in Pakistan to lie to human rights groups.

Zia has been described by colleagues as sometimes ruthless in his pursuit of intelligence, and one detainee who had been in Department 124 told international monitors that he had been beaten by Zia.

Zia denied mistreating detainees and called Department 124 “a rising star for our country.”

“There’s nothing to hide from anyone,” he said.

Beginning last month, U.S. troops have made at least three inspections of Department 124. They have given eight-hour courses to interrogators on human rights and the proper procedures for handling detainees.

One NATO military official present said that on each visit, the facility was about half-full — about 20 detainees. The NDS leadership was welcoming and allowed private interviews with the prisoners, he said. But in the class on human rights, he said, Afghan interrogators offered some “push-back.” They suggested that being rough with detainees was part of their job, the NATO military official said.

The official said the Afghan interrogators defended their methods, asserting that the detainees are terrorists. “They say, ‘This is how we do it all the time.’”