

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 1008

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 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 2 December 2005 and lasted 20 minutes.

Detainee: If you read it in English that will be okay.

After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee said that 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

ISN 1008
Enclosure (5)
Page 1 of 20

21587

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

said, "no. I need time to think about this." A follow-up interview was scheduled for 5 December 2005 and lasted ten minutes. During this interview, the detainee elected to attend the ARB and would like to answer each allegation point by point... he does not want to make an oral statement. The detainee was cooperative. A copy of the English and Pashto translated Unclassified Summary of Evidence was given to the guard to make available to the detainee for his review.

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 provided the names of security personnel assigned to the Karzai Protection Detail to a man who was associated with Hizb-E-Islami Gulbuddin.

Detainee: That's Negative. I didn't provide any list to anyone belonging to Gulbuddin. The people I knew were officers. They belonged to the protection detail which we called "KPD", Karzai Protection Detail. The people I worked with were contractors.

Board Member: You provided the names of the contractors and not KPD?

Detainee: I didn't provide any list. Here they are mentioning the KPD people which were the protection people. They mention that it was a list of protection people that worked with Karzai. I wasn't in that project I was in another.

Board Member: What do you mean when you say project? What project were you involved with?

Detainee: I worked with DynCorp agency, it's an American agency. We had three projects which were KPD, Karzai Protection Detail, the second was RTVA, Radio Afghanistan and the third was the Police Academy. I worked with RTVA.

Board Member: In what capacity were you working with this project? What did you do for them?

Detainee: At first I was a translator; then at the end I was the finance clerk.

ISN 1008
Enclosure (5)
Page 2 of 20

21588

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: As a translator what kind of access were you granted when dealing with information for the organization?

Detainee: I was just translating between my officers, the laborers, the subcontractors and the Afghani people.

Designated Military Officer: The detainee took photographs of an American camp in Kabul. He allowed the Hizb-E-Islami Gulbuddin member to take them from the detainee's car.

Detainee: The pictures they are talking about were from the KPD site, we called it camp one it was where the KPD people lived. At the opening day I took pictures. I asked one of the project engineers whose name was [REDACTED] (he was the project officer at that time) if I could take pictures because everyone there was taking pictures. I made the photos for myself and didn't give them to anyone. I still have those photos at home.

Board Member: To the best of your knowledge at the time you were detained how did this information get turned into you giving these photos to someone?

Detainee: I didn't give the photos to anyone.

Board Member: I understand that you said you didn't give it anyone, but how did that information get changed around?

Detainee: The problem is when they arrested me and put a pistol in my mouth, pushed and beat me in Afghanistan. They were all American interrogators. I know one of the guys. He was an American and his name was [REDACTED]. He interrogated me in Kabul. When he asked me to give him information like who I worked for? I told him the Americans, my officers, I do not work for anyone else. At that time they started beating me and they put a pistol in my mouth. I got scared and started making up stories. The other stuff here are all lies.

Board Member: So these were American interrogators that were questioning you?

Detainee: Yes.

Board Member: Do you know anyone or have any acquaintances from the Hizb-E-Islami Gulbuddin group or that organization at all?

Detainee: The organization which is an Islamic organization was shown on the news, in the newspapers, everywhere. It is a very famous group all over the world.

Board Member: Do you know anyone from that group?

ISN 1008
Enclosure (5)
Page 3 of 20

21589

UNCLASSIFIED//~~FOUO~~

~~UNCLASSIFIED//FOUO~~

(Revised 14 Dec 05)

Detainee: No, I do not know anyone from that group. The person who identified me his name was [REDACTED] I know him from the DynCorp office. He was a subcontractor for DynCorp.

Board Member: What did [REDACTED] do for DynCorp?

Detainee: He escorted equipment from south Afghanistan to Kabul.

Board Member: Escort in what capacity? Was he security?

Detainee: No, that was construction equipment.

Board Member: Who did you work directly for?

Detainee: I worked directly for [REDACTED] at that time. He was the project officer, he was American. I worked directly with DynCorp and I met that guy in DynCorp office.

Board Member: What guy?

