

Summary of Administrative Review Board Proceedings for ISN 076

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 (AMO) was sworn.

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

The Detainee accepted taking the oath.

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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 20 September 2005, and lasted for sixty-eight minutes. The Detainee was attentive, cooperative and polite throughout the interview. After a review of the ARBs purpose and procedures, the Farsi translation of the Unclassified Summary of Evidence was read to the Detainee. The spoken and written language of the Detainee, Tajik, presented a complication. The spoken language in Tajikistan is Farsi, but it is written using the Cyrillic alphabet. The Detainee indicated that he could also read Russian, so a Russian translation of the Unclassified Summary of Evidence was prepared by IOE. The Detainee was given a Russian translation of paragraphs one, two, and five of the Unclassified Summary of Evidence for his review during the initial interview; the

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remainder of the Russian translation was presented to him on 22 September 2005. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence and chose to respond to each statement in the Unclassified Summary of Evidence as it is presented to the board.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, 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 with answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee stated that his passport and money were taken when he arrived in Lajerg. The Detainee was told his things would be returned once his military job was completed.

Detainee: Yes.

Designated Military Officer: (3.a.2) The Detainee was given military clothing, received some weapons training, and stood guard duty.

Detainee: This is not true.

Designated Military Officer: (3.a.3) The Detainee traveled from Doshamba, Tajikistan to Mazar-e-Sharif via Taleel Dora, Lajerg and Konduz, Afghanistan.

Detainee: I was flown from Lajerg, Tajikistan to Konduz, Afghanistan and from there I went to Mazar-e-Sharif. There wasn't any Taleel Dora. I was not in Taleel Dora at all.

Designated Military Officer: (3.a.4) The Detainee, along with a group of men, stayed at a military compound in Mazar-e-Sharif.

Detainee: Yes, I was in Mazar-e-Sahrif, but it wasn't a military compound and I was not around military people. If there were any military people or compounds I am not aware of it.

Designated Military Officer: (3.a.5) The Detainee did admit to fighting in the mountains.

Detainee: In which mountains?

Presiding Officer: It does not specify here, but my guess would be Tora Bora.

Detainee: I never fought in my life, especially in the mountains. I have never fought anywhere.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.6) The Detainee was at the front lines for seven days in the Khawaja Ghal region of Afghanistan.

Detainee: Khawaja Ghal is the name of a village in Afghanistan. Yes, I did live in that village, but I am not aware if it is the front lines or something else. I am not sure if it is the front lines. I never said that.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee and other soldiers received military and physical training at the Mazar-e-Sharif, Afghanistan facility.

Detainee: That is not true.

Designated Military Officer: (3.b.2) The Detainee stated that he received three days of weapons training at Mazar-e-Sharif. The Detainee further stated that he never shot the weapons and the training lasted only about one half hour each day.

Detainee: That is not true. I never got any military training.

Designated Military Officer: (3.b.3) The Detainee stated that he knew about weapons prior to Camp Lajerg. He stated after attending school for ten years, he took the one-week mandatory weapons training in Tajikistan.

Detainee: It is not at the end when you finish the school. It is while you are still a student. In high school after the tenth grade they will take the boys for one week of training.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee was introduced to an individual who was in command of the soldiers at Lajerg, Tajikistan. The individual told the Detainee to go into the military to work.

Detainee: He was an unknown individual. I don't know if he was a commander or a military officer. I don't know anything about it. He was an unknown person that told us it was better if we went into the military.

Designated Military Officer: (3.c.2) The Detainee stated that this individual was a leader for the Islamic Movement of Uzbekistan (IMU). The Detainee also stated that there were only IMU leaders and followers at Camp Lajerg.

Detainee: There was an Uzbek party called Uzbek Unity. I don't know if it was an Islamic Party, Communist Party, or Democratic Party. All I know is there was a community of Uzbeks.

Designated Military Officer: (3.c.3) The Foreign Government Agency established that the Detainee was recruited by an Islamic Movement of Uzbekistan Emissary in Tajikistan and was sent to Afghanistan.

Detainee: I was in Lajerg and there was an Uzbek community over there. I was there and then they transferred me to Afghanistan and I was not even aware of where I was going. I was not aware that they were going to take me to Afghanistan.

Designated Military Officer: (3.c.4) The Detainee denied membership with the Taliban regime but did admit to being a member with the Islamic Movement of Uzbekistan.

