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Summary of Administrative Review Board Proceedings for ISN 496

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 his statements 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 Detainee interrupts with the following statement)

Detainee: I am not feeling very well today. I have a hearing problem, but I will try to do my best.

PO: Well, if you need assistance, ask us to repeat something and we will take the time to repeat it.

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 ARB interview occurred on 12 August 2005 and lasted for 114 minutes. After a review of the ARB's purpose and procedures, the

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Farsi 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 kept a copy of the Farsi translated Unclassified Summary of Evidence for review.

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

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee admits to working for the Taliban.

Detainee: I have stated this from the beginning, ever since I arrived here. I was forced to work for them. I had no other choice and there was nothing that I could do. I was forced to work for them, so yes I worked for them. For example, for the six, seven, or eight months I was there under their atrocity, then their regime toppled and [U.S. Forces] came over, then I stopped [working for the them]. I don't know that it was my fault that [I worked for them]. I was forced to do it and I had to do it.

Designated Military Officer: (3.a.2) The Detainee was recruited to work for the Taliban and was hired to work in the Office of Intelligence, Division #2, in Mazar-e-Sharif.

Detainee: They are both the same. This charge is the same as the first charge.

Designated Military Officer: (3.a.3) The Detainee was identified as having been placed in a position with the Second Administration.

Detainee: Yes, I was working there and I had a title, but I did not have any authority or anything like that. For example, they just gave me a name like president of that department, but I did not have any authority and there were other people who had the power. I was just a pencil pusher for example. I was just doing what they were telling me to do. They just gave me a name as a formality.

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Designated Military Officer: (3.a.4) Administration Office Number Two was the Foreign Affairs/Intelligence Office in charge of foreign personnel, liaison with the international charity groups and registering people.

Detainee: I don't know anything about that. I was just there. I don't know what they were doing or not doing. I used to go there every once in a while. I went there a couple days a week and I don't know what they were doing there.

Designated Military Officer: (3.a.5) The Detainee was identified as having been placed in the position of 2nd Security Office for the Embassy.

Detainee: This is redundant and you just said this before. Again, I was just there and they gave me a title, a name. I can provide other detailed information about this. I did not have anything to do with this.

Designated Military Officer: (3.a.6) According to the Detainee he was in charge of the front office.

Detainee: Yes, that is true. They told me that I had this responsibility, but it was just a formality. I said it before and I am saying it now, I don't know anything else about it.

(The Presiding Officer interrupts and asked the Assisting Military Officer why the air conditioner was off. The Assisting Military Officer replied it was because the Detainee was cold and could not hear properly with it on. The board continued the proceedings).

Designated Military Officer: (3.a.7) The detainee provided detailed descriptions on various different departments within the Taliban Intelligence building.

Detainee: Yes, like I said before, in the period of time I was there, six, seven, eight months, the things that I saw, I told the [interrogators] what I experienced and it is not like I am hiding anything. I tried to cooperate and be helpful as much as I can. The things I knew I told you about. The things that I don't know I can't tell you about.

Designated Military Officer: (3.b) Other Relevant Data (3.b.1) The Detainee traveled to Pakistan and Iran in search of employment to pay debts. While in Pakistan, the Detainee attended a madrasa for approximately 5 to 6 months where he studied the Holy Quran.

Detainee: Yes [that is correct].

Designated Military Officer: (3.b.2) The Detainee was arrested at his house by two of Dostum's soldiers and eventually turned over to American Forces.

Detainee: This is a little confusing and I would like to explain it in detail. Nobody arrested me at my house and it was not by Dostum's people. I have explained [this] before. In the time of the Taliban I borrowed some money from [Mullah Hamidulla Hamidi] and he was giving me a lot of problems about the money. We did not have

