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(Revised 16 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 1043

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 07 December 2005 and lasted for 45 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee said 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 said he would attend and answer the allegations after each point is read. The detainee did not have any written statements for the AMO to present to the board members. The detainee was cooperative, very respectful to both the linguist and the AMO. He elected to take a copy of the Pashto translated Unclassified Summary of Evidence for his review.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-5 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.

Detainee: I am an old guy and I don't have a good memory to translate the whole thing at once. I have to answer each, one by one.

Presiding Officer: That's fine.

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 claimed he fought against the Russian-backed Afghanistan Governments of Noor Mohammed Taraki, Hafizullah Amin and Babrak Karmal in the Kandahar area beginning in the late 1970's.

Detainee: Yes. I fought against Noor Mohammed Taraki and when the Russians invaded Afghanistan at the time of Babrak Karmal. I did not fight against the Russians. When Noor Mohammed Taraki took over, the resistance against him did not start right away in each village/province in Afghanistan. The resistance started step by step in each village, when the mujahidin came to our village people rose against Noor Mohammed Taraki's government. The mujahidin told the people either give money or participate in the fight against Noor Mohammed Taraki's regime. I didn't have any money so I joined them (mujahidin) in the fight against Noor Mohammed Taraki. Noor Mohammed Taraki's and Hafizullah Amin's regime was from 1978 to 1979.

Translator states the detainee said the date in Afghan history and I translated it right away.

Detainee: In 1980, when the Russians invaded Afghanistan, the people went to Pakistan and became refugees. I went to Pakistan also and stopped fighting the Russians. I did not fight during the time Magul Babrak was in power.

Designated Military Officer: The detainee said that he had stopped fighting and began to work in Commerce at the time Najibullah was the President of Afghanistan. When the Taliban later gained control, Taliban Commander Hezattullah asked the detainee to join with the Taliban.

Detainee: Yes. Like I told you before I did not fight against Najibullah in Babrak's government. I just fought Taraki. When the Taliban took over and came to our villages,

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they told us we had to participate by joining the Taliban or pay them cash in order to stay home. I knew one of Mullah Omar's bodyguards and through him I told them that I can not fight due to family problems, so he gave me a job in civil service. I had experience in commerce; they (Taliban) told me because of my experience in trading it is better that you go to Kabul and work with the custom department. I had two choices: one was to fight and the other one was to go to the customs department and work. The Commander Hezatullah told me I can either take a pen and go to the customs department in Kabul or take a gun and go to the front lines and fight.

Board Member: Was Hezatullah the bodyguard you mentioned that worked for Mullah Omar or was he just someone that approached you to join the Taliban?

Detainee: Hezatullah was a Commander in our village.

Board Member: How well did you know Hezatullah before you were approached to join the Taliban?

Detainee: He lived in and was from the same village I am.

Board Member: You knew him well?

Detainee: Yes.

Board Member: He was aware of your background in commerce and finance, which is what prompted him to ask you to work for them?

Detainee: Yes. He knew that I could read and write and I have experience in trading and commerce. That's why he recommended me.

Designated Military Officer: As the Taliban Minister of Commerce, the detainee oversaw a fleet of 1700 trucks and shipping vehicles.

Detainee: In response to this question, at the time of the Russian's there was a transportation department, which they called Apsotor. During that time it had more than 2000 trucks; when the Rabani government took over everyone started looting the trucks. I only had 70 or 80 under my operation.

Board Member: What were in these trucks? What was transported in them?

Detainee: At that time all these goods were coming through Hairatan, which was from the previous Soviet Union. These trucks would transport these Afghan trades and goods to Kabul, from Kabul to Hairat and all over. At the same time these Afghan traders importing goods from Japan, through Russia, then to Hairatan border and from there the transportation company had the first choice to deliver to Kabul.

Board Member: Name the top five goods that were traded?

Detainee: Tires, auto parts, air conditioning, videotapes and fabrics.

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Board Member: Were any foods imported?

