

Summary of Administrative Review Board Proceedings for ISN 886

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Good morning, sir. Do you pronounce your name "Nasrullah"?

Detainee (*through translator*): Yes.

Presiding Officer: Mr. Nasrullah, welcome to this Review Board.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee took the Muslim Oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board 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 05 October 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he wanted to attend the ARB. The Detainee was very

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cooperative, attentive and polite throughout the interview. Copies of both the English and Pashtu translated Unclassified Summary were provided to the Detainee, who accepted the Pashtu version.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to 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 of Evidence as it is presented.

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

Designated Military Officer: (3.a.1) The Detainee is identified as joining a 40-man group after the end of the Taliban regime.

Detainee (*through translator*): This is about a year ago that, for the first time, I was asked about the 40-people group. I have never heard of the 40-people group. I have never been with the 40-people group.

Presiding Officer: You have never even heard of the unit?

Detainee (*through translator*): Yes, I have never heard of the unit.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) A source identified the Detainee as part of the 40-man unit. The Detainee reports to his cousin, who is a sub-commander in the 40-man unit. The 40-man unit is an organization supported by al Qaida.

Detainee (*through translator*): I have never heard of a unit of 40-people. I cannot give any explanation because I do not know anything about it.

Presiding Officer: Do you know if your cousin belongs to any kind of paramilitary group?

Detainee (*through translator*): I have no cousins, except one, who is here with me. He is a Detainee. If you mean a cousin, like my straight brother's sons, there is only one. I had

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two small children cousins at the time when I was captured. I do not have any cousins in the whole country. I only have two children cousins.

Presiding Officer: Except for the one here? You said your cousin is here?

Detainee (*through translator*): No, he is not.

Designated Military Officer: (3.b) The Detainee received training on the Kalashnikov rifle and a pistol while he was at Mazar-e-Sharif.

Detainee (*through translator*): Yes, this is right. In the interrogation, I said that I did learn the use of the Kalashnikov and a pistol. In Afghanistan, almost every man and woman knows how to use a gun or a pistol.

Designated Military Officer: (3.c) The Detainee is identified as having been a member of the Taliban four years before the United States attacked Afghanistan.

Detainee (*through translator*): Yes, I was recruited by the Taliban four years before the Americans attacked Afghanistan. I was not a member of the Taliban, but I was recruited by them. I did not go with the Taliban like I wanted to go. I was recruited.

Designated Military Officer: (3.d) The Detainee told another individual that, when he got back to Afghanistan, he would get even with the interviewers.

Detainee (*through translator*): The first time I heard this accusation, it made me laugh because I was surprised; and I am surprised. And then, when I went back to my detention, I told my friends about it and they laughed also. None of you people are the people, who actually captured me and put me in detention; it is other people. Why should I be against you people? It is the will of God that I am here and it will be the will of God that I would be released back.

Member: So you did not say this?

Detainee (*through translator*): I did not say it.

Designated Military Officer: (3.e.1) The Detainee was conscripted into the Taliban around 1997 or 1998 where he worked for approximately 60 days as a clerk and a guard.

Detainee (*through translator*): Yes, I was recruited by the Taliban for 60 days. They put me in this service. For the first 10 days, one clerk was on leave and I worked instead of him as a clerk. For the other 50 days, we were exactly like here in detention. We were under the guards of the Taliban. They would not even let us go to Bazaar and buy something. So they kept us there under guard.

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Designated Military Officer: (3.e.2) The Detainee claimed that he was a tailor and was conscripted into the Taliban for only two months.

Detainee (*through translator*): Yes, I am a tailor. I was tailoring and working in my shop. For two months, I was recruited. Not that I was happy; it was compulsory.

Presiding Officer: Two months seems like a very short period of time to be constricted into any military. I mean they drafted you into the Taliban for only 60 days?

Detainee (*through translator*): They would constrict for only two months. It was for everyone, not only for me. This was according to their law. They would take people for only two months.

Presiding Officer: Earlier in 3b, it mentioned training in Mazar-e-Sharif. Was this part of the Taliban?

Detainee (*through translator*): In the constriction, they really showed me how to use it, although I did know it before. There was a man, who would show everybody that, "This is a gun and you do it like this."

Presiding Officer: So part of the 60 days was training?

Detainee (*through translator*): It was training.

Presiding Officer: But you said your first 10 days was being a clerk?

Detainee (*through translator*): As a clerk.

Presiding Officer: So were you training or were you a clerk?

Detainee (*through translator*): The first 10 days as a clerk and then, for 50 days, I was there in the military and they showed me how to use the Kalashnikov and a pistol. We took only like three or four days or a maximum of five days of the 50 days to learn how to use a gun.

Designated Military Officer: (3.e.3) The Detainee told another individual that he lied to his interviewers and actually did fight for the Taliban against United States forces while at Mazar-e-Sharif.

Detainee (*through translator*): What is the need to say a lie? A Muslim is not supposed to say a lie. I have never fought against the military of the United States. I will never fight against them. I have never told anybody what is stated here.

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Designated Military Officer: (3.e.4) The Detainee told another individual he was part of the uprising at the compound that was surrounded by United States and Northern Alliance Forces and later used as a prison.

Detainee (*through translator*): I have never heard of that compound. I am accused that, four years before the Americans attacked Afghanistan, I was with Taliban, which is not true. This is perfectly not true. I have only been with them for 60 days and that is it.

Designated Military Officer: (3.e.5) The Detainee told another individual he retreated with Taliban forces to the compound and he was able to escape with approximately 80 others after the uprising.

Detainee (*through translator*): This is the first time I am hearing this accusation. I was not there, I did not escape, I do not know about the 80 persons.

Presiding Officer: From the time you left the Taliban in 1998 until you were arrested, what were you doing to make a living? Were you a tailor? Where were you living?

Detainee (*through translator*): I am a poor man. I have no land. I do not have any other business, except that I am a tailor. The two months, which I was with the Taliban, my family was borrowing money. I had to borrow a lot of money, so I was working and working very hard as a tailor.

Presiding Officer: Where were you living at that time?

Detainee (*through translator*): In the province of Uruzgan. I was doing this from my home. I had my sewing machine at home and I worked on it.

Presiding Officer: Thank you.

Designated Military Officer: (3.e.6) The Detainee was captured delivering a letter to a former Taliban Brigade Commander. The letter was from a high-ranking Taliban Commander, who requested the Brigade Commander to report to Quetta, Pakistan to fight and avoid capture by the Americans.

Detainee (*through translator*): My cousin came from Pakistan and had a letter with him. He said he had a taxi and he was going to sell the taxi. I was with him and he said, "If I sell this, I will give you a little bit of money so that you can run your business." On the way, he showed me a letter and he said, "I brought this letter from Pakistan. Somebody gave it to me to give it to one of the previous Taliban Commanders. Open and read it and see what is written in there." When I opened the letter, it was only written that, "God bless you. Would you please come at once to Pakistan and see me." That was it.

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Presiding Officer: Was your cousin a member of the Taliban at that time?

Detainee (*through translator*): There were no Taliban in Afghanistan at this time.

Presiding Officer: How do you explain your cousin having this letter from the Taliban Commander?

Detainee (*through translator*): My cousin was a Taliban at the time when the Taliban were in Afghanistan but, at this time, he was not because there were no more Taliban. He is here. You can ask him. I do not know what connection he had that he got the letter from that man. One of them, of course, was the Taliban Commander. The one in Pakistan gave the letter and the one that received the letter was in Afghanistan. It was one of the Commanders of the Taliban; both of them were.

Presiding Officer: Were you with your cousin when he received the letter?

Detainee (*through translator*): I met him in Afghanistan. He came from Pakistan. We were not together.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (4.a) The Detainee denied being involved with any extremist groups.

Detainee (*through translator*): It is right. I am a poor man. All I was doing was work on my machine as a tailor and that was it.

Designated Military Officer: (4.b) The Detainee denied knowledge of a 40-man unit, that weapons were found at his home, or that he had any further association with the Taliban other than the two months he was a conscript.

Detainee (*through translator*): Yes, this is right.

Designated Military Officer: (4.c) The Detainee denied that he had ever heard of Jamat-al-Islamia or al Qaida. The Detainee also stated that he had never heard of the al Farouq Training Camp.

Detainee (*through translator*): I learned these names here. I had heard of them here only. I had never heard of these names like al Qaida, or al Farouq, or Jamat-al-Islamia. I had no idea about these. I do not deny and I am not saying that there would not be al Qaida or Jamat-al-Islamia. It should be, but I do not know anything about them.

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Designated Military Officer: (4.d) The Detainee stated he was a soldier and did not know the political or military issues.

Detainee (*through translator*): Yes, I did not know and I do not know now either.

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 did not have further exhibits or information to be presented on behalf of the Detainee to the Administrative Review Board.

The Detainee was asked if he would like to make an oral statement to the Administrative Review Board.

The Detainee made the following statement:

Detainee (*through translator*): All I have to say is that I am a poor man, and I am innocent, and God knows it. All the accusations, which I heard here, are not right. I deny them.

Presiding Officer: Does that conclude your statement?

Detainee (*through translator*): That is all.

The Assisting Military Officer did not have further information to be presented on behalf of the Detainee.

The Assisting Military Officer had the following question for the Detainee:

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

Detainee (*through translator*): I have a family and I will work hard to earn a living for my family. Whether I will go back to work on that machine or not, it depends. If I get a good chance and find another business or, if somebody would help me, that is in the will of God.

Assisting Military Officer: Why do you consider yourself no longer a threat to the U.S. or their allies?

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Detainee (*through translator*): The only reason is that I had never been a source of danger to the Americans. How can I be now? I would never be a source of danger. I was captured with no weapons or any documents so I am an innocent person. I had not been the source of danger and I will not be a source of danger.

Assisting Military Officer: That is all, sir.

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

The Administrative Review Board members had the following question for the Detainee:

Member: Mr. Nasrullah, can you clarify your purpose for accompanying your cousin to deliver a letter to a Taliban leader?

Detainee (*through translator*): At first, I did not know about the letter at all. My cousin told me that, "I am going to sell my taxi," and I accompanied him. On the way, he showed me that letter and he said, "Read this for me." I read the letter and it was written that, "Please come to Quetta and see me."

Member: Mr. Nasrullah, I understand you were made a clerk and that the other clerk was on leave. Why would they single you out to be the clerk from a group of conscripts?

Detainee (*through translator*): The people that were conscripted were asked, "Who can write and read?" I said, "I can write a little bit." They said, "We need another person because one person is on leave. Can you write simple Pashtu?" I said, "Yes, I can do it." That was why they put me there for 10 days to do that job.

Member: And what type of work did you do as a clerk?

Detainee (*through translator*): Some people would come and say that, "I need clothes," and then he would say to write him a letter to the related officer to give him this much money for these clothes. Another would come to say that, "The tracks needs to be repaired," and then I would write that his tracks needed to be repaired. That kind of a job.

Presiding Officer: Were you and your cousin able to successfully deliver the letter?

Detainee (*through translator*): I do not know because, after we spent the night, in the morning, he had left.

Presiding Officer: Who arrested you?

Detainee (*through translator*): The governor of the province.

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Presiding Officer: Did he tell you why you were being detained?

Detainee (*through translator*): They did not even ask me one question. I was arrested and, after two nights, they sent me here. No interrogations, no questions at all. We had thieves there also. They would tell other people, and accuse people, and give them to the Americans, saying that, "This one is with Taliban." A lot of lies of course.

Presiding Officer: Who else were you arrested with?

Detainee (*through translator*): Actually, there were three people, me, my cousin, and another person by the name of Abdul Jalil. But later, I heard that Abdul Jalil was a relative of the governor, so he was released. And the two of us are here.

Presiding Officer: Did any of you have weapons?

Detainee (*through translator*): I did not, but I do not remember if either of them have it.

Presiding Officer: You lived under the Taliban. What are your feelings concerning the Taliban?

Detainee (*through translator*): The Taliban was very cruel to me. When I was conscripted, it was not even according to their rules because I was one person and I had a wife. I was working all day long and making a little bit of money, eating at night. They should not have even recruited me in the first place. So, with me, they were very cruel. They are cruel people.

Presiding Officer: If you are transferred, how do you think you will be received by the current Afghan government?

Detainee (*through translator*): I have no problems with the governors at all. Some ignorant vagabond-type people said lies against me. If I go, I do not feel I would have any problems unless if you write something bad about me that I do not know.

Presiding Officer: Are you in contact with your family?

Detainee (*through translator*): I received letters. It has been about 10 months now that I have not received letters. Before, I would receive some letters.

Presiding Officer: And if released, you plan on returning to your family?

Detainee (*through translator*): Yes, of course, I would go back home. God knows in what poor they would be there.

Presiding Officer: Will you be able to support your family?

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Detainee (*through translator*): I hope to go and work with that sewing machine. That will give me a little bit of earnings but, the four years that I have been here, I do not know how much it has put us in debt. It will take a long time for me to work hard and pay back all the debts. I hope that you will help me for giving you these. You have kept me here for four years and now my family has gotten into big debts there.

Presiding Officer: Understand. Thank you, sir.

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

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 888

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board, Exhibit EC-A, to the Administrative Review Board.

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

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 25 September 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. The detainee was extremely cooperative, polite, and cordial during the entire interview. Copies of the English and Pashtu translated Unclassified Summary of Evidence were provided to the detainee who accepted only the Pashtu translation.

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

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

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

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

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

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

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

Board Member: Thank you.

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

Detainee (through translator): Yes, I was.

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

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

Board Member: Thank you.

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

Detainee (through translator): Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Detainee (through translator): This is wrong.

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

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

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

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

Board Member: Did you ever teach anything to anyone?

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

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

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

Board Member: Thank you very much.

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

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

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

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

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

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

Detainee (through translator): This is not right.

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

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

Board Member: Thank you.

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

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

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

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

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

Detainee (through translator): This is not right.

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

Detainee (through translator): This is right.

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

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

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

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

Board Member: Thank you.

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

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

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

Detainee (through translator): This is not right.

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

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

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

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

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

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

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

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

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

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

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

Detainee (through translator): This is right.

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

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

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

Detainee (through translator): This is right.

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

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

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Assisting Military Officer stated that he had no additional comments.

The Detainee made the following statement:

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

Presiding Officer: Thank you.

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

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

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

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

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

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

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

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

Presiding Officer: Thank you.

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

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

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

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 890

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Good morning, sir.

Detainee (through translator): Good morning to you.

Presiding Officer: Do you pronounce your name Rahmatullah Sangaryar?

Detainee (through translator): Yes, sir.

Presiding Officer: Can I address you as Mr. Sangaryar today?

Detainee (through translator): Rahmatullah Sangaryar is good.

Presiding Officer: Thank you. Welcome.

Detainee (through translator): God save you.

Presiding Officer: Thank you very much. I appreciate that.

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

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO), and Board members were sworn.

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

The Detainee took the Muslim oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board 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.

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 was conducted on 04 December 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he did wish to attend and wants to respond to each statement of information in the Unclassified Summary of Evidence. The Detainee accepted a copy of the Pashtu translated Unclassified Summary of Evidence. Additionally the Detainee requested a copy of a letter he received from Afghanistan in order to present to ARB. The Detainee's follow-up interview was conducted on 05 December 2006. The information the Detainee requested was found and will be presented at the ARB. The Detainee was cooperative and attentive throughout both interviews.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4 to the Administrative Review Board.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wished to respond to Unclassified Summary of Evidence.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary. We will then provide you a chance to respond. Board members may ask you questions based on your response. Designated Military Officer, please summarize the Unclassified Summary of Evidence.

Designated Military Officer: (3.a.1) The Detainee stated he was the Supreme Commander in Kabul, Afghanistan when he fought the Russians. After he finished fighting the Russians, he also fought against the Taliban and the Northern Alliance. The Detainee stated he was Kabul's defender during the civil war in Afghanistan and that he was not allied with any particular group. The Detainee stated he simply defended Kabul's interests against any group that attacked it and he had shifting alliances with the Northern Alliance and the Taliban.

Detainee (through translator): Sir, in the time of Mujahedin, I was not fighting directly with the Russians. Yes, I was serving. I was a little boy and I was serving tea to the Mujahedin. There was a garden and I was working there to provide for my father and mother. It was in Kandahar.

Presiding Officer: So you are saying you were not the Supreme Commander in Kabul when you fought the Russians?

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Detainee (through translator): During that time, I was a little boy. I was very little and cannot be a commander.

Presiding Officer: After the Soviet Union left Afghanistan, were you involved in the civil war?

Detainee (through translator): No, sir. I did not take part in the civil war but, later on, when the Taliban rose and took over, I was helping the Taliban on security of highways.

Member: How old are you, sir?

Detainee (through translator): Almost around 37, 38, or 39 years old.

Member: Thank you.

