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## US releases four Gitmo detainees, sends them back to Afghanistan

by Michael Pizzi & Jenifer Fenton

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Four Afghan detainees have been released from Guantanamo Bay and repatriated at the request of President Ashraf Ghani, the U.S. Department of Defense confirmed Saturday.

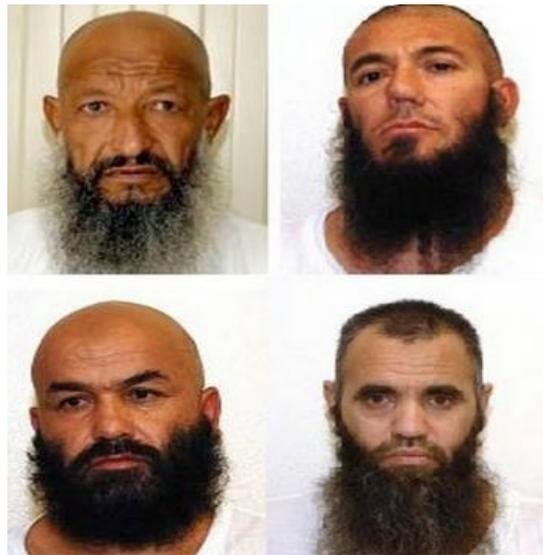
Shawali Khan, Khi Ali Gul, Abdul Ghani and Mohammed Zahir were flown to Afghanistan after what the Pentagon called a “comprehensive review” of their case. Lawyers for Khan and Ghani said their clients were already back with their families, after more than a decade of detention without charge.

“Ghani should never have been imprisoned in the first place, let alone for more than a decade,” said Barry Wingard, a retired Air Force Lt. Colonel, who represents the 42-year-old Afghan farmer. “After many years of terrible treatment at the hands of his captors, Abdul returns to his homeland as innocent as the day he was taken from his family.”

The men become the latest detainees released from Guantanamo, which President Barack Obama has committed to gradually shuttering. Saturday’s release, which was coordinated with the Afghan government, leaves 132 detainees still languishing at the facility, where torture allegedly took place until 2008.

The four Afghans were cleared for release by the Obama administration back in 2010 and a deal was subsequently arranged in March of this year to send them home. It is not clear why Secretary of Defense Chuck Hagel, who has final approval of releases, waited so long to act.

Lawyers noted that the timing of their eventual release coincides with the formal end of the U.S. war in Afghanistan and the withdrawal of most foreign troops later this month.



**The four Afghan detainees whose release from Guantanamo was announced on Saturday. Clockwise from top right: Abdul Ghani, Khi Ali Gul, Shawali Khan, Mohammed Zahir.**

According to Wells Dixon, a lawyer with the Center for Constitutional Rights who worked on Shawali Khan's case, "When the war ends, the president's legal authority to keep detainees there unravels. Any Guantanamo detainee captured in the course of the Afghan conflict should not be detainable anymore."

The four men released, along with seven other Afghans who remain, are considered to be less of a threat than the five Afghan Taliban prisoners who were sent to Qatar earlier this year in a prisoner swap with an American prisoner of war, Sgt. Bowe Bergdahl.

The other Afghan prisoner, Muhammad Rahim, is an alleged "high-value detainee" who was held by the CIA and then sent to Guantanamo in March 2008 – the last prisoner to arrive at the base.

Dixon said it was possible some of these Afghans would be released in the coming weeks, though he noted that the government was likely to argue that remaining detainees were instead being held as part of the amorphous war against Al-Qaeda, some of whose leaders are believed to be sheltered in Afghanistan. The U.S. has long been accused of using its so-called "war on terror" as a catch-all justification for unlawful detentions in places like Guantanamo.

Dixon, who has represented a number of Guantanamo detainees, said Khan's case was the saddest he had dealt with. Now in his early 50s, Khan was held in Guantanamo for 11 years without charge. He grew up on a pomegranate farm just outside of Kandahar, according to another of his lawyers, but he was forced to move into the city when his family's crops were destroyed by drought in 2000. He is said to then have managed a petrol shop.

Khan believes he was sold for bounty to American forces and eventually transferred to Guantanamo. According to Andy Worthington, who investigated the case for his book, *The Guantanamo Files*, Khan "seems, quite clearly, to have been falsely portrayed as an insurgent by an informant who received payment for doing so."

Khan's case was based on intelligence reports that neither he nor his counsel were permitted to see, Dixon said. The government also declined to identify any of its informants. The district court that denied Khan's habeas corpus request described one of the intelligence reports that underpinned the government's case as "perhaps the most redacted report in history."



Abdul Ghani's home village of Khoshab, Afghanistan, pictured in April 2012. Abdul Ghani Facebook page

Lawyers for Abdul Ghani have similarly accused U.S. forces of paying a bounty for his capture. Ghani was born sometime around January 1972 in Khoshab, a small village less than an hour on foot from Kandahar Airport. To make a living he farmed, harvested pomegranates and resold metal scraps at local markets. After the Americans started bombing the area near Ghani's home, the Taliban fled, leaving behind guns and ammunition, along with blankets and cars. Some Afghans stole these items, the rest the Afghan forces took, according to statements Ghani has made.

The U.S. claimed that Ghani participated in an attack on U.S. forces at Kandahar Airfield in 2002, though Ghani has always denied this, according to Wingard. "The government claims a

variety of allegations, none of which it feels comfortable pursuing in a court of law,” Wingard said. “At worst, he allegedly helped carry rockets for money.”

During a Guantanamo review board hearing sometime between 2004 and 2005, Ghani expressed indignity about his situation: “You bombed Afghanistan with one hundred thousand bombs and you are calling me an enemy combatant. What about yourself?”

He told Wingard before his release that he wanted return to farming his land and to his family. His mother, however, passed away in 2010 — while Ghani, who by then had been cleared for transfer, was awaiting a final deal.