Detainee: I never admitted or never said that I was a member of IMU, the Islamic Uzbek Party. When they captured me and interrogated me I told them the truth. I told them that I was with Uzbeks. I never said that there was an Uzbek Party or Islamic Party and that I was a member. All I said to the interrogators is there was an Uzbek community and I was with them.

Designated Military Officer: (3.c.5) The Detainee confirmed that he was a passenger on a truck that contained Taliban soldiers who had surrendered to Dostum's forces at the Khawaja Ghal compound.

Detainee: I was with Uzbeks when we surrendered.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee denied ever receiving a military uniform.

Detainee: Yes.

Designated Military Officer: (3.d.2) In Mazar-e-Sharif, Afghanistan, the Islamic Movement of Uzbekistan gave the Detainee new clothing which consisted of two long shirts with pants. They also gave him a black turban. The Detainee denied knowing that the Taliban wore these clothing items.

Detainee: Of course when I was in Afghanistan one will need clothing. You cannot walk [around] without wearing anything. They gave me Afghan type clothes and I was wearing those.

Designated Military Officer: (3.d.3) The Detainee stated he was captured, along with others, at Mazar-e-Sharif, Afghanistan.

Detainee: Yes, that is true. I was in Mazar-e-Sharif.

Designated Military Officer: (3.d.4) The Detainee believes he could be in trouble upon returning home to Tajikistan because he was with the Islamic Movement of Uzbekistan.

Detainee: When I was in Tajikistan I did not have a criminal record or anything like that. My record was clean. I have never been a member of the Islamic Movement of Uzbekistan, but when I found myself in Afghanistan and being with the Uzbek community I was afraid to go back to Tajikistan. I thought it might create a problem for me because I was with the Uzbek community. This is one thing the interrogators told me during the interrogations. The interrogator told me it would be a problem for me if I went back to Tajikistan since I was with the Uzbek community.

Designated Military Officer: (3.d.5) The Detainee stated that he is willing to return to Tajikistan, as long as he faces no charges upon his return.

Detainee: Of course if I get released from here I don't want to go back to prison.

Designated Military Officer: (3.d.6) The Detainee realized he was "tricked" by an individual upon arriving in Afghanistan.

Detainee: I was tricked from the beginning, even before I arrived in Afghanistan. I feel like I was tricked.

Designated Military Officer: (3.d.7) The detainee acknowledged that he has lied to previous investigators regarding training conducted at Camp Lajerg, Tajikistan.

Detainee: No! No! This is not true. During the interrogations one of the interrogators told me that in my previous interrogation, in the beginning, I told them about getting training in Camp Lajerg, Tajikistan. I told them that [information] was not true and I never said that. I don't know if the translator translated or what the translator translates back. But, I never admitted that I lied. They told me at some point I said that and I said that is not true. I never talked about getting training at Lajerg, Tajikistan. I don't know why you call that lying. What I mean is I did not lie. I told the interrogator that I never said such a thing. I never said that I have been in Lajerg, Tajikistan and I got military training.

Designated Military Officer: (3.d.8) The Detainee was at Mazar-e-Sharif during the uprising at Khawaja Ghal, Afghanistan.

Detainee: I am not sure what you are talking about. Where is Khawaja Ghal? Where is Mazar-e-Sharif? Which uprising are you talking about?

Board Member: The prison uprising at the fortress at Mazar-e-Sharif...outside of Mazar-e-Sharif. I think the name of it is Qala-I-Jangi.

Detainee: Yes, I was at Qala-I-Jangi, but I was not participating in that uprising. Yes, I was in Mazar-e-Sharif.

Designated Military Officer: (3.d.9) According to the Detainee, the leader of the Islamic Movement of Uzbekistan (IMU) ordered all IMU soldiers to surrender to Northern Alliance Forces.

Detainee: Yes.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a.) When asked about weapons training at Camp Lajerg, the Detainee stated that he does not like to shoot and that he never received any weapons training at Camp Lajerg. He collected wood for the fire.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee stated that before arriving in Afghanistan he had never heard of the Islamic Movement of Uzbekistan.

Detainee: I never heard about it until now. I don't know if it is a Communist Party, Islamic Party, or Democratic Party. All I know is that it was like an Uzbek community or Uzbek union.

