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Summary of Administrative Review Board Proceedings for ISN 831

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

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

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

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

*Assisting Military Officer: The Detainee's ARB interview was conducted on 30 November 2005 and lasted 62 minutes. After reviewing the ARB's purpose and procedures, the Pashto 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, he said he would attend the ARB and respond to each statement of information in the Unclassified Summary [of Evidence] after it was presented. The Detainee elected to submit six letters to the board. A follow up interview, to allow the Detainee to bring [in] the items was conducted on 01 December 2005 and lasted 42 minutes. The Detainee was cooperative and polite*

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throughout both interviews. The Detainee was given a copy of the Pashto translated Unclassified Summary of Evidence.

**Presiding Officer:** At this time, I am going to ask you to just read the Detainee's comments, because it looks like once we go through the Unclassified Summary they may or may not apply. If we cover them now we can hear this and what he has to say as well.

**Assistant Military Officer:** The Detainee provided the following comments in response to the information in the Unclassified Summary of Evidence. In response to the allegations the Detainee stated that he would answer them at the ARB. The Detainee claims he never had a safe house. He stated that he only had his home, office, and shop. He stated he challenged them to show him the safe house four years ago, but they never have. He calls them baseless allegations. In response to the favorable factors the Detainee stated: 1) When American Forces entered the country, he was approached and worked with the Americans who said they worked for American Intelligence; and 2) The Americans stayed at his house for 15 days before moving to the airport, the Detainee stated the translators made an error. The Detainee stated that the Americans stayed in a technical college that they conquered and made a base. The Detainee also stated that he helped the Americans and stood guard over them. The Detainee claimed that he could have killed them all if he had really been their enemy. He further stated that he escorted the Americans all over the mountains. The Detainee said that he wanted to help with their security.

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, CTF 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 for presentation to the Detainee.*

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

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

**Designated Military Officer:** (3) The following primary factors favor continued detention: (3.a) Connections/Associations (3.a.1) The Detainee stated he support Hizb-e-Isalmi Gulbuddin and Gulbuddin Hikmatyar, as did the United States during the Soviet invasion. However, Hizb-e-Isalmi Gulbuddin is now considered the enemy.

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Detainee: Yes, I am not a member of the HIG, I was not their supporter. I am a nurse and the ICRC (Red Cross), sent me to the hospital to get my degree for two years and that's why I was there working for the hospital for two years. All of the welfare communities from other foreign countries like the ICRC, Red Cross, BHW, MSA, they wanted me to go out and help the people with their medications and health problems. That hospital belonged to Hizb-e-Islami. The hospital did not have anything to do with politics or war. These hospitals are [full of] miserable, poor and sick people that I was responsible for taking care of.

Presiding Officer: I thought I heard him say CRC.

Detainee: ICRC, does not have it's own hospitals in the refugee camps. They would hire personnel to help in the camps with the refugees. There were not any big shot doctors working there. Me, I am not a member of Hizb-e-Islami and I do not carry the identification of Hizb-e-Islami, I don't belong to the Hizb-e-Islami. [Around] that time, the assistance from the American side [almost] 70%, was to the Hizb-e-Islami, so that's why we were working with that organization. To support my work I have a note from a big book regarding these things. I will bring in the book and the notes that I have and I will show it to you and the whole world will know about it. Hizb-e-Islami was not against America at that time. We were getting financial help from America and they were fighting against the Soviet Union at that time. I have seen it with my own eyes, Americans were giving uniforms to Hizb-e-Islami and; the weapons that were being used against the Soviet Union had been given by Americans. Even now I have seen it with my own eyes what America has been giving to the people. I remember from 12 years [ago], those MRE or that food that they were eating and giving to them. I worked for the hospital to provide for my family and I was a refugee and I was desperate, I had to support my family. I don't care what I did but I worked anywhere to support my family. I am proud of the job as a nurse and I have performed it and I have done it. Because in my holy book Koran, if you kill one breathing thing it is like you have killed the whole world. If you give life to one person or if you give blood, it is like you give life to the whole world. Even if you give them a shot or some medication it is like you have given life to the whole world. I didn't know at that time that Hizb-e-Islami was against the Americans [because] I would have transferred myself to another hospital. Right now Americans are Hizb-e-Islami enemies and because of this I am against Hizb-e-Islami. My answer is over.

Presiding Officer: Number two is going to touch on the same subject so there is no need to repeat anything you have already said to answer the next one.

Designated Military Officer: (3.a.2) During the Russian Jihad, the Detainee was a nurse for Hizb-e-Islami Gulbuddin but has had no involvement with Hizb-e-Islami Gulbuddin since 1992.

Detainee: This is a fact. Yes, I have written documents and I have witnessed when the Soviet Union pulled out of Afghanistan. Then civil war started in Afghanistan and so I

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disconnected my relationship with Hizb-e-Islami. The refugee hospital was cut off because there were not any finances. [Therefore], I started my business as a Pharmacist and I have a Pharmacy store. I can provide you with the documents from my village, city, all of the tribe the [entire] people showing that I was busy with my business and I was doing my personal business, having a drug store. I am done.

**Designated Military Officer:** (3.b) Intent (3.b.1) The Detainee related that he owned a Kalashnikov and a pistol. The Detainee stated that he never used these weapons against the United States. The Detainee only has the weapons for protection. The Detainee said that it is common in his town to carry a Kalashnikov. His job requires that he carry a Kalashnikov.

**Detainee:** Yes, I had one Kalashnikov and one pistol. This guy who was talking about me is from Afghanistan. Seventy-five years ago especially in Khowst Province we had the permission from the government that the whole area was [approved] to carry gun. That was a very common thing to carry a gun on your shoulder and that was seventy-five years ago, not now. Because, I was an educated person instead of carrying a weapon I believed it was suitable for me to carry a pen. Before my job with the Karzai Government, I was carrying a gun for my job and for my own protection, but before that I was not carrying a gun I was carrying a pen. I was against that culture, [well] they call it a culture but carrying a gun is like a tradition. The tradition that the government gave to us, I am strongly against it, letting people carry a gun. I was against it and I am still against it because I have an education. The government should instead of giving out guns should give out pens [for people] to write; a saw to be a carpenter; a shovel to be a farmer. They should do these [things] not give them guns. The two weapons I would carry the Kalashnikov and pistol, I had a permit for them from the Karzai Government, I had permission to carry it. [It was] because my job was so dangerous it became necessary for me to carry a gun. I have an official permit and you have it. You didn't mention that there was [also] a little radio that was [found] with it too.

**Presiding Officer:** I have a quick question. You say your job requires it, if you are a nurse; I am confused why a nurse would have to carry a rifle. Not that it wasn't legal and you had a permit that's fine and we have the same thing in [our] country, if you have a permit to carry a weapon you can do that. I am just curious why your job required it?

**Detainee:** Before this government, the Taliban oppressed me and they had been brutal to me. In my village, my town, the Taliban was instead of letting people pray and go to Mosque they were trying to play God. They threatened me and they troubled me. When the new government came we didn't let the Mullahs have the guns. We told them go to the Mosque and do whatever you do and just let us take care of things. It is not like that here and all over the world. Doctor Abdul Rochmon was the Aviation Minister and he was an Engineer he is the boss of the Ministry of Health and he is in charge of everyone in the organization. I was interested in helping my country and that is why I joined with the Americans to help build up my country being on the American's side. Also the gun was not on my shoulder, I had a bodyguard it was on his shoulder he carried the gun.

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Presiding Officer: You didn't personally carry it? (Presiding Officer briefly reviews allegation 3.b.1). You are saying you didn't carry it you had a bodyguard who walked with you?

Detainee: The bodyguard was in the office in the car, going home and at home he was with me. I had an official permit and nobody attacked me and nobody attacked me in my house.

Presiding Officer: But you didn't physically have a person as a bodyguard the weapon was your bodyguard I guess?

Detainee: I had a soldier with me all the time. The gun was registered in my name and the carrying permit was with me and I had the number.

Presiding Officer: I guess I am curious now at what kind of job the government had you doing other than nursing or does a nurse require a bodyguard?

Detainee: My job was in National Security.

Presiding Officer: Okay, so you weren't a nurse for the government.

Detainee: I was not working for the hospital anymore. I was working in National Security.

Presiding Officer: Okay, that clears that up a little better. Can we go to the next one?

Detainee: Well this answer is over for this question.

Designated Military Officer: (3.b.2) The Detainee is suspected of running a safe house in Khowst. This safe house is believed to be his home or in close proximity.

Detainee: When the Americans captured my house they checked my house and they didn't find anything. Then they took me to the airport and they asked me how many places do you have, I said I have the keys in my pocket. I told them I have a Pharmacy in that area, I have a house and you have seen it, and I have an office and you can take the keys and look at all those places. I challenge if anybody has seen me in any other places besides these three. Do you have any documents or any proof of this to say I have been to any other place, rent another place, or do whatever? For the last four years I am challenging if you could find that place. I don't have a place in the sky close to the stars. There is no ocean in Afghanistan and there is no other facility for me to dig under the ground and make one. I am not a genie to disappear and [reappear] for people not to see me I am not that powerful to dig the ground and go under the ground.

Presiding Officer: Okay, I think we get the gist of it. It says suspected.

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Detainee: Right now you have the permission, even after 20 years to find that place. If those words were true this place would have been found. My enemies [have made these] allegations and accused me.

Designated Military Officer: (3.c) Other Relevant Data (3.c.1) The Detainee was captured in Khowst in his house on 19 September 2002. He had been on duty all week and came home on Friday. The Detainee claims his enemy had him arrested.

Detainee: Yes, on Thursday evening I signed into my office to show I was present there. Friday was our off day and I came home. My personal enemy captured me and they turned me in. Before being captured I heard a lot of threats from those people, who is known as Pasha Khan. He was fighting against the Americans and against the central government. He is a selfish warlord and a bad guy. He wanted to take over the Southern Provinces of Afghanistan to run his own government and his own kingdom. I can give you an example, to have personal power he has killed 45 people with rockets and I have seen them, right now in the Karzai government. In Khowst, he killed 25 people by rockets to just gain the power in that area and you can follow that in the newspapers during that time. Pasha Khan was my enemy and he was hostile with me because I was on the side of the Central Government and he didn't like it. He is from my own tribe and he had hostilities with me. There was a campaign from the Americans to build up a kind of soldiers base and his nephew is the commander of that and his name is Jan Baz, this will come out in the next question.

Presiding Officer: This Pasha Khan, does he work for the current government now?

Detainee: You can see it on the Internet and I have some proof of Karzai saying he will put Pasha Khan on trial.

Presiding Officer: My question is if you were to be released or transferred if he would cause that to be difficult for you?

Detainee: You cannot say we are with him. I have a personal animosity with him. Our differences were only that I was on the side of the Central Government and he was against the Central Government.

Presiding Officer: Okay.

Detainee: When I was in the hospital, 45 children and women were killed [and wounded] and Karzai came and met a little boy and Karzai asked him, "Who hit you?" and the little boy answered "Pasha Khan hit me" Karzai swore at that time that he would put Pasha Khan on trial. I read in the newspaper that there was an election and that Pasha Khan is now sitting in the Parliament, and this was a surprise. I don't have any other hostilities with him that is personal the only differences we had is I was on the side of Central Government and he was against [them].

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Designated Military Officer: (3.c.2) Various documents, allegedly from government officials, were found. They authorized unimpeded movements through checkpoints and security and offer vehicle clearance.

Detainee: Yes, I had a card to carry weapons from higher authorities. I had the Security Police ID card, I had the Division Security ID card, I had the Mission Security ID card, and I had the host Governor ID card. My card was written as police, you have the documents. It is regular in Afghanistan, it is the law where higher authority can go without being checked back and forth and I believe it is like that all over the world. Anytime they suspected me I would bring the card. In the area most of the people were my own people so they knew me. If I went to another Province then I would show my card and give them the papers for my vehicle too.

Designated Military Officer: (3.c.3) The Detainee was authorized to carry a weapon.

Detainee: Yes, you have the card for carrying the weapons.

Presiding Officer: Okay.

Designated Military Officer: (4) The following primary factors favor release or transfer:  
(4.a) The Detainee claimed he has never attended any military schools or received any military training.

Detainee: Totally right, if after 20 years someone can prove I have been there then I am a criminal. I will give you a written statement about it.

Presiding Officer: Okay.

Designated Military Officer: (4.b) The Detainee was very forthcoming during the interview. The Detainee is of above average intelligence and cooperated throughout. The Detainee strongly believes that he has been wrongfully imprisoned, because an individual threatened to have the Detainee arrested by the Americans.

Detainee: Totally right, because I was forthcoming because any question they were asking me I was answering without thinking. When people think they try to make up stories and I wasn't, I was telling them the truth. I am ready from the first day until now to give the answers the same way. Those Americans I took them home, I showed him my barber, and I showed him my common bathrooms in which a lot of people go together to wash themselves. They were my friends. During these four years in all of my interrogations if you find out I have lied on one question you can keep me here and blame me for it. I can give you a written statement regarding that. I am not like the others who said they [can't] read and write. I told them about my education and the way of talking and reasoning with them and I can answer whatever they want. Education is not a bad thing, I am glad I have an education. I have seen a lot of people who are Engineers and then in their interrogations they say, "I am a Shepherd." Education is not a crime and it is

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not shame. That's why through my knowledge they can get more information from me because I am knowledgeable and they know that and I can help them more regarding the interrogations of others. The interrogators put the map of Khowst in front of me and they asked where is this and I showed them, this and this (Detainee motions as if he was pointing at a map of Khowst). If I was telling them that I was a Shepherd and I know nothing then, who was going to help [them]? My enemy has framed me, even by word of mouth I have not said anything bad about America and this was my enemy's plan against me. Still I believe strongly that there is some misunderstanding or some error. Everyone in my village [was saying] he was working with, he was faithful, and he was so cooperative with the Americans what happened this is puzzling. There is no one in the world who can say he has made a mistake. If I had done any mistake the first day I would have come to you and said I made this mistake, but you do your justice. I was sure if I had done a mistake and I have come to you guys and said I have made this mistake I would not be in jail for up to four years, but humans make mistakes and maybe they misunderstood. I am an average Joe but even Presidents and Kings make mistakes. I read books and I use my [common] sense and nobody is stupid but those people who make a mistake and don't admit it. Anybody defending or saying the wrong thing about the mistake or say I have not done the mistake that will hurt them more than help them. In the world the smartest people are the ones who admit their mistakes.

Presiding Officer: Shall we move on, I think we got the gist of that one?

Designated Military Officer: (4.c) The Detainee related that he has never been a member of any terrorist organization. The only terrorist organization that he has knowledge of is the Taliban.

Detainee: Totally, I don't know any other terrorist organization in all of Afghanistan. The only terrorist organization I know is the Taliban and their friends and supporters. I mentioned that earlier and still I am saying [it]. I am against the terrorist, I am a Muslim, and I am against the terrorist. Before Americans came I was against them and I did not like [them] (referring to terrorist). Before September 11<sup>th</sup> (Detainee interrupted the translation to correct OL-23).

Presiding Officer: It's almost like he can read your mind when you just forgot there (referring to the Detainee correcting OL-23).

Detainee: That was a tragic event on September 11<sup>th</sup>, and I was against those people who planned it. When anybody in that event who lost a wife, I felt like my wife was killed. Children were orphaned and I feel like my children were orphaned. I damned them and I am against those activities. The carriers of the September 11<sup>th</sup> are criminals, until my last breath; I will call them criminals.

Designated Military Officer: (4.d.) The Detainee stated that he is against the Taliban because they do not build or help his community by building roads, schools, lighting, etc. The Taliban terrorizes the people and have destroyed schools.

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Detainee: Yes, this is true. I was against the Taliban and it was before the Americans came, when the Taliban was in power, I was against them. I had no idea that one day the Americans would [also] be against the Taliban. I was against the Taliban in the beginning because they were selfish, extremist and destroying everything. They wanted to take things way behind, kind of [like] in medieval times. They wanted to back up Afghanistan's advancement. They destroyed schools and education. They were not building the country, they were not building roads, and they were not building hospitals. They were forcing people and some charities to pay taxes and using it on war. Collecting blood from shopkeepers, businessmen, and even the children were giving their blood and then using it on their own injured soldiers. When we were in the Mosque praying, they would come in there armed and collecting the blood from people by force. They dropped Afghans way back; they destroyed Afghanistan history, monuments and statues. They destroyed the whole history of Afghanistan. The Taliban was against the television, the journalism, pictures and those things. They wanted to make Afghanistan as dark as they could to make it a nest for terrorism. They would not even let the charity companies build schools, bridges or some facilities for the poor people. Based on this, I was against them because my son will be uneducated because of lack of facilities. In the hospital maybe my son will lose his life because there is no modern hospital. Because there is a bad road, my car may be in an accident and I would be injured or die. The whole world put sanctions on the Taliban but I was the one suffering. They cut off relationships with other countries and I was the one who was suffering. I could not make business with foreign countries my economy had gone down, I was the one who was going hungry.

Presiding Officer: Okay, can we go to the next one. I appreciate your answers but once I see we are starting to repeat, I am going to go to the next one. By no means do I mean to cut you off, if you want to continue please emphasize.

Designated Military Officer: (4.e) The Detainee was asked about the Usama bin Laden tape found in his house. The Detainee claimed it was not a tape but only a cover from a tape. The Detainee claimed that his enemy Pasha Khan left the tape cover at his house.

Detainee: Bin Laden does not have a company of tapes. It was not a Bin Laden tape. It was a Sanyo or Phillips. It was not written as a Usama bin Laden tape. You see that white empty cover over there (referring to the recorder's empty cassette tape cover). This is the kind of thing [they found] and it has no tape in it. I haven't seen that and I don't know about it. I believe Pasha Khan's people had that and they threw it in my house. Inside the tape they heard it was all music drums, trumpets and these things which Usama bin Laden is against. In Pakistan they build up these tapes and put a picture in the cover and when they showed it to me and said "Who is the singer?" "Who is the drummer?" "Who is the guitar player?" "Who is the trumpet player?" It was all a music tape. There was not cassette inside of it. It was only the cover. They were going to frame me for only a picture.

Presiding Officer: So it was a picture of possibly Usama bin Laden that could possibly be folded inside as the cover of the tape?

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Detainee: Pakistan is a very bastard country! They issued and print Usama bin Laden T-shirt. If you go there you can see thousands of them. They put Usama bin Laden pictures on their shoes, clothes and everything.

Presiding Officer: Okay, we are just concerned about the tape. All that is nice but we don't need to know that.

Detainee: It is like when you see a box of hair coloring, on the box they put Usama bin Laden's picture on it on many other things they put Usama bin Laden's picture on it. Restaurants and everywhere they put his picture.

Presiding Officer: Okay, let's get back to the cover and you saying your enemy left it in the house that is sufficient to us.

Detainee: I just want to make it very, very clear.

Presiding Officer: You have.

Detainee: Because, the Americans put out flyers in our area with Usama bin Laden's picture on it and it was [offering] a price if you [see him]. My own policemen because of lack of knowledge, found this picture and they captured him saying, "You have a picture of Bin Laden". My police brought this and he said he found the picture of Bin Laden, which the Americans threw from the plane. Written on the back it [stated], "If anybody can give us information to capture Bin Laden you will get this much money as a prize." My policeman was uneducated and stupid. He didn't know, so I let the guy go.

Presiding Officer: Okay.

Designated Military Officer: (4.f) The Detainee related he worked with Americans before his detainment. The Detainee identified a journalist/reporter whom later stated he worked for American Intelligence.

Detainee: I was not working directly with the Americans but if any journalist or reporter were coming I was told to take care of them. I was taking care of security and taking them all over providing security, because they were coming in the name of Washington Post and I wanted to get some information. He came with me and I gave him my own car. I took care of the security and wherever he wanted to go I would send guards with him. I was providing them with security. I was not officially working with the journalist, my job was with my own government but I was cooperating with the journalist. He gave me his address too. *The information on the journalist is mentioned during the Administrative Review Board however; it has been left out of the transcript for security reasons. (The original document redacted the information Detainee said at this point).* He told me he came to collect information. He was that close with me and he took me and my friends to Kabul. He offered to pay for my meal and I said, "No, you are my guest and I am an Afghan. The Afghan way is not to [allow the guest to pay for the host].

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I was not his friend for material or money. I had money he was a personal friend in that way. The answer is over.

Presiding Officer: Okay, it also says that he later stated he worked for American Intelligence. It says here that you identified him as a journalist but later stated he worked for American Intelligence.

Detainee: Yes, but he told me personally. Privately, he told me yes, I came in the name of Washington Post but actually I am working for American Intelligence. I made a joke with him if you are a journalist you would do some things. But he wanted to go to the mountains and the hideout of Taliban.

Presiding Officer: Hideout with Taliban?

Detainee: No, hideout of Taliban. Later, he told me he wanted to collect intelligence information.

Board Member: How long [was it] between the time he identified himself as a newsman and the time he told you he worked for intelligence, how many days?

Detainee: One time he came and gave me his card with the name of the Washington Post and said I am a journalist. When all the journalist were coming to Kabul they sent us a letter asking us to take care of them and give them some security. First he gave me the Washington Post card and said I am working for the Washington Post.

Board Member: When you helped him did he pay you?

Detainee: No, he didn't even put gas in my car. I put the gas in my car. In my private car with four to five guards I let him go and I told the guard any place he eats you pay for it, anything he needs you pay for it. I put 40-50 kilometers [on the car] and I paid for my gas. I even told them don't talk too much and don't smoke because they don't like smoke. I would gas up my car myself. That was our code of honor or hospitality.

Designated Military Officer: (4.g) The Detainee stated, when American Forces entered the country, he was approached and worked with Americans who said they worked for American Intelligence. The Americans stayed at his house for 15 days before moving to the airport.

Presiding Officer: I realize you clarified that earlier in some Detainee comments read by the AMO.

Detainee: I never worked directly with American Intelligence. I was working for my own government's security. Because Afghanistan was friends with the American government and they were both fighting against the terrorism, as the United One Front. I answered this question with the same answer. The translator or interrogator made an

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error or something. Just like my home, they said the Americans stayed in my home, it was a technical school that we made to a base and that was where the Americans were. For 15 days they did not have any equipment, no helicopter, choppers and no vehicles with them. They were using our vehicles. Our boss Zakim Khan was the one who brought the Americans to Khowst and I was his friend.

Designated Military Officer: (4.h) When asked his thoughts on Afghanistan's future, the Detainee replied his goal was to assist in the development of Afghanistan. The Detainee wants better resources, schools, roads and broad-based, established democratic government. Additionally, the Detainee would also like to see Afghanistan develop relationships with foreign countries.

Detainee: Yes, I am for that. The reason for this statement is because of my letters from my family and they said right now the government you wanted is running in Afghanistan. That is the support of my argument. Those friends that wrote these letters have spent 6-10 years together and they know my ideas, my activities, and my wishes. You can read my letters all of you. My answer is over and that's the thing I want it and I got it. I don't want to explain it more than that because you will get tired.

Presiding Officer: Thank You!

Designated Military Officer: (4.i) The Detainee seems to not like the Taliban, al Qaida, or the Jama'at Tablighi. The Detainee volunteered to work with Americans against these groups if he could return to Afghanistan.

Detainee: Yes, not only in 2002, which is when the war happened between America and the Taliban, it was six years before that I was against the Taliban. I was against al Qaida too. I was against these people Jama'at Tablighi too. I am Muslim I know the Mosque. If I want to I can go to the Mosque to pray, if I want I can go to watch movie, if I want I go and play, if I want to I can go and watch television. If I want to I can cut my beard a little bit shorter and cut my hair like a soldiers. Here [in GTMO] I cannot shorten my beard because they will issue a fatwa against me and I will be seen as an infidel. If you see my old pictures my beards were shorter. I don't call them infidels the people who shave their beards. I don't call the people who talk to women bad people. Koran does not say to us to just go and pray and don't do anything else. The Koran says go pray but spread out the work. Go work and do other things too. In another verse of the Koran God said, "I am the one that gives to the human brain wisdom," That is why one person can make a car, another can make a television, and one is involved in technology, God gave us these gifts. In the television you can see a lot of knowledgeable programs. [Also] if you have a television you can learn a lot about the Koran. There is no need to read the book if you can see it on the television. My brother wrote me and said he has a television dish.

Presiding Officer: Can we move to "j", are you through?

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Detainee: Yes.

Designated Military Officer: (4.j) The Detainee is not upset with the United States, but is frustrated with the methods used to capture people. The Detainee claims other Afghans who have a grudge against someone else are just accusing people because of personal rivalries and are making up stories about people who are actually innocent. The Detainee claims that a person by the name of Jan Baz turned him in to United States Forces for a reward.

Detainee: Yes, I am very happy that America came to Afghanistan. They got the terrorists out of Afghanistan. America got rid of the barbaric people in Afghanistan and they brought daylight instead of [darkness]. Afghanistan fell from mountains down and for over 100 years they were not able to stand up. If the Americans did not go there after a few years [Afghans] would have had no doctors, no teachers, no engineers, and those people would live in the very, very dark ages. One thing that really bothers me is America claims they are the fathers of human rights and they are the only ones in charge of human rights and they are such loving people. But when they started bothering and hurting innocent people that will break my heart.

Presiding Officer: Let me ask you this, to get back on the statement they made in "j". [It states] the Detainee claims a person named Jan Baz turned him in, is that correct?

Detainee: This is the Jan Baz, he is the nephew of Pasha Khan.

Presiding Officer: Okay, I thought you said Pasha Khan your enemy had turned you in.

Detainee: This is his nephew, Jan Baz, is his nephew. The hurting of innocent people has broken my heart. The Afghans, I know them and you don't know Afghans. Afghan people are very poor. They need food, they need knowledge, they need schools, and they need treatment for their wounds. They are very poor and when you hurt them and bother them that will break my heart. For fourteen years the Russians oppressed them. For six years the Taliban brutalized them and because of them there were sanctions from all over the world on those poor people. Taliban did not have any problem because they were receiving cars, gas, food, clothing and whatever they wanted. The poor guy, the average Afghan didn't have food or clothes to wear. My children and some of the poor children, because of lack of medication were losing their lives. The Taliban high officials were receiving treatment in Pakistan or some other countries flying out on special planes. They had money, if one piece of bread was \$100 they could afford it and I couldn't. Those are the [types] of things that bother me. Still when innocent people get bothered or hurt that just breaks my heart, it's my nature. Not only in my country in any corner of the world, if any oppressed people or poor people get bothered or hurt or died because of lack of food and these things it will bother me. Like for example, in Iraq there was a dictator like Saddam and the people started standing against [him] and they are still standing. I have seen the pictures of the children with my own eyes, children with lack of

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nutrition who have lost their eyesight. Yes, my answer is over, but Jan Baz is the nephew of Pasha Khan.

Designated Military Officer: (4.k) The Detainee claimed to be a Jama'at Islami member. The Detainee explained that the group opposes the Taliban Forces. The Jama'at Islami used to pass out anti-al Qaida posters offering monetary rewards in exchange for information to the schools in the area.

Detainee: Yes, I did have a relationship with Jama'at Islami, whose leader was Ahmed Char Mosoud, who was assassinated by al Qaida. He was blown up a few days before September 11<sup>th</sup>. I was with him because he was against the Taliban. That group was the only group until the end of the Taliban who was fighting against them. Don't be so proud that you came to Afghanistan and took over because if there were no other groups against the Taliban in Afghanistan you would not have been so successful. Before you arrive to Afghanistan the Taliban was already [being pushed] out. I was the one who put the prize money on the fliers and the Bin Laden/al Qaida cartoon on the Mosque and schools. I was the one that installed them and telling people that they are offering money for some information on these groups. I was the one that took pictures of those things and took videos and gave it to the Americans. I was the one supplying information to the Americans. My own government asked me for the videos and then my government gave it to the Americans and they are aware of that. If you see the movies of Khowst Province, I was the one who took those pictures. Also, I forgot I was the one who made speech against al Qaida and Taliban everywhere and they do have my tape. My answer is over.

Designated Military Officer: (4.l) In the spring of 2002, the Detainee stated he was offered a job with the new Afghanistan government of Karzai. The Detainee also stated that he was made the director of the 7<sup>th</sup> Division of the Afghanistan National Security Office in Khowst, Afghanistan. The Detainee claims a letter of appointment to this post is among his belongings held by United States Forces. His responsibilities included monitoring media, hospitals, schools and tracking narcotics trafficking.

Detainee: Yes. It was not the 7<sup>th</sup> Division, it was National Security Branch 7. But for the rest of it, I have an appointment letter and the Americans took it and it states I was given the post. The Americans have these documents [as well as] the Afghans. Because they called me a doctor, they said they would let me control the hospitals. From all over our neighbors like Russia, China, Iran, and Pakistan they delivered us some fake medication and we didn't have a lab to check the medication and provide people with the proper dosage. They were using my experience regarding the medication and when I looked at the medication I saw the difference. I could tell the difference between the original and a fake. I was controlling the media, magazines, and radio making sure they did not say anything [mean] against the Americans. In the 7<sup>th</sup> Branch my job was security. In National Security they have 12 Branches and there are different jobs for each branch. My job at the 7<sup>th</sup> Branch was number seven and I was the director of that branch.

Presiding Officer: One question on that, in Khowst alone there are 12 Branches?

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**Detainee:** The General from the Ministry in Kabul, have twelve departments and each Province has twelve branches. And even in Kabul, my relationship was with the 7<sup>th</sup> department.

**Designated Military Officer:** (4.m) The Detainee fought against the Taliban. The Detainee was jailed three times by the Taliban, twice for political reasons and once for being late to mosque.

**Detainee:** Yes, that is totally right. I did fight against the Taliban. One time Zakim Khan and myself went and kicked them out of Khowst but they were supported by Pakistan and it was too much pressure for us, so they came again. The volume of their soldiers was too much pressure. So one time I was jailed for that and after 15 days they let me go. The second time, they put me in jail because they were collecting taxes by force from the storekeepers and then I caused an up rise with the other shopkeepers and we told them we are not going to give any taxes to the Taliban. The Taliban was using their tax money to fight. Yes, we want to give taxes but to build schools and hospitals, not for the war, so they put me in jail again. Then one more time I was late for the Mosque and my beard was too short, so they put me in the jail for three days. Those are the times I was jailed. I was not against the Americans before and I cooperated with them and I am not against the Americans now or [will I] be in the future. I can give you a document to show you the evidence I have earlier fighting against the Taliban. The American's [fight] against the Taliban was since 2002 and my fight was since 1996. I could do nothing but you had the facilities and the weapons and you could have kept them out of our house and then these things [probably] would not have happened on September 11<sup>th</sup>. Regarding me, if I get released and my government needs me to help with these poor people according to my age, knowledge and energy. I will defend my country if they need me with my country friends. I am not a danger to anyone and I have never been a danger to anyone. My memory is not that good, but I wanted to complete my education and become a real doctor and work in the [Pharmaceutical business]. I don't blame you because somebody gave you the wrong information. I want you to think about it, use the reasoning and the information and just think about it. I am sorry that someone called me an Enemy Combatant. But when they captured Taliban in the field with a gun and they let them go but [yet] they keep me for four years. I am really, really sorry for those Arabs who are fighting and they brought them here and those Pakistanis that they captured in Afghanistan with the weapons in the war are now at home. But they brought in Afghans who have been fighting side by side with the Americans. It is a pity that people come from Britain, Australia, Kuwait and America who got captured in Afghanistan are freed now and I am still here. Is that justice? I was waiting for the first trial and I wonder why did they call me an Enemy Combatant?

**Presiding Officer:** Okay, we can cover that a little later but this here is your chance to be represented and you did give us a lot of information to go on so, we will hope for a better outcome.

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**Detainee:** Secondly, the letters that come from my friends and my family, you can read them and find out who I am. They know my ideas and my way of life.

**Presiding Officer:** I am going to get to that in a moment, please let me finish with the DMO.

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

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

*The Presiding Officer acknowledged the request.*

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

**Assisting Military Officer:** Yes, sir! The Detainee would like to make an oral statement and submit six letters that were written on his behalf. I am handing the Administrative Review Board what has been previously marked as Exhibits EC-C thru EC-C6. Copies of these exhibits have been previously provided to the Designated Military Officer.

*The Presiding Officer had a brief discussion with the AMO regarding exhibits EC-C thru EC-C6.*

**Presiding Officer:** Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form and after that if the Detainee has additional comments he would like to make, he can do that.

**Assisting Military Officer:** Two of the Detainee's six letters, enclosures EC-C1 and EC-C2, were not submitted with copies of the original Pashto letters. The Detainee was no longer in possession of the originals and asked that the Joint Detention Group (JDG) English translation be submitted. Due to JDG policy, the original Red Cross Pashto copies could not be supplied.

**Detainee:** I have three pictures.

**Presiding Officer:** Does he want us to look at them?

**Detainee:** Those are of my children going to school.

**Presiding Officer:** These have GUAN Number on them so I guess they must have come with the letters.

**Detainee:** Yes, they kept the originals and they gave me a dark copy.

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Presiding Officer: Do you have any additional comments? I know you made a brief statement at the end of the Unclassified Summary of Evidence. Do you have any additional comments you would like to make, please take this time.

*The Detainee made the following statement:*

Detainee: I don't know what to say more, but if you have questions I am ready. I got tired from talking a lot. It is not appropriate for me to talk more than that, I leave the justice or the decision for you. I was doing the same job you were doing; I was capturing Detainees. I don't blame you it is fine with me. I wish they would send me a notice or summoned me to tell me why I was placed under arrest. Coming in my home and taking [caused] my wife and my children to cry. I wish the government or the Americans would have talked to my tribe leader and told him that I have done this and this and he had a problem. You fix it or I'll fix it for you. They because of arrogance have come to me and I am just a government employee and they captured me and look at my government like it is nothing. They took my cars and my identification, which was like insulting my own government's documents. It is international law that you should not attack their honor. I want my children to be educated in the future, I want the economy to be better, and I want the sick people to receive treatment so we can have a better life. I am very happy my daughter is going to school and that is the most pleasure I get now. Every human being in their right mine wants a better life. Even animals want a better place if they feel some danger (looking for safety). You people should not think that all Muslims are extremist because they are not. There are a lot of Muslims who want a better life and better technology. Some Muslims are extremists that misuse the Koran and religion. I have studied the Koran with an interpreter and they translated it very wrong. Islam is a peace religion, it is the humanity religion, and it is the help, the good and so on. It is not for the brutality and killing. I will give you an example, I copied a verse of the Koran and I will read it to you, if you give me the permission.

Presiding Officer: Certainly, I will give you permission. Is this something you are going to submit or read from?

Detainee: I want to read it.

Presiding Officer: Continue.

Detainee: God, peace upon him says it is not only for Muslims it is for all human race. The name of God and the rest are Arabic verses of the Koran, which I am going to read. God never compel you to have hostilities with another nation. Even if any nation of any people stop you from going to the Mosque do not fight them. Even if someone won't let you pray you are still not supposed to fight him or her, be patient and don't hurt anybody. I never think about revenge or hostiles or grudge. Make sure your actions will not make you excited to join the actions. Help each other and have good behavior. Don't hurt each other over sin, over fights, and over bad things. You be afraid of your God and without doubt God will punish those who are not obeying God's commands. You will be

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punished. Islam is very seldom. Your hostility or your feelings will not get out of control. Based on this, Islam is a religion full of peace, justice, humanity, and love. There is another verse; all those people who believe in God, I say stand up for the justice and peace. For God's sake stand up against the brutality and the injustice. Be the witness of justice and peace. The animosity should not cause you to go out of control and do wrong. Justice and peace are very close to God. God does not like brutal people. He sees your actions and knows what you are doing. Obey the God and the commands of God and you just apply it. God has the right because he created humans and he gives the right to the people. These are the rules, they say God is right and human being is right when he takes care of them. God rights are made equal to the human rights. Even the Koran said if somebody cursed the Koran, God would forgive him. If human beings curse each other and the other side that has been curse does not forgive the other side then God will not forgive him. Islam is not the religion of meanness; Koran is not a book of atrocities. The people who are misusing the Koran will end up punished in this world and they will be isolated in the world. It is in the Koran to teach us humanity, manners, and values. I see here some people spit on each and claim they are Muslim they are not Muslim. Islam does not say to curse and say bad things to other human beings. In Islam religion black and white is equal it is not different. Women and men have no privileges on each other. Somebody is misusing the [words] and saying women don't have too much rights and that is not from Islam.

Presiding Officer: Does that complete your statement?

Detainee: Yes, my statement is finished now I am waiting for your questions.

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

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

*Administrative Review Board Member's questions:*

Board Member: You are an educated man in the medical sciences, correct?

Detainee: Up to a limit.

Board Member: Do you know human anatomy very well?

Detainee: Yes.

Board Member: Okay, I just want to ask you a few questions. We will go from easy to hard. Where is the carotid artery?

OL-23: Sir, I don't know those words.

Board Member: Okay, it may not translate. I'll change.

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Presiding Officer: Keep it simple.

Detainee: My job was pharmacy and nursing. I have not studied at a higher level. I have studied anatomy a little bit. I studied pharmacology, I studied nursing, I studied surgery, and some other things.

Board Member: I will ask you some pharmacy questions. If a small child swallows a poison, what medication would you give him?

Detainee: They would insert a nasal gastric tube and suction the stomach out and another way to cleanse the human body is to administer an enema. Normally, when you purge a person's body like that you have to give them an IV because they leak out potassium and other essential human elements. We give them serum.

Presiding Officer: I think you two understood each other and we will go on from here.

Board Member: What does a diabetic take to stay alive?

Detainee: There are two kinds of diabetics. One is from genetics from father to son and the second one is from physical conditions.

Board Member: You are giving me a complex answer to a simple question. What medication does a diabetic take?

Detainee: There are different medications the name is Glucophage and insulin.

Board Member: He has answered the question adequately.

Presiding Officer: He has passed the test.

Board Member: One more question and I'll give you a hard one. I have eaten bad meat and I have intestinal parasites, what type of medication [would I need]?

Detainee: Food poisoning is what you are talking about?

Board Member: No, I have a parasite, worms.

Detainee: I would give them anti acid thing and something for the digestive system. If the parasite touched the inside of the intestine it would cause some blockage. If the person does not pass gas or have a bowel [movement] then they would have to operate or there would be an infection.

Board Member: Good.

Presiding Officer: Mine will be a little simpler. I see two capture dates but here we have 19 September, do you recall if it was 19 September 2002, your capture date?

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Detainee: They showed me in the first trial and I know about the Afghan history, [so] I know the Afghan date. I was living in Kabul for my administrative works. On September 11, Rumsfeld came to Bagram and I was watching that on the television. So when I went to Kabul, it was one week later when I got caught.

Presiding Officer: That's fine.

Detainee: It should be 19 September.

Presiding Officer: That's what I am going to go with thank you.

Detainee: If it were a good day for me I would have written it in my notebook.

Presiding Officer: These pictures you want them back, is that correct?

Detainee: If you want a copy that is fine with me.

Presiding Officer: If you want to submit them I will make a copy, because this looks like the only copy you have.

Detainee: You can take a copy from the photographic machine.

Presiding Officer: I am just asking if you want to submit them I need to know so I can get the AMO to make copies.

Detainee: Yes.

*The board pauses briefly while the AMO copies the Detainee's pictures.*

Presiding Officer: The AMO has returned with the photos the Detainee wanted to submit and he will submit those as Enclosure 5, EC-D-1 and there will be five pages. Okay.

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

Presiding Officer: I would like to thank you for your answers and your cooperation with us and the board will consider the letters you have presented as well as the answers you gave us today.

Detainee: I appreciate you guys. I wish and hope you use justice in my case. If you don't settle my case through justice and peace, in resurrection my hand will be on your collar. I know myself more than you know me. I don't blame you guys for nothing regarding this.

Presiding Officer: Thank you!

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Presiding Officer

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# UNCLASSIFIED

## CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 831

Exhibit #	Date	Classification	Guantanamo#
EC-C1	UNKNOWN	UNCLASSIFIED	GUAN 2005-A 00365
EC-C2	UNKNOWN	UNCLASSIFIED	GUAN 2005-A 01462
EC-C3	15 JUN 2005	UNCLASSIFIED	GUAN 2005-A 02436
EC-C4	26 JUL 2005	UNCLASSIFIED	GUAN 2005-A 02437
EC-C5	26 JUL 2005	UNCLASSIFIED	GUAN 2005-A 02438
EC-C6	25 SEP 2005	UNCLASSIFIED	GUAN 2005-A 02938

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY  
COMBATANT**

**ISN 831**

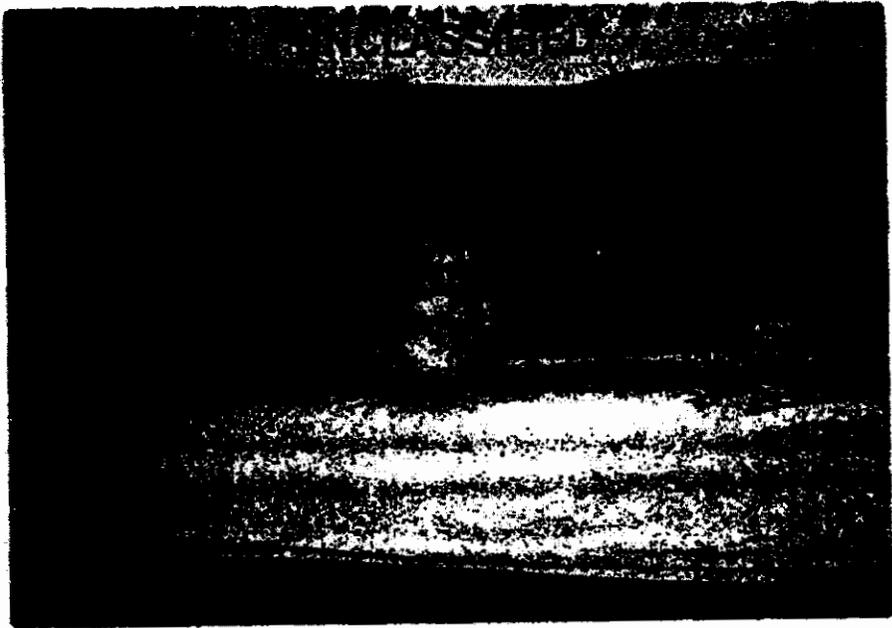
<b>Exhibit #</b>	<b>Date</b>	<b>Classification</b>	<b>Guantanamo#</b>
EC-D1	UNKNOWN	UNCLASSIFIED	GUAN-2003-I 00154
EC-D2	UNKNOWN	UNCLASSIFIED	GUAN-2003-I 00236

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**UNCLASSIFIED**



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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY  
COMBATANT**

**ISN 837**

<b>Exhibit#</b>	<b>Date</b>	<b>Classification</b>	<b>Guantanamo#</b>
EC-C1	7/19/05	UNCLASSIFIED	GUAN-2005-A02155

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(Revised 14 Dec 05)

**Summary of Administrative Review Board Proceedings for ISN 839**

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 12 December 2005 and lasted 138 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read and provided to the detainee. The detainee said that he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would like the AMO to respond to each statement in the Unclassified Summary of Evidence and provide an overall statement in addition. The detainee's responses to the Unclassified Summary of Evidence were recorded and a follow-up interview was scheduled for 13

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(Revised 14 Dec 05)

December 2005 and lasted 30 minutes. The detainee was read the translated copy of his responses to the Unclassified Summary of Evidence and provided a copy of his overall comments for translation. The detainee was cooperative and calm throughout both interviews.

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

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

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

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

Designated Military Officer: The detainee was recruited to go to Afghanistan in his hometown of Al-Hudaida.

Assisting Military Officer: In response to allegation 3.a.1 the detainee stated he was fooled by those who convinced him to go to Afghanistan. He had no idea he would end up in Afghanistan for training. He was fooled by Yemenis named Mouetasam and Fayrooz.

Designated Military Officer: The detainee said he wanted the opportunity to train in Afghanistan because it was his duty as a Muslim to be trained. He had no intentions of fighting in Afghanistan.

Assisting Military Officer: In response to allegation 3.a.2 the detainee stated he had no intentions of training or fighting.

Designated Military Officer: The detainee left for Pakistan at the end of July 2001. He traveled to Karachi and stayed at the Dubai hotel and the Madafat Riyad guesthouse. The detainee then traveled to Quetta where he stayed at the Daftar al Taliban guesthouse. From there he went to Kandahar and stayed at the Madafat al Nibras.

Assisting Military Officer: In response to allegation 3.a.3 the detainee confirmed the statement was true.

Designated Military Officer: The detainee stayed at a school, where a senior al Qaida operative was working, in the vicinity of Barmal, Afghanistan when he was fleeing Afghanistan.

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**Assisting Military Officer:** In response to allegation 3.a.4 the detainee stated he stayed at a school while trying to leave Afghanistan. There was someone at the school helping people leave Afghanistan but the detainee did not know he was an al Qaida member.

**Designated Military Officer:** From Kabul, Afghanistan, the detainee fled to Zurmat. He then crossed over the border and went to Lahore, Pakistan.

**Assisting Military Officer:** In response to allegation 3.a.5 the detainee confirmed the statement is true.

**Designated Military Officer:** The detainee then left Lahore and went to Karachi, Pakistan, where he was hidden in several places. When things got dangerous in Karachi, he was told to go to Chabahar, Iran.

**Assisting Military Officer:** In response to allegation 3.a.6 the detainee confirmed the statement is true.

**Designated Military Officer:** While [the] detainee was attempting to travel to Yemen via Chabahar, Iran he and his travel companion were detained, questioned and released by Iranian police at a roadside checkpoint located on the main road to Chabahar from Zahedan, Iran.

**Assisting Military Officer:** In response to allegation 3.a.7 the detainee confirmed the statement is true.

**Designated Military Officer:** While at the Iranian checkpoint, the detainee claims he was beaten and questioned. The Iranian police officers attempted to speak to [the] detainee in several languages. The detainee claimed he did not speak throughout the encounter with the Iranian police because he had been given instructions at the start of his journey to not reveal that he was an Arab.

**Assisting Military Officer:** In response to allegation the detainee added that if he spoke Arabic to the Iranians he would be turned over to the Afghans, who would subsequently turn him over to the Americans.

**Designated Military Officer:** The detainee went back to Quetta, Pakistan with eight other Arabs and then went to Lahore. He stayed one month in Lahore, Pakistan.

**Assisting Military Officer:** In response to allegation 3.a.9 the detainee confirmed the statement is true.

**Designated Military Officer:** The detainee stated he attended a religious speech to al Qaida operatives.

**Assisting Military Officer:** In response to allegation 3.a.10 the detainee stated, "I never stated that."

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**Designated Military Officer:** The detainee was identified as an al Qaida member.

**Assisting Military Officer:** In response to allegation 3.a.11 the detainee stated, "This is not correct. First of all, I was only in Afghanistan for three months and there was fighting, bombing, and chaos, and the fighters were withdrawing. How could I be a member of al Qaida? To be a member of al Qaida I would have been in their training camp and belonged to them. It is impossible for me to have been an al Qaida member because the situation was unstable. I am also not convinced of al Qaida. It is true they are Muslims but their beliefs are different from mine. I don't believe as they do. There are many beliefs in Islam."

**Designated Military Officer:** The detainee then traveled to the al Farouq training camp. He stayed at a reception tent that was located about 50 meters from the actual camp for five days before starting training with his group. He received training on the Kalashnikov, pistol, Beka, RPG and the Magnoona. The detainee only trained for 25 days because the camp closed due to United States bombing.

**Assisting Military Officer:** In response to allegation 3.b.1 the detainee stated that he only read about the RPG and did not physically train on it. He did physically train on the other weapons.

**Designated Military Officer:** All the trainees in the al Farouq camp were told to go home because it was not safe there due to the September 11, 2001 attacks in the United States. On approximately 13 September 2001, trainees were transported to the al Nibras guesthouse in Kandahar, Afghanistan.

**Assisting Military Officer:** In response to allegation 3.b.2 the detainee confirmed the statement is true.

**Designated Military Officer:** An identified al Qaida member claimed the detainee took part in explosives training.

**Assisting Military Officer:** In response to allegation 3.b.3 the detainee stated, "This is not true. I was only trained in personal firearms."

**Designated Military Officer:** The detainee said he saw Usama Bin Laden at several lectures.

**Assisting Military Officer:** In response to allegation 3.c.1 the detainee stated, "I only saw Usama Bin Laden once at Farouq and once in Khowst."

**Designated Military Officer:** The detainee was arrested at the apartments in Karachi's defense II commercial area where a two and one half hour firefight between Arabs and Pakistani security forces ensued. Two handguns and three Russian style grenades were

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recovered from the scene. A Kalashnikov rifle and a submachine gun used by the Arabs were also seized by police officials.

Assisting Military Officer: In response to allegation 3.d.1 the detainee added, "The group I was arrested with were staying in two apartments. One person from each apartment refused to surrender and fought the Pakistani forces sent to arrest us. I was in the group that chose to surrender. The Pakistani forces recognized that we wanted to surrender very well. My fingerprints are not on any weapon, which proves I did not want to fight. Also, the Pakistani Intelligence authorities were grateful and thankful for our cooperation and surrendering without fighting."

Designated Military Officer: The detainee stated the weapons were kept in a small suitcase in a common room. Also in the room were some computer equipment and other things kept behind a curtain.

Assisting Military Officer: In response to allegation 3.d.2 the detainee stated that the computer equipment included games like Atari and songs, poems and other things to pass the time.

Designated Military Officer: A computer was recovered in the safe house where the detainee was arrested. The computer contained information on flight navigation maps and flight simulators.

Assisting Military Officer: In response to allegation 3.d.3 the detainee stated, "This information was not in my apartment. I don't know what was found in the other apartment. I had nothing to do with the other apartment and never entered it."

Designated Military Officer: The computer recovered during the detainee's arrest contained a manual that discussed kidnapping, hijacking, smuggling various things into countries or states and al Qaida documents about artillery and different types of mortars.

Assisting Military Officer: In response to allegation 3.d.4 the detainee stated, "This is not correct. This is the first time I've heard of this."

Designated Military Officer: According to the detainee he never used the computer and did not know what was on it.

Assisting Military Officer: In response to statement 4.a the detainee confirmed this is true.

Designated Military Officer: The detainee stated he had no information regarding imminent terrorist attacks worldwide.

Assisting Military Officer: In response to statement 4.b the detainee confirmed this is true.

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**Designated Military Officer:** The detainee emphatically denied he trained on explosives. He insisted that whoever claimed that he had explosives training is either lying or mistook his identity.

**Assisting Military Officer:** In response to statement 4.c the detainee confirmed this is true.

**Designated Military Officer:** The detainee expressed some anger about Sheiks who issue fatwas, then recant. The detainee said that clerics make you believe you will burn in hell if you do not participate in fatwas or jihad.

**Assisting Military Officer:** In response to statement 4.d the detainee stated that he has watched a videotape since his interment at Guantanamo Bay about the Sheiks recanting their fatwas and he became angry over their behavior and saddened by all the people who have been tortured and killed as a result of their words. "As a result of their mistakes I will no longer believe anything they say after today."

*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 for a closed session.*

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

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

*The Detainee made the following statement:*

**Detainee:** This whole statement is about answering some questions. You could search and examine my file throughout the past three years either with the investigators or the military Army soldiers or the detainees. You are going to find it clean and empty from problems or behavioral punishment. My approach to dealing with interrogators states that I have never stopped dealing with them nor that I ever cursed them and also I have never for one day assaulted them. Keeping in mind that I go often to the interrogation and that I did not get discouraged to stop the cooperation or change my behavior toward them. As in regards to future plans that I have in mind in case I was released. My utmost hope when I get out of here [is] that I get to continue my college education so I can find a job and educate myself and have an income that will help me maintain my daily life. So I would like to live a stable life with a wife and children. And also, I live with my parents, who raised and invested [in] me. So I want to be kind to them as they were kind to me. I do not pose a threat to the United States or another for that matter because I have never committed any act of aggression against it and I have never committed any act that would affect its security. I do not hold in my heart any grudges or hatred toward the United

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States, and also you could verify this by my goals that I would like to achieve after leaving here. The United States must release me from this place because of the fact that there was none whatsoever of any indication that will prove that I have committed any aggression against America. Therefore I am innocent and I have no hatred whatsoever against America.

