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The Story of Ayman Batarfi, a Doctor in Guantánamo **by Andy Worthington**

Andy Worthington, author of [The Guantánamo Files](#), tells the strange story of Ayman Batarfi, a Yemeni doctor held as an “enemy combatant” for over seven years, whose release from Guantánamo was approved by the Obama administration’s Guantánamo review board on March 30.

No one in the U.S. military ever doubted that Ayman Batarfi, a slim and articulate Yemeni, who was seized in Afghanistan’s Tora Bora mountains after a U.S. bombing raid in December 2001, was a doctor — and, moreover, an orthopedic surgeon with the dedication and the frontline skills required to help out those less fortunate than himself in the humanitarian disaster area that was Afghanistan in 2001. However, for seven years the 38-year old was regarded as a threat to the United States because he had worked for a charity that the U.S. authorities regarded as being aligned with al-Qaeda and also because, through a series of accidents, he had met Osama bin Laden and had found himself in Tora Bora, when remnants of al-Qaeda and the Taliban were fighting the U.S. and their Afghan allies and the U.S. military had allowed bin Laden, Ayman al-Zawahiri, and numerous other senior figures in al-Qaeda and the Taliban to escape across the unguarded Pakistani border.

In 2001, twenty years of war and three years of drought had turned Afghanistan into the poorest and most desperate place on earth, a situation that was only exacerbated after the U.S.-led invasion that October. As Clive Stafford Smith, the director of the London-based legal charity [Reprieve](#), explained [in an article](#) last year,

The winter harvest was a near-total failure and five million Afghans faced potential starvation. The countryside was littered with landmines and unexploded ordnance. The hospitals were old and overwhelmed, and the medical infrastructure had collapsed. Sixty-five percent of Afghans had no access to health facilities. Half a million people were internally displaced and tens of thousands were

migrating, often on foot, to refugee camps in Pakistan and Iran. Domestic health care workers were also leaving Afghanistan to escape the poverty and strife.

Stafford Smith added, “A few altruistic health care workers” — including Ayman Batarfi — “were going in the other direction.” Born in Egypt to a Yemeni father and Egyptian mother, Batarfi attended high school in Saudi Arabia, where he taught himself English and earned a scholarship to Sindh Medical College in Karachi, Pakistan. After graduating in 1995, he took a one-year internship in general surgery, and then, as a post-graduate, studied orthopedic surgery under one of the leading orthopedic surgeons in Pakistan for another three and a half years.

As Stafford Smith also explained, Batarfi “specialized in repairing wrist fractures with ‘external fixators,’ a brace that screws into arm bones and allows injured patients use of their hands and wrists shortly after surgery. In the course of his practice in Pakistan, Dr. Batarfi operated on many Afghan children who had fled to Pakistan with untreated injuries. He came to believe, as a physician and a Muslim, that he had a deeper responsibility to these injured children.”

Ayman Batarfi’s story first came to light — for those prepared to delve deeply enough — in spring 2006, when the Pentagon lost a lawsuit to the Associated Press, and was obliged to release the names and nationalities of all the prisoners held at Guantánamo as well as transcripts of the one-sided tribunals that had been held to prove — to the Pentagon’s own satisfaction, if no one else’s — that those held at Guantánamo had been correctly designated as “enemy combatants” who could be held without charge or trial.

As I discovered, while researching my book *The Guantánamo Files*, Ayman Batarfi made one of the most notable appearances during the tribunals at Guantánamo. After explaining that he had first traveled to Afghanistan during the mujahideen resistance to the Soviet occupation, and again in the summer of 2000, he said that in May 2001 he traveled to Afghanistan again, in the hope of providing medical assistance to refugees from the conflict in Chechnya. In conversations with Stafford Smith at Guantánamo, he added that he had taken a short break from his post-graduate studies and had applied to both Western and Arabic NGOs, but without any success.

However, he then discovered al-Wafa, a Saudi charity based in Kabul, and began working for it As Stafford Smith described it, “Al-Wafa was in the process of renovating a hospital in Kabul and furnishing it with medical equipment and medications,” and Batarfi “was asked not only to assist in treatment, but to identify and purchase the equipment and medication that the hospital would need for full-scale operations. He made several trips to Pakistan to purchase medical supplies and equipment for transport back to Kabul, where they were so desperately needed.”

What Batarfi did not know was that al-Wafa was regarded with suspicion by the U.S. authorities because of a belief that it was a front for terrorism, and was blacklisted at the end of September 2001. Batarfi told Stafford Smith that he was shocked by the announcement — and,

noticeably, al-Wafa's leadership emphatically denied the allegations — but he nevertheless resigned from the organization and sought out new ways to help the Afghan people.

