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Summary of Administrative Review Board Proceedings for ISN 943

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 asked the Detainee if he wished to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the Muslim 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 the comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 18 November 2005, and lasted 30 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he would like to attend the ARB and speak openly to the Board Members. The Detainee was very polite, attentive, and would like to respond to the Unclassified Summary of Evidence after each allegation is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

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The Detainee chose to respond to the Unclassified Summary of Evidence as each item of information was presented.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and 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 read the Unclassified Summary to assist the Detainee with answering the statements.

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.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was a student of the Koran for five years at the Hayez Tajudin Madrassa in Quetta, Pakistan.

Detainee: Yes.

Designated Military Officer: (3.a.2) The Detainee stated that the Madrassa he attended taught Jihad against Americans.

Detainee: No.

Designated Military Officer: (3.a.3) A senior Taliban member and the Detainee were reported to be recruiting members to fight Americans and the Afghanistan Government. This senior Taliban member and the Detainee were reported to be entering villages in the region and preaching in mosques.

Detainee: No.

Presiding Officer: I would like to go back to allegation/statement 3.a.2. Who were they [Madrassa Mosque] teaching Jihad against?

Detainee: In regard to that matter Sir, Jihad was not being taught. Only the Koran was being taught [at the Madrassa].

Presiding Officer: Which one [establishment] was teaching Jihad?

Detainee: I have not seen that kind of Madrassa that teaches Jihad or preaches about Jihad.

Presiding Officer: You must be the only individual in Afghanistan that thinks that way. You [the Detainee] are not getting off to a very good start.

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Board Member: Are you aware of *any* extremist Islamic movements?

Detainee: No. I don't know anything about things like that.

Board Member: Please tell the Review Board the truth. Do you know of [about] the Taliban?

Detainee: No. I do not know the Taliban.

Board Member: How far away was the Mosque you attended from your home?

Detainee: The Madrassa was in Pakistan.

Board Member: How far was the Madrassa from your home?

Detainee: I don't know the distance. My house is in Boldak Province and the Madrassa is in Quetta, Pakistan.

Board Member: How long did it take you to get from your house to the Madrassa?

Detainee: It took about four or five hours.

Board Member: How did you get to the Madrassa [mode of transportation] and who paid for the travel?

Detainee: My father paid for the travel.

Board Member: What mode of travel did you use to get back and forth? Bus, car, taxi, etc.

Detainee: We would use different kinds of vehicles. We call them buses.

Board Member: Did you own your own vehicle?

Detainee: No.

Board Member: According to the Koran, what is the definition of Jihad?

Detainee: I don't know the *meaning* of the Koran. I just went to the Madrassa to learn how to *read* the Koran.

Board Member: What does Jihad mean?

Detainee: Maybe Jihad is in the Koran, I don't know. I was reading the Koran to learn how to read, not to learn the meaning of the Koran.

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Presiding Officer: Are you saying that you could have been teaching Jihad and not even realized it?

Detainee: [to the Board] How would I be able to teach about Jihad and not know about it?

Presiding Officer: You stated that you had been reading the Koran, but you didn't know what you were reading [the meaning of what you were reading].

Detainee: I didn't say that.

Presiding Officer: What *did* you say?

Detainee: I never said anywhere at any time that I taught Jihad.

Presiding Officer: Do you want to go home?

Detainee: Yes.

Presiding Officer: The area and the mosques you are talking about [referring to] are well known mosques that teach and have taught Jihad. You're telling the Review Board that these mosques *were not* teaching Jihad is highly incredible. Is it possible that you were not aware of it [Jihad being taught at the mosques]?

Detainee: For me, I just went there [the Madrassa] to learn how to read and memorize the Koran. I did not go to teach Jihad or anything else.

Presiding Officer: How did it come to pass that so many others who went to the same mosque received a different message [the purpose of attending that particular Madrassa]?

Detainee: I don't know about other people and other messages they may have received. I just know, and I have said it before, that all I know is what I have already said [I went to the Madrassa to learn how to *read* the Koran].

Board Member: Why did you travel four to five hours to read the Koran when you could have just stayed at home and read the Koran?

Detainee: Well, I am a Muslim. At home I do have a Koran, but the purpose of the Madrassa is to go there and read and learn the Koran. I just want to know [from the Board Members], why is the Madrassa built if we are not going to use it?

Presiding Officer: The Review Board does not answer questions.

Designated Military Officer: (3.a.4) The Detainee and a senior Taliban member held individuals at gunpoint and preached Jihad against the illegitimate Afghanistan Government and the Americans.

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Detainee: I have never had a gun. I have never preached [Jihad]. I don't know about these things. Even before the Americans [came to Afghanistan] I didn't know anything about Americans. I don't know anything about the Afghani Government. I do not have any hostility toward anyone.