Detainee: [REDACTED]

Board Member: You worked for DynCorp as an interpreter. Did you just walk into the office one day and they decided to have a conversation with you? What led to your arrest?

Detainee: One day three people came into the office. They told one of the guys whose name was [REDACTED] (he was an American) that they had some information. [REDACTED] asked me if I could translate for him, but that guy [REDACTED] was a subcontractor with DynCorp. He worked for Global Agency which was a security agency. He asked me to help, so I went with him to the dining room to translate for those people. That was the first time I ever saw those three people. After one hour they swore against me. The problem was those people were from north Afghanistan, that's the ethnic and the language problem.

Board Member: Another ethnic group within Afghanistan made these allegations about you which led to your arrest?

Detainee: Yes, and this was my first time I ever saw those three people. I never saw them or even heard their names in Afghanistan before. They made these stories against me.

Board Member: Did they work for KPD?

Detainee: No.

Board Member: Did you have any contact with KPD sites?

ISN 1008
Enclosure (5)
Page 4 of 20

21590

~~UNCLASSIFIED//FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Detainee: Our office was on KPD.

Board Member: You saw them in passing? Were you friends with any of them?

Detainee: With those three people? No. Those three people were Afghanis, but this was the first time I ever saw them.

Board Member: Did you work with KPD personnel?

Detainee: No.

Board Member: Did you know any KPD personnel?

Detainee: Yes.

Board Member: Did you know KPD people outside of work?

Detainee: Our main office was in that site.

Board Member: You were in the same compound?

Detainee: Yes, We had three projects, each had their own office but our main office was in Camp Ages. Every morning when I take my officer's from their home to drop them off it would be to the main office at Camp Ages or take some people from Camp Ages to Site 3 or Site 2.

Board Member: KPD is the Karzai Protective Detail?

Detainee: Yes.

Board Member: They were bodyguards?

Detainee: Yes.

Board Member: Did [REDACTED] work with the KPD detail?

Detainee: No, he had a project with KPD and he also hired some other guards for the DynaHouse which was the DynCorp housing where the officers lived.

Board Member: I am trying to figure out the relationship here. Why would three Afghani citizens just turn you in?

Detainee: I do not know.

Board Member: It's got to be more than just ethnic cultural differences.

ISN 1008
Enclosure (5)
Page 5 of 20

21591

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Detainee: In Afghanistan all the people going to jail or coming here, is mainly because of personal enemies or ethnic cultural reasons. Out of 100 Afghani people maybe ten or 20 people have actually been in war the other 80 or 90 people were arrested in their homes, on the streets, or their offices. They arrested me in my office.

Board Member: So these three Afghani people were not associated with the KPD detail at all?

Detainee: No. Those three people were working with the intelligence personnel in the office to bring information to the people that arranged security.

Board Member: Security for whom?

Detainee: Security for the American Global Agency.

Presiding Officer: These three people worked with the Americans in some capacity. Do you know if they were given a bounty for each piece of information that they brought in?

Detainee: I don't know.

Board Member: Did they have badges?

Detainee: No.

Board Member: Other people working in the compound had badges?

Detainee: Yes.

Board Member: These three did not?

Detainee: No. The first day they came one of the three people came inside and asked to speak to [REDACTED]. [REDACTED] walked with him over to me and he said to [REDACTED] "I have two other people outside of the gate, they cannot come inside." Me, him and [REDACTED] then went outside and brought those two people inside the camp.

Board Member: Were these three people rural? Did they come from the countryside or did they live in the city?

Detainee: I don't know where they came from.

Board Member: You basically performed an act of kindness and were then arrested. Is that what you are saying?

Detainee: I don't know why I am here. The only thing I know is that because I made up lies; that is why I am here.

ISN 1008
Enclosure (5)
Page 6 of 20

21592

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: During the interrogation?

Detainee: Yes, during the interrogation.

Designated Military Officer: The computer disk was given to the security subcontractor. The detainee believes he is associated with Hezb-E-Islami Gulbuddin.

Detainee: First, who is the subcontractor?

Board Member: The security subcontractor.

Detainee: Which security?

Board Member: The security. I do not know, can you explain this for us further?

Detainee: This allegation, I want to know which subcontractor, which security you are talking about.

