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Summary of Administrative Review Board Proceedings for ISN 003

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.

Presiding Officer: Please tell me how to pronounce your name.

Detainee: Ghulam Rohani, G-h-u-l-a-m R-o-h-a-n-i.

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 read the hearing instructions to the Detainee and confirmed that he understood. When asked if he had any questions concerning the Administrative Review Board process, the Detainee said he did not have any questions.

The AMO presented the Enemy Combatant Notification Form, Exhibit EC-A, to the Administrative Review Board.

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

The DMO presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, to the Administrative Review Board.

The DMO stated that a copy had been previously distributed to the AMO and the Detainee.

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

The DMO 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 AMO.

The Presiding Officer asked the Detainee if he wishes to make a statement and whether he opts to take an oath (a Muslim oath).

The Detainee accepted taking the (Muslim) oath.

Detainee: I have some things that I want to tell the board. Maybe I have told them to the DMO (AMO) but also I want to add some other things sometime if it is possible?

Presiding Officer: Okay, in time.

The AMO read the allegations on the unclassified summary to assist the Detainee in answering the allegations. Detainee interjected the following statement:

Detainee: This car that I sat in to go to Ghazni, this was not my co-workers car. This was just a car. This [car] didn't belong to our group. It is my turn to speak?

Presiding Officer: No, [we] still have two more (on Enclosure 3, EC-B).

The detainee made the following statement:

Presiding Officer: Do you have comments you wish to add?

Detainee: Yes I have.

Linguist: Am I going to translate and then [are] they going to write? *(Discussion between the Linguist and Detainee regarding how the translation and recording work during the Board.)*

Presiding Officer: You speak *(indicating to the Detainee)*, he translates and we'll listen.

Detainee: I have prepared a small written statement that I would like to read to the board.

Presiding Officer: Do you speak English?

Detainee: Yes.

Presiding Officer: Do you want to read it in English?

Detainee: I don't know too much.

Presiding Officer: Okay.

Detainee: I start with the name of God, I Ruhani, son of Haji Ghulam Gelani, a shopkeeper in Ghazni. In the year of 1355, in the city of Ghazni I was born. I went to school [for] 5 years [but] due to difficulties in Afghanistan I could not continue my education. In the year of 1973 I got

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married. I have two daughters and I was captured when I was a young person. From the time that I got captured... prior to that I was a businessman. That way I was just putting food on the table for my family. When the Taliban overtook Ghazni, according to Afghanistan's rules the young people were forced to join the military. There was heavy fighting in Afghanistan and most people lost their lives. Therefore, I was forced to join one of the Security Forces in Kabul, Afghanistan, so they wouldn't take me to the battlefield.

The Security Force had a small office in the Dayafghanan (D-a-y-a-f-g-h-a-n-a-n). At the same time I was attending my own business [so] I didn't have to go [and] fight in the field. And I wasn't obligated to be there all the times just a few times, I use to go [and] show myself. When I was in the office I use to mow the grass, I use to sweep the floors. And a few days after the American attacks I left Kabul and went to Ghazni back to my shop. In my shop I was working happily and I never thought I would be taken by force to join the military or go fight. I thought that the problems would be solved in my country and my country would prosper and green again.

The Americans have captured me without being at fault. I did not do anything against the Americans or their Allies. It's been about 3¼ years I have been detained without knowing about my future. On the first few days when I was captured I should have been put on trial. I wouldn't now be detained for 3¼ years without knowing my fault so I could have worked for my family and earn my living. From the first day [until] today, everyday I've been waiting for my release.

Detainee reads personal handwritten responses to the allegations listed in the Unclassified Summary of Evidence.

In response to the allegation a, b, a. 1.: According to the Government's rules the young people were forced to join the military. I was scared of fighting so I enrolled in one of the Security Forces so they wouldn't take me [to] the battlefield.

a. 2.: Like I said earlier, I was forced to join the military. After when I enrolled in one of the Security Keeping Forces for a while I drove. Since I didn't know the rules of driving I was fired from [that] driving job but my name was still there. Before my capture and after the American attacks I left the Government. In my shop I was working freely. And one day Haji Mohammad Hotak who was one of the American Allies and he was also [a] friend with them. He asked me [if] I could [act] as [an] interpreter for the English language with Mullah Mohammad who wanted me to go there... who was [going to have a] session with his American friends.

a. 3.: I went to see Mullah Mohammad near the school and after a few moments somebody by the name of Abdul Haq, who was from Mullah Mohammad who was asked by Mullah Mohammad to be there. He came there and he got in Mullah Mohammad's car [and] we went to a house that was under the control of Mullah Mohammad. Over there, there were 2 Americans who were friends with Haji Ghulan Mohammad they were there also. At the beginning I translated Mullah Mohammad's statement and my English was poor and the other person who was with the Americans in Farsi language between the Mullah Mohammad the Americans and Abdul Haq (*this person*) was translating. I sat in the corner [of] the room and I was drinking tea.

