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Summary of Administrative Review Board Proceedings for ISN 1103

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 Members of the Administrative Review Board were sworn.

The Presiding Officer asked the Detainee if he would like to make a statement under oath. (Muslim oath offered)

The Detainee declined taking the 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 was conducted on 02 March 2006 and lasted 40 minutes. 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, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it was presented. The detainee was very cooperative, attentive and cordial throughout the interview. Copies of both the English and Pashtu translated Unclassified Summary were provided to the detainee upon his request.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memo, DMO-2 and, the CITF Redaction Memo, DMO-3, to the Administrative Review Board.

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The Designated Military Officer stated that a copy of these exhibits had previously been made available to the Assisting Military Officer and the 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 allowing time for the detainee to provide a response after each statement.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee provided handwritten lists of names of people involved in Taliban/Anti-Coalition Movement activities and provided descriptions, locations and types of activity information on these people.

Detainee (through translator): There was a meeting in Ghazni Province. They were represented by the American campaign and I gave them these names. They said that they wanted the names of the Taliban. They wanted me to be cooperative with them so I gave them the names. The American and the governor of Ghazni said to tell the others that they used to be the Taliban, but now we want them to stay in their homes. We are not going to hurt them we just want them to be cooperative. The governor said that and I am a Muslim. I don't lie. I don't know who these people were. We were schoolteachers and we heard this from the governor.

Designated Military Officer: (3.a.2) The detainee worked in the Division of Logistics building under senior Taliban members. The detainee was originally given a job as a clerk and later he was demoted to working in the office kitchen and cleaning up around the office.

Detainee (through translator): The Taliban was governing the public by force. The organization was asking for individuals to work for them. They said either give us a person or 10 or 20 million Afghani dollars. I was a poor man and didn't have that kind of money. I had no other choice so I started to work for them. It was mandatory to spend six months working for them. They said because I was an old man I could not actively fight so you will work in the kitchen. I worked there, but I didn't know what kind of activity or administration it was. They told me, don't talk to the others and don't let people talk to you. Just keep busy with your job. Once someone asked me something and when I answered a guy came over and slapped me.

Presiding Officer: Who slapped you, a Taliban member?

Detainee (through translator): Yes. I don't know his name, but he was the boss. He said that I don't have the right to answer any questions.

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Presiding Officer: Just for clarification, this was when you worked for the Taliban, correct?

Detainee (through translator): Yes, after they forced me to work there.

Board Member: This statement says that you were a clerk, is that true?

Detainee (through translator): No.

Board Member: If they told you to remain busy and not talk to anyone, then how were you able to produce a list describing what each of the individuals did?

Detainee (through translator): What list?

Board Member: The one that we previously talked about.

Detainee (through translator): The list was during the time of Karzai. The Taliban was gone. The governor of Ghanzi and the Americans were in place.

Board Member: How were you able to know enough to make the list?

Detainee (through translator): Yes, I worked and took notes. They told me that because I was a teacher, I needed to cooperate.

Designated Military Officer: (3.a.3) During the Ramadan period of 2001, the detainee traveled back to Iran to work in construction. The detainee worked in Iran for about six months before returning to Afghanistan. When the detainee returned from Iran, he went back to work at the Ghazni Police Department.

Detainee (through translator): The Taliban forced me to work. I told you this was all [by] force. I ran away from them and went to Iran and when I came back they were gone. When I came back from Iran it was a Karzai government.

Presiding Officer: How long did you work for the Taliban? Here it states that you were only gone for six months.

Detainee (through translator): Three months and then I ran away.

Presiding Officer: Three months, then you ran to Iran for six months and came back and they were gone?

Detainee (through translator): Yes.

Board Member: Where in Iran were you working?

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Detainee (through translator): Sharaz Construction Company. We carried mud on our shoulders to the buildings.

Presiding Officer: Can you spell the name of the construction company?

Translator explained that the name of the company is the Pashtu word for construction.

Detainee (through translator): It was not a real company. If someone was building a house they would take laborers for the day to help.

Board Member: What kind of building did you help construct?

Detainee (through translator): A house.

Board Member: Did you take your family with you when you ran away?

Detainee (through translator): I couldn't afford, it I had a big family. They needed rent money and money for the bus.

Board Member: Would the Taliban threaten your family since you ran away?

Detainee (through translator): Yes. They went to my children and asked for ten million Afghani dollars or give us the guy; or give us someone else. They just needed a person.

Presiding Officer: So your family had to produce someone in your absence?

Detainee (through translator): They couldn't find anyone. They came to my family and said that we know who he is. He is a British teacher.

Presiding Officer: Who took care of your family while you were in Iran?

Detainee (through translator): Nobody. I have two wives and I was sending money from Iran.

Designated Military Officer: (3.b) Training. The detainee indicated that he had fired a Kalashnikov and a shotgun and fought five to six years in the Mujahedin.

Detainee (through translator): My two brothers were murdered during the time of the Mujahedin. They came to me and told me to give them ten million Afghani dollars or work with us. I ran away from them. My brothers did not work for them either. The Russians in my house killed my brothers.