Board Member: How many different security contractors were they?

Detainee: Just Global and DynCorp.

Board Member: Global worked for DynCorp right?

Detainee: Yes.

Board Member: Well it has to be one of those.

Detainee: Yes, but there was not anything on the disk to give to anyone. I did not give the disk to anyone.

Board Member: You had a disk but you did not give it to anyone, is that correct?

Detainee: The disk which I had for myself; I made a copy of it because I was a finance clerk. I copied stuff from my computer to the CD just in case the "viewer's" came and damaged all the stuff and the computers, I had to have a copy of all the finance stuff.

Board Member: Only finance things were on the disk? Were there pictures on the disk?

Detainee: On the disk I had my personal pictures and other finance transactions.

Board Member: Was this a 1.4MB?

Detainee: No it was on a CD so it was about 652 [MB], I do not know.

ISN 1008
Enclosure (5)
Page 7 of 20

21593

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: The computer disk that's referenced in this point is only personal information that you would download; in the event that the system crashed you would still have it?

Detainee: It was not a copy I made for myself personally, it was for the office. Just in case anything got damaged.

Presiding Officer: It was your back-up. The pictures you said were your family pictures.

Detainee: I had my personal pictures also. When I copied from the hard disk everything copied to the CD.

Board Member: You did give that to a security contractor?

Detainee: No. If I did give that to a security contractor then who was the security? They were all Americans. Are there Americans that belong to Hezb-E-Islami Gulbuddin?

Board Member: Did they take the disk from you?

Detainee: No. When they arrested me they asked for the disk and I gave them the address.

Board Member: You gave them the address? So it wasn't in your office, it was in another location?

Detainee: The day they arrested me I had everything with me. I sent the computers back to the office and I had the CD with my stuff. I was allowed to take the computer home because I had a computer at home and was studying html at that time. We had power problems in the training center. I spoke with my program officer and asked if I could take the laptop home from the training center, so everyday I was taking the computer home with my stuff. When I made the copy I forgot the CD at home and I took the computer back to the office. When I was arrested I told them the CD was at my home.

Board Member: So you were arrested in your office?

Detainee: I was arrested in my office.

Board Member: You showed up one day and they were waiting for you or did someone come to your office while you working? How did this happen?

Detainee: It was eight o'clock in the morning when I went to the office with my father. When I went to the office I asked for my program officer whose name was [REDACTED]. [REDACTED] they told me he was coming. After ten minutes [REDACTED] and another person whose name was [REDACTED] came and arrested me.

ISN 1008
Enclosure (5)
Page 8 of 20

21594

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: How do you know that you were arrested because of the conversation you had with the three Afghani's?

Detainee: I did not know then that was the reason I was arrested. When I got here they told me those people were the ones that made the story about me.

Board Member: What was it that they said about you? Did they tell you?

Detainee: They said that I worked for Hezb-E-Islami. When I came to Cuba, that's what they told me. In Baghram and Kabul no one told me anything.

Board Member: They never told you why you were detained arrested and then moved?

Detainee: No.

Board Member: Do you consider yourself a threat to those three Afghani's? Why would they consider you to be a threat?

Detainee: I don't know.

Board Member: You have any ideas at all. It would help us. It would go a long way.

Detainee: I don't have any idea. That was the first time I saw those three people.

Board Member: You mentioned your father, how did he get involved? Did you call him before you were arrested?

Detainee: Around the third or second of April I went and spoke with my father and told him that they were saying things to me like I was working for other groups. He asked which group I was talking about and told him they meant I was working out of the office with someone. My father asked me if I was working anyone and I told him no. He said okay well if you are not working with anyone then go back to the office. Friday was a day off in Afghanistan, on Saturday morning he said he would go with me and we would talk to the officers. He told me if I was not working with anyone then I could go to the office. When I came with my father to the office, they arrested me.

Board Member: On the morning you went to explain what was going on your father was with you?

Detainee: Yes. My father told me if I was working with someone then don't go to the office. I told him that I was not working with anyone. He then said I should go back to the office.

Board Member: What does your father do?

Detainee: He is a money exchanger.