Detainee: At the time of the Russians, they delivered food from Russia to Hairatan and from Hairatan to Kabul.

Board Member: After the Russians?

Detainee: At the time of the Taliban, they closed that border.

Board Member: Were there ever any war materials that went back and forth?

Detainee: I don't know.

Board Member: Rockets? Rifles?

Detainee: Different departments had their own vehicles and they carried weapons in their own trucks.

Board Member: How many trucks?

Detainee: They had their own vehicles, I don't know.

Board Member: 70 trucks?

Detainee: I don't know; maybe they had more than that. At that time I didn't know about the Defense Department and how many vehicles they had.

Board Member: The Defense Department had more trucks than trucks involved with Commerce?

Detainee: I don't know the exact information on who had more trucks.

Board Member: Did you ever stop to inspect or tax these trucks? Did you ever have any interaction at all with these trucks?

Detainee: It was at the time of Najib and Babrak Karmal. I did not go to Kabul at that time.

Board Member: So the answer is no?

Detainee: No.

Board Member: Were you the Taliban Minister of Commerce?

Detainee: Yes.

Board Member: In the conversations of moving vehicles and moving produce in and around Kabul through Afghanistan, who profited from the sale of this material?

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Translator adds after he (detainee) worked in the Customs Department, he worked in the Commerce Department.

Detainee: The incomes from the delivery of these goods were going to the Commerce Ministry. The goods belonged to individual Afghan traders, from the income the transportation company (which is Apsotor) had 49%, which was owned by the Russians and 51% owned by the Afghan government (they are the Taliban government). That income was coming to the Secretary of Commerce and us.

Board Member: After the Russians were gone did you still engage in this movement of produce to and from the border? If you did, the shares from the Russians then shifted to whom?

Detainee: The Russians did not have anything after they left Afghanistan. From that income we just paid the salary to the drivers and civilians who worked for that department and for repairs. We didn't pay taxes to the government.

Board Member: There was no political entity after the Russians? Who profited from these trades?

Detainee: There was no political.

Board Member: Who settled disputes between the Department of Commerce and the trucking industry?

Detainee: I don't know, but we had a framework for that. We were working based on the laws and regulations. There was no such problems, conflicts or anything. If something would come up there would be a third party that would come and investigate it.

Board Member: Who was the third party?

Detainee: The first step was the Minister of Commerce; the Commerce Department had that responsibility.

Board Member: You settled disputes?

Detainee: We didn't have any problems. There were no problems, no disputes or anything. The government did not own the Transportation Department it was a private individual department.

Designated Military Officer: The detainee tried to say that he was not the Minister of Commerce but was instead a secretary or assistant to the Minister of Commerce. This is contrary to information the detainee has reported numerous times before.

Detainee: That's not true. It was probably the linguist's mistake.

Board Member: Which part is not true?

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Detainee: I was the Commerce Minister and not the Deputy.

Board Member: To whom did the Commerce Minister report to? Who was he subordinate to as a Minister?

Detainee: We had an Economic Counsel and I reported to them.

Board Member: To your knowledge do you know who they report to?

Detainee: The head of the Economic Counsel was Mohammed Kabib and then he would give his report to Mullah Omar.

Board Member: What was Mullah Omar's title?

Detainee: He was the leader of the Taliban.

Designated Military Officer: Mullah Omar called a meeting in Kandahar. During the meeting the detainee argued for a single tax option that would be fairer for businessmen. The detainee stated that Omar ended up using his suggestions.