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much money and we were dealing with other things like barter trading [to pay off debts]. We were giving wheat or sugar to pay the debt off. Since [Mullah Hamidulla Hamidi] was giving me a hard time, and after the fall of the Taliban, I was forced to give my car as collateral to [Mullah Hamidulla Hamidi] to stop [Mullah Hamidulla Hamidi] from giving me a hard time. When the new government was established I was living about 12 hours away. I was living in Sangcharak and [Mullah Hamidulla Hamidi] was living in Mazar. At that time I wanted to do the right thing and pay [Mullah Hamidulla Hamidi] the money or do something to stop [Mullah Hamidulla Hamidi] from harassing me. During this time I went to Mazar-e-Sharif to see [Mullah Hamidulla Hamidi]. Since I was there during the Taliban time by force, and now I was free, I was just doing my own stuff to survive and making money doing what ever I could. I was working as a courier with my truck. I was taking stuff or people from here to there or whatever I could do to make money. I went there to see [Mullah Hamidulla Hamidi]. When I bought the car, I had a co-owner named [Abdul Rahmon], we bought the car together, and when I gave the car to [Mullah Hamidulla Hamidi] my co-owner, [Abdul Rahmon], did not know anything about it. Somehow [Abdul Rahmon] found out I gave the car to [Mullah Hamidulla Hamidi] and [Abdul Rahmon] complained about it. [Abdul Rahmon] was working for Dostum's people. [Mullah Hamidulla Hamidi] told me that the car I gave him had a co-owner named [Abdul Rahmon] and that [Abdul Rahmon] wrote [Mullah Hamidulla Hamidi] a letter and stated he was the co-owner of the car. I told [Mullah Hamidulla Hamidi] yes I have a co-owner, but I did not want to tell you in the beginning because if I would have you would not have taken the car and I would have been in jail. Now that we all know this and it is out in the open lets call [Abdul Rahmon] and we can make a deal to sell the car and give you your money and he and I will get our money. At that time there was a big demand for the type of car that I had. The U.N. was distributing a lot of wheat to the poor people and they needed a 4 x 4 type of car to transport it. Since my car was a 4 x 4 the value of the car was around \$3000 USD. I told Abdul Rahmon that we were going to sell the car, and he could take his money and I will take my money and give it to Mullah Hamidulla Hamidi. Hamidulla and I were supposed to go meet Abdul Rahmon to make the transaction. I had Abdul Rahmon's phone number and I asked Hamidulla where should we meet him? Should we meet him at his house or some other place? Hamidulla said we should go meet him at work. Abdul Rahmon was not aware we were in Mazar or what we were doing. We called him and told him we were coming from Sangcharak to visit him and asked where he wanted us to meet him. We told him to pick a place and we would meet him there. Abdul Rahmon told us to give him our location and he would come and see us. Hamidulla told him we are at the Mosque and [that he] could come and see us here. This all took place in the wintertime. While we were waiting for Abdul Rahmon I took a nap and Hamidulla went to read. I was sleeping and then Abdul Rahmon and someone else woke me up. At first I was surprised to see him because he shaved his beard off and he was wearing camouflage clothing. This was the first time I saw him like that. After we said hi to each other, he said let's go. I did not know the other person with him was a soldier at the time and I told them we should go to a dealership or something to sell the car then we can do the transaction. I noticed something different about Abdul Rahmon, that he was not the same person as before, he was not very friendly. I said let's go do the deal. We went outside

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from the mosque, through the courtyard, to the street and got a cab. I did not know that there were two soldiers following us. As we got in the cab, the two soldiers that were following us, they got in the cab too. I asked Abdul Rahmon who they were and what they were doing here. He said not to worry, they were doing their own business and they have nothing to do with us. Abdul Rahmon said he needed to go take care of some other business and that we would go sell the car later. We went to the office, the Intelligence Office that I worked at. I saw most of the people that I worked with during that time, but they were working with a different regime now. We went in a different room and two soldiers walked in and arrested me. I asked them why and they said they were only going to keep me a couple of days and then I would be released. I was detained for about 15 days and they asked me a lot of questions about the transactions and the next day they turned me over to the Americans. While I was detained, the person doing the interrogations was asking me a lot of questions and said that if I cooperate I would be set free. Then they said I would be here just a couple of days and they would let me go. Then from there, I don't know what happened; you know the rest of the story. Since that day I have been in this place and I am a Detainee. It has been four years and I don't know my crime.

Designated Military Officer: (3.b.3) The Detainee was in possession of \$100 USD and 1000 German Deutsche Marks when he was turned over to American Forces.

Detainee: In all my life I have never held a U.S. Dollar in my hand. I have seen it in other people's hand, but I have never personally held one in my hand. About the Deutsche Mark, I have never heard of that. This is the first time I have heard that.

Designated Military Officer: (3.b.4) The Detainee denied having any American or German currency in his possession upon his capture (detention by American Forces).

Detainee: I told you the truth.

