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Summary of Administrative Review Board Proceedings for ISN 942

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 Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 6 September 2005 and lasted 88 minutes. After a review of the Administrative Review Board purpose and procedures, the Pashto translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee declined a copy of the Pashto translated Unclassified Summary of Evidence as he does not read Pashto very well. The Detainee was polite and cooperative throughout the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, 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 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 said he was forced to serve the Taliban three months out of every year since they came to power in 1992.

Detainee: Yes, sir.

Designated Military Officer: The Detainee stated he fought with Abdul Wahed in the Russian jihad for approximately five years. He was a driver for Abdul Wahed, a commander of approximately 800-1000 soldiers. After the jihad, Wahed became a military commander of the Helmand Province.

Detainee: It's not like that. [When] the Russians [were] there I was a driver for one year to bring boots for them.

Presiding Officer: You were a driver for the Russians?

Detainee: [I was a] driver for Abdul Wahed while Russians [were there].

Designated Military Officer: As of January 2005, Taliban fighters were regrouping at Abdul Wahed Rais Baghrani's compound in Helmand Province. The fighters received money, supplies and orders at the compound.

Detainee: No, it's a lie.

Designated Military Officer: The Detainee was the number two commander of a 40-man unit of the Taliban in Afghanistan. The unit was formed in approximately November 2001 and was supported by al Qaida. The group continually plans to kill Americans. The Supreme Commander of the unit was Haji Rais Abdul Wahed.

Detainee: It's a lie. It's not true. That [is] a plot against me.

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Designated Military Officer: The Detainee was high in the al Qaida hierarchy and acted as a smuggler and facilitator. Al Qaida's operational leader provided him with weapons.

Detainee: When I was in Afghanistan I was driving [a] truck. There [are] rules [for them to] give license[s] to truck driver[s]. The file is there. You can look there. I'm not one of these (inaudible).

Designated Military Officer: The Detainee received weapons shipments, plastic explosives, night-vision equipment, missiles, small arms and ammunition from Syria. The weapons come from Syria to Zahedan, Iran. From there they were smuggled into Afghanistan.

Detainee: I was a driver. These are lies. These are not true.

Designated Military Officer: The Detainee aided in weapons distribution to the terrorist team. He also had a night vision and telescoping optical device to use during mission preparation. The terrorist group used it for surveillance on United States forces.

Detainee: I did not need to do that kind of stuff. I had my truck. These are plots. These are plots that my personal enemies are accusing me of these kinds of stuff. I'm the only [male] left behind. They're after me.

Presiding Officer: Let me make it clear again that you understood the question. You had no night vision goggles?

Detainee: I swear I don't even know what it is.

Designated Military Officer: The Detainee reportedly attended the training camp near Khotal-e-Morcha mountain pass outside of Kandahar, Afghanistan.

Detainee: Sir, if I was trained there and I was getting training there. They may have some documents that include my picture and I.D. and stuff like that. If there's no proof like that then I didn't do that and I strongly deny that.

Presiding Officer: Let me make sure I understand you. If we have pictures than you did, if we don't than you didn't?

Detainee: In the camp they keep documents...

Presiding Officer: But if they were to look there would be no pictures of you?

Detainee: You can execute me if you find some documents.

Presiding Officer: Next, please.

Designated Military Officer: The Detainee provided guidance at the terrorist training camp near Kandahar, Afghanistan and was directly involved in assassination attempts.

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He also attempted to have other personnel participate in suicide missions and he provided training on how to use explosive vests.

Detainee: No, sir. That's not true. I'm a poor innocent guy and my enemies are doing that against me.

Designated Military Officer: The Detainee was originally a freedom fighter against the Soviets, a member of Hezb-e Islami, Taliban, and then al Qaida. He is currently instructing other detainees on how to resist interrogation tactics.

Detainee: I told you [during the] interview, the same enemy, reported me to Hezb-e Islami Gulbuddin, [who] put me in jail [for] four months in Pakistan. They put me in jail because I went from Afghanistan to Pakistan and became a refugee. They accused me of being a communist. When I did not say anything they released me. I'm not a Taliban. I have proof that I helped the anti-Taliban commanders escape, which is Ismail Khan, Haji Abdul Zahir and General Mohammed Qasim. Taliban and al Qaida are the same. When I'm against Taliban I'm going against al Qaida. There's an expression in Pashto that you cannot hold two watermelons in one hand at the same time. I have to be with the Taliban opposition or with the Taliban. The side of opposition to the Taliban I have witnesses and with the Taliban you can provide proof.

Designated Military Officer: The Hezb-e Islami Gulbuddin has long established ties with Usama Bin Laden. Hezb-e Islami Gulbuddin has staged small attacks in it attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state.

