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Summary of Administrative Review Board Proceedings for ISN 1104

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 initial Administrative Review Board interview occurred on 29 August 2005 and lasted 15 minutes. According to the language database, the Detainee speaks Persian and Pashto equally well at the basic understanding level. The Detainee said he only speaks a little Persian and after the Persian translated Unclassified Summary of Evidence was read to the Detainee, he stated that he did not understand the allegations. A follow-up interview was scheduled with a Pashto linguist on 29 August 2005 and lasted 30 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee wanted to review the Pashto translated Unclassified Summary of Evidence and a final follow-up interview was held on

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30 August 2005 and lasted for 19 minutes. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, he said he would attend the Administrative Review Board and speak for himself to the board. After being asked four times, the Detainee would not answer whether he would address the Unclassified Summary of Evidence point by point or as a group. The Detainee stated during the interview that he was a sick man, and he has headaches, but the doctors gave him medicine for them. The Detainee was civil throughout all of the interviews. The Detainee kept a copy of the Pashto translated Unclassified Summary of Evidence and elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2, other unclassified information 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 claims he has four years of military service and was a Mujahedin foot soldier operating out of his home village.

Detainee: I had been forced.

Designated Military Officer: The Detainee was Chief of Logistics for a Cooperative Logistics Company located in Kabul, Afghanistan. The Taliban government owned the company and it was closely affiliated with Taliban intelligence. The company provided logistical support directly to the Taliban government.

Detainee: No, I haven't done this thing.

Designated Military Officer: The Detainee was responsible for purchasing items as directed by Mohammad Ibrahim.

Detainee: No response.

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Designated Military Officer: Mohammad Ibrahim worked for Taliban Central Intelligence.

Detainee: I only know one Mohammad Ibrahim, and he was responsible for logistics.

Designated Military Officer: After the Detainee purchased the items he would then resell them to company employees at a higher rate. The profits would then be deposited into Taliban controlled accounts.

Detainee: No response.

Designated Military Officer: The Detainee was captured at his home with an AK-47 and Taliban related documents. These documents have been reported as financial records indicating large money transactions with a group called the "Afghan Islamic Movement".

Detainee: Dealing with money was not my job.

Designated Military Officer: The Detainee was controlling a large cache, located in a nearby school, which contained 68 x 122 mm rockets; 1218 x 76 mm AT and HE rounds; 54 x 122 mm artillery rounds; 82 x 76 mm MNTN gun rounds; 44 x 100 mm tank rounds; 9 x SPG-9 rounds; 17 x 60 mm mortar rounds; and 35 x 140 mm rockets.

Detainee: It is not true.

Designated Military Officer: The Detainee kept the records for documentation of where money and supplies went in case of inquiry by the new government. He said he worked there for about 30 months until the day the Taliban fell from power.

Detainee: Dealing with money was not my department.

Designated Military Officer: Mullah Abraham was appointed by an al Qaida Intelligence member, Mullah Wasiq, as the Deputy Minister of Intelligence.

Detainee: I am not aware of this information.

Designated Military Officer: Mullah Wasiq reported to Mullah Qari Ahmedullah, who ultimately reported to Mullah Omar.

Detainee: I have no idea.

Designated Military Officer: Ammadullah was the Chief of Intelligence and he reported to the Deputy Chief of Security Services Mullah Omar in Kabul, Afghanistan.

Detainee: I am not aware of these things.

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Designated Military Officer: The Detainee is identifiable as a former companion of Bin Ladin during the jihad against the Russians. He was among a group protecting Bin Ladin at his last meeting at Tora Bora.

Detainee: I do not know what they are talking about.

Designated Military Officer: The Detainee was entrusted by Bin Ladin to exfiltrate his guard forces from Afghanistan back to their countries of origin. Bin Ladin and his companions spent the night in a house belonging to an Afghan acquaintance of the Detainee.

Detainee: It is all un-true.

Designated Military Officer: The Detainee attended a meeting of Taliban members in Zabul Province, Afghanistan. Reports indicate that additional Taliban groups were formed and given commanders.

Detainee: I'm a poor man. I was just doing my business. This is un-true.

Designated Military Officer: The Detainee commanded one of the newly formed Taliban groups, which was comprised of approximately 13 Taliban soldiers. His group is assessed to have possessed numerous weapons.

