

Summary of Administrative Review Board Proceedings for ISN 948

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 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.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 25 November 2005 and lasted 40 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 wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB and respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative, attentive, and cordial throughout the

interview. A copy of the Pashto translated Unclassified Summary of Evidence was provided to the detainee upon his request.

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 and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

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: The detainee said that he was a security guard in Punjab, Pakistan during the winter. He returned to the village of Shomasht, Afghanistan during the summer months.

Detainee: Yes.

Designated Military Officer: The detainee was asked about the documents he was captured with such as the oath, the various ID cards, and the note with the description of a British man. The detainee stated he did not know about those documents.

Detainee: I had ID cards and nothing else.

Board Member: What is meant by the oath?

Detainee: I don't know. I had some phone numbers and ID cards.

Designated Military Officer: The detainee had an old friend who was the district leader in the Noorgal District.

Detainee: His name is Said Jalal and he is the district manager right now and still working with the government.

Designated Military Officer: The detainee's old friend, formerly Taliban and now against them, wanted the detainee and two others to take one handgun, two rifles and machine guns across the border from Afghanistan into Pakistan. They were to get these weapons from the commander in Jalalabad.

Detainee: That's not true.

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Designated Military Officer: The old friend is a Taliban supporter and has arranged for at least 50 Taliban fighters who are hiding in the mountains near Shomasht to visit the town once a week.

Detainee: That's not true. I have nothing to do with the Taliban.

Designated Military Officer: The detainee had another friend who lived in Mazar, in the Noorgal District.

Detainee: I have friends in Mazar.

Designated Military Officer: The detainee claims that prior to his capture, he had delivered two machine guns to this other friend in Afghanistan.

Detainee: I had two Kalashnikovs and one pistol, which I brought back to the district and gave to Gulan.

Board Member: Why were you carrying these weapons?

Detainee: I was fighting against the Taliban and once they were overthrown I did not need the weapons anymore so I gave them to the guard.

Designated Military Officer: The detainee told the Bagram guards that his old friend and the other friend, the detainee's uncle and his father all belonged to the Taliban.

Detainee: That's not true.

Designated Military Officer: The other friend was last known to be a Taliban commander.

Detainee: He was not a Taliban Commander.

Designated Military Officer: The detainee's name appears in a phonebook recovered from a Mansour compound in Zormat, Afghanistan.

Detainee: The Mansour compound in Zormat is far away from our district and our village.

Board Member: Was your name in the phonebook or not?

Detainee: I had a telephone in Pakistan and a friend in Pakistan he had my phone number and I had his.

Board Member: No association with the Mansour compound?

Detainee: I only know about Jalalabad and my district in the Noorgal province.

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Designated Military Officer: The detainee's name appears in a notebook found in the possession of an Afghan suspected of arms dealing and ties with the Taliban. The detainee is listed as being associated with the Office of Director of Logistics.

Detainee: Not true. I didn't have any phone numbers from Afghanistan, the only numbers I had was for all the stores.

Board Member: This was a name from a notebook not a telephone book.

Detainee: That's not true. I have never lived with Talibs and I never had any Taliban friends.

Designated Military Officer: The detainee wore an all black uniform for his job and carried a pistol. He claimed not to know anything about his pistol other than its size.

Detainee: That's true I did have a black uniform and a pistol. I was a guard/watchman for the stores. I was not the only one; I had 35 people that worked with me. We were watchmen at night for the people who owned stores.

Designated Military Officer: The detainee later said he did not carry a weapon while working as a security guard and only carried a police stick.

Detainee: I had a weapon. I would collect the money from the stores that I worked for and give each guy whatever their monthly payment was. They had sticks and I had a pistol.

Designated Military Officer: The detainee said the reason he possessed many ID cards when he was arrested was for his job as a security officer.

Detainee: In Pakistan everyone can make ID cards and I made that card for my job as a watchman.

Designated Military Officer: The security ID card was a picture of him in his security uniform and the epaulets were put on the uniform so that the ID would appear to be a Government ID.

Detainee: I have no relationship with Pakistan. The epaulets on the uniform I bought from the market and I borrowed some from the Police for decoration and to look nice. That's why I didn't want to take the oath but I took the oath to tell the truth and that's that.

Designated Military Officer: The detainee states it's a standard watchman ID card. The only thing he had different in his picture were the decorations. The decorations were borrowed from a friend of his who was a police chief in Pakistan.

Detainee: Yes.

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Board Member: You're friends with the Police Chief in Pakistan?

Detainee: I know them from when I watched the stores at night. They would stop the cars at night and have checkpoints. That is how I know them. I am not a Pakistani Police Officer. I know them because when we caught thieves we handed them to the police to press charges.