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

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

*Administrative Review Board Member's questions:*

Board Member: Do you speak English?

Detainee: No.

Board Member: If you didn't go to Afghanistan to fight or to train, then why did you go to Afghanistan?

Detainee: According to the religion situation in Afghanistan [that] I have heard about, these two other people recommended that I go there on their account. They facilitated this so I went there. In the first place, I left before anything happened, before September 11<sup>th</sup> and before the American bombing. I went way before that. They approached me in a conniving way and they encouraged me to go.

Presiding Officer: What did you think you would be doing when you went to Afghanistan?

Detainee: I just went to check out the whole religion situation.

Presiding Officer: Were you curious about the Taliban and about the Taliban rule in Afghanistan? Did you want to speak about religion there?

Detainee: First of all it was [a] free trip and I figured [that] I'm not losing anything so why not go and find out what goes on in Afghanistan. Yes it was curiosity on my part for what was going on. I needed to learn what was going on.

Presiding Officer: When you went to Afghanistan and discovered that it was not a sightseeing trip [that] it was to train with weapons, why did you not leave? Why did you choose to continue with the training?

Detainee: When I first entered Afghanistan they withdrew my passport, my plane ticket and most of my papers. They held my passport for a month and a half. I kept inquiring about it and nobody gave me any answers. After a month and a half they gave me the passport and then I decided to leave. I told [that] to the interrogators here.

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Presiding Officer: Did you think that you would end up on the front lines against the Northern Alliance or did you always expect you would be able to leave after your training? Were you afraid they were training you to be a soldier to fight right after the training or did you think they were just going to train you and let you go back home?

Detainee: I just entered the training camp. I was told I was going to be trained, at the most, for a month and after that I would be able to pick up my passport and plane ticket and leave.

Presiding Officer: Were there hard men at the camp who wanted to die or were there mainly people like you who were just there for training and then thought they would go home?

Detainee: We were all mostly new people. I really don't know what the mentality of the others was and how they would think or what they had in their mind. Nobody knew the other. We were all new.

Presiding Officer: Surely you had friends there at the camp. We all have gone through military training and found close friends we shared our thoughts with.

Detainee: No I didn't have any fanatic friends or too religious. They were mostly just like me.

Board Member: What is it about your Muslim duty that requires you to train and what are you training for?

Detainee: This really is Islamic religious issues. I cannot discuss this. I can't even tell you anything because I do not know. It's [a] fatwa from sheikhs [who are] like priests. They put out recommendations and I cannot discuss it.

Board Member: You just follow the recommendations?

Detainee: No I won't follow what they say or their recommendations. All I am telling you [is] that I wanted to have a chance to know what is going on over there. I wanted to get trained so I will be able to, when I am done, to take back my passport and my plane ticket and leave. Not because of fatwas.

Board Member: What then is your feeling about jihad?

Detainee: In general I don't know much about what the jihad entails. If somebody comes and attacks my family I would fight them back. As far as jihad I really can't say much.

Board Member: In your travels to Afghanistan you stayed in a number of Taliban guesthouses in Pakistan and also in Afghanistan. Can you tell me something about some of the people you met and associated with there?

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**Detainee:** The guesthouse is an open house for all the people. It's not like one or two persons entered the guesthouse or safe house. It's from all over the world, all the nations. The situation in Afghanistan is different than Yemen. [When] you enter Afghanistan you cannot ask a lot of questions because they will have doubts about you. Its not like Yemen [where] you have freedom of speech. In Afghanistan it is so difficult to ask questions.

**Board Member:** In the guesthouses in Pakistan did you meet any really bad people?

**Detainee:** They were mostly ordinary, casual people. The people who were with me are here in detention. They were very ordinary people.

**Board Member:** You indicated that your beliefs are different than al Qaida. What do you think al Qaida believes and why are beliefs different?

**Detainee:** It's many differences in their beliefs. How can I explain? There are tons of books.

**Board Member:** Do you believe in what al Qaida is doing around the world in terms of the extremist activity?

**Detainee:** I don't believe in what they are doing. I don't believe in their cause.

**Board Member:** You indicated that you feared being turned over to Afghans if you spoke Arabic to Iranians and that you would be turned over to the Americans. What did you ultimately fear about being turned over to the Americans?

**Detainee:** Do you think I would be happy if they surrendered me to the Afghans or to [the] Americans? This is normal. Yes I was afraid.

**Board Member:** Knowing what you know now about Americans since your time here at Guantanamo Bay do you still fear Americans?

**Detainee:** No I am not afraid. If I am afraid or if I fear America I wouldn't have attended this board. I would never have talked with any of the interrogators or the investigators. This is a casual situation as far as me talking to the Americans. Even if I talked one thousand times with the investigators I have no problem. I have nothing to fear. We have a saying in Yemen: The hand that would [not] steal it won't be afraid of anything.

**Board Member:** Going back to Pakistan you indicated you stayed at two apartments and were passing the time. What were you waiting to do when you were in Pakistan?

**Detainee:** It was a situation like anybody who makes a move, they will capture him. I was waiting for the situation to calm down a little bit. I couldn't really do much. I was not enabled to do anything but wait. Even at the airport they will capture you. You know the whole situation there.

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Board Member: Do you feel like you have told [the interrogators] everything? Are you holding anything back from [the] interrogators? Have you told everything you know?

Detainee: That is impossible because before I came to the prison in Guantanamo Bay I was in another prison in Afghanistan, under the ground [and] it was very dark. It was total[ly] dark, under torturing [and] without sleep. It was impossible that I could get out of there alive. I was really beaten and tortured.

Presiding Officer: Was that an Afghan prison or an American prison?

Detainee: They were Arab investigators but they were Americans at the same time, Arab-Americans.

Presiding Officer: Arabs and Americans and not Afghans and Americans?

Detainee: They were Afghan soldiers but there were other Arab-Americans.

*Presiding Officer noted the detainee made an allegation of torture and told the Assisting Military Officer to make the appropriate notifications.*

Board Member: Are you hopeful? Do you have hope in your heart?

Detainee: Yes I am very optimistic.

Presiding Officer: When you were captured from the two apartments, how many men were in each apartment?

Detainee: We were seven in one apartment and the other apartment [there] were two men and a family.

Presiding Officer: In each one of those apartments only one of the Arabs chose to fight the Pakistanis. Is that true?

Detainee: One from our apartment and another one from a different apartment.

Presiding Officer: Since you stayed and knew these men for a couple of months would you say these were very hard men who chose to fight?

Detainee: The person who was killed in our apartment he had been there for only five days.

Presiding Officer: What was his name?

Detainee: Amaar.

Presiding Officer: Young boy [or] hard man?

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Detainee: He was old. I would give him 39 years old.

Presiding Officer: Was he the one who was fighting or was he killed by a stray bullet?

Detainee: The Pakistanis killed him. He was in a different room and I was in another room.

Presiding Officer: So you weren't in the room with the man who was killed?

Detainee: No.

Presiding Officer: I am trying to imagine what it was like to be in a firefight with the Pakistanis for two hours with only one person fighting and the rest hiding. Is that right?

Detainee: We surrendered before they started to fight. We surrendered way before. It is on a videotape.

Presiding Officer: Tell me about your family. How many brothers and sisters do you have?

Detainee: We are four boys and one girl.

Presiding Officer: Are you [the] oldest, youngest or middle?

Detainee: I am the last from the youngest. I am the fourth.

Presiding Officer: Did any of your other brothers go to Afghanistan?

Detainee: Nobody.

Presiding Officer: Did any boys from your village go to Afghanistan?

Detainee: Yes from my village the person that I mentioned before named Fayooz.

Presiding Officer: What does your family think about you going to Afghanistan?

Detainee: In the first place I did not inform them. If I had informed them they wouldn't have agreed with me. When I contacted them from Afghanistan they really got upset. They were mad at me for being in Afghanistan.

Presiding Officer: Are they still mad at you?

Detainee: Yes they are very saddened by me being here. They are still sad.

Presiding Officer: There's a difference between being sad and angry. Are they angry with you or are they just sad for you?

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Detainee: No because I am here they are saddened.

Presiding Officer: If you are released or when you eventually leave Guantanamo will you return to your family or will you try to be off on your own and make your own life outside your family?

Detainee: No I would like to be with my father and my mother.

Presiding Officer: Do you have a fiancée now?

Detainee: They have mentioned somebody in the letters that they are preparing for me.

Presiding Officer: I know that you say you are not a member of al Qaida. How does one become a member of al Qaida?

Detainee: I'm sure that the person who would belong or believe in al Qaida he would have to believe in their principles and their beliefs. That's something normal.

Presiding Officer: When you were at al Farouq was it obvious who were members and who were not members of al Qaida?

Detainee: It is very difficult to be able to observe that or to distinguish who is or is not.

Presiding Officer: I understand your anger at the sheiks who would issue a fatwa to people to leave their families and die. I also understand as a Muslim you have to take fatwas seriously. I am curious how in the future you will choose which fatwas you must obey and which fatwas you think are not just and do not have to follow?

Detainee: A person with common sense would be able to differentiate between a good sheik and a bad sheik, a fanatic sheik or a non-fanatic sheik. If you see a large amount of people that would like to belong to this sheik then it is something that I would follow. [When] the majority of the people would choose to belong to this sheik then he must be a good sheik. That's what usually happens.

Presiding Officer: You're four years older now than when you responded to the fatwas to go to Afghanistan. What has changed in your heart or mind now?

Detainee: I have been here for the past four years [and] I really don't know what the current situation is right now. I really would like to go by the core of our religion or the most primary stuff in my religion. Things like praying, fasting, doing good deeds. I don't need a fatwa for that. I would like to follow the five pillars of Islam.

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Captain, USN  
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY  
COMBATANT**

**ISN 839**

<b>Exhibit#</b>	<b>Date</b>	<b>Classification</b>	<b>Guantanamo#</b>
EC-C1	12/13/05	UNCLASSIFIED	NONE

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## UNCLASSIFIED

1. Explain how was your behavior here at the detention in prison.

You could search and examine my file throughout the three past years either with the investigators or the military army soldiers or the detainees. You are going to find it clean, and empty from problems or behavioral punishment. My approach to dealing with interrogators states that I have never stopped dealing with them nor that I ever cursed them and also I have never for one day assaulted them. Keeping in mind that I go often to the investigation and that I did not get discouraged to stop the cooperation or change my behavior toward them.

2. What are my plans for the future and what I am going to do in case I was released from here.

My utmost hope when I get out of here that I get to continue my college education so I can find a job and educate myself and have an income that will help me maintaining my daily life. So I would like to live a stable life with a wife and children. And also, I live with my parents, who raised and invested on me. So I want to be kind to them as they were kind to me.

3. I do not pose a threat to the United States or another for that matter because I have never committed any act of aggression against it and I have never committed any act that would affect its security. I do not hold in my heart any grudges or hatred toward the United States, and also you could verify this by my goals that I would like to achieve after leaving here.

4. Clarify or explain why Americans should release me from here.

The United States must release me from this place because of the fact that there was none what so ever of any indication that will prove that I have committed any aggression against America. Therefore I am innocent and I have no hatred what so ever against America.



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Summary of Administrative Review Board Proceedings for ISN 845

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

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

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

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

Detainee: If you tell me to [take] an oath I will take the oath. Going under oath in our religion is a very serious issue even for a [situation] where the person is right, it is not very easy because of the seriousness of the oath. If you tell me to go under oath I will [take the oath].

Presiding Officer: I cannot require you to take the oath, you are not required to. It is up to you. If you decide to say no, that is fine with us.

Detainee: I will leave it up to you. I don't want to go under the suspicion that I am not going under oath because I am hiding the truth or things like that. I don't want to give you that impression. If you want me to go under oath I will.

Presiding Officer: In our culture you take an oath and when you say something under oath we consider you to be as honest and forthright with us as you can. Again, the only

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emphasis is it is your decision. You're not required to, but if you like we can administer the Muslim oath.

**Detainee:** In our culture when a person has to go under oath it has to be [a] very serious matter. Once he goes under oath, he swears to god, and then the Islamic court will forgive him. I went under oath in the previous tribunal, but still they did not release me. I am still here although I went under oath.

**Presiding Military Officer:** Designated Military Officer please administer the Muslim oath.

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

**Designated Military Officer:** (3) The following primary factors favor continued detention: (3.a) Connections / Associations (3.a.1) the Detainee worked for Nasim, the leader of the Behsood Security Post, and Gul Karim, the head of the security forces in Jalalabad.

**Detainee:** Nasim is the brother-in-law of Gul Karim and Gul Karim is the security force in Jalalabad. Right now he is the security officer in Jalalabad. He was a good friend of mine and he is working in the current government and I don't think that is a crime or a sin.

**Designated Military Officer:** (3.a.2) The Detainee identified a Hizb-l Islami Gulbuddin (HIG) compound.

**Detainee:** We have a small community there and people who live...especially famous people...for example Americans that live somewhere...if you ask anyone where they live anyone will tell you, Americans live in this compound. Everybody will tell you who lived in the compound. It has been thirteen years since I have lived in that area. I lived

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in a different district, but I have not lived there, I have not gone there, but I just know it from a distance that this was the compound of them and so does everybody else.

Designated Military Officer: (3.a.3) The Hizb-l Islami Gulbuddin (HIG) is a faction of the Hizb-l Islami party and was one of the major mujahedin groups in the war against the Soviets. HIG has long established ties with Bin Laden. In early 1990s, the HIG ran several terrorist training camps in Afghanistan and was pioneer in sending mercenary fighters to other Islamic conflicts. The HIG offered to shelter Bin Laden after he fled Sudan in 1996.

Detainee: How [does] this relate to me? For example right now Karzai has relations with different leaders and countries of the world, the United States, and European countries. How does it relate to me? I am just living my life. [Karzai] might have ties with Bin Laden and Sudan or whatever, but that does not relate to me. It does not concern me.

Presiding Officer: Just remind him this section covers his connections or associations.

Detainee: I am not a president or a leader or anything, but however you want to set it up or go over it it's up to you. For example Karzai is the current president of Afghanistan, tomorrow if some other guy becomes president and he is asked if he was a president once, it does not relate to me. [Karzai] is a big guy doing big things, I am a poor guy doing my life. So, whatever high office, government officials do, it is not my business.

Designated Military Officer: (3.b) Intent (3.b.1) Akta Mohammad, of Marah Warah, was the operations sub commander for the 21 September 2002 rocket attack on the United States forces in Asasabad.

Detainee: Asasabad is a different province it is part of Konar Province. At that time I was living in Jalalabad, I was not in Konar on that particular date. If you can find out, somehow or another, or anyone can tell you I was in Konar at that time then I am guilty.

Designated Military Officer: (3.b.2) The Detainee was identified as a heavy machine gun operator for the Taliban and from the Konar Province.

Detainee: I have not done any military work for any military operation at that time. I have not worked with the Taliban at all. I had a different profession. I was a merchant and I was doing my business.

Designated Military Officer: (3.b.3) the Detainee worked near Jalalabad at the Beshood Bridge security post. His job was to protect the bridge and be visible to protect the roads.

Detainee: I was just a regular soldier, I was not a leader or officer of any kind. At the time of Karzai I was a soldier working at that [area].

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Designated Military Officer: (3.c) Other relevant data: The Detainee stated that it was probably his tribal enemies who gave false information to the Americans accusing him of being a Taliban commander.

Detainee: Whatever the enemies have told you, Taliban or whatever they have branded me, I don't know, but I know my enemies have told it to you.

Designated Military Officer: (4) The following primary factors favor release or transfer:  
(4.a) The Detainee stated he did not support or work for the Taliban.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee said he did not want the United States to leave Afghanistan.

Detainee: I did not want the Americans to leave Afghanistan.

Designated Military Officer: The Detainee stated ordinary people are happy with the Americans and are not happy with the warlords.

Detainee: Yes, that is true.

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

*The Presiding Officer acknowledged the request.*

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

Assisting Military Officer: Yes sir, the Detainee wishes to present his oral statement and I have some comments to provide as well.

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

Assisting Military Officer: The detainees initial Administrative Review Board interview occurred on 02 August 2005 and lasted for 45 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the Administrative Review Board, the Detainee stated he wishes to attend and speak openly with the board members. A follow up interview was conducted on 04 August 2005 and lasted 10 minutes. The purpose of this interview was to assist the Detainee with any additional questions he had before attending the Administrative Review Board. The Detainee prefers to respond to the Summary of Evidence after each

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allegation is read during the Administrative Review Board. He also wishes to give his oral statement. A translated copy of the Unclassified Summary of Evidence was provided to the Detainee. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during both interviews.

Presiding Officer: Thank you. Akhtar Mohammed I understand you may have a statement for us. If you do at this time you may make any additional comments you wish to make.

Detainee: Most of the issues that I was going to address were brought up in the questions that you asked and I answered. The main question remains to [be] answered and that question is when I go back to Afghanistan will I pose a threat to the United States and it's partners or not? I will start my relations with Americans from when I was here in the camp. I treated everyone, all the Americans, that were working with me with respect and I never disrespected them and it shows [in] my record. When I go to Afghanistan I will have a respectable and mutual respectable relationship with Americans. I will treat them with a lot of respect because I like Americans. It has been thirteen years since I could live in my district because of the warlords. I was living in a district far from my home. Right now there is peace in my country and with the peace progress will come to the country. The streets will be built, the schools will be built, and the country altogether will be rebuilt. That is what I want and that is my hope and my wish. When there is peace people can go back to their home districts, their hometowns, and they can live in peace and harmony. When I was there for a year and a half ago normal people, the public, were very happy with Americans because they brought peace to Afghanistan. I don't like violence and when I go there I will promote peace and I will help peace. I will not create any problems and I will have good relations with Americans, with you. I have never worked for the government except for the few months that I worked for Gul Karim. He is working for the Karzi government right now. Otherwise I was working for myself, I was [self employed], but now I am here detained. How can I be a productive member of the country if I am here? I cannot take part or participate in keeping peace and progress in Afghanistan while I am here. If I were a bad guy, Gul Karim would not hire me and let me work for him. Since I was a nice guy he gave me a job working for him and it was during the time [the U.S. Government] was there.

Presiding Officer: Akhtar Mohammed does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank you for your sincere and honest answers.

*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:*

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Board Member: When you worked at the Behsood Bridge security post did you carry a weapon?

Detainee: Yes, I had Kalashnikov.

Board Member: Where did you receive the training on the Kalashnikov?

Detainee: The brother-in-law of Gul Karim taught me a little bit. It is not a big machine gun. The Kalashnikov is a small machine gun and it is easy to learn.

Board Member: Were you ever taught to operate a heavy machine gun?

Detainee: No never.

Board Member: Akhtar, the Hizb-I Islami Gulbuddin HIG compound that you identified, was that in the city of Jalalabad?

Detainee: No, it is in Konar, my hometown. That compound is a very known compound. That compound has been there since the time of King Zaher Shah.

Board Member: Is Konar your home district?

Detainee: Yes, it is a province.

Board Member: Do you know specifically which enemies may have given us the false information about you?

Detainee: Malek (meaning chief) Zareen was the commander of a brigade of about 800 people. He was the commander of this force that was working for the Americans, but he was my enemy. He had those government cars and stuff that he was driving, but he did not like me.

Board Member: Anybody else?

Detainee: We had tribal animosities with [Malek Zareen].

Board Member: How were you arrested or captured?

Detainee: It has been three years and I don't know why I was arrested.

Board Member: Where were you when you were captured? What were the circumstances?

Detainee: I was in my home. I went from Jalalabad early in the evening to my home, someone knocked on the door and I went out to answer it and they arrested me.

Board Member: Who arrested you?

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**Detainee:** The Americans arrested me and Zarecu's people were with them.

**Presiding Officer:** You mentioned that you were a merchant, what kind of business did you have?

**Detainee:** I...our country we have this wood business. The large trees, they cut them down, and sell them. They ship them from one place to another and they make things out of the wood. I was in that business.

**Presiding Officer:** When you return to Afghanistan, will you go back to work for Gul Karim, for the merchant business, or what? What are your intentions?

**Detainee:** I am not sure when I go back if Gul Karim will be there. If the government needs my help I will help them. However, with the government jobs, you don't make as much money as you do with your own business. Although, some people that work for the government, they still do their own business in order to support their family and have a better life. I want to have my own business too, but if there is a government job for me to do besides my own business, I will do it too.

**Presiding Officer:** Thank you for your answers and honesty.

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

*(The Detainee interrupts with the following question:)*

**Detainee:** How long will it take?

**Presiding Officer:** I have to be honest with you, I don't know.

**Detainee:** You can't tell me approximately a month, a year, a real rough estimate?

**Presiding Officer:** I could say approximately a month or a year and I wouldn't know. It could take two weeks or it may take a year. I don't know.

**Detainee:** Although, it is up to you or in your power to send me back home or keep me here, it is not going to change the fact that I like Americans because they have brought peace to Afghanistan. I am happy with the peace that is in Afghanistan. My intentions are not going to change about that.

**Presiding Officer:** Again, we thank you for you honesty,

*The Presiding Officer adjourned the open session of the Administrative Review Board.*

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Colonel, USMC  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 849

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

*Assisting Military Officer:* The Detainee's initial Administrative Review Board interview occurred on 16 August 2005 and lasted 65 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "Yes, I want [to] attend and speak to the board." When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The

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

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

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

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

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

Designated Military Officer: Detainee admitted to being responsible for the 28 August 2002 rocket attack at Jalalabad Airport, which struck close to a team of U.S. Army soldiers.

Detainee: I haven't done this. I haven't done that. If I have done that you can throw me in the river.

Presiding Officer: Thank you.

Detainee: You're maybe aware that I have answered those questions before in interrogation. You can see that.

Designated Military Officer: Detainee was captured with a Russian artillery officer's compass, a blasting circuit tester and three rocket motors.

Detainee: I didn't have three rockets. I said that already when they asked me [that] question...I will tell them no. If they want me to explain it, so (inaudible)

Presiding Officer: *Exchanged pleasantries.* The Designated Military Officer will read each of the items on the Unclassified Summary and you will be allowed to respond to each one after it is read. We will then ask questions further on the ones that we have questions on.

Designated Military Officer: Source reporting states the Detainee was pro-Taliban and was the former governor of the Zabul province, during the time the Taliban was in power.

Detainee: *Detainee laughs.* I am not the government.

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Designated Military Officer: Detainee stated he was trained by Shir Jan to fire rockets.

Detainee: No, I haven't.

Designated Military Officer: Detainee was witnessed at a training camp south of Kandahar near the Shorandam Mountain. According to the individual who witnessed the Detainee at the camp, the Detainee was supposed to attend missile training at an Arab training camp.

Detainee: *Detainee laughs.* These are not true.

Designated Military Officer: Reporting states the Detainee was a former Hezb-e Islami Gulbuddin (HIG) commander.

Detainee: No.

Designated Military Officer: Hezb-e Islami Gulbuddin (HIG) has long established ties with Usama Bin Laden. HIG was known to have several terrorist training camps in Afghanistan and was the pioneer in sending mercenary fighter to other Islamic conflicts. The founder of HIG was known to have sheltered Usama Bin Laden after he fled the Sudan. HIG has staged small attacks in its attempt to force U.S. troops to withdraw from Afghanistan.

Detainee: No. I'm hearing those words, which I have never heard in my life. *Detainee laughs.*

Designated Military Officer: Detainee has been connected to Shir Jan.

Detainee: No, no connections.

Designated Military Officer: Shir Jan is a known anti-American and is responsible for recruitment of operatives in actions against U.S. and coalition forces. Shir Jan was directly involved in the 28 August 2002 rocket attack on Jalalabad, Afghanistan.

Detainee: I don't know Shir Jan and he doesn't know me. So I will talk later on.

Designated Military Officer: Afghan Officials decided to arrest the Detainee when they discovered that he was on the verge of launching another attack.

Detainee: No.

Designated Military Officer: Reporting states the Detainee fought directly against U.S. forces in Jalalabad, Afghanistan and has been with the Taliban for 5-6 years.

Detainee: No.

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Designated Military Officer: While at Guantanamo Bay Naval Station, Cuba, the Detainee has been witnessed by MP's acting as a lookout.

Detainee: *Detainee laughs prior to the Designated Military Officer completes the reading of the allegation.* Where, where, what am I doing?

*The Presiding Officer has the Designated Military Officer read the allegation again for the Detainee.*

Designated Military Officer: While at Guantanamo Bay Naval Station, Cuba, the Detainee has been witnessed by MP's acting as a lookout.

Detainee: I'm not a bird or these things to run away. I haven't done [anything].

Presiding Officer: Thank you.

Designated Military Officer: Detainee has assaulted Guantanamo Bay MP's.

Detainee: Did I attack him?

Presiding Officer: Assault, attack!

Detainee: Look at this. (*Detainee refers to his shackles.*) How do I attack him, look at the bottom...(inaudible)

Presiding Officer: Sometime during your stay here...

Detainee: I am in a cage. I cannot get out. So say something, which makes sense.

Presiding Officer: We understand. Thank you.

Designated Military Officer: Detainee has participated in riots in the camp at Guantanamo Bay.

Detainee: *Detainee laughs.* Well, just sew my mouth and take my eyeballs out, then that will be okay. When I'm here, I see somebody I talk to him. I say, "Hi, how are you?" I cannot sit there like this. *Detainee closes his eyes and tilts his head to his right shoulder.* [Don't] you guys talk to each other. *Detainee refers to the Administrative Review Board.* Like people talk to each other. I have to talk to some guys over there. So I cannot sit down like this. *Once again, the Detainee tilts his head to his right shoulder and closes his eyes.*

Presiding Officer: Thank you.

Detainee: It's not possible.

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Designated Military Officer: For the record, sir, the motion the Detainee made was to place his head on his shoulder with his eyes closed.

Presiding Officer: I just want to make sure you understand. You didn't answer exactly what was stated. It says that you participated in riots. It didn't talk about communicating, it says riot. Do you understand what a riot is?

Detainee: What kind of riot can I...catch the soldiers or what [have I] done?

Designated Military Officer: Detainee has been witnessed by Guantanamo Bay MP's practicing his martial arts.

Detainee: See my record in the hospital here. My leg is hurting. The doctor all the time tells me...they give me a massage and everything...He says it is not going to work, until you do the exercise[s] *Detainee shows the movement he has been instructed to do by the physician.*

Designated Military Officer: Detainee claims their rockets were not powerful enough to kill a chicken, because they were so weak.

Detainee: *Detainee laughs prior to the Designated Military Officer completes the statement.* Why are you talking to me like this? Just tell me I'm not going to let you go.

Presiding Officer: We'll get to that in a minute.

*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: The allegations you have against me, I haven't done any of them. So what would be (inaudible)

Presiding Officer: Thank you.

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

*The Designated Military Officer had the following questions:*

Designated Military Officer: *DMO exchanges pleasantries.* How old are you?

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Detainee: I don't know. Whatever you have [written], that is my age?

Presiding Officer: What we are asking you is not written, do you know how old you are?

Detainee: In our country when we [are] born...it's not like this child is born [on] this date and this date...[we] don't write [anything] down. These thoughts are not there. These kinds of things are not there.

Presiding Officer: Do you know approximately how many years ago? [Had the Russians already come to Afghanistan?]

Detainee: No, I don't know.

Designated Military Officer: You appear to be a young man. How old were the governors in Afghanistan of the Taliban?

Detainee: *Detainee laughs.* I don't know how old they [are] suppose to be. These gentlemen when I look at them, I don't know who they are, what they do. How old they are?

Designated Military Officer: Were you ever the governor of Zabul province?

Detainee: No, sir.

Designated Military Officer: Were you ever the governor of any province in Afghanistan?

Detainee: Now wait a minute. You wrote down this and somebody here in Afghanistan is saying, "Look at Nasim, look at the governor!" When you (*Americans*) brought me here, why didn't you ask the people that I know. In the last trial, there was a lady sitting there...(*Detainee refers to the Presiding Officer.*)...The same thing...they were just sitting there (*Detainee refers to the spectators*)...they question[ed] me [on] the same thing[s].

Presiding Officer: They are just [spectators]. They are not involved. Just us. *Presiding Officer refers to the Administrative Review Board Panel.*

Detainee: I [told] the same story. There was a judge and a reporter and these things. A lady was sitting...like her (*Detainee refers to the board reporter.*) They asked me if I knew anybody in Cuba [who had] witness[ed me be a] good guy or bad guy. I said, "I don't know anybody in Cuba." So, what are you going to do? Can you send a letter to Afghanistan? Who am I suppose to write? My father is dead. I have two younger brothers...so the children they do not understand what you are talking about. My mother is very old. (*Inaudible*)...understand the rules, or the tradition, which is women do [not] talk to the men. There is my uncle. Americans can go talk to him; he will talk to my mother, the whole village people. They can just try...so they (*inaudible*) not (*inaudible*)

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sin to lie. They do not swear because of me. They do sin to testify wrongly, but the rest of them maybe will tell you, who is Nasim? You can ask them, if he was a governor, commander, or whatever he was. They will tell you. In Islam, we don't swear too much, be swear I do wrong we will bust out we will explode. So you can ask them they will not take that oath to say lie. They will send me a letter from the village. You will see it, you will find out who I am. I wrote [a] letter to my brother, Yasin, Aseel and Noo Ali, [my] uncle. My brothers are Yasin and Aseel. [They live] in Jalalabad, Chapelier county [in a] village [called] Shalanah. That's a village in that area.

Designated Military Officer: Let me interrupt you for a minute. I don't think it'll be necessary for us to contact anybody, if that's where you're going?

Presiding Officer: We understand your answer is, you are not...

Detainee: Well, I'm answering your question. I'm (inaudible)

Presiding Officer: I know. We believe...we understand your response that if we go to your village and ask we will find out that you were not a governor or a commander is your answer.

Detainee: I told you earlier and I will tell you again and again.

Presiding Officer: We understand your answer.

Designated Military Officer: I understand that you have taken an oath and in your own words you will bust if you false swear. You have never been a commander in the Hezb-e Islami Gulbuddin, is that correct?

Detainee: I was a little boy. When I came here my beard was not that full. A little beard I had, look at my picture. Look [at] it, I've got hair on my hand and my beard is big. The last three years, six months in Bagram and two years and four months here, [where do] you think I was [all] that time. I told you before I'm going...check out...check about me... and your still asking me if [I was a] Hezb-e Islami commander.

Designated Military Officer: Thank you for your answers.

*Administrative Review Board Member's questions:*

Board Member: Did you know anything about a rocket attack in Jalalabad in August 2002?

Detainee: No, I don't know about...no, I haven't heard this story.

Board Member: You said earlier that when you were arrested you didn't have any rockets?

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Detainee: It's written here you wanted to attack again with a rocket. If you want me to I will explain the whole thing.

Presiding Officer: We will get to that in one moment. His question is when you were arrested the statement read that you had three rockets. Did you have any rockets or rocket parts with you when you were captured?

Detainee: Not in my home, in the garden there were two rockets buried...in the ground.

Presiding Officer: Thank you that's good information. There were two rockets buried in your garden.

Detainee: Shir Jan had buried them in the ground. If you want to I will explain that story.

Board Member: Well, let me ask you about Shir Jan. He buried the rockets in your garden. Shir Jan did. What was your relationship to Shir Jan?

Detainee: You got the question and the statement in the middle...you want me to start over again?

Board Member: How did you know Shir Jan?

Detainee: I haven't seen him and I don't know Shir Jan.

Presiding Officer: You never met Shir Jan. You don't know who he is. Yet, he buried two rockets in your garden?

Detainee: Well, if I start from the middle that story will become complicated. You start...

Presiding Officer: Just answer this. Do you know Shir Jan?

Detainee: No, I don't know Shir Jan.

Presiding Officer: You never met him?

Detainee: I have seen him.

Presiding Officer: Do you know who he is?

Detainee: I don't know who he is.

Presiding Officer: Do you know his reputation?

Detainee: No, I don't know.

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Designated Military Officer: Sir, may I ask one question?

Presiding Officer: Yes.

Designated Military Officer: How do you know Shir Jan buried the rockets in your garden?

Detainee: I was with the commander Lashker Khan. Well, I will start over. I will tell you the whole story. You will understand.

Presiding Officer: Tell us the story. Lets hear the whole story. Tell us the whole story of how the rockets got in your garden.

Detainee: When the (*Karzai*) government came I was a laborer...a worker. Before, Americans came the situation was very, very bad. I had no job...no labor job, which is I couldn't find a job. One of my cousins told me, your walking around doing nothing. There is a commander [and] his name is Lashker Khan. I will send you [to] him. You will walk with him; around [with] him...he will give you some money. Since we're not...big salary...like any two job and three job. He said he would give you some money. I went to Isaraq County, I spent a month or one [month] and half [there]. He [paid] me six hundred or five hundred Pakistani qadars. It was not my salary it was just like kind of a friendship [thing]...[to] help. That money was not good enough, I [went] back to my home. I was in my home...I don't know what time of the night [it] was. Shir Jan climbed up inside the house. I have two brothers; my wife, my mother...and I have a little boy. He came with a gun and said, "Don't move!" I don't know if it was 11 or 11:30 at night. I didn't have any idea [if] he was from [the] government or [a] thief or who he [was]? In here, everybody has a uniform; people know [who] they are. *Detainee refers to the Administrative Review Board.* In Afghanistan, everybody has this kind of... With a gun he said, "Don't move!" My younger brother started shouting and crying. He (*Shir Jan*) said, "Go on, go on!" He had a gun and said, "Go ahead!" I didn't know if he was [with] the government people or people [who] came [to] search, or what he was. My family started crying and shouting. We reached Khandibar. In Khandibar, there was a guy standing...Ghulamali. [Ghulamali said,] "If you leave I will take off your eyes." He was so mean to me. "That's not only you. I will kill your brothers if you leave again." I was trying to tell the story, but he said, "Shut up. Don't talk..." At the end of Khandibar, it is kind of a flat land and there [are] pebbles on it. They said, "Show me Lasher Khan's house?" So when...back home if anybody [goes] with any commander they call him mujahed. It's like being called [a] soldier. Those people...like MP's, they call soldier, [and] over there they call them mujahed. I told them, so I stayed with them for some nights, but he said, "No, show me his house." (*Lasher Khan's house*) Power is a very bad thing. In the night, I was so scared I just told them...this side is his house, [which] was really his house. That places was named Khandibar. We took, these people's rocket...we call it ammunition or, or bullet we call them back home. They got the bullets and he put some kind of like [powder] and he burned it and he said, "Lets go. Here is a hundred qadar. Don't go with him (*Lasher Khan*) again. If you go forget

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about you, I will kill your brothers!" I didn't take the money, but he gave it to me anyway. I don't remember if I put that money in my pocket or not. When I came back my mother was crying, my brother was crying and he (*Detainee's brother*) said, "What was going on?" I told [them] the whole story. I didn't realize who he (*Shir Jan*) [was], otherwise he [would not have been able [to] take me to that place. [I told them,] "Tomorrow, we[']ll try to find out, who [that] guy [was and] why he was here." They (*Detainee's mother and brother*) [thought about it for a while], [the night] became evening [of the next day]. In the evening, we were sitting [and] eating. Somebody knock[ed on] the door. When I opened the door...I thought some friend of mine or somebody [I knew was at the door], but when I looked it was Shir Jan. I told him, "Why [did] you come [here] again." Now I understand he's not going to take me anymore. He said, "In your garden I buried two rockets. Take that hundred qadar." My mother came out and my brothers. "Well, what is going on?" I said, "The same man is come again." They said, "Why don't you go to the county and inform him...go tell them." My mother sent my young brothers. The county office is very close to our house. So to send them to tell them there is a guy has been...is coming in my house. When they heard the talking, which was we were going to inform the government or county office, they just run away. I asked them to stay...if you are thieves or so...the government people will come, but he run. They skipped. When my brother went to the county, they said, "Not now. We will come tomorrow morning." Tomorrow morning I was waiting...to stay at home for them to come and talk to me, but until ten o'clock nobody come. Well, our house is close to the bus station. I saw him there with the clinic. I saw him...table. I saw him sitting in the hotel across the clinic. I came back home and I talked to my family and they said that the guy is sitting there. The soldier didn't show up, so what to do? We cannot capture the guy. We don't have the power, so they will come. In the evening the county soldier show up. I told them the whole story, the rockets were buried in my garden and these things...the whole story I told them. They said, "Lets go and dig up the rockets." They pull out two rockets. "Lets go!" I said, "Where you take me to?" "Lets go!" I told them, "Talk to me, that was the story." He said, "No. Lets go!" They brought me to Jalalabad and then they gave me to some security commander or something. The county...the commander...beat me like animal, that's why my leg is still hurting. Too much...beat me, beat me. I asked him, "When you are beating me ask me question...what you want?" I'm very happy with Americans, because they want to find out what's going on and back there they don't want to find out they just want to beat you. Then he took me to your American soldiers. I spent six months in Bagram. In Bagram, I told them, "Jalalabad is not to far from Kabul. Go there and ask, who I am. If I was guilty, I'll kill myself right there in front of your eyes!" When I gave you somebody I tried to make him like a very bad guy to make sure that you know. The guy who gave me to the Americans was saying anything he wanted to show me as a very, very bad guy with a bad reputation. So then you told me...they came to...they brought me to Cuba and then [in] Cuba they ask me, "Are you Hezb-e Islami member?" That was my story...if I had done anything I'm a criminal. You were telling me...your looking out...this is...

Presiding Officer: We understand. Thank you. Few more questions...thank you very much, Mr. Nasim. Anymore questions?

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Board Member: Do you understand English?

Detainee: Since my life is with a soldier I [taught] him...pee pee, bread, water, cold water.

Board Member: Thank you I don't have any further questions.

Board Member: Mr. Nasim did you spend all your life in Afghanistan?

Detainee: Yes, sir.

Board Member: Did you live under the Taliban for a period of time?

Detainee: You mean with them or lived there?

Board Member: Lived there, during that time?

Detainee: I was living in my home.

Board Member: What do you think of the Taliban?

Detainee: I have no idea. I haven't sit with them. I haven't talked to them. I don't know. It's like a government. Somebody tell me about your government, I'm thinking I don't know what is it? That's the government...who I have to ask?

Board Member: Did you like the Taliban?

Detainee: I am a laborer and I like those governments, which give me job. Your government, when they came, there was a lot of jobs found in Afghanistan. Beans and cooking oil and these things they have helping us...they have been giving us. A lot of help they did with us.

Board Member: Did the Taliban ever give you a job?

Detainee: The Taliban time there was no job. What I'm supposed to do with Taliban job?

Board Member: You've been in captivity here for three years?

Detainee: Approximately, I'm thinking two years and four months in here. I haven't counted one by one, but two and four months here...we cannot count one, two, three...I spent around six months in Bagram, Afghanistan in captivity and two years and four months here.

Board Member: What do you think about the Americans now?

Detainee: *Detainee laughs.* What I'm supposed to think...these people are sitting here?

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Board Member: I want you to be honest and tell me what you think of Americans?

Detainee: That question is higher than my level. You should ask these questions to an educated guy. I cannot even read or write. We are happy for that...they gave us beans and cooking oil. That's all I can say. They come to the county and bring to everybody...three cans of cooking oil, beans and sugar. They are happy about it. I see some pictures and these things. They deliver some food in Afghanistan. That's what I'm happy about.

Board Member: So you're happy that the Americans are in Afghanistan?

Detainee: Yes. At least if I go back, I will have a job to do some...

Board Member: Thank you.

Presiding Officer: I just have a few questions, very few...some just to clarify. Are Shir Jan and Lasher Khan the same person?

Detainee: Shir Jan is a different guy, Lasher Khan is a commander. In this government...Karzai.

Presiding Officer: Thank you, just wanted to clarify. At one point, I thought he... You've never fired a rocket.

Detainee: In my life, I haven't done it.

Presiding Officer: Have you ever fired a gun?

Detainee: I was in the county of Isarsq with Lasher Khan. Our system is like...if somebody beat you or do something to you, you write petition and take it to the county and then the county bring the other guy to the...I was a soldier, taking the letters to the other side to show up. They gave me a gun and then I put the gun on the shoulder...the rifle. I have to go with a gun.

Presiding Officer: Did you ever fire the gun? Were you ever trained on it?

Detainee: No.

Presiding Officer: Thank you. How's your family doing? Have you heard from your family at all?

Detainee: The last request came and told us it was written we were fine, don't worry. They will write anyway they are fine. They can't write me to say we have this problem. My brothers there is a job. I will bring that letters...

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

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Detainee: I have been here three years. When I go over there I will start working. There is nothing to eat in my house. When I eat here this food. I remember my brothers that they are eating only a piece of dry bread. It's very good here. Ladies can work, in our country...in our place, ladies can't work. Well, the young brothers somebody tell us to dig the foundation for the house, for the rocks build the foundation. If they find this they will do it, otherwise they have no job.

Presiding Officer: You need to understand, Mr. Nasim. If you go back, you cannot have weapons. You cannot have rockets. You cannot be involved with anti-U.S. activities.

Detainee: Before that in the radio there was an announcer. She was saying, "Live in America." All the time we were wondering what is "live in America." When you are there, we are happy about you guys.

Presiding Officer: Thank you very much. I'm happy to see you're in a tan uniform. That means that overall you've been okay. You need to continue, as long as you are here, I don't know how long you will be here, but you need to continue to make sure that you behave well here in Guantanamo.

Detainee: The soldiers are like our neighbors...so like give me some water, give me some this...we're laughing with them...we talk with them. When they say, "He is like this or that." I haven't heard...

Presiding Officer: Okay. Thank you that's just very important that you behave well. Thank you very much for your forthrightness and all the information that you have provided it will be very helpful.

Detainee: When you have been treating me like this. That's a good people.

Presiding Officer: We understand about your tooth problem and we'll make sure they know about your tooth problem.

Detainee: When I'm talking to you the whole thing is hurting. Don't get mad at me. If you have some pills or something...

Presiding Officer: We don't. I am not a doctor.

Detainee: If somebody give me one...

Presiding Officer: We will make sure these guards know and be careful what you eat.

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

Detainee: Even next year I came it will be the same talking like last time. They have talked to me last time...like same thing.

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Presiding Officer: This is a different board and last year they were just trying to determine if you were a combatant. This is a very different board and the outcome is different.

Detainee: In your place there was a lady. *Detainee refers to the Presiding Officer.* She said the same thing.

Presiding Officer: Last year's board was just to determine whether or not you had been involved in combat. This year's board is very different and our determination will be whether you are still a threat to the United States. Last year just determined if you'd been a combatant. This one is to determine if you're still a threat.

Detainee: My life I've never been...

Presiding Officer: That is our job to see if you're still a threat and we make a recommendation to Washington D.C. and you will be notified in a period of time. We are determining if you are still a threat.

Detainee: The people in Washington have the same idea that you have. Whatever you write they will see it and they will (inaudible)...

Presiding Officer: That is not for me to determine.

Detainee: If you write down your recommendation, if you write good...they will do good. If you write bad things they will do the same thing...

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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

  
Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 874

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

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

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

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

*Assisting Military Officer: The Detainee's initial ARB interview occurred on 06 September 2005 and lasted for 30 minutes. After a review of the ARB's purpose and procedures, the Padhu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, comment on the Unclassified Summary of Evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said he only wished to make an oral statement after the entire Summary of Evidence had been read during the ARB.*

*(The Detainee interrupts with the following statement:)*

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Detainee: I told you the other day I would answer each allegation one by one.

Presiding Officer: At this time would you like to answer the Unclassified Summary of Evidence as each item is presented? Is that my understanding?

Detainee: Yes, sir.

*(The Assisting Military Officer continued to read his comments from the Enemy Combatant Election Form.)*

Assisting Military Officer: The Detainee elected to have the Assisting Military Officer submit a letter from his family to the board members. A follow up interview was necessary for the Detainee to bring the letter he wished to be presented to the board members. The Detainee was cooperative and polite during both interviews. The Detainee declined a copy of the Pashtu translated Unclassified Summary of Evidence for review.

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

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

*The Presiding Officer noted from the Detainee that he wanted to respond to each item of information in the Unclassified Summary of Evidence as it was presented instead of after the entire Unclassified Summary of Evidence was presented as indicated on the Enemy Combatant Election Form.*

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was identified as a student at jihad madrassas preparing for the front lines.

Detainee: All Islamic Madrassas have names. Is that [referring] to all Islamic Madrassas or is Jihad Madrassa a particular name or special madrassa?

Designated Military Officer: Are you asking a question?

Detainee: Yes.

Designated Military Officer: No. It is not a specific name but several madrassas that you attended in general.

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Detainee: That word is not true because each madrassa does not do jihad things. In Islamic countries there are thousands of madrassas. Are they all for jihad? Even in America there are a lot of Islamic Madrassas. Will they all be for jihad too?

Presiding Officer: What did you say?

Detainee: I want an answer.

Presiding Officer: We will give you answers when we ask you questions. Right now all you are looking to do is comment on the factors that the Designated Military Officer is going to present to you. You can do them line-by-line, but we will ask the questions later and hopefully answer your questions.

Detainee: I just want to know about the question. Any madrassa I attended...I attended a lot of madrassas, but they are not jihadist. Which one do you want to know about? I need to understand the question.

Presiding Officer: It is not a question it is a statement. It just says that you went to a number of madrassas as a student preparing for the front lines and at some of them, and it does not identify which ones, that you studied and prepared for jihad. You are absolutely right; every madrassa does not study for jihad. You are absolutely right.

Detainee: In the madrassas we learn about our religion and when you get ready for the front lines you need a lot of training. We didn't have the training. It should belong to the government or some kind of training place. It is not available in the madrassa. I gave the names of the books I studied in the madrassa to the previous court.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The Detainee reportedly disclosed that he had been involved in a grenade attack against a U.S. military truck in Kabul City, Afghanistan, and then fled to a mosque.

Detainee: Lie. The people lie and they should arrange it better. I was born in Khowst and I was in Paktia. I was in Pakistan and Kabul is a long way [from there].

Designated Military Officer: (3.b) Training (3.b.1) The Detainee was reportedly seen in a military training camp in Peshawar province of Pakistan before he was captured. The Detainee was training in the use of rockets, heavy machine guns, AK-47s, and hand grenades.

Detainee: This is totally a lie.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee stated that while attending the Taleemolquran Madrassa, Qari Inamullah asked him numerous times to join the Taliban.

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Detainee: Telling me or inviting me to join the Taliban is not a crime, but I haven't joined.

Designated Military Officer: (3.c.2) The Detainee stated Qari Inamullah was a good character, but he knew he was involved in the Taliban.

Detainee: Yes.

Designated Military Officer: (3.c.3) Detainee stated Qari Inamullah claimed to be a driver for a high level Taliban official. Inamullah told the Detainee he often traveled to Afghanistan to meet this official. Inamullah claimed to be on Taliban business when going to Lahore, Pakistan.

Detainee: Yes. Are you reading somebody else's allegations or my allegations? Ask me about myself and what I have done not other people.

Designated Military Officer: (3.c.4) Qari Inamullah invited the Detainee to another madrassa located in Wana, Pakistan.

Detainee: Yes.

Designated Military Officer: (3.c.5) Qari Inamullah paid for all of the Detainee's expenses during the six weeks he stayed in Wana, Pakistan.

Detainee: It was not only for me. In Islam they have some kind of donation and it was not only for me. They were paying for a lot of other people too.

Designated Military Officer: (3.c.6) Wana, Pakistan is an area known as an ingress and egress route for al Qaida and the Taliban to flee into Pakistan.

Detainee: That has nothing to do with me.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) While at Wana, Pakistan, the Detainee and 30 individuals attacked an American Base.

Detainee: I have not attacked. Other people did, but not me.

Designated Military Officer: (3.d.2) Upon arriving at the location Qari Inamullah handed the Detainee an AK-47, which the Detainee accepted. The Detainee witnessed Qari Inamullah firing an RPG at the American base. The Detainee stated Inamullah was the leader of the attack.

Detainee: Yes, Qari Inamullah was the leader and he gave me the Kalashnikov. It takes a little more [information] to explain it. Do you want me to explain it now?

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Presiding Officer: You can answer the question. You said he was the leader, but if you need to explain more you will have time to comment on it. You can comment now if you like.

Detainee: You mentioned earlier that he invited me to another madrassa. When I came to Wana he said wait for him and he would take me to the madrassa. I was sitting in the hotel and it was during the evening. He came and told me that we were going to the madrassa. I got the books and my clothes and everything. The vehicle was parked beside the hotel center. I got in the vehicle and there were some mattresses in the vehicle and people were sitting on them. I was expecting him to take me to the madrassa because I waited six weeks for him. I did not know that they were going to attack. In my mind I thought I was going to the madrassa. These other guys were speaking Panjarib. They were Pakistani. Qari Inamullah was sitting all the way in the front and I could not reach him. It was around nine or ten o'clock at night and the vehicle stopped. When the vehicle stopped I had to go [use the restroom]. When I came back the other people were trying to take out the mattresses from the vehicle. When they took out the mattresses there were weapons [underneath]. When I came back the vehicle was already gone and the mattresses were outside. The people and the weapons were outside and it was dark. I was not oriented or familiar with the area. I asked Qari Inamullah if he was taking me to the madrassa and he said he [used] it as an excuse [to bring me there]. He already told me before to join the Taliban and I said no, so this time he brought me [with him]. I was thinking that it was in the darkness of the night and I was not familiar with this area and if I don't go with them somebody else will capture me. I was with them to find [my] way. Inamullah said [since you are] going with us we brought you this gun and these grenades. He said this is for you, we brought it for you, who [else] is going to carry it? When we went to attack, there was a hill, and we were on the lower part of the hill and they were fighting. When they attacked, all of them had training and were strong, and when they were running away I was walking slowly. I saw Afghan soldiers and I went by myself and surrendered and gave them the weapons. I told them how it happened. [The Afghans] said to talk to them, I told them the whole story, and they said they would let me go. Then the Americans came and they took me to Bagram and I ended up in Cuba. I have been here one month [shy] of three years. That is the story of the Kalashnikov and Qari Inamullah.

Designated Military Officer: (3.d.3) The Detainee stated the attack only lasted a moment before they fled. The Detainee stated he could not remember the direction he was supposed to go to regroup. He was then met by American and Afghan soldiers. He surrendered and was detained.

Detainee: The group was with me, but they ran and I started walking my own way.

Designated Military Officer: (3.d.4) The Detainee was captured with seven hand grenades and a magazine for the AK-47.

Detainee: Yes.

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Designated Military Officer: (4) The following primary factors favor release or transfer:  
(4.a) The Detainee stated Inamullah admitted to tricking him into going along with the attack on the American base.

Detainee: I already told you the whole story.

Designated Military Officer: (4.b) The Detainee stated he never fired his weapon in the attack on the American base.

Detainee: Yes.

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

*The Presiding Officer acknowledged the request.*

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

Presiding Officer: Assisting Military Officer does the Detainee want to submit any information to this Administrative Review Board including written statements, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

Assisting Military Officer: Yes sir. He would like to make an oral statement and present a witness statement from a family member.

*The Assisting Military Officer presented the family member witness letter, Exhibit EC-C to EC-C1, to the Administrative Review Board.*

Presiding Officer: You may begin your statement now.

