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Summary of Administrative Review Board Proceedings for ISN 1004

The Presiding Officer began reading the hearing instructions to the Detainee and the Detainee interrupted for clarification of what may be the other factors bearing upon the need for continued detention.

The Presiding Officer repeated the instructions and confirmed that the Detainee understood.

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

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

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Information and DMO-2, the FBI Redaction Certification to the Administrative Review Board.

Detainee: [Please] give me a few minutes. I want to talk about two matters.

Presiding Officer: You will have your time.

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

The Administrative Review Board members paused briefly to read the Unclassified Summary of Information.

The Designated Military Officer confirmed that he had no additional unclassified information to present.

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

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath.

Detainee: If you prefer, I will take [the] Muslim oath. If you want me to take [a] different oath, I am ready to take [a] different oath, anything you wish. I am not an enemy combatant. I never [did] fight. I never [did] do anything. I went to get some money from [a] person. I went to Sheberghan and from there I was arrested.

Presiding Officer: Designated Military Office, please administer the appropriate oath.

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Presiding Officer: Designated Military Office, please administer the appropriate oath.

Designated Military Officer: Sir, can I ask a question for clarification?

Presiding Officer: Yes, you can.

Designated Military Officer: I want to be sure that he is taking the oath because he wants to take it, not because he thinks we want him to take it. It's his decision.

Presiding Officer: That's right. That's been noted...it's...[his decision].

Detainee: Do you believe [it] if I take [an] oath? If I take [an] oath do you believe it?

Presiding Officer: Does he want to take the oath?

The linguist stated that the Detainee wants to take the oath.

Detainee: If I take [an] oath will you believe it?

Presiding Officer: We will understand. [We] want to hear if he desires to take the oath. We will administer it to him and we will make a determination as to...as we continue into this proceeding.

Detainee: Yes, I am ready.

The Detainee takes the Muslim oath.

Detainee: I [took the] oath [because] I [have] never had any relationship with al Qaida and I have nothing against America.

Designated Military Officer: Okay.

Presiding Officer: You will have an opportunity to say whatever you want as soon as he (referring to the Assisting Military Office) is through with that. At this time we will hear the statements from the Assisting Military Officer that he has received. Please provide the information, the statement for the Detainee.

Assisting Military Officer: The detainee was extremely cooperative, relaxed and responsive. He was skeptical at first of talking to me since he felt his Personal Representative during the CSRT let him down when he was told he was considered an Enemy Combatant. After I convinced him I would report exactly what he said, he agreed to talk. He said he would appear at any time before the ARB. Since he is illiterate, he did not want a copy of the Unclassified Summary of Evidence. He did state that he wants to see a doctor about his hemorrhoids and the poor fit of his new artificial leg. The detainee provided the following comments in response to information in the Unclassified Summary of Evidence. In response to the allegation that the detainee knew Mullah Abdul Rahman, the detainee denied ever hearing of his name much less meeting him. In

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response to the allegation that he was the Head of Security in Baghlan province, the detainee denied having any leadership position with the Security Team. The detainee said he was only a foot soldier. He says he is illiterate and does not even know his date of birth or exact age; therefore, he could not have served in any position of authority. In response to the allegation that he heard about jihad against the Northern Alliance and traveled back to Kandahar, Afghanistan, to join the Taliban, the detainee said that was true. He stated that when his beard started to grow, the Taliban came to his house and told him he was going to report to Kabul for military training. Since he was having problems at home, he decided to join because he thought he would die and put an end to his meaningless life. While in training, he learned to shoot the AK-47 rifle. Soon after arriving in Kabul, he was told by a high-ranking Taliban officer named Mohammed Wali that he would be Wali's house servant in Kandahar. He spent three weeks in Wali's home. Wali introduced him to Mullah Satar. Wali told him he was going back to Kabul. He knew Wali had lied to him when instead of going back to Kabul, he wound up west of Murghab. A firefight broke out with the forces of Malik, one of Dostum's commanders. On the first day of the fight, the detainee was wounded in the left arm and sent to the hospital.

Detainee: I am sorry, it was the left arm.

Assisting Military Officer: I am sorry, I meant to say left arm.

Detainee: Okay.