Designated Military Officer: (3.a.2) As of November 1999, the Detainee was on the senior staff in the Taliban's Ministry of Defense as the Commander of the Tagab, Kabul Province front-line division in Afghanistan.

Detainee (through translator): I have not been in charge of Tagab and Nejrab. I have not even been there. I have not gone to Tagab and Nejrab. I do not know.

Presiding Officer: Were you part of the senior staff in the Taliban Ministry of Defense?

Detainee (through translator): I do not know. I have a regiment, which is the regiment of 40 people. I do not know whether you call it big or small, but I had only 40 people. I had 40 people, who were my friends, but I was in charge of that regiment.

Presiding Officer: And who did you work for?

Detainee (through translator): I was working for the Taliban, disarming people on highways, collecting weapons.

Designated Military Officer: (3.a.3) The Detainee was the Taliban's National Guard Commander and was one of the Taliban commanders, who deployed to the frontlines in June 2000 to supplement existing Taliban forces, readying to participate in a summer offensive against the United Front in Afghanistan.

Detainee (through translator): I was not officially their commander, but unofficially, I was in the National Guard. I do not have special education or any experience so I do not have too much abilities to do things. My writing and reading is rusty, too.

Presiding Officer: In June 2000, did you work with al Qaida at all?

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Detainee (through translator): I never worked with al Qaida. They did not trust me and I was deemed not qualified to work with al Qaida.

Presiding Officer: What is your feeling concerning al Qaida?

Detainee (through translator): I did not know al Qaida so they did not trust me. I only worked to disarm people. That was all I was doing.

Member: What did you think of the Taliban system of government?

Detainee (through translator): There were two kinds of Taliban: one was the extremists and one was those previous Mujahedins, whose purpose and aim was to bring stability and security back to the country, collecting arms from people from all over to bring peace. The other one, the extremists, I was against them because we once had a leader, who died, and they dug the grave and moved the body to another place. That was why we had conflicts with the extremists. The men and women of Afghanistan were aware that the Taliban pulled out our leader's grave, and moved it, and threw it in a barn. That is why we do not like them.

Member: Why did the Taliban do this?

Detainee (through translator): With this Taliban, if you do not have a beard, they will punish you; if you listen to music, they will break it. We did not know about them. When we found out deeply who they were, people had grudges against them and became angry at them.

Designated Military Officer: (3.a.4) The Detainee became the director of Hezb-e-Islami Gulbuddin cell operations in Kandahar, Afghanistan in November 2002.

Detainee (through translator): I never joined Gulbuddin because, in Sarobi, I fought him twice. So I do not have any friendship with him. There is no possibility that I would join Gulbuddin.

Member: Sarobi was the leader of this organization?

Detainee (through translator): Sarobi is a place.

Member: It is a place.

Detainee (through translator): It is a very big center for Gulbuddin's soldiers. It is a big compound.

Member: And you fought them twice?

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Detainee (through translator): I fought him at two places. I fought him once in Sarobi and once in Zarghun Shahr.

Presiding Officer: And this was in November of 2002 that you were fighting against Gulbuddin.

Detainee (through translator): I am not educated. I do not know. It was before Kabul was captured.

Presiding Officer: Were you misidentified? Why do we have this allegation that you were a member of this organization?

Detainee (through translator): I do not know this. I never joined Gulbuddin. You can find out that I never joined with him and I never will.

Designated Military Officer: (3.a.5) Hezb-e-Islami Gulbuddin is described as a foreign terrorist organization that was one of the major Mujahedin groups in the war against the Soviets, has long-established ties with bin Laden, and has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee (through translator): I do not know about this, but I mentioned earlier that I had always been against them.

Designated Military Officer: (3.a.6) The Detainee was the Taliban Commander of the Tagab and Nejrab Divisions with an estimated 1,500 soldiers, including six Arab posts along the line through the Tagab and Nejrab District in Afghanistan.

Detainee (through translator): I never worked in Tagab and Nejrab. I only worked for the National Guard from the beginning. I just worked in the National Guard. I have not worked in another place. I have no connection or any relation with Arabs and they do not have any connection or relation with me.

Presiding Officer: So this allegation is false?

Detainee (through translator): Yes, sir. I am not aware of this.

Designated Military Officer: (3.a.7) A source stated the Detainee was once a Taliban leader but became a soldier in the 40-Man unit. The source stated the Detainee primarily operated against United States personnel, in the Urozgan Province, Lashkar Gah, and Helmand in Afghanistan. The source stated the intent was to bomb or strike soft targets, primarily using AK-47s.

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Detainee (through translator): I had a certificate confirming that Mahacha Masud was alive. I became injured; I stayed home. The last time I went through Ghazni, I went through Urozgan Province. I was staying home. I had not done anything. I was never against the Americans and the new government. I cooperated with them and I will cooperate with them.

Presiding Officer: Were you involved in this 40-man unit that was involved in anti-United States and coalition activities?

Detainee (through translator): There is a certificate or confirmation, which came to me from my province, which showed that I had not done anything against Americans and the coalition. I had not done anything.

Presiding Officer: Earlier, you mentioned you were in charge of approximately 40 personnel. Is this when you were involved in protecting the roads and removing weapons?

Detainee (through translator): Yes, I was. I had 40 people and I was in charge of taking security of highways and collecting weapons.

Presiding Officer: Thank you.

Detainee (through translator): That was during the time of Taliban power. When the new government and the Americans came, I cooperated the whole time with the Americans and have not done anything against them.

Presiding Officer: After the fall of the Taliban, were you ever involved in any kind of military activities?

Detainee (through translator): Yes. You can see the confirmation written on that document that I went home. I was building my house. Even the Farsi and Pashtu speakers witnessed that I stayed at home and never been out of my home for even a day.

Presiding Officer: So, after the fall of the Taliban, you no longer had an association with the Taliban?

Detainee (through translator): No, sir. One hundred percent, I had no connection with them.

Member: Did you surrender after the fall of the Taliban?

Detainee (through translator): Yes. You will see it in that document. I gave everything I had to the government and I started having a very good relationship with the government.

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Member: Describe "everything". What do you mean by "everything"?

Detainee (through translator): Kalashnikov, radios, vehicles, these kinds of things.

Member: So you turned in all of your military equipment?

Detainee (through translator): Yes, sir. I turned in the whole thing. I got the receipt, which had signatures of the Pashtu and Farsi speakers of the Counsel Commission.

Member: Thank you.

Detainee (through translator): I was building my house. The whole village was watching me. After the fall of the Taliban, there was an animosity between the people of my village. Then I went to Gulagha Sherzei in Kandahar. The sub-governor, Abdul Qudoose, went with me and we talked to Gulagha Sherzei about equipment to give him. He said, "No. Wait until the Americans come, and a government is established there, then you can turn those weapons or equipment in to them." So I told Gulagha Sherzei and Abdul Qudoose, "What am I supposed to do with these equipment and weapons?" They said, "If you are listening to me, do not worry about the Americans to come here first. Just go to the governor and turn the whole thing in and go home." I said, "I want to give them to the Americans." And then I went back home to my village. The Americans came and I turned the whole thing over to the Americans. They said, "Go home," so I stayed at home. And then Gulagha Sherzei said, "Go home. And, if anybody does any activity or action against the new government or Americans, let us know. Give us a report." Obaidullah, who was a minister during the time of the Taliban, sent me a letter from Quetta, with three people, to come and work with them. I went and gave them this report. They told me to, "Capture those three people and we will be there." I showed them these three people that brought the letter; and now, I am sitting here. I have no connection and no relations with anybody. I do not have any animosity or grudge against anybody. I had always wanted the construction of my country and peace. I do not have anything else.

Presiding Officer: Who sent you the letter?

Detainee (through translator): His name was Obaidullah, the Taliban's previous minister. He sent the letter from Quetta, Pakistan.

Presiding Officer: Did he consider you an ally, someone that he can get support from?

Detainee (through translator): I do not know about that, but I am sure that he sent that letter to me because I was building my house. He sent me that letter to give me a bad name amongst the people to get me captured by the government. I had a very good relationship with the new government and they had a very good relationship with me. I

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was just staying at home. You can see it in that certificate or petition. It will explain that to you.

Member: How did the Taliban minister know of you?

Detainee (through translator): I was working for the Taliban when I was in Kabul. He would send me things like vehicles and would give me orders to fix vehicles with mechanics. I do not have anything else for this question.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.8) The Detainee was a Taliban commander of over 500 Taliban soldiers in Kabul, Afghanistan.

Detainee (through translator): I do not know about 500. I was not officially a commander. I was probably a commander of a group of people. It was a group of people. It was definitely about 40 people.

Presiding Officer: This was during the civil war; is that correct?

Detainee (through translator): This was in the time of the Taliban power.

Presiding Officer: Thank you.

Designated Military Officer: (3.b) The Detainee stated he joined the Mujahedin to fight the Soviet Union when he was very young and was trained in the use of hand grenades, rocket propelled grenades, AK-47, and machine guns.

Detainee (through translator): Sir, I do not know about grenades, but I know how to use the Kalashnikov, rockets, and heavy machine guns. I have not done any training, but I know how to use them.

Designated Military Officer: (3.c) The Detainee stated he met the Supreme Leader of the Taliban in Kandahar, Afghanistan, in approximately 1997, when the Taliban began organizing.

Detainee (through translator): The first time, when they were organizing in Kandahar, I went there. It was in a big field. I went there and asked for a vehicle. I did not talk to them; I just wrote it.

Member: Why were you chosen to attend this meeting?

Detainee (through translator): I just wanted to have a vehicle to work on security and disarming people.

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Designated Military Officer: (3.d.1) The Detainee was one of the Taliban military commanders involved with the Taliban deputy leader in the coup planning against the Taliban leader.

Detainee (through translator): I do not understand this question, but all I know is that, when the extremists dug out our leader's grave and moved the body from that area, we started having hostility against them. That is all I know.

Presiding Officer: You are not aware of any coup attempts against the Taliban leader?

Detainee (through translator): I strongly started having hostility with them, but it did not come up to coup because the Americans came and the Taliban government fell. So it did not reach that point to do it.

Designated Military Officer: (3.d.2) The Detainee was planning biological and poison attacks on United States and Coalition forces in Kandahar, Afghanistan. The Detainee was in possession of anthrax powder and an unspecified liquid poison that he planned to distribute to al Qaida and Taliban operatives in preparation for future attacks on United States and Coalition forces. The poison attacks were to target water sources, to include reservoirs.

Detainee (through translator): If I was blamed after the Americans came, I would not just go home. If I had done it, you can punish me. That petition will show you what I had done. I had not done it.

Member: So you were not in possession of any anthrax?

Detainee (through translator): The whole thing that I had, they have it. I only had the flashlight. I was wearing very dirty and muddy clothing; that was how they captured me and brought me here.

Member: You never heard of any plans for poison attacks?

Detainee (through translator): No, sir. I never did it. I never will do it.

Presiding Officer: Do you know of anyone who would accuse you of such an act? This is so serious. I am trying to understand why it is here in front of me, this allegation against you.

Detainee (through translator): I do not know about this, but that petition will explain to you. I am not aware of it. There is a school besides my house. You can ask the school teachers if that kind of act matches with me or if I would do these things; they will tell you. There is a school about 50 meters away from us. You can ask them what kind of

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person I was and what kind of relationship I had with the people. You can ask them if, at any time, I talked against the Americans or the new government. I am not aware of these allegations. I have not talked against Americans or the new government.

Presiding Officer: This allegation accuses you of planning mass murder.

Detainee (through translator): Sir, what am I supposed to tell you? I have not done this and I will not. If you find these things in my pocket or in my home, I will be guilty.

Presiding Officer: I am just having a lot of trouble with this allegation because it is so serious.

Detainee (through translator): If you can get information that those things were in my pocket or any place in my home, you can punish me any way you want.

Presiding Officer: Thank you.

Detainee (through translator): In Afghanistan, there is an animosity between tribes. Maybe somebody just accused me of this. I have not done it.

Presiding Officer: Okay. Thank you, sir.

Designated Military Officer: (3.d.3) The Detainee stated a letter inviting and requesting him to travel to Quetta, Pakistan, was delivered to him to create a bad name for him in his province so he would get arrested.

Detainee (through translator): Yes, to give me a bad name. Obaidullah sent me that letter with three people. I turned in these three people, plus the letter.

Member: Who knew of this letter besides you, the sender, and the three people?

Detainee (through translator): Nobody else knew about it. I was building my house. They came and stayed overnight at my home. The next morning, they had that letter. I sent a guy to the sub-governor. Their car was broken; the crankcase was broken. I asked Shamsullah to just go to the government and give them the information about these three people and the letter. I sent Shamsullah to the sub-governor and the sub-governor was not there. His son was there. The next day, when the sub-governor came back, his son told him that, "Shamsullah came and gave us a letter and information and asked you to capture these three people." You can ask me to testify that they brought this letter from Quetta. I do not know about the rest of them.

Member: Sir, in the letter, you were asked to go to Quetta to do what?

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Detainee (through translator): There was nothing else, except a first greeting. With our people, they do a lot of long greetings. And, after the greeting, it said, "Rahmatullah, please come to Quetta only one time." There was nothing else.

Presiding Officer: They had to give a reason. I mean, why would you go to Quetta, Pakistan unless you knew the purpose of the meeting?

Detainee (through translator): We had that kind of hostility in the time of the Taliban. If he was really trusting of me, he would give me a number, or direction, or something. He did not write anything. There was no numbers in it, no address to go to, nothing was written in it. He was not trusting of me. He knew that I turned over all the weapons to the government and that I was trying to build a house for myself; he knew that. He just wrote down, "Come over here."

Presiding Officer: Did you discuss the reason for going to Quetta with the messengers?

Detainee (through translator): During the fasting month, they came in the evening and ate with me. They were so tired so they rested until the next morning. They saw the situation that I was building a house, I had a good relationship with the government, and all these things, and they said that they got this letter for me from him. I secretly told Shamsullah to go and inform the sub-governor. I did not talk to them that much, but they are now prisoners in that area. The governor will ask them questions and get information from them.

Presiding Officer: Thank you.

Member: Sir, you described yourself as a soldier and a leader of very few men. Why would a Taliban minister send you a letter to give you a bad name?

Detainee (through translator): I do not know about this other than just to give me a bad name there.

Designated Military Officer: (4.a.1) The Detainee stated, when he received a letter, he believed it was a request to come to Pakistan and fight the new government of Afghanistan. The Detainee stated he had no intention of doing so.

Detainee (through translator): Yes, sir. I did not want to go to Pakistan.

Designated Military Officer: (4.b) When the Detainee was captured, he turned over a signed receipt, by the district counsel members and the commission, listing the weapons he had turned in to the Governor of the Oruzgan Province in Afghanistan. The following weapons had been turned in: six small cars, one truck, two mounted anti-aircraft weapons, 39 Kalashnikovs, two RPG-7s, four PK', two 82-series machine guns, and six radios.

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Detainee (through translator): Yes, sir.

Designated Military Officer: (4.c) The Detainee stated he was told by a governor that he needed to provide information about enemies of the Afghanistan government and that he was then turned over to the United States. The Detainee stated he knows he must cooperate and he is not upset at the United States government.

Detainee (through translator): Yes. I have no hostility or grudge against Americans. I am very happy with them and I am still happy with them. I cooperated with them and I am going to cooperate with them.

Designated Military Officer: (4.d) The Detainee stated he was innocent of any wrongdoing and that he was handed over to the United States government to provide intelligence information and not for suspicion of being a terrorist.

Detainee (through translator): Yes. I cooperated with them and gave them a lot of information. After this, I will cooperate and help Americans and the government.

Designated Military Officer: (4.e) The Detainee stated he led many troops before the United States arrived in Afghanistan. The Detainee turned over all his weapons to the United States and a governor, dismissed his troops, and sent them home. After turning in his weapons and dismissing his troops, the governor told the Detainee to go home and to report any attempts to recruit him. The Detainee reported to the government the letter he received requesting he come to Pakistan and fight the new government of Afghanistan.

Detainee (through translator): Yes. I reported to the government.

Designated Military Officer: (4.f) The Detainee stated that, if he were released, he would go home to Urusxa District of Afghanistan and work as a laborer.

Detainee (through translator): Yes, sir. I will do hard work and laboring jobs.

Presiding Officer: Thank you.

Detainee (through translator): I ask for forgiveness. I just have one question if you would answer me.

Presiding Officer: Go ahead.

Detainee (through translator): In the camp, you can ask about my behavior and how I get along with others. Also, back at my home, you can find out about my behavior and my manner. I had always loved working with Americans. I am happy for the reconstruction of my country. I will be very cooperative.

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Presiding Officer: We understand. You will be given an opportunity to give an oral statement before we conclude.

