



## **The abduction and release of American soldier in Afghanistan (2009 – 2014)**

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### **ABSTRACT**

U.S. policy on terrorism has evolved through years of experience in combatting terrorism. The U.S. policy is based upon the conviction that to give in to terrorists' demands places even more Americans at risk. This no-concessions policy is considered as the best way of ensuring the safety of the greatest number of people.

Bowe Robert Bergdahl, the only US soldier held prisoner in Afghanistan has been freed on May 31, 2014, as part of a swap deal brokered by the government of Qatar that included the release of five Afghan prisoners held in Guantanamo Bay, Cuba.

It is not clear if the current prisoners exchange reflecting a new U.S policy or an exception as a response to unique situation.

\* The views expressed in this publication are solely those of the author(s) and do not necessarily reflect the views of the International Institute for Counter-Terrorism (ICT).

## **The abduction and release of American soldier in Afghanistan (2009 – 2014)**

U.S. policy on terrorism has evolved through years of experience in combatting terrorism. The U.S. policy is based upon the conviction that to give in to terrorists' demands places even more Americans at risk. This no-concessions policy is considered as the best way of ensuring the safety of the greatest number of people.

But against the American counter terror policy, Bowe Robert Bergdahl, the only US soldier held prisoner in Afghanistan has been freed on May 31, 2014, as part of a swap deal brokered by the government of Qatar that included the release of five Afghan prisoners held in Guantanamo Bay, Cuba.<sup>1</sup>

The Taliban prisoners are: Mohammad Nabi Omari, Mullah Norullah Noori ,Mullah Mohammad Fazl Abdul Haq Wasiq and Khirullah Said Wali Khairkhwa .All were high-ranking members of the Taliban government toppled by the US in 2001.<sup>2</sup>

The details of the five former Taliban leaders were made public by WikiLeaks :<sup>3</sup>

Mohammad Nabi Omari is described in the files as “one of the most significant former Taliban leaders detained” at Guantánamo. He is said to have strong operational ties to anticoalition militia groups, including Al Qaeda, the Taliban and the Haqqani network.

A former Taliban provincial governor, Mullah Norullah Noori, is also “considered one of the most significant former Taliban officials” at the prison, according to the documents.

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<sup>1</sup> US soldier freed in Taliban prisoner swap, Al Jazeera, May 31, 2014.

<sup>2</sup> US soldier freed in Taliban prisoner swap, Al Jazeera, June 1, 2014.

<sup>3</sup> Eric Schmitt and Charlie Savage, Bowe Bergdahl, American Soldier, Freed by Taliban in Prisoner Trade, The New York Times, May31, 2014.

Both Noori and a third detainee being exchanged, Mullah Mohammad Fazl, a former Taliban deputy defense minister, are accused of having commanded forces that killed thousands of Shiite Muslims, a minority in Afghanistan, before the Taliban were toppled in the aftermath of the Sept. 11 terrorist attacks.

The fourth detainee is Abdul Haq Wasiq, a former top Taliban intelligence official. The fifth, Khirullah Said Wali Khairkhwa, is a former minister of the interior and provincial governor.

### **The disappearance of Private Bowe Robert Bergdahl**

On 30 June 2009, Private Bowe Robert Bergdahl disappeared from a small combat outpost in southeastern Afghanistan, and is the only known American serviceman in captivity. Bergdahl was a paratrooper with the First Battalion, 501st Parachute Infantry Regiment, Fourth Brigade Combat Team, Twenty-Fifth Infantry Division, based at Fort Richardson, Alaska. His unit deployed to Afghanistan in March 2009, and he served at a base in Paktika province near the border with Pakistan in an area known to be a Taliban stronghold. US military officials said that low-level militants in the province nabbed the soldier and reportedly “sold” him to members of the Haqqani network, a hardline terror group with ties to the Taliban and Osama bin Laden. It was the first time that a US soldier had been captured in Afghanistan since the war began in 2001.<sup>4</sup>

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<sup>4</sup> Stephen Gaskell, “US Soldier Was Sold to Local Insurgent Group, Terrorists Say they Will Release Video Soon”, *NY Daily News*, 2 July 2009.

