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Summary of Administrative Review Board Proceedings for ISN 670

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 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 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 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 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.

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

The Assisting Military Officer made a statement on the Detainee's behalf. The Detainee concurred.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 11 Jul 2005 and lasted 100 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he would like to attend the Administrative Review Board and have the Assisting Military Officer read his response to the Unclassified Summary to help with his preparation. A follow-up interview occurred on 13 Jul 2005 and lasted 60 minutes, during this interview the linguist read back to the Detainee his response to the Unclassified Summary of Evidence to verify the responses were accurate. The Detainee was given a copy of the translated response to the Unclassified Summary of Evidence for his record. The Detainee was polite and cooperative during both interviews.

The Assisting Military Officer read the following comments in response to information in the Unclassified Summary of Evidence:

Assisting Military Officer: In response to the allegation that, the Detainee was a Taliban member, the Detainee stated, "I was not a member of the Taliban. I was never affiliated with the Taliban. We were like prisoners to them. They took over our country and we could not say no to them, or they would kill us. They didn't trust us." In response to the allegation that shortly after joining the Taliban, the Detainee was placed in charge of the 3rd Police Precinct in Mazar-e-Sharif where his duties included conscription and receiving bribes in lieu of conscription, the Detainee stated, "they were the bosses I didn't have any authority. We surrendered to them. They were the decision makers not me. The people who came to arrest and kill my father-in-law...we surrendered to them. That person became my boss. Helmandi Sahib didn't speak Farsi [nor did] any of the other members of the Taliban group. Sahib was there for four days and then went away and he put me in charge and required that I sign papers until his return. When he returned, after two months, I turned over everything to him and I returned to my home. I never got any money from anyone for conscription. This is fabricated. This is my hometown, my own people; I had to live with them. How could I live with them once the Taliban was gone? They would take revenge against me. Also, the Taliban had laws and had tribunals. If anyone harassed you the Taliban would come and catch them and cut off their hands." In response to the allegation that the Detainee, in his role at the 3rd Police Precinct, signed all official government paperwork while he was in charge for two months, the Detainee stated "I already answered that in the previous question." In response too the allegation that, the Detainee was identified as President of the Department of Research and Exploration in Sheberghan Province for 18 months during the late 1990s, the Detainee stated, "Yes I worked in this area this was gas exploration. I stayed at home for two months, and then Sahib directed me to go to the gas exploration area at Sheberghan.

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There was no equipment at this facility and no work. They had no money to drill. Only the body of the machines was left, even the wires were gone. I was there temporarily. They sent their own people and I went home. I was there for six months not 18 months." In response to the allegation that the appointment to the position the Detainee held as President of the Department of Research and Exploration required one to be well educated and connected. The appointment process involved a written proposal submitted to the Prime Minister for careful review before the Prime Minister would issue the appointment order to the Cabinet for final approval, the Detainee stated "there was no Prime Minister, no Cabinet, no functional government, only Sahib decided. This was the very beginning of the Taliban." In response to the allegation that the Detainee was turned over to a commander of Dustum's forces, he was in prison for four months, and then turned over to U.S. Forces as a Taliban and al Qaida operative, the Detainee stated, "I was arrested because I was a businessman; they forced me to give them money. Even prior to the Taliban's occupation they would kidnap the businessman's family members for ransom. Four or five men kidnapped me and wanted \$5,000 (USD) for my release. Because I didn't have the money to pay them off, they turned me over to the Americans." In response to the statement that [four armed men] arrested the Detainee from Mazar-e-Sharif under the pretense of protecting him from Hazra tribes, the Detainee [stated] "[I] was imprisoned when I was unable to pay a \$5,000 (USD) ransom for my release. Four armed men in Mazar-e-Sharif told me that the Hazra tribe might harass me. They told me they would protect me from the Hazra tribe. They told me to come with them to their house for protection. They said they would show me their place and they would bring me back to my place after that. I had no animosity with the Hazra tribe, but I went with them; upon reaching their place they arrested me and asked me for \$5,000 (USD) ransom. Since I didn't have the money they turned me over to the American forces." In response to the statement, that the Detainee was convinced by his father-in-law to join the Taliban because it would keep their family safe, the Detainee stated, "this is correct." In response to the statement that the Detainee claims he was indifferent regarding the Russian government, the Taliban, or the United States, as he was too busy with his business and trying to make money to worry about issues pertaining to their agendas, the Detainee stated, "this is correct." In response to the statement when asked how he felt about jihad, the Detainee stated, "I had no desire for jihad or "other stupid things" (NFI), and that I just wanted to go home, be with my family, and try to restart my business. The Detainee stated he had no knowledge about these things." In response to the statement what he would do if released back to Afghanistan, the Detainee stated, "I would return to my business and family. I told them I wanted to go home because I am a businessman and I don't know anything else except my old business."

