FACES FROM THE FRONTIER

STORIES FROM BAGRAM

RETURNEES AND THEIR FAMILIES

JUSTICE PROJECT PAKISTAN

JUSTICE PROJECT PAKISTAN

FACES FROM THE FRONTIER

STORIES FROM BAGRAM

RETURNEES AND THEIR FAMILIES

SEPTEMBER 2019

ACKNOWLEDGEMENTS

Justice Project Pakistan would like to thank its clients* and their families for sharing their experiences with us. JPP would also like to thank its investigators, **Waqas Aziz and Misbah Anwar**, who travelled across Pakistan to locate the people mentioned in this report and document their stories. A special thank you to **Asim Rafiqui** for showcasing the dignity and strength of the detainees and their families through portraits and audio testimonies.

The report was made possible as a result of the support provided by the **Open Society Foundation.**

Written by:	Radha Shah
Edited by:	Ali Haider Habib (Justice Project Pakistan)
Design and illustrations by:	Ema Anis (Justice Project Pakistan)

ABOUT JUSTICE PROJECT PAKISTAN

Justice Project Pakistan is a non-profit organization based in Lahore that represents the most vulnerable Pakistani prisoners facing the harshest punishments, at home and abroad. JPP investigates, litigates, educates, and advocates on their behalf.

In recognition of our work, in December 2016, JPP was awarded with the National Human Rights Award, presented by the President of Pakistan.

** Please note that names have been changed to protect their identities.*

TABLE OF CONTENTS

GLOSSARY

Computerized National Identification Card (CNIC)

Detainee Review Board (DRB)

Detention Facility in Parwan (DFIP)

Federally Administered Tribal Areas (FATA)

Frontier Crimes Regulation (FCR)

Internally Displaced Persons (IDP)

International Committee of the Red Cross (ICRC)

Justice Project Pakistan (JPP)

Non-governmental Organization (NGO)

Tehreek-e-Taliban Pakistan (TTP)

Third Country National (TNC)

EXECUTIVE SUMMARY

Following the launch of America's 'war on terror' in 2001, Pakistan's frontier areas saw a sharp spike in militancy and the emergence of the Pakistani Taliban. Known collectively until 2018 as the Federally Administered Tribal Areas (FATA), the region shares a border and kinship ties with Afghanistan, where American troops landed weeks after the events of September 11, 2001, sparking a new era of conflict that is entering its 19th year. Based along the border of the two countries, the Tehreek-e-Taliban Pakistan (TTP) wanted to overthrow the government and establish an Islamic state, as well as support the fight against jihad in Afghanistan.[1] The Pakistan Army eventually responded with large-scale military operations in FATA to curb the TTP's growth and stop militancy – including suicide bombings targeting law enforcement, armed forces, government, non-governmental organizations (NGOs), and civil society – from spreading across the country. Yet it was FATA that faced the brunt of violent conflict, political instability, and socioeconomic disenfranchisement, which saw the exodus of 5 million people. As Pakistan became a frontline state in the war on terror, unbeknown to most, over 40 Pakistani citizens disappeared across the border between 2003 and 2010.

Drawing from the stories of 11 of these captives, this report argues that the government of Pakistan enabled their detainment by American and Afghan forces, and failed to protect the constitutional rights of its citizens. It came to international attention years later that this group along with 60 individuals from around the world, and thousands of Afghan nationals, had been abducted by American and Afghan forces and were being held captive in the Detention Facility in Parwan in Bagram.[2] In 2010, Justice Project Pakistan, a legal action non-governmental advocacy organization began litigation against the Pakistani government, asking the Lahore High Court to hold it accountable for failing to protect the legal rights of its citizens. Many had been detained since 2003 — all were subjected to torture, and remained captive without access to legal representation. Following several years of court proceedings, in 2013 and 2014, JPP successfully secured the repatriation of 43 detainees. While litigation was ongoing, the organization released a report called

[1] https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/tehrik-e-taliban-pakistan-%28ttp%29

[2] Ackerman, Spencer. "Pakistani Man Held at US Facility Denied Legal Counsel During Decade-long Hold," *The Guardian*. Aug. 4, 2014.

'Closing Bagram: The Other Guantanamo' which included testimonies of former detainees' families and told their stories of experiences with abduction, captivity, and torture. In this way, the report attempted to raise awareness among US policymakers about the human rights violations Pakistani citizens were facing at the hands of the American government. In particular, it pointed out how the US used the threat of recidivism to argue that this risk made it impossible to release Pakistan's citizens, who had long been cleared for release by the military court known as the Detainee Review Board (DRB). *'Closing Bagram'* also shed light on the Pakistani government's reticence in taking steps to represent its citizens, return them to safety, as well as investigate them for possible criminal involvement.

'Faces from the Frontier: Stories of Bagram Returnees' develops on *'Closing Bagram'* in several ways, including an analysis of how FATA has been the site of state-sponsored militancy since the Cold War, and its even longer history of legal and constitutional marginalization from national governance dating back to the colonial period. Examining this backdrop, the report shows how detainees were treated as collateral damage by the government of Pakistan. As the government attempted to eschew prior involvement in creating conflict and instability in the region, it also sought to keep under wraps that militants were crossing the border to fight the jihad in Afghanistan. It was for these reasons that the government of Pakistan was willing to abandon its citizens to be dealt with by a foreign power. This report, therefore, makes recommendations about the need for state resources and infrastructure to rehabilitate and reintegrate former detainees and ensure that equal recourse to law and justice are available to all its citizens.

This report documents the stories of these citizens, spanning their experiences of abduction, imprisonment, and return. In narrating their ordeals, this report attempts to capture and represent what Veena Das and Kleinman have termed the "felt interior" experiences of violence in addition to physical torture and humiliation[3] that are commonly documented in human rights reporting. To do so, the report pays particular attention to how detainees narrate ambush and abduction; their explanations of how they came to travel to Afghanistan; the experience of imprisonment including separation from loved ones; disempowerment before the DRB and in interactions with prison authorities; and what it meant to them to finally return to their homes and families. At the same time, the report brings into view the ways in which the fight for justice and its denial became a routinized tug-of-war in the lives of detainees and their families. The paper looks at their experiences thematically, as the violence of waiting, guessing, and remembering — for news of and contact with their loved ones, trying to fathom how they ended up in Afghanistan, and the recollection of life before the rupture of trauma.

JPP obtained and documented such stories in two ways. One from accounts detainees provided after they returned to Pakistan. And two, prior to this, over the years of detainment, as JPP's legal investigators met with detainees' families to gather information to build their loved ones' cases and provide advocacy support, they came to get to know them. Both sets of data were documented

[3] Das, Veena & Kleinman, Arthur. "Introduction," *Violence and Subjectivity*. Berkeley. University of California Press. 2000.

in legal memos and audio recordings, which comprise the primary examination and analysis in this paper. Drawing from philosopher Giorgio Agamben, the paper emphasizes that such subjective experiences of violence and resultant trauma are the result of two states of exception coalescing: the US' suspension of human rights laws in the name of fighting a global war on terror, and Pakistan's cooperation with this approach, having governed FATA under the colonial-era Frontier Crimes Regulation (FCR), excluding the region's residents from the country's legal governance structure and constitutional rights.[4] Under these combined circumstances, detainees' lives were in a state of suspension, with no recourse to rights or legal representation.

As the erstwhile FATA undergoes reforms this year that will make it part of the northern Khyber Pakhtunkhwa province, and integrate it under a common federal governance structure,[5] the stories of these detainees and those in the previous Bagram report show the importance of human rights and socioeconomic reforms needed to address the decades of violence residents of the region have endured. Research documenting the routinized violence, risk, and uncertainty marking average peoples' lives in FATA, to a great extent in their own voices, is an invaluable perspective for decision makers and stakeholders as they attempt to institutionalize long-term improvements in the region. That FATA today is a product of colonial rule and a failure on the part of post-Independence governments to undo historically flawed structures of governance and law is well-known, and an accepted starting point for discussing constitutional reforms needed in the region. In the development rhetoric and language of statistics of integrating FATA within the country's larger governance and resource allocation infrastructure, less discussed are the residents of FATA as actual people. Instead they are instrumentalized as numbers upon which if improvement can be enacted, it will raise the socioeconomic status of the country as a whole. With travel to the region restricted, and travel out of it heavily monitored, little is understood about everyday lived experience about a place that's deliberately kept in a knowledge vacuum under the guise of security. In documenting the routinized violence, risk, and uncertainty marking average peoples' lives in FATA, to a great extent in their own voices, this report provides aims to provide needed perspective for decision makers and stakeholders as they attempt to institutionalize long-term improvements to the region.

[4] Agamben, Giorgio. *States of Exception.* Chicago. Chicago University Press. 2005.
[5] Khan, Ismail. "The Fata merger: Towards a brave new world," *Dawn.* May. 24, 2018.

INTRODUCTION

THE FIRST BAGRAM REPORT

Following the US-led 'war on terror', which began in 2001, American and Afghan forces captured and detained Pakistani citizens they claimed were suspected of involvement in militant activity and terrorist groups with strongholds in Afghanistan. It was not until several years later, however, that news broke around the world that they – along with numerous non-Afghan citizens of various nationalities – were being held in the Detention Facility in Parwan (DFIP), part of the Bagram US military base in Afghanistan.[6] In 2010, Justice Project Pakistan (JPP), a Lahore-based legal and human rights advocacy group, launched the Bagram project, aimed at securing the repatriation of Pakistani men and teenage boys[7] who were detained indefinitely, without access to judicial process, while also being subjected to violent torture and abuse. By September 2012, Bagram prison had become the primary facility for Afghans and non-Afghans captured as part of the war, with numbers rising over 3,000. International media reported blatant human rights violations at the hands of American jailers, likening it to what was known to be taking place at Guantanamo Bay.

Through litigation targeted at taking the Government of Pakistan to court to compel it to expedite the return of its citizens, JPP secured the repatriation of 43 Pakistanis in 2014. JPP took the Ministry of Interior and the Ministry of Foreign Affairs[8] to court on the grounds that the government bore a legal obligation to ensure the constitutional rights of its citizens, protect them from torture, and provide a fair trial to those suspected of possible criminal activity.[9] The war on terror, however, had seen a historic reluctance on the part of US allied nations, including Pakistan,

---

[6] Rubin, J. Alissa. "Afghans Detail Detention in 'Black Jail' at U.S. Base," *New York Times*. Nov. 28, 2009. https://www.nytimes.com/2009/11/29/world/asia/29bagram.html; Ackerman, Spencer. "Military Denies Having a Secret Afghan Torture Jail." *Wired*. Aug. 24, 2010. https://www.wired.com/2010/08/military-denies-having-a-secret-afghan-torture-prison/.

[7] International recognizes that minors have special needs in even during times of war and conflict, a regulation which was violated in DFIP. Jamison, Melissa A. "Detention of Juvenile Enemy Combatants at Guantanamo Bay: The Special Concerns of the Children." *UC Davis Journal of Juvenile Law & Policy*. Winter 2005. https://jjlp.law.ucdavis.edu/archives/vol-9-no-1/03_Jamison.pdf

[8] Along with the Federation of Pakistan, the Ministry of Law and Justice, Human Rights and Parliamentary Affairs, the Ministry of Defence, and the Federal Investigation Agency.

[9] To that end, the 2010 Bagram petition states:

> Ordinary citizens of this country who, for one reason or another, are suspected of being involved in any purported wrongdoing deserve to benefit from the presumption of innocence and due process rather than be handed over to foreign powers for rendition and torture abroad

to apply basic constitutional laws on an international platform to protect their citizens. One of the most well-known cases is that of Omar Khadr, a Canadian citizen detained in Guantanamo Bay for 10 years on suspicion of terrorist activity as a 15-year-old. The Canadian government did not demand his return, thus enabling his detainment and failing to uphold his constitutional rights under the Canadian Charter.[10] Pakistan took a similar approach as other nations, and the reasons for this are two-fold. On a global political stage, the government wanted to demonstrate that it was cooperatively committed to the eradication of terrorism, without drawing attention to the emergence of militants from its frontier regions bordering Afghanistan – earlier known as the Federally Administered Tribal Areas (FATA) – who were crossing to join the post-9/11 Afghan jihad against US forces. The time period of abduction by US and Afghan forces, between 2003 and 2010, broadly coincides with internal military operations across FATA meant to combat Tehreek-e-Taliban Pakistan's (TTP) takeover of the region, and to wipe out homegrown militancy and radicalization. Here, Pakistan wanted to be seen as a victim of terrorism that supported the United States while disavowing its own history of contributing to instability in Afghanistan through the support of militant groups (see page 12).[11]

JPP's 2010 Bagram litigation, then, was aimed at safely returning detainees to their homes as well as raising national awareness of the Pakistani government's abject lack of interest in protecting its citizens. While this was the primary site of the organization's advocacy work, another was to bring attention to the human rights violations taking place in DFIP. The 2015 report, *'Closing Bagram: The Other Guantanamo',* documents how Pakistani detainees were tried as Third Country Nationals (TCN) before a tribunal known as the Detainee Review Board (DRB). TCN was a special classification the US created to identify and denote non-Afghan citizens held on suspicion of terrorism, just as it also created the DRB run by American military officials to investigate and try detainees for their alleged crimes. The Bagram petition asked the high court to compel government officials to visit and identify the detainees in Bagram as a firsth step in fulfilling its obligation to provide its citizens with diplomatic and legal assistance.[12] In conversation, Sarah Belal, JPP's head and lead barrister, noted that the Pakistani government altogether avoided protecting its citizens under the country's constitutional rights. In response to the petition, the deputy head of the Pakistan mission in Afghanistan wrote that, unfortunately, the detainees who were not suspected of terrorism were caught up in a "complicated US detention" policy.[13] Over several years of litigation, Belal wrote numerous articles in national English language newspapers[14] – part of a media strategy, including press conferences and documentaries – to raise awareness within the country about the ways in which the government allowed its citizens to fall prey to American impunity.

