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Summary of Administrative Review Board Proceedings for ISN 951

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was 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 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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 22 August 2005 and lasted for 55 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, the Detainee said, "Yes". He wishes to attend and speak on his behalf with the board members. The Detainee prefers to respond to the Summary of Evidence after each allegation or statement is read during the ARB. He also wishes to give his oral statement. The Detainee elected to have the Assisting Military Officer submit letters to the board members. A follow up interview was conducted on 23 August 2005 and lasted for 20 minutes. This interview was necessary for the Detainee to bring his letters he wishes to give to the board members. The

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Detainee was very cooperative and very polite during the interview. The Detainee stated he couldn't read or write therefore, he elected not to keep a copy of the Unclassified Summary of Evidence for his review.

Assisting Military Officer: This concludes my comments.

Presiding Officer: Thank you.

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

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.

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) Abu Faysal, former director of the Herat Wafa office, sent the Detainee to Herat, Afghanistan with money.

Detainee: I have never been to Herat. I have been to Kandahar and I have been to Kabul. I [completed] my mandatory military service in Kabul. That is all I know.

Designated Military Officer: (3.a.2) According to a foreign government service, the non-governmental organization "Wafa" was believed to have connections to Osama Bin Laden and Afghan Mujahideen.

Detainee: I don't know bin Laden and I don't know anybody else. I am a butcher and I have a shop in my village. My father...for generations we have been butchers.

Designated Military Officer: (3.a.3) The Detainee was to travel from Lebanon to Abidjan to assist in a planned attack against an Embassy.

Detainee: I have not even seen Kandahar [that much] how could I have seen [Lebanon]? I have not heard the name Abidjan until now.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee served two years in the Afghan military during King Zair Shaw's rule. He claims he only received basic military training, except for the Kalashnikov.

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Detainee: Yes that is correct.

Designated Military Officer: (3.b.2) The Detainee said he was assigned to a transportation unit where he received driver's training and was responsible for the upkeep and maintenance of the vehicles.

Detainee: I worked in the kitchen and I maintained the vehicles.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee is a representative in his local village and an assistant to Sher Agha.

Detainee: I told them in my interrogation that Sher Agha is a representative of our village during the time of the Karzai government. When I told them the first time they turned it around.

Designated Military Officer: (3.c.2) Sher Agha is a powerful Hizb-I Islami Gulbuddin commander from the time of the jihad against the Soviets.

Detainee: Sher Agha is a very wealthy man and the letters I am sending [back home] I send to him. He is my elder and he does not need Gulbuddin, mujahideen or these people. He is busy with his wealth and his land. He has not done jihad or been in a party member or anything else. I will give you Shah Agha's address, name, and all of his information and you can ask him what he was doing. He just joined the Karzai government.

Designated Military Officer: (3.c.3) Hizb-I Islami Gulbuddin has staged small attacks in its attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state.

Detainee: I swear I don't know Gulbuddin.

Designated Military Officer: (3.c.4) Haji Shah Zada had a dinner at his house the night prior to his arrest. He met an old acquaintance, Abdullah Khan, and asked him to his house for dinner.

Detainee: Yes, I was there too. [I] don't know Abdullah Khan he was Haji Shah Zada's guest not mine.

Designated Military Officer: (3.c.5) Shah Zada also invited Nasorllah, also know as Gano, to the dinner.

Detainee: My name is Nasorllah, my nickname is Gano, and Shah Zada is my friend of forty years.

Designated Military Officer: (3.c.6) Gano and Nasorllah Hussain are aliases of the Detainee.

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Detainee: Gano is me, Nasorllah is me, Hussain is my father's name, and I am his friend.

Designated Military Officer: (3.c.7) Abdullah Khan, aka Kheirullah, was visiting Haji Shah Zada. Abdullah Khan was the individual that two contacts said was a former commander at Bagram, Shindand, and Kandahar, Afghanistan airfields.

Detainee: I am not aware if he is Shah Zada's friend or guest or who he is.

Designated Military Officer: (3.c.8) Contacts said the Detainee worked as an intelligence agent for Kheirullah.

Detainee: If I have not heard of his name or know him, how could I be his agent?

Designated Military Officer: (3.c.9) Soldiers arrested the Detainee, Zada and two others at Zada's house.

Detainee: I am not aware of this I was captured alone.

Designated Military Officer: (3.d) Other Relevant Data: The Detainee has harassed guards verbally and non-verbally and occasionally has failed to obey rules.

Detainee: Anything that I have seen I will tell [you]. That is the rules. I am telling you that I haven't...I cannot lie that I have not done it...I haven't looked at them, I haven't harassed them, I haven't disobeyed them. Not to the soldiers, not to the MPs, not to any of them...I have [not] done anything.

Designated Military Officer: (4.) The following factors favor release or transfer: The Detainee advised he and other men never talked about doing harm to the Americans during the card game the night before his arrest.

Detainee: Yes, I was playing cards. When we were playing cards [and] we were talking about the big fighting dogs that we have back home. We have small birds that we tame and make them fight [too]. We were talking about these [things] in our conversations. I was having a party...I had nothing to do with that night.

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.

Assisting Military Officer: Yes sir, the Detainee wishes to make an oral statement and submit a couple of written letters from family members.

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The Assisting Military Officer presented the written letters, Exhibits EC-C1 thru EC-C7, to the Administrative Review Board.

The Presiding Officer stated that the Exhibits should be Exhibit EC-C1 and EC-C2 and there are a total of seven pages.

Presiding Officer: You may begin your statement and you may talk about the letters at this time too.

The Detainee made the following statement:

Detainee: All I want to say is that Americans did not come and pick me up the local people did. My family started crying and these things. I have nothing to do with the politics or the government. I am a butcher, my father was a butcher and I was just serving my family and my country. When Americans came I was happy about it because my children were going to school. Is that not good enough? [The Americans] helped us regarding the schools and that is a big deal. The night they captured me I borrowed 1,000 Afghans to buy flour or wheat for my family. I had no money for them to live. I have a seven year old son and I left...I left the rest of them...seven or eight members of the family...I don't know what they will eat or how they will make it to survive. The letters that have been written to me say that I have been wrongfully accused. Would you like for me to read them to you?

Presiding Officer: He can read or you (referring to the linguist) can read it on his behalf since he is illiterate.

The linguist read Exhibit EC-C1 and EC-C2 on behalf of the Detainee to the Administrative Review Board.

The Detainee made the following comments:

Detainee: I am a mess you [Board Members] have to help me...I am really in bad shape.

Presiding Officer: Does that conclude your statement?

Detainee: I don't have any other [information].

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: You said that you could give us the address of Shah Zada. Can you do that for us at this time?

Detainee: I said to Sher Agha.

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Board Member: Do you have Sher Agha's address not Shah Zada?

Detainee: Yes, it is even written in the letters.

Presiding Officer: So, is one of these letters from Sher Agha?

Detainee: I send all of my letters to him. I can [give] the address to you right now.

Presiding Officer: These responses are from Sher Agha and he is assuring you that your family is okay and that kind of stuff.

Detainee: I am Sher Agha's cousins husband.

Board Member: Give us Sher Agha's address.

Detainee: Kandahar City, First...like each post office has a...like each mayor has a part of the city...First District. It is not written here (referring to the letter). Kandahar City, First District, Iman Barah, New Street, Kandahar Afghanistan.

Board Member: Do you have the address of the guy that you were playing cards with?

Detainee: They were the guests of Shah Zada and they left. I don't know [their addresses].

Board Member: [Did you] know any of the other guests that were there playing cards?

Detainee: We don't have the habit of asking who are you, where you come from, and these things. We just talk.

Board Member: The night you were arrested were you the only one arrested at the card game?

Detainee: I was not captured on that night I just got captured from my house. I don't have any idea about them.

Board Member: Were they all Afghani's that captured you or were any Americans involved in your capture?

Detainee: There were no Americans they were all Afghani.

Presiding Officer: You said that they turned around the story about how you described to them about being an assistant to Sher Agha.

Detainee: Sher Agha was the person that took part in the *Loya Jerga* (which means all tribes coming together to talk) that happened during the time that Karzai wanted to be elected president. He does not have any assistants or anybody and he does not have a party or anything. He just does his job.

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Presiding Officer: When you say 'he' are you referring to yourself?

Detainee: [I am referring] to Sher Agha.

Presiding Officer: What is your association with Sher Agha?

Detainee: He is my countryman, he is older than me, and his cousin is my wife.

Presiding Officer: Thanks.

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.


Colonel, USMC
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

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| Exhibit # | Date | Classification | Guantanamo#/ICRC Letter # |
|------------------|-------------|-----------------------|----------------------------------|
| EC-C1 | 4/05/2005 | UNCLASSIFIED | GUAN-2005-A01297/ICRC #8501 |
| EC-C2 | 5/07/2005 | UNCLASSIFIED | GUAN-2005-A01503/ICRC #8675 |

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Summary of Administrative Review Board Proceedings for ISN 954

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer asked the Detainee if he wishes 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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 19 August 2005 and lasted for 20 minutes. After a review of the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, the Detainee stated he wishes to attend, and personally answer the allegations or statements in the Unclassified Summary of Evidence. The Detainee prefers to respond to the Unclassified Summary of Evidence after each allegation or statement is read during the ARB. The Detainee stated, "I may give an oral statement depending on how I feel on that day." He was very cooperative and polite during the interview. The Detainee elected to keep the Farsi translated Unclassified Summary of Evidence for his review.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, 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.

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.

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Detainee: There are some minor differences between the papers that I have right now and the ones that were read to me on Friday. The difference is not big, but there are some small differences.

Presiding Officer: When we get to those items you can clarify them at that time.

Detainee: Yes, I will respond to them when the allegation is read to me and then I will say what I have to say about them.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Connections/Associations (3.a.1) The Detainee was the former district officer for the Taliban in Zormat, and was part of the leadership for the Zormat district Taliban network under Saifullah Rahman Mansur.

Detainee: [The word] officer is a general term. I want to know from you what was my exact duty? What was my duty in Zormat with a group of the Taliban? What did I do there?

Designated Military Officer: There is no additional information.

Presiding Officer: It just says former district officer for the Taliban.

Detainee: What kind of an officer, what kind of duties, an officer in general is a big term and...

Presiding Officer: Maybe you can clarify it for us and tell us.

Detainee: According to the allegations they should tell me what my...

Board Member: The inference is that you represented the Taliban in Zormat.

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Detainee: It is important that you tell me what my exact duties were in Zormat because there is an allegation about me [being] there as an officer. Sure I was there as an officer, but what charge are they accusing me of? That is very important.

Presiding Officer: Okay next item. We may ask you questions when it comes time to our question session. You are able to respond to these items now the best that you can. If we don't feel like you have answered enough we will ask you later.

Detainee: First I would like to finish this one and then move on to the next one.

Presiding Officer: You can finish it by clarifying what the board member pointed out to you. I thought he explained it quite well. If you can answer his question then we can move on. We are satisfied with your comments.

Detainee: When the interrogators ask questions that is different. They can ask any kind of question, they can make things up, they can say whatever they want to say, just to make us talk or get something out. But, when I come in front of the board, this prestigious board, the members of this board should do some homework to find out what kind of person I am and what I did. When you take an oath that you will do your job rightfully, to the best of your knowledge, and to the best of your ability, you should do that and find out exactly why I am here and what kind of charges they have for me. I don't have any complaints from the interrogators because they are young people and some of them are inexperienced and they just come here and want to do the job and get it done. But, you people are not young people. You are old enough adults and responsible people and this is not an easy matter because my life depends on this. I expect you guys to do your best to find out the truth about the allegations before you say them. In the first Tribunal (CSRT) I was very optimistic that they would find out the truth about the things that I said to them. Whether I am guilty or whether they have me here by mistake. I gave a complete and thorough explanation of all of the things about me to them and I was expecting them to make a sound judgment about me and what kind of person I am. If I was a guilty person, if I was someone who got here by mistake, or if this was a trap or something.

Presiding Officer: Let me just explain one thing. We are going to go through the Unclassified Summary and then you will have an opportunity to give us a statement and at that time you can bring this up. For now I would like to stick to the Primary Factors, any Other Relevant Data, and the Factors Favoring your Release or Transfer.

Detainee: Yes, you can read the allegations but we will talk about them point by point.

Presiding Officer: In this allegation it says that you were part of the leadership for the Zormat district as a former district officer for the Taliban. We do not know what your duties were. If you want to tell us what your duties were that is fine. We don't have [the duties] in this sentence so we cannot answer that question.

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Detainee: It is important that the person who told you this allegation about me should have clarified it and told you what my position was there and what I did for them as an officer.

Presiding Officer: That is fine and we may go back and ask that individual, but right now you have the opportunity to clear it up and tell us what you know and then we can move on from there. If you don't want to then we can move to the next question.

Detainee: I would like to discuss this point in details if you will allow me. I am here in chains and I am under your control so if you will allow me [to discuss it in detail] that is fine and if not that is fine too. You have the authority and you are in power.

Presiding Officer: You can discuss it in detail, but we are not here to answer questions about what your duties were. We only have that sentence to go with.

Detainee: I want this to be different from the Tribunal (CSRT), not exactly the same as a Tribunal. In the Tribunal I lost hope in the high-ranking officer that [was] running that board because the questions they were asking were very simple questions. It was like the [questions] were given to them by somebody and they didn't have any idea about the questions they were asking me. Also, I don't want the same mistake to happen again. Yes, that is right I am a Detainee here and they have told me that I am an Enemy Combatant, but when I asked them why they chose me as an Enemy Combatant they could not give me a straight-forward answer. Just like what is happening here. I am asking you questions and you cannot give me a straight-forward answer.

Presiding Officer: Let me try to clarify...your status has already been determined by the CSRT to be an Enemy Combatant. We are here to determine whether you continue to pose a threat or are no longer a threat to the U.S. and its allies so that we can transfer you, release you, or continue to detain you. That is what we are going to do through this process, but I cannot answer questions that I don't have the answers to in front of me in this Unclassified Summary. With your cooperation, our listening, and our questions afterward we will answer any questions you have if we can. If you would allow us to, we are going to continue to number two, because I am not sure if there is anything we can add to question number one and you have answered it as much as you are willing to.

Detainee: Nothing is over and we have not talked about the first charge. They are saying that I and one of the Taliban officers were in Zormat. I asked what was my duty there, during what time and what year? The question should be an exact question and to the point.

Presiding Officer: It is not a question it is a statement being made by the Designated Military Officer. It is not a question. You can confirm it, deny it, or not respond at all.

Detainee: Anyway the charge should have read at this time, this place, and exactly what I was doing. Then it would have been a correct allegation. If you want to move on we can move on.

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Presiding Officer: Yes, lets move on.

Detainee: Let me give an answer to this and then we will move on. I want to tell you that since the Taliban took control of Afghanistan and Kabul I did not work for them. Not for one day or one night and not from their arrival until the time I was sent here. From the time that I was captured and until now if they can prove that for even one day I worked for the Taliban I would say okay and accept the charges that they have for me. In the Tribunal they had this allegation too. The allegation that I was a commander for the Taliban in Zormat and I told them all it would take is a phone call. You can call anybody in Zormat and ask [him or her] if I had a commanding job with the Taliban in Zormat. In five minutes you can get an answer that I did not have anything to do with the Taliban or work with the Taliban. If you want to get to the truth of this matter you can call someone in Zormat. Now [the allegation] has [changed] from a commanding job to an officer job. Even now, if you want, you can call someone and ask him or her if I had anything to do with the Taliban or if I ever worked with the Taliban from the time that they were in power or the time I was arrested. Do you understand?

Presiding Officer: Yes, we understand.

Detainee: I want to tell you this truthfully. Every since the Taliban took control of Kabul or the country I did not have anything to do with them and I did not work with them up to the day I was arrested. There are a lot of allegations on Detainees that are far, far away from the truth. You are so far away from Afghanistan and you don't have any connections with the Detainees. They give you a file and in this file there are things written that are so far away or have big differences between the personality and the kind of person that I am.

Presiding Officer: Lets move on to the next one and you can give us this kind of statement at the end. Right now we would like to get through the Unclassified Summary. At the end you can give this kind of open statement to us.

Detainee: Will [you] allow me to tell you a little bit about myself, what I did, and what I do before we move on to the second point?

Presiding Officer: Again, I will be more than happy to listen to it just save it for the open statement. After your statement there will be time for us to ask you questions. That will be a more appropriate time. Please bear with us.

Designated Military Officer: (3.a.2) Saifur Rahman was the deputy commander of the Kargha garrison west of Kabul during the Taliban rule. He returned to his native Zurmat district in Paktia after the Taliban defeat.

Detainee: I have never heard of anyone by that name and I have no connections to him. There is another person named Saifur Rahman Mansur. What name do you have? Is it Saifullah Mansur or Saifur Rahman Mansur?

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Designated Military Officer: The name in this statement is Saifur Rahman and the one in the previous statement is Saifullah Rahman.

Board Member: Assume it is the same person.

Detainee: If he was a commander it has nothing to do with me. The thing that has a connection to me is I was working under him. Do you understand? The only part that has anything to do with me is just like in the first allegation that I worked under Saifur Rahman Mansur. Do you understand?

Presiding Officer: So, the first statement yes...Abdul worked under Saifullah Rahman Mansur. This [second] statement is tying Saifur Rahman as the deputy commander that returned to the Zormat district. If you have never heard of this that is fine. If you want to elaborate on it that is another story. It is just saying that this individual that Abdul worked under returned to his native Zormat district.

Detainee: I have heard of him, but in all my life, in the city of Gardez...I don't know him but I have heard of his name. I don't know him personally. You can review my file and get more information from there. From the time of my arrest eight years ago...when Rubanni was the president of Afghanistan, before the time the Taliban took over, one day I went to Gardez to buy some stuff for my home like rice and sugar. I was on one side of the street and I saw someone on the other side of the street being followed by two armed persons. It was a big street and on both sides there were shops. It was a two-way street. I heard from someone that he was Mansour's son. I saw that person and I asked someone and they told me he was the son of Mansour.

Presiding Officer: Sir, all it is saying is that Saifur Rahman returned to his native Zurmat district in Paktia after the Taliban defeat. It is not saying anything about Gardez. It is talking about Paktia. If you have no knowledge or comment on that, that is fine, but where his sons were does not answer the question.

Detainee: The person that we are talking about, the son of Saifur Rahman Mansour, people know him by his father's name, he is not a big person or anything. People know him by his father's name and that is why they got this confused. It is actually the son of Saifur Rahman and not himself. His father is known by the name Mansour and people say that he is the son of Mansur. Do you understand?

Board Members: Yes, we understand.

Detainee: I just want to prove the point that I saw this person one time and it was from far away. That is all. Before that I had never seen him. I don't know him, he is not related to me, he is not from my village, and I have no connections or ties with him. If I had any of these connections to him then you could say something. He's not from my village, he's not my relative, and he does not have any connections or ties with me.

Presiding Officer: Please continue.

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Designated Military Officer: (3.b) Detainee Actions and Statements (3.b.1) The Detainee was the commander of a group of 50 former Taliban in Neka, Paktika Province, Afghanistan. The group was part of Saifullah Rahman Mansour's troops.

Detainee: If Neka is somewhere in the Paktia province then I would say that yes, I am guilty. On the first day they told me it was in the city of Neka, but now it says in Neka in Paktika Province. They can refer to the map of Afghanistan or ask some other people if there is such a place in Paktika called Neka. Because of allegations like this, there is always misinformation given out.

Presiding Officer: We can agree with you there, but how about the beginning of the sentence where it says you were the commander of 50 former Taliban. Forget the town of Neka right now. Can you respond to that portion of the question?

Detainee: If there is no such place called Paktika Province called Neka, then how can I be a commander there? For example, your area commander in the city of Washington, but there is no city in America named Washington. Wouldn't that make this an incorrect statement if I said something like that?

Presiding Officer: We will look into Neka, but we don't want to dance around the sentence. Anything you can enlighten us with in regards to the comment that you were the commander of a group of 50 former Taliban in Paktika Province in Afghanistan would help. Take the word Neka out of there and is there any truth to that statement?

Detainee: Yes, if I were to say that there was such a place called Neka that existed there then I would say yes, that this allegation is completely true. You can make a phone call to the Afghanistan government from here and ask them if a place such as Neka existed in Paktika. If no such place existed by that name then how can I be a commander there?

Presiding Officer: Thank you.

Detainee: Whether Neka is a place or not, I am not a commander for one person or fifty people.

Presiding Officer: That is all we were looking for, just an honest answer.

Detainee: I just want to make a point as to the information that has been given to you. I do defend myself, because it is my duty to defend myself. I want to make a point that this is the kind of information that you have in my folder. There is no such place by the name of Neka in Paktika. And whether this place exist or not, I have not been a commander there for the Taliban and I was never a commander.

Presiding Officer: Next question.

Designated Military Officer: (3.b.2) In late July 2002, Mansour's group attacked locations in Gardez and Zormat including the United States' compound in Gardez.

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Detainee: I don't know anything about this. If he did this or did not do this that is up to him. It has nothing to do with me and I don't know that person. The other thing that I want to point out is the use of the months like January, February, March, and April, we don't go by these months in Afghanistan. Yes, some people may know them, but most people don't know them. When I write letters or get letters we write these dates down.

Presiding Officer: Yes, we understand that and you said you have no knowledge of the attack.

Detainee: I just want to tell you the truth that I have no knowledge about this.

Designated Military Officer: (3.b.3) On 07 Feb 03, when United States and Afghan Military Forces attempted to search the Detainee's home, the Detainee went to the roof and fired shots from his AK-47. United States and Afghan Military Forces returned fire.

Detainee: In my file there is a detailed explanation about this incident. Also, during the Tribunal I gave a detailed explanation about this. The truth is I have never fired anything towards the Americans. Something happened and it was at night and I was sleeping with my kids. When we heard a knocking sound from around the house and when I got out of the room and in the yard...if you want me to tell you I will tell you, but if not we can move on to the next one.

Presiding Officer: It is whatever response you want to make to the comment that was read to you.

Detainee: In my country the houses are like a big compound, like a big house, like a fortress. The walls are six meters high and one meter thick. Next to one of the walls is the room and when I got out of the room I heard someone knocking on the entrance door and I heard voices outside the compound. The females in the house got up and came outside too. The ladies went toward the door and we heard someone say open the door we are from the government and we are here to search the house. I told the ladies no that it was the middle of the night and they are [probably] thieves and robbers. We had a few incidents happen in my province like this. It happened a few times and the people wore clothing that the government people would wear. They would knock on peoples door and say that they were from the government and that they were here to search the house. I will tell you about an incident and you check with the government of Afghanistan. There is a place in our province called Azar Khil. During the night [someone] went to this house and presented themselves as government people. They said they just wanted to search the house. They got inside the compound and robbed them of jewelry, money and valuables and left. This is a true story and you can find out more information if you would like. Just recently it happened again in Mosawal. [A man there] had recently sold his land and had 150,000 Kaldar, Pakistani money...

Presiding Officer: Hold on. I am not sure how this connects to you being on the roof firing shots from your AK-47. This is leading away from the sentence that was read. It

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was a nice story and I understand that thieves will wear the uniform and go around and steal from their neighbors, but that is not what this sentence is saying. I understand how the story correlates to you thinking maybe they were thieves, but the statement is you went to the roof and fired shots from your AK-47. That is the only explanation we are looking for.

Detainee: Yes, there is a connection. I would not waste your time for nothing. I will shed some light on the subject. This place I told you about, Mosawal, they went in, got the money, and killed the man of the house. Things like this happen in my province a lot. You can ask the government of Afghanistan if things like this happen there. When I heard them say they were from the government and they were there to search the house, I thought the same thing would happen to us. I was very afraid and I told the ladies to tell the people if they were from the government that this was not the time to operate because it was late at night. I told the ladies to tell them that there were no men in the house, only ladies and children, and that they could not open the door for them. Also, if they were really the government's people [they] should wait until the morning. [The people] said no, open the door we want to search the house. I did not talk to [the people]. I communicated to them through the ladies [all of the information I stated above]. They did not accept [that] and they tried to forcefully open the door. Back home the doors for the fortress entrance is very thick and very strong. When I saw that they were trying to open the door by force, I thought that they were thieves. I went back in the room and I got my Kalashnikov and I went to the roof and fired a few shots up in the air. I just did that to make them realize that there was a weapon in the house and they could not just force their way in. When I was firing shots I did it to scare them not to kill them or hurt them. Even if they were thieves I did not want to hit them. My compound is in the middle of the desert and it is far away from other houses. There are no other houses near us and we are in the valley. Even though I knew that they could be thieves, I did not want to shoot them because I knew there would be consequences. I just fired a few shots in the air just to scare them. As soon as I started firing shots I heard the people surrounding the house start to return fire. We were under fire from all different directions. I was dazed and amused by what was happening. When they returned fire I was kind of surprised. I was like what was happening because they were different kinds of weapons and [not the kind] that the thieves would have. It lasted for a long time until an airplane came by. Then a few jets came by and circled a few times. When the planes came by I realized that they were not thieves, they were the government. I got down from the roof and went to my mother's room and I told her I made a mistake and I fired on these people and they are from the government. We [decided] that I would go outside and talk to them and they could come in and search the house. During this process some time passed by and now we could see daylight. I asked permission from my mom to open the door and let the people from the government come inside. When I opened the door, I saw Americans far away and I signaled for them to come in the house. [The Americans] did not come at first, but the Afghans came [to me], then the Americans came and they handcuffed me. They tied my hands, put a hood on my head, took me to a car, and went inside the compound to search [it]. While I was inside the car they went in and searched the house and when they were done they took me to Gardez. This is the

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story about firing shots. It was just a misunderstanding. I did not fire at Americans, I just fired a few rounds in the air because I thought they were thieves and I wanted to scare them off.

Designated Military Officer: (3.b.4) The Detainee's neighbor fired upon the forces and United States and Afghan Military Forces returned fire to both locations.

Detainee: I have no knowledge about that because my compound is very far away from the other compound that is close to me. If they did fire, I have no knowledge about that because I was preoccupied with myself. I could not get up and see what was going on.

Designate Military Officer: (3.b.5) After a firefight, United States forces negotiated with the Detainee to surrender.

Detainee: That is not true.

Presiding Officer: Please explain.

Detainee: When I got down from the roof I called the Americans myself so that they could come and search [the house].

Designated Military Officer: (3.c) Other Relevant Data: The Detainee denied having any position as a district officer in Zormat, though he was a leader at a time when the area was technically not a district.

Detainee: It is still not a province. Even now, today, it is still not a province.

Presiding Officer: No further comments?

Detainee: No I did not have [a position as district officer] and I did not work for the Taliban in Zormat. Zormat is not like a province it is just a smaller... Zormat is not a state or province by itself, but it has a connection to that like a county.

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee stated the occupation by United States forces was very good because he felt safer with United States forces providing security.

Detainee: Like I said before there were thieves and car-jackers and since the Americans were there the place was kind of safe because they brought security to that area.

Designated Military Officer: This concludes the Unclassified Summary.

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.

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The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Assisting Military Officer: In response sir, only if he feels like making a statement.

Presiding Officer: [Detainee] you may begin your statement if you have one.

The Detainee made the following statement:

Detainee: I just want to tell you a little bit about my life and what I did. I had a small school for the children in my village. For eleven years I had a private school that I was teaching first, second, and third grade [up] until the time I was arrested. I did my duty as a teacher and I made a living doing that. I had some land [also] and after my teaching job I would go in the field and work the land and take care of the animals. My house is in the valley and there are ladies and children in the house. My mother is very old and weak and I try to take care of her as well. Sometimes her condition changes rapidly and her blood pressure will go up or down or she will have trouble breathing. I would take her to the doctor or I would bring a doctor to see her. Therefore, I cannot go to far away from my mother because I will not be there to help her. For the past ten years, this is what I have been doing. I have been teaching, working the land, and taking care of my family. This has been my duty for the past ten years. I could not go [anywhere] to far away because there was nobody else to take my place. I have letters from my family that say I was a teacher and that I did not do anything bad and maybe I am here because it is God's will. I have many letters like this in my possession. [My family] is surprised that I would have been here this long because they know that I would not do anything bad or work with bad people. I was just a teacher and I was working the land and they are kind of surprised.

Presiding Officer: Thank you. Does that conclude your statement?

Detainee: The only thing that I am not [in agreement] with is the classified information that you have. If you have any information about me you should just bring it out into the open and tell me about it.

Presiding Officer: I am sorry, but we can not. The classified information is not available for your review.

Detainee: I am not a big person; I am just a poor person. I don't know what kind of information you have on me but I am telling you it is not true.

Presiding Officer: Just as an explanation classified information is information that the owning government agency has decided that could cause damage to our national security if released. This board does not have the authority to change that decision.

Detainee: I am not that kind of person and I am not a threat to you or America. I just wanted to find out [about the classified information].

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

The Designated Military Officer had further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: When the soldiers came to your home and identified themselves, did they do it in your native language?

Detainee: Yes, they were speaking Pashtu.

Board Member: Did they say they were Americans?

Detainee: No, they were mostly Afghans, but there were Americans with them. The Afghans knocked on the door and were communicating with the ladies.

Board Member: They did not indicate that there were Americans outside?

Detainee: No. When it was dawn and I opened the door I saw the Americans far away, I motioned for them to come [to the house].

Board Member: How many weapons were confiscated from your house?

Detainee: One.

Board Member: Were you the only one that fired the weapon?

Detainee: Yes. I was the only one because the government people and Americans surrounded my house.

Board Member: Is the only weapon you had your Kalashnikov?

Detainee: Yes, it belonged to my father and now I have it.

Board Member: That is all I have.

Detainee: In Paktia almost everyone has a Kalashnikov or a weapon for protection. The [Kalashnikov] was from a long, long time ago. It is a common thing [to have a weapon] and the government does not mind either.

Board Member: Was anyone injured in the firefight?

Detainee: No, because I was just shooting in the air to scare the thieves away and...

Board Member: When the soldiers fired into your compound did they hurt anybody?

Detainee: No.

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Board Member: Were you the only one taken away that night?

Detainee: Yes.

Presiding Officer: How about your neighbors?

Board Member: What happened to your neighbors?

Detainee: I don't know. When they cuffed me and put me in the car, I sat there until they took me to Gardez.

Board Member: How many women were in the compound?

Detainee: Four adult women [were in the compound], my mother, my wife, my sister and my sister-in-law.

Board Member: How many men were in the compound?

Detainee: Just myself. I have four sons and one daughter.

Presiding Officer: Could you have commanded the 50 former Taliban members during the time that the Soviets were invading Afghanistan?

Detainee: Like I said before, there is no such place as Neka, I was never a commander for 50 people, and I was never a commander for the Taliban and I did not work for them. If you want to ask about the time of the Russians I can answer more questions about that.

Presiding Officer: I just thought when they made that comment that maybe during the time of the Russians that you were the commander of 50 people.

Detainee: No, I was not a commander during the Russian jihad. I was in Pakistan during that time. At that time my father was ill and old and I was helping him in Pakistan.

Presiding Officer: When you return to Afghanistan, should you return, be transferred, or released back, what will you do?

Detainee: I will do the things that I did before. I will teach, take care of the children, the land, and my family.

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

(The Detainee interrupts with the following questions:)

Detainee: When will I be notified [of the outcome]?

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Presiding Officer: No date or time has been decided and I cannot give you one at this time.

Detainee: Months, weeks?

Presiding Officer: The Designated Civilian Official has not made his decision. This means the date has not been set yet. After a date is set you will be notified.

Detainee: Okay. I have tried very hard in front of the officers and military people and now the decision is going to be made by the Designated Civilian Officials in D.C.

Presiding Officer: We will make a recommendation to him and he will come to a final decision.

Detainee: Please give good comments about me.

Presiding Officer: Very well.

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.


Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 955

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, other unclassified information 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 Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

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.

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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 made a statement on the Detainee's behalf. The Detainee concurred.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 6 Jul 2005 and lasted for about 34 minutes. After a review of the Administrative Review Board purpose and procedures, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee wanted to attend the Administrative Review Board to answer any questions that the board members might have for him, although he wished the Assisting Military Officer to read the Detainee's responses to the Unclassified Summary of Evidence. A follow up interview was conducted on 7 Jul 2005 and lasted 45 minutes. The Detainee was cooperative throughout both interviews, and asked how long the Administrative Review Board process would take.

The Assisting Military Officer read the following comments in response to information in the Unclassified Summary of Evidence:

Assisting Military Officer: In response to the allegation that the Detainee was suspected of involvement in rocket attacks against the United States or coalition forces and participation in the manufacturing of false visas, the Detainee laughed and said that he had not heard anything about this before. In response to the allegation that the Detainee was part of Saifulrahman Mansur's network in the Zormat District of Paktia Province, the Detainee said that he knew of this person, but does not know him personally. In response to the statement that Saifulrahman Mansur is an al Qaida exfil contact and former Commander of the Taliban's 8th Division in Kabul, Afghanistan, the Detainee said that he did not know this person or anyone who works for him. In response to the allegation that the Detainee met Noorullah, a member of Saifulrahman Mansur's network in November 2002, and that Noorullah has been identified as launching rockets at the United States forces in Gardez during November 2002, the Detainee said he did not know this person. Noorullah lives in the Detainee's neighborhood but they are not friends with each other. In response to the allegation that the Detainee was identified as Mullah Qasim, nicknamed "The Punisher," Chief of Investigations and Interrogations for the Taliban in Zormat, Afghanistan, the Detainee laughed and said that he did not know of any "Punisher". This allegation was wrong. The Detainee said that he worked for the Taliban in Zormat, but that he only worked in road construction. In response to the allegation that the Detainee was identified as being in charge of Hezb-e-Islami Gulbuddin operations in Jalalabad, Nangarhar Province, Afghanistan, and the Detainee said that he had no knowledge of this. He also said that he had never been to Jalalabad. He seemed momentarily surprised at the reading of this allegation. In response to the statement that the United States Department of Homeland Security has designated Hezb-e-Islami Gulbuddin as a terrorist organization, the Detainee said that he did not know about this, since he has nothing to do with Hezb-e-Islami Gulbuddin. In response to the statement

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that Gulbuddin Hekmatyar founded Hezb-e-Islami Gulbuddin as a faction of the Hezb-e-Islami Gulbuddin party in 1977, and that it was one of the major Mujahedin groups in the war against the Soviets; that the Hezb-e-Islami Gulbuddin has long established ties with Usama Bin Ladin; that Hezb-e-Islami Gulbuddin has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghanistan Transitional Administration, and establish a fundamentalist state, the Detainee said that he had nothing to do with these people. In response to the allegation that on 9 August 2002, Mohammed Qasim attended a meeting in which two arms of the Union of Mujahedin were established; one arm would carry out clandestine attacks and the other guerilla style attacks, the Detainee responded that he had no knowledge of this. In response to the statement that the Union of the Mujahedin of Afghanistan is newly formed and alleged to plan attacks against the United States and Afghanistan entities, the Detainee said that he did not know about this. In response to the statement that Jalaluddin Haqqani and Gulbuddin Hekmatyar provided the overall leadership for the Union of the Mujahedin of Afghanistan with support, guidance, and funding provided by al Qaida, the Detainee said that he did not know these people. He knows the names, though. Even Afghani children know these names. In response to the allegation that in early August 2002, a meeting of the Union of the Mujahedin of Afghanistan was held; that during this meeting Mohammed Qasim was named sub-commander for the District of Jajimaidan, the Detainee laughed and said that he had no knowledge of this. In response to the allegation that the Detainee was present at a December 2002 meeting during which members of the Hezb-e-Islami Gulbuddin and Taliban discussed waging jihad against United States military forces in Afghanistan, the Detainee said that he had never been there and had no knowledge of this. In response to the allegation that the Detainee was found and captured at a compound by United States and Afghanistan military forces, the Detainee said yes, he had been in his house when captured. In response to the allegation that the Detainee worked for the Taliban for five years, the Detainee said that this should be four or five months, not years. In response to the allegation that the Detainee admitted working for the Taliban as "an organizer" on road construction, the Detainee said yes, he was responsible for organizing the tools, equipment, used by road crews, sort of like a warehouse keeper. In response to the allegation that the Detainee had 18-20 Taliban soldiers working for him, the Detainee said that at various times there 80-90 people working on the road repair crews, and he was one of them. The roads always needed repair. In response to the statement that the Detainee denied getting weapons or explosives training at the Alizai refugee camp, the Detainee agreed that he had never received training at this camp. In response to the statement that the Detainee continues to deny committing any crimes or being involved with anyone who has, the Detainee stated that this is correct. In response to the statement that the Detainee denied owning any weapons and he did not have access to weapons of any kind or anywhere, the Detainee again asserted that he did not have access to weapons. In response to the statement that the Detainee insisted that he has had no involvement with anti-coalition actions, the Detainee said that this was correct. In response to the statement that the Detainee denied meeting Jalaluddin Haqqani, the Detainee said that this was correct, and he had never met this individual. In response to the statement that Detainee said his intentions if released were to go back to his country

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and work for a wage, the Detainee agreed and said that he wanted to live a simple life and return to a laboring job.

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 Detainee made the following statement:

Detainee: I have a question, but some of the answers I prepared against the allegation. I wanted to talk about that. I heard this name but I didn't have any relationship with that person (referring to Saifulrahman Mansur). I know that he was a Taliban member. I have no knowledge [of] how many people were working for him [or] what he was doing. I want to talk about Noorullah. Noorullah was my neighbor. I know him because I met him in a mosque...or in a market...or in the neighborhood. I don't know about his political involvement. I don't have a personal involvement with this person...I just meet him sometimes...once in a while...occasionally, in the market. You talk about [me] working for [the] Taliban. Yes, I admit, I worked for the Taliban in a special project...that project [had] 60 - 70 people working...like me. I wasn't the boss, or foreman, or something like that. I was a very simple worker. No one was working for me...nobody was reporting [to] me. I was working as a simple [laborer]. Another place that was mentioned...I [went] to work there to gain money. People [gain] money in different ways...but I mean...I'm working in a simple...to gain money in a simple, peaceful way. There were a lot of questions, but I don't remember everything. I want to tell whatever is not clear, but I don't remember them.

Presiding Officer: Was there anything that was incorrect in the statements read by the Assisting Military Officer?

Detainee: It's not clear...I don't want to twist it. I think people can twist it different ways, but I want it to [be] clear. I don't want to take your time, but one or two questions...(translator goes over the allegations with the Detainee)

Presiding Officer: Mr. Qasim, we will be asking questions, so perhaps it will clear up more. In the end if there is anything additional you would like to discuss we can open it back for you.

The Assisting Military Officer had the following questions:

Assisting Military Officer: Do you have any scars...significant scars on your body?

Detainee: Yes, many scars.

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

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Administrative Review Board Member's questions:

Board Member: Mr. Qasim, I'd like to ask you about your neighbor Noorullah. Did you know of him ever to attack coalition or U.S. forces?

Detainee: No, I don't know anything about that. I [do not] have much [of a relationship] with him. He was just our neighbor...he was living in our neighborhood.

Board Member: Did you know of any personal groups that attacked U.S. forces or coalition forces?

Detainee: No, I don't.

Board Member: Mr. Qasim, when you were in Pakistan did you attend a Madrasa?

Detainee: No, I went to school.

Board Member: Can you tell me about the refugee camp that you were in in Pakistan?

Detainee: They call it 'old camp'...number two camp.

Board Member: Can you explain what it was like there?

Detainee: Yes, there was a clinic...there was a school and people were living around there...and international aid was given to the refugees.

Board Member: Was everybody there [from] Afghanistan?

Detainee: Yes, everyone was [an] Afghani refugee.

Presiding Officer: At that camp was there any military training...any weapons training conducted at all at that camp?

Detainee: No, there were people's houses...a clinic and school.

Board Member: Mosque?

Detainee: A lot of mosques?

Board Member: How large...kilometers of the camp?

Detainee: Do you mean how many people lived there?

Board Member: Yes.

Detainee: Approximately, 2,000 to 3,000 people were living there.

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Board Member: You're from the Niknam village?

Presiding Officer: What village are you from?

Detainee: Niknam (*name of village*).

Board Member: How large was that?

Detainee: Approximately, 60...70 houses.

Board Member: Any stores...shops?

Detainee: Yes.

Board Member: What was it like there?

Detainee: Household items.

Board Member: What [is your] tribe?

Detainee: Mamuzi. Niknam (*name of village*) is a big a place and there's a lot of different tribes living there. My tribe's name is Mamuzi.

Board Member: Did your family with you in your village...did your parents and your brothers and sisters?

Detainee: My brothers...my mother...everybody was living with me.

Board Member: What did you do on the road construction? What was your job during road construction with the Taliban?

Detainee: Warehouse keeper.

Board Member: What was stored in the warehouse?

Detainee: Gas, equipment...like parts...tractor...and gardening tools.

Board Member: How far away was your village from Zormat?

Detainee: I worked in the city. The workplace was in the province.

Board Member: What other jobs have you held?

Detainee: [I've] always worked [in] labor. I was shopping for the family...I was keeping livestock...I was feeding livestock.

Board Member: You were captured at your home?

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Detainee: Yes.

Presiding Officer: The repair crews that you worked with, you said that sometimes as many as 70 or 80. Were those 70 or 80...were any of them Taliban soldiers?

Detainee: No, laborers.

Presiding Officer: The compound...was there anyone else arrested with him?

Detainee: Yes, at the time I was arrested, my uncle and my cousin was there.

Presiding Officer: Who arrested him?

Detainee: American and Afghani soldiers.

Presiding Officer: Do you have any other statement?

Detainee: If you don't mind, I have one comment to make. Yes...you asked me if I had a scars on your body, but you didn't tell me what kind of scar I have...because there is nothing. I believe you are asking me if I have an injury or something like that from the fighting or war like that. If you ask me I will tell you.

Presiding Officer: We understand that any injuries you have are not from warfare.

Detainee: If you want me...I will give you a lot of explanation.

Presiding Officer: We understand your statement.

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.


Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 956

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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.

Detainee: Yes, I will take the oath to prove I am telling the truth.

Presiding Officer: Thank You!

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

Detainee: Yes, I understand but when can my Assisting Military Officer help me out?

Presiding Officer: He can help you anytime during the proceedings if you feel you don't understand something just ask the AMO or myself.

Presiding Officer: I understand you have some letters to present and your AMO can help you out in that matter and he has prepared for that. Any other way you need help he can assist you. Do you understand this process?

Detainee: Yes.

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 14 October 2005 and lasted for 60 minutes. After a review of the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said he would respond to the Unclassified Summary of Evidence after each statement is read, and he will make an oral statement. The Detainee also elected to have the Assisting Military Officer (AMO) submit letters written on his behalf. A follow up interview was conducted on 15 October 2005 and lasted for 15 minutes. This interview was necessary for the Detainee to bring the letters he wished to have the AMO present to the board members. The Detainee was cooperative and polite during both interviews. He elected to keep a copy of the translated Summary of Evidence for his review.

Assisting Military Officer: Sir, I have an additional comment.

Presiding Officer: We will come to that later when I ask you for your additional comments.

Assisting Military Officer: Sir, that concludes my interview comments.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and the FBI Redaction Memorandum, DMO-2, 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.

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Training (3.a.1) The officers in the 856th Brigade trained at an unknown location in Pakistan for three to four months.

Detainee: Should I answer?

Presiding Officer: Yes.

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Detainee: After the Russians left Afghanistan; there were some groups that needed training. Some of these groups did some of their training in Pakistan and for a [short] period of time I was a part of one these groups but I was never in Pakistan. I have never been outside of Afghanistan before, except for Cuba. Then when the Taliban took over, these other groups headed towards the north side of Afghanistan. There is one more thing I would like to mention, the leader of the 856th Brigade his name was Rahmatulla. When Mr. Karzai took over the government the 856th Brigade was given back to Rahmatulla. At this time I did not have any military duties. When I was serving for the military it was [around] thirteen years ago. I have no knowledge about the training in Afghanistan and I don't know if anyone was going there to [receive] training [because] I wasn't a part of it and I don't know anything.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) Once Soviet forces withdrew from Afghanistan, the Detainee was assigned as the Commanding Officer, 2nd Platoon, 2nd Company, 856th Battalion, Roy Sang Village, Bamian Province, Afghanistan.

Detainee: The 856th Brigade I mentioned earlier, when Bamian took control this Brigade was given to the city of Kamard in Bamian. I was the commander for a very short period of time and then when the Taliban came, I wasn't working there anymore. [Since] then I have never been in any military [affiliated groups].

Designated Military Officer: (3.b.2) The Detainee commanded sub-unit two of the 601st Battalion, which is part of the 856th Brigade.

Detainee: No, that is not correct because the commander of the 601st was Gullam Sediq and the commander of this Brigade was Rahmatulla not me. I wasn't a part of any military at that time.

Designated Military Officer: (3.b.3) The 856th Brigade is commanded by Rahmatulla.

Detainee: That is correct, yes.

Designated Military Officer: (3.b.4) Rahmatulla has very close ties to the Taliban.

Detainee: As far as I know Rahmatulla did not have any close ties with the Taliban he was part of this group that was with Mr. Rabani and Mr. Mozul. When Mr. Karzai took over he gave him a post in the military because of all the good deeds he did in the past. He was not part of the Taliban he was with Rabani and another group.

Designated Military Officer: (3.b.5) A letter was found in the Detainee's home in Roy Sang, Kamard District, Bamian Province, Afghanistan, prior to his detention. The content of the letter contained instructions for the Detainee and his forces to attack American troops, should they return to the area.

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Detainee: I wasn't in the military at that time so I could not take orders. This letter was sent from Gullam Sediq. His boss sent him the letter and he sent it to us. When I got the letter I had a meeting with Gullam Sediq. I asked him "What's going on?" and he said I don't know, this came from my boss to me and I sent it to you because you are the representative for the district so I am just doing my job. I told him even if your boss sent you this letter its not right because I have the responsibility of this district I am not going to [allow] you to do anything. The Americans come here to help us and we should not do anything bad to them. He agreed with me so I keep the letter just for [my own] records.

Designated Military Officer: (3.b.6) Two people standing between American soldiers pointed to the Detainee and exclaimed that the Detainee was al Qaida.

Detainee: Yes, those two people had personal animosity with me. So when the American came to our district, they joined with the Americans and when they saw me, since we were enemies they pointed me out. I only went there to greet the Americans because it was the first time they [visited] our district and as the head of the district it was my duty to greet the Americans. They took me in for four hours, questioned me and then released me.

Designated Military Officer: (3.b.7) The Detainee is a commander for the Ittihad-E Islami. Ittihad E- Islami was recruiting for potential volunteers to receive training in conducting suicide bomb attacks against United States troops. The Detainee was supposed to command some of the recruits.

Detainee: That's totally false because Ittihad-E Islami does not operate in my district they are Pashtu speakers and we are Farsi speakers. Not even one member is in my district and I have never worked with them. Yes, there is such thing as Ittihad-E Islami but not in my district. All this time I have been detained here I have never been asked about Ittihad-E Islami. Thirteen years ago in Rabani's government, I was a commander of a small group but since then I haven't done anything else.

Designated Military Officer: (3.c) Detainee Actions and Statements (3.c.1) During the Taliban regime, the Detainee was nominated by his village to become it spokesman. He provided the names of the local villagers who could be called into military service with the Taliban.

Detainee: When the Taliban took control of Afghanistan they used to go to the villages and the districts to pick up young people, old people and anybody they could find. Since they were doing this the people of all the villages decided to sit down and talk with the Taliban. I was a part of this organization called the United Organization, which is a part of the Northern Alliance. They were fighting with the Taliban all over the country. This was a common thing in Afghanistan. In the districts they used to pick out a representative to be a spokes [person] for the district. In my district there were four tribes so they picked me to be their representative this was a common thing. This was a

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common thing because there was no salary, no benefits I was just doing the village a favor [service].

Designated Military Officer: The Detainee received the order to attack the Americans if they entered his region approximately forty days before he was captured. He did not make any effort to follow up with the Americans and warn them that they could be targets of an attack plan.

Detainee: This was a part of the letter I received from Gullam Sediq; this was just a notification not a direct order. Like I said before I received that letter and I talked to Gullam Sediq. We discussed the Americans are here to help us, they are our guest and we shouldn't do anything to harm them. I personally wrote a letter to the government and I sent it through Abdul Satar. He was captured on the way and they took the letter from him. The second time, I sent it with Abdul Qudir and the last time with Mohammed Yasen and I still had not [succeeded]. They detained them for about a month or two and the letter never got out. The only reason I kept that letter was for [my] records. I had the opportunity to burn it or tear it up but I never thought it would be used against me. The distance between our district and Bamain Province is one day and because there was a lot of fighting going on there, the area was not safe and people could not travel there safely. That is why every time that I tried to send somebody they were either captured or arrested.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee received weapons from Rahmatulla; however, the Detainee also indicated his weapons came from the Russian jihad.

Detainee: I personally myself have not taken any weapons from Rahmatulla. The weapons he had, yes there is a possibility those weapons are from the time of jihad from the Russians.

Designated Military Officer: The Detainee says that he is given access to his weapon any time he wants.

Detainee: During the time of jihad against the Russians, people used to go to Pakistan to get weapons. I personally have not [been] to Pakistan but I did [purchase] a Kalashnikov for myself for protection but I never used it.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The Detainee was receiving the military orders in his area at the time of his arrest because there was no military commander in the area and the military needed a point of contact in Roy Sang.

Detainee: Yes, I used to receive notifications but nothing military [related].

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Designated Military Officer: (4.b) The Detainee insisted he has not been in the military since the Taliban took over, did not fight for the Taliban, and did not join the Afghan National Army when the Taliban fell.

Detainee: Correct.

Designated Military Officer: (4.c) A document found in the Detainee's house identified the Detainee as the Commander of the 2nd sub-unit. This document is actually 10 years old, and it was from the Detainee's days in the Afghan National Army, prior to the Taliban.

Detainee: Correct.

Designated Military Officer: (4.d) The Detainee thinks the Taliban are wild terrorists who come into a village and destroy things.

Detainee: Correct.

Designated Military Officer: (4.e.) The Detainee has heard of al Qaida. They were terrorists who destroyed people's homes. The Detainee heard of the attacks against the United States on September 11, 2001. He shares the sorrow and sadness with Americans.

Detainee: Correct.

Designated Military Officer: (4.f) The Detainee claims he is not Taliban or al Qaida, and has never killed anyone or witnessed any killings.

Detainee: Correct.

Designated Military Officer: (4.g) The Detainee claimed he did not prepare for an attack on the Americans. He claimed that he likes the Americans and thinks the American presence is a positive development for the country.

Detainee: Correct.

Designated Military Officer: (4.h) The Detainee is the sub-Governor of Kamard District. One of President Karzai's Vice President's specifically requested the Detainee to be appointed to this post.

Detainee: Yes, I was appointed. That is correct.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

Presiding Officer: We will take a brief recess for five minutes.

Board recessed at 1451 hours and reconvened at 1456 hours 17 October 2005.

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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.

Assisting Military Officer: Yes sir.

Presiding Officer: Assisting Military Officer please read the additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee was very willing to attend the ARB and stated he did not need the Assisting Military Officer to take any notes on his behalf regarding the Unclassified Summary of Evidence. He said he had no problem speaking openly on his own. In addition he would like to make an oral statement as well have the AMO present letters from his family members regarding his defense.

Presiding Officer: Go ahead and present those additional exhibits.

Assisting Military Officer: I am handing the ARB the following Unclassified Exhibits marked as EC-C1 and EC-C3. Copies of these exhibits have been previously provided to the DMO. Sir, that concludes my portion of the review.

Presiding Officer: For the record we will refer to these three exhibits as exhibit EC-C and sub exhibits one, two, and three [EC-C1, EC-C2, and EC-C3].

Presiding Officer: You may begin your statement.

The Detainee made the following statement

After the Taliban took over Afghanistan they had almost all of the control of the country. About five years after them being in power people in Afghanistan were very uncomfortable and they were willing to help anyone to topple the Taliban Regime. When we heard the Americans were coming to help Afghans, I personally was very happy because we needed someone to come help the people of Afghanistan get rid of the Taliban Regime. Since there was a lot of fighting going on there were no schools and people were not safe, we were happy to see the Americans come to Afghanistan to bring peace and stability and maybe help out the people there. And after awhile we started building school, new roads were being made and the reconstruction started slowly. Everyone including myself was very happy. Unfortunately, I was captured and I did not have the opportunity to see these good things that are happening in Afghanistan right now. My only hope is for Afghanistan to a peaceful country and a safe place. It doesn't

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matter if I am detained here, the Americans are in Afghanistan and Afghanistan is safe and doing good, then I am happy. I have had a very good experience the past three years I have been here with the soldiers, interrogators and the guards. I have never had any problems or anything with anybody and I am grateful. I am hoping the Americans will stay in Afghanistan and help to rebuild Afghanistan and maintain peace and stability. That concludes my statement.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Do you know where Gullam Sediq is right now?

Detainee: Yes, he was the commander of the 601st three years ago when I was there but right now I don't know his whereabouts.

Board Member: Why would he write you a letter telling you to attack the Americans?

Detainee: He did not order me to do it. I want to make this clear, the order was given to him from his boss to Gullam Sediq and Gullam Sediq passed it to me since I am the head of the district.

Board Member: When you tried to send the letters, were they going to the Afghan government or to the Americans?

Detainee: I sent them to the Governor of Bamain. It was one day away, since he was near the capital of Bamian and he was one hour away from his district, I sent the letter to him so he could take appropriate actions from there.

Board Member: You tried to do that three times and all three times the person was captured?