*The Detainee made the following statement:*

Detainee: I was a student of the madrassa. In that madrassa I learned my religion and my book, the Koran. It is mandatory for each Muslim to learn about his religion. We are not going to ignore it or leave it alone under any condition. I am not that old to concern [myself] with politics. I have never been with the Taliban and other groups. I am not that age. You heard my story about how I came with Qari Inamullah. I have never fought in my whole life and I have not been involved with any political things. Why did they bring me here for three years? If they have a law that says going to a madrassa is against the law that is okay with me. If it is not true and they don't have a law against the madrassa and they can prove that I have fought or done anything against them...yes I am not lying and they caught me with seven grenades. They caught me with the belt, the ammunition belt, but they did not catch me with the Kalashnikov, but I had one. Is it a crime to have those things or to use those things? If having weapons is a crime then you

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better bring all of Afghanistan [here]. If I fought or have been with the Taliban then I would agree with you. If you don't have any witnesses or documents...you did not even accept the letter that came from my home. I am a student. Why did you put me here for three years? Why don't you say something?

Presiding Officer: We are listening to your comments. It is your time to speak not ours.

Detainee: I am only a student. I don't have any involvement with politics, I don't have any involvement with fighting, and I am only a student.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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

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

*Administrative Review Board Member's questions:*

Board Member: Were you ever in Peshawar province Pakistan?

Detainee: Yes.

Board Member: Were any of the madrassas you attended there?

Detainee: Yes.

Board Member: When it was reported that you were in that province you could have received military training there.

Detainee: I could or I could not have, but I have not.

Board Member: Was the Taleemolquran Madrassa in Peshawar province?

Detainee: Yes.

Board Member: You stated that Inamullah was a good character. Did you agree with his feeling or his teachings?

Detainee: I said he is a good character because during the...his behavior, his good treatment and his good teaching.

Board Member: And he was Talib.

Detainee: Yes sir.

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Board Member: And you agreed with his teaching.

Detainee: There were a lot of students and they were in the Taliban motivation group and they were studying at the madrassa too. The respect and friendship that I have is based on the madrassa. Even if American soldiers came to our village some have good character and they treat us very nice and some do not.

Board Member: Inamullah paid for your stay in Pakistan and you said he paid for others. Were any of those others part of the 30 that attacked the American base?

Detainee: I am not aware if he paid for them or not. It is not like he gave me a salary or put money in my hand. In the Muslim community everybody gives to everybody. When you have more than enough you give it away.

Board Member: When Inamullah gave you the Kalashnikov and the hand grenades why did you accept them? If you did not want to fight why did you take them?

Detainee: I wanted to go with them to find my way. When they said I was coming with them ... I had to carry them. What [else] could I do on that dark night?

Board Member: Did you think that it was somewhat odd that you and 30 other individuals were going to a madrassa in the middle of the night?

Detainee: No, this is not odd. Day and night vehicles are moving. I was not familiar [with the area] and it was in the evening so I got in the vehicle. I did not know how far we were going.

Board Member: Did all 30 of the people in the attack think that they were going to a madrassa?

Detainee: That was kind of a rental vehicle and I thought they were riders. I thought they were going for their own business or other things.

Board Member: What kind of vehicle was it?

Detainee: It was a white Datsun?

Board Member: Was it a pick-up truck or a sedan?

Detainee: It was a Datsun pick-up. There were two of them.

Board Member: You had attended a madrassa in Wana for six weeks prior to this attack correct?

Detainee: I was waiting for him [Inamullah] in the hotel.

Board Member: So, you did not attend any madrassa in Wana?

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Detainee: I was going to now.

Board Member: Can you tell us some details about what you studied in the madrassa?

Detainee: In our religion there are a lot of orders. That is what I studied. They tell us what to do.

Board Member: Commandments.

Detainee: Yes.

Board Member: It was just religion, not math, biology, or other things?

Detainee: I don't know biology.

Board Member: How old are you?

Detainee: I am 24.

Board Member: Is Inamullah Pakistani or Afghani?

Detainee: Pakistani.

Board Member: Did you meet him in Afghanistan or Pakistan?

Detainee: Pakistan. We came to Afghanistan together when I got captured.

Board Member: If you go back to Afghanistan what do you think you will be doing?

Detainee: I will be in my home and I will farm. I have land. I have to get married because I have not gotten married yet.

Board Member: So, you won't study anymore if you go back?

Detainee: No, I have had enough. If I do it [study] I will do it in my own country.

Presiding Officer: Getting back to the night attack. When did you load up on the vehicles to leave? What time was it? Was it evening or late afternoon?

Detainee: Approximately evening. When the darkness came a little bit.

Presiding Officer: It wasn't dark yet and the sun was still up.

Detainee: It just started getting dark.

Presiding Officer: Thank you.

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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



Colonel, U.S. Marine Corps  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 886

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

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

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

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

Assisting Military Officer: The Detainee's ARB initial interview was conducted on 16 November 2005 and lasted 55 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend and would provide oral statements, point-by-point, to the Unclassified Summary of Evidence. Also, the Detainee stated he would provide at least one letter as evidence. The Detainee was somewhat cordial, attentive, but not very interactive during the interview. At the conclusion of the initial interview, the Detainee refused the Pashto translated copy of the

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Unclassified Summary of Evidence. The Detainee's ARB follow-up interview was conducted on 17 November 2005 and lasted ten minutes. The Detainee provided one document, a personal letter, as evidence for his ARB. The translator read through the document to ensure it would be correctly translated to English. During the follow-up interview, the Detainee made no comments nor had any questions.

Presiding Officer: At this time I am going to ask that we read the Detainee comments as well AMO, because some of his comments in there may be relevant in regards to the Unclassified Summary.

*The Assisting Military Officer read additional Detainee comments.*

Assisting Military Officer: Detainee comments: During the initial interview, the Detainee complained that his handcuffs and shackles were too tight. However, the guards rechecked these and noted both were as loose as possible without having them slip off his hands and feet. When the AMO asked if he had any documents to present at the ARB, the Detainee replied, "I have a letter that will prove my innocence" and he commented he had received the letter a few months after his CSRT. While agreeing to answer point-by-point to the Unclassified Summary of Evidence, the Detainee was non-committal about making general statements and stated, "I will see what happens, [it] depends on their questions...if I have to explain further." When the AMO inquired if he wanted the Pashto translated or English copies of the Unclassified Summary [of Evidence] the Detainee refused and stated, "I will just read it here". When the AMO asked if he had any questions or comments about the ARB, the Detainee stated, "No. I just want to read these allegations." While reading the Unclassified Summary of Evidence the Detainee inquired about the meaning of "interviewers" and "extremist" as referenced in paragraphs 3.c and 4.b respectively.

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

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

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

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee is identified as having been a member of the Taliban for four years before the United States attacked Afghanistan.

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Detainee: Before the Americans came to Afghanistan I was forced to go to the military. The Taliban got me. The Americans were not there, it was four years before that the Taliban forced me to be a soldier.

Designated Military Officer: (3.a.2) The Detainee was conscripted into the Taliban around 1997 or 1998 where he worked for approximately 60 days as a clerk and guard.

Detainee: The date is not right. If that is the date then that would be the time the Americans came?

OL-23: No. He is misunderstanding.

Presiding Officer: Well explain to him so he can understand. Does he understand?

*OL-23 explains the allegation to the Detainee.*

Detainee: I don't know about the exact date, but it was four years before the Americans came that's when I was a soldier for the Taliban.

Presiding Officer: We can understand that, but what I am a little confused on is it says here for approximately 60 days you worked as a clerk and a guard. Exactly how long did you work with the Taliban?

Detainee: The whole [time frame] was 60 days, which was two months. For 12 days, I worked as a clerk. Four years earlier than the Americans, I was forced to join the Taliban Forces and that was all I had done. Out of the 60 days for 12 days, I was working as a clerk the rest of the days as a guard, that's it.

Designated Military Officer: (3.a.3) In 1997, the Detainee served 12 days as a secretary to a senior Taliban Official because the Detainee could read and write. As a secretary, the Detainee wrote money orders for other commanders and wrote receipts.

Detainee: Yes.

Designated Military Officer: (3.a.4) The Detainee states he was a soldier and did not know the political or military issues.

Detainee: Yes.

Designated Military Officer: (3.a.5) The Detainee is identified as joining a 40-man group after the end of the Taliban regime.

Detainee: I am not aware of this, I haven't seen anything about this, and I have nothing to do [with this]. I am a very hard worker I just [try] to provide for my family. Why

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would I join that 40-man group? I will fight against the people who have tried to destroy my country. But these people (referring to Americans) have come to help build our country, why would I do this?

Designated Military Officer: (3.a.6) 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: Four years ago the Taliban forced me to join them and that was four years before the Americans [came]. I haven't told anyone this and I have not fought against anybody.

Designated Military Officer: (3.a.7) 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: I don't know about this but I have a question, in 1997 did Americans come to Afghanistan?

Presiding Officer: That date is a guess. We are guesstimating that in 1997 or 1998 you joined the Taliban.

Detainee: I understand that, but I just wanted to know when the Americans came to Afghanistan.

Presiding Officer: It was late 2001. Four years after 1997.

Detainee: In 1997 or 1998, I joined the Taliban and I said I stayed 60 days. So how during the time of the Americans could I have been with the Taliban? No way. Taliban forced me to join in 1997 so how [could] I have been there at the uprising. After the 60 days I haven't seen any Taliban and I wasn't even there when the Americans came to Afghanistan. That compound they are mentioning I have not seen that compound.

Designated Military Officer: (3.a.8) 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: No, I haven't seen this compound, I haven't seen what this compound looks like. This was not in my previous investigation. Where did that come from?

Presiding Officer: We will go over that when we come to our questions.

Designated Military Officer: (3.a.9) The Detainee was captured delivering a letter to a former Taliban Brigade Commander. The letter was from a high-ranking Taliban

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Commander who requested the Brigade Commander to report to Quetta, Pakistan to fight and avoid capture by the Americans.

Detainee: I haven't brought the letter my cousin brought this letter. Also it was not written with the made up words stated here. My cousin told me to read this letter and make sure it wasn't any danger in it, if so let me know. So I read it and it said "Honorable Rahmat Ullah Sangaryar, please come one time to Quetta." That is all the letter said the rest of this stuff was made up, it did not say give a report and fight and these things.

Presiding Officer: So that was all it said was report to Quetta, Pakistan?

Detainee: It said come to Quetta, Pakistan.

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

Detainee: They know that for around 25-30 years there has been war in Afghanistan. Men and women in Afghanistan know how to use a Kalashnikov rifle and a pistol. This is not an allegation. If it is an allegation or a crime then they should bring all women and men from Afghanistan.

Presiding Officer: The statement does not say that. It is talking about you receiving training on two different weapons at Mazar-e-Sharif. We understand that men and women know how to use these but it's pointed out that you received training at a specific location.

Detainee: When they made us join them, they brought us in and said if anything happened like war or something they taught us how to use it (Kalashnikov). Yes.

Presiding Officer: Where they taught you this, was it a Mazar-e-Sharif?

Detainee: Yes.

Presiding Officer: Thank You!

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

Detainee: No, I haven't said that to nobody. My destiny brought me here it had nothing to do with interviewers, Americans or anybody else. I haven't said these words. We are Muslims and we believe that anything that happens is written before, so this was written in my destiny, my fortune and that is why this is happening. Why would I put the blame on someone else? God has already did this. I haven't said this and I would not say these words.

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Presiding Officer: I could understand in the heat of an argument or your being upset for being captured that you might even say this, but I would prefer that if you did that you could admit to it now and we can go on from there. I would like for you to be honest with us when answering these questions, because it would make it easier for us to make our recommendation. A number of these things you are disagreeing with but we do have reliable sources and they may be some people you probably know.

Detainee: No, I haven't said these things. This kind of talking could not send me home or [change] my destiny. If my destiny is to stay here then I would stay here days, months or years, but these words I haven't said [them].

Designated Military Officer: (3.d) Other Relevant Data: The Detainee traveled to Quetta, Pakistan to receive medical treatment. That was the only time the Detainee had been outside of Afghanistan.

Detainee: Yes.

Presiding Officer: What was that for? What kind of treatment?

Detainee: Stomach problems.

Designated Military Officer: (4) The following primary factors favor release or transfer (4.a) 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: Yes.

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

Detainee: I haven't even heard the name of it. That is why I asked you that yesterday (referring to the question he asked in the Detainee's additional comments in which he inquired about the meaning of extremist and interviewers).

Presiding Officer: Did the AMO get back with you about the explanation of that term?

Detainee: Yes, he told me but I forgot.

Presiding Officer: It's just someone who would go to unordinary means to accomplish his mission.

Assisting Military Officer: Sir, I used al Qaida as an example to explain it.

Presiding Officer: Okay, the AMO said he used al Qaida as an example to explain.

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Detainee: I haven't seen them I just heard about them.

Designated Military Officer: (4.c) The Detainee states he does not hate Americans, but if Americans know in their hearts that he is innocent and keep him in jail on purpose, then they are not humane.

Detainee: I didn't mention that they are not humane. I did say, "I don't hate Americans" because this is not their fault. It is not in their hands to release me, it is in the hands of God. When God wants to release me he will send me back. I said it this way not the Americans isn't humane.

Designated Military Officer: (4.d) The Detainee did not have a satellite phone.

Detainee: No.

Presiding Officer: Do you have a friend or relative? I guess I am curious of why they would even ask you this or bring this up, but does a friend or relative have a satellite phone.

Detainee: Yes, they asked me this in the interrogation, "Do you know the telephone or do you have it?" I said no.

Designated Military Officer: (4.e) The Detainee's future plans are to provide for his family.

Detainee: In my family, I am the only one. I don't have a brother, I don't have a father, and I don't have a son. I am the only one in the family I am the provider. These things that the people are doing, they have a lot of family members to provide for maybe they will do it, but even if I did have a lot of people this would not be right.

Presiding Officer: What members are in his family?

Detainee: I have two cousins one is living with me in my home and one is in another place.

Presiding Officer: No other immediate family?

Detainee: Yes, I have a mother, two sisters, one wife and one daughter.

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

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

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*The Presiding Officer acknowledged the request.*

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

Assisting Military Officer: Yes sir, the Detainee would like to submit a witness statement on his behalf. I am handing to the Administrative Review Board the following Unclassified Exhibits marked as EC-C thru EC-C1 copies of these exhibits have been previously provided to the Designated Military Officer. In addition the Detainee stated he may make a general statement.

Presiding Officer: Having already read the Detainee's additional comments, if the Detainee would like to make a statement now, you may begin your statement.

*The Detainee made the following statement:*

Detainee: I don't have too much to say but there is one thing I want to make clear. From the beginning, they kept telling me that they just wanted to get information from me and that I was innocent. I just want to know what is my crime, what have I done? Beside that we were listening to the radio and the whole world, the American justice was so big and they said they were good and just and everything. This is not justice when a person is sitting in jail for three years and they still have not told me what my crime was. In the whole world, they have a big name about justice and equality, but when they brought me here I have not seen it. I have been interrogated more than 60 times and they are asking me a lot of questions what is this, what is that. They would even bring me a name and ask me "Where is the guy?" How do I know, I don't even know the guy and I don't know where he would be? That was kind of a strange question. This is not justice they are making fun of us. Look at the allegations when they said in this year the Taliban took you or you joined the Taliban and then they say in this year the Americans came and you were with them and then they say I was with a 40-man group, what is this? In the village where I was born, you can ask the people if I had done anything or if I hurt anyone in my village. Ask if I have been doing some talking against the government or the current government, you can ask them. You can punish me or whatever you want. I have a question, when will you let me know when they will send me or release me?

Presiding Officer: I cannot answer that. We have asked that question ourselves and we are waiting for a response as to when we will be notifying you of the decision. So that question is out there yet to be answered. A number of the Detainee's have asked the same question and we are trying to get them a response, whether it is to be continue to detain or the other two options.

Detainee: I don't have anything else. You have [the floor] and I am ready to answer you.

Presiding Officer: One thing I would like to clear up is you had said, "You didn't know why you were still here." In February, this year another military officer had notified you of your status as an Enemy Combatant. At that time, he told you that if you are an

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Enemy Combatant that the United States may continue to detain you. He read a few other things on here and one was that you may have a civilian judge look at the lawfulness of your detention through a process called a petition through a Writ of Habeas Corpus.

Detainee: What action does someone have to do to become an Enemy Combatant?

Presiding Officer: At your CSRT, the panel that was in front of you then took the information that they had and the questioning that they had of you, and I do believe you attended your CSRT, is that correct?

Detainee: Yes.

Presiding Officer: At that time, they made a determination from the information that they had that you met the criteria to be an Enemy Combatant.

Detainee: Enemy Combatant people they call them when they get captured in the war with weapons. They arrested me in the car in the road and I didn't have any weapons or anything to fight with. I don't have those things. You can ask people from here or those in my village who has been in the war and who has been captured in the war. Close to the war or have anything to fight with it or helping the people with the war, then they could call me Enemy Combatant.

Presiding Officer: Just because you did not have a gun with you in the car, does not necessarily mean that somebody else didn't identify you as being a part of a group or having been in the war at some point.

Detainee: From the beginning up until now I haven't even shot a cat. So how come you call me an Enemy Combatant? They brought me here, as an American enemy and I haven't even shot a cat. If you find out about me you will be sorry that you have put that food, that place and the money you have spent on me when you see you have made a mistake and you will say we are sorry. You are wasting your time. You are very, very big people. If I was a dangerous guy, it would be fine but when you find out who I am, you will say we have just wasted our time on this guy. When you spent so much time to get your education and have these big positions then when you find out about my ability, you will be mad at the guy who gave you the report saying, "What is this, you have wasted our time to look at this guy?" First you will laugh at yourself and the education and the position we are holding we cannot find the difference between a smart guy and a stupid guy.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank You!

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*The Assisting Military Officer had one question for the Detainee.*

Assisting Military Officer: I would like to know what his occupations have been since he was released from duty with the Taliban?

Detainee: I am a tailor.

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

*Administrative Review Board Member's questions:*

Board Member: You spent 60 days working for the Taliban and the rest of the time you have been a tailor?

Detainee: Yes, all the time I was a tailor.

Presiding Officer: And where were you a tailor? Did you have a shop or did you work out of your home?

Detainee: I rent a store in our little bazaar. I don't have my own store but I work in the bazaar and I have worked in my home.

Presiding Officer: What is going to keep you from going back to work with the Taliban again should you be release or transferred?

Detainee: Poverty will keep me at home and my belief would keep me at home. Why would I go with Taliban? Those people who go with the Taliban look at you like enemy. I don't look at you like enemy; I know that you came to bring some peace and to build the country. I have been here three years, I owe people money and I will try to work hard to repay the debts. So I look at it this way, if you have to provide for your family you do not have time for political things.

Presiding Officer: In one of the questions you did answer that you received training at Mazar-e-Sharif but then you denied participating in the fight with the Taliban against U.S. Forces. Would you like to elaborate on that?

Detainee: There were two kinds of soldiers one was a volunteer and one was forced. They were brought in like prisoners they did not have the choice and they would teach us what to do. Like for example here, you would ask me why have you put these handcuffs on my hands, I would say I didn't do it you did. The training was a part of it. It was by force anything that I have done it was by force. Like here I am a prisoner, if anything you want me to do I would, I wouldn't have my own choice.

Presiding Officer: I have one question in regards to the letter from your cousin. It states, "you order some from the city but they were fake, and you went back to Harawood and with what happened." I don't understand that.

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**Detainee:** It is a stand for the sewing machine. When I was a student of Abdul Rauof who was my teacher of the tailoring and I wanted to work with him again. So I ordered from Kandahar the stand and when I got it the stand was not the original it was not a good part. Then there was another village called Dehrawood and I went for my treatment and medication and I was going to get the original stand too. I didn't call them by telephone [to] tell them or write them but this can prove that I am a tailor. This is my innocence document to show that I am a tailor in Afghanistan.

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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



Colonel, U.S. Marine Corps  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 888

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the oath.*

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

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

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

Presiding Officer: Assisting Military Officer, please read your comments from the Assisting Military Officer's comment block.

Assisting Military Officer: The Detainee's ARB interview occurred on 14 November 2005, and lasted 38 minutes. After a review of the ARBs purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and respond to each statement of information in the Unclassified Summary after each point was presented. The Detainee elected to submit one photograph to the board. A follow up interview was conducted on 15 November 2005, and lasted 35 minutes to allow the Detainee to bring the photograph. The Detainee was cooperative and polite

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throughout both interviews. The Detainee was given a copy of the Pashto translated Unclassified Summary of Evidence.

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

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

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

*The Detainee chose to respond to the Unclassified Summary of Evidence as each point was presented. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee admitted that he was a Taliban soldier and that he freely went to serve the Taliban because he had to.

Detainee: I did not go voluntarily. I was compelled to go and work for the Taliban because I had a market. The land that my market was on was public [land]. The Taliban told me they were taking over the land and that I had to evacuate [my market]. That is why I went to work for the Taliban. I wanted to save my property. The Taliban did not force me to come work for them, I just felt compelled to do it to save my property.

Designated Military Officer: (3.a.2) The Detainee has been a member of the Taliban since approximately 1997.

Detainee: I don't know the time.

Translator: I gave the Detainee a hint. I asked him if he worked for the Taliban around the time the Taliban captured Kabul [which was around 1996]. The Detainee said no, that is not the time frame I worked for the Taliban.

Detainee: No. That is not true. I worked for the Taliban around the time when Masood was assassinated [Masood was the leader of the Northern Alliance. Masood was assassinated on 9 Sep 01]. I quit the Taliban about two months before the assassination of Masood.

Board Member: How many years were you a member of the Taliban?

Detainee: Approximately one year.

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Designated Military Officer: (3.a.3) The Detainee stated during his approximate one-year term with the Taliban, he served as a guard for a checkpoint in Dara Sufe.

Detainee: Yes Sir.

Board Member: Did you perform any other duties besides a guard?

Detainee: No Sir.

Board Member: Did you ever receive any military training?

Detainee: No Sir.

Designated Military Officer: (3.a.4) The Detainee was a sub-Commander of some members of a 40-man unit. This unit fought at Tora Bora and escaped to Peshawar, Pakistan.

Detainee: No Sir. That is not true.

Board Member: Were you a member of the unit?

Detainee: There was a group that had 40 people in it. My group was in Darisu, which is in the North. Tora Bora is in the South. That is not true. We did not go to Tora Bora and we did not go to Pakistan. I went to Pakistan one time. I went to Pakistan with my family as a refugee.

Board Member: The purpose for you traveling to Pakistan was because you were a refugee.

Detainee: Yes. I went to Pakistan as a refugee. I sold a piece of my property and I took my family to Pakistan.

Board Member: Is the only time you have been to Pakistan?

Detainee: When I came back to Afghanistan I had my car.

Designated Military Officer: (3.a.5) This 40-man Taliban team was under the control of Commander Akhund Zada. The team was part of the front line against the Northern Alliance.

Detainee: Yes. I was there.

Board Member: You were a member of *this* unit?

Detainee: Yes.

Board Member: Did you have a leadership role?

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Detainee: I was a soldier.

Board Member: What was the purpose of this 40-man unit? What was its mission?

Detainee: There was a war with Dostum [the Northern Alliance].

Board Member: Just for clarification, were you fighting *against* the Northern Alliance? You were part of a unit fighting against the Northern Alliance?

Detainee: Yes.

Board Member: Were you involved in combat operations?

Detainee: I was a guard. I did not fight.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee said that his team carried AK-47s and the Taliban taught them how to use the weapons in Dara Sufe.

Detainee: I did not have any training for the Kalashnikov. However, prior to this [incident] I did know how to use a Kalashnikov.

Board Member: Did you ever fire the AK-47?

Detainee: Yes Sir.

Board Member: Under what circumstances did you fire the AK-47?

Detainee: I fired an AK-47 during a wedding party.

Board Member: So you never fired the AK-47 during a combat operation, is that correct?

Detainee: I did not fight.

Designated Military Officer: (3.b.2) The Detainee is a good driver and knows how to use rockets and heavy machine guns.

Detainee: I am a driver. I don't know how to use these heavy weapons. In fact, I am not really all that good of a driver. I am not a good driver. You should not give me a driver's job.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The Detainee's direct Taliban Commander was Akhund Zada.

Detainee: Yes.

Designated Military Officer: (3.c.2) The Detainee is also associated with another Taliban Commander. The Detainee admitted delivering a letter for this Taliban Commander to a

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person in the Oruzgan Province of Afghanistan. The Detainee later found out the person in Oruzgan Province was a top Taliban leader.

Detainee: I didn't know that he was a leader or a Commander of the Taliban, but I did deliver a letter. His name was Sangaryar [the Taliban Commander].

Board Member: Do you know why you were selected to deliver this letter?

Detainee: The reason I delivered the letter was because I told them I was on my way to Oruzgan to sell my car. He told me he would give me money for gas if I would deliver the letter for him.

Board Member: Who asked you to deliver the letter?

Detainee: His name is Abdul Razaq.

Designated Military Officer: (3.c.3) The Detainee was tasked to deliver four letters to a known Taliban leader from high-level Taliban leaders in hiding.

Detainee: No Sir.

Designated Military Officer: (3.c.4) The Detainee is associated with another detainee who admitted fighting against United States troops in Kandahar.

Detainee: I did not fight against United States Forces. If that guy [referring to the other detainee] says that, that is his problem, not mine. I reject that. I deny that allegation.

Designated Military Officer: (3.c.5) The Detainee is affiliated with an Egyptian terrorist and individuals who were backed by al Qaida and fought against United States troops.

Detainee: That is not true.

Designated Military Officer: (3.c.6) The Detainee was part of Usama Bin Ladin's main security detail assisting Usama Bin Ladin out of Afghanistan.

Detainee: That is not true Sir.

Board Member: Have you ever seen or met Usama Bin Ladin?

Detainee: No.

Board Member: What are your feelings concerning Usama Bin Ladin?

Detainee: I have seen his picture.

Board Member: No, your *feelings* about Usama Bin Ladin.

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Detainee: I don't know. All Muslims are having bad days now because of Usama Bin Ladin.

Board Member: Do you think Usama Bin Ladin is a good person or a bad person?

Detainee: I don't know. I have never seen him so I don't know if he is a good guy or a bad guy. The damage he [Usama Bin Ladin] has done, because of him, I am here [Guantanamo Bay, Cuba]. That is what I know.

Designated Military Officer: (3.d) Other Relevant Data. (3.d.1) Oruzgan authorities captured the Detainee just outside of Chenartoo, Afghanistan. The Governor of Oruzgan and his men arrested the Detainee.

Detainee: Yes Sir.

Designated Military Officer: (3.d.2) The Detainee had an AK-47 in his vehicle when Afghani soldiers captured him.

Detainee: Yes Sir. I had the AK-47 for my defense [protection].

Board Member: Did the Oruzgan authorities tell you why you were being arrested?

Detainee: The Governor and his people arrested me because I had a Kalashnikov. When the Governor arrested me, he asked me, "Where did you sleep (spend the night) last night?" The Governor mentioned Sangaryar and the letter I delivered. The Governor took me [and Sangaryar] to his home, he asked him questions, after that I don't know what happened to him [Sangaryar] and I was arrested.

Board Member: Why did you have the weapon [AK-47] in your vehicle?

Detainee: In our area there are a lot of thieves and crooks. It is hard to go from one place to another. I had the weapon for my security [protection]. There is no security in that area. Everybody has them [AK-47s].

Designated Military Officer: (3.d.3) The Detainee is a Taliban Commander and was issued a station wagon by the Taliban.

Detainee: The vehicle I had was my own car. I paid for the vehicle with my own money. I was not a Taliban Commander.

Designated Military Officer: (3.d.4) The Detainee joined the Taliban because he wanted the same rights as the others who lived in the Oruzgan area.

Detainee: I don't know about this.

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Designated Military Officer: (3.d.5) The Detainee and another man had planned to kidnap the Oruzgan Province Governor's son in exchange for releasing prisoners in Kandahar. The Detainee also talked about killing the Governor by bombing his office.

Detainee: That is not true Sir.

Designated Military Officer: (3.d.6) The Detainee primarily operated against the United States personnel in Oruzgan Province, Lashkar Gah, and Helmand. The intent was to bomb or strike soft targets using AK-47s.

Detainee: That is not true.

Designated Military Officer: (3.d.7) The Detainee had a satellite telephone to stay in contact with other unit commanders.

Detainee: No Sir.

Board Member: Did you have any type of phone?

Detainee: No Sir. I did not have a telephone.

Designated Military Officer: (3.d.8) The Detainee lived in a house in a neighborhood owned by the Taliban.

Detainee: That is not true.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated that he did not voluntarily work for the Taliban Military, but rather was forced to work for them if he wanted to stay in his house in Kandahar.

Detainee: I have told you before that I did not voluntarily work for the Taliban. Again, I was compelled to go to work for the Taliban in order to save my property. I did not want my property to be confiscated by the Taliban, so I agreed to work for them. If I had not served with them [Taliban] they would have taken my property away from me.

Designated Military Officer: (4.b) The Detainee stated he is not against the Americans and is not aware of any planned attacks against the Americans.

Detainee: That is true.

Designated Military Officer: (4.c) The Detainee denied knowing anything about Usama Bin Ladin or being part of a team that escorted Usama Bin Ladin out of Afghanistan.

Detainee: That is true. Yes Sir.

Designated Military Officer: (4.d) The Detainee denied ever having a satellite phone or driving a Taliban vehicle because only commanders had vehicles.

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Detainee: Yes Sir.

Designated Military Officer: (4.e) The Detainee denied having any knowledge of the attacks in the United States or United States interests.

Detainee: Yes Sir.

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

*The Presiding Officer acknowledged the request.*

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

*The Assisting Military Officer presented Exhibit EC-1 to the Administrative Review Board.*

*The Detainee made the following statement:*

Detainee: I will start my statement by telling you [the Board] that I did not fight against the United States Forces and I will never fight against the United States. From my side, I give you a guarantee that I did not do anything, nor will I do anything. I do not have that kind of talent to do those things [allegations in the Unclassified Summary] against the United States.

If you look at my picture, I was an Embroider. I did embroidery work. That is how I was and how I will be [how I made my living]. I had been doing that kind of work [embroidery] for over twenty years. If I am that kind of small guy, how could I have been associated with or been able to meet Usama Bin Ladin. How will I ever be able to meet Usama Bin Ladin when I am just a small person [embroider]? That is unrealistic.

My future is in your hands. You can ask questions about me to my fellow villagers, friends, and relatives. I lived there [Oruzgan Province] and they know me very well. If I were a Commander or if someone else were a Commander in Afghanistan, you guys [the United States] have a lot of opportunity, equipment, and people on the ground. The United States could easily find out if I had been a Taliban Commander. I am not a Taliban Commander and I was *never* a Taliban Commander.

All these allegations, like me being with Usama Bin Ladin, fighting against the United States Forces, or taking the Governor's son hostage, all these allegations are baseless and they are untrue. I don't know anything about these allegations. I don't know how these allegations got into my file.

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The United States Forces did not arrest me. The Governor of Oruzgan Province arrested me. After the Oruzgan authorities arrested me, they gave me to the United States Forces. Jan Mohammad, who was the Governor of Oruzgan, took my personal car, which was worth 200,000.00 Pakistani Rupees. In my opinion, the reason I was arrested, to the best of my knowledge, was for two reasons: (1) Jan Mohammad probably arrested me so he could confiscate my car and enjoy the use of my car, or (2) Sangaryar, I think he and Jan Mohammad had a disagreement from a long time ago. I had told Jan Mohammed that I had been with Sangaryar the night before. Then, Jan Mohammed arrested me. There was a written letter and he [Jan Mohammad] took my fingerprint [signature]. I thought they were going to send me to the local jail. Turns out they gave me over to the Americans and I found out I was coming here [Guantanamo].

Board Member: Why did the United States put you into detention [if you had not done anything wrong]?

Detainee: When the Governor [Jan Mohammed] handed me over, the United States took me. The United States believed what the Governor said about me.

Board Member: What was the Governor's charge against you other than having an AK-47 in your vehicle?

Detainee: The reason the Governor, Jan Mohammed, arrested me was because I told him the story about Abdul Razaq, and that Razaq had previously been a Commander of the Taliban. I told Jan Mohammed that I had a letter from Abdul Razaq addressed to Sangaryar, that I had delivered the letter to Sangaryar, and that I had stayed the night at Sangaryar's home. I had breakfast in Sangaryar's home the next morning and now here I am [at Guantanamo]. Jan Mohammed concluded that I was a thief or something. Jan Mohammad arrested us and gave us to the United States Forces.

Presiding Officer: Please continue with your statement.

Detainee: What else would you like me say?

Presiding Officer: Do you anything more you would like to say to the Review Board?

Detainee: I will answer questions if you [the Board] have any.

Presiding Officer: Does that conclude your statement then?

Detainee: These allegations in my file are dirty words. I'll never do anything like that nor have I ever done anything like that. I was doing Embroidery and I would do that again if I were released. If you believe me, that is what I did. I am not saying that I never worked for the Taliban. I did work for the Taliban for one year.

Presiding Officer: Does that conclude your statement?

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Detainee: Yes Sir.

*The Assisting Military Officer did not have anything further to present to the Administrative Review Board.*

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

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

*Administrative Review Board Member's questions:*

Board Member: Mr. Ismat Ullah, from what you have told the Review Board today, would you consider yourself a victim of circumstance to preserve your way of life? You joined the Taliban because you did not want to lose your market and your home. Is that correct?

Detainee: Yes Sir. Construction [homes, markets, etc] was very old in my area. There was not enough room for more people. Each soldier who was serving with the Taliban, they had the guns and the power. They would come in and say, "this land is not yours, it is public land", and "why do you think you should live here, I should live here". The reason I joined the Taliban: I had to. That was the only way I could save my property for myself and for my family.

Board Member: What are your feelings concerning the United States intervention into Afghanistan?

Detainee: The reason the United States went into Afghanistan was because Usama Bin Ladin had attacked them. They [the United States] should have come to Afghanistan and gone after Usama Bin Ladin.

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

Detainee: I don't know. I have not benefited from the Karzai Government. I was detained before he came to power. I don't know anything about Karzai's Government. I don't know if I like it or don't like it because I have not lived there [in Afghanistan] since Karzai has become the President. I have been here [Guantanamo].

Board Members: Are you in contact with your family?

Detainee: Yes Sir.

Board Member: You have a home to return to if you are released?

Detainee: Yes Sir. The market I had, I sold it.

Board Member: I was just getting ready to ask you if you still had the market.

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Detainee: When I was in Pakistan I was paying rent and I did embroidery work.

Board Member: If released, would you be able to support yourself?

Detainee: Yes Sir.

Presiding Officer: So, you have heard from your family.

Detainee: Yes Sir. I get letters.

Presiding Officer: That is good that you have heard from your family. As we had mentioned before earlier in this process, if your family had written letters on your behalf, the Review Board would have accepted those letters for review with regards to your case.

Detainee: My family did not write me letters and tell me that I am a bad guy. My family writes that I am a good guy. I did not see anything in the letters I received that said I was a bad guy.

Presiding Officer: That is fine.

Detainee: I am modest. I am not a good guy I am not a bad guy.

Presiding Officer: The Unclassified Summary stated that you operated a vehicle. What has happened to that vehicle?

Detainee: The government of Afghanistan, the Governor of Oruzgan took the vehicle. When I was here [at Guantanamo] I sent him [the Governor] a letter and asked him what happened to my car.

Board Member: Can you tell me the date of the photograph that you presented to the Review Board?

Detainee: I would be a liar if I said I could remember [the date].

Board Member: I only ask because there has been an obvious change in your appearance.

Detainee: I didn't even recognize myself when I saw the photograph.

Board Member: Nor did I.

Detainee: After a couple of minutes I realized it was I.

Board Member: what drives the change in your appearance?

Detainee: I don't have a mirror.

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Presiding Officer: When you were operating the vehicle, how much were you paying to keep it up? What were you using the vehicle for?

Detainee: How much I was making?

Presiding Officer: How much you were making and how much were you paying [for the upkeep of the vehicle]. I thought you indicated you were going to use the vehicle for something else. I thought you were going to use the vehicle for business.

Detainee: No.

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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



Colonel, United States Air Force  
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY  
COMBATANT**

**ISN 888**

<b>Exhibit #</b>	<b>Date</b>	<b>Classification</b>	<b>Guantanamo/ICRC Letter #</b>
EC-C1	Unknown	UNCLASSIFIED	N/A (Photograph)



**Description: Photograph of detainee holding his niece**

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Summary of Administrative Review Board Proceedings for ISN 890

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

Detainee: Yes, I will take the oath and these allegations that are here (written) in the Unclassified, I will tell the truth about.

*The Detainee accepted taking the Muslim oath.*

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 20 December 2005 and lasted 55 minutes. After reviewing the ARB's purpose and procedures, the detainee said that he understood the difference between the CSRT and the ARB. The detainee was read the Pashtu translated Unclassified Summary of Evidence. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee said, he would attend the board and present an oral statement. He stated that at the ARB he would answer any questions. The detainee was very polite, and attentive. He elected to take a copy of the Pashtu translated Unclassified Summary of Evidence for his review.

*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 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: When the detainee was very young he joined the Mujahadeen to fight the Soviet Union.

Detainee: Yes, sir. I did fight against the Russians, because it was a necessary struggle against the Soviet Union. The whole world, especially the United States helped us in this fight against the Soviet Union.

Designated Military Officer: The detainee is trained in the use of hand grenades, rocket propelled grenades, the AK-47 and the Sakil machine gun.

Assisting Military Officer: The detainee stated he was not trained with hand grenades.

Detainee: I did not do any training on hand grenades and I have never used them before. I did learn how to use Kalishnikovs, rockets, and heavy weapon machinery. I did not do any training for these weapons. I practically learned how to use these weapons in the war.

Designated Military Officer: The detainee met with Mullah Mohammed Omar, the Supreme Leader of the Taliban, on only one occasion in Kandahar, Afghanistan.

Detainee: I saw Mullah Omar once. I saw him because I made a request to get a car for transportation. At this time everyone was coming to see him in his office.

Designated Military Officer: The detainee was listed as a member of the Senior Staff of Taliban Defense Ministry Personnel.

Assisting Military Officer: The detainee says he was not a member of the Senior Staff of the Taliban. He was the Deputy to Mullah Qauim.

Board Member: Who was Mullah Qauim? What was his title? What was his position?

Detainee: He (Mullah Qauim) was the head/commander of the Brigade.

Board Member: In your capacity as the deputy, what was your role and function?

Detainee: I was with my soldiers, wherever the fighting was. Anywhere there was fighting I was there.

Board Member: You obtained directions from Mullah Qauiim?

Detainee: Yes, I was under Mullah Qauiim's command.

Board Member: Who did Mullah Qauiim work for?

Detainee: The Defense Minister.

Board Member: What was the name of the individual that Mullah Qauiim was subordinate to?

Detainee: Mullah Omar Abdullah.

Designated Military Officer: The detainee was identified as being assigned to a 40-man team of fighters.

Detainee: No, I don't know that kind of group. I don't have any relationship with that group. I don't know them and I don't have any association with them.

Board Member: As the Deputy to the head of the Brigade, did you have any knowledge of any logistics, where your supplies, provisions and arms would come from?

Detainee: I don't know the sources of where they were coming from. When he got the supplies, he would give us our share.

Board Member: You had no idea who would provide the means to get these supplies?

Detainee: I was always in the field fighting.

Board Member: Who were you fighting against?

Detainee: Anyone that brought insecurity.

Board Member: Were you fighting the Northern Alliance, Coalition Forces? Who were you fighting?

Detainee: Yes, we did fight the Northern Alliance. Anyone who was disturbing peace we did fight.

Board Member: During what year? What was the timeline?

Detainee: At the time the Taliban was in power.

Board Member: At the time of the Taliban when you were working with them as a Deputy Commander, was it peaceful? Would you consider that you were fighting for the peace of Afghanistan?

Detainee: There was no peace. That's why we were fighting for peace.

Board Member: At one point you were fighting with the Taliban against the Northern Alliance?

Detainee: We were fighting for the disarmament of the Northern Alliance and for peace. That's why I was involved.

Board Member: You were fighting with the Taliban in the hopes that the Taliban regime would bring peace?

Detainee: At the beginning, yes. We were fighting against the Northern Alliance to disarm them and bring peace to the country. While we were fighting against them (Northern Alliance), the Taliban later changed and we changed as well and turned against the Taliban.

Designated Military Officer: The 40-man team was funded primarily by Pakistani and Syrian Non-Government Organizations with some times to al Qaida.

Assisting Military Officer: The detainee stated no, he had no relationship with Pakistan, Syrian NGO or al Qaida.

Detainee: Yes.

Designated Military Officer: The detainee was reported as being named the new Director of Hezb-E-Islami Gulbuddin cell operations in Kandahar, Afghanistan.

Assisting Military Officer: The detainee stated the statement is incorrect, he did not know Gulbuddin. The detainee fought against the HIG.

Detainee: That's not true, like the AMO said. I don't have any relationship with the Hezb-E-Islami Gulbuddin party. I fought against the HIGs. If I said I fought against them then how would I be associated with Hezb-E-Islami Gulbuddin.

Designated Military Officer: The detainee commanded over 500 Taliban soldiers in Kabul.

Assisting Military Officer: The detainee stated the Commander was Mullah Qa'im, the Taliban Defense Minister.

Detainee: Yes. In that Brigade I had 40 people under my command. I was the commander of those 40 people.

Board Member: Can you tell us a little bit about Qa'im? Did you know him well? What was your interaction with him?

Detainee: He was from Helmand province. His commander was Mullah Odud. I don't know him very well. Mullah Odud died and Mullah Qa'im took his command.

Designated Military Officer: The detainee fought the Northern Alliance and the Taliban as the Supreme Commander in Kabul.

Detainee: I did fight the Northern Alliance and also the Taliban.

Assisting Military Officer: The detainee stated he did fight against the Northern Alliance, but did not fight against the Taliban. In the end he did fight against the Taliban for the new government in the name of peace. The detainee also fought the Taliban because they dug-up the body of Asmat Khan, who was the tribal leader, which is against their belief and religion. The whole tribe stood-up against the Taliban with the United States.

Detainee: After the collapse of the Communist regime in Afghanistan there was a civil war. There was no security the younger generations were not going to school. That reason forced me to work for peace, security and disarmament of these fighters. I wanted to reconstruct our education system and to bring more children to school. Then I joined the Taliban and fought the Northern Alliance. I didn't have any conflict with the Northern Alliance and I also don't have any conflict with anyone. I have always wanted peace in Afghanistan and that was the real reason I was with the Taliban. When the Taliban started inhumane actions against other people I decided along with my tribe to become anti-Taliban and we started to fight them. When the Karzai government took over we supported the Karzai government. I never joined the Taliban after that and never wanted to join them. My tribe is still supporting the current government in Afghanistan.

Board Member: When you made the shift from fighting with the Taliban to fighting against the Taliban, how did you form this resistance? Who were you fighting with? Where did you get the materials from to be able to forge a war against the Taliban?

Detainee: When the Taliban started to act against the people, we turned against them at this time the United States also came to Afghanistan. The new government was in the process of taking over. When Gul Agha and Pashtoon came we went and turned in whatever weapons we had to them in Kandahar.

Board Member: You specifically stated that you fought the Taliban. How did you do that?

Detainee: We were against their policies. No fighting.

Board Member: No physical fighting?

Detainee: No.

Board Member: Do you have a family?

Detainee: Yes, sir.

Board Member: Then you must have had a lot to risk by going up against the Taliban.

Detainee: There were many tribes and people that were against the Taliban. It was a dangerous situation, but we accepted it.

Designated Military Officer: The detainee survived approximately 18 bullet wounds that apparently occurred during the Russian Jihad and during his time as a Taliban Commander.

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(Revised 22 Dec 05)

Detainee: Yes. I did it because this was for the security of my people. Yes, I was injured fighting against the enemies. I did that serving my country.

Presiding Officer: That's impressive. Do you have any lingering effects from your injuries?

Detainee: Yes, sir. My legs and hands are weak.

Designated Military Officer: The detainee was told he would be turned over to the United States to provide information about enemies of the Afghanistan Government.

Detainee: Sir, you know about my whole file. I was not a big shot or an official to get involved in everything. Whatever information or knowledge I had I told them. I told Gul Agha and Khalid Pashtoon; they gave me directions and orders to help the Afghan Republic. That's what I did for Afghanistan. I have also helped Americans by being very truthful and honest; I will still like to help them. When I go back to my country and my village I would be glad to do the same and help the United States and the Afghan government. I will do my own daily job to provide food for my family.

Board Member: Who told you that you were being turned over to the United States for intelligence gathering?

Detainee: When I turned against the Taliban, right away I heard a statement from the government of the United States on the radio. I then went to my own district (which is Oruzgan) and turned to Gul Agha and Pashtoon. When I went there the governor of Kandahar told me do not give these weapons to anyone unless there was a commission coming from Kandahar or the United States forces came to Oruzgan, then they would take the weapons from me. When the commission came to our district, we surrendered our weapons to them and got a receipt. All the people and that piece of paper were witnesses that we surrendered our weapons. They told us to just stay at home and if anyone from outside or inside the district comes to disturb peace, attacks or has intentions of attacking, then right away we should inform the district (the actual government). I always did that. Then I started building my own house. I was working on my house and I was proud of the peace, the government, and the Americans being there. Pashtoon and Tajik were coming and working to help build my house.

Board Member: Approximately how much time went by since you left the Taliban, from the time you went anti-Taliban to the time you heard America supposedly sponsored this message asking if you had information to please provide it? How much time were you at home resisting the Taliban?

Detainee: It was about a year. Prior to Majad Masoud's assassination, I was injured and I left the Taliban. I was at home living in my district in my village. Someone brought a letter from Obidullah I took that person with the letter to the district manager.

Board Member: Was Obidullah part of the Taliban?

Detainee: He was the Defense Minister.

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Board Member: He was not Taliban?

Detainee: He was the Taliban Defense Minister.

Board Member: So at some point you left the Taliban and you were at home building your house. You were anti-Taliban, why did the Taliban come back to visit you?

Detainee: They were trying to make me look like a bad guy to the Americans and the Afghan government.

Board Member: So when you left the Taliban, how much time passed? How much time went by since you were no longer with the Taliban? You were resisting the Taliban and then the Taliban Defense Minister shows up with a letter. What prompted that?

Detainee: It took a year. The reason my tribe and myself turned against the Taliban was because our tribe leader Asmat Khan died and we buried him. In the Afghan culture and the Muslim religion it is the worst crime you can commit if you dig someone up. They did that to insult the whole tribe, this was the reason we turned against the Taliban, we stopped fighting and supporting them. I went to my village and started building my house. If I was helping the Taliban I would have went directly from Kabul to Pakistan or to the mountains, instead I went home. The whole tribe turned against the Taliban and I supported the government and was happy that the United States forces came to bring peace. The Taliban took advantage of that and sent the letter, once they sent the letter all the people surrounded me to make me go to the Afghan officials. They (Taliban) wanted me to look bad in the face of the government.

Board Member: The letter you are referring to, what were the contents of this letter?

Detainee: The letter said "Hi, How are you? I am good. You are good?" At the bottom it said "Mr. Rahmatullah Sangaryar, please come to Pakistan."

Board Member: You stated several times that you were against the Taliban. What did you do or your group do besides go against the policies? Did you take any specific defensive actions? Were you just sitting at home?

Detainee: First of all, the weapons I had I gave to the Afghan government. The second and the most important thing is people. I stopped my whole tribe from supporting the Taliban.

Board Member: By speaking out?

Detainee: Yes and supporting the Afghan government. Those three things are the most important and best things I ever did.

Board Member: How were you sustaining yourself and your family for the year you were back at the village? Economically?

Detainee: We have a farm and a garden.

Board Member: You would sell the produce?

Detainee: Yes.

Designated Military Officer: The detainee has a strong desire to return home to family and find work as a laborer.

Detainee: Yes.

Designated Military Officer: The detainee believes he is being treated fairly and holds no grudge against any Americans.

Detainee: Yes.

Designated Military Officer: The detainee believes he was handed over to the United States Government to provide intelligence information and not for suspicion of being a terrorist.

Detainee: Yes.

Designated Military Officer: The detainee claimed he is not against United States Forces and he supports the new Afghanistan Government.

Detainee: Yes.

Board Member: Prior to departing from the Taliban and being the Deputy Commander out in the field. Did you fight alongside al Qaida or have any association with any al Qaida members while you were fighting?

Detainee: No, sir, I was a small chicken. I was not big time.

Board Member: A small chicken. You had no opportunities to see the Arabs come and fight?

Detainee: In the city or town they would say these were Arabs and that was it. The Arabs were so special, very few high-ranking Taliban were trusted and allowed to know where they lived, ate and slept. I was not one of them. The reason I spent some time with the Taliban, was not because they were good or bad guys it was because I love peace, I did it for the peace and I wanted peace for my country.

Board Member: So you believed at that time that the Taliban would bring peace to Afghanistan?

Detainee: When the Taliban were collecting weapons from all over Afghanistan, it was clear that they were bringing peace. That's what I was for, the peace.

Board Member: You mentioned earlier that there was a change, at what point did you see that change?

Detainee: The reason we turned against them was because they started doing bad things. They decided to go all the way with fighting and not negotiating.

Designated Military Officer: The detainee reported a Taliban recruitment request to the legitimate regional governor as he was instructed.

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Detainee: Yes.

Board Member: Was that the letter that you mentioned earlier?

Detainee: That letter and anything that happened I would report it.

Board Member: So other things happened, such as what?

Detainee: When someone had weapons I would report it to the government and collect the weapons from them.

Board Member: What happened to those individuals?

Detainee: The weapons were just collected from them. When the United States forces came to our district and had information about people that have weapons, I would tell them if they had weapons, what kind, how many and where. Then they would collect them.

Board Member: This information would go to the local governor or did you actually have interaction with the Americans at that time?

Detainee: The Americans were not stationed in our district and the local government/the district manager would be....

Board Member: Your liaison?

Detainee: Yes. I always supported the local government. Especially with them rebuilding our school and rebuilding the girls school, which I thought was very important. I helped out a lot with that kind of work.

Designated Military Officer: The detainee claimed to have fought the Taliban when the Taliban threatened Kabul's interests.

Detainee: Yes.

Designated Military Officer: The detainee collected weapons from his tribesmen and turned over six small cars, one truck, two mounted anti-aircraft weapons, 39 Kalashnikovs, two RPG-7s, four PKs, two 82 series machine guns and six handheld radios to the regional Governor.

Detainee: Yes.

Board Member: Who assisted you? How were you able to obtain this much equipment and weapons at one time?

Detainee: We had some weapons left from the fight against the Russians with a member of the tribe. We also had some from the Taliban (which we hated all the time) for the security of the region. That's why we had these weapons in our possession.

Board Member: The question was, were there anyone within the tribe that assisted you with this movement? Where was all of this stuff kept? Were they stationery in a building?

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Detainee: There was a huge amount in the building that we took it from.

Designated Military Officer: When the United States captured Kabul, the detainee dissolved his forces and turned over his weapons and communication equipment to the new Afghanistan Government.

Detainee: Yes.

Designated Military Officer: The detainee refused a Taliban request and dissolved his forces.

Detainee: Yes.

*The Designated Military Officer confirmed that he had no further unclassified information.*

Detainee: I am requesting that you call my district manager and the district people. This way you can find out about me and if I am a good guy or a bad guy.

Board Member: I am curious. I am having trouble understanding the timeline. You stood out against the Taliban in your tribe and community. You turned in individuals that were holding weapons; you turned in caches of weapons to the regional government. At the time you were arrested, why was your local government not there to back you up or support you?

Detainee: It's not clear to me, why they brought me here.

Board Member: That's very interesting. Thank you.

*The Designated Military Officer 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.*

Assisting Military Officer: The detainee would like for the board to call Jan Muhammad, the Governor of Oruzgan Province, he will tell them he is good and did not harm anyone. He likes Americans and is happy they brought peace to his people. The AMO explained to the detainee that the board will make a recommendation and that the process will be explained to him at the ARB. He was also told that a decision will be made in Washington, D.C. and he will get an answer in the very near future.