Designated Military Officer: (3.b.5) The Detainee stated that he was not the person in charge of his office as previously reported.

Detainee: Yes, that is true and you have probably done your research about that. What I did and did not do there is known to everyone.

Designated Military Officer: (3.b.6) According to the Detainee, his knowledge of Taliban Intelligence operations was based on common knowledge.

Detainee: Yes, that is correct.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee reportedly never owned, fired a weapon, or attended military training of any kind.

Detainee: Correct.

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Designated Military Officer: (4.b) The Detainee stated that although he disliked the Taliban, he needed to support himself by working.

Detainee: Like I said before, the money I was getting from them was not that much. I was getting about 120,000 Afghanis a month and during that time Afghani money did not have that much value. A good meal in a restaurant would cost 150,000 Afghanis. They did not give us food at the office, they would give us 50,000 Afghanis a day for food and I was taking that money home spending it with my family. Yes, we were doing whatever we could to survive. We could not eat meat or other good stuff, but we would buy vegetables, beans, or potatoes...whatever we could buy to keep us going. With the salary that I was getting from them, it wasn't enough to buy one good meal. We were just doing whatever we could.

Designated Military Officer: (4.c) The Detainee stated that Americans had rescued Afghanistan and that he would not kill Americans.

Detainee: Correct.

Designated Military Officer: (4.d) The Detainee stated he did not like the Taliban because they killed his uncle and cousin.

Detainee: Correct.

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 want to say that I have been here for 4 years, but why? I don't know what I have done or what kind of [trouble] I am in. I have been here for a long time and I don't know why. I don't know how much longer I will be here. Maybe you can tell me how much longer I will be here. In the four years that I have been here I have been interrogated so many times over and over and I have always told them everything that I know. I don't know what else they want to know from me. I have nothing else to tell them. I don't know what I have done. Maybe I did something back there or if I did something here. I don't know why I am here. If you were to say that you have told us what you know...the thing is I have been here for 4 years, and 4 years is a long time. It is like someone's age. I don't know why I am still here, but if you have any questions I will answer them. Otherwise, I have already answered all of the questions there were and I still don't know why I have not heard any answer from you. Some high-ranking Taliban

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members, like governors or other high-ranking people, they have already been released. They wrote letters back [to Guantanamo] from Afghanistan. I don't understand how they got released and I was just a no one and I am still here. I don't know. The power is in your hands. I have lost my appetite, my mind is going crazy, sometimes I eat and sometimes I don't eat, but my patience is running out. I don't know how much longer I can take this.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

The Assisting Military Officer had no questions for the Detainee.

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

Designated Military Officer: Mr. Rahman, you said that you were not feeling well today, are you receiving any medication for whatever you are not feeling well from today?

Detainee: No, no medication.

Designated Military Officer: Are you receiving any medication for any other condition that you might be feeling poorly from today?

Detainee: Yes, I have been sick a lot of times. Sometimes the medication had bad side effects, so I stopped taking it. In the past couple of weeks I have been having some problems with my left ear. I saw the doctor and he gave me some medication and I took some of the medication. It gave me some problems and I could not sleep so I stopped taking it.

Designated Military Officer: Is the medication for some form of infection or some type of disorder?

Detainee: I don't know. They gave me two kinds of medication and I took it. They washed my ear and gave me some type medication to drop in my ear.

Designated Military Officer: It sounds like you are capable of responding today even though you are not feeling well, is that correct?

Detainee: Yes, I can hear the translator and [Designated Military Officer], but when [the Board] talks I can just hear some mumbled noise and cannot make out what they are saying or the words.

Designated Military Officer: You mentioned that you didn't do any work for the Taliban, what exactly were your duties at the Taliban?

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Detainee: There were two cars there, there was a lot of fighting going on, and there was a lot of fighting going on in Sangcharak where I lived. There were a lot of problems and we were going from one place to another place and taking things from here to there. From 8 o'clock to 12 o'clock we were just sitting [around] doing nothing until it was time to go pray. Pretty much everybody was in his own area or department. In my department there were two people who had the authority or power and they worked there for a long time. They were experienced people. While we were there, people would bring us some reports that would say there is trouble in this place or some other place. Someone else was writing the reports and they would give them to me to sign and then we would send it to another department. This would happen, not everyday, but sometimes. Other than that we were sitting around telling stories, telling jokes, and drinking tea. If there was nothing for me to do I would just leave and they would stay in the office until the end of the day. I could just leave and come back anytime I wanted. If they didn't have anything for me, then I wasn't there very much. Every once in awhile we would go visit a foreigner at the airport. Abdul Rahmon was working with me at that time and we would go pick-up this person and bring him to the office. We did not do this all the time only once in a while.

