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Summary of Administrative Review Board Proceedings for ISN 888

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 25 September 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 extremely cooperative, polite, and cordial during the entire interview. Copies of the English and Pashtu translated Unclassified Summary of Evidence were provided to the detainee who accepted only the Pashtu translation.

The Designated Military Officer presented 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.

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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: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee stated he received advice that he should visit a Taliban Commander and ask him for a letter stating that the detainee worked for him. The detainee received the letter but, in exchange, the detainee had to serve as a reservist in the Taliban Military. The detainee stated he was required to serve three or four rotations.

Detainee (through translator): It was not like that. The person from whom I received the letter of certification was a commander of the Taliban, but I did not know whether the person I gave the letter to was a commander of the Taliban.

Board Member: During your three or four rotations as a reservist in the Taliban military, did you have a rank?

Detainee (through translator): I did not have a rank. I was just a simple soldier.

Board Member: Thank you.

Designated Military Officer: (3.a.2) The detainee stated that during his approximate one year with the Taliban, he was part of the 40-man team that served on the front line against the Northern Alliance.

Detainee (through translator): Yes, I was.

Board Member: What was your position in this 40-man group?

Detainee (through translator): I was a soldier. I had a gun and I pulled guard duty. It was not a strong or very active group. Our area was not on the front line against the Northern Alliance. It was in the rear. There were no other groups of soldiers before us.

Board Member: Thank you.

Designated Military Officer: (3.a.3) The detainee stated he was a Taliban soldier but not a commander, or anyone in charge.

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Detainee (through translator): Yes.

Designated Military Officer: (3.a.4) The detainee admits to delivering a letter to a Taliban leader in Afghanistan. The detainee stated the Taliban leader read the letter, tore it up and threw it on the ground. The detainee retrieved the letter and threw it in the river.

Detainee (through translator): It was not like that. Some factors in this paragraph are not true.

Presiding Officer: Please tell us which factors are true and which factors are not true.

Detainee (through translator): It is written here that the detainee delivered a letter to a Taliban leader. I did not know whether he was a commander. I gave the letter to somebody who tore it and threw it on the ground. I only picked up the part that had the name of Allah on it because I believe that one does not step on the name of Allah. I picked it up and threw it in the river. I did not pick up the whole letter.

Designated Military Officer: (3.b) Training. (3.b.1) The detainee stated that his team carried Kalashnikov AK-47 rifles. The detainee stated that the Taliban taught them how to use the weapons in Dara Sufe, Afghanistan.

Detainee (through translator): I did not receive any training from anybody. It is not right.

Designated Military Officer: (3.b.2) The detainee has been identified as knowing how to use rockets, heavy machine guns, rifles, and being a good driver.

Detainee (through translator): I have never used a rocket or a heavy machine gun. I only used the Kalashnikov. I am not a very good driver either. I am a driver, but not a very good one. I do not have a license. If I do not have a license, how can I be a good driver?

Board Member: You said that you knew how to use a Kalashnikov before you joined the reserves, when did you learn?

Detainee (through translator): We usually fire guns in our marriages. In the many marriages that I have participated, I had a chance to fire.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The detainee has been identified as being affiliated with an Egyptian terrorist who was involved in the assassination of Egyptian President Anwar Sadat.

Detainee (through translator): That is perfectly wrong. Do you have any witness for this allegation because this is perfectly wrong?

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Presiding Officer: I do not have this information at the present, but we will certainly check.

Designated Military Officer: (3.c.2) The detainee has also been identified as being affiliated with a member of Hezb-E-Islami and al Qaida. The member gave instruction on interrogation resistance tactics, was involved in a terrorist training camp near Kandahar, Afghanistan, and was directly involved in assassination attempts. The member was also high in the al Qaida hierarchy and acted as a smuggler and facilitator.

Detainee (through translator): This is wrong.

Designated Military Officer: (3.c.3) The detainee stated he joined the Taliban because he wanted the same rights as the others who lived in that location.

Detainee (through translator): Probably. I do not remember very well. I may have thought about working for the Taliban. The Taliban gave me the house I was living in and I remember needing it.