Detainee: Yes. Prior to the Taliban coming to power, the route was from the Soviet Union to the Hairatan border in Afghanistan and then to Kabul. When the Taliban took over that route became unsafe because people were stealing and robbing the trucks so they changed the route. The route went from Dubai to Iran, from Iran to Hairat, from Hairat to Kabul. The biggest Customs Department was in Hairat. The main custom was in Hairat; when the goods were coming from Dubai to Hairat Customs Department they would tax them and then they would transport them to Kandahar, Kabul, Jalalabad or wherever they wanted. The customs in other provinces wanted to tax them again, these traders began complaining, they said they should only have to pay taxes once and that should be it. When we (the traders) deliver it to another place we should not have to pay taxes again. At that time Mullah Omar called all the head of the Customs Departments (I was one of them in Kabul at that time) together. During the meeting Mullah Omar asked what was the best way to do this? What was the trick involved so the traders would not have to pay the taxes or you don't take taxes from them. The Afghan traders then told their side of the story and we told our side. We decided they (traders) should only be charged one tax and that's it. That's why Mullah Omar listened to me, accepted my proposal and suggestion that the traders should only be taxed once. After that meeting I went to Pakistan to take my father to the doctor because he was sick. When I came back the documents were already made for me to go to Kabul and become the Commerce Minister. When I heard that I made an appointment to see Mullah Omar. When I met with him, I explained that I was not that talented and I didn't have the talent and the skills to run such a big department. He told me he wrote a letter and signed it, I will go there (Kabul) for a couple of months and run that department then he would send someone else. There was a very big problem with Pakistan, there was not another route to bring goods to Afghanistan coming through Pakistan. Pakistan held 500 to 600 containers of Afghan goods; they did not want to release the goods to Afghanistan. Mullah Omar

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asked me to go with the Afghan trader and talk to the officials in Pakistan. The Pakistani officials said that these goods were prohibited and we should not import from Japan to Afghanistan. When I went there and tried to solve that problem Mullah Omar did not send another guy to replace me as the Minister of Commerce.

Board Member: Based on the two problems that you had solutions for (the double taxation and the problem at the border) Mullah Omar appointed you as the Minister of Commerce?

Detainee: Sorry I didn't solve the Pakistani problem. We went to Pakistan three or four times and we could not solve that problem because it was not good for their economy.

Board Member: Mullah Omar was apparently impressed with you.

Detainee: Yes. He was happy I did my job. I think on one side he was happy but on the other side I couldn't solve the Afghan trader problem in Pakistan, and they held 500 to 600 crates in their custody. The problem with the trading in Afghanistan was the Commerce Department going back for years, they didn't have any people to implement the laws and rules.

Board Member: When Mullah Omar had other problems of national significance whom did he consult with?

Detainee: I didn't have anything to do with Mullah Omar based on national problems. My department was Commerce. Problems I had I spoke with Mullah Mohammed Kabib and he was able to solve them.

Board Member: Did Mullah Kabib speak with any other Afghani leaders?

Detainee: Yes. Why not?

Board Member: Who were they?

Detainee: The Economic Counsel had about six or seven ministries under his control. He had a lot of people.

Board Member: Who were some of the men?

Detainee: The Commerce Department, Revenue, Mining and Exploration, Public Works, Telecommunication, Agriculture, Water and Electricity.

Board Member: Are any of them here?

Detainee: No. Nobody is here.

Board Member: How did you get here as a Minister of Commerce?

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Detainee: The President of Afghanistan was not fair with me and I did not escape to Pakistan. I was at my home when he (President) declared if there were any senior Taliban leaders who surrendered to them they would give us one car and two Kalishnikov's to have for our security. I gave my car and two of my Kalishnikov's to the District Manager and he gave me back one Kalishnikov for my protection. It is and was my country and I did not want to go anywhere. After the Taliban disappeared, I stayed in my home for about a year and a half. I was not against anybody.

Board Member: Which President turned you in?

Detainee: Karzai. That would be too long of a story for you to hear on how I ended up here.

Board Member: Did President Karzai turn anyone else in?

Detainee: The Afghan Army arrested me and took me to jail in Kandahar where I stayed for two months. The deputy of Foreign Ministry, Khalid Pashtoon came to visit me there and after he spoke to me the Americans came and took me away.

Board Member: Did President Karzai didn't turn anyone else in? Only you?

Detainee: I don't have any knowledge of that. I don't know if he gave any other Talibans to the United States forces or not. I'm not exactly sure that Karzai did this to me. From my point of view, I don't think the President of Afghanistan doesn't know I am here. I don't think that's possible.

