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## **One Prisoner's Story**

Mohammed Ali Shah ran guns to the Taliban, according the Pentagon Mohammed Ali Shah is an enemy of the Taliban and a Shia Muslim, the sect most brutalized by the group

JAMES RUPERT  
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GARDEZ, Afghanistan - When Dr. Mohammed Ali Shah came home from exile, a convoy of well-wishers met him on the mountain road from Kabul and draped flower garlands around his neck. They flocked to greet the son of one of Gardez's most prominent families, and celebrate the fact that professionals and entrepreneurs were returning to rebuild this disheveled, dusty town after 25 years of war.

On the second night at Ali Shah's family home, after he and his brothers had laid out yet another feast of lamb and rice for their guests, American soldiers in battle gear burst through the doors, "pointing guns and shouting, 'Nobody move!'" recalled one brother, Ismail Shah Mousavi.

"A soldier asked, 'Who is Dr. Ali Shah?' " Mousavi said. "It was quiet for a moment. Then my brother raised his hand."

Two years later, Ali Shah, 46, is at Guantanamo, fighting U.S. accusations that he ferried money and arms to a top Taliban commander and spirited the commander's family to shelter in Iran. Afghans from all sides - Ali Shah's family, scholars and a former high-ranking Taliban official - voice astonishment at the charges, saying they betray a basic ignorance by U.S. forces of Afghan politics.

That's because Ali Shah is a Shia Muslim, a member of the sect most brutalized by the Taliban and least likely to have any motive to help them. The American suggestion that a hard-line Taliban commander would send his family to Iran for safety is like imagining a former World War II Nazi general hiding his family in Israel, the Afghans said.

As with other prisoners at the Guantanamo Bay Naval Station, the Defense Department refused to say what evidence its charges are based on, or to discuss indications that it may be holding an innocent man. As many as one-third of Guantanamo's prisoners have been on a hunger strike this summer over their indefinite detention.

Afghans familiar with Ali Shah's case say they think he has been accused by former communists whom Ali Shah fought during the Soviet occupation of this country in the 1980s. U.S. officials often use ex-communist military and police officers as informants in southeast Afghanistan, and a number of cases of mistaken imprisonment have been blamed on them.

"These reports should not be good enough for you to just capture somebody and detain" him, Ali Shah told U.S. officers at a hearing at Guantanamo in March. "In your country, is it normal to keep someone for 1 1/2 years just because somebody gave a report against them, without any evidence? Or is it just us, the Afghans, that we have to get punishment from our friends?"

Ali Shah's case has emerged in fragments, beginning with a petition he filed from Guantanamo in May to federal district court in Washington. U.S. human rights lawyers found a censored transcript of his hearing among a boxful of records released by the Pentagon after The Associated Press sued for them under the Freedom of Information Act.

Those documents, plus interviews with two of Ali Shah's brothers, who also were held briefly by U.S. troops here, suggest the Defense Department has built its case against him largely on a string of coincidence and circumstance. Ironically, Ali Shah is accused in part because of his role in fighting the U.S.-backed war against Soviet occupation of Afghanistan in the 1980s.

### **Soviet war connection**

In 1987, Ali Shah and his brothers moved their families into exile in Iran and returned home to form a guerrilla unit that got arms from the CIA to battle the Soviets. To get the weapons, which were distributed by Pakistan, every such group was required to join one of seven Afghan parties supervised by Pakistan's army.

Avoiding several anti-Western, Muslim radical parties, Ali Shah signed up with Harakat-i-Inqilab-i-Islami. Despite its name, which translates as the Islamic Revolutionary Movement, Harakat was a moderate, traditionalist group.

Ali Shah's guerrillas fought for about two years under the authority of Nasrullah Mansour, Harakat's commander in the Gardez region. Like most people in both the region and in Harakat, Mansour was an ethnic Pashtun and a Sunni Muslim with his roots in the countryside. As Shias, Persian-speakers and town-dwellers, Ali Shah and his band had little in common with Mansour and were not part of his inner circle, said Abdulhakim Mujahed, who also fought alongside Mansour.

