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Summary of Administrative Review Board Proceedings for ISN 919

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 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.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclass 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 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.

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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: Commitment, the Detainee planted land mines for the Taliban during their reign and was the mine specialist for Mullah Naseem, the Hezb-e Islami Gulbuddin (HIG) commander in Madr, Afghanistan.

Detainee: I have never been in Madr and I don't know anything mines. I have never been in that area.

Designated Military Officer: The Hezb-e Islami Gulbuddin (HIG) was founded by Hikmatyar in 1977, as a faction of the Hezb-e Islami party, and it was one of the major mujahedin groups in the war against Soviets. HIG has long-established ties with Usama bin Laden.

Detainee: I don't know anything about this and this has no relevance to me. I don't know these things.

Designated Military Officer: HIG commanders Mullah Naseem and Mullah Zoi sent the Detainee to Bamian, Afghanistan, to kill Afghan Military Forces General Toufon, who worked closely with United States Forces in Bamian.

Detainee: These are all lies. No one sent me to Bamian. I am from Bamian. I was born there. I got married there. I have been working there. Why would I want to kill Toufon.

Designated Military Officer: The Detainee was responsible for laying land mines found near the fighting positions in Madr, Afghanistan. He has also been known to make improvised explosive devices and is considered an expert.

Detainee: I have never been there. I don't know about that.

Designated Military Officer: Mullah Zoi was the HIG commander in Kahmard, Afghanistan, and a former Taliban commander who provided safe haven to Arabs in the area of Kahmard.

Detainee: I don't know Mullah Zoi and I don't know if he was providing a safe haven for Arabs or not.

Designated Military Officer: The Detainee traveled to Bamian, Afghanistan, to possibly conduct mining operations against United States Forces.

Detainee: Like I said before, I am from Bamian and I wasn't sent to Bamian. I don't know anything about mines. How would I set mines up if I don't know anything about them? In addition, the Americans were the ones who brought peace for religion in

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Bamian. I am a Shiite Muslim and the dominant religion in Afghanistan is Sunni so I was happy when the Americans came.

Designated Military Officer: The Detainee traveled to Bamian with a hand-written message from Mullah Naseem and Mullah Zoi to Audil requesting him to contact Naseem. Audil, the Security Chief for the Bamian Province Governor, was attempting to coordinate safe haven for weapons caches that belonged to Naseem in Madr and Kahmard.

Detainee: Mullah Naseem did a lot of atrocities to me and my family. I knew Audil so I told him about this and he suggested that I take a letter to Naseem to come to Bamian. Then when he came to Bamian we would ask him about all the atrocities and punish him for that. That was the reason for the letter. Ten days after I received the letter the Americans came to Bamian. I went there to find Naseem to bring him back to Bamian so he would face his atrocities or to bring him to trial or something. I went there and there are about ten families living in Bamina that are Shiite Muslims. He did a lot of cruelties and atrocities to all the Shiite families. I got the letter and because Naseem killed my mother, when I went to get him in Madr...in that letter I was explaining to Naseem that he should provide his pictures and the serial numbers of the weapons that he had. When I went there the Americans came and I was actually very happy and I invited them to come have some tea. Naseem got paranoid when he saw the Americans in Bamian and during the time of Khalili he had arrested me and She-ro-ha (ph) was one of the people who interrogated me and he also punished me while I was detained. When I showed him the letter he went to talk to the Americans and he made some allegations against me...that I was a mine [expert]. The security agency knows about this and the governor of Bamian knows about this...they all know about this.

Designated Military Officer: Training, the Detainee served in the military from 1984 - 1986, as the servant to the Commander, Bamian City Military, Bamian City Airport, Bamian City, Afghanistan.

Detainee: It was during Najeet's (ph) time that I served in the military and I don't remember the years.

Designated Military Officer: Other relevant data, the Detainee was identified as the Minister of Transportation for Bamian during the Taliban reign. He was described as an operative who would execute Mullah Naseem's orders that consisted of making the streets unsafe in Bamian.

Detainee: Is there a minister in Bamian? I don't think so...and during the time of the Taliban I was a refugee. When the Taliban came to Bamian we all fled our homes and we went in to the mountains for a couple of days. After that we went to Darsof. We were there for a while until we got back to our cities.

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Designated Military Officer: The Detainee was captured on 25 December 2002 by United States forces in Bamian.

Detainee: I don't know about the date and time. It's been about two or years that I have been captured and I have recollection of the time. They grabbed me from my home and not from anywhere else.

Designated Military Officer: The following factors favor release or transfer, the Detainee stated he is very happy that United States force liberated Afghanistan from Taliban control.

Detainee: Yes, not only me but also all the people of Afghanistan because the Taliban committed a lot of atrocities. They burned our houses...our villages. They did a lot of cruel things to us so of course I was happy.

Administrative Review Board Member's questions:

Board Member: You mentioned in paragraph 3 that the letter was written by Audil not by Mullah Naseem or Mullah Zoi?