Board Member: So it's assessed that the reason you are here is because you are a senior Taliban official?

Detainee: I was not a leader of the Taliban; I was just the Minister of Commerce. Hezattullah did a favor for me, I worked as the Minister of Commerce and as a Custom Director. This was all due to what Hezattullah did for me.

Board Member: As a Minister appointed by Mullah Omar the leader of the Taliban, couldn't that be construed as you being a senior leader for the Taliban?

Detainee: The Commerce Department has a huge name and a very important post but after Najibullah's regime was defeated. When Mullah Rabani took over and during the time of the Taliban, these two periods of time, all these ministries were nothing but names. The governor for each province was more important than the Commerce Department. There was nothing left I didn't do anything in the office maybe two or three Afghan business men would come in and I would sign something or do some other very little work. For example, in Pakistan the Ministry of Commerce is a very prestigious and important department. Their Minister should be very educated and knowledgeable. However in Afghanistan, unfortunately, it is nothing and that department was just a name. To you yes, that's a very important name but to us in reality it was a name and nothing else.

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Board Member: While serving as the Minister in name only, did you receive a salary?

Detainee: Yes.

Board Member: Who did you receive a salary from?

Detainee: Mullah Kabib. Not only the Commerce Department did not have a job but the Public Works Department that had to pave roads had no roads left, other departments like Mining and Exploration were the same way. There was no work for us to do. Only the Revenue Department had a job, which was writing the checks for the people's salary. Another very important thing was that Mullah Omar did not care about the economic part of the country he was busy with the fighting and the military stuff and how to conquer the whole Afghanistan. There was nothing in the Ministry and I didn't give them anything. The governor was very important because he would go and recruit people for the Taliban to make his Army stronger. I didn't have that power, that kind of job, or people to recruit and bring to him. If you catch another Minister of Mining, the Electricity Department or Public Service, whatever, don't think that he is very important. He was nothing in that regime. The governor and district manager were more important.

Board Member: Did you know Mullah Dadullah, Mullah Berader or Abul Salam?

Detainee: Mullah Zaif was here in the camp with me.

Board Member: Was he a great man or a great leader?

Detainee: He was a very good man.

Board Member: Did you know the others, Berader or Dadullah?

Detainee: Berader I don't know about his manner, his curiosity and things like that. I did see his brother in once Hairat because he was the governor of Hairat.

Board Member: You didn't know him well then?

Detainee: No.

Board Member: Did you ever talk to him?

Detainee: When I went to Hairat province I saw that he was the governor and I spoke with him for a half an hour.

Board Member: That was the only time?

Detainee: That's it. That one time.

Board Member: Never again.

Detainee: No.

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Designated Military Officer: In 1999, Omar asked the detainee to be the Taliban Minister of Commerce.

Detainee: I don't know the date, but yes.

Designated Military Officer: The detainee was able to provide detailed information concerning the relationship between the Taliban Minister of Interior and the Taliban Regional Governors. Taliban Supreme Commander Mullah Omar appointed the Taliban Regional Governors.

Detainee: I don't know why they wrote it like that but I didn't have anything to do with the governors. It was Mullah Omar's responsibility. They asked me what the governors in Afghanistan do. I told them that the governors were Mullah Omar's responsibility. The Commerce Department did not have anything to do with that. That was the Interior Ministries job and Mullah Omar's responsibility. The answer is no.

Designated Military Officer: In the spring of 2003, Taliban supreme leader Mullah Mohammad Omar, Hizb-I-Islami Gulbuddin leader Gulbuddin Hekmatyar, and Usama bin Laden agreed to unite their forces.

Detainee: That doesn't have anything to do with me, sir. I was in the custody of the United States. You gave me that information I don't know anything about that.

Designated Military Officer: The detainee reported that the Hizb-I-Islami Gulbuddin was the only group he was aware of that may have an active role in attacks on United States interests.