---

[10] Sahi, Ahmed. "Finally getting it right on Omar Khadr," *The Star.* Mar. 28, 2019. https://www.thestar.com/opinion/contributors/2019/03/28/finally-getting-it-right-on-omar-khadr.html.

[11] Hussain, Zahid. *Frontline Pakistan: The Struggle With Militant Islam.* New Delhi. Penguin Group. 2007.

[12] JPP. "Bagram Petition." 2010.

[13] Khan, Mansoor, Ahmed, Deputy Head of Mission. "Fax Message." Jun. 5, 2011.

[14] Belal, Sarah. "Forgotten Pakistanis at Bagram," *The Express Tribune.* Jun. 29, 2012. https://tribune.com.pk/story/401184/forgotten-pakistanis-at-bagram/

NARRATIVES OF LOSS: WAITING, GUESSING, AND REMEMBERING

The current report takes *'Closing Bagram'* narratively further, telling the stories and suffering of 11 repatriated detainees and their families following their disappearance. The former report focuses widely on the political and legal conditions the US created – with which Pakistan cooperated – to make Bagram detentions possible and to prolong their duration, making this a defining feature of the war on terror along with Abu Ghraib and Guantanamo Bay. This report widens its scope to bring into view additional aspects of the detention timeline, including the circumstances that brought detainees to Afghanistan; their capture by American or Afghan forces; their reports of appearing before the DRB and maltreatment by prison guards, including torment, torture, and abuse; and finally – released without charges, years later – their return to and reintegration in Pakistan. At the same time, this report tells the stories of detainees' families discovering their loved ones had disappeared and were sequestered in Bagram and what it meant to them to finally be reunited. Upon finding out, families began interacting with the International Committee of the Red Cross (ICRC),[15] which facilitated telephonic, video, and written communication with detainees and became interlocutors with JPP as they sought justice for their sons, brothers, and husbands.

Waiting

The logistics of detention introduced what can be conceptualized as the violence of waiting to detainees' and their families' lives. The detainees discussed in this report failed to return from work or errand-related travel that had taken them close to or across the Pakistan-Afghanistan border,[16] and in one instance the Pakistan-Iran border. Families had no idea what happened to their loved ones and could only guess. Waiting for weeks to months at a time with no news, presuming death, families were shocked to receive a letter from the ICRC notifying them that their missing relative was held in Bagram. This news inaugurated the process of waiting into their lives, which this report analyzes as a form of violence. Drawing from Veena Das and Arthur Kleinman who argue that violence and torture are not only physical ordeals, but also "felt interior experiences",[17] it shows how waiting as an emotional action became enmeshed in detainees and families everyday lives. It is in this way that the report explores how their families narrate the real-time experience of losing their sons, brothers, and husbands. It asks how the families' lived experiences are reorganized over the duration of detainment by the process of waiting — starting with news about their loved one who had gone missing. Once JPP reached out, the families then became embroiled in seeking justice. This process was also marked by waiting: to provide information to JPP as its investigators arranged visits and interviews; to learn about opportunities for audio and video calls; to hear from

[15] This is an international organization that helps victims of war and those affected by conflict and violence.
[16] Including Torkham in Khyber Agency and Chaman in Balochistan.
[17] Das, Veena & Kleinman, Arthur. "Introduction," *Violence and Subjectivity*. Berkeley. University of California Press. 2000.

the DRB to provide testimony — all of which could get delayed or cancelled without notice or adequate explanation; and finally, to receive news of their loved one's prospective release.

While it was broadly known in the country that Pakistani citizens were going missing, JPP came to know of specific, identified detainees in need of representation through the British law and justice advocacy organization, Reprieve.[18] As documented in the 2015 report, the DRB denied detainees the right to legal representation, and did not provide any information about why they were being held, what they were charged with, or how long they would be detained[19] — all a violation of habeas corpus.[20] The administering of such indeterminacy was a deliberate technique of torment, and came to mark the lives of both detainees and their families for the length of their separation. Detainees were not permitted visitors, though the ICRC arranged intermittent communication with their families by phone, video, and written letters — all of which were heavily censored. Detainees reported not being allowed to divulge details of their abduction or treatment in jail under the ever-looming threat of contact being severed completely. While TCN cases would be reviewed every six months,[21] detainees and families did not know if their hearings would take place, or if something was required of them. Expecting a call from the DRB, Hanif Ali's family, for example, had prepared and gathered to provide testimony, only to learn it had been cancelled as another call had run overtime. A few days later, his father received a call with no advance notice and had to provide testimony immediately and alone, and without the support of legal representation (see page 56). All of the Pakistanis held there were detained without charge while the DRB process determined whether they *were to be charged*; and this interrogation could go on indefinitely, further reducing their lives to a process of waiting.

Guessing

As JPP's legal team was prevented from meeting or speaking to their clients and collecting first-hand accounts of their capture and detainment, investigations therefore began with the detainees' families. This report shows that the information collected was often about what families thought *could have happened* to their loved ones, as they tried to make sense of loss and longing. It was only after repatriation that JPP collected first-hand accounts from detainees and attempted to assemble a clearer understanding of the puzzling events that led to the disappearance of Pakistani citizens. Between detainees and their families, then, their recollections and details vary from competing to disparate accounts. Due to the sudden abductions, families could only narrate what they believed most likely led to their loved ones crossing the border, and falling into the hands of

[18] https://reprieve.org.uk/

[19] This is known as incommunicado detention.

[20] Habeas corpus refers to an individual's right to appear before a court, in order to secure release from arrest, unless it is determined that they have committed an unlawful act, and their arrest is lawful. @Matteen Law Resources and Legal Consultancy. "Explaining Habeas Corpus Writ Petition Along With Case Laws." May 10, 2018. http://atmateen.com/habeas-corpus-writ-petition/

[21] Belhadi, Omran. *Closing Bagram: The Other Guantanamo.* JPP. 2015.

American or Afghan forces. The most common response families provided was socioeconomic: their loved ones had been travelling a great distance for work, trade or an errand, and failed to return. Indeed, detainees were searching for work in Afghanistan because they could not find sufficient opportunities where they lived. It was normal to travel to the border for trade: porous borders meant visa-free travel;[22] or they had gone to recover debts with former business partners who previously lived in Pakistan (following the first Afghan war). Detainees' and their families' experiences of normalized hardship to build gainful livelihoods, then, informed how they narrated their stories of being brought into contact with violence. For detainees' families, recollecting the everyday was integral to their process of guessing to make sense of the (un)expected, and to explain the disruption in their lives as a means to access justice.[23]

Denied access to detainees, families then became JPP's main point of contact for investigating the circumstances of abduction. But the testimonies obtained revealed much more about what it means to live with violence in FATA. In documenting detainees and their families' experiences, this report continues to draw from Das and Kleinman to show how "everyday life is transformed in the engagement with violence … interrogat[ing] the notion of the everyday as the site of the ordinary … [as] ongoing violence has blurred the boundaries between violence, conflict, and peaceful resolution". Usman serves as a poignant example: once he returned from Bagram, he immediately became an internally displaced person (IDP), and had to relocate to Swabi due to the ongoing violence that had taken over his home in Razmak, North Waziristan while he was away. Or, there is Shakil Nazar, whose father asked him to travel from Karachi to their home in South Waziristan to save some of their valuables from the military operations that had begun in the region. Everyone assumed he was staying in different family homes on this trip, until one day it was discovered that he had not returned. Then there is the story of Hanif Ali, who suffered from mental illness and would often disappear from home for days at a time. His family believed he must have wandered across the border during an episode. These efforts to explain the inexplicable through narratives of normality can also be understood through Agamben's (2005) theorization of the ways in which violence introduces anomie into everyday life, discussed on page 12.

[22] Haseeb Asif describes the Chaman border between Balochistan province and Kandahar, Afghanistan, as a bustling market area of foot traffic, the sale of odd goods, hash, and other smuggled items like small and large appliances as well as automobiles and car parts. Asif, Haseeb. "Open For Business: Chaman Thrives As a Smugglers' Paradise." *The Herald*. Aug. 31, 2016.

[23] Both the material reality of these experiences, and their conceptualization as responses to explain the circumstances leading to abduction point to Das and Kleinman's theorization of the relationship between violence, the everyday, and subjectivity in global contexts. Such phenomena intersect in "a field of relational power," that is the larger socioeconomic processes that comprise our local social worlds. Das, Veena & Kleinman, Arthur. "Introduction," *Violence and Subjectivity*. Berkeley. University of California Press. 2000.

Remembering

This report also asks what role trauma plays in detainees' and their families' memories of their experiences as they attempted to provide clarity, rationale, sequence, and coherence to events that fundamentally altered their lives. Separated from one another for years, they recounted collective and individual experiences of loss, uncertainty, confusion, and trauma. These collided when detainees returned home, changed by experiences of torment, torture, physical and mental abuse (including sexual), and humiliation. There are stories of how family members tried to take care of one another, stories of discord and abandonment, stories of hope and hopelessness. Reclamation was difficult: detainees were changed people. Their families found them unrecognizable, recalling who they used to be – boys with dreams of education and employment, sons and fathers who had once provided for their families – as they attempted to regain normality in their lives and move on. Upon return, detainees shared stories of hijacking, kidnapping, crossfire, and treachery through which they were handed over to American forces and transported to Bagram. Remembering abduction and imprisonment, they described the methods officials used to extract information, to discipline them, and to cruelly entertain the guards. To counter these memories, detainees regaled stories of resistance, bravado, and speaking back to power, as they fought to remain sane and hang on to their humanity and dignity in an environment that was meant to destroy them.

When Hanif Ali's family received the news that they would soon be required to present testimony to the DRB over the phone, all the family members began to gather stories of what a responsible son, husband, and father he was in order to support his case. Similarly, Shakil's father Wakeel wanted to provide documentation of his son's school enrolment to show he was a student. His motivation was demonstrating that Shakil was but a boy, impressionable and disillusioned — not a criminal. Examining such choices, this report asks how, in a post-9/11 world where laws and rights can be suspended with impunity, families made sense of what happened to their missing relatives.

Delimited by DRB processes that coercively presumed guilt before innocence, and the pressure to obtain justice, families recollected the past narrativizing the ways in which it was *not possible* for their loved ones to be militants taking up arms. Who had their sons and brothers grown up to be? Average men looking for work to support their families? Devout, peaceful proselytizers? Or ideologically radicalized militants? These, however, were not questions families directly engaged with in their conversations with JPP. Instead, they talked around these fearful possibilities by encasing beloved family members, who they were separated from, in morally wholesome and masculine narratives of capability to care and provide for the family. As Das and Kleinman (2000) explain, such needs can be understood as a competing relationship between victims' moral values and their emotional states, due to the dissonance that takes place in our social worlds where both victims and perpetrators of violence occupy the same space at once. These narratives are markedly different from those of detainees: Shakil's outright admission that he attempted to join the jihad (see page 52); Usman Yusuf expressing vocal anti-American sentiment (see page 28). In noting such differences and variances, between families' and detainees' memories and explanations, this report asks readers to pay attention to what stories detainees and their families chose to tell and felt they were able to tell, and how their forms of narration spanned that continuum.

THE HISTORY OF POLITICAL VIOLENCE IN FATA

Most of the detainees covered in this report were from the frontier regions of Pakistan, and were living there at the time of abduction. Or, they were visiting, having resettled in the country's urban centers, such as Peshawar or Karachi, in search of safer lives and livelihoods. FATA has been the site of militarization and a discourse of militarization since the British colonial era, and this history continues to structure governance, constitutional rights, security, and access to socioeconomic resources in the region even today.[24] Keeping the past in view, this report explores how abduction and detainment reinscribed historic and contemporary forms of institutionalized violence common to the region. For FATA's Pashtuns, the threat of abduction and detainment in Pakistan's post-9/11 geopolitical era was not the first or only experience with militarized violence in the region. The detainees that JPP fought for are the children of a prior generation who have lived with violence their entire lives. This section will outline FATA's contentious relationship with the state of Pakistan and show how this is an analytical perspective that is absolutely essential for understanding how and why abductions took place, detainees' and their families' experiences over that duration of time, and the Pakistani government's morally bewildering choice not to rescue and protect its own citizens from egregious human rights violations.