Assisting Military Officer: After two weeks in the hospital, he was sent back to the front but did not engage in any more combat due to his injury. Six weeks later, he was sent back to Kandahar to rejoin Wali. When he arrived he discovered Wali had already departed. One week later, the detainee decided to leave Kandahar to rejoin Mullah Satar in Kabul. In response to the allegation that he was a guide for foreign fighters at a Taliban house in Kabul, the detainee denied this. The detainee stated he was only a guard at a Taliban house in Kabul where he was staying. He was not a guide for foreigners because he only spoke Pashtu. He lost part of his left leg during a Northern Alliance mortar attack on the house. After four months in the Charsad Bester hospital in Kabul, he was sent back to his home in Nahrin, in Baghlan province. The detainee was sent back to his home after the Taliban had recaptured Nahrin. The detainee stated the Northern Alliance captured him in Nahrin in December 2001. He was then taken to the Shegerghan prison. The detainee stated he was in a cell with about seventy-five other prisoners at Shegerghan. He stated the conditions in the Shegerghan prison were terrible. He and about twenty-five others were taken to Bagram Air Base for interrogation before coming to Guantanamo.

Detainee: Twenty-five people came with me to Bagram?

Assisting Military Officer: Yes, in his...

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Detainee: No, the facts are a little bit mixed up. They took me and another two Afghans and three Pakistanis and brought us to Bagram, six of us.

Assisting Military Officer: Okay. He said he never heard of al Qaida until the US interrogator at Bagram Air Base asked him about it. In response to the allegation that he was sponsored to the Jama'at al Tablighi missionary group when he was in Pakistan, the detainee agreed that he went to Quetta, Pakistan the first time in an unsuccessful attempt to get a job. Three months later a Jama'at al Tablighi representative approached me in Kandahar about my religious practices. After one week they asked me travel to Quetta, Pakistan because I did not understand their lessons. I went with them to...

Detainee: Rawuh (ph), not Quetta.

Assisting Military Officer: I went with them to Rawuh (ph) for four months to learn the proper way to pray and other religious practices. In response to the allegation that he harassed the guards, the detainee stated about one year ago he joked once or twice with guards about airplanes crashing into buildings. In response to the allegation he spat on the guards, the detainee stated that he spat on a guard about a year ago. He said that when he asked the guard to turn on the shower for him, the guard replied he could not hear him. When he repeated his request, the guard again said he could not hear him. When he asked the third time, the guard once again said he could not hear him. He motioned for the guard to come closer. When the guard came close, he spat in his ear. He says the guards are nice to him now and that he has no problems with them. In response to the allegation that Mullah Akhund Berader, the Taliban Corps Commander in Kabul, gave him two million Afghans for his leg injury, the detainee agreed with that statement. The two million Afghans, about five dollars US was intend to offset his travel expenses in going home. In response to the allegation that he received four million Afghans from Mullah Satar for his leg injury, the detainee disagreed. He went to Sheberghan to find Mullah Satar to ask him for four million Afghans more to offset the cost of his artificial leg. He did not find Mullah Satar in Sheberghan instead he was arrested by the Northern Alliance Forces and put into the Sheberghan prison. The detainee stated he originally joined the Taliban Army because he thought his life was meaningless and that he would end it by joining the Army. He stated instead of me dying, my leg died. In response to the allegation that if released he would return to fighting against the United States and coalition forces in Afghanistan, the detainee stated he does not wish to fight anymore. He says he never wants to hear the word "gun" ever again. He said he would work with the Americans to rebuild his country if asked. He does not wish to die. He says he feels his life has meaning now. He just wants to go home. The detainee stated he has never eaten so well as he has here in Guantanamo. He especially likes the honey, jam, butter and meat. The only thing he misses now is his family. That concludes his written statement.

Presiding Officer: Mohammed Yacoub, did the Assisting Military Officer's statement provide the information you wanted us to hear.

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Detainee: Yes.

Presiding Officer: Mohammed, you may begin your statement.

Detainee: I just want two words, that's all.

Presiding Officer: Please.

Detainee: I went to Sheberghan to collect four million Afghanis because I was in debt from someone. I was going to get the money from Mullah Satar to give it to that person. Instead of taking the money, I was taken as a prisoner. I was arrested. That was [an] excuse. That was God's will [that] brought me here. I didn't go to fight. I didn't go for any [other] reason. [I] just went to get the money and this happened. I am very much pro-American. America is building my country. America [is] help[ing] to get rid of [im]polite or unwanted people from my country. I am very happy for Americans. I have no reason to be anti-American whatsoever. For the last few years [that] I have been here, I am not receiving any news from my family. If they send me some letters, I am illiterate, I cannot read it.