Detainee: I tried two times, one time with Abdul Satur and one time with Abdul Qudir and Mohammed Yasen.

Board Member: So if they were captured how did you get the letter back to resend it?

Detainee: This was not the original letter. I wrote a letter to the Governor explaining that I received a letter with these kinds of things and [wanted] to know what he wanted to do. I explained my point of view to the Governor.

Board Member: What was the Governor's name?

Detainee: Mohammad Rahim Aliyar.

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Board Member: Did you know the two men who identified you as al Qaida?

Detainee: Yes, they are from my village.

Board Member: Do they belong to any certain organization or any group?

Detainee: Yes, they have been with different organizations and last time they were with Taliban.

Board Member: Do they speak Farsi?

Detainee: Yes.

Board Member: What is your occupation?

Detainee: Where?

Board Member: In Afghanistan.

Detainee: In here I am a Detainee.

Board Member: In Afghanistan, what was your occupation?

Detainee: I was a teacher.

Board Member: Of what?

Detainee: I used to teach Farsi and lower grade math.

Board member: Is that what you were doing when you were captured?

Detainee: No, when I was captured I was the head of the district for my village.

Board Member: You said when you were captured the first time they talked to you for four hours and [then] you were released. Can you tell us about the second time you were captured and kept?

Detainee: The first time they took me they questioned me for four hours and released me. The only reason why they took me in was for false accusations and I was free for almost a week. The next time I went to the office to see them, the Americans told me they were going to arrest me and send me to Cuba. I asked them why what have I done wrong and they didn't say anything after that. That's how I got captured.

Presiding Officer: The letter from your wife she mentions Fida Muhammad, shopkeeper.

Detainee: He is a brother in law.

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Presiding Officer: Is he here too, because you received two letters from him.

Detainee: No, he is home back in Afghanistan.

Board Member: What do you think you will do if you go back to Afghanistan?

Detainee: My occupation was a teacher prior this, so if I can, if my health permits me because my eyes are getting weak I will go back and continue teaching.

Presiding Officer: I see here on the letter from your cousin and other family members, they mentioned here in your defense during the Taliban government you did not serve as District Officer or Commander and [they] question why you are being kept from your family.

Detainee: Yes, that's true.

Presiding Officer: In regards to the Unclassified Summary is there any other training other than the Afghan military service that you did?

Detainee: No.

Presiding Officer: Not even a little.

Detainee: No.

Presiding Officer: In regards to this unknown location in Pakistan, they obviously have you mistaken with someone else.

Detainee: Now, like I said before I have never been out of Afghanistan. The only time I left Afghanistan was to come here.

Presiding Officer: If you were not in charge of sub unit two of the 601st which sub unit did you command?

Detainee: The 601st was during the time of Rahmatulla, I was not in the military.

Presiding Officer: Do you have any family members associated with the Taliban?

Detainee: No.

Presiding Officer: Do you know the names of the persons who identified you to the American soldiers?

Detainee: Ziauden and Hafeez.

Presiding Officer: I know the [other] member asked you this, but is there a certain group they belong to?

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Detainee: The last group they were with was the Taliban. They were Taliban commanders. Prior to that they were with Rabani and the group name was Jamial a Tabushi. They were some other group prior to that.

Presiding Officer: Do you know if they are associated now with the Karzai Government in any official capacity?

Detainee: I haven't seen them from that day on and I don't know any thing more about them.

Presiding Officer: Can you tell me anything about Ittihad-E Islami?

Detainee: It was one of the first main groups formed in Pakistan to do the jihad against the Russians and Mr. Sayuf is the leader of that group. They are not operating from my village or from my district. I haven't worked with them and I don't know about their operations.

Presiding Officer: The letter you received with the order to attack the Americans, you had it forty days before you were captured. During the forty days you had no contact with the Americans so you could mention this to them?

Detainee: I did not have contact with the Americans in the forty days. In the forty days time period I manage to send two people but I failed, I tried and it didn't [work].

Presiding Officer: If the Americans did come and go in your area would you [interact] and correspond with them?

Detainee: Prior to that, they would come [and go] a few times. They were spending the night; there for a while. In that forty-day time period, they did not.

Presiding Officer: You never killed or saw anyone killed? With all the fighting going on, you never saw anyone get killed?

Detainee: Yes, I have not personally witness any killing. I have seen dead bodies but never witnessed any killings.

Presiding Officer: President Karzai's Vice President, the individual who elected you to be appointed as a sub-governor for your district, have you corresponded with him in the time you have been here?

Detainee: No, I don't know how to get in contact with him.

Presiding Officer: You could probably get a hold of him through the ICRC.

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

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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.



✓ Colonel, U.S. Marine Corps
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 963

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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 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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 24 August 2005 and lasted 90 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was 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, "OK I will do it". When asked how he wanted to address the allegations or statements, the Detainee indicated that he would like to respond to each allegation or statement of information in the Unclassified Summary of Evidence after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was

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polite and cooperative during the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, 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.

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.

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment: The Detainee admitted to being part of the attacks (ambush) on United States Forces in the vicinity of Lejay, Afghanistan.

Detainee: I have not attacked...I am not aware of an attack. I was coming from my home and they captured me. I never admitted to that before.

Designated Military Officer: (3.b.) Connections/Associations (3.b.1) A known Taliban member identified the Detainee as Taliban.

Detainee: My father and mother are dead and they left me small children...I am serving them. I have not served the Taliban or anybody else. I have not spent any night going for the party or as a guest or anything. I have been home every night taking care of my brother and sister.

Designated Military Officer: (3.b.2) As U.S. elements approached the village of Lejay (Abdul Rais Wahid stronghold) on the morning of 10 February 2003, they were viciously ambushed from the high ground on both sides of the road. The enemy fired from well-prepared ambush positions, and employed a high volume of RPK, PKM, AK, and RPG fire in an effort to kill as many U.S. personnel as possible.

Detainee: I heard that there was a war or fighting and this [sort of] thing. I was at my home. I ate and then I came out[side] and was walking to get some filters for a tractor for my uncle. My uncle was driving a tractor for somebody else. I am also a shepherd and they surrounded the city and said we could not take our sheep to the high ground or mountains. We did not take our sheep outside for [grazing]. When I came out to get those things...it was for Ede...something to buy for Ede for celebration...then the Americans captured me and they could not even find a small knife [on] me.

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Designated Military Officer: (3.b.3) Haji Raes Adbul Wahed, is the Supreme Commander of a forty-man guerrilla unit. He was identified as teaching hand grenade techniques, plastic explosives with detonator cord, and how to blow up cars.

Detainee: Abdul Wahed's name...I have heard that he was working for the Taliban, but I don't know about the forty people he had or what he has done. I have no ideas about that. I am a farmer and I just do my farming. He is not from our village. We are from different villages.

Designated Military Officer: (3.b.4) Detainee was captured on 10 February 2003 in a dugout hole 100 meters from the compound.

Detainee: Yes, I got out of my home and walked a little bit and an American soldier captured me and [up to] now I have been here. I have no idea about any other things.

Designated Military Officer: (3.b.5) The Detainee was apprehended wearing an Olive Drab (OD) green jacket consistent with the eyewitness accounts of the individual responsible for the attacks.

Detainee: I have...in our area it is cold and there is a lot of snow and a lot of people have green jackets. They are very warm for the winter. I came out of my home and they captured me. I [was] not fighting Americans. The green jackets are in the shops, hundreds of them, everybody can buy them and wear them. The soldier saw me come out of my home...it's like I [came out] and he captured me.

Designated Military Officer: (3.b.6) OD jackets were worn by several men captured, on the same day as the Detainee, at a checkpoint on the north side of town in a taxi and on motorcycles. The men all suffered from hearing loss assessed to be from firing activity.

Detainee: They captured me in front of my house. They didn't capture me on a motorcycle and they didn't capture me in a taxi. Maybe those people had green jackets...our house is on the side of the main road. A thousand taxis and motorcycles go back and forth [because] there is a bazaar there. When you get out of town the road there has big rocks. You cannot walk [and] the cars cannot drive over those rocks toward the mountains or the highland. If someone attacks Americans and then he gets in a taxi or motorcycle and comes to them and says 'here I am I attacked you capture me'. Anybody they captured...they [did] not capture the fighters. They captured the people going back and forth in the main street. There is a bazaar so a lot of taxis and motorcycles go back and forth. They did not capture the fighters. They captured everyone from the road. Nobody fired, nobody fought, and nobody did anything.

Designated Military Officer: (3.b.7) During the Combatant Status Review Tribunal, the Detainee called two witnesses other than his uncle, Alif Mohammed and Baridad, that testified for him.

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Detainee: When they captured me that named me an Enemy Combatant and I told them that I had witnesses [and they are] my uncle, and two other guys that are here named Alif Mohammed and Baridad. I brought them [to the CSRT] and they testified for me. During my [CSRT] they told me that my parents were dead. I am a poor guy taking care of my parents' orphans. That was the trial and I don't know what they did with it.

Designated Military Officer: (3.b.8) Alif Mohammed is assessed as a security/military commander of Lejay/Wahid compound and it is believed he orchestrated the attack on American Forces.

Detainee: Alif Mohammed is a drug addict and he is a very poor guy. He is a blacksmith and people give him 5, 50, or 100 Afghanis to provide for his family. He is not a commander. This is the same guy that was my witness. The Taliban beat [Alif Mohammed] too much because he is a drug addict and [the Taliban] was close to killing him. How could he become their commander?

Designated Military Officer: (3.b.9) Baridad was captured on the same day as the Detainee. He suffered from hearing loss assessed due to firing activity.

Detainee: Baridad, from childhood, we would call him from one side and he would answer from the other side, he had this problem from the beginning. He is a very good farmer for my uncle. My uncle is...fell out of a tree and lost [the control of his legs] from that fall. [Baridad] is a very poor guy.

Designated Military Officer: (4) The following factors favor release or transfer: (4.a) The detainee does not know any Taliban members.

Detainee: I was not a Taliban member and I was not serving the Taliban. All I have served is my younger brothers.

Designated Military Officer: (4.b) Detainee believes the Americans have come to bring peace and stability to the people. He feels it is good, the Americans help rebuild roads and water systems and help establish education for the people, he is happy with that.

Detainee: Yes, America was helping a lot of farmers to work on their own irrigation water that was coming from the spring. They would make us work on the spring and pay us for it and the water was coming...we were all happy because we are farmers. [The entire] city was happy because they were building the roads and giving wheat to the people. These are things that the entire village was happy about.

Designated Military Officer: (4.c) Detainee denied any knowledge/involvement in the attacks on United States Forces.

Detainee: I [was] not aware of it. I just [came] out of my house when they captured me.

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Designated Military Officer: (4.d) Detainee claims to never having owned or fired any kind of weapon.

Detainee: I [have] never had a weapon in my life. I never fired a weapon. I was doing my own things helping my brothers and farming.

Designated Military Officer: (4.e) The Detainee admitted growing poppies, however, agreed it was a good thing the American forces and Afghanistan government was stopping farmers from growing poppies.

Detainee: In the time of the Taliban, yes, I was planting poppies. When the Taliban said stop it we stopped. When the new government came and said not to do it...I have not planted [poppies] since. Now I am planting wheat, corn, and these types of things.

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.

Presiding Officer: At this point in the hearing the Detainee will be able to present information to the Administrative Review Board. Assistant Military Officer does the Detainee want to submit any information to this Administrative Review Board? Including written statements, oral statements, or witness statements prepared on his behalf.

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement at this time. If there is anything you wish to tell us or reemphasize you can do it now.

Detainee: I just want to say that I am a very, very poor guy and I am serving my younger brothers. Please, if you [could] help me be released I [could] go back to my brothers and family and take care of them and do my own farming. In the last three years...they brought me here and there has not been justice with me. If they brought me by mistake or somebody informed them or anything...I have been here three years...please do justice with me. My village is about 10 minutes, [by] car, to the county or the mayor's office. [You] can ask the mayor or the elders in my village what kind of person I am. If they say I worked with the Taliban, I am a Taliban member, or that I had a gun in my hand or on my shoulder then you can put me...whatever you want to. I had no beard when my father died and I was the elder in the family. I had a piece of land and I was planting that piece of land to just provide food for my orphan brothers. Even my younger brother...I cannot leave them. The moment I leave them someone will jump on them or do something [to him]. I have to take care of my young brother's children. [I] even cooked bread in the oven for them. I was doing it by myself. I did not [have] a woman in my house and

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when I would come from farming the land I would do the cooking for the children. When they got bigger I got married and [now] I am here.

Presiding Officer: Does that conclude your statement?

Detainee: I don't have anything else to say.

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: Speaking to many of the Detainees here we found that everyone in Afghanistan owns an AK-47 and knows how to fire it. How is it that you don't?

Detainee: All of the Afghans don't know how to fire a weapon. The farmer shows his children how to irrigate and how to make [the land] ready for farming. The one that knows how to use the Kalashnikov he [teaches] his children how to use a gun and fire it and these things. If you are a shopkeeper you teach your son how to do the business.

Board Member: I understand. That is all I got.

Board Member: What village do you live in? What is the name of your village?

Detainee: Lejay.

Board Member: Have you written to the elders of that village and asked them to write letters of reference for you indicating that you are a good guy and should be released?

Detainee: I have not written any letters, but they can ask those people to give a recommendation about me or...

Board Member: Who are they?

Detainee: I am talking about the Americans.

Board Member: You can too.

Detainee: Sometimes when I write them and when the response comes I cannot see two words. The rest of them are censored out.

Board Member: What village does Wahed live in?

Detainee: His place or village name is Shna.

Board Member: How far is Lejay from Shna?

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Detainee: [They] are 200 meters apart. He did not stay in his home much. He stayed in Kandahar and would come home in the night.

Board Member: How far away from your house were you when you were captured?

Detainee: I was only one hundred steps away from the house.

Board Member: Was it hard going from poppies to wheat and corn?

Detainee: When the government says plant poppies we will plant poppies. If they say plant wheat or corn, we will do that. It does not make a difference.

Presiding Officer: Is Baridad a farmer for your uncle?

Detainee: Yes. He works for my uncle.

Presiding Officer: I know you had three witnesses for the CSRT. Are any of those detainees housed around you here at GTMO?

Detainee: No.

Presiding Officer: I know you said that Baridad testified at your CSRT, did you testify at his?

Detainee: No.

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.


Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 964

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer asked the Detainee if he wishes 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.

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 initial Administrative Review Board interview occurred on 22 August 2005 and lasted 50 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "Yes, I want to attend and address the allegations." When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his

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record. The Detainee was polite and cooperative during the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2, other unclassified information 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.

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: The Detainee was traveling home to celebrate the Eid holiday and caught a ride in a taxi with seven other people.

Detainee: Yes.

Designated Military Officer: While in the taxi traveling from Saychow to his home in Lerak, the taxi passed through the town of Lejay. The Detainee advised that outside of Lejay, he heard explosions and saw airplanes and helicopters flying overhead.

Detainee: Yes, at the time [we] w[ere] like at the top of the hill, like a short distance [away], so this was not to far. We saw the helicopters, the choppers, and the planes [were] running...flying around, and we [came] down in the taxi. We [were] riding [in] the taxi and [came] down, and then there [was this] American, [on] foot, walking and [he] captured me. There was a fire, I heard it [and] I said, "What is it?" When I look[ed] up there [were] planes flying around. We [could see] from [where we were] that [they were] setting [up a] checkpoint there, but we [went there anyway]. We thought that [it had] nothing [to do] with us and we [didn't] count them as our enemies so why [shouldn't] we go that way. We had the news before that the Americans [have] nothing to do with the average people. [They] are looking for their own enemy like al Qaida or these kind of people.

Presiding Officer: Thank you.

Designated Military Officer: As U.S. elements approached the village of Lejay (Wahid stronghold) at approximately 0200Z the morning of 10 February 2003; they were ambushed from the high ground on both sides of the road. The enemy fired from well-

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prepared ambush positions, and employed a high volume of RPK, PKM, AK, and RPG fire.

Detainee: The time that we came to them in the taxi was 11 o'clock in the daytime.

Presiding Officer: Be advised, 0200 zulu is what's here. The local time at that time would be minus nine, which would be close to 10 am, to between 10 and 11 am.

Detainee: We had [a] watch. They captured me [at] 11 in the daytime. They took me to a house or something. First when they captured me, they handcuffed me and [made] me sit there for a while. Then they took me, [to the] place they [were] staying.

Presiding Officer: Okay, we'll get to more of that in a second. Next question deals with that.

Designated Military Officer: U.S. forces seized and conducted cordon and search of Wahid compound and took 70 personnel into custody initially in/around town. All personnel were screened and 11 were recommended for detention.

Detainee: I don't know [if I] was qualified to be [held] or not, but if I was their enemy or doing something...I would not [have gone] directly to them. No way.

Designated Military Officer: The 11 individuals were apprehended returning from the ambush sites or in fighting positions in/around Lejay. They were deaf, had powder burns, and had blood on their clothes.

Detainee: I was [going] to my home by taxi. My clothes [were] not burned with [any] gunpowder. I didn't have any bloodstain in my clothes.

Presiding Officer: Thank you.

Designated Military Officer: Personnel were observed standing in a group where the ambush positions were located. The personnel got into a white car or onto motorcycles and proceeded down the road to the traffic control point. The personnel, including the Detainee, were questioned and detained.

Detainee: Those cars [were] a kind of a carriage for the customers, [it] was white. They [were] standing in the line...so [when] [some]body's turn comes they [get on]. That was, I was [in] that car, which was white.

Presiding Officer: Thank you

Designated Military Officer: All occupants of the vehicle were wearing olive drab green jackets. The Detainee was assessed to be suffering hearing loss when captured, caused by firing weapons.

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Detainee: The green jacket is kind of popular in our area. Everybody wants to have it. It's a kind of...and that was, my brother bought it and then later on he gave it to me. My ears [were] okay and still okay. If they have any proof that they [gave] me some medicine for my hearing or anything. I can say yes, but my ear[s] [were] okay [at] that time and my ear[s] [are] okay now.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee claimed to not know the difference between al Qaida and Taliban. He had only had heard of Abdul Wahid, thinking that he had disappeared.

Detainee: Yes, I told them that.

Designated Military Officer: The Detainee states that he does not know any of the travelers in the vehicle when he was captured. He professes to be a poor farmer.

Detainee: Yes.

Designated Military Officer: The Detainee denied traveling to any location outside Afghanistan and no farther than Kandahar.

Detainee: Yes.

Designated Military Officer: The Detainee denied being part of the Taliban or any other militia group.

Detainee: Yes.

Designated Military Officer: The Detainee likes the U.S. presence in Afghanistan, because he believes the U.S. is there to help rebuild the country.

Detainee: Yes.

Designated Military Officer: The Detainee advised that his brother bought the jacket at a bazaar and later gave it to him.

Detainee: Yes.

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.

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The Detainee made the following statement:

Detainee: My statement is that just I am asking you please help me. I'm the only one provider in my family. I'm a labor worker and very, very hard worker and I'm responsible for my family, please help me.

Presiding Officer: Thank you.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: There were seven other people in the taxi with you.

Detainee: Yes.

Board Member: Did you know any of them?

Detainee: No.

Presiding Officer: How big is your hometown?

Detainee: That was not my hometown. I was going to my village.

Presiding Officer: You didn't know any of these people at all? You've never seen them before?

Detainee: No, I haven't seen them. It's kind of like a line up [for] the cars and then everybody jump[s] in it and I jumped in it too.

Presiding Officer: Okay, thank you. We understand.

Detainee: So, I haven't been in their village or in their places that I [would] know them. So that's why [it's] the first time.

Board Member: Did you think it was unusual that they all had on the same jacket?

Detainee: Forget about this, if you go to the bazaar a 100 people are wearing the same jacket. Our country, our area is cold. So it's very good for the cold.

Board Member: My understanding [is] that you were outside of the taxicab waiting to get in, in the taxi?

Detainee: No, we [were] in the taxi...taxi. We saw him (*American*) from [far] and we went there. They stopped us and said, "Get out of the taxi." Then they arrest[ed] us.

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Board Member: Did you realize that you were real close to the ambush location?

Detainee: No, I didn't know about the battle or about the ambush. I heard the fire...fire [came] from the guns, we [were] already close to them. When they arrest[ed] me they tied [me] up...tied my hands, and we still saw the plane fire on [the] other side of [the] hill.

Board Member: Have you always lived in Afghanistan?

Detainee: Yes.

Board Member: Did you know what the Taliban was?

Detainee: We have nothing to do with government things. We are just going...

Presiding Officer: You must have dealt some with the government? How did the Taliban government treat you?

Detainee: They have nothing to do with me. I have nothing to do with them. I am very...I was a poor guy doing my own job.

Board Member: Did you know what the al Qaida was?

Detainee: No.

Board Member: Do you now know that there is a difference between al Qaida and Taliban?

Detainee: They didn't tell me what the [difference is between] Taliban or al Qaida or these things. I [still] don't know.

Board Member: Thank you.

Board Member: How old are you?

Detainee: In our country, we don't have a record or anybody...and most people cannot read and write...write it down for me. But when they captured me...they asked me, "How old are you?" I said, "Well around 22."

Board Member: Do you know anybody from Tarbak village?

Detainee: I haven't heard the name of Tarbak.

Board Member: You had gone to Saychow?

Detainee: From Saychow [I was] going to Lerak, my home.

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Board Member: What were you doing in Saychow?

Detainee: I was a laborer, driving a tractor.

Board Member: You were driving a tractor in Saychow?

Detainee: Yes.

Board Member: For who?

Detainee: The owner of [the] tractor...[the] tractor belong to Haji Manahn and I was [drove] it.

Board Member: Why were you driving a tractor, were you working?

Detainee: Yes. I was doing labor to provide for my family.

Board Member: How far away is Saychow from Lerak?

Detainee: I am not sure about this. It's a two-hour ride or three-hour [ride]. I don't have an[y] idea.

Board Member: Why do you think the planes were above you?

Detainee: I don't know what [they] were doing. They were not a[round] my head. It was [around] the area, so I [went] there.

Board Member: Why...did you see planes before?

Detainee: It's possible that I s[aw] the[m] passing through the sky.

Board Member: Were you ever scared to live in that area?

Detainee: No.

Board Member: Was it dangerous where you lived?

Detainee: No, [there] is no danger in my area.

Board Member: Why do you think the U.S. and coalition forces were in that village?

Detainee: We have heard of the Wahid name, when we saw the planes we knew that they [had] come for him.

Board Member: Did you ever fight against the Russians?

Detainee: No, I was a little boy.

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Board Member: Anybody in your family fight against the Russians?

Detainee: No, they were very, very poor people. They can...they didn't fight.

Board Member: What kind of crops were you growing?

Detainee: There [has been] no water irrigation for the last five years. It's bad. Before that we w[ere] planting poppy and wheat.

Board Member: Did you pick anybody else when you got into the taxi in Saychow? Did you pick anybody else up before you reached Lejay village?

Translator needed the question rephrased.

Board Member: Did you get into the taxi in Saychow?

Detainee: Yes.

Board Member: After the taxi left Saychow did you pick anybody up before you got to Lejay?

Detainee: Yes. This a car when anybody flag[s] [it] down they pick him up.

Board Member: Thank you.

Presiding Officer: Have you ever fired any weapons at all?

Detainee: No.

Presiding Officer: Did you ever hear of other people in that area firing weapons at U.S. soldiers?

Detainee: No.

Presiding Officer: You never heard of anyone at all shooting at U.S. soldiers?

Detainee: No, I haven't seen any.

Presiding Officer: How many people in your family?

Detainee: The whole family or just father, brother and sister and these...

Presiding Officer: Are you married?

Detainee: Yes.

Presiding Officer: Do you have children?

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Detainee: No. Just (inaudible) I married.

Presiding Officer: What do you think of the United States?

Detainee: I don't know. I don't understand.

Presiding Officer: When you go back, if you go back to Afghanistan, what do you plan to do?

Detainee: I will [work] and I will provide for my family. I don't know how much money they borrowed from others. So when I g[et] there I have to pay their debts.

Presiding Officer: Do you know of... Does anyone else in that taxi, do you think there's [a] chance that anyone else in that taxi might have been involved with shooting at the United States?

Detainee: If he was doing that, he would not come in front of them.

Presiding Officer: What's that?

Detainee: If (inaudible) taxi, nobody I knew... nobody was fighting or firing against American, because if they w[ere] doing that. [Why would] they com[e] straight [to]ward [the] American[s].

Presiding Officer: Thank you.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee 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.


Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 965

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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 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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclass information) 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.

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's initial ARB interview occurred on 16 August 2005 and lasted forty-four minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. Since the Detainee seemed to have trouble comprehending the ARB process, the AMO and linguist reiterated the ARB process explanation. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point is presented. A follow-up interview was scheduled on 16 August 2005 for the Detainee to provide copies of letter for submittal to the ARB, but the Detainee did not bring them. A final interview occurred on 17 August 2005 to obtain the letters. This interview lasted ten minutes. The Detainee was cooperative and polite throughout all of the interviews. The Detainee initially kept a copy of the Pashto translated Unclassified Summary of Evidence for review but returned it during the third interview and said that he didn't need it. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence. This concludes my comments.

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: The following primary factors favor continued detention; Commitment, the Bagram valley region has provided a continuous safe-haven to hostile Taliban forces. In time of attack all males pick up arms in defense of the valley against "invaders" (U.S. or coalition forces).

Presiding Officer: Sir, first I would ask, is this statement true or false?

Detainee: Sir, this is working and I am not aware of these things. I am a farmer and I don't know [about] weapons.

Designated Military Officer: In the early morning hours of 10 February 2003, a United States Special Forces (USSF) convoy approached the village of Lejay in the Bagram valley. Shortly thereafter, the USSF were ambushed with small arms fire to include AK, PKM, and RPGs.

Detainee: I am not aware of that.

Designated Military Officer: At conclusion of the conflict, USSF seized and conducted cordon and search of the area. Eleven personnel were apprehended returning from the ambush sites or in fighting positions in/around Lejay. Those returning from the ambush sites were deaf and had powder burns, with blood on their clothes.

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(Revised 10 Aug 05)

Detainee: Who is this?

Designated Military Officer: The Detainee was one of the eleven personnel detained after the ambush of Lejay.

Detainee: I am not aware of this. They caught me walking on the road.

Designated Military Officer: The Detainee was arrested at a checkpoint established north of the town. USSF observed several individuals descending the mountain. They cached their weapons and tried to leave by taxi, but were detained at the checkpoint.

Detainee: I am not aware [of this].

Designated Military Officer: all of the men who were stopped and arrested at the checkpoint were wearing green jackets and suffered from hearing loss. The hearing loss was assessed to be the result of their firing activity.

Detainee: I don't know [about] firing. I still don't know what this is.

Designated Military Officer: Connections and associations, two of the individuals arrested at the checkpoint along with the Detainee included Rahmatullah and Bari Dad. Both were wearing green jackets and were suffering from hearing loss.

Detainee: Well you caught them...why don't you ask them? I already told you this.

Designated Military Officer: Mullah Rahmatullah attended a meeting in May 2002, led by an Iranian and senior Taliban officials in Helmand Province, to discuss military operations against the Afghan Interim Administration and plans to derail the Loya Jirga Process.

Detainee: You can talk to them...where are they? You can talk to them.

Designated Military Officer: Mullah Bari Dad was one of the operators of the intelligence collection network in Deh Rawud for the former Taliban Chief of Intelligence in Qalat, Afghanistan.

Detainee: You should ask them where they came from. Who are they? Why are you asking me?

Designated Military Officer: A meeting of Taliban leaders was held on 18 October 2002 to discuss the upcoming jihad against the Coalition and the Afghan Transitional Authority. A second meeting of the Taliban leaders, to include Bari Dad Khan, was planned for 23 October 2002.

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Detainee: If you have that much information, why don't you bring them? Why did you bring me? I am a farmer...I don't know...God knows how many years [I have] been sitting here...I have no idea.

Designated Military Officer: The following primary factors favor release or transfer; the Detainee has continually professed that he is only a farmer and wants only to go home and back to farming and caring for his family.

Detainee: I'm a farmer. If you have any proof on me, just [leave here]...I don't care if you leave me here for the rest of my life...but if you don't have [anything]...what kind of talking is this? True.

Designated Military Officer: The Detainee denied any knowledge of using or possessing firearms.

Detainee: That's true. I am not aware.

Designated Military Officer: The Detainee has continually denied any involvement in shooting at Americans.

Detainee: I told you before; I have nothing to do with Americans...I have nothing to do with Muslims. I just want to go home to my children and my wife.

Designated Military Officer: The Detainee has continually denied any Taliban associations.

Detainee: The interrogator asked me the same questions. I don't even know what Talibs look like.

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 presented a copy of the Detainee's correspondence, Exhibit EC-C, to the Administrative Review Board.

The Detainee made the following statement:

Detainee: I am a farmer...the only statement that I have [is] that I am a poor guy. I have little children...why am I sitting here?

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Presiding Officer: Does this conclude your statement?

Detainee: If [you] let me talk I will keep talking.

Presiding Officer: Please state whatever you want to state. This is your time.

Detainee: You are looking for the people that hurt you...I have not hurt you. I am not beneficial to you. I have done nothing to you. I am a poor guy. You guys know about me...when you put me in jail...what am I responsible for? People put people in jail based on some documents...some witnesses...what witnesses, what documents do you have against me? If you go to my village and you ask people where I was going and what I was doing...you can ask everybody. I am very poor...and you bring people like me here. The only thing I know is about cows...I can tie them up by the neck...that is all I can say...that is all I know. So when the letters that I have received from my mother's side...everyone who knows me [sends me] a hello. Is that in your law to bring poor people and put them in jail? They captured me when I was going to the bazaar and they brought me here and put me in jail. I am still [wondering] what crime [I committed] that you brought me here. Because of human love or human rights...think about it...what have I done? If you have information that I have done [something]...anybody who knows me will tell you that I (inaudible). Bring me some witnesses or something...or some proof...

Presiding Officer: You've said this already. Would you like to conclude?

Detainee: I have nothing else to say...when you people say you are loving human beings and you are good...why do you bring people like me here?

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: Were you walking or taking a taxi when you were captured?

Detainee: I was in the taxi.

Board Member: Did you hear gunfire that day?

Detainee: No, I did not.

Board Member: Do you consider the United States as an invader of Afghanistan?

Detainee: Ask a person whose mind will understand...I am a farmer.

Board Member: What are your feelings concerning jihad against the United States?

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Detainee: I don't know what a jihad is.

Board Member: Do you support the current Afghanistan government under President Karzai?

Detainee: I don't know about government things...I love my children and my wife...that's all I know.

Board Member: Do you owe any royalty to an Afghan warlord?

Detainee: What is a warlord?

Board Member: How would you describe your behavior here at Guantanamo?

Detainee: What am I supposed to say? I am a prisoner...I am sitting in a jail.

Board Member: You say that you are a poor farmer. How much does a poor farmer make in a years time?

Detainee: I am not a farmer for others...I farm in my own land.

Board Member: So, you make no money?

Detainee: I just [live of my land]. I buy shoes...I buy clothes...I don't know how much it would be.

Board Member: So, when you buy clothes...you have no money to buy clothes?

Detainee: Yes, I buy with money.

Board Member: Where does the money come from?

Detainee: I grow wheat and corn. I have a lot of land...I sell the crop.

Board Member: So, you do sell?

Detainee: I have two wives and children...

Board Member: My question is again...how much money do you make selling [your crop]?

Detainee: I don't know how much but it would be wheat and corn...we are not like you people using pens. We don't use pens.

Board Member: My question is not about using a pen. My question is very simple. Do you get money for selling your crops? If so, how much?

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Detainee: Yes, I get money when I sell wheat and corn.

Board Member: So, now back to my original question, how much money do you make?

Detainee: I don't remember. I forget my daughter's name...they wrote [it down for me].

Board Member: So, let's talk about the letter. Your family says they are not suffering, right?

Detainee: Thank God...God will provide.

Board Member: It doesn't sound like your poor.

Detainee: I didn't say I was a beggar...that I had nothing.

Board Member: Would you agree that the place you live in is somewhat dangerous with gangs, warlords and Taliban there?

Detainee: I don't know about danger or anything else...it's a mountain area.

Board Member: So you don't worry about protecting your family.

Detainee: I am not aware that they are there...I don't know...

Presiding Officer: Do you live near a mosque?

Detainee: Yes.

Presiding Officer: How far away?

Detainee: I don't know how far but it is very close to my house.

Presiding Officer: Is there a Mullah?

Detainee: Any mosque is definitely not without Mullah. At that time there was no Mullah.

Presiding Officer: How long has it been since there was no Mullah?

Detainee: I cannot figure it out but I am even not aware of what will happen tomorrow?

Presiding Officer: Did you attend the mosque regularly?

Detainee: I am a Muslim...yes, I do.

Presiding Officer: Did you ever meet any strangers at the mosque?

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Detainee: No, I haven't.

Presiding Officer: Did any of the other brothers at the mosque ever speak badly about the United States?

Detainee: Which brothers?

Presiding Officer: Anyone.

Detainee: That place has nothing to do with America or the Afghan government. They just pray or work or whatever.

Presiding Officer: Are you aware that your land, your territory is claimed to be controlled by a warlord.

Detainee: I don't know those things. That land was given to me by my grandfather and father.

Presiding Officer: Do you know anyone who has participated in the jihad against America?

Detainee: No, I don't know [anyone].

Presiding Officer: Have you ever heard sounds of battle around your house?

Detainee: I don't know about war.

Presiding Officer: Have you ever heard sounds of battle...guns...bombs?

Detainee: What is this?

Presiding Officer: Does it matter to you what we think of you?

Detainee: You'll think about me whatever you want to think...I don't know what you are thinking...I have my own thinking.

Presiding Officer: Do you understand that we will make a decision on whether you stay here or leave here?

Detainee: I don't know who are they decision makers...

Presiding Officer: We have that decision-making authority...whether you are to be released or retained.

Detainee: I know that you have the power to release or give me to the Afghan government...all these things.

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Presiding Officer: Would you like to try to answer the questions again?

Detainee: I know you have the power...you brought me to America.

Presiding Officer: Would you like to try to answer the questions one more time?

Detainee: You can keep asking me questions for five days.

Presiding Officer: If you don't want to answer the questions, we are not going to make you.

Board Member: How many people were in the taxi when you were captured?

Detainee: Six.


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.


Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 966

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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 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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 15 August 2005 and lasted on hour. After a review of the ARB's purpose and procedures, the Pashtu Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee emphatically said yes, he wants to attend the ARB. He then stood up and stated let's go. When asked how he would like to address the allegations or statements, he said he would like to respond to each allegation or statement of information in the Unclassified Summary of Evidence after it is presented. The Detainee was very cooperative throughout the interview. At the conclusion of the interview, he was provided a Pashtu translation of the Unclassified Summary of Evidence for someone

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to review with him because he cannot read or write. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee is a combatant involved in the ambush of U.S. Special Forces (USSF) in Lejay, Afghanistan. He has knowledge of HIG and Taliban early warning systems and may have courier information.

Detainee: All of this is a lie. I had no food to eat and the Americans gave me some wheat. When America became king in Afghanistan I was so happy because they [gave] us some food and [I knew] they would [help] build our country. In our village there are no cars and in the whole village we do not have more than two donkeys. If we have more than that you can do whatever you want to me. I am that poor.

Designated Military Officer: (3.a.2) Hizb-l Islami Gulbuddin (HIG) has long established ties with Bin Ladin. In the early 1990s, Hikmatyar ran several tourist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Bin Ladin after the latter fled Sudan in 1996.

Detainee: Sir, I swear on the Koran that I do not know the names Gulbuddin and Bin Laden. I don't know if they are from Afghanistan or some other place.

Designated Military Officer: (3.a.3) The Baghran Valley region extends through Lejay. The region has provided a continuous safe-haven to hostile Taliban forces providing C2 nodes, supplies, guerrillas, training and staging areas. In time of attack all males pick up arms in defense of the valley against "invaders" (United States or coalition forces).

Detainee: Nobody was coming out of the house I was sick. Back home when you are very, very sick what we do is skin a goat and we wear the goatskin for two or three days to make you well. When we [wear] the goatskin for four or five days we get sores and things (*indicating sores on their skin*). I could not even go to the Mosque. I would come home and pray and then the people in the village said "The Kings People" are coming. I couldn't even go to the Mosque and it was about 8 feet away. It was during the festival of Ede and everyone was going to the bazaar. I was very sick and I was going to borrow

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someone's car or [get] transportation and go there. I was coming back and I was so cold I was just sitting [down] in the sunshine and that is when the Americans captured me.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee stated he had met Taliban member Abdul Wahid once a long time ago briefly in the Shinai Village.

Detainee: You [can ask] me whose servant you are or whose farmer you are, but I don't know this guy [named] Abdul Wahid. I have heard his name, but no one will let me go close to him. Just [ask] me whose farms are being planted or what farmer...I want to go there.

Designated Military Officer: (3.b.2) Abdul Rais Wahid is a Mullah and is very closely linked with the Taliban and HIG.

Detainee: If somebody [ask] me if I know the Presiding Officer if I would say yes, I will [have to] answer on judgment day. Why would I do that?

Designated Military Officer: (3.b.3) The Detainee was detained during the United States/coalition forces muster of suspected individuals involved in a series of defensive attacks against U.S. forces attempting to apprehend Abdul Rais Wahid.

Detainee: I just [completed] wudu, which means to wash yourself before prayer, I don't know [about] these things.

Designated Military Officer: (3.c.1) On 10 February 2003, USSF observed an enemy at the top of the mountain. They stopped, appeared to cache weapons, and then maneuvered down the mountain. There the enemy entered into taxis or mounted motorcycles. They then proceeded to the checkpoint.

Detainee: They say three is a proverb where the lawyer lies and the people tell the truth they will dispose of him. If you will allow I will tell you a little story.

Presiding Officer: Does it relate to this allegation?

Detainee: Yes sir. There is a story of two brothers and both were very poor. One brother found a way to have a connection with the government and the other brother's wife said look at your brother he is going to reach the King and talk to the king, why don't you go and bring some food or something for us too. So, he went to the king to get some food. He told the king he wanted to tell a story and [asked for his safety]. [He started to tell the story] and said there was a dog barking in the sky. The king said to catch him and hang him because there was no dog barking in the sky. His other brother came to the king and the king was getting ready to hang his brother. He told the king that his brother was being honest and that [the king] did not understand. He told the king a big hawk or eagle picked up a little puppy and when he was up in the sky the puppy

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started barking. So, the king let him go and did not kill him. His brother told him when I lie, I can get away with it, but you can't. Do not go to the king again. I am sick guy and the top of the mountain is a three-hour walk up and a three-hour walk down. If they caught me, why did they not catch me with my weapon? Why did they keep watching me? All of this is just accusations. I have not hurt Americans. America can spend 20 years in Afghanistan and if anyone says anything bad about Americans I will stop them.

Designated Military Officer: (3.c.2) Capture data indicates the detainee was apprehended at a checkpoint in a taxi.

Detainee: I have not been in a taxi. I was sitting in the front of my house in the sunshine because I was cold. The Americans had been there for three hours and the translator came and said they were searching and they searched me. All I had was a chewing tobacco box and they found some thousand-dollar bills. During the time of Burhanuddin Rabbani it was about forty thousand Afghani. I also had some money that people had given me from begging. I am not that guy and even in a thousand years I will not hurt Americans.

Designated Military Officer: (3.c.3) The Detainee was wearing clothing that matched that of the attackers.

Detainee: They didn't catch anyone fighting. They caught me going to the bazaar. I had very old cloths that people gave me for free. The material I am [currently] wearing, this good material, I have never worn [anything like] this in my whole life.

Designated Military Officer: (3.c.4) Detainee suffered from hearing loss (assessed due to firing activity).

Detainee: When I was born I had hearing problem in my right ear. During that time I went to a soldier and asked if he could wash it out. He put some water in it, but did not wash it good. I had pain for one month. This is my life and I have not been released from this investigation or interrogation in three years.

Designated Military Officer: (3.c.5) The Detainee said that USSF arrived in Lejay that morning, surprising everyone. This directly contradicts his previous statement that USSF had arrived in Lejay two days prior to the detainee's arrest.

Detainee: Yes, I woke up early in the morning and they were there. All I know is when they came early in the morning to catch me; I don't know what happened or what they did after that.

Designated Military Officer: (3.c.6) The Baghran Valley provides a ready financial source to hostile Taliban forces courtesy of a robust poppy growth with subsequent opium and heroin production.

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Detainee: Before that, when we were very desperate, we were planting poppy on our land, but just enough to survive. Once Karzai and these people came we quit [doing] that. Since Karzai arrived nobody has planted poppy.

Designated Military Officer: (3.c.7) The Detainee is thin and feels weak. He requested a serum shot be given to him intravenously. The Detainee received three of these from a doctor while living in Afghanistan. He does not know what these shots contained.

Detainee: That was before the Taliban kingdom. Before that I had some serum given to me. The serum was like water.

Designated Military Officer: (3.c.8) The Detainee said that on the day of his capture when he awoke he felt ill. He then had his wife give him a shot of penicillin.

Detainee: [During the] time that the Americans said that they caught me coming from the mountain I was ill. I was not able to go outside so my wife gave me a penicillin injection.

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee stated he prays for American people because they provided wheat to him and other people in his village. He does not pray for the Taliban, because they have never done anything to help the people.

Detainee: I will not lie to you and I am not going to hide anything. Yes, Americans gave us food. I like those people that don't look at your wife; they don't try to do anything to you dignity, or your wife. They are building buildings in Afghanistan how can I be mad?

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

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.

Assisting Military Officer: Yes sir, the Detainee would like to make some oral comments.

Presiding Officer: Mr. Baridad you may begin your statement.

The Detainee made the following statement:

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Detainee: Presiding Officer peace be with you.

Presiding Officer: Peace be with you also.

Detainee: I beg you... back home I have no food to eat. Please help me and please review my information. If all seven people [in the room] go back with me to my village and ask everybody and they will tell you who I am and [whatever] information you want to hear. I live in a place, that if you see it, even an animal would not live there. This is my life. The ceiling is hanging with very thin wood and I am so afraid that today or tomorrow it will fall on my children. I cannot afford to bring bigger wood or lumber there to save my family from disaster. Even in the winter when it snows and makes it heavy I am so afraid it will fall on my children. This is my life. All night I don't sleep because I [worry] the ceiling will fall on my family. When I came here there were two [pairs of] slippers for me and two blankets for me. I have never seen [anything like this] in my whole life. I am that poor. If you come and see my life then you will find out who I am. Presiding Officer I have been wrong[ly] and unjustly [accused]. Maybe if the higher office finds out about the people that captured me, they will be punished too. When I first came here they had nothing and then the third year they told me I had a cache of weapons and ammunition and it was my responsibility. The next interrogation they asked me if I was innocent, then why did I come out of my house. They told me I was in the taxi and fighting and this and [that]. If you come back home and see my life, I bet you will cry. You will come back and ask why [they] pick up this poor innocent guy. When they were recording my [statement] I told them that I wanted to talk to some high ranking people and see if they had some money to help my family because they need it. I am a farmer and I work for a guy whose legs are numb from [the knee] down. In one year he gave me one kharwar all year. Then sometimes we would go to the valley to work for other people cleaning corn or do some other labor jobs just to feed our family. I could not afford to rent a machine to do the irrigation so the water would reach my vegetables. I didn't even have water for my irrigation. This is my life.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, but my heart is heavy. These guys have no right to put me in jail for one night, let alone the three years.

The Assisting Military Officer had no questions for the Detainee.

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

Designated Military Officer: Mr. Baridad what kind of crops were you growing at the time of your detention?

Detainee: I was growing wheat and corn. I was working for another guy planting his [crops] and at the end of the year he would give me some of his crops too. In the wintertime all Afghans slaughter a sheep and they pick the wool from it and they make a fire and brown the outside of the sheep and then dry it out. My family was telling me

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[other people] had meat and we did not. There is a type of meat that we boil and put a piece of bread with it. We would be happy to have [that]. When I am very lucky I would find a piece of meat, but most of the time we boil potatoes and put salt and pepper in it.

Designated Military Officer: You said you were too sick to even get out of the bed the day you were arrested. You said you were sitting outside the day you were arrested. You said that you were going to a bazaar the day you were arrested. Which one is true? Were you too sick to get out of bed, were you sitting outside, or were you going to the bazaar?

Detainee: When I went to the bazaar it was two or three months [prior]. When the Americans came I was sitting and watching their cars and what they were doing.

Administrative Review Board Member's questions:

Board Member: When you were captured did you have your goatskin coat on?

Detainee: I had [it on the day prior to them] picking me up. After we take the skin off we don't go to the Mosque or any other place. We [stay] home and get well. We don't go to work, the bazaar, or anywhere.

Presiding Officer: Can you please explain the hearing loss you suffered? They claimed that when they picked you up you had some hearing loss.

Detainee: The day I was born I had a problem with that ear. When I went to Bagram Air Base and I told them about my ear they washed it. It was hurting a lot.

Presiding Officer: Thank you that clears it up. Thank you again for your answers and your cooperation.

Detainee: I cooperated and now I want you to...actually god has released me.

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.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 967

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-3, other unclassified information 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 Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-3, other unclassified information to the Administrative Review Board.

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.

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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 read the Detainee's response to the Unclassified Summary of Evidence:

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 24 June 2005 and lasted 80 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translation [of the] Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he would like to attend the Administrative Review Board and have the Assisting Military Officer read his response to the Unclassified Summary of Evidence. He was provided a Pashtu translation of the Unclassified Summary to help with his preparation. The Detainee was polite and cooperative during the interview. A follow-up interview was scheduled for 27 June 2005, to allow the Detainee the opportunity to review the translated response to the Unclassified Summary [of Evidence]. The follow-up interview occurred on 27 June 2005 and lasted 35 minutes. The Detainee was given a copy of the translated response to the Unclassified Summary of Evidence for his record. The Detainee was again polite, cooperative and in a jolly, humorous mood. The linguist read back to the Detainee his response to the Unclassified Summary of Evidence to verify that the responses were accurate. In response to the statement that the Detainee was captured outside Lejay Village, Bughran District, Helmand Province, based on suspicion of belonging to a group that had just fired on U.S. Forces, the Detainee stated that he didn't know anything about the gunfight or anything about the Americans. He stated, when I was arrested there was nothing on me not even a needle. In response to the statement that there were indications that the group cached their weapons, maneuvered down a mountain, entered a taxi or mounted motorcycles and proceeded to a checkpoint. The Detainee, along with others, was captured at that checkpoint; the Detainee stated, "I didn't know those people. I have never been on a motorcycle. I paid fare for a small bus to get to the market. That was the night of religious celebration. I was going to buy items for my family." In response to the statement that the Detainee, and those with whom he was captured, suffered from hearing loss. It is assessed that the hearing loss was due to their firing activity; the Detainee stated his hearing was never lost. He was OK. In response to the statement that the Detainee was captured with about 14,500 Pakistani funds, and had multiple documents in his possession, including letters addressed to mid-level Taliban commanders, the Detainee admits to having the money and the letters, but the letters were not for the Taliban. He stated that he didn't know anyone from the Taliban organization. He stated that he had his own letters, and some letters for the Karzai Afghan government. In response to the statement that the Detainee denies that he knew any of the other occupants of the vehicle from which he was captured, the Detainee stated that he doesn't know those people. In response to the statement that the Detainee displays deception when providing information relative to his capture, the Detainee stated, "I never say lies, I cooperated, I said the truth. I never said lies." In response to the statement that the Detainee said that after September 11, 2001, he worked for the Helmand Government as a security guard at the Helmand Airport. He

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shared a weapon with another guard, but he did not know how to use it, the Detainee stated, "Yes, I worked for the airport as a security guard." In response to the statement that the Detainee was identified as being a trained bodyguard for a known leader of Taliban fighters, the Detainee stated that he didn't know anyone in the Taliban organization. In response to the statement that this Taliban leader had a group of about 40 fighters, one of who acted as a spy, and collected information on U.S. and coalition forces in Kandahar, Helmand and Oruzghan, the Detainee stated that he didn't know anything about these things. He denied the first and second part. In response to the statement that the Detainee was captured with an individual who operated an intelligence collection network in support of a former Taliban Chief of Intelligence, the Detainee denied the statement and stated, "I didn't know him and I have never seen him." In response to the statement that the Detainee was captured with an individual who was scheduled to meet with other Taliban leaders to discuss an upcoming jihad against the coalition and the Afghan Transitional Authority, the Detainee denied the allegation and stated he didn't know anything about this person. He stated that he was a poor man busy with his own affairs. In response to the statement that the Detainee was captured with an individual who organized a meeting of senior Taliban officials to discuss military operations against the Afghan Interim Administration, the Detainee denied the statement and stated, "I don't know I have no information about him." In response to the statement that the Detainee is also known as Mula Nasrullah Akhund, the Detainee stated, "Yes, this is customary in my country." In response to the statement that the Detainee was captured carrying records of payments made by Mula Nasrullah Akhund to Mula Saheb, the Detainee stated, "I was in my own area. I was in charge of collecting taxes from the people. I was writing everything on paper. I was in charge of collecting taxes from the passenger buses, because I was literate. I was writing down all the money I got from the people, on a piece of paper and every now and then I would give it to my supervisor. Also when I paid the money to the government agent, he gave me a receipt. These were the papers in my possession." In response to the statement that Mula Saheb has been identified as a long time Taliban member and fighter, the Detainee stated that he didn't know anything about that. He was a government agent. I just gave him the money. In response to the statement that the Detainee claims he never fired a weapon at U.S. forces, the Detainee stated that he agreed with the statement. In response to the statement that the Detainee claims he was given the documents which were in his possession at the time of capture. He was unaware they were addressed to Taliban commander, and did not know the person who gave him the documents; the Detainee stated that he agreed with this statement. In response to the statement that the Detainee denied that he had any connection to the Taliban government, or that he passed documents from them, the Detainee stated that he agreed with the statement. In response to the statement that the Detainee states he would like to return to his country of origin, where he would continue to support the U.S., the Detainee stated that he agreed with that statement. The Detainee stated, "I was a poor person, doing my own farming for my family." The Detainee also stated "I am not against anybody, since the Americans put me in jail that's my fate, that was a mistake." The Detainee also stated, that "the day he was arrested was a religious festival he was going to buy rice for his family. We have two religious festivals, one is Ramadan and the other is when people go to Mecca." The Detainee also stated, "I am

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innocent; my father has deceased 10 years ago. I am responsible for his family as well as my own. I am the only provider for the family. I am the oldest."

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

The Detainee declined taking the (Muslim) oath.

The Detainee made the following statement:

Detainee: The day I was arrested nothing was in my possession, not even a needle. When somebody is a combatant enemy, he should have a weapon in his possession. They blame me. You're caught with other people who are enemies or who are fighting against the Americans. I don't know about them. I don't know them. I was going to the market to buy some things for my family. I'm not responsible for that. There is an accusation against me. I was a security guard in the airport, but I work [ed] this job for [the] current government of Afghanistan.

Presiding Officer: Karzai government?

Detainee: Yes. [The] Karzai government. Wherever [government] is written in my statement, this is [referring to the Afghanistan] current government.

Presiding Officer: I understand, sir. Anytime in your statement that mentions government you wish to make it clear to us that you are referring to the Karzai government, the current government in Afghanistan.

Detainee: Exactly.

Presiding Officer: Very well.

Detainee: I was a poor person. When the Karzai came to power, he helped me and other poor people. We were so happy with the Americans and Karzai government, that's why I become a soldier with the government, but I didn't know [that] eventually, I would come to Cuba.

Presiding Officer: Very well. Do you have any other statements you'd like to make?

Detainee: Yes, again. I was collecting taxes in [the] Bughran area. It was my intentions to state that I was working for the Karzai government, the current [Afghanistan] government, I was collecting taxes [for].

Presiding Officer: Very well. We understand. Does this conclude your statement?

Detainee: Yes, my statement is done. I am ready if you have some questions. I will respectfully answer your question.

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Presiding Officer: We will get to those questions in a few moments.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Mr. Nasrullah, it says in your statement that you suffered from a hearing loss and the people with you suffered from a hearing loss.

Detainee: I didn't make this statement. I've always been healthy; I never had any problems with my hearing.

Board Member: Did they try to administer any type of a hearing determination on you?

Detainee: If I knew anything I would tell. If I don't know anything, I don't. I'd say I don't know, but this is an accusation. I never had any problems with my hearing.

Board Member: You had an amount of money with you at the time [you were arrested]. Was that your money?

Detainee: It was mine. I work[ed] for it and that was my money. That was money for food for my family.

Board Member: You said that you had gotten onto a bus. Were there already other people on the bus when you got on there?

Detainee: Yes.

Board Member: Were any of those other people detained?

Detainee: No, I don't know about [the] other people. There were a lot of people that were arrested. There were a lot of people, [who] got out from every car. They were all, at the beginning, arrested. Some people were released, some people... I don't know anything about them. When I got on the bus I asked the bus driver, "How much was the fare?" Then I was sitting on the bus [and] we reached the checkpoint. Americans and other soldiers were standing there and they said, "everybody down." We got down and I was arrested. I don't know how many people were released [or] how many were arrested.

Board Member: When you worked as a security guard, what kind of a weapon did you have?

Detainee: I really don't know what kind of gun it was, but it was not only for me. It was for another person too. We both used one gun in the terminal because when he was

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guarding he was taking it, [and] when I was guarding I was taking it. I don't know anything about the gun. I don't know anything. I don't know what kind of gun was it.