ISN 1008
Enclosure (5)
Page 9 of 20

21595

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: What was [redacted] or [redacted] reaction to this? Did they try to stop them from arresting you?

Detainee: I haven't seen [redacted] but [redacted] and [redacted] arrested me.

Board Member: They arrested you? [redacted] and [redacted] arrested you?

Detainee: Yes.

Board Member: This is after you interpreted for [redacted]?

Detainee: Yes.

Board Member: There is a big part of this story that we are not seeing; I would like to know what that is.

Detainee: Check my file.

Board Member: Well it would be better if we heard it from you.

Detainee: I told you already. I don't know any information about those three people. I don't know why they arrested me and why they made a story about me.

Board Member: Do you understand what this panel or this board is about? We are not here to assess guilt or innocence. Our job is to assess potential threat, if there is or is not a threat and then to determine whether or not you stay or go. We do not have all the information in a file. We would like to know from you why you are here and then make the best assessment that we possibly can.

Detainee: That's right, I also asked where the information from the file came from.

Board Member: Did you ever get sideways with [redacted] over something?

Detainee: No.

Board Member: You were friends with [redacted] and he arrested you?

Detainee: Yes.

Board Member: Sounds like he was a part of this arrest based just on a rumor he heard from these three individuals stating that you had done something or were associated with someone. That's it?

Detainee: Yes.

Board Member: They didn't do any kind of investigation or anything?

ISN 1008
Enclosure (5)
Page 10 of 20

21596

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Detainee: Nothing. I helped Americans I worked up until midnight with them. They called me when they needed me during snow or rain. I was on call. I worked 15 or 16 hours in the office.

Board Member: In the process of you doing finances did anyone ever come and audit your books?

Detainee: No.

Board Member: Did you expect an audit? Did they tell you an audit was about to take place?

Detainee: No, but we had reports every week and month. We sent it up to the main office.

Board Member: Where was the main office?

Detainee: It was in Kabul. Another address that was with [REDACTED] We bagged all the stuff and sent them through Fed Ex or DHL. We also sent other stuff to the headquarters in the United States.

Board Member: Did you ever suspect or have knowledge of any financial activities that you thought were not appropriate?

Detainee: No.

Designated Military Officer: Three men identified the detainee as a source for a high level member of an anti-American terrorist organization, Hezb-E-Islami Gulbuddin.

Detainee: I explained that to you before.

Designated Military Officer: The detainee claims that he provided information to an anti-American terrorist organization because he was told that if did not cooperate, his family would be killed.

Detainee: When I was in Kabul and they started beating me, this was the story that I told them. After that they asked why did I give information to Commander Chaman, and I told them because he threaten me and said if I did not give him information then they would kill my family. I made that up. That is a lie.

Board Member: What information?

Detainee: The information like the pictures or list of the people.

Board Member: Chaman knew all of that. He was around those people all the time. Why would he want pictures of them?

ISN 1008
Enclosure (5)
Page 11 of 20

21597

UNCLASSIFIED//~~FOUO~~

~~UNCLASSIFIED//FOUO~~

(Revised 14 Dec 05)

Detainee: He was not an educated person and he didn't have any contact with any administration personnel. He just had contact with [REDACTED] about the equipment.

Board Member: This statement here was obtained while you were under interrogation in Kabul. When asked about it later, you told them you made it up because you were being pressured to say that.

Detainee: Yes. When I was saying lies like my name is Mohammed Mustafa, they asked if this is was an alias and I said yes. From every lie came another lie.

Board Member: Is Chaman associated with Hezb-E-Islami Gulbuddin?

Detainee: Chaman was in Afghanistan before the Taliban; I do not know which year it was. There were three famous thieves between Kabul and Jalalabad, they were Chaman, Kalman and Zardan, three people.

Board Member: Were they associated with Hezb-E-Islami Gulbuddin?

Detainee: Yes, at that time in the newspapers, on the television, everything they were talking about those three people.

Board Member: Even though Commander Chaman was a famous thief he was able to get employed at the camp?

Detainee: I spoke with [REDACTED] about that. I asked him why did they give that contract to Chaman. I was driving them from the DinaHouse to the office, he was at the back I looked at him in the mirror and he didn't answer me.

Translator explains they were kind of like warlords.