*The Detainee made the following statement:*

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Detainee: I don't have too many things to say, but I would like to say one thing. I am glad and very happy that the Americans are there even if it cost me to stay here. I love peace and disarmament; I don't want anyone to have weapons in there home. I hope the Americans collect these weapons from them. They are there to bring peace and security to Afghanistan and to the Afghan people. All the service of fighting I did in my country against the Russians, it was for peace. Right now I am for the peace and education for the people. The children should be educated; it's good for peace. One of the reasons that we don't have peace is because of lack of education. Disarmament brings peace and education, education and peace bow together. Again, I am insisting on the United States forces to be there. These parties and warlords will not and cannot bring peace. If you have any questions, sir, I am here to answer anything. I am sorry if I said something disrespectfully. I hope I didn't.

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

Detainee: I just request that you take one thing into consideration. I have been here almost three years. You can look at me, at my uniform and you can study my behavior for the whole three years of being here. I did not bother a single soldier or do anything to bother them or make me look bad or to look to them with disrespect. I never did that and I would not do that.

*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: Thank you for participating. The information you have provided has been very helpful to this board.

Detainee: I am very glad and happy. Thank you very much.

Board Member: My question is very simple. Based on what you have shared with us why could you possibly be here? What led up to you being arrested and sent to Cuba?

Detainee: When there's peace in Afghanistan, I am proud to be here and I will be proud to be here. It doesn't matter, it doesn't make any difference for me. Why I am here? I do not know.

Board Member: You don't know why you are here? You can't even fathom an idea as to why?

Detainee: One thing that I can say is that the Taliban put me in a position. They tried and they probably succeeded to put me in a position to make me a bad guy against the government. That was not true. I gave up the weapons that I had and I did not support them. I did take actions against those that were against the present government. One of the reasons I am here is probably that, which is the only thing I can think about.

Board Member: You're past association with the Taliban?

Detainee: Yes and the letter that they sent.

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Board Member: So the letter implicated you in possibly still being aligned with the Taliban?

Detainee: Yes. Probably what Obidullah wrote.

Board Member: Even after you turned in weapons and individuals that were still pro-Taliban?

Detainee: No, sir.

Board Member: To your knowledge do you know what happened to Mullah Qauim?

Detainee: No, sir, I don't know. When I was in Kabul he was in the North.

Board Member: Thank you.

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Colonel, USAF  
Presiding Officer

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الف :- ٻلي مادرو سائو پرفهه جگره کيني برخه اخيستي ده  
داخلم چي هغه جگره يو ملي قيام وو، اود ٿولي نري او  
په تيره بيا دمنصه ايالاتو له خوا زهونو ددغه ملي قيام ملا تکرده.

ب :- لاسي بمونه مي بالکل ندي زده او نه هي هڻڪه  
استعمال نري دي، اڃا دڪلا شڪوف، راکٽو او ثقيل ماشيندار  
په هڪم بايد ووايم چي هڻڪ ڊول زده ڪرڻ او تمرين هي  
ندي پري ڪري، خو يواڻي په استعمال پي پوهيم.

ت :- ٻلي اما دطالبانو مشر ملا محمد عمر ته يو ايڪ ليکي وو او  
اه هغه ڦهه مي ديواره موٽر غوڻي ٿيڻه ڪري وه، چي دهغه  
موٽر په واسطه مي له طالبانو سره دامنيت او دخلڪو د  
خام سلاح ڪولو لپاره مرسته ڪولم، اوزما داليدنه له ملا عمر  
سره يواڻي دليڪ په واسطه وه او هڻڪ ڊول خيري مي نري  
ورسره ڪري، اودا په داسي حال کيني وو چي ملا عمر عمر ته  
ڏکنهار عام خلك هر ڳوٺ دليدو او مرسته اخيستي او لپاره  
ورتلل او ورتلاي شو اي.

ع زه هڻڪ وضت ردفاع په وزارت کيني لو پر رتبه غري نه يم پاتي شوي

Detainee's Signature

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او بيا ځي د خپلو څلو پښتو کسانو قوماندان پاتې شوی يم ، او  
په کومه لاره کښي چې وم هلته مي د لواء د معاون وظيفه  
سره رسول په د لواء د مشر او مسئول او د لواء مشر او  
مسئول ملا عبد القیوم آخند وو .

د ۱ - ① زه بالکل دغه څلو پښت کسيزه ډله نه پېژنم او  
نه هېڅ ډول اړيکي ورسره ولرم .

② لکه مخکښي مي چې وويل زه دغه څلو پښت کسيزه ډله  
نه پېژنم ، نو هېڅ اړتيا ترې شېر هم نه يم چې څوک مرسته ورسره  
کوي ، او دا خبره په ما پورې هېڅ اړه نلري .

③ دا خبره بالکل حقيقت نلري چې زه دې دکابدين له حزب  
سره اړيکي ولرم ، ځکه چې ما ه سروي په سيمه کښي  
دکابدين د حزب د قواو پر ضد جگړه کړې ده ، نو بيا څرنگه  
کيدای شي چې هغوی دې ما د خپلو حلقو د مسئول په  
ډول وټاکي .

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e- ① ما مغلبي هم وويل چي زه د لوار مشر نوم بلکي د  
خپلو څلور پښتو کسانو قوماندان وم، او د لوار مشر او مشول  
ملا عبد القیوم آخند وو.

② دا چې د کمونستي رژیم له سقوط وروسته په افغانستان کې  
ښه جگړې د پري وي سولم او امنیت نه وو، زموږ ځوان نسل  
په تعليمه پاتې وو، نو همدې خبرې زه مجبور کړم چې د سولې او  
امنيت د بېرته راستنيدو د خلکو د خلع سلاح، د وطن د بيا ودانولو  
او زموږ ځوان نسل ته د تعليم او تربیې د لارې برابرولو لپاره  
له طالبانو سره جگړې او د شمال اتحاد په ضد جگړه وکړم، او زه  
نوره هېڅ ډول تضاد نه د شمال له اتحاد سره او نه له بلچا سره  
لرم او نه له چا سره دوښمني کوم بلکې زه د تل لپاره يو سولم  
غوښتونکی افغان يم، او له هر غېي وجهې کله چې طالبانو يو ډول  
غیر انساني عملونو ته لاس واچاوه نو زه يواځې ما بلکې زموږ  
ټول قوم له طالبانو سره مخالفت او جگړه وکړه او د اوسني  
حکومت یعنی ښاغلي کرزي سره د حکومت ملا تره وو کړه،  
او بيا زه هېڅکله له طالبانو سره يوځای نه شوم او نه هم غوښتل  
چې يوځای شم، او تر اوسه پورې زموږ د قوم ټول خلک  
د فغلي حکومت ملا تره دي.

Detainee's Signature

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F: ① ډلې زه په خپل وجود باندې ځينې ټيټون لرم ، چې داسې وطن ته د سولې او امنيت د راوستلو په لار كېني د سولې د دوښمنانو په لاسونو په خپل ځان ځغلي دي او د ټيټون زما جرم نه بلکې وطن ته د خدمت په لار كېني زما قرباني او مخلصانه خدمت ثابتوي .

② لکه څرنگه چې تاسو ته هم معلومه ده چې زه دومره لوړ رتبه سرى نه ټيم او نه د ورسو د هر معلومات لرم خو هغه اندازه معلومات چې لږ لږ هغه چې د گل آغا شيرزي او خالد پشتون له هدايت سره سم هم د افغانستان د جمهوريت حکومتی چارواکو ته او هم د متحده ايالاتو چارواکو ته مکمل په اخلاص او صداقت سره ورکړي دي ، او اوس نور ~~په دې اړه~~ <sup>زه د اصل کس</sup> ~~چې زه دې پرته خپلې~~ کورنۍ ته ناستون شتم ، او خپلې کورنۍ ته دې د نقی برابرو لو په لار كېني خپل کار او مزدوري وکړم .

Detainee's Signature

Date

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Summary of Administrative Review Board Proceedings for ISN 899

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

Detainee: When we swear the court will let us go. That is how our oath works.

Presiding Officer: Would you like to be sworn or not?

Detainee: If you want that kind of [oath] back home if they accuse you of killing somebody and you swear that you have not they will let you go. Do you want me to swear like you people?

Presiding Officer: Let the record reflect that I have requested a yes or no answer from the Detainee and he has failed to comply. The decision will be made on his behalf and we will continue.

*The Detainee declined taking the oath.*

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

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

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

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 30 August 2005 and lasted 45 minutes. After a review of the ARB's purpose and procedures, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, the Detainee stated he wishes to attend and speak openly with the board members. The Detainee prefers to respond to the Unclassified Summary of Evidence after each allegation is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was polite and cooperative throughout the interview. The Detainee elected to keep the Pashtu version of the Unclassified Summary of Evidence for his record.

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

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

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

Presiding Officer: Let me caution you that you have not been placed under oath and reviewing boards may look at your case differently. Do you wish to reconsider?

Detainee: Well it is not important for me, but swearing has the trust worthy or is very important. Yes.

Presiding Officer: Designated Military Officer please administer the appropriate oath.

*The Detainee accepted taking the Muslim oath.*

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee claimed the Taliban conscripted him in approximately 1998, took him from his land and forced him to perform duties as a guard and general laborer for approximately two months. The Detainee claimed he was involved in one battle against the Northern Alliance, but stated his entire group (approximately 70 individuals) retreated and ran back to the Taliban facilities when the fighting started.

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Detainee: You can ask in Kandahar if the [Taliban] has [or has] not taken people by force then I will agree with you. You can ask anyone over there if the Taliban took people by force or not.

Presiding Officer: Sir, what we would like to do right now is [get] a short answer whether you agree with the statement or disagree with the statement. You will be given an additional opportunity to make a full and complete narrative statement at the end.

Detainee: Okay.

Designated Military Officer: (3.a.2) The Detainee worked for the Hizb-I Islami Gulbuddin (HIG) during the Mujahedin as an operator of the "I COMM" system, or communications system.

Detainee: No.

Designated Military Officer: (3.a.3) Hizb-I Islami Gulbuddin (HIG) was one of the major Mujahedin groups in the war against the Soviets. HIG has long established ties with Usama Bin Laden. HIG founder Gulbuddin Hikmatyar ran several terrorist training camps in Afghanistan and offered to shelter Bin Laden after the later fled Sudan in 1996. HIG has staged small attacks in its attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration (ATA), and establish a fundamentalist state.

Presiding Officer: Before you answer, if you don't know the information simply state that you do not know.

Detainee: I am not aware of this.

Designated Military Officer: (3.a.4) The Detainee was identified as a go-between and facilitator within a HIG operations cell in Kandahar, Afghanistan. He owned a small oil shop in Kandahar and used the shop to conduct meetings and as a contact point with other members within the cell.

Detainee: My shop was not an oil because back home when you are selling gas or kerosene we call it 'Tale'. If you sell cooking oil they call it oil. I was selling gas, kerosene, and petrol. I had that kind of shop not oil.

Presiding Officer: Let the record reflect that the Unclassified Summary paragraph number 4 where it shows the Detainee owned a small oil shop he was [actually] selling petroleum distillates. Would that make that statement true then sir?

Detainee: I told to the Americans that this was my shop and to come on in and see it. I showed them my home and my shop.

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Designated Military Officer: (3.a.5) In early September 2002, HIG commander Zabir Jalil directed the Detainee to carry out a terrorist operation targeted at U.S. Military personnel located at Gecko base, Kandahar, Afghanistan. Jalil sent a second unidentified individual who was allegedly an explosives expert from Jalalabad, Afghanistan, to assist the Detainee in the attacks.

Detainee: No.

Presiding Officer: Before you go on we need to go back to the last bullet. You commented on the correction regarding the oil. What are your statements regarding that you were a go-between the HIG and the operation cell as a facilitator.

Detainee: No. When you have...are accusing me, do you have any documents or any evidence about it?

Presiding Officer: No, not at these proceedings, these are allegations.

Detainee: I accept that, but if you say these allegations, do you have any documents that show that this is true or not?

Presiding Officer: I am not authorized to answer questions of that nature in this proceeding.

Detainee: You don't have to answer me. Just say if you have [any] documents [or not].

Designated Military Officer: (3.a.6) On 9 November 2002, the Detainee delivered a radio-controlled binary detonation device and two blasting caps to an operative working within his organization. The Device was to be used in conjunction with two mines. The intended use for those items was to target American civilians or U.S.-led coalition military patrols.

Detainee: No.

Designated Military Officer: (3.a.7) As of early September 2002, the Detainee was trying to purchase two rockets through an intermediary.

Detainee: No.

Designated Military Officer: (3.b) Training: The Detainee stated he was taken to a HIG training camp in Pakistan. They were trained on the use of cannons, radios, rockets, mortars and RPGs.

Detainee: No.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee contacted other cell members solely through radio communication and acted as

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messenger between cell operatives and Noor Agha. Materials and direction for operations were controlled by Noor Agha with the cells kept separate from each other through communications passed by the Detainee.

Detainee: No.

Designated Military Officer: (3.c.2) Noor Agha was the facilitator and command element of the cell. He brought supplies and explosives from Pakistan through border crossing points in the Spin Buldak district. Agha received his orders and operational supplies from Zabit Jalil in Quetta, Pakistan.

Detainee: No.

Designated Military Officer: (3.c.3) The Detainee's uncle is Zabit Jalil, a commander in HIG.

*(The translator explains the term "uncle" in his language:)*

Translator: In English if someone is your mother's brother you call him uncle and if someone is your father's brother you call him uncle. In our language a father's brother is called *kaka* and a mother's brother is *mama*.

Detainee: It was my not my father's brother it was my mother's brother.

Presiding Officer: So, that is true as to the mother's brother.

Detainee: In Russian time he was a commander for Gulbuddin. Now he is with the Karzai government.

Presiding Officer: Thank you for clarifying that.

Designated Military Officer: (3.c.4) Zabit Jalil has a direct association with Gulbuddin Hikmatyar and attends meetings with him. In addition Hikmatyar, Jalil maintains contacts with extremist Arabs and Kashmiris in Pakistan as well as specialists that manufacture the radio-controlled detonation devices.

Detainee: Zabit Jalil is in Pakistan and I am in Afghanistan I am not aware of [this.] His house is in Pakistan and my house is in Afghanistan. The spy or intelligence service that got this information for you...tell them to provide evidence for you.

Designated Military Officer: (3.d) Other Relevant Data: Upon capture, numerous weapons were found in the Detainee's family orchard to include 2 tanks, rockets, Kalashnikovs and other guns. The Detainee was also found with a 50-meter spool of detonation cord.

Detainee: No.

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Designated Military Officer: (4) The following primary factors favor release or transfer.  
(4.a) The Detainee was asked whether he was told by his uncle to place explosives. He answered decisively no.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee claimed ignorance of his uncle's activities. The Detainee stated that while his uncle was in Afghanistan the uncle worked for the Karzai government, therefore Detainee also worked for the Karzai government.

Detainee: Yes, my uncle was working for the Karzai government and I was driving for them for a while.

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

*The Presiding Officer acknowledged the request.*

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

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

Presiding Officer: You may begin your statement.

*The Detainee made the following statement:*

Detainee: If you accuse somebody of doing something, do you have any documents for it? When the spy or the intelligence [person] told you that I was this and that could you please ask the intelligence person if they have any back up or documents for it? The intelligence people...the Afghans caught me and took me to the Americans. I talked to the Americans and I showed them my house and I showed them my shop. Those Afghan people took my money and my motorcycle and gave me to the Americans. I talked to the Americans and told them that this is my life, this is my home, and this is my shop. I was not America's enemy and America was not my enemy. America did not know me. When they handed me to the Americans I told them every condition of my life and every answer of my life correctly. The Afghans came and they threw away the stuff from my shop and they did not find anything. They went to my home and an American was there and they didn't find anything. In my home the wires...I don't have power directly to my house that I rent. I was wiring it from the neighbor's house and that is why they found those wires. The Afghans took me to Kabul and they gave me a hard time. When they gave me to the Americans I was all right. In had water and everything. When the intelligence people, the reporters, or spies...for their name and credit, they were capturing everybody to give them to Americans to get money. Now the government will be better and there will be no spies [but] I don't know. Ask everybody about the Taliban

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time. They were forcing people to join them. This says that I was a communication person. [I can] only speak Pashtu and I cannot speak another language. I have no connection with Gulbuddin. I am a shopkeeper. At first I had a big garden and when my garden dried out I had no choice but to come to the city. I had my family and my store or shop and then this subject came out. They said I had an oil store, but it was for petrol, gas, kerosene and these things. The Americans came to the house and searched the house...why did they pick me up? It says my uncle told me to attack Americans. How can I attack Americans? With my hands or what am I supposed to do? When you receive the reports that this man is doing this or this...how was I doing this attack?

*(Board member interrupts with the following question:)*

Board Member: Are you saying your uncle told you to attack Americans?

Detainee: Number 5 says in December Zabir Jalil and Gulbuddin told the Detainee to attack the American compound in the Gecko Kandahar...

*(Presiding Officer interrupts with the following question:)*

Presiding Officer: The question is did your mother's brother tell you to attack Americans?

Detainee: No, my uncle is in Pakistan and I am in Afghanistan. I have no connection regarding this with my uncle.

Presiding Officer: Sir, I note that you are going down the statement a second time. We have already heard your statement. Do you have any new information that you would like to present the board?

Detainee: You said one answer...go to my area and Americans are there and they can ask the people there. Don't ask the spies. Ask the people around my place and me if I was a danger to America. If I will be a danger to America then don't let me go.

Presiding Officer: Does that conclude your statement?

Detainee: You have Kalashnikovs and rockets those [things] were no with me. I did not have them.

Presiding Officer: Yes, you have denied that and told us that is not true.

Detainee: You have to show me the evidence.

*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:*

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Board Member: What level of schooling have you received? What is your education level?

Detainee: I read the Koran and I don't know the meaning of it, but I can read. I don't have any schooling.

Board Member: In the battle that you were involved in with the Northern Alliance did you fire your weapon?

Detainee: No.

Board Member: Have you been trained on radios or other communication systems?

Detainee: No.

Board Member: In the family garden/orchard were there weapons or munitions there?

Detainee: My house and my garden are to far away from each other.

Board Member: You mentioned wires during you statement, but did you mean detonation cord or electrical wire?

Detainee: Electrical wire. Not even a stick or anything else.

Board Member: Have you ever seen anyone manufacture improvised explosive devices or laying mines or anything like that?

Detainee: No, the people that make those things are not doing it in the public or in front of me. I have not see this.

Board Member: So, you have no evidence of this?

Detainee: No sir.

Board Member: Do you have family in Afghanistan?

Detainee: Yes, why not?

Board Member: Are you in contact with them at all?

Detainee: Yes.

Board Member: If you were released, how would you support yourself and your family?

Detainee: My [great] grandparents, they left me a garden and land and I will be busy with those things. If there is no water or a drought I will be busy with my shop. I have a

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pomegranate garden. When they are produced we start selling them. I am happy here I just want to go ask that if I was a threat to America then keep me here.

Board Member: You say you were forced to fight against the Northern Alliance, did they just put you on a truck and hand you a gun?

Detainee: We had a village or government with all gardens. They came and told us that we had to give them money or a person...

Board Member: No, my question is when were you sent to fight did they just put you on truck and give you a rifle or did they...

Detainee: Yes, they gave us a gun and they told us to go on.

Board Member: Did they show you how to use the gun?

Detainee: No.

Board Member: It was basically here is a gun, get on the truck, and go to the front.

Detainee: Everyone knows how to shoot a gun. It is not a big deal.

Board Member: So, you were familiar with weapons?

Detainee: Not other weapons, but a Kalashnikov yes. I learned that from these people. On the same day they said just pull of the gate and start firing.

Board Member: Were you trained the same day you were sent to the front?

Detainee: Yes, the same day. A lot of days passed and there was no war and the weather was very cold. We spent two months in the cold weather.

Board Member: During those two months you did you fight or not fight?

Detainee: No, there was too much snow and cold it was.

Board Member: You did not train either? Did you just sit in a ditch?

Detainee: There was a room and we were sitting in room.

Board Member: Just sitting and waiting?

Detainee: No, they would not let us go. A guard was standing outside the room and after two months they let us go. So, they brought us back and left us in our province. When they dropped us off they picked up others. Some people said they would not go with them and they broke their legs and hands. I did not have money to give them to get

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released or for them to leave me alone. Then I told them I would leave the garden to them.

Board Member: I don't need to know that. Lets go to the point where you were captured and you said you took them to your house.

Detainee: Yes, I led them to my house for the search.

Board Member: Were you going to take them to your garden also?

Detainee: The garden...they made up the story that there was a garden. Americans asked me what was my evidence to back up my story and I told them that this is my shop and this is my house.

Board Member: Are you saying that you did not have a garden?

Detainee: Do you mean like a back yard garden?

Board Member: I am talking about you were speaking about earlier that was away from your house.

Detainee: I don't know if they have been in my garden or not.

Board Member: No, my question is were you going to take them to your garden also?

Detainee: Yes.

Board Member: You did not know that there were weapons or tanks there?

Detainee: No, there was not even a stick there.

Board Member: So are you saying that these tanks, weapons, and RPGs were not there? They were not found?

Detainee: No, they [were] not found in my garden. When Americans find something they take a picture of it to have evidence. When I took them to my house and my store they took my pictures there. At all of them they took my pictures. They didn't find anything in my garden or in my house.

Board Member: So are you saying that when they went to your house they did not find any documents?

Detainee: No, they found one document and I explained it to them. It was the numbers of the weapons on one document there. My uncle gave me that paper and I asked him why was he giving it to me. He said when he was working for Mujahedin or whatever, when the Taliban comes, if you are working for the government they give you a lot of weapons. You have to show the papers to [prove what you did with the weapons].

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Board Member: So, you had in your house a list of weapons that don't exist?

Detainee: It is written on the paper that [a certain] weapon has been given to [a certain] person.

Board Member: What weapons? You said they don't exist.

Detainee: [Those] weapons did not belong to Gulbuddin they belonged to Karazi. My uncle, when he [stopped] working for Karzai... the weapons that my uncle had been giving back to the government, [that paper] was the receipt. [If] they asked him what he did with the [weapons] he had the receipt and said he had given them back to the government. It belonged to the Karzai government. That was with my uncle and he gave it back. He gave it to the Karzai government.

Board Member: Where were the weapons that you were keeping that you were giving to the Karzai government? Where were they?

Detainee: It is written on the paper that is in the city.

Board Member: Not my question, not my question, not my question!

Detainee: My uncle was a Karzai government commander and these weapons were from when they announced that they were coming back and they brought their weapons. [My uncle] was the one that gave them back to the government.

Board Member: Okay. I am going to ask you this questions one more time. Where were the weapons that were on that document that you transferred to the Karzai government? Where did you keep them?

Detainee: It was in his hand. [It was] in my uncle's hand.

Board Member: All of the weapons?

Detainee: When the commanders of the Karzai side came to Kandahar, they took over Kandahar, these weapons were in their hands. My uncle is Karzai's friend. When they came and took over...

Board Member: You can stop. Do you know Zabith Akram?

Detainee: During the time of the Karzai government Zabit Akram was the Security Chief in Kandahar.

Board Member: Do you know him?

Detainee: My uncle was the commander under him. I want to answer that question again.

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Board Member: Which question?

Detainee: The one from a minute ago. I want to clear up the weapon thing. My uncle is Karzai's friend and is very close. My uncle was a very close friend of Karzai and he gave my uncle a job...

Board Member: That does no answer the question I asked. I am not concerned about your uncle being a friend to Karzai. I want to know where the weapons were. That was my question.

Detainee: Well that was in his hand.

Board Member: Just one more question. What documents or evidence do you have that what you are saying is true? Do you have documents from the Karzai government or from your uncle?

Detainee: I am a prisoner and I cannot reach my house and I cannot give you any evidence.

Board Member: So, you don't have anybody that writes you or you don't write anybody?

Detainee: This is my document, that is my house and that is my store. You can ask them now. Before that people were drug addicts and using that powder and now people are better off. You can ask them now.

Board Member: So your uncle does not know you are here?

Detainee: You don't know the difference between father's brother and mother's brother.

Presiding Officer: Thank you. We have got it.

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

*(The Detainee interrupts with the following question:)*

Detainee: Is the date set [for the notification]?

Presiding Officer: That is correct, the date is not set.

*The Presiding Officer adjourned the open session of the Administrative Review Board.*

*The Presiding Officer opened the classified portion of the session.*

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

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AUTHENTICATION

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



Colonel, USA  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 900

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee declined taking the Muslim oath.*

Detainee: I am not going to swear and I am not going to promise that I am telling the truth.

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 06 December 2005, and lasted 45 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend the ARB. The Detainee stated he would speak at the ARB and respond point-by-point to the

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Unclassified Summary of Evidence. The Detainee was very cordial, attentive, and was well informed about the ARB's purpose and procedures. At the conclusion of the interview, the Detainee requested both the English and the Pashto translated copies of the Unclassified Summary of Evidence. These were then provided to the Detainee via his guards.

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

*The Detainee chose to respond to the Unclassified Summary of Evidence as each item of information was presented.*

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

*The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee met an individual at the Detainee's shop in the Khowst Province around October 2002. This individual initially approached the Detainee with an opportunity to make extra money. The job would involve killing Americans.

Detainee: [Looking confused after the translator spoke]

Presiding Officer: Is this allegation/statement true or false?

Detainee: That [allegation] is wrong. It is not true. It is not a fact. I don't have any shop in Khowst. I don't know anyone to give me any money.

Designated Military Officer: (3.a.2) The Detainee attended Qurey Mosque in Miran Shah, Pakistan in early December 2002, where he met four people. The Detainee was asked if he would be interested in helping them clear mines. The Detainee would be paid at least 12,000 Pakistani Rupees for his labor.

Detainee: Yes, it is true.

Translator: [To the Presiding Officer] I told the Detainee that when he speaks he needs to let me translate. I told the Detainee not to talk over me.

Detainee: That is true [referring to allegation 3.a.2], but it's not my fault. I came to Afghanistan as a laborer. I will tell you how I met them [referring to the individuals in

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allegation 3.a.2] and how I came to Afghanistan. One day my uncle gave me money to go to the market to purchase some groceries and some merchandise. I went to the market. While I was at the market it became time to pray. I went to the mosque to pray. I washed before praying at the mosque. Someone called out to me. Someone behind me shouted out to me. When I went over to the man he gave me a greeting and said hello. The man said he had a few questions he wanted to ask me. I told him to go ahead and ask his questions.

The first thing the man asked me was my name. I told him my name. The second question he asked was where did I come from [which province was I from]. I told him I was living in Afghanistan, I am living in...

Presiding Officer: At this time you [the Detainee] are getting a little off track in regards to what this allegation [3.a.2] is about.

Detainee: I am trying to tell you how I met these individuals [referring to the individuals in allegation 3.a.2] and how I came to be with and work for them. I am trying to answer the allegation [3.a.2]. I am trying to tell you that my association with them and for me to work with them is not a crime.

Presiding Officer: So, you admit to allegation 3.a.2, is that correct?

Detainee: Yes. But those individuals brought me with them as a laborer, a worker. I was working for them.

Board Member: Were you offered money to help clear mines?

Detainee: Yes. They told me they would pay me 12,000 Pakistani Rupees to do the job.

Board Member: Were you trained in mines?

Detainee: No.

Board Member: Did you have any experience in mine clearing?

Detainee: No. I am not experienced in mine clearing. It's not a crime for me to take a job to earn money.

Presiding Officer: No one has said that this [allegation 3.a.2] is a crime. This allegation is merely a part of your story.

Detainee: Well, you wrote down in the Unclassified Summary of Evidence that this [referring to 3.a.2] is an allegation. Allegation means to accuse.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee trained for approximately one and a half days in the Khowst Province of Afghanistan. Upon arrival,

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the Detainee was given one or two injections in his right leg that caused confusion and incoherence. Additionally, on the day of the mission, the Detainee was given two oral pills that caused the same effect [as the injections].

Detainee: I did not have any training.

Designated Military Officer: (3.b.2) The Detainee was trained to use AK-47s, rocket launchers, machine guns, and hand grenades.

Detainee: I have not been trained on these [weapons] and I don't know these [weapons].

Designated Military Officer: (3.b.3) The Detainee was identified as being at Jihadi Madrassa before the Americans came to Afghanistan. The Detainee was attending training on how to throw grenades. The Detainee was seen with a fake plastic grenade in his hand.

Detainee: This statement is not true. It is a lie. I never went to a religious school. I have not heard of those names before. I only went to school in Pakistan.

Board Member: Did you learn how to throw grenades?

Detainee: No. I never learned how to throw [a grenade].

Designated Military Officer: (3.b.4) The Detainee trained with the Hezb-I-Islami Gulbuddin.

Detainee: I don't know anybody and no one gave me any training.

Designated Military Officer: (3.c) Detainee Actions and Statements. (3.c.1) On 17 December 2002, two people ordered the Detainee and a second individual to position themselves near the mosque and to wait for an American target to pass. As an American vehicle passed, the second individual ordered the Detainee to throw a grenade into the vehicle.

Detainee: Nobody asked me to throw a grenade. I have never thrown a grenade. I don't understand how to throw it [a grenade].

Designated Military Officer: (3.c.2) The Detainee stated originally he was not the person who was supposed to throw the grenade, but that the grenades were passed to him at the last minute. He and others were waiting in the market for United States' vehicles to pass. The other individuals told the Detainee to throw the grenade, so he did.

Detainee: That is not true. I told them [interrogators] in my statement that I was the person *who did not throw the grenade*.

Board Member: Please repeat your statement.

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Detainee: I told the interrogators in my statement I *did not throw the grenade*. I am not the person who threw the grenade.

Translator: [Detainee speaking to translator] The Detainee is asking me how did I [the translator] tell you [the Review Board] what the Detainee just said. The Detainee wants to make sure that I told you he said, "*I told the interrogators that I was not the one who threw the grenade. I did not throw the grenade.*"

Designated Military Officer: (3.c.3) As the Detainee threw the grenade, the second individual fled the scene. The Detainee was caught by a local police officer at the site of the explosion.

Detainee: No, that is not true.

Designated Military Officer: (3.c.4) The Detainee made a written confession to this attack, signed it, and marked it with his fingerprint.

Detainee: When they took me there [referring to the local police who arrested the Detainee and the local jail] they tortured me. They [the police] beat me. They beat me a lot. One person told me, "If you don't confess, they are going to kill you." So, I told them anything they wanted to hear. I told them anything they wanted me to say. By forcing me, beating me, and scaring me, I confessed.

Presiding Officer: At this point in the session, the Review Board will inquire on behalf of the Assisting Military Officer. [Speaking to the Assisting Military Officer] Have you heard words to this effect [in regards to the beatings and torture] prior to today?

Assisting Military Officer: No Sir.

*Translator informed the Detainee of the discussion between the Assisting Military Officer and the Presiding Officer with regards to the procedure with allegations of torture and abuse.*

Presiding Officer: I will query the Assisting Military Officer at this time. Do you concur that this [Detainees statement of abuse, torture] triggers the mandatory reporting aspect of the Office of Administrative Review for the Detention of Enemy Combatants (OARDEC) Standard Operating Procedure (SOP) [with regards to reporting allegations of abuse and torture]?

Assisting Military Officer: Yes Sir.

Presiding Officer: I therefore direct you, the Assisting Military Officer, to comply with the OARDEC SOP with regards to reports of abuse and/or torture.

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*Assisting Military Officer requested that the translator inform the Detainee that he (the Assisting Military Officer) had been directed to and is required to formally report any allegation of abuse or torture.*

Presiding Officer: The Review Board will also comply with the reporting procedures with regards to allegations of abuse and/or torture.

Board Member: Just to clarify, where did this [the torture/abuse] occur?

Detainee: In Kabul, by the Afghanistani Government.

Presiding Officer: The Review Board will annotate your case file to reflect you have made an allegation of abuse/torture.

Detainee: Thank you. It is the truth. I have never seen or endured any torture in Bagram or here in Cuba by Americans.

Presiding Officer: So, this allegation of abuse/torture was not by an American, but rather an Afghani. Is that correct?

Detainee: Yes. The allegation [3.c.4] says that I put my fingerprint and my signature on a confession. I do not have a signature. I have never had a signature.

Designated Military Officer: (3.c.5) The Detainee told a senior Afghani police officer that he was proud of what he had done, and if he were let go, he would do it again.

Detainee: I never said that.

Designated Military Officer: (3.d) Other Relevant Data. A senior Afghani official stated he heard the Detainee admit to throwing the grenade at the two United States soldiers.

Detainee: Yes. I was afraid of being terrorized by the police. I was afraid of being beaten and tortured. It is possible that when they [the Afghani police] were beating me and forcing me to confess, someone may have overheard me.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee maintains his innocence stating someone else threw the grenade. He stated he was at the scene when this other individual threw the grenade, however he was not involved.

Detainee: Yes, I was there. I don't know where the bomb [the grenade] was thrown and where I got caught.

Board Member: Do you know the person who threw the grenade?

Detainee: Yes. I don't know his name and I don't know where he came from, but if I were to see him, I would be able to tell you, "Yes, that is the guy."

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Board Member: Did you know the attack was going to happen before it actually occurred?

Detainee: No. I was not aware of the attack before it happened.

Designated Military Officer: (4.b) The Detainee said he has not served in any military army and never received any military training or terrorist training.

Detainee: Yes, I did say that.

Designated Military Officer: (4.c) The Detainee said he had no knowledge of the 11 September 2001, attacks on the United States prior to the event nor does he have any knowledge of future attacks against United States citizens.

Detainee: I was not aware and I do not have any information about the attack.

Translator: The Detainee is asking me how I translated his last statement. The Detainee still has doubts that I am not translating properly to the Review Board. The Detainee wants to make sure that I told the Review Board, "Did you tell them that I said that I was not the one who threw the grenade?" I told the Detainee that I told this to the Review Board.

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

*The Presiding Officer acknowledged the request.*

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

*Assisting Military Officer indicated he had some additional Detainee comments from the Enemy Combatant Election Form and that the Detainee would like to make an oral statement.*

Assisting Military Officer: The following are additional Detainee comments from the Enemy Combatant Election Form: *While the translator was reading the introduction of the Unclassified Summary of Evidence, the Detainee interrupted and basically recited the first two paragraphs. After the Detainee stated he would attend the ARB, the AMO informed him that he has the option to take an Islamic oath. The Detainee then stated, "Well, I'm not going to swear...non-Muslims don't believe us, so what does it matter? I swore (an oath) at the CSRT and still they did not believe me. I was still made an EC (Enemy Combatant)." The Detainee commented that based on discussion with other detainees, he had decided to answer point-by-point to the Unclassified Summary of Evidence, using written notes on his Pashto-translated copy of the Unclassified Summary of Evidence. After the AMO asked if he wanted to present any written statements or other*

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*documents at the ARB, the Detainee replied, "I would have written my family for evidence of my innocence, but I haven't...because this would get censored. I am not allowed to write this. How can I get documents since I can't request these from my family?" After the AMO explained that he has the option to provide general statements, in addition to response to the Unclassified Summary of Evidence, the Detainee commented, "Yes, I was a student... if I am released, I will become a student again." At the conclusion of the interview, the Detainee asked, "Where do you (the AMO) come from?" The AMO replied that the Detainee was not allowed that information. The Detainee then stated he had no further comments or any questions.*

*The Detainee made the following statement:*

Detainee: Do you want me to tell my story?

Presiding Officer: At this time, the Review Board would like for you to make your personal statement.

Detainee: About what?

Translator: I told the Detainee if he has any personal statements to make in regards to the allegations, this is the time.

Presiding Officer: Do you not want to make a personal statement?

Detainee: Yes. I am not a criminal and I am not guilty. Because of work I came to Afghanistan. I wanted to make money. The people I went to Afghanistan with, they told me my job was going to be clearing out and cleaning up the mines. Before that, my uncle had given me money to go to the bazaar to purchase some things. When I was at the bazaar, it became time to pray. When I went to the mosque to pray I met these men. The men said hello to me and then...

Presiding Officer: Let's stop for just a minute. [To the Detainee] The Review Board heard this same story in a statement you made earlier in the session.

Detainee: What kind of statement do you want? Do you want me to make a statement about my jail time and how it has been an injustice? Do you want a statement about my torture [in Afghanistan]? Do you want me to make a statement about my time here [in Guantanamo]?

Presiding Officer: You may state anything that you would like in your personal statement. However, the Review Board has already heard this portion of your statement and we do not need to hear it again.

Detainee: These people [talking to the translator, referring to the Review Board] want me to cooperate with them?

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Translator: I told the Detainee, "Yes, the Review Board would like your cooperation."

Detainee: I have cooperated. I told the Review Board the truth. That's it.

*Administrative Review Board Member Questions:*

Board Member: Mr. Jawad, you mentioned that you were at the scene of the attack. Why were you there at that time?

Detainee: Yes. I was there. A person gave me something, but I did not know what the object was that the person gave me [referring to the grenade]. One of those guys gave me one of those to put in my pocket to keep.

Board Member: That gave you one of what? What was it the individual gave you?

Detainee: His name was Madar.

Board Member: No, I am not asking the individuals name. I am asking you, what is the object he gave to you to put into your pocket?

Detainee: I will tell you now. They gave *it* to me and then said they would take it back from me later. They told me to stay here [the Detainee did not identify where *here* was. Close to the origin of the attack]. The man told me that he would come back. The man did not come back. Beside me there was a sack of raisin. I wanted to buy some raisons. When I went to pay for the raisin, I took the thing the person gave me out of my pocket and placed it on top of the sack of raisons. The shopkeeper saw the *thing* and asked me what it was. I told the shopkeeper I did not know what it was, but someone had given it to me. The shopkeeper told me that it was a bomb and that I should go and throw it in the river. I put the thing back in my pocket and I was running and shouting to stay away, it's a bomb! When I got close to the river, people [the police] caught me. The only thing I remember now, I was in the custody of the police.

Board Member: So, someone was going to hire you to clear mines. You were then given a grenade, but you had no idea that the item they gave you was a grenade?

Detainee: Before that time, I had never seen a grenade nor did I know what a grenade was.

Board Member: Do you admit now that the item you had was in fact a grenade?

Detainee: Well, the shopkeeper told me it was a bomb. When I got caught they told me it was a bomb. I guess it is possible that the item I had was a bomb.

Board Member: You were there when the attack occurred, correct? You also know the person who threw the grenades at the American vehicle. Correct?

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Detainee: It's a possibility that they guy who gave me the grenade, maybe he threw it.

Board Member: Did you hear an explosion?

Detainee: Yes. I didn't know it was a bomb, but I could hear people shouting.

Board Member: The name you mentioned earlier, is that the name of the person who threw the bomb/grenade?

Detainee: I did not see it with my own eyes. I think he is the one, but I did not see him [throw it] with my own eyes. He should be the one because he cheated me.

Board Member: What is your relationship with the person who threw the grenade?

Detainee: I have no relationship with him and I don't know him.

Board Member: You have no relationship with this man, but he just happened to give you a grenade.

Detainee: That man, I came to Afghanistan to work for him.

Board Member: With regards to the United States intervention into Afghanistan against the Taliban, do you consider the United States to be a liberator or an invader?

Detainee: We knew that they [the Americans] would bring peace and stability to Afghanistan. We knew they would help build up our country.

Board Member: What is your education level? How much schooling have you had?

Detainee: I have completed sixth or seventh grade.

Board Member: Do you have a family to return to in Afghanistan?

Detainee: My family is in Pakistan.

Board Member: During your training in Afghanistan, you received two injections. Do you know what those injections were?

Detainee: When they gave me that injection, my thinking was *the other way, not right*.

Board Member: You don't know what the injection was?

Detainee: I have no idea. They told me that when anyone works for us clearing the mines [referring to the individuals in allegation 3.a.2] we inject *this stuff* into the workers. They told me it was routine.

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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

  
Colonel, USA  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 902

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview occurred on 19 October 2005 and lasted 40 minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, to have the AMO speak on his behalf, he said he would attend the ARB and respond to each statement of information in the Unclassified Summary after it is presented. The Detainee elected to submit 31 letters and one photograph to the board. A follow up interview, to allow the Detainee to bring the items, was conducted on 20 October 2005 and lasted 71 minutes. The Detainee was cooperative and polite throughout both interviews. The

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Detainee was given a copy of both the Pashto translated and English versions of the Unclassified Summary of Evidence.

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

*The Board recessed at 1420 and reconvened at 1422 for retrieval of DMO-3.*

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

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

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was captured on 09 December 2002 under suspicion of firing Rocket Propelled Grenades (RPGs) at the American firebase in Asadabad, Afghanistan, on 02 December 2002.

Detainee: That day I was captured but I did not have any rockets. I didn't have any rockets and I didn't fire any rockets.

Designated Military Officer: (3.a.2) The Detainee admitted firing three RPGs at the firebase. He didn't know the date but it is believe that this was an attack that occurred in September 2002.

Detainee: I have not admitted that [statement].

Designated Military Officer: (3.a.3) The Detainee said he was offered money by Mullah Sher to fire the RPGs at the American base. After he had completed the attack, Mullah Sher took the RPG launcher back from him and instead of the promised payment, bought him a pair of tennis shoes. The Detainee stated that Mullah Sher has others working for him to conduct attacks against Americans.

Detainee: I brought the tennis shoes with my own money. I am not aware of [who the] Mullah Sher [is] and I did not say those words.

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Designated Military Officer: (3.a.4) Maulawi Sher Wali is a former Taliban Border Brigade Commander for Konar Province. In early April 2005, he was reported to have worked to smuggle explosives from Pakistan into Afghanistan.

Detainee: What does this have to do with me?

Presiding Officer: You may have some connection or you may know this commander. Someone is trying to tie [you both together].

Detainee: I have not heard his name and I do not know him and these questions should not be [referred] to me and they have no connection to me.

Presiding Officer: Someone is trying to tie you together with this commander that's why this [statement] is there. Your answer is fine.

Detainee: They can accuse me for anything but I am not accepting it.

Designated Military Officer: (3.a.5) After the rocket attack, the Detainee went with Rohullah to the village of Patak, Pakistan, and met with Kazi Haji. Once there, Kazi Haji gave a letter to the Detainee who took it to the Mullah at the mosque in Asadabad. This Mullah has incited people while speaking in the mosque against the central government and the United States. The letter instructed the Mullah to pay the Detainee, who received 1,400 rupees.

Detainee: Rohullah is in Camp 5 (GTMO Detention Camp) and you can ask him if I have been with him [to] attack or not. It is not a difficult question. He is alive and he is here. Before [meeting] him in the camp I did not know him, I met him here.

Presiding Officer: How about Kazi Haji?

Detainee: I don't know [him].

Designated Military Officer: (3.a.6) Rohullah is a known al Qaida cell leader who operated out of Konar Province, Afghanistan, and the Pakistan border region.

Detainee: What does that have to do with me?

Designated Military Officer: (3.a.7) Before Ramadan, the Detainee went to Bajoor, Pakistan and met with Kazi Haji and was paid 20,000 rupees. After firing the rockets, he was paid 3,500 rupees by Jan Shah. Jan Shah then drove the Detainee to Kas Konar where the Detainee crossed the river near the Spin Jumat (Spin Mosque). The Detainee was then seen near a stream in a taxi talking on a radio. This was .5km south of the firebase around the time of the rocket attack.

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Detainee: I don't know [any] of these people. They are free [and] I don't know them. They should be here and not me. They should be captured not me. Why didn't someone capture them and not me, if they gave me the money? I don't know them.

Designated Military Officer: (3.a.8) Mullah Sher and Rohullah gave explosives to the Detainee who then delivered them to Malawi Aslam. It is believed Malawi Aslam was responsible for the IED attack south of the firebase in September 2002. The Detainee was paid by Alef Khan to pass the explosives over to Aslam.

Detainee: They should capture Aslam, why did they capture me? [They] mention Rohullah, and I don't know Rohullah.

Designated Military Officer: (3.a.9) Alef Khan has been identified as an armed insurgent operating out of Qalae Siahi District in Nangarhar Province, Afghanistan.

Detainee: What does this have to do with me?

Designated Military Officer: (3.b) Connections/Associations (3.b.1) Prior to firing the rockets at the firebase, the Detainee was with Sher and Rohullah on the east side of the Konar River. Then the Detainee was in a car with Sultan Sayed near Jan Dad's house.

Detainee: I don't know of them and I am not aware.

Designated Military Officer: (3.b.2) Sultan Sayed is one of four appointed HIG sub-commanders in Konar Province, to include the region around Asadabad.

Detainee: Maybe, but I don't know him.

Designated Military Officer: (3.b.3) The Detainee said that while he was at Friday prayer at the mosque in the town of Shiekh Yousef, Pakistan, a Lashker Tauba commander gave the prayer and began to speak about the jihad in Kashmir. After the speech, he asked for volunteers and financial aid to fight in Kashmir. The Detainee went to him and offered to round up some people from his home Province to fight in the jihad.

Detainee: When I was in Shiekh Yousef City I was working as a daily hire worker. I am not going to make too [many] remarks because they told us to say just yes or no. If I start saying a lot of things you will be disturbed and I will be disturbed and we will just waste time.

Designated Military Officer: (3.b.4) The Secretary of State has designated the Lashkar-e-Tayyiba (LT) as a Foreign Terrorist Organization. The LT is the armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-wal-irshad (MOI), a Sunni anti-United States missionary organization formed in 1989. The LT is led by Abdul Wahid Kashmiri and is one of the three largest and best-trained groups fighting in Kashmir

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against India. The LT has conducted a number of operations against Indian troops and civilian targets in Kashmir since 1993.

Detainee: These questions are not for me. Why did they put them on me? I am sorry but I am not responsible for Lashkar-e-Tayyiba group.

Presiding Officer: They are trying to show a connection possibly with you belonging to the group.

Detainee: I am not familiar with Pakistan. I was just keeping animals that is all I [was] doing. How do I know them?

Designated Military Officer: (3.b.5) United States Forces obtained information stating that the Detainee had been working in Pakistan and had been known to be associated with the families of Saber Lal and Haji Rohullah.

Detainee: Rohullah is in the same room with me. He is in Camp 5 and you can ask him if I have any connection with them or not.

Presiding Officer: When you say Rohullah is in the same room with you what do you mean?

Detainee: He is in 35 and I am in 38.

Designated Military Officer: (3.b.6) Saber Lal and Haji Rohullah are Taliban commanders.

Detainee: I am not aware. The only one thing I can say is Saber Lal fought against the Taliban for six years, how is he now their commander?

Presiding Officer: Saber Lal fought against the Taliban for six years?

Detainee: Yes, for six years.

Presiding Officer: And Haji Rohullah, no idea [who he is]?

Detainee: Rohullah is with me in the same place (detention camp area) and he told me the story.

Presiding Officer: The whole story, tell us and enlighten us because someone is assuming he is a Taliban commander.

Detainee: When [people] get captured they give names and they make a lot of accusations and lie on [other] people. That's what they did to me and did to him. What does this have to do with me if Saber Lal is a commander of Taliban?

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Presiding Officer: The connection they are trying to make is [your] association with him.

Detainee: We don't have any connection we [are] from different tribes.

Designated Military Officer: (3.b.7) The Detainee was once a soldier for Hizb-I Islami Gulbuddin (HIG) commander Sher Wali.

Detainee: I don't know Gulbuddin. I am not [a soldier] and I don't understand. I have not worked for the government. I haven't worked for him or know him.

Designated Military Officer: (3.b.8) The Secretary of State has identified the HIG as a Foreign Terrorist Organization. Gulbuddin Hikmatyar founded 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 Ladin. HIG has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghanistan government, and establish a fundamentalist state.

Detainee: Well maybe that's for [people with] Gulbuddin but I am not with the Gulbuddin.

Designated Military Officer: (4) The following primary factors favor release or transfer (4.a) Prior to his detention, the Detainee had never heard of Usama bin Laden or al Qaida.

Detainee: Yes, it's true.

Designated Military Officer: (4.b) The Detainee stated he never worked for the Taliban.

Detainee: I haven't worked for [the] government anywhere.

Designated Military Officer: (4.c) A known Taliban member who received terrorist training in Afghanistan stated the Detainee was not al Qaida or Taliban and that he was only an animal caretaker and a nomad from the Konar Province.

Detainee: Show me that member of Taliban [that stated] he knows me [because] I don't know him.

Presiding Officer: This person that was a known Taliban member is saying that you were not al Qaida or Taliban, he is saying this in your favor.

Detainee: I don't know him. I was a nomad taking care of animals that's all I [do]. I am an animal caretaker [from a] generation of [animal caretakers] like my father and grandfather.

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Presiding Officer: Do you understand this person that we know is a Taliban member is saying you are not Taliban or al Qaida?

Detainee: Okay.

Presiding Officer: From what's in front of me I don't know who this guy is either but I could probably find out.

Detainee: I want to know what he looks like.

Presiding Officer: The important thing here is he is saying you are not al Qaida and you are not Taliban and that you are an animal caretaker and a nomad.

Detainee: Yes, sir.

Presiding Officer: While we go to great lengths to tell you the stuff that may not be good we [also] want to make sure we go to great lengths to tell you [things] that may work in your favor.

Designated Military Officer: (4.d) The Detainee claims no knowledge or involvement with Hizb-E-Islami Gulbuddin (HIG).

Detainee: Yes.

Designated Military Officer: (4.e) The Detainee stated he does not know a Rohullah, Alef Kahn, Saber Lal, or Malawi Alsam. The Detainee stated that he knew a Mullah Sher when the Detainee helped him build a mosque in approximately 2001.

Detainee: Mullah Sher at that time was not against Americans, why is he against them now? He is a poor guy. He has a house beside the Americans living there day and night.

Presiding Officer: Here it says you do not know Saber Lal, but you do know him now though?

Detainee: Yes, I met him here in Cuba.

Designated Military Officer: (4.f) The Detainee denies any type of weapons training.

Detainee: That's true.

Designated Military Officer: (4.g) The Detainee denies any involvement with any attacks against Americans.

Detainee: No, I haven't done it and I will not do it.

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Designated Military Officer: (4.h) The Detainee has never heard of the September 11 attacks until he was detained.

Detainee: Yes, I was not aware of it. We live in a very remote area and we just take care of animals, we don't know about [anything].

Designated Military Officer: (4.i) The Detainee stated he likes the United States' presence in Afghanistan because it brings peace and stability to the country.

Detainee: Yes, that's correct.

Designated Military Officer: (4.j) The Detainee believes jihad against the United States is wrong, and he does not intend to support it in the future.

Detainee: That's correct.

Designated Military Officer: (4.k) The Detainee believes his cousin had two men provide misinformation to the Americans about the Detainee's alleged involvement with the attack in order to retaliate for the Detainee's physical attack on him.

Detainee: They captured me [because of] his words.

Designated Military Officer: (4.l) The Detainee claims two interpreters, Waheed and Haji, who were with the Americans at the time of his capture told him to confess to firing the rockets, promising that he would then be released.

Detainee: There is a mistake here in the last one. They didn't say I had to admit to firing rockets, they said anything [that we ask you] say yes [to it]. You are cousin of Ismeal and I am cousin of Ismeal and I would let you go.

Presiding Officer: Were these two guys your cousins?

Detainee: No, they were translators they were not my cousins, but Ismeal is my cousin. They were working for [the] Americans and Ismeal was working for Americans [also]. They said whatever [we ask] you say yes, [because] we know Ismeal your cousin and we will let you go. They have already talked together and said they would accuse me for an arrest.

Presiding Officer: These two were implying that because they knew your cousin Ismeal that they would let you go as long as you agree to answer 'yes' to certain questions.

Detainee: Yes, that's it exactly.

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

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

Detainee: Present whatever you have.

*The Presiding Officer acknowledged the request.*

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

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement and submit letters on his behalf. I am handing to the Administrative Review board the following unclassified exhibits marked as EC-C1 through EC-C31 and EC-D1.

Note: EC-D1 was remarked as EC-C32.

