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(Revised 7 Apr 06)

**Summary of Administrative Review Board Proceedings for ISN 003**

*The Administrative Review Board was called to order.*

*The Detainee entered the proceedings.*

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

*The Designated Military Officer (DMO) was sworn.*

*The Translator, Board Reporter, Assisting Military Officer (AMO) and Board Members were sworn.*

*The Presiding Officer asked the Detainee if he wished to make a statement under oath.*

*(Muslim oath offered).*

*The Detainee declined taking the Muslim oath.*

*The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.*

Detainee (through translator): I will just say my statement. I am not here for the ARB. I will tell the Designated Military Officer when to speak.

Presiding Officer: There is a point in the hearing that you will be given an opportunity to make a statement; it will come toward the end. Meanwhile we will continue with this process.

Detainee (through translator): That is fine.

*The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board, 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 was conducted on 4 April 2006. After reviewing the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his

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behalf, the detainee stated he was willing to attend the ARB if provided a one-hour notice prior to the ARB. The detainee was very cooperative, attentive, and cordial throughout the interview. A copy of both the English and Farsi translated Unclassified Summary of Evidence was provided at the detainee's request. The Unclassified Summary and notepaper was given to the Camp Five NCOIC to give to the detainee.

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

Assisting Military Officer: The detainee was more concerned about when he was going to be transferred to his home country. I explained to the detainee that I was not privileged to that information and really did not know what he was talking about. The detainee said his interrogators told him that the DCO recommended transfer. I again explained that I was not privileged to that information, and that I was there to assist him in the preparation for his next ARB. The detainee wanted to know why he was having another ARB when President Karzai had made arrangements with President Bush for transfer of Afghanistan detainees to their home country. I explained to the detainee that everyone would receive an ARB as long as they are here. The detainee implied that he wanted to respond to the Unclassified Summary of statements in written form, and possibly attend his ARB, providing he was notified one hour in advance of the board.

***The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-4 to the Administrative Review Board.***

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

***The Presiding Officer noted that the Enemy Combatant Election Form indicated the detainee wanted to wait until the entire Unclassified Summary was presented before responding.***

***Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.***

***Members of the Administrative Review Board were afforded an opportunity to further review the Unclassified Summary of Evidence.***

***The Presiding Officer granted the Designated Military Officer's request for a closed session at the appropriate time.***

***The Presiding Officer told the detainee that he could begin his statement.***

***The Detainee made the following statement:***

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Detainee (*through translator*): I start with the name of God, the most merciful and gracious.

Translator: Sir, there are some verses from the Koran in Arabic that the detainee is reading I cannot translate. It's just the beginning, the way he starts his statement.

Presiding Officer: Okay, continue.

Detainee (*through translator*): I, Ruhani, was a shopkeeper in Ghazni. I am the son of Haji Gulan Guhani. I lived in the city of Ghazni. I was born in the year 1355, in the city of Ghazni. I began school at the age of eight; I went to school in very tough conditions during the communist regime in Afghanistan. Due to a lot of war and problems in that area, I was forced to seek refuge in Iran. I was there for about a year and a half to two years.

While I was in Iran, I worked at a wool factory. After the fall of the communist regime, I returned to Afghanistan to the city of Ghazni and worked in my father's shop again. I was also interested in learning English, so I enrolled in an English course which lasted for a few months. In addition to being interested in the English language, I needed to learn it for work so that I could communicate with other people. I got married in approximately 1373; right now I have two daughters. It was a long time after I returned back (to Afghanistan) that the Taliban emerged, within a few years they controlled about 95% of Afghanistan.

During the time of the Taliban regime, according to the rules and the regulations of the past in Afghanistan during the time of Zharsha, Dawood, and Rabani, the young people were obligated to join the military. The Taliban recruited the young people to the military and forced them to join. If someone disobeyed their order they were arrested. A lot of the young people who did not want to join the military left Afghanistan and sought refuge in Iran and Pakistan; I personally did not want to be a refugee in Iran or Pakistan. I was forced, in order to save my life, from having to go to the military and being in the front line. The front line was dangerous and I did not want to die. I enrolled in one of the security offices.