Detainee (through translator): The only words I would like to say is that I would like for Afghanistan to be rebuilt through construction and to have high education. I have no hostility with nobody and I have no connection with nobody.

Presiding Officer: Thank you. We understand.

Detainee (through translator): Thank you very much.

The members did not desire more time to review 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.

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 Exhibit EC-C to the Administrative Review Board on behalf of the Detainee.

The Presiding Officer informed the Detainee that the Board had read the information contained in Exhibit EC-C.

The Detainee made the following oral statement:

Detainee (through translator): You are my elders, my leaders. Forgive me if I spoke unpolitely. Please forgive me for that.

Presiding Officer: You did very good. You were polite and cooperative.

Detainee (through translator): God bless you. As for this court, when will I get the results?

Presiding Officer: This is an Administrative Review Board. You will not be punished. We are just here to make a recommendation on whether you should continue to be detained, transferred, or released. We make a recommendation and then it goes up to Washington, D.C. and the decision is made there. I cannot give you a time when that decision will be made.

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Detainee (through translator): When will I find out?

Presiding Officer: If I knew, I would tell you, but I do not know. I would say it is in the near future, but I hate to give an estimate because I am not sure how long the process will take.

Detainee (through translator): It is correct. God be with you.

Presiding Officer: Thank you.

The Assisting Military Officer had no additional information to present and did not have any questions for the Detainee.

The Designated Military Officer did not have any questions for the Detainee.

The Administrative Review Board members had the following questions for the Detainee:

Member: Sir, I sense that you want to go home. If you were transferred to Afghanistan, do you believe your safety would be in jeopardy?

Detainee (through translator): Sir, I do not know. I am a very poor man. I will go through my life and just live there. But, as far as the Americans that are there, I do not think so.

Member: What is your true alliance? Where are your true alliances? Do you support the Karzai administration?

Detainee (through translator): Any government working for peace, collecting weapons, or for construction, I will be a supporter of that government.

Member: Thank you.

Detainee (through translator): I just want to say one thing. Anybody working to destroy the country, I am against them. It does not matter if it is Ahmad, or Mahmood, or Talib, or any other commander, if they are on the side of the destruction of Afghanistan, I am their enemy.

Member: Thank you. Sir, you stated earlier you had been injured. How did this occur?

Detainee (through translator): Yes. When we were collecting weapons from people, there were some hostility and they were firing at us. It was during that firing.

Member: Sir, how did you make a living after the fall of the Taliban?

Detainee (through translator): I have land and gardens. I was doing labor.

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Presiding Officer: What is your education level?

Detainee (through translator): Sixth grade. When I was a very small boy, I studied up to sixth grade.

Presiding Officer: Are you in contact with your family?

Detainee (through translator): Yes. I received letters from my family.

Presiding Officer: And, if you are transferred back home, you will be able to support yourself and your family?

Detainee (through translator): Yes, God willing. We have some land and some gardens.

Presiding Officer: Do you still have the home you built?

Detainee (through translator): Yes, sir, I still have it. We built that house on our own land.

Member: So you are married and have children?

Detainee (through translator): Yes, sir. I have one wife, two daughters, and two sons.

Member: Thank you.

Detainee (through translator): The last one was born five months after I arrived here.

Presiding Officer: Thank you, sir.

Detainee (through translator): God save you. At the end, to respect you, when you leave, I will stand up.

Presiding Officer: Thank you, sir.

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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ICRC letters—withheld from release

2633A-2633H

Summary of Administrative Review Board Proceedings for ISN 942

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board 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 10 August 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative, attentive and cordial throughout the interview. A copy of the Pashtu translated Unclassified Summary was provided to the detainee upon his request.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, DMO-2 - DMO-4, to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

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.a.1) The detainee said he was forced to serve the Taliban three months out of every year since they came to power in 1992.

Detainee: *(through translator)* Yes, it is true.

Board Member: Can you clarify the time period for me? It says 1992 until they came to power. When did it end, 1992 until when?

Detainee: *(through translator)* I am an illiterate man. I really do not know much about those dates like 1992. When the Taliban came, there was five years there and all five years I was supposed to work with them three months for each year.

Board Member: So for five years you worked with the Taliban, ok. You said for three months out of every year, what did you do for the other nine months?

Detainee: *(through translator)* I was a driver at the time. I was driving my own bus.

Board Member: Where did you drive your bus?

Detainee: *(through translator)* It was not a bus, it was a truck. It was a loading truck, a big truck. Those trucks, they get the load to Kabul to Herat to Kandahar and Nimroz.

Designated Military Officer: (3.a.2) The detainee was a driver and fought in the Russian jihad for a commander of approximately 800 to 1000 soldiers. The commander became a military commander in Afghanistan after the jihad.

Detainee: *(through translator)* I've been with this person for one year and that is all. For one year I was the driver.

Designated Military Officer: (3.a.3) A source stated that Taliban fighters go to the military commander's compound in Helmand Province, Afghanistan. The fighters receive money, supplies and orders at the compound.

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Detainee: *(through translator)* Not true.

Designated Military Officer: (3.b.1) A source stated that the detainee was involved in a terrorist training camp near Khotal-e-Morcha mountain pass outside of Kandahar, Afghanistan.

Detainee: *(through translator)* I am an illiterate man. I do not know my A, B, C, D. How can I go somewhere to get some training? Those people can get the training; they have at least a little bit of literacy. I have never done that.

Board Member: Whether or not Mr. Razzak has received any training whatsoever, if so what training did he receive?

Detainee: *(through translator)* I have not been trained. When I was like four or five years old, my father sent me to a mosque and I could read a little bit but now I can not read or write. I am illiterate.

Board Member: So you never had any training in the use of small arm weapons?

Detainee: *(through translator)* I am a truck driver. I have never been trained in small or big arms.

Board Member: OK, did he ever carry weapons in his vehicles? Did he have weapons?

Detainee: *(through translator)* No.

Board Member: He did not fear for his safety at all while he was driving?

Detainee: *(through translator)* No.

Board Member: OK, thank you.

Designated Military Officer: (3.b.2) A source stated that the detainee was directly involved in assassination attempts. The source stated that the detainee also attempted to have other personnel participate in suicide missions. The detainee provided training on how to use explosive vests.

Detainee: *(through translator)* What is the reason I am accused of these things? I have never done that and I have never said that. Can you read my heart? I have never said it or done it so how can I be accused of such a crime.

Designated Military Officer: (3.c.1) A source stated that the detainee was originally a freedom fighter against the Soviets, a member of Hezb-e-Islami, the Taliban and al Qaida. The detainee is currently instructing others on how to resist interrogation tactics.

Detainee: *(through translator)* In the interview I swear to you and I told you in the interview that the Hezb-e-Islami accused me of wrong allegations. They put me in a hole which was six by six which he described it like it was eight feet down. I was there for four and a half months. The Taliban announced that if someone would capture him because he had escaped and helped those prisoners, that they would give one million dollars. If I was a member of the Taliban how would they put one million dollars if someone was to capture me. Why would Hezb-e-Islami put me in a ditch for four and a half months? So, these are false allegations.

Board Member: Is this why you stopped working for the Taliban, the one million dollar reward?

Translator: What was the question?

Board Member: He says there was a one million dollar reward.

Translator: If he would be arrested.

Board Member: Is that why he stopped working for the Taliban? He said he worked for the Taliban for five years?

Translator: That was compulsory everybody in Afghanistan is supposed to work for three months with the Taliban.

Board Member: Just for five years?

Translator: No, he did it for five years.

Board Member: Right, I'm asking why he stopped. Was it because of the escape?

Translator: Because he escaped and at that time he was not anywhere in Afghanistan. After the five years he said in the interview that there were some prisoners, very important people and he helped them because he was against the Taliban. Then he went to Iran and he was there for two years.

Board Member: So, can you ask him if from 1992 to 1997 he worked for five years with the Taliban and then helped these people escape.

Translator: He helped the people escape and then the Taliban said we would give one hundred rupees to anyone that would capture him.

Board Member: Could you confirm that with him please?

Detainee: *(through translator)* It is because that those three people were important people. One of them was Ismail Khan which he is now a secretary and one was the son of the vice president of Afghanistan, Haji Qadir which he is dead now, and one was General Qassim. Those three people escaped and I helped them out by being their driver. That is why the Taliban put out one million dollars as a reward.

Board Member: That is why you stopped working for the Taliban, because you helped with the escape? I'm trying to put together the connection.

Translator: He first said that for each year it was compulsory for every Afghan man to work three months. Since he was in Afghanistan he had to work three months or the Taliban would shoot him.

Board Member: Ok, so he left 1997?

Translator: He left, he was not there anymore.

Designated Military Officer: (3.c.2) The Hezb-e-Islami Gulbuddin has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state. Hezb-e-Islami Gulbuddin has long-established ties with Usama bin Laden.

Detainee: *(through translator)* It does not concern me. I do not see where it concerns me, not anyone of them is my father or brother.

Designated Military Officer: (3.c.3) A source stated that the detainee was part of the main security escort for Usama bin Laden.

Detainee: *(through translator)* If I was with Laden, then how could I be a driver. If you go to Afghanistan and look through those books, in there you would see my name because they always write it in the book. They give me a ticket when I go and pay the custom duty on it. You will find me that I was a driver. If I was a driver and was going to Kabul, Kandahar, and Herat then how could I be with Bin Laden? I am only one person.

Designated Military Officer: (3.c.4) A source stated that the detainee was paid to smuggle 50 Arab family members out of Afghanistan and into Zabul, Iran through Afghanistan's Nimroz Province.

Detainee: *(through translator)* I was in Iran for two years. There were a lot of people with me there. Please ask those people that had I been there for the full two years I have never been back to Afghanistan. How could I do that? So, he denies that.

Designated Military Officer: (3.c.5) A source stated that the detainee was high in the al Qaida hierarchy and acted as a smuggler and facilitator. The detainee received money and weapons from Syria. The source stated that al Qaida's operational leader provided weapons to the detainee.

Detainee: *(through translator)* If I was such a high rank person, how can I be a poor driver and I have told you that all of these times that I have been a truck driver you can check my records. If there was any absence then the allegation would be true, but I would prove it that I have never been out of my own truck.

Designated Military Officer: (3.c.6) The detainee provided details of weapons shipments and weapons smuggling routes of Jamiat Islami.

Detainee: *(through translator)* I swear by the God which I would stand before him that these are untrue allegations. I have no idea, I have never heard it.

Board Member: Can he tell us what type of shipments he did take on his truck and where he took them?

Detainee: *(through translator)* From the Nimroz Province that before he said the truck belonged to another person his name was Haji Amunullah, he is from Nimroz. So, that is the place where the truck owner lives. From Nimroz we were bringing cement, fertilizers, petrol, diesel, and kerosene.

Board Member: Was that the same shipment he was asked to do while he worked with the Taliban?

Detainee: *(through translator)* In five years for three months I was with the Taliban. One three months they took me to Bamiyan which is the Hazra people, once to Logar, one time they took me to Parwan and Mimana all these different provinces. Each time they took me to a different provinces and I was all the time traveling here and there. There they would use me as a truck driver and I was taking water and food these things from here to there.

Board Member: So, the answer is no. To his knowledge he never had weapon shipments?

Detainee: *(through translator)* They wouldn't trust me that much. Only the trusted people would carry ammunition. I was only working with what was needed like food and water.

Designated Military Officer: (3.c.7) The Jamiat Ulema e Islami is a radical Sunni religious-political party best known for its anti-United States threats, vocal support of Usama Bin Ladin and sponsorship of some 3,000 religious schools.

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Detainee: *(through translator)* Just for information for you that does not concern me. Yes, sir.

Designated Military Officer: (3.c.8) The detainee was identified as a senior leader of a 40-man unit for the Taliban in Afghanistan. A source stated that the unit receives money, weapons and support from al Qaida and continually plans to kill Americans.

Detainee: *(through translator)* As a driver all I needed was a helper, which was my son. He was with me on my own truck. That is all I needed and I don't know these allegations.

Designated Military Officer: (3.c.9) A source stated that the detainee was the number two commander of the unit and also the Taliban Supreme Commander in Helmand Province, Afghanistan.

Detainee: *(through translator)* People would laugh at me while I was in Afghanistan. The truck I had the engine was made in Japan and the truck was American and some parts of the truck were made in Russia. So, it was a combination of Russia, American, and Japan made parts and people would laugh at me what kind of truck is that.

Designated Military Officer: (3.c.10) The detainee stated that the 40-man unit's commander gave the detainee his satellite phone number so President Karzai could contact the 40-man unit's commander and order him to turn in the rest of his weapons if President Karzai desired it.

Detainee: *(through translator)* What person said that to what you have stated. To who, where? I don't know about it at all. He denies it.

Designated Military Officer: (3.c.11) A source stated that the 40-man units' leaders stayed in contact through satellite telephones.

Detainee: *(through translator)* In my whole life I do not know the numbers and now you are speaking of satellite phones. I do not know what that is.

Designated Military Officer: (3.c.12) The detainee was detained as a suspected member of a Taliban organization.

Detainee: *(through translator)* It is yours, it does not concern me because you accuse me of being a member of Taliban and I was against them.

Designated Military Officer: (3.d.1) The detainee helped an individual escape from a Ministry of Intelligence Prison in Kandahar, Afghanistan.

Detainee: *(through translator)* It was not one there but three prisoners. Of course I had helped them.

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Board Member: Have you tried to contact these three people to vouch for you? You said that they were important people in the government.

Detainee: *(through translator)* Yes, I contacted them by letters which somebody would write them. We made the program how to help them to escape.

Board Member: No, since you have been here have you contacted these individuals?

Detainee: *(through translator)* Yes, I had written them several letters but I have not received any answers. I had written them since I had helped them why don't they ask for me?

Board Member: How long ago did you write the letters?

Detainee: *(through translator)* I have not sent one time but many times maybe each year I had sent them letters. I do not remember about the dates but during all my years here I have sent them letters.

Board Member: How long ago did you help them escape? You mentioned you helped them escaped and went to Iran for two years about how long ago was that?

Detainee: *(through translator)* At the end of the era of the Taliban. After five years of the Taliban, almost the end of them, when the Taliban was still there.

Board Member: Then you came back from Iran after two years? Why did you come back?

Detainee: *(through translator)* The council of Afghanistan who has given us expenses. They said now there is Karzai, it is a legal government you should go back to your country. I have also told you that in the interview.

Board Member: Reference to the people he helped escape, can he give us a little detail on how he did that? Did he do it alone? What help did he get?

Detainee: *(through translator)* I planned it myself. I was lying in a basement for three months, since I was very much against the Taliban and they were the cruelest and dirty people. Then an idea came to me, what can I do against the Taliban? The only incentive was the Taliban, which I was very much against since they have hurt my feelings. I then I told myself if I can only escape them. I had planned it, then I wrote them in a letter that I planned to escape to Iran. Now he is going to give more details. It is a long story of course. My son was working with Unicom Company in Afghanistan, a gas company. My son could speak English and the Taliban needed a translator. He told my son that needed that job to come and learn a little bit of computer because they were going to go to Dubai and the people coming from Dubai they needed an English translator. They put my son in the intelligence office and taught him a little bit about computers. Then I used

my son since he was in intelligence when I planned this I wrote a letter to Wali Ismail Khan wrote me a letter back and told me to take it to Iran, to my son. I took Ismail Khan's letter to his son and his son gave me 20,000 dollars to buy a car with it. Then we bought a car. His son also consulted Rabani, which was head of the government at the time. Because when the Taliban took power a lot of the country did not recognize them. Still Rabani was like the president. He consulted Rabani and twice he said he took the letter from the son to the father and the father back to the son. On the second time he gave me the money and said ok it is alright.

Board Member: Let me interject something for a minute. Rather than go through the whole long story, what I am really looking for is did he personally go to the prison? Was he personally involved with smuggling them out or escaping them and if so, that is what I am interested in. That is what I want to hear about.

Detainee: *(through translator)* It was at night time, I brought a Land Cruiser which is a jeep type of car and I was waiting in a dark place. My son did it, because he was in the intelligence and he was entrusted by the Taliban. He took all three of them out and put them in the car, including my son and then we escaped.

Board Member: Ok, that answered my question because initially I asked him if he done this by himself. He actually had a considerable amount of help, not only from his son but also from some other folks that gave him money. That was my point, so he did have some assistance.

Detainee: *(through translator)* Yes.

Designated Military Officer: (3.d.2) The individual is an exiled Afghan commander.

Detainee: *(through translator)* To be a commander is a high job. I was a poor guy and I did not even have a helper to my old truck.

Presiding Officer: I believe this item is referring to the individual he helped escape. That is what this one is about. He helped an individual escape from the prison and this point says that who he helped escape was an Afghan commander.

Translator: In the translation we have said that he was a

Presiding Officer: No, this particular point is referring to the individual that he helped to escape.