Detainee: It is not true.

Designated Military Officer: The Detainee attempted to align himself with other Taliban to continue the anti-United States/Coalition Campaign.

Detainee: It is not true.

Designated Military Officer: The Detainee attempted to export gems from Afghanistan to Germany in order to raise revenue to finance al Qaida.

Detainee: It is not true.

Designated Military Officer: The Detainee stated that the Taliban leaders from Pakistan gave him several satellite phones with long-range capability.

Detainee: I have not told anybody that.

Designated Military Officer: Reporting indicates that Taliban leaders planned to hold another meeting in March 2003 to form more groups and assign commanders to those groups. The additional groups were to be assigned tasks and given their agenda.

Detainee: No.

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Designated Military Officer: Taliban members were armed with mines when they traveled to the meetings.

Detainee: I do not know.

Designated Military Officer: According to a Foreign Government Service, members of the Afghan Islamic Movement were trained at Usama Bin Ladin's Khaldan Training Camp during period 1996-2001.

Detainee: I am a poor farmer, busy with my job. I am not aware of this.

Designated Military Officer: The Khaldan Camp was used to train Mujahedin and consisted of tunnels to house soldiers and supplies. The students at the camp were Arabs undergoing small arms training.

Detainee: I am not aware.

Designated Military Officer: The Detainee stated he did not even know the weapons were there. He then related the weapons belonged to the district and the district commissioner. He continued to deny that he owned even one bullet from the weapons cache.

Detainee: Yes.

Designated Military Officer: The Detainee denied any knowledge of the weapons in the schoolhouse in his town and blamed unknown enemies for saying they were his.

Detainee: Yes.

Designated Military Officer: The Detainee again denied that he was continuing to serve as a logistics officer for the Taliban and assisting them in obtaining weapons and supplies.

Detainee: That is true.

Designated Military Officer: The Detainee denied the allegation that he was continuing to run the cooperative for the Taliban by brokering deals for supplies and money into Afghanistan.

Detainee: Yes.

Designated Military Officer: The Detainee denied being part of the Taliban and said he did not like them and was forced to work for them. He denied any association with the "Afghan Islamic Movement" and that he was unaware of any such organization.

Detainee: Yes.

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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:

Detainee: I am a sick poor farmer with enemies. I have spent my life working, but my family and I do not have enough to eat.

Presiding Officer: Sir, these are all statements that you have covered in your previous answers. Do you have any new information?

Detainee: Sir, I am getting to the point.

Presiding Officer: Please, if you would be so kind.

Detainee: I apologize. I am from Afghanistan, and we had no choice. We were there at the time you were doing operations. For several days, I would bring wheat flour to the houses to make bread. I would pull it out and take the bread to them. I was trying to feed my family, so I did it. I did not do it for the Taliban.

Presiding Officer: You admit to working for the Taliban, but you did it under protest. Is that correct?

Detainee: That was at the time of the Mudjahedin.

Presiding Officer: Mudjahedin, not the Taliban? Did you do the same function for the Taliban?

Detainee: I had no choice but to do it.

Presiding Officer: So, you did do it, but once again, under protest?

Detainee: The Taliban took everybody by force. They forced me from my home. However, because I have a stomach problem, I was not qualified to fight. My job was to bring food and other supplies from the bazaar, and then sell them cheaper to the very old and poor people. Their salaries were being cut. In summary, I handled food and other supplies, for one month, because I was afraid. I did it for my family.

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Presiding Officer: That concludes your statement, sir?

Detainee: Yes, sir.

Presiding Officer: Thank you.

The Assisting Military had no further questions for the Detainee.

The Designated Military Officer had the following questions for the Detainee.

Designated Military Officer: Sir, have you ever met Usama Bin Ladin?

Detainee: I have not seen him. I'm a poor farmer.

Designated Military Officer: Sir, you say that you are a sick poor farmer, and, yet, you have so many enemies. Can you tell us why you have so many enemies?

Detainee: During the time of Russian occupation, the people became enemies, because of land. The Russians caused this hostility. With your permission, I will provide examples of the hostility, and animosity.

Designated Military Officer: Please.