This office controlled a small area called Dayafghanan. At the same time, I could attend my shop and do my business things on the side. We have a saying in Farsi: Look busy, do nothing. I would still sometimes show my face in the office, but I wasn't forced to be there all the time. About a month and a half or two months before the fall of the Taliban I left my job at the government. Since I was a businessman, a shopkeeper, I went back to my business. I was busy now tending to my shop and doing the stuff that I was supposed to do. When I was captured, about a month and a half, maybe two months before that, I had already left my connections with the Taliban and I wasn't working with them anymore. I was doing honest work just to provide for my family.

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It was the end of 2001, when the Americans captured me, I was sent first to Bagram. Then I was transferred to Kandahar; after that, through very hard times and problems I got kidnapped from Kandahar and in a very problematic way that I did not expect from the Americans, I was brought here. I heard that the Americans followed human rights. They always spoke about it, but the way they brought me here and treated me kind of shocked me. They brought me to Cuba by plane.

From the time that I was kidnapped, I have been tortured. They have been cruel to me and they have disrespected me. During the first few days that I was captured they would tell me after one week that I would go home. Then so many times after that they told me that I was not against Americans or coalition forces and it was a mistake that I was brought to Cuba. They kept telling me that I would be free, but I am still here without any cause or proof. They told me in the year 2004, that I would go to attend a court like the ARB, and I was very happy. I thought now since there was law and order here, I would attend a court that was fair and just.

Since the ARB is a place for justification, I thought the first group would have released me. I attended the first ARB and they had two allegations on me. The first one was that I joined the military or they wanted me to join the military and that is why I took the office job with the Ministry of the Taliban. The second allegation was that I had a handgun. These were the only two allegations they had on me. I spoke calmly and respectfully. I explained to have a gun in Afghanistan was not a crime, and that everyone could have a handgun or some type of weapon. Using it in the wrong place however is a crime. I also told them that young people were forced to join the military; in the past there was no democracy in Afghanistan and I had nothing to say against that.

I was forced and did not have a choice. After a few days of the first ARB they told me that I was an Enemy Combatant. Now you make the judgment, how could I be an Enemy Combatant to the Americans? I was not on the battlefield. I was at home with my family. Did they capture me from the battlefield or did they capture me from home? I was busy with my life, I was busy with my job, and I was busy with my personal business. So I thought that this ARB made a mistake and announced me as an Enemy Combatant. I thought that the second ARB would pay attention to the mistake, justify it and free me. I attended the second ARB, spoke calmly and respectfully, but the second ARB, also like the first ARB, blindly made a decision and said that I am an Enemy Combatant and a threat to the United States.

After hearing this, I found it very funny a few days ago; the interrogator told me that last year the United States government made a decision to send me to Afghanistan. I don't know why I am still here in Cuba. Anyway, I want you to pay attention to the unjust decisions of the first and second ARB, and make a decision on how a shopkeeper can be a threat or enemy to America. To say that I am a threat or Enemy Combatant, a person like me, it's a disrespect to the government of America. This is a big government and I am a small person. I am a shopkeeper and they call me a threat or an enemy. That's shameful. Therefore, I am tired of these ARBs. During the time I was detained here, I

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have not seen any justice, equality, law, or manners. I have not seen these things. Now you can do whatever you want. If I am detained and I have nothing to defend myself, the God almighty, he is very strong and on the Day of Judgment, the truth will be revealed. Everyone will have to answer to God. If you decide that I shall return back to my country I will continue doing the shopkeeping work that I used to do and I will just work to make a living for my family. I will provide honest food for my family. I also have the answers for the charges. They did not give me much time to prepare my answers; I was brought here in a hurry.

