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(Revised 3 Nov 05)

Summary of Administrative Review Board Proceedings for ISN 968

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 ARB interview occurred on 31 October 2005 and lasted 31 minutes. After a review of the ARB's purpose and procedures, the Pashto translated the Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and respond to each statement of information in the Unclassified Summary after it is presented. The detainee elected to submit 23 letters to the board. A follow up interview, to allow the detainee to bring the items, was conducted on 01 November 2005 and lasted 59 minutes. The

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detainee was cooperative and polite throughout both interviews. The detainee was given a copy of the Pashto translated Unclassified Summary of Evidence.

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 has been a Taliban member for six years.

Detainee: I did not spend a single night with the Taliban. If you prove that I spent one night with the Taliban then all of these acquisitions are true and you can do anything you want based on that. We were with the Governor of Helmand Province, we were friends with him since the Taliban came to Afghanistan he went to Pakistan and we went with him. When the Taliban was over thrown we came back with him.

Designated Military Officer: The detainee was a Deputy Commander for Rozei Khan, a Taliban Commander, during his time of command in combat.

Detainee: I did not hear his name. I don't know him.

Designated Military Officer: The detainee worked for Abdul Wahed on the terrorist team.

Detainee: We were friends with the governor of Helmand and Abdul Wahed is the enemy of the governor. I did hear his name but I don't know him. I heard a lot of stories about their fighting with each other. Until the last minute they were fighting between themselves. When the Taliban came into our area, from one side the Taliban start[ed] fighting us [and] from the other side Commander Wahed's people and we were defeated and we moved to Pakistan.

Designated Military Officer: The 40-man unit is part of the Taliban and supported by al Qaida. The supreme commander of the unit is Haji Raes Abdul Wahed.

Detainee: I don't know about him and when I told you that we were against him then everything is...

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Designated Military Officer: The detainee provided some tactical information for the 40-man unit and used a short-range radio and a long-range satellite telephone to communicate.

Detainee: The satellite phone I had I bought with my own money. I would get in contact with the Transportation Department if we had a problem with something or I would call my home. I was with the present government and anyone who was against the present government they were my enemy and our enemy. I don't know.

Designated Military Officer: In response to United States' requests for information against Fidayan Islam, Fidayan Islam leaders directed the detainee to find and kill the local Afghans that are helping the Americans.

Detainee: I never heard the name of Fidayan Islam, this is the first time that I'm hearing if from you guys. I insist that anyone who is against the present government I am against. They are my enemy.

Designated Military Officer: Fidayan Islam is the combine effort of Hezb-e-Islami and active Taliban.

Detainee: I don't know.

Designated Military Officer: The detainee traveled the streets of Gereshek at night asking questions about the Americans and those who spoke to them. The detainee was hoping that a show of force would scare people into providing information that would lead to those helping United States Forces.

Detainee: I did not. I completely deny this kind of allegation. I was a driver. I worked for the transportation not this kind of stuff.

Designated Military Officer: The detainee was an associated of Dost Mohammad. Dost Mohammad had planned a rocket attack against the United States military base in Deh Rawhud, Afghanistan in mid-August 2002.

Detainee: Dost Mohammad is working with the governor's brother. They caught Dost Mohammad and the United States Forces asked me if I knew this guy. I told them yes I know this guy who is working with the brother of the governor. I came to him and talked to him I know just where he works and where he lives. They let him work and they told me let's go to talk. The reason I told him [that] I know him I just saw him all the time in the surrounding area of the governor's office by telling them that this guy is working there they arrested me. They let him go and they arrested me. If he is a bad guy he is still working with the government they can arrest him any time they want.

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Designated Military Officer: As Chief of Transportation, the detainee was issued a permit allowing him to carry a driver's license, use a mobile phone and weapon. The detainee was also given a vehicle and two weapons.

Detainee: Yes, the governor gave [them] to me.