Detainee: Yes, the first time that I got the letter it was from Audil. I was supposed to give it to Naseem to ask him to come to Bamian and we would help him and cooperate with him if he came.

Board Member: Was that the only letter you had in your possession?

Detainee: When I gave him the letter he gave me another letter in response to that.

Board Member: So you have met Mullah Naseem?

Detainee: This was the first time that I took the letter from Audil to him.

Board Member: The letter from Mullah Naseem, who was that supposed to go to?

Detainee: The letter was addressed to the elders of the village and the governor. It said 'I'm coming but please do not punish me.'

Board Member: Do you know anything about the weapons cache that the governor Audil was trying to safely store?

Detainee: No, I was just sent there to gather some information and when I went there that was my main purpose.

Board Member: Have you ever received any weapons, ordnance or other specialized military training?

Detainee: No, I have not.

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Board Member: Do you know any one who has manufactured improvised explosive devices?

Detainee: No, I don't. I am a farmer. I am a poor person. I just know how to farm.

Board Member: So, no association to the Taliban? No position with the Taliban?

Detainee: No, they killed my father in law...they killed my uncle...they killed my mother too...Gulbuddin's people.

Board Member: Were you given a reason as to why you were captured in December 2002?

Detainee: I told them to ask the security agency [because] they know about the purpose of my trip and no...they didn't do any investigations. I told them they could ask Audil since he worked in that agency...nobody asked.

Board Member: What agency?

Detainee: Security agency.

Board Member: Do you have family in Afghanistan?

Detainee: Yes, my family is in Afghanistan. I have six boys and one [girl] and my wife. There is about seven or eight of us. It's been about two or three years since I have been away from my family and I have no news from them. I don't know if they are alive. I hope they are still alive...I have very young kids. Since we were so poor, my kids didn't have any shoes and my wife lost two of her teeth and I didn't have money to replace the teeth for her. When she was giving birth, I didn't even have the money to buy cooking oil so we could cook something.

Board Member: If released, what will you do to support yourself and your family?

Detainee: I [will] farm. I don't know anything else but farming. I will just work the land; grow wheat, potatoes and other things that I can make a living out of. I have a piece of land and I was growing wheat there and I was making a little bit of money...not too much...just enough to survive with basically. Even in here I don't feel safe...the Arabs bother me a lot. They spit at me and they throw urine at me. Some times they say bad things [to me]. They used to call me names but now I am happy because I am mostly with Afghans right now.

Board Member: Does your family know you are here?

Detainee: I don't know but they send letters to me and they inform me about their well-being.

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Board Member: So, you have received letters from your family?

Detainee: Yes, I have received a few letters from my family.

Board Member: Have you written letters to them?

Detainee: Yes, I have.

Board Member: Do you ask them to help you by getting some of this information that you say is available through the security agency and the governor? Have you asked them to ask the security agency or the governor to write us...give us information about your situation?

Detainee: Yes, I have done that through the Red Cross. I have sent a letter with Red Cross but I haven't received anything back yet.

Board Member: How long ago did you ask?

Detainee: It's been a long time. It's been maybe three to five months. I have also filed a petition. I didn't know about that and the Red Cross people told me about it.

Presiding Officer: A habeas petition?

Detainee: Yes.

Board Member: You have no weapons experience, you say or have you ever owned a weapon?

Detainee: No, I have not received any training and I have never owned any weapons. During the time of Khalili, he asked me to come and serve. I went but I did not receive any training or anything of that nature.

Board Member: So, this message you were asked to take to Mullah Naseem...[isn't he] that man that killed your mother?

Detainee: Yes, maybe not himself personally but people who worked under him...who were with this group. They also have the deeds for our property...Naseem has it.

Board Member: So it's safe for me to say that you don't like this man?

Detainee: Of course not. If somebody killed my mother I would consider him an enemy and how could I like him?

Board Member: Why do you think they sent you to this man knowing that he has done all these things to you...without a weapon?

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Detainee: At the grand assembly when I met Mr. Audil and I told him about my problems...he suggested that I go bring him so he could face justice.

Board Member: So you were told to go and bring this man back to face justice?

Detainee: Yes, this is what I was told from the security agency in Bamian...to go talk to him and maybe he could send us his pictures or the serial numbers for the weapons that are in his possession and if he could come to Bamian...then maybe we could talk to him...cooperate with him...this was the purpose.

Board Member: So, they thought that you had the expertise to go and talk to this man and bring him back without any weapons to protect yourself from a man whose killed people in your family?

Detainee: It was during the time of Ramadan, the fifth day of Ramadan when I went there and since it was kind of peaceful, I didn't realize that I would be in danger because it was about a year and a half after the downfall of the Taliban. I went there without any fear.

Board Member: Is this a dangerous place you lived [in]?

Detainee: No, it's not. It's a safe place. We live in the city of Bamian, which is very close to the airport, and it is a secure area.

Board Member: But your family had been killed?