Presiding Officer: I appreciate your cooperation with us today. The information we are making known to you in this unclassified summary is coming from reliable sources. I would just appreciate your honesty in telling us what you know. At some point you gave an interrogator or someone the impression that you had fired a Kalashnikov and a

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shotgun and that you fought with the Mujahedin for five to six years. I would appreciate your honesty and you being upfront with us when answering these questions.

Detainee (through translator): No, I was never with them. They captured me by force once and I ran away from them. I gave them ten thousand Afghani dollars. They fined me ten thousand Afghani dollars even though I was not with them; they took it from my brother. Instead of me, they captured my brother and released him.

Presiding Officer: They released him after you paid the ten thousand dollars?

Detainee (through translator): Yes.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The detainee admitted he worked for the Taliban Minister of Intelligence.

Detainee (through translator): I have heard the name of the Intelligence Minister, but I have never seen him. I don't know if he is young, old, ugly or good-looking. I haven't worked for him and I am not going to work for him.

Presiding Officer: You never worked for the Ministry of Intelligence?

Detainee (through translator): No.

Board Member: Not as a clerk or a cook?

Detainee (through translator): Yes, I was a cook. I didn't know that it was for the Ministry of Intelligence. They took me by force and I worked as a cook, but I don't know which department it was.

Presiding Officer: So it's possible that you worked for them but you didn't know.

Detainee (through translator): No, it was not the Ministry of Intelligence. I never saw him.

Presiding Officer: We are not saying that you saw him; it just says that you worked for that department.

Detainee (through translator): No, I didn't work for them.

Presiding Officer: What department did you work for those three months?

Detainee (through translator): Security. I don't know anything else, but it was for security.

Presiding Officer: I know that you are a very educated man, so it is hard to believe that you don't know what department it was.

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Detainee (through translator): It was security. It was a very old building with no name on it. Everything was all mixed up. It was broken and destroyed.

Board Member: Where was this building?

Detainee (through translator): Ghazni Province.

Designated Military Officer: (3.c.2) The detainee was captured with a fax from a newspaper in Iran. The fax was requesting that Qari (Ahdmedullah) interview Usama bin Laden and included a list of questions related to 11 September 2001.

Detainee (through translator): I am not aware of the fax. I am not aware of Qari Ahdmedullah. I admitted to these things because in Bagram they beat us with a cable until we admitted to them. I was beaten. I am not aware of anything. I was a teacher and they brought me to this job.

Presiding Officer: This statement does not refer to something you said, it refers to something that was found on you.

Detainee (through translator): No, they didn't find any paper in my house. Maybe my enemies brought it to my house. When the Taliban was running away I was in Iran. They came to my house and left weapons and papers. They said they would come back. When they were running away it was raining and there was a lot of mud in front of my house. Their car or jeep got stuck and their papers got wet. So they brought it to my house and said if you don't keep this we will kill you. We will come back for it. Yes, that is what was at my house. I am not aware, but I was in Iran. I have a document that shows that I gave the weapons to the government. I told the government that the Taliban left some papers in my house and he said the Taliban are gone. The papers are useless. I am not going to lie to you. I am a Muslim. So if you found a paper that was probably it.

Presiding Officer: Earlier you mentioned something about being beaten with a cable, who did that?

Detainee (through translator): There was a tribe in central Afghanistan we call them the Hazari. They look oriental [Asian]. They covered their faces and beat me. I heard the language they spoke and it was Hazari. Maybe they were soldiers, but I don't know if they were Americans or Afghans or soldiers. They also spoke English and Farsi. I still have pain in my back that I take medicine for. I have had x-rays taken three or four times. I still get dizzy. They put a very large bag or sack of mud on me. They were not ashamed of my grey beard.

Presiding Officer: Was this before or after you were captured?

Detainee (through translator): When they captured me, why did they beat my wives?

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Presiding Officer: We are trying to find out about you. With regard to this cable, I am guessing you were beaten on your back. Who's possession were you in when this happened?

Detainee (through translator): When they captured me from home, they took me to Gardaz and then from Gardaz to Bagram. In both places they beat me.

Presiding Officer: Do you know what kind of troops they were?

Detainee (through translator): The soldiers came ten times a day. There were all kinds of people. How would I know which ones they were?

Presiding Officer: Did you tell your ARB this last year?

Detainee (through translator): Yes, I told them. I had a small tape recorder and they took that. I pawned my land to pay them. I know the American people don't take money so it must be someone else. I am an old man, [a] poor man. I was a teacher in Karzai. I was not against them. The American people came and brought religious things trying to get us to convert to Christianity. The Taliban found out and said they would kill us if we converted.

Board Member: Do you understand that the fax was found on you when you were captured?

Detainee (through translator): What is a fax, is that a weapon?

Presiding Officer: No, the newspaper [article] that was on you.

Detainee (through translator): No, I swear it was not on me. I am not aware of the fax. The things that I have seen and heard, I have already explained to you.

Presiding Officer: The only time you were beaten was when you were in Gardaz and Bagram?

Detainee (through translator): Yes, they beat me with a cable and brought a dog. They beat me until I said yes to their questions.