Presiding Officer: Would you like to have each statement read again, or would you just like to make a general statement?

Detainee (*through translator*): I am trying to find my paperwork. I am missing one page. If you want, you can go ahead and read me the first charge.

*At this point in the proceedings, the Presiding Officer directed The Designated Military Officer to once again give a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1*

*Designated Military Officer read the primary factors favoring continued detention of the detainee.*

Designated Military Officer: (3.a.) When the Taliban captured Kabul, Afghanistan, they conscripted many people. The detainee did not want to go to war, so he took a job with the Ministry of Intelligence in Kabul.

Detainee (*through translator*): As I stated earlier, there was no democracy in Afghanistan and this agency they are talking about, I have never heard of it. I have not heard of an intelligence agency/ministry.

Presiding Officer: What we are going to do as we go through the Unclassified Summary again, is that you will respond to the allegations and we will ask questions.

Detainee (*through translator*): Let me finish my answers first, and if you have questions then you can ask them.

Board Member: First, I want to point out and make clear to you that this is your second ARB. You commented that you had two ARBs before and one was not an ARB. I understand what you meant, but I want to make sure that you understand, the first one was to determine your status, and the ARBs are to assess your future detention. Don't confuse the two; they are two different functions.

Detainee (*through translator*): I don't know that, but I do know this is my third.

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Board Member: Third meeting. The reason I want to make that clear is because I am also very curious as to why a shopkeeper would be here. I find it very puzzling. The questions we will ask can help bring some light to the statements that you are responding to.

Detainee (*through translator*): Just like I said earlier, I did not want to attend this ARB. I just wanted to come give my statement, answer the allegations, and that's about it.

Board Member: Okay, I just wanted to clarify the difference between the processes before I ask my question. My question is, you stated you never heard of the Ministry of Intelligence, but you did work for the government. Who did you work for in the government? What agency?

Detainee (*through translator*): It was a civil job, not a military job.

Board Member: What was the function of that job? Was there a title?

Detainee (*through translator*): I will come to that in a few minutes. Next allegation please.

***Designated Military Officer read connections and associations of the detainee.***

Designated Military Officer: (3.b.1.) A senior member of Civilian Intelligence offered the detainee a job because he needed the assistance.

Detainee (*through translator*): I did not take that job to help any Taliban or anybody in that nature. The only reason I joined that agency was because I did not want to go to war and I did not want to fight.

Board Member: What agency was it?

Detainee (*through translator*): It was a security agency. A civilian security agency.

Board Member: Like a policeman?

Detainee (*through translator*): I just enrolled in the agency but I was not doing anything for them.

Board Member: What was the agency? Was it a police office or organization?

Detainee (*through translator*): They were responsible for the security of the people.

Presiding Officer: At this time we are going to take a brief recess.

***The Administrative Review Board reconvened and continued with the Unclassified Summary of Evidence.***

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Designated Military Officer: (3.b.2.) A source identified a director of the Taliban Intelligence Service and the detainee as his deputy. They were responsible for counter-terrorism operations and terrorism believed to be connected to organized crime.

Detainee (*through translator*): I did not have any connections with that person or the people that used to work there. I don't have any information about their thoughts or what they were planning to do there.

Designated Military Officer: (3.b.3.) The detainee stated he was the officer in charge of the operations department in the Ministry of Intelligence. The detainee noted that the operations department had 15 associates.

Detainee (*through translator*): As I stated earlier, I did not work for that agency and I did not have anyone working for me. I was just working there to save myself. It actually wasn't an agency, it was a small agency like a police force.

Board Member: What were your duties at this civilian security agency? What exactly did you do when you went to work?

Detainee (*through translator*): I have already answered that question in the previous ARBs.

Presiding Officer: This is not the previous ARBs, so you have to answer the question again.

Detainee (*through translator*): As I mentioned earlier, I am not going to answer these questions. I am just going to read these answers and that's it. I did not want to attend the ARB, but in order to make your job easier I just wanted to come and read my statements.