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

Assisting Military Officer: In response to the allegations, the Detainee said that they are untrue. He says he is a poor, young man only 25, and asks how he could have done all these things. He also said that in a previous interview he made a statement that "my cousin works for the Americans" which was translated to "My cousin works for the Taliban". He said that he would answer the allegations at the ARB.

Detainee: Can I start?

Presiding Officer: You may begin your statement.

*The Detainee made the following statement:*

Detainee: My statement is this; I am a very poor man. Because of the translator misunderstanding I am here. You can look at my father's picture and my family, I am very poor and we are very unfortunate people. At the time they captured me I couldn't speak English, I couldn't understand it and that is why they gave wrong information and captured me. Now [since] I can speak English, if the translator makes a mistake I can tell. I was not against the Americans. I wasn't against them before, now and I will not be against them in the future. I liked them (Americans) before but now without justice they have put me in jail for three years. I appreciate and thank you for your time and kindness to come and sit down with me. My only request is to just make the decision to let me go or kill me. Because they look at me like Enemy Combatant and I don't look at them like Enemy Combatant. You can ask the soldiers [about] the other Detainees not [working] well with me because they ask me "Why am I so nice to the Americans?" I don't know my crime, what is my crime? I am not going to talk too much I understand you guys.

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Presiding Officer: Does that conclude your statement?

Detainee: Yes, that was my statement and I am not going to say anymore.

Presiding Officer: Thank You!

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

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

*Administrative Review Board Member's questions:*

Board Member: Just some quick verification questions. Your cousin Ismeal is he the one who basically said, along with the interpreters that you had something to do with the attacks and firing the rockets.

OL-23: I don't understand sir.

Board Member: The two interpreters Waheed and Haji, and his cousin Ismeal [are] they the ones who suggested you confess to the firing the rocket on the Americans?

Detainee: My cousin Ismeal was not even there. The two interpreters did not tell me to admit to the rockets they told me anything we say you say [yes to].

Board Member: And they said they knew your cousin?

Detainee: Yes sir.

Board Member: Did you make them or your cousin mad at you?

Detainee: I did not have a good relationship with my cousin and he was on their side.

Board Member: What happened to your toe?

Detainee: I was playing soccer and when I kicked the ball my toe hit the ground.

Board Member: You have told a lot of people you don't know and a lot of things you didn't do. I am going to try to find out what you know and what you did.

Board Member: Tell us how you were captured or arrested.

Detainee: I was sleeping in my home when I got captured. Four days prior to my capture I fought my cousin, which is my fathers brother's son. I broke his head when I had a fight with him. The whole village heard and he told me "If I don't get you [into] GTMO Bay, then they will not call me son of a human being".

Board Member: Who arrested you?

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Detainee: Eighteen Americans and five Afghans.

Board Member: What time of day was it?

Detainee: This was around 10, 11, 12 at night.

Board Member: Why did you attack your cousin?

Detainee: Americans helped us a lot and they gave us a water pipe. When the pipe came my cousin gave water to every house except our house. When I [returned] from Pakistan my mother told me he did not give us water. It was around evening [during] fasting month I came around [and found him] he was smoking a cigarette and I said hello. I asked him about the water, he said why are you asking me, why don't you go and ask the Americans. Then we started arguing, we ended up fighting and I had a stick and I hit him in the head. It started bleeding and then the people came to separate us and he said "If I do not send you to GTMO Bay, I am not human." The Americans came and said why did you beat up your cousin?

Board Member: The Americans said that?

Detainee: Yes, they investigated.

Board Member: Do you know anyone in Taliban or al Qaida?

Detainee: No, I don't know anyone.

Board Member: Do you know anybody in the HIG?

Detainee: I haven't worked with them.

Board Member: You don't know anybody in the HIG?

Detainee: No.

Board Member: Tell us about your family.

Detainee: What kind of information do you want?

Board Member: Wife, children, parents.

Detainee: I have a wife; I have a son; I have two younger brothers and parents, my father and my mother. I have four sisters, two are married and two are at home.

Board Member: Those that are still with your parents all live together?

Detainee: Yes.

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Presiding Officer: I noticed your grandfather mentioned in one of the letters.

Detainee: My grandfather died when my father was four years old.

Presiding Officer: I thought it said special greeting from grandfather.

Detainee: This was from my grandmother side.

Board Member: If you knew anybody then factors that don't seem to relate to you would relate to him or her. If you knew anybody these factors would relate to because we usually try to relate these factors to someone you know or to an organization or to what he did.

Detainee: If I knew some people I would not give them the privilege to be there (be free). If I am in Cuba they would be in Cuba also.

Board Member: Thank You!

Detainee: Thank You.

Board Member: In the letters you got from your family, did someone talk about your cousin Ismeal? Just want to make sure you will not have any trouble if you go back.

Detainee: I will not fight it was enough for me.

Presiding Officer: Do you write your family often? It seems like you writes them often [since] back in November 2003.

Detainee: I don't know the time and the [amount], but anytime the Red Cross come I give him twenty letters.

Presiding Officer: The picture that we have here they mentioned in January 2003 about over two years ago, is that the picture?

Detainee: In the letters they always tell me to learn English.

Presiding Officer: Who is in the ninth grade?

Detainee: My cousin from my mother's side. He is studying in Kabul.

Presiding Officer: I believe you are an honorable man so I'd like for you to be honest with me and give me honest answers to some of these questions.

Detainee: I am not hiding anything I have told everybody the truth. I have been accused wrongfully and I am not a criminal and I have not [committed] any crime.

Presiding Officer: Were you ever near or around the American firebase at Asadabad?

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Detainee: My home is in the back of the American base.

Presiding Officer: So you live near it?

Detainee: I can hear them talking. It's not a big base it is kind of like an airport.

Presiding Officer: Rohullah who is in Camp 5, you never, even in passing, met the guy in a different village or tribe?

Detainee: I didn't know him before. He was in Bagram, Afghanistan with me (prior to Cuba) and then later on he came to Cuba.

Presiding Officer: They talked about some substantial amounts for possibly paying you to be involved in these explosions.

Detainee: Rohullah is in the same camp ask him. If you want Saber Lal while I am sitting here you can call the soldiers and tell them to bring him here.

Board Member: Most Detainees wear white hats, is there some significance of your black hat?

Detainee: I understood that.

Board Member: Does that mean you are higher up in the organization?

Detainee: I am dark that's why.

Board Member: Oh, so you are not higher up in the organization, you're not a Mullah?

Detainee: No, I look nice with it. I am darker and it matches with the hat.

Presiding Officer: If you are released or transferred back to your home country of Afghanistan what do you plan on doing?

Detainee: Before I was thinking about working for the Americans but they trouble me too much. I am going back to my own way of living and I will keep my goats.

Presiding Officer: And stay away from your cousin.

Detainee: I can't go anywhere [without seeing him] his house is [near]. Even my cousin has been upset lately and he wants me to come back.

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

Detainee: What time will the answer come?

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Presiding Officer: There is no set time as to when.

Detainee: Last year during Ramadan I was being tried and then this year in Ramadan [I am] being tried [again].

Presiding Officer: Last year was to determine whether you were an Enemy Combatant, this is a review of that status. We are going to make a recommendation and once that recommendation is accepted by the Designated Civilian Official [you may be notified], we are just not sure how quickly that response will get back to you and in what manner.

Detainee: In the previous (board) they wrongfully accused me as an enemy. This time I hope it does not happen like this. I told you before and I am telling you now, I was not your enemy, I am not your enemy and I will not be your enemy. I am a very poor man and I will keep my animals. Look at my picture, look at my father's clothes, and look at my brother's shoes.

Presiding Officer: I did and you have a handsome family.

Detainee: Thank you.

Presiding Officer: I cannot give you a specific time as to when the answer will get back to you. You have been patient this long please be patient a little longer.

Detainee: If I have to spend 100 years in jail I will still be patient.

Board Member: We hope it will be soon.

Detainee: I am thankful for the six people who are here for me (referring to the ARB personnel) but I would like for you to think about the justification, they brought me here [wrongfully].

Presiding Officer: We will take all of this into consideration, your families' letters, the comments you have made here today and the information we have in front of us and that's about all I can tell you.

Detainee: Thank you.

*The Presiding Officer opened the classified portion of the session.*

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

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AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Presiding Officer

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# UNCLASSIFIED

## CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 902

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	9/12/2003	UNCLASSIFIED	GUAN-2004-I 00165/ICRC #4413
EC-C2	12/10/2003	UNCLASSIFIED	GUAN-2004-I 00585/ICRC #4715
EC-C3	11/23/2003	UNCLASSIFIED	GUAN-2004-I 00913/ICRC #5050
EC-C4	1/12/2003	UNCLASSIFIED	GUAN-2004-I 00830/ICRC #4964
EC-C5	1/9/2004	UNCLASSIFIED	GUAN-2004-I 01276/ICRC #5451
EC-C6	3/8/2004	UNCLASSIFIED	GUAN-2004-I 01994/ICRC #5873
EC-C7	5/30/2004	UNCLASSIFIED	GUAN-2004-I 02200/ICRC #6014
EC-C8	6/2/2004	UNCLASSIFIED	GUAN-2004-T 01220/ICRC #0499
EC-C9	6/22/2004	UNCLASSIFIED	ICRC #A132-10178
EC-C10	6/20/2004	UNCLASSIFIED	GUAN-2004-I 02401/ICRC #6148
EC-C11	9/21/2004	UNCLASSIFIED	GUAN-2004-A 01000/ICRC #7106
EC-C12	9/25/2004	UNCLASSIFIED	GUAN-2004-A 01001/ICRC #7107
EC-C13	10/5/2004	UNCLASSIFIED	GUAN-2005-A 00256/ICRC #7489
EC-C14	1/12/2005	UNCLASSIFIED	GUAN-2005-A 00360/ICRC #7598
EC-C15	1/7/2005	UNCLASSIFIED	GUAN-2005-A 00572/ICRC #7805
EC-C16	2/22/2005	UNCLASSIFIED	GUAN-2005-A 00598/ICRC #7831
EC-C17	3/24/2005	UNCLASSIFIED	GUAN-2005-A 01004/ICRC #8191
EC-C18	4/24/2005	UNCLASSIFIED	GUAN-2005-A 01478/ICRC #8650
EC-C19	4/24/2005	UNCLASSIFIED	GUAN-2005-A 01479/ICRC #8651
EC-C20	5/22/2005	UNCLASSIFIED	GUAN-2005-A 01473/ICRC #8645
EC-C21	1/21/2005	UNCLASSIFIED	GUAN-2005-A 01477/ICRC #8649
EC-C22	4/23/2005	UNCLASSIFIED	GUAN-2005-A 01480/ICRC #8652
EC-C23	4/28/2005	UNCLASSIFIED	GUAN-2005-A 01474/ICRC #8646
EC-C24	4/29/2005	UNCLASSIFIED	GUAN-2005-A 01475/ICRC #8647
EC-C25	4/28/2005	UNCLASSIFIED	GUAN-2005-A 01476/ICRC #8648
EC-C26	5/9/2005	UNCLASSIFIED	GUAN-2005-A 01779/ICRC #8947
EC-C27	6/21/2005	UNCLASSIFIED	GUAN-2005-A 01963/ICRC #9131
EC-C28	6/21/2005	UNCLASSIFIED	GUAN-2005-A 01964/ICRC #9132

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EC-C29	6/8/2005	UNCLASSIFIED	GUAN-2005-A 01965/ICRC #9133
EC-C30	7/4/2005	UNCLASSIFIED	GUAN-2005-A 01966/ICRC #9134
EC-C31	6/3/05	UNCLASSIFIED	GUAN-2005-I 01039
EC-C32	Not Dated	UNCLASSIFIED	N/A

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6-3-2005

NO SPECIAL PERMITS  
NECESSARY FOR THE  
CARRIAGE OF THIS  
CONTAINER

NO OPIE

The Mathematics  
Camp/Dollar Commandment Day  
Washington, DC 20055

9020

U.S. Department of Justice

Washington, D.C. 20535  
Official Business  
Penalty for Private Use \$300

FORM NO. 1 (10-6-82)

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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

### *In re PRO SE GUANTANAMO BAY DETAINEE CASES:*

KHALL-GUL v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0877 (IR)
RAHMATTULLAH v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0878 (CKK)
TAJ MOHAMMAD v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0879 (RUBW)
HAFI NASRAT v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0880 (BSH)
MOHAMMAD OULD ELANI v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0881 (KWB)
FAZIL RAHMAN v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0882 (GC)
KARIN BOSTAN v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0883 (RUBW)
MUHBULLAH v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0884 (RMC)
ALY MOHAMMAD v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0885 (CK)
ABDUL WAHAB v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0886 (BS)
CHAMAN v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0887 (RUBW)
NAZIL GUL v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0888 (CKK)
YASIN MUHAMMAD BAKAR v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0889 (BSH)
SHARBAT KHAN v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0890 (RMC)
NASRULLAH v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0891 (RUBW)
ALI HUSSIAN MOHAMMAD MUETTY SHAAHAN v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0892 (CKK)
MOHAMMAD MUSTAFA SOHAL v. GEORGE W. BUSH, et al.	)	Civil Action No. 05-CV-0893 (RUBW)

APPROVED IN  
S. F. R. C. S.



U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

KASBERKOV KOMOLIDEN TORIJANOVICH v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-0994 (RCL)
MOHAMEDOU OULD ELAHI ELAHI v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-0995 (GK)
AKHTEYAR MOHAMMED v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-0996 (JR)
KHUDAJAD v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-0997 (PLF)
ARKAN MOHAMMAD GHAFIL AL KARIN v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-0998 (RML)
ASIM BIN THABIT AL KHALAQI v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-0999 (RHW)
ABIS SARAJEDIN v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1000 (PLF)
ABDULLAH MOHAMMED KAHN v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1001 (BSH)
AKHTAR MOHAMMAD v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1002 (BOS)
HABIBULLAH MANGUT v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1006 (JDB)
ADEL HANAN HAMAD v. GEORGE W. BUSH, et al.	Civil Action No., 05-CV-1009 (RCL)
MCHARAT KHAN v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1010 (JIL)
ABDUL ZUHOUR v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1011 (JR)
SYED MUHAMMAD ALI SHAH v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1012 (BSH)
ABDUL SALAAM v. GEORGE W. BUSH, et al.	Civil Action No. 05-CV-1013 (JDB)

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**RESPONDENT'S MOTION TO STAY PROCEEDINGS PENDING RELATED APPEALS AND FOR CONSIDERATION**

For the reasons explained below, respondents move for a consolidated stay of proceedings in the above-captioned *pro se* Guantanamo Bay detainee cases,<sup>1</sup> pending resolution of all appeals in two other Guantanamo Bay detainee cases, *Khalid et al. v. Bush*, No. 04-CV-1142 (JUL), 355 F. Supp.2d 311 (D.D.C. 2005), appeal docketed, Nos. 05-5062, 05-5063 (D.C. Cir. Mar. 2, 2005), and *In re Guantanamo Detainee Cases*, No. 03-CV-8299, et al., 355 F. Supp.2d 443 (D.D.C. 2005), appeal on petition for interlocutory appeal, No. 05-5064 (D.C. Cir.). The pending appeals will address the core issues in the above-captioned cases and, thus, determine how the cases should proceed, if at all. As every judge who has considered this issue has concluded, a stay of proceedings is desirable appropriate.<sup>2</sup>

**BACKGROUND**

The above-captioned cases are among more than 30 individual *pro se* cases filed by detainees at the United States Naval Base, Guantanamo Bay, Cuba ("Guantanamo Bay"). A total of approximately 92 cases have been filed by or on behalf of approximately 200 detainees at Guantanamo Bay and are pending in this Court. The above-captioned *pro se* cases were filed through mailings by detainees to the Court. So far several judges of the Court have issued orders

<sup>1</sup> Five of the above-captioned cases, *Salmanishah v. Bush*, No. 05-CV-0678 (CEK); *Gul v. Bush*, No. 05-CV-0688 (CEK); *Shanbar v. Bush*, No. 05-CV-0692 (CEK); *Almagar v. Bush*, No. 05-CV-1008 (JDS); and *Shinwar v. Bush*, No. 05-CV-1013 (JDS), have already been stayed. See *supra* note 3. This motion is being submitted in those cases only for purposes of seeking consolidation and not for purposes of seeking a stay.

<sup>2</sup> Due to the extraordinary circumstances presented by these *pro se* cases, see *supra*, respondents' counsel did not confer with each of the *pro se* petitioners regarding this motion, but it is presumed that petitioners oppose the motion.

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pending to certify pro se cases before them. Judge Keller-Keady and Bates have already argued cases before them pending the Court of Appeals resolution of the Khalid and Al re Guantanamo Detainee Case appeals.<sup>1</sup> Judge Roberts has set a schedule for respondents to file and serve<sup>2</sup> a statement describing why the writ of Habeas Corpus should not issue.<sup>3</sup> And Judge Roberts has ordered respondents to "make a sworn affidavit of the true names of petitioner's detainer" in the cases before him.<sup>4</sup>

Almost three dozen non-pro se Guantanamo Detainee Case appeals, so Judge of the Court who so far has addressed this issue has refused to say such a case.<sup>5</sup>

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<sup>1</sup> See Order (July 14, 2005), *Adams-Walker v. Bush*, No. 05-CV-4878 (CCK) (pending case regarding formal return after detainer from Court of Appeals to Khalid and Al re Guantanamo Bay Detainee Case); Order (July 14, 2005), *Al v. Bush*, No. 05-CV-4883 (CCK) (same); Order (July 14, 2005), *Al-Shabani v. Bush*, No. 05-CV-4882 (CCK) (same); Order (July 25, 2005), *Al-Sayid v. Bush*, No. 05-CV-1008 (DMS)(pending case); Order (July 25, 2005), *Suleman v. Bush*, No. 05-CV-1033 (DMS) (same).

<sup>2</sup> See Order (July 11, 2005), *Khalid v. Bush*, No. 05-CV-4881 (RWY); Order (July 11, 2005), *Chauhan v. Bush*, No. 05-CV-4887 (RWY).

<sup>3</sup> See Order (July 11, 2005), *Khalid-Al v. Bush*, No. 05-CV-4877 (CK); Order (July 27, 2005), *Adams-Walker v. Bush*, No. 05-CV-4896 (CK); Order (July 27, 2005), *Suleman v. Bush*, No. 05-CV-1011 (DMS).

<sup>4</sup> See, e.g., *El-Masoud v. Bush*, No. 05-CV-4879 (CK) (file no. 39); *Al-Masoud v. Bush*, No. 05-CV-4829 (CK) (file no. 15); *Al-Sayid v. Bush*, No. 05-CV-4882 (DMS) (file no. 12); *Al-Sayid v. Bush*, No. 05-CV-4829 (DMS) (file no. 5); *Khalid v. Bush*, No. 05-CV-4881 (DMS) (file no. 10); *Al-Sayid v. Bush*, No. 05-CV-4824 (DMS) (file no. 4); *Al-Rashidi v. Bush*, No. 05-CV-4828 (RWY) (file no. 10); *Al-Sayid v. Bush*, No. 05-CV-4714 (DMS) (file no. 12).

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## ARGUMENT

A coordinated stay of these *pro se* cases is appropriate. The *Khalid and Isra Guantanamo Detainees Cases* involve decisions of Judges Leon and Green, respectively, regarding the claims, if any, available to Guantanamo Bay detainees. The appeals of these cases thus will address the core issues in these *pro se* cases, including whether Guantanamo Bay detainees have judicially enforceable rights under the Constitution, statutes, or various international treaties. These appeals, therefore, will determine how the Guantanamo Bay detainees cases, including these *pro se* cases, should proceed, if at all. It makes no sense for these cases to proceed in advance of resolution of the appeals; further proceedings would require the expenditure of judicial and other resources that may be avoided as a result of the appeals, and, in any event, such proceedings very likely would have to be revisited or nullified when the Court of Appeals provides guidance regarding handling of the claims in these Guantanamo Bay detainee cases. Indeed, Judges Koffler-Keady and Bates have recognized these issues and stayed the *pro se* cases before them pending a decision from the Court of Appeals.<sup>7</sup>

<sup>7</sup> The Court has the authority to stay proceedings in habeas cases, even prior to the filing of a response. Pursuant to the Rules Governing Section 2254 Cases in the United States District Courts (the "2254 Rules"), which are applicable to petitions for writ of habeas corpus other than those arising under 28 U.S.C. § 2254, such as the petitions in these cases, see 2254 Rule 1(b), a court may extend the deadline for responses to habeas petitions beyond the time limits set forth in 28 U.S.C. § 2243 — the 2254 Rules do not indicate a fixed deadline for responding to habeas petitions, and they supersede the time limits set forth in 28 U.S.C. § 2243. Rule 4 provides that "the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order. . . ." See *Mohr v. Welborn*, 15 F.3d 652, 653-54 (7th Cir. 1994) ("[T]he Rules Governing Section 2254 Cases in the United States District Courts, which have the force of a superseding statute, 28 U.S.C. § 2072(b) . . . [l]ocated up the deadline for responses. Rule 4 leaves it up to the district court to fix the deadline."); *Castillo v. Frost*, 163 F. Supp. 2d 573, 577 (N.D. Tex. 2001) (denying § 2241 petitioner's request for expedited consideration because "[t]he discretion afforded by Rule 4 of the 2254 Rules 'prevails' over the strict time limits of 28 U.S.C. § 2243"). See also *Landis v. North American*

A confirmed stay should also include a stay on any requirement, including any requirement previously imposed by Court order, *see supra* notes 4 & 5, that respondents submit any kind of factual returns or other returns to the *pro se* petitioners. Aside from the fact that the Court of Appeals, in *Khadrif and al. v. Guantanamo Detainee Cases*, will be considering the proper scope of these habeas proceedings, including whether these cases can be dismissed without reference to specific factual returns for petitioners, little utility would be served by requiring respondents to submit factual returns at this time. In those detainee cases in which factual returns have been requested and filed, such returns have typically consisted of months of proceedings before the Combatant Status Review Tribunal ("CSRT"), which the military uses to review and confirm detainees' ongoing status as enemy combatants subject to detention. Such returns include both classified and unclassified material, and often a full explanation of the reasons justifying the detention of a particular detainee necessarily involves classified or otherwise protected information that, pursuant to military rules under the Protective Orders entered in various detainee habeas cases, may not be shared with a detainee (whose detention was initiated because he was believed to pose a threat or danger to the security of the Nation and its troops or citizens).<sup>2</sup>

Cs., 299 U.S. 243, 254-55 (1936) ("The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."); *id.* at 256 (noting propriety of stay in cases "of extraordinary public moment").

<sup>2</sup> A detainee's counsel may have access to classified and protected materials in a factual return pertaining to the detainee, but only after counsel obtains a security clearance and otherwise complies with the protective order made applicable in other Guantanamo Bay detainee cases, which prohibits the sharing of classified information with a detainee. *See* November 8, 2004 Amended Protective Order and Procedures for Counsel Access To Detainees at the United States Naval Base in Guantanamo Bay, Cuba, ¶ 36, *in re Guantanamo Detainee Cases*, 344 F. Supp. 2d 174 (D.D.C. 2004).

With respect to information supporting detention that can be shared with a detainee, each detainee has already had the opportunity to participate in the CTRT process, and during that process, an unclassified summary of the evidence supporting the detainee's classification as an enemy combatant was made available to the detainee in advance of the CJRT hearing. See Memorandum dated July 29, 2004 regarding Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Encl. (I) ¶¶ F(3), H(3) (available online at: [www.defenselink.mil/news/Jul2004/20040730comb.pdf](http://www.defenselink.mil/news/Jul2004/20040730comb.pdf)). A detainee also would have been permitted to attend and testify in the open portions of the CTRT proceedings. See *id.* ¶ F(5). There would be little utility in requiring respondents to rethink in a return information the detainee already had the opportunity to learn, especially when proceedings in these cases otherwise should be stayed pending the appeal.

A continued stay, including a stay on any kind of return to the petition, would also be warranted to the extent it would be appropriate to attempt to find volunteer counsel for any of the *pro se* petitioners who desire such counsel. These *pro se* cases were presumably filed as a result of notifications provided by the Department of Defense ("DoD") informing detainees that they could seek review of their detention by petitioning the Court. Petitioners, however, are likely unfamiliar with United States law and the American legal system, typically do not speak or write English, and have access to the Court only through mail and not the Court's electronic filing system. Given these factors, as well as the fact that petitioners are not permitted access to classified information supporting their detention, recruitment of volunteer counsel for petitioners

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who desire counsel may be appropriate.<sup>9</sup> A coordinated copy of the court would permit my staff efforts to go forward and promote efficiency in the court.

**CONCLUSION**

For the foregoing reasons, the Court should stay further proceedings in these *pro se* cases, including any requirement for a return to the petitions, pending resolution of the appeals in *DoD* and *In re Guantanamo Detainee Cases*.

Date: June 3, 2005

Respectfully submitted,

PETER D. KEHLER  
Assistant Attorney General

KENNETH L. WAINSTEIN  
United States Attorney

DAVID B. SALMONS  
Assistant to the Solicitor General

DOUGLAS N. LETTER  
Terrorism Litigation Counsel

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<sup>9</sup> For its part, DoD is in discussion with an attorney organization regarding providing voluntary counsel for *pro se* petitioners who may desire representation.

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/s/ Terry M. Henry  
JOSEPH H. HUNT  
VINCENT M. GARVEY  
TERRY M. HENRY  
JAMES J. SCHWARTZ  
FREYA M. NORONHA  
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Washington, DC 20044  
Tel: (202) 514-2000  
Attorneys for Respondents

GUAN 2005-I 01039  
**UNCLASSIFIED**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2005, I caused a copy of the foregoing Respondents' Motion to Stay Proceedings Pending Related Appeals and for Coordination to be served via U.S. Mail, First Class postage prepaid, on the petitioners in these cases at the following address:

Camp Delta, Guantanamo Bay  
Washington, D.C. 20335

At Terry M. Henry  
**TERRY M. HENRY**  
United States Department of Justice  
Civil Division, Federal Programs Branch  
  
One of the Attorneys for Respondents

JTF JDOO 8-2  
SIAN/AF AND HAY, CURA

APPROVED BY  
JTF JDOO 8-2



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Description: Photograph, left to right, of detainee's cousin holding detainee's son, two brothers, and father.

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY  
COMBATANT**

ISN 905

<b>Exhibit#</b>	<b>Date</b>	<b>Classification</b>	<b>Guantanamo#</b>
EC-C1	5/05/05	UNCLASSIFIED	GUAN-2005-100670

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GLIAN-2005-1 00070

Sabah El Beana read this out to Baroness Symons at the meeting with the FCC, Tuesday 19<sup>th</sup> April 2005

From a mother of five children, with a disabled right hand.

Can you imagine how my life is? The feelings I have for my children in the absence of their father? Imagine my feelings for their poor, oppressed father who has been convicted of no crime.

Anyway, I shall tell you about my children and not bother you with my feelings. My children are always more important to me.

## Anas - 8 years old

He always asks me about his father. One day he heard a boy at school talking about prisoners in Iraq and Guantanamo and that they do bad things to them and torture them.

Anas returned in the house, frightened, and asked me, 'Is that true what I heard?' I told him immediately that this was not true. I told him that his father had sent us letters and he is well.

Anas asked 'Why are there no telephones where Baba (Dad) is?' and 'Why can't we go to any country with Baba where we can be in peace?'

## Mohammed - 7 years old

He always draws pictures of his father from his imagination. He draws his father playing with him in the park. His father is small and far away. He draws himself as very tall.

I ask him 'Why are you very tall?'

He says 'Because my father is very far away and I try and reach him - but I can't'

## Abdul Rahman - 6 years old

He always says 'Phone Baba and tell me he is coming home'

Abdul Rahman stops watching cartoons, which are his favourite, so I can watch the news about his father. He believes that if he watches less cartoons his father will come home sooner.

He cries if he hears Anas saying that his father is in prison. He asks me 'Is Anas lying?'

What answer do I give this child? The truth? Or do I lie to him?

## Bad'fa - 4 years old

Her father left to the Gambia when Bad'fa was just 2 years old. She always prays that her father will come back safe.

Now she is 4 years old, when she fights with her brothers and sister, she cries and says: 'I only want one person in the world. I only love Baba.'

Every time I see an aeroplane she asks 'Is that Baba's aeroplane?'

## Mervem - 2 years old

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MAY 05 2005

JTF/JDOG S-2  
GUANTANAMO BAY, CUBA

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GUAN-2005-I 00670

Poor Maryam – a week ago was her 2<sup>nd</sup> birthday. She does not even know the meaning of father. Her brothers have tried to show her photos of her father many times. They try to teach her the word 'Baba' and what it means –s he just cannot understand.

No mother or father would want this to happen to their children.

I want everyone to know that I always pray to God to give me the health, strength and patience, even if I use one hand – just for my children.

I always pray to God to keep my husband safe – to give him strength and patience until he returns to his children.

This is the last thing I wish to say – about his poor mother who cries all the time. Sh is an old and sickly woman. She has high blood pressure and heart problems. She has lost sight in one eye from so much crying. She says that her last wish in life is too see Jamil one last time – and hug him. After that, it does not matter if she dies.

Is it possible to give this sickly mother her last wish?

Is it possible to give these children happiness in their home?

I ask the humanity in all of you and I ask for the justice that we always talk about.

Do you have any answers for me? I am sorry I have taken up your time but I am always thinking about this.

The suffering began when I was 3 months pregnant with Maryam on 5<sup>th</sup> Noovember 2003.

From the depths of my broken heart

I thank you very much

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MAY 05 2005

JTF/ JDOG S-2  
GUANTANAMO BAY, CUBA

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Summary of Administrative Review Board Proceedings for ISN 919

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

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

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

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

Designated Military Officer: Commitment, the Detainee planted land mines for the Taliban during their reign and was the mine specialist for Mullah Naseem, the Hezb-e Islami Gulbuddin (HIG) commander in Madr, Afghanistan.

Detainee: I have never been in Madr and I don't know anything mines. I have never been in that area.

Designated Military Officer: The Hezb-e Islami Gulbuddin (HIG) was founded by Hikmatyar in 1977, as a faction of the Hezb-e Islami party, and it was one of the major mujahedin groups in the war against Soviets. HIG has long-established ties with Usama bin Laden.

Detainee: I don't know anything about this and this has no relevance to me. I don't know these things.

Designated Military Officer: HIG commanders Mullah Naseem and Mullah Zoi sent the Detainee to Bamian, Afghanistan, to kill Afghan Military Forces General Toufon, who worked closely with United States Forces in Bamian.

Detainee: These are all lies. No one sent me to Bamian. I am from Bamian. I was born there. I got married there. I have been working there. Why would I want to kill Toufon.

Designated Military Officer: The Detainee was responsible for laying land mines found near the fighting positions in Madr, Afghanistan. He has also been known to make improvised explosive devices and is considered an expert.

Detainee: I have never been there. I don't know about that.

Designated Military Officer: Mullah Zoi was the HIG commander in Kahmard, Afghanistan, and a former Taliban commander who provided safe haven to Arabs in the area of Kahmard.

Detainee: I don't know Mullah Zoi and I don't know if he was providing a safe haven for Arabs or not.

Designated Military Officer: The Detainee traveled to Bamian, Afghanistan, to possibly conduct mining operations against United States Forces.

Detainee: Like I said before, I am from Bamian and I wasn't sent to Bamian. I don't know anything about mines. How would I set mines up if I don't know anything about them? In addition, the Americans were the ones who brought peace for religion in

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Bamian. I am a Shiite Muslim and the dominant religion in Afghanistan is Sunni so I was happy when the Americans came.

Designated Military Officer: The Detainee traveled to Bamian with a hand-written message from Mullah Naseem and Mullah Zoi to Audil requesting him to contact Naseem. Audil, the Security Chief for the Bamian Province Governor, was attempting to coordinate safe haven for weapons caches that belonged to Naseem in Madr and Kahmard.

Detainee: Mullah Naseem did a lot of atrocities to me and my family. I knew Audil so I told him about this and he suggested that I take a letter to Naseem to come to Bamian. Then when he came to Bamian we would ask him about all the atrocities and punish him for that. That was the reason for the letter. Ten days after I received the letter the Americans came to Bamian. I went there to find Naseem to bring him back to Bamian so he would face his atrocities or to bring him to trial or something. I went there and there are about ten families living in Bamina that are Shiite Muslims. He did a lot of cruelties and atrocities to all the Shiite families. I got the letter and because Naseem killed my mother, when I went to get him in Madr...in that letter I was explaining to Naseem that he should provide his pictures and the serial numbers of the weapons that he had. When I went there the Americans came and I was actually very happy and I invited them to come have some tea. Naseem got paranoid when he saw the Americans in Bamian and during the time of Khalili he had arrested me and She-ro-ha (ph) was one of the people who interrogated me and he also punished me while I was detained. When I showed him the letter he went to talk to the Americans and he made some allegations against me...that I was a mine [expert]. The security agency knows about this and the governor of Bamian knows about this...they all know about this.

Designated Military Officer: Training, the Detainee served in the military from 1984 -- 1986, as the servant to the Commander, Bamian City Military, Bamian City Airport, Bamian City, Afghanistan.

Detainee: It was during Najee's (ph) time that I served in the military and I don't remember the years.

Designated Military Officer: Other relevant data, the Detainee was identified as the Minister of Transportation for Bamian during the Taliban reign. He was described as an operative who would execute Mullah Naseem's orders that consisted of making the streets unsafe in Bamian.

Detainee: Is there a minister in Bamian? I don't think so...and during the time of the Taliban I was a refugee. When the Taliban came to Bamian we all fled our homes and we went in to the mountains for a couple of days. After that we went to Darsof. We were there for a while until we got back to our cities.

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Designated Military Officer: The Detainee was captured on 25 December 2002 by United States forces in Bamian.

Detainee: I don't know about the date and time. It's been about two or years that I have been captured and I have recollection of the time. They grabbed me from my home and not from anywhere else.

Designated Military Officer: The following factors favor release or transfer, the Detainee stated he is very happy that United States force liberated Afghanistan from Taliban control.

Detainee: Yes, not only me but also all the people of Afghanistan because the Taliban committed a lot of atrocities. They burned our houses...our villages. They did a lot of cruel things to us so of course I was happy.

*Administrative Review Board Member's questions:*

Board Member: You mentioned in paragraph 3 that the letter was written by Audil not by Mullah Naseem or Mullah Zoi?

Detainee: Yes, the first time that I got the letter it was from Audil. I was supposed to give it to Naseem to ask him to come to Bamian and we would help him and cooperate with him if he came.

Board Member: Was that the only letter you had in your possession?

Detainee: When I gave him the letter he gave me another letter in response to that.

Board Member: So you have met Mullah Naseem?

Detainee: This was the first time that I took the letter from Audil to him.

Board Member: The letter from Mullah Naseem, who was that supposed to go to?

Detainee: The letter was addressed to the elders of the village and the governor. It said 'I'm coming but please do not punish me.'

Board Member: Do you know anything about the weapons cache that the governor Audil was trying to safely store?

Detainee: No, I was just sent there to gather some information and when I went there that was my main purpose.

Board Member: Have you ever received any weapons, ordnance or other specialized military training?

Detainee: No, I have not.

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Board Member: Do you know any one who has manufactured improvised explosive devices?

Detainee: No, I don't. I am a farmer. I am a poor person. I just know how to farm.

Board Member: So, no association to the Taliban? No position with the Taliban?

Detainee: No, they killed my father in law...they killed my uncle...they killed my mother too...Gulbuddin's people.

Board Member: Were you given a reason as to why you were captured in December 2002?

Detainee: I told them to ask the security agency [because] they know about the purpose of my trip and no...they didn't do any investigations. I told them they could ask Audil since he worked in that agency...nobody asked.

Board Member: What agency?

Detainee: Security agency.

Board Member: Do you have family in Afghanistan?

Detainee: Yes, my family is in Afghanistan. I have six boys and one [girl] and my wife. There is about seven or eight of us. It's been about two or three years since I have been away from my family and I have no news from them. I don't know if they are alive. I hope they are still alive...I have very young kids. Since we were so poor, my kids didn't have any shoes and my wife lost two of her teeth and I didn't have money to replace the teeth for her. When she was giving birth, I didn't even have the money to buy cooking oil so we could cook something.

Board Member: If released, what will you do to support yourself and your family?

Detainee: I [will] farm. I don't know anything else but farming. I will just work the land; grow wheat, potatoes and other things that I can make a living out of. I have a piece of land and I was growing wheat there and I was making a little bit of money...not too much...just enough to survive with basically. Even in here I don't feel safe...the Arabs bother me a lot. They spit at me and they throw urine at me. Some times they say bad things [to me]. They used to call me names but now I am happy because I am mostly with Afghans right now.

Board Member: Does your family know you are here?

Detainee: I don't know but they send letters to me and they inform me about their well-being.

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Board Member: So, you have received letters from your family?

Detainee: Yes, I have received a few letters from my family.

Board Member: Have you written letters to them?

Detainee: Yes, I have.

Board Member: Do you ask them to help you by getting some of this information that you say is available through the security agency and the governor? Have you asked them to ask the security agency or the governor to write us...give us information about your situation?

Detainee: Yes, I have done that through the Red Cross. I have sent a letter with Red Cross but I haven't received anything back yet.

Board Member: How long ago did you ask?

Detainee: It's been a long time. It's been maybe three to five months. I have also filed a petition. I didn't know about that and the Red Cross people told me about it.

Presiding Officer: A habeas petition?

Detainee: Yes.

Board Member: You have no weapons experience, you say or have you ever owned a weapon?

Detainee: No, I have not received any training and I have never owned any weapons. During the time of Khalili, he asked me to come and serve. I went but I did not receive any training or anything of that nature.

Board Member: So, this message you were asked to take to Mullah Naseem...[isn't he] that man that killed your mother?

Detainee: Yes, maybe not himself personally but people who worked under him...who were with this group. They also have the deeds for our property...Naseem has it.

Board Member: So it's safe for me to say that you don't like this man?

Detainee: Of course not. If somebody killed my mother I would consider him an enemy and how could I like him?

Board Member: Why do you think they sent you to this man knowing that he has done all these things to you...without a weapon?

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**Detainee:** At the grand assembly when I met Mr. Audil and I told him about my problems...he suggested that I go bring him so he could face justice.

**Board Member:** So you were told to go and bring this man back to face justice?

**Detainee:** Yes, this is what I was told from the security agency in Bamian...to go talk to him and maybe he could send us his pictures or the serial numbers for the weapons that are in his possession and if he could come to Bamian...then maybe we could talk to him...cooperate with him...this was the purpose.

**Board Member:** So, they thought that you had the expertise to go and talk to this man and bring him back without any weapons to protect yourself from a man whose killed people in your family?

**Detainee:** It was during the time of Ramadan, the fifth day of Ramadan when I went there and since it was kind of peaceful, I didn't realize that I would be in danger because it was about a year and a half after the downfall of the Taliban. I went there without any fear.

**Board Member:** Is this a dangerous place you lived [in]?

**Detainee:** No, it's not. It's a safe place. We live in the city of Bamian, which is very close to the airport, and it is a secure area.

**Board Member:** But your family had been killed?

**Detainee:** No, my mother was killed in Madr, which is a different place. My father bought a piece of property there and my mother was killed there not in the city of Bamian. Where I live it is safe and secure because there are lots of agencies there [as well as] the airport. There are always security forces available.

**Board Member:** So, you never needed any weapons to protect yourself and your family or anything like that when you were living in Afghanistan?

**Detainee:** No, what is a poor person going to do with a weapon? If I had weapon then I would have probably been in more trouble than I am right now. My brothers lived in the same area. They are all farmers. None of them have any weapons. If you want you can ask.

**Presiding Officer:** How many people live in Bamian?

**Detainee:** How should I know? I don't know.

**Presiding Officer:** Ten people...a hundred people...a thousand people?

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Detainee: There are a lot of people living in Bamian. I can't tell you exactly how many people but there are a lot of people living in Bamian.

Presiding Officer: So is there a mayor?

Detainee: Yes.

Presiding Officer: Is there a city council?

Detainee: I don't know about that but I know we have a mayor.

Presiding Officer: Is there a chief of police?

Detainee: I don't know about that either. Mr. Karzai visited Bamian once and Seem-a-samar (ph), she presented Bamian and we all went to greet him with flags.

Presiding Officer: How well do you read and write?

Detainee: No, I don't know how to read and write because I never had the opportunity to learn since I was always busy working, working, working. One day we were out of soap, one day we were out matches...the next day we didn't have shoes...and the next day we didn't have food. I was always busy working, working, working. And I wasn't making too much money either. I one day I cut two pounds of wheat.

Presiding Officer: Were the letters that you delivered in sealed envelopes?

Detainee: No, I don't remember cause it's been two or three years. When I met Audil at the grand assembly he told me that we would avenge your mothers death so go see if you can get Naseem to come.

*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: As I stated earlier my name is Faiz Ullah and I am from the city of Bamian. The name of my village is Saryisab. I am a Shiite and a Farsi speaker. My father bought a piece of property in Kamard (ph). I have been living in Saryisab and usually I have been in that area and I have always worked in that area. When the communists came in power we lost our ties with the other bigger city that was closest to us because in between there were mujahedin...the people that used to fight the Russians. That's how we lost

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our connection to the other city. When the Russians were defeated the mujahedin took over after that Kahlili came into power. During the time of Khalili we couldn't travel to the city of Bamian so we stayed in our village because everything that I needed was there. I got married there and I was working there. I didn't have the need to travel a lot. Somebody by the name of Che-ra-ba (ph) arrested me for eleven days and he was beating me with a stick. My brother is married to She-la-la's sister and Che-ra-ba was insisting that I give him my sister as a wife. My sister told me that she didn't want to marry Che-ra-ba and she would like to choose her own spouse and I agreed with her and I told Che-ra-ba that 'yes, you are a commander but I cannot give you my sister as a wife. I cannot do that. She is not happy about that.' So, finally they bailed me out. My brothers and my father in law paid about a hundred thousand Afghanis to get me out of jail. After Khalili the Taliban came into power and when they came into power we were so scared because they didn't like Shiite Muslims so we fled from our homes. We went to the mountains for three or four days. Then we heard that the Taliban would capture people and they would kill you. Since we heard this news we couldn't go back to the city to see for ourselves so some ladies went back and they found that it was true. They had killed a lot of people and they burned houses. When the ladies came back and they gave us the news, that it was true that they had killed a lot of people including my uncle, my cousin, my father in law...then we went towards Darsof. So we were there until the time that the Americans came into power. Everybody was very happy when the Americans came to our city. This was the first time in Bamian. When the Americans came and we went back to our village we saw that our houses were burned...destroyed. The Americans helped us a lot. They used to throw rations by parachutes at night near the airport and we used to go pick them up from there. They used to give us tents, blankets, wood and something similar to MREs but it was in a white bag. So for a year and a half we lived this kind of lifestyle. They used to even take my children for a ride on their vehicles and they used to go pick up wood for burning purposes and we were just living there in peace and happiness. Che-ra-ba (ph) put me in this trouble. I guess he was holding a grudge when I didn't give him my sister as a wife. He wanted to take revenge and that is why he turned me over to the Americans and otherwise...what would I do in America? I am a poor person. I want to be in my home with my family so I could take care of them. Even here people call me names and they tell me bad things...that I am cooperating with the Americans. I ask them what bad things they have seen from them (*referring to the Americans*)? They keep you here; give you all the things that you need. They give you food and shelter. They even provide a Koran for you if you want to read it. They will provide all these things for you so...why do you guys hate Americans? I ask that to the other Detainees that are here. They hit me and they broke my ribs...the Detainees, but the Americans took care of me. They took about ten x-rays and they visited me about two or three times a day. God praise them for that. I don't have any problems with the soldiers or with the guards. If you want you can ask. It's been about two or three years since I've been here and all this time I have never had any problems with anybody.

Presiding Officer: Does that conclude your statement?

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Detainee: Yes, thank you very much for giving the opportunity to speak and for taking the time to listen to my statements.

Presiding Officer: Thank you for speaking so eloquently.

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

*The Designated Military Officer 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.

  
Colonel, USA  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 923

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 12 August 2005 and lasted 65 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the Administrative Review Board, the Detainee stated he wishes to attend and speak openly with the board members. The Detainee prefers to respond to the Summary of Evidence after each allegation is read during the Administrative Review Board. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during

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interviews. The Detainee elected not to have a copy of the Unclassified Summary of Evidence for future review.

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

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

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

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

Designated Military Officer: The Detainee fought against the Russians in the Jihad.

Detainee: No, I haven't fought jihad.

Presiding Officer: Not even against the Russians?

Detainee: No, I haven't seen a Russian. I haven't gone to jihad.

Designated Military Officer: The Detainee admitted to being a member of the Taliban.

Detainee: No, I'm not a member of Taliban.

Presiding Officer: You never admitted this at any time?

Detainee: I was not a member of Taliban, but I had a local dispute, a lawsuit over my residence. To gain some official support from a government officer, I was working as a cook for five months for a member of Taliban.

Designated Military Officer: The Detainee was apprehended by Afghan Security Forces at his bakery shop. Although no weapons were found, a letter describing the character of approximately 24 men and recommending they be admitted into the Taliban II Commando Corps was found. The letter signed by former Taliban supreme leader Mullah Omar.

Detainee: I don't know about any letter. I had this lawsuit, this dispute with this guy and he had more support so he won and he handed me to Afghan forces to arrest me. Probably they made up this list of Taliban members and he probably just throw it in my shop or just put it in my pocket, but I don't know. I have some paperwork that is strictly

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the bakery paperwork, the stuff that I buy and sell. I don't see very well, so I don't know about this particular letter. You can check my handwriting if it was written by me. I am being very honest with you. I'm not lying to you. It was not my letter and it does not match my handwriting.

Presiding Officer: Thank you, we will ask more questions about this.

Designated Military Officer: The Detainee and two other men are reported to have been plotting to attack United States personnel in Kandahar, Afghanistan, in late December 2002.

Detainee: I am disabled. I don't see very well. I am not able or not the kind of guy to be able to do that. You can ask your physician [of] my physical ability. He can tell you that I'm not...

Presiding Officer: We can see. Thank you. We'll have more questions.

Designated Military Officer: The group also planned to conduct mortar attacks on the Kandahar, Afghanistan airfield at a later undetermined date.

Detainee: I barely had time to follow or pursue my lawsuit that I had. When you look at me, do you think that I'm the kind of guy to be able to do that?

Presiding Officer: Thank you.

Designated Military Officer: The intent of the attacks was to gain support from the Sayyef Organization.

Detainee: I have a family I left there in the town. If I was that kind of guy to do attacks than I would probably not [be] living in the city. I would have runaway a long time ago. I have a family. I want to support my family and make some cookies and some bread, just to support my family.

Designated Military Officer: Some Abu Sayyef Group leaders allegedly fought in Afghanistan during the Soviet war and are students and proponents of radical Islamic teachings.

Detainee: Please don't [tell me the] name[s of] these people. I don't know them and I don't need to know about them. I'm a poor man.

Presiding Officer: It's just a general statement about Abu Sayyef.

Designated Military Officer: An unknown individual from Pakistan, sent by, or associated with, Zabih Jalil, a Hezb-e-Islami Gulbuddin (HIG) commander in Quetta, Pakistan, provided radio-controlled detonators. The man also instructed the Detainee on the proper use of the devices.

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**Detainee:** Even if you bring those devices to me I do not know them. I'm being very honest with you. I swear that I don't [know] these things.

**Designated Military Officer:** The Hezb-e-Islami Gulbuddin has staged small attacks to force United States troops to leave Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

**Detainee:** I don't have these kinds of thoughts. I have never thought about these things. I don't know this line of thought. I'm a person of peace. I want peace. I don't know these people and I don't think these things. I always wanted peace, because I have [a] family I want to live peacefully with my family. I want to go to my work and then I go back home. I can accomplish that when there's peace. Once my bakery shop caught fire and I did not have money to repair it, I divided [my house] into two pieces. I built a wall in the house and half of this house I leased it to some people, so with that money I could continue my bakery business. I lived in half of the property and the other half...I leased it just to be able [to] continue my business, because I am a poor man.

**Designated Military Officer:** The Hezb-e-Islami was one of the major mujahedin groups in the war against the Soviets and has long-established ties with Bin Laden.

**Detainee:** Those people I don't know them. These words I cannot comprehend. This is up to you.

**Presiding Officer:** We'll get back to more questions about some of these people. We'll just try to clarify in a few minutes.

**Designated Military Officer:** Zabit Jalil was reportedly involved in planning to lay remote control detonated explosives along the route to a U.S. military installation in Kandahar, Afghanistan.

**Detainee:** I don't know Zabit Jalil. I don't know about these things. Whoever made these allegations they are my enemies and they want to ruin me.

**Designated Military Officer:** HIG Commander Gulbuddin Hekmatyar, Zabit Jalil, and Mullah Ghaffor were providing funding for planned attacks against United States military personnel.

**Detainee:** I'll be glad if I could support my family. I could barely support my family. I'm not thinking about those things. I don't know these people. Why is it relating to me?

**Designated Military Officer:** The Detainee reportedly purchased 100 bars of wet gun powder; twelve 82 millimeter mortar rounds; 25 to 30 rocket propelled grenades; two or three Enfield rifles; and four anti-tank mines.

**Detainee:** These things are way above my level. I don't have that kind of ability. I can barely support my family and my business and I have trouble doing that. I don't know

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about all these things and none of these things have ever been caught with me. So I don't know.

Designated Military Officer: The Detainee received some military and hands-on training while fighting against the Russians in the jihad, but denied any formal training at a formal camp.

Detainee: I swore to you earlier and I'm still under oath. I don't know. I'm not that kind of person. I was living in the center of the town [and] by the paved road was my business. I couldn't do those things. You are also honest people; because you went under oath...you better believe me that I'm not lying to you...I'm being honest with you.

Designated Military Officer: The Detainee can fire AK-47s, pistols and shoulder-fired rockets.

Detainee: Do you believe that? You bring a physician. You people are of science and technology. Tell a physician to examine my eyes. I'm blind in one eye and I partially see [through] the other one. I can't do these things. How can I fire a rocket? I can't do this. I'm not able to. If you are seeking the truth at least this one item can be brought to light, if you bring a physician here...an optometrist... When I use the bathroom at night a child has to lead me. Has to take my hand and take me outside.

Presiding Officer: We have it confirmed in your medical records. We will have a few questions about this in a few moments.

Designated Military Officer: The Detainee worked for about one year for Mullah Abdul Ali, a member of the Taliban. The Detainee would pick up groceries and personal items for his employer.

Detainee: I'm not a man of politics. I am not a man, who can use ammunitions or any kind of weapons. I was working with him. I was just his servant. I work with him for two or three months just to make some money and support my family. That's all I was doing.

Designated Military Officer: The Detainee admitted knowing Zabit Jalil, but only during the time of the Russians.

Detainee: I don't know Zabit Jalil. I haven't seen him. I don't...I never said that I know him. I never said that I know him.

Designated Military Officer: The Detainee admitted involvement with the Sayyef Group during the Russian jihad.

Detainee: I [did] not admit that. I have not said that. I'm not a man of jihad. I've never done jihad. I've never seen him. I am being very honest to you.

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Designated Military Officer: The Detainee denied knowing Mullah Omar and having any knowledge of a letter reportedly discovered in his residence.

Detainee: I wanted to say something...a few words I have. *Translator informed the Detainee that he would have an opportunity later to say a few words.*

Designated Military Officer: The Detainee denied any association with the HIG, Taliban, and involvement in the planning of attacks on U.S. or Afghan forces.

Detainee: That's good.