Designated Military Officer: (3.a.5) The Detainee was reported to be recruiting males under the age of sixteen to fight Jihad. Furthermore, the Detainee was identified as the assistant to a senior Taliban member and responsible for facilitating finances and recruiting.

Detainee: This report is wrong. I don't know anything about these things.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee stated that he knows the senior Taliban member because they are both from the same village. The Detainee claimed that he was in charge of the compound in Adi Ghar.

Detainee: I don't know a high-ranking Taliban member. I don't know anything about Adi Ghar. I was not responsible for the Adi Ghar compound.

Designated Military Officer: (3.b.2) The senior Taliban member operated in the Spin Boldak Province. He was identified as the leader of the Taliban Terrorist Group Sola Orgzan (Bringers of Peace).

Detainee: Except for learning the Koran, I don't know anything about this group. I don't know anything about these things.

Designated Military Officer: (3.b.3) The Detainee's father told him that his brother was with this senior Taliban member in the Adi Ghar Mountains and to go get his brother and bring him home. The Detainee arrived at the senior Taliban member's compound and was greeted by an armed guard. The Detainee asked if he could see his brother.

Detainee: Yes. My father sent me to get my brother and bring him home. The rest of the allegation, I am not aware of these things.

Designated Military Officer: (3.b.4) The Detainee's brother came out of the camp and the Detainee said to his brother, "lets go home." The Detainee's brother was carrying a rifle with a shoulder strap and two grenades in his pockets.

Detainee: Yes. My father told me to tell my brother to come home. I went for him [my brother]. What ever he [my brother] was carrying with him, I don't know. Those items were his [my brother's] not mine.

Designated Military Officer: (3.b.5) The Detainee was identified as a Taliban member and he was reported being seen in the Spin Boldak region.

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Detainee: I have never been a member of the Taliban and I am not a member of the Taliban. People have seen me in Spin Boldak because that is my hometown. That is where I live. Walking or being seen in your hometown is not a crime.

Board Member: Was your father or your brother a member of the Taliban?

Detainee: If my father and my brother were members of the Taliban, I am not aware of that fact. I don't know if my father and brother were members of the Taliban. Why would I be captured because of my father and my brother crimes?

Board Member: Why did your father send for your brother?

Detainee: I didn't ask my father why. My father ordered me to go get my brother, so that is what I did.

Designated Military Officer: (3.c) Detainee Actions and Statements. (3.c.1) The Detainee was arrested after he and his brother tried to avoid being stopped by an American convoy. The Detainee's brother appeared to be armed with a rifle and a grenade. The Detainee's brother attempted to use the grenade against American soldiers.

Detainee: I never tried to avoid or runaway from the Americans.

Presiding Officer: That is not what the allegation/statement [3.c.1] says.

Detainee: When they [the Americans] told us to stop, I stopped. The rest of what happened, I am not sure.

Presiding Officer: Your brother kept going [did not stop] and that is what got him killed, is that correct?

Detainee: I don't know about that. That is not my business.

Presiding Officer: You were there [when the incident occurred].

Detainee: So, I was captured and arrested because of my brother?

Board Member: Did you see your brother get shot?

Detainee: Yes.

Board Member: So you were there. You saw your brother.

Detainee: Yes.

Board Member: What did your brother do?

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Detainee: When I was told to stop, I stopped. When I stopped, they [the Americans] fired at my brother.

Presiding Officer: What was your mode of transportation [at the time of the incident]?

Detainee: We were riding a motorcycle.

Presiding Officer: So I understand this correctly, you and your brother were riding a motorcycle. You [the Detainee] got *off* the motorcycle?

Detainee: Yes.

Presiding Officer: Once you got off the motorcycle, did your brother keep going?

Detainee: Yes. Actually, my brother and I got off the motorcycle at the same time.

Presiding Officer: Your brother got back on the motorcycle. What did your brother do when he got back on the motorcycle?

Detainee: The Americans told me to stop. I stopped. Then the Americans fired at my brother. I don't know anything else [that happened].

Board Member: How much time had passed between when you were stopped by the Americans and when your brother was shot?

Detainee: I don't know. I didn't look at a watch because I didn't have a watch.

Board Member: I didn't ask if you had a watch. I asked you how much time you thought had passed between you stopping and your brother being shot.

Translator: The Detainee is trying to say that because he did not have a watch he does not know how much time passed.

Detainee: I can't say how long. Because I don't know the time, any time I say would be a lie. I don't know any more than that. They [the Americans] said stop, so I stopped.

Board Member: How long have you been detained here at Guantanamo Bay?

Detainee: The Americans know how long I have been here.

Presiding Officer: [To the Detainee] You are being evasive. Do you know what that word means?