Pre- and post-9/11 FATA

The British colonial romanticization of the frontier and Pashtuns as a harsh land inhabited by courageous and loyal warriors drew on contemporary anthropological discourse which saw the group as racially and ethnically predisposed to warfare.[25] Such ideas and practices of governance saw fomenting much later in the first Afghan war of 1979, setting in motion global political violence that would shape detainees' lived experiences even before they were imprisoned. Researchers of countering violent extremism, Moeed Yusuf and Arsla Jawaid, identify Pakistan's inauguration during this period of a "state policy in creating a politico-ideological environment", creating spaces for training youth and adult militants including recruitment drives, liaisons with radicalized mosques and media campaigns on the 'plight' of unfairly treated global Muslim brethren.[26] Mahmood Mamdani rightfully shows that this process of radicalization took place in partnership with the US, using a network of state-sponsored madrasas and right-wing groups, as a strategy to win the first Afghan war.[27] Following 9/11, extreme religio-political views of the previous decades found mainstream visibility in politics and media – by which time the state had lost control of a discourse

---

[24] Ali, Imtiaz. "Mainstreaming Pakistan's Federally Administered Tribal Areas: Reform Initiatives and Roadblocks." *United States Institute of Peace: Special Report 421*. Mar. 2018.
[25] Metcalf, Thomas, R. *Ideologies of the Raj.* Cambridge. Cambridge University Press. 1995.
[26] Yusuf, Moeed & Jawaid, Arsla. "Radicalism Among Youth In Pakistan: Human Development Gone Wrong?" *National Human Development Report*. 2015.
[27] Mamdani, Mahmood. *Good Muslim, Bad Muslim.* Three Leaves Press. 2004.

of violence it had put in circulation – giving rise to the TTP. Between 2004 and 2014, the Pakistan army engaged in a series of military operations to quell TTP militant activity in the region, which had spread across Pakistan, targeting major military bases and civilian centre.[28]

The detainees discussed in this report were abducted, detained, and repatriated as these military operations were carried out. Until 2010, however, there was no official reporting on FATA residents disappearing across the border, abductions, or that they were being held captive by American authorities. Military activity in the region was not limited to targeting identified outfits of militant activity. It also wreaked havoc across the agencies in North and South Waziristan, creating over 5 million IDPs attempting to escape indiscriminate violence.[29] Yasir Wazir described how impossible it was to live as a listed suspected terrorist under the Fourth Schedule status.[30] His movement was so restricted that he could not find employment outside a certain radius, nor shift his family to better housing. Upon arrival in Pakistan, many detainees were placed in jails and internment camps by authorities, again without charges. This was possible due to The Actions (in Aid of Civil Power) Regulation, 2011 which allowed for the creation and use of internment centers for FATA's residents.[31] Indiscriminate and harsh punishment for presumed suspicion of terrorist leanings and links introduced new forms of surveillance to FATA, informed detainees' and their families' major and daily decision-making, and routinized the effects of violence on their lives, including daily symbols and reminders of fear, limitations, and uncertainty.

FATA as a state of exception

Following 9/11, the international legal order was contorted to acquiesce to the demands of an American legal system undergoing modification based on the idea that the existing framework could not deal with the new 'threat to national security'. To facilitate and ideologically support the war on terror, the US Congress passed The Patriot Act, which increased the capacity of law

[28] In 2004, Pakistan's army began small-scale operations against militant outfits in South Waziristan. By 2009, a full-scale operation titled Rah-e-Nijat was launched in South Waziristan and Rah-e-Rast to contain the spill-over of militant groups and activities into Swat, Khyber Pakhtunkhwa. Then, in 2014, following the Army Public School attack in Peshawar, operation Zarb-e-Azb came into effect in North Waziristan.

[29] Saad Sayeed and Radha Shah write about how dispossession and repatriation in 2016 in FATA involved stories of surveillance and harassment. During the operations, residents reported routine mistreatment at the hands of the army and entire villages were held responsible for harboring and abetting suspected terrorists, under the continued use of the colonial era Frontier Crimes Regulation of 1901 (FCR), a special set of laws to address criminality and punishment in FATA. Sayeed, Saad & Shah, Radha. "Displacement, Repatriation, and Rehabilitation: Stories of Dispossession from Pakistan's Frontier." *Stiftung Wissenschaft und Politik German Institute for International and Security Affairs.* April 2017.

[30] Under the 1997 anti-terrorism act, wide legislation was introduced to apprehed anyone suspected of terrorist activities. This included a list known as the Fourth Schedule to which names of suspected terrorists could be added, requiring listed individuals to report regularly to police, and which prevented and restricted their travel around and outside the country, public gatherings, and speech, and stripped them of CNICs and froze their assets. One could remain on the list for three to an indefinite number of years. Shigri, Afzal, A. "A Flawed Anti-Terrorism Law," *Dawn.* Dec. 23, 2016.

[31] Amin, Akhtar. "Notices Issued As PHC Moved Against Internment Centres," *The Express Tribune.* March 2019. https://www.thenews.com.pk/print/478621-notices-issued-as-phc-moved-against-internment-centres

enforcement agencies to investigate and imprison individuals deemed suspicious of terrorist activity within its borders.[32] Darryl Li argues this reinforcing of unchecked power domestically then became a feature of the 'global war on terror' overseas, where terrorists were considered stateless and not afforded the rights granted to prisoners of war under the Geneva Convention.[33] As the US government operated with hegemonic power, universal laws of war were left suspended. To support these changes, a discourse emerged domestically and internationally in favour of suspicion alone as criteria for apprehension, indefinite detention over time-bound imprisonment, and the justification of torture during interrogation to obtain testimony. Of particular note are the ways in which habeas corpus was denied to Muslim prisoners of war, based on the argument that their religious identity alone meant proclivity toward recidivism. As Li shows, relationships of sovereignty between states were reorganized under the global war on terror in which Pakistan, as a client state, allowed the US to inform how it dispensed justice when dealing with its own citizens. In the DFIP, then, such provisions actualized the DRB's power to flout and manipulate previously normative processes of legal representation and judicial proceedings.

Agamben notes that Bush's creation in 2001 of the category of the detainee produces for the first time "non-citizens", "neither prisoners nor persons", and "legally unnamable and unclassifiable being[s]". The creation of such a category is the result of a debate that takes place in legal philosophy about the need for laws in 'exceptional' political circumstances that sit outside the legal system itself, in order to manage the former. Universal legal frameworks are suspended in the name of law, leaving behind an absence of law, yet buttressed by the "force of law". Through this utter deprivation of any legal relationship with a state, the detainee category "abandons the living being to *law*" (our emphasis).[34] In Bagram prison, it was therefore possible to strip detainees of rights generally afforded to an individual under trial, including the identification of definitive charges, legal representation, and information about their confinement. During this time, Pakistani detainees reported being beaten, psychologically abused, and degraded — and their faith was often the object of ridicule. They were also subjected to what has been euphemistically termed 'enhanced interrogation techniques' including being forced to maintain painful stress positions, the use of sleep deprivation, and sensory exposure such as enduring extreme temperatures. In this suspended space and time of denied personhood, detainees could be held indefinitely.

Prior to their detainment, it is not as though abductees from Pakistan were individuals with full personhood as far as the state was concerned. A historic state of exception covering two centuries of ideologically driven forms of law, governance and securitization in the region explain the Pakistani government's unwillingness to protect its citizens detained in Bagram prison. Imtiaz Ali (2018) outlines how the British administration chose to rule the frontier indirectly, giving tribal leaders and appointed political agents semi-autonomous power in exchange for defense of the Afghan border. Their power to maintain law and order in the region was codified under the FCR,

---

[32] https://www.justice.gov/archive/ll/highlights.htm

[33] Li, Darry. "Sovereignty, Carceral Circulation, and the Global War on Terror," *From Exception to Empire*. Durham. Duke University Press. 2018.

[34] Agamben, Giorgio. *States of Exception.* Chicago. Chicago University Press. 2005.

which was not dismantled following the creation of Pakistan in 1947, creating a region of people excluded from the country's legal governance system. Ali highlights that in the contemporary era while residents of FATA are citizens, they are not entitled to any of the rights of Pakistani citizens as provided by the constitution, including security of personhood, equality, and protection from torture by police and security personnel, among others. This is a useful lens for understanding the history of FATA's relationship with Pakistan, in which the *idea* of its difference becomes the central argument for governing its people differently.

According to Agamben, when the suspension of law actualizes and empowers lawlessness as law, a state of anomie is set in motion. In its sociological definition, anomie characterizes a "breakdown of norms governing social interaction", which creates conditions of stress and anxiety between community members.[35] The creation of the category of third country national detainee with none but arbitrary rights created palpable havoc in the lives of detainees' families. In their efforts to live under these circumstances of loss and violence, we can observe attempts to restore balance, normality, and coherence as part of their narrativization of how they 'think' their loved ones disappeared. They also explained the onset of physical and mental illnesses as a response to estrangement and loss. These were also collective experiences that included shifts in family relationships and changes in circumstances. Hanif Ali's wife often mentioned her in-laws did not treat her well while he was imprisoned. Most detainees now suffer from chronic physical and mental health problems that continue to remain untreated as they either cannot afford medical treatment or cannot access it, living as they do in remote, underdeveloped areas. The similarities across detainees' stories reflect the systemic nature of the mistreatment and abuse they suffered, and its long-lasting effects.

[35] Ibid

METHODOLOGIES OF NARRATIVE COLLECTION

JPP was not able to speak to the detainees while they were in prison, hence, families became the central interlocutors to gather information about what had transpired leading to their loved ones' disappearances. The narratives documented comprise formal interviews and loosely structured conversations JPP investigators conducted with detainees' family members while the detainees were in detention from 2003 to 2010. Formal and loosely structured interviews were again conducted in 2013 and 2014 when the detainees were released in order to collect first-hand accounts of their experiences in Bagram prison. In 2018, it came to JPP's attention that three former detainees, Salim Khan, Hanif Ali, and Yusuf Hamid had died, succumbing to chronic illness, mental health complications, and infirmity. JPP met with their families to discuss filing a petition for compensation of loss, as well as to learn more about the challenges of reacclimation. In hearing their stories again, including struggles and difficulties with extreme socioeconomic marginalization, and lack of access to rights – both contributing factors to returnees' deaths – JPP began to compile detainee stories yet to be told.

The narratives below provide snapshots of different experiences detainees and their families had at different stages of estrangement, and thus they can read fragmentally, and to and fro. It must be emphasized that these stories need to be understood holistically to fully grasp the extent of what transpired in Bagram prison and for the detainees' families in Pakistan in the absence of any governmental oversight or legal protection. These men were taken and held without charge or trial, and subsequently repatriated and released without so much as an explanation. They and their families were left struggling to make sense of what happened to them, make some sort of peace with it, and to regain the dignity and self-respect they were stripped of so cruelly and so completely. It is through their contribution to advocacy that their stories can become a part of public record.

Trauma

This report is an analysis of the ways in which Bagram detainees and their families narrativize their experiences with the rupture of detention in their lives, including abduction, imprisonment, and return. The 11 research informants and their families covered in the report were ones who were able to agree to speak to JPP. As the organization's legal investigator, Waqas Aziz explained, many detainees declined, not wanting to relive the trauma they experienced recalling torture, torment, and loss. Investigators often noted varying degrees of focus, free flow, reticence, and anguish among respondents. Researcher Anam Zakaria, writing on the trauma among survivors of partition, explains how some research participants are immediately open to sharing, while others are reticent,

and trust has to be built over multiple conversations.[36] In the first case, interviews can take a life of their own, with participants emotionally divulging the horrors they experienced. Aziz similarly described detainees as "zoning out" when stories were too difficult to tell or when they were in the throes of telling them. These emotional reactions, detectable in their voices, manner of oration, and in their body language, indicate both the need and difficulty detainees and their families felt in sharing their stories.

Memory

Detainees documented their experiences with abduction and imprisonment in their memories, and shared with JPP imprints left on their minds of torture, abuse, and humiliation. Denied all outside contact, there was no other place to record experiences other than in memory. Detainee descriptions of torture were visceral, from incessant beatings to sleep deprivation to sensory overload to being made to eat spoiled food. Responses also show that detainees and their families faced psychological trauma as a result of these experiences and prolonged separation from loved ones — from premonitions, to strange dreams, to inconsolable sadness. Das and Kleinman explain such dissonance and lack of presentness, writing "violence distorts the sense of time so it becomes difficult to say when the past enters the present". Yasir Wazir's father died while he was in prison, but his family tried to hide the news from him to protect him. He claimed to have sensed his father's departure and dreamt of his death. Families processed the rupture in their lives through their memories of their sons', brothers', and husbands' pasts, dichotomizing these into pre-abduction and post-abduction narratives of everyday life. After his death, Ghulam Fatima, Hanif Ali's wife, believed that her husband's mental health had temporarily improved with his return to family life. Their daughter Rubaba Bibi "was very dear to Hanif", she said, recalling an idyllic scene in which he plucked *jaman* fruit (java plum) from the tree in their yard and shared it with his daughter and wife. Quoting Lawrence Langer, Das and Kleinman call such oral narrations a "survivor's tale" of the "ruins of memory".[37]

[36] Zakaria, Anam. *The Footprints of Partition: Narratives of Four Generations of Pakistanis and Indians.* New Delhi. Harper Collins. 2015.