**The Taliban claims responsibility:**

Two days after his disappearance, a Taliban network led by veteran jihadist Jalaluddin Haqqani claimed to be holding the soldier. A man describing himself as a Taliban commander told the Agence France-Presse (AFP) news agency that Private Bergdahl had been taken across the border to Pakistan. “Our leaders have not decided on the fate of this soldier, they will decide on his fate, and soon we will present video tapes of the coalition soldier and our demand to media,” he stated.<sup>5</sup>

**The American response:**

US troops scoured eastern Afghanistan and tried to seal off the area to prevent the captured American soldier from being taken to Pakistan. “We are using all of our resources to find him and provide for his safe return,” said US spokeswoman Captain Elizabeth Mathias. US troops blanketed the area with two flyers: one of them asked the Afghan people for information on the missing soldier and offered a US\$25,000 reward for his return; the other was aimed at insurgents and showed two US soldiers knocking down a door, with the message: “Please return our soldier safely [or] we will hunt you.”

**Videos released by the Taliban:**

Bergdahl appeared in four videos released by the Taliban: on 19 July 2009, 25 December 2009, 7 April 2010, and 9 December 2010.

*The first video:* On 14 July 2009, the Taliban released the first video, in which Bergdahl talked about his love for his family, his friends, motorcycles, and sailing. “I’m a prisoner. I want to go

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<sup>5</sup> *ibid.*

home,” he said in the video, made available by the Washington-based Site Intelligence Group that monitors militant websites. “This war isn’t worth the waste of human life that it has cost both Afghanistan and the US. It’s not worth the amount of lives that have been wasted in prisons, Guantanamo Bay, Bagram, all those places where we are keeping prisoners,” he said. At times speaking haltingly, Bergdahl (clad in what appeared to be an army shirt and fatigues) clasped his hands together and pleaded: “The pain in my heart to see my family again doesn’t get any smaller. Release me. Please, I’m begging you, bring me home.” He added that he was strong, and was given the freedom to exercise and to be a human being, even though he was a prisoner. At the end of the video, a speaker, reportedly Afghan Taliban spokesman Zabihullah Mujahid, demanded the release of a limited number of prisoners in exchange for the American soldier. US military officials condemned the video as propaganda and vowed to find Bergdahl. “We strongly condemn this public exploitation and humiliation of a prisoner. It’s a violation of the international law of war and we will continue to use all resources available to us to return this soldier to safety,” stated US military spokesman Colonel Gregory Julian in Kabul.

*The second video:* The Taliban released a video on Christmas Day, 2009, showing Bergdahl seated, facing the camera, wearing sunglasses and what appeared to be a US military helmet and uniform. On one side of the image was written: “An American soldier imprisoned by the Mujahideen of the Islamic Emirate of Afghanistan.”<sup>6</sup> The man identified himself as Bergdahl, born in Sun Valley, Idaho, and gave his rank, unit, birth date, blood type, and his mother’s maiden name before beginning a lengthy verbal attack on the US conduct of the war in Afghanistan and its relations with Muslims. “I’m afraid to tell you that this war has slipped from our fingers and it’s just going to be our next Vietnam unless the American people stand up and

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<sup>6</sup> “Taliban Release Video of Captured US Soldier”, *The Guardian*, 25 December 2009.

stop all this nonsense,” he said.<sup>7</sup> Bergdahl told his fellow soldiers they were facing a well-organized and patient enemy – perhaps a reference to a statement made by the White House the previous month, predicting that the US would not be in Afghanistan in nine years' time. “To all you soldiers out there who are getting ready to come over here for the first time because of the stupidity of our country and leaders . . . you are fighting very smart people who know exactly how to kill us and are extremely patient,” he concluded.