Detainee: I told you [during the] interview and I'm telling you now. If anyone is against the present government of Afghanistan I'll put a horse's penis in his wife's vagina.

Designated Military Officer: In January of 2005, Taliban and Hezb-e Islami Gulbuddin elements in Afghanistan were beginning to regroup and plan actions against the government of Afghanistan and coalition forces deployed in the country. Abdul Wahed Rais Baghrani, also a major narcotics trafficker, was one of the key commanders involved.

Detainee: It doesn't have anything to do with me.

Designated Military Officer: The Detainee was part of the main security escort for Usama Bin Laden.

Detainee: When I helped the commander, Ismail Khan, escape they put one million dollars in my hand. How am I going to be a bodyguard for Usama Bin Laden? Will they trust me that much that I should become a bodyguard of Usama Bin Laden?

Presiding Officer: So is your answer yes or no?

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Detainee: No.

Designated Military Officer: The Detainee provided information on a number of Taliban personalities in the Helmand Province being protected by Governor Sher Mohammed.

Detainee: When the new government took over some people surrendered their weapons and the [weapons] disappeared and that's why I gave [the] report about Sher Mohammed. They took it to Hazarah. Sher Mohammed was a governor [and] his grandmother is Hazarah.

Presiding Officer: That's your whole answer. I'm obviously misunderstanding. Did you provide member information on members of the Taliban in the Helmand Province?

Detainee: Yes, I help provide.

Designated Military Officer: The Detainee was paid to smuggle 50 Arab family members out of Afghanistan and into Zabol, Iran, through Afghanistan's Nimroz Province. He was associated with Taliban commanders.

Detainee: I deny the allegation. When the new government took over I was living in Mashhad. I lived there for five months. I was going from my home to Kohi Sangi...

Presiding Officer: Okay. I just want to make sure I understand the answer. Did you smuggle families out of Afghanistan?

Detainee: I don't know and that's a plot.

Designated Military Officer: The Detainee admitted to having knowledge of weapons shipments and weapons smuggling routes as well as knowledge of the Jamiat Islami.

Detainee: When I became a refugee in Pakistan I bought a Zil, a Russian truck. I was transporting the weapons and stuff from the jail at the time of the war against the Russians.

Designated Military Officer: The Jamiat Ulema E Islami or "Assembly of the Scholars of Islam" is a radical Sunni religious-political party best known for its anti-United States threats, vocal support of Usama Bin Laden, and sponsorship of some 3,000 religious schools (madrassas).

Detainee: I'll put a horse's penis in his wife's vagina.

Presiding Officer: No more lines about horse parts.

Detainee: I'm innocent and those are our enemies and I have family and little kids to try to work and make money...

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Presiding Officer: We understand. You don't have to talk about the horse parts anymore.

Detainee: I don't know anything.

Presiding Officer: Thank you, next please.

Detainee: If you were in my situation [if] it would happen to you, you would be worse than I am.

Presiding Officer: I understand.

Designated Military Officer: The detainee was knowledgeable of an assassination plot against President Karzai the day before it occurred and knew the specific route Karzai was to take.

Detainee: If I was killing Karzai. He should be dead, but I was not.

Presiding Officer: That was not the question. The question is, did you have knowledge of the attack?

Detainee: I was in Iran. I don't know anything.

Designated Military Officer: The Detainee attempted to have another individual kill Governor Gul Aaga Sherzai and told him he would go directly to heaven if he completed the attack.

Detainee: I was in Mashhad. How could I do that? If you face me to Gul Aaga Sherzai he would not know me.

Designated Military Officer: In 2002, the Detainee told another individual that there were still suicide pilots in the United States who could carry out their missions.

Detainee: It's a plot. I don't have my son. I don't have my brother. I don't have anybody to carry this stuff for me. It's not true.

Presiding Officer: So you do not know if there are still suicide pilots in the United States. Thank you, next.

Designated Military Officer: The Detainee planned and executed the escape of Ismail Khan from Taliban prison.

Detainee: Yes, sir.

Designated Military Officer: Ismail Khan is an exiled Afghan commander.

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Detainee: I don't know [if] he's an exiled commander or whatever, but he was a good guy, an innocent guy and I helped him escape.

Designated Military Officer: The Detainee was arrested as a suspected member of Abdul Wahed's Taliban organization on 21 January 2003.

Detainee: I don't know. Otherwise that's a plot. I don't accept responsibility.

Designated Military Officer: The Detainee says that the Taliban is a stupid organization.

Detainee: Yes, sir.

Designated Military Officer: The Detainee vehemently denies that he is currently associated with the Taliban.

Detainee: The Taliban is no good I told that. If you guys help me I can find all [of them in] these 27 provinces and catch all these bad guys.