Designated Military Officer: (4.c) The Detainee stated that he is not an enemy of the United States.

Detainee: That is true.

Designated Military Officer: (4.d) The Detainee stated that he likes Cuba. The Detainee said that he would not fight against America, adding that he did not want to fight against anyone.

Detainee: I never fought before and I am not going to fight after this. I have never fought in my life.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Presiding Officer: Assisting Military Officer please read the Detainee comments on the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: They are essentially the same as the Detainee comments.

Presiding Officer: You made some comments during your interview with the Assisting Military Officer. Do you wish for us to go over them? You pretty much answered them today in regard to the line-by-line comments.

Detainee: It does not matter to me.

Presiding Officer: Thank you. I will also ask you one more time if you have any additional comments you would like to make to the board?

The Detainee made the following statement:

Detainee: I just want to add that this is how I have been tricked. They told me that I was going to serve for the Army of Tajikistan's government and that is why they took me into Lajerg, Tajikistan. I was thinking that I would be a soldier for the Tajikistan government. It was very cold over there and they said they were going to move me into a warmer climate, but I did not know it was going to be in Afghanistan. That is how I have been tricked. To tell the truth, the purpose of me going into Lajerg was not serving as much as it was about money. I wanted to earn some money. That is why I went there. When I left my home I actually wanted to do some business to earn some money. That is why when I heard the words serving and money and that they would give you money if you served, I agreed to go there. When I was in Afghanistan I did not have a passport. I didn't have family, relatives, or friends. I could not find my way around. That is why I couldn't return back to Tajikistan. That is all.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: How old are you?

Detainee: I am 24 years old. My birthday is 15 September 1981.

Board Member: Did you have any kind of employment in Tajikistan before you went to Afghanistan?

Detainee: No.

Board Member: Did you have a passport when you left Tajikistan?

Detainee: I did have a passport when I was in Tajikistan, but when I came to Lajerg they took my passport away from me and transferred me to Afghanistan. I did not have my passport with me there.

Board Member: Who took your passport?

Detainee: In Lajerg there was a person responsible for us and he took it.

Board Member: When you went to Mazar-e-Sharif were you there during the uprising?

Detainee: Yes, I was there in Qala-I-Jangi.

Board Member: Where were you in Qala-I-Jangi?

Detainee: It was like a yard over there. We were there and our hands were tied behind our backs. We were sitting there when this thing got started and we heard explosions.

Board Member: Is that where you were for the full time of the uprising or did you go somewhere else in the prison?

Detainee: They would make us sit in a line. We were not sure if they were going to shoot us, kill us, or what they were going to do. We heard the explosion and immediately after that people started shooting at us from behind the wall of Qala-I-Jangi. I saw that people were being killed right and left so I ran. I ran and I got injured on my leg. I ran and there was like this underground [area]. I ran over there and I was hiding there until the thing was over.

Board Member: Were you in the basement when they flooded the basement?

Detainee: Yes.

Board Member: Was there any way for you to...were your hands tied all of this time?

Detainee: Once I got underground some other people opened my hands. They opened my hands and since I was injured they put something around my injury.

Board Member: Who tied your hands?

Detainee: Afghans. I think it was Dostum's soldiers. You mean the first time when we got arrested?

Board Member: Yes.

Detainee: Dostum's soldiers.

Board Member: If you go back to Tajikistan what do you think you will do? If there are no charges and you can go back to your civilian life what will you do?

Detainee: My parents are in Tajikistan and I am an only child. I will take care of my parents and I will continue my life over there.

Board Member: Do you have any kind of work in mind?

Detainee: I don't know about that. I have been here for four years. I am away from education and I don't have much skill or anything. I am not sure what I am going to do?

Board Member: Is there another country that you would like to go to if there are charges pending in your home country?

Detainee: In that case, I would like to go to a third country, but I don't have in mind which one, but whichever country will accept me.

Presiding Officer: The unknown individual that was in command of the soldiers in Lajerg, Tajikistan, you said that you were not sure if he was a commander, do you know his name now? After having met him, do you know his name?

Detainee: The person who tricked us?

Presiding Officer: It says you were introduced to an individual who was in command and that is whom I was referring to.

Detainee: His name is Rostam.

Presiding Officer: Is Rostam the individual that tricked you in the beginning?

Detainee: Yes.


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, U.S. Marine Corps
Presiding Officer