Board Member: You explained to him that he was not a good guy and should not be working here.

Detainee: Yes.

Board Member: Does anything happen in that area of Afghanistan without the approval of Chaman?

Detainee: I was not with him.

Board Member: Does the Karzai government depend on him for political stability?

Detainee: I do not know. I was not working for Karzai or Chaman. He had a police number license for his car from the security office.

Board Member: Chaman had a license plate for a police car on his personal vehicle?

ISN 1008
Enclosure (5)
Page 12 of 20

21598

~~UNCLASSIFIED//FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Detainee: Yes. The person who introduced him to the DynCorp office was from Pakistan and he knew the translator better than me. The Northern Alliance hated the Pakistanis and that guy introduced Chaman as the Chief of security in Kabul to the DynCorp office, so Chaman would protect him from the Northern Alliance and the translator he knew better than me.

Translator explains that he (the Pakistani guy) introduced him to the Americans to get a guarantee for his own security.

Detainee: At opening day at the table where we were sitting, at pretend that you are the Ambassador (points to the Presiding Officer) directly in front of him the actual chief of police, me and [REDACTED], the program officer and Chaman was sitting at the table. The program officer asked who is the actual chief of police?

Translator explains that the warlord actually has more power than the officers.

Board Member: Did you hear something during one of those conversations that would make you a threat to either one of those people?

Detainee: You are talking about those three people?

Board Member: Yes.

Detainee: First I don't remember exactly what happened when they came. I brought them orange juice and then we started the translation.

Board Member: We are a bit confused as to why you're here. There is a big hole here and we can't help if we don't see the whole picture.

Detainee: I also want to know the piece of the puzzle why I am here.

Board Member: One big piece of this puzzle seems to be that three strangers walk into the office and allege that you are involved with an HIG. This seems to be the hole here.

Detainee: Which is simple in Afghanistan. A lot of people turn on a lot of people for money.

Board Member: Yes, there is usually a reason?

Detainee: Just like for \$500 or \$1000 they will turn you in.

Board Member: Motivation is what we are looking for.

Detainee: I do not know because that guy was spying for the Americans. He may have brought one of like hundreds of lying stories and one true story. The Americans were looking for that true story.

ISN 1008
Enclosure (5)
Page 13 of 20

21599

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: Did you have anyone that worked for you like an assistant?

Detainee: Yes, I have my pen. That was my assistant.

Board Member: Who did your job after you left?

Detainee: I don't know.

Board Member: Could [REDACTED] do it?

Detainee: I don't have any contact with them. I only get letters from my family.

Designated Military Officer: The detainee was aware of a possible plan to attack United States and Afghan forces.

Detainee: Which attack are they talking about? 9/11?

Presiding Officer: We don't think so; I think this is probably some other attack.

Detainee: I would like to know which attack they are talking about. When I was back at home there weren't any attacks in Afghanistan. When I lived in Kabul I worked for about six months starting in, I think, October to February. I worked with the Americans; there wasn't any attack.

Board Member: So the answer to the question is no?

Detainee: It is no, but I am not associated with any groups to know there is an attack or an attack is coming and they are going to attack Americans. Okay, if they are attacking DynCorp office, I worked in the office. I worked 13 to 18 hours in the office and I was there everyday.

Board Member: Did you take time to pray or go to the Mosque?

Detainee: Actually, I wasn't praying when I was back at home.

Translator explains he is not a very religious person

Detainee: The environment makes me a religious person.

Board Member: So you are not a very religious?

Detainee: I said the environment makes me religious.

Translator explains in Afghanistan everyone is supposed to be Muslim, they call them Muslim. Some of them pray five times and do the conditions while some people just say "okay, I am Muslim" but they do drink and do whatever they feel like doing.

ISN 1008
Enclosure (5)
Page 14 of 20

21600

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Detainee: Especially in Kabul.

Board Member: Did you ever drink with [REDACTED] Did you guys ever go out and party a little bit?

Detainee: Party in Afghanistan, but we never partied with DynCorp office or other subcontractors.

Designated Military Officer: The detainee applied for a visa to the United States under a false name.