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after an hour or two I was detained by the Americans without any reason. The only personal weapon that I had which was a handgun I gave it myself to Americans. Because I never thought that Americans would arrest me. Because I went there by own will and I didn't have any problems with the Americans. And even until now during [the] interrogations they have been telling me that I'm not a fault. I will be released but I don't know when I would be released? And needless to say I don't have any connections or ties with Abdul Haq. I was asked to be there from Mullah Mohammad.

a. 4.: I have never threatened a soldier but I think there was a misunderstanding. That he didn't understand me fully or he didn't understand what I was trying to say.

b. 1.: As I previously stated I was forced to go fight therefore, I signed up in the Security Keeping Force. I did not have any obligations or responsibilities and I didn't know how to do office work because I did not have any prior education or training [in] that department. I have not heard [anything] about the Intelligence Agency.

b. 2.: In the security office where I was working, there were about 10 to 13 people working there and I did not see them carry weapons.

b. 3.: My sisters are married to a shopkeeper, a farmer and [a] driver and he has a car. About the people with the Intelligence Department, I don't know how many people they had.

b. 4.: In regards to the Intelligence Chief, I don't know how many people he had and where he had [them] or what they did. Since you have information about [me] the information is correct me that I was a shopkeeper and I was taken there by force. And at the same time I was attending my own business and sometime I use to go in that office so they wouldn't take me to the battlefield.

b. 5.: I have not deliver the letter from the Chief [of the] Taliban to the Taliban Commander. I don't know anything about it and I have no information about this. I wasn't close with him or I wasn't sitting with him or talking with him at any time. I was told by one of the integrators that, that person in question has been killed, the Taliban Chief [of] Intelligence by the American Forces.

b. 6.: I don't know anybody who was with the group (HIG) Hizb-I Islami Gulbuddin. The last time when I was going home from Kabul I got in a car that belonged to [the] Taliban and the car was going to Ghazni. Because they didn't charge me anything... so I would go to my home without paying for the ride I got in the car. People who were in the Security Forces I don't have any information about them. What happened to them? Needless to say the car that took me Ghazni... I don't have any ties or knowledge about the weapons that they had in the car or the driver of the car. I don't know what kind of guns or anything that they had to my knowledge. I don't have military education or training so I don't know much about weapons. I just got in the car so they could take me from Kabul to Ghazni without paying for the ride.

This is my speech so far and I am hopeful that you'll [have] paid close attention to my file or folder. God willing so I'll be free again so I could go back to my shop and my family and repay

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some of the debts that my family incurred while I was here. About my case I would like your deepest attention so I wouldn't be jail without being at fault. Thank you very much.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Does the Assisting Military Officer have any further information to present?

Assisting Military Officer: No sir.

The AMO had no further questions for the Detainee.

The DMO had no further questions for the Detainee.

Presiding Officer: Thank you for coming here today.

Detainee: And I also thank you for giving me the time and listening to my statement.

Presiding Officer: Your appearance here gives us the idea that your willing to talk to us honestly about your situation.

Detainee: It's true exactly.

Presiding Officer: We're not going to interrogate you but we do have some questions we would like to ask you.

Detainee: Please do so.

Presiding Officer: We want you to speak freely and honestly.

Detainee: Yes.

Presiding Officer: We do recognize your situation and we'll go ahead with some questions.

Detainee: Please.

Administrative Review Board Member's questions:

Board Member: You mentioned you speak a little English, where did you learn to speak English?

Detainee: In Ghazni they had an English Course and I went there for about 4 or 5 classes.

Linguist: 4 or 5 session or.... Or you mean how long? How long were you...

Detainee: About one year, five semesters.

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Board Member: Why were you interested in learning English?

Detainee: I do electronic work and most of the things in electronics [are] written in English, like parts and stuff like that. And also it's an International Language and it [would] help me with my business.

Board Member: How often did you perform translator duties for the Taliban?

Detainee: I didn't do it before I was asked to do it that one time by Haji Ghulan Mohammad he was helping the Americans. I didn't do it any prior to that.

Board Member: Being a member of the Intelligence Service sounds like that's a prestigious position?

Detainee: Yes that is but the department that I was working was not the same ones that you are talking about it's a Security Post. I was forced to enroll in that Security Post because I didn't want to go and fight.

Board Member: Okay and so there wasn't any military training required to get into that Security Service or the Intelligence Service?