Designated Military Officer: One of the ID cards the detainee was captured with was a Pakistani police ID card. The detainee has denied any affiliation to Pakistani police.

Detainee: The ID card I had was not from the Pakistani police. The ID card I had was our watchman station card. I did not have any relationship and association with the Pakistani police other than my job.

When the Designated Military Officer read "Comments reflecting information in favor of releasing Detainee", the Detainee had the following comment:

Detainee: I do not want to be released. I'm not going to go home if I'm released because I was innocent. They beat me naked and that's an insult. I would like to know the truth. (Translator says and what kind of truth that is, I do not know).

Designated Military Officer: When asked what he thought about the Taliban, the detainee stated he has never supported the Taliban. They are not good people. He thinks Americans are good, because they have opened schools and provided shelter for Afghans. The Taliban has not done this for the people.

Detainee: Yes Sir. Americans are good people. I will say it in front of the Taliban, the Taliban are bad people they are not good. The Americans are good; they are doing good things for us.

Designated Military Officer: The detainee blames the Taliban for the death of his brother.

Detainee: I don't like the Taliban with or without them killing my brother. That's a different story. In general I hate the Taliban.

Designated Military Officer: The detainee also stated numerous times that he was just a poor farmer.

Detainee: Yes, I am a poor guy.

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.

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

The Assisting Military Officer stated that he had no additional comments.

The Detainee made the following statement:

Detainee: I was and I am against the Taliban. I was and I am for the American forces. I was not and will not be a danger to the Americans. The weapons I had were for a group of people in the Noorgal government, Gulan, Said Jalal and Haji Kamal. I gave them back these weapons. These three commanders are supporting the American Forces and they are working with them in Jalalabad, the Supreme Commander Hazrat Ali lives in Jalalabad. I don't have any relationship with Pakistan. I was going to Pakistan and I had a Pakistan card with me on my way to my job. They stopped me and told me they had five questions and then brought me to Bagram and in Bagram they punish me a lot and now I am here. It's up to you if you believe me or not, but they were unjust when they brought me here and they have to pay me back for that. The Doctors beat me up and they did not give me the medicine, that's why last week they gave me this clothing. I am sick and they did not give me medicine. They put me in mental facilities for people who are completely crazy for ten months and then injected me with some medicine that was not good. It damaged my mental status, when I told them that I could not see or read they did not give me glasses. I am not a danger to the United States and I will not be a danger to the United States in the future. If you don't believe me I will announce it on the radio and in the radio station so that everyone can hear that I am not a danger to the United States and I will not be a danger to the United States. I am not afraid of Mr. Bush, I am not afraid of Karzai and I am not afraid of Mulawon. I am innocent and they brought me here. It's up to you whether you want to release me or send me to my home. That's my statement.

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: The circumstances pertaining to the day you were captured, you were on your way to Pakistan to go to work?

Detainee: Yes Sir.

Board Member: So you crossed the border often?

Detainee: Once a year we would go to Pakistan and sometimes even two years. When the Taliban was in power we stopped going back. When the war started against the Taliban we came back to fight the Taliban with my brother and the other commanders. I

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fought against the Taliban with the weapons that I had in Tora Bora. Once my brother died I decided I didn't need to fight anymore. I gave my weapon back to these guys and I told them my brother was dead and I did not need to fight anymore. When I crossed the border I had two other people with me. A friend of my brother who was a commander in Jalalabad.

Board Member: Were you headed to Pakistan from Afghanistan?

Detainee: Yes, I was going to Pakistan.

Board Member: Were you a security guard at this time?

Translator: In Afghanistan or Pakistan.

Board Member: I would like to know.

Detainee: We went to Pakistan almost 20 years ago at the time of the Russians.

Board Member: Where were you a security guard?

Detainee: I was a security guard in Punjab, Pakistan.

Board Member: So you lived in Afghanistan?

Detainee: My brother was alive at that time. My mother and my father lived in Afghanistan and I was going to Pakistan for that job.

Board Member: Did you live in Pakistan?

Detainee: Yes, I went there as a teenager.

Board Member: So when you were a security guard you worked and lived in Pakistan?

Detainee: Yes Sir.

Board Member: Who arrested you?

Detainee: The American Forces. The United States Forces captured me.

Board Member: What were you told was the reason for your arrest?

Detainee: It was just for the ID cards. There was no other reason other than the ID cards I had.

Board Member: How many ID cards did you have?

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Detainee: I had three wives with two ID cards for them and the other one was in the process of getting an ID card from Pakistan. One was mine and one was my watchman card.

Board Member: You were arrested by United States Forces and sent to Guantanamo for having an ID card?

