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(Revised 10 Aug 05)

Summary of Administrative Review Board Proceedings for ISN 801

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 declined 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 Administrative Review Board (ARB) interview occurred on 29 August 2005 and lasted 80 minutes. After a review of the ARB's purpose and procedures, the Pashto 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 Assisting Military Officer (AMO) speak on his behalf, the detainee stated he wanted to attend and address the allegations. When asked how he wanted to address the allegations or statements, the detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary after it is presented. The detainee was given a copy of the translated Unclassified Summary of

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Evidence for his record. The detainee was polite and cooperative during the interview. The detainee 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 through DMO-3, 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 is a Brigadier General in the Afghan military. He is suspected of assisting al Qaeda members to escape from Tora Bora into Pakistan. He was a commander of 600 border security troops in Konar, Afghanistan.

Detainee: Yes, but I have not been to Tora Bora.

Designated Military Officer: The detainee is a member of Jamiat-e-Dawa-el-al Qurani Wasouna (JDQ).

Detainee: I am a member of Jamiat-e-Islamic, the original name before name before Jamiat-e-Dawa.

Designated Military Officer: The detainee has met with Haji Rohullah, leader of Jamiat-e-Dawa-el-al Qurani Wasouna, and Loya Jirga, representative for the Konar region, on numerous occasions.

Detainee: Yes, because he is from my village and of my people.

Designated Military Officer: Next, --

Board Member: How about the Loya Jirga?

Detainee: Representatives from each area gather to solve problems and discuss establishing a new government.

Board Member: The representative is the same person?

Detainee: Each area has a representative.

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Presiding Officer: Please, continue.

Designated Military Officer: Yes, sir. Jamiat-ul-Dawa-ul-Qurani, an Islamic extremist group with ties to the Pakistani Inter-Service Intelligence Directorate, consisted of Afghan refugees from camps in the Peshawar area. This organization supported the continued war in Kashmir.

Detainee: I am not aware.

Board Member: One clarification. Did he meet with his representative?

Detainee: Yes, because he's from my village!

Board Member: The representative from Loya Jirga?

Detainee: Me and Haji Rohullah would have been captured at the same time. Yes, I have seen and talked to him.

Board Member: Is Haji the same guy as the representative from the Loya Jirga?

Detainee: Yes.

Board Member: Thank you. That clarifies it for me.

Designated Military Officer: Continuing. The detainee's military service includes being appointed the title of Brigadier General due to his experience fighting against the Soviet Union and the Taliban.

Detainee: Yes, I fought the Soviet Union, and Taliban.

Presiding Officer: Please, continue.

Designated Military Officer: During the fight against the Taliban, the detainee was Nasruldeen's commander. Nasruldeen was allegedly responsible for attacks on government and coalition entities.

Detainee: How can I serve you?

Presiding Officer: What are his comments concerning that statement?

Detainee: Yes, I fought the Taliban for my commander.

Presiding Officer: Do you disavow, directing him to attack coalition forces?

Detainee: I don't think he attacked America.

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Board Member: I need clarification on 4.c.1. 'responsible for attacks on Taliban government and coalition entities?'

Designated Military Officer: I believe it's the current government, sir.

Board Member: Okay.

Presiding Officer: Nasruldeen, in your opinion, is a good guy?

Detainee: I do not know what he has done, but he was a good guy.

Presiding Officer: Please, continue.

Designated Military Officer: The detainee knew Faquirullah. He knew Faquirullah was possibly involved with the Jam' at Islami, was a high level commander for the Hezb-e Islami Gulbuddin (HIG), and a dedicated Mujahideen.

Detainee: Yes, I knew him.

Designated Military Officer: HIG has long-established ties with Osama bin Ladin. In the early 1990s, it ran several terrorist training camps in Afghanistan and pioneered sending mercenary fighters to other Islamic conflicts. It offered shelter to Osama bin Ladin after the latter fled Sudan in 1996.

Detainee: Non responsive.