Board Member: The previous factor stated that you gave instruction on interrogation resistance tactics and you said that everything was wrong. Did you teach anything while you were a member of the reserves? Did you ever conduct a class?

Detainee (through translator): No. Nobody ever taught me anything.

Board Member: Did you ever teach anything to anyone?

Detainee (through translator): No, I never taught anything. I came here to answer your questions; how can I tell other people not to answer?

OL-26: He probably did not understand the question.

Presiding Officer: We are just trying to sort these things out.

Board Member: Thank you very much.

Designated Military Officer: (3.d) Other Relevant Data. (3.d.1) A source stated the detainee was tasked to deliver four letters to an individual from high-level Taliban leaders in hiding. Three of the letters were of high importance. The fourth letter was not that important and was a simple invitation for the individual to visit with him in Quetta, Pakistan. The source stated that the detainee told him that he read the three important letters and destroyed them before he met with the individual. The sourced stated only the last letter was given to the Taliban leader.

Detainee (through translator): This is wrong. One thing is right. I took the letter and gave it to a person who is here in prison. I was working for the commander of the

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Taliban who gave me that letter. I do not know whether the other person was a commander or not.

Designated Military Officer: (3.d.2) The detainee has been identified as being a member of the Taliban for six years and had been a member of the unit since its creation in 2001.

Detainee (through translator): This is wrong. I was with the Taliban for one year, not six years.

Designated Military Officer: (3.d.3) A source stated he saw the detainee in a white taxi that the detainee was using for official Taliban travel for transporting Taliban personnel.

Detainee (through translator): This is not right.

Board Member: From the previous statement, how long were you with the 40-man group?

Detainee (through translator): I was with the Taliban for one year and during that time I was with the same group. Akhonzada was the chief of the group. This was not his name, but his title.

Board Member: Thank you.

Designated Military Officer: (3.d.4) A source stated the detainee was a Taliban Commander and was issued a station wagon by the Taliban. The source stated the detainee had a pistol and an AK-47 rifle in the car when approached by United States Forces. The detainee managed to throw the pistol out of the car before he was captured, but still had the AK-47 rifle when caught. The source stated the detainee, along with five others, were backed by al Qaida and fought against United States Forces.

Detainee (through translator): This is wrong. One fact is right. I had the Kalashnikov with me. The part about the five people, the pistol, and being issued a station wagon is not right. I was afraid of being robbed. The Kalashnikov was for my self protection. Where I lived, most people carried weapons for their own protection because of there were a lot of thieves in the area. We did not have a government to protect us. I did not see any American soldiers. Afghan people captured me, not the Americans.

Board Member: Did you ever tell anyone that you were a Taliban commander either here at GTMO or in Afghanistan?

Detainee (through translator): I may have boasted to somebody here that I was a commander of the Taliban. If I said that I was not a commander they would ask me why am I here.

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Designated Military Officer: (3.d.5) A source stated the detainee had a satellite telephone to stay in contact with other unit commanders.

Detainee (through translator): This is not right.

Designated Military Officer: (3.d.6) The detainee was arrested by local authorities outside the Chinartoo, Afghanistan.

Detainee (through translator): This is right.

Designated Military Officer: (3.d.7) The detainee has been identified as being part of Usama bin Laden's main security escort detail assisting Usama bin Laden out of Afghanistan to Pakistan.

Detainee (through translator): This is so wrong that it makes me laugh. It is a big to be with Laden.

Board Member: Did your unit ever provide security escort for anyone?

Detainee (through translator): I was just a soldier with no authority. I think that sometimes my unit would provide escort to some people, but I do not remember. It is possible that it happened.

Board Member: Thank you.

Designated Military Officer: (3.d.8) A source stated that the detainee had planned to kidnap the Urozgan Province Governor's son in exchange for releasing prisoners in Kandahar, Afghanistan. The detainee also talked about killing the governor by bombing his office.

Detainee (through translator): Both of these factors are wrong.

Designated Military Officer: (3.d.9) A source stated that the detainee primarily operated against the United States personnel in three different areas of Afghanistan. The intent was to bomb or strike soft targets using AK-47s.