Presiding Officer: Anything else?

Detainee: That's it.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Assisting Military Officer do you have any questions for the detainee?

Assisting Military Officer: I have no questions.

Presiding Officer: Designated Military Officer do you have any questions for the detainee?

Designated Military Officer: Yes sir I do have one. Other than your Army training have you had any other vocational training or jobs or anything before you went into the Army?

Detainee: No.

Designated Military Officer: So if you are released and you return back home what are you going to do? What is your vocation? What job are you going to do?

Detainee: I cannot be a farmer because my physical condition [does] not permit me. If I have some money I will run a business or a small shop or something. If I can't, I will stay home and my brother will help me run my company.

Designated Military Officer: Thank you.

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Presiding Officer: Do any Administrative Review Board Members have any questions for the detainee?

Board Member: I do.

Administrative Review Board Member's questions:

Board Member: Mr. Mohammed Yacoub, is it customary to be compensated for injuries sustained during battle in Afghanistan?

Detainee: Nobody compensate[s] [for] anything, except the Red Cross [gave] me the artificial leg, that's all. They fixed an artificial leg for me and then asked me to do some work for them.

Board Member: So the only expectation was to...for you to get a prosthesis and get you back to walking again.

Detainee: There is a Red Cross representative in Afghanistan. [There is an] Afghani Red Cross; they have offices all over Afghanistan. They are helping people with injuries with [their] legs, with [their] hands and other sicknesses.

Board Member: Okay, thank you.

Board Member: I have a question. Why did you join the so-called jihad against the Northern Alliance?

Detainee: There was so many powers fighting against each other in Afghanistan, Islamic powers. [There were] seven groups [or] five groups [and] they [were all] fighting against each other. You get tired of fighting. When [the] Taliban came, they wanted to establish one central government. We thought we would [be able to] get rid of those powers and there will be one government. After that the Americans came.

Board Member: Were you a security policeman for the Taliban?

Detainee: No, I [have] never been [a] security officer. I went as a soldier with Wali and Wali introduced me to another guy [named] Mullah Satar. Mullah Satar took me to some battle and then I [got] injured. I received injuries and was [sent] home. I was in [the] hospital.

Board Member: Thank you.

Presiding Officer: I'll ask this question again...you have never been a security guard at all?

Detainee: No, no, no, no, I've never been with any authority... with any authority position. I was a soldier until I had my leg...when my leg [was] cut off...I was sent

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home. When I was working with [the] Taliban there was nothing in the news, [on] the radio or television or anything about Americans. There was no news about Americans. I went to Sheberghan to get the money, four million Afghanis then I was arrested.

Presiding Officer: What happened to that money? What did you do with it?

Detainee: He wasn't there, he didn't give me any money.

Presiding Officer: So you never got any of that money [that] we talked about.

Detainee: No, I didn't get any money. I talked to Mullah Satar's friend. He told me [to] wait for a while [and he said that] when Mullah Satar come[s] [back], he will help me. A few days later, the Taliban was defeated and I didn't know [that]. It was [at] night. [It was] during the night [that] the Northern [Alliance] took the power. In the morning I went to [a] restaurant to have some food and somebody told me, "Go and see those people on the street [because] they are asking for you". So I went there [and] they said do you know that the Taliban just vanished/finished. I said no, I don't know. They said Taliban is finished. They took all of my new clothes and my shoes and everything out and they tied up my hands. They took my wristwatch. They threw me in an underground somewhere. I was approximately seven days in [the] underground there. The people came and they maintained the security in Sheberghan. I know Farsi. I can speak Farsi. So the soldiers told me don't worry [and that] when the Dostum people come, they will release me. For twelve days I was there underground and after that they took me [to] some other place. They took me to another place. I was there for the month of Ramadan and after that for another fifteen days. After that the Red Cross came. The Red Cross people came there [and] they gave us a small card. The Red Cross people told me don't worry about them; nobody will kill you now [because] we are in power. Then they carried me to the central jail. There were a lot of Taliban, so many Taliban in the central jail. [If] we had money and [gave] them [a] bribe, we could have freedom, be released. The rich people [were] released and the poor people stayed there. They sent their people in a couple of times to ask [me] for the money. I said [that] I don't have [the] money [but] I [will] call my brother. My brother came and he said [that] they are asking for ten thousand Pakistani Rubies. He said we can't come up with ten thousand Pakistani rubies, what [are] we suppose to do? I said, well leave it [up] to God. Maybe [if] other people [are] released, I will be released too. I didn't have [any] money and I don't have [any] property or anything in Afghanistan, except one house in Nahrin, Bagram. I told my brother [to] wait [and] don't worry about it. When everybody [is] released, I will be released. Eventually, I end[ed] up here. I was so poor, I had a fiancée, and I don't have money to bring [her] to my house to marry me. They blindfolded me and took me to Bagram Air Base. When I was in Bagram I didn't know what [was] my charge... what did I do. I end[ed] up in Cuba.