*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:*

First I want to talk to you about this lawsuit. Locally, I had a lawsuit involving the house, my property...I want to talk to you about that. Everything happened to me because of that lawsuit that I had that was the originating point of the problems for me. I built this house, some people...the fighters, [and] the gun owners they turned on me. This was before the Taliban. Those people were the warlords and they were strong...by force they took this piece of land from me; the piece of land that I wanted to build property on, the warlords [took] it from me by force. When the Taliban came to power, there was some justice, I went to Taliban officials and told them about my problem. With the help of this guy, for whom I was cooking his food, with his help I won the lawsuit. I built a house on that property, the house that I own right now. I left that cooking job and started my own bakery. I was doing my bakery business. When this government (Karzai) came to power those people had power. They went to this government and they [were awarded] 1.2 million Afghan[is]; the old currency, which had less value. They got [they're] money from me. It was one year we were involved with this lawsuit...very busy with the lawsuit before they [got] this money from me. Once they got [their] money from me, they handed me [over] to [the] Americans. They made these allegations...that this guy is this; this guy is that kind of guy. I don't know what has happened to my shop and what happened to my house and my family...I don't know. That lawsuit is not over. When I go back, I will go back to Americans and will tell them that this is the truth and these are the people, for whom I was involved in the lawsuit, and they got my money and justice should prevail somehow. This Administrative Review Board should seek the truth and make a just call and justice should prevail, because I feel that my rights have been abolished. I have a family, the support of my family is very important. I can not have

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any animosity with the present government or with any government. My main purpose is to support my family. That is my goal that is my purpose.

Presiding Officer: Thank you. Mr. Razzaq, does this conclude your statement?

Detainee: Why should I be detained here for three years? This has been cruel. My continued detention here is pointless. I should be sent home.

Presiding Officer: We will take all that into consideration in a few minutes.

Detainee: While I was detained I have treated everyone with respect; none of the military personnel have had any problems. I have always treated them nicely.

Presiding Officer: Does this conclude your statement, Mr. Razzaq.

Detainee: Yes.

Presiding Officer: Thank you very much.

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

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

*Administrative Review Board Member's questions:*

Board Member: Mr. Razzaq, did you ever fight against the Russians?

Detainee: No, I haven't fought. I haven't seen Kabul.

Presiding Officer: You didn't fight at all against the Russians?

Detainee: No, not ever. Never, I'm being honest with you.

Presiding Officer: How did you feel about the Russian invasion of Afghanistan?

Detainee: We were very poor people and we were busy with our business, plus I was very young at that time...very young.

Board Member: When did your eye become injured?

Detainee: About 18 to 20 years ago.

Presiding Officer: How?

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Detainee: We were poor people. We were collecting pieces of metal to sell it. People could sell those pieces of metal to make different things from it. At that time something exploded and I lost my sight.

Presiding Officer: So that means that you were near where fighting was going on?

Detainee: At that time they had explosives everywhere...like mines and stuff. A lot of people lost their lives or their body parts, including some animals also when they stepped on those bombs or mines...they either died. That was the case at that time.

Board Member: Who did you know that was in the Taliban?

Detainee: I didn't know as a friend any particular person in Taliban. I swear to God, I'm telling you these three things truthfully. My eyes that I don't see and this lawsuit that I had and about involvement, that I don't have any involvement with Taliban.

Board Member: What can you tell me about the Sayyef organization?

Detainee: I cannot tell you anything. I don't have any information.

Board Member: When you leased your property, whom did you lease it to?

Detainee: Hajji Gulam. This person lives there.

Board Member: The munitions that were found on your property, did you know about those?

Detainee: Nothing was found on my property. These allegations are baseless. Whoever had told you [this] is not honest.

Board Member: How do you feel about the government of Afghanistan now, President Karzai?

Detainee: All I'm thinking is going back and working. Doing some labor to support my family. That's my main purpose. I don't know about politics. I don't know...I don't have any involvement with politics. My bad eyes, my poverty and my lawsuit are three major witnesses on what I [have said]. So when I go back I will hold Americans by the hand to help me with my lawsuit. I'm glad that you judges listen to me and you heard the facts through my own words. I'm happy for that.

Board Member: Tell me about your childhood, where'd you grow up?

Detainee: We don't have a lot of property. We live in [the vicinity] of Kandahar.

Board Member: Did you attend school?

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Detainee: No. I was a child when the Russians invaded Afghanistan. We all moved to Pakistan. We were living there.

Board Member: You lived in a refugee camp or where did you live in Pakistan?

Detainee: I was in a camp where they give help with food or money.

Board Member: How did you return...what sort of jobs did you have when you returned to Afghanistan?

Detainee: At the time of [the] Taliban, for a short time I was a farmer. I planted on somebody else's land...some wheat. Then I was baking these cookies.

Board Member: Where did you learn to become a baker?

Detainee: I learned in Afghanistan. It is not difficult to learn. A friend of mine he was making these cookies. He taught me how to [make cookies].

Board Member: You have been in captivity for three years?

Detainee: Where?

Board Member: Here?

Detainee: I think its about three years now.

Board Member: What do you think of Americans?

Detainee: They're trying very hard to maintain peace in Afghanistan. That is what we've always wanted. So for that reason I'm real happy with them.

Board Member: What do you think of Usama bin Laden?

Detainee: I'm a poor laborer. I don't know about politics. That question was way beyond my level of understanding.

Board Member: Have you ever heard of any Fatwas against the U.S.?

Detainee: No.

Presiding Officer: You never heard of Usama bin Laden?

Detainee: People talk about it, but I didn't show much interest.

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Presiding Officer: Not even here in the camp?

Detainee: Here the interrogators talk about it. They say, Usama this, Usama that, but I don't know much in that.

Presiding Officer: What do you like to cook Mr. Razzaq?

Detainee: I like to cook cookies and cakes...things like that.

Presiding Officer: Could you support your family as a cook?

Detainee: Yes of course I can. For a few people I can cook.

Presiding Officer: How big is your family?

Detainee: I have four children.

Presiding Officer: Four children! Have you heard from them at all since you've been here?

Detainee: Yes, they sent us the news that they're fine. Never tell us that they're dead or they're sick.

Presiding Officer: Have you ever in your life fired weapons...even hunting or anything at all?

Detainee: It's been 10 years that I'm blind like this. I've never used a gun. I'm not a person of hunting. If a person doesn't have eyes, how can he hunt?

Presiding Officer: Perhaps, you did it before you lost your eyesight. Did you ever fire a weapon before your eyesight started to go?

Detainee: No, before that I was in Pakistan. I was getting some assistance from the government as a refugee. I have never used a weapon.

Presiding Officer: Does the letter that was found in your bakery that listed 24 Taliban members, can you tell me again how you thought it got there?

Detainee: I have kids they are very young. My oldest kid is a daughter, 7 years old. They help me around the shop a little bit. I don't see very well. There are a bunch of paperwork in my shop and that is more business related. Anybody could put something...in [that] paperwork...in my pocket, just to make a case [against] me. Probably that is the case.

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Presiding Officer: That was a very damaging letter and it was handwritten. That is a surprising a letter to find in your pocket? Who do you think put that in your pocket?

Detainee: Anyone who could arrest me could do that too...seeing this guy's letter. They could just throw it in the shop or they could throw it in my wallet...anyone could do it.

Presiding Officer: What troops arrested you?

Detainee: They were Afghans that arrested me, because I don't see very well I couldn't recognize their faces or anything.

Presiding Officer: What is your plan Mr. Razzaq if you go back to Afghanistan?

Detainee: I want to do some labor just to support my family. I have a family. I have to support them.

Presiding Officer: I'm very happy to see you are in a tan suit, which means that your behavior here is good. If you go back home, we need to be sure that you will not be aggressive to Americans, who are still in your country?

Detainee: Please don't joke with me...you must be kidding. I can't see.

Presiding Officer: There have been people in infirmaries with problems before, who've attacked the United States or who have influenced others or who have trained others. We want to make sure that you will not do something like that when you get back?

Detainee: I've always wanted peace. Peace is good for me, for my family, for my business. I can run my family, my business only if there is peace. I'm a poor man. I want to work hard and support my family. How can a person, who is poor, and all day he is standing there in an oily environment...my hands [had] oil [on them]. How can I do any harm or fight or anything like that? We are still suffering emotionally from the wars that happened before in Afghanistan, let alone the future wars...future violence. We don't want that...future violence. I can always work...even at the time of Taliban, I had my business, [and] I was working. I was not in a position to go and fight somewhere. I was first a farmer and then I was working there...a baker or a cook. I am not a man, [who will] fight. There are some influential people...rich people; they can do a lot of damage. They should be arrested and spend time here. They could play some roles in those conflicts. I am a poor man. I've been here [for] three years for no reason and I want you to make justice prevail.

Presiding Officer: Mr. Razzaq thank you very much for your forthrightness and your discussion today will be very helpful for us to make a decision.

Detainee: Thank you very much for looking at the truth and seeking the truth. I appreciate that. I appreciate if you take into consideration that this problem has been

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made for me from a local lawsuit and the name of the guy was Ghawsudin, with whom I have an involvement...[with this] lawsuit. He put me in trouble. He took me to three local courts before he handed me to Americans. When I go back to Afghanistan, I will go to Americans and ask them [to] further follow this lawsuit, because I want my rights to be protected.

Presiding Officer: Thank you.

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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

  
Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 928

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

*(The Detainee interrupts with the following questions:)*

Detainee: If I have some witnesses can you bring them [here]?

Presiding Officer: No witnesses, but if you had some statements from them that could be provided to us you could do that.

Detainee: [Statements] about what?

Presiding Officer: Anything that you feel is relevant. Any statement from other individuals that may be here or at home that you would like to present to us. Those are the kind of things that you probably went over with the AMO during your initial interview as the things you could present.

Detainee: I have some witnesses back home.

Presiding Officer: That is fine. They can't be brought here, but any letters they write to you can be submitted.

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Detainee: I have a letter from my family saying that I am not a mullah, a Talib, or anything and it [ask] what is my crime. I have a letter from my family.

Presiding Officer: Assisting Military Officer you went over this with the Detainee prior to coming in here correct?

Assisting Military Officer: Yes sir, that is all in our guidelines.

Presiding Officer: The AMO would have already covered this with you and anything that you have with you that you want to present is more than sufficient. Otherwise, you can present it at a later time. What ever you have with you today is all we are standing by for.

Detainee: Well, I did not understand it at that time, but now I understand.

Presiding Officer: Any letters that you want to get to the Assisting Military Officer in a timely manner, in the next day or so, the board can consider it and add it to the package. But we will continue on with this board here at this time.

Detainee: Okay.

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

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

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 01 September 2005 and lasted 90 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated "Yes I will join the ARB, we are not happy with the last court. They told us they would release the innocent. We told the truth and they didn't let us go. So why do they call us Enemy Combatants?" The Detainee was again, told the difference between the CSRT and the ARB. Also the AMO explained to the Detainee that the ARB was not a judicial process. When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary of Evidence after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was polite and cooperative during the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Training: (3.a.1) The detainee is a former mujahedin soldier and fought in the jihad against the Russians from 1984-89.

Detainee: Yes, I have done jihad. In my province there were no Russians. There was a communist, our own communist, and I was fighting them. When the Russians/Soviet Union pulled out of Afghanistan I stopped being in touch with [any groups]. I had no connection with [any] other groups. When each party or each group started fighting each other, I had nothing to do with them.

Designated Military Officer: (3.b) Connections/Associations: (3.b.1) The Detainee was an intelligence chief during the Taliban regime.

Detainee: I don't accept this sentence. It is nonsense. I am an illiterate person. I cannot read or write and I am not even a mullah. How can I run the security or be a spying chief? I have to at least [be able to] read and write.

Designated Military Officer: (3.b.2) The detainee was a member of the Union of Mujahedin. This group detonated an explosive device in a Khowst bazaar.

Detainee: I am not a member of the Mujahedin and I am not aware of any explosion.

Designated Military Officer: (3.b.3) The Detainee was imprisoned for his affiliation with Jalaludin Haqqani.

Detainee: I was doing jihad for Sayaff and I had no connection with Jalaludin Haqqani. The commander of the Sayaff group was Islam Gul. I was a soldier with him. I have not fought beside Jalaludin and I don't have any connection [with him].

Designated Military Officer: (3.b.4) Jalaludin Haqqani is the former Taliban Minister of Frontiers and Tribal Affairs and conducted Anti-Coalition Militia (ACM) activities in the Khowst Province.

Detainee: I am not aware of that and I don't have any information about that.

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Designated Military Officer: (3.b.5) The Detainee worked with Abbas Khan.

Detainee: I have not worked for Abbas Khan. He was an employee of the Karzai government and I was an employee of the Karzai government. I [got to] know him during my duty. I did not know him before working for Karzai. He had a job and I had a job for the government of Karzai. There was an intelligence chief name Harzat Deem for the Karzai government. He was the chief during the time of Karzai. Abbas Khan was working there and I was working there. I started knowing him during that duty. One day I was sitting in the same car with Abbas Khan when they captured me. Why didn't they ask him [instead] of just asking me? When I was in the gas station and they came with the car and I jumped in they greeted him and let him go and they caught me.

Designated Military Officer: (3.b.6) Abbas Khan collaborated with Jalaludin Haqqani to conduct Anti-Coalition Militia activities.

Detainee: I am not aware of this and I have no information about this.

Designated Military Officer: (3.b.7) The Detainee reportedly met with Usama bin Laden in Khowst during the Mazar-I-Sharif bombing campaign.

Detainee: If I was with bin Laden I would be with him and I would be a big guy. Could you catch me? No!

Designated Military Officer: (3.c) Detainee Actions and Statements: (3.c.1) The Detainee was one of the commanders of the Gorbaz Medani Regiment.

Detainee: I was a soldier [in] the regiment. That regiment belonged to the Karzai government and we built it up during the Karzai government time. The commander was Haji Khayal. I was a soldier [in] the regiment.

Designated Military Officer: (3.c.2) The Detainee was involved in the planning of a rocket attack on a U.S. base. The planning meeting was held at his house.

Detainee: I was working with Karzai all the time once he started. This is nonsense. I have not done those things. You can check my attendance from the place that I was working at. I was there everyday.

Designated Military Officer: (3.d) Other Relevant Data: (3.d.1) The Detainee was part of the Taliban assassination team.

Detainee: When you have no connection with that group, how can you be their member? If anybody tells me or saw me for one night working with the Taliban then I don't deserve to be released from here.

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Designated Military Officer: (3.d.2) The Detainee was captured on 23 December 2002 while riding in a minibus to the Khowst bazaar at an Afghan Military Forces checkpoint.

Detainee: They did not capture me exactly at the checkpoint. I passed by the checkpoint a little bit then they stopped me and took me.

Presiding Officer: Were you in the minibus?

Detainee: Yes, we call it a flying couch.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated he had no animosity towards U.S. Forces and had no desire for jihad or revenge.

Detainee: I have nothing against America and I was not their enemy from the beginning and I am not their enemy. When it comes to animosity or hostility, they didn't capture me. My own people captured me and gave me to them. I beg you to help me regarding my family and these things.

Designated Military Officer: (4.b) The Detainee plans to return to Afghanistan, re-unite with his family, and work on a farm.

Detainee: I was the head of the house. My three other brothers are outside of the country in Arab countries. One brother is a diesel gas station worker and the other one is a driver. I am the head of the house and if somebody gets sick I am responsible for the land and the farming and everything. I am responsible for the housework and when my brother is at the diesel station I will work with him.

*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.*

Presiding Officer: Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board including a written statement, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

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

Presiding Officer: You may begin your statement at this time.

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*The Detainee made the following statement:*

Detainee: I will bring the letter from my family to you.

Presiding Officer: I was going to ask you to cover what is written in the letter so that the board has an idea in case it does not get to us in a timely fashion over the next few days. You can cover that information now if you would please.

Detainee: After the greeting they wrote to me that I was not a mullah, I do not belong to any group, and Americans are very kind and good people. [They also wrote] when they find out that [you] are innocent they will let [you] go. The rest of the letter just has my family talking. If it is useful for me I can bring the letter for [the board].

Presiding Officer: That is up to you if you want to present it. It is entirely up to you.

Detainee: That is the only words in the letter. If I bring it or not, that is what it says.

Presiding Officer: You can continue.

Detainee: If America proves that I have done anything against America I don't want to go because I have already been a prisoner. In our area there is a different kind of people and they have a different kind of hostility over everything. They frame you and then they turn you in. America does not have less money or less wisdom and they understand everything. I just ask that you don't go for the personal hostility. When the allegations say that I was a very big guy and I was there how could I get along with people there. If I was a big guy I could not come to the forts or come to the city and I could not get along with them. When Americans came by chopper to Khowst I was defending them. I was working with the current government. In Tora Bora I was with Americans. If I was a big guy and Americans were my enemies and others were my enemies I could not get along with them and I could not be there. If they found out that I have done anything against them and I am a criminal that is fine. But if they find out that this is a personal vendetta or a personal hostility between our people...

Presiding Officer: Does that conclude your statement?

Detainee: Yes, God willing this is over.

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

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

*Administrative Review Board Member's questions:*

Board Member: When you fought jihad against the communist what was your position?

Detainee: I was a soldier.

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Board Member: A leader or a follower?

Detainee: When we started rioting against the communist our family went to Pakistan and they started getting rations from the United Nations. With our commander, like every three months or twenty days, we were going with our commander to fight jihad.

Board Member: When you were in prison for your affiliation with Jalaludin, you said that you were not affiliated with him, why were you in prison?

Detainee: No, he never put me in jail.

Board Member: You were never in prison?

Detainee: I was in jail during the time of the communist. I did not understand the thing that Jalaludin put me in jail. I thought they told me that I had been put in jail for assassinating somebody. Jalaludin has not jailed me. During the time of the communist I was in jail.

Presiding Officer: I think the clarification on that is that Jalaludin did not put you in jail. He was put in jail because of his affiliation with Jalaludin.

Detainee: Where have I been put in jail?

Presiding Officer: It does not tell us that.

Detainee: Just one time I spent one night in jail because the Taliban people caught me because I did not pray. They caught me and put me in jail for one night.

Board Member: When you worked for Karzai and you knew Abbas Khan what department did you work in?

Detainee: Hazratdeen brought me in and during the time I worked there I started to know Abbas Khan.

Board Member: What department was it? Was it intelligence?

Detainee: Tanay Wall and Pacha Khan were two big guys having a war between each other and we were the people guarding the city. I was written as an officer, but I could not read and write so I was not performing the officer job. I was kind of a guard in the office.

Board Member: Whom would your witnesses be back home if you could bring witnesses here?

Detainee: That would be my whole tribe. You can call them and they will say that I am innocent.

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Board Member: Have you met with Usama bin Laden?

Detainee: If I was that big of a guy they could not catch me.

Board Member: Have you met with Usama bin Laden?

Detainee: No.

Board Member: How much family land do you have back home to farm?

Detainee: We have not measured it yet but it should be about 10-12 *giri* (one acre is 1 ½ *giri*).

Board Member: Did someone frame you?

Detainee: Yes of course because of a personal hostility.

Board Member: Do you know who this person is?

Detainee: No I don't.

Board Member: Which army unit were you with in Tora Bora?

Detainee: I was one of the...there was a commander for Rubani and he was from our area so I went with him to Kabul.

Board Member: Which U.S. Army unit were you with in Tora Bora?

Detainee: That commander and I went [to Kabul] and he had another commander and that guy was a friend or representative of Americans. His name was Dr. Abdullah and he was from Laghman. We went with this doctor to Tora Bora? It was very cold in the mountains and we were going here and there with the Americans and we were eating and walking...I did not know Dr. Abdullah directly, but I knew my own commander. The commander we had was named Woshoul and he knew Dr. Abdullah. When we came to Zazai the Americans were sleeping there and we were guarding them. If I were their enemy I had the Kalashnikov on my shoulder and they were asleep. If I were their enemy I would have killed them all. If I were against them I would do that?

Board Member: So, what U.S. Army unit was it that you were guarding? What patch? (Referring to the patch on the shoulder of the U.S. Army Uniform.)

Detainee: I don't know, but Dr Abdullah was their representative and he was famous. There was another commander and his name was Daud and he invited Americans for a meal and we ate with them in the same place.

Board Member: Just one other comment. In the United States when you tell the truth you are not necessarily innocent. If the truth incriminates you and indicates that you are

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an Enemy Combatant then you will be declared an Enemy Combatant regardless if it is the truth or not. You think that you tell the truth and you should be innocent but it does not work that way in the United States.

Detainee: If I tell you that the plane that hit the Americans and you were one of them what will you do? Nobody accepts this word.

Board Member: I am just saying that in your interview you said you told the truth to the Tribunal and you were still found...declared an Enemy Combatant. Just because you tell the truth does not mean that you are going to be found innocent. If what you say incriminates you and indicates that you are an Enemy Combatant then you will be declared an Enemy Combatant.

Detainee: These people are very wise people and they have authority. If you find out that I have done anything against Americans then don't let me go. In my country there were personal vendettas and personal hostilities and people were trying to frame each other. Try to get some real information. I have my brother's telephone number and I will give it to you. You can call and tell them to bring the whole tribe and ask them about me. The whole tribe will come and tell you if I am innocent or guilty.

Board Member: Can anyone in the Karzai government be a witness for you or write a letter for you saying that you are innocent?

Detainee: I don't know a lot of people, but there is one person and he was working in the government during the Karzai time. His name is Islam Guhl.

Board Member: That would be good too.

Detainee: He had a job in the government, but I don't know which job he has now. I did jihad with Islam Guhl during the communist time and he knows everything about me.

Board Member: That would be good.

Detainee: Besides that my whole tribe knows me. I am innocent, but you don't believe me so find out in my country. How long will it take for the results of my court?

Presiding Officer: It is not a court it is an Administrative Review Board. Just one question and you may have already answered it. In regards to this Taliban assassination team, I know you said that it is not true, where would that have come from for us to see it? Who would have made that up?

Detainee: Whatever I say you do not accept it. In my country if you kill our family, like a small boy, we will kill the bigger boy. That is the way we are. Then you have to leave the area. If you stay there they will kill you. My brothers were working hard and we were working hard. If I were doing these things how could I get along with people? When I was going from my house toward the government office and they caught me I did

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not have any weapons with me. You should find out about our traditions and culture. When you kill somebody you cannot walk around.

Presiding Officer: Thank you.

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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

  
Colonel, USMC  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 933

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

*The Presiding Officer asked the Detainee if he wishes to make his statements 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 ARB took a brief administrative break for the DMO to retrieve the Unclassified Summary).*

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

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

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

Assisting Military Officer: The Detainee's ARB interview occurred on 15 August 2005 and lasted 52 minutes. The Detainee stated his name is "Swat Khan" instead of "Swar Khan". After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee was very

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cooperative and polite throughout the interview. The Detainee kept a copy of the Pashtu translated Unclassified Summary of Evidence for review. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

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

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Training (3.a.1) The Detainee received three months of police training, where he was taught drill and ceremony, AK-47 and RPG operations, and general police and security tactics. He also received a 30-minute lesson on how to use a GPS.

Detainee: I took police behavior training for 3 months. There were no weapons training. They just give you one Kalashnikov, which is an AK 47, and people back home call it Kalikov. The government gave it to me because of security purposes. I don't know how to operate an RPG. The GPS was given to Mustafa from the Americans. That GPS was only for people that were working for the Americans. I don't know [anything about] the half hour of teaching or what it means.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) It has been reported that the detainee use to meet daily with Mulem Jan and Pacha Khan Zadran.

Detainee: I know Pacha Khan Zadran, but I have only seen him one time. When he became governor of Khowst and people were going to congratulate him I went too. I have seen Mulem Jan and at that time he was working for Americans. I want to explain to you who Pacha Khan Zadran is. Pacha Khan Zadran is the guy in the southern province of Afghanistan, Khowst, Paktia, and Paktika, who was very close to Americans and after the fall of the Taliban he was the governor of Khowst. He was trying to control all three provinces instead of [just] one. His younger brother Kamal Khan Zadran was the commander of a division in Khowst, another brother was the president of the Customs Department, and another brother was the Minister of Border and a member of the Karzai government. Janbez was his nephew and he was working for Americans and for the campaign. Before my capture, instead of him, Habib Muhr had been appointed to his job. These people were all appointed to their position during the Karzai and American time.

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[Working] campaigns and patrolling the roads that the Americans worked were the only [positions] that Americans gave to Afghan soldiers. All the uniforms, food, and \$200 a month was being paid for each [Afghan soldier] from the Americans. [During this] same time another campaign was being built up in Khowst Province. The commander of that campaign was Ghaffar Tanrdhai and his salary was \$150 and Mulem Jan was the leader of this campaign.

Designated Military Officer: (3.b.2) Pacha Khan Zadran maintains a checkpoint on the Kabul-Gardez road where his forces charge tolls and arrest personnel who are disloyal to him.

Detainee: I introduced Pacha Khan as I knew [him]. The rest of the information about Pacha Khan has nothing to do with me. I already explained the power of Pacha Khan and his brothers. All of them have very high positions.

Designated Military Officer: (3.b.3) In addition to his illegal checkpoints, Pacha Khan Zadran has raided houses to raise money and supplies, recruited soldiers, and made statements on the radio saying that he does not accept the Karzai government.

Detainee: Pacha Khan Zadran was raiding houses everyday. I am not responsible for this.

Designated Military Officer: (3.b.4) The Detainee believes that Pacha Khan Zadran want to regain Khowst, Paktia, and Pakita provinces in order to control the entire eastern portion of Afghanistan.

Detainee: I don't know the real thing, but as far as I know Pacha Khan was trying to control three provinces, which are Paktia, Paktika, and Khowst. He was trying to control all of them. Even [with] that, there were a lot of people from Gardez trying to fight him. There is this guy named Abdullah, he is here with me at the camp, and he can tell you he fought Pacha Khan.

Designated Military Officer: (3.b.5) The Detainee admits that he knows Mulem Jan because he was the commander of his division in Khowst, and that he used to be a soldier under Mulem Jan. The Detainee claims he has not seen Mulem Jan for over six months prior to his arrest, and denies any knowledge of the crimes that Mulem Jan has reportedly committed.

Detainee: Mulem Jan is the guy that was working for the Americans and that is how I know him. I know he came on a helicopter to Khowst province with the Americans. In Taktabeg there is a military base and Americans landed there with their chopper and the security responsible [for them] was Mulem Jan's soldiers. Even Mulem Jan and Hakim Khan were guarding Americans. They would not let the police officers talk to the Americans. Then the chopper flew away and the Americans, Northern Alliance people, and Mulem Jan stayed there. People knew him as followers of Zakim Khan. Mulem Jan was not that famous. The Americans and Northern Alliance stayed at this technical

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school. The commander of the division was Kamal Khan, Bacha Khan's brother, not Mulem Jan. I was not a Mulem Jan soldier I was a policeman. I belonged to the Minister of the Interior and my commander was Mustafa. Mulem Jan did not belong to the government he [was working for] Americans. The division belonged to the Ministry of Defense.

Designated Military Officer: (3.b.6) In early September 2003, Mulem Jan coordinated the movement of 75 men for a planned attack on a border guard checkpoint.

Detainee: What am I supposed to do? I have been here for 31 months and I don't know what is going on in my home.

Presiding Officer: If you have no comment to add that is fine.

Detainee: Number 6, 7, and 8 have nothing to do with me.

Designated Military Officer: (3.b.7) As of 10 June 2003, up to 13 people have been trained for suicide bombing operations. Mulem Jan, who is affiliated with Jalaluddin Haqqani, has been responsible for the specific training.

Detainee: I have no response.

Presiding Officer: That is fine. I am required to read these to you and if you have no response just say I have no response or I previously answered that. We have to read each of these to you.

Detainee: Thank you.

Designated Military Officer: (3.b.8) In mid-April 2005, it was reported that several Anti-Coalition militant (ACM) commanders, including Mulem Jan, met to discuss attacks on Khowst in order to build morale amongst the declining Taliban fighters. Mulem Jan has been reported to be one of the two commanders responsible for the attacks on a Border Check Point on 22 March 2005.

Detainee: This happened 5 months ago and I had no idea about them. [I was here in GTMO].

Designated Military Officer: (3.b.9) Three Union of Mujahidin documents were captured at Little Taktabeg, Afghanistan. The Detainee is listed as a "Commander" on the first document. On the second document, the Detainee is listed as receiving payments on at least two occasions from this group. On the third document, the Detainee is listed as having 30 personnel assigned to him.

Detainee: Taktabeg is the 25<sup>th</sup> Division, 19<sup>th</sup> Brigade, and Taktabeg is where the central commander is. Taktabeg is where the new administrator, Mulem Jan, was living. Regarding my writing...at that time we were not receiving food and other equipment or

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requirements. Americans were paying dollars to Mulem Jan because of his reputation he gave us two American dollars. I was a representative of the administration and I divided the money among the checkpoints. If they called me "Commander" that is good, but I [it] was a police squad...over 5 or 6 people...but if they call me "Commander" I will be happy to be one. I was responsible for the checkpoint where I was captured too.

**Designated Military Officer:** (3.b.10) As of 12 August 2005, Union of the Mujahidin of Afghanistan operatives had met to discuss operations targeting United States forces and Afghan leaders.

**Detainee:** I thought about it a lot and I don't remember anything. I have no idea about this.

**Designated Military Officer:** (3.b.11) According to the Detainee, the "Union of Mujahidin" is an informal attempt on the part of Mustafa, Pacha Khan Zadran, and Zakhim Khan to get money from United States forces in exchange for cooperation. As far as the Detainee knows, the three men never met. They came together to fill the political vacuum in Khowst Province.

**Detainee:** I never said that these people are an official Mujahidin Union. I [did not say] that I have not seen these people. Yes, I saw them and I had to talk to them. Mustafa is the Commander of the Police and I was a policeman, so we had to see [each other] and talk. [Why] would I say I have not seen them? It is a possibility there has been a mistake from the translator or investigators. Also, I never said that the three of them came to Khowst at the same time. Mustafa is a Khowst resident, Pacha Khan is a Paktia resident, and Zakhim Khan is a Paktika resident. How can they come together?

**Designated Military Officer:** (3.b.12) United States forces apparently paid the three leaders who then coordinated with their followers, such as the Detainee. The Detainee explained that this is why he had a document outlining his responsibilities and privileges in Khowst province.

**Detainee:** The Americans were paying these three leaders, Zakim Khan, Pacha Khan, and Mustafa. I had some documents with me and they are currently with the investigators and those documents were about my job.

**Designated Military Officer:** (3.b.13) The Detainee admits to receiving money from the Union of Mujahidin, but denies membership in the organization.

**Detainee:** I already said I took money two times from Zakim Khan. As I mentioned before these three leaders were working for Americans and I took the money that they gave me. I divided it between my personnel, which were 6 or 7 other people. The two times that they gave me money it was in the name for uniforms, food, or other things. I never took money from a Mujahidin group or any other group for myself. I only belong to the police administration. I don't belong to any political or any other groups. I was a police officer and not a political person. My job was to serve and protect the people.

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Designated Military Officer: (3.c) Other Relevant Data (3.c.1) The Detainee is reported as selling weapons and ammunition illegally from his security post to be used against coalition forces.

Detainee: This allegation is not true. I only had one Kalashnikov and the government gave it to me.

Designated Military Officer: (3.c.2) Habi Noor is a former general during the Afghan/Soviet war who worked with the Americans to conduct patrols of the Khowst region in order to confiscate illegal weapons.

Detainee: I don't believe that Habi Noor was with the Americans. He was a communist general when Afghanistan had a Communist Government.

Designated Military Officer: (3.c.3) The Detainee claims that for approximately two months he worked a checkpoint at Zary Tarkha in Khowst.

Detainee: Yes, I have done this.

Designated Military Officer: (3.c.4) On 12 January 2003, Habib Noor came through the Detainee's checkpoint and asked why he was charging people money to cross. The Detainee showed Noor a letter that he had from the government instructing him to collect ten Pakistani rupees from each vehicle passing through the checkpoint. Noor then detained him and took him to the security center in Khowst where he stayed until he was handed over to the Americans.

Detainee: I don't remember what day it was, but Habib Noor came to the checkpoint between Khowst and Gardez that had security people there. That check point is on the highway between Khowst and Gardez. It is a very big checkpoint and it has its own security people. During this time there was a Ministry of Transportation worker available to...[he] was present. Which, according to the regulation of the government, he was charging each vehicle and he was depositing it in the bank for the government. Habib Noor asked me why I was taking money from the vehicles. When I showed him a letter from the governor, he told me [the] Americans want to talk to me. No soldier from Khowst has [ever] seen me. I have not been to Khowst central command or Khowst base. Only the workers of that checkpoint have seen me. Habib Noor took me directly to the Americans. This statement is not true. Habib Noor never took me to the security center in Khowst. He sold me directly to the Americans. He took me to the airport for 1-hour and then he gave me to the Americans.

Designated Military Officer: (3.c.5) Habib Noor has been accused of being a member of the Watan Gund (translated as "Country Party"). Their goal is to unite former Mujahidin to destabilize Afghanistan and defeat the United States' efforts in their country. They have possible ties to Hezb-e Islami Gulbuddin (HIG).

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Detainee: This question has nothing to do with me, but I will say something anyway. Habib Noor was working with the Americans for his own personal benefit. He worked with the Americans because his two sons were linguist for the Americans. He was working for three reasons. One was to take money from the Americans; two was because he was trying to give a bad name or reputation to the Americans because he was communist, and the third reason was because if he hated anyone he would get them or get revenge [against them]. This is just my opinion and I have no proof of this.

Designated Military Officer: (4) The following factors favor release or transfer: (4.a) The detainee feels that Noor had him arrested because he has a vendetta against the Detainee. Previously, the Detainee had arrested one of Noor's commanders for auto theft, and the Detainee felt that his arrest was in retaliation.

Detainee: This is not my opinion this is reality. Yes, he did that. This is one of the purposes in his life.

Designated Military Officer: (4.b) The Detainee stated that he had never been associated with and anti-coalition organization nor had he sold weapons to anyone.

Detainee: I have not...I said before [that] I have not sold any weapons and I can prove that I was not against Americans because I was working for the Karzai government. I had the uniform of Karzai when they took me to Bagram Air Base.

Designated Military Officer: (4.c) The Detainee denies knowing any Taliban members.

Detainee: Yes, I told them that because I did not have any connections with them.

Designated Military Officer: (4.d) The Detainee denied having any knowledge of the attacks on the United States prior to their execution on September 11<sup>th</sup>.

Detainee: I did not have any information or idea about this attack, but I [consider] this attack a criminal action against human being[s].

Designated Military Officer: (4.e) The Detainee's behavior during detention includes only minor infractions.

Detainee: I have been around a lot of [soldiers/guards] and I have been in a good place. You can ask any soldier. I have not [spoken] bad to them or done anything wrong to make them sad or unhappy. Because of my good behavior [I] have made my life better. I am a prisoner and anything that I have said that might make [the board members] mad or sad, I ask you to forgive me.

Presiding Officer: Thank you.

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

*The Presiding Officer acknowledged the request.*

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

Assisting Military Officer: The Detainee would like to make an oral statement and he also provided a few statements for me to speak on his behalf. The Detainee made the following additional comments: I am a police officer and police are not political. They, the Americans, have my card and uniform showing I was a police officer. I was officially at a checkpoint, doing my job when I was picked up. Habib Noor said the Americans wanted to talk to me and respectfully picked me up and took me to the airport and gave me to the Americans. The translators used were Noor's sons. Noor had his own prison and if you didn't want to give him 60,000 or 70,000 Pakistani money, he would sell you to the Americans.

Assisting Military Officer: Sir, that concludes my comments.

Presiding Officer: Swat Khan you may begin your statement.

*The Detainee made the following statement:*

Detainee: My statement is as follows. The first thing is I am in jail in Cuba and no one talks to me because [other prisoners] call me a Karzai and American [supporter]. In the last two and a half years Americans are saying...you people didn't even ask me what was going on. The last time I talked to the interrogators I gave them two telephone numbers. One is for the governor of Khowst province...they said they could not find it in my uniform. Besides that they called me an Enemy Combatant. The last time I swore to them that I am not one of the guys against Americans or Karzai. I have another...[the following] information is from the Detainees that have been here before me. [Habi Noor] built a personal jail and Americans were not aware of that jail. He was collecting money from people, but he was giving the guys to Americans. We have about 2 million people in the wintertime and they [go to a] warm place and they just keep moving around. They captured this poor guy and a few days later his little son went to the Americans and said that they captured his father and [asked that they] let him go because they did not have anything to eat. The Americans told the boy that his father was not with them he was with Habi Noor. When the Americans went to [Habib Noor's] jail, they found other people still there. They fired Habib Noor, but I don't know if they put him in jail too. Right now Karzai is the president of the government of Afghanistan. Tomorrow if he turns against America, will America bring the whole government here and put them in jail? For example, Pacha Jan was the government and I was a policeman and you blame

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me for what Pacha Jan [has done]. It is the same thing. I have no other comments. I am just asking you very politely, please do just [by] me.

Presiding Officer: Thank you for your comments.

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

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

*Administrative Review Board Member's questions:*

Board Member: When you were [a] police officer was the weapon you were issued an AK-47?

Detainee: Yes.

Board Member: You also said that you have not received any weapons training.

Detainee: If you walk into any home in Afghanistan there is a Kalashnikov. I didn't need any training. I have the training of a police officer's behavior not the weapon.

Board Member: But, you do know how to operate the AK-47?

Detainee: Yes. It was in my hand.

Board Member: But, you did not know how to operate the RPG.

Detainee: No.

Board Member: That is a fairly common weapon in Afghanistan also.

Detainee: My responsibility was not the RPG. My responsibility was to keep security in the regions I was responsible for. In Khowst province there are 500 policemen and another 500 civilians walking [around armed]. All of the Americans knew this. In Khowst, Pakita, and Paktika everyone is armed. The police were not supposed to carry weapons, but with the conditions of the area we had to carry weapons.

Board Member: Do Mustafa and Habib Noor know each other?

Detainee: They know each other, but they are not in the same party or on the same side.

Board Member: Have you attempted to write Mustafa and ask him to send you a letter on your behalf saying what a good policeman you are?

Detainee: Two months ago I sent a letter to Mustafa and told him to go to Karzai or some other authority and tell them about me. But, I have not received a letter yet or they have not given it to me. I have tried.

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Board Member: Who was the commander that you arrested for auto theft?

Detainee: His name was Nasib and he was one of the group leaders.

Board Member: How many were in his group?

Detainee: Habib Noor was the leader and he had about 5, 6, maybe 7 groups and he was the leader of one of the groups.

Board Member: When you arrested him, did he go to jail or pay a fine?

Detainee: Yes, we put him in jail for 15 days and he gave the car back to the owner and the owner was satisfied, so they [released him].

Presiding Officer: We mentioned that you were listed as a "Commander" for the Union of Mudjahidin...the document that listed you as a "Commander" and received payments.

Detainee: I was a policeman. That was not a new thing. When Burhan-ud-din Rabani was the president if you were coming from Pakistan, as a refugee, there was a form that was used to identify yourself. When you came from the other side of the border they called you Mujahid and when you came from the communist side they would call you soldier. That is why...that belonged there a long time [ago]. Anybody who was going to cross the border was a Mujahid. Anyone going to Pakistan and Iran, even if you were born there and were coming back, you were called Mujahid.

Presiding Officer: What can you tell us about al Qaida in your area?

Detainee: During the time I was there I did not see any al Qaida in that whole area. I don't know if they are there now. During the time I was there even the Taliban could not come to our area. It was hard to get past the checkpoint.

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

*The Presiding Officer opened the classified portion of the session.*

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

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AUTHENTICATION

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



Colonel, USMC  
Presiding Officer

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(Revised 14 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 934

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

Detainee: I do not need to lie. If it is necessary then I will swear.

Presiding Officer: It is not necessary; it is entirely up to you.

Detainee: Yes, I will swear.

*The Detainee accepted taking the Muslim oath.*

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

Detainee: What is the classified evidence?

Presiding Officer: It is of a classified nature.

Detainee: Well why can't I see those things?

Presiding Officer: For security purposes.

Detainee: I cannot do anything. I cannot destroy anything. I understand, but from now on when there is a question I will ask.

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

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Detainee: I have a question.

Presiding Officer: What is the question?

Detainee: Who identified me as an Enemy Combatant?

Presiding Officer: That was determined by the CSRT. That is not the purpose of this board.

Detainee: I refuse to be an Enemy Combatant. I am not an Enemy Combatant. What was used for the decision to identify me as an Enemy Combatant? I am not an Enemy Combatant.

Presiding Officer: That is already determined.

Detainee: Well, since they already identify me as an Enemy Combatant, you base your decision about me being an Enemy Combatant right?

Presiding Officer: That has already been determined. That is not the purpose of this board. We will continue.

Detainee: You guys swore to do justice. Talk to me straight.

Presiding Officer: Yes, we are. Now we will continue.

Detainee: Well I am telling you the truth. From the last decision, they identified me and now you know me as an Enemy Combatant. I just want to talk about that.

Presiding Officer: You will be given an opportunity to make your statement about that later.

Detainee: Then I will talk to you until the evening.

*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.*

Detainee: I have a question.

Presiding Officer: Alright. What is your question?

Detainee: You bring me the evidence to prove that I am an Enemy Combatant and then you can talk to me.

Presiding Officer: The information was already presented to you.

Detainee: That's the allegations, but you did not bring me the proof.

Presiding Officer: We will get into that now.

Assisting Military Officer: The detainee's ARB interview was conducted on 01 December 2005 and lasted 60 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee said that he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee said, he would attend and answer the allegations after each point is read. The detainee stated that he did not have any written statements to be presented to the board members. The detainee was very polite, and attentive. A copy of the Pashto translated Unclassified Summary of Evidence was given to the guard to make available to the detainee for his review.

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

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

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

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

Designated Military Officer: An individual approached the detainee when he was coming out of a local mosque one night and asked the detainee to help him fire rockets.

Detainee: No, I did not say that. I did not say come and go help fire the rockets; I said I sold the rocket and carried it with me.

Board Member: Who was the individual that you sold the rocket to?

Detainee: Skanda Shah.

Designated Military Officer: An individual stated that he was sent to find the detainee to fire rockets against the United States air base at Kandahar.

Detainee: Well, who gave that statement? Answer me. Are you not going to tell me the name of this man?

Board Member: No.

Detainee: Well, goodbye. What kind of justice is this? You all swore just a few minutes ago.

Board Member: The statement that was just read, is it true or not?

Detainee: Who gave the statement?

Presiding Officer: What is your response to the statement? Do you deny it, accept it or do you have something else to add to it? You are here to respond to those statements and whether or not you agree, disagree or have something else to add.

Detainee: Can you answer the detainee's questions?

Board Member: We are here to ask questions not answer them.

Detainee: This is not justice.

Presiding Officer: This is not a court.

Detainee: Did they send these Administrative (Board Members) people to just be cruel or to be cruel towards me?

Presiding Officer: We will continue.

Detainee: You are making a decision about something, right?

Presiding Officer: We are making a recommendation. That was explained to you.

Detainee: You don't have any evidence or know the name of this man, then how can you make a recommendation?

Presiding Officer: We will continue.

Designated Military Officer: The detainee took part in a rocket attack on the Kandahar airfield in November 2002.

Detainee: I did not take part. I sold the rocket and he asked me to help him carry it. I did not fire any rocket.

Designated Military Officer: The detainee walked with another individual to a place where several rockets were buried. They took the rockets and walked to where they

would set them up for launch. The two prepared the rockets for launch and then ignited them. Following that, they left and didn't witness the launch.

Detainee: It was dark at night. He said he sold it (rocket) we went there and he said he would bury the rockets. They put the gunpowder under it and then we left. When we left the rockets started flying.

Board Member: Where did you get the rockets to sell? Where did they come from?

Detainee: When the Taliban left I took the six of them and buried them. Our village is very close to the airfield. When the bombing started the Taliban ran away and left their weapons so everybody took some and ran.

Board Member: Do you admit to launching the rockets on the airfield?

Detainee: No, the other guy put down the gunpowder. He told me to just watch to make sure nobody shows up. He told me he sold the rockets to someone else, but he didn't sell it to anyone; he started firing them.

Board Member: So the rockets you sold to the individual that actually did the firing you gathered up as the Taliban ran away. What was the purpose of gathering the rockets and burying them?

Detainee: I don't know his purpose, but one guy was running with one thing and another guy was running with another thing. They (Taliban) even left their vehicles.

Board Member: What was the name of the person who lit the rockets?

Detainee: Skanda Shah.

Board Member: The same person from the Mosque?

Detainee: Yes.

Designated Military Officer: The detainee and another individual fired rockets on two consecutive nights.

Detainee: It was the same guy and it's not two nights back to back. Not in two nights, in one night the rockets were fired.

Designated Military Officer: The detainee was arrested by Afghan Forces for assisting an individual in a rocket attack against the United States at Kandahar airfield.

Detainee: Yes. The other guy was accused and because of him they captured me. I was sitting in my village when they came and arrested me. He buried three of them in the village as well; I pulled those out and gave it to the Afghan forces. I gave information to

the Afghan and American soldiers. I went there and he told me he sold them. I didn't know he was going to fire them. He promised me money and he still hasn't given me the money.

Board Member: When you were captured you said that you gave the Afghan forces some rockets?

Detainee: Yes.

Board Member: Were you captured with them in your possession?

Detainee: Altogether there were six of them, we took four and two were left in the village.

Designated Military Officer: The detainee was identified as part of the 40-man unit.

Detainee: I haven't told them this. If you have any documents then bring it.

Designated Military Officer: One of the tasks of the 40-man unit was to provide protection to al Qaida for travel in Afghanistan.

Detainee: Sir, I have not seen this or that 40 people group, but the village is close to the airport.

Designated Military Officer: The detainee was seen launching a rocket against a United States aircraft near the Kandahar airport.

Detainee: Do you have any witnesses? Has someone seen me? Well, they wrote it down that someone has seen me. This is the allegation but can you tell me who, when, how? These are all false allegations. You can go to my village. It is close to the airport in Kandahar and you can ask everybody who and what kind of man I am. You can even send a couple of soldiers to buy cigarettes and they can ask what kind of man I am.

Designated Military Officer: According to the detainee, when he fired the rockets, he was not following a commander; he was just doing it for money.

Detainee: Yes. I was not aware of him firing the rockets. I sold it and I just carried it with me close to the airport.

Designated Military Officer: An individual states that the detainee was paid money from al Qaida for the missile attack. He also stated that the detainee's military expertise was missiles.

Detainee: I have not been in the military. I cannot even write my name. You are accusing me, you are not telling me the facts. What is real, the truth? I am not refusing

the facts and what is real but some of them are not. An Afghan soldier came and asked me to help the guy. The two are here with me.

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

Detainee: I don't understand. You want to have a session with me or you want to do it by yourself?

Presiding Officer: We will do it by ourselves.

Detainee: Whatever you say is okay.

*The Presiding Officer acknowledged the request.*

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

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

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

Assisting Military Officer: After the allegations to the Unclassified Summary of Evidence were read, the detainee stated that the allegations were false. He also stated that he had a lot of questions to ask the board. I (AMO) explained to the detainee that the board might not be able to answer all of his questions...the reason would be given if that being the case. It was explained to the detainee that he should use this time to address issues that can help the board in their decision-making regarding his detention. He indicated that he understood and appeared enthusiastic about attending the ARB.

*The Detainee opted to make a statement:*

Detainee: What am I supposed to say?

Presiding Officer: You stated you would like to make a statement to talk about these allegations? This is your opportunity to talk to the board.

Detainee: I forgot it. I am not a professor. I only remember one thing, what is a masked document?

Presiding Officer: It contains information that is classified.

Detainee: What is the meaning of it? Can you tell me the meaning of it?

Presiding Officer: Information that is not released to people who are not authorized to see them.

Detainee: Who are the people that are not authorized?

Presiding Officer: Most people are not authorized to see them.

Detainee: Only reading is not permitted or listening is not permitted?

Presiding Officer: Listening and reading is not authorized.

Detainee: If it's all about my interrogation, then how come I can see it? When will I be aware of those documents?

Board Member: You will not be, there are a number of items that are classified information. They come from many different sources. It is to protect the means and the sources of where all this came from. You do understand if you knew where it came from it may cause a problem.

Detainee: Well I know you have information about me. One day will you discuss it with me or not?

Board Member: We will not. Our job is not to determine whether you are guilty or innocent. Our job is to determine where you go from here. You can participate and help us make that assessment or you can elect not to.

Detainee: Why are you making me tired of talking? I will talk to those people that have accused me of being a criminal or guilty.

Board Member: Those people cannot help make the decision whether you stay or go. Your guilt or innocence was determined long before. We are not here to say you are guilty or innocent. We are here to decide whether you leave or stay.

Detainee: I don't believe that you have the authority to keep me or send me. When you don't have the authority or power to talk to me then how can you send me home?

Board Member: Certain things we just don't talk about. We want to hear your story. How did you end up here and your not guilty? You tell us what kind of man you are.

Detainee: Well, yes, I will tell you, but if I have a question again and you cannot answer that will be a problem.

Board Member: You are here to tell us what you are about, what you are like? You don't need to hear anything from us; we are here to hear from you.

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(Revised 14 Dec 05)

Detainee: I will talk to you legally. I am here because of your (Americans) cruelty. I sit here because of you being cruel to me.

Board Member: Do you have anything more to say about the allegations in the Unclassified Summary?

Detainee: Yes, I do so you have to listen to me. Can you find the difference between the facts and the allegations?

Presiding Officer: We understand the difference but you need to respond, if you wish to.

Detainee: Some of the allegations written here are wrong. Just clean it up and then present my case to a judge and he will let me go or keep me. What can you do with me? Can you put me in detention? I am already here.

Presiding Officer: Does that conclude your statement?

Detainee: Yes. Sometimes you say one thing and then another thing. You can't talk to me straight.

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

*The Designated Military Officer had the following questions:*

Designated Military Officer: When you helped the al Qaida travel to Afghanistan, what did you do?

Detainee: Well I do not know al Qaida. So you prove it to me.

Designated Military Officer: No further questions.

Detainee: We fell under the control of anyone who had authority over Kandahar airport, because our homes are so close.

*Administrative Review Board Member's questions:*

Board Member: How would you characterize your behavior since you have been here?

Detainee: When you write down the name Shah, you can see the letter H.

Translator explains:

This is a proverb that we use an example would be when you write the word KING you can see the letter K. He basically means that you can see him for his behavior.

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Detainee: I am advising that when one of you asks a question the others should sit and think about their question.

Board Member: Before you sold these rockets and that individual launched them. What did you do to support yourself? Were you employed?

Detainee: I was a mason; I built walls and that kind of stuff. If no one has a question then I have a question.

Presiding Officer: In your statement you stated that you sold the rocket to Skanda Shah who told you that he sold it to someone else and he just needed you to help him transport it. Do you know who was supposed to buy the rockets from him?

Detainee: There was no man to sell them to. I didn't know about it; he didn't tell me I was just helping to carry the rockets. He was from our village. He was not working for al Qaida or anyone else. He just enjoyed seeing the rockets being fired.

Board Member: So this individual had enough money to buy a rocket just to see it being fired?

Detainee: In our country we fire a lot of them.

Board Member: You did admit to firing the rockets at the airbase for money?

Detainee: Yes, he (Skanda Shah) said just carry it with him and he promised me money for it. If I knew that he was going to throw the rockets or fire them then I would not have done it, but he told me that he sold it someone.

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

Detainee: When will I find out?

Presiding Officer: We do not know

Detainee: You know but you don't want to tell me.

Presiding Officer: There is a process that involves the case going to Washington D.C., we do not know how long that is going to take.

Detainee: I don't understand. You will send my case or a recommendation?

Presiding Officer: We send our recommendations and someone will make a decision and then you will be notified.

*The Presiding Officer adjourned the open session of the Administrative Review Board.*

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(Revised 14 Dec 05)

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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



Colonel, USAF  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 939

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

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

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

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*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: A. Training. The Detainee was conscripted into the Algerian army for a mandatory term of two years. He received training on the Kalashnikov, grenades and a small pistol.