Detainee: I have three names which are Mohammed Mustafa Sohail and also my family name is Bahazadar. If I apply with Mohammed or Mustafa, it's okay. I applied but it was from one of the UNICER (United Nations High Commission for Refugees) offices during the Taliban they had the DD 2000 form for us from UNICER. They had them for your country (United States), American countries and other countries. Everyone was filling out the forms.

Translator explains it was to apply for refugee status, that's how I came.

Detainee: When I applied on the form, I put Mohammed Mustafa Sohail Bahazadar. Which is all four names.

Board Member: So the actual name you used was a family name? It's just not the family name we see here in front of us.

Detainee: No, the family name is Bahazadar. It is in my file also, Sohail is also a name some people call me as a nickname. I am a cricket player. So there was a cricket player that I liked, so I took that name from him. People call me Mohammed Mustafa Sohail Bahazadar, I have four names.

Board Member: The name you applied under was a legitimate name?

Detainee: All four of them are. In high school if I took one of those, for example Mohammed Sohail or Sohail Bahazadar, it would not be a false name. It is all my name.

Board Member: You were applying for a visa to do what?

Detainee: For refugee status. I was not alone my family did it, my parents, my brothers and sisters all applied. During the Taliban we had a bad time and there wasn't any education in Afghanistan, so we applied.

Board Member: The entire family was applying for refugee status?

Detainee: Yes.

ISN 1008
Enclosure (5)
Page 15 of 20

21601

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: How many people earned money in your family? Was it you and your dad? Did you give money that you earned from your job to your family?

Detainee: At the time I was working for DynCorp in Kabul, my dad was in Jalalabad. Jalalabad is another province in Afghanistan. I was living with my mom, my brothers and sisters. My dad was in Eastern Afghanistan in Jalalabad because that's where his shop was. At that time I was supporting my family in Kabul.

Board Member: By yourself?

Detainee: Yes. I made 600 American dollars working with the Americans. It's a lot of money in Afghanistan; the governmental salary there is 50 dollars a month. I rented my car as well, which was 1000 dollars.

Designated Military Officer: The detainee claims that the confession regarding him providing classified information is false and coerced.

Detainee: Which I explained to you before. They put a pistol in my mouth; they beat and pushed me so I made up a story.

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.

Detainee: What is classified information, the meeting that the Designated Military Officer asked about?

Presiding Officer: He asked for a separate meeting a closed session.

Detainee: Maybe he has classified information.

Presiding Officer: That's presumably what he is saying.

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.

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

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: During the initial interview, when the detainee was asked to give his reason for not wanting to attend the ARB, the detainee said, "I do not want to

ISN 1008
Enclosure (5)
Page 16 of 20

21602

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

attend because I am in shackles...I need to think about it." When asked how much time he needed to decide, the detainee said three years. The AMO told the detainee that three years was unreasonable...his board was going to be held in the very, very near future. The detainee commented that these boards were being played like a computer game...I will let you know tomorrow (Saturday) my decision if I would attend this board. I will tell the guard to call you." At the conclusion of the interview, I (AMO) made arrangements for a follow-up interview. This interview was necessary to get the detainee's decision regarding attending the ARB.

The Presiding Officer asked the Detainee if he wanted to make a statement:

Detainee: In this oral statement that you want, what do you want me to talk about.

Presiding Officer: It's basically if you have any information beyond what you answered in the questions.

Detainee: I already answered everything.

The Assisting Military Officer had no further questions for the Detainee.

The Designated Military Officer had no further questions for the Detainee.

Detainee: When will I receive the results from the ARB?

Presiding Officer: Well there is a part in this session where we will address that.

Detainee: Sorry.

Presiding Officer: The short answer, however, is that we really don't know.

Administrative Review Board Member's questions:

Board Member: Help us fill in the parts that seem to be missing. Are you aware of circumstances that you are afraid to give up? That you just can't say at this time? Circumstances that you are afraid to say?

Detainee: When I confessed in Afghanistan and made those lies?

Board Member: Anything you know.

Detainee: I told you everything.

Board Member: There's nothing else that you can say to help us with your case?

