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Summary of Administrative Review Board Proceedings for ISN 1056

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the Muslim oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

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

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

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 01 September 2005 and lasted 40 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee was very cooperative and polite throughout the interview. The Detainee declined to keep a copy of the Pashtu translated Unclassified Summary of Evidence for review and elected not to submit written comments regarding the Unclassified Summary of Evidence.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, 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.

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 to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee's family actively aided and abetted Taliban and al Qaida in the Serkhankhel Village area.

Detainee: It is a lie. All of those ruthless [people] wrote down [these] baseless allegations. Some pigs gave the wrong information to a couple of people.

Designated Military Officer: (3.a.2) The Detainee admitted that his family had collected firewood for al Qaida but this took place during the time of the Taliban. In late 2001, Arabs came to his village and took houses.

Detainee: [Our business] was collecting firewood and we had to sell it to everybody. [We sold it] to the Taliban and the villagers.

Designated Military Officer: (3.a.3) The Detainee's father admitted that they guarded al Qaida weapons in their home.

Detainee: I swear I did not see any weapons that my father was securing for al Qaida.

Designated Military Officer: (3.a.4) The Detainee has assisted his brother Allah Mohammed in his footwear business and participated in Allah's anti-coalition activities.

Detainee: It is a lie. We were just working to survive and we were self employed and we sold these shoes and sandals and made money.

Designated Military Officer: (3.a.5) The Detainee stated that he was an enemy of infidels and non-Muslims.

Detainee: It is not true. I did work in Pakistan.

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Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee knew about two people that were former Taliban and were assisting al Qaida operatives in the area of Zurmat, Afghanistan.

Detainee: I did not have any relationship with these people, but someone in the village told me that they were previous[ly] Taliban. If I knew who was Talib I would tell.

Designated Military Officer: (3.b.2) The Detainee's brother Allah Mohammed is an al Qaida sympathizer and leader of anti coalition activities in the Districts of Shahi Kot and Zurmat, Paktia Province, Afghanistan. He has ties to past and present Taliban leaders.

Detainee: That is a lie.

Designated Military Officer: (3.b.3) Allah Mohammed supported Mualim Shah Wali and the Taliban in the past and maintains strong ties to other Taliban and al Qaida sympathizers/operatives in his area.

Detainee: I don't know Mualim Shah Wali himself and I never saw or met him.

Designated Military Officer: (3.b.4) Mualim Shah Wali is the displaced leader of Shahi Kot District, Paktia Province, Afghanistan and a long time al Qaida facilitator and Taliban supporter.

Detainee: I don't know him. If he does anything it has nothing to do with me. Why are you guys mentioning him to me?

Designated Military Officer: (3.b.5) Mualim Shah Wali maintains relationships with al Qaida members living in Saudi Arabia.

Detainee: I don't know Mualim Shah Wali. Why are you guys telling me about Shah Wali? You can get information about me and if I have any relationship with Mualim Shah Wali you can blame me for that.

Designated Military Officer: (3.c) Other Relevant Data (3.c.1) The Detainee was apprehended by United States Forces on 02 May 2003 in Serkhankhel, Zurmat District, Paktia Province, Afghanistan, under suspicion of assisting anti-coalition forces.

Detainee: I swear I never helped the Taliban or al Qaida. You can get information about me and if I did anything wrong you can hold me accountable. You can get that information from anyone in my village.

Designated Military Officer: (3.c.2) The Detainee's brother, Allah Mohammed, remained an active leader of Mualim Shah Wali's political structure based in Shahi Kot. He is known to have strategized acts against United States forces and the Islamic Transitional Government of Afghanistan.

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Detainee: It is a lie. I swear I don't know anything about these things. I know myself I am innocent. I swear I don't know about this kind of stuff and I don't know how to explain that. You guys can get information about my innocence. I did daily work by myself to survive.

Designated Military Officer: (3.c.3) The Detainee's father, Said Khan, knew of his son Allah's involvement in anti-coalition activities and supported his efforts as an advisor.

Detainee: I swear I don't know [about this].

Designated Military Officer: (3.c.4) The Detainee seemed very uncomfortable and was shaking when he was asked questions about his support of al Qaida and Taliban elements in his village.

Detainee: I told them the truth. I came myself to the Americans they did not come after me. I was innocent and that is why I [went] to them. Like me, there are hundreds of thousands of people around there. You guys can ask them about my involvement.

Designated Military Officer: (4) The following factors favor release or transfer: (4.a) The Detainee denied helping the Arabs.

Detainee: Yes, I did not help anybody. I swear I don't know anybody and I did not get involved with the Taliban and you guys can get some information from my file.

Designated Military Officer: (4.b) The Detainee admits that his brother, Allah Mohammed, has had dealings with al Qaida in the past and only by force.