Board Member: Actually, you are not making my job easier. You are making it harder by not helping us out. We are trying to make a recommendation. In order to make this easy on everyone, I am going to suggest that if we have a question and you do not desire to answer, you can respond with no comment. We can then move on to the next allegation or question.

Detainee (*through translator*): That's fine.

Presiding Officer: Remember that the previous ARB members are not here, this is a new ARB. It is to your benefit that you answer these questions.

Designated Military Officer: (3.b.4.) The detainee's sister is married to a Taliban Intelligence Officer.

Detainee (*through translator*): In the last ARB, I gave them detailed information about this charge. My sister is not married to the person that you are saying she is married to. My brother-in-law is an ordinary worker.

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Designated Military Officer: (3.b.5.) The detainee stated that he is very close with a senior leader in the Taliban Intelligence Service.

Detainee (*through translator*): I have never said that I am close with these people, or people that are higher ranking.

Designated Military Officer: (3.b.6.) The detainee stated that a director in the Ministry of Intelligence quickly promoted him. The detainee did not receive any formal training for his new position.

Detainee (*through translator*): I did this office work because I did not want to join the military and go to war. In there, I did not have a rank and I did not get promoted.

Designated Military Officer: (3.b.7.) The detainee spent the last four years before his capture working in the operations department of the Ministry of Intelligence in Kabul for the Taliban. The detainee was in charge of crime scenes and small case investigations.

Detainee (*through translator*): I did complete one and a half or even two years with the Taliban. The years that I have spent in jail in Cuba, they have counted it with the time that I worked in the office back there. Do you understand what I mean? In the second ARB, the allegation read from the year 1999 through 2000, at the time of my capture, I was with the Taliban. This was at the last ARB, now another year has passed and they added another year.

Designated Military Officer: (3.b.8.) The detainee left Kabul on the last day that the Taliban still had control. The detainee was able to get a ride from a person who worked for the Minister of Interior Criminal Division. This person was traveling in a Toyota pick-up truck with 14 associates who were armed with two rocket-propelled grenades (RPG-7s), 20 Kalashnikov rifles, and two PK machine guns.

Detainee (*through translator*): Yes, before the fall of the regime I went to Kabul to get supplies for my shop. There were no taxis available and I hitched a ride from one of the Taliban vehicles. I got a ride from Kabul to Ghazni with them, just to get myself safely to Ghazni. I had no interests with the occupants or the owner of the car.

Presiding Officer: Did it seem strange that you were getting into a vehicle with people that were armed?

Detainee (*through translator*): I will answer the next allegation now. No comments, Sir.

Designated Military Officer: (3.b.9.) The detainee couriered a letter between the Taliban Chief of Intelligence and a Taliban military commander.

Detainee (*through translator*): Wrong. I have never received any letters from anyone or given any letters to give to anyone.

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Designated Military Officer: (3.b.10.) The detainee attended a meeting with a military commander, a senior Taliban intelligence member, a couple of Americans, and the Americans' translator. Shortly after the meeting, the Taliban intelligence member and the detainee were arrested.

Detainee (*through translator*): Gulam Mohammad was working with the Americans. He was a former baker. He had a shop next to my shop. I was invited over and after a few questions without any proof or anything I was captured. I am still detained now without any solid proof.

Board Member: You stated that you were captured, who captured you?

Detainee (*through translator*): No comments, Sir.

Board Member: The reason that I ask, is because if you were visiting with friends as you say, and you were just picked up, I find it strange that you use the word captured rather than arrested.

Detainee (*through translator*): No comments, Sir.

***Designated Military Officer read other relevant data pertaining to the disposition of the detainee.***

Designated Military Officer: (3.c.1.) There was no specialized training given to civilian intelligence officers. It was assumed that the officers already knew how to use pistols.

Detainee (*through translator*): I have never taken any lessons to operate any weapons. I was not forced to carry any weapons but I had a small personal handgun in Ghazni.