Detainee: They took me to Bagram and asked if I knew any Talibs. They asked if I know this guy and if I know that guy. When they caught me they told they were only going to ask me four or five questions and then they put me in a helicopter and brought me to Bagram. In Bagram they told me that I was a Talib, my father was Talib, and my uncle was Talib. I told them that I was not in the Taliban.

Board Member: So they suspected you of being a Taliban that's why you were arrested?

Detainee: I helped them to identify a couple of bad guys and I stayed in Bagram for two months. I didn't see anyone that I pointed out. They didn't catch the bad guys.

Board Member: How would you characterize your behavior since you have been here in Cuba?

Detainee: What do you expect from me? They put me with the Taliban and they are my enemies; I am a nice guy, but they are bad to me. If they are bad to me then I have to be even worse to them. When they take me to interrogations the Taliban and the other detainees call me a spy, they say I am helping the Americans and I am an infidel.

Board Member: Do you have a family at home that you can return to in Afghanistan?

Detainee: I am from Pashiet that's a big tribe. My family is there, my father, my mother and I have brothers.

Board Member: If released or transferred what do you plan on doing?

Detainee: I will do the same day labor or be a bodyguard or whatever there is to do. I am not going to go back to Pakistan. I am going to be a farmer.

Board Member: You went to Pakistan as a teenager where you worked as a security guard and you would travel back and forth from Pakistan to Afghanistan. Then you mentioned getting involved in the fight against the Taliban. At what point did that start and how did you get involved in that fight?

Detainee: We are not Taliban and we were against the Taliban. We fought against the Taliban.

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Board Member: I understand that. How did you get involved in that fight from being a security guard to going home to Afghanistan to farm and going back and forth? What is the timeline that you got involved in the fight against the Taliban?

Detainee: My brother was already there and he sent us a message to come from Pakistan to Afghanistan.

Board Member: While you were in Afghanistan you were asked by two Anti-Taliban leaders to move arms. How were you entrusted to do that and how would you know how to do that without risking being captured by either side?

Detainee: I involved myself in the fighting and I was not working for anyone else. I carried weapons from one side to another and fought against the Taliban.

Board Member: Why did you hate the Taliban?

Detainee: If you like them and they are good people then why did you come to Afghanistan?

Board Member: I have my opinions as everyone else has their opinion. I would like to know your opinion.

Detainee: The Taliban told us to give them our weapons and live like women. We didn't like that. (Detainee gives the translator an example: If I tell you give me your chair you are not going to give it to me. It's just the power)

Board Member: Was this part of your decision to move to Afghanistan from Pakistan?

Detainee: No. The time I was in Pakistan we told him we are from the North Western Frontier Province and that's when they gave us the Pakistan ID card. That's how we were allowed to work as a security guard/watchman or whatever. Right now if I were to go there since I am Afghan they would cancel everything.

Board Member: The only reason you went to Pakistan was to seek work as a security guard?

Detainee: Yes Sir. Just to get a job.

Board Member: How many times did you actually bring weapons over the border in support of the Northern Alliance against the Taliban?

Detainee: No, we did not bring weapons across the border. Rabani was the President of the Northern Alliance and he gave us weapons to fight the Taliban.

Board Member: Why do you think your name appeared in a notebook that belonged to a Taliban member who dealt with arms?

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Detainee: I can't say why. I don't know why they had my name in that notebook.

Presiding Officer: You mentioned that when you went to fight with your brother in Tora Bora, you blamed the Taliban for his death. Can you explain further? You said that was another story.

Detainee: When we were fighting the Taliban in Tora Bora, my brother got shot and was killed there.

Board Member: When you fought in Tora Bora against the Taliban, how was that organized? It is very difficult to fight as an individual. How was it organized that you can join and then participate in a fight? Who was the leadership? How was it funded? What was the logistics? How does something like this come together?

Detainee: Hazrat Ali who is the supreme leader was on the United States' side. My brother was a commander with him and we were there fighting.

Board Member: That was Esmail, was that his name? No last name?

Detainee: Esmail was his first name.

Board Member: The last name you don't know?

Detainee: No.

Board Member: He was the commander and he worked for him directly?

Detainee: Yes. The United States gave him a satellite telephone, radio and car. He was a very top guy. They gave him money and everything. My fate brought me here.

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

Detainee: It is up to you Sir. I am not bored here, I am happy here. They undermine my dignity and they did injustice to me. I am here and I am a poor guy.

President notified detainee that Washington, DC would notify him of their decision.

Detainee: It is in your disposition.

President notified detainee that if it is determined he shall be detained, he maybe eligible for another Administrative Review Board in one year.

Detainee: I am going to come; do not worry, Sir.

The Presiding Officer opened the classified portion of the session.

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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, USAF
Presiding Officer

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