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Summary of Administrative Review Board Proceedings for ISN 886

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 ARB initial interview was conducted on 16 November 2005 and lasted 55 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend and would provide oral statements, point-by-point, to the Unclassified Summary of Evidence. Also, the Detainee stated he would provide at least one letter as evidence. The Detainee was somewhat cordial, attentive, but not very interactive during the interview. At the conclusion of the initial interview, the Detainee refused the Pashto translated copy of the

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Unclassified Summary of Evidence. The Detainee's ARB follow-up interview was conducted on 17 November 2005 and lasted ten minutes. The Detainee provided one document, a personal letter, as evidence for his ARB. The translator read through the document to ensure it would be correctly translated to English. During the follow-up interview, the Detainee made no comments nor had any questions.

Presiding Officer: At this time I am going to ask that we read the Detainee comments as well AMO, because some of his comments in there may be relevant in regards to the Unclassified Summary.

The Assisting Military Officer read additional Detainee comments.

Assisting Military Officer: Detainee comments: During the initial interview, the Detainee complained that his handcuffs and shackles were too tight. However, the guards rechecked these and noted both were as loose as possible without having them slip off his hands and feet. When the AMO asked if he had any documents to present at the ARB, the Detainee replied, "I have a letter that will prove my innocence" and he commented he had received the letter a few months after his CSRT. While agreeing to answer point-by-point to the Unclassified Summary of Evidence, the Detainee was non-committal about making general statements and stated, "I will see what happens, [it] depends on their questions...if I have to explain further." When the AMO inquired if he wanted the Pashto translated or English copies of the Unclassified Summary [of Evidence] the Detainee refused and stated, "I will just read it here". When the AMO asked if he had any questions or comments about the ARB, the Detainee stated, "No. I just want to read these allegations." While reading the Unclassified Summary of Evidence the Detainee inquired about the meaning of "interviewers" and "extremist" as referenced in paragraphs 3.c and 4.b respectively.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and the FBI Redaction Memorandum, DMO-2 were presented 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 for presentation to the Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of the 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 is identified as having been a member of the Taliban for four years before the United States attacked Afghanistan.

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Detainee: Before the Americans came to Afghanistan I was forced to go to the military. The Taliban got me. The Americans were not there, it was four years before that the Taliban forced me to be a soldier.

Designated Military Officer: (3.a.2) The Detainee was conscripted into the Taliban around 1997 or 1998 where he worked for approximately 60 days as a clerk and guard.

Detainee: The date is not right. If that is the date then that would be the time the Americans came?

OL-23: No. He is misunderstanding.

Presiding Officer: Well explain to him so he can understand. Does he understand?

OL-23 explains the allegation to the Detainee.

Detainee: I don't know about the exact date, but it was four years before the Americans came that's when I was a soldier for the Taliban.

Presiding Officer: We can understand that, but what I am a little confused on is it says here for approximately 60 days you worked as a clerk and a guard. Exactly how long did you work with the Taliban?

Detainee: The whole [time frame] was 60 days, which was two months. For 12 days, I worked as a clerk. Four years earlier than the Americans, I was forced to join the Taliban Forces and that was all I had done. Out of the 60 days for 12 days, I was working as a clerk the rest of the days as a guard, that's it.

Designated Military Officer: (3.a.3) In 1997, the Detainee served 12 days as a secretary to a senior Taliban Official because the Detainee could read and write. As a secretary, the Detainee wrote money orders for other commanders and wrote receipts.

Detainee: Yes.

Designated Military Officer: (3.a.4) The Detainee states he was a soldier and did not know the political or military issues.

Detainee: Yes.

Designated Military Officer: (3.a.5) The Detainee is identified as joining a 40-man group after the end of the Taliban regime.

Detainee: I am not aware of this, I haven't seen anything about this, and I have nothing to do [with this]. I am a very hard worker I just [try] to provide for my family. Why

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would I join that 40-man group? I will fight against the people who have tried to destroy my country. But these people (referring to Americans) have come to help build our country, why would I do this?

Designated Military Officer: (3.a.6) The Detainee told another individual that he lied to his interviewers and actually did fight for the Taliban against United States Forces while at Mazar-e-Sharif.

