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Summary of Administrative Review Board Proceedings for ISN 900

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee declined taking the Muslim oath.

Detainee: I am not going to swear and I am not going to promise that I am telling the truth.

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 the comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 06 December 2005, and lasted 45 minutes. After reviewing the ARBs 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 would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend the ARB. The Detainee stated he would speak at the ARB and respond point-by-point to the

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Unclassified Summary of Evidence. The Detainee was very cordial, attentive, and was well informed about the ARB's purpose and procedures. At the conclusion of the interview, the Detainee requested both the English and the Pashto translated copies of the Unclassified Summary of Evidence. These were then provided to the Detainee via his guards.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibits DMO-1, 2, and 3 to the Administrative Review Board.

The Detainee chose to respond to the Unclassified Summary of Evidence as each item of information was presented.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer.

The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

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: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee met an individual at the Detainee's shop in the Khowst Province around October 2002. This individual initially approached the Detainee with an opportunity to make extra money. The job would involve killing Americans.

Detainee: [Looking confused after the translator spoke]

Presiding Officer: Is this allegation/statement true or false?

Detainee: That [allegation] is wrong. It is not true. It is not a fact. I don't have any shop in Khowst. I don't know anyone to give me any money.

Designated Military Officer: (3.a.2) The Detainee attended Qurey Mosque in Miran Shah, Pakistan in early December 2002, where he met four people. The Detainee was asked if he would be interested in helping them clear mines. The Detainee would be paid at least 12,000 Pakistani Rupees for his labor.

Detainee: Yes, it is true.

Translator: [To the Presiding Officer] I told the Detainee that when he speaks he needs to let me translate. I told the Detainee not to talk over me.

Detainee: That is true [referring to allegation 3.a.2], but it's not my fault. I came to Afghanistan as a laborer. I will tell you how I met them [referring to the individuals in

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allegation 3.a.2] and how I came to Afghanistan. One day my uncle gave me money to go to the market to purchase some groceries and some merchandise. I went to the market. While I was at the market it became time to pray. I went to the mosque to pray. I washed before praying at the mosque. Someone called out to me. Someone behind me shouted out to me. When I went over to the man he gave me a greeting and said hello. The man said he had a few questions he wanted to ask me. I told him to go ahead and ask his questions.

The first thing the man asked me was my name. I told him my name. The second question he asked was where did I come from [which province was I from]. I told him I was living in Afghanistan, I am living in...

Presiding Officer: At this time you [the Detainee] are getting a little off track in regards to what this allegation [3.a.2] is about.

Detainee: I am trying to tell you how I met these individuals [referring to the individuals in allegation 3.a.2] and how I came to be with and work for them. I am trying to answer the allegation [3.a.2]. I am trying to tell you that my association with them and for me to work with them is not a crime.

Presiding Officer: So, you admit to allegation 3.a.2, is that correct?

Detainee: Yes. But those individuals brought me with them as a laborer, a worker. I was working for them.

Board Member: Were you offered money to help clear mines?

Detainee: Yes. They told me they would pay me 12,000 Pakistani Rupees to do the job.

Board Member: Were you trained in mines?

Detainee: No.

Board Member: Did you have any experience in mine clearing?

Detainee: No. I am not experienced in mine clearing. It's not a crime for me to take a job to earn money.

Presiding Officer: No one has said that this [allegation 3.a.2] is a crime. This allegation is merely a part of your story.

Detainee: Well, you wrote down in the Unclassified Summary of Evidence that this [referring to 3.a.2] is an allegation. Allegation means to accuse.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee trained for approximately one and a half days in the Khowst Province of Afghanistan. Upon arrival,

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the Detainee was given one or two injections in his right leg that caused confusion and incoherence. Additionally, on the day of the mission, the Detainee was given two oral pills that caused the same effect [as the injections].

Detainee: I did not have any training.

Designated Military Officer: (3.b.2) The Detainee was trained to use AK-47s, rocket launchers, machine guns, and hand grenades.

Detainee: I have not been trained on these [weapons] and I don't know these [weapons].