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 Detainee made the following statement:

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Detainee: I have one question. I stated...I told the answer in an earlier question...so I want to [clarify].

Assisting Military Officer: In response to the allegation that the Detainee, in his role at the 3rd Police Precinct, the Detainee signed all official government paperwork while he was in charge for two months, the Detainee stated that he already answered that in the previous question.

Detainee: I wasn't in charge of that area. He (*Sahib*) put me in charge of the office himself.

Presiding Officer: I understand. You were in charge of the office while Sahib was not there.

Detainee: The government did not appoint me. I wasn't in charge of conscripting people. I wasn't a chief or commander to send people to the military, that wasn't my duty, that wasn't my function to do that. I didn't have the power to have somebody to leave in front of my business area. How could I conscript people for the military?

Presiding Officer: Do you have anything else you'd like to add?

Detainee: That's enough.

Presiding Officer: We will have questions in just a moment.

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: Did you voluntarily join the Taliban or were you forced to?

Detainee: How? What's your question?

Board Member: At one point, in item 4b (*In response to the statement that, the Detainee was convinced by his father-in-law to join the Taliban because it would keep their family safe, the Detainee stated this was correct.*)...You said that your father-in-law convinced you to join the Taliban?

Detainee: I didn't need to join the Taliban, because I have enough income...like a hundred dollars per day. So I didn't need to join the Taliban. There was a need to join the Taliban, because they raided the area. They were beating up people and they wanted to kill my father-in-law, because of that I wanted to protect my family from [the] Taliban or from other people [so] I joined the Taliban.

Board Member: Why did you get selected for that job with the petroleum company?

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Detainee: Their choice, I had nothing to do with that. You can send your soldier and tell them to do anything you want.

Board Member: Did you have education or training in that type of field?

Detainee: No, that was their job...their decision and I believe it was beginning of Taliban. They wanted someone for the security to fill every position. I was not a party with any authority. My boss recommended me to go there and there was an office and a few other employees were living there. There was no job...there was nothing to do, and there was no gun there. I asked them what was my function...what should I do. They said, "Our job is to drill the ground." I asked them, "What do you have...any machinery or equipment to drill?" They said, "They have nothing at the present time, because the Dustum people took everything from here. They stole it. There were no government plans to make it active." It was wartime and [as soon as it was] done, they sent their own people and I [went] home.

Board Member: Were you able to conduct your business, during the Russian war with Afghanistan?

Detainee: Yes.

Board Member: Is your business still there?

Detainee: I don't know. A businessperson whatever they gain they sell. They buy another stock. I had enough stock in the warehouse and when the Dustum people raided my area, their habit was to steal everything and rob everything. So I don't think there is anything left for me? The Americans caused this problem, because the Americans arrested me. When I was arrested there were three kids and my wife in the house. They came in the middle of night, they knocked [on] the door, and they scared my children and family. [They asked my family] to leave. They left and [Dustums' people] entered the house and they robbed everything. My house was three stories. The first story was the warehouse for my business, the second story was my store, [and] the third story was where my family was living. When they came and occupied my house my wife, came a couple of days later to the prison, and she told me they came in the middle of night. They were scared and ran away and they got everything.

Board Member: Were the Americans the ones who took everything?

Detainee: For the 18 months, the Dustum people occupied my place. They took [the] television, radio, carpets, and rag...everything out of my house. I had three hundred business items in my warehouse, whenever I had \$1 or \$100 or whatever...I used to go and buy new stuff...everything was there. They took everything. After 18 months, my father sent me a letter, telling me they called him and left the house empty and nothing else in it. Right now, my father is living in my house. I don't know who robbed my house, but my father received an empty house.

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Board Member: Thank you.

Detainee: I have a question.

Presiding Officer: What is your question?