Designated Military Officer: During August 2002, the detainee and two other former Taliban officials traveled to Pakistan with the objective of acquiring a sedan type vehicle for use in a car bomb attack against the United States military base in Deh Rawhud, Afghanistan.

Detainee: That's not true. They are the opposite of us. We are against them. I even went to...

Designated Military Officer: Activity by United States Special Force teams in Gereshk, Afghanistan was monitored by Afghan military on duty at checkpoints throughout the city. United States Special Force activity, no matter how trivial, was immediately reported to the detainee. The detainee then called his insurgent counterparts via radio notifying them that the Americans were coming and warning them that they should hide.

Detainee: I don't know anything. I didn't do that kind of stuff and that was not my responsibility.

Designated Military Officer: The detainee passed reports of United States Special Forces activity to Sher Mohammed. Mohammad followed similar reporting pattern to that of the detainee, alerting his insurgent counterparts by satellite phone.

Detainee: Sher Mohammed is the governor of Helmand Province right now. We were friends of governor of Helmand, Sher Mohammed. My dealing was with being a driver. He called me sometimes on my satellite phone. That is the only relationship I had with Sher Mohammed.

Designated Military Officer: The detainee was captured on 12 February 2003 at the Forward Operating Base in Gereshk, Afghanistan near the Afghanistan Department of Transportation Office.

Detainee: Yes.

Designated Military Officer: On the morning of the detainee's capture guards woke him up and told him that someone came by to tell him that the Americans were holding some of the governor's brother's people outside for carrying weapons without permits.

Detainee: Yes.

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Designated Military Officer: The detainee approached the United States soldiers and told them that he knew these people as Dost Mohammed's soldiers and that they were authorized to carry weapons even though they didn't have their permits with them.

Detainee: Yes. They were his friend[s] and they were [the] governor's friend[s] and brother.

Designated Military Officer: The United States soldiers asked the detainee to come back to base to answer more questions about the alleged Dost Mohammad soldiers.

Detainee: Yes Sir.

Designated Military Officer: The American forces took the detainee's satellite phone and moved him to the detention facility in Kandahar the next morning.

Detainee: Yes Sir.

Designated Military Officer: The detainee did not participate in jihad against the Russians.

Detainee: Yes Sir.

Designated Military Officer: The detainee has no knowledge of Taliban in his region.

Detainee: Yes Sir.

Designated Military Officer: The detainee considers himself a friend of the United States and would not do anything to damage this relationship.

Detainee: Yes Sir.

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

The Detainee made the following statement:

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Detainee: Since the Taliban came to power we escaped and went to Pakistan. When they were overthrown we came back. Mr. Karzai the President of Afghanistan, he also came to Kandahar, Afghanistan in order to fight against the Taliban and the present governor of Helmand, Sher Mohammed, came to Helmand unto his own...and started fighting against the Taliban. When we came back I start working for myself in a store and Sher Mohammed forced me to quit that job and come and work with him. His brother...the governor...we used to work for his cousin and father who about passed away. We have a family [type] relationship with them and that's why I closed my store and came to work with him. He trusted me a lot and because of that trust he brought me to [the] transportation department and the transportation department was in Gereshk. Nobody liked the job. The governor of Helmand had a lot of enemies. Nobody also liked that the governor of Helmand should run the transportation department. When there was money we transferred that to banks, we wanted the government to become stronger and stronger. They tried to get that pushed and run the transportation and make money, but they wouldn't. Because of that, governor of Helmand introduced me to the United States Forces. The United States Forces had my telephone number. They keep me there because of the position I had nobody liked me. He was the middleman between the United States Forces and the government. United States told him that any time we need you we are going to call you and you are going to come to that specific place or if you need us give us a call and we will come to see you. When we left the governor's mansion we were walking in front and they were walking behind me. When we were in our cars I got sick. Then I came back and I was tired and sick and I fell asleep. Then the doctor, a friend of my brother, had serum. (The Presiding Officer clarified that he meant that the doctor gave him an IV). When I was asleep the guard woke me up and said someone was asking for the... I came without being afraid or scared and I talked to them and I had my...in my hands then I say Hi to them. I saw Dost Mohammad with them and they asked me if I knew this guy and I said yes I knew this guy. I saw him with the governor and his brother and he was working. Then I told him [that] yes I know him. Dost Mohammed is [the] governor's brother's... They said okay let him go. They told me let's go and we will talk. For the last two and a half to three years I have been here and I don't know anything and I didn't hear anything. We have enemies, tribal animosity against each other; the governor has a lot of enemies. On these allegations that are here in my file, if you prove one of them you can put me in jail for life. I don't know anything. I don't know anything. The telephone I have, you have advanced technology and you can check it and find out. I don't mind even being here for three and a half years, but the allegations you cannot differentiate between United States people and people against [the] United States. I will do something to realize who is our enemy and who is not. I was 24 when I was arrested and now I am 26. Five years has been passed..., at that time I was twenty-one. There is [an] allegation that I was with the Taliban for six years that means I was fifteen. Do you think a fifteen-year-old boy would fight with the Taliban? My whole plan is that I told them that yes I know this guy and he was working with the governor. That is my whole plan. If he's a bad guy and you arrested me while he is working right now with the government why don't you arrest him. Just to say yes I know this guy I have been here for almost three years.