Board Member: Did someone show you how to load the gun?

Detainee: No, I didn't know how to load a gun. The plane was coming and unloading the wheat and other things at the airport. I had the security of Americans and airplanes. I was keeping the security of airplanes and Americans and they always brought something to the airport and send it to another area, so I was helping with them.

Board Member: In discussing the documents that you had...who gave you the documents?

Detainee: That was something, like accounting, when I was collecting money from the people I was writing it. When I gave it to a government agent, I would take a receipt from him and some of them were white papers and some of them belong to the Karzai government.

Board Member: Mr. Nasrullah can you tell me about your village?

Detainee: Are you asking me where I'm from?

Board Member: I'd like you to tell me how large your village is? What it's like?

Detainee: I really don't know, but I believe there was 14 or 15 houses there. I cannot count my family at this moment. So I don't know...there was 14, 15, 16 houses.

Board Member: Was there a Mosque?

Detainee: Yes, wherever there is a Muslim living, there is a Mosque.

Board Member: And you were Mulla?

Detainee: No, I'm not Mulla, but I learned reading and writing. Yes, there are people [who are] saying a school. Yes, I went to school.

Board Member: How far away is the airport from your village?

Detainee: I was living in a mountain but the airport was in the province. If you take a bus or a car or something from morning you will reach there in the night.

Board Member: How did you get the job at the airport?

Detainee: When the Karzai took the power, he needed people and also because my governor needed people to work for them. That's why they ask me if I was able to come and work. I applied for the job and I got it. Whoever was happy with this government they got a job.

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Board Member: Did you ever hear of the Taliban prior to your arrest?

Detainee: No, I don't know anything about the Taliban government. When the Karzai [government] came into power, he was helping poor people. So our governor told us to come and join [them] and later we [will] give you uniforms and we [will] give you this and that, so I was unable to reach that point.

Board Member: If you were to return home, what would you do?

Detainee: I will go to my home, but if the government wants me, [or] they want my services; I'm ready to work for them. As a soldier...as anything! [If] they want me [to] I will work for them!

Board Member: Thank you.

Presiding Officer: First, you said you came from the village in the mountain and came to the airport and while there at the airport you started collecting taxes in the vicinity of the airport, do I understand correctly?

Detainee: No, I was a security guard there.

Presiding Officer: When did you become a tax collector?

Detainee: First, I was two months in province. In the center of province, I was a security guard. I was working for the government and I was helping Americans and other people. I was maintaining security. Then I moved back to my own village to see how my family [was] doing. Then the governor of the province... he called me and he said if that place is too far for you and you're not going. [He said] I could work in my own area... So he gave me the job in my own area to collect taxes.

Presiding Officer: Did you recognize any of the men in the bus that you got on that day?

Detainee: No, I didn't know anyone. This is the bus; people pay fare and everybody [goes] anywhere they want. I did the same thing. The people that were there, they are not from my village. I didn't know anyone.

Presiding Officer: Very well.

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.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 968

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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 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 occurred on 31 October 2005 and lasted 31 minutes. After a review of the ARB's purpose and procedures, the Pashto translated the Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and respond to each statement of information in the Unclassified Summary after it is presented. The detainee elected to submit 23 letters to the board. A follow up interview, to allow the detainee to bring the items, was conducted on 01 November 2005 and lasted 59 minutes. The

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detainee was cooperative and polite throughout both interviews. The detainee was given a copy of the Pashto translated Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, other unclassified information 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.

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: The detainee has been a Taliban member for six years.

Detainee: I did not spend a single night with the Taliban. If you prove that I spent one night with the Taliban then all of these acquisitions are true and you can do anything you want based on that. We were with the Governor of Helmand Province, we were friends with him since the Taliban came to Afghanistan he went to Pakistan and we went with him. When the Taliban was over thrown we came back with him.

Designated Military Officer: The detainee was a Deputy Commander for Rozei Khan, a Taliban Commander, during his time of command in combat.

Detainee: I did not hear his name. I don't know him.

Designated Military Officer: The detainee worked for Abdul Wahed on the terrorist team.

Detainee: We were friends with the governor of Helmand and Abdul Wahed is the enemy of the governor. I did hear his name but I don't know him. I heard a lot of stories about their fighting with each other. Until the last minute they were fighting between themselves. When the Taliban came into our area, from one side the Taliban start[ed] fighting us [and] from the other side Commander Wahed's people and we were defeated and we moved to Pakistan.

Designated Military Officer: The 40-man unit is part of the Taliban and supported by al Qaida. The supreme commander of the unit is Haji Raes Abdul Wahed.

Detainee: I don't know about him and when I told you that we were against him then everything is...

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Designated Military Officer: The detainee provided some tactical information for the 40-man unit and used a short-range radio and a long-range satellite telephone to communicate.

Detainee: The satellite phone I had I bought with my own money. I would get in contact with the Transportation Department if we had a problem with something or I would call my home. I was with the present government and anyone who was against the present government they were my enemy and our enemy. I don't know.

Designated Military Officer: In response to United States' requests for information against Fidayan Islam, Fidayan Islam leaders directed the detainee to find and kill the local Afghans that are helping the Americans.

Detainee: I never heard the name of Fidayan Islam, this is the first time that I'm hearing if from you guys. I insist that anyone who is against the present government I am against. They are my enemy.

Designated Military Officer: Fidayan Islam is the combine effort of Hezb-e-Islami and active Taliban.

Detainee: I don't know.

Designated Military Officer: The detainee traveled the streets of Gereshk at night asking questions about the Americans and those who spoke to them. The detainee was hoping that a show of force would scare people into providing information that would lead to those helping United States Forces.

Detainee: I did not. I completely deny this kind of allegation. I was a driver. I worked for the transportation not this kind of stuff.

Designated Military Officer: The detainee was an associated of Dost Mohammad. Dost Mohammad had planned a rocket attack against the United States military base in Deh Rawhud, Afghanistan in mid-August 2002.

Detainee: Dost Mohammad is working with the governor's brother. They caught Dost Mohammad and the United States Forces asked me if I knew this guy. I told them yes I know this guy who is working with the brother of the governor. I came to him and talked to him I know just where he works and where he lives. They let him work and they told me let's go to talk. The reason I told him [that] I know him I just saw him all the time in the surrounding area of the governor's office by telling them that this guy is working there they arrested me. They let him go and they arrested me. If he is a bad guy he is still working with the government they can arrest him any time they want.

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Designated Military Officer: As Chief of Transportation, the detainee was issued a permit allowing him to carry a driver's license, use a mobile phone and weapon. The detainee was also given a vehicle and two weapons.

Detainee: Yes, the governor gave [them] to me.

Designated Military Officer: During August 2002, the detainee and two other former Taliban officials traveled to Pakistan with the objective of acquiring a sedan type vehicle for use in a car bomb attack against the United States military base in Deh Rawhud, Afghanistan.

Detainee: That's not true. They are the opposite of us. We are against them. I even went to...

Designated Military Officer: Activity by United States Special Force teams in Gereshk, Afghanistan was monitored by Afghan military on duty at checkpoints throughout the city. United States Special Force activity, no matter how trivial, was immediately reported to the detainee. The detainee then called his insurgent counterparts via radio notifying them that the Americans were coming and warning them that they should hide.

Detainee: I don't know anything. I didn't do that kind of stuff and that was not my responsibility.

Designated Military Officer: The detainee passed reports of United States Special Forces activity to Sher Mohammed. Mohammad followed similar reporting pattern to that of the detainee, alerting his insurgent counterparts by satellite phone.

Detainee: Sher Mohammed is the governor of Helmand Province right now. We were friends of governor of Helmand, Sher Mohammed. My dealing was with being a driver. He called me sometimes on my satellite phone. That is the only relationship I had with Sher Mohammed.

Designated Military Officer: The detainee was captured on 12 February 2003 at the Forward Operating Base in Gereshk, Afghanistan near the Afghanistan Department of Transportation Office.

Detainee: Yes.

Designated Military Officer: On the morning of the detainee's capture guards woke him up and told him that someone came by to tell him that the Americans were holding some of the governor's brother's people outside for carrying weapons without permits.

Detainee: Yes.

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Designated Military Officer: The detainee approached the United States soldiers and told them that he knew these people as Dost Mohammed's soldiers and that they were authorized to carry weapons even though they didn't have their permits with them.

Detainee: Yes. They were his friend[s] and they were [the] governor's friend[s] and brother.

Designated Military Officer: The United States soldiers asked the detainee to come back to base to answer more questions about the alleged Dost Mohammad soldiers.

Detainee: Yes Sir.

Designated Military Officer: The American forces took the detainee's satellite phone and moved him to the detention facility in Kandahar the next morning.

Detainee: Yes Sir.

Designated Military Officer: The detainee did not participate in jihad against the Russians.

Detainee: Yes Sir.

Designated Military Officer: The detainee has no knowledge of Taliban in his region.

Detainee: Yes Sir.

Designated Military Officer: The detainee considers himself a friend of the United States and would not do anything to damage this relationship.

Detainee: Yes Sir.

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

The Detainee made the following statement:

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Detainee: Since the Taliban came to power we escaped and went to Pakistan. When they were overthrown we came back. Mr. Karzai the President of Afghanistan, he also came to Kandahar, Afghanistan in order to fight against the Taliban and the present governor of Helmand, Sher Mohammed, came to Helmand unto his own...and started fighting against the Taliban. When we came back I start working for myself in a store and Sher Mohammed forced me to quit that job and come and work with him. His brother...the governor...we used to work for his cousin and father who about passed away. We have a family [type] relationship with them and that's why I closed my store and came to work with him. He trusted me a lot and because of that trust he brought me to [the] transportation department and the transportation department was in Gereshk. Nobody liked the job. The governor of Helmand had a lot of enemies. Nobody also liked that the governor of Helmand should run the transportation department. When there was money we transferred that to banks, we wanted the government to become stronger and stronger. They tried to get that pushed and run the transportation and make money, but they wouldn't. Because of that, governor of Helmand introduced me to the United States Forces. The United States Forces had my telephone number. They keep me there because of the position I had nobody liked me. He was the middleman between the United States Forces and the government. United States told him that any time we need you we are going to call you and you are going to come to that specific place or if you need us give us a call and we will come to see you. When we left the governor's mansion we were walking in front and they were walking behind me. When we were in our cars I got sick. Then I came back and I was tired and sick and I fell asleep. Then the doctor, a friend of my brother, had serum. (The Presiding Officer clarified that he meant that the doctor gave him an IV). When I was asleep the guard woke me up and said someone was asking for the... I came without being afraid or scared and I talked to them and I had my...in my hands then I say Hi to them. I saw Dost Mohammad with them and they asked me if I knew this guy and I said yes I knew this guy. I saw him with the governor and his brother and he was working. Then I told him [that] yes I know him. Dost Mohammed is [the] governor's brother's... They said okay let him go. They told me let's go and we will talk. For the last two and a half to three years I have been here and I don't know anything and I didn't hear anything. We have enemies, tribal animosity against each other; the governor has a lot of enemies. On these allegations that are here in my file, if you prove one of them you can put me in jail for life. I don't know anything. I don't know anything. The telephone I have, you have advanced technology and you can check it and find out. I don't mind even being here for three and a half years, but the allegations you cannot differentiate between United States people and people against [the] United States. I will do something to realize who is our enemy and who is not. I was 24 when I was arrested and now I am 26. Five years has been passed..., at that time I was twenty-one. There is [an] allegation that I was with the Taliban for six years that means I was fifteen. Do you think a fifteen-year-old boy would fight with the Taliban? My whole plan is that I told them that yes I know this guy and he was working with the governor. That is my whole plan. If he's a bad guy and you arrested me while he is working right now with the government why don't you arrest him. Just to say yes I know this guy I have been here for almost three years.

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The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee said that he would answer to the Unclassified Summary of Evidence at the ARB. The detainee also stated he had letters to submit from his brother who is the driver for the governor of Helmand Province. The detainee's brother's return address is the provincial governor's residence. The detainee asked why would his brother send him letters if he were a threat implying that his brother would lose his job if the detainee was a threat.

Detainee: That's the place [of] my return address is the governor's residence. Right now my brother is working with the governor. We are a part of the government.

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: Do you speak English?

Detainee: No Sir.

Board Member: What tribe are you a part of?

Detainee: Ali Zai.

Board Member: Is Sher Mohammed part of the same tribe?

Detainee: Yes.

Board Member: How did your family know his family? I heard you say your family worked with his family.

Detainee: His brother's daughter is married to [the] governor's brother's son.

Board Member: Did your family and Sher Mohammed's family leave Afghanistan at the same time?

Detainee: We went separate way and they were separate. They came after us.

Presiding Officer: Was Sher Mohammed in Pakistan, too?

Detainee: Yes Sir.

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Board Member: Why did you feel like you needed to leave?

Detainee: The Taliban came and they were fighting with us.

Presiding Officer: Did you fight the Taliban before you went to Pakistan?

Detainee: No, I did not.

Board Member: Where in Pakistan did you relocate to, a refugee camp?

Detainee: Quetta, Pakistan.

Board Member: What did you do there?

Detainee: My brother was running a store and I was helping him.

Board Member: What kind of store?

Detainee: Fabrics.

Board Member: Have you traveled?

Detainee: What do you mean by traveled?

Board Member: Have you traveled outside of Afghanistan or Pakistan in your whole life?

Detainee: I went to Saudi.

Board Member: The Haji?

Detainee: Yes.

Presiding Officer: How old were you when you went to the Haji?

Detainee: I don't know how old.

Board Member: When you were in Pakistan did you hear of ...Islami?

Detainee: I didn't know this kind of stuff. I never heard the name of ...Islami. I didn't like to be a part of this kind of stuff.

Board Member: Did you attend school?

Detainee: I don't know. I did not go to school and I told them here to give me a chance to go to school.

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(Revised 3 Nov 05)

Presiding Officer: Did your brother go to school?

Detainee: No.

Presiding Officer: How come he can read and write and you can't?

Detainee: I can write.

Board Member: What were your duties as chief of transportation?

Detainee: Other people would do their work and I was the head of transportation and other stuff.

Board Member: What did your brother do?

Detainee: He's the driver of the governor.

Board Member: So, you're the chief of transportation and you were twenty-two.

Detainee: Yes.

Presiding Officer: Just twenty-two years old and for the whole Helmand area?

Detainee: The President of the Transportation Department was in Lashkaya and he was the principal in Gereshk.

Board Member: How many people did you have working for you at the department of transportation?

Detainee: Four.

Board Member: Sher Mohammed must have trusted you a lot?

Detainee: Yes, because of his trust in me that is why he gave me the job.

Board Member: Did you talk to him often?

Detainee: When I needed forms, I was going there and seeing him and talked to him.

Board Member: You said earlier that you don't know any Taliban. Is that correct?

Detainee: Taliban is against us.

Presiding Officer: You knew no one in the Taliban. You never knew any Taliban?

Detainee: Anyone who is against this government, I am against.

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(Revised 3 Nov 05)

Presiding Officer: We didn't ask if you opposed them. Did you know any?

Detainee: No.

Board Member: What kind of weapons training did you have?

Detainee: I didn't have training.

Board Member: You just had weapons?

Detainee: Two weapons.

Board Member: You said that Sher Mohammed has a lot of enemies?

Detainee: That's right. When you fight you make enemies.

Board Member: Are there still enemies?

Detainee: I don't know. I am here.

Board Member: Does Dost Mohammed still work for the governor?

Detainee: He used to work for the governor's brother.

Board Member: Do you know if Dost Mohammed worked for the Taliban?

Detainee: I saw him when he was working with the governor's brother.

Board Member: Why would you find it odd that we thought you were a member of the Taliban at the age of fifteen, when you were the head of the Department of Transportation at the age of twenty-two?

Detainee: I was teenage[r] [at] fifteen [and] I was not with the Taliban and because of the trust the governor had in me and my family that is why he selected me to be the head of transportation.

Board Member: Why were you disliked?

Detainee: Money, income and everybody wanted to have that. I had it and because of jealousy of income that is why they didn't like me.

Presiding Officer: How's your family?

Detainee: I have these letters and it says it's okay.

Presiding Officer: Is your mother and father okay?

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(Revised 3 Nov 05)

Detainee: Yes. In the letter it says yes.

Presiding Officer: How did you buy your satellite phone? It is very expensive.

Detainee: The governor gave me the satellite phone.

Presiding Officer: Earlier you said you bought it.

Detainee: No, I did not say that.

Presiding Officer: How long did you have that satellite phone?

Detainee: After three or four months at my job, they gave that to me.

Presiding Officer: Do many people in Helmand Province have satellite phones?

Detainee: I don't know.

Presiding Officer: You are here because of a couple of things. There was a terrorist team by...Abid that was often using a satellite phone that people think was yours. People walking the streets of Gereshk at night where you lived using a satellite phone to communicate about those opposed to the United States that were going to be killed and people think that was you and your satellite phone. There was also an attempt to go and get a car to make a car bomb to attack the United States and part of that was again through a satellite phone that people think was your phone. Why do you think that is?

Detainee: Abdul Wahed is my enemy and I don't have any relationship with him. I never go out at night in the city.

Presiding Officer: Did you ever use your satellite phone to point out where United States Forces were to warn others?

Detainee: I was against them. Why should I do that? The same people that forced us to leave our villages and become a refugee in Pakistan and then come back and then I have to work with him for what?

Presiding Officer: That is why you are here. People think you are doing those things?

Detainee: People will tell you everything if you have evidence and stuff. When my personal enemy comes to you and gives you bad information about me and you believe that and I come to you and I work with you and I support you and you bring me here. For what?

Board Member: Did you have a driver?

Detainee: Yes Sir.

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Board Member: Who was your driver?

Detainee: Shireen.

Board Member: How did you select him to be your driver?

Detainee: He was sitting in checkpoint and if some driver would escape he would go after him.

Presiding Officer: In fact you were running a toll road?

Detainee: That's right.

Board Member: Is your family wealthy?

Detainee: Yes.

Detainee: Based on my testimony and my statement if there is any misinformation or lies you can keep me here for the rest of my life.

Presiding Officer: What are your plans if we send you back to Afghanistan?

Detainee: If they give me the same job I will work with them and if not I can do my store.

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.


Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 971

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Presiding Officer called for a recess to bring in the detainee. The Reporter was notified to remove his name-tag by the translator.

The Detainee entered the proceedings.

The Presiding Officer called the Administrative Review Board to order and confirmed the correct spelling of the Detainee's name.

Detainee: Stated the name is incorrectly spelled and he corrected the spelling of his name.

The Presiding Officer annotated for the record the detainee's name is misspelled and made a correction.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer explained to the detainee that the Designated Military Officer, the reporter, and the translator had been previously sworn, before you entered the room.

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

Detainee asked to what should I swear? Should I swear to say what?

The Presiding Officer explained to the detainee he is promising to tell the truth. You are swearing to God that you will tell the truth; to Allah.

The translator explains to the detainee the meaning of "swearing".

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(Revised 10 Aug 05)

Detainee: In Islam we swear because we saw that thing, if we don't see that thing or we didn't do that thing, then why would we swear.

Presiding Officer asked one more time, does the detainee want to take a Muslim oath or not?

Detainee: I will swear

The Detainee accepted to take the (Muslim) oath.

Designated Military Officer administered the Muslim Oath.

Detainee: You did not answer my question, you started to swear me.

The Presiding Officer then stated the board would move on. The oath was offered to the detainee and we are now moving on.

Detainee: I will swear on my innocence. That I am innocent, I will swear.

The Presiding Officer stated the board would proceed.

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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee's Administrative Review Board interview occurred on 23 September 2005, and lasted 39 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, he said he would attend the Administrative Review Board and address statements in the Unclassified Summary of Evidence as each point is presented. The detainee elected to submit five letters from family, and a follow up interview to allow the detainee to bring the letters was conducted on 26 September 2005, and lasted for 5 minutes. The detainee was cooperative and polite throughout both interviews. The detainee was given a copy of the Pashtu translated Unclassified Summary of Evidence.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1. The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee. In addition I am handling the Administrative Review Board the following Unclassified exhibit, DMO-2, a copy of this exhibit has been previously been provided to the Assisting Military Officer and the detainee.

The Presiding Officer annotated that exhibit DMO-1 and 2 had been received.

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.

Detainee: I am not going to answer any questions because of the swearing. You guys decided on your own you not listen to me, why should I listen to you?

Presiding Officer asked the detainee if he would like to swear, yes or no?

Detainee: Anything you would like to do, do it, if you would like me to stay here for 20 years, I will stay here.

Presiding Officer stated he would ask the detainee one more time, would he like to swear, yes or no?

Detainee: If I didn't want to swear, why I swear last time at the CSRT. I will swear on my innocence. I am innocent, I will swear on my innocence. Twenty times I will swear.

The Presiding Officer again asks the detainee, do you want to swear now, yes or no, that's the question?

Translator: Sir, this is the Afghan way, can I...[indicated that he would explain to the detainee the intent of the question].

Presiding Officer: as long as you let me know Yes I am fine with that.

Translator: sure, I am fine with that. I told him that when the Assistant Military Officer had an interview with you, you accepted that you would be asked if you would like to swear, and you said yes because I am innocent. And here you are -- now you are insisting on your own word -- why- and he said "oh, I didn't understand".

Presiding Officer: Okay, let me explain then. This is a very serious process. Many men have sat in that chair right there where you are sitting. Many have been sent home. We look at each and every person one at a time. We're trying to figure out if you are still going to be a threat to the United States and our Allies. If you go under oath it means something to me.

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Detainee: Yes Sir, I will swear, no problem.

Presiding Officer: Very good. Designated Military Officer, we will do it one more time. Please administer the proper oath.

Designated Military Officer administered the Muslim Oath.

Presiding Officer: Sir you may rise if you would like. [Addressed to the detainee]

Detainee: When I understand, I will do anything that you want me to.

Presiding Officer: very well, thank you very much. Would you like to respond to each allegation or just wait and make a response at the end?

Detainee: one by one Sir.

Presiding Officer: very well, let me caution you. This is a two-step process. In this part, you respond only to the allegation. After this part is done you are going to be given an opportunity to make a statement about what ever you think we should hear. Do you understand that?

Detainee: very well.

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 to assist the Detainee with answering the statements.

Designated Military Officer: The following primary factors favor continued detention:
(3.a.1) The detainee claimed that unknown personnel approached him, gave him a Rocket Propelled Grenade launcher and told him that he was part of the ambush against the Americans. He took the Rocket Propelled Grenade launcher. When the detainee learned the Americans were on the way, he threw the Rocket Propelled Grenade launcher in a well and hid in the hole.

Detainee: No. If you have evidence then - witness- then ...

Presiding Officer: then okay, no one ever gave you an RPG.

Detainee: No Sir

Presiding Officer: so you didn't throw an RPG in a well.

Detainee: No

Presiding Officer: did anybody approach you with any kind of weapon?

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Detainee: No Sir, no no

Presiding Officer: so nobody asked you to ambush Americans.

Detainee: No Sir, if you have proof and witnesses that okay but no

Presiding Officer: Well you realize that you said that happened, that's why that's in here in the first place.

Detainee: I didn't say that, these are not true.

Presiding Officer: okay.

Designated Military Officer: (3.a.2) The detainee and another individual, upon further questioning, admitted to being part of the ambush, but they were scared and threw their weapons down a well and hid in the hole.

Detainee: No I didn't hide in the well

Presiding Officer: continue

Designated Military Officer: (3.a.3) The detainee was about to get on his tractor when the capturing unit detained him.

Detainee: My tractor was at home and I was away for thirty to forty meters away from my home when I was captured. Like from here to our camp and they can ask the old soldier that was there.

Designated Military Officer: (3.a.4) The detainee denied hear about the planned attacks and warnings to clear the village due to the suspected arrival of the Americans.

Detainee: No body left and I didn't kill anybody and I don't know anything.

Designated Military Officer: 3b Connections/Associations (3.b.1) The detainee and another were both apprehended wearing Olive Drab (OD) Green jackets, consistent with the eyewitness accounts of the individuals responsible for the attacks.

Detainee: I did not have the OD jacket. What ever I had at that time, they have it.

Designated Military Officer: (3.b.2) The detainee claims no personal knowledge of Abdul Wahid or his relationship with the Taliban. The detainee claims that everything he knows about Wahid is common knowledge among the people of Bah gram district.

Detainee: yes Sir

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Designated Military Officer: 3.c Other Relevant Data (3.c.1) The detainee claimed that he was driving a tractor with another individual when they heard gunfire in the distance.

Detainee: I was not driving my tractor; I was standing next to my house.

Presiding Officer: did you ever hear gunfire when driving your tractor?

Detainee: I heard the firing when the U.S. forces were getting closer to our village.

Presiding Officer: All right, so you did hear gunfire, just not on your tractor.

Detainee: I was sleeping in my bed but it was early in the morning that I heard gunfire.

Presiding Officer: All right, thank you.

Detainee: I did not have my tractor.

Board Member: When you heard the gunfire, was it inside or outside?

Detainee: I was in my house -- I was going to pray, it was the time for praying. I told him in my investigation.

Designated Military officer: (3.c.2) The detainee stated that he and the other individual saw United States military vehicles approaching. He further stated that the linguist working for the United States had previously told him that he should stay clear of the soldiers and to stay out of their way.

Detainee: I don't know the linguist and I don't see anything, I don't know anything.

Designated Military Officer: 4. The following primary factors favor release or transfer: (4.a) The detainee claimed that he was on his way to the bazaar to buy rice, and a filter and oil for his tractor. He was in the company of another individual.

Detainee: Yes Sir

Designated Military Officer: (4.b) The detainee stated that while the other individual was wearing an OD green jacket, he was not. The detainee also denied knowing that these OD jackets were part of the uniform of Taliban fighters.

Detainee: I didn't have my jacket and my friends had jackets.

Presiding Officer: so you had a jacket, you just weren't wearing it?

Detainee: I don't have that kind of OD jacket in my house and I didn't wear it.

Presiding Officer: but you do have a jacket, you just weren't wearing it?

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Detainee: No

Presiding Officer: But not – I mean not an Olive Drab jacket.

Detainee: I don't have --no- I don't own it and I didn't wear it

Presiding Officer: Owns no jacket what so ever; any kind of jacket?

Detainee: They have it – the U.S. soldiers

Presiding Officer: Okay, he was wearing a jacket, just not an Olive Drab jacket.

Detainee: They call it (junji), it's like an over jacket and it's a brown-maroon

Presiding Officer: all right, please continue.

Detainee: They have it there when they captured me they took everything from me.

Designated Military Officer: (4.c) According to the other individual, everyone wears these types of jackets. He also claimed that he and the detainee never used a weapon.

Detainee: Yes Sir

Designated Military Officer: (4.d) The detainee denied any knowledge/involvement in the attacks on United States Forces and has maintained this story since his first interrogation. He also denied the report detailing his admission to United States Forces that he hid weapons in the well and stated he did not have a weapon with him at the time of his arrest.

Detainee: Yes Sir, I never attack United States forces and I didn't have a weapon.

Designated Military Officer: (4.e) The detainee denied ever admitting to any United States personnel that he was a Taliban fighter.

Detainee: I was not a Taliban and I didn't know the Taliban.

Designated Military Officer: This concludes the Unclassified Summary.

Presiding Officer: Do either members of the Board desire more time to review the Unclassified Summary?

Board Members: No

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.

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The Presiding Officer acknowledged the request.

The Assisting Military Officer stated the detainee would like to make an oral statement and submit witness statements on his behalf. Assistant Military Officer submitted exhibits ECC-1 thru ECC-5.

The Assisting Military Officer had no further information to submit on behalf of the Detainee.

The detainee made the following statement:

Detainee: I didn't have weapons at the time of the investigation. The linguist made a mistake or the interrogation guy made a mistake, the interrogator made a mistake, I don't know, but I didn't have any weapons.

I have been here for three (3) years and if there is any evidence, consider that evidence and whatever punishment are there, I will take it or you can give it.

Presiding Officer: We do not punish you. We are here to decide if you should go home or stay here. That's it. You're here right now to convince these three officers that you should go home.

Detainee: You can judge me based on my behavior in the camp.

Presiding Officer: Your behavior had been recorded and is very noteworthy.

Detainee: I was not against the United States I will not be against the United States. I was not against the Government and I will not be against the Government and I am innocent and I am a poor guy.

Presiding Officer: Does that conclude your statement Sir?

Detainee: I am innocent. The last Tribunal I told them I was innocent and they didn't believe me and now I am telling you that I am innocent. You can get information from my village, not from one guy, from others that I am innocent.

Presiding Officer: Does that conclude you statement then?

Detainee: If you have any questions for me Sir, tell me, if not, I am prepared to answer your questions.

The Assisting Military Officer did not have any additional information to submit on behalf of the detainee and did not have any further questions for the detainee.

The Designated Military Officer did not have any further questions for the detainee.

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Administrative Review Board Member's questions:

Board Member: The day you were captured, did you see any Taliban fighters?

Detainee: No Sir.

Board Member: Did you see any Afghan civilians with any weapons?

Detainee: No Sir.

Board Member: Were you walking or driving a vehicle to the bazaar?

Detainee: I came to the bus stop and I was waiting for the bus to come.

Board Member: When captured, how far were you from the ambush site?

Detainee: I don't know where the ambush happened. There was no ambush.

Board Member: Were you hiding when the U.S Forces approached?

Detainee: I was sitting. I was not hiding. You can ask the linguist. We were waiting for the bus to come.

Board Member: When you were captured you were with another individual?

Detainee: Yes.

Board Member: Did the other individual have a weapon?

Detainee: No Sir.

Board Member: What are your feelings concerning the United States intervention into Afghanistan?

Detainee: We were very happy they came in. We were waiting for them to rebuild Afghanistan. We were waiting 20 years for that. Afghanistan was destroyed.

Board Member: Do you support the current Afghan Government under President Karzai?

Detainee: He is a wonderful man and I would like to support him and I would like to work for him.

Board Member: What are your feelings concerning Usama Bin Laden?

Detainee: Bin Laden is not a good guy. If he were a good guy I would not be here. Afghanistan was already destroyed and he destroyed more.

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Board Member: Where is your family living now in Afghanistan?

Detainee: In my village Legick (PH)

Board Member: How is your family being supported while you are here?

Detainee: I don't know, I'm here, I don't know.

Board Member: If released how do you plan to support yourself and your family?

Detainee: I am a driver and drive different trucks and I was able to support myself.

Board Member: And you will be able to do that if he goes back?

Detainee: yes, I have to. I don't know anything else to do then. I am just a driver and would like to drive. I've been driving in my truck for twenty years. I was a poor guy and the whole village knows me by my name as a good guy. I never been with the Taliban and I never was a Taliban. I will support my family driving.

Board Member: Do you own a truck; do you own a vehicle?

Detainee: No Sir.

Board Member: So the tractor -

Detainee: That belongs to Salam.

Board Member: You were taking this trip with this individual, who was this individual?

Detainee: My nephew.

Board Member: Does your nephew own this tractor?

Detainee: That's Isad Salam.

Board Member: What was the trip for; where were you going?

Detainee: It was the night of our (?) celebration and the store was getting closed and I was getting stuff for my house and filter and oil for the tractor.

Board Member: So, filter and oil for the tractor that belonged to this gentlemen?

Detainee: Yes Sir.

Board Member: So, do you normally buy the oil, filter, and that kind of things for this gentlemen's vehicle, for his tractor?

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(Revised 10 Aug 05)

Detainee: Yes Sir.

Board Member: You were walking to this place and you say you stopped at a bus stop, is that true?

Detainee: We were sitting waiting for the car to come. 10 meters away from the street we were sitting there. Waiting for the bus to come. It's a small farm. We were waiting. In the middle of the farm there is a road. We were waiting for the city bus to come in. They got there [American Forces] and they arrested me.

Board Member: So, you were walking to a bus stop, you sat near this bus stop and this is where they arrested you?

Detainee: Yes Sir.

Board Member: When you were arrested did you have anything in your pockets? Did the person you were with have anything in their pockets?

Detainee: I had snuff, nail cutter, tractor key, 600 Pakistan Rupees, and a very small knife. I had a small notebook. I wrote in the notebook that someone owed me 300,000 Afghani. Whatever I had in my pocket, it's in the possession of the United States.

Board Member: And this money was your personal money?

Detainee: The 600 Rupees was my own money. The oil filter and the oil the tractor - the owner has an account with the auto parts guys. What ever I buy they would write down on the owner's credit.

Board Member: So it's normal for you to ride the bus?

Detainee: It's not a bus, it's a taxi.

Board Member: And you so you have never used a weapon?

Detainee: No Sir.

Board Member: Is it not true that your country is very dangerous place?

Detainee: No Sir. Our village is not that dangerous.

Board Member: So, you don't see many weapons at all?

Detainee: I don't know anybody that has weapons.

Board Member: So, the time you have lived in your village, you may have seen a weapon once in a year? Once in two years?

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Detainee: No Sir. Yea, people had weapons at the time of Jihad when they were fighting the Russians. When I was going to the market to buy stuff many people had weapons.

Board Members: So, people are carrying weapons around, you were not afraid for your family for protection to have a weapon around?

Detainee: No Sir. The guy at the checkpoint had weapons and we were not afraid of them.

Board Members: The checkpoint for your village?

Detainee: No Sir. The checkpoint was at the market. We don't have that stuff in our village.

Board Member: So you never put your hand on a weapon, never shot a weapon?

Detainee: No Sir. They ask me if a robber comes or a thief comes in the middle of the night, comes to the house, we don't have anything to find ourselves in the daylight, how someone going to find us in the dark at night. What is he going to steal? We don't have anything they would be able to steal.

Board Member: You have some money in your pockets.

Detainee: 600 dollars, no one is going to steal 600 dollars and come to my house.

Board Member: Rice, oil, and tractors?

Detainee: That wasn't my village.

Board Member: How old was the person that you were with?

Detainee: I don't know.

Board Member: Guess.

Translator: Sir, ask him how old he was when the Soviet Union came in?

Board Member: Was he about your [referring to detainee] age?

Detainee: He is younger than me, ten years younger.

Board Member: And he is related to you?

Detainee: My nephew.

Board Member: On which side? How so? How is he related to you?

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Translator: I can tell you that. From his brothers side. In Pashtu we have specific words.

Board Member: So when he uses the word nephew, he means paternal. When did you first see him [referring to the nephew] on the day you were arrested?

Translator: The day he was captured, when did he first see his nephew?

Board Member: Yes.

Detainee: I was praying. After I finished my prayer I walked to him and we were sitting and talking waiting for the car.

Board Member: What time did you get up that morning?

Detainee: I don't know when.

Board Member: Sun up? Was it still dark?

Detainee: Before prayer in the morning, I know it was before the sun was rising.

Board Member: And was it then that you heard the gunfire, when you were still in bed?

Detainee: When I woke up and came out of my house, the firing started. I didn't go anywhere.

Board Member: And was it close by or way in the distance?

Detainee: It was about the distance between here [referring to the board review room] to camp number 4 [referring to the detention facility].

Board Member: Did you have breakfast that morning?

Detainee: No Sir. I was going to pray.

Board Member: You just prayed. Did you have coffee, tea, a piece of cheese, anything for breakfast?

Detainee: We didn't have sugar to put into our tea.

Board Member: What did you do next? What did you do after you prayed?

Detainee: After prayer I came back and had my tea. I was at home. In the afternoon, they captured me.

Board Member: You had your tea, right?

Detainee: Yes Sir.

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(Revised 10 Aug 05)

Board Member: Then what did you do?

Detainee: I was just sitting in my home.

Board Member: How long had you known that you needed oil and a filter for the tractor?

Translator: For the oil change he [referring to the detainee] he puts the stick into the engine and then takes it out and if the color changes to black he changes the oil. But the good thing about his tractor is that he adds oil to the engine everyday.

Board Member: Did you decide that day to go to the bazaar? Did you decide to go to the bazaar when you woke up in the morning? Did you know the day before that you were going to the bazaar the next day?

Translator: The detainee explained to me that he changes the oil in the tractor every two weeks.

Detainee: If we work on the tractor too many hours then we change both filters on the tractor instead of just one.

Board Member: My question still remains. When did you decide to go to the bazaar?

Detainee: I was going to the bazaar because of the Eed. The Eed is a celebration where everyone has to have something at least at their house when someone comes to say congratulations. That is why I went to the bazaar.

Board Member: You had planned to do this for a long time in the future. Is that right?

Detainee: Yes Sir. There was only one day left before the Eed. After the Eed, for four or five days all the stores are closed.

Board Member: I am going to take this one step at a time. You went to bed the night before knowing you had to go to the bazaar the next day. Correct?

Detainee: Yes Sir. That was the last day before the Eed.

Board Member: Could you have gone the next day?

Translator: The next day was the Eed Sir. It would be to late.

Board Member: The next day was to late. So this was [referring to the eve before the Eed] the last day you could go? You woke up that morning and while you were still in bed you heard gunfire. Correct?

Detainee: I was on the way to the Mosque when I heard gunfire.

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(Revised 10 Aug 05)

Board Member: I am confused. Earlier you told me that you heard gunfire while you were still in bed, early in the morning before you prayed.

Detainee: When I was in my house inside the room I didn't hear anything. When I came outside I heard the gunfire.

Board Member: This was early in the morning?

Detainee: It was early in the morning. The bullets were coming inside the house.

Board Member: Bullets came inside your house?

Detainee: I didn't see the bullets. The bullets were in the air.

Board Member: You could hear bullets going through the air over your head?

Detainee: Yes Sir.

Board Member: That is quite an exciting morning.

Detainee: We were surprised too. We didn't know you guys [American Forces] were coming. The airplane was flying overhead.

Board Member: So then you had tea, correct?

Detainee: Yes Sir.

Board Member: Did you have a mid day meal? Did you have lunch yet?

Detainee: Yes Sir.

Presiding Officer: So then you had lunch, how long after your mid day meal did you go to the bus stop?

Detainee: Maybe one and a half or two hours.

Presiding Officer: And then you heard more gunfire on your way to the bus stop.

Detainee: No, just one fire, the airplane fired one rocket. It was a very big bomb and a very big airplane.

Presiding Officer: All right; and so at about one thirty or an hour to an hour and a half after lunch, that's when you meet your nephew for the first time that day, is that correct?

Detainee: No Sir, I didn't see him and that was the first time I saw him at the bus stop.

Presiding Officer: Are you a little disappointed at your nephew?

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Detainee: No I'm not.

Presiding Officer: You read this document didn't you? This is the Unclassified Summary; you've had this read to you and you had a translated copy. Did you not read that your nephew said that you were part of the ambush? And that you threw your rocket propelled grenade and rifle down a hole.

Detainee: my nephew didn't say that.

Presiding Officer: You are sure of that. He told us that it was his nephew; the man he was with.

Translator: His nephew said that he was part of the ambush?

Presiding Officer: It says that it was the gentleman that you were with. You told us it was your nephew.

Detainee: No, my nephew never would say that and he didn't say that.

Presiding Officer: You are sure of that.

Detainee: Yes Sir.

Presiding Officer: I am pretty sure that you are sitting here today because the gentleman you were with told the American Forces that you had a rocket propelled grenade that you threw down a well.

Detainee: My nephew did not say that. I didn't have that - how would my nephew say that?

Presiding Officer: And that you were part of an ambush.

Detainee: I was not part of the ambush.

Presiding Officer: And that you hid in a hole.

Detainee: And I didn't have an RPG rocket.

Presiding Officer: They didn't just go pick you up. It cost a lot of money to fly back and forth to Afghanistan from Guantanamo Bay. My question remains, wouldn't you be a little disappointed with the gentleman that said you were doing that? That's why you and I met.

Detainee: My nephew would not say that. I don't blame you, you guys brought us by the name of Taliban and to arrest al Qaida and stuff like that but before you brought me here you should ask and investigate there from my village.

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(Revised 10 Aug 05)

Presiding Officer: You understand my confusion then?

Detainee: You investigate, I am not a Taliban.

Presiding Officer: I read the letters from you family and friends. I believe they think you are a very good man. That's why I am dismayed, I am shocked. Was there someone else at the bus stop that would have told these horrible lies about you?

Detainee: No, they didn't give a chance to my villagers to ask if I am an innocent guy and we were innocent, they just picked us up and brought us right away, until they got the news, it was too late by then.

Presiding Officer: Is it possible that your nephew was involved with this before he met up with you that day? Is that possible Sir?

Detainee: No Sir, my nephew is a very good innocent guy and his father and his mother, his parents are passed away and he's a poor guy. And he's a day laborer.

Presiding Officer: I have no further questions; do any of the Board members have any follow up questions they would like to ask?

Board member: Let's clarify one thing, was he inside of his house or outside his house when he heard the gunfire?

Detainee: Inside the house, I didn't hear. When I came outside the house, I heard it.

Board member: Thank you

Board member: Your contention is that these statements are lies or were mistranslation or were given by somebody that was your enemy, is that your contention about the statements about you being involved in this activity - and your nephew?

Detainee: I don't have any person in my village, I trust my nephew that he would not give that kind of statement.

Board member: so again, this is made up by somebody or -

Detainee: Anyone make that up, I don't know. I don't know any one of these kind of stuff. If you have proof and witnesses then (inaudible). If you can bring me from my village to here then you are able to ask questions about me from my village people.

Board member: That's very true and it's also true that the statements that we have come from reliable sources.

Detainee: No Sir. You believe me or other sources.

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(Revised 10 Aug 05)

Board Member: So that's your contention, is that the sources we received are made up or are lies, that is your contention, correct?

Detainee: If you believe me Sir, I am not against the United States Forces I am not against the Coalition, I'm not against the Government, and I am not against anybody. That's my belief, and that's who I am. But, if you believe anybody or these sources, then why do you ask me and why do you bring me here?

Presiding Officer: Well, the source is you and your nephew. You are the only sources we have.

Detainee: My nephew he said that, well then that's ok.

Presiding Officer: But you are saying that it is not true?

Detainee: None of them are true and they are false, and I am an innocent guy.

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.


Colonel, USA
Presiding Officer

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(Revised 10 Aug 05)

Summary of Administrative Review Board Proceedings for ISN 972

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was 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 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 detainee's initial Administrative Review Board (ARB) interview occurred on 01 September 2005, and lasted for one hour and 35 minutes. After a review of the ARB purpose and procedures, the Pashto translation of the Unclassified Summary of Evidence was read to the detainee. The detainee declined a copy of the Pashto translated Unclassified Summary of Evidence as he does not read Pashto. The detainee was polite and cooperative throughout the interview. At the close of the interview, the detainee said, that, during his transfer in Bagram, he fell on the stairs and caused the loss of one tooth and six of his front teeth to be loosened. He requests that the United States repair this condition.

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(Revised 10 Aug 05)

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, Exhibit DMO-2, and Exhibit DMO-3, 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.

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 to assist the Detainee with answering the statements.

Designated Military Officer: The detainee was inducted in the Militia about 22 years ago. He used an RPG, Kalashnikov, and machine gun, to fight as a Mujahadin for over two months before he escaped.

Detainee: It is not true.

Designated Military Officer: After escaping from the Militia, the detainee met and worked with Mullah Nasim as a mujahadin for about two and a half months. The detainee and the other individuals in his group went from house to house collecting Kalashnikovs and ammunition.

Detainee: It is not true.

Designated Military Officer: Mullah Nasim was the former Director of Transportation for the Bamian Province, Afghanistan during the Taliban Regime.

Detainee: It is not true.

Designated Military Officer: Mullah Nasim was employed by the commander (Ramatullah) of the Afghan National Army 865th Brigade. He was also a member of the Taliban and Gulbuddin Hekmatyar's Hizb-I Islami (HIG).

Detainee: I don't know them.

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(Revised 10 Aug 05)

Designated Military Officer: Hizb-I Islami Gulbuddin (HIG) was founded by Gulbuddin Hikmatyar as a faction of the Hizb-I Islamic party in 1977, and it was one of the major Mujahideen groups in the war against the Soviets. In the early 1990s, Hikmatyar ran several terrorist training camps in Afghanistan and sent mercenary fighters to other Islamic conflicts. HIG has long established ties with Bin Laden. Hikmatyar offered to shelter Bin Laden after he fled Sudan in 1996.

Detainee: I do know Gulbuddin.

Designated Military Officer: The detainee left Mullah Nasim's group and returned to Baghran to fight as a Mujahideen for eight years. He had an RPG and four individuals under him.

Detainee: I was working for Nasim.

Designated Military Officer: The detainee then spent two years working with Mullah Karim Akhound as a Mujahideen.

Detainee: Yes.

Designated Military Officer: The detainee was trained by the Militia, for about two and one half months, during which time, he was taught to use a Kalashnikov.

Detainee: I was not.

Designated Military Officer: The detainee confirmed that he fought against the Russians in jihad for ten years.

Detainee: Yes.

Designated Military Officer: The detainee was assessed to have been the Military/Security Commander or Chief for the Wahid Compound. The detainee indicated extensive knowledge of the compound and local Taliban leadership.

Detainee: That is not true.

Designated Military Officer: Abdul Wahid was identified as the district chief of Baghran during the Taliban reign.

Detainee: That is not true.

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(Revised 10 Aug 05)

Designated Military Officer: Abdul Rais Wahid is a Mullah who dominates the Baghran Valley region. He is closely linked to the governor of Helmand Province, Shir Mohammed. Abdul Wahid supports, and is supported by the Taliban HIG and foreign Al-Qaeda.

Detainee: I do not know.

Designated Military Officer: Abdul Wahid planned to hold a meeting for Taliban leaders at his compound. The meeting was planned to held under cover of darkness. Attendees were to arrive in inconspicuous vehicles and there were to be at least 100 security personnel operating around the meeting location.

Detainee: I do not know.

Designated Military Officer: Shir Mohammed is a member of the insurgent leadership infrastructure. The intent of the insurgents is to conduct assaults on U.S. and coalition forces.

Detainee: Yes, he is a bad guy.

Designated Military Officer: On the morning of 10 February 2003, U.S. elements approached the Wahid stronghold of Lejay Village and were ambused from the high ground on both sides of the road. The U.S. Forces also received fire from positions in and around Lejay.

Detainee: We repected them.

Designated Military Officer: The detainee was captured on 10 February 2003, on the Wahid Compound in Lejay, AF.

Detainee: Yes.

Designated Military Officer: The detainee was found hiding in a culvert on the Wahid Compound. The detainee had a freshly fired AK in his possession, three loaded magazines and a vest. He was wearing an OD green jacket like those worn by individuals captured on the north side of Lejay that morning.

Detainee: No.

Designated Military Officer: The detainee had 3,000 rupees in his possession when he was captured.

Detainee: Non responsive.

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(Revised 10 Aug 05)

Designated Military Officer: It is believed that the detainee received a telephone call alert and orchestrated the ambush on U.S. Forces.

Detainee: It is not true.

Designated Military Officer: The enemy insurgent's families had departed the villages around Lejay and moved to the south, prior to the U.S. arrival. Nearly all male fighters remained to delay/disrupt the U.S. Forces' advance toward Baghran.

Detainee: That is not true.

Designated Military Officer: Lejay is part of a region which has provided a continuous safe-haven to hostile Taliban Forces which provide Command and Control (C2) nodes, supplies, guerrillas, training and staging areas. It is also a financial source through its opium and heroin production.

Detainee: We did not allow Taliban to come in.

Designated Military Officer: Insurgents in and around Lejay are intent on the preemptive destruction of U.S. Forces in order to resist the reduction of the Taliban-based power structure.

Detainee: It is not true.

Designated Military Officer: According to the detainee, he was captured after bathing in the river/spring near his house. He said he only had some hashish, matches, and a bar of soap with him at the time.

Detainee: Yes, it is true.

Designated Military Officer: The detainee was not captured with a cell phone.

Detainee: Yes, it is true.

Designated Military Officer: The detainee does not know how to use a phone and said that phones did not work in the area due to the terrain.

Detainee: We do not have cell phones.

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Designated Military Officer: The detainee claims not to know any Al Qaeda or Taliban senior leaders and has not knowledge of terrorist activities in the area since the Russians left.

Detainee: It is true.

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 Detainee: made the following statement:

Thank you for this hearing. Although I am a detainee, I am very happy. If I committed any crime, please, present evidence, and I will pay for my crime. You should not listen to people who give you wrong and false reports. I am begging you to help me go home, so I may farm my land. I owe money that my son borrowed in my name. I am a Muslim and I know God. I do not have any bad feelings.

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: Are you a member of the Zihir group?

Detainee: Yes.

Board Member: What position did you hold?

Detainee: I was similar to a local sheriff.

Board Member: In para 3.a.2, you mentioned, that, you were collecting weapons and ammunition to you. Why were you collecting these weapons and ammunition?

Detainee: People bring me weapons, and I give them to the prison guards.

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Board Member: You worked for Mullah Acqmul?

Detainee: Yes. I was with Mullah Nasim for two and a half months. I was with Shir for eight years.

Board Member: But you said you didn't know any Taliban leaders.

Detainee: There is a misunderstanding. There are two Mullah Nasim.

Board Member: Was the person he worked for a Taliban leader?

Detainee: Mullah Nasim is a Taliban. I worked for Mullah Honzada; the other person died 10 years ago.

Board Member: In your interview you mentioned that you were jailed. What were you jailed for?

Detainee: The Taliban jailed me for hashish.

Board Member: Where were you captured?

Detainee: I was taking a bath. Someone knocked on the door.

Board Member: Were you wearing a green jacket?

Detainee: I purchased the jacket.

Board Member: Weren't you concerned that the jacket could associate you with those who ambushed the U.S. forces that day?

Detainee: I purchased the jacket for 800 rupees. An enemy accused me.

Board Member: A personal enemy accused you? Who is this enemy?

Detainee: A dispute over land.

Board Member: An ambush did occur on U.S. forces near Lejay, on 10 February 2003. Do you know who planned it, or participated in it?

Detainee: I was taking a bath.

Board Member: Is it common in your province for men, for males to take up arms in defense of their village if outside military forces approach?

Linguist request member to repeat the question.

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Detainee: Some have weapons.

Board Member: If you return to Afghanistan, and the local leaders of the province ask you to take up arms, against the U.S. coalition forces, you will not do that?

Detainee: No. The U.S. respects the law.

Board Member: Are you in contact with your family?

Detainee: Non responsive.

Board Member: If released, will you be able to support your family?

Detainee: I will do something.

Board Member: Thank you very much.

Board Member: General inaudible . . . Do you think he was a good man?

Detainee: He is not good.

Board Member: What didn't you like about him?

Detainee: He's a communist. A pro-Russian.

Board Member: What tribe are your enemies from?

Detainee: Inaudible

Board Member: Are those tribes often in conflict?

Detainee: We kill each other.

Board Member: Were you involved in fighting with these people?

Detainee: The other man killed his cousin for land.

Board Member: You have any weapons?

Detainee: I had a gun with one bullet.

Board Member: But your enemy has a Kalashnikov?

Detainee: They have two.

Board Member: You are a very brave man to go with one shot against two Kalashnikov.

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Detainee: I was not afraid of them.

Board Member: As a local sheriff, did this position allow you to go around and do judgments?

Detainee: No, I am not a sheriff.

Board Member: But you did solve problems and make decisions?

Detainee: Important decisions, religious wise.

Board Member: You said, that when you were captured, that, someone came and knocked on the door?

Detainee: I was at a spring.

Board Member: So, let me understand. There is a waterway; and in the middle of the waterway, there is a walkway?

Detainee: I was in the culvert.

Board Member: You were taking a shower?

Detainee: Yes. I bathed and got dressed, and the Taliban came.

Board Member: You mention several folks, Mohammed Mamazai?

Detainee: For 800 rupees, I purchased the coat from him.

Board Member: These people can provide evidence. You said that you received a letter from your son. Did you reply to your son's letters, requesting documents be sent to us?

Detainee: I could, but it takes a long time.

Board Member: Why haven't you already asked for documentations to be sent to us?

Detainee: Mail will not reach my place.

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.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.


Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 974

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer asked the Detainee if he wishes 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.

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 initial Administrative Review Board interview occurred on 09 September 2005 and lasted 72 minutes. After a review of the Administrative Review Board purpose and procedures, the Pashto translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee remained polite and attentive throughout the interview. The Detainee wants to address the items in the Unclassified Summary of Evidence as each item is read. The Detainee wishes to submit a statement from his father attesting to his character, and he retained a copy of the Pashto translation of the Unclassified Summary of Evidence for further review. The

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Detainee expressed the desire to be monetarily compensated upon release for his time in detention.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2, other unclassified information 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.

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: The Detainee was captured on 22 Feb 2003, when he fired on United States Security Forces, while they were conducting a search of a location containing land mines at Atburdah Village, Tirin Kowt District, Oruzgan Province.

Detainee: I [was] not aware [of the] American[s] coming there. I had no idea.

Presiding Officer: You're not answering the question. Do you understand...the questioned asked, "If on 22 February 2003, you fired on United States Security Forces?" You gave a very different answer when you had your interview.

Detainee: They said they were looking for mines. I don't know where the mines were. Where they (Americans) were coming [from]? I didn't know where they were and what they [had] come for. When I [went] to the middle of my yard I had a Kalashnikov with me. I heard [some] firing. I was so scared, because of the thieves and robbers around our village. Since I was so scared I fired three [shots] [in]to the air. [About] five minutes later there was a big light in the [sky]. I was [very] surprised. I had never seen those [lights] in my life. When I saw them I wonder[ed] if a plane [had] come and [dropped] a bomb on me.

Presiding Officer: Thank you very much for your answer.

Detainee: They injured me [with] the bomb. They saw my home. You cannot see anything from inside my house.