Presiding Officer: After Bagram, there was no more abuse?

Detainee (through translator): No, I was not beaten but I spent 18 months at Camp V. They made me sit in cold weather for eight to twelve hours. I worked for the Taliban government and the Karzai government. You captured me because I am an Afghan or a Muslim, but I haven't done anything. I was teaching the children under the tree. The Americans came and helped build a school and brought medicine. I took pictures and cooperated with the new government.

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Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The detainee has made several trips to Iran using three different routes.

Detainee (through translator): One time during the time of the Mujahedin I ran away and went to Iran, and once during the time of the Taliban. Is that a crime?

Presiding Officer: Each time did you go a different way?

Detainee (through translator): Yes, I went from Iran and once Nimrose because I was traveling illegally. Is that a crime?

Designated Military Officer: (3.d.2) The detainee was captured in July 2003. A search of his property turned up two Kalashnikov magazines, two grenades, a high frequency radio, small amounts of ammunition, a canister with Cyrillic writing on it suspected to be uranium and an electronic organizer.

Detainee (through translator): I only had one shotgun. The other things were not in my house. I just had one shotgun.

Board Member: You mentioned that some men got stuck in a jeep and left some things at your house, what were they?

Detainee (through translator): I haven't seen the things. The things that were in the jeep we gave to the government. There were two Kalashnikov rifles and the receipt is in the papers. I told them I was a teacher not a fighter, I teach children.

Presiding Officer: Was that when you returned from Iran after six months?

Detainee (through translator): Yes.

Board Member: Was the electronic organizer yours?

Detainee (through translator): My old associate was with the school. I don't know what that is.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The detainee stated he has not been associated with the Taliban since his conscription first ended.

Detainee (through translator): Yes, they made me work for them for three months. I ran away after three months.

Designated Military Officer: (4.b) The detainee stated he never plotted against Coalition forces or the new government in Afghanistan.

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Detainee (through translator): You have a lot of doctors. Ask them how many nerves are in the human body. Not one of my nerves was thinking about being against the Americans or the new government. I was working for the government and the Americans helped me.

Designated Military Officer: (4.c) The detainee's surviving brother lived in the same house as the detainee and works as a clerk at the Khowgazni Electrical Cooperative for the new government.

Detainee (through translator): Yes, my brother works for the government. I do too. But I haven't been in contact with him in the last 25 years. His house is far away from my house. We both worked for the government. If you release me I will stay at home. I will have my wives beg for food. I will tell my children not to go to school. I went to school and I was put in jail. So if you don't go to school you will not be put in jail.

Board Member: Is your brother taking care of your family?

Detainee (through translator): No.

Board Member: When you ran away to Iran did he take care of your family?

Detainee (through translator): No he didn't help me. He pawned my land for me and gave the money to my family. That is all he did for me. It was my own land. I don't know if my wife is begging or if she has anything to eat. Americans don't step on human rights. Why did they beat up my wife?

Presiding Officer: Have you received any correspondence from your family while you have been here?

Detainee (through translator): Only once.

Presiding Officer: How long ago?

Detainee (through translator): Eight months ago.

Board Member: Was that from one of your wives or your brother?

Detainee (through translator): My brother sent it to me.

Presiding Officer: Did he tell you about your family to reassure you things were okay with your family?

Detainee (through translator): No.

Presiding Officer: Have you corresponded with them?

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Detainee (through translator): Yes, I have written a lot.

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.

The Detainee made the following statement (through translator):

I am a very poor man. I am a teacher. In the camp, the doctor orders special food for me because of my teeth. They didn't bring it, so for six days I barely ate anything. I never had any conflict with any soldiers in the camp. I have been a very good man. I have my high school diploma and proof that I have higher education. The Taliban captured me and said that I was a son of an American. The Americans captured me and said that I am Taliban. I don't understand. You know what you are going to do. I was not coming because I knew that you would make whatever decision you wanted. I came just to express my statements and let you know what I think.

The Assisting Military Officer had the following questions:

Assisting Military Officer: What record of behavior have you exhibited while you were here as a detainee?

Detainee (through translator): You can ask the soldiers and the people that have been in touch with me. All I have is my bed, bathroom and my book.

Assisting Military Officer: What are your plans and goals for the future if you are released?

Detainee (through translator): If I am released I will go home and stay with my children. If the Karzai government will give me a teaching job, I will teach. Otherwise, I will be a farmer.

Assisting Military Officer: Explain why you are not a threat to the United States or its allies.

Detainee (through translator): If someone helps you and doesn't hurt you, why would you want to be a threat to them? The Americans helped build up the roads and the country. The interrogators tell us that they are developing the country. I would not be against them.

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

The Administrative Review Board members had no further questions for the Detainee.

Presiding Officer: Do you have anything else you would like to present or add?

Detainee (through translator): I have been brutalized and oppressed. I swear, they brought me here but I am innocent. If I had anything to do with these things I would not be unhappy. I am innocent. They tortured me a lot. I have small children.

Presiding Officer: Since Bagram, have you been brutalized or tortured?

Detainee (through translator): No, not since Bagram I haven't been tortured or brutalized.

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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