Detainee: I don't have any information based on that. Yes, he has a lot of commanders but I don't know about his planning on attacks, where or how he attacks. I don't have any relationship with Gulbuddin Hekmatyar and I don't know anything about him. If he is against or with the Karzai government, I don't know.

Designated Military Officer: Hizb-I-Islami Gulbuddin has long-established ties with Usama bin Laden. In the early 1990's, Hikmatyar ran several terrorist training camps in Afghanistan. Hizb-I-Islami Gulbuddin has staged small attacks in it's attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state.

Detainee: I don't know, sir.

Designated Military Officer: Mullah Omar named Mullah Beradar as a military leader. Beradar was the former Taliban Kabul Corps Commander who served as advisor to the former Taliban Defense Minister.

Detainee: I don't know, sir.

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Designated Military Officer: The detainee, the former Taliban Minister of Commerce, and Mullah Dadullah were appointed as Beradar's deputies.

Detainee: When? When you say deputy are you saying the deputy of Mullah Berader?

Board Member: The deputy of the government. An official of the government.

Detainee: I was the Minister of Commerce.

Board Member: Mullah Dadullah was also a deputy?

Detainee: I was the Minister of Commerce and then I was a deputy. Where?

Board Member: Was Mullah Dadullah considered a deputy?

Detainee: Whose deputy?

Presiding Officer: Berader's.

Detainee: I don't know.

Board Member: Did Mullah Dadullah work for Berader?

Detainee: I don't know. The former Taliban Minister of Commerce, explain what does that mean?

Presiding Officer: They are referring to you.

Detainee: I don't know.

Board Member: To clarify this chain of command, you were not in it? You were not subordinate or superior to Mullah Dadullah in any way?

Detainee: No. I was not in the chain of command in this one. I was a Minister of Commerce.

Board Member: You had no interaction professionally with Mullah Dadullah?

Detainee: No.

Board Member: We are having a little trouble understanding why you the Minister of Commerce was sent to Cuba and all these other officials were not.

Detainee: Noorudin Turabi was the Minister of Justice, Obidullah Akhund was the Minister of Defense, Sauddin was the Minister of Public Works, Said Mohammed was one of the Taliban's senior commanders, Naquibullah and Bashir Noorzai were all arrested. Obidullah Akhund was the Defense Minister and Sauddin was the Public Works Minister, Gul Agha was the governor of Kandahar at that time and Khalid Pashtoon was in Eastern Afghanistan. His tribe and his ethnicity goes back to Sauddin

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and Obidullah Akhund. They were all related so they were released. I am not one of them. I am from a different tribe and if you belong to their tribe they will release you or help to release you. I am not one of them; that's why I am here. Commander Dadullah released Bashir Noorzai. Everyody said that Dadullah was dead because Dormsta took over at that time with the United States forces and now you are telling me Dadullah is alive.

Board Member: Was Dadullah a great leader?

Detainee: He was a Taliban Commander?

Board Member: Was he a good leader or a bandit?

Detainee: When they were surrounded by the Northern Alliance they killed a lot of Taliban's and everyone in Kandahar said Dadullah was dead.

Board Member: You believe Dadullah is dead?

Detainee: I heard he was. Everyone was saying Dadullah is dead. When I was a detainee in Kandahar, Khalid Pashtoon told me that Dadullah declared something and told me his statement.

Board Member: So you think that Dadullah is alive?

Detainee: I don't know, sir. Pashtoon told me he was alive.

Board Member: Was he a good or bad leader?

Detainee: I don't know he was a Taliban Commander.

Board Member: What about Berader?

Detainee: He was also a Taliban Commander?

Board Member: Was he a good leader or a bad leader?

Detainee: I don't know. I don't know if he was a good or bad commander.

Board Member: Did you trust either one of those two?