[37] Das, Veena & Kleinman, Arthur. "Introduction," *Violence and Subjectivity.* Berkeley. University of California Press. 2000.

THE DETAINEES AND THEIR FAMILIES TELL THEIR STORIES

Many of the stories are told in the first person, with combined perspectives of the interviewing legal investigators, the detainees, and their family members.

SALIM KHAN

THE CARPENTER

Salim Khan, the carpenter

Salim Khan had just been released from Bagram. He could no longer recall the date of his capture, but believed he had been imprisoned for eight years. He was languishing in Peshawar Central Jail when JPP met him for the first interview in December 2013. He appeared to be about 60 years old, did not talk much, and mostly only smiled. At one point, he mentioned desperately needing a new set of false teeth. He had lost his in prison and, without a replacement, continued to experience difficulty chewing his food. Originally from North Waziristan, Salim had made a living as a carpenter in Peshawar prior to his detainment. He was well-known in his locality for quality workmanship that stood out from the rest, he said, and he had worked all over Khyber Pakhtunkhwa. Now, there was an agedness to his appearance and manner. He did not seem to comprehend our questions, and when he responded, he spoke slowly and haltingly.

We met for a second interview about a month later, in the new year, by which time Salim had returned home. Though it was only about a month ago, he did not recall our visit to him at the Peshawar jail. This time, he was distinctly uncomfortable about having agreed to meet, as though he had done so against his own will. In an attempt to get through the meeting as quickly as possible, he suggested standing on the road to talk. Accompanied by two cousins, he told us to ask him whatever we wanted then and there so that he could go. We managed to convince him and his companions to dine at the closest restaurant, directly across the street.

But Salim didn't want fried food, he said; he wanted vegetables. When our meals arrived, Salim smiled and said, *"I will not eat. I am going on a hunger strike. I will not eat unless you find me a girl and get me married."* Everyone at the table laughed, but Salim just sat there, not eating. We offered the food to him again but he refused to listen. Before we could attempt to reopen conversation, with a tone of demand in his voice, Salim told us, again, to ask him everything we wanted to know in one go. Travelling all the way from North Waziristan was not only expensive, but also dangerous, he explained, especially since he had not been able to acquire a CNIC — the Computerized National Identification Card.[38] We assured him that as an advocacy organization, JPP would cover his travel costs for such trips. This seemed to reassure him a little, and he slowly began to open up.

[38] This is a required piece of government issued documentation for all Pakistani citizens, without which they cannot vote, open bank accounts, obtain a driver's licence, access state provided resources such as gas and electricity, or own a mobile SIM card. But the reality is that many underprivileged people do not own CNICs, only able to access the informal economy and the resources available there. It is also used for identity verification by security authorities and at checkposts throughout the country, meant to identify suspected terrorists, and monitor the movement of all people. Socioeconomically underprivileged Pashtuns and FATA residents are targeted through this apparatus as they are immediately flagged as potential militants and criminals. Without government-issued identification, they face harassment and possible imprisonment. Sayeed, Saad & Shah, Radha. "Displacement, Repatriation, and Rehabilitation: Stories of Dispossession from Pakistan's Frontier." *Stiftung Wissenschaft und Politik German Institute for International and Security Affairs*. April 2017.

It was his solid reputation as a reliable carpenter, Salim began, that brought him into contact with a man in Landi Kotal locality of Khyber Pakhtunkwa who was building a house in Jalalabad, Afghanistan. This man offered him double the amount of money he was currently earning in Peshawar. Salim agreed to travel to Jalalabad and soon after arrival began work at the man's house. Just a few days later, the Afghan army raided the house Salim was building and arrested him, accusing him of not possessing a passport. But in Salim's understanding, Pushtuns did not require passports to go to Afghanistan: he believed they could travel there just as they travelled across Pakistan. Like his inmates, Salim reported being held in tiny spaces of confinement, given meager, tasteless food, and being subjected to torture such as blasting air conditioning in the winter and heating in the summer — all of which they would protest by going on hunger strikes. When we attempted to probe for more details about his experiences in extrajudicial detention, he said his memory had been affected and that he could not remember.

Salim's parents died while he was in Bagram, and as he and his brothers are not close, he explained, he is on his own, trying to rebuild his life in Pakistan. Adding to the lack of family support, his health deteriorated and he found himself incapable of performing the kind of physical labour required of a builder. In 2017, unable to reach Salim, we spoke to a cousin, who said he had grown old, was financially destitute, did not have a cell phone, and was unable to speak due to his tooth infection having never been treated. In 2019, we learned from the same cousin that Salim had died.

REHAN AFRIDI

A BOUNTY EXCHANGE

Rehan Afridi, a bounty exchange[39]

Below is Rehan Afridi's brother Siraj's account of how he learned Rehan had been captured in Afghanistan in 2005. We spoke to him at the end of May in 2012.

> *Rehan remained enrolled in school until class eight, but could not continue his studies further. All government institutions were shut down due to military operations in our area, so Rehan started working from the age of 16 or 17, taking on odd jobs. He then asked my father for permission to travel to Karachi for better work opportunities, and left home sometime in May 2005. We did not hear from him for some 20 to 30 days until the ICRC contacted us and told us he is in Bagram.*
>
> *"We later found out – through Rehan's friend's cousin – he had actually crossed the Torkham border in FATA and entered Afghanistan. Another friend had apparently promised Rehan and his friend Riaz work in Afghanistan. But it later turned out they had been set up, and were arrested by an Afghan officer about 30 kilometres across the Torkham border. This cousin also told me that Rehan's friend and the Afghan officer received a lot of money – dollars – for handing him over. Our father was extremely angry and upset with Rehan for lying and saying he was going to Karachi. He did not speak to him or forgive him for a very long time.*

In December 2013, JPP investigators went to Central Jail in Peshawar and met Rehan for the first time, along with five other detainees, including Salim Khan (see page 20). The purpose of such initial meetings was to hear first-hand accounts of abduction, as well as to understand the process of repatriation and subsequent detention in Pakistan, in order to litigate for their complete release.

Rehan said he travelled to Peshawar for two weeks in 2005 to look after a cousin who was ill and had been admitted to Lady Reading Hospital. While there, he described how he met a few young men who were there looking after their grandmother; they became friends. He learned that they were from a place called Ghani Khel near Jalalabad in Nangarhar Province of Afghanistan. They said it was a hill station – beautiful, with freshwater lakes – more beautiful than any place in Pakistan. As a bus conductor, Rehan said he had already seen most of Pakistan, and so he agreed to travel with his new friends and holiday for a short while.

---

[39] In 'Closing Bagram,' Omran Blehad writes about the American practice of paying bounties for DFIP and Guantonomo captives, which led to the exploitation of enmities between Pakistanis and Afghans in personal and business relationships. The use of such practices as part of the war on terror have been verified by human rights organizations such as Human Rights Watch and Amnesty International.

After a few days, Rehan inquired about their return travel plans, as he was beginning to run out of spending money. His new companions would repeatedly agree, but always to depart the following day. Or, they would begin a return drive to Pakistan, but somehow always end up turning back. One day, on just such a trip, the young men crossed a security check post, and this time the police were expecting them. The moment the police set eyes on him, Rehan said, they started beating him. His new friends ignored his cries for help and, as he saw them accept money from the police, they abandoned him. The Afghan police held Rehan for a week, somewhere close to the Torkham border, and then handed him to US forces who transported him to Bagram.

Rehan described a number of false promises the American authorities made about his release. As they had deemed him innocent, they said he would receive compensation for his detention period, including three dollars for each day spent in Bagram. They told him that because he had been a day labourer before imprisonment, this would cover his lost income — amounting to thousands of dollars. Instead, Rehan said, all of his belongings were taken from him when he left Bagram prison — *"my clothes, shoes, everything"*, including letters from his family. Rehan returned to Pakistan in the same detainee uniform he was made to don following his capture eight years prior, with nothing more than the leftover cash from his trip to Ghani Khel.

The American guards on the plane transporting detainees back to Pakistan were heavily armed, Rehan recalled. He boarded along with the other detainees on a black cargo aircraft at about 2 am; the limited number of seats were occupied entirely by American officers. Inside, it was extremely cold, and the returnees were made to sit on the floor, their hands and feet tied, given nothing to keep warm for the journey ahead. Despite their release, the torture did not stop. They were also tied by their waists to the floor of the plane, unable to right themselves. Prostrated, the detainees were then hooded, unable to make out their surroundings. Before take off, however, the plane malfunctioned and all the passengers were shifted to another plane. Strangely, this time the detainees were also provided seats.

Upon disembarkation, three Pakistani officers conducted a probing body search, which, despite remaining clothed, Rehan found thoroughly invasive. He remembered the details: *"Every groove and inch of my body was patted down."* Then he was hooded once again and put in a pickup truck. Over a drive that lasted several hours, the detainees were barred from speaking. In a way, this didn't matter, Rehan said matter of factly, as the hoods they were made to wear were so tight it was difficult to breathe — let alone talk. He would have suffocated had it not been for the constant breeze blowing through the open-air truck. Shackled throughout the ride, they made one stop in the middle, where they were made to wait for 30 minutes. *"We were very scared when we stopped because we thought that they were going to kill us."*

It was close to sunset when they finally arrived at what was to be their final destination, which Rehan identified as the office of the political agent, known as Khyber House[40], in Peshawar. Here, all the detainees were taken to a holding cell in the basement, where they were finally unhooded and their handcuffs removed. Held together, their cell was about 15x15 feet, hurdled by walls and not bars. Unsanitary and filthy, Rehan said the premises looked like it had not been cleaned in years. They were kept here for almost four days, with no place to sit, nor sleep, nor maintain hygiene. Rehan described a toilet in a loft area, with no soap, and the flow of tap water so rare it was the equivalent of not having a toilet. They did not shower for days, requests to speak with their families were ignored or refused, and food provided was too sparse for six men to share. There was one light in their cell, which stayed on for 24 hours. With a sliver of a way to see outside, they were only just able to distinguish day from night.

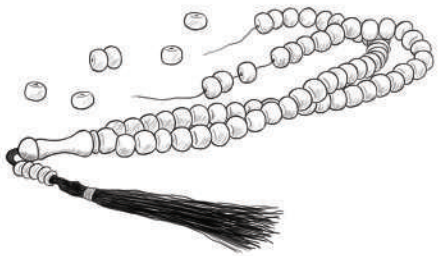
I was told that I'm going home. But I'm not home yet.

Rehan was kept in the Khyber House holding cell where he was interrogated by agencies for a few weeks, until he was finally released on bail.

[40] Rehan was unable to provide any form of verification that this site was actually the office of the political agent, but his naming of the location is symbolic of the fear of authorities and the power such offices hold in FATA. Until the region's merger, a political agent was the highest ranking federal government official in charge of the local administration of each agency. A legacy of the colonial era, until June 2018, political agents continued to hold "executive, judicial, and financial powers" who faced little scrutiny from the national government. Khan, Javed. A., "Fata political agents redesignated as DCs, ACs," *The News*. Sept. 17, 2019 https://www.thenews.com.pk/print/327361-fata-political-agents-redesignated-as-dcs-acs. JPP legal investigator also explained that political agents serve as magistrates and hear cases. Their offices are equipped with holding cells, where detainees and other suspected criminals are kept until their hearings.

USMAN YUSUF

PLANTED EVIDENCE



Usman Yusuf, planted evidence

Just two days after his return, following seven years of imprisonment in Bagram, Usman was once again forced from his home and out of a life he had just returned to. The Pakistan army had begun an offensive in the area (see page 11): *"I belong to Waziristan. When I returned from there [Afghanistan], there was also a war in my country. Then I migrated from my village to Swabi as an IDP (internally displaced person). There are no family, relatives and friends of mine here … we are so helpless."*

> *I want to say to the Americans, 'your government's decision is wrong'. I want to say to the people of America that they should come forward and stop their government from doing wrong. Wherever they are fighting, they are wrong. This is cruelty; whatever they did to me was a sin.*

Usman recalled how he came to be acquainted with the Tablighi Jamaat, an Islamic proselytizing movement,[41] through which he came to cross the border into Afghanistan, leading to his capture by American forces. He was working in a small town in Pakistan's Punjab province in 2006 and then moved to the northern city of Peshawar. *"I think it was in 2007… no, actually it was 2011."* Despite an inability to track a broad, orderly timeline, Usman remembered its details:

> *I was working at a CNG pump; then I started work at a hotel. After leaving the hotel, I moved back to my hometown. Here I met some people from the Tablighi Jamaat who asked me to come with them. I liked their invitation, and so I told them 'I want to go with you; tabligh is a noble way of life.' They told me that their leader would guide me and send me with a team. He [the spiritual leader] said, 'You will go to Afghanistan and you will preach there. When your tabligh is complete you will come back. On your return you will preach in your own country or another.'*

In October 2011, Usman and 10 other male missionaries travelled to Afghanistan. They were on their way to a mosque in Shakeen. He recalled travelling alone in a car with a driver who he identified as Afghan, while the others followed in a bus. Because of limited space, Usman explained, the other nine individuals were unable to share the car with him. He estimated they had been travelling for about an hour when they were apprehended at a checkpoint by US authorities who demanded to know where they were going. "There were US troops standing in the way and they ordered us to stop the vehicle … They asked us why we were there, so we told them that we were there for tabligh. Usman said he was singled out and asked why he had such a long beard, to which he replied, *"Every bearded man is not a mujahid. We also have beards in tabligh."*

[41] Shireen Khan Burki. "*The Tablighi Jama'at*: Proselytizing Missionaries or Trojan Horse?" *Journal of Applied Security Research*. 8:1. 2013.