Designated Military Officer: (3.b.3) The Detainee was identified as being at Jihadi Madrassa before the Americans came to Afghanistan. The Detainee was attending training on how to throw grenades. The Detainee was seen with a fake plastic grenade in his hand.

Detainee: This statement is not true. It is a lie. I never went to a religious school. I have not heard of those names before. I only went to school in Pakistan.

Board Member: Did you learn how to throw grenades?

Detainee: No. I never learned how to throw [a grenade].

Designated Military Officer: (3.b.4) The Detainee trained with the Hezb-I-Islami Gulbuddin.

Detainee: I don't know anybody and no one gave me any training.

Designated Military Officer: (3.c) Detainee Actions and Statements. (3.c.1) On 17 December 2002, two people ordered the Detainee and a second individual to position themselves near the mosque and to wait for an American target to pass. As an American vehicle passed, the second individual ordered the Detainee to throw a grenade into the vehicle.

Detainee: Nobody asked me to throw a grenade. I have never thrown a grenade. I don't understand how to throw it [a grenade].

Designated Military Officer: (3.c.2) The Detainee stated originally he was not the person who was supposed to throw the grenade, but that the grenades were passed to him at the last minute. He and others were waiting in the market for United States' vehicles to pass. The other individuals told the Detainee to throw the grenade, so he did.

Detainee: That is not true. I told them [interrogators] in my statement that I was the person *who did not throw the grenade*.

Board Member: Please repeat your statement.

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Detainee: I told the interrogators in my statement I *did not throw the grenade*. I am not the person who threw the grenade.

Translator: [Detainee speaking to translator] The Detainee is asking me how did I [the translator] tell you [the Review Board] what the Detainee just said. The Detainee wants to make sure that I told you he said, *"I told the interrogators that I was not the one who threw the grenade. I did not throw the grenade."*

Designated Military Officer: (3.c.3) As the Detainee threw the grenade, the second individual fled the scene. The Detainee was caught by a local police officer at the site of the explosion.

Detainee: No, that is not true.

Designated Military Officer: (3.c.4) The Detainee made a written confession to this attack, signed it, and marked it with his fingerprint.

Detainee: When they took me there [referring to the local police who arrested the Detainee and the local jail] they tortured me. They [the police] beat me. They beat me a lot. One person told me, "If you don't confess, they are going to kill you." So, I told them anything they wanted to hear. I told them anything they wanted me to say. By forcing me, beating me, and scaring me, I confessed.

Presiding Officer: At this point in the session, the Review Board will inquire on behalf of the Assisting Military Officer. [Speaking to the Assisting Military Officer] Have you heard words to this effect [in regards to the beatings and torture] prior to today?

Assisting Military Officer: No Sir.

Translator informed the Detainee of the discussion between the Assisting Military Officer and the Presiding Officer with regards to the procedure with allegations of torture and abuse.

Presiding Officer: I will query the Assisting Military Officer at this time. Do you concur that this [Detainee's statement of abuse, torture] triggers the mandatory reporting aspect of the Office of Administrative Review for the Detention of Enemy Combatants (OARDEC) Standard Operating Procedure (SOP) [with regards to reporting allegations of abuse and torture]?

Assisting Military Officer: Yes Sir.

Presiding Officer: I therefore direct you, the Assisting Military Officer, to comply with the OARDEC SOP with regards to reports of abuse and/or torture.

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Assisting Military Officer requested that the translator inform the Detainee that he (the Assisting Military Officer) had been directed to and is required to formally report any allegation of abuse or torture.

Presiding Officer: The Review Board will also comply with the reporting procedures with regards to allegations of abuse and/or torture.

Board Member: Just to clarify, where did this [the torture/abuse] occur?

Detainee: In Kabul, by the Afghanistani Government.

Presiding Officer: The Review Board will annotate your case file to reflect you have made an allegation of abuse/torture.

Detainee: Thank you. It is the truth. I have never seen or endured any torture in Bagram or here in Cuba by Americans.

Presiding Officer: So, this allegation of abuse/torture was not by an American, but rather an Afghani. Is that correct?

