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Summary of Administrative Review Board Proceedings for ISN 1008

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

Presiding Officer: Are you familiar with these two documents?

Detainee: If they are different documents, no; if they are the same documents I read before, yes.

Presiding Officer: EC-A is the document that notified you of the decision to continue detention of the Administrative Review Board you had last year. EC-B is the election form, which covers the initial interview you had the other day with the AMO and the linguist. The AMO will read it and if you disagree with anything, please let us know.

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 03 July 2006. A Pashtu translator was assigned to, and attended the interview; however, the detainee spoke English fluently and when asked which language the detainee wished to use in the interview, he chose to use English. After reviewing the ARB's purpose and procedures, the Unclassified Summary of Evidence was read to the detainee in English by the AMO. When asked if he

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wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. Both the English and Pashtu translated Unclassified Summary of Evidence were provided to the detainee upon his request.

Presiding Officer: Does that summarize what took place?

Detainee: Yes.

Presiding Officer: Thank you.

The Designated Military Officer presented the Unclassified Summary of Evidence, DMO-1, the FBI Redaction Memorandum, DMO-2, the CITF Redaction Memorandum, DMO-3, and the Terrorist Organization Reference Guide, DMO-4, 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.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary; we will then provide you a chance to respond. The Board Members may ask you questions based on your response.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee attempted to obtain a United States travel visa using several different names.

Detainee: I did. I have four names. Mohammed Mustafa Sohail Bahazada. It does not matter that I applied for a visa using Mohammed or Mustafa or Sohail. They are my names. I did not apply with a different name. I did not apply by myself; I applied with my entire family.

Presiding Officer: You used several different names and they are all part of the names I read out today?

Detainee: Yes. They were not other people's names.

Board Member: Why did you try to obtain a visa to the United States?

Detainee: I did not apply directly to the United States. I applied through the United Nations High Commission for Refugees to any Europe or American country for education.

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Board Member: Why were you planning to come to the United States?

Detainee: As I said before, I did not apply directly to the United States. I applied to any Europe or American country during the Taliban because of the problem with education and also financial difficulties in Afghanistan. I did not apply by myself; I applied with my entire family.

Board Member: The reason you would have come to the United States would have been for what purpose?

Detainee: Immigration. For the purpose of education and economic. I did not apply to the United States; I applied to any Europe or American country.

Board Member: Thank you.

Presiding Officer: You say education and economic?

Detainee: Not economic education. Financial problems.

Designated Military Officer: (3.a.2) A Hezb-e-Islami Gulbuddin member approached the detainee for information about operations, future events, identification and personnel related to the Camp Serenity and the Karzai Protection Detail based at Camp Aegis.

Detainee: I worked at Camp Serenity in Kabul, Afghanistan in 2003. Nobody approached me for any information; I did not give any information to anyone.

Designated Military Officer: (3.a.3) The detainee gave a Hezb-e-Islami Gulbuddin member a list containing the names of security personnel assigned to the Karzai Protection Detail and the serial numbers of the weapons they used.

Detainee: As I said before, I did not give any information to anyone. I did not give out a personnel list or weapons' serial numbers. If I gave out this information, I do not see the point of being treated like this by the U.S. government because people do not live forever in Afghanistan. I did not do it, but if they continue to say that I did, it does not matter because the personnel can be changed or can be issued different weapons.

Presiding Officer: You are right; if you give my serial number to somebody, I can get another weapon. The main point is that they are saying that you give out personal information on others as well as their serial numbers. They are more worried about the mistrust if in fact you did it. You say that you did not, and we believe you. Let's just say that we have information that tells us that you are not telling the truth right now and that somebody else points the finger saying that you did do that; the trust factor behind that is if you did it once and we release you, our concern is that we might not trust you.

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Detainee: I am not working with DynCorp anymore; they can trust me or not because I am not working for them.

Board Member: Did you make a list of security personnel names?

Detainee: No.

Board Member: Thank you.

Designated Military Officer: (3.a.4) The Hezb-e-Islami Gulbuddin member noticed the recently developed set of photographs in detainee's car. The photographs were taken by the detainee in December 2002 during the opening of an American camp. As the Hezb-e-Islami Gulbuddin member reviewed the photographs, he pulled out several photographs and kept them.

Detainee: Before I took pictures at the opening of the camp, I asked my program manager, [REDACTED], if I could and he said yes. I only took personal pictures. I did not take pictures of any secured areas. I did not give any pictures to the person mentioned.

Presiding Officer: It says that this person pulled some pictures out.

Detainee: He was not in the car with me at the time that I had those pictures.

Board Member: For clarification, which individual are you talking about?