Detainee: No, my mother was killed in Madr, which is a different place. My father bought a piece of property there and my mother was killed there not in the city of Bamian. Where I live it is safe and secure because there are lots of agencies there [as well as] the airport. There are always security forces available.

Board Member: So, you never needed any weapons to protect yourself and your family or anything like that when you were living in Afghanistan?

Detainee: No, what is a poor person going to do with a weapon? If I had weapon then I would have probably been in more trouble than I am right now. My brothers lived in the same area. They are all farmers. None of them have any weapons. If you want you can ask.

Presiding Officer: How many people live in Bamian?

Detainee: How should I know? I don't know.

Presiding Officer: Ten people...a hundred people...a thousand people?

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Detainee: There are a lot of people living in Bamian. I can't tell you exactly how many people but there are a lot of people living in Bamian.

Presiding Officer: So is there a mayor?

Detainee: Yes.

Presiding Officer: Is there a city council?

Detainee: I don't know about that but I know we have a mayor.

Presiding Officer: Is there a chief of police?

Detainee: I don't know about that either. Mr. Karzai visited Bamian once and Seem-a-samar (ph), she presented Bamian and we all went to greet him with flags.

Presiding Officer: How well do you read and write?

Detainee: No, I don't know how to read and write because I never had the opportunity to learn since I was always busy working, working, working. One day we were out of soap, one day we were out matches...the next day we didn't have shoes...and the next day we didn't have food. I was always busy working, working, working. And I wasn't making too much money either. I one day I cut two pounds of wheat.

Presiding Officer: Were the letters that you delivered in sealed envelopes?

Detainee: No, I don't remember cause it's been two or three years. When I met Audil at the grand assembly he told me that we would avenge your mothers death so go see if you can get Naseem to come.

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: As I stated earlier my name is Faiz Ullah and I am from the city of Bamian. The name of my village is Saryisab. I am a Shiite and a Farsi speaker. My father bought a piece of property in Kamard (ph). I have been living in Saryisab and usually I have been in that area and I have always worked in that area. When the communists came in power we lost our ties with the other bigger city that was closest to us because in between there were mujahedin...the people that used to fight the Russians. That's how we lost

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our connection to the other city. When the Russians were defeated the mujahedin took over after that Kahlili came into power. During the time of Kahlili we couldn't travel to the city of Bamian so we stayed in our village because everything that I needed was there. I got married there and I was working there. I didn't have the need to travel a lot. Somebody by the name of Che-ra-ba (ph) arrested me for eleven days and he was beating me with a stick. My brother is married to She-la-la's sister and Che-ra-ba was insisting that I give him my sister as a wife. My sister told me that she didn't want to marry Che-ra-ba and she would like to choose her own spouse and I agreed with her and I told Che-ra-ba that 'yes, you are a commander but I cannot give you my sister as a wife. I cannot do that. She is not happy about that.' So, finally they bailed me out. My brothers and my father in law paid about a hundred thousand Afghanis to get me out of jail. After Kahlili the Taliban came into power and when they came into power we were so scared because they didn't like Shiite Muslims so we fled from our homes. We went to the mountains for three or four days. Then we heard that the Taliban would capture people and they would kill you. Since we heard this news we couldn't go back to the city to see for ourselves so some ladies went back and they found that it was true. They had killed a lot of people and they burned houses. When the ladies came back and they gave us the news, that it was true that they had killed a lot of people including my uncle, my cousin, my father in law...then we went towards Darsof. So we were there until the time that the Americans came into power. Everybody was very happy when the Americans came to our city. This was the first time in Bamian. When the Americans came and we went back to our village we saw that our houses were burned...destroyed. The Americans helped us a lot. They used to throw rations by parachutes at night near the airport and we used to go pick them up from there. They used to give us tents, blankets, wood and something similar to MREs but it was in a white bag. So for a year and a half we lived this kind of lifestyle. They used to even take my children for a ride on their vehicles and they used to go pick up wood for burning purposes and we were just living there in peace and happiness. Che-ra-ba (ph) put me in this trouble. I guess he was holding a grudge when I didn't give him my sister as a wife. He wanted to take revenge and that is why he turned me over to the Americans and otherwise...what would I do in America? I am a poor person. I want to be in my home with my family so I could take care of them. Even here people call me names and they tell me bad things...that I am cooperating with the Americans. I ask them what bad things they have seen from them (*referring to the Americans*)? They keep you here; give you all the things that you need. They give you food and shelter. They even provide a Koran for you if you want to read it. They will provide all these things for you so...why do you guys hate Americans? I ask that to the other Detainees that are here. They hit me and they broke my ribs...the Detainees, but the Americans took care of me. They took about ten x-rays and they visited me about two or three times a day. God praise them for that. I don't have any problems with the soldiers or with the guards. If you want you can ask. It's been about two or three years since I've been here and all this time I have never had any problems with anybody.

Presiding Officer: Does that conclude your statement?

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Detainee: Yes, thank you very much for giving the opportunity to speak and for taking the time to listen to my statements.

Presiding Officer: Thank you for speaking so eloquently.

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

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

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