Presiding Officer: Thank you very much.

Detainee: How was I [the] enemy when they bomb[ed] me? They went to the Bazaar and [the next] morning [is when] they came back [to] my house and captured me.

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Presiding Officer: We understand. Next please, we have a lot more. We'll get through it.

Designated Military Officer: The Detainee was part of the firefight. He was prepositioned and hid out of sight. He fired with intent to kill or harm United States Forces and friendly Afghans.

Detainee: I don't know Americans. They [had] never been in my village before and I didn't know [what] they look[ed] like. When you don't know somebody how [can] you sit down and hide from them?

Presiding Officer: Next, thank you.

Detainee: They [were] never in my village. How can I just sit and hide [from] them?

Presiding Officer: So your answer is that you were not sitting in anticipation, you were not waiting for U.S. Forces?

Detainee: No, no. You can ask the whole village, I was a driver. I drove a bus. Since you don't believe me you can ask my village. You can ask [the entire] province what I was doing and who I am?

Presiding Officer: We have many items to go through and many of these will address the same issues you've already discussed and then we'll ask questions. I look forward to all of your answers.

Detainee: I [have] never been in a place like this and I [don't] know how to talk.

Presiding Officer: We understand completely. Thank you very much.

Designated Military Officer: The Detainee initially maintained he did not have a gun with him and did not hear gunfire or any noises. Then he stated that he thought someone was firing on his house, so he fired three gunshots into the air to scare them away. Later he admitted that he fired the bullets in the same direction that his neighbor Haji Gul Mohammed shot his bullets. He shot toward the people that were firing at Haji Gul Mohammed.

Detainee: I'm not aware. I [didn't] fire towards any side. I'm not aware of what happened. When I heard the firing I fired toward[s] the air. I didn't know [any] thing else.

Designated Military Officer: The United States Security Forces witnessed the Detainee firing.

Detainee: They hadn't seen my house. My house is among the other house[s]. How [could] they see me?

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Presiding Officer: We'll discuss more later, thank you.

Designated Military Officer: The Detainee was identified as working for Mullah Shokoor in Konduz. Mullah Shokoor was part of the main security escort for Usama Bin Laden during the time when Kabul, Afghanistan fell into U.S. hands.

Detainee: I don't know him, but you [can] go to my village and ask everybody. Nobody knows who Mullah Shokoor is.

Presiding Officer: You never heard of Mullah Shokoor?

Detainee: No. If anybody in our area has heard his name or if anybody knows him, let me know, because I've never heard [of him].

Presiding Officer: Thank you.

Designated Military Officer: The Detainee knows of Mullah Ghafur, the man whose compound was the target of the United States Security Forces search that evening. The Detainee described Ghafur as being "with the Taliban" during the movement's rule, however, he doesn't know about his activities now. Ghafur was arrested in Kabul at some point.

Detainee: I don't know Mullah Ghafur. If you ask the whole village if there is anybody named Mullah Ghafur...you can do whatever you want to me! If you [can] find [him] in our village and anybody proves that [he] is there and I know him...you can do whatever you want!

Designated Military Officer: The Detainee is an admitted opium farmer and dealer.

Detainee: The opium was in the whole area. This was everybody's business. It [was] not like me and somebody else. The whole village was planting opium. Everybody's business was making pretty good money. I was a driver and I was busy driving, but in my garden I was planting a little bit.

Presiding Officer: Thank you.

Designated Military Officer: He said he told lies in Kabul and in Bagram, and realized that lies were not going to get him home to take care of his wife and one-month-old son. He said he would no longer lie.

Detainee: Yes, it is true.

Designated Military Officer: The Detainee reiterated that he has no animosity toward the Americans.

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Detainee: No, no, no. We [don't] have [any] business with any government. I was just a driver. I drove my bus in the line and I [had] my own business. I'm very happy that people say the Americans are building the roads and building up Afghanistan. I'm happy with that. We are living in difficulties now. When the electricity comes and the roads are paved, we will have fair lives.

Presiding Officer: Thank you.

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 presented a personal letter from Detainee's father, Exhibit EC-C, to the Administrative Review Board.

The Detainee made the following statement:

Detainee: In no way [did] I [have] animosity against you and I'm not having any animosity against you. I was poor man driving a bus on the line, going back and forth. The Americans have seen my bus. They can ask [anyone from] my village if I have been associated with the Taliban or any other [associations] like [them]. They can blame me. They didn't take me the night they bombed my house. They took me the following morning, after my father had gone to them. My father told them I was injured, they (*his family*) were trying to take care of me and I was not a criminal. The governor of our province and my father promised them (*Americans*) I was not a criminal and not guilty. The people (*Mullah Ghafur and Mullah Shokoor*) that they (*Americans*) mentioned before...I have never seen them. I [have] never seen the Americans before they came to my home and said that I [did] this and this. I [have] never seen them before and I have no idea [what they are talking about]. They told them that they would take care of my wounds and I have been here for three years. The letter from my father says, that the Americans promised them they would take care of me...what happened?

Presiding Officer: Thank you for your statement.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: What is your father's name?

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Detainee: Hajji Yar Mohammad

Board Member: Can you tell me about the incident when you were firing on American troops?

Detainee: Yes, why not? I'll tell you again. I was sleeping in [my] home. I don't know about the firing but it was like *translator imitates weapons firing*. I got up and I went to the center of my yard. When I was standing in the middle of my yard I heard a lot of firing. The only thing I did was fire three shots towards the air. I did that because there are a lot of thieves and robbers in our area. They come to kill you or to take your money. You are there in my country you know about the situation. They put a gun to my head and then they took my car.

Presiding Officer: Who took your car?

Detainee: Thieves.

Presiding Officer: I just want to make sure or clear that, that didn't happen that night. A time prior to that evening someone else stole your car?

Detainee: There are a lot of thieves and robbers. They took the whole car. They tied my hands and legs. They threw me in the ditch and took my vehicle. They said, "If I talk to them they would kill me." They've killed a lot of people. We found the vehicle with holes in it.

Board Member: I understand that you're talking about an incident that happened between yourself and some robbers, but to get back to this night when the Americans were there...it seems like you stated that you had shot towards the same people that your neighbor was shooting towards?

Detainee: I hadn't fired [in] any [direction]. I just [fired in] the air. At that time, I had no idea which way...from the sides.

Board Member: Could you see any other people there?

Detainee: No, no. I came to the center of the [yard]. I didn't see anybody. I saw lights. I did three shots in the air. [I thought that] if [it] was a thief they would go back their own way.

Board Member: Was there any other firing going on?

Detainee: No, I didn't hear any firing. I just saw big bulbs of light.

Presiding Officer: You thought the big bulbs of lights were thieves?

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Detainee: When I saw them, I was so surprised...[I wondered] what kind of things [they were]? I haven't seen [anything like it].

Board Member: Where were the lights coming from?

Detainee: The west side.

Presiding Officer: Why did you initially run out to your yard and start shooting?

Detainee: The firing scared me. I got scared and [thought] if they were the thieves they would run away.

Presiding Officer: Okay, thank you.

Detainee: I don't have any other idea what was going, what were those things? The lights I saw [made it look] like daytime.

Board Member: Let me see if I understand this right. You were inside your house and heard someone firing a gun?

Detainee: Yes. I heard a kind of a noise... *Translator imitates weapons firing.*

Board Member: You heard someone firing a gun outside?

Detainee: I heard some noise...making...*translator imitates weapons firing.*

Board Member: It wasn't gunshots?

Detainee: I don't know if it was a gun or what it was? When I came to the center of my yard it started doing it again. The second time it was gunfire.

Board Member: So you thought that when you heard some gunshots if you fired your gun...that would scare them away?

Detainee: Yes, it was thieves. They will...they jump on the walls and they come in. That's why I thought they would run away.

Board Member: Okay. Do you know Mullah Shokoor at all?

Detainee: No, I don't know him at all.

Board Member: Do you know why anyone would associate you with Mullah Shokoor?

Detainee: I don't know.

Board Member: Do you know Mullah Ghafur?

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Detainee: No, sir.

Presiding Officer: Who is the Mullah in your village? Mullah Ghafur is in your village.

Detainee: If anybody tells you that there is a home by the name of Mullah Ghafur or Mullah Ghafur's existence, I'll do whatever you tell me to.

Presiding Officer: Thank you.

Detainee: There is no Mullah Ghafur in our village. If you find him, definitely I am a liar.

Board Member: Was there any Taliban in your village?

Detainee: In my village there is no Taliban.

Board Member: Do you speak English?

Detainee: *Detainee laughs* Speak English, no.

Board Member: A little bit?

Detainee: Shower. "I want to take a shower." These kinds of things. I learned from the soldiers.

Board Member: Who owned the bus that you drove?

Detainee: It's a bus I have. I started from our village, then we start going some people flagging me or we pick up people, women, children... whatever.

Board Member: Who owns the bus?

Detainee: It belongs to me. It's mine.

Board Member: Who owns the house that you live in?

Detainee: It's my father.

Board Member: Who lives in the house with you?

Detainee: I cannot tell you the exact...counting. My sister, my father, my mother. We all are living in one house.

Board Member: How many houses are in your village?

Detainee: Well, it's the whole village?

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Presiding Officer: How big?

Board Member: How many houses?

Detainee: I haven't counted it.

Board Member: Are there many? Are there a lot?

Detainee: It's a lot.

Board Member: What road is your house on? Is it close to the road or is it off the road?

Detainee: The road is a little bit far from my house.

Board Member: How many kilometers?

Detainee: I don't know about the kilometers, but when you shout somebody in the road can hear you.

Board Member: Are your neighbors close by? Are your neighbors' compounds close by?

Detainee: It's kind of connected all together.

Board Member: The walls are connected?

Detainee: Some of them are connected [with] one wall together and some of them [have] a little alley, which the donkeys can pass by.

Board Member: The night that we're talking about, the night of the attack, were your neighbors shooting?

Detainee: The walls are too high. I don't know about my neighbors.

Board Member: Is the house West of you connected to your wall?

Detainee: Kind of like one side is connected, the other side is a little bit away.

Board Member: Could you see over your wall?

Detainee: No, I cannot see my neighbor. If you jump to the roof we could see our neighbor but we don't do that. It's a four-meter wall. How can I see over that?

Board Member: Is your opium crop inside of your wall?

Detainee: No, that's far away in the garden.

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Board Member: You lied in Kabul?

Detainee: I was scared in Kabul that's why I lied.

Board Member: You lied in Bagram?

Detainee: Yes, I lied in Bagram and I told them here that I'm not going to lie, not even a point.

Board Member: The Taliban has been in your village, right?

Detainee: If you find one, it means I lied all the way.

Board Member: Do you know any Taliban?

Detainee: No, if you find out from our province governor or any [of the] other people from this village [that there] are Taliban you can tell me whatever you like or I'm lying.

Board Member: You knew that the U.S. Forces were there, right?

Detainee: I didn't know that. I didn't know. They never [had] been in my village.

Board Member: You lived in Afghanistan, but you didn't know that the U.S. Forces were there?

Detainee: Yes, why not? Americans have a very good name [to] us. They [were] building roads and helping.

Presiding Officer: How are your wife and son, are they well?

Detainee: I don't know if they are dead or alive.

Presiding Officer: You've gotten no letters?

Detainee: Just a few months ago a letter came and my dad said in that they were alive. Even if they were dead they would not send me any letters saying that they are dead.

Presiding Officer: When you were originally captured you said you knew Ghafur...at one point you lied and said that you did know Mullah Ghafur?

Detainee: I never said [I knew] about Ghafur at that time.

Presiding Officer: Okay, at one point you made a statement to the U.S. that you knew Mullah Ghafur and you knew he was in the Taliban. You said that at another time.

Detainee: Mullah Ghafar or Mullah Ghafur.

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Presiding Officer: Mullah Ghafur?

Detainee: Well, you said Mullah Ghafar?

Presiding Officer: At one point you said you knew Mullah Ghafur?

Detainee: You keep saying Mullah Ghafar and there's Mullah Ghafur?

Presiding Officer: Do you know Mullah Ghafur?

Detainee: Yes, I know him back when I was driving and somebody would say that is Mullah Ghafur's vehicle.

Presiding Officer: For the record and I apologize for my mispronunciation, but we are using the one that is spelt here...Mullah Ghafur. You do know him?

Detainee: I don't know him personally, but when I was driving and his vehicle was coming people would say there is Mullah Ghafur...

Presiding Officer: Do you know Mullah Shokoor?

Detainee: No.

Presiding Officer: You do not know Mullah Shokoor, but you do know Mullah Ghafur?

Detainee: I have heard his name.

Presiding Officer: Okay, you have heard his name and you have seen him while you were driving your bus?

Detainee: When I was in the streets, I had seen his vehicle and people would say that is Mullah Ghafur's vehicle.

Presiding Officer: Is Mullah Ghafur in the Taliban?

Detainee: Yes, yes.

Presiding Officer: So there is Taliban in your area?

Detainee: He is from other village, Balut.

Presiding Officer: Okay, he's from the village Balut.

Detainee: If anybody in my village is named Mullah Ghafur...

Presiding Officer: You said your village is very big and you don't know every one there?

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Detainee: I can recognize Taliban if they come. They would bring their vehicles and these things...

Presiding Officer: Were there Taliban in your village?

Detainee: No.

Presiding Officer: No. Thank you very much.

Detainee: If you find it, I would [be] lying.

Presiding Officer: You have told us in the past. In the past you have told U.S. Forces that there was a Mullah Ghafur in your village and he was with the Taliban. You have made that statement to the United States before.

Detainee: No, he doesn't belong to my village.

Presiding Officer: Thank you. That evening when your house was bombed, the United States was looking for land mines. Do you know where the land mines are?

Detainee: Yes, I have heard of land mines.

Presiding Officer: Do you know where they were located?

Detainee: No, I don't know. If anybody says that I had mines or I know, then you can...

Presiding Officer: The United States Forces that were looking for land mines saw you that night. They say you were hiding and waiting and fired on them as they were looking for land mines.

Detainee: I haven't heard about the mines in my villages and I didn't know about the Americans there.

Presiding Officer: The United States Forces that captured you said that in that evening when they were searching for land mines they saw you waiting and you fired upon them.

Detainee: No, I haven't [didn't do] it [to] them. I'm not aware of...

Presiding Officer: Do you know if your neighbor, who was up that night...the United States was looking for land mines at your house and when they went there you were in hiding shooting is what they said. Do you know of any neighbors or anyone who may have had any land mines?

Detainee: No, I haven't. I don't know. Show me that you went for the other guy...you came for me...

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Presiding Officer: The United States was looking for Mullah Ghafur and they were going to your house. When they went there you were hiding [and shot] at them, is [the reason] why you are here.

Detainee: One time you said you were looking for mines and now you say you are looking for Mullah Ghafur?

Presiding Officer: Because Mullah Ghafur had the mines?

Detainee: If you prove that Mullah Ghafur had a house in my village you can do whatever you want to. If the name of Mullah Ghafur...if anybody has been found in my village...I will be a liar and a bad guy.

Presiding Officer: Why did you tell lies in Kabul and Bagram?

Detainee: They bombed me at home and they brought me there. I thought they were going to kill me anyways.

Presiding Officer: What kind of lies did you tell them?

Detainee: Anything they were asking me I said that I was not aware of.

Presiding Officer: You knew I was saying Mullah Ghafur, because he read it (*referring to the translator*) and pronounced it. Why did you say that you didn't know him earlier?

Detainee: Mullah Ghafar and Mullah Ghafur there's too much difference.

Presiding Officer: But our translator said the one that is written here and he pronounced it the same way and then you said that you knew him later on.

Detainee: There's too much difference between Mullah Ghafar and Ghafur.

Presiding Officer: I believe you. I understand. What are your plans if you go back to Afghanistan?

Detainee: I will drive and work.

Presiding Officer: I'm very happy to see you wearing white that means your behavior here is good.

Detainee: Well, I'm a poor guy. I don't know why you brought me here and make me sit here.

Presiding Officer: You're here because Americans thought you shot at them when they were looking for very dangerous things. That is why you are here.

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Detainee: Nobody believes me, so my words are nothing.

Presiding Officer: No, we believe you.

Detainee: In our village there is a lot of stealing, robbery these kinds of things. If you go to see my house; from my house you can only see sky.

Presiding Officer: Thank you very much for your information. You've given us [a lot of] information, very helpful.

Detainee: I gave you information. Why have I been sitting here for three years?

Presiding Officer: This is the first opportunity...you have already been determined. I had no part in that process; you were determined to be an enemy combatant. At this point and time, we are now looking at you. We are looking at the threat you possess. We will make a determination and a recommendation if you will be released, transferred or detained at this time.

Detainee: There is a phrase at home...you're telling me the white talk. When are you going to send me home?

Presiding Officer: You will hear very soon...

Detainee: If your heart get[s] clear I will tell you...I [have] never done anything in my life.

Presiding Officer: We understand what you're saying. We understand very well.

Detainee: They are not going to let us go. They don't care about us. They just think that we don't have anybody to care about us, so why would they let us go?

Presiding Officer: You will hear when a decision has been made. Thank you very much.

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.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Captain, USN
Presiding Officer

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(Revised 8 Nov 05)

Summary of Administrative Review Board Proceedings for ISN 975

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee declined taking an 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 initial ARB interview occurred on 04 November 2005 and lasted 32 minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. When the detainee was 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 wanted to attend the ARB and would write down, for himself, notes he wished to address [to] the Board. A follow-up interview was scheduled for 05 November [2005] and lasted for 22 minutes. This interview was necessary to obtain one (1) document to present to the

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Board. The detainee was polite and civil during both the interviews. The detainee kept a copy of the Pashto translated Unclassified Summary of Evidence for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2, other unclassified information 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.

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: During the Russian/Afghan war, while he was a refugee in Miram Shah, Pakistan, the detainee served with the Mujahideen based in Pakistan.

Detainee: I was a little boy [at] that time and hundreds [of] thousands [of] Afghans became refugees [at] that time so I was one of them. I haven't done jihad and I haven't helped any mujahideen.

Designated Military Officer: The detainee is said to be an Afghan al Qaida member residing in Khowst and the planner for their attacks in the region.

Detainee: That is not a fact. I don't know al Qaida. What is al Qaida? I am a poor man and my job was a shopkeeper.

Designated Military Officer: Prior to his arrest, the detainee traveled in Afghanistan and Pakistan to recruit for the Tablighi. On this trip the detainee claimed that he was the Amir of the Group of Tablighis.

Detainee: Yes, this is true that I am a Tablighi, but I have not made [a campaign] (Tablighi) against [the] Americans. Tablighi is a religious group that is free all over the world. Even in America there is a lot of Tablighi. We were having a gathering [as a] society in Khowst and the Taliban just destroyed it. The Taliban came [and] they broke our electricity, they destroyed our mud oven[s], they destroyed our society. They destroyed the wood that we [were] using for heating. They destroyed all our society. They broke our society. The Taliban was against us. They would not let us do the Tablighi. The Taliban didn't like us. So when the Taliban regime.... At all [of] the American camps they [gave] us permission for the Tablighi. They [gave] us [a] very big center or some place to do the job. Taliban would not let us, even for one night [do our

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job], now we can do our Tablighi job for years and years. Because they (Taliban) destroyed our Tablighi society the whole Khowst was kind of upset with the Taliban. People are now [happier] with [the] Americans because [the] Americans let them do their Tablighi [job]. You can ask [the] existing government about these things.

Designated Military Officer: The detainee claimed that he is shopkeeper and a Tablighi.

Detainee: Yes, this is a fact and I am a shopkeeper. I am a Tablighi, but I am not a scholar or very educated. I never [campaigned] (Tablighi) against the Americans.

Designated Military Officer: The detainee is said to have stored mines at his residence and to have had direct communication with Arab al Qaida members operating out of Peshawar.

Detainee: This word is not a fact. I haven't kept mines in my house. It was not even existing then. I don't know al Qaida and I have no connection with Arabs. I went to Peshawar to bring [back] merchandise for my shop. The shopkeeper I got merchandise from is named Momtaz and his shop is in Peshawar.

Designated Military Officer: The detainee is believed to be a leader of an Afghan al Qaida cell in Khowst, Province, Afghanistan.

Detainee: I definitely don't know al Qaida and I am a poor shopkeeper.

Designated Military Officer: A raid was conducted on the home of the detainee's associate. The raid netted several active anti-tank mines and empty mine shells with explosives removed.

Detainee: I don't have any associate. Seven months ago a man named Obaidullah was my partner in my shop. He was my partner, we had [a] connection regarding the trade or business then we lost money. He owed me 80,000 kaldar. He [gave] me 60,000 [kaldar] and the remaining 20,000 [kaldar] he refused [to give me]. That is why our conflict started. He is from another local government [and] I am from another local government. He is too far away from me. If anything has been found out from him I have nothing to do with it.

Designated Military Officer: An associate believes the detainee may have belonged to one of the warlord groups in Khowst.

Detainee: I'm not a commander and I don't belong to any warlord or commander. I don't have any connection. I don't know any and I am a poor shopkeeper.

Designated Military Officer: Another associate of the detainee described the detainee as a religious person, not a Taliban member but definitely a friend of the Taliban.

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Detainee: I reject this question. I am not a Talib and I am not a member of [the] Taliban. I am not a friend or associate. I am a poor shopkeeper. If you [have proof] in all [of] Afghanistan that anybody says that I have been [the] Taliban's friend or member you can punish me [however] you feel like. If anybody has worked for [the] Taliban it will not be [a] secret. I ask you what my position was in [the] Taliban?

Designated Military Officer: The detainee is said to have told several people that he was preparing to conduct command-detonated mine attacks against U.S. Forces. Shortly after this threat, U.S. Forces discovered and destroyed in place two apparently command-detonated, probably plastic shelled, anti-tank mines that had been placed in holes on a highway in Afghanistan.

Detainee: I am not aware of this and I don't understand this. I have not told anyone anything. It is not a fact; it is not real. I am a poor shopkeeper. These things are too far away from me. I hate these things.

Designated Military Officer: The detainee is said to have asked an associate to store some land mines at his home.

Detainee: I don't have any associate or any friend. I haven't told anyone about the mines. That is not true. This is [a] lie and I reject these things in [a] very hateful way.

Designated Military Officer: The detainee is said to have passed information to an associate on how to detonate mines.

Detainee: I don't know about these things and I haven't told [any]body [anything]. I don't have any associates. This is [a] lie and it is not true.

Designated Military Officer: The detainee promised to pay an associate if he planted mines.

Detainee: I am a poor man. I didn't promise [any] body [any] money. [At] the time when I was arrested or detained I had debts [totaling] 78,000 kaldar. I owe money to Mir Jamal, [who] is my cousin. This allegation is [a] lie and is not based on fact. If somebody is poor and has debts [then] how can he give or promise somebody else money? I received a letter [that said to] pay the debts now.

Designated Military Officer: The detainee was apprehended because he matched the description of an al Qaida bomb cell leader and had a Thuraya phone.

Detainee: No, no this word is lies. We [were] going to Peshawar and there was another guy [there] that kind of became my acquaintance or friend. His name was Abdullah Wazir. When we reach[ed] the checkpoint [and at] the time of the checkpoint [when] they [started to] search [us] he gave me his phone. I didn't know I just held it. Police saw us [and told us to] get down and get out of the bus. When we came out they started

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searching in detail and they found some dollars and the telephone with that man. I was not aware before about the telephone and these things. This question doesn't concern me. I didn't know about the satellite telephone before [then]. When the Pakistani police captured [us] I found out this was a satellite telephone. Even three minutes before the captured us I did not know. Wazir is still here.

Designated Military Officer: The detainee's palms were significantly scarred and the burn patterns were consistent with something bursting or exploding while being held.

Detainee: I was an infant, maybe one (1) year old. My mother was cooking bread on top of [the] stove in a pot called taboci. She was baking bread [and] I crawled and I put both of my hands on top of this and [there] was part of the knees, too. I start[ed] crying and my mother came and she picked me up from on top of the pot. My meat was stuck on the top of that pot. This was done about thirty years ago. This [allegation] is a lie. I have proof of it coming from my home later.

Designated Military Officer: An associate of the detainee said that he had no knowledge of the detainee being associated with the Taliban or al Qaida and he had no knowledge of the detainee being involved with explosives.

Detainee: Yes, it's true.

Designated Military Officer: A family member of the detainee claims the detainee has had scars on his hand since before the family member was born.

Detainee: Yes.

Designated Military Officer: The detainee claims an associate gave him the cell phone while going through a police checkpoint.

Detainee: Yes, it's correct.

Designated Military Officer: One of the detainee's accusers has recanted his story about the detainee giving him mines. The accuser now claims the detainee did not give him mines, but that the person who previously resided in the house left the mines at his residence. He also says the detainee did not pass him information on how to detonate mines.

Detainee: It's correct. I haven't given [any]body [any]thing in the front and I am not aware of it.

Designated Military Officer: An accuser of the detainee has since recanted his statement about the detainee's connections to anti-tank mines and now claims the detainee was not connected to setting anti-tank mines.

Detainee: I didn't have any connection before [or] now.

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Designated Military Officer: The detainee adamantly denied ever giving his associate anti-tank mines.

Detainee: It's correct.

Designated Military Officer: The detainee denied having any other associations to al Qaida or Taliban members or their whereabouts. The detainee stated that the al Qaida and Taliban are "lost."

Detainee: Yes, that's a fact.

Designated Military Officer: An associate of the detainee said the detainee was not associated with al Qaida.

Detainee: I said earlier that I don't have any associate.

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 presented additional documents on behalf of the detainee marked as Exhibit EC-c and stated that he had no additional comments.

The Detainee made the following statement:

Detainee: I was waiting for this time for a long time here. I am very happy to join this Review Board. It is my very, very joy and happiness. I have been accused wrongly. This is the fourth year I have been detained. My nephew is in jail and he became lame. He is in Cuba. I had a brother who was in Bagram. He has been released. I was not a Talib and I was not al Qaida. At the time of [the] Taliban I never had any job or was involved. I am a shopkeeper and I have done Tablighi. I haven't done any [campaigning] (Tablighi) against Americans. Seven months ago Obaidullah was my partner in my shop. He was working with me in the shop. Our connection was business with each other. This is not a crime, I believe. Seven months ago there was a conflict between Obaidullah and [myself]. He went home. After seven months the bombs had been found in Obaidullah's house. I know that [the] things that had been found in his house were not good things. It's not [a] melon or watermelon. It is [a] very bad thing. It kills people. It kills me, too. You cannot construct a country through these. If anybody gave it to Obaidullah [then] he is a criminal. I make decision about myself. If I have anything of this nature then I am a criminal. Obaidullah is existing [and] he is here. You

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can ask the facts from him. If anybody has given [anything] to him it was his house they found [it in]. He will know the fact about where he got it. Secondly, Obaidullah has a car. I know him. He doesn't even have enough money to buy a donkey. I will tell him in front of his face. I tell the truth. I am not afraid of telling the truth. He had 10,000 kaldar and because he owed me I took it from him. He had no money. I start[ed] asking questions myself. Like where did he get the car? You can ask him this question. With Obaidullah there is a paper and that is very dangerous. I don't know what this is. It is not a land title, a certificate or a degree. If they ask from Obaidullah where he got the paper, they will find out where the training camp is and where everything that they want to know is. Obaidullah has done cruel things against me. He sent [an] American to my house. It was about personal hostility and they brought it to you guys. I am very happy I made it here alive and I didn't get killed. Now the truth will not be hidden. I want Obaidullah to be made to sit in front of me and talk to me. The time of Obaidullahs' lies is over. He better not say any more lies. He had the chance to say lies when I was not here, [but] when I came [here] he [could not] say lies anymore. I have been wrongly accused. Deep down in my dossier you can find out the facts. I would like to say [the following] about Abdullah Wazir. He had the dollars and satellite phone. Three minutes before the capture and arrest I didn't know anything about it. If Abdullah says that this is my money and satellite [phone] then you can put me in jail for twenty or thirty years. I should not be captured because somebody else did wrong. Why am I in jail because he did wrong? America has no proof [against] me. My home only had one gun, a rifle. This is a home rifle. I just had that rifle for my own protection. I request this from you and please pay attention. The person is available here. I am a shopkeeper and I would like to say that you can find gold or anything in a store, but you cannot find a bomb store. I am so surprised and I don't know where he gets those things [from].

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

Assisting Military Officer: Show the Board Members your hands. (At this time the detainee placed his hands out in front of him, palms up.)

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

Administrative Review Board Member's questions:

Board Member: What kind of activities did you engage in as Tablighi?

Detainee: Tablighi is like this. We tell people [to] pray five times, read [the] Quran and don't hurt anybody. Have a good ethic...Muslim... From the Tablighi hand is peace to [the] whole world. They don't hurt anybody. The Tablighi is free all over the world. If only the Tablighi were free in the time of [the] Taliban. The Taliban didn't like us.

Board Member: Why would the Taliban be against the Tablighi?

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Detainee: Taliban were a little bit [of] hardliners. These people (Tablighi) are middle and easy with people. Also, they were telling us that we were not going with them to jihad. They have a rule that says #6, #7. They told us you are #6 you just completed good things but why don't you Tablighi for jihad....

Board Member: Have you ever served in any military either in your home country or another country?

Detainee: No, I was a refugee in Pakistan. I haven't done any military service.

Board Member: While driving to Peshawar you met up with the man who gave you the money and phone, Wazir?

Detainee: Wazir didn't give [it to] me in Peshawar. [At] the bus stop we became friends.

Board Member: Do you know what he was up to? Why he was traveling?

Detainee: He has a store in Khowst, too. He was going for merchandise to bring back to his store. When we became friends, I was in the front seat and he was in the middle. They told us to sit down [at] the checkpoint and he gave me the phone at the time of the search.

Board Member: Do you know why he gave you the phone?

Detainee: Because the Pakistani police found out these things were with us and found out we were refugees...money...I got mad at him [because] he didn't do a good thing. He said he was sorry he made a mistake.

Board Member: Do you know why your brother was detained in Bagram?

Detainee: I was in jail in Pakistan when they captured him. The Americans came to my home [and] detained my brother and Shamsullah. The [one] named Shamsullah is here.

Board Member: But they released your brother?

Detainee: Yes, we [were] three people. I am here and two were released, my brother and [his] son.

Board Member: Is Shamsullah your nephew?

Detainee: Yes.

Board Member: Does he live with you?

Detainee: Where?

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Board Member: In Afghanistan.

Detainee: Yes.

Board Member: How is he lame?

Detainee: When he was sixteen he was working with me in the store and he got a mental problem. He was making trouble fighting [with] other people.

Board Member: Did you say his leg was hurt?

Detainee: When [the] American[s] came to our house there was a Kalashnikov in our house and he knew that [the] Americans would take this gun. So, he took the gun and went to the mosque. The American[s] asked him to stop and he didn't stop, so they shot him [and] he became lame.

Board Member: What kind of shop do you have?

Detainee: Flowers. I sell flowers, pots, [and] chairs, and these kinds of things.

Board Member: What kind of store did Wazir have?

Detainee: He had a tire store.

Board Member: Did you know Wazir in Khowst?

Detainee: Yes, he [would] come to the mosque and pray.

Board Member: You attended the same mosque?

Detainee: Yes.

Board Member: Were you part of the same tribe?

Detainee: No, different tribes.

Board Member: What was the name of your partner at your shop?

Detainee: Obaidullah.

Board Member: Is he a member of the same tribe as you?

Detainee: No, they are different.

Board Member: Do you speak English?

Detainee: No.

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Board Member: When did you leave Afghanistan for Pakistan?

Detainee: [At] the time of the Taliban.

Board Member: Was the Taliban in power when you left Afghanistan?

Detainee: No.

Board Member: Did you attend madrassas in Pakistan?

Detainee: No.

Board Member: Can you read and write?

Detainee: I can read Pashto but I learned how to write a little bit here.

Board Member: What hand do you write with?

Detainee: Right.

Board Member: When did you come back to Afghanistan from Pakistan?

Detainee: [At] the time of [the] Taliban.

Board Member: Why would you come back if you didn't like the Taliban?

Detainee: They destroyed our society but they did not tell us not to come. We had permission to come work and do things, but the society....

Board Member: Did you spend time in Lahore, Pakistan?

Detainee: Yes, that is the center of Tablighi.

Board Member: Where did you get your Kalashnikov?

Detainee: My brother had it.

Board Member: Where did he get it?

Detainee: He bought it before.

Board Member: Did you ever shoot it?

Detainee: No.

Board Member: Who all lived in your house in Afghanistan?

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Detainee: My brothers.

Board Member: How many?

Detainee: Two.

Board Member: You don't know any al Qaida?

Detainee: No.

Board Member: You've never heard of them before?

Detainee: When the trouble came out then I start[ed] hearing about al Qaida. When [the] Americans went to Afghanistan then I heard the name of al Qaida.

Board Member: You had never heard of that before?

Detainee: No.

Board Member: Did you ever see any al Qaida in Lahore, Pakistan?

Detainee: No.

Board Member: Do you know any Jama'at-al-Tablighi that are al Qaida?

Detainee: No.

Board Member: Do you know any Jama'at-al-Tablighi that are Taliban?

Detainee: No.

Board Member: Why do you describe the Taliban and al Qaida as "lost"?

Detainee: When the Americans came to Afghanistan the al Qaida and Taliban were lost [because of the] new administration [and] new government.

Presiding Officer: How's your family?

Detainee: Right now I do not know.

Presiding Officer: How many children do you have?

Detainee: I have four boys and two daughters.

Presiding Officer: Who hates you? You say you had nothing to do with al Qaida, nothing to do with the Taliban, nothing to do with mines, you don't own the cell phone, and the burn patterns happened when you were a child.

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Detainee: Yeah that's true. The one that really has punished me is Obaidullah.

Presiding Officer: Why does Obaidullah hate you?

Detainee: We had money problems and that conflict started because of money.

Presiding Officer: Jama'at-al-Tablighi has good things, but many people who answered to Jama'at-al-Tablighi have also become involved against the United States. Are you that at all?

Detainee: That is a lie.

Presiding Officer: How do you feel about the United States?

Detainee: I have heard Americans are building roads, schools, hospitals, [etc].

Presiding Officer: Those roads can't have land mines. Land mines on the roads are very bad. People think you put mines on roads. Mines kill people.

Detainee: That is [a] very bad thing. I reject this. If there is a mine in my house then I am a criminal. If I gave somebody any mines then I am [a] criminal. They capture[d] mines and everything from Obdaidullah. If I have anything to do with [it] then they can kill me. If I am a criminal they can punish me. I am not crazy. I don't have any mental problem. You are recording my conversation. I am telling the truth.

Presiding Officer: What kind of flowers did you sell in your flower shop?

Detainee: You put on your neck and on cars.

Presiding Officer: Very popular in Khowst?

Detainee: [The] Taliban destroyed our job. It is getting better.

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.

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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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Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 977

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

Detainee: We are God willing Muslims and there is no lying in our belief, in our religion and in all things [we] do not lie. Since Bagram up to now I have told my interrogators if I told any small lies or if anything I say is a lie, I will be a criminal and they can punish me however they want.

Presiding Officer: I understand your customs and I am aware of them, but I just request that you give me a yes or no answer and you are not required to take the oath.

Detainee: There is no problem I will swear.

Presiding Officer: The Muslim oath?

Detainee: Whatever is your law.

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 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.

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Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB initial interview was conducted on 14 November 2005 and lasted one hour and ten minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. 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 was non-committal and inquired if attending would benefit him. After the ARB process was thoroughly explained, the Detainee stated he would attend and would provide oral statements, point-by-point, to the Unclassified Summary of Evidence. The Detainee was very cordial, attentive, interactive throughout the interview, but appeared to have involuntary, sporadic twitching of his hands and mouth. At the conclusion of the interview, the Pashto translated Unclassified Summary of Evidence was provided to the Detainee, via his guards.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and the Terrorist Organization Reference Guide, DMO-3, 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 for presentation to the Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of the information from the Unclassified Summary as it was presented.

Presiding Officer: The Designated Military Officer (DMO) will read a statement and you will be given an opportunity to respond for as long or as short as you would like.

Detainee: I appreciate and thank the board for giving me the opportunity to answer the allegations in front of me.

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 to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Connections/Associations (3.a.1) The Detainee admitted he had met Gulbuddin Hekmatyar in 1995 and saw him again in 1996 when Gulbuddin Hekmatyar came to the Sarobi region of Afghanistan to settle a matter regarding land disputes.

Detainee: Yes, this is very clear and very understanding [throughout] the whole world. When the Soviet Union came to Afghanistan, Gulbuddin was one of those leaders who stood up against the Soviet Union and fought. Because Gulbuddin was fighting Soviet

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Union, America and the whole world was helping him to fight Soviet Union. We belonged to that country and that religion. We had an obligation to join a party, to fight for our country, our area. We were not officially Gulbuddin Hekmatyr party members. We were a tribe who [sided] with them in the fight against the Soviet Union, but I was not a member of the Gulbuddin party. Since 1375, (in Pashto calendar) I had no problem with Cold War because nobody was killing or nothing. When he started trouble with other countries and other groups I gave up on him and haven't been working with him since.

Presiding Officer: What was that year again?

Detainee: 1375. After 1375, if anybody can find any connection between me and Gulbuddin phone connection, writing connection, seeing, meeting or anything I will be your criminal.

Presiding Officer: I appreciate your response, but what kind of land disputes did Mr. Hekmatyr resolve?

Detainee: I don't know, after the Najeeb Government, Gulbuddin took over as president, and then Rabbani. Between Rabbani groups and Hekmatyr groups, there was heavy fighting going on. I haven't heard about any dispute over the land. When the Taliban took over I was in Charabsa and after the Taliban ran Gulbuddin away, they took all of his residencies, groups and troops in Sarobi.

Designated Military Officer: (3.a.2) The Detainee admitted that he and his father were both Hizb-I-Islami Gulbuddin commanders from 1988 to 1996.

Detainee: I don't know if it was about 1988 or 1996 but my father was the leader of the group in my area. He was fighting against the Soviets and then he became sick. The whole tribe asked me to lead them, so I became their commander. Najeeb government fell in 1371 so I don't really know the date. So since 1371, Gulbuddin group was in charge of our area, his was the government. I had to obey the rules and regulations of the government. For any government that has come, we have had to obey the rules of that government. The subjects never turned against the government and I was a subject to the government in Sarobi.

Designated Military Officer: (3.a.3) It was reported that Gulbuddin Hekmatyr stayed at the Detainee's residence in Sarobi in November 2002.

Detainee: 2002 is how many years ago?

Presiding Officer: Three.

Detainee: Three years before. Is a few months less than three years that I have been here.

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Presiding Officer: Do you recall when you were detained or arrested? It says here he was captured in March of 2003, so we are talking about four months before that.

Detainee: Like I said before after 1375, if you find any connection by letter, by telephone, by messenger or anything I will be responsible as charged. I am a poor guy and Gulbuddin is a big guy and he is coming to my house and staying in my house, that's funny. Unfortunately, I am right with some miserable human beings that are just telling the American authorities that I did things and they are giving wrong information. Besides that, you have been aware that for the past 25 years there was a Civil War going on in that country. The Farsi and Pashto [people] have conflict between them and it is a very miserable thing. They said Gulbuddin stayed in my home [about] four months prior to my capture and that was the time of government of the Americans and Sarobi is in the middle of Afghanistan and he honored me and came to my home? How did he get there? There is no way Gulbuddin could get to Sarobi in 2002.

Presiding Officer: Why not? Why couldn't he get there?

Detainee: Thank God, it was the Karzai government and the government of Karzai secured the whole country with the American Forces presence. Besides that in Sarobi, when Gulbuddin's kingdom was running our hostilities started between Gulbuddin and me. We would drive in a car and they would shoot at us. My cousin got shot in the neck and his name is Taj Muhammed and we were like big enemies (referring to him and Gulbuddin), so why would my enemy be coming to my home? This kind of government I was expecting for a long time and we were happy. So how come these people are giving you the wrong information making a friend out of my enemy?

Designated Military Officer: (3.a.4) The Detainee attended a meeting in December 2002 with Taliban and Hizb-I-Islami Gulbuddin officials to discuss the operation of a training camp.

Presiding Officer: This is approximately one month after it was reported Gulbuddin stayed at his house.

Detainee: All these allegations are baseless; there are no facts to them. It's just some people who gave reports to put us in jail and that's it.

Presiding Officer: Well we have some reliable sources that gave us this information and that's what we are basing our questions on, or our comments. And as honest and as open you can be with us we would appreciate so we can at least differentiate where you were working with HIG and possibly with the Northern Alliance. It is understandable during the Soviet occupation that you sided yourself with somebody such as Mr. Heymatyr to protect your village.

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Detainee: Yes, you say you have a very reliable source but I challenge you, just like I mentioned after 1375, if you can find any connection between me and the HIG, I will be guilty as charged, but this is the wrong information. I have enemies who gave the wrong information to put me in jail.

Designated Military Officer: (3.a.5) The Detainee was one of the main contacts for two Hizb-I-Islami Gulbuddin leaders in their efforts to conduct underground activities to rally and arm villagers for attacks against Coalition Forces.

Detainee: As I mentioned earlier these are not facts and are not true. They gave you this information and they [must] have no conscience to give you this wrong information. If they can prove this on me, I will let you punish me on behalf of all the Detainees here in Cuba, to show to the whole world that if somebody is doing these things they will pay for it. My eyes are waiting for the light to come up, for the sunrise, when we will be comfortable and at peace. When we will be able to find some food other than a piece of bread for our children. I was waiting for God to bring us some fight or some help to these fighters and this fight will be finished and we will live in peace and quiet with our family, our children, our brothers and our sisters.

Designated Military Officer: (3.a.6) The Detainee was identified as shipping weapons to Hizb-I-Islami Gulbuddin elements in the Parajan region of Afghanistan.

Detainee: I would like to say that you mention Parajan. Parajan is not even in that area and I have never visited that place, I don't know that place. Everyone in my village knows I hated war and fighting. I started working on my land, building a gas station and a hotel to have a peaceful life. When we heard on the radio that Kabul was collecting weapons from all corners of the country I thought thank God, we are going to have a better life. There will be no weapons for people to fight.

Presiding Officer: But this is talking about you shipping weapons to a region. The question is have you been involved in shipping weapons to Afghanistan?

Detainee: No, never! I have never taken weapons anywhere. Like I said when I heard on the radio that Kabul was taking weapons, I was so happy and I said, "Thank God they are collecting weapons." We will have peace for our families, our children and our brothers. I haven't transferred any weapons nowhere.

Presiding Officer: Later we are going to bring up that you admitted to having different types of rocket launchers and some Kalashnikovs.

Detainee: That's right! I had [them]. The weapons were all over Afghanistan at anytime and the tribe called me a leader. The Americans from the division of Jalalabad came with three commanders named Haji Mosa, Haji Wadu, and one named Malik and from the eastern zone, Chief of Staff General Calhoun. They came and told me to let them collect my weapons and I told my tribe that these gentlemen came to collect the weapons so give

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them the weapons. I collected the weapons and I brought them in my home and Engineer Wasel said keep the weapons here [just in case] the government wants you to serve them you can use these weapons to benefit the government. Otherwise we will collect them later on. They started giving rations to 50 people. They sent people who took the numbers of the weapons and they [just] took the numbers with them.

Board Member: Let me get this straight please. The weapons belonged to your tribe sir, correct.

Detainee: Yes.

Board Member: And that is why you stored them in your residence?

Detainee: Yes.

Board Member: And the Americans came one day and said you can retain the weapons if they were used in support of the new government.

Detainee: They told us to collect weapons in one place and we collected the weapons. They ordered about the ration of some food and things and they said if the government had a mission or a job for you, you could get this and use it. Otherwise we will come and take the weapons.

Board Member: So most of these weapons belong to your tribe?

Detainee: Actually the weapons belonged to the Taliban government but the tribe took the weapons from them. My tribe told me that we would use the weapons for the security of Sarobi.

Presiding Officer: You took them from the Taliban when? When they were still in power?

Detainee: When the American government started campaign, they announced on the radio to separate yourselves from the Taliban. Then we became separate from them, took their weapons and returned to our village.

Presiding Officer: When you say you took the weapons from the Taliban, did they freely give them to you? How did you take them?

Detainee: The Taliban forced my people to work for them or being their soldier, even me. When the Americans came and started campaigning we already had the weapons.

Presiding Officer: You were actually working for the Taliban and that is why you had the weapons?

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Detainee: Any government that comes and asks about making me a soldier I will, besides going to jail. I was working for them that is what it is. The American Forces came and then my tribe became separated from them (Taliban).

Designated Military Officer: (3.a.7) The Detainee has fought with the Hizb-I-Islami Gulbuddin, the Taliban and the Northern Alliance. The Detainee has switched sides several times and claims his loyalty is for the Afghan people and not a particular regime.

Detainee: That should be very clear to you. In Afghanistan the government has switched many times. First of all you know in our government, Gulbuddin was in charge so we were their soldiers. Then the Northern Alliance was under control and we were serving them. The Taliban came and we started serving them. Then when the Karzai government came we were happy for the government and we were ready to work for them and be their soldiers. I don't have any news from my village, my tribe, my wife, my children, my house, nothing. I just humbly request from this session, please I am requesting, please show me my crime not other peoples crimes, and let me know my crime. I haven't done any crime and the only thing I am hoping and expecting is that a good government will come and we will be in peace and take care of our family and children to have a better life.

Presiding Officer: My concern is you have supported three other groups and there are smaller groups back in your country that are fighting the U.S. Forces that are there trying to do good. So my concern is that you could possibly join a force that could fight against the U.S. Forces that are there.

Detainee: As far as my area there were no groups. I was not that big of a guy to make a group or go off to a group. I was like any government that came along I was serving; I was not a big shot. We are poor men and very, very miserable poor people. When we find the morning food, we are still thinking about how we are going to find our food for the evening. I don't know when the government became like this; we don't know which way to go and what to do. We are very poor people.

Designated Military Officer: (3.a.8) The Detainee's arrest put most Hizb-I-Islami Gulbuddin attack plans on hold.

Detainee: Like I said before and I am telling you again, these are baseless words. We are very poor people we are just thinking about trying to get food. We are hoping that one day we will hear that there is a peaceful government and we will live in peace with no war. When I heard on the radio Americans are here and we heard that in America people are not poor or go without food and there is no poverty there. So when we heard the Americans were here; we thought that one-day we would have enough food and have a peaceful life. We are waiting for those good times. Our country has been built up, our people have peace and our lives will be better. Like me, I have never been in school and my children have never been in school. We want to have education and build a better life. That is what we are waiting for. These are very, very baseless reports about me. I

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know the people who gave these reports are my enemies and I believe they are America's enemies too. These reports they gave caused me and my father to be detained here and he is a sick man. We expect good things from Karzai government and the Americans.

Presiding Officer: You said your father is here, do you know his number?

Detainee: He is with me in Camp Four, in the same room.

Presiding Officer: He is housed near you?

Detainee: Yes.

Designated Military Officer: (3.a.9) The Detainee's brother held a secret meeting with five Hizb-I-Islami Gulbuddin commanders to plan ambushes on Coalition Forces to capture prisoners.

Detainee: I have been here for almost three years and my brother as far as when I was there, was working at home and started having a gas station. When I have that much enemies, he may have some also. I don't know anything else. All I know is one is God's kingdom and the other is America's kingdom.

Designated Military Officer: (3.b) Other Relevant Data (3.b.1) The Detainee was captured at his compound on 1 March 2003. He was detained because of his suspected links to Hizb-I-Islami Gulbuddin and to rocket attacks against a foreign government agency.

Detainee: I can say that they captured me in my own home, but the rest of this is made up, non-fact reports. It was a government owned house that I was living in.

Presiding Officer: And the rocket attack against a foreign government agency, do you know what they are talking about?

Detainee: I can tell you in my life I haven't shot a rocket. This is a very baseless allegation. Yes my tribe called me "commander." I was their leader. I was serving my tribe, my people.

Presiding Officer: In the next comment we are going to talk about you having four rocket launchers, yet you said you have never shot one.

Detainee: One is having them and one is firing them, yes I did have them but didn't fire them. I kept them to stop the firing and I wanted my country to stop firing totally and give them to some reliable sources. When they came to collect these the American Forces soldiers were with them just like I mentioned earlier and there were three commanders from Jalalabad division with them. Eastern zone commander and Chief of Staff, General Calhoun as I mentioned earlier, and according to this general and these

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authorities they collected our weapons on their orders and took them to my home. Then they gave us rations for 50 people and they told me to keep the weapons if we need you to support the government. Otherwise, we will collect them and store them in some other place. Its' not like these weapons went to some bad place. About 500 meters there were some other government forces near. It was a safe place. To serve our government and to bring peace to our people we collected the weapons from the people. We were listening to the orders of our own government and nobody violates the orders of the government.

Board Member: I have a question, sir. Did you have rocket launchers in your building/home?

Detainee: Yes, it was a government house I was living in it. The zone commanders had the numbers of everything they collected.

Board Member: And you say you have never fired a rocket launcher.

Detainee: No.

Board Member: Do you know how to operate the rocket launcher?

Detainee: I have not fired it, but a lot of people said all you have to do is read the book and they have done it and know how to use it. I don't know myself how to use it but I have heard it done. Nobody has even fired it close to me, but I have heard it from a distance.

Designated Military Officer: (3.b.2) The Detainee admitted he had four rocket launchers, 77 Kalashnikovs, three or four machine guns and several different weapons stored in his home.

Detainee: Those were village weapons, which I have already mentioned.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated that the Americans and United Nations support the Afghan Government and the Afghan people have to build their country the way others have been built. The Detainee stated that the people under his command understand this and they are pro-American.

Detainee: Those are very proven words. The poor miserable Afghans who are worry about getting a piece of bread everyday were expecting that kind of government to come to get them more than a piece of bread. All we know is what we were hearing from the radio about how many people died, killed, captured, died from bombings and these kinds of things. We hardly heard any good news and when this government came it was like bringing light to a dark room.

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Designated Military Officer: (4.b) The Detainee stated that he was hired to provide security against Taliban and al Qaida fighters and terrorist.

Detainee: Yes, this is correct. When the Americans started their campaign in Afghanistan, General Rahim Wordak sent for us and then we took the security in our own region of Sarobi. We kept active to secure that region. As you know, the Northern Alliance and Farsi talking people and authorities who sent him to us put him in jail and the General Rahim's secretary in jail, and then they said you are not fighting in our behalf like the Farsi people. You are supporting the Pashtons. All the Farsi speakers believe the land belongs to them and they want the power.

Designated Military Officer: (4.c) The Detainee stated that he had instructed his personnel to give up their weapons only to the Karzai government or to American Forces.

Detainee: That's proven, that's true. That is very proven when the American authorities came with the Afghan Commander to collect weapons and we would give them the weapons.

Designated Military Officer: (4.d.) The Detainee stated he would oppose any Taliban, al Qaida or other terrorist entering his area.

Detainee: All over the world radios and televisions say, "Don't let al Qaida come to your state". That's why we were on the side of the government and against those people.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

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.

Assisting Military Officer: Yes sir, the Detainee requested to make an oral statement before the board.

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: After the Unclassified Summary of Evidence was read the Detainee summarized his response by stating, "I don't know these things." Before deciding to attend the ARB, the Detainee opined the problem was determining whether his presence would be beneficial, and he then claimed, "If they present this calmly and

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coolly as was done today, then yes, I will attend." When informed by the AMO that he would be treated with respect and dignity during the ARB and he would be expected to treat others likewise, the Detainee recited a Proverb, "Human is being in good behavior with others." The Detainee then claimed he was taking medicine for a mental condition and opined he would be best prepared if the ARB was held after his normal practice of morning Prayer, breakfast, and naptime. When the AMO asked if he wanted to respond to the Unclassified Summary point-by-point or after it was presented in its entirety, the Detainee replied, "after each point, because my memory is very weak...I take medicine." When the AMO asked if he wanted to present any written statements, by himself or others, the Detainee replied, "I am very weak in my writing" and then stated, "I have letters from my cousin, my brother...but the best document is me." The Detainee then opined he didn't even know what would be beneficial in those letters because "I don't know why I'm here" nor "Why I'm a Detainee." The Detainee further opined that after three-plus years of detention, he still wasn't sure if "the U.S. detains friends or enemies" because "as a Detainee, I have always done my best to cooperate... and tell the truth." The Detainee then claimed if anyone could prove otherwise, "they can punish me." On the subject of being a threat to the United States or its allies, the Detainee stated "My memories are only good...based on the United States support (to Afghanistan) after the Soviet invasion" and then claimed he was "happy again when the United State[s] invaded to fight al Qaida."

Detainee: It was not human is treating human with good behavior it is "Human". When you help somebody or do some good to a human being you feel like you owe them (clarification of the Proverb mentioned in the Detainee's additional comments).

Presiding Officer: Could he please just clear up, "Human is being good behavior with others."...and explain to us what he really meant.

Detainee: The literal explanation, I don't know, but this is kind of a local Proverb that we say. Like yesterday, this officer spent time with me and he treated me very kind. This man has treated me very humanly and I owe him for this.

Presiding Officer: Thank you.

Presiding Officer: You may begin your statement at this time.