Detainee: Yes. The allegation [3.c.4] says that I put my fingerprint and my signature on a confession. I do not have a signature. I have never had a signature.

Designated Military Officer: (3.c.5) The Detainee told a senior Afghani police officer that he was proud of what he had done, and if he were let go, he would do it again.

Detainee: I never said that.

Designated Military Officer: (3.d) Other Relevant Data. A senior Afghani official stated he heard the Detainee admit to throwing the grenade at the two United States soldiers.

Detainee: Yes. I was afraid of being terrorized by the police. I was afraid of being beaten and tortured. It is possible that when they [the Afghani police] were beating me and forcing me to confess, someone may have overheard me.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee maintains his innocence stating someone else threw the grenade. He stated he was at the scene when this other individual threw the grenade, however he was not involved.

Detainee: Yes, I was there. I don't know where the bomb [the grenade] was thrown and where I got caught.

Board Member: Do you know the person who threw the grenade?

Detainee: Yes. I don't know his name and I don't know where he came from, but if I were to see him, I would be able to tell you, "Yes, that is the guy."

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Board Member: Did you know the attack was going to happen before it actually occurred?

Detainee: No. I was not aware of the attack before it happened.

Designated Military Officer: (4.b) The Detainee said he has not served in any military army and never received any military training or terrorist training.

Detainee: Yes, I did say that.

Designated Military Officer: (4.c) The Detainee said he had no knowledge of the 11 September 2001, attacks on the United States prior to the event nor does he have any knowledge of future attacks against United States citizens.

Detainee: I was not aware and I do not have any information about the attack.

Translator: The Detainee is asking me how I translated his last statement. The Detainee still has doubts that I am not translating properly to the Review Board. The Detainee wants to make sure that I told the Review Board, "Did you tell them that I said that I was not the one who threw the grenade?" I told the Detainee that I told this to the 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.

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 indicated he had some additional Detainee comments from the Enemy Combatant Election Form and that the Detainee would like to make an oral statement.

Assisting Military Officer: The following are additional Detainee comments from the Enemy Combatant Election Form: *While the translator was reading the introduction of the Unclassified Summary of Evidence, the Detainee interrupted and basically recited the first two paragraphs. After the Detainee stated he would attend the ARB, the AMO informed him that he has the option to take an Islamic oath. The Detainee then stated, "Well, I'm not going to swear...non-Muslims don't believe us, so what does it matter? I swore (an oath) at the CSRT and still they did not believe me. I was still made an EC (Enemy Combatant)." The Detainee commented that based on discussion with other detainees, he had decided to answer point-by-point to the Unclassified Summary of Evidence, using written notes on his Pashto-translated copy of the Unclassified Summary of Evidence. After the AMO asked if he wanted to present any written statements or other*

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documents at the ARB, the Detainee replied, "I would have written my family for evidence of my innocence, but I haven't...because this would get censored. I am not allowed to write this. How can I get documents since I can't request these from my family?" After the AMO explained that he has the option to provide general statements, in addition to response to the Unclassified Summary of Evidence, the Detainee commented, "Yes, I was a student... if I am released, I will become a student again." At the conclusion of the interview, the Detainee asked, "Where do you (the AMO) come from?" The AMO replied that the Detainee was not allowed that information. The Detainee then stated he had no further comments or any questions.

The Detainee made the following statement:

Detainee: Do you want me to tell my story?

Presiding Officer: At this time, the Review Board would like for you to make your personal statement.

Detainee: About what?

Translator: I told the Detainee if he has any personal statements to make in regards to the allegations, this is the time.

Presiding Officer: Do you not want to make a personal statement?

Detainee: Yes. I am not a criminal and I am not guilty. Because of work I came to Afghanistan. I wanted to make money. The people I went to Afghanistan with, they told me my job was going to be clearing out and cleaning up the mines. Before that, my uncle had given me money to go to the bazaar to purchase some things. When I was at the bazaar, it became time to pray. When I went to the mosque to pray I met these men. The men said hello to me and then...

