

Summary of Administrative Review Board Proceedings for ISN 1032

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.

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 11 August 2006. After reviewing the ARB's purpose and procedures, the Pashtu 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 behalf, the detainee stated he would attend the ARB. The detainee was cooperative and attentive during the interview. Both the English and Pashtu translated versions of the Unclassified Summary of Evidence were provided to the detainee who declined both.

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, the FBI Redaction Memorandum, DMO-2, the CITF Redaction Memorandum, DMO-3, to the Administrative Review Board.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment. (3.a.1) A source stated that the detainee operated out of the Farooqi mosque in Quetta, Pakistan and was responsible for providing logistical support to a group of Taliban fighters, including the provision of weapons and ammunition. The group used a small taxi and minibus to bring food and supplies from Pakistan.

Detainee (through translator): God is my witness that I have never been in Pakistan in my whole life. All these allegations are perfectly false and I swear by God that I am honestly answering these questions.

Designated Military Officer: (3.a.2) The Consulate General of Pakistan in Kandhar issued a national Road Permit valid up to 12 June 2001 for the purpose of multiple visits to Pakistan via Chaman, Afghanistan and back. The vehicle was owned by the detainee and Haji Abdul Sattar.

Detainee (through translator): It seems like a drama. This is not a fact. I have never been in a truck. I am not a driver. I do not know the person whose name is Haji Abdul Sattar. I have never seen Pakistan and I have never had a car or a truck in my possession.

Board Member: Did you ever provide any type of logistical support to any group of Taliban fighters?

Detainee (through translator): I have never seen the Taliban in my life. Once, they were recruiting in Afghanistan and like many other people, I was hiding in a garden. I have not worked for the Taliban. They could not recruit me because I was hiding from them.

Board Member: Thank you.

Designated Military Officer: (3.a.3) It is believed that Haji Satar led a group of Taliban Forces and instructed them to kill westerners in Afghanistan.

Detainee (through translator): I don't know Haji Satar. I do not have any connection with him. I don't know who he was or what he did. My name is Abdul Ghafaar. Ask about me not about Haji Satar.

Board Member: Do you know any men named Satar?

Detainee (through translator): I have seen three Haji Satars in my life.

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Board Member: Did any of them live near you?

Detainee (through translator): Two of the Haji Satars lived in a village named Nawa. It is far from Kulghayak, Safi Village where I lived.

Board Member: You say that the two Haji Satars lived in a village far from your village, where did the third one live?

Detainee (through translator): He lived in Landai Karaze.

Designated Military Officer: (3.a.4) The detainee talked about how he went to a bazaar in Kandahar City to get his tooth pulled. The detainee talked about how he left his home in a truck that was driven by a relative of the detainee's land owner. The detainee stayed at a hotel for free.

Detainee (through translator): It was during the time of the Rabani government. I have stated that I sold potatoes from the land and received some money. Part of the money I received was in the form of two bank notes for the amounts of 10,000 and 5,000. I was not sure whether people would take the bank notes from me because I had never seen a bank note for 10,000 before. The hotel was not free; I gave them the bank note for 10,000. Because I had my tooth pulled, I could not chew; I could only eat a little bit of spinach. I paid 25,000 for a little bit of spinach. I gave them two bank notes of 10,000 and 5,000. After I extracted my tooth, I went back to the hotel and sat outside in a veranda. And all of a sudden, I heard through a loud speaker that a convoy of trucks that belonged to the Red Cross was passing by for vaccination purposes. There were two people, Alahdad and Baran, from my village sitting next to me. They told me that the Red Cross trucks were there to vaccinate the children.

Board Member: It says that a truck was driven by a relative of the person who owned the land.

Detainee (through translator): It was a small Toyota truck; a four-wheel drive. Yes, the land owner's son was the driver.

Board Member: Was the land owner's son a friend of any of the Satars?

Detainee (through translator): I don't know any Abdul Sattar.

Board Member: I am not asking about Abdul Sattar. I am asking about the three Satars who lived in two different villages that you knew.

Detainee (through translator): The three Satars were my classmates when I was a child. I don't know whether they have any connection with the owner of the land.

Board Member: What was the name of the land owner?

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Detainee (through translator): Haji Borjan.

Board Member: Thank you.