Detainee: *(through translator)* I did not have much information. All I knew that there were innocent people and I would help them and I asked God to help me on that.

Designated Military Officer: (3.d.3) In early 2004, the exiled Afghan commander was known to have distributed approximately 40,000 small arms of unknown origin to former mujahedin fighters and personal associates located in Herat Province, Afghanistan.

Detainee: *(through translator)* It does not concern me.

Board Member: What happened to the Land Cruiser he purchased?

Detainee: *(through translator)* Hit a mine and my son's foot was amputated and my hand was broken. It was destroyed.

Designated Military Officer: (3.d.4) A source stated that the detainee received weapons shipments, plastic explosives, night-vision equipment, missiles, small arms and ammunition from Syria. The weapons come from Syria to Zahedan, Iran and were smuggled into Afghanistan.

Detainee: *(through translator)* Can you tell me when I was getting these weapons? I have no idea, what time was that? Which year was that which they were giving me these from Syria all those weapons and I was taking them? What time was that when I was gone or somewhere else? He denies it.

Board Member: Have you ever had possession of night vision optical device or anything similar to that?

Detainee: *(through translator)* I have never used a simple night vision. I am a very humble and ignorant person. These people have given me a lot of credit.

Board Member: Have you ever seen night vision devices?

Detainee: *(through translator)* No, I have never seen night vision goggles.

Designated Military Officer: (3.d.5) A source stated that military weapons were delivered to the detainee who aided in its distribution to a terrorist team. The source stated that the detainee also had a night vision and telescoping optical device to use during mission preparation and for surveillance on United States Forces.

Detainee: *(through translator)* If I had night vision goggles, what happen to that? Where is that? I have never seen it.

Designated Military Officer: (3.d.6) A source stated that the detainee was knowledgeable of an assassination plot against President Karzai the day before it occurred.

Detainee: *(through translator)* I have never said that. Did that person who said that I had that information was he reading my heart or my brain?

Designated Military Officer: (3.d.7) On 2 November 2001, sources indicated that senior Taliban officials were extremely concerned about stopping opposition leader Hamid Karzai. During conversations between the detainee and a senior Taliban leader, they discussed the fact that Karzai had escaped a Taliban attack.

Detainee: *(through translator)* I have stated that I had been in two years in Iran and we were watching what was going on in Afghanistan between the government of the United States and the Taliban. So, the two years I stayed there we were looking at it on the TV. I do not know anything else which I am accused of.

Designated Military Officer: (3.d.8) A source stated that the detainee attempted to have two other individuals kill the Kandahar, Afghanistan Governor.

Detainee: *(through translator)* What a big giant dabe (monster) and a big professor I was that he could do all of these things. That I am accused of such big things.

Designated Military Officer: (3.d.9) A source stated that in 2002, the detainee claimed that there were still suicide pilots in the United States who could carry out their missions.

Detainee: *(through translator)* I can not find my way out to find a little bit of food for my children. How can get information that there are still some suicidal people in the United States? There is a saying in Afghanistan that if you want to mark a bald person then give him a comb and tell him to comb his hairs.

Designated Military Officer: (4.a) The detainee claims he is not a Taliban member.

Detainee: *(through translator)* Yes, I am against the Taliban. I am not with the Taliban. I don't deny this when I say I am very much against. The source of my problems is the Taliban. If there were no Taliban, then I would not have been in prison.

Designated Military Officer: (4.b) The detainee vehemently denies that he is currently associated with the Taliban.

Detainee: *(through translator)* Not only now, I have never had assistance from Taliban. I have never given them any assistance. I was always against the Taliban.

Designated Military Officer: (4.c) The detainee states that the Taliban is a stupid organization.

Detainee: *(through translator)* I would say it for ever that they are the most stupid organization.

Designated Military Officer: (4.d) An individual that was part of a 40-man team was under the command of Abdul Razaq.

Detainee: *(through translator)* Nobody was under me.

Designated Military Officer: (4.e) The individual described Abdul Razaq as having dark eyes, a full beard, and taller than himself. The individual claims this Abdul Razaq is not the same person as the detainee.

Detainee: *(through translator)* It is for sure that I am not Abdul Razaq that I am accused of these allegations.

Board Member: What would you do if you were released? What are your plans?

Detainee: *(through translator)* I have stated it before that if you release me that with all of my power I would be with you. Whatever you can use me for. I would always help.

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

I am a Muslim and you (linguist) are a Muslim. I will tell the truth because it is part of our faith. I have a very big enemy, Mohammad Jan, who has killed my three brothers, my three sons and my father. This enemy has accused me of these and other allegations.

At the time of Noor Mohammad Taraky, who was the first communist president, I was the driver of a bus in Nimroz Province and went to Kabul Afghanistan to get parts for my truck. On the way back from Kabul when I came to Kandahar I was arrested with the bus owner Haji Aminullah. We were accused of false allegations.

After one year and four months Noor Mohammad Taraky was killed by his vice president Hafizullah Amin. I had been in prison for 11 to 12 months when I was released because the allegations were false.

I did not have any power against my enemy. I moved from Kandahar to Helmand Province, Afghanistan where I became the driver for the commander, Abdul Wahed. I was the driver for Abdul Wahed for one year when the Hezb-e-Islami Gulbuddin arrested

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me in Helmand and took me to Pakistan. I stayed in Baluchistan for four and one half months in a ditch that was about six feet by six feet by 8 feet deep.

I was not the one who had contacts with the Hezb-e-Islami Gulbuddin, it was Mohammad Jan. After four and one half months the Hezb-e-Islami Gulbuddin leader accused me of being a communist and had tried to kill Hezb-e-Islami Gulbuddin people. Hezb-e-Islami Gulbuddin obtained information from other people and determined that these allegations were false and released me.

Next came the era of the Taliban. These are very dangerous and dirty people. They made me work for them three months a year. I worked for them five years but only three months a year. During the five years I learned the Taliban was cruel and had a deviation of Islam. I could not bear it anymore.

There were some very powerful men in prison that I helped escape. Ismail Khan, Haji Zahir, son of vice president Haji Qadir and General Qassim. I went to Mashad Iran for two years with my three sons, three daughters, and my wife, where the Afghanistan Counsel gave me a house and paid my expenses. After two years in Iran, the US and Taliban war begin. We were watching the events on TV when President Karzai came into power. The Afghanistan Council said they would no longer pay my expenses since there was a legal government in power.

Presiding Officer: Please ask Mr. Razakk if he needs a brief recess?

Detainee: *(through translator)* He said of course I would like to say something. What do you want me to say about what?

Presiding Officer: There will be an opportunity for him to make a statement. I was just wondering if he needed to have a brief recess.

The Detainee made the following statement:

Detainee: *(through translator)* He said I am very much open to the American that they will work to help my country. They will give us opportunity and make progress. I am with you and God knows it. The interrogator asks me questions, I have told them I am with you and I like you people and I hope that you will help the poor country. They put me here in prison and then what benefit would you take from me? I said I would be with you. I will work with you and you can use me for something. If you keep me here you can not take any benefits from me. I am here on all false accusation and allegations. Say my family is somewhere, I will be with you. I won't care even if I get killed. Whatever duty you would give to me I would do.

Presiding Officer: Mr. Razzak, do you have any other statements you wish to make at this time?

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Detainee: *(through translator)* Not anymore because there are a lot to explain in my heart. Never been your enemy. Never will be your enemy I will always be with you. These false allegations and I have an enemy that has killed my sons and now there is fire in my heart. I have told the interrogators that if I had used my feet, hands, my tongue any part of my body against you people then cut my head right now. I am accused of things I don't know. Killed my three sons and now this is four years and I am here and I haven't received any letters from my wife or my family. This is really hard on me.

Presiding Officer: Mr. Razzak, does this conclude your statement?

Detainee: *(through translator)* (no answer)

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 mentioned Mohammad Jan is your big enemy. Why is he your enemy? Why does he not like you?

Detainee: *(through translator)* He is kind of a relative to me. Like his father's sister was my father's sister. They were sisters so we are kind of relatives. It is a long story that he is telling because there are some kind of jealousies when some turns against them and they start to become enemies to each other. We were like cousins and cousins are naturally rivals in Afghanistan.

Board Member: Your family is in Afghanistan right now?

Detainee: *(through translator)* I do not know in all four years. I have not received any letters. When I came here someone told me they went to Iran. I do not know where they are now.

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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Summary of Administrative Review Board Proceedings for ISN 943

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Good morning, sir. Do you pronounce your name Abdul Ghani?

Detainee (*through translator*): Yes.

Presiding Officer: Welcome.

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

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO), and Board members were sworn.

The Presiding Officer asked the Detainee if he wishes to make his 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 Notification of the Decision of the Administrative Review Board 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 27 November 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend the ARB. The Detainee was cooperative and polite during the entire interview. Copies of the English and Pashtu

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translated Unclassified Summary of Evidence were provided to the Detainee, who declined both copies.

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

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wished to respond to Unclassified Summary of Evidence.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary; then the Assisting Military Officer will read your response from the EC-B; and then you may respond further if you wish; and then members may ask you questions based on your response. Do you know we are going to also read the response from the Enemy Combatant Election Form?

Detainee (*through translator*): Correct.

Presiding Officer: And you know we may ask questions?

Detainee (*through translator*): Yes.

Presiding Officer: Thank you. Designated Military Officer, please summarize the Unclassified Summary of Evidence.

Designated Military Officer: (3.a.1) Pocket litter found on the Detainee during capture describes the Detainee as a most trustworthy and very good Mujahedin.

Assistant Military Officer: In response to this statement, the Detainee disagreed. The Detainee stated that no pocket litter was found on him.

Detainee (*through translator*): There was no pocket litter with me to be found.

Presiding Officer: So you were not carrying anything? No identification, no money, nothing?

Detainee (*through translator*): No. There was nothing with me.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) A source stated that they had several reports which indicated that a senior Taliban leader and the Detainee entered various villages, held individuals at gunpoint, and preached jihad against the illegitimate Afghanistan government and the Americans.

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Assistant Military Officer: In response to this statement, the Detainee disagreed. The Detainee said that his is not true and did not happen.

Detainee (*through translator*): I am not aware of this thing. I have not associated with anybody; to force people by gunpoint; to preach jihad.

Presiding Officer: Do you support the current Afghan government under President Karzai?

Detainee (*through translator*): I have nothing to do with the government; and I have no business with the government; I do not know about the government.

Presiding Officer: Thank you.

Member: Did you ever see anyone preaching jihad or did your family ever speak of it?

Translator: Pardon me, sir?

Member: Did you ever see anyone preaching jihad in your village or did your family speak of it?

Detainee (*through translator*): No.

Designated Military Officer: (3.a.3) A source stated the Detainee and the same senior Taliban leader traveled to various towns on motorcycles attempting to recruit or force people to fight jihad.

Assistant Military Officer: In response to this statement, the Detainee disagreed and said that he has not spread any word to fight jihad. The Detainee stated that the only other associate he had was his brother.

Detainee (*through translator*): I have not done any jihad and I have not preached any jihad. The day that I was captured, my brother was with me. My brother is not any commandant and I have not seen him doing this kind of duty or this kind of job.

Presiding Officer: Was your brother a member of the Taliban?

Detainee (*through translator*): I do not know. I do not know if he was or not.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.4) A source stated the Detainee had been identified as being the assistant to the senior Taliban leader responsible for facilitating recruiting.

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Assistant Military Officer: In response to this statement, the Detainee disagreed and said that he does not know any high ranking Taliban leaders.

Detainee (*through translator*): I do not know anybody, who was a commander of Taliban or a leader. I have no friendship with none of them. I do not know this man. I did not become his friend. I do not know.

Designated Military Officer: (3.a.5) The Detainee admitted that the maddrassa that he attended taught jihad against Americans.

Assisting Military Officer: In response to this statement, the Detainee disagreed and stated that he never made this statement. The Detainee asked, "Where did this statement come from?"

Detainee (*through translator*): Yes. This is my answer. I have not said these words.

Presiding Officer: What was the name of the maddrassa?

Detainee (*through translator*): I do not know the exact name of the maddrassa, but the maddrassa was in the name of a man, Hafez Tajuddin.

Member: What did this maddrassa teach?

Detainee (*through translator*): Koran.

Designated Military Officer: (3.a.6) The Detainee stated he was Taliban and was in the mountains with approximately 80 other Taliban.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said that he did not say this.

Detainee (*through translator*): I have not said this statement. I have not mentioned this statement.

Presiding Officer: Do you know the existence of such a force? Did you know that a force of that kind existed at that time?

Detainee (*through translator*): No.

Designated Military Officer: (3.a.7) A source stated the Detainee was a member of a formal group that was responsible for invigorating and spreading Taliban propaganda.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said, "This is an incorrect report." The Detainee stated that he has not been with any groups

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and has no friends or relations with any groups. The Detainee said that he is not a member of any group.

Detainee (*through translator*): Yes. This answer is correct.

Member: Are you aware of any such groups operating in Afghanistan?

Detainee (*through translator*): No.

Designated Military Officer: (3.a.8) A source stated the Detainee was a Taliban member and saw him in Speenboldak, Afghanistan.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said, "This is a wrong report."

Detainee (*through translator*): I am not aware of this statement.

Designated Military Officer: (3.a.1) Three separate sources identified the Detainee as the executive assistant to a senior Taliban leader.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said, "This is a wrong report."

Detainee (*through translator*): Yes, that is true.

Presiding Officer: Do you have any idea who would give this information against you?

Detainee (*through translator*): I do not have any idea who had done it, who gave the report, but whoever gave the report gave the wrong report.

Member: Are you saying that you do not know about the Taliban?

Detainee (*through translator*): No.

Member: The Taliban controlled all of Afghanistan. You have never heard of the Taliban?

Detainee (*through translator*): No.

Member: You are from Speenboldak, right?

Detainee (*through translator*): Yes.

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Designated Military Officer: (3.a.2) An additional source identified the Detainee as the assistant to the same senior Taliban leader.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said, "This is also a wrong report."

Detainee (*through translator*): That is the same.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.3) Pocket litter found on the Detainee, during capture, directly linked him as a courier for the senior Taliban leader.

Assisting Military Officer: In response to this statement, the Detainee disagreed and repeated his statement that no pocket litter was found on him when he was captured.

Detainee (*through translator*): Nobody found anything like this with me and I have not seen it.

Designated Military Officer: (3.a.1) A source stated he received information that a reward was made by the senior Taliban leader offering 2.5 million Rupees for the Detainee's release. The source also indicated that he had not heard of any rewards offered for low-level individuals.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said, "This is not true."

Detainee (*through translator*): This statement had been prepared after I had been captured as a prisoner. I do not know. I do not have anybody to care about me being in prison to spend that amount of money.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The Detainee stated he knows the Taliban leader as being in charge of the compound in Adi Ghar, Afghanistan. The Detainee stated he knows the individual because the Taliban leader is from his village.

Assisting Military Officer: In response to this statement, the Detainee disagreed and stated that he did not say this. The Detainee said that this kind of person does not live in his village and he does not know of any person like this.

Detainee (*through translator*): There is nobody like this in my village and I have not heard of his name.

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Member: Do any Taliban leaders live near your village?

Detainee (*through translator*): I do not have any information about it.

Designated Military Officer: (3.a.3) A United States Armed Forces member stated the Detainee directed them to the exact location in the Adi Ghar Mountains, Afghanistan, where the terrorist cell was operating, and added the location would not have been found if the Detainee had not taken them there.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said that he did not show this place to anyone and he does not know where it is.

Detainee (*through translator*): I am not aware of it.

Presiding Officer: United States armed forces have identified you as providing them the information to the location of the complex. Are you saying that is totally false?

Detainee (*through translator*): They asked me, "Where your brother brought you from, where is that place?" So then I showed that place to them.

Presiding Officer: So this statement is true?

The Board recessed to resolve administrative issues.

The Board reconvened.

Presiding Officer: We had a minor administrative issue, which was resolved. We will continue with your answer. So this allegation is true? You told them where the location was?

Detainee (*through translator*): I showed them the place, but there was nobody there. The people there, talking about these kinds of people, were not there.

Presiding Officer: So you showed them the location where you went to pick up your brother; is that correct?

Detainee (*through translator*): Yes. I showed the place where I picked up my brother.

Presiding Officer: What was your brother doing there?

Detainee (*through translator*): I do not (know) what my brother's business was or what he was doing, but my father told me to, "Go there and bring your brother." And I brought my brother.

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Presiding Officer: How did your father know where your brother was located?

Detainee (*through translator*): I have not asked my father, "How do you know or what do you know?"

Member: How did you locate your brother?

Detainee (*through translator*): The direction that my father gave me. I went to that direction and I found my brother.

Member: And your brother was alone?

Detainee (*through translator*): Yes.

Presiding Officer: And this was in the Adi Ghar Mountains?