Detainee: The person mentioned that took the pictures from me; his name is Commander Chaman. I did not give him any pictures; he did not take any pictures from my car.

Presiding Officer: Is he the Herb-E-Islami Gulbuddin member?

Detainee: Yes.

Presiding Officer: Did he take the pictures some other time maybe?

Detainee: He was not in my car during the time that I had the pictures.

Board Member: Did he ever see these pictures outside of the car?

Detainee: No.

Board Member: What was your association with Commander Chaman?

Detainee: I met him on 17 October 2003 at the DynCorp office after I was transferred to Kabul. I heard his name because he was a famous person all over Afghanistan. I saw him in Kabul at

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DynCorp in the office of [REDACTED] a program officer, who asked me to do some work as a translator. That was the first time I saw Commander Chaman.

Board Member: Did you know at the time that he was a Gulbuddin member?

Detainee: No.

Board Member: You say that he was famous all over Afghanistan, what was he famous for?

Detainee: He was a famous thief between Kabul and Jalalabad. He was robbing the cars that passed through that area.

Presiding Officer: They had to answer to him?

Detainee: He had a check post there.

Board Member: Was he a member of al Qaida or the Taliban?

Detainee: I do not know about that.

Presiding Officer: Was he Mujadin?

Detainee: Of course.

Designated Military Officer: (3.a.5) The detainee met with the Hezb-e-Islami Gulbuddin member on the street and provided him with a computer disk containing the digital images of personnel involved with security at an American camp.

Detainee: I did not give any disk to him; he is not an educated person to ask me about a disk.

Presiding Officer: He does not have to be educated. He may have somebody as smart as you are working for him. He may not be computer smart, but he might know people that can help him.

Detainee: I did not give any disk to him. If I did, they could change the personnel and the information would not be the same.

Presiding Officer: Again it's not that easy. Let's say that you give my picture to these other two Board members, if they are not friendly toward me it can be detrimental to me.

Detainee: They were looking for Karzai's bodyguards; if Karzai changed his personnel, they would not be looking for them.

Presiding Officer: There are other reasons that I can think of but will not disclose to you due to security reasons.

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Detainee: I did not do it. If the people are living in the states, how can they find them?

Presiding Officer: It would be detrimental if you did it; you say that you did not, and I thank you for your honesty.

Board Member: Did you copy information on a computer disk?

Detainee: Yes, I did. I did not make a copy to give to anyone. I made the copy as a back up in case a virus damaged my computer.

Presiding Officer: Did you ever take this copy home?

Detainee: Yes. It was allowed for me to take the computer home.

Presiding Officer: Was the copy on the computer or on a disk?

Detainee: It was on a CD. I did not give the CD to anyone.

Presiding Officer: You had the authorization to take the computer and the disk to and from work?

Detainee: Yes, because I had the HTML course and I asked [REDACTED] my program officer, if I could take the laptop home and he said yes.

Board Member: What were some of your responsibilities working with DynCorp?

Detainee: I was a translator the first time I joined DynCorp, then I was driving for [REDACTED]. [REDACTED] I also did the purchasing for the office, and I was a finance clerk at Site III.

Designated Military Officer: (3.b) Connections/Associations. Three men identified the detainee as an active source for the Hezb-e-Islami Gulbuddin terrorist organization through a member in that organization.

Detainee: These three persons came in the office on 01 April 2003. They asked to talk to [REDACTED] the security officer at DynCorp Site III. [REDACTED] these three people, and I sat in a dining room. That was my first time seeing these three people. How did they know that I was working with Hezb-e-Islami?

Presiding Officer: I do not know. You never saw them before and they pointed their fingers at you as being Hezb-e-Islami?

Detainee: That was the first time I had seen those three persons. The problem is that in Afghanistan, if you are working for Americans, anyone can tell lies about you just to receive \$400 to \$500.

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Designated Military Officer: (3.c) Other Relevant Data. The detainee stated that the Hezb-e-Islami Gulbuddin member threatened his family should the detainee fail to provide him with the information he requested.

Detainee: No.

Presiding Officer: You never said that?

Detainee: No.

Board Member: You never said that he threatened your family or that he never threatened your family?

Detainee: He never threatened my family.

Board Member: Did you ever say that he did?

Detainee: Yes.

Presiding Officer: If you did not provide anybody with any information, why would you say that he threatened your family?

Detainee: They were beating me and I was bleeding after they arrested me in Kabul.

Presiding Officer: Who was beating you?

Detainee: [REDACTED], an American.

Presiding Officer: Whom did he work for?