Detainee: I didn't have any type of relationship with them because they were fighting all the time. I do not know anything about them. A question to you, sir. In the Taliban regime would the Defense Department be more responsible or the Minister of Commerce? You released them. Gul Agha and Khalid Pashtoon who were related to Obidullah the Minister of Defense and I was not related to them. I am from the Taraki tribe and they are from a different tribe. That's why I am here and they have been released. I think for you, sir, it is very important to capture and keep the Minister of Commerce here and release the Defense Minister. Naqibullah who was a very big

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commander in the Taliban and they released him as well. It's like the Americans were blind. They threw a stone to hit somebody and they didn't know where it was going to go and it hit me.

Board Member: Why doesn't the Karzai government send for you?

Detainee: My tribe is not that big. I don't have many people. I am not that strong. I have difficulty with these people. I have a lot of problems with them because we are against them.

Board Member: You're against the Karzai government?

Detainee: No. I am not against the government of Karzai. If I was against the government of Karzai, when all the Taliban's went to Pakistan and Iran I would have went as well.

Presiding Officer: You're basically talking about trouble between the tribes.

Detainee: Yes. When the American forces came to Afghanistan, I was so happy they were bringing security and peace to Afghanistan. I was in my home and thought they would bring me an award or some prize or gift for not doing anything against them. What happened was the opposite.

Board Member: You mentioned a stone being cast and it hit you, but it sounds as if the Afghan government cast that stone. Now we are just trying to figure out why.

Detainee: The Americans do make that kind of mistakes with other people's information; that's how I ended up here.

Board Member: The purpose of this group is to make an assessment as to whether or not you go or stay. We are still trying to figure out why the Afghan government would turn you over to the Americans. There has to be something there.

Detainee: I don't have an answer to that question. What I have realized from you is that the Defense Department with that huge responsibility is not important to you. That's why you released him. The commander of Naqibullah was a very strong commander in the region he was captured and released also. The Minister of Commerce, which is not anything but the name, but I am here. That's my understanding and my point of view right now is that you guys are going after very important guys and that's me; not the Minister of Defense.

Board Member: We do understand and appreciate that explanation.

Detainee: If that was important you would not have released them. When I was in my home in my village-I did a lot of propaganda for the government and the United States forces. I told the people to join the government.

Board Member: Which government?

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Detainee: The Karzai government. The point is that I am a poor guy, my family is not economically strong and important. It is very important when you are economically settled you have a good life and people listen to you and if you have your own tribe and strong people many people will listen to you. I am weak on both sides. Economically and people wise, they did not listen to me and I did my best to do some propaganda for the American forces and the government. I am a poor guy; economically I am not rich and tribe wise I am weaker than the other tribes are. Based on that I told you, that's why I am here. If I was strong and I had people I would not be here.

Board Member: If you were released and you went back to Afghanistan, what could have possibly changed to protect you from this happening again?

Translator adds I forgot to mention the detainee stated the Taliban was not like 100 or 500 thousand people it was more like 25 to 30 thousand people. They fought those who were against the government. I never fought, I never had experience in weapons I was not a fighter and I only had my Kalishnikov and knew how to use it.

Board Member: The question was if you were truly at home not doing anything for a year and a half and just minding your own business. If we recommend that you go back home, what could have possibly changed to protect you from this happening again?

Detainee: Before I was living far away from the city. Now my brother has sent me a letter telling me that we have a house in Kandahar City. If I live there, I don't think I will have that kind of problem. I am very happy and glad that I ended up here. If I was in the custody of the Afghan government or someone else I would be dead. Even when I was home in Kandahar, the governor Gul Agha was threatening me all the time. I wouldn't do anything but he would threaten me all the time. When I was in custody of the United States forces I felt secure. If you release me then you will give me a clearance letter saying that I am clear, if I have that letter no one should ask me anything.

Board Member: They threatened you just because you were from a different tribe?

Detainee: In Kandahar the tribal animosity towards each other is a very big problem. If you look it's very good evidence that they released the Defense and Justice Department managers and handed me over to the American forces. Whatever information I had I told the American forces. Now I am going to wait for your decision and justice for me.

Designated Military Officer: At the time of the Coalition attacks on Kabul, the detainee communicated with other members of the Taliban government using a digital satellite phone.