The video, which had an English-language narration in parts, also showed images of prisoners being abused in US custody. Bergdahl said he did not suffer such ill treatment.<sup>8</sup> A statement read by Taliban spokesman Zabihullah Mujahid appeared at the end of the video and renewed demands for a “limited number of prisoners” to be exchanged for Bergdahl, stating that more American troops could be captured and claiming that US officials kept leading America “into the same holes”, citing examples including Vietnam, Japan, Germany, Somalia, Lebanon, and Iraq.<sup>9</sup> “This is just going to be the next Vietnam unless the American people stand up and stop all this nonsense,” he proclaimed.<sup>10</sup>

*The video of 7 April 2010:* The Taliban released a video of Bergdahl in which he said he wanted to go home and claimed the war in Afghanistan was not worth the number of lives that had been lost or wasted. The seven-minute video of Bergdahl showed him sporting a beard and doing a few push-ups to demonstrate he was in good physical condition. There was no way to verify

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<sup>7</sup> “Taliban Issue Video of Captive US Soldier”, *Reuters*, 25 December 2009.

<sup>8</sup> “Taliban Release Video”, *Guardian*, 25 December 2009.

<sup>9</sup> “Taliban Issue Video”, *Reuters*, 25 December 2009.

<sup>10</sup> “Taliban Release Video”, *Guardian*, 25 December 2009.

when the footage was taken. At the end of the video, a speaker again demanded the release of a limited number of prisoners in exchange for the American.<sup>11</sup>

*The video of 9 December 2010:* A video, released by the Taliban on 9 December 2010, contained footage of a man believed to be Bergdahl. Appearing thin and with a wound on his left cheek, he was seen standing next to Taliban commander Mullah Sangreen Zadran, who had claimed responsibility for the kidnapping and had threatened to execute the hostage. The video, which also showed footage of militant attacks in Afghanistan, was released by Manba al Jihad, a video production group affiliated with the Taliban. The man believed to be Bergdahl appeared only briefly in the video and was not the main focus of the release.<sup>12</sup> NATO spokesman Brigadier-General Josef Blotz said the coalition was not sure whether the footage was old or new.<sup>13</sup>

A commander of the Haqqani terror organization, who spoke by telephone from an undisclosed location, denied that his organization held Sergeant Bergdahl (he had been promoted in absentia) as the US believed. He did say, however, that Bergdahl was a captive of another branch of the Taliban and denied earlier reports that the twenty-six-year-old soldier was in danger. “I deny the remarks . . . that this will endanger the life of the American soldier,” the commander said, speaking on condition he not be identified, as Taliban field commanders feared being targeted if their identities became known. “We are not cowards, and we consider it as cowardly to harm prisoners,” he said. The US claimed that Bergdahl had been held by the Pakistan-based Haqqani group since 2009. However, the commander suggested that the hostage was with militants on the other side of the Afghan-Pakistan border: “The American soldier is

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<sup>11</sup> “Taliban Releases New Video of Captured Soldier”, *Komo News*, 7 April 2010.

<sup>12</sup> “Taliban Video May Show Soldier Held in Afghanistan”, *The China Post*, 9 December 2010.

<sup>13</sup> “Taliban Video Shows US Soldier Held in Afghanistan”, *Tehran Times*, 9 December 2010.

with the Emirate center [a reference to Taliban based inside Afghanistan] . . . . The Americans also know it.” He also revealed that the Taliban leadership council had previously issued instructions to its commanders, including those belonging to the Haqqani network, not to harm prisoners.<sup>14</sup>

## Summary

Sgt. Bowe Bergdahl was the only known U.S. prisoner of war in Afghanistan , captured by insurgents nearly five years ago. Bowe Bergdahl's release was part of a negotiation that included the release of five Afghan Taliban prisoners held in Guantanamo Bay, Cuba. The five Taliban prisoners at Guantánamo were being transferred into the custody of officials from Qatar, who accompanied them back to that Persian Gulf state, where they will be subject to security restrictions, including a one-year travel ban.<sup>15</sup>

