

Summary of Administrative Review Board Proceedings for ISN 015

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the Muslim oath.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Certification, DMO-2, and The Terrorist Organization Reference Guide, DMO-3, to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee in answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (a.) Commitment: (3.a.1) After Eid 2000, the end of Ramadan, the Detainee traveled from Karachi to Quetta, Pakistan then to Kandahar and Kabul, Afghanistan, changing buses in each city.

Detainee: This allegation is wrong. I never traveled after Eid of Ramadan. I was staying home.

Designated Military Officer: (3.a.2) The Detainee says that he had four other brothers that were also drivers for the Taliban. He claims that these are actual brothers, not just Muslim brothers.

Detainee: This allegation is wrong. In total I have 5 brothers, 2 died in childhood, there are 3 left. One is not a driver, but he stays home. [Myself and another brother] are the only drivers. My older brother has never left Pakistan at all.

Designated Military Officer: (3.a.3) The Detainee transported personnel, weapons, food, and supplies.

Detainee: This is partially correct. I was not hired for this purpose. I would like to clarify how I worked for them. I went to Afghanistan looking for a job. When I got there I spent one night in Kabul and after that I traveled north to Konduz. Then, there was a vehicle parked. That vehicle was not in working order and belonged to the Soviet Union. The person responsible for it asked me if we fix this vehicle I would like you to transport some wood and some other stuff [for us] when we need you. I told him that I would never go to war and I came here to work-not for war. They hired me to transport this car and the car was not able to go into war anyway. Only a couple of times when they were transferring weapons to another vehicle and what ever was left over...they said to me it was an overburden for the vehicle...they [asked if] I could drive them there. It was only two times...not far...only two miles and then I didn't drive the truck. Somebody else drove my truck. I made an agreement with them that I would never go some place where there was a war. Since the vehicle was traveling to the war place I did not go. They used it and only those individuals were carrying weapons. I was not driving the car during the wartime, for war purposes, I was using it for other than war. Since they didn't have a regular army and they were just armed people they could ask any driver to take people anywhere. There were numerous people before me who had been working like this. This allegation is wrong. It happened just because something happened.

Designated Military Officer: (3.a.4) Additional materials the Detainee transported consisted of cooking oil, bullets, heavy coats and blankets.

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Detainee: [The same response I gave above.]

Designated Military Officer: (3.a.5) The Detainee was identified as being a member of the Harakat Ul-Jihad-I-Islami.

Detainee: At the place where I was working there were people from Harakat Ul-Jihad-I-Islami, Jaish-e-Mohammed and a lot of other people. I never got off my truck. All the time there were 40-50 people sitting there from Harakat Ul-Jihad-I-Islami or other people and I never got off my truck. I always spent time in my truck and if I had to get off I would walk to the market. I never got myself involved with them.

Designated Military Officer: (3.a.6) The Detainee admits to interacting with possible Pakistani Inter Services Intelligence Directorate (ISID) spies working for Taliban and Harakat Ul-Jihad-I-Islami forces that reported to their leader Sajjad.

Detainee: Sajjad is just an ordinary person. That is what I know. I don't know about other things. It is wrong that he is a spy or something like that.

Designated Military Officer: (3.b) Connections / Associations: (3.b.1) Shams Afghani is a friend of the Detainee who sold irons in Karachi, Pakistan and told him that Afghanistan needed drivers.

Detainee: That is correct.

Designated Military Officer: (3.b.2) Shams Al Afghani is originally from the Tora Bora region and was identified as being in charge of military operations and various fighters located in the valley of the Tora Bora region.

Detainee: That is wrong.

Designated Military Officer: (3.b.3) The Detainee stated that while employed as a driver with the Taliban, he received his pay from either Kari Saleem or [Mugheera] Bhai.

Detainee: That is correct. The correct spelling is [Mugheera].

Designated Military Officer: (3.b.4) Quari Saleem is the head of a madrassa used by Harakat Ul-Jihad-I-Islammi member Sajjad, who would frequently attend and hold meetings at the madrassa.

Detainee: It was a school, but not a regular madrassa. The walls were broken, the doors were broken, and there were some meetings, but not like it has been described here.