Designated Military Officer: (3.a.5) The detainee stated that the truck acted like a taxi cab and drove around to other villages picking up and dropping off people before it made its final stop at the Wuliswal Hotel in Kandahar City, Afghanistan. The next morning the detainee went to the bazaar and visited a dentist. After the detainee had his tooth pulled, he went back to the hotel to have lunch. The detainee could not leave because the truck was supposedly getting fixed and was not drivable. The detainee was sitting outside in a veranda/pavilion like area where a group of between 30-40 people was eating lunch.

Detainee (through translator): I had my tooth extracted; I was not in a good mood. I came back and sat in a veranda with probably 30 to 50 people. Some were going in to order food; some were coming out. I ate a little bit of spinach and sat there.

Designated Military Officer: (3.a.6) The detainee stated that one of the group members stated that he noticed a Red Cross caravan entering the bazaar.

Detainee (through translator): As I stated before, I was sitting in that veranda and through the microphone I heard that a convoy of trucks was passing. The two people that were sitting next to me and whose names I already mentioned told me that the trucks belonged to the Red Cross for vaccination purposes. The Red Cross workers dropped the vaccines in the children's noses.

Board Member: When did the whole issue at the bazaar take place in relation to when you were arrested? You said it was at the time of the Rabani government.

Detainee (through translator): It could be 10 to 12 years. I am not really sure.

Board Member: 10 years before you were arrested?

Detainee (through translator): I am not sure. I am pretty sure it was during the Rabani government. I have been here three years, so you can deduct these three years from the time. I cannot remember if it was during the second or the third year of the Rabani government.

Board Member: Thank you.

Designated Military Officer: (3.a.7) The detainee remained at the hotel for another three to four hours. Once the truck was fixed, he returned home when it was dark.

Detainee (Through translator): Yes. The truck was fixed in the afternoon. It took seven to eight hours to go back to my village.

Designated Military Officer: (3.a.8) Regarding the murder of the Red Cross worker, an Afghan official noted that one of the vehicles used by the Taliban, but left behind at the scene, belonged to the Second Corps. The official explained that, while the perpetrators arrived at the scene in the vehicle, they were unable to get it started when preparing to depart.

Detainee (through translator): I do not know anything about it. I had not seen the Taliban or a truck that would not start.

Designated Military Officer: (3.b) Training. (3.b.1) The detainee was questioned about his military service; he replied that he had none. The detainee stated that he was too young to enlist in the military when there was a proper government, and he did not serve in the military under the Taliban because he was the only male in his family.

Detainee (through translator): I have never been a member of Jihad. I have never been in the military, not with the government of Afghanistan, not with the Taliban. I am just a plain farmer, a poor man. My children do not have a house to live in. They stay a few days here, a few days there.

Designated Military Officer: (3.b.2) The group who conducted the Red Cross attack was made up of men exclusively from the Barakzai and Alokozai tribes. The group was trained for a one-month period in explosives, bomb-making, and techniques on how to assassinate.

Detainee (through translator): I do not know anything about these people. Half of the country is Alokozai and Barakzai. They are big tribes in the country.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The detainee is from the Barakzai tribe.

Detainee (through translator): Yes, I am from the Barakzai tribe.

Board Member: Are any of the three Satars and Haji Borjan from the Barakzai tribe?

Detainee (through translator): I do not know about the Satars because we were children at the time I knew them, but I know that Borjan is from the Barakzai tribe.

Board Member: Did you know any Barakzais that were involved with the Taliban or other militant groups?

Detainee (through translator): I am not in that position. I am a poor man. The Taliban was the government for many years. All I did was farm. I left early in the morning and came back home late in the evening, tired from working in my land. At the time I was captured, I had borrowed 20 mans of wheat. Each man is equal to ten pounds. When you

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captured me, I had 600 Afghanis in my pocket and you know it. I have one old mother, five children, and one wife. Through sympathy, people shelter them. They spend three months here and three months there because they do not have a house. Every time I receive a letter from a friend, I learn that my family is in a different place.

Designated Military Officer: (3.c.2) The detainee stated that he has spent three or four years farming land that belonged to a wealthy landowner from the next village.

Detainee (through translator): Yes, I was a farmer on a rich man's land. We lived in two different villages. He lived in Nawa and I lived in Safi.

Board Member: Was the land owner Haji Borjan?

Detainee (through translator): Yes.