Detainee (*through translator*): Yes.

Member: Did your brother tell you what he was doing?

Detainee (*through translator*): No. He had not said.

Member: Your brother did not speak of any training?

Detainee (*through translator*): No. He had not said anything to me.

Presiding Officer: Did your brother have any weapons?

Detainee (*through translator*): Yes. He had one rifle.

Member: Did he say why he had the rifle?

Detainee (*through translator*): No. He had not told me.

Member: Thank you.

Designated Military Officer: (3.a.4) The Detainee admitted he had been living with his brother in the mountain complex for two to four weeks and that various training had been underway up there. The Detainee provided extensive detail regarding the mountain complex.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said that he never made this statement and has not spent any time there to see anything.

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Detainee (*through translator*): Yes, that is true. I had not spent any time over there and I had not seen anything over there. I had only seen my brother. I had not seen anybody else or anything else.

Member: When you found your brother, where was he physically located? Was he in a cave, etcetera?

Detainee (*through translator*): When I went to that location, I saw a guy. He said, "What do you want?" I said, "I came for my brother." He said, "You sit down here. I will call him." Then, after a while, my brother came.

Presiding Officer: So there were other people in this area?

Detainee (*through translator*): I had not seen any other people, but I saw this guy.

Member: How did this guy know your brother?

Detainee (*through translator*): I had not asked the question with that man, "How do you know my brother?"

Designated Military Officer: (3.a.5) A source stated the complex was exactly how the Detainee laid it out, including locations of food and supplies, weapons caches, tunnels and storage areas, and defensive positions.

Assisting Military Officer: In response to this statement, the Detainee disagreed and stated, "This is not true." He did not give any information like this and did not tell anyone anything like this.

Detainee (*through translator*): Except my brother, I had not seen anything to show them. I did not see anything to show them.

Presiding Officer: So the only information you provided was the location where you found your brother?

Detainee (*through translator*): The only thing I had done was that I showed them that place. The rest, I do not know what had been going on there and I have no information about any other stuff.

Presiding Officer: The other person you met there, at that location when you went and got your brother, was he carrying a weapon?

Detainee (*through translator*): Yes.

Presiding Officer: Do you think he was guarding something?

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Detainee (*through translator*): I did not ask him any questions. I just asked him that my brother's name is Abdul Bari. He said, "Just sit down here," and he brought my brother.

Presiding Officer: So, obviously, your brother was living there, in that area, for a while.

Detainee (*through translator*): Whatever he was going, I am not aware of.

Designated Military Officer: (3.a.6) When captured, the Detainee was found to be in possession of a strip map and a supply list.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said that he does not remember anyone taking anything from him.

Detainee (*through translator*): The things that you are mentioning here, layouts, or any map, or something, no, I did not have these; any list or anything, I did not have them.

Designated Military Officer: (3.a.7) When captured, the Detainee said, "Please do not kill me. The rest are in the mountains. I will show you where they are at."

Assisting Military Officer: In response to this statement, the Detainee disagreed and said that he did not say this.

Detainee (*through translator*): I did not say this statement to them.

Presiding Officer: Can you tell us the circumstances of your capture?

Detainee (*through translator*): Yes, I can tell you. Me and my brother were riding a bicycle. My brother was driving the bicycle and then we went to the side and we rolled over. Then the Americans said, "Stop," and then I stopped. And that is the story.

Presiding Officer: Why did they capture you? What did you do wrong?

Detainee (*through translator*): Ask them why they captured me.

Presiding Officer: Well, I am asking you.

Detainee (*through translator*): I do not know. I have not asked them as to why you guys captured me.

Presiding Officer: Was there any shots fired during this capture?

Detainee (*through translator*): Yes. Americans shot toward my brother.

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Presiding Officer: What was the reason for them firing at your brother?

Detainee (*through translator*): I do not know the reason. I do not know what the reason was.

Member: You do not know why they would shoot at your brother and not you?

Detainee (*through translator*): I do not know.

Member: What did you say to U.S. forces immediately after your capture?

Detainee (*through translator*): I have not said anything to them.

Member: The U.S. forces did not question you?

Detainee (*through translator*): No.

Member: But you just told us that you showed them where they came from.

Detainee (*through translator*): They captured me, tied my hands, and said, "Where you came from, go there."

Member: So they did question you?

Detainee (*through translator*): They put me in their car and said, "Lead us there."

Member: That was all they asked of you?

Detainee (*through translator*): No. There is nothing else.

Designated Military Officer: (3.a.8) A translation of four letters found on the Detainee and his brother were signed by the senior Taliban leader requesting assistance for food, clothing and supplies. The letters stated to give the Detainee the money and supplies.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said that he was not aware of this because no one took anything from him.

Detainee (*through translator*): There were nothing like this with me.

Designated Military Officer: (3.a.9) Documents found on individuals killed in the caves had the Detainee's name on them with various Rupee amounts.

Assisting Military Officer: In response to this statement, the Detainee disagreed and said that this is completely wrong and he was not aware of this.

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Detainee (*through translator*): Yes, that is correct. I am not aware of this statement.

Designated Military Officer: (4.a) The Detainee stated he told the truth in Bagram, Afghanistan and would continue to tell the truth in Cuba.

Assisting Military Officer: The Detainee agreed with this statement.

Designated Military Officer: (4.b) When describing the circumstances behind his brother's death, the Detainee stated he had no weapon; however, his brother had a rifle and two hand grenades.

Assisting Military Officer: In response to this statement, the Detainee agreed.

Detainee (*through translator*): Yes.

Presiding Officer: So, in addition to the rifle, you do agree that your brother had two grenades?

Detainee (*through translator*): Yes.

Presiding Officer: And your brother brought the weapon and the hand grenades from the location where you found him?

Detainee (*through translator*): Even when we were together riding the bicycle, he had these things with him.

Presiding Officer: He had them with him when you found him at that location in the mountains?

Detainee (*through translator*): I had not seen them before that. When we started riding the bike, these things were with him.

Presiding Officer: Thank you.

Member: Did you ask your brother why he had these weapons?

Detainee (*through translator*): No. I had not asked him.

Member: Did you not think it would be dangerous to travel with someone carrying these weapons?

Detainee (*through translator*): I could not ask him any questions. He was older than me.

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Designated Military Officer: (4.c) The Detainee stated he wants to go home to help his family on the farm and continue to study the Koran.

Assisting Military Officer: In response to this statement, the Detainee agreed.

Detainee (*through translator*): Yes.

Designated Military Officer: (4.d) The Detainee stated, during his capture, no weapon was ever pointed at United States Forces and no attempt to utilize a hand grenade was made when they encountered United States Forces.

Assisting Military Officer: The Detainee agreed with this statement.

Detainee (*through translator*): Sir, I have not used anything against the Americans. There was nothing with me to use against them.

Presiding Officer: Did your brother use anything against the Americans?

Detainee (*through translator*): No. I have not seen it.

Designated Military Officer: (4.e) The Detainee claims he never knew or heard of Usama bin Laden until the Detainee was in United States custody in Bagram, Afghanistan.

Assisting Military Officer: The Detainee agreed with this statement.

Detainee (*through translator*): Yes.

Designated Military Officer: (4.f) The Detainee stated that, as a student studying in the madrassa in Pakistan, he and others were not, at any time, preparing for jihad against the Americans. The Detainee claims he does not know the definition of jihad.

Assisting Military Officer: In response to this statement, the Detainee agreed.

Detainee (*through translator*): Yes.

Member: What were you doing in Pakistan when you were not studying at the maddrassa?

Detainee (*through translator*): I was reading and studying.

Member: You were studying all the time?

Detainee (*through translator*): Yes.

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Presiding Officer: How did you support yourself?

Detainee (*through translator*): There was no need for money. We had food at the madrassa. That is all.

Presiding Officer: Thank you.

Designated Military Officer: (4.g) The Detainee stated he knows of no individuals associated with his madrassa that have ties to the Taliban, al Qaida, or Hezb-E Isalmi Gulbaddin, and knows of no instances when the school has been approached by such persons.

Assisting Military Officer: In response to this statement, the Detainee agreed.

Detainee (*through translator*): Yes.

The members did not desire more time to review 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.

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 further exhibits to be presented on behalf of the Detainee.

The Detainee declined to make an oral statement.

The Assisting Military Officer had no additional information to present, but had the following question for the Detainee:

Assistant Military Officer: Abdul, if you are released or transferred to your home country, what are your plans? What are your intentions?

Detainee (*through translator*): I will run my life with farming and herding sheep, being a shepherd. That is all.

The Designated Military Officer did not have any questions for the Detainee.

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The Administrative Review Board members had the following questions for the Detainee.

Member: Mr. Ghani, if you are transferred home, do you have any reason to believe that your safety would be in jeopardy?

Detainee (*through translator*): There is no danger for me if I go back to my home.

Member: What do you think of the U.S. forces that captured you?

Detainee (*through translator*): I do not have any thoughts about them. I have nothing.

Member: If you return home, you are not going to studying at the maddrassa anymore; you are going to farm?

Detainee (*through translator*): It is not very clear in my mind. Maybe I will go and do farming or, if I do not, I will go study.

Presiding Officer: The U.S. intervention in Afghanistan, do you consider the United States a liberator or an invader?

Detainee (*through translator*): I have no information in this.

Presiding Officer: That is fine. Are you in contact with your family now?

Detainee (*through translator*): Yes.

Presiding Officer: Who owns the farm that you would return to?

Detainee (*through translator*): It is ours.

Presiding Officer: It is in your immediate family?

Detainee (*through translator*): That is my father's.

Presiding Officer: So, if you are released or transferred, you will be able to support yourself?

Detainee (*through translator*): Yes, of course, I will.

Presiding Officer: Why did you decline to accept the Unclassified Summary of Evidence?

Detainee (*through translator*): It is not going to help me. What is the use to take it?

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Presiding Officer: Thank you. And thank you for attending today and thank you for your answers.

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

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 961

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Mr. Wahab, welcome to this Administrative Review Board.

Detainee: (through translator) Yes, sir.

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

The Designated Military Officer (DMO) was sworn.

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

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

Detainee: (through translator) Yes.

After the Designated Military Officer read the Muslim oath, the Detainee declined to take the Muslim oath.

Detainee: (through translator) In my religion, when we take the oath, it means that you should release me. But I don't trust that you will do that.

Presiding Officer: It's your choice.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board 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.

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Assisting Military Officer: The Detainee's ARB interview was conducted on 25 July 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The Detainee was cooperative and attentive throughout the interview. Copies of both the English and Pashtu translated Unclassified Summary were available to the Detainee, who declined to accept the documents.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4 to the Administrative Review Board.

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.

Designated Military Officer: (3.a.1) The Detainee was on a list of personnel who had a Casio watch in his possession on 1 May 2003.

Detainee: *(through translator)* Yes. I had the watch with me.

Presiding Officer: How did you obtain the watch?

Detainee: *(through translator)* I bought that watch from the market.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) Terrorism experts have said a Casio watch is a signature component of bombs made by militants trained in Saudi millionaire Usama bin Laden's terrorist camps in Afghanistan. Islamic militants are routinely trained by Usama bin Laden's operatives to wire Casio watches to explosives.

Detainee: *(through translator)* You have that watch on your hand also. I know it's just a watch and I bought it to use it as a watch. Many people wear Casio watches.

Presiding Officer: Did you ever receive military training?

Detainee: *(through translator)* No.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.1) The Detainee was captured on 10 February 2003 at a checkpoint north of Lejay, Baghran District, Helmand Province, Afghanistan based on

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suspicion that the Detainee was one of a number of men who had just engaged United States forces.

Detainee: *(through translator)* The allegation is not right. I was going somewhere from my home. I came out from my home, got in a taxi, and I went to the market; that's when the American Soldiers captured me.

Presiding Officer: How many people were in the taxi?

Detainee: *(through translator)* Including the driver, seven people.

Presiding Officer: What type of vehicle was it?

Detainee: *(through translator)* These taxi cars are called "Saracha". They are usually Toyota's.

Presiding Officer: Sounds like it was very crowded in the vehicle.

Detainee: *(through translator)* Yes. It was crowded because no more people could sit in there.

Presiding Officer: I don't understand why there were so many people in one vehicle.

Detainee: *(through translator)* To make more money, the taxi drivers would put too many people in their car.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.2) The Detainee fired from ambush positions and employed a high volume of small arms and rocket-propelled grenade fire in an effort to kill as many United States personnel as possible.

Detainee: *(through translator)* Sir, this is quite a lie. I said I came out from my home and I was going to the market. Now, I hear all these allegations. I don't know what my answer would be, except to say these are all lies.

Presiding Officer: The day you left your home to go to the market, did you hear any kind of gunfire?

Detainee: *(through translator)* No, sir. I didn't hear anything.

Presiding Officer: Thank you.

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Designated Military Officer: (3.b.3) The Detainee and all men captured at the checkpoint were wearing olive drab green jackets and all suffered from hearing loss due to their firing activity. United States Special Forces observed the enemy as they stopped at the top of the mountain, appeared to cache their weapons, and then maneuvered down the mountain.

Detainee: *(through translator)* How could it be possible for me to be the enemy with weapons fighting against the enemy, then put my weapons in a cache, and then walk barehanded and surrender to the enemy? If I was the enemy and I was fighting, then they would have captured me with the weapons.

Presiding Officer: Were you wearing the olive drab green jacket?

Detainee: *(through translator)* Yes, I was. Thousands of them were sold in the market. People would buy them. They were commercial stuff.

Presiding Officer: At this time, did you suffer from hearing loss?

Detainee: *(through translator)* No, I did not. Even here, they can look through my records. The doctors never examined my ears like if I had trouble with them. How can an enemy fight once and then come and surrender to be captured by the enemy? Because I was not an enemy, I did not have any weapons. I have not used any weapons against United States Soldiers.

Designated Military Officer: (3.b.4) An individual has repeatedly tasked the Detainee with transporting money from his village to Baghran.

Detainee: *(through translator)* No. There were Americans in Baghran. If I were to take money to Baghran, it's in their favor. So far, I understand that, in Baghran, there are only Americans. How could I take the money to the Americans? I have not taken any money to any person.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.5) The individual was a Taliban sub-commander.

Detainee: *(through translator)* I have never been with Taliban or the government. Not in my life.

Designated Military Officer: (3.b.6) The Detainee's brother fought for Jamaat-e-Islami in the jihad.

Detainee: *(through translator)* There were many years my brother was at home. One of his feet is amputated. He's a very poor guy. He cannot afford to pay for his family

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expenses. If he was with Jamaat-e-Islami, he's my brother; it does not concern me. First, he was not a member of the Jamaat-e-Islami. Even if you accept that he did it, it does not concern me. He's my brother. He's a separate man.

Designated Military Officer: (3.b.7) Jamaat-e-Islami is a political party in Pakistan made up of Islamic extremists. The party's leader has a relationship with Usama bin Laden.

Detainee: *(through translator)* It does not concern me. I have no information about Jamaat-e-Islami and their relationship with al Qaida and Usama bin Laden.

Presiding Officer: What are your feelings concerning Usama bin Laden?

Detainee: *(through translator)* I'm not a politician. I don't know about Usama bin Laden. I'm a poor man, busy with my work and farming as a peasant.

Designated Military Officer: (3.b.8) The Detainee was captured with a Taliban commander, who attended a meeting of senior Taliban officials to discuss military operations against the Afghan Interim Administration.

Detainee: *(through translator)* The allegation is not true. I didn't know anybody in that taxi, except one old man, who was from my village. If there was a commander or an important person, they can bring him here to look at me. I will look in his eyes. They probably cannot provide him because I don't know anything about these things. If there is such a commander, which you mentioned, if he's here, bring him here. Let him say in my presence that he was with us.

Designated Military Officer: (3.c.1) Based on photo comparisons and possible drug activity, the Detainee may have been a former general commander of Taliban forces in southwest Afghanistan and was possibly a Hezb-e-Islami Gulbuddin commander at one time.

Detainee: *(through translator)* Will you please explain about the photos a little bit? I don't know why you said that.

Presiding Officer: We can only read the allegations as it is in the Unclassified Summary. We cannot add anything.

Detainee: *(through translator)* I don't know whether you have pictures there and you're looking at the pictures. You said you have people that accused me of being with Taliban and this and that. What is the allegation? What is the basis of the allegation?

Presiding Officer: We can only read the allegation as it is written. You can deny it.

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Detainee: *(through translator)* I have not spent one night with Taliban; that's all I can say. Now, what I hear is that I'm with the Taliban and al Qaida.

Presiding Officer: Did that conclude your response?

Detainee: *(through translator)* Yes.

Designated Military Officer: (3.c.2) Hezb-e-Islami Gulbuddin has long-established ties with Usama Bin Laden. Hezb-e-Islami Gulbuddin has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee: *(through translator)* This is just information. It does not concern me.