Designated Military Officer: (3.b.5) Sajjad is a member of the Taliban and a team leader in the Harakat Ul-Jihad-I-Islami. Sajjad held regular meetings in Qari Saleem's madrassa with about twenty or thirty people from the Harakat Ul-Jihad-I-Islami.

Detainee: This is correct.

Designated Military Officer: (3.b.6) The Harakat Ul-Jihad-I-Islami is a Sunni extremist group founded to fight in the jihad against the Soviets. It's made up primarily of Pakistanis and foreign Islamists.

Detainee: I only know that it was made to fight against Russia I don't know the rest of the details.

Designated Military Officer: (3.b.7) The Lashkar-e Tayibais the armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-wal-irshad, an anti-U.S. missionary organization formed in 1989. It was added to the U.S. Treasury Department's Officer of Foreign Asset Control's List, which includes organizations that are believed to support terrorist groups.

Detainee: This is an organization in Pakistan, but I don't know much detail about it.

Designated Military Officer: (3.b.8) The Detainee admits to hearing about Baba Shams, a local administrator of the Taliban.

Detainee: The first time I heard this name was in my previous interview only.

Designated Military Officer: (3.b.9) The Detainee provided additional information regarding other senior Taliban leaders. He described Juma Bahai, an Uzbek and the leader of the Taliban in Khawajghar. Juma was in charge of all Arabs and foreigners such as Pakistanis and Afghans.

Detainee: This is true, but I only heard that.

Designated Military Officer: (3.c) Other Relevant Data (3.c.1) Two of the Detainee's superiors were Qari Saleem and [Mugheera] Bhai.

Detainee: They were not my officers; they were just paying me.

Designated Military Officer: (3.c.2) Qari Saleem was commander of the Punjabi troops in the Konduz region. He coordinated troop and supply movements from the school to forward areas in Tangi, Bangi Taqar and Khawajaghaar. He also controlled all finances for the operation.

Detainee: I only know that he was some big shot in that madrassa, but I don't know the rest.

Designated Military Officer: (3.c.3) The Taliban forces used a school in Konduz as a headquarters and transition point for troops deployed in the Konduz region. Recruits, weapons, ammunition and food supplies were delivered from the school to forward areas north and east of Konduz.

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Detainee: This is the same school I already described. Not a big school, the one with the broken wall and broken doors and they didn't have that many weapons there. The weapons...not as described [in the allegation].

Designated Military Officer: (3.c.4) The Detainee surrendered to the Northern Alliance in Konduz on the tenth day of Ramadan. He drove his truck to Mazar-e-Sharif to surrender.

Detainee: There is a mistake in this statement. I never traveled on the tenth of Ramadan. I left [on the] seventh or eighth of Ramadan. I did not go to surrender, they asked me to take these [other] people to surrender and then they said I could go home. I took them to surrender and dropped them off, and then I left. There were a lot of other drivers that they let go, but they arrested me because I was the only Pakistani.

Designated Military Officer: (3.c.5) The Detainee escaped his captors shortly after surrendering and hid in a warehouse in some nearby woods until he was recaptured.

Detainee: This is wrong. When I was told to take those people [to surrender] they dropped their weapons in my truck. When I was driving [later that day to Mazar-e-Sharif] a Russian truck drove by and some people...or Dostums' people...one on the left side [of my truck] and one on the right side [of my truck]...both groups started fighting over the truck and ammunition. While they were fighting with each other I got off the truck and stood on the other side. The group that [was more powerful] took the truck. It was the afternoon by now, so I went to say a prayer at one place and I was fasting. There was a guy named Massoud and he said sit down here and in a few minutes you can go. He put me in a room with a door on the side. He said sit down and eat your dinner. He asked me where I was from and I said Pakistan. He kept me there for 5 days. Then after 5 days, it was about the twelfth of Ramadan, and he came and tied up my hands in the back and took me to a [different] place. There was a guy named Raees. He turned me over to him and got some money for me. Raees took me to another place and he handed me over to another guy and got some more money for me. Then that person was beating me up everyday and we heard the Americans were coming, [my captor] told me I better tell this to Americans. Then when the Americans came everything was fine. I remember that the Americans beat me up a little bit also. Not like [my other captors] did. [The Americans] broke my nose...you can see that bone is fractured (*the Detainee points to his nose*). Then they took me to Kandhar. That was not the tenth of Ramadan it was the seventh of Ramadan and I did not go to surrender, those people that were fighting went to surrender, I just drove them there. I did not have any alliance with those fighters. I drove those people to surrender and the other drivers left as well. [Since they were Afghani, nobody asked them their nationality], when they asked me and I told them Pakistani, they kept me.