Usman then described how the soldiers, changing tack, produced two items, a weapon and a jacket, claiming these were discovered from his vehicle.

> *"They produced something from their own vehicle or mine … I don't know from where… and said that they had recovered it from me."*
>
> Despite his protests to the contrary, the soldiers took photographs and videos of the weapon and the jacket, placing them next to Usman's car.
>
> *"I told them that these were not mine. 'I just have the tablighi beddings.'"*
>
> In vain, he attempted to persuade the officers to accurately document the situation, as required by law-enforcement procedure and authority.
>
> *"I told him — 'put the bedding in front of the camera.'"*
>
> But the officer insisted otherwise.
>
> Usman emphasised: *"He said 'I took the weapon from your vehicle'; I said there is only my bedding in the car, and that that's all I have and nothing else."*
>
> Usman attempted to challenge his captors, suggesting they had created false evidence: *"Maybe this was put by you or someone else?"*
>
> But the officer said, *"No, we will take you along with us."*
>
> *"They deceived me like this; they shut our eyes [blindfolded us] and placed us in the car."*

At Bagram, the authorities continued to insist that the military jacket in the video belonged to Usman, using the circumstances of his capture as a torment strategy. He reported that such interrogation was accompanied by beatings lasting up to seven hours at a time. Usman recalled the heavy steel boots the soldiers wore, while they stood on his body, accusing him of driving a car loaded with weapons from Pakistan to Afghanistan. *"When I recall Bagram I still get frightened. They used to keep big fans on and also turn on the big AC at full speed. There was no bedding beneath us … I became so helpless due to the cold … I wanted to take off my clothes and strangle myself with them."*

US soldiers offered Usman money, a house, a car and residence in either Switzerland or Washington DC if he would agree to work as an agent and assassin for them in Pakistan. He refused, repeatedly saying he was just a preacher. In response, he was threatened: *"They told me that they can keep me detained here for 40 to 50 years — for my whole life. 'You should listen to us and say what we want you to say so that you can go home.' I told them I will get freedom because I am innocent. They said no, 'say what we're telling you to say. You will get your freedom on this lie.' Thinking of 40 to 50 years of detention scared me. In this state of helplessness, I admitted that the items they had recovered were mine."*

The US soldier then raised the stakes even higher. He told Usman to do exactly as they ask him to so that he would be sent back to Pakistan. *"'We [the Americans] will target big names in Pakistan and you will have to kill them at any cost.' I said I can't do that, I am here for tabligh, I came to show the right path to humanity. I will continue this in the future too."*

HAROON AHMED

CAPTURE IN IRAQ

Haroon Ahmed, capture in Iraq

Haroon was around 40 years old in 2004. He had been working for three months in Qom, Iran, where he had travelled to expand his rice trade. Originally from Jaranwala, Faisalabad, Haroon explained that agriculture had been the family occupation for generations, but due to his physically "deteriorating [health] condition", he had to explore other areas of the rice farming industry, and this is what had brought him to Iran. At the end of his three-month stay, it was the month of Muharram, and, as Haroon explained, Iran was a Shia majority country: everyone took time off to observe the holy month and business came to a standstill.[42] Though Haroon did not state identifying as Shia, having nothing else to do, he said he decided to go to the holy sites in Iraq as well. *"I also thought that the martyrs were our religious scholars and leaders who made sacrifices centuries ago.*[43] *So I went to Iraq as well."* Haroon's family did not hear from him for about six months, and had no idea of his whereabouts until they received a letter from the ICRC stating he was incarcerated in Bagram. Later that year, they began to receive censored letters from him, every month or so, in which he did not explain what had happened to him nor described his conditions.

In early 2011, Haroon's brother, Usman, hand-delivered a letter to the Foreign Office addressed to the Foreign Secretary asking the Pakistani government to take steps to help secure Haroon's return. When he did not receive a response, Usman travelled to the Ministry of Foreign Affairs in Islamabad and, while there, contacted an official whose name a friend had given him. He was told that his brother was, in fact, due to return to Pakistan, and that the family would be notified two days prior.

About five months passed and the DRB called Usman asking about Haroon's family circumstances, and whether he had any connections to terrorist groups. They said they were ready to release Haroon and told Usman to urge the Pakistani government to repatriate him. Usman then phoned his contact at the Foreign Office and informed him about the conversation with the DRB. In response, the official said that Haroon would return in three to four days. Usman waited for the days to pass and called back, but there was no response. He kept trying several more times, but never heard back.

Haroon had two somewhat differing accounts leading to the circumstances of his capture (see page 7). In one, in Baghdad for a few nights, and needing a place to stay, Haroon happened to meet a fellow Pakistani named Salah. In an extension of brotherly hospitality, Salah invited Haroon to stay at his place. In another account, in order to continue travel to Iraq, Haroon said he sought permission from Iranian immigration authorities and then went to the Iraqi immigration department, which stamped his passport. Upon crossing the border, some authorities pointed to a place for pilgrims to stay. Here, he noted that the reception staff *"wrote down something from my passport in*

[42] During the month of Muharram, many Shias travel on pilgrimage to the holy sites of Iraq.
[43] Here, Haroon is referring to the battle of Karbala, which was fought between the Prophet's (pbuh) grandson and the army of Yazeed.

their register" and he was then given a room. Haroon observed that there were other people, but he did not speak to them.

The night he was abducted, Haroon recalled loud noises before the roof collapsed. Frightened, he attempted to run out, but by this time soldiers had stormed in and began to beat him. Before he passed out, Haroon realized they were British officers due to the Union Jack badges on their uniforms. Alternately, Haroon described an ambush in which the British soldiers broke down the doors and windows of his accommodation and fired at everyone. *"I immediately got up from the floor and tried to open the door, but the bullets were coming through the door as well so I moved to the side."* Recalling the mayhem, he continued, *"As the door broke and they entered the room, the first soldier stood in front of me. I noticed there were British badges on their shoulders."* Before losing consciousness, Haroon remembered being struck with a gun's butt.

When Haroon regained consciousness, he found himself tied to a hospital bed, his left cheekbone broken, some of his teeth missing, unable to breathe from his left nostril, and several of his fingers dislocated. Groggily, he realized he was in some sort of a medical facility, British soldiers sitting with their guns in hand near every captive's bed. His hands and feet were tied, tubes stuffed inside his nose and mouth, and he was attached to a catheter. Of his surroundings, Haroon also recalled miniscule British flags on tables throughout the hospital.

Later, he was shifted from the hospital to a jail facility full of numerous tiny cells, each approximately 6 x 8 x 1.5 feet in size. *"They kept us as if they were closing something in a box."* Under British custody, Haroon reported being subjected to a cycle of interrogation, followed by torture when he did not provide the answers they wanted. *"I told them I could not understand what they wanted from me. 'What are you asking me?' I would plead. [In response] they used to pinch my cheeks. This caused me great pain because my head was wounded … I told them I do not have any connection with any organization, I had come to Iran for trade and was here in Iraq for pilgrimage … After interrogation, they used to send me back to the cell. The cell was dark and a camera was clearly visible. There were tiny lights that made it apparent [through the darkness]. Most of the time they used to say 'he is not telling the truth' … then one of the interrogation team's men used to come after an hour and beat me with chains. He used to hit me on my elbows."*

About a week later, the British handed Haroon over to American authorities. *"Now you are in the mouth of the lion,"* they said, triumphantly. Haroon explained why he was narrating this anecdote to the interviewer:

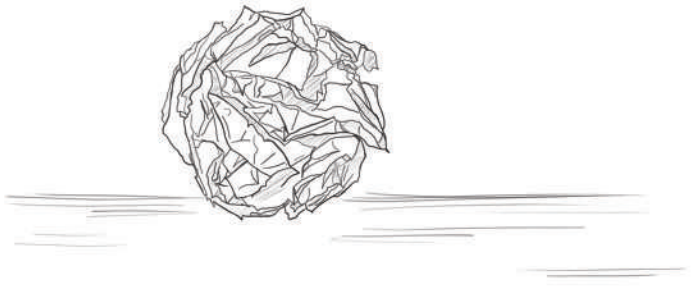
> *I heard from my forefathers that the British ruled the Subcontinent for over 150 years and the sun never set in their reign. They had a huge government that used to provide justice — that used to investigate in-depth and never took orders from others. They were men of their own. No incident of injustice was witnessed in their regime; instead, justice was in vogue. I was confused and was thinking that perhaps my forefathers were liars because they told me their (the British) era was the golden era — they tossed me like a ball to the Americans.*

Haroon turned to a colonial trope of Pathan reverence for their former rulers of the frontier to explain his bewilderment at their contemporary violation of justice. His statement can be read as a narrative of decline and lost glory of the British capitulating to American global power.

When he returned to Pakistan after ten years in Bagram, Haroon was transferred to a prison in Faisalabad. Here, he endured further interrogation, this time by local intelligence agencies. Finally, one month later, he was reunited with his wife and five children, and met his youngest daughter – born three months after his abduction – for the first time.

YASIR WAZIR

THE LION



Yasir Wazir, the lion

2003

Yasir Wazir ran a variety store in Abidabad, Karachi where he sold paan and cigarettes, among other small consumable goods. Later, he started his own business of trading cassettes, videos, and other entertainment wares, selling these in different parts of Karachi and sometimes travelling as far as Balochistan for business. As part of his trade, Yasir also bought and sold such merchandise from Peshawar, quite a common practice as much is imported and exported between Pakistan and Afghanistan through the black market. Yasir, therefore, travelled frequently for work, and according to his family did not maintain a particularly set schedule. He would leave Karachi for other parts of the country whenever business required, and was usually away for about a week at a time. When Yasir left on a trip to Peshawar that year, however, he never returned. First, the family thought that perhaps he had gone from Peshawar to Swat, where the family hailed from, so they did not worry. After a month, and still no word, they called relatives in Swat and discovered that Yasir was not there. They speculated Yasir was in Chaman, Balochistan. One of JPP's sources, however, indicated Yasir had been abducted from Spin Boldak on the Afghanistan side of the Pak-Afghan border.[44]

2005

Yasir's family would have to wait for another two years to hear from him. They received a letter from him through the ICRC, saying that he was in Bagram. Four years after Yasir went missing, his father died from "sugar", a local term used for diabetes, and because of the stress and depression following his son's prolonged absence. Yasir had been extremely close to his father. The family's telephone conversations with Yasir only began after his father's death. He would always ask about his father, but no one told him what had happened, as they did not want to upset him. Yasir, however, knew that something was wrong: he relayed having had a dream about his father's death, and then asked the family if it was true. They did not deny it.

2010

When the ICRC representative asked Yasir's family if they had any messages for him, they immediately replied "tell him not to fight". When the representative heard this he appeared surprised and asked how they could possibly know about this behaviour. They laughed, explaining they knew their brother well. Yasir's family described how he would get angry easily — this was his temperament since childhood. They recalled how Yasir had been withdrawn from the second grade because of getting into fights with his teachers and peers. While in Bagram, such behaviour meant that Yasir was unable to meet with ICRC representatives as planned. His family relayed a story to JPP investigators, told to them by an

---

[44] Madiha Tahir writes beautifully about the confusion that arises, worth quoting at length, for a picture of how porous borders are a reality of life across Pakistan and Afghanistan in the frontier regions:

> You could spend years trying to get the lay of the land and then trip up on a border hamlet whose pronunciation was even in doubt.
> His name was Mir Azad Khan, and on the tape, around the fifteen-minute mark, you can hear me repeating the place-name after him: "La¯r.." But some weeks later when I met a man who knew the village because he had roots in the land nearby, he said that it was called Luar.a¯. (Me: "You said the place was called La¯r.a¯?" Man: "Yes, Luar.a¯." Me: "Luar.a¯?" Man: "Luar.a¯.") It means "at the height" or "at the top." I knew that Mir Azad's Laarh was a village in district Barmal in Afghanistan, so I wondered if this man was confusing that Barmal with this Bir- mal, a district in South Waziristan, part of Pakistan's Tribal Areas. Tahir, Madiha. "The Ground Was Always in Play," Public Culture. 29:1. Duke University Press. 2016.

ICRC representative. The ICRC representative was told by jail officials that in order to meet Yasir safely, six or seven guards would need to be deployed, and that this was an impossible provision. If he wanted to meet Yasir, he would have to at his own risk. When the ICRC representative agreed, Yasir refused to meet in the end.