Detainee: I had a digital phone from a Chinese company that gave that service. Everyone had it. At the time of the bombings everyone spoke to each other saying what place was bombed.

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Board Member: That partially answers the question. The question says that you spoke with other members of the Taliban government.

Detainee: All these members were underground.

Board Member: Who did you speak to?

Detainee: I don't know the specific name. When any office or anyplace was bombed, I called it. I don't know the name of these people. I didn't have any information about the different ministries and the rest of the Taliban left. I had my own office in Darul Aman and I still went there. I was not afraid of the bombings.

Board Member: Everyone left except you, is that right?

Detainee: People were going to the offices and leaving because there was no work. At that time I was not afraid of these airplanes or bombings because I knew it didn't have anything to do with me.

Designated Military Officer: The detainee was identified as one of three Taliban Commanders responsible for the murder of an International Committee of the Red Cross employee on 27 March 2003.

Detainee: I was in the custody of the Afghan government. Khalid Pashtoon and Gul Agha the governor of Kandahar at that time told me the Red Cross employee was killed. Where the Red Cross employee was killed was about 60 or 70 miles away from where I was. After two nights in custody they took me to Kajoori and told me that Governor Gul Agha was there and I will talk to him. He told me the reason they were there was because the Red Cross employee was killed by someone. I didn't do those kinds of things. In front of my house there is a road. If I didn't like these people and wanted to kill them, I would have. Why should I go 60 or 70 miles away from my home and kill someone. I also did not have a car or airplane to fly and kill that guy there.

Board Member: Who were the other two Taliban Commanders that might have done that?

Detainee: I don't know. The governor of Kandahar told me that Mulah Satar might've killed that Red Cross employee. It was in Kajoori area.

Board Member: Why would Mulah Satar kill a Red Cross employee?

Detainee: The governor of Kandahar and his soldiers were talking about the killing of the Red Cross employee.

Board Member: Why would they kill a Red Cross employee?

Detainee: When the governor of Kandahar Gul Agha took me in his car. They told me Mulah Satar killed the Red Cross employee and he was now hiding in the mountains. After two or three hours we came back to the office.

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Board Member: Why would Mulah Satar kill a Red Cross member?

Detainee: The soldiers were mentioning Mulah Satar's name and that he killed this employee. If I was against the United States forces and the Red Cross employee's and workers, in front of my house there is a road. The United States would pass by two, three, four times a day. The Red Cross employee's pass that road back and forth all the time. Why didn't I kill them before? I could have done anything I wanted. This person was killed 60 or 70 miles away from my house. Did I kill him? No.

Board Member: The Red Cross employee was not from the United States; he was from Ecuador.

Detainee: I don't know.

Board Member: Why would Mulah Satar kill a citizen from Ecuador that was in your country to help?

Detainee: The first time the governor of Kandahar Gul Agha mentioned that they killed the Red Cross employee, my reaction was that anyone who did it was a coward and that was a very bad thing. If you are against the American forces and you are fighting with them that's a different story. These people are there to help us and they should not be killed. When we were in the same area, (Khalid Pashtoon and Gul Agha) was there; they did not even ask me did I do anything or why it happened. They didn't even have the guts to ask me. I don't understand why they didn't ask.

Designated Military Officer: According to eyewitnesses, the men who captured an Ecuadorian Red Cross aid worker, Ricardo Munguia, called Mullah Dadullah on their satellite phone and under Dadullah's orders, shot Munguia dead.

Detainee: I don't know anything about that. I didn't have a telephone at that time and I didn't know where Dadullah was. So that's not true and I didn't have any relationship or contact with Dadullah.

Board Member: When the Red Cross worker was killed where were you at that time?

Detainee: I was arrested and detained by the governor of Kandahar.

Designated Military Officer: The detainee stated that he does not want to go back to being the Minister of Commerce in Kandahar, Afghanistan. The detainee said he wanted to go back to what he was doing before he was appointed to that position, which was private finance, such as the trading of oil or fruit.