Presiding Officer: Do you support the current Afghan government under President Karzi?

Detainee: *(through translator)* I'm not for the Karzi government. I just think of my own children and how to get some food for them. I'm not for President Karzi or any other government.

Presiding Officer: Would you like to see a fundamentalist state in Afghanistan?

Detainee: *(through translator)* No, sir. I'm not with the Hezb-e-Islami. I'm a poor man. I only want to get food for my children and make a living.

Designated Military Officer: (3.c.3) Initially, the Detainee thought he had been detained as a result of his involvement within the local narcotics trade.

Detainee: *(through translator)* I hope that you will do some judgment. I hope that the President will make a judgment on me. Once, I was accused of being with Usama bin Laden and with Gulbuddin. Now, I'm accused of drug trafficking. None of them are true. You said that I am with Gulbuddin and that I attacked United States Soldiers; I have not. This allegation that I'm a drug trafficker is not right. I was a poor man and I have never done such a thing.

Designated Military Officer: (4.a) The Detainee claimed he did not know any of the other men who were in his taxi when he was captured.

Detainee: *(through translator)* Yes. Among the people sitting in the taxi with me, I only recognized one person, which was an old, poor man. He lived close to our village. I didn't know any other persons.

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Designated Military Officer: (4.b) The Detainee stated that none of the people in the taxi possessed or disposed of weapons.

Detainee: *(through translator)* Yes.

Designated Military Officer: (4.c) The Detainee denied assisting anti-coalition forces against United States military personnel.

Detainee: *(through translator)* Yes.

Designated Military Officer: (4.d) The Detainee states he has never used a Kalashnikov rifle. The Detainee has seen people carrying Kalashnikov's, particularly the Karzi government Soldiers.

Detainee: *(through translator)* Yes.

Designated Military Officer: (4.e) The Detainee stated that he has not seen anyone in military combat. The Detainee stated that he does not know anyone who fought for the Taliban and claimed he was not aware of a conflict.

Detainee: *(through translator)* Yes.

Designated Military Officer: (4.f) The Detainee said he would not attack Americans.

Detainee: *(through translator)* Yes.

Designated Military Officer: (4.g) The Detainee denies that he was a member of the Taliban and insists he was nothing more than a farmer.

Detainee: *(through translator)* 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 Detainee was asked if he would like to make an oral statement to the Administrative Review Board.

The Detainee made the following statement:

Detainee: *(through translator)* Does the people who made these false allegations get any benefit from making such allegations? Do they make more money? Do they get a raise

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in their monthly payment? Is it a benefit to make an innocent man sit in this prison here away from his children?

Presiding Officer: We don't have an opinion on that.

Detainee: *(through translator)* You are the judge here, sir. Will you please judge? Do you believe that all these allegations about me are true, which I denied perfectly that they are not?

Presiding Officer: I am not a judge. I am the Presiding Officer of this Administrative Review Board.

Detainee: *(through translator)* One of the allegations against me is that I had a Casio watch. You have that kind of watch. Why don't you sit in the prison together with me? Different people in the world wear Casio watches.

Presiding Officer: We understand your argument concerning the watch.

Detainee: *(through translator)* The second thing I'm going to say is that you said I was an enemy, captured unarmed and without weapons. How can an enemy, who wants to kill somebody and accept that he may be killed, put his weapons somewhere to be captured and brought here? It's not logical.

Presiding Officer: We understand.

Detainee: *(through translator)* About the money to Baghran, I was a poor man. I did not have money to take to Baghran and give to somebody. In Baghran, as far as I know, there were only Americans. If somebody gave me money to take to somebody, it would mean that I'm taking it to the Americans. It would be for their benefit.

Presiding Officer: We understand.

Detainee: *(through translator)* I have not spent one night or one day of my life with any of the parties in our government. I'm a poor man. The last allegation was that I was a smuggler. I was a poor man. I didn't have enough food to eat. How can I be a smuggler? Smugglers are rich people.

Presiding Officer: Do you have anything else to say?

Detainee: *(through translator)* Yes, sir. If there is a benefit for you to accuse me, do it. But I'm a poor man. I'm sure it's not benefiting you. You speak to me like I'm a dangerous man. If you release me, I will go find food for my children and raise them.

Presiding Officer: Do you own land in Afghanistan?

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Detainee: *(through translator)* No. I do not have a farmland. I have a little piece of land and I built a small home for me. I worked on other people's land.

Presiding Officer: If you were transferred, would you be able to support your family?

Detainee: *(through translator)* I have to work hard. I don't know if they are still alive because I don't know where they are.

Presiding Officer: Are you in contact with your family?

Detainee: *(through translator)* No, sir. I had never received any letters since I've been here. My eldest son was seven years old. I don't have somebody to write me letters. If it helps you to get a raise by keeping me here, then do it. But I don't think it will. Please let me go and let me take care of my wife and children. Please read my file carefully and do some judgment about it. This is not the first board meeting in which I came, but my Assisting Military Officer told me that this is another board meeting and that you would come and present your reasons. So I got a little bit of hope. Otherwise, I was hopeless.

Presiding Officer: If someone offered you money to take up arms against the United States or coalition forces, how do we know that you won't do it?

Detainee: *(through translator)* I don't want to fight against American Soldiers. I will never fight against United States Soldiers. I will only work for my children.

Presiding Officer: Does that conclude your statement?

Detainee: *(through translator)* Yes, sir, I'm finished. If it's benefiting for you to keep me here, do it. Otherwise, I'm an innocent man.

Presiding Officer: I'm only concerned about threats against the United States or coalition forces in Afghanistan.

Detainee: *(through translator)* I swear I have never done it and I will never do it. I will never fight.

Presiding Officer: Does that conclude your statement?

Detainee: *(through translator)* Yes, sir.

Presiding Officer: Thank you.

Detainee: *(through translator)* I could not easily find food. I still have marks of hard work on me. But now, I'm accused that I was using weapons, but it's not true. Before I was arrested, I got a very old taxi with hope that it would be easier than hard work and that it would be more beneficial, but then I was captured.

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Presiding Officer: Are you done?

Detainee: *(through translator)* Yes.

The Assisting Military Officer did not have further exhibits or information to be presented on behalf of the Detainee to the Administrative Review Board.

The Assisting Military Officer had the following question:

Assisting Military Officer: If you are released or transferred back to your home country or the country of your choice, what are your intentions of doing?

Detainee: *(through translator)* I will work hard to find food for my children.

Assisting Military Officer: That's all, sir.

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

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

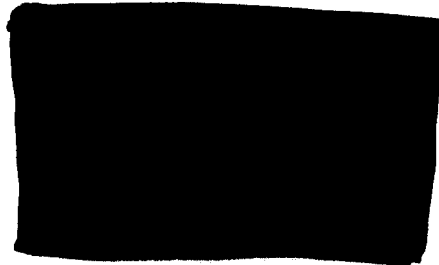
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 968

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

Detainee (through translator): I have sworn two times and I will do it again.

The Detainee took the Muslim oath.

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

Detainee (through translator): Yes.

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board, Exhibit EC-A, to the Administrative Review Board.

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

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 16 October 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he wanted to attend the ARB. The detainee was very cooperative, attentive and polite throughout the interview. Copies of both the English and Pashtu translated Unclassified Summary were provided to the detainee upon his request. Additional comments: on 17 October 2006, the detainee appeared at his follow-up interview wearing a white uniform. The detainee presented to the AMO an 11 page document to be presented at the ARB.

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

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

Detainee (through translator): Yes.

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.a.1) A source stated that the 40-man unit is a part of the Taliban and receives money and weapons from al Qaida.

Detainee (through translator): I'm not aware of it.

Designated Military Officer: (3.a.2) A source stated that the detainee had been a member of the Taliban for six years.

Detainee (through translator): I mention that several times. When the Taliban took over we ran away. We ran away to Pakistan until the Taliban got ousted then we came back to our country.

Board Member: Was that a no? He was not part of Taliban.

Detainee (through translator): No, I'm 27 years old. When I was captured I was 24. Before that, according to you, when I worked 6 years for Taliban, maybe I was 16. At that young age anyone can work for the government? As I said, if I worked 6 years you get some rank. Can you show me my rank? I mention again when the Taliban came my family went to Pakistan. When the Taliban got ousted, we came back.

Designated Military Officer: (3.a.3) A source stated that the detainee provided some tactical information for the 40-man team and used a short-range radio and a long-range satellite telephone to communicate.

Detainee (through translator): The governor gave me the satellite cell phone. The card was with me and they took cell phone plus card from me. That card had been signed by the Governor. I was working for the current government. I was working in

transportation. The governor gave that cell phone for if we had problems or family issues. If you find out about telephone conversations, you can find out what I said.

Board Member: Did he know the Governor personally?

Detainee (*through translator*): Yes, I was friend of the Governor. He gave me the cell phone.

Board Member: What was his position?

Detainee (*through translator*): Gereshk is a county. I was Director of Transportation in that county.

Board Member: Did other people have satellite cell phone?

Detainee (*through translator*): No, the rest were lower rank.

Board Member: Was the telephone for official use?

Detainee (*through translator*): Sometimes.

Presiding Officer: How did you become Director of Transportation since you were quite young?

Detainee (*through translator*): I did not know. My brother was a driver for Helmand Governor. My brother told me to go and see the Governor of Helmand. The governor of Helmand said, I can go and take care of Gereshk Transportation. When I got there I started to perform my duties.

Board Member: Can you tell us what year?

Detainee (*through translator*): I don't remember.

Board Member: Can you tell us how many people you supervised?

Detainee (*through translator*): 3-4 office workers and 4 security for transports.

Designated Military Officer: (3.a.4) Leaders of a terrorist organization directed the detainee to find the local Afghans that were helping the Americans and kill them. The detainee was augmented with 25 armed personnel and three trucks from a known Taliban supporter. The detainee traveled the streets of a city in Afghanistan at night, asking questions about the Americans and those who spoke to them.

Detainee (*through translator*): I went to congratulate the governor. When I got there an American was sitting with him. The Governor introduces me to the Americans. The governor told Americans that I was the man in the Gereshk. The American gave me his number. I gave him my number. At the time if you need, you contact me when I return

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to Gereshk county. I became sick when I return. The doctor gave me serum. Someone shouted that one of my friends was captured by Americans. I got up and removed the serum from my body. I had my telephone in my hand. I tried to approach Americans close to my room. I greeted the Americans. I saw they captured a Commander and his sister. His sister was married to the Governor's brother. I started talking to Americans as a mediator. I thought they knew me since the Governor introduced me to them.

Board Member: Did he participate or direct others in locating Americans in Afghanistan?

Detainee (*through translator*): The story I started will give you your answer. All I was trying to say, I reached this point because of my friendship with the Americans. I talk to them about this man. The Americans said come with us for five minutes to our compound. I then jumped into the car and went with the Americans. I have been gone from that point up until now.

Board Member: Have you participated in locating Afghans who have helped Americans?

Detainee (*through translator*): I was helping Americans.

Board Member: Was this the same Americans he was introduced to?

Detainee (*through translator*): Yes.

Designated Military Officer: (3.b.1) A source stated that the detainee worked for the Commander of the 40-man assassination group on the terrorist team.

Detainee (*through translator*): No.

Designated Military Officer: (3.b.1) A known Taliban supporter tried to get the detainee released because he had a lot of information on the former Taliban.

Detainee (*through translator*): If that person was trying to get me released and he was a known supporter of Taliban, why he was not captured too?

Designated Military Officer: (4.a.1) The detainee claims he has never had any association with the Taliban.

Detainee (*through translator*): Yes.

Designated Military Officer: (4.b.2) The detainee denied having any affiliation with the 40-man team and denied knowing the commander of the 40-man team. The detainee stated that the Commander of the 40-man team was his enemy and so was the Taliban.

Detainee (*through translator*): Yes.

Board Member: Does he know this Commander of the 40 man team?

Detainee (*through translator*): No, I don't know he who he was.

Board Member: Do you know any Taliban?

Detainee (*through translator*): I have not spent any time with Taliban. No.

Designated Military Officer: (4.c.1) The detainee claimed that he had no knowledge of the Taliban in his region.

Detainee (*through translator*): True.

Designated Military Officer: (4.d.1) The detainee claims he has never used his employment to provide any service to the Taliban.

Detainee (*through translator*): Yes, I have not done it.

Designated Military Officer: (4.e.1) The detainee stated that he had no reason to watch Americans or tell anyone what Americans do because he considers the Americans his friends.

Detainee (*through translator*): Yes.

Designated Military Officer: (4.f.1) The detainee claims he has never provided armed guards for any Taliban tasking.

Detainee (*through translator*): 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 Detainee made the following statement:

Detainee (*through translator*): I just want to say, I'm innocent. I have been given to you based on personal rivalry or animosity. When I came to Transportation at Gereshk, the people did not like me because I became the boss. They were trying to set me up or set up a conspiracy against me. Finally they gave me to Americans. The people who gave me to Americans were enemies of the Governor of the province. They tried to go after the Governor but could not do anything. They only gave me to Americans. I request you

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consider my case and give a good recommendation. You are aware of the conditions of Afghanistan. Even if they are fighting over water, they are trying to set me up for something. I also have an attorney. You can talk to my attorney. The attorney has met with my brother. The lawyer knows my family and what I have done in my life. Right now, my brother is working for the current government. We are his current government people.

The Assisting Military Officer had the following questions:

Assisting Military Officer: What are your plans or goals for the future if release or transferred?

Detainee (*through translator*): We are the current government people. We have no other choice, me and my family. We are standing beside the current government. If the current government exists, we will stay. If the current government does not exist, we will be gone.

Board Member: Is your brother assisting you with getting another government job?

Detainee (*through translator*): Maybe I will help my brother in government or help him in some business. I had a store before and when we went to Pakistan I opened a store there also. I will serve with my brother. My brother and I will support our families doing business in trade or something.

Assisting Military Officer: Why do you consider yourself no longer a threat to US and its Allies?

Detainee (*through translator*): As I said two time before, I have not said a word against US and I will not.

The Designated Military Officer had no questions for the Detainee.

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

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

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

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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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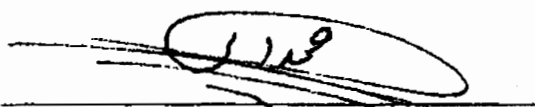
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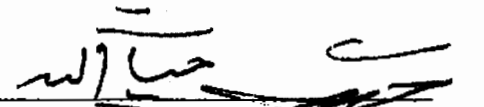
Date: 10 Feb 2006

My name is Haji Mohammad Wali. I am acting as next friend for my Brottey, whose name is Haji Bismillah, a citizen of Afghanistan, who is being held in Guantánamo Bay.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Haji Mohammad Wali

Witnessed by: 

Print Name: _____

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UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

----- X
HAJI BISMULLAH a/k/a HAJI BISMILLAH a/k/a :
HAJI BESMELLA (ISN # 968), :
Detainee, Guantanamo Bay Naval Station :
Guantanamo Bay, Cuba, :

HAJI MOHAMMAD WALI, :
As Next Friend of Haji Bismullah :

Petitioners/Plaintiffs :

v. :

DONALD RUMSFELD :
Secretary, United States :
Department of Defense :
1000 Defense Pentagon :
Washington, D.C. 20301-1000 :

Respondent/Defendant :
----- X

DECLARATION OF HAJI
MOHAMMED WALI

No. _____

HAJI MOHAMMED WALI declares as follows:

1. I am a citizen of Afghanistan and currently reside in Helmand province, located in the southern part of Afghanistan.
2. I am the older brother of Petitioner Haji Bismullah, who is being wrongfully detained by the United States military in Guantanamo Bay, Cuba. Because Haji Bismullah cannot act on his own behalf, I am acting as his "next friend" in this action.
3. From 2002 until December 2005, I served in the post-Taliban provincial government as chief spokesperson for and senior aide to Sher Mohammed Akhundzada ("Akhundzada"), then Governor of Helmand province. When Sher Mohammad was appointed a senator in the national legislature by Hamid Karzai, the new governor asked me to continue in my post, but I am currently devoting my time to freeing my brother from captivity.

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4. As spokesman for Helmand province, I was in frequent contact with the United States and international press and have been quoted in numerous articles. I was also in frequent contact with American officials in Afghanistan.
5. My family and I have lived and worked in Helmand province and we are prominent members of the community. As spokesman for the provincial government, I was well informed about events occurring in the Province. As Haji Bismullah's older brother, I have known him all of his life. I therefore have personal knowledge of each fact contained in this Declaration.