In June 2013, a spokesman for the Taliban stated that they were ready to free Bowe in exchange for five senior operatives imprisoned at Guantanamo Bay. The offer came amid planned peace talks in Qatar involving three key players: the US, the Afghan government, and the Taliban.<sup>16</sup>

Bowe was last seen in a video released in December 2013. The Taliban spokesman said the footage was released as a “proof of life” demanded by the United States to ensure progress in the secret discussions on the possible exchange of prisoners.<sup>17</sup>

In February 2014, the Taliban said it has temporarily suspended talks with the United States on a

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<sup>14</sup> Kathy Gannon, “Captive Soldier Safe, says Haqqani Commander”, *AP*, 8 September 2012.

<sup>15</sup> Eric Schmitte, Taliban Prisoner Swap Frees U.S. Soldier Held Nearly 5 Years, *The New York Times*, May 31, 2014.

<sup>16</sup> Nate Rawlings, “The Return of Bowe Bergdahl ? Taliban Suggest Prisoners Swap of Last Remaining US POW”, *Time*, 21 June 2013.

<sup>17</sup> Ayaz Gul, Afghan Taliban: Suspending Talks With US on Prisoner Exchange, *Voice of America*, February 23, 2014.

possible prisoners' swap, citing the "current complexity of the political situation in Afghanistan."

The statement comes days after media reports quoted U.S. authorities as saying the Obama administration has renewed efforts at talks with the Afghan insurgent group to trade five senior Taliban leaders held at Guantanamo Bay, Cuba, for U.S. Army Sgt. Bowe Bergdahl.<sup>18</sup>

This was the first direct confirmation from either side that talks have taken place between the United States and the Taliban on a possible exchange of prisoners before the planned withdrawal of U.S. combat troops from Afghanistan in December.

A Taliban spokesman, Zabihullah Mujahid, said its representatives were conducting the discussions through their "political office" in Qatar, and authorities in the gulf state acted as mediators.

The negotiation between the US and the Taliban was mediated by the government of Qatar, with the US president thanking the state's Emir, Sheikh Tamim bin Hamad Al Thani, for his commitment.

In a statement the US president, Barack Obama, said: "Today the American people are pleased that we will be able to welcome home Sergeant Bowe Bergdahl, held captive for nearly five years."<sup>19</sup>

"On behalf of the American people, I was honored to call his parents to express our joy that they can expect his safe return, mindful of their courage and sacrifice throughout this ordeal.

"For his assistance in helping to secure our soldier's return, I extend my deepest appreciation to the Emir of Qatar. The Emir's personal commitment to this effort is a testament to the partnership between our two countries."<sup>20</sup>

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<sup>18</sup> Ibid.

<sup>19</sup> US soldier freed in Taliban prisoner swap, Al Jazeera, May 31, 2014.

The U.S traditional counter terror policy is the "no-concessions policy. " According to this policy the U.S. Government will make no concessions to terrorists. It will not pay ransoms, release prisoners, change its policies or agree to other acts that might encourage additional terrorism. At the same time, the United States will use every available resource to gain the safe return of American citizens who are held hostage by terrorists. It is not clear if the current prisoners exchange reflecting a new U.S policy or an exception as a response to unique situation.

The top Republicans on the House and Senate Armed Services Committees, Representative Howard McKeon of California and Senator James M. Inhofe of Oklahoma, said the release of the Taliban prisoners "clearly violated laws" governing the transfer of detainees from Guantánamo Bay.<sup>21</sup>

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<sup>20</sup> Ibid.

<sup>21</sup> Eric Schmitt and Charlie Savage, Bowe Bergdahl, American Soldier, Freed by Taliban in Prisoner Trade, The New York Times, May31, 2014.