Designated Military Officer: (3.c.6) Besides the Harakat Ul-Jihad-I-Islami, the Detainee was able to identify other Islamic groups known to him, the Jaish-e Muhammed, Harakat-Ul-Mujahediin and Lashkar-e Tayyiba.

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Detainee: When they asked me if I know of them or did you hear about them I said yes. I had been traveling in Karachi for a long time. These people have big banners hanging all over Karachi and in Pakistan. Of course I heard of them. When they asked I said yes and now I don't know what they are making up by saying that I know...what do you mean I know of them? Does [that mean I have a relationship with them?] Like I heard about Bush, do I know Mr. Bush very well?

Presiding Military Officer: Your explanation is fine if you know them by name because they are very famous groups then that is a good explanation.

Detainee: This question to me is wrong because according to this question '*knowing*' means I know them very well like his son, his brother, his history, I don't know that.

Designated Military Officer: (3.c.7) The Harakat ul Mujahidin is a Pakistan-based Islamic militant organization.

Detainee: Yes.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a.) The Detainee claims he was never introduced to anyone higher than Qari Saleem.

Detainee: What do you mean by introduced?

Presiding Officer: I am introduced to him. He knows me by my name because I tell him what it is and he tells me the same. We may just meet one time.

Detainee: Yes, that is correct.

Designated Military Officer: (4.b.) The Detainee denied ever receiving training from the Taliban and he claims he was not aware of any training camps for Taliban or al Qaida fighter nearby.

Detainee: Yes, that is correct.

Designated Military Officer: (4.c.) The Detainee states he has never met Usama Bin Laden and doesn't know where he's located.

Detainee: That is correct.

Detainee: I trusted the investigators. There are some questions that they asked me and I responded, but they exaggerated in the questions. [A little bit is true], but then they exaggerate a lot of things. Like the fourth question where they say I left on Ramadan ten. I didn't say I left on Ramadan ten. If I say I left my home that does not mean I left on the eighth day. They were interrogating me and I said I did not know, [but] they said tell [us] just a little bit. I did not know how many people would get together in the madrassa...30-40...they would say just tell them...and then they would just write [a

number] down. I don't know how many people they trapped like this. I knew I was not at fault and I wanted to tell them without any hesitation. Luckily I came in front of the board today and I am telling you all of these things, but the interrogators did this to a lot of people. In the beginning I did not like Americans at all. I had never seen Americans. In the beginning when I came here the interrogations were tough and I started hating them more, but then after the board and CSRT, and someone showed me pictures from 9/11. Then I realized that they have a right to be angry. Their brother, their sister, their daughter died there. They have a right to be angry. My hate toward Americans was gone. Then I met with other American people and I started liking them and there are good people among them. After I heard this today, it is all coming back. Why are they exaggerating all of this? When you capture an innocent person and you bring them here, you tell them you are going to help them. You just [told me] this and when someone responds to this and makes a big deal out of these allegations like the interrogators did...so what should I think? What kind of people are you? Will you do the same thing the interrogators did to me or the previous CSRT did? Should I consider [all people] the same or should I expect justice? Yes, they are going to be fair to me and do justice.

Presiding Officer: Well, I hope you would believe that we would do you justice after we review all of the information. We appreciate you being truthful and sincere with your answers. Do you have anything else to add?

Detainee: I have a problem. Can I explain it to you?

Presiding Officer: Sure.