My Family's Role In Helmand Province And The Fight Against The Taliban

6. From 1992, I, Haji Bismullah and other members of our family lived in Helmand province. In 1996, the Taliban began taking over parts of Afghanistan. Several of my brothers and I fought against the Taliban in Helmand Province. After Taliban forces took control of Helmand, we left the province, joining with anti-Taliban forces, first in Herat, then in Kabul and finally in northern Afghanistan. We eventually fled to Quetta, Pakistan, where we lived as refugees.
7. At this time, Haji Bismullah was only fifteen years old. Because he was too young to fight, he remained in Helmand province with other members of my family. Haji Bismullah worked in a fabric store owned by another brother, Haji Mohammed Salim.
8. With the Taliban in control, I feared for the safety of family who remained in Helmand. I sent for my family, and in about late 1996 or early 1997, Haji Bismullah and others fled the province and joined me in Pakistan. While we were living in Pakistan, Haji Bismullah and I opened a small fabric store where Haji Bismullah worked.

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9. Until we returned to Afghanistan in late 2001 to drive the Taliban from power, Haji Bismullah remained in Pakistan. Very occasionally, he would travel from Quetta to Helmand province and back to escort female relatives who visited us in Pakistan. Under the Taliban, women could not travel without related males as their escorts.
10. In 2001, Hamid Karzai ("Karzai") called on other anti-Taliban refugees, including Akhundzada and me, to join him in Uruzgan province to help drive the Taliban out of Afghanistan. After we arrived in Uruzgan, Karzai asked Akhundzada to take a group of men into the Kajaki mountains in order to capture Kajaki district, located on the border of Helmand province. I was part of this group of fighters. The Americans gave Karzai several satellite phones. Karzai gave Akhundzada one of these phones to take with him to the mountains. We could use the phone to call for coalition air support if needed. We also used the phone to speak with Karzai. We were in contact with Karzai-- who remained in Uruzgan with the Americans-- each hour.
11. From the Kajaki mountains I called for my brothers, including Haji Bismullah, to leave Pakistan and join me in the fighting. Haji Bismullah was dispatched to a town in Kajaki district called Aliabad. In Aliabad, Haji Bismullah gathered supplies to assist in the fighting including three cars. On the same day that Haji Bismullah delivered the cars to us in the Kajaki mountains, we attacked Kajaki district and succeeded in defeating the Taliban there. From that time on, Haji Bismullah stayed with me and was ready to fight the Taliban. After the battle in Kajaki district, we moved on to Musakala district and drove the Taliban out of that area. Karzai then ordered us to Lashkargah, the capital of Helmand province. The Taliban quickly surrendered.

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12. After we defeated the Taliban in late 2001, the entire family (including Haji Bismullah) returned to live in Helmand province.
13. Akhundzada became governor of the province shortly thereafter, in about February 2002. I was appointed chief spokesperson for Helmand Province by Akhundzada. Haji Bismullah was appointed chief of transportation for the Greshk district of Helmand province. As chief of transportation, Haji Bismullah's primary duties involved the collection of tolls and issuance of permits.

Members Of A Rival Clan Made False Accusation Against Haji Bismullah

14. Haji Bismullah and the rest of my family are members of the Ali Zai clan. During the Taliban's reign, a member of the Barak Zai, a rival clan, held the chief of transportation position. Despite their ties to the Taliban, the Americans hired members of the Barak Zai clan as external security for their base in Greshk. The guards were led by two brothers named Mohammed Quodouz and Mohammed Daoud. These brothers were well known as sub-commanders to Malim Mohammed Mirwali, a local warlord. For many years, Mirwali was a commander in Hizb-i-Islami, a group associated with Gulbeddin Hekmatyar. Hekmatyar and Akhundzada have been involved in a blood feud since the early 1990s, when Hekmatyar assassinated Akhundzada's uncle [REDACTED]
[REDACTED]
[REDACTED]
15. I believe that the Barak Zai were jealous of Haji Bismullah's important position and wanted to reclaim it for themselves. I also believe that the Barak Zai, who were loyal to

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Hekmatyar, wanted to undermine Governor Akhundzada, who has had a long standing conflict with Hekmatyar over control of Helmand province.

16. As a result, it is my understanding that the Barak Zai made false allegations about Haji Bismullah which lead to his improper detention. Governor Akhundzada told me that after Haji Bismullah was arrested, members of the Barak Zai, including Muallim Khodai Nazar, asked him to appoint someone from their clan as Transportation Chief. When the Governor refused, they looted Haji Bismullah's office and stole his car. I saw Mohammed Daoud driving the car openly in Greshk and Lashkargah for the next two years.
17. Beyond their mistreatment of Haji Bismullah, the Barak Zai guards at the Greshk base were disliked in the local community because they threatened to hand over innocent people to the Americans. The guards' abuse of power was well known to everyone, including me, Governor Akhundzada and other elders met regularly with the Americans in Greshk and Lashkaghar. Akhundzada told me that during these meetings many people complained about the lawlessness of the Barak Zai guards. Sometime in late 2004 or early 2005, as a result of these complaints, [REDACTED] whose first name is [REDACTED] dismissed almost all of the guards, retaining only those who were no longer loyal to Mirwali and Hekmatyar.

Haji Bismullah's Arrest And Detention

18. I am familiar with the circumstances surrounding Haji Bismullah's arrest based on conversations I had with Dost Mohammed, a security officer in the neighboring Nausad District, who was with Haji Bismullah at

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19. On the day Haji Bismullah was arrested, Dost Mohammed and another man, whose name I do not remember, were passing by Haji Bismullah's office. Apart from the fact that they were both officials of the provincial government, I do not believe that Haji Bismullah knew Dost Mohammed. [REDACTED]
20. The American forces came to arrest Dost Mohammed, believing that he was a member of the Taliban. Haji Bismullah tried to explain to the American soldiers that Dost Mohammed was not a member of the Taliban, but a provincial official. The Americans asked Haji Bismullah to accompany Dost Mohammed to the base to verify Dost Mohammed's identity for the superior officer. Haji Bismullah, Dost Mohammed, the companion and an employee of the Transportation Department named Jan Agha all went to the American base.
21. Upon their arrival, all four men were arrested without explanation and detained overnight. The next day, Dost Mohammed, his companion and Jan Agha were released, but Haji Bismullah was not.

Efforts Of Afghan Government Officials To Have Haji Bismullah Released

22. Shortly after his release, Dost Mohammed met me back at Haji Bismullah's office in Lashkaghaz and informed me of what had happened. Dost Mohammed told me that he and Haji Bismullah had been separated, and that my brother was still being held at the base. I quickly went to Governor Akhundzada's office and he and I and other provincial officials, including the Helmand Security Chief, Daad Mohammed, and Intelligence Chief, Abdul Raham Jan, went to the base to explain to American officials that Haji

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Bismullah had no connection with the Taliban, Al Qaida or other insurgent group and that he was the victim of false charges by a rival clan.

23. When we arrived at the American military base in Greshk, only Governor Akhundzada was permitted to enter. The Governor told me that he had spoken with high ranking officials at the base who promised that Haji Bismullah would be released after brief questioning. We then returned to the Governor's office.
24. The next day, Mohammed Qudouz and Mohammed Daoud were in the market place bragging to fellow guards and others in the community about having had Haji Bismullah's arrested and that Haji Bismullah had been taken to Kandahar by the Americans. Because Mohammed Qudouz and Mohammed Daoud were bragging so openly, I heard about it.
25. From the time of Haji Bismullah's arrest, Governor Akhundzada, provincial officials and I have made many attempts to explain to high ranking American military officials and diplomats that Haji Bismullah is innocent and that his detention is in error.
26. Shortly after my brother was detained, around February 2003, Governor Akhundzada and I met with [REDACTED], Governor Sherzai of Khandahar province and others in Khandahar. At this meeting, we told [REDACTED] that Bismullah was not associated with the Taliban or Al Qaida and that he had been mistakenly arrested by United States forces. Akhundzada explained that a rival tribe, that coveted Bismullah's government position, made a false report which resulted in Bismullah's wrongful detention. [REDACTED] took notes as we spoke. At this same meeting, I gave [REDACTED] a letter explaining Haji Bismullah's innocence.

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27. Around March 2003, Governor Akhundzada and I again met with [REDACTED] at Bagram Air Base. [REDACTED] informed us that Bismullah had been taken to Guantánamo. [REDACTED] said that he would pursue Bismullah's release and gave me a gift of pistachios for Bismullah's wife and children.
28. I gave a petition signed by the elders of Helmand province to [REDACTED] attesting to Haji Bismullah's innocence. I have given similar letters to all senior United States military officials passing through Greshk including [REDACTED], who I met twice along with Governor Akhundzada, once in Helmand province and once at his residence in [REDACTED] district in Kabul
29. I personally spoke with [REDACTED] about Haji Bismullah. I also gave two letters to [REDACTED] confirming that Haji Bismullah was not associated with the Taliban or al Qaida and explaining his innocence. Tribal elders met with [REDACTED] and he promised us that he would do whatever he could to get Haji Bismullah released, including contacting the commander of Bagram Air Base.
30. After [REDACTED] left his position, a man named [REDACTED] took over. I gave [REDACTED] a letter explaining Haji Bismullah's innocence. [REDACTED] told me he would send a report to Bagram about Haji Bismullah which included [REDACTED] findings. I followed up with [REDACTED] several times.
31. In addition, I have discussed Haji Bismullah's case with the head of the United Nations Assistance Mission in -Kandahar and members of human right groups. I also gave a petition signed by members of the newly elected Senate to the Commission of Peace and Reconciliation and to President Karzai and former interior minister Jalali.

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32. I understand that Governor Akhundzada has also discussed Haji Bismullah's case with President Karzai, [REDACTED] and other high ranking Afghan and American officials. Governor Akhundzada has told these people that Haji Bismullah was never associated with the Taliban or al Qaida, was an official in the provincial government and has never taken any actions against American or coalition forces.
33. Haji Bismullah is not and has never been a member of the Taliban, Al Qaida or any insurgent group. He is a long standing opponent of the Taliban and fought to drive the Taliban out of Afghanistan. He was a member of the post-Taliban provincial government and cooperated with the Americans and coalition forces in rebuilding our country.
34. Haji Bismullah has a wife and three young children. His daughter, Roushana, is six years old, his son, Rafiullah, is five years old and his youngest son, Samiullah, is three years old. Samiullah was born while Haji Bismullah was in the custody of the United States military. The boy has never seen his father.

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35. Haji Bismullah is innocent and has been wrongfully detained. I and other friends of Haji Bismullah have done all we can to bring these facts to the attention of American and Afghan officials.
36. Had I been contacted by the American government in connection with Haji Bismullah's Combatant Status Review Tribunal, I would have testified to the facts stated herein under oath, either on the phone or in person

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Kabul, Afghanistan,
on this ___ day of May 2006

On this day of _____ 1385 (Afghan Calendar)

Haji Mohammed Wali

Witnessed:

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Summary of Administrative Review Board Proceedings for ISN 975

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Good morning, sir.

Detainee (*through translator*): Good morning to you.

Presiding Officer: Do you pronounce your name Mr. Bostan Karim?

Detainee (*through translator*): Bostan Karim.

Presiding Officer: May I call you Mr. Karim?

Detainee (*through translator*): That's fine.

Presiding Officer: Thank you, sir. Well, welcome to this Administrative Review Board.

Detainee (*through translator*): Correct.

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

The Designated Military Officer (DMO) was sworn.

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

Presiding Officer: Mr. Karim, I have been told that you do not want to make your statement under oath.

Detainee (*through translator*): I was sworn before.

Presiding Officer: So the answer is "no"?

Detainee (*through translator*): No, sir.

Presiding Officer: Thank you.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board 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 05 September 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he wished to attend, but did not wish for the AMO to present any information on his behalf. The Detainee was very cooperative and attentive throughout the interview. The Detainee received a copy of the Pashtu translated Unclassified Summary of Evidence. When asked if he wanted to submit any additional evidence to the board, the Detainee stated that he had a document from his parents that stated that his hand had been burned when he was a child and not in an explosion. He did not know what happened to the documents.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4 to the Administrative Review Board.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wished to wait until the entire Unclassified Summary has been presented before responding.

Detainee (*through translator*): Yes, I will answer.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary. We will provide you a chance to respond, so we will wait until the Designated Military Officer read the whole Unclassified Summary. The board members may ask questions based on your response.

Designated Military Officer: (3.a.1) The Detainee departed Khowst, Afghanistan during the Russian invasion. The Detainee lived at a Thbai refugee camp in Miram Shah, Pakistan for approximately 10 to 13 years. While living in Miram Shah, Pakistan, the Detainee aided the Mujahedin against the Russians and their supporters.

Detainee (*through translator*): This is a fact that we stayed in Pakistan as refugees for 10 to 13 years and we fought against the Soviet Union at that time.

Presiding Officer: Okay. Now, let's get these procedures correct. The DMO is going to read an allegation, the translator is going to translate, and then the Detainee is going to respond to each allegation, not wait until the end? We're not going to read them all and then the Detainee responds; the Detainee is going to respond to each one?

Translator: Yes, sir.

Presiding Officer: Okay. Thank you very much. Then we will ask questions after your response, if we have any.

Detainee (*through translator*): Yes, I will answer.

Presiding Officer: Okay. It mentions here that you provided aid to the Mujahedin against the Russians. What type of aid did you provide?

Detainee (*through translator*): At the time of the operation, I went as a refugee to Pakistan and stayed there. I fought against the Soviet Union.

Presiding Officer: How old were you?

Detainee (*through translator*): I was a young boy, 15 or 16 something.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The Detainee stated that, around November or December of 2001, he and other Tablighees went to an al Qaida run hospital and helped the wounded fighters. The Detainee indicated this was the only time he helped out al Qaida.

Detainee (*through translator*): This allegation is not true. When the Taliban were in power, the hospitals belonged to the Taliban government. When the Taliban got out, the hospitals belonged to the Karzai government. At that time, the Governor of Khowst was Bacha Khan. The Security Commander was Mustafa. It was very common that, at this hospital, Arab wounded were there. At that time, it was a Karzai hospital and everybody knew that these Arabs were at this hospital.

Presiding Officer: In November of 2001, it was a Karzai government? The Karzai government wasn't established yet.

Detainee (*through translator*): I don't know the exact date, but all I know is that Bacha Khan was the Governor of Khowst. The Taliban was finished.

Presiding Officer: Okay. Read the next allegation because it's associated with this one.

Designated Military Officer: (3.a.3) The Detainee said that he helped 8 to 10 Arabs at a hospital in Proja near Khowst, Afghanistan. The Detainee went alone and fed fruit to the Arabs.

Detainee (*through translator*): The first question said that, "The Detainee went with other Tablighees." Now it says, "The Detainee went by himself and helped them." So I don't understand this question.

Presiding Officer: Did you help people in a hospital?

Detainee (*through translator*): It has nothing to do with me. The hospital had their administration, workers, and employees. They were the ones doing those things. I had nothing to do with it.

Presiding Officer: Okay. You were not involved with this hospital. You are denying this allegation?

Detainee (*through translator*): No.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.a.4) A source reported that the Detainee provided lodging for him and made arrangements for him to get to the Pakistan border.

Detainee (*through translator*): This never happened. This is not fact. I built my house for myself, not for Arabs. I lived there, not Arabs.

Presiding Officer: Thank you.

Designated Military Officer: (3.b) The Detainee said that while he was at the Sroobi Compound, near Tanai, Afghanistan, he participated in target practice.

Detainee (*through translator*): That was a kind of compound for jihad at the time of the Russians. Yes, I went there and I practiced target.

Presiding Officer: What type of weapons did you practice with?

Detainee (*through translator*): Kalashnikov.

Designated Military Officer: (3.c.1) The Detainee was a member of the organization, Jamaat al Tabligh, for approximately seven years prior to his capture.

Detainee (*through translator*): Yes, this is a fact. Yes, I spent some time with Jamaat al Tabligh. So they sent me here in Cuba as a Tabligh Detainee, not al Qaida or Taliban.

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Designated Military Officer: (3.c.2) A source said that, on 1 January 2001, Jamaat al Tabligh members provided assistance to unarmed Taliban Arab fighters. The Jamaat al Tabligh members smuggled Taliban Arab fighters across the border from Zormat, Afghanistan to Lahore, Pakistan. They provided housing in Lahore, Pakistan to the source.

Detainee (*through translator*): Tablighees were against the Taliban; they had some conflict. They had a Tabligh society in Khowst. They took the tents and generators from us. That is not fact. The world is full of Tablighees. The whole world is full of Tablighees. You can ask this question with Abdul Wahab, who is the leader of the Tablighees in Pakistan. This question does not concern me. I'm not a leader of any Tabligh. I am an individual; I am a shopkeeper.

Member: So you want us to understand that you are with Jamaat al Tabligh, which is not part of the Taliban, and they don't like the Taliban?

Detainee (*through translator*): Yes.

Member: And that you were not a leader in Jamaat al Tabligh?