Detainee: Four years ago the Taliban forced me to join them and that was four years before the Americans [came]. I haven't told anyone this and I have not fought against anybody.

Designated Military Officer: (3.a.7) The Detainee told another individual he was part of the uprising at the compound that was surrounded by United States and Northern Alliance Forces and later used as a prison.

Detainee: I don't know about this but I have a question, in 1997 did Americans come to Afghanistan?

Presiding Officer: That date is a guess. We are guesstimating that in 1997 or 1998 you joined the Taliban.

Detainee: I understand that, but I just wanted to know when the Americans came to Afghanistan.

Presiding Officer: It was late 2001. Four years after 1997.

Detainee: In 1997 or 1998, I joined the Taliban and I said I stayed 60 days. So how during the time of the Americans could I have been with the Taliban? No way. Taliban forced me to join in 1997 so how [could] I have been there at the uprising. After the 60 days I haven't seen any Taliban and I wasn't even there when the Americans came to Afghanistan. That compound they are mentioning I have not seen that compound.

Designated Military Officer: (3.a.8) The Detainee told another individual he retreated with Taliban Forces to the compound and he was able to escape with approximately 80 others after the uprising.

Detainee: No, I haven't seen this compound, I haven't seen what this compound looks like. This was not in my previous investigation. Where did that come from?

Presiding Officer: We will go over that when we come to our questions.

Designated Military Officer: (3.a.9) The Detainee was captured delivering a letter to a former Taliban Brigade Commander. The letter was from a high-ranking Taliban

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Commander who requested the Brigade Commander to report to Quetta, Pakistan to fight and avoid capture by the Americans.

Detainee: I haven't brought the letter my cousin brought this letter. Also it was not written with the made up words stated here. My cousin told me to read this letter and make sure it wasn't any danger in it, if so let me know. So I read it and it said "Honorable Rahmat Ullah Sangaryar, please come one time to Quetta." That is all the letter said the rest of this stuff was made up, it did not say give a report and fight and these things.

Presiding Officer: So that was all it said was report to Quetta, Pakistan?

Detainee: It said come to Quetta, Pakistan.

Designated Military Officer: (3.b) Training: The Detainee received training on the Kalashnikov rifle and a pistol while he was at Mazar-e-Sharif.

Detainee: They know that for around 25-30 years there has been war in Afghanistan. Men and women in Afghanistan know how to use a Kalashnikov rifle and a pistol. This is not an allegation. If it is an allegation or a crime then they should bring all women and men from Afghanistan.

Presiding Officer: The statement does not say that. It is talking about you receiving training on two different weapons at Mazar-e-Sharif. We understand that men and women know how to use these but it's pointed out that you received training at a specific location.

Detainee: When they made us join them, they brought us in and said if anything happened like war or something they taught us how to use it (Kalashnikov). Yes.

Presiding Officer: Where they taught you this, was it a Mazar-e-Sharif?

Detainee: Yes.

Presiding Officer: Thank You!

Designated Military Officer: (3.c) Intent: The Detainee told another individual that when he got back to Afghanistan he would get even with the interviewers.

Detainee: No, I haven't said that to nobody. My destiny brought me here it had nothing to do with interviewers, Americans or anybody else. I haven't said these words. We are Muslims and we believe that anything that happens is written before, so this was written in my destiny, my fortune and that is why this is happening. Why would I put the blame on someone else? God has already did this. I haven't said this and I would not say these words.

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Presiding Officer: I could understand in the heat of an argument or your being upset for being captured that you might even say this, but I would prefer that if you did that you could admit to it now and we can go on from there. I would like for you to be honest with us when answering these questions, because it would make it easier for us to make our recommendation. A number of these things you are disagreeing with but we do have reliable sources and they may be some people you probably know.

Detainee: No, I haven't said these things. This kind of talking could not send me home or [change] my destiny. If my destiny is to stay here then I would stay here days, months or years, but these words I haven't said [them].

Designated Military Officer: (3.d) Other Relevant Data: The Detainee traveled to Quetta, Pakistan to receive medical treatment. That was the only time the Detainee had been outside of Afghanistan.