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The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee said that he would answer to the Unclassified Summary of Evidence at the ARB. The detainee also stated he had letters to submit from his brother who is the driver for the governor of Helmand Province. The detainee's brother's return address is the provincial governor's residence. The detainee asked why would his brother send him letters if he were a threat implying that his brother would lose his job if the detainee was a threat.

Detainee: That's the place [of] my return address is the governor's residence. Right now my brother is working with the governor. We are a part of the government.

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

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

Administrative Review Board Member's questions:

Board Member: Do you speak English?

Detainee: No Sir.

Board Member: What tribe are you a part of?

Detainee: Ali Zai.

Board Member: Is Sher Mohammed part of the same tribe?

Detainee: Yes.

Board Member: How did your family know his family? I heard you say your family worked with his family.

Detainee: His brother's daughter is married to [the] governor's brother's son.

Board Member: Did your family and Sher Mohammed's family leave Afghanistan at the same time?

Detainee: We went separate way and they were separate. They came after us.

Presiding Officer: Was Sher Mohammed in Pakistan, too?

Detainee: Yes Sir.

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Board Member: Why did you feel like you needed to leave?

Detainee: The Taliban came and they were fighting with us.

Presiding Officer: Did you fight the Taliban before you went to Pakistan?

Detainee: No, I did not.

Board Member: Where in Pakistan did you relocate to, a refugee camp?

Detainee: Quetta, Pakistan.

Board Member: What did you do there?

Detainee: My brother was running a store and I was helping him.

Board Member: What kind of store?

Detainee: Fabrics.

Board Member: Have you traveled?

Detainee: What do you mean by traveled?

Board Member: Have you traveled outside of Afghanistan or Pakistan in your whole life?

Detainee: I went to Saudi.

Board Member: The Hagi?

Detainee: Yes.

Presiding Officer: How old were you when you went to the Hagi?

Detainee: I don't know how old.

Board Member: When you were in Pakistan did you hear of ...Islami?

Detainee: I didn't know this kind of stuff. I never heard the name of ...Islami. I didn't like to be a part of this kind of stuff.

Board Member: Did you attend school?

Detainee: I don't know. I did not go to school and I told them here to give me a chance to go to school.

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Presiding Officer: Did your brother go to school?

Detainee: No.

Presiding Officer: How come he can read and write and you can't?

Detainee: I can write.

Board Member: What were your duties as chief of transportation?

Detainee: Other people would do their work and I was the head of transportation and other stuff.

Board Member: What did your brother do?

Detainee: He's the driver of the governor.

Board Member: So, you're the chief of transportation and you were twenty-two.

Detainee: Yes.

Presiding Officer: Just twenty-two years old and for the whole Helmand area?