Presiding Officer: Okay, let's back up for awhile. First of all you said you were arrested and put in the underground. You said you were taken to the underground.

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Detainee: Yes, before [the] month of Ramadan, I was brought to the underground. [For] seven days of [the] Ramadan I was there [underground]. Then they took me to another place and I was there for one and a half months.

Presiding Officer: Was it dark? Could you see outside?

Detainee: Yes it was dark, very dark. They had one bulb. Sometimes there was power; electricity [and] sometimes there was no electricity. They took us out at night, not in the day time.

Presiding Officer: You said they took your watch.

Detainee: The first day they only let me have pajamas. Everything was taken. Thank God they (referring to the Guantanamo Bay, Cuba guards) [are] giving us clothing, they [are] giving us [a] shower and everything here.

Presiding Officer: I am trying to ascertain the times. You said that you were underground for seven days, you said you were underground for twelve days [and] then you said that you were underground for fifteen days, which was it?

Detainee: The first one?

Presiding Officer: When you were arrested and taken underground.

Detainee: I am sorry. I was [there] seven days before [the] month of Ramadan and eight days in the month of Ramadan. Then they carried me to another place. They asked me some questions and they said when you are processed in the other place you will be released from there. When they sent me there we were there for one half month.

Presiding Officer: How did you keep track of time?

Detainee: [It was] not only me there, there was a lot of people. The people who had money, they bribed them and they bought their release. They usually brought people from villages, not city people.

Presiding Officer: Yeah, but that did not answer the question I asked. How did he keep track of time?

Detainee: [We asked about the time] when the people [would] come from outside. There is always people coming and going. [When] people were coming from outside we [would] ask them "What date is this"?

Presiding Officer: Okay.

Detainee: People were coming from outside and [they would] stay there. [They would] stay with us for ten days [or] fifteen days and then they [would] release them.

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Presiding Officer: Okay. Mohammed your behavior here at the camp has been less than appropriate. Could you expound on some of the reasons why? Especially if you said you are enjoying the accommodations, why would you do some of the things that was described that you did here?

Detainee: Well, the thing is that, I believe I am innocent. When people come here they loose their temper. [Since I have been here, I've seen people do stupid things].

Presiding Officer: The gestures of airplanes flying in the building, why did you think that was funny?

Detainee: Yes, somebody else did it and I was copy[ing] from him. I was thinking it was [a] joke. Somebody else did it and I copied from him. I was taking it as a joke.

Presiding Officer: But why did you take it as a joke?

Detainee: Well the other person did it and nobody told him anything, so I said it.

Presiding Officer: Spitting in the guards ear was also a joke?

Detainee: Not only me, there are a lot of people [that] did the same thing because we are detainees. Sometimes we get bad treatment and poor treatment and then we would do the same thing. Sometimes people fight with their own brother and swear at their own brother and do something else to their brother. It doesn't mean anything. When I say something to [the] guards, it doesn't mean I have something in my heart. My heart is very clean.

Presiding Officer: By those actions, that indicates that your heart is clean to the guards?

Detainee: Maybe in my actions sometimes I threw water on the guard or I spit on the guard or things like that, but my...I know my heart is very clean.

Presiding Officer: Okay. Are there any other questions?

Board Members: No sir.

The Presiding Officer began reading the post-Administrative Board instructions to the Detainee.

The Detainee interjected with a question concerning his eligibility of another Administrative Review Board in one year.

Detainee: It's going to be after one year?

Presiding Officer: In one year. [Does] he understand?

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Detainee: First, I am going to be released or I am going to be transferred or I will be keep here for another year.

Presiding Officer: Let me repeat this.

The Presiding Officer continued reading the post-Administrative Board instructions to the Detainee, made sure he understood and adjourned the open session of the Board.

AUTHENTICATION

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



(S) [Redacted], USN
Presiding Officer

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