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European Languages

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The Wall Street Journal

Taliban Five

02/12/2012

Meet the men the U.S. might release as a goodwill gesture.

The Obama Administration is pursuing peace talks with the Taliban, and as a goodwill gesture it has been leaking the news that it may pre-emptively release five of their leaders held at Guantanamo. We thought you might like to meet them.

Their identities are an open secret, and last week the White House gave a restricted briefing to a few Members of Congress to win their support. The men are among the 46 out of 171 detainees left at Gitmo that an Administration review in 2010 deemed "too dangerous to transfer but not feasible for prosecution." Two years later, these detainees are evidently no longer too dangerous.

These upstanding citizens are:

- Mohammad Fazl, around age 45, was the senior-most Taliban commander in northern Afghanistan and their deputy defense minister when captured in November 2001. He was at the Qala-i-Jangi fortress, outside the city of Mazar-i-Sharif, when hundreds of Taliban prisoners revolted against their captors in the Northern Alliance. CIA operative Johnny Michael Spann died in the melee, becoming the first American casualty of the Afghan war. A confidential annex of the Administration's 2010 review suggests that Fazl may be responsible for Spann's death. According to his secret 2008 Gitmo file, which was published by WikiLeaks, Fazl also commanded foreign fighters in Afghanistan and "possessed vast power and financial

resources."

He was close to Mullah Omar, the Taliban leader. Before 9/11, Fazl commanded troops in central Afghanistan who massacred hundreds of Hazaras, a Shiite Muslim ethnic minority. His Gitmo file also says the Iranian government suspects him of "being connected" to the killing of its diplomats in Mazar-i-Sharif in 1998.

- Mullah Norullah Nori served with Fazl in northern Afghanistan and was with him at Qala-i-Jangi fortress. The U.S. suspects him of involvement in Spann's murder. He is an alleged war criminal for his role in the massacre of Shiite Afghans, which he has told his Gitmo interrogators were justified by the Taliban's desire to "establish their ideal state."
- Mohammed Nabi was "a senior Taliban official" who helped smuggle weapons to attack U.S. troops and finance the Taliban. He is one of a few leaders who was, according to his Gitmo file, "loyal" to the Haqqani network, a terrorist group based in western Pakistan and allied with the Taliban. He has a record of poor behavior while in custody at Guantanamo.
- Khairullah Khaikhwa, former Taliban governor of Herat province in western Afghanistan, was "directly associated" with Osama bin Laden and Mullah Omar, his interrogators say. He met often with officials from Iran, which has tried to undermine post-Taliban Afghanistan. Khaikhwa says he's also a friend of Afghan President Hamid Karzai, and his lawyers say he wasn't ideologically committed to the Taliban.
- Abdul Haq Wasiq, 40, was the deputy head of Taliban intelligence, which tortured and murdered civilians. His Gitmo interrogators say he has withheld what he knows about outside Islamist groups that the Taliban worked with to fight the U.S., and he may belong to al Qaeda. His release, says an intelligence source, would be "highly problematic."

The Administration's plan seems to be to turn these five over to the custody of the Qatar government. But once there the U.S. will have lost all leverage over their fate, and the likelihood is that they will eventually be released outright, be traded in a prisoner exchange, or escape. Some or all are likely to rejoin their terror trade.

Congress can't stop these transfers, but it can raise a fuss. At a minimum, Fazl and Nori ought to be properly investigated—and perhaps put on trial—for Spann's murder and war crimes committed in Taliban-ruled Afghanistan. The release of the confidential sections of the Gitmo review related to the Spann case would also inform a public debate and address widespread concerns on Capitol Hill about any transfers.

The bigger question is why the U.S. would trade anyone in exchange for nothing more than a Taliban promise to talk. As they see the U.S. heading for the Afghan exits in 2014, with military combat operations ending by 2013, the Taliban have little incentive to make any concessions. They know they merely have to wait.

One of the failures of the Afghan campaign is that we still haven't killed or captured Mullah Omar. By freeing the Taliban's senior figures from Guantanamo, President Obama will send another signal of weakness that will make them even less likely to negotiate in good faith.