Designated Military Officer: The Detainee claims he is not a Taliban member.

Detainee: Yes, I'm against it. If I can drink his blood I would suck his blood. The communist did not do that kind of ruthless stuff, like they did. Each one bought women with 20 lak rupees get married, two to three times. I couldn't feed my wife even [as] a truck driver.

Presiding Officer: Thank you. We will ask more questions in a minute. Thank you for all your answers so far.

Detainee: Thank you very much for listening.

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: The allegations that I [have been] accused of [have been] plotted by my personal enemies. They killed my three brothers, sister, father and my two sons. They are now after me. I was in Mashhad. When I helped the commander, Ismail Khan, escape they provided me with a place to live there. I was in Zaheden, Iran for five months. When Karzai took over in Afghanistan they denied providing me any more government stipend. When I came [back] to Afghanistan I applied for some help [from]

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Karzai. Karzai was not in Kabul, since he was not there, I went home and I was arrested. You can get the information from the Afghanistan consulate in Iran.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Do you speak or understand English?

Detainee: No. I know "spoon." Only one word! Oh, I also know "good."

Board Member: A lot of your answers were that your enemies are plotting against you. Who are your enemies?

Detainee: It is not a one single...there are two tribes, one is Achakzai, the other is Issaqzai and it's not a one family it's a tribe against tribe. The person who was a governor at the time of the Taliban, right now he's in Boldek and they handed me to the United States forces. The guy who is the enemy of the United States is walking free.

Presiding Officer: We understand [that] you are here, because members of the other tribe have accused you of doing these things?

Detainee: Yes.

Presiding Officer: Thank you, thank you, we understand?

Board Member: Was your military service with the Taliban only as a driver?

Detainee: I was not able to do any other job.

Board Member: Where were you in November 2001?

Detainee: I cannot figure out November 2001. You can ask me about Afghanistan ...

Board Member: When did you go to Iran and when did you come back from Iran?

Detainee: When the Taliban took over after five years the day they took over after five years.

Presiding Officer: So that comes to 2001?

Detainee: I went to Iran and I [came] back.

Presiding Officer: What did you do in Iran?

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Detainee: I didn't do anything, but I was going from my home to that Kohi Sangi.

Presiding Officer: Did you have a job?

Detainee: No, sir, I didn't have any job?

Board Member: Where were you when the United States was attacked on 9/11?

Detainee: I was in Mashhad, Iran. I was sitting watching the TV at my home.

Board Member: Which Taliban commanders did you know?

Detainee: I don't know that much, but by the who is he? I know 12, 13. I told my investigator when they investigated I gave them the list.

Board Member: How do you feel about President Karzai?

Detainee: He's a good guy, but we have a lot of enemies that will [not] let us rebuild our country, our bridges were destroyed our roads were bad. They are trying to build it and these enemies will not let them build or [provide] the jobs that people need.

Board Member: Abdul Wahed, when was the last time you saw him?

Detainee: I don't know when. When I came from Iran to my village, then I went to Kabul and Karzai was not there and I came back to my home and Abdul Wahed sent his guy to my house. Abdul Wahed gave me two trucks to secure the area. I drove his truck for one year.

Board Member: I just want to know one thing. When was the last time you saw Abdul Wahed?

Detainee: I'm illiterate I don't know the date, but the last time when I went to Kabul to apply for help from Karzai. He was not there and when I came back I saw Wahed.

Board Member: Wahed is Taliban?

Detainee: The government reconciled with Abdul Wahed. He was sitting at home. He was doing nothing. He used to be Taliban. At that time they reconciled. They forgave him, Abdul Wahed, and I saw him at that time.

Board Member: Ismail Khan, he was a mujahedin fighter, is that correct?

Detainee: Yes, sir.

Board Member: Was he ever Taliban?

Detainee: No, sir, he was fighting the Taliban.

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Board Member: He was never Taliban?

Detainee: No, sir.

Board Member: You were at one time Taliban?

Detainee: No.

Board Member: But you drove for the Taliban?

Detainee: It was by force and not only me. It was forced...

Board Member: When did Wahed leave the Taliban?

Detainee: I don't know. I was in Iran, but when I came back...when I saw him he told me that the government gave him two trucks and 21 guns that was for security.

Board Member: You helped Khan escape from prison?

Detainee: Yes, sir.

Board Member: Who asked you to help him escape from prison?

Detainee: Taliban ruthlessness and injustice.

Board Member: I want to know why did you help him escape?

Detainee: The feeling I got from the way they were governing each one with 20 lak rupees to get a wife and marry. I didn't have anything.

Board Member: The Hezb-e Islami Gulbuddin put you in jail in Pakistan and accused you of being a communist?