The Detainee made the following statement:

Detainee: You have already, a few minutes ago, heard it and I don't want to say too much because I would just repeat that. I am wondering why I am a prisoner? They said I was taking part of this operation and conducted this meeting and this and that. I was that kind of guy. So why when Americans come with the zone commanders and told me to collect the weapons, why did I do that? I could have fought them back. If I was an operations person and when the Americans came and the Afghan commanders came and I had the weapons, and done a lot of operations, why didn't they do something then if

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they wanted to capture me? That's okay, I have been here a little less than three years and maybe I will be here longer according to their judgment and maybe they will research more about me to see who I am and maybe, I can be released or remain here. I will give it to God and whatever he is doing. For the future of these poor miserable people and also some of them are in pain, why they bother these poor people and keep punishing them? It's okay my family, my children, my nieces and nephews, my brothers, my cousins, and my village are all okay. If America is happy with putting me in jail, and if my being in jail brings peace to America, and they benefit then they can put me in jail for another three years if they want. I can see all of these people have family and children, and I have family and children, and I can put them in front of my eyes and look at my children the same way. Three years, a little bit less than three years, I have not heard news about them and they have not heard news about me. I don't have any crime and I don't know my crime. If my being a prisoner brings some peace and happiness and solves America's problem, they can keep me here.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, I don't have anything else to say. Thank you for listening in this session and paying attention to what I have said and I will keep in my memory this good session all my life.

The Assisting Military Officer had one question for the Detainee.

Assisting Military Officer: I was wondering how much time transpired between the point that the Americans came and collected the weapons and the time you were captured?

Detainee: I did not write the date. It could be a month or more. How many months [went by] I don't know. I don't know how many months or days.

Presiding Officer: So it could be about a month?

Detainee: No, more than that.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: What would be your occupation if you were released?

Detainee: If I were released, as I planned before I came here, I will start working on my land and I will build a gas station. I was also going to build a hotel; it depends on the government if they will leave me alone. That was my plan, to run a gas station and a hotel because I have seen too many soldiers and war. When I see a military base, I will close my eyes and keep walking past it, I am through with weapons and war.

Board Member: Thank you.

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Detainee: Thank You.

Presiding Officer: You are through with the weapons and war, it sounds like you have been a good soldier for many a year.

Detainee: Soldiers are only working for the government; the other side is called fighters. Like here there are some leaders and there are some subjects. Soldiers are obeying the leaders. Then I was a soldier.

Presiding Officer: You were also a leader in your region of Sarobi.

Detainee: Local tribe.

Presiding Officer: You wish to go back to work on your land as a farmer to build a gas station, restaurant and hotel?

Detainee: When I was free I picked farming for myself. I built up a gas station and I put my brother on that. So when I started my hotel, I was going to put my other brother in charge of that. All my life, my desire was to have a quiet life and do good things. That was my dream. Some days I am dreaming about how it would be nice to have my own land and things around me.

Presiding Officer: I would like to thank you for your honest answers today and we will most definitely take your comments into consideration.

Detainee: Thank you very much, from the ground to the sky that much thanks. If I lied or if I have lied on anything else against the Americans or, if you find out anything I have said is a lie, then I am a criminal.

Presiding Officer: My biggest concern today is the comment we brought up to you about your suspected links to some rocket attacks against a foreign government agency and I am a little concerned about your answer there.

Detainee: I said these are baseless reports that you have received. I said in Afghanistan that for a long time there was misery and bad things were happening. In that kind of condition the Pashto and Farsi conflict started growing. Because I am a Pashton and I was defending Pashton and I was standing beside my people. Because of General Rahim Wordak and Karzai was in power in the government and they were Pashton, I was supporting them and standing beside this government. Unfortunately, in our area, Farsi talking people and Tarjik people were in power in the government, all the government control things in their hands. They couldn't find any other excuse to get rid of us they just tied these allegations on us to get us put in jail. That's why if anybody who is not on their side would be put into jail so they can get total control of the government. The United Nations and the United States, I have deep, deep respect for them. Forget about the rockets, I did not fire rockets on them, this is impossible because I respect them very much. Even when they were in Sarobi during the interim election of Karzai they didn't

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give us a chance to join the elections. They brought their own people to just combat the election and everything. They were telling the people to give the vote to their people. The Northern Alliance, the Americans believed them, and anybody who was on their side. So you can ask General Rahim about that because he was in Afghanistan at that time, but I don't know where his is now.

Presiding Officer: Thank You.

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.


Colonel, U.S. Marine Corps
Presiding Officer

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(Revised 10 Aug 05)

Summary of Administrative Review Board Proceedings for ISN 987

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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.

Detainee: Sir, I swear that I will honestly and truthfully will answer any question that you ask.

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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclass information) 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.

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(Revised 10 Aug 05)

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: Commitment, three potentially incriminating letters are associated with the Detainee.

Detainee: The three letters that you [mention] in this exhibit, I have no idea about. Only one letter...the first letter that they took to me at Bagram, Afghanistan was from Mulawi Kabir. The translator showed me the letter in Bagram that was written by Malawi Ahmed Jan...

Presiding Officer: What language is the letter in?

Detainee: In Pashto. Malawi Ahmed Jan is the one who wrote the letter. I had him in prison once...I arrested him once. Any letters should have a date or some numbers and that was at the time of the falling of the Taliban. I don't know who wrote this letter. I was not a civilian...I was a governmental officer. I fought the Taliban...I fought al Qaida. I was a Commander. During the time of the Taliban I was in Pakistan. When the war started and Americans came I was with the Northern Alliance fighting against the Taliban. The Regime that was there which is now the Ministry of Defense in Afghanistan...I was one of it's Commanders.

Presiding Officer: Since, you have gone beyond [answering] the first [allegation]; I am going to ask for the DMO to read his allegations down to number five.

Detainee: I will do it but let me finish my statement.

Presiding Officer: Please, one moment. AMO do you have any objections with that. He has gone beyond and into other areas and I'd like the record completed. He'll be allowed to make a statement.

Assisting Military Officer: If he can keep on track with his comments and we give him an opportunity...

Presiding Officer: You'll be given ample time to respond.

Designated Military Officer: Letter one alleges Detainee had prior knowledge of and failed to stop production of Improvised Explosive Devices (IED's). Letter one appears to have been written after the Detainee's arrest because it refers to him as the "previous security commander." The Detainee was the security commander until his arrest. Letter

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two was written on Mullah Mohammed Omar's official letterhead regarding a meeting and agreement that the Detainee and Malawi Ahmed Jan reached. The author is unknown.

Detainee: I was wondering...when I was there they said that Mullah Mohammed Kabeer wrote that letter and now when I came here [I was told that it was written by] an unknown person. What kind of accusation is that?

Presiding Officer: OK, please give us the name of the person you were told originally wrote the letter.

Detainee: Your investigator showed me in Bagram that that letter was in the name of Mulawi Mohammed Kabir.

Designated Military Officer: Letter three was addressed to the Nangarhar intelligence department and "all Taliban members." It identifies the Detainee and urges all recipients to offer as much help to him as possible.

Board Member: Obviously, we've had discussions about this case prior to this event. Just for purposes of expediency, [you need to know] that all three of us have not put much credibility to any of these letters that we received.

Presiding Officer: We feel [that] they are highly suspicious.

Detainee: If it is suspicious for you guys...so you are not sure so why are you guys detaining me.

Board Member: You are not asking us questions. I just want you know that we are not concerned so much about these letters. We don't think that they implicate you.

Board Member: Please answer number two concerning production of improvised explosive devices.

Detainee: I didn't have to. It was not necessary. Why would I make explosive devices? Why? I was a police officer, how could I do that?

Presiding Officer: Did you or did your subordinate police seize any improvised explosive devices?

Detainee: In the time that the Taliban fell, I was a Commander and I collected ground-to-ground rockets...I didn't seize any explosives but I seized that heavy machine guns, rockets, rocket launchers and I put them in a secure place. I have been accused of putting explosive devices behind that court. There was nobody in that court. It was an old building.

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Presiding Officer: OK, that refers to the next session...hold one moment. What I would like to do is read the next sessions that cover that area and then hear your side of the story.

Detainee: Yes, sir.

Presiding Officer: What I would like you to do is read "B" and "C" in its entirety then stop before you get to [number] four and we will allow the [Detainee] to respond.

Designated Military Officer: Connections and Associations, Detainee identified Jan as the Taliban Minister of Mines and Industry. The Detainee and others ambushed Jan and a group of Taliban, took Jan prisoner and beat him. Jan was released to the Pakistan government because it intervened. Other Relevant Data, the Detainee fought in the Russian jihad as a commander for nearly fifteen years. After the jihad, the Detainee served as the Deputy of Refugee Affairs in Jalalabad. During the Taliban era, the Detainee fought the Taliban. The Taliban captured the Detainee and held him for nearly two months. The Detainee was confined for a short time in his hometown until several Taliban captured the Detainee and held him until he lost consciousness. The Taliban released the Detainee after village elders spoke on his behalf. He was exiled from Afghanistan when he was released. The Detainee returned to Afghanistan and fought alongside the Americans during the assault on Tora Bora.

Detainee: You are going too fast for me; please let me answer each one of them.

Presiding Officer: OK, we can pause here. Please respond. If you bring up material that is farther down in our information, I am going to direct the DMO to catch up with you. Please proceed.

Detainee: That is why I asked you before to just give me one question and I will answer it and then another...and I will answer it.

Presiding Officer: But that is not what you are doing. You are giving a long narrative to a short statement.

Detainee: I will answer each question. I was with the Northern Alliance on the other side of the border of Afghanistan catching Taliban. I released those Taliban because of the Pakistan people. Then they compensated me for the cars and the weapons that I had confiscated. Because I was with the Northern Alliance, I fought the Taliban for six years and that is why they captured me.

Presiding Officer: So you were never a prisoner?

Detainee: Yes, they put me in jail at the time of the Taliban. When I released me, I went to Pakistan and captured them. How come is was [determined to be] an Enemy Combatant because I was fighting the Taliban and they put me in jail...how come?

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Presiding Officer: This board does not address the status of Enemy Combatant. That was a different board and we will not address that issue today. This board decides if you should be detained, transferred or released...that is all.

Detainee: Do you want me to answer or not?

Presiding Officer: Please.

Detainee: I [turned myself in] to the Afghan government to show them that I am not an enemy of Afghans or Americans. If they prove that I am guilty, they can keep me. If they don't, just let me go.

Designated Military Officer: After the fighting ended, the Detainee was appointed as commander of security for Shinwar District. The Detainee remained as the security commander until his capture.

Presiding Officer: Is that true?

Detainee: Yes, I was sitting in my office and they captured me.

Designated Military Officer: Two months prior to his arrest, the Detainee and the District commissioner discovered weapons stored in two locations, within and next door to the judge's office.

Detainee: Yes, the local governor and me found a cache of weapons, which included 210 rockets and other weapons. We brought them to our Commander's office and we put them together.

Designated Military Officer: Detainee claims he notified the governor, the military head of office and the intelligence office in Jalalabad but never received a response from anyone.

Presiding Officer: Is this true?

Detainee: Any weapons we found from the Taliban or other enemies, we brought them to the Commanding Office and every clerk or lieutenants each wrote it down by hand in a book. That is the kind of cache they have. Why did they say that I didn't inform them? Everything that we brought to the base was written down.

Presiding Officer: Is the statement true or false?

Detainee: We informed the governor.

Presiding Officer: Thank you.

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Designated Military Officer: Mid-February 2003, United States Security Forces (USSF) came to collect the weapons cache from the district governor. The Detainee says he was in Kabul and did not inform the USSF of the existence of the IED's.

Presiding Officer: First I want to know if this statement is true or false, then you can explain it.

Detainee: I have to explain it to you.

Presiding Officer: First, is it true or false?

Detainee: I'm sorry I have to explain it...

Presiding Officer: Stop! Were you in Kabul?

Detainee: At that time, my brother was coming from Hajj.

Presiding Officer: Were you in Kabul, yes or no?

Detainee: Yes.

Presiding Officer: Was this [at] about February or 2003?

Detainee: Yes.

Presiding Officer: Did United States United Forces come to your area?

Detainee: Yes.

Presiding Officer: All right, now please explain.

Detainee: I was in Kabul because of my brother and when the American Forces came, my subordinates and my boss, which was the county governor...they, one by one gave up their weapons to the Americans. If you don't believe me, you could contact Shinwar in Jalalabad. Any paper we send we keep a copy. The copy is there. We informed the government.

Presiding Officer: Is it your position that it was the governor and the local police that failed to turn over the weapons?

Detainee: We informed the governor and everybody in that county. You can go right now and you can see the whole document.

Presiding Officer: Thank you.

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Designated Military Officer: The Detainee was captured on 26 February 2003 while at his security compound.

Detainee: Yes.

Designated Military Officer: When informed that explosives were discovered behind the courthouse the Detainee admitted he was aware of the ammunition but knew nothing of explosives. The Detainee was arrested and taken to jail in Jalalabad.

Detainee: I told you before that I knew about the weapons but I did not know about explosive devices. If they capture that, they should at least show me. I was set up.

Board Member: {May I} clarify? The statement says that you knew about ammunition...

Detainee: Yes, I knew that we brought them a long time ago...I knew that we cache them in my command's depot.

Board Member: So you knew about the weapons and the ammunition?

Detainee: Yes.

Designated Military Officer: The following primary factors favor release or transfer, the Detainee characterizes two letters as forgeries. He said that the letter on Mullah Omar's letterhead was written by his enemies in an attempt to destroy his reputation.

Detainee: Yes.

Designated Military Officer: The Detainee claims that Haji Jabar, author of letter one is a liar and does not know why he would prepare a sworn statement against him.

Detainee: Yes.

Designated Military Officer: The Detainee said that many HIG members in his province are causing trouble. He does not support the operations of the HIG as they preach resistance to disarmament.

Detainee: Yes.

Designated Military Officer: The Detainee denies having any explosive devices or planning any attacks against the Americans.

Detainee: The Americans were our friends. How could I fight against them?

Designated Military Officer: Even while confined, the Detainee still considers himself a part of the government and is concerned with how stability could be achieved.

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Detainee: Yes.

Designated Military Officer: The Detainee characterizes the Americans as his friends and the primary reason that he was able to return to Afghanistan.

Detainee: Yes.

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:

Detainee: Please talk about this letter, which was presented to the Presiding Officer.

Presiding Officer: Please begin your statement.

Detainee: Mr. _____ 4700, the Commander of Security in Jalalabad wrote to me. He said hello to me and he wrote "God willing" and the rest was redacted. The Security Commander in Jalalabad was my boss and he wrote this letter to me and he supports me. If I was a criminal or something... a con or a cheater... he would not be talking to me or writing me a letter.

Presiding Officer: Sir, do you wish to have a copy of that letter placed into evidence?

Detainee: Yes.

Presiding Officer: DMO can you please ensure that this is marked and properly presented? Is there any objection from the DMO if this exhibit is received?

Designated Military Officer: No.

Presiding Officer: Does that conclude your statement?

Detainee: No, I want to talk some more.

Presiding Officer: Please continue.

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Detainee: At the time that the Americans came I was in Pakistan and Rahim Wardak, which is one of the leaders of the (inaudible) group called me and asked to come back and fight the Taliban. Rahim Wardak, [who] is now the Ministry of Defense that is right [in place] now in Afghanistan, they told me to help the Americans and they gave us satellite telephones to gather information from the other side of the borderline. They introduced me to the American Consulate to bring the information to them.

Presiding Officer: Did you meet any Americans?

Detainee: Yes, I talked to the American Consul...I have talked a lot with him. These people introduced me to him.

Presiding Officer: Did you ever work with any special forces?

Detainee: Yes.

Presiding Officer: Soldiers?

Detainee: Yes.

Presiding Officer: Officers?

Detainee: Yes...you can ask all of those people in the American Forces.

Presiding Officer: What rank?

Detainee: Officers.

Presiding Officer: Do you remember any names?

Detainee: I lost a little bit of my memory but I have the names in a book that I had in Kabul, Afghanistan. You can ask the American Consul on the time in Afghanistan. There are secrets between me and the Americans that I cannot tell you.

Presiding Officer: Do you have any further information?

Detainee: That was one reason that explains why I am not a threat to Americans and the next reason is that I fought [against] the Taliban side by side in Tora Bora and I am on the cameras that the Americans have. If I lie those cameras or those satellites will not lie.

Presiding Officer: Were you in Tora Bora when Mohammed Karzai was almost killed?

Detainee: Yes.

Presiding Officer: By the American bomb?

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Detainee: Yes. I was in Tora Bora but I heard it on the radio. I was involved in the battle.

Presiding Officer: Did you work with Mohammed Karzai's group at all?

Detainee: There is a Commander named Abdul Qadir. I believe he is not there but his son is still there. You can ask him...I was there in Tora Bora. There were three Commander's in Tora Bora. One was Haji Zaman, who belonged to the Mahaz party. Commander Hazrati Ali was present there. These Commanders are witness that we surrendered Taliban and al Qaida and we captured them alive. I can tell you the name of the al Qaida members that are here. They don't know me but I know them. All of the Americans are aware that we fought together in Tora Bora and then I had some hostility with Hazrati Ali, he was a Commander...that is why I have been framed. I have been framed by those Commanders...I have some person problems with them. That was the problem.

Presiding Officer: OK, we are going to move to the next phase now.

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: Were any improvised explosive devices produced at your compound while you were the security Commander?

Detainee: No, sir.

Board Member: Were any munitions removed from your area?

Detainee: No, sir.

Board Member: Were any explosives removed from the munitions?

Detainee: No.

Board Member: What was the purpose for keeping these weapons at your compound?

Detainee: I was the Security Commander...that was the government's property, not mine.

Board Member: You recorded the munitions you stored initially; when provided those munitions to the United States Special Forces, were they the same number and types as were originally recorded?

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Detainee: They were the same.

Board Member: In the Unclassified Summary 3.c.9, it says 'did not inform the United States Special Forces of the existence of the IEDs;' why is it called IEDs in this document?

Detainee: I never said IED or explosive devices...I don't know that.

Board Member: Do you have a home you can return to?

Detainee: Yes.

Board Member: What will you do to support yourself and your family?

Detainee: You know Afghans...we have property. I have a lot of property. I can live on it with no problem. I have a question.

Presiding Officer: Please hold; we have another board member [with questions].

Board Member: Item c.8, how did you notify these individuals? You said you notified the Governor, the Military Head of Office and the Intelligence Office in Jalalabad. How did you notify them?

Detainee: I answered that before and I will answer it again. We wrote an official letter to the government of Jalalabad and the copy is still there in our office. If you don't believe me, you can check and see the copies of the letters.

Board Member: What have you done to have those letters and documents sent here? Have you asked the AMO to try to get those letters here? Have you spoken to the Red Cross? Have you spoken with the folks that are sending this letter that you provided? What have you done to be able to present these documents that you say exist?

Detainee: Our office wrote a letter to the office of Jalalabad. If you don't believe me, the copies are still there.

Board Member: Whom have you told to try to get those letters here? What have you done to talk to the AMO or the International Red Cross or have you requested letters to be sent here? What have you done in terms of being able to get those documents here for your case?

Detainee: Yes, I didn't ask anyone to bring the documents. Now that you are asking me you can get the documents now.

Board Member: Did the AMO not tell you that you could get documents or have them find ways of bringing witnesses or bringing documents here?

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Detainee: The Assisting Military Officer didn't ask me otherwise I would (inaudible).

Board Member: Could you elaborate on why you think the folks that you say framed you wanted to ruin your reputation?

Detainee: As far as I worked for the Americans...my enemies framed me and brought me here. It is a frame...

Board Member: Why? Why would they?

Detainee: Right now, those people belong to al Qaida, Taliban, and Hezbi Islami Gulbuddin...they are still working for that government. They love to frame the people working with the Americans.

Board Member: Do you have any experience in working with IEDs at all?

Detainee: No.

Board Member: So, your military experience and your experience as a police officer has no experience [with IEDs] whatsoever?

Detainee: No, sir.

Board Member: So, you've never picked up one or seen one.

Detainee: No, Gob bless me...I haven't touched one.

Board Member: Have you been involved in any criminal activities influenced by government people or anything like that?

Detainee: No.

Board Member: Do you have any concerns if returned to the country of Afghanistan that someone would be interested in seeing your family or yourself hurt?

Detainee: Yes.

Board Member: You do? So, you still have enemies in Afghanistan?

Detainee: I'm afraid of another scheme like this. I am not scared of them...I'm not less than they are. I'm just scared of another scheme like this, which I can do nothing about.

Detainee: Can I ask any questions?

Presiding Officer: Yes, but I'm not sure that we will answer.

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Detainee: I just want to say to the Honorable Presiding Officer that I am not a threat to America. I can prove it by sending a fax to the Ministry of Defense. If they answer you that I am not a threat, would that be good enough? You can ask a lot other officials...I am not a threat.

Presiding Officer: Thank you.

Detainee: I'm still thinking that if I go back I will work with the Americans.

Presiding Officer: Thank you.

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

*The Detainee interrupted with the following question:
The Presiding Officer 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.


Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1001

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the oath.

The Administrative Review Board took a brief recess due to a suspected problem with the tape.

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.

Presiding Officer: Assisting Military Officer, please read your comments from the Assisting Military Officers comment block.

Assisting Military Officer: The Detainee's ARB interview was conducted on 10 November 2005, and lasted 30 minutes. After reviewing the ARBs purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated that he understood the difference between the CSRT and the ARB. 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 said he would like to attend the ARB and speak openly with the Board Members. The Detainee was very

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polite, attentive, and would like to respond to the Unclassified Summary of Evidence after each point is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 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.

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.

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Detainee Actions and Statements. (3.a.1) In mid February 2002, al Qaida fighters in the Paktia Province, Afghanistan, were providing payments of \$3,000.00 United States Dollars to the Detainee. The payments were intended to ensure that the Detainee provided support to al Qaida and facilitate the departure of al Qaida family members from Afghanistan.

Detainee: In the name of Allah, this is not true. I fully deny it. I don't know al Qaida. I didn't do this kind of stuff. At that time, I was the District Chief by order of President Karzai. The allegation is not true.

Designated Military Officer: (3.a.2) The Detainee was identified as a military commander, leading a 12-man unit of former Taliban and al Qaida members who were planning to attack U.S and Afghani Transitional Administration facilities using Guerilla warfare techniques in September 2002.

Detainee: I was not a Commander. I did not have any group. I don't know anything about the Taliban or al Qaida. I never took any actions against the [Afghan] Government. I have never taken any actions against United States Forces. With the coming of power of the Karzai Government, the people of Zormat elected Taj Mohammad as the Governor of Paktia and I became the District Chief [of Zormat]. A letter of my confirmation [as District Chief of Zormat] was sent to the capital [Kabul]. I worked as the District Chief for six months. I was supporting my Government [Karzai]. Honestly, I worked for the Government [Karzai].

Presiding Officer: Let me ask you a question. You are/were the Chief of Police, correct?

Detainee: Chief of Police, no Sir. District Chief. It's a political position.

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Presiding Officer: You were in charge of what, of whom?

Detainee: I worked for the Government side. I was the Chief Controller [of the province].

Translator: To clarify, the Chief Controller [also know as District Chief] works for the Government. In the Afghan Government, there are different positions. There is the Governor of the province. In each province there are twenty or so districts. Each district has one Chief. The Detainee was the District Chief of Zormat.

Presiding Officer: This district [Zormat] had several al Qaida members travel through it to Pakistan. That is a fact. Would you not agree?

Detainee: When I was the District Chief of Zormat the operations started. Once the operations started, they would pass through Zormat and to go Shahi Koot.

Presiding Officer: My question is this: Would you agree that al Qaida moved freely through your area of responsibility? Yes or no.

Detainee: No.

Presiding Officer: You dispute that fact.

Detainee: Yes.

Presiding Officer: I find that very interesting.

Detainee: When the operations began in the Shahi Koot area, if there had been al Qaida in the area, why were they not captured?

Presiding Officer: That is what the Review Board is asking you.

Detainee: Its is very mountainous range area [Shahi Koot]. They [al Qaida] did not travel through the Zormat District. They probably came from different areas and from different ways [directions]. They did not travel through Zormat. Shaihi Koot is the district closest to the Pakistani border, not Zormat.

Board Member: Were you aware of any Arabs moving from Afghanistan to Pakistan through the Paktia Province?

Detainee: No. When I was interrogated, here [Guantanamo Bay] I told them I was against the Taliban and I was against al Qaida.

Presiding Officer: The Review Board understands that. What the Review Board is trying to figure out is; if you were against the Taliban, why were they able to do so well in an area that was your responsibility?

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Detainee: I was not a District Chief at that time [time of the Taliban]. Once the Taliban were defeated in the North and Karzai became the President, *then* I was made District Chief [after Karzai was elected]. I was made District Chief about two months after Karzai was elected President.

Board Member: Is it possible for al Qaida fighters to flee from Afghanistan to Pakistan, through a province/district, without the knowledge and assistance of the District Chiefs?

Detainee: I was not the District Chief [of Zormat] during the time of the Taliban.

Board Member: I am only asking a question. Is it *possible* for al Qaida fighters to leave Afghanistan for Pakistan without the assistance of the District Chief?

Detainee: It is a very mountainous and strange area. Anyone can come and go.

Board Members: Without any type of support, they [al Qaida] can just leave?

Detainee: I don't know how they went through.

Presiding Officer: You do agree however, that they [al Qaida] did travel through [Paktia].

Detainee: I don't know.

Presiding Officer: Please proceed.

Detainee: I did not finish my answer to the question.

Presiding Officer: Please continue with your answer.

Detainee: I am going to make this as clear and specific as possible. When Karzai came to power as the President of Afghanistan, he made Pachah-Khan the Governor of Paktia Province. Between Pachah-Khan and Abdualah, there was animosity toward each other. They started fighting with each other. I was not the District Chief at that time. Pachah-Khan was not a man of good behavior and not able to do a good job. Taj Mohammad replaced Pachah-Khan. Two or three months following that, I became the District Chief of Zormat.

Board Member: When you answered the allegation in 3.a.1, I thought you said in February 2002, you were the District Chief of Zormat.

Detainee: Yes.

Presiding Officer: Sir, you are going to be able to make a long personal statement in the second portion of this session. I am going to ask that for this part of the session, you restrict your comments to admitting or denying the allegation/statement with a brief explanation. Right now it is very confusing and a little tough for the Review Board to

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sort out all that you are telling us. The Review Board will give you all the time you need to make a long summary statement. However, to keep your answers straight, and to determine how your answers relate to the allegations, we need to get through the allegations/statements first.

Detainee: Yes Sir. I would like to finish my answer.

Presiding Officer: We are finished discussing this allegation [3.a.2] for now. You may come back to this allegation at a later time.

Designated Military Officer: (3.a.3) The Detainee claimed that he was never in any military service and never received any military training, but he did fight against the Russians. The Detainee also stated that he participated in several fights under the Command of Niaz Ghul, a village elected Commander. The Detainee also stated that the District Commander was a man named Momein.

Detainee: If I can explanation to you, you will understand.

Presiding Officer: You may provide a short explanation. However, the Review Board first needs to know if you agree or disagree with the allegation/statement.

Detainee: At the time of fighting against the Soviet Union I was just a Pharmacist and a Nurse. Niaz Ghul was a Party Member. Momein was not a "big guy" [not high ranking], but he worked for Niaz Ghul. Niaz Ghul was kind of like a Supreme Commander....

Presiding Officer: Ok, we understand that, but the Review Board still does not know if you *agree* or *disagree* with allegation/statement 3.a.3.

Detainee: No, I do not agree. I did not do any service in the Army. I did not do any training. I was a clerk and pharmacists. I was like a doctor and a nurse, working in a pharmacy. The people elected Niaz Ghul.

Presiding Officer: Thank you. That is all the Review Board needs to know at this time.

Detainee: Momein, Niaz Ghul, and me [the Detainee] are all part of the same Party

Designated Military Officer: (3.a.4) The Detainee released three-suspected al Qaida without investigation.

Detainee: No. If you want an explanation, I can give you one. I was the District Chief and I deny that allegation.

Presiding Officer: How did this allegation come about? Do you know who said this [referring to allegation 3.a.4] about you?

Detainee: Anyone who gives you a report like this. They lie.

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Presiding Officer: Why would they do this?

Detainee: There are two reasons for this. The first reason is that anyone who would give you a report like this wants to make the United States look bad. To damage the United States reputation and the reputation of Afghanistan. The second reason, my enemies do not like me and they want to get rid of me.

Presiding Officer: Who are your enemies?

Detainee: Anyone who would give you reports like this with these lies [referring to allegation/statement 3.a.4.

Presiding Officer: Can you give the Review Board a name? Who do you think it was?

Detainee: I don't know the name of the guy who gave you the report.

Presiding Officer: Take a guess. Who wanted you gone?

Detainee: One person is Abdullah, who is in Baghram as a detainee right now. There are three people Sir. Fazal, Abdullah, and Ziauddin are the names. If you let me explain, you will understand.

Board Member: As the District Chief of Zormat, did you ever have suspected al Qaida fighters under your control?

Detainee: I had a meeting three times with Mike and Tony during my time as District Chief.

Board Member: Did you ever have control of suspected al Qaida fighters?

Detainee: No.

Designated Military Officer: (3.a.5) The Detainee held a meeting at his residence in Menzi in Zormat with an extremist cell leader.

Detainee: I have a house in Menzi, Zormat. No one ever had a meeting in my house. I don't have any knowledge of that.

Designated Military Officer: (3.a.6) The Detainee distributed arms for an ambush against his replacement. The Detainee also gave out money to those who agreed to fight on his behalf. The Detainee issued weapons to volunteers, including RPG's, Kalashnikov's, and at least on "ZK-1" anti-aircraft gun.

Detainee: I request one thing Sir [speaking to the Presiding Officer]. If you listen to my explanation in detail, you will have the answers to your question.

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Presiding Officer: First, the Review Board needs to know if you agree or disagree with the allegation/statement. After you have answered yes or no you may provide a brief explanation.

Detainee: That allegation is not true. I did not do that.

Board Member: Did you have these types of weapons in your possession? Did you have access to these types of weapons?

Detainee: I swear, I don't know about those kinds of weapons.

Presiding Officer: That answers the allegation. We will come back to that allegation later if you wish to make a statement in regards to the allegation/statement.

Board Member: The Detainee made another statement. I would like to know what he just said.

Detainee: My replacement was Mualim-Jan Baz.

Presiding Officer: Did you have access to those types of weapons [allegation 3.a.6]?

Detainee: Mualim-Jan Baz is alive and is the District Chief right now. I left the position of District Chief voluntarily. If I had had those types of weapons [referring to 3.a.6] I would have stayed and fought him [Mualim-Jan Baz] for my position [District Chief]. If I had had those weapons we would have fought and either he [Jan Baz] would have killed me or I would have killed him. But Mualim-Jan Baz is still alive and is still the District Chief and I'm here [Guantanamo].

Presiding Officer: Your answer then to allegation/statement 3.a.6 is no. Is that correct? You did not have those kinds of weapons in your possession?

Detainee: No.

Presiding Officer: You didn't have access to them?

Detainee: No.

Board Member: There was probably an arsenal in that district.

Detainee: No. That is probably fabricated by the person who gave you the report.

Presiding Officer: How do you explain that there would be no arms at all? That does not make sense.

Detainee: The Taliban took everything with them. Nothing was left.

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Presiding Officer: That is not what we are talking about. After you came to power in the district of Zornat, under President Karzai, you are telling the Review Board that you had no weapons for your Forces. That does not make any sense.

Detainee: There was no salary. There was nothing. We did not have weapons. After the Taliban left, Atiqullah-Luddin came to the Army Division and *he* had weapons.

Presiding Officer: Your Police Officers did not have weapons?

Detainee: No. Our Police Officers did not have weapons.

Board Members: Are you saying that other Government officials and Police Officers in this province had weapons, but your officers did not?

Detainee: To the best of my knowledge, the other District Chiefs, and other officials, if they had weapons, they were their own personal weapons.

Presiding Officer: Just so that you are aware, that is the first time I have ever heard that nobody had weapons in Afghanistan.

Detainee: In my district, we did not have any weapons. The Taliban took everything.

Designated Military Officer: (3.b) Connections and Associations (3.b.1) The Detainee's brother was identified as a senior Lieutenant for a former Taliban Commander.

Detainee: My brother was not a Lieutenant for the Taliban.

Board Member: Where is your brother now?

Detainee: My brother has a car dealership in the same district [Zornat].

Presiding Officer: Your brother is still in Afghanistan?

Detainee: Yes.

Designated Military Officer: (3.b.2) The Detainee's brother has a well-known car dealership in Zornat. The Detainee's brother also keeps an arsenal at his car dealership, including AK-47s, RPGs, and IEDs.

Detainee: My brother's car dealership is in the middle of the Zornat District. The United States Forces came to my district. They came to my brother's car dealership. If the United States Forces were coming to the district, how would my brother be able to keep an arsenal at his car dealership?

Designated Military Officer: (3.b.3) The Detainee was identified as being the Commander of Samoud Khan.

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Detainee: That is not true. I do not know Samoud Khan. I was not Samoud Khan's Commander. That allegation is not true.

Designated Military Officer: (3.b.4) Samoud Khan is a known Anti-Coalition Militia member.

Detainee: I do not know Samoud Khan.

Designated Military Officer: (3.b.5) The Detainee's telephone number and name was associated with a Taliban cell.

Detainee: I have never had a telephone. If you prove that I had a telephone associated with the Taliban, you can put me in jail for ten years.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated he does not know why the Americans detained him, and that he had helped them in the past by giving them information about al Qaida.

Detainee: I don't know why they arrested me. I am against al Qaida. The Taliban were from the same district [same as the Detainee], but al Qaida, I don't know anything about them.

Board Member: When you were arrested, they didn't tell you why?

Detainee: No. If you study my file, you will find out that it was my enemy that gave you a false report about me.

Designated Military Officer: (4.b) The Detainee denied leading a 12-man unit of former al Qaida and Taliban in planning an attack on Coalition Forces.

Detainee: Yes Sir.

Designated Military Officer: (4.c) The Detainee stated "I don't like al Qaida, I don't like its name, and I don't like him [Usama Bin Ladin], and it's up to you to accept it or not."

Detainee: Yes Sir. I don't know al Qaida and I don't like al Qaida. I don't know Usama Bin Ladin [personally]. I know who Usama Bin Ladin is and I don't like him.

Designated Military Officer: (4.d) The Detainee denied having any military training.

Detainee: Yes Sir.

Designated Military Officer: (4.e) The Detainee denied knowing anything about Samoud Khan.

Detainee: Yes Sir.

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Board Member: I would like to make a note for the record. In the Unclassified Summary of Evidence, item 3.b.3, it has been established that Samoud Khan is an actual person and not a military unit or political subdivision.

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 did not have any exhibits to present to the board, but did however have an additional comment from the Enemy Combatant Election Form.

Assisting Military Officer: The following are the Assisting Military Officer's additional comments: The Detainee did not need the assistance of the AMO to take any notes on his behalf, however, the Detainee asked to be provided with note taking paper to write answers to the Unclassified Summary of Evidence to use as his reminder during the ARB. The Detainee also stated that he was waiting for two letters from Taj Mohammed and Raz Mohammad Dalili, regarding his work as the District Chief of Zormat. When the Detainee receives these letters, he wishes the letters to be part of his ARB file. The Detainee states that the letters would describe his performance as District Chief and his loyalty to the present government of Afghanistan. The Detainee said he told the interrogators about these letters.

The Detainee made the following statement:

Detainee: When Karzai came to power and Taj Mohammad became the Governor of Paktia Province, I was elected by the people as District Chief of Zormat. My official letter of my election was sent to the capitol [Kabul]. I worked as the District Chief for five months. There was no salary and there was no money involved. I was supporting my government at the time. Honestly, I worked for my government [under Karzai]. I am an intellectual and not a fundamentalist. I am not al Qaida. When Karzai became the President of Afghanistan the whole region, districts, and provinces were all very happy. That was our dream, our government, and our wishes [to be free of the Taliban and for Karzai to become President].

During my whole time as District Chief, three times I had a meeting with United States Forces. During the Muslim Eid, I went to Taj Mohammad residence to congratulate him on the Eid. American Forces Commanders were also present at Taj Mohammad's residence.

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Presiding Officer: I am going to stop you for just a moment. Your story is very interesting. However, your comments right now during this part of the session are supposed to focus on what we went over earlier this morning [Unclassified Summary of Evidence]. Explain to the Review Board why you are: (1) not a threat to the United States, and (2) why the Review Board should release you. Please provide the Review Board with information relevant to those two issues. The Review Board is very familiar with who you are and your entire history. The Review Board would like for you to use your time here today to the best of your ability. With all due respect, the comments you just made do not help the Review Board to make a decision. The Review Board is asking you to help us help you. Take a moment and collect your thoughts. Then, tell the Review Board why you are no longer a threat to the United States.

Detainee: I will tell you Sir. As a human being, killing human beings is not allowed. If I had had any problem with the United States, I would not have gotten involved with helping the [Afghan] Government. The United States Forces did us [the Afghan people] a big favor by coming to Afghanistan. The American Forces came to Afghanistan and destroyed the individuals who destroyed our country. If anyone is a real Afghan, the help that the United States gave to us, those Afghan people will not forget that help. I support the mission and I wish everyone else would do the same. I have been on good behavior since I have been a detainee. I have not violated a single rule. I have obeyed the rules and have followed the rules [in the detention facility]. You can see my file on that kind of stuff.

Presiding Officer: Your good behavior is known and the Review Board thanks you for that.

Detainee: Sir, while I have been here as a detainee, there have been some people [other detainee's] who have thrown bad things, cursed at, and have not obeyed the soldiers. I have not been one of those people. As a Detainee and an Afghan, I am proud that while I have been here I have obeyed and followed the rules. I follow the rules here and when I go back to Afghanistan, I will continue to follow the rules. It is my duty and responsibility to follow the rules as a good Afghan and a good person.

There is another point I would like to make about when the Mujahadin took over after the communists were overthrown. I did not do a single days service in their government. When the Taliban took over and they came to power, I did not do a single days service with that government either. When the United States came to Afghanistan and the government was created and Karzai came to power, I knew that by serving this new government I was putting my life in danger from my enemies. I accepted that danger. I received threatening letters when I started working for the new Afghan government. The letters were left at my door and they said things like, "I should wear my coffin all the time and I should prepare for death".

Presiding Officer: Sir, the Review Board has some questions they would like to ask you.

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Detainee: Can I finish my statement?

Presiding Officer: You are beginning to get off track again. You are supposed to be focusing on the two issues we talked about earlier.

Detainee: I will not be against the United States. I was never against the United States. When I go back I will support the Afghan Government. Even if the government does not give me a job, it is still my responsibility to be there for my country.

Presiding Officer: Thank you very much.

Detainee: When Raz Mohammad Dalili replaced Taj Muhammad as the Governor, he selected me as the Chief of the District Assembly. They sent me a message to come to Gardez and that was when I was arrested. I was not arrested in the mountains or some strange place like that. I was arrested at the Governor's house.

Board Member: Who arrested you?

Detainee: Commander Abdullah's people arrested me. Sir, if you would please give me two minutes to finish my statement it will be good for you and it will be good for my future. I don't want to give you a headache. We were supporting Mualim-Jan Baz. Jan Baz replaced me as the District Chief of Zormat. Even though he replaced me as District Chief, I still supported him. There were fifteen influential tribe leaders who supported Jan Baz. Those leaders were working for the districts. They were doing things that were good for the people.

My problem is here. The business people from Khost were going to rob the province [Zormat] and bring in cars to sell. These people came to Zormat and looted the district and took money. The District Chief called for a meeting and asked the Tribe Leaders why is this kind of bad thing happening in your areas. We asked all the shopkeepers who came to the area [of Zormat]. They told us that some of the people had on uniforms. They also said there was an officer among the looters. They bought some oranges and some dry foods. We asked the Khost people, do you know who these people were or not. The Khost people told us that they did not know the looters, but we do know the car [that the looters were driving]. At that time we were suspicious of a car that belonged to the District Commander [Khost District]. We went to the Commanders house and the District Chief was with us. The Khost people who had seen the car identified the car as belonging to the Khost Commander. When we checked the car and there were oranges and dry foods.

We told the Commander of the District that we wanted his people that did the looting and that we wanted the money back. We told the Commander if he did not give back the money that we were going to turn him into the Government. They gave us back 200,000.00 Rupees. They also gave us back another 150,000.00 Rupees and a letter that said they still owed us another 150,000.00 Rupees. We took the money and the letter and gave it back to the people it had been stolen from. Two or three days later, the Italian

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Ambassador and Justice people of Afghanistan [representative], and the Interior Minister came to help us by bringing us some goods.

Presiding Officer: Sir, this is a very interesting story, however, it has no relevance whatsoever to our decision this morning.

Detainee: Please give me two minutes to finish.

Presiding Officer: You have two minutes.

Detainee: The next morning I went to Gardez. The Judge of the province, the Police Chief, the Governor, and the Italian Representative were there. We told them they should watch us [people of Zormat] not to steal and we will watch them not to steal. At that time, the Police came in and arrested me. The Commander from Gardez and the Commander from the district of Zormat were friends. I got caught in the middle of it.

Administrative Review Board Member's questions:

Board Member: Will the Karzai Government welcome you back if you are released?

Detainee: Yes Sir.

Board Member: Do you still have family in Afghanistan that can help support you?

Detainee: Yes Sir.

Board Member: What are your plans and goals if you are returned home?

Detainee: If the government asks me for my service I will join the government.

Board Member: We have not received the two letters that you spoke of from Taj Mohammed and Raz Mohammad Dalili, is that correct?

Detainee: I told the AMO that I sent two letters back home asking for Taj Mohammed and Raz Mohammad Dalili to write letters on my behalf about my service and my loyalty to the Afghan government. It is going to take a while for the letters to get here.

Board Member: When did you write the letters?

Detainee: About six months ago.

Board Member: You talked about Pachah-Khan earlier in your statement. What do you know about Pachah-Khan.

Detainee: Pachah-Khan was selected by President Karzai to be the Governor Paktia.

Board Member: Is Pachah-Khan a great leader?

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Detainee: He was not a good leader.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no 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.


Colonel, U.S. Army
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1002

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

Detainee: I took the oath during the CSRT and it did not help me. The oath has a big meaning and it is very important. I am not going to take the oath.

Presiding Officer: Thank you. The Detainee declines to take the oath.

Detainee: It is not as if I am not telling the truth or lying or something. I just don't want to take the oath.

Presiding Officer: That is fine...accepting or declining is all we are looking for.

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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

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Assisting Military Officer: The Detainee's initial ARB interview occurred on 26 August 2005 and lasted for 30 minutes. After a review of the ARB's purpose and procedures, the Farsi translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, the Detainee stated he wishes to attend and speak openly with the board members. The Detainee prefers to respond to the Summary of evidence after each allegation is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during the interview. The Detainee elected to keep the Farsi version of the Unclassified Summary of Evidence for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, 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.

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 to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Connections/Associations (3.a.1) The Detainee began working for the Taliban approximately one and a half to two months after the Taliban captured Mazar-e Sharif. He obtained his position from Sharifuddin who was the Chief of the Taliban Intelligence Department in Mazar-e Sharif at that time.

Detainee: I challenge this allegation and I mentioned this in my file. I never even said 'hi' to a Talib and if I never said 'hi' to a Talib how could it be possible that I worked with them. This person Sharifuddin, I only met him once and I went to his room once because everyone went to greet him or see him. That was the only time. Sharifuddin arrested me for six months. Actually he did not send me or give me the job. He sent me to jail. How could it be possible for someone who arrested me to make me a chief or deputy chief for [that] job? I wanted to provide proof that this was true. The person that [was watching over me while I was detained] was also [detained] in this camp. I told the interrogators that they could call him in and ask him questions and they did that. I just wanted to prove my point and that is why I pointed him out. He was the person that I was being arrested...I was under his control at the jail that I was arrested at. You could ask him questions about me and I wanted to prove my point. Secondly, how could it be possible that a person would come in and he would be given a high position like that

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without even knowing anybody or having any connections or anything? It is not possible and it is far away from reality. It is always a proper procedure to keep records of all employees. Even for the students they would have your first name, last name, or their father's name. They do not have any records of me [and] my name is not even there. I told the interrogators that they could ask that officer if they could find any records with my name on it. The office that they claim that I worked for is still in operation in Mazar-e Sharif. Maybe they can ask and find out about this. I was detained there for 10 months. How come nobody volunteered to go ask [about it]? The other important point is if I was working with the Taliban or I ever did work for them, why would I go back to that place two or three months after the fall of the Taliban? If I was with them I should have fled too. Why would I go back there? All of the Taliban were fleeing from that area going toward Pakistan or other places. Why would I go there? This concludes that I did not do anything with the Taliban in Mazar-e Sharif and I did not work with them. That is why I had no worries [about going] there. The other part of the allegation about me working for Sharifuddin, I was arrested by Sharifuddin, so that is not possible.

Presiding Officer: Next question. If you are done we will go to number two.

Detainee: I am done.

Designated Military Officer: (3.a.2) The Detainee was the deputy Chief of the Estakbarat (Taliban Intelligence Service) in Mazar-e Sharif.

Detainee: I already pretty much answered this question too, but I would like to say one thing. I deny that I even worked for him for one day or one hour, so how could I be his Deputy Chief? I would like to ask you if you could prove that I worked for him for one day or one hour I will accept all of the allegations.

Designated Military Officer: (3.b) Other Relevant Data: As a prisoner at the Shebergan prison, the Detainee was considered to be a threat based on what Jonbesh-e Milli Intelligence considered hard-line al Qaida and Taliban sentiments and a demonstrated ability to carry out threats. Jonbesh-e Milli Intelligence ran the Shebergan prison and was responsible for intelligence on its detainees.

Detainee: First, I would like to mention that this was not a detention facility it was a place of business that they actually did business transactions in. The Detainees were sold there and if you had money you could have gotten out the same day. If you wanted to go home, you just paid your way out and went home. This is not just me [saying that]. It was a well-known fact to the world and to the radio about the condition of the Shebergan prison. When I broke my leg and I got arrested for ten months they asked me for \$30,000. Since I didn't have the money or I didn't give them the money, they transferred me. I had the money, but I didn't want to pay them the money. Therefore, they took me to Shebergan and I was detained there for four months. While I was at Shebergan and my leg was broken they did not give me any medical help or medicine. They would just bring me bread and tea. I could not even move. I would relieve myself in that same

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room because I could not move to go to the bathroom. How could I be a threat to anybody if I was in that condition? If I could not use the bathroom then how could I be a threat? I was depending on other people to help me with my problems. Therefore, it is not right to even say I was a threat. My only danger to them was that I did not give them the money. If I had given them the money, then I would not be in jail. They turned me over to the Americans for interrogation and they asked me, according to them, I had been working for the intelligence agency in Mazar-e Sharif. I told the Americans that if I worked for the Intelligence Agency why don't you go ask them since we are in Mazar. The office was still running and almost all of the people that worked in that office are still there. [I told them] maybe you can go there and ask a few questions and find out more about this situation. I told the Americans that [the prison] asked me for money and I did not want to give it to them. [The prison] told me that if I gave them the money they would drive me to my house and if I didn't give them the money they would turn me over to the Americans. I told the [prison] to turn me over to the Americans and asked 'what are they going to do with me?' The Americans asked me some questions and I answered them. Then they took some pictures of me and then they turned me back over to the Afghans and I was back in prison. If someone would ask the interrogators or Americans that had me and questioned me in Mazar-e Sharif, and that would shed some light on the subject. I was actually detained in the same office for ten months. Even now, if you would like, you can call or ask the government of Afghanistan for some information. You can find out the answers from them. I did not even work for them for one day. Shebergan Jail was like a business place. If anybody had the money and was willing to pay the money they could of gotten out of jail. The second time they gave me to the Americans I told the translator to tell [the interrogators] to ask who I am, what is my name, and why they were taking me. [The translator] told me he did not have that permission. They put a hood on my head, gagged my mouth, blind folded me and brought me here. They took me to Bagram first and for six months they called me by the wrong name. [They called] me Shah Zada. They even did that here. Correction, I was in Bagram for a month and a half and here for about six months and they called me by that name. Later on when the Red Cross wrote letters and I wrote letters it was proven to them that I was not Shah Zada. Later they found out that there was a Detainee here by that name and he was released. The interrogator even showed me his picture. If I could not move, I could not leave the room, and I did not have visitors, how could I be a threat?

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee stated he didn't hate Americans, he just wished to be released and to be given a specific time he will leave Cuba.

Detainee: Yes, that is correct.

Designated Military Officer: (4.b) The Detainee stated he came back to Afghanistan to look after some property and was not connected with anybody.

Detainee: Yes, correct.

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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.

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement.

The Detainee made the following statement:

Detainee: First of all I would like to point out the fact that if I am here to defend myself I should be aware of all of the allegations against me. How would I know if someone said a lie about me? The best way to prove my point is... I was a teacher for seven years in the same school. Over and over again I told the interrogators that they could contact somebody in that school because it is still operating and they can ask the personnel of the school if I was a teacher in that school from this time to this time or not. Everyday that I went to work I had to sign my name on a piece of paper. It was a logbook and they can check that. I even provided the address and telephone number to the principal and some teachers that I know. They can check the logbook because if I were absent for one day it would show it. If I was absent for a long period of time then it also shows it in the long book. Maybe someone can ask about this. I have been living in the same camp in Pakistan for twenty years and everybody knows me in that neighborhood. If anyone would ask about me the kids and adults would probably know me. The kids would know me better than the adults because I was their teacher and teachers are well known in that area. I am originally from Shebergan and I have a lot of property there. In our village there are about three hundred to three hundred and fifty houses there. You can ask anyone from that village and he or she will know everything about me. You can ask anyone, except for Said Khamel, because he turned me in, and they will know if I was a Talib, if I worked with the Taliban, or if I had any connection with the Taliban. Said Khamel would say that I am Taliban. Why don't you ask the person that turned me in what proof he has like a document, a video, or picture that I worked for the Taliban. If you can find one person, as proof that I was a Talib, then I will accept a punishment ten times more than the other Detainees that are here. When the government of the Taliban fell, and Karzai was elected, what reason would I have to go to that place while everyone else was running away from that area? The Taliban was fleeing that area and trying to get away from Afghanistan control. What reason would I have to go back in there and be arrested if I had nothing to fear? The only reason that I did not pay to get out of jail is because I was counting on the Americans. [I thought] these people are crooks and they want money and the Americans are honest people and [the Americans] will look into the matter and find out the truth about me being a Talib and if I actually worked with them or

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not. I thought they would get to the bottom of this and I would be set free. It seems like [the Americans] did not do anything either and from Shebergan they took me to Bagram and then they blind folded me and brought me here. I don't blame you guys for me being here because maybe someone gave you false information or told lies about me and I did not dismiss them, but now you have the opportunity to find the truth about this matter. If you can do that then I will be set free. In my case it is very easy to find information about me because I was working in a school and it was a well known place. [The school] was easy to find and I gave them the exact address. In one day they can find out information about me if they want to. My being here in Cuba will give Americans a bad name because the people of my village know me and they know that I was taken by the Americans and brought to Cuba. They know that I was not a Taliban [member] and I had no connection with the Taliban. I was just a teacher. In their mind they would think that in Cuba they don't have the Taliban and they don't have al Qaida, but they have innocent people. That would give you guys a bad name. They would say I was arrested under the name of the Taliban or al Qaida, but I am not. The only thing I would like to ask the board is to do some research about me. If I am guilty I will be here as long as you want me to be here. If I am innocent then there is no need for me to be here. All it takes is some time and some effort to go and find out some information. That is all I am asking. When they brought me here the first day I gave them the exact address of my home and my school because they probably figured that I would say anything to get out of here. The interrogators didn't think that I would tell the truth so I gave them those addresses to check and verify, but I have been here a long time.

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 the following questions for the Detainee.

Designated Military Officer: Can you tell the story of how your leg was injured? When did it happen and where did it happen?

Detainee: Yes, why not. When Karzai took control of Afghanistan from the Taliban it was well know to the whole world. I saw it on television. I was planning to return back to Afghanistan to my home village from Pakistan because I was a refugee. We went back to Afghanistan because I felt like it was a safe place because Americans and Coalition Forces were there. Then the Ministry of Education announced on the television that all of the people that are teachers, doctors, and nurses should return to [Afghanistan] because [our country] needed us. I decided to go back because it was safe and [other] people were going back too. I went from Pakistan to Kabul and stayed there a few days. I wanted to go to Shebergan, but you have to go through Mazar-e Sharif first and then to Shebergan. I had only brought some Afghani currency with me from Pakistan and the rest of the money I had with me was Pakistani Kaldar. I ran out of Afghani the few days

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I was in Afghanistan. I went to a market called Kefayat Market in Mazar-e Sharif to exchange some money from Kaldar to Afghanis. I was waiting there and I heard a big "boom" and that is how I hurt my leg. The explosion was a very big explosion and about 150 to 160 people died...men, women, and children...in Mazar-e Sharif that is one of the busiest markets. My leg got hit by shrapnel and broke. Since I just arrived there I did not know a whole lot of people. I did know someone there so I took a cab to that person's house and I asked him to take me to a hospital or doctor to have an operation on my leg or something. That person told me there was only one hospital in Mazar-e Sharif and right now it is probably full because all of the people that got injured are going to the hospital and there would not be enough doctors and nurses in that hospital. He brought someone that was not a doctor, but can do stuff like a doctor, and he gave me an injection and tied a splint on my leg. I told him to take me back to Kabul so I could see a doctor there or I will need to go back to Pakistan. He said fine and he would accompany me to Kabul. We spent the night and left the next morning. After eating breakfast we got in the car and he took me straight to the Intelligence Office. The Chief of the Intelligence Office was his relative. He turned me over to Said Kahmel and he was an Uzbek. They took me and put me in a room. I told them I needed to go to a hospital...