Detainee: He came from the U.S. Embassy. I was bleeding; he put a pistol in my mouth and said a lot of stuff to me. He said that I would go to Cuba and stay there forever, and that I will never see my family again. That's when I decided to lie against myself.

Presiding Officer: You think [REDACTED] worked for the Embassy?

Detainee: That's what he told me.

Presiding Officer: Was he in uniform?

Detainee: No, he was in civilian clothes.

Presiding Officer: In what city did that happen?

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Detainee: Kabul, KMTC.

Presiding Officer: Is that a camp?

Detainee: That was an American camp, a training center.

Translator: Military College.

Board Member: Was anyone else in the room when the beating occurred?

Detainee: [REDACTED] and another American, [REDACTED]

Board Member: Was [REDACTED] in military uniform?

Detainee: No, he was a civilian. There also was a translator, an Afghani-American; I do not remember his name.

Board Member: Did they also participate in the beating?

Detainee: Yes.

Presiding Officer: I was under the impression that [REDACTED] was the only one who hit you.

Detainee: [REDACTED] and the translator.

Board Member: Did they all hit you?

Detainee: Yes.

Board Member: After [REDACTED] and the translator hit you and that you needed to tell them who you were working for or you were going to go to Cuba, did you tell them then that you worked for Chaman?

Detainee: Yes.

Board Member: Did you tell them right then that Commander Chaman had threatened your family or did you tell them later?

Detainee: After thirty minutes or one hour later.

Board Member: Thank you.

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Designated Military Officer: (4) The following primary factors favor release or transfer. The detainee claims that the confession regarding him providing classified information is false and coerced.

Detainee: After taking the beating from [REDACTED] and the others, I confessed that I was working for Commander Chaman. I am not a member of any party or organization.

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 Assisting Military Officer stated that he had no additional comments.

Presiding Officer: Do you have any additional comments?

Detainee: My previous answers covered all the allegations.

Presiding Officer: Do you have anything else such as communications from your family that you want to tell us?

Detainee: The elder of my tribe sent a letter to the ARB guaranteeing that I am not a trader against the U.S. government, and that I did not have any problems with anyone back in Afghanistan. I heard about it, but I do not know whether you have a copy.

Presiding Officer: Your town elder sent something to the ARB, but I am not sure I am in possession of that. Was it this year or last year?

Detainee: This year. Three or four days ago, I spoke with ICRC and was told that the letter is with the censorship people. They also said that the original of that paper will go to the ARB, and I will receive a copy.

Presiding Officer: Did you get your copy yet?

Detainee: No.

Presiding Officer: That's probably why we do not have it yet either. I will ask the AMO to look into that after the Board so that it can be made available to us. It is going through censorship like you said; if it's still in their hand, that's why we haven't gotten it, especially if you haven't received your copy either.

Detainee: I was told that it might take a year.

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Presiding Officer: Since we know about it now, we can ask about it and see if we can speed that up. Is there anything else you would like to say?

Detainee: I am not a trader against the U.S. government. I do not have any problem with the U.S. government. I am not associated with any organization or any terrorist group. I am an educated person. I am a computer instructor, and I want to go back to my job. When I go home, I will work as a computer instructor. I will not work with the government or with different people. Not too long ago, back home, I was a computer instructor.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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: How would you describe your relationship with Commander Chaman?

Detainee: As I told you before, I saw him for the first time at DynCorp. I had never seen him before that.

Board Member: Would you consider him a friend?

Detainee: No. For all the people he has killed in Afghanistan, how can I consider him a friend?

Board Member: I asked this question because you mentioned at the Board that he rode in a car with you.

Detainee: I brought him from his home to the office. I did not bring him for personal reason. I brought him because my officers needed him. I had his address and phone number. He speaks Pashtu and nobody else in the office spoke Pashtu. I was the contact person between Chaman and the office members.

Presiding Officer: You were a linguist for them as well, correct?

Detainee: Yes.

Presiding Officer: I think you probably covered any questions that I was going to ask you in relation to the material that we claimed you gave to other people and took copies of. You were quite honest about the copy. You said that, being able to take your computer back and forth, you did have a copy of the stuff that we alleged, and it was the back up in case of a computer virus. We appreciate your honesty today and thank you for the answers to some of these tough questions. Do you have anything further to add?

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Detainee: I am not a trader against the U.S. government. I am not working with any organization. Why am I staying here for a long time?

Presiding Officer: Did you meet with the Afghan delegation when they were here?

Detainee: Yes. They also came last year and spoke to us four different times, but nothing came up for us.

Presiding Officer: You were able to meet with them, so that is good.

Detainee: Yes.

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.



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ICRC letters--withheld from release under
5 U.S.C. § 552 (b)(3)

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