Designated Military Officer: (3.c.3) According to a non-government organization worker, Gut Mullah Satar, who perhaps is missing a lower limb and walked with a limp, was the leader of a group of men in the attack on the International Committee of the Red Cross. The group stayed in caves in Takht Ghar mountains in Shah Wali Kot area, Afghanistan, while the main fighters stayed in the Kandahar province. Satar used satellite phones for communication.

Detainee (through translator): Like I said, I do not know this person; I do not know Mullah Satar. I have never been to the places you mentioned.

Designated Military Officer: (3.c.4) After the detainee was shown Gut Mullah Satar's photograph, he stated that he has never seen Satar before nor knew his name prior to the Americans telling him in Baghram.

Detainee (through translator): This is true.

Designated Military Officer: (3.c.5) Haji Satar had been killed by United States Forces, but he was implicated in the March 2003 murder of an International Committee of the Red Cross worker.

Detainee (through translator): I do not know anything about it. I had not seen him. I do not know him.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) When the detainee was asked if he was a driver for an important person before his capture, he denied the claim. The detainee stated he had never even been in the front seat of a vehicle, much less knew how to drive one.

Detainee (through translator): I swear that I had never touched a steering wheel and that I had never sat in the front seat of a car. How could I be a driver?

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Designated Military Officer: (4.b) When the detainee was asked if he was the man who killed the International Committee of the Red Cross worker, the detainee denied having shot a rifle more than three times in his life. The detainee was asked if he had attacked the Americans while they raided Mullah Satar's compound. The detainee replied that he had not.

Detainee (through translator): At the time of the Russian invasion of Afghanistan, I was a teenager. There was a marriage in my village, and as a custom, people fired in the air. I was surprised and wanted to try. I insisted and at last, someone gave me a gun and I shot three times in the air. I had never used a gun in my life before that. I did not use the gun three separate times; I fired three bullets at one time. When the American soldiers captured me, I was standing at my door wearing I have on now: shirt, trouser, sandals, and nothing else.

Board Member: Did you attack the American soldiers when they arrived at Satar's Camp?

Detainee (through translator): No. It was night time. The helicopters came and there was a lot of noise, so my mother woke me up to check on the goats that might have been scared and run away because of the noise from the helicopters. I went out to go after the goats and there was a strong wind blowing. All of the sudden, three American soldiers ordered me not to move. The whole day, I had worked hard and was very tired. Since I was very tired, I was in a deep sleep when my mother woke me up. When I came out, I saw winds blowing from these helicopters. The winds were so severe that I got sick and I had to sit down. That's the story.

Board Member: Who lived in the nearest area where the Americans came from?

Detainee (through translator): There were two houses, mine and Shabaran. I was standing in front of my house. Two brothers, Shah Mohammad and Shabaran lived in the same house. It was a small land. My house was on one side and the other house on the other side. The Americans came from between the two houses.

Board Member: Beyond Shabaran house, did anyone have a large area or a compound?

Detainee (through translator): It's a village and there are hundreds of houses. Behind Shabaran's house, there was another house, and behind that, another, and another.

Board Member: Thank you.

Designated Military Officer: (4.c) The detainee claimed that he is not a Taliban or al Qaida supporter and knows no one actively involved.

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Detainee (through translator): I swear by God that I do not know anything about it. I do not have any connection with al Qaida. I had never heard of al Qaida until I came here.

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 stated that he had no additional comments.

The Detainee made the following statement:

Detainee (through translator): I forgot to say that the three Satars are farmers now. They are not with the Taliban. They have lands and are great farmers. They are poor people. I insist that I am not a driver. I have never touched a steering wheel. Why don't you ask your sources to prove that I am not a driver? I have never sat in the front seat of a car. I am accused of having connection with Pakistan going back and forth; I have never been to Pakistan. Please ask your sources. I have been a prisoner for three years. What kind of justice is this? In three years, you have not received any information on whether I am a driver or not. In the first board, there were five accusations against me. In the second one, the accusations went up to thirty-five. In the third one, they dropped to eight. I swear by God that neither one of them is right. When I was arrested, I had on sandals. Nobody can fight with sandals. I was standing in front of my house when I was captured. You Americans are famous for justice and democracy. Apply justice please. Why be cruel with me?

Presiding Officer: Is there anything else you wish to say?

Detainee (through translator): If you continue to be cruel with me, God will take care of me and you both. That's my last statement.

Presiding Officer: Thank you very much.

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 Members had no further questions for the Detainee.

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

The Presiding Officer opened the classified portion of the session.

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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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