Detainee (through translator): This is not right.

Board Member: Did you ever fight against the Northern Alliance as a Taliban soldier?

Detainee (through translator): No. I did not participate in the war. As soon as it happened, a bullet hit me in the leg. I do not know who fired that bullet. I do not know which side the bullet came from. I was always pulling guard duty.

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Board Member: So you were injured during a clash with the Northern Alliance when the bullet hit your leg?

Detainee (through translator): No, we were not fighting. Maybe there was a fight somewhere else and all of a sudden a bullet hit me.

Designated Military Officer: (3.d.10) A source stated the detainee told other detainees not to provide any information during interrogations.

Detainee (through translator): This is not right. Once more you said something like this. I did not say that to anybody.

Designated Military Officer: (3.d.11) The detainee stated he was never asked to be a courier, was not aware of any training, and did not remember specific people or messages sent. The detainee stated he never received any training in covert message coverage and never knew any spies.

Detainee (through translator): It happened once. The commander gave me a letter and I took it. The name of the Taliban commander who gave me the letter was Abdul Razaq. The name of the other person was Sangar Yar. Another person whose name was Daru Khan gave me a letter to take to his father who was an old man.

Designated Military Officer: (3.d.12) The detainee denied ever having a satellite phone and driving a Taliban vehicle.

Detainee (through translator): Yes. This is right.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee denied being part of a team that escorted Usama bin Laden out of Afghanistan and knowing anything about Usama bin Laden.

Detainee (through translator): This is right.

Designated Military Officer: (4.b) The detainee carried a Kalashnikov AK-47 but stated that he never engaged in physical fighting against the Northern Alliance.

Detainee (through translator): Yes. I was in the military with the Taliban, but I did not fight. I was pulling guard duty. The Taliban did not give me the Kalashnikov AK-47. I took it for my own protection from a man by the name of Esa Mohammad in our village, the Urozgan Province.

Designated Military Officer: (4.c) The detainee denied having any knowledge of any rumors or plans of future attacks in the United States or United States interests.

Detainee (through translator): This is right.

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Designated Military Officer: (4.d) The detainee maintains he has been honest with his interrogators since his initial capture.

Detainee (through translator): I have, in God's name.

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 have nothing else to say. Your justice is all I want. I hope that you try hard to find what is wrong and what is right about me. I feel like I am being accused of wrong things. I hope that you apply justice.

Presiding Officer: Thank you.

The Assisting Military Officer had the following questions for the Detainee.

Assisting Military Officer: If you are released or transferred to your home country what are your intentions, your plans?

Detainee (through translator): If you released me I would struggle against the Americans, not fight, but struggle. I would ask them why they kept me in prison because I was innocent.

Assisting Military Officer: Is there anything that you would work toward?

Detainee (through translator): I know the embroidery machine. I would probably do that. If you asked me this question because you suspect that I would be fighting again, it is not right. You know that I am an embroiderer and that I will go back to my work and my family. I am not a source of danger to the United States. I am not dangerous at all. This is the third Administrative Review Board that I have participated in.

Presiding Officer: So why did you just now say that if you were released you would struggle against Americans?

Detainee (through translator): For the past three years I have stated that I never fought against the United States and that I am not dangerous, but you do not accept it. What should I say to be released back to my country? I have told the truth since my childhood. As a human being I might forget some things at times, but I promise that what I have said

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here is the truth. If you have any witness against me that I fought against the Americans, I would be responsible. If the United States soldiers had captured me, there would be no problems. The problem is that the Afghans captured me because I was driving a car. They took the car from me for which I paid 200,000 Pakistan Rupees. They wrongly accused me. I am an innocent person. I received a letter that they did not give my car back to my family. It is my car that I paid for with my own money, and they still will not give it back. I swear in the name of God that I could not make a good living for my wife and my family. Most of the time, they would go hungry. I sold the house that my father gave me to buy the car and use it as a taxi. This is my third ARB and all I can hear is that I was with al Qaida. I do not know anything about al Qaida. I had never heard of al Qaida. I was a taxi driver.

Presiding Officer: Thank you.

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

The 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.

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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