Detainee: Yes.

Presiding Officer: What was that for? What kind of treatment?

Detainee: Stomach problems.

Designated Military Officer: (4) The following primary factors favor release or transfer (4.a) The Detainee denied knowledge of a 40-man unit, that weapons were found at his home, or that he had any further association with the Taliban other than the two months he was a conscript.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee denied being involved with any extremist group.

Detainee: I haven't even heard the name of it. That is why I asked you that yesterday (referring to the question he asked in the Detainee's additional comments in which he inquired about the meaning of extremist and interviewers).

Presiding Officer: Did the AMO get back with you about the explanation of that term?

Detainee: Yes, he told me but I forgot.

Presiding Officer: It's just someone who would go to unordinary means to accomplish his mission.

Assisting Military Officer: Sir, I used al Qaida as an example to explain it.

Presiding Officer: Okay, the AMO said he used al Qaida as an example to explain.

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Detainee: I haven't seen them I just heard about them.

Designated Military Officer: (4.c) The Detainee states he does not hate Americans, but if Americans know in their hearts that he is innocent and keep him in jail on purpose, then they are not humane.

Detainee: I didn't mention that they are not humane. I did say, "I don't hate Americans" because this is not their fault. It is not in their hands to release me, it is in the hands of God. When God wants to release me he will send me back. I said it this way not the Americans isn't humane.

Designated Military Officer: (4.d) The Detainee did not have a satellite phone.

Detainee: No.

Presiding Officer: Do you have a friend or relative? I guess I am curious of why they would even ask you this or bring this up, but does a friend or relative have a satellite phone.

Detainee: Yes, they asked me this in the interrogation, "Do you know the telephone or do you have it?" I said no.

Designated Military Officer: (4.e) The Detainee's future plans are to provide for his family.

Detainee: In my family, I am the only one. I don't have a brother, I don't have a father, and I don't have a son. I am the only one in the family I am the provider. These things that the people are doing, they have a lot of family members to provide for maybe they will do it, but even if I did have a lot of people this would not be right.

Presiding Officer: What members are in his family?

Detainee: I have two cousins one is living with me in my home and one is in another place.

Presiding Officer: No other immediate family?

Detainee: Yes, I have a mother, two sisters, one wife and one daughter.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

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.

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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.

Assisting Military Officer: Yes sir, the Detainee would like to submit a witness statement on his behalf. I am handing to the Administrative Review Board the following Unclassified Exhibits marked as EC-C thru EC-C1 copies of these exhibits have been previously provided to the Designated Military Officer. In addition the Detainee stated he may make a general statement.

Presiding Officer: Having already read the Detainee's additional comments, if the Detainee would like to make a statement now, you may begin your statement.

The Detainee made the following statement:

Detainee: I don't have too much to say but there is one thing I want to make clear. From the beginning, they kept telling me that they just wanted to get information from me and that I was innocent. I just want to know what is my crime, what have I done? Beside that we were listening to the radio and the whole world, the American justice was so big and they said they were good and just and everything. This is not justice when a person is sitting in jail for three years and they still have not told me what my crime was. In the whole world, they have a big name about justice and equality, but when they brought me here I have not seen it. I have been interrogated more than 60 times and they are asking me a lot of questions what is this, what is that. They would even bring me a name and ask me "Where is the guy?" How do I know, I don't even know the guy and I don't know where he would be? That was kind of a strange question. This is not justice they are making fun of us. Look at the allegations when they said in this year the Taliban took you or you joined the Taliban and then they say in this year the Americans came and you were with them and then they say I was with a 40-man group, what is this? In the village where I was born, you can ask the people if I had done anything or if I hurt anyone in my village. Ask if I have been doing some talking against the government or the current government, you can ask them. You can punish me or whatever you want. I have a question, when will you let me know when they will send me or release me?

Presiding Officer: I cannot answer that. We have asked that question ourselves and we are waiting for a response as to when we will be notifying you of the decision. So that question is out there yet to be answered. A number of the Detainee's have asked the same question and we are trying to get them a response, whether it is to be continue to detain or the other two options.

Detainee: I don't have anything else. You have [the floor] and I am ready to answer you.