Presiding Officer: Is that true sir?

Detainee: Yes that's true. Do you want me to reply to this?

Presiding Officer: No, at this point we just need to know if it's true or false.

Detainee: OK.

Designated Military Officer: B. Connections and Associations, the Detainee stayed at the Algerian guesthouse, located in the Hayatabad portion of Peshawar, Pakistan.

Detainee: That's right.

Designated Military Officer: The guesthouse may have been funded by the Maktab al-Khidmat office in Peshawar, Pakistan.

Detainee: Yes.

Designated Military Officer: The Detainee worked in Peshawar for a Non-governmental Organization (NGO) named Afghan Reconstruction, or ARCON.

Detainee: Yes, that's true.

Designated Military Officer: In 1993, the Detainee worked for the Egyptian Human Relief Organization (EHRO).

Detainee: Yes, that's true.

Designated Military Officer: In May 1994, the Detainee left Afghanistan and traveled to Kenya to work for the African Muslim Agency NGO.

Detainee: There is a mistake here. I didn't leave Afghanistan. I left Pakistan...I was living in Pakistan.

Designated Military Officer: The African Muslim Agency (AMA) is an Islamic NGO with ties to extremist activities.

Detainee: I can't answer this question.

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Presiding Officer: So, you disagree with it or do you just chose not to make any statement at all?

Detainee: I disagree.

Designated Military Officer: In 1994, the Detainee traveled to Afghanistan to work as the office manager of an NGO hospital.

Detainee: That's true.

Designated Military Officer: In 1996, the Detainee resigned from the EHRO and remained unemployed afterward.

Detainee: That's true.

Designated Military Officer: The Detainee was arrested with an individual, who worked for several years for a Saudi organization called WAMY.

Detainee: That's true.

Designated Military Officer: The World Assembly of Muslim Youth (WAMY) is an NGO operating in Afghanistan and may be associated with Usama bin Laden and/or al Qaida.

Detainee: I really don't know how to answer it because I never worked with this organization. I don't think so but whether it is or not, I don't know.

Presiding Officer: You have no opinion one way or another?

Detainee: I don't think so but...I don't believe so.

Designated Military Officer: The Detainee is associated with Abu Oua'il, a former leader of the International Islamic Relief Organization (IIRO) and the information section within the NGO Muslim World League.

Detainee: There's a mistake here...two parts, the first part was right but the second part...I don't know what is the relation between the first and the second.

Presiding Officer: So, you agree that you know this gentleman but his activities are unknown.

Detainee: He used to work in this organization but...

Designated Military Officer: The IIRO is an Islamic NGO with ties to extremist activities.

Detainee: I disagree.

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Designated Military Officer: The Detainee is associated with Abu el Abbas, the former leader of the Muslim Brotherhood.

Detainee: I don't know...I know the guy but I don't know if he was the leader or what...

Presiding Officer: Would you classify or categorize your association? Was he your friend, an acquaintance?

Detainee: He was a business friend.

Presiding Officer: A business associate?

Detainee: A business friend?

Presiding Officer: Friend?

Detainee: Our relations were in business only.

Presiding Officer: Not a personal friendship?

Detainee: No.

Designated Military Officer: Other relevant data, on September 23, 1996, he applied for and was granted status as a United Nations Refugee.

Detainee: That's true.

Designated Military Officer: The Detainee was arrested by Pakistani authorities at his residence on 18 July 2002 because his house was a suspected al Qaida safe house.

Detainee: The first part, yes. I was captured in this place but I disagree that my house was an al Qaida house. I will prove it to you from your records.

Designated Military Officer: The Detainee had four hundred United States dollars when he was arrested.

Detainee: Yes.

Designated Military Officer: According to a foreign government, the Detainee is a fugitive from Algeria, where he has been wanted since 1993 for belonging to an armed group. The Detainee left Algeria for Pakistan in July 1990 where he worked for the NGO Muslim Aid for Afghan Refugees.

Detainee: The information is mixed up here. Yes, I left Algeria in 1990 but I disagree that I was a fugitive.

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Designated Military Officer: The following primary factors favor release or transfer, the Detainee stated that as a Muslim, he felt that he should go out and do good deeds for other people and found he could best do this by joining a NGO.

Detainee: Yes.

Designated Military Officer: The Detainee stated he has nothing against Americans and he has no reason to fight against Americans if he is released, because it is against his religion to kill innocents.

Detainee: Yes, that's true...whether they are American or not.

*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 read the Detainee Comments from the Enemy Combatant Election Form.*

*The Detainee made the following statement:*

Detainee: In the name Allah, the most merciful, the most gracious. Point number 1, dealing with the training...that's true...yes I was trained by the Algerian army and any Algerian has to do that by force. Anyone who tries to escape or to refuse to do what they call "national duty" will be jailed and put in the army. I had to do it. I don't know why this point is against me. If any one you were called by the government for this duty, you would do it without hesitation.

Presiding Officer: I would point out that in the section...it does not mean that it is a point for you or against you. It is just a fact of your history. This board does not consider that in a positive light or in a negative light, just that it is.

Detainee: Because here it says training...training in the dictionary about terrorism is against the law. I don't understand it.

Presiding Officer: I've explained to you how this board will interpret that information so you need not be worried about that.

Detainee: OK...connections and associations. Number one is OK...I agree with it. I have nothing to anything to say against it. Number two, yes. Number three, also. Number four, also...I agree with it. Number five, as I told you...there is a mistake

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maybe in the information because in that time... 1994, I was living in Pakistan. I didn't leave from Afghanistan to Kenya... I left from Pakistan to Kenya.

Presiding Officer: We've made that correction.

Detainee: Thank you. Number six, I (inaudible) because this organization in 1994 was working in thirty-four African countries. The organization was funded by the Kuwaiti nongovernmental organization. It's registered by the Kuwaiti government. If this organization is involved in any [kind] of terrorism or other wrong activities, the Kuwaiti government should be questioned (inaudible) of this organization. I don't think so... In 1994, yes, I traveled to Afghanistan to work... that's right. Number eight, yes, I resigned. Number nine also, yes, that's true... I have nothing to say there. Number ten, I don't think and I don't believe that this organization, WAMY, is associated with... there is some kind of contradiction. If it's associated with Usama bin Laden or al Qaida... as I understand, Usama bin Laden or al Qaida is one thing. Usama bin Laden as I know and everybody knows, is the leader of al Qaida so if this organization is associated with Usama bin Laden [then] it's associated with al Qaida.

Presiding Officer: All right, your opinion is noted for the record. Please proceed.

Detainee: I don't think... I don't believe... cause this organization is a Saudi association. It is registered in the Ministry of Internal Affairs of Saudi Arabia and it is registered with the Pakistani government. [It is also] registered in the Board of Refugees of the United Nations.

Presiding Officer: Sir, just so you are aware, the board is familiar with the registries and the backgrounds of these organizations.

Detainee: I only want to understand... if this committee has a relationship to Usama bin Laden or al Qaida... therefore, the Ministry of Internal Affairs and the Pakistani government and the United Nations must all be associated. They are allowing them to work... so if they are connected to Usama bin Laden, therefore they should be questioned. I don't defend it but... through registration through the United Nations, the Ministry of Internal Affairs, they know that this committee or organization works for humanitarian aid. I haven't heard the American government officially accuse this organization of being (inaudible).

Presiding Officer: Your comments are noted for the record.

Detainee: This guy... I know him... he used to work, not as a leader... he was working in Northern (inaudible) relief organization. I don't want to comment too much on it.

Presiding Officer: That's fine... whatever your comfortable with. Please proceed.

Detainee: I don't want to waste your time. I'll say the same thing I said previously, there is no proof and the American government cannot accuse officially of doing such. I don't

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defend this organization but this is what I think about them. Thirteen, I had a business relationship with this guy and I don't know whether he used to be or is a leader. I was interrogated many, many times on this point and I told them (inaudible). That's true, number one.

Presiding Officer: Sir, I [would like to] point out that the remainder of the paragraphs you agreed with. Are there any other points you would like to add?

Detainee: Not all of it. I have some points I want to talk about. Yes, I used to be a United Nations refugee and I have nothing to say about that. Number two, yes, I was arrested in this residence in July 18, 2002 but my house was not a safe house for al Qaida.

Presiding Officer: Perhaps you don't understand the statement...the house was a suspected house but you are disagreeing that it actually was. Is that correct?

Detainee: Yes. I asked many times my interrogators why I was here. This is the main point. I was arrested based on my house being a suspected [safehouse].

Presiding Officer: So, you agree that it was a suspected house but you disagree that it actually was?

Detainee: Yes and I will prove to you from your documents that it is not. I will come back to this point. Number three, yes, I had four hundred US dollars in my pocket when I was arrested. [I also had] four hundred Pakistani rupees but I don't why it is not mentioned here.

Presiding Officer: We will add that fact to the record.

Detainee: Yes, I left Algeria in 1990.

Presiding Officer: [You left in] 1990 not 1993?

Detainee: [It was in] 1990 and here then information is mixed up and there is a conflict in the information. I left Algeria in 1990 and the Algerian crisis started after 1992 and the group started their action against the Algerian government and Algerian people, I believe after 1992 but I am not sure. So if I left Algeria before the crisis started as a refugee from this country two years before something happened.

Presiding Officer: Your additional information is noted on the record. Please continue.

Detainee: How do they attach this information together? At the same time and in the same statement they contradict each other.

Presiding Officer: This board will take your statement into consideration when making its decision.

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Detainee: I don't want to make it too long but this is my summarization.

Presiding Officer: Take as long as you wish.

Detainee: I left Algeria officially in 1990 and I reached Pakistan in about five days after that in the same year and the same month. I was officially registered with the Pakistani government and the Algerian embassy and I left Pakistan only in 1990 to go to Kenya and then I returned to Pakistan in the same year. I didn't leave Pakistan until I was captured here. Except for my work in Afghanistan...I was going and coming back from Afghanistan to Pakistan.

Presiding Officer: Very well.

Detainee: Do you want me to comment on the factors that favor release or transfer?

Presiding Officer: Yes, you indicated that you agree with those two. If you have more that you would like to present, we are here for that.

Detainee: Our religion is against...and if anyone knows the Koran and the translation of the Koran I will tell you to (inaudible) but it will take [too much] time in the translation. In brief, our religion is against killing innocent people whether they are American, Hindu, whoever. It is also against killing animals without reason. Even if the animals [presented a] danger to them...if they kill them it is against the religion. [We can] only butcher them for food...

Presiding Officer: Sir, the board is highly educated in world religions and we do understand that that is a tenet of your religion.

Detainee: Sometimes religions are misinterpreted or mistreated by (inaudible)...that's why there are terrorists doing this. When I say that I am telling you what my beliefs are:

Presiding Officer: Your beliefs are appreciated and noted for the record.

Detainee: At the time that I came to this detention facility I didn't have any problems with any military [people]. I've never insulted any soldier or military person. I've never [spat] at anyone. I've never thrown anything else on them. I've cooperated with the interrogators...unlimited cooperation. I've solved a lot of problems for you in the facility. I am a manager of the room in Camp four. The officials know what I've said. They know...you can verify it with them.

Presiding Officer: The board is aware of your contributions, conduct and behavior and takes notice of them.

Detainee: We don't do that because we are afraid...but that is how we were brought up. I am forty-seven years old and I have chains on my hands. I've never been chained until three years ago when the Americans arrested me. In my whole life I had never entered a

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prison. I've never been taken to a police station...ever...[not while] I was in Algerian...until I was thirty-two years old...or during my residency in Pakistan for twelve years. We believe in good and evil. We know that God will give to whoever is good and whoever is bad God will give to also. In my whole life I never thought of killing and I've never killed anyone. We've been brought up to do good and to help people. The reason for my leaving Algeria and going to Pakistan was to help others...people who were suffering and are still suffering today. Sometimes a person is in a situation where it is not appropriate for them to be. I was arrested in Pakistan and I have nothing to do with terrorism. If I had any relationship...close or far...to the terrorists no one would be able to arrest me. I'm against any kind of terror. Good? I want to go back to the point I mentioned before. "Other relevant data"...this point states 'a suspected person'...the person in front of you now was arrested in a house suspected of al Qaida. That is what the interrogator said. The Pakistani intelligence was saying that the house was suspected also. The same interrogator came to me and brought me a map, a satellite [image] and he asked me to show him where the house was and I did. The house consisted of two rooms, one bathroom and a kitchen. Those two rooms were for me, my wife and four children. In America usually every child has his own room. I was at that house...one room was for me and my wife and the other room was for my four children. If the house were for al Qaida, where would al Qaida sit? Good? That was the main accusation [as to] why I was arrested. My neighbor, which is mentioned here [that] I was arrested with him in the same house...this accusation was not [brought] against him. My neighbor who lived with me...he wasn't accused of this. So if the house was suspected, why was I the only one accused of this? We all stayed at that same house. Either everyone in the house should be suspected or it should not be suspected at all. In this one (referring to his Unclassified Summary of Evidence) it says that the house was suspected...here (referring to his neighbor's Unclassified Summary of Evidence) the information is not there. In the tribunal I was given the same accusation and he didn't get the same accusation and we both lived in the same house. I say that some of the information here is not correct. Some of the information is contradictory.

Presiding Officer: Sir, to the best of your knowledge have you corrected and put on the record the discrepancies?

Detainee: Yes, that was the main [reason as to why] I was arrested and I've been here more than three years now...for that reason. I'm suffering...my wife is suffering...my children are suffering...my parents. I didn't do anything against you.

Presiding Officer: Sir, we do have some questions that we would like to ask you and if you would like to make a statement after that or during, you would be welcome and encouraged to do so...I point this out because you have made these statements a couple of times already and I'd like to get to the next portion where we can ask you some questions.

Detainee: According to me, I consider this a very important (inaudible). They judged me to be an enemy combatant and I was never an enemy combatant. I was arrested in my

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house...I was never (inaudible). If you can let me say...I know I have summarized a lot of my statement...so I can concentrate on this point.

Presiding Officer: Sir, we'd like to ask you some questions...

Detainee: OK, go ahead.

Presiding Officer: So at this point I'd like you to tell me [if] we can conclude this part of the statement.

Detainee: This is my only chance...if you could let me elaborate some more on this point...it's not a problem if it's after the question.

Presiding Officer: Yes, we'll come back to it.

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

Assisting Military Officer: The Detainee's ARB interview occurred on 15 August 2005 and lasted for forty-five minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, the Detainee stated he wishes to attend, and to speak openly with the board members. The Detainee prefers to respond to the Unclassified Summary of Evidence after each allegation is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was cooperative and very polite during interview. The Detainee elected to have the English and Arabic translated Unclassified Summary of Evidence for future review.

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

Designated Military Officer: Can you describe the type of activities that you did when you were a member of the NGOs?

Detainee: Which one?

Designated Military Officer: There were several...if you could give us an idea of sort of things you would do as a member?

Detainee: I worked in two. The first one I was the supervisor in a training school...teaching how to sew...carpentry...technical work. The second one...as mentioned here, I used to be a hospital administrator. The other one, which is in Kenya...I went to Kenya to work but unfortunately I had problems with my passport so I didn't [get to] work. I stayed there for about two months and I came back.

*Administrative Review Board Member's questions:*

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Board Member: Did you own the house that you were arrested in?

Detainee: I was renting.

Board Member: Who owned the house?

Detainee: A Pakistani guy named Ismael.

Board Member: What are your feelings towards al Qaida?

Detainee: Before them or others like them...before they entered with all those problems with the United States...I personally do not agree with them.

Board Member: What are the beliefs of the Muslim Brotherhood?

Detainee: They are people...I'm not one of the members of that organization. They are Muslim people who believe in democracy. They work towards democracy. They are against any kind of military work...any kind of military action...they work through the government and through the law. You can go to the Internet and gather some information. If you have any other questions...I can answer it.

Board Member: You were captured with four hundred dollars. How did you obtain that money and what was the purpose of having it?

Detainee: Good question. I worked in Afghanistan in 1996. I used to get paid in US dollars and I saved money. On that day when I was captured I took the money and me and my wife and kids went to the market to buy some gifts because we had planned to go back to our country because the schools in Pakistan at that time were closed. Unfortunately, the forces came to our home and they destroyed everything. That's why I had the four hundred dollars in my pocket and I don't think and I don't believe that four hundred dollars is kind of (inaudible) to have it.

Board Member: Was it common to be paid in US dollars?

Detainee: No, I don't believe so.

Board Member: What size were the notes?

Detainee: Hundred dollars.

Board Member: So you had four one hundred dollar bills?

Detainee: Yes.

Board Member: There's little information between 1997 and 2002. Briefly, where were you living and what were you doing?

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Detainee: I was living in Pakistan in the same house between 1994 until I was captured. Between 1996 until the date I was captured, I used to be a United Nations refugee and I was jobless except I had a small business.

Board Member: Where is your family now?

Detainee: I think they are in Algeria now.

Board Member: If you were released, is that where you would go to live with your family?

Detainee: Yes, where [else] would I go? I'd go home...I have my kids to look after...wife...parents.

Board Member: What would you do to support them?

Detainee: I will find a good job like I used to [have] before.

Board Member: What is your education level?

Detainee: I studied until high school.

Board Member: Last thing, you do not believe you are a fugitive in Algeria?

Detainee: No, I don't believe so...if I believed that why would I go back to Algeria?

Board Member: So if you returned to Algeria, you do not believe you would be arrested?

Detainee: Now, that's another question. Anyone who was in Cuba, [don't] you think they will be interrogated by the government? At least they would interrogate me but I don't believe I would be in jail for a long time. I'd be arrested maybe for a short period to be questioned.

Board Member: Do you consider the Egyptian government and the Algerian government to be good Muslim governments or would you like to see things change?

Detainee: I don't know why you are asking me about the Egyptian government...I am Algerian. I can tell you about the Algerian government. I don't know about the Egyptian government. I've been in jail for three years...I don't know whether they are good or not. The Algerian government is not like this government or...it's not an example of a good government but it's a third world government basically. It's not a favorite government...but we do not have anything [else].

Board Member: In terms of when you lived in Algeria and the time you spent in Egypt, would you consider the government conservative Muslim or less than conservative Muslim?

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Detainee: Can you say it again, please?

Board Member: The time you spent in Algeria, did you consider the government very conservative...in terms of Muslim faith or less than conservative?

Detainee: Sorry...you mentioned Egypt so I couldn't understand the (inaudible)...I will repeat again, the Algerian government is not a good example...it's not the best but it is what we have.

Board Member: Again, my question is do you consider the Algerian government Muslim faith conservative or liberal? In comparison to the Muslim faith, some are more conservative and some are not so conservative about their faith...where do you put Algeria? Is that good or bad?

Detainee: I'll give you an example of the two...it's better than the Saudi government. We have freedom. We have democracy. We have other political parties. All of the Algerian people are Christians or Muslims.

Board Muslim: So, you consider this a better government than Saudi Arabia...

Detainee: Yes...yes...better than the Saudi government but there is a spoiled government office. There is some corruption in the government.

Board Member: You said that your faith has good and evil; do you consider US citizens mostly good people?

Detainee: Of course. I have nothing against the American government...or the American people. I used to work for them for many years. I do believe that the American people are very good people that's why I have no problems with the MP's and I had no problems when I used to work with them in Algeria. I definitely believe that the American people are fighting for freedom and (inaudible) for democracy...but if they knew our position here, for sure they wouldn't like for us to be in this position.

Board Member: Do you think that Muslims that change their faith are good people or evil people? If I am a Muslim and I say I want to become Hindu or Christian...does that make me a good person or an evil person in your mind?

Detainee: That's up to you if you want to be a Muslim or not a Muslim. Our religion is not a forceful religion. You can stay in the religion or leave.

Board Member: Do you consider that person good or evil because they did that?

Detainee: [It] depends on how he treats other people. If he treats other people [well], then it doesn't matter if he is Muslim or not Muslim.

Board Member: Do you consider Jewish people good people or evil people?

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Detainee: The Jews and [the] Christians are people of the Holy Book...Islam is not against Jews or Christians. It's the opposite; the closest people to use are the Jews and the Christians. The proof is...if you can eat the sacrifices of animals that are butcher...we can eat sacrifices from a Jewish person or a Christian with no hesitation. The Muslims eat kosher food...

Board Member: Do you consider Jewish people good or evil?

Detainee: It's like any other [person], if they are good people, they are good. If they are bad people they are bad. We are not against Jews, Christianity or another religion. In Algeria, where we are at we have a lot of Jews that have lived there for hundreds or years with no problems.

Board Member: Do you consider Usama bin Laden a good person or an evil person?

Detainee: Personally, I do not know him but the things that he does are not good things. It is against the Islamic religion.

Board Member: So, you believe he is not a good Muslim because of the things that you've heard that he has done?

Detainee: There is a difference between a good Muslim and a bad Muslim. You cannot tell [how are person is] by their religion; it is their action against the religion...is their action a good action or a bad action? You can judge a person by their action.

Board Member: So, based on his action, do you consider his actions good then?

Detainee: If a [person] is doing good things he is a good person. If he is doing bad things, he is a bad person...whether he is Muslim or not.

Board Member: My question originally was based on what you've heard that he has done...do you consider him good or evil?

Detainee: The things he has done are not good. He has done bad things against innocent people...not just against Americans...but he has done a lot of bad things against Afghanis and Muslims in Afghanistan.

Board Member: Would you be willing to help the US and its' allies capture Usama bin Laden if you could?

Detainee: In the past government or in the future.

Board Member: Currently.

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Detainee: It's a strange question but I will answer. Honestly, I do not know where this man is but if I was in Algeria and I saw him there, I would report it to the Algerian government. I would tell them.

Board Member: Same question about al Qaida. If you knew people were in al Qaida [would you be willing to help the US and its' allies capture them]?

Detainee: Sure, I would report al Qaida.

Presiding Officer: Did you ever visit the Pakistan embassy in either Afghanistan or Pakistan?

Detainee: Algeria has no embassy in Afghanistan...but it has an embassy in Pakistan. I visited it many times.

Presiding Officer: Do you remember the name of someone you spoke with there?

Detainee: I spoke to many people...the embassy has been there for many years.

Presiding Officer: Do you remember anyone who worked there?

Detainee: I met the (inaudible) the embassy (inaudible) in 1990...I met the consul [general] at that time...they only have one.

Presiding Officer: Did you have to sign in when you went and left?

Detainee: In 1992 they had a big register...yes, I think at that time we had to sign in.

Presiding Officer: Do you recall signing in?

Detainee: I really do not remember very well.

Presiding Officer: The reason I am asking is if there was a warrant for your arrest, and you visited the Algerian embassy...that's Algerian soil...and I am wondering why they didn't arrest you.

Detainee: I do not think there was any warrant...I used to sit with all of them...even the intelligence officer.

Presiding Officer: Were you a registered Algerian national at the embassy?

Detainee: Yes...yes...I have the card and I was registered...yes.

Designated Military Officer: Sir, I'd like to ask one question. You mentioned you lived in a two bedroom house...one bedroom was for you and your wife and one was for your kids. You mentioned that your friend also lived there. Do you mean that this was one house or was it a duplex with his family living there?

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Detainee: That's a very good question. The house was divided in two portions...as you can say...the lower portion and the upper portion...he was living in the upper portion and I was living in the lower portion.

Presiding Officer: Is there any other information you would like to present?

Detainee: I do not have anything [else].

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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

  
Colonel, USA  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 940

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

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

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

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

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

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

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

*The Detainee accepted taking the (Muslim) oath.*

*The Designated Military Officer read the Unclassified Summary of Evidence to the Administrative Review Board.*

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Designated Military Officer: The Detainee related he joined the Muslim Brotherhood in Sudan during the early 1980's. He stated he was a student in school and his friends joined the group, so he did as well.

Detainee: My affiliation with the Brotherhood was in the eighties and the brotherhood had no program calling for violence and killing innocent people. Their program, according to what I had read about them, was achieving governance, through a peaceful, political solution, through parliament and free elections.

Designated Military Officer: The Detainee was a member of the Sudanese Muslim Brotherhood until 1986.

Detainee: I left the Brotherhood because of my personal convictions in the early nineties, and that is because I see that groups and coalitions cause a person to become fanatical towards their party and therefore his sight is blinded to the truth and to justice.

Designated Military Officer: The Detainee took a teaching job with the Hira Institute in 1986 where he worked until 1999.

Detainee: I worked two jobs, teaching and administrative work, at the Hira Islamic Institute up until the year 1996, and I am proud of that because my students have now graduated from universities like medical school and others.

Designated Military Officer: The Detainee worked for the Hira Institute as a teacher at the Jelazee Refugee Camp. The Hira Institute is run by an organization named Lajnat Al-Da'wa al Islamia (LDI).

Detainee: LDI is a Kuwaiti organization that falls under the Kuwait Association for Reform, which is registered with the Ministry of Social Awareness, and it is a quasi-governmental organization that represents humanitarian charity work and has projects in Pakistan and Afghanistan. It is also registered in Pakistan under the Commission for Refugee Affairs. We also got VISAs to Pakistan through this commission.

Designated Military Officer: Lajnat Al-Da'wa al Islamia (LDI) is a non-governmental organization that operates in Afghanistan and may be affiliated with Usama Bin Laden and al Qaida operations.

Detainee: I worked at the LDI's regional office for a period of 4 years in the Public Relations Department; however, the nature of my work was purely administrative, far from public relations work.

Designated Military Officer: In 1996 the Detainee received a promotion and moved from Hira Institute to the LDI office in Peshawar, Pakistan. In 1997 the Detainee was promoted again to the head of the Public Relations Division of LDI in Peshawar, Pakistan.

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Detainee: LDI is a charity organization and does not have any relationship to Usama Bin Laden nor does it have any relationship to terrorism.

Designated Military Officer: After being laid off from LDI in 1999, the Detainee was hired as the Director of the World Assembly of Muslim Youth (WAMY) Hospital in Afghanistan.

Detainee: The reason for me leaving my job was that after the first Gulf War the LDI's financial resources dried up so Lajnat Al Da'wa was forced to cut some employees loose and distribute their duties among the remaining employees to reduce spending.

Designated Military Officer: WAMY is a non-government organization operating in Afghanistan that may be affiliated with Usama Bin Laden and al Qaida operations.

Detainee: I worked at the surgical hospital that falls under the World Assembly for Muslim Youth in Afghanistan in the area of (Shahamu), Chamkani, on the Pakistani border as an administrative manager and not as a director as you mentioned.

Designated Military Officer: According to top WAMY officials, both the United States and Israel must be destroyed. WAMY provides financial support to the Palestinians fighting against Israel. In addition, WAMY has put forward a proposal that the Palestinians should declare open war on Israel.

Detainee: What WAMY's highest officials said I have never heard of, and if they said that, I have nothing to do with it, for I am an employee; I do my job and earn wages for it.

Designated Military Officer: After the 9/11 attacks, and due to the war and increased violence in the area, the Detainee was told by Afghan government officials to leave Afghanistan.

Detainee: Yes, after the attacks of 9/11 and because of the possibility of a war, the Taliban government announced to all the groups and organizations, governmental and non-governmental, that it would not be able to provide them with protection when the war started and that it would be best for everyone to leave Afghanistan. So I equipped the hospital with everything they needed and left Afghanistan for Pakistan.

Designated Military Officer: A 23 September 2001 copy of "The Brotherhood Letter" published by the Muslim Brotherhood Information Center was found during the capture raid in the Detainee's home.

Detainee: I do not know anything about this "Brotherhood Letter" and I do not know anything about the information center.

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**Designated Military Officer:** Several identification documents were seized from the Detainee's home at the time of the raid and his arrest, including a U.N. refugee card for his downstairs neighbor.

**Detainee:** There was not a number of identification documents at my house, nor was there any United Nations Refugee Card, for I am not a refugee. It is true that my neighbor is a refugee but he did not leave his things with me at all.

**Designated Military Officer:** The Detainee initially claimed neither the Muslim Brotherhood newsletter nor copies of his neighbor's United Nations refugee cards reportedly found at his home were his.

**Detainee:** Yes, I said this before and I say it now.

**Designated Military Officer:** The Muslim Brotherhood (MB) developed as a fundamentalist Islamic belief community in Egypt. Foundations of organizations under the umbrella of the Egyptian MB were in other Arab countries and started the armed fight by MB activists. They attacked what they considered to be un-Islamic representatives of the government of Egypt based on its cooperation with Russia. The MB developed into an underground organization.

**Detainee:** What I know from before about the Muslim Brotherhood is that it is a political organization, they do not use violence and weapons to reach their goals and I have not heard of them attacking Egyptian government representatives. It was other Egyptian organizations, like the Egyptian Islamic Jihad, doing that, according to the information that I used to hear on the international news and in the papers.

**Designated Military Officer:** The Detainee stated he did have copies of "The Brotherhood Letter" in his residence, as he was a former member of the Muslim Brotherhood.

**Detainee:** I did not say that I had a "Brotherhood Letter" at my house and ever since I left the brotherhood organization I have had no relationship with them or their letters.

**Designated Military Officer:** The Detainee met Khalid Sheikh Mohammed at the Jelazee Refugee Camp in 1987. Khalid Sheikh Mohammed operated a "cultural center" located at the camp. The center was used to prepare Afghan people who had been recruited for the jihad against the Russians.

**Detainee:** I never met Khalid Al Sheikh and I don't have any personal relationship with him. I used to see him from afar and I know that he had a cultural center for some Afghani students to prepare them for fighting the Russian forces in the Afghani jihad against the Russians.

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Designated Military Officer: Khalid Sheikh Mohammed's older brother, Zahid Al-Sheikh, was the director of the Jelazee Refugee Camp and LDI in Peshawar, Pakistan.

Detainee: Zahid Al-Sheikh was a former manager of LDI and not the manager of the camp.

Designated Military Officer: Zahid Al-Sheikh has been identified from other sources as an extremist with terrorism ties.

Detainee: If he is an extremist, my relationship with him was a purely administrative one, but I do not think that he is an extremist.

Designated Military Officer: The Detainee stated he was familiar with Shamshatu Refugee Camp. He distributed food to the camp on two occasions. The Detainee stated the camp was run by Gulbiddin Hekmatyar.

Detainee: Shamshatu Camp is a well known camp, known to everyone who works in a charity organization, because it contains poor refugees and homeless people whom the Afghan-Russian war had displaced. I did distribute food there to the poor twice only.

Designated Military Officer: Gulbuddin Hikmatyar (variant of Gulbiddin Hekmatyar) founded Hizb-l Islami Gulbuddin (HIG) as a faction of the Hizb-l 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 Bin Laden.

Detainee: I do not have any relationship with Hekmatyar at all. I do not know him and he does not know me. He is like any of the other Afghan jihad leaders. Whether he is a person or a ghost, I have no relationship with him.

Designated Military Officer: 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 Bin Laden after the latter fled Sudan in 1996.

Detainee: Whether Hekmatyar runs a number of the camps or otherwise, I have nothing to do with that.

Designated Military Officer: The Detainee took a vacation to Sudan in June 2002. Before he returned to the office, Detainee called his supervisor to find out about the situation of NGOs in Peshawar, Pakistan after hearing about the arrests of the Revival of Islamic Heritage Society workers. He was told that everything was normal, and that they needed him back at work.

Detainee: Yes, I traveled to Sudan in June of 2002 during a vacation from work that lasted for one month and I left my wife and daughters in Sudan for the sake of education. I returned to resume my work at the hospital in Afghanistan after calling the manager and

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hearing his eagerness for me to return and that is proof that I am innocent. If I had anything to do with terrorism, or if I had done anything wrong, I would not have returned from my country to Pakistan, and if I was helping the Taliban or if I had any relationship with the al Qaida organization, I would not have agreed to return to my job at the hospital inside Afghanistan in Karzai's government. That confirms that we do humanitarian relief work that has nothing to do with governments and politics. Our goal is to help the poor of mankind and the people who have been harmed by wars and famines and natural disasters.

Designated Military Officer: The Detainee stated Al-Zawahiri and Usama Bin Laden were not Muslims and any acts their groups perpetrated were against the Muslim faith.

Detainee: I have said that what Usama Bin Laden and his organization have done is contradictory to the teachings of our religion Islam, the true religion, that calls for peace and helping people live and not killing innocent people. I did not say that Usama Bin Laden and Zawahiri are not Muslims because someone could be a Muslim but have a wrong understanding of Islam, for I am not a scholar to judge whether a person is not a Muslim or an unbeliever.

Designated Military Officer: The Detainee did not know of any connections between WAMY and al Qaida.

Detainee: Yes, there was no relationship between [the al Qaida organization and me].

Designated Military Officer: The Detainee did not like what the al Qaida stood for.

Detainee: Yes, I do not and will not like what the al Qaida organization is doing in terms of inhumane acts.

Designated Military Officer: The Detainee believed the al Qaida/WAMY connection to be a false accusation.

Detainee: This is exactly what I think and what I said in point (A) confirms that. *Detainee is referring to his response above of his vacation to Sudan in June 2002.*

Designated Military Officer: The Detainee did not know any al Qaida individuals through relationship or just meeting.

Detainee: I have never met any person from Al Qaida, neither through relationship nor meeting and I see that these allegations that favor continued detention cannot be considered allegations because working for charity organizations, or visiting a refuge camp and distributing food in it, or seeing a person, whoever they may be, does not mean that it is a criminal act that a person should be punished for; a punishment that requires his detention for 3 years or more.

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

*The Presiding Officer acknowledged the request.*

*The Assisting Military Officer presented letters from the Detainees family, Exhibit EC-C1 to Exhibit EC-C13, to the Administrative Review Board.*

*The Assisting Military Officer made the following comments:*

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 1 August 2005 and lasted 155 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee elected to attend the Administrative Review Board and respond to the Unclassified Summary of Evidence point by point and make an oral statement. A follow-up interview was held on 3 August 2005 to verify the translation of the Detainee comments to the Unclassified Summary of Evidence and lasted 100 minutes. The Detainee was polite throughout both interviews. The Detainee was provided a copy of the Arabic translated Unclassified Summary of Evidence for review.

*The Detainee made the following statement:*

Detainee: I implore your board to take my case into consideration, for I have been punished in prison for three years without committing a crime and I have lost my noble job through which I earned a living. I have been taken away from my wife and my family and I do not know what their fate is until now. I have lost my young daughter (Shifaa), who died of disease because of my separation from her and my family's inability to provide her with medicine in my absence. I have suffered psychologically from imprisonment as well as health-wise. I ask our Excellencies to unbind my chains and return me to my job, to live with my family and to earn a legal earning, and to live far away from politics. I will not affiliate with any party or political or jihadist organization I promise you that. I will not assist any organization in any terrorist acts against the United States of America or its allies. Finally, I give to you all respect.

*The Detainee made the following additional statement:*

Detainee: To the members of the respected board, this is my story from the beginning of my childhood until this day. I say this to you so that you could know who is this person that the days have driven to appear between your hands in this island that I would never

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have thought or dreamed that I would visit or live in for these number of years. My story begins with my birth in a beautiful city in Sudan and it is called Port Sudan or The Mermaid of Sudan. It is a coastal city that overlooks the coast of the Red Sea. I grew up with a kind father and a loving mother, who had instilled in me since my childhood good and virtuous manners, including honesty and forthrightness and being kind to the poor and the needed and generosity and all the good characteristics and good manners that all mankind should have in order to earn the respect of others. I saw with my own eyes how my father performed his humanitarian job with all dedication and his job was a humanitarian one and it is closest to people's hearts and that is medicine. The nature of his job prevented him from having personal rest and personal happiness. All he cared about was making other people happy and comfortable. That brought him great happiness and joy even if it was at the expense of his own happiness. We moved from this city to another city, it was a village, from the villages of Eastern Sudan and in this move was great suffering for my parents. I saw it in front of me and that was because my father had to walk for hours on his feet to treat sick people and sometimes he would have to ride on a donkey when he heard his call to duty whether it was day or night and he would not get sad or down from being woken up at night whether it was night or day. The memory of that was imprinted in my mind from childhood. I learned to love the good for people and I learned that a noble person's happiness can come from his helping other people and making people think well of him. Indeed my father did love people and I noticed that from the way they spoke highly of him and thanked him in his absence and the presents we use to get from his friends and the other simple families from the village. When I grew up and I moved from the stage of receiving to the stage of giving and I continued my studies past high school in the Arab Republic of Egypt in the central air conditioning trade, my job after graduating did not satisfy my ambitions and it did not satisfy what I had grown up with and learned in terms of pleasing people and helping them. I was very happy when the opportunity came to me to help a group of people, who had been displaced by war from their homes after the oppressive Soviet occupation. I worked with all dedication and I lived with them in their camps and my wife with me as well and we suffered a lot as she also suffered. I would transport the water daily after work from a well that was far away from us. She miscarried twice from her suffering. We lost electricity and it would stay out for two days or more. My daughter, Miriam, suffered from a horrible disease she didn't start walking until she was three years old and she still suffers from disease. My other daughters also suffered socially, because they lived in a place [where] no one spoke their language and no one knew their customs. They were deprived of their cousins and family. After I moved from this organization to another organization and that is the World Assembly for Muslim Youth. I would travel to Afghanistan to work in the hospital and I would stay away from my family for 45 days sometimes, sometimes two months. In these circumstances, they would be alone in Pakistan. No one would visit them and they would not visit anyone, which got me to thinking of taking them to Sudan. When I came upon my annual vacation in June 2002, we decided the family should stay in Sudan and I returned by myself to work in the hospital. My ambition was to send them money so I can build on a piece of land that I bought in 1997. When I returned and resumed my job in the first day I returned home and after dinner I went to sleep. At 1:30 AM a few men burst in on me armed [with

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weapons] they came in and raided the house. I woke up scared and disturbed as if I was in a nightmare. I asked them, "What do you want?" I couldn't believe myself. They told me, "Don't talk!" They put chains on my hands and they asked me, "Where is your passport?" I had it in my shirt pocket and I told them, "It's in my shirt pocket." So they took it. When they saw the passport, they saw that I had an extended VISA for two years. The Pakistanis told them to ask the American man, who was with them, "Should we take this man. He lives here officially." He said, "Yes, take him." They asked him another time; he said to them, "Yes, take him." So they bound my hands and when I was going down the stairs, since I was living on the top floor, I saw my dear neighbor in a state I will never forget in my whole life. I saw his wife screaming and crying and they had entered into his house, into his bedroom and his wife was grabbing him from his hand and they were grabbing him from the other hand. His children were screaming and crying. They grabbed him forcefully from his wife's hands. They placed us in a Pakistani prison for six and a half months in very bad conditions, very bad food. They allowed us to go to the bathroom three times a day. They would give us one jug of water per day. They would give us horrible food. When I entered the prison my weight was 90 kilograms and when I left for the Bagram prison I was 60 kilograms. My head was spinning and I would faint a lot from malnutrition. One of my teeth hurt for a long time, until my right eye was swollen shut from the pressure and they refused to take me to the hospital. In Bagram there was also great suffering for me. They beat me at the airport and threw me to the ground. The dogs would grab at my pants and they would laugh at me. They took me and stripped me naked completely. They laughed a lot in my face. They said look at the American people. They left me for three days not sleeping, standing on my feet. They left me in this state another two weeks by myself. [My hands and legs were bound by chains] until my legs were injured. Even now I suffer from pain in [the left joints of] my feet. I also have suffered here in Cuba. This is the third year of my imprisonment without anything that I have done wrong. My wife is also suffering in Sudan. She is the head of the family and she does not have anyone to spend money or to support her. My four daughters are also suffering now. My oldest daughter Zanub is in college now and she does not have any money for [her] education. My wife lives in a simple neighborhood in Sudan now. After her financial situation had been good they all live in one room and finally I implore your board to understand and appreciate my situation and the unfairness that I have been exposed to. Your accusations against me, which are not real accusations, that I am enemy combatant. I have never carried a weapon for one day against you. I never fought against you. I never had any hostility against you in my heart. I ask you to look into my situation. I hope that you release me this time. Thank you for listening.

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

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

Designated Military Officer: Sorry about the loss of your daughter. Can you tell me when she passed, please?

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Detainee: I received a letter about a year ago. I have the letter, I just did not bring it with me.

Designated Military Officer: What was your daughter's name, sir?

Detainee: Shifaa.

Designated Military Officer: I would like to cover the timeline, which you mention sir, because it doesn't match up with our timeline, if you don't mind. When did you leave the Muslim Brotherhood?

Detainee: In the early 90s...in the beginning of the 90s.

Designated Military Officer: When did you work for the Hira Institute?

Detainee: From 86 to 96.

Designated Military Officer: You worked for LDI from 96 to 99?

Detainee: Yes

Designated Military Officer: You mention that you were laid off from LDI, because of the Gulf War?

Detainee: The reduction of financial resources after the war.

Designated Military Officer: Are you referring to the U.S. Gulf War or a different Gulf War?

Detainee: The first war...when Saddam entered Kuwait.

Designated Military Officer: Okay, but you were laid off in 1999?

Detainee: Yes, the financial resources started decreasing at that time and day-by-day it was getting less and less until finally it reached that point.

Designated Military Officer: I also just want to confirm that you were on vacation in Sudan in June 2002, correct?

Detainee: Yes.

Designated Military Officer: Upon your return you were arrested nearly immediately?

Detainee: Immediately...right after my return.

Designated Military Officer: You spent six and half months in a Pakistani prison?

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Detainee: Yes

Designated Military Officer: You then spent time in Bagram, how long were you in Bagram?

Detainee: About two months in Bagram.

Designated Military Officer: You say that you've been here three years now?

Detainee: No, the whole thing was three years. All of it, I've been imprisoned...I mean I didn't leave at all.

Designated Military Officer: Okay, when you say three years you're referring to the time from when you were arrested until today?

Detainee: Yes, until this day...

Designated Military Officer: Thank you for answering my questions.

Detainee: They arrested me...18 July 2002, I was arrested and now July has passed in 2005 we're in August now. So more than three years...three years and a month.

Designated Military Officer: Thank you for clarifying that for me.

*Administrative Review Board Member's questions:*

Board Member: Mr. Hussein I appreciate the statement that you have made. I have some questions from the Unclassified Summary that we were provided. How old were you when you became a member of the Muslim Brotherhood?

Detainee: I was a student at the beginning of high school. I don't remember exactly. I am now 46 years old and I graduated from high school in 81 and I studied in Egypt until 83. I worked in Sudan for two years and 86 I went to Pakistan. I don't remember the date exactly.

Board Member: Were you a member of the Muslim Brotherhood when Anwar Sadat was assassinated?

Detainee: Yes, I was in Egypt at the time.

Board Member: How did you feel about that?

Detainee: I did not help them in anyway in that action and it's not the Muslim Brotherhood that did that.

Board Member: When you worked for the Hira...you were the director of public relations?

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Detainee: Do you mean the Hira Institute or LDI?

Board Member: When were you the director of public relations?

Detainee: When I was at the main office at LDI.

Board Member: Did you work for Zahid Al-Sheikh?

Detainee: When I first started working Zahid Al-Sheikh was the general manager. When he was the general manager I worked in the educational department. I was a teacher at that time at the Hira Institute...so it was very far away from me.

Board Member: Did you know him personally?

Detainee: Of course, he was our manager. I had to know him personally, but my relationship with him was purely administrative.

Board Member: What about your affiliation with the World Assembly for Muslim Youth? What did you do for them?

Detainee: I was an administrative manager at the hospital.

Board Member: Did you know of any leaders of the organization that were in favor of the United States and Israel being destroyed?

Detainee: No, I don't know anything about that. On the contrary when we were with that organization we had a relationship with the WHO (World Health Organization) and WFP. WHO would give us a package of medicine every year. We had an agreement with them. Every year they would provide us with medicine and WFP (World Food Program). They would give us food and we would distribute food at United Nations camps and we had a relationship with them and worked with them in relief work. The policy of our office would allow for that.

Board Member: The workers for the WHO and WFP, were they Americans?

Detainee: Yes, yes World Food Program is American. World Health Organization is an American government organization. Even the United Nations were American and we'd go there to their camps and distribute food and cooperate with them.

Board Member: Did you know of any connection between any of the organizations that you worked for and terrorist organization?

Detainee: No, no nothing. We did not have any relationship at that time with anybody with al Qaida and we never approved of what al Qaida was doing or what was going on.

Board Member: Do you speak English?

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Detainee: A little bit not much.

Board Member: A little bit?

Detainee: Yes

Board Member: Do you understand English better than speak it?

Detainee: Both weak.

Board Member: You have gone through a lot through the last three years, what do you think of Americans?

Detainee: Before my idea of America was better than now, because I know that America is a democratic nation and I know that there's justice. I know they have respect for appointments and I know that they have fairness among themselves and their nations. After the first board...after I had answered all the allegations that you presented to me at the first board, there were only five allegations, and after all the interrogations that I've been through for the past couple of years here and at Bagram also. I have [given] my complete cooperation. [I have never caused a problem with anyone, not the soldiers, not the interrogators, not anyone]. [My neighbor and I]...same thing. We would cooperate with the guards at the cellblock and even make sure that the other brothers would not cause any problems. The first shock that came to us was the shock of them classified us as enemy combatants. Both [my neighbor and I] were shocked. We have also noticed some inconsistencies. For example, we noticed some of the brothers that were working in the revival of Islamic heritage...five of their people left from here including one Sudanese, who left here a few days ago. One of them is still left here and he is a small time teacher. The ones that left were division managers, they didn't really have anything against them...they left...they didn't really have anything against them. They left and they were declared innocent. So we ask ourselves, why did they leave this one guy, who was caught at the same time and in the same situation and they let the others go. Also, there are five Uigher brothers they were innocent the five of them. The Uigher group there were about thirty people that came here. They were all captured in the North. Their case is won...why did some of them leave innocent and these people are not innocent. Also the Red Crescent organization in Saudi Arabia and it is a government organization, they captured three people from that organization. One of them is a Syrian and he left and one is Algerian...they just told him he's innocent. One is a Somali, an old guy, and he's thrown over here and they told him he's an enemy combatant. All this makes a person think and wonder how does it work. Is it just luck or is it justice and fairness.

Presiding Officer: I will answer that in just a few moments. There is very often a lot of information that we consider. Today we want to focus on you. You were already determined to be an enemy combatant. Today we want to look at your future and what

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your future holds and what kind of threat you are to America. There are many other people in Guantanamo and we are not worried about them right now.

Detainee: Okay.

Board Member: When you operated in Afghanistan, did you operate with the support of the Taliban?

Detainee: You mean [did the Taliban support me] or did I support the Taliban?

Board Member: No, did the Taliban allow you free access to the camps and did they support you, did they protect you...did they keep away from you?

Detainee: I did not work in any camps inside Afghanistan. All the camps I worked at were in Pakistan, but on the Afghani border. My work inside Afghanistan was only in the hospital and for one year only. That was before September and after September I left there.

Board Member: Did you agree with what the Taliban stood for?

Detainee: No, I did not. I was not convinced by the Taliban nor was I convinced of their agenda or their government...nothing that they represented. I really looked down on them a lot. Their views of Islam were a very fundamentalist view.

Board Member: Is your view of Islam a very fundamentalist view?

Detainee: No, not at all. No, I say that the Taliban had a fundamentalist view of Islam but I don't.

Board Member: If you were to go back to Sudan, what would you tell your friends about Americans...would it be...would you encourage them to join a jihad?

Detainee: In the first place, I never joined any jihad against the United States. I never had any jihadist thoughts in my mind. I don't think about that.

Board Member: Where is your daughter in college?

Detainee: She is in a city called Ordurman (Sudan) in a college of science.

Board Member: Khalid Sheikh Mohammed in the Jelazee Refugee Camp, he started a cultural center, what was that like?

Detainee: I never visited the cultural center. I never went inside, but I did know from my students...I knew that they had many cultural activities the students had to attend lectures and they were taught about religion and religious studies. In order when they would fight against the Russians...join the jihad against the Russians. I do know that Khalid Sheikh Mohammed supported jihad against the Russians.

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Board Member: Thank you for coming today.

Detainee: Thank you.

Presiding Officer: I only have a few questions, but a few things I'd like to discuss. Is your father still alive?

Detainee: No, he passed away.

Presiding Officer: Do you hear often from your wife?

Detainee: What do you mean?

Presiding Officer: Do you get many letters from your wife?

Detainee: No, I get letters but very few.

Presiding Officer: How is her health?

Detainee: She always tries to lift my spirits up. She always tells me we're fine... we don't need anything... we're doing okay. But I know that she doesn't have anyone. She is on her own. Her father has also passed away. She tries not to show me the rough times that she's going through.

Board Member: Why do you think she came to your house to arrest you?

Detainee: Until now I really don't know. If I knew I would have never returned there from Sudan. I really don't know.

Presiding Officer: Mr. Hussein, you've done much good work... much charitable work over the years. Many of the organizations that you've been part of have an extremist part to them.

Detainee: What do you mean with extremist?

Presiding Officer: Some of the teachings of these organizations say it is good to kill Americans. The WAMY leaders have said it is good to kill Americans. You have been associated with these groups for many years.

Detainee: Only three years I worked for WAMY. Of course, I have nothing to do with the leaders of the organization. Why wouldn't you arrest the leaders of the organization? Why arrest a low level employee like myself?

Presiding Officer: How do you feel about those thoughts?

Detainee: These are not good thoughts. I really don't think anyone would say something like that... a rational human being would not say something like that.

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Presiding Officer: I'm grateful to see you wearing a white uniform. That indicates that your behavior here has been good.

Detainee: Without a doubt, if you look at my file I have not caused any problems here. I never had a problem small or big.

Presiding Officer: That is consistent with what you've said and we appreciate that. Here at Guantanamo there are many members of the Taliban/al Qaida. Do you hear any thoughts here on al Qaida and Taliban?

Detainee: I cannot really confirm or deny that there are people from al Qaida or Taliban here. There may be, but I do not know for sure. I do not deal a lot with people here.

Presiding Officer: What is your future plans if you go back...will you go back to Sudan?

Detainee: Of course, I would like to return to my country, to my wife, to my kids.

Presiding Officer: Will you travel to countries...will you associate with organizations again...and travel to other countries?

Detainee: Right now I just have plans to stay in my country, with my family, but if there was an organization that did good deeds, that did not have any ties to terrorism or any bad actions or a job that was available in another country then maybe...I'm just looking for an honest and noble source of income so I can support my family.

Presiding Officer: What type of work do you think you'll do?

Detainee: I really don't know what fate has in store for me as of now, but I do know that I plan to go back to my specialty, which is central air conditioning...I haven't worked in it for many years, but that is what I plan to do as of now.

Presiding Officer: Mr. Hussein thank you very much for the information you have provided for us today. It will be very helpful for us to help make a decision.

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

*The Presiding Officer opened the classified portion of the session.*

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

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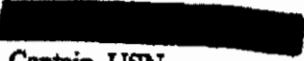
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AUTHENTICATION

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

  
Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 941

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee declined taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 02 September 2005 and lasted 41 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, he said he would attend the Administrative Review Board and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee was very cooperative and polite throughout the interview. The Detainee declined to keep a copy of the Pashtu

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translated Unclassified Summary of Evidence for review and elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

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

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

Designated Military Officer: As of mid-November 2002, the local commander for the Hezb-e Islami Gulbuddin, Haji Abdul Ghafour, had a bodyguard identified as the Detainee.

Detainee: Who is Haji Abdul Ghafour? I don't know him. I'm not in Hezb-e Islami Gulbuddin party or anything like that.

Presiding Officer: Could I clarify for the record? You never heard of Haji Abdul Ghafour?

Detainee: It comes to swearing. Right now, I swear that I don't know [anyone] by the name of Haji Abdul Ghafour. I don't see why they have related that guy to me.

Designated Military Officer: Hezb-e Islami Gulbuddin was one of the major mujahedin groups in the war against the Soviets. Hezb-e Islami Gulbuddin has long-established ties with Bin Laden. Hezb-e Islami Gulbuddin has staged small attacks in its attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration (Afghan Transitional Administration), and establish a fundamentalist state.