Designated Military Officer: Earlier you said that you stepped on a land mine. Do you know what caused the explosion in the market?

Detainee: Yes, according to what people said it happened...I said mine because if a bomb comes from the air or an airplane we call it a bomb and if it is on the ground and explodes or if it is an explosion device, we call that a mine. In reality, the bomb or the mine was inside the big water coolers. There was a storage area for water coolers and the explosion was in that area. I was only there for half of an hour when this happened.

Presiding Officer: You did not actually step on the mine then. Is that what you are saying?

Detainee: No, the explosion was so big that 150 to 160 people got injured. It is well known to everyone in the northern part of Afghanistan.

Administrative Review Board Member's questions:

Board Member: Do you know what ever happened to Sharifuddin?

Detainee: No, because when I saw him it was in 1998 and after that I went to Pakistan.

Board Member: You mentioned that the bribe you were asked to pay was \$30,000. Was that dollars or Afghanis?

Detainee: American Dollars.

Board Member: You mentioned that you were a teacher, how does a teacher accumulate \$30,000?

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Detainee: If you check my file you will see that my father was a very wealthy person in Shebergan. We have a lot of land, 40-45 stores that we rent to other people, and a lot of businesses. That is why they were asking me for a lot of money. My father passed away and I am the inheritor of that money and property.

Board Member: What years were you in Pakistan?

Detainee: I was in Pakistan since 1981.

Board Member: Until when?

Detainee: From 1981 until I got to Cuba...in the second month that Karzai took over [which was] February 2002.

Board Member: What years did you teach?

Detainee: In 1993 I became a teacher.

Board Member: What did you teach?

Detainee: Science.

Board Member: Any particular part of science like Chemistry, Physics, or Biology?

Detainee: General Science. I teach Science and in [that subject] they have Chemistry, Physics, Geometry and even Math in that department. If you have doubts you can ask me questions about science. You can give me a book and give me one night to study it and I will take a test the next day. I am telling the truth. I am not lying.

Board Member: What year were you arrested by Sharifuddin?

Detainee: It was the end of 1998.

Board Member: Was that in Pakistan?

Detainee: No. It was during the school holidays. I went to Shebergan to collect the rent from the shopkeepers. We rent our stores for one year and we collect the money and we don't see those people for another year.

Board Member: So you were put in jail for six months. Did you miss the next school year because you didn't come back to Pakistan to teach?

Detainee: I almost lost that whole year because it took me a couple of months to take care of my leg and I was in jail. My fingers were broken [too], but that was by a person who was detained here. I told them his name and his duty but he got set free.

Board Member: What were you arrested for? What did Sharifuddin arrest you for?

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Detainee: As I said before my father was a wealthy person in that area and because of my father people invited me to their homes for dinner and lunch and I would go from this village to that village. Sharifuddin thought that I might have some political agenda or something.

Board Member: What does the guy do that turned you in?

Detainee: His name is Ghulan Sakhy and he is a shopkeeper in the city and he has a house in the city.

Presiding Officer: Is [Ghulan Sakhy] the individual that drove you around the next day after your leg was worked on.

Detainee: Yes.

Presiding Officer: Said Kahmel, you had said turned you in... Ghulan Sakhy turned you into Said Kahmel.

Board Member: I thought you said that Said Kahmel was a friend. Was he somebody that you knew in Mazar-e Sahrif?

Detainee: He was also my friend. From the first grade to the eighth grade we were in the same class. We got separated when the Russians came to Afghanistan because he went toward the communist regime and I went to Pakistan. He became a communist and I did not and our differences started there. Our biggest problem started with my property because the communist wanted to take land from the people when they came to power. I had something like 3500 acres of land.

Board Member: Who is taking care of your land now?

Detainee: My other brothers and my uncles [are taking care of my land]. My biggest problem is my assets. During the communist time I was given a hard time about my assets and the Taliban gave me a hard time about it too.

Board Member: It is hard to be rich.

Detainee: I always got in trouble from it not anything good.

Presiding Officer: Ghulan Sakhy, is he the one that helped you get your leg looked at the first day and then turned you in the next day?

Detainee: Yes.

Presiding Officer: I am just curious about why you did not insist on him taking you to the hospital?

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Detainee: He told me that he would take me to Kabul because at that time there was no other hospital in Mazar-e Sabrif. He was supposed to take me to Kabul, but instead he took me to the Intelligence Office.

Presiding Officer: I understand that part. If you were hurt that day and decided to wait another day after 150-200 people were hurt, the hospital would be the place to go.

Detainee: Since I did not know anybody else...the hospital situation in Afghanistan and here are very different. If you go into a hospital here and you are injured they will take you to the Emergency Room and they will give you care as soon as they can. Back in Afghanistan if you don't have anybody with you to take care of you nobody will even come and talk to you. As far as medicine, they don't give you medicine in the hospital. The doctor will prescribe a medicine and then you have to go buy it from an outside pharmacy. There is a big difference between our hospitals and your hospitals. That is why he was the only person that I knew in that area. I trusted him and I went to him for help.

Presiding Officer: We understand you are a teacher and have been for seven years. Have you asked any of these fellow teachers, parents, or the principal to write letters on your behalf? Have you written home and asked them to support your effort and provide the proof that you ask us to look for?

Detainee: So far I have not, but if it is required, instead of one I can get fifty of them. They can even send a photocopy of the logbook or something.

Presiding Officer: It is not required, but I would encourage you to do that simply because you offer it to us to go investigate. I would be proactive and have them send stuff to you so that you can send it to us.

Detainee: I told the interrogators and they said they would inquire about this and I have been waiting but nothing has happened.

Presiding Officer: I would encourage you to write home and ask people to support you and write letters rather than wait for the investigators or interrogators to do it for you.

Detainee: If they start writing me without any good reason or anything that would make them a suspect or something. Nobody in their right mind would do that because they are afraid.

Presiding Officer: I can't remember, but you mentioned something about Red Cross letters somebody had written to you or you had written to somebody else. Do you have anything to present to the Board on behalf of these letters?

Detainee: I mentioned the Red Cross because I went to the Red Cross in Mazar-e Sabrif two times while I was detained there. They came and visited with me and someone by the name of [REDACTED] asked me why I was still there. I told her that they want money

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from me. I asked [REDACTED] to help me because I had been detained without any cause and that they wanted money. She knows about my story. I was being detained in the same office that they are telling me that I worked for. This is good proof also. How could I be working for that office when I was being arrested in that office? The Red Cross probably has some information about me from when I was in Shebergan or Mazar-e Sharif.

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.

[REDACTED]
Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1003

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 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 Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

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.

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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 Assisting Military Officer made a statement on the Detainee's behalf. The Detainee concurred.

Assisting Military Officer: The Detainee was cooperative and attentive during the interview, which lasted approximately one hour. The Detainee read along with the Farsi translation of the Unclassified Summary of Evidence and added his comments as each factor favoring continued detention or release was read. He asked for some clarification of the transfer to the home state with conditions option and the Assisting Military Officer explained that if there were any charges against him in his home country he would have to face such charges. After reviewing and discussing all the factors favoring continued detention and release, the Detainee stated that he would attend the Administrative Review Board meeting in person. A follow-up interview was conducted on 17 Jun 05, which lasted approximately two hours. The Detainee said he was under medication to help him sleep and that he thought that he might not remember everything that was said in the initial interview. The Detainee expressed a concern about how long the review process would take and the Assisting Military Officer answered that the entire review process might take as long as a few months but possibly less. The Assisting Military Officer reviewed the Administrative Review Board script and the election form with the Detainee. The Detainee elected not to provide a written response to the statements and allegations in the Unclassified Summary of Evidence but indicated that he would like to make some speaking notes for his appearance before the board. The Detainee provided the following comments in response to information in the Unclassified Summary of Evidence: In response to the allegation that the Detainee was a Commandant of Sherberghan village in Afghanistan, the Detainee stated that this assignment was involuntary. Our city of Badakshan and tribe was anti-Taliban, but we feared them, so we were compelled to support them. [In Afghanistan] one always has to support whatever government is in power at the time.

Detainee: That's fine.

Assisting Military Officer: In response to the allegation that the Detainee supported the Taliban, the Detainee never admitted to supporting the Taliban. He was compelled to work for them. Again, working for the Taliban was not voluntary. His tribe was always against the Taliban.

Detainee: It's well known to the whole world that our people, [the] people of Badakshan [have] always fought against the Taliban and if they are a few people from our people [in the] northern part of Afghanistan [that] supported [the] Taliban or worked for them, it was not voluntarily, they've been forced and also, everybody knows that the Taliban were Pashtuns and they didn't like Farsi speakers, Tajiks (ph), Uzbeks...so they would

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attack villages and cities in the north. If there were any resistance they would burn their villages and kill their people. Most people had no choice...in order to survive they had to work for [the] Taliban and do as whatever they had been told to do. It's part of history...the cities that they burned, northern cities including Kapisa, and they hated Ka-za-rahs (ph), they hated Uzbeks, Tajiks (ph)...they were Pahstun and they wanted Pashtunism all over Afghanistan. This is part of history...it is not something I am making up.

Assisting Military Officer: In response to the allegation that the Detainee executed two men and one woman while acting as the Director of Security for the Taliban in Sherberghan, the Detainee stated that this incident, a public stoning, did occur, but that the execution was the decision of the court and that he was responsible for maintaining security during the proceedings. In Afghanistan, it is common for the relatives to seek revenge for a killing. The Detainee was jailed by the forces of General Dostum for eighteen months after the Taliban was driven out and since there was neither revenge from their relatives during that time nor any action against him by the government, he felt that he could not have been responsible or at fault for what he considered a lawful execution.

Detainee: In the past three years here in Cuba, they keep asking about this incident and I keep explaining that executing people is not the job of the Security Commandant of a city, that position is too low to execute people. My job was kind of [like] a civilian job and my job was just to maintain the security of the area and the city. Everybody knows [that] in Afghanistan no Commander of police officers would execute people or make decisions on that. The Taliban executed so many people for different crimes...stealing or committing adultery or whatever...and you are taking revenge of all those executions from me. I keep explaining over and over but nobody wants to listen to me and they keep accusing me of doing this. This is so sad that I've explained this during the Tribunal, that even the court cannot make the decision to execute people...the court can make a recommendation and only Mullah Omar [could] sign for the execution of the people. I explained this with very good reasons in the Tribunal and it is so sad that they still have this item in my file and they are holding it against me.

Presiding Officer: We understand.

Detainee: This is sad that I keep explaining this and the Americans don't believe me but they believe a known killer...General Dostum, who sold me for the money and he made this allegation against me just to make some money from the Americans and the Americans believe General Dostum and they don't trust me. I don't know...I am wondering whom I should tell this to...the truth...that I am innocent and who will listen to me? It's been four years and I keep repeating it and I have good reasons for this incident. It wasn't my fault. I did not execute them. General Dostum made this up [against] me and sold me for money and you tell me...whom should I tell? Why can't this allegation be removed from my file?

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Presiding Officer: We can't take it from your file but we hear what you are saying today.

Detainee: I was in prison in Afghanistan for eighteen months... Afghanistan was a country without any law... with no government and people destroy each other's lives. They stab each other in the back and nobody cares about them. When they brought me here to Cuba I was happy because Americans are humanitarian. When you tell the truth they will help you and they will understand and for the past four years I keep telling them with the hope that one day somebody will hear this and will understand what I am saying and unfortunately nobody listen to me.

Presiding Officer: We hear you.

Detainee: Thank you but it's just unfortunate and it makes me so sad that you accept the lies of killers and people who sell people just to make money and you don't accept what I am saying. You don't hear what an innocent man says.

Assisting Military Officer: In response to the allegation that the Detainee is considered a loyal member of the Taliban and had suspected ties to al Qaida and Mullah Omar, the Detainee responded that the world knows that people hated the Taliban in this region of Badakshan. He first heard about al Qaida when he came here to Cuba. The Detainee stated that he didn't know Mullah Omar; he was from several days travel away from Kandahar, Omar's home in the south and had no family ties with Omar.

Detainee: I have no reason to know Mullah Omar. I didn't have no tribal relations with him... [he is] not family and I lived too far from him. He was Pashtun and I was Tajik. I keep saying this over and over... I worked for Taliban for one year. I was compelled... I was forced. It was involuntarily but the Americans don't accept it.

Assisting Military Officer: In response to the allegation that a Taliban governor was a childhood friend of the Detainee and helped obtain his job, the Detainee responded that this was true. This governor forced the Detainee to take the job, fearing that the Taliban would burn the town if they refused to cooperate.

Detainee: Yes this is true. The governor convinced me... he said that the Taliban are cruel people and they are going to burn our villages and they are going to kill our men or take them away from us. The people of Afghanistan are cruel people... all they have are little houses and if you burn their houses they don't have any money or anything else to survive [with] so we had to in order to save our village. He kind of convinced me that I needed to take the job and surrender to the Taliban in order to save the village.

Assisting Military Officer: In response to the statement that the Detainee could not explain why he was offered the position, but thought his friend the governor may have talked with Mullah Omar in order to get him the job, the Detainee responded that the position of commandant of police isn't all that high of a position in Afghanistan. The real power at the time was in the hands of the Taliban. He was not sure if the governor talked to the Taliban about this position nor to whom the governor would have spoken.

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Detainee: The second thing...the Taliban were Pashtuns and they were Pashtu speakers and [at] anytime they would go and take over Farsi speaking or Uzbek speaking villages...they had a language barrier and the people of those villages couldn't understand the Taliban and the had to move...they had to become refugees and move to other areas. That was the second thing I wanted to mention. Sometimes Taliban would force Farsi speakers to take positions in that city and the reason they were doing that was because they wanted the villagers to trust and the villagers wouldn't criticize Taliban...[like] they came to our cities and they took over our city but they don't want to give the positions to our own people so the Taliban always wanted to have one of their Farsi speakers in that area so that Farsi speaker would talk to the villagers and encourage them not to fight against the Taliban but to obey them. They didn't want those villagers to leave their villages because of the Taliban so they were using one of their own people to have control of the area. We didn't have any power...we were just there like a model for the people...just so show to the people of the village that one of their own is the Security Commander but all the power were in the hands of the Taliban. We didn't have any authority there.

Assisting Military Officer: In response to the allegation that the Detainee had assumed the Director of Security position at the behest of another Taliban governor wasn't the Detainee's childhood friend, but another person for the Kandahar region. The Detainee explained further that Sherberghan is ethnic Uzbek city and when the Taliban took it over they needed Farsi speakers, which is one of the reasons they hired him.

Detainee: That's true.

Assisting Military Officer: In response to the allegation that the Detainee commanded forty men armed with AK-47 rifles, the Detainee responded that the rifles were provided for the security of the city. Most of the weapons would not work, there was little ammunition and there was never a need to use them. The ordinary people would not shoot at the local police.

Detainee: In Afghanistan it's well known that to control the public you really don't need a working weapon or one with bullets in it because those weapons were just to scare people and usually ordinary people do not shoot at the police or as long as they see somebody with a gun they would obey the law. The weapons that we had were all bad and none of them were working and we didn't have any bullets.

Assisting Military Officer: In response to the statement that after the war with the Americans began the Detainee turned himself to avoid fighting fellow Afghans the Detainee responded that he never liked the war never wanted to fight. He wanted to surrender before the Americans came to Afghanistan. However, since he was a northerner and therefore not trusted by the Taliban, they watched him. When the Americans came he was happy for the opportunity to surrender.

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Detainee: Yes, that's true. When [the] Americans came I was happy like every other Afghan. Finally, the fighting is over and surrendered myself and I wanted to live a peaceful live and work for my family but unfortunately they brought me here for four years and they haven't even told me what kind crime I have committed. They don't listen me and I don't know about my future...without knowing anything about my future in a very hard situation...I am just here for four years. It is so sad and unfortunate that they trusted a well-known killer who sold me for money. Americans paid them money. They brought me here and nobody trusts me and nobody tells me what I've done wrong or why they think I am against Americans. If you've [kept] me here for the past four years just because I've worked one year with the Taliban, the whole Afghanistan had to work for the Taliban. Why don't you bring the whole Afghanistan and keep them here in Cuba. If that is a crime then all of Afghanistan and every single person who lived there is a criminal. I keep telling you [that] what I did I was forced to do...I had absolutely no choice. I worked one year because they forced me.

Presiding Officer: You'll get a chance to address those issues when we ask you questions. We need to get on through with what we've started here.

Detainee: What you are saying is fine but still I am so upset and it is so unfortunate that I keep saying one point, one important point, that I've been sold...people made money out of me and that it's a conspiracy against me and you just don't believe me.

Assisting Military Officer: In response to the statement that the Detainee turned himself in to General Dostum, the Detainee stated that he had surrendered to Dostum's people, but that he felt that Dostum's organization sold him and those like him to the Americans for money.

Detainee: That's fine.

Assisting Military Officer: In response to the statement that the Detainee took the security chief position because he felt that his hometown region was going to be taken over by the Taliban and he wanted to be in their good graces, the Detainee had to points to make: One is that the villagers who resisted the Taliban were burned and all the men transferred to Kandahar and secondly, his friend convinced the Detainee to take the position. The Detainee said that he feared that his village of Badakshan would be destroyed.

Detainee: That's fine.

Assisting Military Officer: In response to the allegation that the Detainee possessed a Casio watch, the model of which has been used in bombings that have been linked to al Qaida with improved explosive devices, the Detainee responded that he had a watch, although the band was broken and that he kept it in his pocket. He said that he bought another one, a plastic one, from a guard at the Sheberghan prison. The Americans took it from him while he was in jail in Kandahar. He stated that he was not sure of the name of

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the watch and that it had stopped working while he had it. The Detainee also asked if we still had his watch. In response to the statement that if released the Detainee would like to return to Afghanistan and get married and attempt to find work to support his family, possibly as a farmer, the Detainee stated that this was still his intention. In response to the statement that if the Detainee had no issues with the Americans and was happy that the Americans were helping to rebuild Afghanistan and that he had no intentions of impeding the rebuilding process, the Detainee stated that Afghanistan went through very tough times. People are tired of animosity. Everyone wants peace and the Americans brought t after years of war. In response to the statement that the Detainee had never heard of al Qaida until after the attacks on 11 Sep 01, that he did not find it acceptable for anyone to kill another person, Muslim, Christian or Jew, and that the Detainee did not wish to be involved in fighting, the Detainee stated that he heard of al Qaida and Usama bin Laden on television after 11 Sep 01. When the Detainee came to Cuba he learned that the al Qaida was composed of mostly Arabs.

Detainee: Before that I had never heard the name 'al Qaida' and I didn't know what kind of thing it was. [I didn't know if it was an] organization or if they were human beings or what...I just heard that it was the name of a thing...I didn't know what kind of thing...

Assisting Military Officer: In response to the statement that the Detainee would not agree to join al Qaida or any extremist group on his release, the Detainee responded that al Qaida, now that he knows them, is a nation destroying organization. Why should the Detainee be a part of them? If someone destroyed your house, would you support them? In response to the statement that the Detainee had never personally met Mullah Omar, the Detainee responded no, never. Omar isn't just one of the shepherds you see on the street. In response to the statement that the Detainee did not agree with many of the Taliban practices, that he was afraid of the Taliban but that he was happy that they were able to institute the rule of law, the Detainee responded that he was afraid of their name and against their practices, that he was never happy with what they did. In response to the statement that the Detainee had no information about a training camp of Usama bin Laden, located outside of Sherberghan, the Detainee responded that he never saw Usama bin Laden and didn't know about this camp.

Detainee: I didn't know anything about it...that they had camps in the northern part of Afghanistan.

Presiding Officer: Thank you for coming here today. Your interest in your freedom is as important to us as trying to determine whether you're still a threat to the United States.

Detainee: I've never been a threat to the United States...not now and not in the future. When we heard [that] Americans were coming to Afghanistan we were happy because Americans are humanitarian people and they will bring peace and help to out people. It is unfortunate that you listen to liars like Dostum and you keep me here for four years.

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Presiding Officer: We are here to listen to you today. We don't know what happened in the last four years but we are here to listen to you today.

Detainee: Thank you very much. That is why I came today but in the past I've kept telling them and now I am so disappointed. I thank you for listening to me.

Presiding Officer: We are not going to interrogate you but we do have some questions we'd like to have you answer.

Detainee: That's fine...that's perfectly fine.

Presiding Officer: When you answer them, give us the whole story and be forthright in your answers, OK?

Detainee: I would like to ask for your forgiveness. I am a little mentally disturbed and sometimes I don't know what I am saying and please forgive me if I say something extra. Please be patient [with me].

Presiding Officer: You were patient with us, now it's our turn.

Detainee: I don't have much control of my brain and sometimes when I start a subject or I want to talk about something, I forget it what I was talking about.

Presiding Officer: Sometimes that just goes with being a human being.

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: Do you support the current Afghanistan government under President Karzai?

Detainee: Why not? Of course I support the current government. Any government that brings peace and finishes the animosity and the fighting...of course I would support them and like to work for them.

Board Member: In your statement you stated that one has to support whatever government is in power at the time. Does that mean that [if] the Taliban were to regain power you would support them?

Detainee: No, I am not going to support [the] Taliban. When the Taliban entered Afghanistan, people thought of the Taliban as religious scholars that would bring peace and Islam but [the] Taliban were anti-Muslim, against Islam and they made people hate [because of] the strict rules that they brought. I don't think anybody in Afghanistan would like to support the Taliban.

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Board Member: Do you believe that a Democratic form of government is compatible with the pillars of Islam?

Detainee: Yes, of course. A Democratic government can go very well with our religion. The Taliban were not religious, they were against Islam. Their problem was that they are Pashtuns and they used to bring Pashtunism not Islam. Their religion wasn't Islam...they made people hate Islam. They cared about their own tribe and all Pashtuns. They had nothing to do with religion.

Board Member: As the Chief of Security, did you or any of your security forces ever participate in combat operations?

Detainee: No, no, no. My job was mostly taking care of the city. I was protecting cities from the thieves and from stuff like that. My job was to maintain security within civilians. I had nothing to do with the Army or fighting or going to the combat zone.

Board Member: How did you obtain the Casio watch? Who gave it to you?

Detainee: I mentioned earlier that I had the watch. The band was broken...I don't know it's [brand]name. It was in my pocket. They took it from me and when they moved me to the prison [in] Sherberghan, I paid the guard money and I bought another watch that was plastic. I don't know its name. That watch was with me for a couple of months before they brought me here and they took it again.

Board Member: I was wondering how you obtained it. I know you had it and it was broken. How did you get the watch?

Detainee: I just bought it from the shops...from the bazaar.

Board Member: I have a similar question about your request to return to Afghanistan. Your request is to go back and maybe farm and get married, however, the situations that exist historically in Afghanistan, that al Qaida and maybe other people are involved in hostile actions against the United States, what can you tell me that will [let me know] that if some of these people approach you and want you to help them in their endeavors...what can you tell me that will convince me that you will no longer be involved in that? For example, if you marry and you have a family and someone, maybe al Qaida, says you will do this or we will hurt your family or your farm. How will you want to respond to that if you go to Afghanistan?

Detainee: I have a good reason...I am from Badakshan and the Taliban's are not there and al Qaida is not there. Taliban and al Qaida are mostly in the southern part of Afghanistan. They cannot come to our area. They are not accepted by people. They had the power and they attacked us...that was a different story. Now, in the northern part you cannot find al Qaida or Taliban. They belong to the southern part. I don't think that will be the case with me. And the second thing, Taliban is not in power anymore. At that time they had the power, they had ninety percent of the country. We have seen it with

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our own eyes that they will attack villages and they will burn and they had all the power and the government in their hands. Now they are not as strong as they were before and especially in our area. People hated it so much that with the current government I am sure there is no Taliban or al Qaida and even if they dare to come we are going to fight against them this time with the courage. Now we are not as weak as we used to be. We have the government on our side...we are going to fight against them.

Board Member: Second question has to do with when you were [the] Security Chief. What did you do when the people came to the city with weapons and maybe they stole things or they bothered people...and they had weapons. How did you handle that situation?

Detainee: There were no armed people over there. It was all civilians so nobody would come but really we didn't expect any thieves or somebody to come with a gun and bullets and threaten people. It never happened. Only the Army had weapons.

Board Member: As the Security Chief, did you have a plan on how you would deal with this if it would happen?

Detainee: Please don't compare Afghanistan to other countries and my position as a Chief of Security officer to other countries. In Afghanistan things are totally different, even if we have thieves, they would come with a stick or something and try to rob a shop or enter people's houses and stuff like that. It's not that there was an organized government...an organized security office...we didn't have that.

Presiding Officer: Does your family know where you are?

Detainee: Yes, they know.

Presiding Officer: About when did you turn yourself over to Dostum's forces?

Detainee: I don't remember the date.

Presiding Officer: Was it after the uprising?

Detainee: It was before the uprising. At night it was Atha and Dostum...they enter Mazur e Sharif. It was exactly seven days before Ramadan of that year.

Presiding Officer: Then what happened after that? You said that you were imprisoned for eighteen months.

Detainee: I surrendered in the village of Andkhoy and then they transferred me to Sherberghan. When they brought us to Sherberghan, since I [had] worked there, the people of Sherberghan had good memories of me. I wasn't cruel to them. They were happy to see me there. When General Dostum heard about me, he was in Kali e Jangi

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(ph) in Mazur e Sharif, at the compound "house of war." He was there and he told his people to transfer me from Sherberghan to Mazur e Sharif because he wanted to see me.

Presiding Officer: At the prison at Mazur e Sharif?

Detainee: First of all, Kali e Jangi is a compound, "house of war," that is not a prison. It is the residence of General Dostum. He called me over there and when I went there he was happy with me. He said that the people of Sherberghan loved me and they were happy with me so they might send me back to Sherberghan. [He said] I can have [my] job back. Somebody else... Said Kamel, he was the intelligence partner of General Dostum... he came from Uzbekistan and he had a conversation with General Dostum and after that instead of sending me back they got rude with me and they put me in jail. Then Said Kamel removed me from Kali e Jangi and took me to an intelligence compound at Mazur e Sharif. They did it only for money. I know that they wanted to make some money... they were trying to sell me for money.

Presiding Officer: While you were imprisoned at the intelligence prison, were you interrogated?

Detainee: No, it wasn't a real interrogation. They just told me that the Americans were going to come and question me and I had to tell these lies. They told me a few things that I had to tell the Americans, which I said I didn't remember. The Americans asked me questions and they said that they didn't need me... they Americans didn't arrest me... they didn't take me with them.

Presiding Officer: What lies were you told to say?

Detainee: I don't remember that. It's been four years. They scared me and told me that if I didn't tell these lies to the Americans, they were going to torture me.

Presiding Officer: Were you abused or tortured in the intelligence prison at Mazur e Sharif or at the one at Sherberghan?

Detainee: No, nobody tortured me or nobody abused me. I was in the intelligence prison at Mazur e Sharif for thirteen months and then there were lots of problems with General Dostum and President Karzai. Finally, the government of President Karzai took over that prison and then Said Kamel transferred to me the prison at Sherberghan.

Presiding Officer: Did they put you in an intelligence prison to gather information from you?

Detainee: In Afghanistan it is not a country that people would worry about intelligence, everybody worries about the money. They wanted to make some money. It's not like they had an organized intelligence organization. They only thing they care about is money. Once they found out that I was a poor man and I did not have any money they

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just made up some stuff against me and they made some money off of me...took it from American soldiers

Presiding Officer: Do you have any knowledge of the convoy of death...the people who suffocated...the fires that suffocated outside of Sherberghan?

Detainee: Yes. When I was in prison in Sberberghan the other prisoners told me that they put some people in containers...like a convoy and they purposely closed all the doors so they could not breathe. Many people got killed that way. They suffocated. I heard that from the prisoners.

Presiding Officer: You were primarily kept in prison because you couldn't buy your way out is that correct?

Detainee: Over there, there is no other way of getting out of prison. You have to have money. They keep you there, they force you, and they claim that if they keep this person what ever he has or he is hiding from us he is going to give it [the money] to us and they will let you go. As soon as they find out that I am a poor man and I don't have money, then they find another way of making money out of me and that is by selling me to Americans. The people that have money or who could manage to find money and gave it to them they got out of prison. The people that didn't have money they ended up here.

Presiding Officer: Here is a question I want you to think about. If you were to be transferred back to Afghanistan your status would change. You would be different than when you left there. You have been detained with al Qaida fighters and warriors, so you would be seen differently. You will be available for terrorist training and preaching because Dostum is still there. How are you going to handle that if that were to happen?

Detainee: I am here as a prisoner, as a detainee. It doesn't matter if they are al Qaida or who ever. I don't understand their language, they don't understand my language, [and] it doesn't matter if I spend ten years here with al Qaida it not going to affect me because we are different. I am just a Detainee and I am in my cell and that is all it is.

Presiding Officer: In a few minuets we are going to change venues and I want to know what do you want us to remember about you?

Detainee: Can you be precise? What exactly do you want to remember about me?

Presiding Officer: We want to remember...do you want us to remember that you were an honest man who was just doing his job for the Taliban and that there is no way that you constitute a threat to the United States and its allies?

Detainee: Do you want me to prove for you or say reasons that I am not a threat and I have never been a threat to the United States? I am not following.

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Presiding Officer: How can you assure us that you will never be a threat?

Detainee: For the past three years I keep telling them that in our area, the northern boarder area, everybody hates Taliban and I have nothing to do with them and especially al Qaida. For one year I worked for them. I was forced to, I had no choice but to work for them and I never had any kind of animosity with the United States. Not in the past, not now, and not in the future. I have no reason to be America's enemy. I absolutely have no reason for that. Because our whole tribe...they hate the Taliban and everybody is tired of war and we all want peace. At that time we were afraid of the Taliban. They were getting so close to our city and in order to survive and save our city, we had to surrender to them. Right now things are different in Afghanistan...we have another government in power and the Taliban are not in power...nobody is afraid of them anymore.

Board Member: How common is your name in that part of the world?

Detainee: Yes, it is a common name.

Presiding Officer: Does that conclude what you have to say?

Detainee: I don't remember anything and my mind is not too sharp and whatever I thought I answered to the best of my ability. I have nothing else to say unless you have more questions.

Presiding Officer: Did the Assisting Military Officer's statement provide the information you wanted us to hear?

Detainee: Everything he said was fine but the thing is that I kept saying that for the past four years a thousand times that nobody listens and I am so disappointed by now that every time I [just] think that it's not going to do any good for me. I just want to mention one thing. I am a human being too and you have to listen to me. What I did when I worked for the Taliban, it wasn't voluntarily...they forced me. I feel like my life has been destroyed for the past four years. Please don't do that anymore to me. Please release me. Don't destroy me life more.

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.

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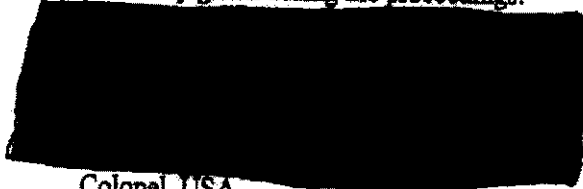
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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1007

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

Detainee: I have no objection, but if it is not required [then] why [are] you asking for the oath?

Presiding Officer: In our ARB system we use an oath before God that we will be telling the truth.

Detainee: I have no objection, but you asked me and it is not required.

Presiding Officer: If you so choose not to say an oath that is okay with us.

Detainee: Whatever you want to do. I have no objection in both cases.

Presiding Officer: It is your decision.

The Detainee declined taking any oath to include the (Muslim) oath.

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

Detainee: What does this mean? Which information can I view and which will be masked?

Presiding Officer: If the information is determined to be important to the security of the United States then that information will be covered. You cannot see that.

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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 occurred on 28 November 2005 and lasted 79 minutes. After a review of the ARB's purpose and procedures, the Urdu translated Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and respond to each statement of information in the Unclassified Summary after it is presented. The detainee elected to submit two letters to the board. The detainee was cooperative and polite throughout the interview. The detainee was given a copy of the Urdu translated Unclassified Summary of Evidence.

Detainee: Who said that I would write? I only said that I would say verbally.

Presiding Officer: We will accept whatever you want to submit to the Board.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and Exhibit DMO-2 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.

Detainee: I still don't understand what does Unclassified Summary mean?

Presiding Officer: The Unclassified Summary means that this is the information that has been determined not to put the security of the United States at risk. Therefore, it is okay for you to see the information.

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: The detainee went to the Karachi consulate and obtained a visa.

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Detainee: Yes, this is true. I went to the consulate to get [a] visa.

Designated Military Officer: The visa only took a day and a night.

Detainee: Yes. One day I went [and] I submitted my passport at the consulate. I went and stayed at a hotel/motel. The following day I came and I got back my visa.

Designated Military Officer: The detainee was given a letter in a sealed envelope to give to the Kabul office of Jaishe-E-Mohammed. This letter would allow for his brother's release.

Detainee: Yes.

Designated Military Officer: On 23 September 2001, the detainee legally crossed the border from Chaman to Spin Boldak on a Pakistani passport with an Afghanistan visa.

Detainee: Yes.

Designated Military Officer: The detainee traveled to Kandahar. From Kandahar, the detainee went to an officer in Kabul where he was told where his brother was in Konduz. The detainee took a flight from Kabul to Konduz on Iriyana Airlines.

Detainee: Yes.

Designated Military Officer: Al Qaida and Taliban members used Iriyana Airlines to travel to different areas of Afghanistan, Pakistan, and Iran.

Detainee: Sir, if they travel what does it have to do with me. Iriyana Airline was formed by Afghanistan, not by me. Iriyana Airline [is] used to travel all over the world...anybody who travels through [them] should not be related to me.

Designated Military Officer: The detainee traveled to Dashte Archi, where his brother was located.

Detainee: Yes.

Designated Military Officer: The detainee's network of madrassas gave him easy access to organize and communicate with al Qaida members and sympathizers and develop new al Qaida recruits.

Detainee: For the last two and a half years I have been begging and requesting for you to show me the madrassas. Bring me any evidence. Where are those madrassas? I even spoke to [the] CSRT tribunal [and asked] where the madrassas were you have been alleging to me. They told me there are ten madrassas and I said name even one madrassa and I will accept your imprisonment and whatever punishment you give me. If they don't exist, why am I being punished for them? If I am being punished for those things then

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that should be provided to me. For the last four years I have been detained here so they should have provided me those madrassas.

Presiding Officer: It is not up to this board to decide the punishment for you.

Detainee: I am not saying that. What I am saying is that I [have] been punished for the last four years.

Presiding Officer: It is just up to us to determine and recommend whether you should be further detained, transferred or released.

Detainee: Some Afghanis got money from [an] American and sold me out to [the] Americans and started.... I am only a detainee, what should I ask? If you have any doubt you should have brought the evidence to me. Being a human, do I have the right to ask for these things?

Presiding Officer: That is not for this board to decide.

Detainee: I request to this board please provide me this evidence that brings me here and whatever the allegations are that don't even belong to the fact.

Presiding Officer: I'm sorry. We cannot provide you that evidence.

Designated Military Officer: The detainee claimed that his organization had the ability to organize as many as 2,000 men to join in a Jihad against the United States and Coalition Forces.

Detainee: The person who made these two allegations, either he was drunk or he doesn't even have a brain. I beg your pardon if you take offense from that. They are saying that I entered into Afghanistan [on] September 23, 2001. If I obtained [a] visa from [the] consulate and I entered Afghanistan legally then from where did I take 2,000 people? Even if you give these allegations to [a] third grader he would refuse to write these allegations and say that somebody is out of [their] mind. Where are these 2,000 people? I am the only one who survived from that. All of them are dead and none have been arrested? For the last four years they should have brought at least one witness. 2,000 is a big number.

Designated Military Officer: The detainee returned to Pakistan and assembled a force that consisted largely of Pakistanis but also included 300 Arab al Qaida operatives.

Detainee: I want to condone on the brain of the person who made these allegations. I stayed in Pakistan from one to two months. Did I have [an] Aladdin's lamp, which made everything possible within in one and a half months that I recruited 2,000 people, and 300 al Qaida members, came to Pakistan and went back and I made this force within one and

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a half months. You should understand by yourself where are those 300 al Qaida members.

Designated Military Officer: In the fall of 2001, during the fighting in Afghanistan, the detainee took this force on to Spin Boldak, Afghanistan. This was done by the order of an Arab al Qaida logistics officer.

Detainee: This is the same lie like the previous [allegation].

Designated Military Officer: In Spin Boldak, the detainee joined forces with Islamic Movement of Uzbekistan Commander Juma Namangani who had several hundred men of his own.

Detainee: This is the same lie like the previous [allegation]. I never met anybody like this and what should I answer? I had neither 2,000 people nor [did] I meet with anybody.

Designated Military Officer: The detainee and Namangani traveled north to Takhar Province, Afghanistan, where they combined with other forces and began fighting against the Northern Alliance.

Detainee: If America wanted to prepare [an] Army of 2,000 within one and a half months, go into Pakistan [and] collect all these people together and create connection with al Qaida members then go to Takhar Province and meet with Juma Namangani and join his forces; is it possible for America to do so? I heard the news that America sent its troops to Iraq and having [a] lot of planes and all those people it took them one month to get there. I don't think any sensible person can even think about this. If America cannot do [it] how can I go to Afghanistan, create all the connections, come back to Pakistan, collect all these people, go back and then go to Konduz and Takhar within one and a half months.

Designated Military Officer: Not long after the fighting began in Takhar, the detainee and a significant portion of his force traveled to Konduz where the forces proved too strong, and the detainee and 400 of his men were eventually captured.

Detainee: First of all I was not being captured. Can somebody prove this to me? I want to make it clear that I, myself went and I surrendered myself to take passage to Pakistan. When we were stuck with all of the people, me and my brother, in Konduz we had no way to go through. Then we heard that there is going to be an agreement between Taliban and Dostam's militia. Taliban people will surrender to them and they will let us go to Pakistan through Kandahar. Me and my brother were also joined the same people because we had no other option. Then we went and met with Dostam and we surrendered to him. Nobody can prove that I fought. I was captured [and] I will be obliged. I believe you understand the difference between surrendering and being captured.

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Designated Military Officer: The detainee's brother once taught him how to assemble and disassemble a Kalashnikov.

Detainee: He did not teach me how to reassemble [or] assemble. He just showed me [the] Kalashnikov. He wanted me to see that, so he disassembled and reassembled the Kalashnikov and I was watching. As related to the previous allegation, [as] the commander of 2,000 people, do you think this is enough [training] for him to see how the Kalashnikov is being assembled? This is animosity against any sense.

Designated Military Officer: The detainee met and began cooperation with an Arab al Qaida logistics officer. This logistics officer was an assistant to Usama Bin Laden.

Detainee: This [is] the same thing on the basis of lies.

Designated Military Officer: In 2001, the logistics officer invited the detainee to attend the wedding of one of Usama Bin Laden's children in Kandahar, Afghanistan. At the wedding, the logistics officer tasked the detainee with using his madrassas to recruit 2,000 fighters.

Detainee: Please don't mind if I want to tell you something. The person who wrote these allegations, do you think he has any senses? Why don't you put him in jail? The person who doesn't have [any] sense. He doesn't even have enough sense, that he doesn't relate his allegations. What he said in the previous allegation and what he said here. This is weird that I collected 2,000 people [and] then I attended the wedding ceremony of Usama Bin Laden's children. What is this all about? I can say this, that within this one month I went to Pakistan, collected 2,000 people, I came back, I met with Juma Namangani, and I attended this wedding ceremony. I don't know what to say about this.

Designated Military Officer: The detainee said he received permission to retrieve his brother from the local Taliban office in Pakistan. He claimed his brother received training at the Jaishe-E-Mohammed training camp for about one month prior to his departure.

Detainee: Half is truth and half is on the basis of lies. This statement has been twisted. That letter I did not get from Taliban office. I got from Jaishe-E-Mohammed office. He went to Afghanistan from Pakistan through Jaishe-E-Mohammed.

Presiding Officer: He being your brother or do you mean yourself?

Detainee: Yes, my brother. He went through Jaishe-E-Mohammed, not Taliban office. My brother told me that he got training in Kabul somewhere. Not in Jaishe-E-Mohammed's training camp. That possibly is training camp, but my brother told me that he got trained in Kabul for less than one month.

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Designated Military Officer: The detainee denied attending Usama Bin Laden's son's wedding in Kandahar and denied knowing or associating with the Arab logistics officer.

Detainee: Yes. This is true.

Designated Military Officer: The detainee denies knowing anything about al Qaida, the Taliban or madrassas in Pakistan.

Detainee: That's [a] fact.

Designated Military Officer: The detainee denies knowing or associating with Mullah Omar or any Taliban or al Qaida personnel.

Detainee: That's [a] fact.

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.

Detainee: Why don't you present now?

Presiding Officer: The request for a closed session is for the Classified section, which the detainee is not allowed to be present for security reasons.

Detainee: That means you have to put more allegations on me?

Presiding Officer: We consider everything we have available to us in making our determination of whether to recommend for your continued detention, transfer, or release.

Detainee: Should that be brought into my knowledge, or not?

Presiding Officer: No. You will have an opportunity to present your case and it also gives us an opportunity to ask you questions and for you to respond to the questions we ask you.

Detainee: I already denied these allegations earlier [and said] that they don't make any sense. For the last four years my case has been dragged [from] here to there. They haven't even proved anything so far, nor have they brought any witnesses. Whatever I am saying I have proof and evidence to provide. I'm supposed to think, why are they not believing me and trusting those who do not even have anything to prove. Is [this] the name of the American justice?

Presiding Officer: You are making an assumption that we have already accepted, as truth, everything that's in front of us. We, the Board, have open minds about everything we are hearing and reading and seeing today.

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The Presiding Officer acknowledged the request for a closed session.

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 presented letters from the Detainee's family, Exhibits EC-C thru EC-C2 to the Administrative Review Board and further stated that he had no additional comments.

The Detainee made the following statement:

Detainee: Whatever I said I told you the truth. But, [the] interrogators, people from CSRT, nobody has believed me so far. The letters I have provided already [are] just to show you that I have no connection with my family for the last four years. My family doesn't know [whether] I told the truth during the interrogation or lied to them. Whatever I said to them. You should know that I have no connection, no channel at all to talk to them. I spoke to the interrogator like this once whenever they ask you this you should say the same thing. Whatever I told you, 100 percent you can find in these letters. If there is a difference of even one percent I will [accept] your punishment. *(Translator begins reading Exhibit EC-C1)*. My younger brother, Mohammed Salim, wrote this letter to me. This letter was written on January 2, 2005 and I was arrested in 2001. In these four years I had no contact with him at all. *(Translator reads more of Exhibit EC-C1.)* Do you have any doubt that I did not go to take my brother there? If it was not my brother, how did they know that I told you that his name was Abdullah and he was in Afghanistan? There are millions and millions of names out there. I could say something and they could say something else. If it is the same thing, what I say and what they say then you should believe upon me [that] whatever I am saying is right. *(Translator reads more of Exhibit EC-C1.)* I already told them that I had a small grocery store. If I told [the] interrogators lies, how did my family know that I told them the same thing that I had a small grocery store? How did they know that I told [the] interrogator that I am the only food provider of the family and [that] my father was very old? This is the truth. I was the storeowner. If I was running the store [then] who was running those 2,000 madrassas? And, if I was running those madrassas, who was running the store? Can one person do two or three different tasks at the same time? And do such big tasks? Is this possible for [a] human being? I believe you understand that it is all [a] lie. *(Translator reads the rest of Exhibits EC-C1 thru EC-C2.)*

Presiding Officer: Do you have anything you would like to say in addition to the letters?

Detainee: Whom should I expect the justice from? Who will provide me the justice? I have been asking to provide me [the] proof. No one provides me [the] proof or evidence nor do they listen to me. Who is responsible for all this pain caused to me, America or Afghanistan? What is my fault? Am I Muslim or do I belong to a poor country? Also, the file I have here, my interrogator told me there are two different dates of arrival in Cuba. What should I say that you are the one who brought me here; you are the one who

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made the file and how come I have two different arrival dates here? On what basis are you keeping me detained here, that the file, which is in this condition, that they have two different arrival dates here. I have been asking [the] interrogator, how does the person who brought allegations against me know me? Those people who sold me to America, when I complained to [the] Red Cross, because I was detained at that time, that these people charged me money. Instead of believing me they handed me over to America. They had charged me money and when they asked for more money, the Red Cross people and some members of United Nations came over and I complained to them. So to take revenge they handed me over to the Americans. I don't know why you don't try to understand. Are you unable to understand for the last four years...I legally entered into Afghanistan only to retrieve my brother. If I was going to fight, why should I have to obtain [a] visa. There were many Pakistanis there before the war started. Tell me the truth. Did all of them get visas to go to Afghanistan? If I had to go for fight I would just appear in their office and they would send me directly to Afghanistan. Why should I have to spend money to go to Karachi, stay in hotel, obtain visa to go legally there? What can I say? This is just [a] very simple and open matter if you can't understand, I am surprised to think about your system. Which kind of system is this? How can you rule over the world? Nobody in the world will accept you with this kind of justice. I have all the evidence and proof. You don't have anything. Just because of your power you detain me here. [I will] give you a little proof of the stupidity [here]. The guard who brought me here, they don't have my card. That belongs to somebody else, but they brought me here on that card. They always bring me with that card. For evidence I want you to go and ask them if that card belongs to me. That card belongs to Jamal from England. Six months ago he left the island and went home. [It was] maybe eight or ten months ago. This is the system you have here. What kind of justice can I expect from you? The people who are bringing me here have a different persons card. I am present, but on that card the picture belongs to somebody else. They can't even change that card. I am really extremely very sorry I have offended any of you. It is just because I am suffering pain from inside. So whatever I am saying, it doesn't mean that I am trying to offend you all. If you were in my shoes here you would be saying the same thing and maybe more. Again I am saying that whatever evidence you have against me please come and show me and ask me, so I will answer back.

Presiding Officer: Nothing you have said offends us.

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 are you doing today?

Detainee: Same.

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Board Member: Listening to you, you sound a little bitter about being here at Guantanamo Bay. Are you bitter about being here?

Detainee: Certainly.

Board Member: Why do you think you got arrested and brought here?

Detainee: This is the same question I am asking. Why am I here? This is my basic question.

Board Member: Is your brother older or younger than you?

Detainee: He was younger than I.

Presiding Officer: This is the brother that went to in Afghanistan?

Detainee: He was younger than I.

Board Member: Do you know why he went to Afghanistan?

Detainee: Yes to fight.

Board Member: Why did you go after him?

Detainee: Because my parents were crying for him and the family situation was bad. I meant to bring him back home. I thought if I brought him back I would give my parents some happiness.

Board Member: Do you know who was holding your brother? How did you know he was being held?

Detainee: Nobody had arrested him. He went with Dost Mohammed to Afghanistan for jihad. He was not being captured or arrested over there.

Board Member: Do you know when he went to Afghanistan?

Detainee: About twenty days to a month prior to my departure he went to Afghanistan.

Board Member: Are you familiar with the 11 September 2001 attacks on the United States?

Detainee: Yes.

Board Member: Your brother went before [the attacks] and you went afterwards?

Detainee: Yes.

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Board Member: Were you worried about going to Afghanistan at that time?

Detainee: Certainly I was worried about it. That is why I went there legally. I obtained [a] visa so I would avoid any legal actions. Even after all legal documentation still I have been arrested. Why am I here?

Board Member: You appear to be upset about the allegation of you having a network of madrassas.

Detainee: I am not upset with allegation, but I was supposed to be upset because for the last four years you have been alleging me for that one, which I don't even have a connection with that. You don't even have any evidence or proof of that.

Board Member: If it were true that you had a network of madrassas, is that something that would be bad?

Detainee: If somebody had that, that would be a different question. But, if I don't have that I need to get upset when you keep repeating [the] same thing. Either you bring me the proof or quit alleging about this thing.

Board Member: Are you at all familiar with the Islamic movement in Uzbekistan or have you ever heard of the Commander Namangani?

Detainee: Neither I had knowledge nor had I heard about Juma Namangani.

Board Member: Who are the bad guys and what are the bad deeds?

Detainee: This is a prayer from [the] holy Qúran. Only God knows who is bad.

Board Member: Who do you perceive are the bad guys?

Detainee: This is the question I am asking you. Who are the bad people? Because of them I am here.

Board Member: I'm asking you who do you think the bad guys are?

Detainee: I am saying this is just the verse of Qúran. [A] prayer. Only God knows who are bad people. I'm saying that [the] Afghan people sold me to you. It is [the] Afghan peoples fault or your fault? You can only tell me.

Board Member: Whose fault do you think it is?

Detainee: I'm asking you whose fault is this that they put me here?

Board Member: You can't answer a question with a question. You have to answer a question with a statement.

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Detainee: This is just a prayer. Neither I made this prayer nor [did] I write this. My parents just advised me to say this prayer while I am here.

Board Member: If you are to be released, what will you do when you go back to Pakistan since your grocery store has been closed?

Detainee: It depends on the circumstances. When I go I will see how much we have assessed. Where we can start and if we can start the same business or something else.

Board Member: I am happy you decided to come to the board today.

Detainee: I have nice expectations.

Board Member: Why do you have nice expectations?

Detainee: There is somebody in the world I can expect good [from] and that [is] possibly you. In previous tribunal I was here and they heard me but I am still here. I will believe when I will be heard and I will see whatever comes out. Still, I only can expect.

Board Member: When I read your letters, I thought about your family and the recent earthquake in Pakistan. I was wondering if your family was okay?

Detainee: I haven't received any letter or information but I just expect them to be all right over there. Only God knows if they are fine.

Board Member: Do your parents know how your brother died?

Detainee: I wrote them [a] letter from Sheberghan through Red Cross.

Board Member: How would you compare Sheberghan to here?

Detainee: On what basis?

Board Member: The way that you are living.

Detainee: I'm in prison. I was far from my home and I'm still far from my home. Doesn't make any difference to me that I am in Sheberghan or here. I'm far from my home. That's the only difference. When I was transferred here, I was happy to be transferred here because I was expecting that here I would be heard and I will receive justice. It came against expectations.

Board Member: I expect you to receive justice also. That is why we are here. We listen carefully to what you say and that is why I said that I am glad you came to talk to us today. Do you know any Pakistanis that have been released from Guantanamo to go home to Pakistan?

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Detainee: What do you mean by do I know?

Board Member: Do you know of them? Have you heard of any Pakistanis in Guantanamo who have been sent home?

Detainee: There are many.

Board Member: Would you agree there are many others from other countries?

Detainee: Certainly. What difference does it make? My word is with me. If the whole camp is being emptied and I am here, what difference does it make?

Board Member: Let's imagine that this board recommends you are released and eventually you are released. Will that be justice?

Detainee: Certainly. If I have any allegations you are able to prove you should show me and if you don't have any and I am released, that will be the justice.

Board Member: Will the justice of releasing you rub out the injustice of detaining you?

Detainee: Neither releasing me or detaining me is justice. Justice is to see the facts and decide on that. Whatever is truth and fact and you decide upon that. That is called justice.

Board Member: If I decide that you should be released, does that justice, in your mind, offset the hardship of you being detained all this time?

Detainee: I really don't understand what you are saying. Can you repeat that please?

Board Member: Correct me if I'm wrong, but I think you and I agree that if we see the truth and we act on it, then that will be justice.

Detainee: Certainly.

Board Member: If we listen to you and we believe you and that is justice. What does that do to your opinion of how you think about Americans, in light of your having been jailed by Americans all this time?

Detainee: Yes, certainly. When you find out the truth and you will set me free that will be justice. That will not only change my opinion about Americans but anyone else in the world.

Board Member: I don't believe that you were a mastermind, or a great General, or this person who could command 2,000 recruits to come with you on a moments notice. I believe you.

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Detainee: Thank you very much. If you believe me then, I should certainly benefit from that.

Board Member: Will we be benefited by setting you free? Are you a threat to the United States if you are back in Pakistan?

Detainee: I'm just [a] poor person. Neither I was [a] dangerous threat prior or now, nor will I be. I have to pay attention to my family over there, not running after Americans. [A] person whose family has been doing, who have aged parents, whose income is being forfeited should have to pay attention to economical issues or running after Americans? I am the head of the family and I have to take care of that. Everything will be upon me to set my family back up.

Board Member: As head of your family what will you do to support them?

Detainee: It depends on the circumstances. After I go back I [will] have to borrow a loan from somebody. I will have to start working with somebody. It depends on when I get there.

Board Member: Will the government of Pakistan let you do that?

Detainee: What do you mean by that?

Board Member: Are you in any sort of trouble at home with the government?

Detainee: No. I don't have any problem with the Pakistani government. I never had any connection with them.

Board Member: Have you ever been in jail?

Detainee: If I were in prison why would I go through all the trouble to go to get [a] visa to obtain legal status.

Board Member: I would like for you to think about this from the way it looks to us. You are asking us to look at your situation the way it looks to you. I would like you to do the same thing for us.

Detainee: If I were in your position, I would be thinking about justice based on truth and fact.

Board Member: Many young men in Pakistan traveled to fight in Afghanistan on the same path you took: Spin Boldak, Kandahar, Kabul, and Konduz. That is a very, very common trail.

Detainee: That certainly is true but there is difference between those youth and among this youth. There is only one path to enter and if you walk the same road it is not any sin.

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to walk the same road. I don't know if they traveled [by] visa or if they legally entered into Afghanistan, but I adopted the legal path. I entered Afghanistan legally to [avoid] all the misbehaving and wrong doings.

Board Member: I think that was very important.

Detainee: That is also important, but another important thing is that I am here, arrested even though I doubted those legal paths.