Designated Military Officer: The detainee met Ali (NFI) twice in the Konar region, and twice in Jalalabad, Afghanistan. The detainee confirmed Ali was a member of the Hezb-e-Islami Khalis under Yunis Khalis.

Detainee: Yes, he was a member.

Designated Military Officer: Around 15-16 November 2001, nine Arabs, two of whom were wounded, fled Tora Bora for Konar Province, Afghanistan. The detainee assigned one of his leaders to personally handle the security for the Arabs.

Detainee: Non responsive.

Designated Military Officer: The detainee arranged for the nine men to be transferred to his fort, where they awaited the arrival of Haji Rohullah. When he arrived, Rohullah provided the detainee with an unspecified amount of money and instructions to smuggle the Arabs into Pakistan. The Arabs' weapons and the truck were given to the detainee as a reward.

Detainee: Yes, that is true.

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Designated Military Officer: The detainee denied having any knowledge of the attacks in the United States prior to their execution on September 11th and also denied having knowledge of any rumors or plans of future attacks on the United States.

Detainee: I have answered this question before.

Presiding Officer: Sir, the Board *also* takes notice of your prior statements, in addition to your lengthy military service and high rank held fighting the al Qaeda as a Mujahideen, earlier.

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: Sir, the main question is, whether I am a future threat to America. I was not a threat in the past. Eventhough I have fought against the Soviet Union, I do not have a grudge against them, nor you. If somebody is doing something wrong, to you, and you are a very poor guy, I still feel this way. I had a job to serve my government, so what crime did I commit? I worked for them. I never did anything against America. When at war with the Soviet Union, the people said things against me, and the Taliban members. Do not believe them. For 20 or 25 years there was a civil war in Afghanistan. Because of that, people have animosity and hostility against each other. These people want to use America to get back at their enemy. As a result, America has been given a bad name. Therefore, we request that the Americans think before they act. You are aware of things that have happened. For example, they say this place is al Qaeda. America bombed this and later found out children and women were killed. I have no hostility against America. I am not unhappy, and I am not upset with them, because somebody else gave the America the wrong information. Please use justice on us. For three years, I have been no problem to your soldiers. I miss my family. I do not know what happened to them.

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The Assisting Military Officer had no further questions for the Detainee.

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

Designated Military Officer: Sir. How far is Tora Bora from Konar Province?

Detainee: I haven't been there, but it is in a very small county of Mindahar Province.

Designated Military Officer: May I interject? Can we have a map brought in?

Hearing recessed @ 0935 hours to allow for an unclassified map to be brought into hearing room.

Hearing re-opened @ 0945 hours.

Presiding Officer: Mr. DMO, please indicate, for the Board Members, the areas that are being referenced, and the approximate distances between them.

Designated Military Officer: Sir, I referenced a different map, because this map does not state Tora Bora on it. But, we reviewed, and we saw, that, if you were to draw a line between Kabul and Jalalabad, and split the line in half, and travel south, you would come to Tora Bora, somewhere in the Pahtia Province.

Designated Military Officer: The detainee is referencing Konar Province which is North of Jalalabad. The distance seems to be a little over 100 miles. I would also like to point out, that, the Khyber Pass is located near the non-Konar Province, which is half way between Konar and Tora Bora.

Presiding Officer: I would like for the detainee to indicate his area of operation on the map.

Detainee: I don't know the map.

Presiding Officer: Very well. We will proceed.

Designated Military Officer: Sir. Is the area between Konar and Tora Bora a mountainous area?

Detainee: Very much.

Designated Military Officer: It takes somebody with some knowledge of the area to transverse those mountains?

Detainee: There are two roads to Tora Bora. You can take one, or the other.

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Designated Military Officer: My final question. You had 600 men working for you. Were they familiar with the area?

Detainee: Yes, they are familiar with the area.

Designated Military Officer: No further questions, sir.

Administrative Review Board Member's questions:

Board Member: What is your opinion of Osama bin Ladin?