Detainee: Well, you say that I am evasive, but I don't have any information.

Presiding Officer: You do have information. You were there. The Review Board is trying to determine whether you should be: (1) released, (2) transferred, or (3) detained.

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The Review Board is trying to help you, but you are not answering our questions fully. You need to help yourself. Being truthful isn't just telling the truth. Being truthful means to tell the *entire* truth. Not just relaying the information you want to relay.

Detainee: Whatever information I had, I have already told you, explained it. The rest of the things you are talking about, I don't know about these things.

Presiding Officer: The Review Board is not impressed.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee said that he does not know if all Americans are non-believers because prior to coming to Guantanamo Bay the Detainee had never seen an American. The Detainee also said that he has no love for non-believers but would not kill them in the name of Allah or Islam.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee claimed that he is not angry with the United States personnel who shot and killed his brother. The Detainee also claimed that he has never tried to hurt or harm any United States persons.

Detainee: Yes.

Designated Military Officer: (4.c) The Detainee stated that he has only heard Usama Bin Ladin's name, but knows absolutely nothing else about him.

Detainee: Yes. Before being detained, I had never heard Usama Bin Ladins name.

Designated Military Officer: (4.d) The Detainee claimed that he never knew or heard of Usama Bin Ladin until he was in United States custody in Bagram.

Detainee: Yes.

Presiding Officer: Why did your brother have two hand grenades?

Detainee: I am not aware of the reason or why my brother had two grenades. I don't know.

Presiding Officer: What happened with one of those hand grenades. Do you know?

Detainee: I don't know. I didn't see them [the hand grenades].

Board Member: You said you saw your brother get shot, is that correct?

Detainee: Yes.

Presiding Officer: Do you remember that you took an oath to tell the truth?

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Detainee: Yes.

Presiding Officer: Then your prior statement is not the truth, is it?

Detainee: Why is it not the truth?

Presiding Officer: Your brother had hand grenades, correct?

Detainee: If my brother had hand grenades, what does that have to do with me?

Presiding Officer: What happened with the hand grenades?

Detainee: I was arrested because my brother had bombs [grenades] in his hand?

Presiding Officer: No. That is not the truth, is it? You could be truthful with this Review Board and we would look favorably upon your case.

Detainee: I am telling the truth.

Presiding Officer: You are telling the Review Board part of the truth. You are not telling the Review Board the *entire* truth.

Detainee: Well, tell me what you want to know and I will tell you.

Board Member: How did you know where to find your brother? How did you know where the camp was?

Detainee: My father told me to find my brother and I found him.

Board Member: How did you know where the camp was? Had you ever been to the camp before?

Detainee: My father gave me directions. My father told me if I found my brother I was to bring him home.

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.

Assisting Military Officer indicated the Detainee would like to make an oral statement.

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The Detainee made the following statement:

Detainee: What am I supposed to say? How am I supposed to start?

Translator explains to the Detainee he now has the chance to make a personal statement to the Review Board

Detainee: The information, the allegations you have hung on me [charged me with] are not true. These allegations are not true. All of my village people know me and they know I was just a farmer and a shipper. That was my job. Only the last five years prior to my capture did I go to the Madrassa to learn how to read the Koran. The rest of the allegations against me, I am not aware of these things. These allegations are not true. I have not done these things.

Presiding Officer: You have already stated that the allegations/statements against you are false. Do you have any new or additional information that you would like to present to the Review Board this morning?

Detainee: No. I do not have anything else.

Administrative Board Member questions

Board Member: When you approached the camp where your brother was located, did you know the armed guard? Did the armed guard [to the camp] know you?

Detainee: No.

Board Member: How did he [the armed guard] know who you were?

Detainee: My father gave me the address [where my brother was located]. I went to that address. When I got to the address a man [the guard at the checkpoint] stopped me. I told the man I was looking for my brother. The man told me to sit down and that he would ask if my brother was there. After that, my brother came out. When my brother came out, we started walking. I was going [home] when that event [encounter with the American convoy] occurred.

Board Member: Could your brother come and go as he pleased from the camp?

Detainee: I don't know.

Board Member: At anytime, were you inside the camp?

Detainee: No.

Board Member: Ghani, were you aware that there was a war going on in Afghanistan?

Detainee: No, I was not aware of a war going on.

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Board Member: Did young men from your village ever leave to go and fight a war? Did young men from your village just up and leave?

Detainee: I have not seen anyone leaving the village to go and fight a war.

Board Member: Your brother left the village.

Detainee: Yes, I know. I was going to ask my brother about it on the way home. My father was going to ask my brother why he left. My brother was older than me, not younger than me. I did not have the right to ask him any questions about this.

The Presiding Officer read the post-Administrative Review Board instructions 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, USA
Presiding Officer

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