Detainee (*through translator*): No, sir.

Member: Okay. But the question was, "Have you heard of Tablighee members helping Arabs and others to get out of Afghanistan to Pakistan?"

Detainee (*through translator*): No, I am not aware.

Member: Okay.

Detainee (*through translator*): Zormat is in Paktika Province; that's another province from Khowst Province.

Presiding Officer: Let's read the next allegation because it is associated with this one.

Designated Military Officer: (3.c.3) A source said that it was common knowledge that Jamaat al Tabligh was responsible for assisting foreigners to flee Afghanistan.

Detainee (*through translator*): I am not aware of it.

Designated Military Officer: (3.c.4) The Detainee belonged to the Tanai tribe in Afghanistan. The Detainee served with the Mujahedin during the Russian-Afghan War while he was a refugee in Miram Shah, Pakistan. The Detainee's uncle is a very well

known Mujahedin commander for a known leader in Hezb I Islami. The Detainee spent time at a Mujahedin command post known as Srobai.

Detainee (*through translator*): First of all, I don't have an uncle; that's an uncle from my mother's side. In English, they call it "uncle", but he's from my mother's side. My uncle is not an Islami commander. He is a small commander in Tanai. The big commander's name is Shaista Khan. My uncle belonged to him. He is one of his commanders. The big commander is Shaista Khan. Shaista Khan is connected to Maulawi Hales. Right now, my uncle is a small governor in Tanai. He is very closely associated with Hakim Tanai Wall. Hakim Tanai Wall was the governor of Khowst at that time. This question is not true. He is not an Islami commander.

Presiding Officer: So your uncle is now part of the Karzai government?

Detainee (*through translator*): Yes. You can ask about this.

Presiding Officer: So could your uncle provide some relevant information for you?

Detainee (*through translator*): It's possible that he had given information about me. He wrote me, too.

Presiding Officer: Were you provided any military training during the Russian occupation or during the jihad against the Soviet Union? Were you provided any military training?

Detainee (*through translator*): No. I learned how to shoot the Kalashnikov, that's all. This is very ordinary in Afghanistan.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.5) Gulbuddin Hikmatyar founded Hizb I Islami Gulbuddin, HIG, as a faction of the Hizb I Islami party in 1977, and it was one of the major Mujahedin groups in the war against the Soviets. HIG has long-established ties with Usama bin Laden. In the early 1990s, Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Usama bin Laden after the latter fled Sudan in 1996.

Detainee (*through translator*): This question has no relation with me. If you capture Hikmatyar, you can ask him this question.

Presiding Officer: What is your opinion of bin Laden?

Detainee (*through translator*): I haven't seen him.

Presiding Officer: You know of him, right?

Detainee (*through translator*): I know only that he is Usama bin Laden and he is Arab. He broke down Afghanistan and made it fall apart. He put us in this situation.

Designated Military Officer: (3.c.6) On 21 July 2002, American Forces raided the Detainee's partner's Mulani Village compound in Khowst Province, Afghanistan. The raid netted 23 active Italian and Russian anti-tank mines and seven empty mine shells. The Detainee's partner was in possession of a notebook containing instructions on rigging command-detonated mines.

Detainee (*through translator*): First, he is not my partner. He is my enemy. He is your enemy, too. You found those mines and those notebooks at his house. I agree with you, those things are not good things. I know those are not watermelons to eat. Those are very dangerous things. I am not going to refuse or deny him. I know this man. Seven months ago, he was with me in my shop. He owed me 80,000 Pakistani Rupees. We lost money and then we started having conflict with each other. So if they found those dangerous things at his house, this is a very bad thing. This is dangerous.

Presiding Officer: Did you loan him the money? Why did he owe you 80,000 Rupees?

Detainee (*through translator*): We had a business. I gave him that money and he bought Afghani Rupees and then the Afghani price went down, so we lost a lot of money.

Presiding Officer: So you were in business together? You were partners?

Detainee (*through translator*): Yes, we were partners, but he didn't ask me. He went by himself and bought Afghani Rupees, so we lost money. He accepted 50,000. I told him, "You owe me 80,000." That's why this conflict started. We started having arguments over the 50,000 and 80,000.

Presiding Officer: Okay. Let's read the next allegation because it's associated with this one.

Designated Military Officer: (3.c.7) A source said that a partner of the Detainee had been directed by unidentified al Qaida Arabs in Pakistan to carry out command-detonated mine attacks against American Forces operating in the area of Khowst, Afghanistan. The Detainee worked with a partner to plan their attacks.

Detainee (*through translator*): This is not fact. I mentioned earlier that he is my enemy. I didn't do this.

Presiding Officer: But this is the same person that we discussed in the previous paragraph?

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Detainee (*through translator*): Yes, this is the same person.

Presiding Officer: Okay.

Detainee (*through translator*): He was hiding from me. He couldn't face me because we had some arguments and fights. He is a very big, stupid man.

Presiding Officer: Were you ever involved in planning attacks against America Forces?

Detainee (*through translator*): No.

Presiding Officer: I'm not too interested in your disagreement with your partner. I'm interested in who owned the mines and planned attacks against American Forces.

Detainee (*through translator*): Well, he is in Cuba and he is here. I asked the interrogators to have him face me. I can tell them. These are nothing to do with me. He is the one. This is a very important thing. Even if we go back home, I will not let it go. He said to Americans that I am involved. When I came here, he is hiding from me. So those are the facts.

Presiding Officer: So your association with yours partner was business only, and it involved money transactions, and your partner is indebted to you, and that is why your partner accused you of certain allegations?

Detainee (*through translator*): That is his business. We had a personal business.

Presiding Officer: Do you have any knowledge that your partner was involved with mines or planned attacks against American Forces?

Detainee (*through translator*): No. He is living in another area and I lived in another area. I lived in my house and he lived in his house; different counties. Even his family or house members were not aware of what he was doing. Two more people were in jail with him in Baghran. Even those two people said, "We did not know what he was doing." If you found these things from him during the night, the day, whatever, you can ask him about the facts or you can ask him questions. I have nothing to do with it.

Presiding Officer: Okay. Thank you.

Member: What was your partner's name? What did you call him?

Detainee (*through translator*): Obaydullah. He is here in Cuba.

Member: How do you say his name?

Detainee (*through translator*): Obaydullah. He was with me in Camp 4. When I asked him, "Why didn't you tell them you had mines, bombs, and everything at home," he just ran away from me and transferred himself from the same camp.

Presiding Officer: So you are here basically on the evidence provided by your partner, Obaydullah?

Detainee (*through translator*): Yes, I know that. I told him, "You're stupid. You don't know nothing. The people that gave you these things or these equipment are the ones Americans are after."

Presiding Officer: Do you have any idea who gave him the mines?

Detainee (*through translator*): He knows about it; I don't. I was not a guard around his house to know. Even his cousins were not aware.

Presiding Officer: Were you ever at his house?

Detainee (*through translator*): There is another county named Samahale. Our county is named Tarnay.

Presiding Officer: Were you ever at your partner's house?

Detainee (*through translator*): No.

Designated Military Officer: (3.d.1) The Detainee's partner said he became indebted to the Detainee after losing 50,000 Rupees. In return for the debt, the Detainee asked the partner to store some land mines at his home. Three days before the partner's arrest, the Detainee drew some schematics in a notebook on how to detonate the mines. The Detainee told the partner the purpose of the land mines was to kill people that the Detainee disliked.

Detainee (*through translator*): What kind of question is that? I gave him some bombs to kill people he dislikes? He accepted that he owed me 50,000 Rupees.

Presiding Officer: So the first sentence is correct?

Detainee (*through translator*): But mine is 70,000 Rupees.

Presiding Officer: Okay. So it's close to being correct.

Detainee (*through translator*): That's a true thing. My family knows, my brother knows, his family knows that it's not 50,000. It was 80,000. He gave me 10,000 and he owes me 70,000.

Presiding Officer: Okay. We have established that he owes you money. We've established that. Now, the last part of this is what we want to discuss.

Detainee (*through translator*): That's important talking. No, I have not given him nothing to keep. I'm going to talk very clear about one thing as an Afghani. When one guy does something wrong, the other people will get punished. Americans are smarter than Russians. The Russians, when they capture somebody, without interrogations, they just kill them. Everything is quiet and nobody knows nothing. But the Americans are smarter; they bring us alive and they keep asking questions in trying to find out what's going on.

Presiding Officer: Okay. So the part about you providing landmines and providing schematics on how to use landmines, is that true or false?

Detainee (*through translator*): No. If you prove that on me, I will accept 10 years here. I know that they captured Obaydullah with the mines, and bombs, and booklets, and everything. I haven't been involved with him. So this allegation is not true on me.

Presiding Officer: How did you know about the books? Just based on the allegations?

Detainee (*through translator*): Yes.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.d.2) Pakistani Police apprehended the Detainee at the checkpoint in Khurgi, Pakistan on 13 August 2002. The Detainee was apprehended along with another person and did not have identity papers. The pair had in their possession a Thuraya Satellite Telephone, 2,700 American Dollars, 3,600 Pakistani Rupees, and 70,000 Afghan Rupees.

Detainee (*through translator*): This is true that I got caught by Pakistani Police at a Khurgi checkpoint, but about money, three minutes before being captured, I didn't know about the money. When the Pakistani Police found out about the money, then I found out. This man exists here. He is here in Cuba. He is a prisoner. If they can prove that, three minutes before my capture, the Satellite Telephone and these monies were mine, I would know that they recorded my voice and it would be documented, then they can put me in jail for 10 years. I am saying this because I feel, one day, you will find out the facts and truth.

Presiding Officer: What was your association with this other person?

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Detainee (*through translator*): He is a shopkeeper in Khowst. I became acquainted with him at the bus station.

Presiding Officer: So why were you in Pakistan?

Detainee (*through translator*): Bringing merchandise for the shop.

Presiding Officer: So were you buying merchandise in Pakistan?

Detainee (*through translator*): Yes.

Presiding Officer: So if you had already purchased what you were going to purchase, why were all this money still on this other person or on you? Why did you still have this money if you had already purchased your merchandise?

Detainee (*through translator*): I only had 3,600 Rupees. The rest of the money was with the other guy.

Member: So you were on your way to buy supplies in Pakistan?

Detainee (*through translator*): Yes.

Member: Okay. So you had not already purchased them?

Detainee (*through translator*): I was going to buy.

Member: Okay. Help the Board understand why you didn't have any identification papers. Is it common to travel to Pakistan without identification papers?

Detainee (*through translator*): Are you aware that there were over 100,000 refugees in Pakistan? The border was kind of in a mess, so there was no need for any document going back and forth.

Member: So if they were to check every individual on the bus, they wouldn't have had identification papers either?

Detainee (*through translator*): The papers were not with me. I didn't have the papers.

Member: No. I mean, what I'm trying to ask you, Mr. Karim, is that, in our country, it's common to carry some kind of identification. You're saying it's common in your country not to carry any identification?

Detainee (*through translator*): We didn't have a country. There was a war and the country was falling apart. Afghanistan is Afghanistan now. Before that, there was no Afghanistan.

Member: So you were never concerned whether you would get arrested or not? It seems to me you would have to have identification to prove who you are, or else, you could get arrested, and that's what happened to you.

Detainee (*through translator*): I didn't know about these things in between Afghanistan. Now, they started having them.

Presiding Officer: Do you travel to Afghanistan often?

Detainee (*through translator*): Once I got my merchandise or if the stuff were gone, I was going to go back to Pakistan.

Presiding Officer: So this one time, they apprehended you and found all this money and a Satellite Phone?

Detainee (*through translator*): Yes.

Presiding Officer: So you are now associated with two people here at Guantanamo Bay?

Detainee (*through translator*): Yes, one was the partner with my store and this guy from Khowst I met at the bus station.

Presiding Officer: So this person that you were apprehended with, you had only known him this one time?

Detainee (*through translator*): Yes. He had a store in Khowst and we had a common Mosque together to pray. When Muslims pray together in the Mosque, they see each other.

Presiding Officer: So you had traveled with him before to Pakistan?

Detainee (*through translator*): No. I don't know about this. You can ask him.

Presiding Officer: No. Do you travel often with this other individual to Pakistan?

Detainee (*through translator*): No, I haven't traveled with him before. We just got together at the bus station.

Designated Military Officer: (3.d.3) The Detainee said that approximately 15 years prior to his capture, he attended the Sorbai compound near Tanai, Afghanistan. The Detainee

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was there for guard duty and did not participate in any fighting. The Detainee attended this compound approximately four or five times and for approximately 10 days to two weeks at a time. After attending the compound each time, the Detainee returned to his home in Pakistan.

Detainee (*through translator*): Yes, that was my uncle's compound and this is true.

Designated Military Officer: (3.d.4) The Detainee's palms were significantly scarred. A doctor's examination of the Detainee's hands determined that the scars would be consistent with a blast injury that occurred when something burst or exploded while held by the hands.

Detainee (*through translator*): It's not only in my one hand; it's both hands and my knee. When I was a baby, I was crawling and there was a big pot. It was hot and I crawled over that. That was 38 years ago. Now, it's a crime for me.

Presiding Officer: Do you remember how old you were when you were a baby?

Detainee (*through translator*): I was crawling.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (4.a) The Detainee stated that he had never been to a terrorist training camp, trained on weapons, participated in any fighting in Afghanistan, or knew anyone that was affiliated with al Qaida or Taliban.

Detainee (*through translator*): Yes, that's true.

Presiding Officer: Did you participate in fighting against the Russians in Afghanistan?

Detainee (*through translator*): Yes. I went to the compound, but I had not fought them face to face.

Designated Military Officer: (4.b) The Detainee denied having ever worked with explosives while at Sroobi compound near Tanai, Afghanistan.

Detainee (*through translator*): Correct.

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 further exhibits or information to be presented on behalf of the Detainee to the Administrative Review Board.

The Detainee made the following statement:

Detainee (*through translator*): I only want to talk about Obaydullah and let you know that he damaged me; he has been cruel to me. I want Obaydullah to tell the truth and the facts. Whether he does it today, tomorrow, 10 days later, I just want to face him. He had the bombs, the booklets, the vehicle, and he should say where he got them from. I know that, when we got back home, he will tell everybody where he got the bombs, the booklets, and everything, but it will be useless at that time. So I want him to tell the truth now because it will help me out.

Presiding Officer: Sir, does that conclude your statement?

Detainee (*through translator*): I want to face Obaydullah face to face.

Presiding Officer: The Board understands.

The Assisting Military Officer did not have any questions for the Detainee.

The Designated Military Officer did not have any questions for the Detainee.

The Administrative Review Board Members had the following questions for the Detainee.

Member: Mr. Karim, I do want to say, "Thank you," for attending the Board today. Not a lot of people come to the Board and we do appreciate you taking the time to come. I do want to state, so that you will know and are aware, that the Board has a choice of making a recommendation to detain you here, release you, or transfer you back to your home country.

Detainee (*through translator*): Yes, I know.

Member: And if the Board and the Designated Civilian Official chooses to transfer you or return you back to your home country, what will your plans be for the future?

Detainee (*through translator*): Afghanistan is my home. I will do my business. I will do my shop. I will keep the shop. If the government want us to work for them, we will do that.

Member: Thank you very much.

Presiding Officer: Anything else?

Member: Mr. Karim, can I see the scar on your hand that everybody is talking about?

Detainee (*through translator*): The more you see it, the more happy I will be.

The Board Member walked over to the Detainee and examined his hands.

Detainee (*through translator*): When I was a baby, I crawled over a hot pot. The other side is okay. When a bomb explodes, it would take the fingers off. Everything is okay, except this part. You cannot find this kind of hand in the world. Nobody has this kind of hand.

Member: Thank you very much. I still have some more questions. You said that your uncle is the governor of Tanai and that you received a letter from him. What did that letter say?

Detainee (*through translator*): Just to say hello, not to worry, and that everything would be fine.

Member: Okay. So then I'm a little confused. If he's part of the Karzai government, why hasn't he spoken out for you and made a plea to bring you back to Afghanistan?

Detainee (*through translator*): Maybe he has tried. I don't know. A lot of Afghans are still here.

Member: That is true. Thank you very much.

Presiding Officer: What is your education level?

Detainee (*through translator*): Three years.

Presiding Officer: Your shop is still in Afghanistan?

Detainee (*through translator*): Yes.

Presiding Officer: Is your family running it?

Detainee (*through translator*): Yes.

Presiding Officer: The U.S. intervention in Afghanistan, do you consider them liberators or invaders?

Detainee (*through translator*): To free Afghanistan and to buildup Afghanistan, that's what it means to me.

Presiding Officer: How do you think you would be received by the Afghan government if you were transferred home?

Detainee (*through translator*): There was a delegation that came down a few times earlier. These Afghans wanted to take us back to our own people.

Presiding Officer: Okay. 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.