Board Member: What did you say to your brother to persuade him to come home?

Detainee: I told him that the situation at home is very bad and [our] parents are crying every day for you. They are very worried about you. Since I was the main responsible person of the family, I was feeling my parents' pain. If he did not come back home I wouldn't be able to provide them happiness. I thought at this elderly age I should give them nice treatment.

Board Member: How did he respond to that?

Detainee: First he would not leave then I explained to him [the situation]. Sometimes I would explain [things] to him and sometimes I would yell at him.

Board Member: Had you ever yelled at him before? Did you get along well with your brother?

Detainee: It is not a big deal back home yelling or spanking little brothers.

Board Member: What did you and your brother talk about?

Detainee: I told him that the situation back home is so bad that I took this step and went through all this hardship to get you back home. First he said that I better go back and he would follow me and come back home later on. He agreed upon...because I told him first to come home with me and then he wanted to come back a second time that would be [a] different story. Then I will have no connection with you anymore after I take you back to the parents then the parents can deal with you however they want to.

Board Member: What do you think your parents would have done to him if he came home?

Detainee: What should they have done? They would have yelled at him or they would talk to him, nothing more than that.

Board Member: What if he started going back to the madrassa and back to the friends that were interested in jihad?

Detainee: Then I would have disconnected all relationship with him.

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Board Member: Why?

Detainee: Because I had no other option. I didn't have enough time to waste on him with that. I had my own my family; my wife, my daughter and my sisters were all depending on me. I had those responsibilities.

Presiding Officer: How long did you own the grocery store before you left for Afghanistan?

Detainee: For the last eight to ten years.

Presiding Officer: Did your family own the store and pass it down to you or did you start the business yourself?

Detainee: I got money from my parents. My father was a retired Railway officer and he passed me money and I started it by myself.

Presiding Officer: You are a smart man in business?

Detainee: Not big business. It was just a small grocery store.

Presiding Officer: A small grocery store but enough to support your family comfortably?

Detainee: Yes because our family expenditures aren't very much.

Presiding Officer: When you go back to Pakistan if you get a loan do you feel comfortable that you can start another business?

Detainee: Yes. I am not a disabled or retarded person. I have my hands, legs and my brain is still working.

Presiding Officer: Are you the oldest brother in your family?

Detainee: Yes.

Presiding Officer: So you have a big responsibility for your parents?

Detainee: Yes certainly.

Presiding Officer: You have one child?

Detainee: Yes, one daughter.

Presiding Officer: How old was she when you left for Afghanistan?

Detainee: She was a year and a half or eighteen months.

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Presiding Officer: Was it hard to go after your brother knowing that you are the oldest brother and you have a family to support?

Detainee: Yes certainly.

Presiding Officer: Because you knew you were taking a risk?

Detainee: Yes.

Presiding Officer: Why did you have to get a letter to get your brother released? Was he not able to leave of his own free will?

Detainee: I did not even know where my brother was so certainly I had to go through them to ask them where my brother was. How can I get him and I needed their cooperation or assistance to get him back. Also, I believed at that time [that] if I had not gone through the Jaishe-E-Mohammed office, they would not even let me go in there. If I didn't have any letter from them I would not be allowed to go there. Because I didn't have anything written on my forehead that Abdullah is my brother to [be able] to go and get him out. I had to have proof to retrieve him.

Presiding Officer: Was you brother considered to be on a jihad in Afghanistan?

Detainee: Yes certainly. He thought that he had to attend a jihad when he got there.

Presiding Officer: What does jihad mean to you?

Detainee: To me jihad means fighting against non-Muslims or infidels.

Presiding Officer: Wouldn't jihad also simply mean just striving to do something?

Detainee: Certainly to me jihad means I was working hard to support my family and serving my parents. Other definitions of jihad or religious decrees can be shoot by... For me jihad was to serve and to keep my family and my parents happy. Not to leave them alone and after leaving them alone, now I realize what happened to them. I believe whatever has been written and I know they are going through [a] very, very hard time.

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

Detainee: Who will decide this?

Presiding Officer: The Designated Civilian Official.

Detainee: What are you here for?

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Presiding Officer: We are here to make recommendations to the Designated Civilian Official about what he should do.

Detainee: What are your recommendations for me?

Presiding Officer: We have to discuss our results. You will never hear our recommendations. You will hear what the actual results are.

Detainee: When will I be notified about this? How long?

Presiding Officer: We do not know. It is up to the Designated Civilian Official.

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.


Captain, USN
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 1007

| Exhibit # | Date | Classification | Guantanamo# |
|------------------|-------------|-----------------------|--------------------|
| EC-C1 | 11 FEB 2005 | UNCLASSIFIED | GUAN 2005-A 00470 |
| EC-C2 | 01 AUG 2005 | UNCLASSIFIED | GUAN 2005-A 02497 |

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Exhibits EC-C1 to EC-C2 are
International Committee for the Red
Cross messages. Withheld in full under 5
U.S.C. § 552(b)(3)

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Summary of Administrative Review Board Proceedings for ISN 1008

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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 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 2 December 2005 and lasted 20 minutes.

Detainee: If you read it in English that will be okay.

After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee said that he understood the difference between the CSRT and the ARB. 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

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said, "no. I need time to think about this." A follow-up interview was scheduled for 5 December 2005 and lasted ten minutes. During this interview, the detainee elected to attend the ARB and would like to answer each allegation point by point... he does not want to make an oral statement. The detainee was cooperative. A copy of the English and Pashto translated Unclassified Summary of Evidence was given to the guard to make available to the detainee for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and DMO-2 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.

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: The detainee provided the names of security personnel assigned to the Karzai Protection Detail to a man who was associated with Hizb-E-Islami Gulbuddin.

Detainee: That's Negative. I didn't provide any list to anyone belonging to Gulbuddin. The people I knew were officers. They belonged to the protection detail which we called "KPD", Karzai Protection Detail. The people I worked with were contractors.

Board Member: You provided the names of the contractors and not KPD?

Detainee: I didn't provide any list. Here they are mentioning the KPD people which were the protection people. They mention that it was a list of protection people that worked with Karzai. I wasn't in that project I was in another.

Board Member: What do you mean when you say project? What project were you involved with?

Detainee: I worked with DynCorp agency, it's an American agency. We had three projects which were KPD, Karzai Protection Detail, the second was RTVA, Radio Afghanistan and the third was the Police Academy. I worked with RTVA.

Board Member: In what capacity were you working with this project? What did you do for them?

Detainee: At first I was a translator; then at the end I was the finance clerk.

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Board Member: As a translator what kind of access were you granted when dealing with information for the organization?

Detainee: I was just translating between my officers, the laborers, the subcontractors and the Afghani people.

Designated Military Officer: The detainee took photographs of an American camp in Kabul. He allowed the Hizb-E-Islami Gulbuddin member to take them from the detainee's car.

Detainee: The pictures they are talking about were from the KPD site, we called it camp one it was where the KPD people lived. At the opening day I took pictures, I asked one of the project engineers whose name was [REDACTED] (he was the project officer at that time) if I could take pictures because everyone there was taking pictures. I made the photos for myself and didn't give them to anyone. I still have those photos at home.

Board Member: To the best of your knowledge at the time you were detained how did this information get turned into you giving these photos to someone?

Detainee: I didn't give the photos to anyone.

Board Member: I understand that you said you didn't give it anyone, but how did that information get changed around?

Detainee: The problem is when they arrested me and put a pistol in my mouth, pushed and beat me in Afghanistan. They were all American interrogators. I know one of the guys. He was an American and his name was [REDACTED]. He interrogated me in Kabul. When he asked me to give him information like who I worked for? I told him the Americans, my officers, I do not work for anyone else. At that time they started beating me and they put a pistol in my mouth. I got scared and started making up stories. The other stuff here are all lies.

Board Member: So these were American interrogators that were questioning you?

Detainee: Yes.

Board Member: Do you know anyone or have any acquaintances from the Hizb-E-Islami Gulbuddin group or that organization at all?

Detainee: The organization which is an Islamic organization was shown on the news, in the newspapers, everywhere. It is a very famous group all over the world.

Board Member: Do you know anyone from that group?

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Detainee: No, I do not know anyone from that group. The person who identified me his name was [REDACTED] I know him from the DynCorp office. He was a subcontractor for DynCorp.

Board Member: What did [REDACTED] do for DynCorp?

Detainee: He escorted equipment from south Afghanistan to Kabul.

Board Member: Escort in what capacity? Was he security?

Detainee: No, that was construction equipment.

Board Member: Who did you work directly for?

Detainee: I worked directly for [REDACTED] at that time. He was the project officer, he was American. I worked directly with DynCorp and I met that guy in DynCorp office.

Board Member: What guy?

Detainee: [REDACTED]

Board Member: You worked for DynCorp as an interpreter. Did you just walk into the office one day and they decided to have a conversation with you? What led to your arrest?

Detainee: One day three people came into the office. They told one of the guys whose name was [REDACTED] (he was an American) that they had some information. [REDACTED] asked me if I could translate for him, but that guy [REDACTED] was a subcontractor with DynCorp. He worked for Global Agency which was a security agency. He asked me to help, so I went with him to the dining room to translate for those people. That was the first time I ever saw those three people. After one hour they swore against me. The problem was those people were from north Afghanistan, that's the ethnic and the language problem.

Board Member: Another ethnic group within Afghanistan made these allegations about you which led to your arrest?

Detainee: Yes, and this was my first time I ever saw those three people. I never saw them or even heard their names in Afghanistan before. They made these stories against me.

Board Member: Did they work for KPD?

Detainee: No.

Board Member: Did you have any contact with KPD sites?

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Detainee: Our office was on KPD.

Board Member: You saw them in passing? Were you friends with any of them?

Detainee: With those three people? No. Those three people were Afghanis, but this was the first time I ever saw them.

Board Member: Did you work with KPD personnel?

Detainee: No.

Board Member: Did you know any KPD personnel?

Detainee: Yes.

Board Member: Did you know KPD people outside of work?

Detainee: Our main office was in that site.

Board Member: You were in the same compound?

Detainee: Yes, We had three projects, each had their own office but our main office was in Camp Ages. Every morning when I take my officer's from their home to drop them off it would be to the main office at Camp Ages or take some people from Camp Ages to Site 3 or Site 2.

Board Member: KPD is the Karzai Protective Detail?

Detainee: Yes.

Board Member: They were bodyguards?

Detainee: Yes.

Board Member: Did [REDACTED] work with the KPD detail?

Detainee: No, he had a project with KPD and he also hired some other guards for the DynaHouse which was the DynCorp housing where the officers lived.

Board Member: I am trying to figure out the relationship here. Why would three Afghani citizens just turn you in?

Detainee: I do not know.

Board Member: It's got to be more than just ethnic cultural differences.

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Detainee: In Afghanistan all the people going to jail or coming here, is mainly because of personal enemies or ethnic cultural reasons. Out of 100 Afghani people maybe ten or 20 people have actually been in war the other 80 or 90 people were arrested in their homes, on the streets, or their offices. They arrested me in my office.

Board Member: So these three Afghani people were not associated with the KPD detail at all?

Detainee: No. Those three people were working with the intelligence personnel in the office to bring information to the people that arranged security.

Board Member: Security for whom?

Detainee: Security for the American Global Agency.

Presiding Officer: These three people worked with the Americans in some capacity. Do you know if they were given a bounty for each piece of information that they brought in?

Detainee: I don't know.

Board Member: Did they have badges?

Detainee: No.

Board Member: Other people working in the compound had badges?

Detainee: Yes.

Board Member: These three did not?

Detainee: No. The first day they came one of the three people came inside and asked to speak to [REDACTED]. [REDACTED] walked with him over to me and he said to [REDACTED] "I have two other people outside of the gate, they cannot come inside." Me, him and [REDACTED] then went outside and brought those two people inside the camp.

Board Member: Were these three people rural? Did they come from the countryside or did they live in the city?

Detainee: I don't know where they came from.

Board Member: You basically performed an act of kindness and were then arrested. Is that what you are saying?

Detainee: I don't know why I am here. The only thing I know is that because I made up lies; that is why I am here.

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(Revised 14 Dec 05)

Board Member: During the interrogation?

Detainee: Yes, during the interrogation.

Designated Military Officer: The computer disk was given to the security subcontractor. The detainee believes he is associated with Hezb-E-Islami Gulbuddin.

Detainee: First, who is the subcontractor?

Board Member: The security subcontractor.

Detainee: Which security?

Board Member: The security. I do not know, can you explain this for us further?

Detainee: This allegation, I want to know which subcontractor, which security you are talking about.

Board Member: How many different security contractors were they?

Detainee: Just Global and DynCorp.

Board Member: Global worked for DynCorp right?

Detainee: Yes.

Board Member: Well it has to be one of those.

Detainee: Yes, but there was not anything on the disk to give to anyone. I did not give the disk to anyone.

Board Member: You had a disk but you did not give it to anyone, is that correct?

Detainee: The disk which I had for myself; I made a copy of it because I was a finance clerk. I copied stuff from my computer to the CD just in case the "viewer's" came and damaged all the stuff and the computers, I had to have a copy of all the finance stuff.

Board Member: Only finance things were on the disk? Were there pictures on the disk?

Detainee: On the disk I had my personal pictures and other finance transactions.

Board Member: Was this a 1.4MB?

Detainee: No it was on a CD so it was about 652 [MB], I do not know.

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Board Member: The computer disk that's referenced in this point is only personal information that you would download; in the event that the system crashed you would still have it?

Detainee: It was not a copy I made for myself personally, it was for the office. Just in case anything got damaged.

Presiding Officer: It was your back-up. The pictures you said were your family pictures.

Detainee: I had my personal pictures also. When I copied from the hard disk everything copied to the CD.

Board Member: You did give that to a security contractor?

Detainee: No. If I did give that to a security contractor then who was the security? They were all Americans. Are there Americans that belong to Hezb-E-Islami Gulbuddin?

Board Member: Did they take the disk from you?

Detainee: No. When they arrested me they asked for the disk and I gave them the address.

Board Member: You gave them the address? So it wasn't in your office, it was in another location?

Detainee: The day they arrested me I had everything with me. I sent the computers back to the office and I had the CD with my stuff. I was allowed to take the computer home because I had a computer at home and was studying html at that time. We had power problems in the training center. I spoke with my program officer and asked if I could take the laptop home from the training center, so everyday I was taking the computer home with my stuff. When I made the copy I forgot the CD at home and I took the computer back to the office. When I was arrested I told them the CD was at my home.

Board Member: So you were arrested in your office?

Detainee: I was arrested in my office.

Board Member: You showed up one day and they were waiting for you or did someone come to your office while you working? How did this happen?

Detainee: It was eight o'clock in the morning when I went to the office with my father. When I went to the office I asked for my program officer whose name was [REDACTED] they told me he was coming. After ten minutes [REDACTED] and another person whose name was [REDACTED] came and arrested me.

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Board Member: How do you know that you were arrested because of the conversation you had with the three Afghani's?

Detainee: I did not know then that was the reason I was arrested. When I got here they told me those people were the ones that made the story about me.

Board Member: What was it that they said about you? Did they tell you?

Detainee: They said that I worked for Hezb-E-Islami. When I came to Cuba, that's what they told me. In Baghram and Kabul no one told me anything.

Board Member: They never told you why you were detained arrested and then moved?

Detainee: No.

Board Member: Do you consider yourself a threat to those three Afghani's? Why would they consider you to be a threat?

Detainee: I don't know.

Board Member: You have any ideas at all. It would help us. It would go a long way.

Detainee: I don't have any idea. That was the first time I saw those three people.

Board Member: You mentioned your father, how did he get involved? Did you call him before you were arrested?

Detainee: Around the third or second of April I went and spoke with my father and told him that they were saying things to me like I was working for other groups. He asked which group I was talking about and told him they meant I was working out of the office with someone. My father asked me if I was working anyone and I told him no. He said okay well if you are not working with anyone then go back to the office. Friday was a day off in Afghanistan, on Saturday morning he said he would go with me and we would talk to the officers. He told me if I was not working with anyone then I could go to the office. When I came with my father to the office, they arrested me.

Board Member: On the morning you went to explain what was going on your father was with you?

Detainee: Yes. My father told me if I was working with someone then don't go to the office. I told him that I was not working with anyone. He then said I should go back to the office.

Board Member: What does your father do?

Detainee: He is a money exchanger.

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Board Member: What was [redacted] or [redacted] reaction to this? Did they try to stop them from arresting you?

Detainee: I haven't seen [redacted] but [redacted] and [redacted] arrested me.

Board Member: They arrested you? [redacted] and [redacted] arrested you?

Detainee: Yes.

Board Member: This is after you interpreted for [redacted]?

Detainee: Yes.

Board Member: There is a big part of this story that we are not seeing; I would like to know what that is.

Detainee: Check my file.

Board Member: Well it would be better if we heard it from you.

Detainee: I told you already. I don't know any information about those three people. I don't know why they arrested me and why they made a story about me.

Board Member: Do you understand what this panel or this board is about? We are not here to assess guilt or innocence. Our job is to assess potential threat, if there is or is not a threat and then to determine whether or not you stay or go. We do not have all the information in a file. We would like to know from you why you are here and then make the best assessment that we possibly can.

Detainee: That's right, I also asked where the information from the file came from.

Board Member: Did you ever get sideways with [redacted] over something?

Detainee: No.

Board Member: You were friends with [redacted] and he arrested you?

Detainee: Yes.

Board Member: Sounds like he was a part of this arrest based just on a rumor he heard from these three individuals stating that you had done something or were associated with someone. That's it?

Detainee: Yes.

Board Member: They didn't do any kind of investigation or anything?

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Detainee: Nothing. I helped Americans I worked up until midnight with them. They called me when they needed me during snow or rain. I was on call. I worked 15 or 16 hours in the office.

Board Member: In the process of you doing finances did anyone ever come and audit your books?

Detainee: No.

Board Member: Did you expect an audit? Did they tell you an audit was about to take place?

Detainee: No, but we had reports every week and month. We sent it up to the main office.

Board Member: Where was the main office?

Detainee: It was in Kabul. Another address that was with [REDACTED] We bagged all the stuff and sent them through Fed Ex or DHL. We also sent other stuff to the headquarters in the United States.

Board Member: Did you ever suspect or have knowledge of any financial activities that you thought were not appropriate?

Detainee: No.

Designated Military Officer: Three men identified the detainee as a source for a high level member of an anti-American terrorist organization, Hezb-E-Islami Gulbuddin.

Detainee: I explained that to you before.

Designated Military Officer: The detainee claims that he provided information to an anti-American terrorist organization because he was told that if did not cooperate, his family would be killed.

Detainee: When I was in Kabul and they started beating me, this was the story that I told them. After that they asked why did I give information to Commander Chaman, and I told them because he threaten me and said if I did not give him information then they would kill my family. I made that up. That is a lie.

Board Member: What information?

Detainee: The information like the pictures or list of the people.

Board Member: Chaman knew all of that. He was around those people all the time. Why would he want pictures of them?

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Detainee: He was not an educated person and he didn't have any contact with any administration personnel. He just had contact with [REDACTED] about the equipment.

Board Member: This statement here was obtained while you were under interrogation in Kabul. When asked about it later, you told them you made it up because you were being pressured to say that.

Detainee: Yes. When I was saying lies like my name is Mohammed Mustafa, they asked if this is was an alias and I said yes. From every lie came another lie.

Board Member: Is Chaman associated with Hezb-E-Islami Gulbuddin?

Detainee: Chaman was in Afghanistan before the Taliban; I do not know which year it was. There were three famous thieves between Kabul and Jalalabad, they were Chaman, Kalman and Zardan, three people.

Board Member: Were they associated with Hezb-E-Islami Gulbuddin?

Detainee: Yes, at that time in the newspapers, on the television, everything they were talking about those three people.

Board Member: Even though Commander Chaman was a famous thief he was able to get employed at the camp?

Detainee: I spoke with [REDACTED] about that. I asked him why did they give that contract to Chaman. I was driving them from the DinaHouse to the office, he was at the back I looked at him in the mirror and he didn't answer me.

Translator explains they were kind of like warlords.

Board Member: You explained to him that he was not a good guy and should not be working here.

Detainee: Yes.

Board Member: Does anything happen in that area of Afghanistan without the approval of Chaman?

Detainee: I was not with him.

Board Member: Does the Karzai government depend on him for political stability?

Detainee: I do not know. I was not working for Karzai or Chaman. He had a police number license for his car from the security office.

Board Member: Chaman had a license plate for a police car on his personal vehicle?

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Detainee: Yes. The person who introduced him to the DynCorp office was from Pakistan and he knew the translator better than me. The Northern Alliance hated the Pakistanis and that guy introduced Chaman as the Chief of security in Kabul to the DynCorp office, so Chaman would protect him from the Northern Alliance and the translator he knew better than me.

Translator explains that he (the Pakistani guy) introduced him to the Americans to get a guarantee for his own security.

Detainee: At opening day at the table where we were sitting, at pretend that you are the Ambassador (points to the Presiding Officer) directly in front of him the actual chief of police, me and [REDACTED], the program officer and Chaman was sitting at the table. The program officer asked who is the actual chief of police?

Translator explains that the warlord actually has more power than the officers.

Board Member: Did you hear something during one of those conversations that would make you a threat to either one of those people?

Detainee: You are talking about those three people?

Board Member: Yes.

Detainee: First I don't remember exactly what happened when they came. I brought them orange juice and then we started the translation.

Board Member: We are a bit confused as to why you're here. There is a big hole here and we can't help if we don't see the whole picture.

Detainee: I also want to know the piece of the puzzle why I am here.

Board Member: One big piece of this puzzle seems to be that three strangers walk into the office and allege that you are involved with an HIG. This seems to be the hole here.

Detainee: Which is simple in Afghanistan. A lot of people turn on a lot of people for money.

Board Member: Yes, there is usually a reason?

Detainee: Just like for \$500 or \$1000 they will turn you in.

Board Member: Motivation is what we are looking for.

Detainee: I do not know because that guy was spying for the Americans. He may have brought one of like hundreds of lying stories and one true story. The Americans were looking for that true story.

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Board Member: Did you have anyone that worked for you like an assistant?

Detainee: Yes, I have my pen. That was my assistant.

Board Member: Who did your job after you left?

Detainee: I don't know.

Board Member: Could [REDACTED] do it?

Detainee: I don't have any contact with them. I only get letters from my family.

Designated Military Officer: The detainee was aware of a possible plan to attack United States and Afghan forces.

Detainee: Which attack are they talking about? 9/11?

Presiding Officer: We don't think so; I think this is probably some other attack.

Detainee: I would like to know which attack they are talking about. When I was back at home there weren't any attacks in Afghanistan. When I lived in Kabul I worked for about six months starting in, I think, October to February. I worked with the Americans; there wasn't any attack.

Board Member: So the answer to the question is no?

Detainee: It is no, but I am not associated with any groups to know there is an attack or an attack is coming and they are going to attack Americans. Okay, if they are attacking DynCorp office, I worked in the office. I worked 13 to 18 hours in the office and I was there everyday.

Board Member: Did you take time to pray or go to the Mosque?

Detainee: Actually, I wasn't praying when I was back at home.

Translator explains he is not a very religious person

Detainee: The environment makes me a religious person.

Board Member: So you are not a very religious?

Detainee: I said the environment makes me religious.

Translator explains in Afghanistan everyone is supposed to be Muslim, they call them Muslim. Some of them pray five times and do the conditions while some people just say "okay, I am Muslim" but they do drink and do whatever they feel like doing.

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Detainee: Especially in Kabul.

Board Member: Did you ever drink with [REDACTED] Did you guys ever go out and party a little bit?

Detainee: Party in Afghanistan, but we never partied with DynCorp office or other subcontractors.

Designated Military Officer: The detainee applied for a visa to the United States under a false name.

Detainee: I have three names which are Mohammed Mustafa Sohail and also my family name is Bahazadar. If I apply with Mohammed or Mustafa, it's okay. I applied but it was from one of the UNICER (United Nations High Commission for Refugees) offices during the Taliban they had the DD 2000 form for us from UNICER. They had them for your country (United States), American countries and other countries. Everyone was filling out the forms.

Translator explains it was to apply for refugee status, that's how I came.

Detainee: When I applied on the form, I put Mohammed Mustafa Sohail Bahazadar. Which is all four names.

Board Member: So the actual name you used was a family name? It's just not the family name we see here in front of us.

Detainee: No, the family name is Bahazadar. It is in my file also, Sohail is also a name some people call me as a nicknames. I am a cricket player. So there was a cricket player that I liked, so I took that name from him. People call me Mohammed Mustafa Sohail Bahazadar; I have four names.

Board Member: The name you applied under was a legitimate name?

Detainee: All four of them are. In high school if I took one of those, for example Mohammed Sohail or Sohail Bahazadar, it would not be a false name. It is all my name.

Board Member: You were applying for a visa to do what?

Detainee: For refugee status. I was not alone my family did it, my parents, my brothers and sisters all applied. During the Taliban we had a bad time and there wasn't any education in Afghanistan, so we applied.

Board Member: The entire family was applying for refugee status?

Detainee: Yes.

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Board Member: How many people earned money in your family? Was it you and your dad? Did you give money that you earned from your job to your family?

Detainee: At the time I was working for DynCorp in Kabul, my dad was in Jalalabad. Jalalabad is another province in Afghanistan. I was living with my mom, my brothers and sisters. My dad was in Eastern Afghanistan in Jalalabad because that's where his shop was. At that time I was supporting my family in Kabul.

Board Member: By yourself?

Detainee: Yes. I made 600 American dollars working with the Americans. It's a lot of money in Afghanistan; the governmental salary there is 50 dollars a month. I rented my car as well, which was 1000 dollars.

Designated Military Officer: The detainee claims that the confession regarding him providing classified information is false and coerced.

Detainee: Which I explained to you before. They put a pistol in my mouth; they beat and pushed me so I made up a story.

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.

Detainee: What is classified information, the meeting that the Designated Military Officer asked about?

Presiding Officer: He asked for a separate meeting a closed session.

Detainee: Maybe he has classified information.

Presiding Officer: That's presumably what he is saying.

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

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: During the initial interview, when the detainee was asked to give his reason for not wanting to attend the ARB, the detainee said, "I do not want to

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attend because I am in shackles...I need to think about it." When asked how much time he needed to decide, the detainee said three years. The AMO told the detainee that three years was unreasonable...his board was going to be held in the very, very near future. The detainee commented that these boards were being played like a computer game...I will let you know tomorrow (Saturday) my decision if I would attend this board. I will tell the guard to call you." At the conclusion of the interview, I (AMO) made arrangements for a follow-up interview. This interview was necessary to get the detainee's decision regarding attending the ARB.

The Presiding Officer asked the Detainee if he wanted to make a statement:

Detainee: In this oral statement that you want, what do you want me to talk about.

Presiding Officer: It's basically if you have any information beyond what you answered in the questions.

Detainee: I already answered everything.

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

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

Detainee: When will I receive the results from the ARB?

Presiding Officer: Well there is a part in this session where we will address that.

Detainee: Sorry.

Presiding Officer: The short answer, however, is that we really don't know.

Administrative Review Board Member's questions:

Board Member: Help us fill in the parts that seem to be missing. Are you aware of circumstances that you are afraid to give up? That you just can't say at this time? Circumstances that you are afraid to say?

Detainee: When I confessed in Afghanistan and made those lies?

Board Member: Anything you know.

Detainee: I told you everything.

Board Member: There's nothing else that you can say to help us with your case?

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Detainee: I am not afraid of anything. I said if they put a pistol in my mouth, beat and push me again like they did in Afghanistan. Maybe then I will say the same lies I said in Afghanistan.

Board Member: We are not going to do that.

Detainee: Who did? Who were those people?

Board Member: I do not know.

Detainee: Those were Americans.

Board Member: We are trying to move forward here, we don't want to spend a lot of time back there. That's the reason we are here.

Detainee: That's the question you asked at first. Why am I here? It is because they beat me and put me here. If they didn't beat me then why did I make up that story?

Board Member: We believe that there is a piece of this that we are not seeing. If we knew what that was we might be able to help you, but right now we are kind of lost because we do not know what this missing piece is.

Detainee: Ask the person that arrested me.

Board Member: Well there's three Afghani's that walk-in and give you up.

Detainee: Ask them what story they made up against me and how can they believe this story right away that I was working for the HIG?

Board Member: Did they just want your job?

Detainee: I don't know because after that I was arrested. I don't know what has happened since.

Board Member: There's nothing that you know of that you are afraid to say.

Detainee: I am not afraid of anything. I am a detainee.

Board Member: Let's just say the board recommends that you go back home, what'll happen to you if you go back home? What will you do? With this kind of threat out there, with these three individuals, what can you do? What's going to keep that from happening in the future? Will you be well received if you go back home? Will employers look at you and say this guy was sent to Cuba because of some rumor?

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Detainee: First, I do not know anything about if I am going home or not being here. I do not know what is happening. Second, if I go home, it has been three years. I don't know if the people will see me again and remember my face or not.

Board Member: Well the people that will remember your face will be people like your father, your family.

Detainee: That's right, but those three people will not remember my face. I only saw them for just 30 minutes in the office and my family knows me.

Board Member: What would you do for employment if you went back home?

Detainee: First, I lost my education here; I have to learn some things again. It's been three years; I was a computer person. I forgot all of my computer stuff. I have to learn something before I can apply for the United Nations. I want to work for the United Nations office or other international organizations. I don't want to work for the government because I do not like governments; I do not like politics. I don't want to be a politician. I want to help people. I want to provide relief. That's why I want to work with the United Nations or other international organizations.

Board Member: If you don't mind me asking. I would like to ask what is your state of mind. I think that if what you are telling us happened to me, I would be very angry. What would be your frame of mind towards Americans in Afghanistan when and if you go back home?

Detainee: I don't have anything against any person, against any foreigners in Afghanistan. They are guests in Afghanistan. Afghanis don't say anything about guests in their country. If I have any problems with American's, why haven't I done anything bad to the guards here, which I can do. I am outside with the guards and the officers all of the time. I am not a person to kill someone, if I killed someone before I would be at home. I didn't kill anyone the people that killed people are at home, especially the Minister of Justice they are Taliban and they went home. They hung hundreds of people on the avenues and they went home. The Tribunal determined that they were not enemy combatants.

Board Member: In 2001 when you were arrested, how did you interpret the changes going on in Afghanistan?

Detainee: That was positive changes. During the Taliban I had a bad time. I was working as a laborer for 24 hours on a computer in one of the college's. I was only making money for my lunch and dinner. I didn't have a house. I couldn't even rent a house with my family. In this government, I started working with the Americans in the Egypt Foundation, which was an American organization.

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Board Member: You want to go back to a country that three guys can just walk in off the street and just turn you in causing you to be arrested, interrogated and sent to a foreign country? Is this where you want to go back to?

Detainee: If they give me asylum to go to your country, I am ready to go there.

Board Member: Do you want to go back to Afghanistan?

Detainee: Of course, that's because my family is there. If they (another country) were ready to take me to their country I would go.

Board Member: Do you think you will be arrested again if you go back?

Detainee: I don't know. I don't have any problems with anyone, not my government or any local people.

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


Detainee: The third stage of the human game.

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.


Colonel, USAF
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1009

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer asked the Detainee if he wishes 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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 29 August 2005 and lasted 80 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the detainee was 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 wanted to attend and address the allegations. When asked how he would like to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary of Evidence after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was

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polite and cooperative throughout the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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 to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) Detainee's son admitted that he and his father fought with the Taliban.

Detainee: This [allegation] is wrong. [During] the time of Dr. Nagib I was having problems with my legs. I could not get out of my home. How could I fight for the Taliban the way that I am? This is not true.

Designated Military Officer: (3.a.2) Detainee was captured by United States Forces with 700 weapons, including small arms and rockets.

Detainee: Actually, I don't know about my son and what he has done. I live 30 kilometers away from my son. When I found out that they captured my son I went to that area. The place [he was captured] belonged to the government and I was trying to ask what was going on. They captured me at my house about 30 kilometers away.

Designated Military Officer: (3.a.3) Detainee was captured with letters addressed to him and from him although he claims to be uneducated and illiterate.

Detainee: This is very, very wrong and meaningless talking. The Koran is my religion and I cannot even read that. If you find out that I can read and write then I will agree with you guys and whatever you do to me.

Designated Military Officer: (3.b) Training: Detainee claims he served in the Afghani army in the late 1950's or 1960's. Detainee claims he only served as an infantryman for approximately two years and only received small arms training.

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Detainee: Everybody during that time, for the government, it was mandatory for everybody to serve for 2 years for the government. I have done it too and everybody has done it. It was not like I was going to fight Americans. It is true I have done military service and after the service they give you a certificate called Tarkhis. It is like an honorable discharge kind of certificate and they will not ask you for more [service].

Designated Military Officer: (3.c) Connections/Associations: (3.c.1) Detainee was a Hizb-I Islami Gulbuddin commander.

Detainee: That is a lie. I was a commander for Harzat Sahib. I was not a Gulbuddin commander I was a Harzat Sahib commander. For example if Karzai is in power and if everyone is working for him as a commander and that is why we were being supported by America and we had an organization. I was a commander for Hazrat Sahib.

Designated Military Officer: (3.c.2) Hizb-I Islami Gulbuddin (HIG) was one of the major mujahedin groups in the war against the Soviets. HIG has long established ties with Usama bin Laden. Gulbuddin Hikmatyar founded HIG. Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic fighting conflicts. Hikmatyar offered to shelter Usama bin Laden after he later fled Sudan in 1996.

Detainee: What does that have to do with me? That has something to [do with] Gulbuddin and you can ask him.

Presiding Officer: That is fine. If you have no knowledge about it then that is a sufficient answer.

Designated Military Officer: (3.c.3) Detainee was a village leader in an area controlled by the Hizb-I Islami Gulbuddin (HIG).

Detainee: I never was a commander during Gulbuddin. I was a commander for Hazrat Sahib. I was the leader of the village because I was a Hazrat Sahib commander. When Gulbuddin took over I became sick and my health started failing and I have not [been a commander] since that time.

Designated Military Officer: (3.c.4) Detainee claims he only met Gulbuddin Hikmatyar once.

Detainee: I have not seen him like I am talking to you or these...I have not talked to him. It was at an Islamic leaders conference and they said Gulbuddin was going to talk. He was talking and someone showed me who he was. That is why I saw him. I have not seen him like to talk to him.

Designated Military Officer: (3.c.5) Reporting states Hizb-I Islami Gulbuddin members were planning to kidnap United States Personnel on the Kabul to Jalalabad road between

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the Sorobi, Kabul province, Afghanistan and Jalalabad, Nangrahar province, Afghanistan to exchange for a captured Hizb-I Islami Gulbuddin commander.

Detainee: What does that have to do with me? I cannot even get out of the house. What does that have to do with me?

Designated Military Officer: (3.c.6) Further reporting states Hizb-I Islami Gulbuddin wanted to kidnap United States military personnel from Bagram Airfield.

Detainee: It has nothing to do with me so when they kidnap them...that mother...that pimp. Whatever he does has nothing to do with me.

Designated Military Officer: (3.c.7) Detainee claims that Engineer Wasil was his son's commander.

Detainee: Yes, I have to give some explanation with this one. There were two Americans that came to my son and asked him if he wanted to go to the university in Kabul with us and he said yes. They promised him that they would bring him back in the night [time], but he did not show up. The next day people told me and then I went to Sorobi. I went to Sorobi and I asked what happened and they said these two Americans came and picked him up and I asked them who [my son] was working for. They said he was working for Engineer Wasil and that he was the Eastern Zone Commander in Afghanistan. I asked who Engineer Wasil was and they said he was from Panjshir Province, Northern Alliance, and he was a commander for Masoud. I asked where I could find him and they said in Policharkhi. I went to Policharkhi and I could not find him. I found another Pungeshiri to take me to [Engineer Wasil's] house. I went there and asked if he was Engineer Wasil and I told him that two Americans came and took my son and he said they were taking him to the university and he did not show up for three to four days. I told Wasil that I could not find him in the beginning and I want to let you know about my son. Wasil said not to worry they will only ask my son a few questions and let him go. That was the only time I saw Wasil.

Designated Military Officer: (3.c.8) Reporting states Wasil is a known member of Hizb-I Islami Gulbuddin.

Detainee: That is too far away from each other. Gulbuddin and Panjsher...that does not match. He belonged to Masoud's office and Gulbuddin is Pashtun. I have nothing to do with Pung Shiri. Anybody that says that does not make sense and that is a lie.

Presiding Officer: When they refer to Hizb-I Islami Gulbuddin it is a group.

Detainee: Yes, it is a party in Afghanistan.

Designated Military Officer (3.c.9) Reporting further states Wasil is not supportive of the United States, and believes the United States should not be in Afghanistan.

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Detainee: God kill him. What am I supposed to do? If he is not with the Americans what am I supposed to do with him?

Designated Military Officer: (3.c.10) Detainee's son is a commander of the Hizb-I Islami Gulbuddin.

Detainee: You can ask him that. I don't know about that.

Designated Military Officer: (3.c.11) Detainee's son admitted to having a weapons cache in his residence in the region of Sorobi.

Detainee: I have no information about that. Maybe he has information and you can ask him.

Designated Military Officer: (3.c.12) Reporting states the Detainee's son has links to al Qaida, Taliban and Hizb-I Islami Gulbuddin which led to his son's arrest.

Detainee: This talking is not connecting to me. What am I supposed to say about it?

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) Detainee claims he retired as the Hizb-I Islami Gulbuddin fifteen years ago when his health began to fail.

Detainee: Now it is about 18 years ago. When Najib was in power I was not his commander. I was somebody else's commander. Since that time I got away from the politics and these [types] of things.

Designated Military Officer: (4.b) Detainee stated he did not know anything about the weapons found in the residence he was captured in.

Detainee: I told you before and I am telling you now that I have no idea about those things.

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.

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement and anything earlier that you wanted to tell us this is the time to do it.

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The Detainee made the following statement:

Detainee: May I have permission to begin?

Presiding Officer: Yes.

Detainee: I will talk very shortly, the translator will translate, and our session or hearing will be very quiet and everyone will understand what I say.

Presiding Officer: You are not limited. Just tell us what you would like to tell us.

Detainee: After the revolution there was a civil war or personal war with each other that started. During the time that we had a fight with the Soviet Union, Russia, the mujahedin had very good memories of Americans. When the Russians left Afghanistan and there was a Najib communist government left and later on it disappeared. Then we were expecting, waiting for America to help us to create and build up a new government. Unfortunately they did not do it. Then the Taliban took over and they [committed] atrocities, killing, and any brutality they could. Talib means educated student or to learn things, but they were not that kind of people. Then, during the Taliban time, the opportunity opened for people to come from all over the world. The terrorist and any [other] kind of person came to Afghanistan and destroyed our honor and our dignity. Bin Laden, we hate him more than you guys and you people do not realize who is an enemy and who is a friend. When you came to Afghanistan everybody was waiting for America to help us build our country. We were looking for you guys and we were very happy that you would come to our country. The people that hated you were very few, but you just grabbed guys like me. Look at me. Our very happiness, you changed it to [bitterness]. I am still not mad at you guys, but in the future try to know the difference between your enemy and your friend. My son and I, if we have told any Americans to get lost, then you can do what ever you want to do to us, but we have not even said that. [After all] that has happened I am not upset. Even when I was at Bagram and here I was not upset. I was not upset with them until the time they called me an Enemy Combatant. What part of me is an Enemy Combatant? We were thirsty for peace and we wanted... a long time had passed and we were hoping that [America] would bring peace and build up our country. I hope God will do something so that peace will come to the country. The things that Americans are doing to us, even if we are not bad guys, we will turn into bad guys and go to the other side and do destructions. Afghanistan's doors were open for [the entire] world and Afghanistan's control was gone from us. We did not have control of Afghanistan. A few people, in the name of the Taliban and Osama bin Laden, were in control of Afghanistan. It was not looking like our own country and we kind of had a homeless feeling. When you captured me I thought that you would ask me some questions and I will give you some information and you would let me go. When they called me an Enemy Combatant I just got upset. One thing I am complaining to you [about] is that you did not [differentiate] between al Qaida and myself. You put us in the same place. I pray after this... after that God will do better things to us. Those people are against you and you did not catch them. You did not catch them and you will not be able

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to catch them. You just brought me here. I am glad you gave me the opportunity to be heard because my heart was pumping up and now I released it all. That is all.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, I have nothing else.

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

The Designated Military Officer had the following question for the Detainee.

Designated Military Officer: Was the house that you were arrested in your house or somebody else's house?

Detainee: It was my son's house.

Administrative Review Board Member's questions:

Board Member: How old is your son?

Detainee: Back home we don't have any record or memories. In 1348 he was two years old. I think he is around forty-six years old.

Board Member: What does your son do for a living?

Detainee: When he became mature, I fell at home so I don't know.

Board Member: Do you know if the two Americans that took him to the university in Kabul were in uniform? Were they soldiers?

Detainee: I asked, but I was not there.

Board Member: What rank did you hold in the Hazrat Sahib?

(The linguist explains who Hazrat Sahib is.)

Linguist: Hazrat Sahib was president for two months in Afghanistan when the Mujadidi took over. He was elected transferable president and his name is Sabghatulla Mujadidi.

Board Member: You said you were a commander. What does that mean?

Detainee: Karzai Sahib is the information chief of the Hazrat Sahib time... the Hazrat Party. Even Karzai was working for him too.

Board Member: I want to try to tie something down. The house that you were arrested at was your son's house. Did you live there also?

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Detainee: The place that my son was living belonged to the government. It is in the center of the local government place. He was living there.

Board Member: Did you live there also?

Detainee: As I told you before I lived 30 kilometers away from that place.

Board Member: Did you visit there often?

Detainee: I was not going there. I was sitting in my home and when they captured him I came to find out [what was going on].

Board Member: Did you ever know there were weapons in your son's home?

Detainee: Sir, I was too far [away] and I didn't know.

Presiding Officer: In response to the questions, you did say that you visited from time to time.

Detainee: When he got captured I came. I cannot move I...

Presiding Officer: In regards to the 700 weapons, does your son live in a single house, or in a compound like other homes in that area?

Detainee: It is a military building...a compound...it belongs to the government it is not personal property it is government property.

Presiding Officer: Was your son living there?

Detainee: Yes.

Presiding Officer: When we asked you about Gulbuddin Hekmatyar and you said you saw him was that from a distance or on a video teleconference? You said you saw him at some type of seminar.

Detainee: It was around 20 years ago there was a leader of Islamic...there were a lot of people and...

Presiding Officer: So you saw him, but you did not meet him face to face?

Detainee: Everyone was speaking in turn and I asked who he was and people told me Gulbuddin.

Presiding Officer: When you are transferred back and released to your home government, what are your plans when you return?

Detainee: I am not able to...I cannot do good and I cannot do bad, I am a nobody.

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Presiding Officer: Thank you for your answers.

Detainee: I will pray for you guys.

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

(The Detainee interrupts with the following questions:)

Detainee: What is your opinion on when a date will be set?

Presiding Officer: No date has been set at this point and once the Designated Civilian Official makes a decision you will be notified.

Detainee: Actually the [Designated Civilian Official] does not see me, you guys see me.

Presiding Officer: Yes, we will make a recommendation to the Designated Civilian Official.

Detainee: God will do good [things] to you.

Presiding Officer: Thank you.


Detainee: I pray for you and I have not [said] a bad thing about America and I will not in the future. If I have another chance [to meet a board in one year] God will not leave me alive. I don't know about your decision, but I will not be alive for the next chance.

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.


✓ Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1010

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer asked the Detainee if he wishes 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.

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.

Presiding Officer: Assisting Military Officer, please read the comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 15 November 2005, and lasted 30 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he would like to attend the ARB and speak openly to the Board Members. The Detainee was very polite, attentive, and would like to respond to the Unclassified Summary of Evidence after each point is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

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The Detainee chose to respond to the Unclassified Summary of Evidence as each item of information was presented.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, DMO-2, and DMO-3 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.

The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

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) Connections/Associations (3.a.1) Due to a financial dispute with an enemy of the family, the Detainee claims the individual made false accusations to military authorities claiming that he was in possession of weapons at his home.

Detainee: This allegation is correct. However, the dispute was not based on a financial issue. We had a fight between us a long time ago, but it was not about financial issues. When the United States Forces asked me if I had a dispute in the area with anyone I mentioned two things: (1) I told them about a dispute I had in the area with a soldier. I don't know if he [the soldier] gave that report about me.

Designated Military Officer: (3.a.2) The Detainee was identified as a Hizb-I-Islami Gulbuddin member who possibly held the rank of Deputy Commander. There were a large number of weapons in the compound in which he was captured.

Detainee: When they brought me to Bagaram, [detention facility] was the first time I had heard Gulbuddin's name. I do not belong to that party.

Presiding Officer: You are not a Deputy Commander [of Hizb-I-Islami].

Detainee: Who is the Commander?

Presiding Officer: That is not my question. My question is, are *you* a Deputy Commander of any group?

Detainee: I am not a Deputy Commander of any group and I do not know anyone who is a Deputy Commander.

Board Member: Are you associated with Hizb-I-Islami Gulbuddin in *any way*?

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Detainee: I am 30 years old. In my whole life, I have never heard Hizb-I-Islami Gulbuddin's name. I was a farmer. I did my farmer work.

Presiding Officer: What were all the weapons for [found in Detainee's home]?

Detainee: We had two Kalashnikovs [the Detainee and his family] because we had had disputes with other tribes. The other tribes were our enemies. They were killing us and we were killing them [the other tribes]. I had a BB gun. The other weapon was a hunting gun, a twelve-gauge shotgun. There was another gun that we had that had been given to us by our grandfather. The gun from our grandfather did not work.

There was chaos in Afghanistan. We [the Detainee and his family] have enemies. We had to protect ourselves. The weapons we had were for our own security. I notified the new government [Karzai] that my family and I had weapons in our home. I told the new government [Karzai] that at any time, if they wanted me to turn the weapons in I would do so.

A person by the name of Samad, who was from Kabul Province, I borrowed the two Kalashnikovs from him. Samad was killed so the Kalashnikovs remained in our [the Detainee and his family] possession. That is why when the new government [Karzai] came to power, I notified them that I had two Kalashnikovs. I told the new government that any time they wanted me to return the weapons I would.

Board Member: How well did you know Samad?

Detainee: My brother got these weapons from Samad. Samad was a friend of my brother. I did not know Samad directly [personally]. Because of the problems we were having with our enemies, they [the enemies] were strong and we were weak. We traveled to Jalalabad [to get the weapons]. When we got the weapons, we came back to our village. We were protecting ourselves with the weapons [Kalashnikovs].

Board Member: You did not know Samad, but he gave you two Kalashnikovs?

Detainee: [to the Translator] You are not doing a good translation!

Detainee: [to the Review Board] The weapons we got were given to my brother [by Samad]. My brother knew Samad.

Designated Military Officer: (3.a.3) The Detainee became angry when accused of having a connection with someone who was in the Hizb-I-Islami Gulbuddin or someone who was considered a terrorist.

Detainee: I don't know. I don't have any relationship to Gulbuddin.

Designated Military Officer: (3.b) Other Relevant Data (3.b.1) The Detainee's route of egress from Afghanistan is as follows: the Detainee traveled from Tagah to Kabul to

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Kandahar, and then to Quetta, Pakistan. From Quetta, the Detainee traveled to the Taftan area of the Iranian-Pakistani border region.

Detainee: At the time of the Taliban, two years prior to Karzai coming to power, I traveled to Kabul, then to Kandahar, and then to Quetta. From Quetta I traveled to the Iranian border. I was then arrested at the Iranian border. The reason I traveled to all these places is because there was no work in my area [village]. I was looking for work. There were economic problems in my area. The total trip took twenty-five days.

Designated Military Officer: (3.b.2) Joint Military personnel entered the Detainee's home and began a search for contraband items. The Detainee was told that weapons had been found in his house but he countered that they were actually found at his brother's house.

Detainee: My brother and I live in the same house. The weapons they are talking about [in the Unclassified Summary] there were five weapons. Two Kalashnikovs, one BB-gun, one hunting gun [shotgun], and the gun our grandfather gave us. Those weapons were for our own protection and personal security.

Designated Military Officer: (3.b.3) After the Detainee was seized, he recanted his original story regarding ownership of the weapons found at his house. The Detainee admitted that only two of the weapons were found at his house. One weapon was a Kalashnikov and the other was a British weapon.

Presiding Officer: You have already answered that question.

Detainee: The question refers to one Kalashnikov. I had two Kalashnikovs. These weapons hung on the wall [in the Detainee's home]. I took the weapons out and gave them to the Military personnel. These allegations [the Detainee having weapons and recanting his story] came about when I was at Bagaram and here in Cuba. I have no idea what they are talking about. What ever I had [weapons] I told them. Again, I had these weapons for my own protection.

Designated Military Officer: (3.b.4) During this later recant, the Detainee stated that the two weapons were used for bird hunting and went on to say that any additional weapons may be the property of his brother and that if there were any weapons, there were acquired from a Mujahadeen that was associated with his brother.

Presiding Officer: I believe the Review Board has heard sufficient information in regards to the weapons. If the next statement you [the Detainee] are going to make is basically the same as your other references to the weapons, you have already made those facts clear. Is there anything different that you would like to add?

Translator: The Detainee is relaying the same story.

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Presiding Officer: I believe the Review Board is clear on the issues regarding the weapons. You do not need to relay the information again. Please proceed.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee insisted that he had been wrongly accused and implicated with the weapons.

Detainee: Yes Sir.

Presiding Officer: Would you like to give the Review Board some additional background in regards to this allegation? Or does this allegation reflect back to the statements you have already made?

Detainee begins to speak

Presiding Officer: Excuse me. Does this statement reflect back to allegation 3.a.1 in regards to the dispute, where an enemy of yours turned you in?

Detainee: I told my investigator and my interrogator in Bagaram to please ask about me, ask the people of my village questions about me. I am a farmer.

Presiding Officer: The Review Board understands that [the Detainee was a farmer]. Once we have read through the Unclassified Summary of Evidence, you will have a chance to make a personal statement.

Designated Military Officer: (4.b) The Detainee has denied ever being associated with the Hizb-I-Islami Gulbuddin or knowing somebody who was.

Detainee: That is true.

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.

Assisting Military Officer indicated the Detainee would like to make an oral statement.

The Detainee made the following statement:

Detainee: I was a farmer and I am a very poor man. When the United States came to Afghanistan, why did they bother these poor people? Poor people like me. At the time I was captured I was working on the road [road construction, paving roads]. I am not

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against the present government [Karzai government] and I will not be against the government. I am a farmer. I will work on my land and farm.

Presiding Officer: To answer your questions [referring to why the United States *bothered and captured* poor people like the Detainee], the reason why you and many other farmers were brought to Guantanamo Bay, Cuba is this....

Detainee: You are strong and you have the power. That is why.

Presiding Officer: That is not exactly correct. The Taliban and al Qaida's headquarters of operations were in Afghanistan. That is a fact. Many farmers chose to take up arms against the United States even though the Taliban and al Qaida attacked the United States. The United States did not attack Afghanistan unprovoked. The United States has great respect for the country of Afghanistan and its people. The United States is spending billions of dollars to bring officers and interpreters to talk to you as well as other detainees. The United States is spending money in an effort to determine what it actually was that you or other individuals were doing and whether or not you should go home.

Translator: The Detainee does not understand what "*billions of dollars*" means.

Presiding Officer: This Review Board is not a mockery. The civilian officials in Washington D.C. take our opinions [the Review Board] very seriously. These Review Boards have resulted in the release and transfer of numerous people. People have been sent home and are now with their families. Not all of these people [those who have been transferred or released] were completely innocent. However, these others told us the *truth*. The Review Board believed these individuals when they said they were not going to take up arms again. One thing troubles the Review Board about your case. Please know that the Review Board is very happy you chose to attend the Review Board so we may ask you this question.

Your brother has some very bad friends. What the Review Board is trying to understand is this: are those bad friends associated with your brother associated with you as well? Statements concerning those issues, so the Review Board can determine to: (1) detain you, (2) transfer you, or (3) release you is what the Review Board would like for you to talk about. Help the Review Board understand who *you* are.

Detainee: Neither my brother or I have bad friends or acquaintances. My brother and I are farmers and farmers do not do bad things. Where I live [Detainee's village] no one fought against the government or United States Forces. We [the Detainee and the people of his village] did not have any knowledge about things like this [fighting]. Without any reason or evidence, I did not commit any crime. No one has any proof or evidence that I committed a crime. I am innocent. I don't understand why I was brought here [Guantanamo Bay, Cuba].

In response to your statement [Presiding Officer] in which you said the United States invaded Afghanistan to go after the Taliban and al Qaida. I don't understand why I have

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In response to your statement [Presiding Officer] in which you said the United States invaded Afghanistan to go after the Taliban and al Qaida. I don't understand why I have been brought here because I am not part of the Taliban and I am not a member of al Qaida. I am one of the people of Afghanistan.

Presiding Officer: Many people who possessed AK-47s were killing Americans and members of the Northern Alliance. The Review Board is here this morning to try to figure out if the AK-47s in your possession were only for peaceful and defensive purposes [personal security and defense] or for something else [fighting].

Detainee: The worst thing in Afghan culture is when someone invades your home. When this happens (happened) I should have started shooting when someone invaded my home. However, I did not shoot at anyone. I told you that I had enemies. Its not a secret and it is very open that people have weapons in their homes [in Afghanistan]. The weapons we had were not just there [in the Detainee's home] when the American Forces arrived. We had had those weapons for over ten years. We had those weapons ten years prior to the United States coming to Afghanistan. At one time, there was no government and there was no security. Every family took security of themselves into their own hands. It was common for families to have weapons in their home.