Detainee: The President of the Transportation Department was in Lashkaya and he was the principal in Gereshk.

Board Member: How many people did you have working for you at the department of transportation?

Detainee: Four.

Board Member: Sher Mohammed must have trusted you a lot?

Detainee: Yes, because of his trust in me that is why he gave me the job.

Board Member: Did you talk to him often?

Detainee: When I needed forms, I was going there and seeing him and talked to him.

Board Member: You said earlier that you don't know any Taliban. Is that correct?

Detainee: Taliban is against us.

Presiding Officer: You knew no one in the Taliban. You never knew any Taliban?

Detainee: Anyone who is against this government, I am against.

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Presiding Officer: We didn't ask if you opposed them. Did you know any?

Detainee: No.

Board Member: What kind of weapons training did you have?

Detainee: I didn't have training.

Board Member: You just had weapons?

Detainee: Two weapons.

Board Member: You said that Sher Mohammed has a lot of enemies?

Detainee: That's right. When you fight you make enemies.

Board Member: Are there still enemies?

Detainee: I don't know. I am here.

Board Member: Does Dost Mohammed still work for the governor?

Detainee: He used to work for the governor's brother.

Board Member: Do you know if Dost Mohammed worked for the Taliban?

Detainee: I saw him when he was working with the governor's brother.

Board Member: Why would you find it odd that we thought you were a member of the Taliban at the age of fifteen, when you were the head of the Department of Transportation at the age of twenty-two?

Detainee: I was teenage[r] [at] fifteen [and] I was not with the Taliban and because of the trust the governor had in me and my family that is why he selected me to be the head of transportation.

Board Member: Why were you disliked?

Detainee: Money, income and everybody wanted to have that. I had it and because of jealousy of income that is why they didn't like me.

Presiding Officer: How's your family?

Detainee: I have these letters and it says it's okay.

Presiding Officer: Is your mother and father okay?

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Detainee: Yes. In the letter it says yes.

Presiding Officer: How did you buy your satellite phone? It is very expensive.

Detainee: The governor gave me the satellite phone.

Presiding Officer: Earlier you said you bought it.

Detainee: No, I did not say that.

Presiding Officer: How long did you have that satellite phone?

Detainee: After three or four months at my job, they gave that to me.

Presiding Officer: Do many people in Helmand Province have satellite phones?

Detainee: I don't know.

Presiding Officer: You are here because of a couple of things. There was a terrorist team by...Ahid that was often using a satellite phone that people think was yours. People walking the streets of Gereshk at night where you lived using a satellite phone to communicate about those opposed to the United States that were going to be killed and people think that was you and your satellite phone. There was also an attempt to go and get a car to make a car bomb to attack the United States and part of that was again through a satellite phone that people think was your phone. Why do you think that is?

Detainee: Abdul Wahed is my enemy and I don't have any relationship with him. I never go out at night in the city.

Presiding Officer: Did you ever use your satellite phone to point out where United States Forces were to warn others?

Detainee: I was against them. Why should I do that? The same people that forced us to leave our villages and become a refugee in Pakistan and then come back and then I have to work with him for what?

Presiding Officer: That is why you are here. People think you are doing those things?

Detainee: People will tell you everything if you have evidence and stuff. When my personal enemy comes to you and gives you bad information about me and you believe that and I come to you and I work with you and I support you and you bring me here. For what?

Board Member: Did you have a driver?

Detainee: Yes Sir.

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Board Member: Who was your driver?

Detainee: Shireen.

Board Member: How did you select him to be your driver?

Detainee: He was sitting in checkpoint and if some driver would escape he would go after him.

Presiding Officer: In fact you were running a toll road?

Detainee: That's right.

Board Member: Is your family wealthy?

Detainee: Yes.

Detainee: Based on my testimony and my statement if there is any misinformation or lies you can keep me here for the rest of my life.

Presiding Officer: What are your plans if we send you back to Afghanistan?

Detainee: If they give me the same job I will work with them and if not I can do my store.

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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