Detainee: No because I just wanted to spend my time with them while I was in the military but I didn't want go be with the other military people, like the fighting people. So I stick with this department or this office to keep me away from fighting.

Board Member: There wasn't any training required?

Detainee: No, I have not received any training.

Board Member: Have you ever witnessed any torture performed on behalf of the Taliban?

Detainee: No.

Board Member: No further questions.

Board Member: I have some questions sir. What was the year again that you signed up for the Taliban Security Services?

Detainee: It was before 1380.

Board Member: How about using the Roman calendar, 1999, 1998, and 2000?

Detainee: Maybe late 99.

Board Member: In you statement you talked about a gentleman named Mohammad Hotak; Haji Ghulan Mohammed Hotak. What was your association with him?

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Detainee: Next to my shop there is a bakery. The guy who owns the bakery introduced me to this person in Kabul.

Board Member: And what is his business? What is Hotak? Is Hotak the correct way to say that?

Detainee: He is a close friend of the Americans and he is working with the Americans.

Board Member: In what capacity; is he an American intelligence agent or is he a businessman or what?

Detainee: I don't know his specific duties but he's with the Americans and whatever they ask him I guess he will do.

Board Member: I'm not sure, "Whatever he asks them"

Detainee: Whatever the Americans ask he will do.

Board Member: You were a friend and an associate of Hotak?

Detainee: No but his friend the baker next to my shop is a close friend of mine and that's how I know him, through him (*the baker*).

Board Member: I see. This individual Abdul Haq Waiq, what was your association with him?

Detainee: He is the gentleman that the Americans wanted to talk with him and Haji Ghulan Mohammed asked me to go there to translate.

Board Member: Mr. Hotak asked him to accompany him and translate. But you had not seen according to your statement, you had not seen, you had seen Abdul Haq Waiq before but you did not know him personally.

Detainee: Yea I have seen him before but I didn't know him personally.

Board Member: And you didn't personally know Mr. Hotak very well either, he was just a friend of your friend the baker.

Detainee: Yes.

Board Member: Perhaps you can explain, it doesn't make sense to me why this individual Mr. Hotak who you didn't really know well would ask you, to accompany him to a very high level meeting between American intelligence agents and Mr. Wasiq, unless they knew you were very competent translator. Why would they choose to do that? Why would they ask you to accompany them of all the people that they had there?

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Detainee: That is a very good question. Haji Ghulan Mohammed is not from Ghazni. The Baker, his friend the Baker told him that I know a little English because I was taking English classes.

Board Member: I understand. You've explained that you know only a little bit of English but it does seem odd to me that this very high level meeting between American Field Officers and Mr. Wasiq who was working for them, that they would choose you a relative unknown. Why would they have such confidence and trust in you if they really hadn't known you very well and never met you before, really?

Detainee: They also had their own interpreter; the Americans and the English I learned was the British English and the Americans were talking too fast. I couldn't understand what they were saying so after a while they stopped using me. The interpreter who was sitting next to them he started interpreting.

Board Member: I understand your primary duties at the Security Service required you to occasionally serve as a chauffeur, as a gardener and as a janitor.

Detainee: They took the driving job away from me because I was a poor driver. I was doing just the sweeping and mowing the grass and I was just showing my face there every once and a while so they would know I there.

Board Member: I understand. Your primary duties as you said were being a sweeper or the janitor and the gardener those were your primary duties. Did you have any other duties?

Detainee: No.

Board Member: No other duties at all?

Detainee: No.

Board Member: I find it odd that a Janitor and the gardener would carry a pistol. Why would you carry a pistol? Why would carry a sidearm in those duties?

Detainee: It's a very good question but in Afghanistan almost everybody owns some form of weapon. You know either a handgun or a machinegun and it's a very common thing.

Board Member: It's common to perhaps to own a weapon but is it common to carry one with you when you're gardening or being a janitor?

Detainee: When I was going to work usually I did not have my weapon with me. I use to leave it at home.

Board Member: When you worked in your shop in Ghazni did you carry your weapon with you then?

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Detainee: Sometimes, not all the time, because I don't like to have it with me all the time. Because of the guns is why we have all these problems right now.

Board Member: Yet on the day you went to translate at this meeting with the American agents which seem to appear to have been relatively spontaneous [and] when your friend asked you to go with them outside your house one night you carried your weapon then too. Why would you carry your weapon then if you were going just to translate?

Detainee: I just had it with me you know. I wasn't planning to use or anything it was just with me at that time.

Board Member: Have you ever participated in any intelligence gathering or law enforcement duties?

Detainee: No.

Board Member: Did you ever receive training in any intelligence gathering or law enforcement related type duties?

Detainee: No, I joined them because I had to and it wasn't like I was interested in that area of work. So no.

Board Member: That's all I have sir.