The ICRC officials said it was also due to picking fights with jail guards that phone calls with the family were cancelled. In 2011, Yasir's brother, Rehman, waited at the ICRC office for an hour, only to be told that the call would not be taking place. This would make it the second call to be cancelled, and two months since the family last spoke to Yasir. Rehman later wrote to the ICRC to try and explain that due to a head injury when he was about 8 years old, Yasir suffered mental health issues and could be hot-tempered as an adult. The calls seemed to resume following the sharing of this information. But uncertain to intermittent contact with Yasir would continue to characterize how long the family waited for news of his release.

Yasir did not trust the ICRC:

> *These Red Cross people used to visit and ask us how they could help us and after we told them, they refused to help. We asked them if they could not help us, why visit us? They told us that this is American procedure; America is America ... They used to just visit us to gain popularity – to tell the world that they were visiting Bagram – only to show that the Americans were working.*
>
> *They used to tell us that their hands are tied, and they could not do anything. Then why did they visit us? They only came to deliver letters so the Americans could pick out things to use against us.*

In 2013 the family recalled one call arranged by the ICRC in which the connection was so faulty, it had to be reconnected 30 times.

2014

"I was arrested while I was sleeping in a mosque," Yasir said in an interview with JPP after his release. *"I was there to sell second-hand shoes. Then, suddenly, a helicopter started firing at us from above and killed the people who were with me. After that, they set fire to all our shoes. Those were our things, they even took our money, car, rings, everything ... they did not spare anything, not even a pen."* Drawing on the circumstances of his arrest, Yasir described instances of speaking up to jail authorities during interrogation:

> *They asked us why we fought them so we told them that it was because they set fire to the sack they put our torn up shoes in. That was our evidence. That was my evidence. I came to sell those shoes, but they told me I came to the Taliban.*
>
> *Then they would ask me why haven't I brought my visa or passport along. I told them that a million people came from Afghanistan to Pakistan and [asked] whether they too required visas and passports?*[45] *So we went there [Afghanistan] and we did not need a visa or passport either.*

[45] Haseeb Asif (2016), describes the shared, but geopolitically contentious, thoroughfare at Chaman, writing about Pakistan's attempt to inaugurate the border in 2003, with Afghanistan responding "Pakistan had shifted the border

Also, we are so poor: where will we get visas and passports [from] for you people? We don't earn that much that we [can] get visas to sell shoes.[46]

They had detained us because of this, claiming we're Taliban. We asked them for evidence of this claim: did we have any guns on us? Did we have a Kalashnikov, or any other explosive or armament? If we have any armour on us, then prove it.

They said that no… you're Pakistani, so you're Talibani. Why did you come here? I asked them, 'Then why do these Afghans come here [Pakistan], brother? We have come just like them for business, to earn money.' Millions of Afghans work here [Pakistan]; they live here. Does anyone question them like this? Thousands of Pakistanis travel back and forth from here. Are they all Al-Qaeda? They're all termed Taliban? They refused to listen.

This is why they kept me in detention for 10 years.

The family also narrated heroic stories of Yasir defying authority while imprisoned. Once, they said, when Yasir was being taken for an interrogation session, he broke into a fight with the guards, challenging the way they treated him. While being led, one of the guards pulled the chain very hard, and Yasir asked him to be gentle. When the guard continued to be rough, provoked, Yasir ensnared the guard within the chains and bit him on the nose.

There were other stories of such bravado, related to a nickname Yasir had acquired at Bagram. There, he was called 'lion' by the other inmates. But jail authorities instead wanted Yasir to behave like a cat and told him that if he behaved like a cat he would be treated well. Yasir was also known to have urinated in a bottle, splashing its contents at a guard passing in front of his cell, as well as orchestrating a near successful escape, followed by severe punishment in which he was locked in a tiny cage, which he also managed to break open.

2017

We spoke to Yasir again in 2017 to find out more about how he was reacclimating in Pakistan. The contrast between the brave and daring man in his stories of defiance during detainment and the person we met, worn down by infirmity, was stark. Yasir complained of an untreated hernia, which, along with other conditions of poor health, prevented him from working and supporting himself financially. He did not feel he could ask his brothers for help, but without a CNIC and his movement restricted by his Fourth Schedule status, he could not seek quality medical care. He felt he remained unmarried because of this and other mental health disturbances. He repeatedly said that he needed financial help for a good life.

---

while no one was looking." The official gate remains closed today, but trade and traffic continue to flow, regardless of the political relationship between the two nations. Residents of Chaman do not require visas to travel to Afghanistan, explains Haseeb. Instead they use a local permit, and the border is a bustling market area of foot traffic, the sale of odd goods, construction, hash and other smuggled items.

[46] Yasir is referring to Pakistan's globally known role of taking in over 3 million Afghan refugees following the 1979 Afghan War. These refugees have lived in Pakistan for over 30 years and many have children who were born and raised in Pakistan. Afghan refugees have been allowed to integrate, seek employment, open businesses, and develop their own social and professional networks within Pakistan. Sayeed, Saad & Shah, Radha. "Displacement, Repatriation, and Rehabilitation: Stories of Dispossession from Pakistan's Frontier." *Stiftung Wissenschaft und Politik German Institute for International and Security Affairs.* April 2017.

GUL YACOOB

IN BLACK JAIL

Gul Yacoob, in Black Jail[47]

Gul was studying in class 10 and was only 16 years old in 2010 when he was caught by the American forces and sent to Bagram. Prior to this, Gul had been recruited by a religious organization that encourages its members to travel and proselytize. Referring to a religious group in general, he recounted 'some "Tablighi" people' in the mosque near his house encouraging him to fight for the cause of Islam.[48] As part of his grooming, Gul said he was shown videos of US soldiers purportedly killing innocent people and was convinced by other members at the local mosque to travel to Afghanistan and fight to protect Islam. He said the videos they were shown were of Americans killing poor people, so Gul decided that he wanted to engage in jihad against the Americans and fight for Muslims.

Gul was sent to the Black Jail for twenty-five days upon his arrival in Bagram. Despite being only a teenager, he was jailed with adult detainees like other underaged prisoners, Shakil and Yusuf Hamid, and subjected to the same forms of interrogation and torture. In Black Jail, officials repeatedly asked why he had travelled to Afghanistan. When Gul gave what he felt were found to be dissatisfactory answers, the interrogators became angry. They threatened to torture him, stopped giving him food, and retaliated by throwing a copy of the Quran on the floor. Gul said, *"I had no answers for these questions and most of the times I kept quiet."* These were acts clearly meant to outrage the sensibilities of a Muslim detainee. A number of detainees reported the guards' use of ridiculing religious, faith-based, and devotional practices as an interrogation tactic and method of abuse. They resorted to this tactic seeing the detainees on the one hand, stereotypically, as a community bound to faith, while using their reactions to prove detainees fit a terrorist 'type'. Despite these forms of humiliation, meant to spur outbursts, Gul held on to his faith, in collective acts of resistance and personal self-preservation, committing the Quran to memory while learning its translation from his fellow inmates.

Gul was repatriated from Bagram prison to Pakistan in May 2014. Upon return, he was taken to Peshawar where he was detained for five days before being sent home to Kurram Agency in FATA. He reported being asked to pay a bribe of 25,000 PKR (USD 160) to the Political Agent in order to process his transfer. Further detained in Kurram for 10 days, he was also interrogated by local authorities before being released. Finally home with his family in 2014, he complained of suffering from stomach pains, the causes of which remained undiagnosed, along with experiencing recurring nightmares about his detention. *"I have stomach pain but I don't take medicines because I took a lot of medicines in Bagram. I see bad dreams and still feel that I am in prison and a plane will come to take me back to Bagram."* Though Gul wanted to pursue an education, he could not afford school fees. Instead, he studied the Quran regularly at the madrasa near his house.

---

[47] Black Jail was a separate facility from the DFIP, in which the harshest forms of interrogation took place, along with extreme forms of torture.

[48] Here, in the semantics of his phrasing, it is important to note that Gul was not referring to the official religious organization, the Tablighi Jamaat that Usman joined (see page 28). Whereas Gul mentioned the kind of violent videos that were used to indoctrinate him, the Tablighi Jamaat is well-known as a nonviolent group and this is not the kind of material it would circulate or use to spread its ideas. Shireen Khan Burki. *"The Tablighi Jama'at:* Proselytizing Missionaries or Trojan Horse?" *Journal of Applied Security Research.* 8:1. 2013.

UMER SHAH'S

HAND

Umer Shah's hand

Umer Shah was 34 years old when he was captured by the American forces in late June 2008. While he had been living in Abbottabad since 1975, according to his brother, Adnan, it was not unusual for Umer to be away from home for long stretches of time. Six months, however, was unusual and alarming. The family ran a business supplying construction material such as cement, steel and galvanized iron sheets, and it was Umer's responsibility to travel to purchase stock from urban centers such as Lahore and Karachi. He often travelled for two to three days at a time, but when he went to Lahore, he would stay on for about forty days to be a part of the Tablighi Jamaat. During these times, it was normal for the family not to be in contact with Umer, but they knew of his general whereabouts and that he usually stayed with the *tabligh* in Raiwind, on the outskirts of Lahore. Adnan's guess was that when Umer was in Lahore, he may have met some businessmen who told him to look into Afghanistan as a possible market for exporting construction materials. He may then have decided to venture out to Kabul; after all, in 2008, said Adnan, everyone was aware of the international presence and money pouring into the region.

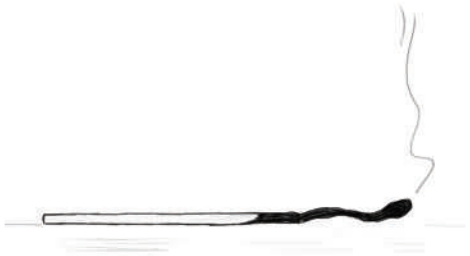
When Umer's family received their first letter from him, they didn't know he had written it. The handwriting was just so different – unrecognizable as his – they thought someone must be playing a joke on them. They had not heard from Umer in six months, and then one day received an envelope with a Bagram return address and American postage.

Umer recalled being on a walk with six other people when they were bombed by a helicopter flying overhead. Two to three days later, he gained consciousness in a hospital in Khost, Afghanistan, and found out that his arm had been amputated. Later transported to Bagram, Umer began writing to this family with his left hand. For the duration of this detention, he managed to keep the amputation a secret from his family. During a video call, Adnan described how the family noticed that Umer was holding the phone with his left hand, and not as he normally would with his right. To them, it looked like he was unable to move his arm at all. But when they asked him what had happened, all he said was that there was some sort of problem. Sometimes he would say his arm had been tied behind his back. The family came to learn that prisoners were often tortured when they first arrived at Bagram, and so the difficulty Umer seemed to be trying to hide was likely from an injury inflicted on him.

Back home, the family business saw a downturn with Umer's abduction. Umer handled all business that required travel, and had the flexibility to shop around for good prices as well as bargain with sellers. Adnan managed onsite business operations, and with Umer disappeared, could only place orders over the phone, resulting in financial loss. Adnan also explained that it wasn't widely known among the extended family and community that Umer was missing or in jail. Umer's children – three daughters between the ages of four and nine, and one three-year-old son – believed their father had been gone for work for years. When he finally returned, Umer spent most of his time with his children, staying at home. Most people in the neighborhood continued to assume he had been away for travel as usual, and the family did not disillusion them.

YUSUF HAMID

SCENES FROM A MEMORY



Yusuf Hamid, scenes from a memory

Yusuf Hamid was only a teenager – 16 years old – at the time of his capture in 2007. Under detention, he suffered humiliation and sexual abuse. After five months in Bagram, he was sent to segregation where he was made to wear only his undergarments while cold air was blasted at him in the winter. Also made to endure sleep deprivation, if Yusuf accidentally dosed, jail keepers would deliberately create a racket to rouse him, or douse him in cold water. He also reported that a female sergeant would enter his cell and touch his genitals. Yusuf also described her beating him, and then injecting him with a sedative that would make him lose consciousness. He suspected he was raped during these incidents.

> *While in solitary confinement, a female US officer would regularly grope me and undress me. On several occasions, I remember being injected with something and then waking up later completely naked. She teased me for having a small penis … She used to say things like 'what a small thing you have down there'.*

Upon his return to Pakistan, Yusuf was jailed again. First, he was detained for three months in Mohmand Agency where he reported that the political agent demanded 500,000 PKR (USD 3,190) from his family and threatened him with further imprisonment. He was then jailed in Central Prison Haripur, in Khyber Pakhtunkhwa, sentenced for three years because of his failure to pay the amount. Khan Bahadur, Yusuf's elder brother, told JPP that as they were poor, they were not able to pay the money demanded. As a result, Yusuf was sentenced to an additional eighteen months in Haripur Jail. The mental instability he experienced upon being re-jailed is evident in the investigator's description of Yusuf Hamid's behaviour in Haripur jail:

In 2014, JPP investigators met Yusuf at Central Prison Haripur, a high-security prison guarded by the army and holding a number of Afghan nationals. The jail was crowded and noisy, but Yusuf and the investigator were able to meet privately.