Presiding Officer: Let's stop for just a minute. [To the Detainee] The Review Board heard this same story in a statement you made earlier in the session.

Detainee: What kind of statement do you want? Do you want me to make a statement about my jail time and how it has been an injustice? Do you want a statement about my torture [in Afghanistan]? Do you want me to make a statement about my time here [in Guantanamo]?

Presiding Officer: You may state anything that you would like in your personal statement. However, the Review Board has already heard this portion of your statement and we do not need to hear it again.

Detainee: These people [talking to the translator, referring to the Review Board] want me to cooperate with them?

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Translator: I told the Detainee, "Yes, the Review Board would like your cooperation."

Detainee: I have cooperated. I told the Review Board the truth. That's it.

Administrative Review Board Member Questions:

Board Member: Mr. Jawad, you mentioned that you were at the scene of the attack. Why were you there at that time?

Detainee: Yes. I was there. A person gave me something, but I did not know what the object was that the person gave me [referring to the grenade]. One of those guys gave me one of those to put in my pocket to keep.

Board Member: That gave you one of what? What was it the individual gave you?

Detainee: His name was Madar.

Board Member: No, I am not asking the individual's name. I am asking you, what is the object he gave to you to put into your pocket?

Detainee: I will tell you now. They gave *it* to me and then said they would take it back from me later. They told me to stay here [the Detainee did not identify where *here* was. Close to the origin of the attack]. The man told me that he would come back. The man did not come back. Beside me there was a sack of raison. I wanted to buy some raisons. When I went to pay for the raison, I took the thing the person gave me out of my pocket and placed it on top of the sack of raisons. The shopkeeper saw the *thing* and asked me what it was. I told the shopkeeper I did not know what it was, but someone had given it to me. The shopkeeper told me that it was a bomb and that I should go and throw it in the river. I put the thing back in my pocket and I was running and shouting to stay away, it's a bomb! When I got close to the river, people [the police] caught me. The only thing I remember now, I was in the custody of the police.

Board Member: So, someone was going to hire you to clear mines. You were then given a grenade, but you had no idea that the item they gave you was a grenade?

Detainee: Before that time, I had never seen a grenade nor did I know what a grenade was.

Board Member: Do you admit now that the item you had was in fact a grenade?

Detainee: Well, the shopkeeper told me it was a bomb. When I got caught they told me it was a bomb. I guess it is possible that the item I had was a bomb.

Board Member: You were there when the attack occurred, correct? You also know the person who threw the grenades at the American vehicle. Correct?

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Detainee: It's a possibility that they guy who gave me the grenade, maybe he threw it.

Board Member: Did you hear an explosion?

Detainee: Yes. I didn't know it was a bomb, but I could hear people shouting.

Board Member: The name you mentioned earlier, is that the name of the person who threw the bomb/grenade?

Detainee: I did not see it with my own eyes. I think he is the one, but I did not see him [throw it] with my own eyes. He should be the one because he cheated me.

Board Member: What is your relationship with the person who threw the grenade?

Detainee: I have no relationship with him and I don't know him.

Board Member: You have no relationship with this man, but he just happened to give you a grenade.

Detainee: That man, I came to Afghanistan to work for him.

Board Member: With regards to the United States intervention into Afghanistan against the Taliban, do you consider the United States to be a liberator or an invader?

Detainee: We knew that they [the Americans] would bring peace and stability to Afghanistan. We knew they would help build up our country.

Board Member: What is your education level? How much schooling have you had?

Detainee: I have completed sixth or seventh grade.

Board Member: Do you have a family to return to in Afghanistan?

Detainee: My family is in Pakistan.

Board Member: During your training in Afghanistan, you received two injections. Do you know what those injections were?

Detainee: When they gave me that injection, my thinking was *the other way, not right*.

Board Member: You don't know what the injection was?

Detainee: I have no idea. They told me that when anyone works for us clearing the mines [referring to the individuals in allegation 3.a.2] we inject *this stuff* into the workers. They told me it was routine.

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

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

Colonel, USA
Presiding Officer

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