Presiding Officer: One thing I would like to clear up is you had said, "You didn't know why you were still here." In February, this year another military officer had notified you of your status as an Enemy Combatant. At that time, he told you that if you are an

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Enemy Combatant that the United States may continue to detain you. He read a few other things on here and one was that you may have a civilian judge look at the lawfulness of your detention through a process called a petition through a Writ of Habeas Corpus.

Detainee: What action does someone have to do to become an Enemy Combatant?

Presiding Officer: At your CSRT, the panel that was in front of you then took the information that they had and the questioning that they had of you, and I do believe you attended your CSRT, is that correct?

Detainee: Yes.

Presiding Officer: At that time, they made a determination from the information that they had that you met the criteria to be an Enemy Combatant.

Detainee: Enemy Combatant people they call them when they get captured in the war with weapons. They arrested me in the car in the road and I didn't have any weapons or anything to fight with. I don't have those things. You can ask people from here or those in my village who has been in the war and who has been captured in the war. Close to the war or have anything to fight with it or helping the people with the war, then they could call me Enemy Combatant.

Presiding Officer: Just because you did not have a gun with you in the car, does not necessarily mean that somebody else didn't identify you as being a part of a group or having been in the war at some point.

Detainee: From the beginning up until now I haven't even shot a cat. So how come you call me an Enemy Combatant? They brought me here, as an American enemy and I haven't even shot a cat. If you find out about me you will be sorry that you have put that food, that place and the money you have spent on me when you see you have made a mistake and you will say we are sorry. You are wasting your time. You are very, very big people. If I was a dangerous guy, it would be fine but when you find out who I am, you will say we have just wasted our time on this guy. When you spent so much time to get your education and have these big positions then when you find out about my ability, you will be mad at the guy who gave you the report saying, "What is this, you have wasted our time to look at this guy?" First you will laugh at yourself and the education and the position we are holding we cannot find the difference between a smart guy and a stupid guy.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank You!

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The Assisting Military Officer had one question for the Detainee.

Assisting Military Officer: I would like to know what his occupations have been since he was released from duty with the Taliban?

Detainee: I am a tailor.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: You spent 60 days working for the Taliban and the rest of the time you have been a tailor?

Detainee: Yes, all the time I was a tailor.

Presiding Officer: And where were you a tailor? Did you have a shop or did you work out of your home?

Detainee: I rent a store in our little bazaar. I don't have my own store but I work in the bazaar and I have worked in my home.

Presiding Officer: What is going to keep you from going back to work with the Taliban again should you be release or transferred?

Detainee: Poverty will keep me at home and my belief would keep me at home. Why would I go with Taliban? Those people who go with the Taliban look at you like enemy. I don't look at you like enemy; I know that you came to bring some peace and to build the country. I have been here three years, I owe people money and I will try to work hard to repay the debts. So I look at it this way, if you have to provide for your family you do not have time for political things.

Presiding Officer: In one of the questions you did answer that you received training at Mazar-e-Sharif but then you denied participating in the fight with the Taliban against U.S. Forces. Would you like to elaborate on that?

Detainee: There were two kinds of soldiers one was a volunteer and one was forced. They were brought in like prisoners they did not have the choice and they would teach us what to do. Like for example here, you would ask me why have you put these handcuffs on my hands, I would say I didn't do it you did. The training was a part of it. It was by force anything that I have done it was by force. Like here I am a prisoner, if anything you want me to do I would, I wouldn't have my own choice.

Presiding Officer: I have one question in regards to the letter from your cousin. It states, "you order some from the city but they were fake, and you went back to Harawood and with what happened." I don't understand that.

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Detainee: It is a stand for the sewing machine. When I was a student of Abdul Rauof who was my teacher of the tailoring and I wanted to work with him again. So I ordered from Kandahar the stand and when I got it the stand was not the original it was not a good part. Then there was another village called Dehrawood and I went for my treatment and medication and I was going to get the original stand too. I didn't call them by telephone [to] tell them or write them but this can prove that I am a tailor. This is my innocence document to show that I am a tailor in Afghanistan.

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, U.S. Marine Corps
Presiding Officer

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