Detainee: First, there is this mountain not far from my farm. There is an abundance of grass and a spring located by my land. There is desolate land between my village and two other villages. These villages fight over the right to have their animals feed on the grass, and use the spring. This has caused animosity. We took turns fighting each other. Second, during the Russian occupation, we turned each other in. Last, in the time of revolution, people were killed; that caused hostility.

Presiding Officer: Mr. DMO, would you like to re-direct?

Designated Military Officer: Yes. Are you saying that you are Hazra?

Detainee: Some people call it Hazragon, some people call Hazra.

Designated Military Officer: You still say you are a poor sick farmer. Why do you think the United States would have an interest in bringing you over here---halfway around the world--- feeding you and housing you, if that is all that you are?

Detainee: I am nothing more than a poor farmer.

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Presiding Officer: Mr. DMO, would you like to re-direct?

DMO: Yes. I thank you for your answers.

Detainee: I would like to say one more thing, if I may?

Presiding Officer: Of course.

Detainee: I am not the enemy of America. I am not dangerous to nobody, because I am a very miserable poor man.

Presiding Officer: Do any of the board members have questions for the detainee?

Administrative Review Board Member's questions:

Board Member: As a foot soldier, did you ever participate in combat operations?

Detainee: I was working my own business, my farm.

Board Member: How close was your home to the school that held the munitions?

Detainee: My house is far away with two houses in between.

Board Member: Did you know that munitions were in that school?

Detainee: I was not aware.

Board Member: What were the Taliban financial documents doing in your home?

Detainee: As mentioned earlier, I worked at the bazaar, but another man dealt with the money.

Board Member: And this dealt with the Cooperative Logistics Company?

Detainee: Yes, logistics office.

Board Member: Was that a company associated with the Taliban?

Detainee: That was a personal salary for the workers.

Board Member: It was associated---

Detainee: Everything belonged to the Taliban.

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Board Member: Were you associated with MuHammid Abraham?

Detainee: At the bazaar, there was the logistics chief; two representatives who purchased supplies.

Board Member: Do you support the current Afghanistan government under President Karzai?

Detainee: I am happy to have a quiet, peaceful business, without worry.

Board Member: Will you return to your home and family in Afghanistan?

Detainee: I will go back home and work.

Board Member: Will you be able to support your family?

Detainee: I will serve them.

Board Member: Thank you very much. Did you consider your country, in Afghanistan, a dangerous place, leading up to the time of your capture and your being forced to come to our country?

Detainee: No, it is not dangerous for me.

Board Member: So, how can someone force you to do something, if you didn't think it was dangerous? That is, how were you forced to be a part of the Taliban, if you were not afraid, or if it was not even dangerous?

Detainee: The government took everybody by force. They would dishonor me, or kill me.

Board Member: So, it would be dangerous for you to not be a part of the military?

Detainee: They would not leave me alone.

Board Member: Your enemies are not dangerous?

Detainee: We have a problem over the land.

Board Member: So, it's dangerous?

Detainee: We submitted a petition, for our land, to the government.

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Board Member: So, the only training you had was to be a logistics person, no military; no weapons training. You have no training with weapons, at all?

Linguist requested to translate question again

Detainee: During Mudjahedin, I carried bread.

Board Member: So, with the war going on with enemies---a lot of dangerous things happening---you never had a weapon? You never worried about protecting your family?

Detainee: We would beat them with sticks and shovels.

Board Member: You never saw a weapon?

Detainee: I have seen other people have them.

Board Member: Where?

Detainee: During Mudjahedin, some people came home carrying guns.

Board Member: There were weapons in your village?

Detainee: During Mudjahedin, people would come from other places.

Board Member: What were the names of the superiors you worked for in the Logistics Company?

Detainee: It was the Chief of the company brother.

Board Member: You said there were two superiors you reported to. What were their names?

Detainee: Two representatives controlled the prices.

Board Member: I want to know the names of the people you reported to. You reported to someone. What is their name?

Detainee: We were responsible for these two members.

Board Member: My question is simple. Does he know the names of the people he reported to?

Detainee: I forgot their names.

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Board Member: I have no further questions.

Presiding Officer: Did you ever hear the sounds of weapons being fired, bombs going off?

Detainee: Why not?

Presiding Officer: Have you ever fired a Kalashnikov, even once, in your life?

Detainee: I might have, but I can't remember.

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, USA
Presiding Officer

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