In Guantánamo, Batarfi was asked about al-Wafa's purported connection to al-Qaeda and the Taliban, which, at the time, was being used, at least partly, to justify not only his own imprisonment, but also that of al-Wafa's director, Abdul Aziz al-Matrafi, and several dozen prisoners who had been involved in the organization's humanitarian aid efforts. He made a point of stressing that al-Wafa was, of course, obliged to work with the Taliban, as they were the government, but that the organization had no connection with al-Qaeda or Osama bin Laden, because of the latter's suspicions regarding its Saudi connections.

He explained that “the al-Wafa office worked well with the Taliban office, especially with the Ministry of Health and Ministry of Education because they built the hospital, the schools and the mosque there,” but insisted that there was no relationship whatsoever between al-Wafa and Osama bin Laden and that bin Laden's people “believed al-Wafa was spying for Saudi Arabia, because some friends in Saudi Arabia support them financially.”

Batarfi proceeded to explain that although he wanted to stay in Afghanistan after resigning from al-Wafa, the chaos was such that he made his way back to Karachi by a “backdoors” route, but returned almost immediately to Afghanistan, after al-Wafa's representative in Karachi — Jamal Mar'i, a Yemeni who is still held in Guantánamo, who was seized from his house in Karachi on September 23, 2001 — had been taken to Jordan “on a special flight” (in other words, had been kidnapped and subjected to “extraordinary rendition”). He added that he also left because the person who supplied money to the organization returned to the United Arab Emirates, and because 300 students in Karachi had been rounded up and investigated, and he had been told that his name “was mentioned on the wanted list with al-Wafa because it was said you were purchasing medicine for them.”

After returning to Afghanistan, Batarfi gained permission from the Taliban to work in a clinic in Jalalabad, but was only there for two weeks before the city fell to the Northern Alliance, and he was obliged to flee once more. He explained that he made his way to the mountains when the city “collapsed within a half of an hour” and the Afghan doctors told him, “Arabs here have a very bad history; if they find you they will kill you. It would be best for you to go back to Pakistan.” However, he added that he hoped to rescue \$11,000 worth of surgical equipment and medicine for the hospital in Jalalabad — which, he said, had been purchased by the hospital supervisor from Pakistan when the Taliban agreed to open a new orthopedic department — and wrote to “the head of the mountains” for assistance, not knowing that it was Osama bin Laden.

After the tribunal got over its surprise, he added that he had met bin Laden once before — when he was burying someone who had died in a mortar attack, and bin Laden, who had been passing in his car, had stopped to talk to him — but explained that when he met him in Tora Bora he was unable to help, and told him that “he didn't have any route to leave the mountains and he

was stuck there himself.” He added, “According to my knowledge he stays a maximum of three days in one location.... He was running from the bombing and he was trying to go to Pakistan.”

During an administrative review at Guantánamo in 2006, Batarfi elaborated on the story, explaining that he had told bin Laden that the defense of Tora Bora was a lost cause because “Most of all the total guns in the Tora Bora area was 16 Kalashnikovs and there are 200 people.” He noted, however, that bin Laden “did not prepare himself for Tora Bora and to be frank he didn’t care about anyone but himself. He came for a day to visit the area and we talked to him and we wanted to leave this area. He said he didn’t know where to go himself and the second day he escaped and was gone.” Abandoned in the mountains, Batarfi said that the men who had been left by bin Laden were overwhelmed by American air power and that he struggled to tend to the wounded and dying. “I was out of medicine and I had a lot of casualties,” he explained. “I did a hand amputation by a knife and I did a finger amputation with scissors, and if someone was injured badly I was just operating on the table.”

As I explained in *The Guantánamo Files*, the effect of this story on Batarfi's tribunal, whose members were clearly drawn in by his eloquence and the drama of his narrative, was noticeable, and echoed his treatment from his earliest days in U.S. custody, when, after being wounded in the U.S. bombing raid as he attempted to leave the Tora Bora mountains, he had been taken to the U.S. prison at Bagram airbase, north of Kabul, instead of being taken to Kandahar, where the majority of the prisoners processed for Guantánamo were taken in the first few months of 2002.

At Bagram, as former interrogator Chris Mackey explained in [*The Interrogators*](#), a book he wrote (with the journalist Greg Miller) about his experiences in Afghanistan, Batarfi had been recommended for release, and had been given VIP status, including a private room to sleep in. When he was delivered to Kandahar, Mackey wrote that he was escorted by a 20-year old interrogator, “wearing cool-kid skater clothes,” who horsed around with him as though they were “a couple of junior high school chums.”