After the Soviets withdrew in defeat from Afghanistan in 1989, civil war erupted and Ali Shah joined his family in Shia-ruled Iran, where he was able to study medicine. By 1998, the Taliban - an extreme Sunni, Pashtun movement - had seized most of Afghanistan, fighting their most bitter battles with Shias. That year, they killed at least 2,000 ethnic Hazara Shias and nine Iranian diplomats (also Shias) in the northern city of Mazar-i-Sharif.

Nasrullah Mansour allied himself with the Taliban's chief foes and was killed early in the civil war, in 1993. But after that, others in his family joined the Taliban's ranks.

Ali Shah and his relatives stayed away. "The Taliban were killing so many Shias," said his brother, Mousavi. "We could never work with them." Ali Shah and his brothers prepared to return to Gardez only after U.S. forces helped overthrow the Taliban in late 2001 and Iran began increasing pressure on Afghan refugees to go home, Mousavi said.

In spring 2002, Ali Shah visited Gardez and campaigned successfully for a seat in the loya jirga, a national assembly that named Hamid Karzai, the U.S.-backed politician, interim president.

During that same season, U.S. troops suffered significant losses in their biggest battle so far in Afghanistan, in the Shah-i-Kot Valley southeast of Gardez. In what the Pentagon called Operation Anaconda, the Americans fought a Taliban force led by Saif ur-Rahman Mansour, the radicalized son of Ali Shah's former commander.

After Taliban ambushed and killed eight U.S. soldiers, American forces bombed heavily and then declared a victory at Shah-i-Kot, saying hundreds of Taliban had been killed. But neither U.S. forces nor journalists could find bodies or other confirmation. Saif ur-Rahman Mansour and, apparently, the bulk of his force, escaped the U.S. attack through the mountains.

The battle made the younger Mansour an icon. U.S. officials named him among the handful of Taliban they most wanted to kill or capture, and Taliban leader Mullah Omar appointed him to the group's leadership council.

### **The accusations**

Ali Shah insisted at his Guantanamo hearing that he never knew Saif ur-Rahman Mansour, who was only a teenager when Ali Shah fought under Mansour's father. But the U.S. military appeared to declare him guilty by association with Mansour's father in the 1980s.

The hearing's censored transcript includes a U.S. accusation that Saif ur-Rahman Mansour "is the son of for whom the detainee [Ali Shah] served as a mujahideen fighter during the Afghan-Soviet jihad." The next line accuses Ali Shah of having "acted as representative" in Iran. (The names of the Mansours are censored in these passages, but are known from other parts of the document and from Ali Shah's accounts given to former U.S. prisoners.)

In the hearing, officers read accusations that Ali Shah "entered Afghanistan from Iran in August 2003, carrying funds to be distributed to Anti-Coalition Militants." Mousavi and a younger brother of Ali Shah, who were briefly arrested with him, recounted soldiers accusing them of having brought \$130,000 from Iran. The younger brother asked not to be named because he has worked on contract for U.S. Special Forces as an interpreter.

"I had on me 350 U.S. dollars, a few thousand Afghanis and some kaldars [Pakistani rupees], which was my travel money," Ali Shah said at his hearing. Of the alleged funds for the Taliban, he asked the U.S. officers, "Please tell me which money? ... Who saw it? Who did I give it to? This is imaginary, invisible and psychic money. I am asking ... to answer this question."

The hearing's only hint of possible evidence against Ali Shah is a U.S. military statement that soldiers confiscated an unspecified number of rifles and 21 hand grenades from the communal compound where Ali Shah had stayed in his first two days back in Gardez. Ali Shah said the weapons were not his, noting that "that compound is occupied by 18 families" and that, after a quarter-century of war, virtually every family in the city owns weapons.