Detainee: My brother may have worked with the Taliban, but that was by force and I accept that. They were forcing us to build a Mosque in our district and they were coming to us and forcing us to go there and work and build the Mosque, not only me, but everyone in the whole village.

Designated Military Officer: (4.c) The Detainee recanted the statements he made in Bagram about giving al Qaida firewood and denied ever saying that his brother ever dealt with al Qaida.

Detainee: I accepted that we sold firewood to everybody. That was our work to survive. I don't know who was al Qaida and who was Taliban.

Designated Military Officer: (4.d) The Detainee has fired a Kalashnikov and an "American Rifle" but only during ceremonial events as wedding celebrations.

Detainee: Yes I did, but not with my gun, but [with] somebody else's gun.

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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 Detainee made the following statement:

When I was captured...at the time of the Taliban I was going to Pakistan and bringing stuff back to sell to people. That was in the wintertime. In the summertime I would come back to Afghanistan and I would help sell shoes and sandals and stuff like that. When the Taliban and Mr. Karzai, our beloved leader, came to power I had some money and started my own little shop. I was a shopkeeper and we sold shoes and sandals. I was vacationing at my home. When the Americans came in I was irrigating. After the irrigation of my farm we were at our village and after the irrigation I went to my home. I saw helicopters with my own eyes and I came to my house. I was thinking that I was an innocent guy and I was not a Talib or anything else. I am swearing on what I am saying. You can study my whole file. I went to the American forces [on my own]. The Taliban came to our villages and they forced us to leave and they captured me at my home. I was going house to house with the American forces to see if we could find some bad guys. The Taliban came to our villages and forced us to leave. The Americans came too. Everyone came. I swear I am telling the truth. I am against the Taliban. They beat me up a couple of times. I never liked them and you can get that information. I was against the Taliban and I am against the Taliban. I swear when you release me I will never do anything against the United States and I never did anything against the United States. I was shocked when they captured me and when they brought me to Bagram. I may have said something but I was not concentrating on [what I was saying]. I was nervous and I was not able to concentrate on stuff like that. I am telling you that I thought everybody was dead and I was the only one alive. I don't have any bad feelings about anyone. I was unconscious and I did not know what...you can study my file. I swear that I am telling you the truth. I never lied and I will never lie. I am innocent. I always did work to survive and feed my family. That is all I have to say.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

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Board Member: You were captured at your home. Is that the same home your father lives in?

Detainee: Yes.

Board Member: Is it a very big home?

Detainee: It is big, but not that big. It is a house that we...all children live there.

Board Member: How many rooms?

Detainee: It is five or six rooms, but you cannot count it that way. For the animals we have one room, for the grass we have another room, and for the children we have...

Board Member: So, if your father was guarding weapons for the Taliban would it be unusual that you couldn't see them?

Detainee: I swear I did not see and I swear that he did not have any [weapons]. We have an old gun and that is it. Wolves were coming and foxes were coming and we would shoot them for our safety.

Board Member: You said prior to your capture you were going around your village with the Americans pointing out or looking for bad guys. Did you see any or did you point any out?

Detainee: When we went around I did not see anybody, but my little brother gave some food to three guys and I did not know them. I swear when I go back there I am going to punish my little brother and ask why he did that.

Board Member: Is your brother Allah Mohammed?

Detainee: No. It is a brother younger than I.

Board Member: Where is Allah Mohammed now?

Detainee: He was at the shop at that time. I don't know where he is now.

Board Member: Do you know where your father is?

Detainee: My father was at the village and someone told me that my father was released too.

Board Member: What year was it that the Taliban made you leave your village?

Detainee: We went to Pakistan and when we came back our houses were destroyed and we were going to build up the stuff. We went back to Pakistan and we bought some tape

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and shoes and stuff like that. We got a permit from the government to build up our house. I don't remember the exact year.

Board Member: If you go back to Afghanistan and your brother and your father support the Taliban and al Qaida will you also support the Taliban and al Qaida?

Detainee: I swear if I go there I will damage the Taliban and do things against them that you would not believe. I am a Muslim, but I am against the Taliban. They destroyed our life and they destroyed our country. They caught me a couple of times and they beat me up. [They said] that I have a long beard and I have a short beard and they asked why I shave my beard.

Presiding Officer: Was your father taken into custody and then released prior to coming here?

Detainee: Yes, they captured my father and someone told me he was released back to his house. This is what the Red Cross told me.

Presiding Officer: Have you had any communication with anybody in your village or your family since arriving here?

Detainee: No, I have not seen anybody.

Presiding Officer: Have you gotten anything in writing, any correspondence, or any letters?

Detainee: Yes, I do write letters.

Presiding Officer: So, you have heard from your family?

Detainee: I got four letters.

Presiding Officer: Thank you.

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.

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AUTHENTICATION

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



✓ Colonel, USMC
Presiding Officer