ISN 1008
Enclosure (5)
Page 17 of 20

21603

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Detainee: I am not afraid of anything. I said if they put a pistol in my mouth, beat and push me again like they did in Afghanistan. Maybe then I will say the same lies I said in Afghanistan.

Board Member: We are not going to do that.

Detainee: Who did? Who were those people?

Board Member: I do not know.

Detainee: Those were Americans.

Board Member: We are trying to move forward here, we don't want to spend a lot of time back there. That's the reason we are here.

Detainee: That's the question you asked at first. Why am I here? It is because they beat me and put me here. If they didn't beat me then why did I make up that story?

Board Member: We believe that there is a piece of this that we are not seeing. If we knew what that was we might be able to help you, but right now we are kind of lost because we do not know what this missing piece is.

Detainee: Ask the person that arrested me.

Board Member: Well there's three Afghani's that walk-in and give you up.

Detainee: Ask them what story they made up against me and how can they believe this story right away that I was working for the HIG?

Board Member: Did they just want your job?

Detainee: I don't know because after that I was arrested. I don't know what has happened since.

Board Member: There's nothing that you know of that you are afraid to say.

Detainee: I am not afraid of anything. I am a detainee.

Board Member: Let's just say the board recommends that you go back home, what'll happen to you if you go back home? What will you do? With this kind of threat out there, with these three individuals, what can you do? What's going to keep that from happening in the future? Will you be well received if you go back home? Will employers look at you and say this guy was sent to Cuba because of some rumor?

ISN 1008
Enclosure (5)
Page 18 of 20

21604

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Detainee: First, I do not know anything about if I am going home or not being here. I do not know what is happening. Second, if I go home, it has been three years. I don't know if the people will see me again and remember my face or not.

Board Member: Well the people that will remember your face will be people like your father, your family.

Detainee: That's right, but those three people will not remember my face. I only saw them for just 30 minutes in the office and my family knows me.

Board Member: What would you do for employment if you went back home?

Detainee: First, I lost my education here; I have to learn some things again. It's been three years; I was a computer person. I forgot all of my computer stuff. I have to learn something before I can apply for the United Nations. I want to work for the United Nations office or other international organizations. I don't want to work for the government because I do not like governments; I do not like politics. I don't want to be a politician. I want to help people. I want to provide relief. That's why I want to work with the United Nations or other international organizations.

Board Member: If you don't mind me asking. I would like to ask what is your state of mind. I think that if what you are telling us happened to me, I would be very angry. What would be your frame of mind towards Americans in Afghanistan when and if you go back home?

Detainee: I don't have anything against any person, against any foreigners in Afghanistan. They are guests in Afghanistan. Afghanis don't say anything about guests in their country. If I have any problems with American's, why haven't I done anything bad to the guards here, which I can do. I am outside with the guards and the officers all of the time. I am not a person to kill someone, if I killed someone before I would be at home. I didn't kill anyone the people that killed people are at home, especially the Minister of Justice they are Taliban and they went home. They hung hundreds of people on the avenues and they went home. The Tribunal determined that they were not enemy combatants.

Board Member: In 2001 when you were arrested, how did you interpret the changes going on in Afghanistan?

Detainee: That was positive changes. During the Taliban I had a bad time. I was working as a laborer for 24 hours on a computer in one of the college's. I was only making money for my lunch and dinner. I didn't have a house. I couldn't even rent a house with my family. In this government, I started working with the Americans in the Egypt Foundation, which was an American organization.

ISN 1008
Enclosure (5)
Page 19 of 20

21605

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 14 Dec 05)

Board Member: You want to go back to a country that three guys can just walk in off the street and just turn you in causing you to be arrested, interrogated and sent to a foreign country? Is this where you want to go back to?

Detainee: If they give me asylum to go to your country, I am ready to go there.

Board Member: Do you want to go back to Afghanistan?

Detainee: Of course, that's because my family is there. If they (another country) were ready to take me to their country I would go.

Board Member: Do you think you will be arrested again if you go back?

Detainee: I don't know. I don't have any problems with anyone, not my government or any local people.

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


Detainee: The third stage of the human game.

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, USAF
Presiding Officer

ISN 1008
Enclosure (5)
Page 20 of 20

21606

UNCLASSIFIED//~~FOUO~~