Presiding Officer: Did you carry your handgun with you to your shop?

Detainee (*through translator*): Yes, it's a small handgun you can carry it anywhere.

Designated Military Officer: (3.c.2.) The detainee worked with 13 to 14 men. The detainee did not have an official title, wore ordinary civilian clothes, and carried a Russian made pistol.

Detainee: I was not there all the time and while I was there I did not carry any weapons that were issued by them (Taliban). I did not take any arms from them.

Designated Military Officer: (3.c.3.) The detainee was issued a concealed weapons permit and had the permit on his person at the time of his capture.

Detainee: In Afghanistan everyone has a weapon. Getting a permit for it is not hard and it is not against the law to carry arms.

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Board Member: What type of weapon did you have? What personal weapon did you carry?

Detainee (*through translator*): No comments, Sir.

Designated Military Officer: (3.c.4.) The detainee believes he was arrested because he had a pistol on his hip.

Detainee (*through translator*): I don't know the reason but I do know there has been a lot of cruelty toward me since I have been detained. For so many years without doing anything or saying anything against the Americans, I have spent many years in this detention camp without solid proof and in harsh conditions.

Board Member: The cruelty that you mention, when did all that start? Where did it take place? In Afghanistan? On the ships? In Cuba? Where have you been mistreated?

Detainee (*through translator*): No comments, Sir.

***The Designated Military Officer continued by reading the Factors favoring Release or Transfer of the detainee. Again, the detainee was given an opportunity to provide additional information to the Administrative Review Board.***

Designated Military Officer: (4.a.) The detainee denies any prior knowledge of the attacks on 11 September 2001 and claims to have no personal knowledge of al Qaida or its operatives.

Detainee (*through translator*): I do not have the other papers that I was supposed to bring. The guards did not give me enough time. I have nothing else to say.

Designated Military Officer: (4.b.) The detainee had never heard of al Qaida until the Americans started bombing in Afghanistan. The detainee thinks Usama bin Laden brought war to Afghanistan.

Detainee (*through translator*): No comments, Sir.

Designated Military Officer: (4.c.) The detainee claims to be no more than a simple shopkeeper who helped Americans.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.d.) The detainee stated that his only wish was to return to Afghanistan and assist his ailing father with operating the family appliance store in Kabul.

Detainee (*through translator*): No comments.

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Designated Military Officer: (4.e.) The detainee explained that when he identified the head of the Taliban Intelligence as his brother-in-law it was a lie to shut up the interrogator.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.f.) The detainee explained that his work in the security office was simply to perform manual labor and drive different people in the office to their destinations.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.g.) The detainee denied any intelligence collecting activities during his work with the Taliban.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.h.) The detainee stated that he worked for the people, not the Taliban.

Detainee (*through translator*): I have already answered all these things in the previous ARBs. No comments.

Designated Military Officer: (4.i.) The detainee claims his involvement with the Taliban should not be viewed as synonymous to the Taliban's ideology. The detainee claims he has joined the Taliban because it was a matter of political and survival necessity.

Detainee (*through translator*): No comments.

Presiding Officer: (ISN 003), do you have anything else you would like to add?

Detainee: No, Sir. I do not have anything. Like I said before, I have nothing else to say.

***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 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 questions:***

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Presiding Officer: You claimed you were abused and tortured at some point after you were captured. Can you explain that for us in further detail?

Detainee (*through translator*): No comments, Sir. I have already said this in the past.

Board Member: I have a question for the AMO. Was the detainee notified one hour in advance of the ARB, as he requested?

Assisting Military Officer: Yes, Sir.

Presiding Officer: Sir, (speaking to the detainee) how do you like the food here?

Detainee (*through translator*): No comments.

Presiding Officer: How is your back feeling?

Detainee (*through translator*): No comments.

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

Detainee (*through translator*): I hope that justice will be served.

***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.



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