Detainee: I was working in Afghanistan and what money I made...after I was captured [the money] was gone. I stayed a couple of years in Afghanistan and the four years here. I have a very old father...we are not rich people...I have a sister that we have to get wed. The system over there is not like this. To wed a female, the parents have to spend all of the money in our country. I have no money left. I don't know what to do when I go back. Can you find out if there is any place that I can apply after I leave here so that they can get me a job or something like that? I don't know [how to do] anything but drive a truck. Is there anything that you can help me...or is there anything that I can submit an application to an organization?

Presiding Officer: Not that we are aware of, but the government of Pakistan may have something if and when you are returned to the country that you can apply for but I don't have knowledge of anything. If and when you are transferred or released to the government of Pakistan you could explain to them at that time that you are willing to work, I am only are a truck driver and that's all you know how to do, and maybe they could train you.

Detainee: Pakistan never arrested me. You did.

Presiding Officer: It will addressed when you are released or transferred.

Detainee: Should I write an application or where should I write an application?

Presiding Officer: Again, the International Committee for Red Cross visits the Detainees and they can help you out with that kind of information.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

(The Administrative Review Board took a brief recess to discuss the procedure of the board)

The Assisting Military Officer had no further questions for the Detainee.

The Designated Military Officer had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: How long did you work for the Taliban?

Detainee: Six or seven months.

Board Member: What is the closest you came to fighting while you were driving your truck?

Detainee: When I went there people were not fighting. They were both sitting on both sides of the line. When I went there it was snowing over there so there was no fighting. When it is snowing there is no fighting.

Board Member: Did you carry a weapon in your truck?

Detainee: I was not allowed to.

Board Member: How long were you in Afghanistan?

Detainee: What ever I said in questions six or seven.

Board Member: No, how long were you in Afghanistan? You worked for the Taliban for six or seven months, how long were you in Afghanistan?

Detainee: I only spent one night in Kabul [before] I started working for them.

Board Member: I thought you had to be member of the Taliban to work for the Taliban.

Detainee: I have already explained that. I was working as a driver and there were a lot of other people working as drivers. Whoever was available they would grab and have them drive the truck. I was not a member of the Taliban. They only [catch you] if there was anything...the first priority was to drive for them, then I could drive for someone else.

Board Member: What did you do with the money your earned working for the Taliban?

Detainee: I was making one million Afghani per week and [whomever] else I drove for [on the side], also [paid me] that much. I kept all of the money in the truck.

Board Member: So what happened to that money when you were captured?

Detainee: It was in the truck when they took it.

Board Member: What nationality were the other drivers that they let go when you were captured?

Detainee: They were Afghanis.

Presiding Officer: The comment you made about escaping your captors and your captors beat you...but you were beaten by... is that correct?

Detainee: I already told you I did not escape from there. They beat me up because what they wanted me to say I was refusing to say. They wanted me to tell the interrogators that I had recently arrived. I said that I have been working with you for the last 2 months. They wanted me to say that I had come to fight only, [but I did not go there to fight, I went there to work], and I just came here as a driver and had been working there a long time. The next morning some people in civilian clothes came to ask [question me] and I was not telling them what they [wanted to hear] so they beat me up.

Presiding Officer: You mentioned that the Americans broke your nose was that uniformed Americans or people in civilian clothes?

Detainee: First, Massoud's people beat me up and made my nose bleed. The [next] morning an American came, he was wearing a camouflage uniform and he was a very hefty guy, and he beat me up and broke my nose. When they brought me to Kandahar, my hands were tied up in the back, they threw me on the floor, and I fell face down and four people were sitting on me and one guy was hitting me on my head. Then, I consulted the doctor over there and he asked [about my injuries]. He didn't give me any medicine or anything. After two years, he asked if he should do surgery and I told them no I didn't have any pain or anything.

Presiding Officer: Do you recall the year you were being questioned or interrogated by those Americans?

Detainee: Last year, the previous year...I just remember I left my home and went to...

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Presiding Officer: Let me rephrase that question. When your nose was broken was that here or before you came to Cuba?

Detainee: First it was in Mazar-e-Sharif and then in Qatar.

Presiding Officer: Zia Ul Shah do you have anything else you would like to add?

Detainee: No sir. When will I hear about this decision?

Presiding Officer: I will cover that in just a second.


The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.


✓ Colonel, USMC
Presiding Officer

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