Designated Military Officer: My last question for you. What is your relationship with Abdul Rahmon other than the car? Is he a member of your family, a friend, or a co-worker, what was your relationship with him?

Detainee: I did not know him very [well] besides working at the office together. I did not know him and I didn't have any relationship with him.

Administrative Review Board Member's questions:

Board Member Questions: What was your title when you worked for the Taliban?

Detainee: I don't know exactly, but they kept telling me the second person, the second person and that was my title.

Board Member: The two soldiers that arrested you, were they Afghani Soldiers or American Soldiers?

Detainee: They were Afghans.

Board Member: Did they work for General Dostum?

Detainee: I don't know if they did or not, they were just with me until they took me to the other place and I did not see them after that.

Board Member: I want to answer your questions. You are here because you were determined by an investigation that you are an Unlawful Enemy Combatant.

Detainee: Surprising! For what reason, whom did I fight?

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Board Member: And you will be here...you wanted to know how much longer you will be here. How long you will be here will be determined by what we will decide here or recommend here. That is what this process is about. We will determine if you will be released, detained, or transferred somewhere else.

Detainee: Thank you. I don't know what else I can do. You guys have the power and whatever you can do is fine.

Presiding Officer: We have covered the circumstance of your arrest, and your knowledge of the Taliban, have you ever heard of a group al Qaida?

Detainee: Before I went to Kandahar I didn't know any Arabs and I didn't know anything about al Qaida.

Presiding Officer: Your answer about being arrested in Mazar-e-Sharif, you spent 15 days in detention, do you recall what the date was?

Detainee: It was during the wintertime. I don't remember the exact year, but it was after Ramadan, the fasting month, actually after Eid, the celebration after Ramadan. That is all I can remember.

Presiding Officer: What type of debt were you trying to relieve? What type of debts were they that you needed to travel so far away to work?

Detainee: We are farmers and all farmers depend on rain for crops to grow. Some years, we have bad years, and there is not a lot of rainfall and we cannot get a lot of wheat from the land, and we are forced to borrow money from people. The people give us \$1 USD and with interest we have to pay back \$3 USD. That is why when we have a bad year we are in debt. We have to borrow money to pay back our expenses. The people that lend us the money will lend us more money if we have property. If they find out you don't have property they will not lend you much money, only what they think they can get back from you. Otherwise, they know that if you don't have land or a house, they cannot get their money back and it is not good for them. When my father died I was the oldest son and I had a couple of younger brothers. [My father] was an experienced person with money and I was not. He was responsible with money and when he died I was not responsible like him and I had a lot of unnecessary expenses and that is why I was in debt a lot.

Presiding Officer: Were you relieving a household debt or a debt against your property?

Detainee: Yes, all of the money that I borrowed, I used to buy food, clothing, and necessities. I also used some of the money for agriculture. For example I bought wheat to plant, but [nothing grew] back from it so I lost that money.

Presiding Officer: Have you had any type of military training or weapons training?

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Detainee: No, I have not. All my life I have never been in the military or anything. No sir, I was always a farmer from the time I was a child until the time I was forced to go work for the Taliban. I just worked on the farm taking care of the animals and the land. We had a piece of land and we sold it to pay off some of the debt. We had another piece of land that we used for collateral and paid off some other debts. All we had left was a house and a big piece of land that we grow fruit trees on.

Presiding Officer: One last question. When you are released or transferred home, what would you do? What are your intentions when you get back home?

Detainee: I would continue to do what my father and grandfather did which is farming. I have a lot of experience in this field. Since I don't know any thing else and I can't read and write very well I will go back and do what my father and grandfather did.

Presiding Officer: Thank you for clearing up some questions that the Board had today.

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

(The Detainee interrupts with the following statement)

I don't know what is going to happen in one year. Right now I have a lot of problems. My hair is getting gray, I am losing hair, and I have hearing problems, and sight problems. I don't know what will happen to me. This is not right and you can see it.

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, USMC
Presiding Officer

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