JPP investigator, Waqas Aziz, narrates: *"When I got inside, Yusuf hugged me and started crying, saying 'I thought no one would come to see me here or help me.' Yusuf said his family lives far away in North Waziristan; his father is very old and the family poor. As Yusuf's father can't travel all the way here, he visited only once. On my way out, Yusuf showed me around the jail like a small kid showing off his playthings. He was so excited to see me that he didn't want me to go; he even went to the superintendent of the jail and introduced us. The superintendent told me that Yusuf was one of the best inmates, taking care of other prisoners and helping staff with their work around the jail."*

In 2016, Yusuf died from cancer. His illness was discovered while he was in Haripur jail. Here, he started feeling pain in his left leg, in the area where he had received injections while in Bagram prison. He was taken for medical tests to Central Jail Peshawar, where cancer detected. Then he was shifted to Central Jail Ghallanai in Mohmand Agency, imprisoned for another fifteen days, and

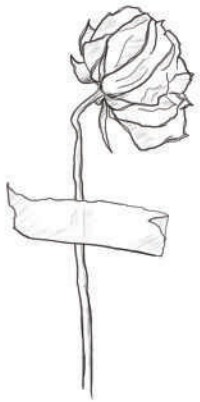
thereafter released permanently. Yusuf Hamid came to live with his family only for a few weeks. Bahadur described how the family came to realize Yusuf was increasingly unwell. Yusuf remained sick for days, with a negligible appetite, unable to eat. He was quiet and hardly spoke. Bahadur now found his brother silent and reserved, the opposite of his happy and friendly boyhood self. As the pain in Yusuf's leg worsened, he was admitted to Lady Reading Hospital in Peshawar. There he received medicine to relieve the pain, but it persisted, and he was taken to another medical facility in the city, Imran Hospital, for further testing. It was then that the doctors decided to amputate his left leg. The cancer, however, had spread to his shoulders, and more surgery was required. The doctors said that in a semi-conscious state while recovering from anesthesia after what would be his last surgery, as it could not save him, Yusuf recited the Quran. That same day, he died.

Khan Bahadur described his mother's condition after Yusuf's death: *"He was very close to his mother, and even today she cries all the time. She does not talk about anything; she only remembers Yusuf and cries afterwards. She is now in the habit of going and sitting at every place in the village where Yusuf used to play with his friends. She sits there for hours and cries."*

Bahadur burned all the pictures of Yusuf and kept only those from his childhood.

MUSHTAQ AYUB

THE LOAN



Mushtaq Ayub, the loan

Mushtaq Ayub worked as a labourer in Karachi. His father ran a cloth shop in Benares, a locality in the city's Orangi area known for its Indian namesake's silk textiles. His business partner was an Afghan who left in 1984, Mushtaq explained, when the store was destroyed in a fire that razed the entire market area. When Mushtaq was about 24 or 25 years old, the family was confronted with severe financial difficulties. His father, the main income earner of the family, fell ill and was confined to bed. He thus asked Mushtaq to travel to Afghanistan to collect an old debt from his former business partner. Narrating the circumstances that led to his capture, Mushtaq said, *"The business partner hadn't paid my father back so my father sent me to retrieve his money — about 1-2 lakh rupees. My father gave me the address on a piece of paper. But when I reached Afghanistan, this man went into hiding. I later found him; he told me that I should go back and that he would bring my father his money himself."* On his return journey, Mushtaq said he was stopped at a checkpoint near an area close to Kabul and upon failure to produce a passport, the police took him (and a 15-year-old Afghan boy travelling with him) into custody. Mushtaq suspected his father's old business partner complained to the Afghan authorities, suggesting Mushtaq had terrorist links in an effort to avoid repaying his debt. *"I was innocent but I was behind bars from 2005 to 2014. My father passed away in 2007. I had even forgotten my family's faces,"* said Mushtaq.

Mushtaq's mother, Rang Mahal's home is in an alley in Orangi Town, just off another narrow street. She is an overweight woman and has difficulty moving. Some of her teeth are missing and she smiles a lot. There are narrow stairs leading up to their modest home which is made up of a small courtyard, a kitchen (about four by eight feet), a bathroom, and two rooms that serve dually as bedrooms and living rooms. The ceilings of both of these rooms are painted with colourful designs, decorated by the previous occupants to celebrate a family wedding. Now, two garlands made of shiny wrapping paper and plastic flowers are pinned on one of the walls. One belongs to Saifullah's brother, who is married, and the other has been waiting for Mushtaq — for his wedding day.

When his father was alive, he used to suffer from paralysis, explained the family, and Mushtaq would take him to a clinic about two kilometres from their house for treatment. His sister Mariam's husband worked there. Mushtaq was a very responsible son, and would not have been involved in anything knowing that his father was unwell, and that his parents love him, and depend on him for (financial) support. But they had accumulated a lot of debt since Mushtaq's absence. Shopkeepers stopped giving anything to the family on credit because of the money they owed.

Mushtaq's grandmother remembered the day he disappeared differently. He had accompanied his father to the hospital because he was sick. Mushtaq told his father that he would return to pick him up, but he had not been seen since. *"He was a well-mannered boy,"* she went on to say, *"and loved by all. He regularly went for Quran classes and in his spare time he loved to play cricket and football with the other children in the neighbourhood."* The rest of the family also added that Mushtaq dutifully listened to whatever his mother asked of him. He worked as a labourer to help the family financially.

Upon repatriation in 2014, Mushtaq was jailed for three months in Karachi. In 2015, we met Mushtaq

again, in the far north of the city, in a locality called Kati Pahari. The area was extremely crowded and appeared to be a warzone with broken roads, barricaded on either side. *"I was delighted to be back,"* Mushtaq said, *"but it was no longer the same. My life after Bagram will never be normal. The Red Cross promised me medical treatment for 6 months, and did nothing. They promised me that they would set up a business for me, but nothing of the sort ever happened. They were all lies — all the promises that they made in Bagram. And till now agencies still kidnap me. I still feel that I am not free."*

Mushtaq's home was small, and we met in an even smaller room, sitting on two beds – the only furniture – to chat with his three brothers. All his life, Mushtaq said he had traveled from Karachi to Quetta. This time, recounting the details of his capture, Mushtaq recalled his abduction taking place earlier, before even getting a chance to track down his father's former business partner. He entered Afghanistan by bus and was on his way to the province of Zabul when he was stopped at a checkpost and the police asked him for his passport. As he did not own a passport, he gave them his Pakistani CNIC. In response, they removed him from the bus, along with a 15-year-old Afghan boy. They took them to a room next to the checkpost and began beating him. Kept here for approximately ten days, they were regularly beaten, while Mushtaq believed the officers hatched a plot in which he would be a suicide bomber and the young boy his guide. He was held captive for a few more days before US soldiers arrived to transport him to Bagram.

In 2019, we met Mushtaq again and he told us that his Fourth Schedule status was making it very difficult for him to travel freely in Karachi. For one, he has to remain in the vicinity of a specified police station to report his presence on a weekly basis. If he needs to travel outside of the city or area that is not in the jurisdiction of his police station, he first has to inform the said station. *"Last year, my mother became ill due to asthma. Someone informed me there is a healer in Quetta who has a special medicine."* Mushtaq managed to secure permission to travel to Quetta, but on his return journey was arrested by "some agency people". Kept in custody in an unknown location for 40 days, he suffered seizures. He explained that he was tried in court under Pakistan's anti-terrorism act in a trial that took six months to conclude, and that fortunately he was released.

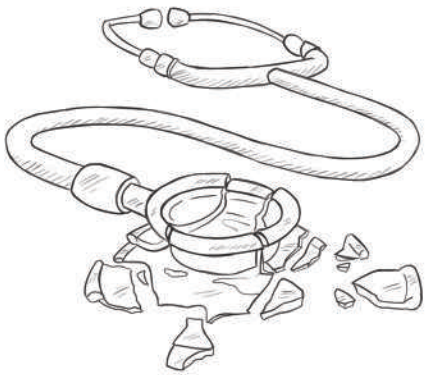
Mushtaq lamented suffering from both physical and mental health issues, including back pain, stomach ulcers, and continued seizures. He believed these problems began after the news of his father's death. He was also unable to work for long due to these ongoing health problems. He borrowed a rickshaw from his friend for a few months and tried to make some money, but soon suffered severe back pain and had to quit. Instead, he sold his only bike as he was in urgent need of money, to cover expenses such as the 5,000 PKR (USD 32) monthly rent. To look for a more affordable place in a different area of the city is impossible since he cannot shift due to the inclusion of his name in the Fourth Schedule.

"What did you miss the most in Bagram?" we asked.

"I missed my freedom," said Mushtaq.

SHAKIL NAZAR'S

ADMISSION



Shakil Nazar's admission

> *They assigned an Internment Serial Number (ISN) to me. The guards called out this number to address me. In Bagram, they never called me by my name.*

First, his father's story

"I am originally from Waziristan but currently live in Landhi which is on the outskirts of Karachi," said Wakeel Khan, Shakil's father, who we met in 2010. Explaining how his son went missing, he continued, *"About two years ago, when the operations in Waziristan started, I sent my son to bring back whatever belongings we had … we have not seen him since."* Wakeel said his son was only a student, in grade 7 or 8, when he was picked up, and would turn 17 years old that year. *"When you come to Karachi I can get you a certificate from the school as well,"* he added. In touch with his son through the ICRC, Wakeel learned that Shakil had appeared before the DRB twice and was accused of two crimes. *"We do not have a lawyer and need help,"* he pleaded.

Wakeel explained how the family had maintained their home in the village of Karama, where they had stored a lot of household items such as jewelry, blankets, *"and even four split air conditioners"*. This was from a time before instability struck the region, when the family was prosperous. In Karachi, Wakeel was putting Shakil through school, but it became too expensive, so his son had to drop out. Instead, he went to work as an assistant in a doctor's clinic for a brief period, after which Wakeel requested Shakil to go to their village and gather their belongings.

Wakeel learned that Shakil stayed with his maternal grandparents in the village. When he went missing, they assumed their grandson had returned to Karachi. When Wakeel finally realized his son had disappeared, he left Karachi to try to find him himself. He knew filing an FIR was pointless since crimes happened in their community all the time, and everyone was too scared to do anything about it.

Shakil, his father recalled, was always fond of reading and he dreamed of becoming a doctor. As a kid, he had a toy stethoscope with which he went around checking everyone's heartbeat. Mountain Dew was his favourite soft drink. He drank it with almost every meal at home. He would also get it from the market when he had friends over so he could share it with them. Shakil's mother had undergone 11 eye operations while he was under detention, and worried she would lose her eyesight completely and never get to see her son again. She also woke up in the middle of the night from seizures, dreaming of her son, unsure whether she was really with him.

Shakil's companion, Khairullah

Shakil went to Karama with his friend Khairullah, who also lived in Landhi. Khairullah said he had to go to his ancestral home in Dera Ismail Khan and so they decided to travel together. Khairullah parted with Shakil the following day, in the morning, when the bus reached his destination. Shakil would continue on for another 120 kilometres. Khairullah mentioned that Shakil told him to wait

for him in DI Khan for two days so they could head back to Karachi together. This was the last time that Khairullah saw his friend. Before he went missing, they had planned to open up a shop in their neighborhood, but it remained vacant and shuttered.

On a mountain in Khost

In a 2014 interview with JPP, after his release from Bagram, Shakil admitted he went to Afghanistan with a friend for the purpose of jihad and joined a madrasa there. Only a teenager, he did not realize what he was getting involved with.

> *I left the house without telling anyone, so I was afraid that my family would be wondering where I was — especially my mother. I didn't even know what would happen to me. I couldn't understand anything; Afghanistan was a completely new place for me, and I was very young at the time of the arrest … My village in Pakistan is very close to the border … so from there we one day went, through Khost.*

Shakil mentioned spending the first few days across the border in the company of an Afghan individual.

> *I stayed with him for about 5 days in the mountains. I wanted to leave, but the Afghan told me I should wait more. It was on the fifth day that I saw helicopters coming with US and Afghan forces. He asked me to continue waiting on the mountain. After a while, though, the helicopters had flown away and the Afghan was nowhere to be found. I climbed down the mountain part way, and found a couple of other people from Pakistan. We decided that we should return home. But when we got to the base of the mountain we encountered a few Afghan officers. The soldiers beat us. They asked us where the rest of the Afghans were. Then they said they only had a few questions for us, and would let us head back to the border — so we agreed. Injured, we stayed with the Afghan officers until the afternoon, but they told us that they didn't have the medical facilities to treat our wounds. Instead they suggested it would be beneficial for us to be given to the US forces who would be able to help us.*
>
> *The US forces took us … somewhere. They gave us orange uniforms and then started interrogating us … I thought that they were taking us back to Pakistan but that wasn't the case, we were enroute to Bagram.*

Release slips

Shakil Khan remembered the DRBs were conducted in a big room where he sat opposite three individuals.

> *They said that they would set up a court where our cases would be heard and if we were given a slip of paper which grants our pardon, then we would be free in 15 days. Otherwise without this our case would be suspended for 6 months … They later told us that these DRBs were of no help to foreign prisoners as their entire data and files were in Washington*

DC and that this court would only be of benefit to Afghan prisoners … I was even given such a slip of paper during one of the sessions, but the officials at DRB told me that it wasn't of any value.

They said I shouldn't think that I am free until and unless they put me in a helicopter and drop me in front of my house.