Mackey admitted that he was not entirely convinced by this scenario, and, as a result, assigned his most subtle interrogator to Batarfi, who, over the following weeks, developed a rapport with the doctor, engaging him in educated conversation, bringing him gifts, playing chess with him, and slowly attempting to find out if there was more to his story than he had previously revealed. In response, Batarfi apparently told more of his life story than he had before, and requested a second meeting with representatives of the CIA, who, he said, had approached him in Bagram and had offered him an opportunity to work as a spy. However, when a woman from the CIA duly turned up to talk to Batarfi, she launched into a sudden tirade, declaring that the agency knew that al-Wafa and al-Qaeda were “running an unconventional weapons program out of hospitals in Kandahar and Kabul,” that Batarfi was “apparently running all manner of nefarious

research in the basements of these medical facilities,” and alluding to suspicions that “there might be plans to put these substances to use.”

As Mackey noted ruefully, in response to this verbal assault, the bond with the interrogator was broken, Batarfi clammed up completely, and he was soon sent to Guantánamo, where he has been held ever since, awaiting his release, seemingly in vain, as the grandiose plot between al-Wafa and al-Qaeda melted away, like the illusion it clearly was, and, one by one, al-Wafa’s workers were steadily released, a process that culminated in [the repatriation of Abdul Aziz al-Matrafi](#), the organization’s founder and director, in December 2007.

On March 30, however, [an announcement by the Justice Department](#) signaled that Ayman Batarfi’s long and unfortunate imprisonment — as an emblem of a prisoner who ended at Guantánamo because he was in the wrong place at the wrong time — would shortly be coming to an end. As part of an inter-departmental review of the Guantánamo prisoners’ cases, which was [initiated by President Obama](#) on his second day in office, the Justice Department announced in a court filing with the District Court in Washington D.C. that it would not be contesting his forthcoming appeal for habeas corpus (scheduled to begin last week), and would, instead, “initiate the appropriate diplomatic process” to facilitate his “prompt transfer from Guantánamo Bay to an appropriate destination country.”

It is not yet known where Batarfi will be sent, as he no longer has family members in Yemen, although he does have siblings in Saudi Arabia. He may, therefore, remain in Guantánamo for some time before he finally secures his freedom. For now, he will have to be content with knowing that he is only the second prisoner to have his release approved by President Obama’s review board. The first, British resident [Binyam Mohamed](#), was [released on February 23](#), after his case — which, notoriously, involved “extraordinary rendition” and torture, and resulted in court cases on both sides of the Atlantic that were troubling for both the U.S. and the British governments — was fast-tracked to the top of the review board’s list of priorities.

To the best of my knowledge, Ayman Batarfi was not subjected to exceptional abuse in U.S. custody, but his wrongful imprisonment is a direct result of the extraordinary arrogance of the Bush administration. Notoriously, senior officials refused to allow the military to screen prisoners at the time of their capture, according to the competent tribunals laid down in the Geneva Conventions. These allow prisoners, close to the time and place of capture, to call witnesses to ascertain whether they are soldiers or civilians, and were used, successfully, in every other U.S. war from Vietnam onwards. As Ayman Batarfi’s story shows, the refusal to screen prisoners adequately continued in Guantánamo, because four separate review boards concluded that he was an “enemy combatant” who could be detained indefinitely without charge or trial.

The Obama administration has finally addressed these egregious errors in Batarfi’s case, but there are many more prisoners in Guantánamo who are still seeking an objective appraisal of their alleged crimes, including, of course, Jamal Mar’i, the al-Wafa employee who, like Batarfi,

had been partly responsible for buying medicine for the organization in Pakistan. Mar'i explained to his lawyer, Marc Falkoff, that this had involved him traveling to Kandahar for two weeks in May 2001 "to find out how the work was done and how the medicine is distributed," and that he had then been responsible for purchasing medicines from specialist stores in Pakistan.

After he was kidnapped from the house in Karachi that he shared with his wife and four children, and was sent to Jordan for four months, where he said, he was "not physically abused by the GID [Jordan's notorious intelligence service] but was hidden from visiting Red Cross inspectors," he too has languished in Guantánamo, apparently waiting in vain for justice to come his way. Unlike Ayman Batarfi, Jamal Mar'i's plight seems to have driven him to despair. In June 2006, [Marc Falkoff explained](#), "When I first met Jamal, he said all he needed was to have his case heard and everyone would see that he was innocent," but he added, "Now he won't even meet with us. He said that we initially brought him hope but that we're now like a mirage in the desert and he can no longer live with hope."

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