Detainee: I was so happy when I was doing work for myself. When Commander Hezattullah asked me to join the Taliban and work for the Custom Department, then to the Commerce Department, during that time I didn't really have money or respect. When I was I doing my own work I had respect and money.

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Board Member: What kind of oil?

Detainee: Petroleum Gas.

Board Member: What quantities did you trade oil? Did you trade 55-gallon drums? Did you trade with ships or tankers?

Detainee: A truck. The drum was about 60 or 70.

Presiding Officer: So it was a truck with about 50 or 70, 50-gallon drums?

Detainee: Yes.

Presiding Officer: Thank you.

The Designated Military Officer stated that concludes the Unclassified Summary.

Detainee: I have a question.

Presiding Officer: Go ahead.

Detainee: First of all I would like to say you are welcome and have a nice afternoon.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

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: The detainee said these allegations are all lies. He stated that it is disrespectful for him to tell these high ranking people (ARB) these lies. The detainee was informed that this is his opportunity to explain these allegations to the board however he wished. The detainee wanted to know when would the board give their decision regarding his detention. I (AMO) explained to the detainee that the board members would not be able to give him a decision... it will be explained to him during the ARB. The detainee said he would not ask the board any questions but would gladly attend the ARB.

The Detainee made the following statement:

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Detainee: Welcome and thank you very much for listening to my answers. One thing I have to tell you is that I did work with the Taliban. If you think that was a very high or low position you can decide on that. Even if I committed a crime I have served here for three years. I never did anything to hurt the United States or the government. I guarantee that I will not do anything against the government and the United States forces. If you do not believe me then there's government housing. They can give me a house and I will live there under their watch, but I am giving you a guarantee that I will not do anything that will hurt the government of Afghanistan. I have my house in Kandahar. That's my place and it is clear to anyone that is where I will live. If it's not, then they can give me a house and control me there. I am getting old and weaker; I hope you guys release me. I can not be against anyone, especially the United States and the Afghan government. I am getting weak in my body and my age plus I understand I don't have to do that. By working with the Taliban and having that position in the Taliban regime, I believe it is enough being here for three years. That is punishment enough. That was my statement.

Presiding Officer: How old are you?

Detainee: 48.

Presiding Officer: I am older than you are.

Detainee: You are young still.

Presiding Officer: Thank you for your statement.

Detainee: If you have any questions.

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: You were trading oil and fruit then the Taliban approached you and stated that you either join the Commerce Department or fight. You chose the Commerce Department because you are not a fighter. What were your feelings towards the Taliban government and how they administered their policies while you were with them in the Commerce administration? What did you feel about what they stood and fought for?

Detainee: The Taliban had two councils: one was the Economic Council and the other was the Political Council. I was in the Economic Council and I don't know anything about the Political Council. They were concentrating on the war with the Northern Alliance.

Board Member: If the Taliban government or representatives of the Taliban government were to resurface and challenge the current government in Afghanistan what would you do?

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Detainee: No. I am not going to join the Taliban. I will be in my home and that's it. I don't like to work with the government anymore and that's enough for me. I declare my support to the present government.

Board Member: Thank you for participating.

Detainee: Sir, you have the power to tell me when I will get the answer on whether I will stay or be released. Is it possible to give me that answer?

Presiding Officer: We will tell you what we know. The short answer is that we make recommendations. We do not know how long it takes.

Detainee: Yes, sir. I beg you sir to help me and give your good opinion of me.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.

Detainee: Do you know the time?

Presiding Officer: We don't know the time.

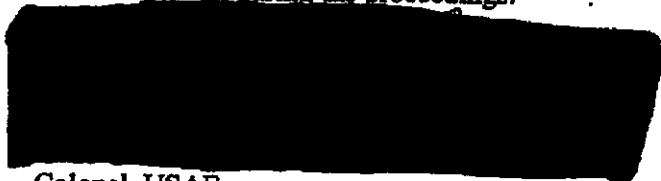
The Presiding Officer read the post-Administrative Review Board instructions to the detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, USAF
Presiding Officer

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