In a 2011 call, Shakil told his family that he had sent his 'release slip' in a letter to them through the ICRC. However, when Wakeel received the letter there was no such document enclosed. Since an ICRC representative was present during the call, Wakeel asked him where the slip was; the ICRC representative did not know anything about it. In 2012, Shakil's father showed him a picture of a JPP press conference while on a video call. He told Shakil: *"These are your lawyers and they are fighting your case for you."* The call was cut by American officials, and the ICRC representative informed Wakeel that his call with his son was over. He was not allowed to try again.

Today

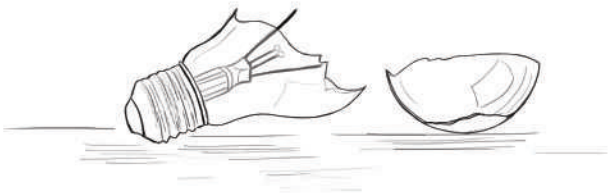
Only 16 when prison officials broke his ribs during an interrogation session, Shakil, now 21, cannot sit for long periods of time. He tried working as a driver, but his employer shortly moved overseas; then he tried working at Gul Ahmed industries as a cashier in their canteen; he later landed a better opportunity in a warehouse at the port where he tracked incoming and outgoing containers. But, in the end, he also had to leave that job due to severe and chronic back pain, and was bed-ridden for over a month.

Shakil also suffers from episodes of confusion. When JPP met him again, in 2019, he told us he would often "zone out", lost in thought. Later, he'd find himself sitting alone, unsure of what he had been doing. Relaying one such episode, Shakil described going to the market with his brother and then absent-mindedly leaving him there, returning home having completely forgotten to purchase groceries. Similarly, having invited a friend to stay one afternoon, Hamidullah asked him to wait outside while he opened the guest room, but then forgot about him. After 20 minutes, he noticed his friend had been repeatedly calling him.

Wakeel died about two years ago and Shakil is now living with his own family, including his wife and three children (twins and a 4-month-old son), mother, and younger brother. While he says he is happy, and enjoys spending time with his family and kids, he cannot hold down a job due to his physical health problems. His mother is ill with breathing problems, and Shakil hopes to land lasting work and buy her an air conditioner so she can sleep well at night.

HANIF ALI

A FRAGILE MIND



Hanif Ali, a fragile mind

> *I think highs and lows are a part of life and these things happen to human beings. Thousands of people come and go from prison. I was also destined to be in prison so that's why it happened to me as well.*

"I went over there for labour when I was arrested by the Americans. I was held in captivity for 4 years after which they released me," began Hanif. *"At that time I was young and naïve. When you know that doing something or going somewhere will get you arrested – that it will cause pain and suffering – then you'd decide not to ..."* Later, Hanif said, *"I went there for work, but I hadn't started ... I was looking for work when they picked me up for no reason ... I was just walking when the Americans arrested me. I was walking without knowing where I was going or where I was. I don't know why they said they had suspicions about me. I didn't know where I was going ..."*

Bagram authorities used Hanif's history of mental illness to torment him during detainment:

> *I had a mental issue so they started using medicine for crazies. I had no idea. They said that I was crazy, but that I was fine now... before going to Afghanistan the same thing happened to me back at my house. I've had three attacks and I don't know what will happen in the future.*
>
> *I don't know ... I don't know what I've become.*

Haji, Hanif's father, believed his son's mental illness was triggered when he was a teenager by the sudden loss of his uncle, Haji's youngest brother, who died at the age of 30. He was killed brutally in an accident, in which a truck ran him over. Hanif had begun to act out after this incident. Haji described his son's symptoms as fluctuating from severe rage, where he would throw and break all items within his reach, to speaking unintelligibly at a rapid rate, to running away from home, and going missing for 20 to 25 days at a time. The family would have no idea of his whereabouts. Hanif was studying at a local madrasa when he heard the news of this uncle's accident. He ran away, travelling to Bahawalpur. There he was picked up by the army who, Haji said, realized his son was mentally ill. They handed him over to the local police who contacted Hanif's family.

After collecting his son, Haji wanted to find him medical treatment, and took him to a *hakim*, a doctor of traditional medicine. The *hakim* prescribed a 45-day treatment which included tying or chaining Hanif to a charpoy. Despite these restraints, the family noted Hanif would manage to break away and escape anyway. The *hakim* also suggested that getting Hanif married could cure him. Soon after, he was wedded to Fatima. This, however, did not cure him and he continued to suffer from mood swings and disappeared several times. In order to understand more about Hanif's medical

condition and treatment, JPP investigators asked to see his medicines. His mother, Rashida bibi, brought out two bottles of what she called *'desi nuskhas'* – which means herbal medical formulation – both in powder form. One was called *Rafiq-e-Dimagh*, tonic for the brain. The last time he went missing, Fatimah said her husband called from a phone booth, possibly near Quetta, but the line got dropped and they never heard from him again. Approximately six months later, the family received a call from the ICRC telling them that Hanif was being held in Bagram.

Like other detainees' families, Haji's life was also now punctuated by waiting for telephone and video call opportunities with his son, as well as the chance to provide the DRB with a supportive testimony. Haji told the JPP legal team he had received a phone call from a private number notifying the family that the DRB would call the family the next day. Haji was told to bring the family together, and that during the confirmation call, the caller had noted the names of family members who would be providing evidence. The call was due at 3 pm, but it never came. JPP investigators stayed for about two and a half hours waiting with the family, but by 4.30 pm still no call from Bagram came. The DRB had run over time on a previous appointment and Hanif's family would not be able to provide testimony that day.

Several days later, Ghulam Raza, Hanif's brother-in-law, called JPP to inform the organization that Hanif's father had just received a call from Bagram. The rest of the family was not present as they had not received the expected scheduling call. Haji was told that his son had been picked up as he crossed the border into Afghanistan. They also asked Haji if he was willing to post bail for his son and to come and collect him. The terms of bail were not clarified, however, nor was information provided about whether Hanif would be released. Haji was permitted to speak to his son for only a few minutes.

Sahiwal Jail

When Hanif was repatriated to Pakistan, it was to Central Jail, Sahiwal, about 50 kilometres from his family home in Pakpattan, central Punjab. In May 2014, JPP went to visit him there, accompanied by his wife, Fatima.

The DSP (deputy superintendent of police) Prisons told us Hanif was mentally unsound — that he didn't even wear clothes in his cell. He also told us that Hanif was completely mad, threw away all items within reach, and that he'd even broken the fan and light bulb in his cell. When Hanif arrived, he was wearing untidy clothes and looked as though he had not showered in weeks. As Fatima introduced us to her husband, she turned to him explaining that we were his lawyers. We shook hands and in return, innocently, he seemed to smile. We gave him fruits, biscuits and juices; happy to see these items, he began to eat them all, rapidly. Fatima asked her husband, *"What have you done to yourself, Hanif? Why are you wearing such untidy clothes?"* Then he started throwing all the food items at the DSP and fidgeting with the biscuits we'd brought him. Suddenly he took hold of a team member's hand, looked them over strangely, and then started kissing it. At one point, Hanif began reciting the Holy Quran; in another moment, he sang songs; and then he started chanting *"ISI, ISI, ISI"*. As he did this, he laughed and pulled at his own hair and scratched his head. We asked,

"Hanif, why are you pulling your hair?" He said, *"It's itching inside ... I don't know yaar,"* and then he started pulling his hair again.

After about 40 minutes, the DSP told us that the allotted meeting time was up, and his jailers escorted Hanif back to his cell.

Fatima

Fatima said Hanif spent a few months at home after his release from jail. His father took him to a hakim for 'desi' medical treatment called *'hijama'* or bloodletting in an attempt to treat Hanif's mental health issues. Minor cuts were made in a specific place on the head, after which a cup was fixed over the area, and blood was allowed to flow for some time. Fatima said that Hanif recovered following the treatment, and in the company of their three-year-old daughter, who she believed provided him some respite after the long years of separation. Hanif also soon went to ICRC in Islamabad to receive treatment for his mental health condition as he continued to suffer from mood swings. Again, Fatima thought he seemed to get better. Hanif then began a new job as a transporter on the border of Pakistan and Afghanistan. Fatima explained that the reason behind getting a job at the border was that Hanif suffered from allergies and he said the climate there suited him. Hanif would travel to Afghanistan and stay there for two to three months at a time, until one day, the family received news of his death.

In 2019, JPP came to learn that Hanif died two years prior, at the approximate age of only 22. There were conflicting stories about his death. Fatima believed her husband had died due to his mental illness. But she also told JPP that it was on Hanif's third visit to Afghanistan that he was killed in a drone attack in Ghazni along with his friend Jafar. Fatima relayed how Hanif's father received a call from a person who did not introduce himself, informing him that Hanif was dead. Hanif's father-in-law and brother went to retrieve Hanif's body, but were informed that there were only a few remains which had been buried in Ghazni. Their trip in vein, Hanif's family members were not able to confirm his death nor perform funeral rites. Fatima didn't believe that Hanif was dead: she saw him in a dream where he told her he was, in fact, alive and in jail in Iran.

CONCLUSIONS AND RECOMMENDATIONS

The Pakistani nationals detained in Bagram were working class, underprivileged men. Most were the sole breadwinners for their families and had no known links with any terrorist organizations. The families of the detainees had no knowledge of their whereabouts for months, and sometimes years. When they discovered that their sons, brothers, and fathers were in Bagram, families did not have the resources or the means to travel to Afghanistan to see them or communicate with them from Pakistan. The detainees in Bagram were kept in as much uncertainty as their families. Often, they did not know where they were or where they were being taken. No one knew when, or whether, they would be released. They were denied communication with their families until much later, when they were given permission to exchange letters and have phone and video calls, all of which were censored and monitored, under threat that this privilege could be revoked at a moment's notice for any transgression. Detainees' accounts ranged from going to Afghanistan in search of work due to limited opportunities in Pakistan to inadvertently ending up there, having crossed porous, unmarked borders, to some directly admitting to crossing the border to fight the jihad. These differences, however, did not matter to the Pakistan government which was willing to abandon its citizens to the mercy of American authorities.

Treating trauma

Upon return, detainees did not receive any form of government support for their rehabilitation or reintegration into society. In fact, they experienced the opposite: harassment by security agencies, and many, despite not having been charged with any crimes in Bagram, endured further imprisonment in Pakistani jails and detention centers upon return. When finally allowed to return to their families, many were put on the Fourth Schedule (see page 11), meaning their movement was restricted and they had to routinely report their whereabouts to police. Such treatment of returnees who are suspected of leaving their countries to join militant activity is not unique to Pakistan. Around the world, governments have chosen restrictive forms of legislation against terrorism, including, as Jawaid lists, "revoking travel documents, criminalising travel to conflict zones, expanding the scope for surveillance and extradition, and broadening prosecutorial powers". Such approaches also comprise Pakistan's approach within the context of how it has historically governed and securitized FATA. Instead, the government of Pakistan needs to take an interest in the rehabilitation and reintegration of its returned citizens.

It is through the institutionalization of such programming that the government can legitimately argue that it has a means to prevent recidivism. While none of the Pakistani detainees in Bagram were charged in the end, and most were captured on false suspicion, some admitted they were travelling to Afghanistan to join the jihad. These detainees and their families serve as case studies for understanding the impact of proximity to the war on terror as part of the larger history of widespread violence across FATA. The violence of detention is not limited to the torture and abuse that take place in captivity. Detainment psychologically impacts former prisoners long after they are released, and also results in physical and mental health problems among family members involved in caregiving, leaving those around them at a loss for how to help. The use of this analysis would be informative for policy level decisions to prevent further use of detention to try suspected militants, and for the reintegration of victims of such violence and trauma.

Addressing socioeconomic disenfranchisement

Socioeconomically underprivileged, detainees and their families were unable to access appropriate healthcare, and simply had to continue living without treatment and medicine. Families reported further economic hardship with the main income earner detained for years. Following their return, their physical health deteriorated, and most, mentally unstable due to the abuse and trauma they had suffered, were unable to find or maintain jobs. The first Bagram report recommended income support and housing assistance of 10,000 PKR (USD 64) per month, but this has not seen fruition. FATA is a region which has seen historic disenfranchisement and conflict, particularly in the last fifteen years. The people of the region, including detainees and their families, need to be provided monetary compensation that allows them to sustainably rebuild their lives. Understanding the detainees' experiences, then, is about more than hearing their stories of torture and abuse at the hands of American jailers and DRB administrators. It is about understanding how history and disempowerment engineered through government-directed structural and political violence have put an entire region and its people through violence and in proximity of violence. Abduction and detainment in Bagram are one of many everyday risks FATA residents live around. Residents of FATA are routinely conceptualized by state elements within a framework of violence despite their demands for normative integration.

JUSTICE PROJECT PAKISTAN

Justice Project Pakistan is a non-profit organization based in Lahore that represents the most vulnerable Pakistani prisoners facing the harshest punishments, at home and abroad. JPP investigates, litigates, educates, and advocates on their behalf.

In recognition of our work, in December 2016, JPP was awarded with the National Human Rights Award, presented by the President of Pakistan.

info@jpp.org.pk

www.jpp.org.pk

fb.com/JusticeProjectPakistan

@JusticeProject_