Detainee: I've been recognized as an enemy combatant. An enemy combatant means somebody who kills someone...or fights...or involved in a war...or something like that. What did I do? I didn't kill anybody, I didn't fight with anybody, I don't know why they are calling me an enemy combatant. We didn't do anything, not me, not my brother, not my family, none of us. We didn't do anything against Americans.

Presiding Officer: Let me answer that question and then we'll have some more questions for you. Last year there was a board, which determined you were an enemy combatant. This is a totally separate board and we will now look at your past activities...how you have acted here...and we will make a determination. I'm not here to review that last board.

Detainee: You should evaluate me. You should see my past. When I was arrested, I was 30 years old. I didn't have time even to eat in a peaceful manner. America is far away from my country, what did I do to the Americans? I didn't say a bad word about the Americans.

Presiding Officer: Mr. Hekmat, we appreciate that. I understand your statement. We will take that into account.

Detainee: I never did anything wrong or I didn't do anything against any human being in the world. I was so busy with my business [of] 300 items...everybody needed my business items. My store was always busy. I ate my breakfast at lunchtime...lunchtime in the evening time...I didn't have time to eat my food at the right time.

Presiding Officer: Abdullah, we understand you are a businessman...that you say you're a businessman. That is why we are having this board to determine if you will be released, transferred, or detained. I understand what you are saying.

Detainee: For the last three years, I constantly asked this question...what did I do, because I was so busy with my work? People were demonstrating and taking part in a peace march. I did not have time for that. I didn't even have time to talk with the people. So what did I do...what is my problem? One, if somebody is arrested or put in jail; he is supposed to be a murderer. I am not a murderer. The second thing, people get arrested because of their political opinion or political involvement. I am not a politician. The third thing is...people, who [are] imprisoned if [they are] very influential, [they are] a commander, or a policeman, or the head of a village, or someone who has two to three thousand people behind him and he is trapped to the government. So I'm a stranger of that city. So I have nobody behind me. I never touched a gun. When the people get into problem[s], because of [their] past involvement...if they're in the military...or they have

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experience in fighting...or war...or something. They feel threatened about them (government), but I [have] never touched a gun. For the last three years, I've always asked what did you (Americans) have against me? When Russia came to my country, they arrested a few people? When the Americans [came] they arrested people because of their (Americans) security, but what did I do to be charged by the Americans or anybody? If working for the government is a crime, everybody is working [for the government]. He's (Detainee points towards Board Member) working, you're working (Detainee points towards Presiding Officer), and everybody is working for the government. Also, I didn't desire to work for the government. I was forced to work for the government.

Presiding Officer: Mr. Hekmat, we understand completely, that you were forced to work for the government and that we are, today, trying to move forward and determine the best outcome for you and the United States. We completely understand everything you said.

Detainee: I know that...this is my correction...[anybody who] works for the government. They are the poorest people. They get little salary. The government job could not even pay for my vehicle gas.

Presiding Officer: We understand. Let us ask a few more questions and I will ask if you would like to make a final statement at the end of our last question. We would very much appreciate it.

Board Member: Mr. Hekmat, what tribe do you belong to?

Detainee: Pashtu.

Board Member: Did you grow up and live in the same village all your life?

Detainee: Yes.

Board Member: What village was that?

Detainee: My father was a storekeeper from eight or ten; I started working in the store.

Board Member: In what village [did you grow up and live in]?

Detainee: Akcha.

Board Member: How large of a village?

Detainee: When I grew up I worked in Mazar-e-Sharif. When I got money, I moved to Mazar-e-Sharif.

Board Member: That is where your store was, in Mazar-e-Sharif?

Detainee: Everything...my house...my everything...in the same area.

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Board Member: What's your educational background?

Detainee: When the Russians came they burnt the school. They established a new school, reading their schoolbooks. I was a small boy. I didn't go to school much, but I did it privately on my own. I took one of the schoolbooks and hired a teacher in my house. I self-studied. I didn't have much time. There was a lot of difficulty. We didn't go to school...half [of] the time the teacher wasn't there...half [of the] time they didn't have enough books and school materials...there was a lot of difficulties.

Board Member: You said you joined the Taliban to keep your family safe, was your family kept safe?