Detainee: Yes, sir, the same enemies that reported me to United States forces.

Board Member: Is Khan a member of the same tribe as you?

Detainee: No.

Board Member: Is Wahed a member of the same tribe?

Detainee: No.

Board Member: Who arrested you?

Detainee: He used to be Taliban commander and he's working with Sher Mohammed. He arrested me.

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Board Member: Did you know him?

Detainee: He was kind of in the same province [that] I lived in and my house was there.

Board Member: Did you spend time with Usama Bin Laden?

Detainee: I didn't see him.

Board Member: Did he ever pass through your village?

Detainee: Our village is not the kind of village that Usama Bin Laden would come [to].

Board Member: Did you know people in al Qaida?

Detainee: No, sir. I [didn't] see even one guy.

Board Member: What made you special? Why did they come to you to help Khan escape?

Detainee: Nobody told me. They are ruthless and injustice that gave me that kind of feeling.

Board Member: Did you just do it on your own?

Detainee: My son and I.

Presiding Officer: Let me make this clear. Khan is in prison and you say, "I must go get Khan out of prison." Is that what happened?

Detainee: The airport director in Khandahar he told my son to learn English and computer that we were going to start doing business and stuff like that in Dubai. The airport is far away...and because he did not have a place to live there. He provided a room and ...

Presiding Officer: I don't understand.

Board Member: So your son helped you.

Detainee: Right, and my son was given a job by the Taliban airport director.

Board Member: So, if you have all these connections to the Taliban, how can we believe you are not Taliban?

Detainee: The Taliban took my son and forced him, took him to Khandahar. He was intelligent and they needed him.

Presiding Officer: How did you decide to get Khan out of prison, I missed that answer?

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Detainee: When my son started living there he understood the escape route and everything and he knew...

Presiding Officer: Khan was in the same house?

Detainee: Khan was in the same jail where my son had a room.

Presiding Officer: I understand, thank you.

Board Member: Why did Khan go to Iran?

Detainee: He had a house in Iran. His son [was] killed about a year [prior].

Board Member: Did you spend time with Khan in Iran?

Detainee: They gave me the house he (*Khan*) used to live [in] and Khan took another house.

Board Member: Did you see Khan in Iran?

Detainee: We had a family relationship. They invited us to their home and we invited them to our home. We would eat food and then they would go back home.

Board Member: Zahir, is he Taliban?

Detainee: Zahir is Abdul Qadir son and commander Abdul Haq's nephew, who was killed by the Taliban

Board Member: General Qasim?

Detainee: General Qasim is from Paghman, which is near Kabul. Right now he's the officer of Qadir, but he doesn't know Qadir was killed...

Board Member: Was General Qasim Taliban at one time?

Detainee: I don't know.

Presiding Officer: Why are you instructing the other detainees to not act well during interrogations?

Detainee: I don't know, sir. I don't know. These are plots.

Presiding Officer: You don't do that at all? Those are plots from the tribe? Those are ones that are done by people here?

Detainee: There was a detainee, who was living beside me [for] a month. He start[ed] fighting with me. He accused me and threw water on my...

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Presiding Officer: Was he from the other tribe?

Detainee: He's a Tajik.

Presiding Officer: Have you heard of Usama Bin Laden before you got here?

Detainee: Yes, sir. Everybody knows him.

Presiding Officer: Did you work for him at all in anyway?

Detainee: No, sir.

Presiding Officer: Do you know a Governor Gul Aaga Sherzai?

Detainee: No, sir.

Presiding Officer: You don't know him?

Detainee: No. I didn't see his picture.

Presiding Officer: Did you have anything to do with the people who tried to kill him?

Detainee: No.

Presiding Officer: Are you an important man in your tribe?

Detainee: I'm the lowest guy.

Presiding Officer: The lowest guy, you seem very (inaudible).

Detainee: Give me time to speak. I'm so poor, that I could [not] afford to buy cow stomach to feed [my family].

Presiding Officer: Did you ever kill members of your enemy tribe?

Detainee: If I [were] able to kill them I wouldn't be here. I was that weak that I left my village and went to Helmand Province.

Presiding Officer: They killed three of your brothers; your sister and two of your sons and you didn't do anything against them?

Detainee: I was working and providing food for my nephews and nieces...

Presiding Officer: You said earlier that you could turn over all the Taliban from all the provinces to us. That would seem to be someone who is very powerful man?

Detainee: If you help me, I can provide this.

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Presiding Officer: Thank you very much for that offer. Thank you very much for your answers today. Thank you very much for your information.

Detainee: Thank you very much. God bless you and God bring you a lot of money. Help us we are poor guys.

Presiding Officer: Thank you very much.

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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