Presiding Officer: You never shot at any member of the Northern Alliance or United States Forces?

Detainee: One simple reason I will give you. Anyone who fought had a mark on them-- a bullet mark. Thank God I am ok and that I never fought against anyone. The weapons I had were for my own protection.

Presiding Officer: The Board Members have some questions for you.

Administrative Review Board Member Questions:

Board Member: Mohammad, when did your brother receive the Kalashnikovs?

Detainee: Ten years prior to when I was arrested. Because we did not have enough money, the guy gave us the Kalashnikovs. Ten year prior to my arrest.

Board Member: What are your feelings toward Usama Bin Ladin?

Detainee: I never heard his name. I never even heard his name mentioned when I was at Bagaram. I had only heard of Usama Bin Ladin when I arrived here [Guantanamo Bay, Cuba]. I heard about Usama Bin Ladin from the interrogator.

Presiding Officer: What do you think about what Usama Bin Ladin did [the destruction of the World Trade Center]?

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Detainee: What Usama Bin Ladin did was completely wrong. I heard about it when I was at Bagaram. No one should kill anybody. Killing is wrong.

Board Member: What are your feelings about the Karzai government?

Detainee: We [the people of Afghanistan] were very happy. We are still very happy. It was very good news and it was very good for the Afghan people when Karzai came to power. The Karzai government gave us fertilizer, seeds, wheat, blankets, and stuff like that. They were paving roads and helping us. The government was working on building an irrigation system and things like that. We were very happy. However, since I have been here [at Guantanamo], it has been bad luck for me.

Board Member: What are your feelings toward President George Bush?

Detainee: Who is George Bush?

Board Member: How will you support yourself if you are released?

Detainee: Would you please give me a job in Afghanistan Sir [laughing]? My feet are swollen and I cannot work. Maybe you could give me a letter and introduce me to someone who could give me a job. If I could get a good job I would be happy. I have arthritis and I have pain in my legs. If I were able to work [farm] I would do that.

Board Member: Did you fight against or did you support the Taliban when they were in power?

Detainee: When the Taliban took over, my family and I were living in Jalalabad. I was doing farm work. There was no rain and no water. I didn't like the Taliban, but I didn't hate the Taliban either. I did not have anything to do with the Taliban government in the area I was living in. In the area I lived in, there was no fighting with or against the Taliban. I did not work with the Taliban. After living and working in Jalalabad for a while I moved back to my own village, Shanki.

Board Member: Whose land do you farm [in Afghanistan]?

Detainee: I have two acres of my own land. The rest of the land we farm, we farm other people's lands. We are like farmers for lease [rent]. We provide farming [services] for other people.

Board Member: Do you grow enough to sell for profit or just enough to support your family?

Detainee: I grow onions and pomegranates to sell. I grow corn and wheat for my family. It's for survival, but we are able to work on other people's land because it is not enough.

Board Member: How many people lived in your home?

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Detainee: There are six brothers in my family. There was also my mother and father. Each brother is married and they have their own kids. If you want an exact number it will take me a while.

Board Member: Do you think two Kalashnikovs and one shotgun is sufficient to defend that many people?

Detainee: There was chaos [in Afghanistan]. When there is chaos, we [the Afghan people] need Kalashnikovs. When there is no government there is chaos and we have to protect ourselves. When there is a government and a system [for protection etc.] then there is no need for Kalashnikov.

Board Member: Of all the people who lived in your house, who would be the ones to defend the home with the Kalashnikovs if need be?

Detainee: We never actually used the weapons [Kalashnikov]. The weapons were just hanging on the wall. No one actually used them. Our enemies knew we had Kalashnikovs, so they never bothered us. The BB gun was for hunting [birds]. There is no market or bazaar near my village. We have to go outside and hunt birds for food.

Presiding Officer: What kind of birds?

Detainee: Ducks, doves, and some other kind of small bird. I don't know what they are.

Board Member: Do you have electricity in your home?

Detainee: No Sir.

Board Member: Be very very truthful with me now.

Detainee: Sir, I have been telling you the truth.

Board Member: Other than the five weapons you have already described, were there any other weapons or explosives collected at your home at the time you were detained?

Detainee: No Sir. When they came to my house, I went through each room with them. If I had a weapon, I handed it to them.

Board Member: Where did you get your ammunition?

Detainee: For the Kalashnikov, the bullets were in the magazine. The magazine was full [in both weapons]. We did not fight in combat. We just needed it [the weapons and the ammunition] for show. Our enemies knew that we had Kalashnikovs and they knew we had bullets for the weapons.

Board Member: So, you had no other ammunition other than what was already in the magazine [with the weapon]?

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Detainee: Yes Sir.

Board Member: Did you ever practice firing the weapon?

Detainee: No Sir. It was not a secret that I had weapons. Everybody knew we had weapons. Everybody had weapons. We did not have to fire the weapons because people left us alone.

Board Member: Did you have a phone? How were you able to communicate with people who lived outside of your home/family?

Presiding Officer: Have you ever called anyone?

Detainee: I did not have a phone. The only time I saw a phone was when I was at Bagaram. The U.S. Army soldiers had phones. One soldier here in Cuba showed me a phone.

Presiding Officer: Do you have anything further for the Review Board this morning?

Detainee: I am a Detainee, what should I say? Thank you very much.

Presiding Officer: Thank you.

The Presiding Officer read the post-Administrative Review Board instructions 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.


Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1015

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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 Detainee has declined the assistance of the Assisting Military Officer and opted to speak openly to the Administrative Review Board.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2, other unclassified information 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 opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

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

The Detainee declined taking the (Muslim) oath.

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The Designated Military Officer read the Unclassified Summary of Evidence to the Administrative Review Board.

Designated Military Officer: The Detainee stated that he wanted to travel as Tabligh to get to Europe, and then planned to request political asylum when he got to Europe.

Detainee: Did I not correct this point the last time I talked to you (*referring to the translator*)?

Presiding Officer: We are giving you the opportunity to respond to [all of] this. I can read off your paper, *referring to Exhibit EC-B*, but you have chosen to speak. If you would like to speak, please do so and respond to the statements, if you want. You can provide us with very important information to help us make a decision, if you choose to.

Detainee: What information...excuse me?

Presiding Officer: Please read the first one again, starting with "The Detainee."

Designated Military Officer: The Detainee stated that he wanted to travel as Tabligh to get to Europe, and then planned to request political asylum when he got to Europe.

Detainee: I traveled not to join Tabligh, but I traveled by way of Tabligh...as a way to get to Europe, and it was not for political asylum...just humanitarian asylum, just to live there only.

Presiding Officer: Thank you.

Designated Military Officer: The Jama'at al Tabligh is a legitimate Islamic missionary organization based in Pakistan and believed to be used as a cover for actions by Islamic extremists.

Detainee: What is my position regarding this information?

Presiding Officer: Do you have anything to add, do you have anything different than this information?

Detainee: I'm asking you, what do I have to do at this point?

Presiding Officer: Nothing, you don't have to respond at all if you choose not to.

Detainee: It's not that I don't...I'm asking you...you fixed this point?

Presiding Officer: Read it once more.

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Designated Military Officer: The Jama'at al Tabligh is a legitimate Islamic missionary organization based in Pakistan and believed to be used as a cover for actions by Islamic extremists.

Detainee: What...where am I in terms of all of this?

Presiding Officer: It's a point of commitment, that you traveled as a member of Jama'at al Tabligh and the Jama'at al Tabligh has been used as cover for Islamic extremists.

Detainee: I did not travel as Tabligh. I traveled by myself and I went to the Tabligh center so that I can get to Europe.

Presiding Officer: If I understand your statement correctly. You were never a member of Jama'at al Tabligh. You strictly used them to travel. Is that what your saying?

Detainee: Exactly, yes.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee bribed a guard at the embassy to get a visa to Pakistan, telling them that he was Tabligh.

Detainee: What is America's problem with this point?

Presiding Officer: No problem. We just ask if you have any information. I'm not here to determine [if there is a] problem. I'm here to determine what we will do with you and this piece of information. If you have any comment on it, fine. If you choose not to, fine. We'll move on to the next one.

Detainee: The point is this point. What is wrong with this point? Is there any harm...everywhere there is bribery. So poor me...it's all going to fall on me, that I bribed someone so I could travel.

Presiding Officer: Thank you very much for that information.

Detainee: What is the answer to these words?

Presiding Officer: We are just trying to determine if this is true or not. It's one small piece of information. We don't necessarily put value to it. We are just asking.

Detainee: Go ahead.

Presiding Officer: Thank you, Hussein.

Designated Military Officer: The Detainee traveled with \$1,500, U.S. dollars, 15,000 Pakistani Rupees, and 2,000 Yemeni Rials.

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Detainee: What is the problem?

Presiding Officer: We are just asking if this is accurate information.

Detainee: I told you this.

Presiding Officer: Thank you.

Detainee: Your welcome.

Designated Military Officer: The Detainee said that he paid a Pakistani to smuggle him to Europe.

Detainee: Dear god, I told you [that information].

Presiding Officer: Thank you.

Detainee: What is the problem [with] this?

Presiding Officer: There is no problem much of this is your information. We are just making sure the information is correct. [This] way we can make the best determination.

Detainee: [This is] information that I gave you. Four years and you're playing with these words with me.

Presiding Officer: We will ask further questions later.

Designated Military Officer: The Detainee traveled from Sanaa, Yemen...

Detainee: This word...prisoner or Detainee...I am kidnapped. I am kidnapped. How are you telling me, "prisoner?"

Presiding Officer: I understand from your statement that you consider yourself kidnapped. You have been determined to be an enemy combatant and are currently detained by the United States.

Detainee: I have been kidnapped by the United States. If I had been fighting with you and I got captured on the battlefield...I would tell you, "Yes, I am a fighting prisoner...prisoner of war." You kidnapped me from a country that doesn't even have a knife.

Presiding Officer: Hussein, thank you. We will continue to look. Our job today is to determine whether you will be detained or transferred, and these questions are relevant to that piece of information. I understand you have a different [opinion]. That's why we're here. That is what we want to find out. That's why we are here today and spending time with you, so that we can make the best assessment. We understand that you have disagreements and different points on some of this. That is fine. That is why we are here

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today...to discuss that. *Translator requested the last information to be repeated.* The more you cooperate and the more you tell us, the better decision we will make. I understand that you're not happy about being here. We are going to try and make the best determination based on the information that he provides.

Detainee: Go ahead.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee traveled from Sanaa, Yemen to Karachi, Pakistan and then on to Lahore, Pakistan. From there he traveled to Mashhad, Iran and Tehran, Iran, where he was arrested.

Detainee: I corrected this point. The first thing, I want to ask is [why does America have a problem with me traveling] from Yemen to Pakistan?

Presiding Officer: There is no problem. We are just making sure the information is correct. It is not illegal to travel.

Detainee: You're sure that I traveled and you asked my country! I traveled from Yemen to Pakistan. From Pakistan, I traveled to Iran, Tehran, Iran, then to Mashhad. I traveled back to Tehran and was captured.

Presiding Officer: Thank you for that information.

Designated Military Officer: The Detainee lived at the Tabligh's headquarters building in Lahore for two and a half months.

Detainee: Again, what is the problem?

Presiding Officer: There is no problem.

Detainee: All right, if there is no problem...let me go home.

Presiding Officer: There is no problem with that piece of information.

Detainee: What do you want me to do to you now? You're buying milk from a bird.

Presiding Officer: Hussein, we are trying to look at the evidence...at the unclassified summary. If we can move through these proceedings, we will get to questions and I can answer some more questions that you might have. At this point and time, we are just trying to make sure that some of the facts are accurate. If you have given us some of these facts, we thank you for your forthrightness.

Designated Military Officer: A senior al Qaida lieutenant recognized the Detainee from a photo.

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Detainee: First lieutenant, second lieutenant, third lieutenant...if you want to say something other than this. I mean all of this is [a lie].

Presiding Officer: Thank you. We understand completely.

Designated Military Officer: The Detainee was identified as an old "junior" al Qaida member who had been around for some time.

Detainee: So I created al Qaida? I created al Qaida...before I was born...before my parents got married, right?

Presiding Officer: We did not say you created al Qaida. We are here to determine if you were...this statement says at one point you were a "junior" al Qaida member. It did not say you created [al Qaida]. I believe you understood the translation.

Detainee: What do you mean "junior" member of al Qaida? How could you say that? Are you just [saying] information from your head?

Presiding Officer: No. This is information that we have. Were you ever a member of al Qaida?

Detainee: I was never a member of al Qaida or anything else.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee was seen at an al Qaida guesthouse in Afghanistan.

Detainee: When? In prison? When did I enter Afghanistan?

Presiding Officer: We can only go by the unclassified information to hear at this moment and time. If I understand your statement...you were never at an al Qaida guesthouse in Afghanistan?

Detainee: I was in prison. You (*Americans*) captured me from Iran and you put me in prison. Before this country (*Afghanistan*) was run by Taliban and this prison was a Taliban prison. So these prisons are still Taliban prisons and you consider them Taliban guesthouses, than that's fine. What do you consider these prisons?

Presiding Officer: If I can summarize your statement, the only places you were in Afghanistan...[you were] in prison? Is that what you said?

Detainee: By the Americans.

Presiding Officer: Is that your statement. Your statement is the only places you were in Afghanistan are in American prisons?

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Detainee: In the first place they kidnapped me from Iran and they took me into Afghanistan. How did I enter Afghanistan? They kidnapped me and they took me to Afghanistan.

Presiding Officer: Thank you and I understand your statement.

Detainee: You're telling [me] your welcome, thank you and it's not doing me any good. I'm not going to go here or go here. Everything I hear is thank you.

Presiding Officer: Your clarifying your statements and that is very important. Each time I thank you...it's because I think we have clarified...so that I understand his statement.

Detainee: It's just that I've heard it many times and it doesn't do any good.

Presiding Officer: This is the first time; you've been before this board.

Detainee: It's true, but all the Americans that I have sat with, whether it's the previous board or the interrogators. They all say thank you, you clarified it, and you made it understood.

Presiding Officer: I'm glad you appreciate the Americans good manners.

Detainee: Very happy.

Designated Military Officer: The Detainee's name appeared on a list of 254 Arab nationals who were deported or repatriated from Iran as suspected al Qaida or Taliban members in roughly the December 2001 through February 2002 timeframe.

Detainee: They kidnapped ten people from Iran and took them to Afghanistan. So, how many are you saying?

Presiding Officer: 254.

Detainee: So, that leaves 244. Where did they go? Of course, we are not all Arabs. We were approximately...six Arabs and four non-Arabs...Uzbek and Tajik...two Afghanis. So, where's the rest?

Presiding Officer: I don't know. We just know that your name appeared on a list of 254 Arab nationals, who were deported as suspected al Qaida. You may have been with only ten, we understand that, but you appeared on a list of 254 Arab nationals, who were deported from Iran as suspected al Qaida or Taliban.

Detainee: They can say whatever...it is all lies. I was in prison. I don't know...maybe they handed over the rest of them. I was in prison alone. Imprisoned alone to be accurate. So, the last prison I was in, before they put us on the plane...the kidnapped

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people... we were ten... nine to be more accurate and one of them was Afghani and they took him in a car before they took him on the plane.

Designated Military Officer: While staying at the Tabligh Center, the Detainee states that he declined recruitment to do missionary work and instead spent his time and money seeking passage to Europe.

Detainee: Who said this... recruitment and all these words? Answer?

Presiding Officer: Perhaps recruitment is a poor word to be used. You declined to join the Tabligh and instead chose to spend your time...

Detainee: Who are they?

Presiding Officer: You said you declined. There is no "they" in this statement. I'll read it for the record. "While staying at the Tabligh Center, the Detainee states that he declined recruitment to do missionary work and instead spent his time and money seeking passage to Europe." I believe these are based on your statements. Is this accurate?

Detainee: Go on; go on, I forgot what we were even talking about in the first place. You're going to keep repeating again, and it's going to be nighttime and we are going to be reading...

Presiding Officer: Hussein, we have, as much time as you would like to spend, but I want to make sure you understand. [It] is as important to this board... that you understand. If you disagree or tell us that this information is accurate... that's important.

Detainee: The last part of the statement is correct, but I was waiting to seek passage. Recruitment and not recruitment... and all this stuff... there's no such thing as recruitment.

Presiding Officer: We understand, thanks.

Designated Military Officer: The Detainee stated that he had opportunities to escape from custody in Afghanistan when he was escorted to five different jails, but he didn't try because he is innocent and trying to escape would have made things worse.

Detainee: You did not talk about this point the last time. *Detainee is referring this statement to the translator and Assisting Military Officer.*

Presiding Officer: You've never had the opportunity to talk about this point before.

Detainee: No, I heard it, but I clarified it before.

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Presiding Officer: Okay, do you want to clarify it this time? If not I could read the response you gave last time. *Referring to Exhibit EC-B.*

Detainee: Read my words.

Presiding Officer: In response to the allegation that the Detainee stated that he had opportunities to escape from custody in Afghanistan when he was escorted to five different jails, but he didn't try because he is innocent and trying to escape would have made things worse, the Detainee said "he was only in three prisons in Afghanistan, two under Afghani control and one under U.S. control. He said all the prisons seemed to be under U.S. supervision."

Detainee: The employees of the first two prisons were Afghani and the one in Bagram was under [American] control...[it] had American employees, [as well]. I did not go to five different prisons, but I left five different times from prison to go to the hospital. There was no one except for a guard who was sitting over there and I could have [gotten] out...the street was in front of me.

Designated Military Officer: The Detainee states that he is innocent, has told the truth, and has never been involved with anything criminal, and this could be verified with his government.

Detainee: You have my government.

Presiding Officer: I'm not sure I understand what you mean?

Detainee: My government is with you.

Presiding Officer: Thank you.

Detainee: What thank you?

Presiding Officer: I don't know what you mean...your government was with us? Is this statement correct? I'll read your statement again.

Detainee: You don't have to read it again. I understand.

Presiding Officer. Okay, is this statement accurate...that you've always told the truth and you have never been involved with anything criminal?

Detainee: Yes, it's true. The last part if you can read it.

Presiding Officer: "...could be verified with his government."

Detainee: My government is with you. Now you ask the same question.

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Presiding Officer: Your government did not provide any information. I understand your statement...you've never done anything criminal.

Detainee: What do you mean they did not provide information? My government didn't provide you with information?

Presiding Officer: At this time, with the unclassified portion, we are just talking about statements that were made. This was your statement. We just want to make sure that this is accurate. Hussein, this is based on your statement. We are reading your statement.

Detainee: My government, these days especially, they are here with you. In light of the past four years, you've been searching and the Red Cross is searching and I gave you information. What do you want?

Presiding Officer: We want to know if this statement is true. You made this statement in the past. We just want to make sure that this is how you feel.

Detainee: When?

Presiding Officer: Do you feel that you are innocent, you've told the truth, and that you have never been involved in any criminal behavior?

Detainee: Yes.

Presiding Officer: Thank you.

Detainee: How long do you plan on keeping me here?

Presiding Officer: That'll be determined by...not by me...and we will get to that in a few minutes. I will discuss the process more.

Designated Military Officer: The detainee claims not to have had any military training and not to have met any individuals involved with al Qaida during the period of his detention in Iran or Afghanistan.

Detainee: What do I say? I did not train. If I wanted to train, I would have trained in Yemen. We have the weapons in Yemen.

Presiding Officer: We are not accusing you. We are reciting your statement.

Detainee: You're not saying anything, but your accusing us.

Presiding Officer: We are strictly asking if this is the statement...you have claimed that you have had not had any military training and not to have met any individuals involved with al Qaida during the period of your detention in Iran or Afghanistan. Is this true?

Detainee: True.

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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 made the following comments:

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 22 July 2005 and lasted 105 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, he stated that he would attend "the play" and present an oral statement to address the Unclassified Summary of Evidence. He said he did not want the Assisting Military Officer to present any comments to the Administrative Review Board members. The Detainee was polite throughout the interview. The Detainee was provided a copy of the Arabic translated Unclassified Summary of Evidence for review.

Detainee: What comments would you have to present?

Presiding Officer: The statement he (*Assisting Military Officer*) is [saying]...some Detainees prefer to have the Assisting Military Officer to answer the questions, some like yourself answer them themselves. He is saying that you chose to respond yourself. He was just making it clear for the record that it was your choice. Hussein, do you have any further statements? Is there anything else you would like to say?

The Detainee made the following statement:

Detainee: I told you and you couldn't answer. What should I say? I asked you and you say that you don't know.

Presiding Officer: Is there anything else you would like to tell us concerning anything we discussed today or any further information you would like us to consider?

Detainee: What can I add? What can I say...that I am innocent? You know I'm innocent, just like you know that you're sitting on that chair, but you're not going to either...advance or hold back my case. You're just going to move it on to the next person, so that they can look at it. You say that it's a board, but it's a military court.

Presiding Officer: We are an administrative review board with military officers that will make a recommendation to a designated civilian official.

Detainee: A review of what?

Presiding Officer: We will describe all that in a few moments.

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Detainee: When? Like the first hearing...or the first court, to be correct!

Presiding Officer: The first one I believe to be a tribunal with a different focus. This is a different process.

Detainee: What do you wish to clarify?

Presiding Officer: If there's anything additional you wish to tell us.

Detainee: I said when are you going to say [something]?

Presiding Officer: We will ask you questions in a few moments. Shall we move to questions? Hussein, for the record, I just want to understand that this concludes your statement at this time?

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: Hussein, why did you want to travel to Europe?

Detainee: Do you know what Yemen is like?

Board Member: Were you going to work there?

Detainee: Live, work, get married.

Board Member: What country were you going to?

Detainee: Any country [in] Europe, not specific. Questions...you have them...always, always the same questions and the same answer.

Board Member: Did you know someone, who lived there?

Detainee: No, not at all.

Board Member: Do you know whether the Jama'at al Tabligh has facilities in Europe?

Detainee: No. I just knew that they traveled to every country, as you know, as well.

Board Member: Was it your understanding that you had to travel to Lahore, Pakistan in order to travel to Europe?

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Detainee: Why did I travel with Jama'at al Tabligh or the Tabligh center? You know more than I do about Tabligh. If I know the address, you know what's in the envelope.

Presiding Officer: We are asking if it was your understanding that you had to go through Lahore, Pakistan, in order to travel to Europe for Jama'at al Tabligh.

Detainee: This is the location that people travel to various locations from.

Board Member: From Lahore, what does Jama'at al Tabligh do in order to get you to Europe?

Detainee: Jama'at al Tabligh travel from the Tabligh center to Europe. Not just Europe specifically. It travels all over the world you know that more than I do.

Board Member: Did you have to do anything for them to earn that travel?

Detainee: No, I was not forced to do anything.

Board Member: Hussein, do you speak any English?

Detainee: No

Board Member: A little English?

Detainee: I learned a little bit here. Just a little bit. A little broken [English].

Board Member: Can you tell me about your family?

Detainee: Like what? Not any names of the women. No names.

Board Member: Just generally about your family?

Detainee: You ask and I'll answer.

Board Member: What does your father do?

Detainee: My dad was in the military.

Board Member: Any brothers and sisters?

Detainee: I have brothers and sisters.

Board Member: Do they...have they contacted you?

Detainee: Do you give me any messages, so that they can send me any messages?

Presiding Officer: He strictly asked if you have received anything.

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Detainee: Four years and you didn't give me any messages by way of the military.

Board Member: What did you do in Yemen?

Detainee: I was studying and working.

Board Member: What were you studying?

Detainee: I was studying in high school. I finished high school and I was at home.

Board Member: Did you work?

Detainee: Of course!

Board Member: What did you do?

Detainee: I worked in many things. I worked in the market. I bought and sold things. I worked in construction and building. I worked in carpentry.

Board Member: Is that what you would do if you returned?

Detainee: My last job was in a factory.

Board Member: What kind of factory?

Detainee: In Aiden (Yemen).

Board Member: Can you tell me, if you don't want [to] that's okay...

Detainee: I don't have a problem, ask.

Board Member: Why didn't you join Jama'at al Tabligh?

Detainee: I'm not from Jama'at al Tabligh in the first place and I don't have anything in order to be with Tabligh. Jama'at al Tabligh is like the vehicle that I came with here from over there. To me it's that way.

Board Member: You agree with the organization?

Detainee: Agree with what?

Board Member: What they believe?

Detainee: I'm a Muslim. What do you think I'm an infidel? We're Muslims, that's the way we think. Every person, who is Muslim, believes that. What do you mean?

Board Member: You answered my question, thank you.

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Detainee: No, please explain your question.

Board Member: No, you did. You answered my question.

Detainee: Please clarify your question.

Board Member: Did you attend any training while you were staying at the center?

Detainee: What training?

Board Member: Any training?

Detainee: No, I did not attend any training.

Board Member: Did you have to pay to stay there?

Detainee: No, it's an open place.

Board Member: Have you ever traveled outside of Yemen before this trip?

Detainee: I was asked this question before, more than once. The last time I was asked this question...not this last time...in the past few months when I was asked this question, I provided them with...they had a paper with them from the passport office and they had copies and they knew dates of travel...and so I did not travel anywhere and they knew that.

Board Member: What were you going to do in Europe? Did you have plans to work?

Detainee: Same question that was asked by this person (referring to the other Board Member), but I will answer. I wanted to live in Europe and get married in Europe. Is that wrong?

Board Member: No. Did you plan on going to school?

Detainee: No, I did not want to study. I just wanted to work.

Presiding Officer: Hussein, why do you think you were deported from Iran?

Detainee: I was kidnapped.

Presiding Officer: You were kidnapped, but if I understand it correctly you were in an Iranian jail? Am I correct?

Detainee: Jails in Iran. The Iranian Mafia!

Presiding Officer: The Iranian Mafia deported you?

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Detainee: The government of Iran.

Presiding Officer: The government of Iran deported him?

Detainee: Yes. They didn't deport me. They kidnapped me and sent me or to be more accurate they relieved themselves of me. Maybe it was because of your threats of nuclear action.

Presiding Officer: Do you know why the Iranian government considered you to be a member of al Qaida or Taliban?

Detainee: They did not think that. They are not stupid Iran. They [were] stupid to bring themselves into a problem with Usama bin Laden. If we were from al Qaida, Iran would not have given us up.

Presiding Officer: The nine people you came to Afghanistan with, do you know if any of those nine were involved in Taliban or al Qaida? Or were they all like you?

Detainee: I don't know.

Presiding Officer: During your travels to Lahore or any of the places you traveled as part of the Jama'at al Tabligh, did you associate with anyone or meet with anyone, who you knew to be a member of al Qaida?

Detainee: I don't know. I do not think so. I did not suspect. I don't know anyone like that. I just kept to myself.

Presiding Officer: Do you support the beliefs of al Qaida and do you know of them?

Detainee: I do not support anyone's ideas. I am with myself. I don't have anything to do with anyone.

Presiding Officer: What are your future plans, Hussein? If we do release you, what do you intend to do?

Detainee: I was asked this before in the first interrogation. The first day I came to Afghanistan...the first month past and I was still in prison. Not in prison but in the graves and then I was transported [for] interrogations. The interrogator was an American, who spoke the Arabic [language] very well and he had a woman and three guards. I was forced...without any chains and he told me, "You are innocent and you are going to go home very soon...so what is your plans? What are your ideas for the future?" That was the first. The days past and the months past, other interrogators came to me and they asked me the same question. I was transported to Bagram, the last prison in Afghanistan, and I was asked the same question several times. Then...no, then I was kidnapped and brought to Bagram to be correct. I was asked the same question in several interrogations...no actually in all the interrogations. Then I came here. You kidnapped

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me and brought me here. Now for three years...in every interrogation you asked me the same question. In the hearing before you...same question...and the answer was...I will go home and get married, but I tell you...I don't have any plans of getting out, because there is no getting out.

Presiding Officer: I realize you have been asked this question before and sometimes people have changes. We just want to know if your time here...you may have a different plan for when you get out.

Detainee: Why would it change? Why...you destroyed everything...you took everything. You want me to lie to you and tell you I'm going to go work. Where am I going to work? Tell me.

Presiding Officer: I don't know. We were just asking the question.

Detainee: I knew you were going to say, "I don't know."

Presiding Officer: It was up to you. Hussein, we were asking a question...what [are] your plans? How do you intend to live when you leave here? I note by the color your wearing, tan, that you have been very helpful while you have been here. So we were trying to determine that if you go back what your intentions are? You are asked this question each time, because this is very important to us.

Detainee: Okay, give me my money and make up for the days that you took away from me...compensation and I'll go and I'll get married and I'll work. I'm just talking out of air. There is no work.

Presiding Officer: Are you intending to go back to Yemen or are you intending to go to Europe?

Detainee: Yemen

Presiding Officer: No idea what you will do for a job in Yemen?

Detainee: Is there any work?

Presiding Officer: I don't know. Do you intend to travel with Jama'at al Tabligh?

Detainee: That's it. I'm not going to travel. I just want to go home. Give us our money and give us compensation. Let us go home and get married and live.

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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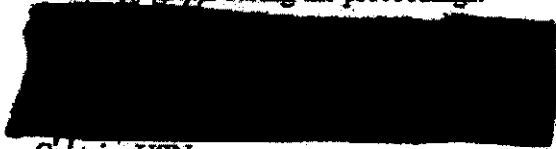
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The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1016

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was 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 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.

Presiding Officer: Assisting Military Officer, please read the comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 30 November 2005, and lasted 55 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee was non-committal, and opined he was already prejudged. After the ARB process was thoroughly explained, the Detainee stated he would attend the ARB and would respond orally, point by point, to the Unclassified Summary of Evidence. The Detainee was responsive and attentive, however, he was very skeptical of the ARB based on his experience with the CSRT. The

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Detainee spoke mostly in Arabic, but demonstrated a good comprehension of English. At the conclusion of the interview, the Arabic translated copy of the Unclassified Summary of Evidence was provided to the Detainee, via his guards.

The Detainee chose to respond to the Unclassified Summary of Evidence as each item of information was presented.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and DMO-2 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.

The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

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) Training (3.a.1) The Detainee was trained by the Algerian Army on how to use hand grenades and the Kalashnikov and Seminov rifles.

Detainee: [Looking confused]

Presiding Officer: Sir, is this allegation/statement true or false?

Detainee: That is true. [Referring to allegation 3.a.1]

Presiding Officer: Is there any additional information that you would like to present to the Review Board with reference to this allegation/statement?

Detainee: Yes Sir. First of all, I would like to ask you [the Review Board] a question. In regards to the first allegation, do you consider this [allegation 3.a.1] a factor against me?

Presiding Officer: Not necessarily. The Review Board is trying to learn about you. This allegation [3.a.1] is neither good nor bad. It's just a fact.

Detainee: This is something that is ordinary in Algeria [referring to military training in Algeria]. Military training is mandatory in Algeria. When I go for military training, do I go to cut potatoes? [Smiling]. No, I have to go and get trained on weapons.

Presiding Officer: Understood. This allegation is neither here nor there. This fact [3.a.1] will have very little to do with whether you are detained or not.

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Detainee: When you [referring to the Review Board/ Military individuals in the room] first attended to the American Military Forces, didn't you get trained on the M-16?

Presiding Officer: The purpose of the ARB is not to engage in dialog. During this portion of the session, the Review Board needs to go through the allegations in the Unclassified Summary of Evidence and to allow you [the Detainee] to respond to each allegation. At the end of the session, you will be allowed to make a personal statement.

Designated Military Officer: (3.a.2) The Detainee held a maritime crewmember's license and at one time he was working toward a master maritime license.

Detainee: Yes. This is true.

Board Member: Mr. Soufian, did you ever sail as part of this training [to hold a maritime license]? If you did sail, what country was your vessel flagged under?

Detainee: That was not training Sir. That [sailing, obtaining a maritime license] was just a job. It was just a duty for me. I used to work around the sea.

Board Member: Were you ever on a ship?

Detainee: Yes.

Board Member: Did you sail?

Detainee: Yes I did sail. I am a sailor.

Board Member: What country was the vessel flagged under?

Detainee: I am not a sailor, going on a ship, selling goods. I am only a sailor to catch fish.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) In March 1998, the Detainee was arrested by a Foreign Government Service for his association with a known terrorist.

Detainee: Yes, but there is something wrong here [referring to the allegation]. This is not true.

Presiding Officer: Please clarify this information for the Review Board.

Detainee: The mistake with this allegation is this: a Foreign Governmental Service did not arrest me. I was arrested in my own county.

Presiding Officer: Where?

Detainee: Algeria.

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Board Member: Mr. Soufian, over the last eight years, how many years have you spent in prison?

Detainee: In America or not America?

Board Member: Both.

Detainee: I have been detained here [Guantanamo] for the last four years, in America. Prior to that, I was in prison in Algeria for two years.

Presiding Officer: Do you realize that you are not in America? We are all [referring to all the individuals in the room] in Cuba.

Detainee: But you are not Cuban.

Presiding Officer: That is correct. I just wanted to make you aware of the fact that you are not in America. We are in Cuba, which is a different country.

Board Member: Is it true then that you were arrested for your association with a known terrorist?

Detainee: Yes. But I would like to clarify that allegation [referring to 3.b.1].

Presiding Officer: Please do.

Detainee: I was not with a terrorist group. I was returning from Europe. When I returned to Algeria I saw a man [referring to the individual in allegation 3.b.1] with whom I had had a very long friendship with [we had known each other for a very long time]. When I saw him we exchanged greetings. When I saw him again I did not know that he was a terrorist. I knew him a long time ago. When I shook hands with him, at that point, he evidently was a terrorist, but I did not realize that he was [had become] a terrorist. I knew him a long time ago.

Board Member: What was his name?

Detainee: His name was Mustapha.

Designated Military Officer: (3.b.2) The Detainee lived in Georgia with Chechen fighters and their families.

Detainee: Yes. That is true.

Board Member: Why did you go to Georgia?

Detainee: Before I went to Georgia I had been in Germany. After that, I spoke with a friend of mine in Istanbul, Turkey. I asked my friend where he was. My friend told me that he was in Georgia. My friend asked me if I could come to Georgia and visit him.

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Board Member: What year was this?

Detainee: 2001.

Presiding Officer: Did you engage in any fighting there [in Georgia]?

Detainee: Why? Is there fighting in Georgia?

Presiding Officer: That is what I am asking you.

Detainee: There was no fighting in Georgia.

Designated Military Officer: (3.b.3) The Detainee was acquainted with an al Qaida operative who lived in a Georgian guesthouse.

Detainee: Who is this operative? I don't know.

Presiding Officer: Perhaps the friend you went to visit [in Georgia]?

Detainee: No. The friend that I used to know was not involved with al Qaida.

Presiding Officer: He [the friend] was just a Georgian Fighter?

Detainee: He [friend of the Detainee] just used to live in Georgia. He was not a fighter.

Presiding Officer: To your knowledge, that information [allegation/statement 3.b.3] is incorrect? That he [the Detainee's friend] was not an al Qaida operative.

Detainee: What would he fight? There was no fighting in Georgia.

Presiding Officer: There was fighting going on *around* Georgia. He [the Detainee's friend] could be providing administrative support, logistic support, operational support, etc. However, to your knowledge, he was not?

Detainee: As far as I know, I did not perceive him as a fighter.

Presiding Officer: So, it's possible that he could have been doing things on the side that you were not aware of?

Detainee: Possibly.

Presiding Officer: Fair enough.

Designated Military Officer: (3.b.4) The Detainee knew the Chechen leader named Gelayev.

Detainee: Yes. That is true.

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Designated Military Officer: (3.b.5) The Detainee was captured with an Algerian Jihadist active in Chechnya and Georgia.

Detainee: He [referring to the individual in the allegation] was not Algerian Jihadist. As a matter of fact, he had nothing to do with fighting.

Board Member: What was his name?

Detainee: You have his name. He is here [at Guantanamo] and you know his name. You have his file.

Presiding Officer: Can you refresh the Review Boards memory and give us the name of the individual you were with?

Detainee: You have everything. You captured the four of us.

Presiding Officer: I didn't *do* anything. All I know about is your case.

Detainee: You arrested someone and you killed him.

Presiding Officer: I personally did not do either one of those things. I am sitting here trying to decide whether you should be released [from Guantanamo].

Detainee: Thank you.

Presiding Officer: Please, help the Review Board to get the facts straight, not only to help you, but to help others as well. Unfortunately, during war, mistakes are made.

Detainee: Very good. I would like to tell you something.

Presiding Officer: Please do so.

Detainee: You have captured us [referring to himself and other detainees]. You put us in prison here [Guantanamo]. You are supposed to have all our names, all the evidence, and all the information before you even conduct this board.

Presiding Officer: The Review Board may be trying to determine whether or not you are being truthful. Are you going to answer the question? We can move on if you would like.

Detainee: Very good Sir.

Presiding Officer: Are you going to give us the name?

Detainee: Yes. I will give you the name. That is not a problem. His name is Abd al Hak.

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Presiding Officer: Thank you.

Designated Military Officer: (3.b.6) The Detainee was captured on a bridge approximately 50 miles from where he lived.

Detainee: Yes. That is true.

Board Member: I would like to follow up on allegation/statement 3.b.5. Please describe what you believe Jihad is.

Presiding Officer: With all due respect to the Board Member, I would request that you hold that type of question until part two of the Review Board session. However, I am interested in that question.

Designated Military Officer: (3.c) Detainee Actions and Statements. (3.c.1) The Detainee used a forged bank receipt to obtain a visa to travel to Italy. The Detainee purchased a round trip ticket to Italy, but didn't use the return portion.

Detainee: That is true.

Designated Military Officer: (3.c.2) When he was in Europe the Detainee used two false identifications from France and Italy with different names on them.

Detainee: Yes. That is true.

Board Member: Who provided you with the false identifications?

Detainee: Its not really forged. It's true. It's the correct identification. However, I obtained it in a non-legal way. The identifications were not forged, but the way I obtained the identifications was not legal.

Board Members: Were there different names?

Detainee: No. It was my name [on the identifications].

Presiding Officer: How did you obtain these identifications?

Detainee: It was a bribe way. You pay a little money and then you get the identification. The identification is then inserted into and recorded into the computer system. When I obtained the identifications it was made to look as though I obtained them the proper way. It was made to look as though my identifications were obtained through the proper and legal channels.

Board Member: Sounds like forged and false identification to me.

Detainee: Its not really forged. There is a difference between forgery and the things you have to sometimes do to make your identifications look as though they were obtained

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through the proper legal channels. If the identifications were forged, you would switch names. My name was not switched. It was my name on the identifications.

Designated Military Officer: (3.c.3) The Detainee wore normal clothing to facilitate traveling between France and Italy without appropriate papers.

Detainee: Yes. This is true.

Designated Military Officer: (3.c.4) The Detainee was arrested in Germany for crossing the border without appropriate papers. The Detainee was deported to France and from France he was deported to Algeria.

Detainee: True.

Designated Military Officer: (3.c.5) The Detainee traveled from Turkey to Georgia without appropriate papers. A Chechen man met the Detainee at the airport in Georgia and provided him with travel documents.

Detainee: In Georgia, yes this is true.

Designated Military Officer: (3.c.6) The Detainee admitted to fighting against the Russians in Chechnya. The Detainee is a member of the Chechen Jihad and a suspected member of the Zarqawi network.

Detainee: That is not true. That is not correct.

Presiding Officer: Please clarify for the Review Board.

Detainee: That is no problem. I will tell you. When I was in Georgia, I had never heard of Zarqawi or of his existence.

Presiding Officer: I would tend to agree with you on that point. Knowing more about Zarqawi today. I too was skeptical about this particular allegation/statement.

Detainee: Very good. I will tell you again. Another thing I would like to mention is that I did not fight against the Russians. Even if I did, what would be the problem with that?

Presiding Officer: That fact that you did or did not fight against the Russians is not a problem one-way or the other. What the Review Board is trying to figure out is *who you are*. Is the information correct?

Detainee: It is not true Sir.

Presiding Officer: Very good.

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Designated Military Officer: (3.c.7) The Detainee stated the Spanish bombings happened because the Spanish did not remove their troops from Iraq. The Detainee feels the Spanish brought it on themselves.

Detainee: That is not true. Are you stating that I made this comment, that I said this?

Presiding Officer: That is what the allegation/statement reads.

Detainee: I never said this.

Presiding Officer: You never said that.

Designated Military Officer: (3.d) Other Relevant Data. (3.d.1) The Detainee said that the Jews are behind the ongoing war and that they want the Christians to help them fight the Muslims. Once the Muslims are defeated, the Detainee predicts that the Jews will turn against the Christians. The Detainee also stated that the Jews have taken over Germany and the United States, are working in Europe, and the rest of the world, and they are seeking power through their hidden agenda.

Detainee: That is not true. I said...

Presiding Officer: You deny *this* allegation?

Detainee: I did not say this [referring to allegation 3.d.1]. One time an interrogator asked me, "why are you here?" I told the interrogator and stated to him that I thought I was here [at Guantanamo] because of the fact that I am Muslim. Then the interrogator said, "No, that is not true." I told the interrogator I have the evidence, I can prove to you that fact [that the Detainee was being held at Guantanamo simply because he was Muslim]. I then told the interrogator that all the prisons in the United States are filled with Muslims. All Muslims. Not Christians and not Jews. That is what I said to him.

Presiding Officer: Do you believe that?

Detainee: I am not talking about prisons *in* the United States. I am talking about the prison here in Cuba.

Presiding Officer: Thank you for clarifying that.

Detainee: The interrogators told me I was here [at Guantanamo] because I was a terrorist. I replied to the interrogator, "why don't you bring the man here who killed all the Chechen people and children? Why don't you bring Milosevic here [to Guantanamo]?" That is what my conversation with the interrogator was all about.

Presiding Officer: Isn't Milosevic in prison awaiting trial for war crimes?

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Detainee: How is he in prison? Is Milosevic being treated the same way we [referring to the Detainee at Guantanamo Bay] are being treated?

Presiding Officer: I am just trying to correct your perception about Milosevic. Milosevic is in jail.

Designated Military Officer: (3.d.2) The Detainee was jailed for forty-five days in 1986 for stabbing a girlfriend and stealing jewelry from her.

Detainee: That is not true. I was not in prison in 1986.

Presiding Officer: I did not think that allegation/statement made any sense. That would be a very light sentence for attempted murder and theft.

Detainee: Where was I in prison?

Presiding Officer: I am saying that I agree with you. That allegation [3.d.2] does not make any sense. I have scratched it out [showing the Detainee that allegation had been lined through on the Unclassified Summary].

Detainee: Thank you Sir.

Designated Military Officer: (3.d.3) The Detainee stated that when he lived in Europe he sold and used marijuana, hashish, and cocaine. The Detainee also stated he robbed tourists for money.

Detainee: Before I became a Muslim [I did those kinds of things]. That was a long time ago.

Presiding Officer: So you did use marijuana, hashish, and cocaine, but you used them a long time ago?

Detainee: Well, this is something that happened, that I did, before I became a Muslim. What does this have to do with anything?

Presiding Officer: Thank you for your truthfulness. I am sure that many of us did some things when we were young that we are not proud of.

Detainee: That is for sure.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee denied participating in fighting in Chechnya and stated he had no role in activities within Afghanistan or America.

Detainee: Yes. This is true.

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Designated Military Officer: (4.b) The Detainee stated he has no interest in the ideas of Usama Bin Ladin or al Qadia and he could not be persuaded to join their cause.

Detainee: Yes. That is true. That is correct.

Designated Military Officer: (4.c) The Detainee stated he has never been to Afghanistan or to a Zarqawi training camp?

Detainee: That is correct.

Board Member: Have you ever been to *any* al Qaida training camp?

Presiding Officer: Even if just for a very short visit.

Detainee: No. Never.

Designated Military Officer: (4.d) The Detainee claims that he did not see any fake passports in Duisi.

Detainee: That is correct. I did not see any fake passports.

Designated Military Officer: (4.e) The Detainee declined the Chechen leader Gelayev's offer to fight with them against the Russians.

Detainee: That is correct.

Designated Military Officer: (4.f) Despite living with Chechen fighters the Detainee stated he did not fight against the Russians.

Detainee: I did not hear the allegation. Can you please repeat it [to the translator]?

Translator repeats allegation 4.f.

Detainee: Yes, that statement is correct.

Designated Military Officer: (4.g) The Detainee claimed that he refused his friend's encouragement to fight the Jihad.

Detainee: How do you describe *encouragement*? I don't understand. Who is *he*? Who is this friend you are referring to?

Presiding Officer: The Review Board has no idea. Is this allegation/statement true or false? Did a friend of yours encourage you to participate in Jihad?

Detainee: That is not true.

Presiding Officer: No one ever encouraged you to join or participate in Jihad?

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Detainee: No Sir.

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.

Assisting Military Officer indicated he had some additional Detainee comments from the Enemy Combatant Election Form and that the Detainee would like to make an oral statement.

Assisting Military Officer: The following are additional Detainee comments from the Enemy Combatant Election Form: After the Unclassified Summary of Evidence was read to the Detainee, the Detainee summarized his response by stating, "Basically, all this information is not true." The Detainee also opined, "More important people with bigger allegations have already been released." After the AMO again explained the difference between the CSRT and the ARB, as well as the positive results from previous ARBs, the Detainee acknowledged by stating, "Yes, I will attend the ARB." The Detainee initially declined to choose between responding point-by-point or waiting until the Unclassified Summary was read in its entirety. After the AMO explained this was necessary to properly organize his ARB, the Detainee replied, "This is normal... point-by-point." The Detainee affirmatively declined to present any written statements at the ARB, by himself or others on his behalf. At the conclusion of the interview, the Detainee stated he had no further comments or questions.

Presiding Officer: [To the AMO] Does that conclude your presentation?

Assisting Military Officer: Yes Sir.

Presiding Officer: Mr. Soufian, the Review Board welcomes you to make any statement that you would like to help assist in your case.

The Detainee made the following statement:

Detainee: What should I say?

Presiding Officer: Anything that you think the Review Board should know that has not been presented already. Any thoughts you may have [in regards to your case]. The Review Board is here today to visit with you to find out if it is appropriate to release you.

Detainee: Thank you very much. Thank you very much, however, I do not have anything else to say.

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Presiding Officer: I would like for you to know that the Review Board has not prejudged you here today. The Review Board thanks you for your participation in this Review Board here today.

Detainee: Thank you very much.

Presiding Officer: Assisting Military Officer, do you have any further information you would like to present?

Assisting Military Officer: No Sir.

Presiding Officer: [to the Assisting Military Officer] Do you have any questions for the Mr. Soufian?

Assisting Military Officer: Yes Sir. I have two questions. [To the Detainee] When were you born? What year?

Detainee: I was born on April 29th, 1970.

Assisting Military Officer: How old were you when you became a Muslim?

Detainee: I was twenty-seven years old.

Translator: The Detainee would like to say one more thing [in regards to the AMOs second question].

Detainee: I have a question for the Assisting Military Officer. When the Assisting Military Officer asked me, "*When did you become a Muslim?*" I was originally a Muslim. I was born into a Muslim family. I became really *committed* to my religion at the age of twenty-seven. Before, I was not really committed to being a Muslim and my religion. I *was always* a Muslim. Before the age of twenty-seven I did not pray and I did not embrace my religion. At the age of twenty-seven I began to practice my Muslim faith. I am a Muslim by birth.

Presiding Officer: As an adult, you embraced God at the age of twenty-seven. Is that fair to say?

Detainee: I do believe in God. I have always believed in God. I started *obeying* God at age twenty-seven.

Presiding Officer: Thank you.

Administrative Review Board Member Questions:

Board Member: Sir, how long did you stay in Georgia?

Detainee: I stayed for one year.

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Board Member: During that year, you were only there to visit a friend?

Detainee: Yes, I had some friends [in Georgia].

Board Member: How did you support yourself while you were there [living in Georgia]?

Detainee: I had money.

Board Member: When you were traveling throughout Europe, who facilitated your travel [costs] and lodging?

Detainee: I did. I used to be a businessman.

Board Member: What kind of business were you doing in Europe?

Detainee: [Dealt in] Cars, exchanging currency, and I would bring clothing from Europe and sell it in Africa.

Board Member: Did you work for a company?

Detainee: No, I worked by myself.

Board Member: What are your feelings concerning the attack on the World Trade Center (WTC) on 11 September 2001?

Detainee: What do you mean by my *feelings*? When this occurred, I was in Georgia. I have heard of the event on the news. I realize it [the attack on the WTC] is/was a big catastrophe. What happened at the World Trade Center in America will open a door for many many big wars in the future. There is no longer going to be peace on earth. If this door is opened, it will never be closed again. This is a catastrophe.

Presiding Officer: You think this was a bad thing?

Detainee speaking

Translator: I have to ask the Detainee to repeat his statement because I could not understand him.

Presiding Officer: Please do.

Detainee: When America is hit [attacked], that means there is a problem. So, America should retaliate. Right? Because America was attacked. So, when America retaliates, it is going to open another door for their enemies to attack again. So, that means we [the people of the world] are opening a bunch of doors here and there for many many wars. There is not going to be an end to it. This war [war on terrorism] is really against an invisible enemy. Nobody knows who the enemy is.

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Board Member: Do you consider the individuals who flew the aircrafts into the World Trade Center Towers martyrs?

Presiding Officer: Would you consider those individuals murders?

Detainee: I cannot judge if these people were martyrs or not. God will decide if these individuals are martyrs or not. As far as I know, if you have principles and someone attacks you, I would say they would have the right to defend themselves. But for these martyrs, I have no idea. I cannot judge them. It's exactly like any regular American soldier. If a soldier was fighting somewhere and he got killed, you would consider him to be fighting for his country.

Presiding Officer: I would tend to disagree with your statement. We [the United States Military] wear uniforms and we do everything possible not to kill non-combatants. The Review Board would like to know if you think or believe what those murders [hijackers] did is ok?

Detainee: I cannot judge them. In my religion, I cannot judge those people.

Presiding Officer: The Review Board is not asking you to *judge* those individuals. Be very careful here. This question is very important. The Review Board does not want to release anyone who thinks that the attack on the World Trade Center [and other similar actions] is the way to wage war. The Review Board will give you another chance to answer the question. Maybe it's possible you did not understand the question.

Detainee: Please do not threaten me.

Presiding Officer: There is no threat. The Review Board is just thinking that maybe you did not understand the question.

Detainee: Please clarify the question for me. You are asking me if I thought those individuals [hijackers] are martyrs...

Board Member: It's fine. I believe I have heard enough. Have you ever been to England?

Detainee: I was going to England. I was arrested in Paris.

Board Member: Where were you captured? Who were you captured by that ultimately got you here to Guantanamo Bay, Cuba?

Detainee: In Paris.

Presiding Officer: Who captured you?

Detainee: The Paris Police.

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Board Member: That is how you ultimately ended up here [Guantanamo]? Based on that arrest in Paris.

Detainee: When I was arrested, I was arrested in Georgia and then they brought me here to Cuba.

Board Member: How do you believe the Algerian Government will receive you if you are transferred?

Detainee: I think they will receive me based upon the agreement between the United States and Algerian Government.

Board Member: Do you have family at home to return to?

Detainee: Yes I do.

Board Member: What will you do to support yourself if you are released or transferred?

Detainee: I will do anything. What I am thinking about right now, if I was released I would like to work on a ship.

Presiding Officer: Fishing?

Detainee: Yes. And I would invite you to have dinner with me [smiling].

Board Member: Mr. Soufian, are you aware of what happened at the schoolhouse in Beslan? Where Chechen Separatists killed 180 school children.

Detainee: I have no idea. I really don't believe that the Chechen people would do that.

Presiding Officer: They [Chechens] did do it. Take my word for it. The whole world saw pictures of it. It was awful. They blew up little children in their school. The whole world watched as it happened. The Chechens took the children hostage first.

Detainee: From my principle point of view and from my religious point of view, I believe people who take children hostage and kill them, that is a very big crime.

Presiding Officer: Thank you very much. That is what the Review Board was waiting for you to say [during the previous question].

Detainee: People who kill innocent women, children, elderly people, and other innocent people are cowards.

Board Member: Does the World Trade Center fit into that [your belief that killing innocent people is wrong]?

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Detainee: Yes. If those people were innocent, this action is not legal in my belief. Things like that are not legitimate in my religion. Those kinds of people are criminals. We have something in our religion, the only time you fight and kill, and you can fight the other military people, people who are wearing military uniforms. You cannot fight or kill civilians. You cannot kill innocent people like women, children, elderly, civilians, and even animals.

Board Member: Are you aware of any Muslim extremist groups?

Detainee: Yes, there are some fanatic Muslim groups. When those kinds of groups commit to Islam, they are committing to Islam with their emotions, not with their minds. People who commit to those kinds of groups [Muslim extremists groups] will ultimately do more harm than good.

Board Member: Compare your definition of Jihad to that of a Muslim extremist.

Detainee: There is no fanatic Jihad. There is a human being, a fanatic human being who will make his decision based on his anger. Those people will do more bad than good.

Board Member: Extreme acts of terrorism are not Jihad?

Detainee: To be an extremist, that is not Jihad. Jihad is when you defend your principles. Even if you were living peacefully with your family and someone comes from the outside and tries to provoke you, kill you, or rob you, you have to defend yourself. I would call something like this Jihad.

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The Presiding Officer read the post-Administrative Review Board instructions 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.


Colonel, USA
Presiding Officer

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