Presiding Officer: Part of the Unclassified Summary says that you and 10 to 12 other people were part of a "quasi-police organization associated with Taliban Internal Affairs." Is that correct?

Detainee: Like I said earlier I joined that department, that security department because I didn't want to go to the battlefield. That is why I joined that.

Presiding Officer: What did that unit do? What were your duties with that unit?

Detainee: They were providing security for an area call Dayafghanan.

Presiding Officer: And you were looking out for trouble or you were finding people who committed crimes?

Detainee: Like I said earlier I wasn't totally with them. Like I wasn't there all the time. I just went there to show my face and I did not participate in their work.

Presiding Officer: But sometimes you did? Or you never did?

Detainee: No, I did not do it.

Presiding Officer: Can you describe the Hizb-I Islami Gulbuddin?

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Detainee: I don't know anything about that organization.

Presiding Officer: Okay. Was Mr. Wasiq a Mullah?

Detainee: I don't know him very well. He might be here, as a detainee and I don't know him very well. If you want maybe you can ask him.

Presiding Officer: You would know if he was a Mullah or not.

Detainee: I did not have a close relationship with him so therefore I don't know if he was a Mullah or not.

Presiding Officer: Have you ever had the occasion to see Mullah Omar or other high-ranking Taliban Government people?

Detainee: Like I said before I was just a lower-level worker and I did not have the opportunity to meet with higher-ranking people or somebody with power. Just for an example; if the soldiers here, they are getting paid to do their job but if somebody is brought here by force or maybe somebody force them to be here, would he be able to go see Mr. Bush, Mr. President Bush?

Presiding Officer: Over time there maybe an opportunity that he would be in a situation to see President Bush.

Detainee: No I did not have that opportunity.

Presiding Officer: Okay. We look at several different aspects before we make a recommendation as to one's future here. Part of those different views we have concerns the relationship and the behavior of detainees with the guards or the soldiers who are here. So when we hear reports that you have threatened the lives of the guards or the soldiers that gives us a different view of you.

Detainee: No I did not say anything like that or I did not make any allegations like that. The guards are wearing some kind of protective clothes when they go to some dangerous cells. In [the] 3, 4 years that I have been here, they [have] never worn protective clothes to come to my cell. They are called IRF Team?

Presiding Officer: IRFing.

Detainee: They have not come to me so that means I don't have any problems with them.

Presiding Officer: For the record, IRFing is I. R. F. it stands for Immediate Response Force.

Detainee: I did not have any opportunity that they would come to me but I have seen them going to other places about four or five times.

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Presiding Officer: Okay. Here is what I want you to remember about all of this, this piece. I want you to remain as cooperative as you can be with the guards and soldiers regardless of the situation, that is very important for you.

Detainee: I do cooperate with them [but] sometimes they... for example; they left the door unlocked and I pointed [it] out to them that "you forgot to lock the door." So I am cooperating you know.

Presiding Officer: Thank you.

Detainee: And if there was a misunderstanding please don't hold that against me.

Presiding Officer: If there is a misunderstanding with the guards you work that out with the guards.

Detainee: I try not to make any problems with them. I know they have a tough job being here [and] working with detainees and everything. For example; we have about maybe 30 minutes for walking or exercising sometimes they give us like 20 minutes but that's okay you know I try not to make any problems over small things like that.

Presiding Officer: You're going to be leaving here (*referring to the room*) real soon and we want to be sure that you had your chance to speak and what you said was the truth.

Detainee: My statement that I read to you, do you have some kind of written, did somebody write it down?

Presiding Officer: No. So you can sign it?

Detainee: My statement that I was just telling you guys. Did you hear what I was trying to say?

Presiding Officer: Yes we did.

Detainee: And you will make a judgment about my....

Presiding Officer: We'll make a recommendation. Yes.

Detainee: When will they let me know that I'll be released?

Presiding Officer: I don't have a timetable for how notifications are made, I know that it goes into the system but I really don't have a number of days or a specific date.

Detainee: Thank you.

Presiding Officer: Okay. Anything else?

Board Member: No sir.

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Board Member: No sir.

The Presiding Officer read the post-Administrative Review Board instruction to the Detainee. The Detainee had additional questions.

Detainee: When would they let me know?

Presiding Officer: I don't know.

Detainee: In 20 days; 30 days?

Presiding Officer: It is out of my control. I don't know.

Detainee: Thank you.

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

The Presiding Officer opened the classified portion of the session. During the classified portion of the session it was revealed by the AMO that the Detainee had hand shredded his written statement after adjournment of the Unclassified Session, rather than having it translated by the linguist for insertion into the record.

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.


(b)(6) Colonel, U.S. Army
Presiding Officer

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