Detainee: What about him?

Board Member: What do you think about his mission?

Detainee: I was against his activities then, and now.

Board Member: What years were you in charge of the border security at Konar, Afghanistan?

Detainee: The year that the Taliban left, your country came.

Board Member: What year did he start?

Detainee: The year Reagan became President.

Board Member: To whom did you report?

Detainee: My superior was Shamir Ul la Kadraq.

Board Member: What position does he hold?

Detainee: He was Minister of Border Security.

Board Member: Do you have a working relationship with Hasheem Uwalah?

Detainee: No.

Board Member: Could someone leave your sector, at the border, without your knowledge, or any of your people's knowledge?

Detainee: I didn't control the whole area.

Board Member: How many miles of the border was he responsible for?

Detainee: Between 350 – 400 miles.

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Board Member: Would you say it would be difficult for a group to leave your area of responsibility without your cooperation?

Detainee: It is mountainous, but a person could go by himself without my knowledge.

Board Member: What about vehicles?

Detainee: There's no way.

Board Member: Does he know of any al Qaeda that has ever left Afghanistan through his area of responsibility?

Detainee: I'm not aware. I was not responsible when al Qaeda was here.

Board Member: Were you ever paid or compensated to help someone, or any group leave Afghanistan?

Detainee: No.

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

Detainee: Yes, now, and before.

Board Member: Do you know where your family is located now?

Detainee: My village.

Board Member: What will you do to support your family if released?

Detainee: I will be a driver, work in a shop, or my own business.

Board Member: Do you have position?

Detainee: Yes, while working for them. If given a job, I will do it. I've had my own business as a merchant.

Board Member: You hold no grudge against the United States; even though, you believe we bombed women and children in Afghanistan?

Detainee: No. I am unhappy with those who gave you the wrong reports.

Board Member: Thank you for your answers.

Board Member: What motivated you to fight the Soviet Union, or the Taliban?

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Detainee: Sir, the Soviets burned our houses, religious places, and mosques. They were destroying our country, and us.

Board Member: Do you consider yourself a very religious man?

Detainee: I'm Muslim.

Board Member: You have a pretty high rank. Can you tell us why they chose to promote you to Brigadier General?

Detainee: I was very active in fighting the Taliban. I was only a soldier against the Soviet Union.

Board Member: You moved up through the ranks, and you were successful in fighting both the Soviet Union, Taliban---

Detainee: Yes, I received the rank fighting the Taliban; against the Soviet Union, I was a soldier.

Board Member: Would you say, it is easy to bribe people to get things done, in your country, because of the poverty?

Detainee: I am not aware.

Board Member: So, you've never seen anyone in the government, in the military, or village take bribes for anything?

Detainee: No.

Board Member: Would you say the 600 men that worked for you were very poor?

Detainee: All people are very poor in our country.

Board Member: Would you be surprised if any of your men took a bribe?

Detainee: I don't know anyone who took bribes.

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Board Member: Is it true, that, people made up statements that certain Afghanistan people were against the U.S. forces so that they could get money from the government?

Linguist asked to repeat the question.

Detainee: Yes.

Board Member: You don't consider that taking a bribe, or being compensated for not telling the truth?

Detainee: It's not a good thing to do.

Board Member: Have you taken the opportunity to request, through a letter or through an organization, to receive documents from the government that would basically corroborate your statements about helping U.S. forces and helping the government fight against the Taliban, or acquit you from these allegations that are against you?

Detainee: I haven't sent any request.

Board Member: Have you ever been asked to take a polygraph or lie detector test, or have you requested a polygraph or lie detector test?

Detainee: Two times.

Board Member: Two times you were asked, or two times you requested?

Detainee: No. I have been through a polygraph, two times.

Board Member: Can you tell me, by whom?

Detainee: It was an investigator named of ~~FOUO~~

Board Member: Do you know the organization?

Detainee: No. ~~FOUO~~ was my investigator.

Board Member: Do you speak any English?

Detainee: No.

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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