Detainee: Yes, There were several powers in the country. If I didn't join one power...[then when] one group comes into power...they [would] beat me up and take me to prison, and if the second group comes into power they would do the same thing to me. The third group would do the same thing to me. So I [would] rather just join one group to be safe.

Board Member: You had said that they came and stole your T.V. and your radio. I had thought the Taliban had outlawed the T.V. and radio?

Detainee: We hid it in the house. The Taliban didn't search the houses.

Presiding Officer: How did Dustum's forces treat you?

Detainee: First, the Dustum forces came and four people arrested me. They asked me for \$5,000. I told them I am not a commander...I am not a farmer...I am nothing...I didn't give [them] any money or anything. They kept me for six or seven days and took everything from me...they sent me to another group. The second group asked me why I didn't pay off \$5,000 to Farid. I said I gain money for myself not for Farid. He said, that I didn't pay the \$5,000 now we are asking for \$50,000. They asked me if I had a car lot. I said, "Yes, I do." He said, "You're selling medical herbs?" I said, "Yes, I do." He said, "You had enough money...you work...and you have money, but we were in a mountain for five years. Why didn't you send us money? We have no right to get some money from you people? Why didn't you send the \$5,000?" I told him, "No, I make money for myself, not for you." They took me to a room, very secretly...to a room, because they wanted to beat me up...to tell them yes, I have money. When they took me to another room, I had a silk turban, French shoes, and a Rolex watch. They left [me] only in my pajamas. They took everything from me. They took everything off my body. They whipped me. Another person came and said, "Don't beat him up. He will think about it tonight and tomorrow he will give you \$25,000. After a few days, he will send you another \$25,000." I told them I didn't have money, not a penny. They didn't beat me, but they kept me as a prisoner. The next morning they brought another two businessmen [into the room]. In the afternoon, they took the two businessmen out and they beat them with whips. They beat them into unconsciousness. They wanted to get a

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rag from them. When they lost their consciousness. They threw them [back] into my room by [swinging them from] their hands and feet. They were unconscious for about one hour at least. When they regained consciousness...they were riling around and vomiting. At nine o'clock at night one of them died. I laid him straight and wrapped his mouth to keep it shut. I then called the guard. They called the commander. When the commander came and saw the dead man he said that I would be the same. I gave the other businessman some sugar and juice...he didn't die.

Presiding Officer: When were you turned over or transferred from the Dustum's forces?

Detainee: Dustum didn't know anything about that. They were at peace. For two months I was constantly beaten, like every four days. My family didn't know where I was. One of the guards knew me and I asked him to go and tell my family where I was. My wife and children came to the door and they started yelling and making noise. The guard said he would let me see them on the condition I didn't tell them anything and they didn't tell anybody about it. Another condition was if I didn't have \$50,000, to give them at least [I could give them] \$1,000. I agreed to pay \$1,000, but they had to let my wife and children visit. When my wife came, I whispered in her ear to tell everybody they are looking for money. My wife went to the International offices and she placed a petition. Some Delegation came to visit me. I don't know where the Delegation was from. Then everybody knew what had happened. Then the guards were shaking (*nervous*) and asked me why my wife told everybody. I said, that it was not my fault and I told her to bring the money. Then they were forced to send me to Dustum's prison.

Presiding Officer: Is your father-in-law, still alive?

Detainee: When I was arrested he was alive.

Presiding Officer: You haven't heard from him?

Detainee: No.

Presiding Officer: You say that you are a businessman, yet you are here today in an orange suit, indicating that you have not always been a very helpful Detainee. How will you act when you go home?

Detainee: I don't know what is left for me, but I don't have any money. I will have to borrow some money to start my business. I have no news of my family; all the money was tied up with my stock.

Presiding Officer: Will you fight against the United States if you go back to Afghanistan?

Detainee: I never fought before; I'll never do it.

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Presiding Officer: You're in an orange suit, indicating that you are not very helpful here. I want to make sure that you will be better behaved if you go home.

Detainee: What do you think? It is your idea. I told you what my situation was.

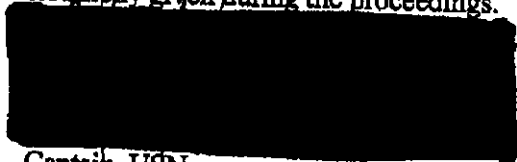
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

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.



Captain, USN
Presiding Officer

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