Afghans say one accusation in particular makes the Americans look naive. The U.S. military accuses Ali Shah of having arranged shelter in Iran for Saif Ur-Rahman Mansour's family. "I don't know how did your ... [source] come up with this lie and how have you Americans accepted it?" Ali Shah demanded at his hearing. Prominent Gardez-area residents as disparate as Abdulhakim Mujahed, who became the Taliban's top diplomat at the United Nations, and Rafiullah Bidar, a political scientist who heads the Afghan human rights commission here, said a hardline Sunni Pashtun family would be extremely unlikely to take shelter in the heartland of its Shia enemies. "Our information from various sources is that the Mansour family is living in the Pashtun region of Pakistan, and not in Iran," Bidar said. Mujahed concurred.

Ali Shah and his family say they suspect the accusations against him come from some of their enemies from the anti-Soviet war - Pashtun former communists who have returned to official police and government positions in Gardez. Here in southeastern Afghanistan, many former communists have retaken positions in the police and the reconstituted Afghan intelligence agency, and a number have been accused of making up accusations to prompt U.S. troops to arrest their personal rivals.

U.S. officials have conceded that was the reason American troops arrested an ex-Communist top official last year in the neighboring province, Khost. Here in Gardez, non-Pashtuns have accused the provincial police chief, a Pashtun ex-communist, of similar abuses. The chief, Haya Gul Suleiman Khel, denied the charge.

Just down Jefferson Davis Highway from the Pentagon, in Alexandria, Va., Ali Shah's cousin, Hafiz Khan, presides over the Afghan Restaurant, which he owns. Between instructions to waiters to look after one or another favored customer, he popped a CD into a laptop computer one afternoon in July and watched a home video from his homeland. "Look, you see all these cars decorated with flowers?" he asked. "When Ali Shah came home to Gardez [in 2003], hundreds of people went to greet him and the traffic just filled the road."

Khan's point is that Ali Shah is a public man whose movements drew attention around Gardez - not someone who arrived secretly, hauling guns and money to the Taliban. Khan is among many relatives and friends of Ali Shah in the Afghan community around Washington who have been campaigning with U.S. officials for his release.

Khan and others say Ali Shah could never be working for the Taliban's Mansour because, within Afghanistan, they come from opposite worlds. Ali Shah is one of five university-educated brothers and, he told his hearing at Guantanamo, "all the women are educated in our family" - an idea anathema to the Taliban. Prevented from calling any witness other than another Guantanamo prisoner, Ali Shah read out letters from his family talking of the progress in schools of his sisters and daughter.

Mansour, in his mid-30s, "is an emotional man ... with a small mind," said Mujahed, the former Taliban diplomat. He "is not educated; he knows only fighting."

In his hearing, Ali Shah noted that, after graduating from medical school in the late 1990s, he was unable to get a job as a doctor and, like many Afghan refugees in Tehran, took low-paying jobs, tailoring and driving a taxi, to survive. Especially given the difficulties of refugee life, he said, if he had been a Taliban supporter, he might have been expected to return to Afghanistan under their rule and take some position in the bureaucracy.

"You know that during the Taliban regime no Shiite had the right to express their opinion, while during the [post-Taliban] democracy Shiites had candidates in the presidential election," Ali Shah told the Marine colonel who presided at his hearing. "With which motivation do you think I would oppose the democratic government and associate with the Taliban and their like-minded people?"

The transcript shows that U.S. officers did not respond. Last month, Lt. Cmdr. Flex Plexico, a Pentagon spokesman, also declined to address any specific question about Ali Shah, declaring simply that "no mistake" was made in his detention or that of others being investigated by Newsday.

On March 22, Ali Shah has said, his military judges ruled that he is an "enemy combatant" of the United States, meaning he should be held indefinitely. In August, the State Department announced that it would hand about 100 Afghans at Guantanamo to the custody of the Afghan government, perhaps beginning within six months. None of the prisoners was named, leaving it unclear whether Ali Shah will be among them.

Staff writer Tom Brune in Washington contributed to this story.