Detainee: What does it have to do with me?

Presiding Officer: Strictly referring to Hezb-e Islami Gulbuddin, it was mentioned that you were a bodyguard and it is just clarifying what Hezb-e Islami Gulbuddin is. We'll get to questions later.

Detainee: I swear and when you swear in Islam that means they forgive you. I'm swearing that I was not in the party of Hezb-e Islami Gulbuddin or member of his party

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or no Haji Abdul Ghafour or anyone else. If you believe these allegations... anyone who give you reports, these are false reports. Hundred percent of these allegations are lies and if there is any proof or evidence. You can put me in jail for a hundred years.

Presiding Officer: Thank you.

*Designated Military Officer: Sir, may I just seek some clarification please?*

*Presiding Officer: Sure.*

*Designated Military Officer: I believe I heard the word bodyguard used at least four times and I never heard it in your translations.*

*Translator: Bodyguard?*

*Designated Military Officer: Yes, I'm just wondering what he's referring to when he says bodyguard.*

*Translator: He said, "I was not bodyguard."*

*Presiding Officer: Okay, you didn't translate that back to us.*

*Translator: I'm sorry.*

*Presiding Officer: You just said that he was not a member of the party.*

*Translator: Party and not a bodyguard.*

*Designated Military Officer: Thank you.*

*Designated Military Officer: In addition to his brothers, the Detainee was a main advisor to Ghafour in the Kantiwa.*

*Detainee: If I don't know Ghafour, how am I going to be his bodyguard? These are allegations. These are not true. These are lies. I don't know him.*

Presiding Officer: Thank you.

*Designated Military Officer: The Detainee was trained on the AK-47.*

*Detainee: Detainee laughs. I never had Kalashnikov and I never had training. If I was not in party, why should I be trained in Kalashnikov? Did they found any Kalashnikov in my house?*

Presiding Officer: We're just asking the question.

*Detainee: Okay. I don't have Kalashnikov and I didn't get training.*

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Presiding Officer: Thank you. We'll ask more questions later, thank you.

Designated Military Officer: The Detainee's brother-in-law has been identified as an al Qaida operative.

Detainee: I don't know his relationship, he's my brother-in-law, who he deals with I don't know.

Designated Military Officer: The Detainee lived with his sister and brother-in-law three months prior to the time of his capture.

Detainee: Yes, sir, I was living there. I was living with my sister. If that's a crime, yes, I did.

Presiding Officer: We are not saying these are crimes. These are not crimes. We are just asking for information on these items.

Detainee: *Detainee laughs.* Yes, I was poor. I didn't have money to live somewhere else. I looked in Pakistan. I was living in Pakistan and I couldn't afford to rent another house and I was living with my sister.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee was captured in the house associated with a known al Qaida operative.

Detainee: I was living with my sister. Is there any evidence? If there is please discuss it or show it.

Presiding Officer: Let me just clarify the question again. Was the house you were captured in your sister's house?

Detainee: Yes, sir.

Presiding Officer: Okay, thank you. I just wanted to make sure he answered the question. Thank you.

Designated Military Officer: The Detainee was arrested with \$400 USD.

Detainee: I swear I didn't have any U.S. dollars. I didn't have money in the house. I don't know this.

Designated Military Officer: The Detainee was never interested in the Taliban. He would like to return to his home country of Afghanistan someday.

Detainee: Yes. Not only the Taliban but [also] I was not a member of any party. Someone gave report. I don't have any animosity towards anybody. That's a (inaudible).

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God's will brought me here...I'll always work for myself to survive. I made money to buy food for my children.

Designated Military Officer: When asked about al Qaida the Detainee denied any knowledge.

Detainee: Yes, sir. I don't have any relationship with anybody. I don't know anybody. I don't know al Qaida.

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

*The Presiding Officer acknowledged the request.*

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

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

*The Detainee did not make a statement to the Administrative Review Board.*

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

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

*Administrative Review Board Member's questions:*

Board Member: Were you aware that your brother-in-law was also known as Abu Nasim al-Tunisi?

Detainee: My brother-in-law's name is Isail al-Tunisi. I don't know that other name that you are mentioning. Is that his second name or other name, I don't know?

Board Member: You lived with your brother-in-law for about three months. Did you know anything about his affiliation with al Qaida?

Detainee: I didn't see anybody. No one came to his house. I don't know. Besides that family relationship that comes to go to his house and he comes to mine. I don't know anything else about that. He didn't discuss with me his party stuff.

Board Member: During the time that you lived there, who else lived in that house?

Detainee: No, sir. Nobody was living inside but me. Besides my brother-in-law, nobody.

Board Member: Where were your wife and children?

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*Translator: That's what he said, sir. He and his family and his sister...*

*Presiding Officer: Just to clarify. You're talking about him, his wife, his children, his brother-in-law and his sister. That was all?*

**Detainee:** My family and my sister and him were living there.

**Board Member:** Was there anybody else there that was employed?

**Detainee:** There was no one. No. In this house there was nobody else working?

**Board Member:** What kind of work were you doing?

**Detainee:** Taxi driver.

**Board Member:** How much money did you make during that three months you were there?

**Detainee:** 100 to 200 rupees.

**Board Member:** Per day?

**Detainee:** 300 to 400 rupees total and then the owner of the taxi would take 100 to 200 rupees.

**Board Member:** Who was paying for the rent of the house?

**Detainee:** That was his house, my sister's house, they were paying.

**Board Member:** Did they also pay for the food?

**Detainee:** That was his house. My sister and her husband paid the rent. I was paying for my own food. By example, if you and I [were] brothers and we lived together you'd pay for your own expenses and I'd pay for my own expenses.

**Presiding Officer:** Thank you.

**Board Member:** Did you ever wonder where your brother-in-law got the money? Where he got the money to pay for the rent, since nobody else had a job in the house?

**Detainee:** I never asked.

**Board Member:** In the statement that you had 400 dollars in U.S. currency...you deny having that money?

**Detainee:** I never had 400 U.S. dollars; probably that was a mistake in translation. I never had 400 rupees, how am I going to have \$400?

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Board Member: How old are you?

Detainee: Over 30.

Board Member: Over 30?

Detainee: Maybe more.

Board Member: How long have you known your brother-in-law?

Detainee: After the marriage...when he married my sister.

Board Member: How long was that?

Detainee: Five years, three years, god knows I don't remember.

Presiding Officer: You never met him before the wedding?

Detainee: No.

Board Member: I don't want you to talk until I'm done.

Presiding Officer: Let him finish the question.

Board Member: You knew your brother-in-law maybe three to five years and during that time, you're saying that you didn't know anything about his activities? I don't believe you, because you spent that much time and you didn't know what he did. I think you know all about al Qaida. I think you know all about the Hezb-e Islami Gulbuddin. You sit here today and you tell us you don't know?

Detainee: If you have proof that I was with al Qaida. If you have any proof that I'm Hezb-e Islami Gulbuddin. Show it to me. Prove it to me.

Board Member: You spent three to five years with your brother-in-law and you have no idea what he did?

Detainee: I've been here for three years and two years I was that government and I don't know anything about his activities.

Board Member: You never asked him any questions about what he did?

Detainee: No.

Board Member: You never asked him, who [were] the people he was with?

Detainee: I don't know. I didn't ask him. I didn't see people.

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Board Member: You never wondered what he was doing?

Detainee: I don't know.

Presiding Officer: What did your brother-in-law do for a job?

Detainee: He was sitting around.

Presiding Officer: He just sat at home? Did he come from a wealthy family?

Detainee: His father or brothers or someone was probably sending money.

Presiding Officer: You never heard the name Haji Abdul Ghafour?

Detainee: No.

Presiding Officer: What kind of work did you do, just taxi driving, that's all you've done?

Detainee: Yes, sir.

Presiding Officer: You never served as a bodyguard?

Detainee: No.

Presiding Officer: Have you ever fired an AK-47?

Detainee: No.

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

Detainee: Before I came to Pakistan I had a drill and worked for the people, making money and feeding my children.

Presiding Officer: A minute ago you told me the only job you ever had is taxi driver. So you use to have a drill. Is that correct?

Detainee: In Pakistan I was just driving a taxi around. In Afghanistan I was just doing drill work.

Presiding Officer: Have you ever heard of Hezb-e Islami Gulbuddin? Have you ever heard of that organization?

Detainee: I heard all over Pakistan, but I didn't see them. I was not in his party and I swear that I was...

Presiding Officer: I didn't ask if you were a member of it. I asked if you heard of it.

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Detainee: Yes, yes all over Pakistan.

Presiding Officer: Let's just get a clarification. Have you heard of the party Hezb-e Islami Gulbuddin?

Detainee: Yes, they are party. I'm not in that party.

Presiding Officer: I just want to clarify, because everything else you've never heard of. Everything we've mentioned you've never heard of...I just want to make sure you've heard of Hezb-e Islami Gulbuddin.

Detainee: Yes, I've heard of Hezb-e Islami Gulbuddin.

Presiding Officer: How many brothers do you have?

Detainee: Two.

Presiding Officer: Do you know what they do for jobs? What do they do?

Detainee: They were students going to school.

Presiding Officer: Where, what school?

Detainee: In Pakistan.

Presiding Officer: What school?

Detainee: I don't remember the school name.

Presiding Officer: Were they ever in the town of Kantiwa?

Detainee: Kantiwa is a village in Khonar and I'm from Laghman. It takes days to drive.

Presiding Officer: Do you know if either of them spent time in Kantiwa.

Detainee: No.

Presiding Officer: Never?

Detainee: I swear they never went there.

Presiding Officer: How many children do you have?

Detainee: Five.

Presiding Officer: How many wives do you have?

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Detainee: One.

Presiding Officer: So you had your five children, your wife and you lived with your brother-in-law and your sister?

Detainee: I, my father and my mother, my brothers and my children together. That's a one family. We are not separated. No one moves from our family. When we say family that means my father...

Presiding Officer: Earlier you gave us a different number, who lived in the house. I just want to know who lived in the house when you lived with your sister and brother-in-law?

Detainee: Our family is one, the same, no one is separated. My mother was in the hospital and my father would somewhere in Afghanistan and come back. We lived together. If this is kind of a question that is not logical...

Presiding Officer: Earlier you said you; your wife and your children lived with your sister and brother-in-law. I'm just asking to find out how many people? It seems unlikely to us that you would never discuss anything about your brother-in-law. I'm just trying to figure out if there are lots of people you don't see him much?

Detainee: I swear I never asked him where this money comes from and what he does.

Presiding Officer: Did you like him?

Detainee: He was my sister's husband. If I like him, if I didn't like him...he was my sister's husband. I was working for myself to survive. I didn't have anything...

Presiding Officer: What do you think of Haji Abdul Ghafour? What do you think of him?

Detainee: I didn't see him. I don't know.

Presiding Officer: The 400 U.S. dollars, have you ever seen that kind of money?

Detainee: No, I never saw that.

Presiding Officer: Did you ever see your brother-in-law with U.S. dollars?

Detainee: No, I didn't see him [with U.S. dollars].

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 942

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 6 September 2005 and lasted 88 minutes. After a review of the Administrative Review Board purpose and procedures, the Pashto translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee declined a copy of the Pashto translated Unclassified Summary of Evidence as he does not read Pashto very well. The Detainee was polite and cooperative throughout the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

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

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

Designated Military Officer: The Detainee said he was forced to serve the Taliban three months out of every year since they came to power in 1992.

Detainee: Yes, sir.

Designated Military Officer: The Detainee stated he fought with Abdul Wahed in the Russian jihad for approximately five years. He was a driver for Abdul Wahed, a commander of approximately 800-1000 soldiers. After the jihad, Wahed became a military commander of the Helmand Province.

Detainee: It's not like that. [When] the Russians [were] there I was a driver for one year to bring boots for them.

Presiding Officer: You were a driver for the Russians?

Detainee: [I was a] driver for Abdul Wahed while Russians [were there].

Designated Military Officer: As of January 2005, Taliban fighters were regrouping at Abdul Wahed Rais Baghrani's compound in Helmand Province. The fighters received money, supplies and orders at the compound.

Detainee: No, it's a lie.

Designated Military Officer: The Detainee was the number two commander of a 40-man unit of the Taliban in Afghanistan. The unit was formed in approximately November 2001 and was supported by al Qaida. The group continually plans to kill Americans. The Supreme Commander of the unit was Haji Rais Abdul Wahed.

Detainee: It's a lie. It's not true. That [is] a plot against me.

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Designated Military Officer: The Detainee was high in the al Qaida hierarchy and acted as a smuggler and facilitator. Al Qaida's operational leader provided him with weapons.

Detainee: When I was in Afghanistan I was driving [a] truck. There [are] rules [for them to] give license[s] to truck driver[s]. The file is there. You can look there. I'm not one of these (inaudible).

Designated Military Officer: 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. From there they were smuggled into Afghanistan.

Detainee: I was a driver. These are lies. These are not true.

Designated Military Officer: The Detainee aided in weapons distribution to the terrorist team. He also had a night vision and telescoping optical device to use during mission preparation. The terrorist group used it for surveillance on United States forces.

Detainee: I did not need to do that kind of stuff. I had my truck. These are plots. These are plots that my personal enemies are accusing me of these kinds of stuff. I'm the only [male] left behind. They're after me.

Presiding Officer: Let me make it clear again that you understood the question. You had no night vision goggles?

Detainee: I swear I don't even know what it is.

Designated Military Officer: The Detainee reportedly attended the training camp near Khotal-e-Morcha mountain pass outside of Kandahar, Afghanistan.

Detainee: Sir, if I was trained there and I was getting training there. They may have some documents that include my picture and I.D. and stuff like that. If there's no proof like that then I didn't do that and I strongly deny that.

Presiding Officer: Let me make sure I understand you. If we have pictures than you did, if we don't than you didn't?

Detainee: In the camp they keep documents...

Presiding Officer: But if they were to look there would be no pictures of you?

Detainee: You can execute me if you find some documents.

Presiding Officer: Next, please.

Designated Military Officer: The Detainee provided guidance at the terrorist training camp near Kandahar, Afghanistan and was directly involved in assassination attempts.

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He also attempted to have other personnel participate in suicide missions and he provided training on how to use explosive vests.

Detainee: No, sir. That's not true. I'm a poor innocent guy and my enemies are doing that against me.

Designated Military Officer: The Detainee was originally a freedom fighter against the Soviets, a member of Hezb-e Islami, Taliban, and then al Qaida. He is currently instructing other detainees on how to resist interrogation tactics.

Detainee: I told you [during the] interview, the same enemy, reported me to Hezb-e Islami Gulbuddin, [who] put me in jail [for] four months in Pakistan. They put me in jail because I went from Afghanistan to Pakistan and became a refugee. They accused me of being a communist. When I did not say anything they released me. I'm not a Taliban. I have proof that I helped the anti-Taliban commanders escape, which is Ismail Khan, Haji Abdul Zahir and General Mohammed Qasim. Taliban and al Qaida are the same. When I'm against Taliban I'm going against al Qaida. There's an expression in Pashto that you cannot hold two watermelons in one hand at the same time. I have to be with the Taliban opposition or with the Taliban. The side of opposition to the Taliban I have witnesses and with the Taliban you can provide proof.

Designated Military Officer: The Hezb-e Islami Gulbuddin has long established ties with Usama Bin Laden. Hezb-e Islami Gulbuddin has staged small attacks in it attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state.

Detainee: I told you [during the] interview and I'm telling you now. If anyone is against the present government of Afghanistan I'll put a horse's penis in his wife's vagina.

Designated Military Officer: In January of 2005, Taliban and Hezb-e Islami Gulbuddin elements in Afghanistan were beginning to regroup and plan actions against the government of Afghanistan and coalition forces deployed in the country. Abdul Wahed Rais Baghrani, also a major narcotics trafficker, was one of the key commanders involved.

Detainee: It doesn't have anything to do with me.

Designated Military Officer: The Detainee was part of the main security escort for Usama Bin Laden.

Detainee: When I helped the commander, Ismail Khan, escape they put one million dollars in my hand. How am I going to be a bodyguard for Usama Bin Laden? Will they trust me that much that I should become a bodyguard of Usama Bin Laden?

Presiding Officer: So is your answer yes or no?

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Detainee: No.

Designated Military Officer: The Detainee provided information on a number of Taliban personalities in the Helmand Province being protected by Governor Sher Mohammed.

Detainee: When the new government took over some people surrendered their weapons and the [weapons] disappeared and that's why I gave [the] report about Sher Mohammed. They took it to Hazarah. Sher Mohammed was a governor [and] his grandmother is Hazarah.

Presiding Officer: That's your whole answer. I'm obviously misunderstanding. Did you provide member information on members of the Taliban in the Helmand Province?

Detainee: Yes, I help provide.

Designated Military Officer: The Detainee was paid to smuggle 50 Arab family members out of Afghanistan and into Zabul, Iran, through Afghanistan's Nimroz Province. He was associated with Taliban commanders.

Detainee: I deny the allegation. When the new government took over I was living in Mashhad. I lived there for five months. I was going from my home to Kohl Sangi...

Presiding Officer: Okay. I just want to make sure I understand the answer. Did you smuggle families out of Afghanistan?

Detainee: I don't know and that's a plot.

Designated Military Officer: The Detainee admitted to having knowledge of weapons shipments and weapons smuggling routes as well as knowledge of the Jamiat Islami.

Detainee: When I became a refugee in Pakistan I bought a Zil, a Russian truck. I was transporting the weapons and stuff from the jail at the time of the war against the Russians.

Designated Military Officer: The Jamiat Ulema E Islami or "Assembly of the Scholars of Islam" is a radical Sunni religious-political party best known for its anti-United States threats, vocal support of Usama Bin Laden, and sponsorship of some 3,000 religious schools (madrassas).

Detainee: I'll put a horse's penis in his wife's vagina.

Presiding Officer: No more lines about horse parts.

Detainee: I'm innocent and those are our enemies and I have family and little kids to try to work and make money...

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Presiding Officer: We understand. You don't have to talk about the horse parts anymore.

Detainee: I don't know anything.

Presiding Officer: Thank you, next please.

Detainee: If you were in my situation [if] it would happen to you, you would be worse than I am.

Presiding Officer: I understand.

Designated Military Officer: The detainee was knowledgeable of an assassination plot against President Karzai the day before it occurred and knew the specific route Karzai was to take.

Detainee: If I was killing Karzai. He should be dead, but I was not.

Presiding Officer: That was not the question. The question is, did you have knowledge of the attack?

Detainee: I was in Iran. I don't know anything.

Designated Military Officer: The Detainee attempted to have another individual kill Governor Gul Aaga Sherzai and told him he would go directly to heaven if he completed the attack.

Detainee: I was in Mashhad. How could I do that? If you face me to Gul Aaga Sherzai he would not know me.

Designated Military Officer: In 2002, the Detainee told another individual that there were still suicide pilots in the United States who could carry out their missions.

Detainee: It's a plot. I don't have my son. I don't have my brother. I don't have anybody to carry this stuff for me. It's not true.

Presiding Officer: So you do not know if there are still suicide pilots in the United States. Thank you, next.

Designated Military Officer: The Detainee planned and executed the escape of Ismail Khan from Taliban prison.

Detainee: Yes, sir.

Designated Military Officer: Ismail Khan is an exiled Afghan commander.

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Detainee: I don't know [if] he's an exiled commander or whatever, but he was a good guy, an innocent guy and I helped him escape.

Designated Military Officer: The Detainee was arrested as a suspected member of Abdul Wahed's Taliban organization on 21 January 2003.

Detainee: I don't know. Otherwise that's a plot. I don't accept responsibility.

Designated Military Officer: The Detainee says that the Taliban is a stupid organization.

Detainee: Yes, sir.

Designated Military Officer: The Detainee vehemently denies that he is currently associated with the Taliban.

Detainee: The Taliban is no good I told that. If you guys help me I can find all [of them in] these 27 provinces and catch all these bad guys.

Designated Military Officer: The Detainee claims he is not a Taliban member.

Detainee: Yes, I'm against it. If I can drink his blood I would suck his blood. The communist did not do that kind of ruthless stuff, like they did. Each one bought women with 20 lak rupees get married, two to three times. I couldn't feed my wife even [as] a truck driver.

Presiding Officer: Thank you. We will ask more questions in a minute. Thank you for all your answers so far.

Detainee: Thank you very much for listening.

*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: The allegations that I [have been] accused of [have been] plotted by my personal enemies. They killed my three brothers, sister, father and my two sons. They are now after me. I was in Mashhad. When I helped the commander, Ismail Khan, escape they provided me with a place to live there. I was in Zaheden, Iran for five months. When Karzai took over in Afghanistan they denied providing me any more government stipend. When I came [back] to Afghanistan I applied for some help [from]

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Karzai. Karzai was not in Kabul, since he was not there, I went home and I was arrested. You can get the information from the Afghanistan consulate in Iran.

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

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

*Administrative Review Board Member's questions:*

Board Member: Do you speak or understand English?

Detainee: No. I know "spoon." Only one word! Oh, I also know "good."

Board Member: A lot of your answers were that your enemies are plotting against you. Who are your enemies?

Detainee: It is not a one single...there are two tribes, one is Achakzai, the other is Issaqzai and it's not a one family it's a tribe against tribe. The person who was a governor at the time of the Taliban, right now he's in Boldek and they handed me to the United States forces. The guy who is the enemy of the United States is walking free.

Presiding Officer: We understand [that] you are here, because members of the other tribe have accused you of doing these things?

Detainee: Yes.

Presiding Officer: Thank you, thank you, we understand?

Board Member: Was your military service with the Taliban only as a driver?

Detainee: I was not able to do any other job.

Board Member: Where were you in November 2001?

Detainee: I cannot figure out November 2001. You can ask me about Afghanistan ...

Board Member: When did you go to Iran and when did you come back from Iran?

Detainee: When the Taliban took over after five years the day they took over after five years.

Presiding Officer: So that comes to 2001?

Detainee: I went to Iran and I [came] back.

Presiding Officer: What did you do in Iran?

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Detainee: I didn't do anything, but I was going from my home to that Kohi Sangi.

Presiding Officer: Did you have a job?

Detainee: No, sir, I didn't have any job?

Board Member: Where were you when the United States was attacked on 9/11?

Detainee: I was in Mashhad, Iran. I was sitting watching the TV at my home.

Board Member: Which Taliban commanders did you know?

Detainee: I don't know that much, but by the who is he? I know 12, 13. I told my investigator when they investigated I gave them the list.

Board Member: How do you feel about President Karzai?

Detainee: He's a good guy, but we have a lot of enemies that will [not] let us rebuild our country, our bridges were destroyed our roads were bad. They are trying to build it and these enemies will not let them build or [provide] the jobs that people need.

Board Member: Abdul Wahed, when was the last time you saw him?

Detainee: I don't know when. When I came from Iran to my village, then I went to Kabul and Karzai was not there and I came back to my home and Abdul Wahed sent his guy to my house. Abdul Wahed gave me two trucks to secure the area. I drove his truck for one year.

Board Member: I just want to know one thing. When was the last time you saw Abdul Wahed?

Detainee: I'm illiterate I don't know the date, but the last time when I went to Kabul to apply for help from Karzai. He was not there and when I came back I saw Wahed.

Board Member: Wahed is Taliban?

Detainee: The government reconciled with Abdul Wahed. He was sitting at home. He was doing nothing. He used to be Taliban. At that time they reconciled. They forgave him, Abdul Wahed, and I saw him at that time.

Board Member: Ismail Khan, he was a mujahedin fighter, is that correct?

Detainee: Yes, sir.

Board Member: Was he ever Taliban?

Detainee: No, sir, he was fighting the Taliban.

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Board Member: He was never Taliban?

Detainee: No, sir.

Board Member: You were at one time Taliban?

Detainee: No.

Board Member: But you drove for the Taliban?

Detainee: It was by force and not only me. It was forced...

Board Member: When did Wahed leave the Taliban?

Detainee: I don't know. I was in Iran, but when I came back...when I saw him he told me that the government gave him two trucks and 21 guns that was for security.

Board Member: You helped Khan escape from prison?

Detainee: Yes, sir.

Board Member: Who asked you to help him escape from prison?

Detainee: Taliban ruthlessness and injustice.

Board Member: I want to know why did you help him escape?

Detainee: The feeling I got from the way they were governing each one with 20 lak rupees to get a wife and marry. I didn't have anything.

Board Member: The Hezb-e Islami Gulbuddin put you in jail in Pakistan and accused you of being a communist?

Detainee: Yes, sir, the same enemies that reported me to United States forces.

Board Member: Is Khan a member of the same tribe as you?

Detainee: No.

Board Member: Is Wahed a member of the same tribe?

Detainee: No.

Board Member: Who arrested you?

Detainee: He used to be Taliban commander and he's working with Sher Mohammed. He arrested me.

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Board Member: Did you know him?

Detainee: He was kind of in the same province [that] I lived in and my house was there.

Board Member: Did you spend time with Usama Bin Laden?

Detainee: I didn't see him.

Board Member: Did he ever pass through your village?

Detainee: Our village is not the kind of village that Usama Bin Laden would come [to].

Board Member: Did you know people in al Qaida?

Detainee: No, sir. I [didn't] see even one guy.

Board Member: What made you special? Why did they come to you to help Khan escape?

Detainee: Nobody told me. They are ruthless and injustice that gave me that kind of feeling.

Board Member: Did you just do it on your own?

Detainee: My son and I.

Presiding Officer: Let me make this clear. Khan is in prison and you say, "I must go get Khan out of prison." Is that what happened?

Detainee: The airport director in Khandahar he told my son to learn English and computer that we were going to start doing business and stuff like that in Dubai. The airport is far away...and because he did not have a place to live there. He provided a room and ...

Presiding Officer: I don't understand.

Board Member: So your son helped you.

Detainee: Right, and my son was given a job by the Taliban airport director.

Board Member: So, if you have all these connections to the Taliban, how can we believe you are not Taliban?

Detainee: The Taliban took my son and forced him, took him to Khandahar. He was intelligent and they needed him.

Presiding Officer: How did you decide to get Khan out of prison, I missed that answer?

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Detainee: When my son started living there he understood the escape route and everything and he knew...

Presiding Officer: Khan was in the same house?

Detainee: Khan was in the same jail where my son had a room.

Presiding Officer: I understand, thank you.

Board Member: Why did Khan go to Iran?

Detainee: He had a house in Iran. His son [was] killed about a year [prior].

Board Member: Did you spend time with Khan in Iran?

Detainee: They gave me the house he (*Khan*) used to live [in] and Khan took another house.

Board Member: Did you see Khan in Iran?

Detainee: We had a family relationship. They invited us to their home and we invited them to our home. We would eat food and then they would go back home.

Board Member: Zahir, is he Taliban?

Detainee: Zahir is Abdul Qadir son and commander Abdul Haq's nephew, who was killed by the Taliban

Board Member: General Qasim?

Detainee: General Qasim is from Paghman, which is near Kabul. Right now he's the officer of Qadir, but he doesn't know Qadir was killed...

Board Member: Was General Qasim Taliban at one time?

Detainee: I don't know.

Presiding Officer: Why are you instructing the other detainees to not act well during interrogations?

Detainee: I don't know, sir. I don't know. These are plots.

Presiding Officer: You don't do that at all? Those are plots from the tribe? Those are ones that are done by people here?

Detainee: There was a detainee, who was living beside me [for] a month. He start[ed] fighting with me. He accused me and threw water on my...

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Presiding Officer: Was he from the other tribe?

Detainee: He's a Tajik.

Presiding Officer: Have you heard of Usama Bin Laden before you got here?

Detainee: Yes, sir. Everybody knows him.

Presiding Officer: Did you work for him at all in anyway?

Detainee: No, sir.

Presiding Officer: Do you know a Governor Gul Aaga Sherzai?

Detainee: No, sir.

Presiding Officer: You don't know him?

Detainee: No. I didn't see his picture.

Presiding Officer: Did you have anything to do with the people who tried to kill him?

Detainee: No.

Presiding Officer: Are you an important man in your tribe?

Detainee: I'm the lowest guy.

Presiding Officer: The lowest guy, you seem very (inaudible).

Detainee: Give me time to speak. I'm so poor, that I could [not] afford to buy cow stomach to feed [my family].

Presiding Officer: Did you ever kill members of your enemy tribe?

Detainee: If I [were] able to kill them I wouldn't be here. I was that weak that I left my village and went to Helmand Province.

Presiding Officer: They killed three of your brothers; your sister and two of your sons and you didn't do anything against them?

Detainee: I was working and providing food for my nephews and nieces...

Presiding Officer: You said earlier that you could turn over all the Taliban from all the provinces to us. That would seem to be someone who is very powerful man?

Detainee: If you help me, I can provide this.

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Presiding Officer: Thank you very much for that offer. Thank you very much for your answers today. Thank you very much for your information.

Detainee: Thank you very much. God bless you and God bring you a lot of money. Help us we are poor guys.

Presiding Officer: Thank you very much.

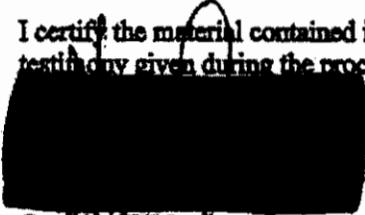
*The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.*

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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

  
Captain USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 943

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 18 November 2005, and lasted 30 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he would like to attend the ARB and speak openly to the Board Members. The Detainee was very polite, attentive, and would like to respond to the Unclassified Summary of Evidence after each allegation is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

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*The Detainee chose to respond to the Unclassified Summary of Evidence as each item of information was presented.*

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

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

*The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was a student of the Koran for five years at the Hayez Tajudin Madrassa in Quetta, Pakistan.

Detainee: Yes.

Designated Military Officer: (3.a.2) The Detainee stated that the Madrassa he attended taught Jihad against Americans.

Detainee: No.

Designated Military Officer: (3.a.3) A senior Taliban member and the Detainee were reported to be recruiting members to fight Americans and the Afghanistan Government. This senior Taliban member and the Detainee were reported to be entering villages in the region and preaching in mosques.

Detainee: No.

Presiding Officer: I would like to go back to allegation/statement 3.a.2. Who were they [Madrassa Mosque] teaching Jihad against?

Detainee: In regard to that matter Sir, Jihad was not being taught. Only the Koran was being taught [at the Madrassa].

Presiding Officer: Which one [establishment] was teaching Jihad?

Detainee: I have not seen that kind of Madrassa that teaches Jihad or preaches about Jihad.

Presiding Officer: You must be the only individual in Afghanistan that thinks that way. You [the Detainee] are not getting off to a very good start.

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Board Member: Are you aware of *any* extremist Islamic movements?

Detainee: No. I don't know anything about things like that.

Board Member: Please tell the Review Board the truth. Do you know of [about] the Taliban?

Detainee: No. I do not know the Taliban.

Board Member: How far away was the Mosque you attended from your home?

Detainee: The Madrassa was in Pakistan.

Board Member: How far was the Madrassa from your home?

Detainee: I don't know the distance. My house is in Boldak Province and the Madrassa is in Quetta, Pakistan.

Board Member: How long did it take you to get from your house to the Madrassa?

Detainee: It took about four or five hours.

Board Member: How did you get to the Madrassa [mode of transportation] and who paid for the travel?

Detainee: My father paid for the travel.

Board Member: What mode of travel did you use to get back and forth? Bus, car, taxi, etc.

Detainee: We would use different kinds of vehicles. We call them buses.

Board Member: Did you own your own vehicle?

Detainee: No.

Board Member: According to the Koran, what is the definition of Jihad?

Detainee: I don't know the *meaning* of the Koran. I just went to the Madrassa to learn how to *read* the Koran.

Board Member: What does Jihad mean?

Detainee: Maybe Jihad is in the Koran, I don't know. I was reading the Koran to learn how to read, not to learn the meaning of the Koran.

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Presiding Officer: Are you saying that you could have been teaching Jihad and not even realized it?

Detainee: [to the Board] How would I be able to teach about Jihad and not know about it?

Presiding Officer: You stated that you had been reading the Koran, but you didn't know what you were reading [the meaning of what you were reading].

Detainee: I didn't say that.

Presiding Officer: What *did* you say?

Detainee: I never said anywhere at any time that I taught Jihad.

Presiding Officer: Do you want to go home?

Detainee: Yes.

Presiding Officer: The area and the mosques you are talking about [referring to] are well known mosques that teach and have taught Jihad. You're telling the Review Board that these mosques *were not* teaching Jihad is highly incredible. Is it possible that you were not aware of it [Jihad being taught at the mosques]?

Detainee: For me, I just went there [the Madrassa] to learn how to read and memorize the Koran. I did not go to teach Jihad or anything else.

Presiding Officer: How did it come to pass that so many others who went to the same mosque received a different message [the purpose of attending that particular Madrassa]?

Detainee: I don't know about other people and other messages they may have received. I just know, and I have said it before, that all I know is what I have already said [I went to the Madrassa to learn how to *read* the Koran].

Board Member: Why did you travel four to five hours to read the Koran when you could have just stayed at home and read the Koran?

Detainee: Well, I am a Muslim. At home I do have a Koran, but the purpose of the Madrassa is to go there and read and learn the Koran. I just want to know [from the Board Members], why is the Madrassa built if we are not going to use it?

Presiding Officer: The Review Board does not answer questions.

Designated Military Officer: (3.a.4) The Detainee and a senior Taliban member held individuals at gunpoint and preached Jihad against the illegitimate Afghanistan Government and the Americans.

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Detainee: I have never had a gun. I have never preached [Jihad]. I don't know about these things. Even before the Americans [came to Afghanistan] I didn't know anything about Americans. I don't know anything about the Afghani Government. I do not have any hostility toward anyone.

Designated Military Officer: (3.a.5) The Detainee was reported to be recruiting males under the age of sixteen to fight Jihad. Furthermore, the Detainee was identified as the assistant to a senior Taliban member and responsible for facilitating finances and recruiting.

Detainee: This report is wrong. I don't know anything about these things.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee stated that he knows the senior Taliban member because they are both from the same village. The Detainee claimed that he was in charge of the compound in Adi Ghar.

Detainee: I don't know a high-ranking Taliban member. I don't know anything about Adi Ghar. I was not responsible for the Adi Ghar compound.

Designated Military Officer: (3.b.2) The senior Taliban member operated in the Spin Boldak Province. He was identified as the leader of the Taliban Terrorist Group Sola Orgzan (Bringers of Peace).

Detainee: Except for learning the Koran, I don't know anything about this group. I don't know anything about these things.

Designated Military Officer: (3.b.3) The Detainee's father told him that his brother was with this senior Taliban member in the Adi Ghar Mountains and to go get his brother and bring him home. The Detainee arrived at the senior Taliban member's compound and was greeted by an armed guard. The Detainee asked if he could see his brother.

Detainee: Yes. My father sent me to get my brother and bring him home. The rest of the allegation, I am not aware of these things.

Designated Military Officer: (3.b.4) The Detainee's brother came out of the camp and the Detainee said to his brother, "lets go home." The Detainee's brother was carrying a rifle with a shoulder strap and two grenades in his pockets.

Detainee: Yes. My father told me to tell my brother to come home. I went for him [my brother]. What ever he [my brother] was carrying with him, I don't know. Those items were his [my brother's] not mine.

Designated Military Officer: (3.b.5) The Detainee was identified as a Taliban member and he was reported being seen in the Spin Boldak region.

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Detainee: I have never been a member of the Taliban and I am not a member of the Taliban. People have seen me in Spin Boldak because that is my hometown. That is where I live. Walking or being seen in your hometown is not a crime.

Board Member: Was your father or your brother a member of the Taliban?

Detainee: If my father and my brother were members of the Taliban, I am not aware of that fact. I don't know if my father and brother were members of the Taliban. Why would I be captured because of my father and my brother crimes?

Board Member: Why did your father send for your brother?

Detainee: I didn't ask my father why. My father ordered me to go get my brother, so that is what I did.

Designated Military Officer: (3.c) Detainee Actions and Statements. (3.c.1) The Detainee was arrested after he and his brother tried to avoid being stopped by an American convoy. The Detainee's brother appeared to be armed with a rifle and a grenade. The Detainee's brother attempted to use the grenade against American soldiers.

Detainee: I never tried to avoid or runaway from the Americans.

Presiding Officer: That is not what the allegation/statement [3.c.1] says.

Detainee: When they [the Americans] told us to stop, I stopped. The rest of what happened, I am not sure.

Presiding Officer: Your brother kept going [did not stop] and that is what got him killed, is that correct?

Detainee: I don't know about that. That is not my business.

Presiding Officer: You were there [when the incident occurred].

Detainee: So, I was captured and arrested because of my brother?

Board Member: Did you see your brother get shot?

Detainee: Yes.

Board Member: So you were there. You saw your brother.

Detainee: Yes.

Board Member: What did your brother do?

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Detainee: When I was told to stop, I stopped. When I stopped, they [the Americans] fired at my brother.

Presiding Officer: What was your mode of transportation [at the time of the incident]?

Detainee: We were riding a motorcycle.

Presiding Officer: So I understand this correctly, you and your brother were riding a motorcycle. You [the Detainee] got *off* the motorcycle?

Detainee: Yes.

Presiding Officer: Once you got off the motorcycle, did your brother keep going?

Detainee: Yes. Actually, my brother and I got off the motorcycle at the same time.

Presiding Officer: Your brother got back on the motorcycle. What did your brother do when he got back on the motorcycle?

Detainee: The Americans told me to stop. I stopped. Then the Americans fired at my brother. I don't know anything else [that happened].

Board Member: How much time had passed between when you were stopped by the Americans and when your brother was shot?

Detainee: I don't know. I didn't look at a watch because I didn't have a watch.

Board Member: I didn't ask if you had a watch. I asked you how much time you thought had passed between you stopping and your brother being shot.

Translator: The Detainee is trying to say that because he did not have a watch he does not know how much time passed.

Detainee: I can't say how long. Because I don't know the time, any time I say would be a lie. I don't know any more than that. They [the Americans] said stop, so I stopped.

Board Member: How long have you been detained here at Guantanamo Bay?

Detainee: The Americans know how long I have been here.

Presiding Officer: [To the Detainee] You are being evasive. Do you know what that word means?

Detainee: Well, you say that I am evasive, but I don't have any information.

Presiding Officer: You do have information. You were there. The Review Board is trying to determine whether you should be: (1) released, (2) transferred, or (3) detained.

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The Review Board is trying to help you, but you are not answering our questions fully. You need to help yourself. Being truthful isn't just telling the truth. Being truthful means to tell the *entire* truth. Not just relaying the information you want to relay.

Detainee: Whatever information I had, I have already told you, explained it. The rest of the things you are talking about, I don't know about these things.

Presiding Officer: The Review Board is not impressed.

Designated Military Officer: (4) The following primary factors favor release or transfer:  
(4.a) The Detainee said that he does not know if all Americans are non-believers because prior to coming to Guantanamo Bay the Detainee had never seen an American. The Detainee also said that he has no love for non-believers but would not kill them in the name of Allah or Islam.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee claimed that he is not angry with the United States personnel who shot and killed his brother. The Detainee also claimed that he has never tried to hurt or harm any United States persons.

Detainee: Yes.

Designated Military Officer: (4.c) The Detainee stated that he has only heard Usama Bin Ladin's name, but knows absolutely nothing else about him.

Detainee: Yes. Before being detained, I had never heard Usama Bin Ladins name.

Designated Military Officer: (4.d) The Detainee claimed that he never knew or heard of Usama Bin Ladin until he was in United States custody in Bagram.

Detainee: Yes.

Presiding Officer: Why did your brother have two hand grenades?

Detainee: I am not aware of the reason or why my brother had two grenades. I don't know.

Presiding Officer: What happened with one of those hand grenades. Do you know?

Detainee: I don't know. I didn't see them [the hand grenades].

Board Member: You said you saw your brother get shot, is that correct?

Detainee: Yes.

Presiding Officer: Do you remember that you took an oath to tell the truth?

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Detainee: Yes.

Presiding Officer: Then your prior statement is not the truth, is it?

Detainee: Why is it not the truth?

Presiding Officer: Your brother had hand grenades, correct?

Detainee: If my brother had hand grenades, what does that have to do with me?

Presiding Officer: What happened with the hand grenades?

Detainee: I was arrested because my brother had bombs [grenades] in his hand?

Presiding Officer: No. That is not the truth, is it? You could be truthful with this Review Board and we would look favorably upon your case.

Detainee: I am telling the truth.

Presiding Officer: You are telling the Review Board part of the truth. You are not telling the Review Board the *entire* truth.

Detainee: Well, tell me what you want to know and I will tell you.

Board Member: How did you know where to find your brother? How did you know where the camp was?

Detainee: My father told me to find my brother and I found him.

Board Member: How did you know where the camp was? Had you ever been to the camp before?

Detainee: My father gave me directions. My father told me if I found my brother I was to bring him home.

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

*The Presiding Officer acknowledged the request.*

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

*Assisting Military Officer indicated the Detainee would like to make an oral statement.*

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*The Detainee made the following statement:*

Detainee: What am I supposed to say? How am I supposed to start?

*Translator explains to the Detainee he now has the chance to make a personal statement to the Review Board*

Detainee: The information, the allegations you have hung on me [charged me with] are not true. These allegations are not true. All of my village people know me and they know I was just a farmer and a shipper. That was my job. Only the last five years prior to my capture did I go to the Madrassa to learn how to read the Koran. The rest of the allegations against me, I am not aware of these things. These allegations are not true. I have not done these things.

Presiding Officer: You have already stated that the allegations/statements against you are false. Do you have any new or additional information that you would like to present to the Review Board this morning?

Detainee: No. I do not have anything else.

*Administrative Board Member questions*

Board Member: When you approached the camp where your brother was located, did you know the armed guard? Did the armed guard [to the camp] know you?

Detainee: No.

Board Member: How did he [the armed guard] know who you were?

Detainee: My father gave me the address [where my brother was located]. I went to that address. When I got to the address a man [the guard at the checkpoint] stopped me. I told the man I was looking for my brother. The man told me to sit down and that he would ask if my brother was there. After that, my brother came out. When my brother came out, we started walking. I was going [home] when that event [encounter with the American convoy] occurred.

Board Member: Could your brother come and go as he pleased from the camp?

Detainee: I don't know.

Board Member: At anytime, were you inside the camp?

Detainee: No.

Board Member: Ghani, were you aware that there was a war going on in Afghanistan?

Detainee: No, I was not aware of a war going on.

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Board Member: Did young men from your village ever leave to go and fight a war? Did young men from your village just up and leave?

Detainee: I have not seen anyone leaving the village to go and fight a war.

Board Member: Your brother left the village.

Detainee: Yes, I know. I was going to ask my brother about it on the way home. My father was going to ask my brother why he left. My brother was older than me, not younger than me. I did not have the right to ask him any questions about this.

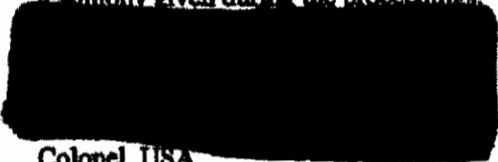
*The Presiding Officer read the post-Administrative Review Board instructions and adjourned the open session of the Administrative Review Board.*

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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



Colonel, USA  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 945

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

Detainee: Can I speak? I came to the meeting before and I am here now. I swore at that time and when Muslims swear, even if they are not right, for example if he swears that Cuba is his property, after the swearing it belongs to him. The last time I came here and swore and it did not help me. You did not release me and you did not do anything to me. If you want me to swear I will and when I swear that means that any problem that I have here will be solved.

Presiding Officer: Designated Military Officer please administer the appropriate oath.

Board Member: I don't think he wants to swear.

Presiding Officer: You do not have to take the oath if you do not want to. If you do not want to just say yes or no. We do not require you to take the oath. I understand you took it at the CSRT and this is a totally different process. We don't care whether you do or do not take the oath.

Detainee: I swore one time and that was enough. When I swear it does not matter to you guys.

Presiding Officer: Do you wish to take the oath?

Detainee: When I swore at the CSRT was that important or not?

Presiding Officer: Yes, it was very important.

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**Detainee:** I am a Muslim and when I swear one time that is enough for me.

**Presiding Officer:** The Detainee has declined to take the oath.

*The Detainee declined taking the oath.*

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

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

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

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

**Assisting Military Officer:** The Detainee's ARB interview occurred on 09 September 2005 and lasted 92 minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated, "At one point in my life I thought the American people were fair people and respected human rights and did not lie, but I have lost trust in America, and I will attend only if a representative of the International Commission of the Red Cross (ICRC) is present, to guarantee to me that you people are not lying about this ARB." I informed the Detainee that I, in my capacity as Assisting Military Officer, did not have the authority to grant that request but would see it was brought to the proper people for a decision. I again stressed upon him that it would be in his best interest to attend the ARB in person even if an ICRC member were not present. The Detainee was civil, and very cooperative during the interview. The Detainee elected to take with him a copy of the Pashto translated version of the Unclassified Summary of Evidence. Toward the end of the interview the Detainee asked if he could be allowed to think about attending the ARB and provide me an answer later. A follow-up interview was conducted on 12 September 2005 and lasted 28 minutes. The purpose of this interview was to allow the Detainee to submit documents on his behalf. The Detainee submitted one (1) letter as additional documentation to be presented before the ARB. A copy of this document was produced for translation, and the original letter returned to the Detainee. The Detainee was asked if he still wanted an ICRC representative present at the ARB. It was explained to the Detainee that he would be allowed the ICRC representative, but that he would need to request that via camp procedures. He stated that he would not require the ICRC representative and that he will attend the ARB in person. The Detainee was again offered assistance in preparing either a written or oral statement, or to have the Assisting Military Officer speak on his behalf, and he again declined.

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

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

*The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee did not elect how he would respond to the Unclassified Summary of Evidence.*

Presiding Officer: Do you wish to comment at the end of the Unclassified Summary of Evidence or after each comment is made by the Designated Military Officer? It is not marked on Exhibit EC-B.

Detainee: Any way you would like me to answer.

Presiding Officer: It is up to you. You can answer after each [allegation] is presented or at the end of the entire summary. It is up to you.

Detainee: After each item is read.

Presiding Officer: You have chosen to answer the information in the Unclassified Summary of Evidence as it is presented is that correct?

Detainee: Yes sir.

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment: (3.a.1) The Detainee and three others were identified as planning terrorist attacks against United States forces in the Jalalabad area. Improvised explosive devices (IEDs) were made in Pakistan and transported to a military compound where these four men were going to use bicycles and motorcycles as delivery systems. A raid on the compound resulted in the discovery of the IEDs and associated material to include two bicycles and a motorcycle.

Detainee: When I was captured I did not have a bicycle and I did not have a motorcycle. I just had a government vehicle.

Designated Military Officer: (3.a.2) The IEDs were found in some bathrooms located adjacent to Qari Naqibullah's (aka Qari Naqib) room, both of the bathrooms were non-operational and used for storage.

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Detainee: I don't know about any explosive materials and I don't know Qari Naqib. Qari Naqib was an officer in the same compound that I was in. I don't know anything about him. That was the night I came to this compound and they captured me.

Designated Military Officer: (3.a.3) The other two individuals reportedly involved in the planned attack arrived at the compound before dark wearing civilian clothes and reportedly were the ones who transported the IEDs to the compound.

Detainee: I don't know.

Designated Military Officer: (3.a.4) The Detainee was very resistant and was in control of the IEDs at the time of capture. The Detainee admitted to spending some time at a madrasa in Pakistan.

Detainee: I don't know how to read the Koran and anyone who goes to a Madrasa the first thing they are able to do is read the Koran. When they go to the Madrasa their purpose is to learn the Koran.

Designated Military Officer: (3.a.5) The Detainee admitted that he was going to place the bombs the night before his arrest but was convinced to wait until morning. The Detainee is believed to have received training in al Qaida compounds in Pakistan.

Detainee: I was transferred by my commander's order and I went there and they gave me a vehicle to get there. My commander would not put bombs in my car to take there. That is not true.

Designated Military Officer: (3.a.6) The Detainee originally claimed that the IEDs in the room had been left by the Taliban years prior. He later changed his story, claiming that Qari Naqib had brought the IEDs to the compound.

Detainee: I told my interrogator at the time of my interrogation that I did not know Qari Naqib, I did not know about the explosives, and I don't know anything. The same place had Arabs...Taliban members were living there too...and now the present government's people are living there.

Designated Military Officer: (3.a.7) Qari Naqib was the leader of the bombing cell, and all members received training on the use of the bombs from the builder of the bombs at a madrasa in Pakistan. The group worked for M. Kabir's organization within the Taliban.

Detainee: First of all in the Madrasa people are learning religious stuff and the Koran. They should not teach and they do not teach how to make bombs and how to use them. I disagree [with that statement]. It is wrong.

Designated Military Officer: (3.b) Training: The Detainee received military training on the Kalashnikov, but claims he does not know how to operate RPGs, grenades, bombs, machine guns, and land mines.

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Detainee: I never got any training on the Kalashnikov, but in Afghanistan children, women, men, and everyone knows how to use the Kalashnikov. I don't know how to use mines or bombs.

Designated Military Officer: (3.c) Connections/Associations: (3.c.1) A four-man cell was planning to detonate bombs on 28 January in Jalalabad, targeting United States, United Nations, and non-Afghani support personnel. The bombers were promised participation in the operational planning cell of Kari Mohadin, deputy of Maulawi Kabir, once the bombing was completed successfully.

Detainee: I have a question to the board. Kari Mohadin was Talib and I fought the Taliban and they captured me and put me in jail. How could I be with them and work for them?

Presiding Officer: We will have questions and answers later. You make a good point.

Detainee: The answer to the question is no.

Designated Military Officer: (3.c.2) Mullah Kabir is the former Governor of Jalalabad and a Taliban Deputy.

Detainee: I don't know.

Designated Military Officer: (3.c.3) Naqib is friends with two al Qaida members who worked for a Taliban man named Noor Mohammad in Pakistan.

Detainee: I don't know Qari Naqib and when we came there was no Taliban.

Designated Military Officer: (3.c.4) Maulawi Noor Mohammad is the former Taliban district chief of Deh Bala and a trusted associate of the former Taliban Governor of Nangarhar Province, Maulawi Kabir. Noor Mohammad stockpiled weapons and recruited Afghans to agitate against the Afghan Transitional Administration.

Detainee: I was in the Taliban's jail and if there were district chiefs or governors or anyone there I don't know about them.

Designated Military Officer: (3.d) Other Relevant Data: (3.d.1) When the Taliban came to power in Afghanistan, the Detainee served as a "freedom fighter" for Haji Qadir, governor of Jalalabad, and enemy of the Taliban and al Qaida. The Detainee had four men under his direct supervision.

Detainee: Yes.

Designated Military Officer: (3.d.2) During a fight with the Taliban and al Qaida near Jalalabad, the Detainee was captured along with 120 other soldiers. The Detainee

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eventually was taken to Sarpuza prison in Kandahar, Afghanistan, where he was beaten and tortured by the Taliban, resulting in the loss of his two front teeth.

Detainee: Yes.

Designated Military Officer: (3.d.3) The Detainee was in the Sarpuza prison for no less than five years. He was freed from prison by coalition forces when the Taliban fell from power.

Detainee: Yes.

Designated Military Officer: (3.d.4) After his release from the Sarpuza prison, the Detainee became an officer in a military division assigned to patrol and protect the city of Jalalabad. The division was responsible for fighting smugglers of weapons and opium.

Detainee: The answer to this question is yes, but the division was not involved in preventing smuggling and things like that. It was a guard division but it was changed to infantry.

Designated Military Officer: (3.d.5) The Detainee took seven of his men and weapons to the Kandaki Toupchi military base, where he was ordered to rotate with some of the men assigned there. Upon arriving at Kandaki Toupchi, the Detainee was unable to locate the base commander, so he secured rooms for his group to spend the night.

Detainee: Yes, but in that division there are five brigades and they transferred me from the fourth to the fifth.

Presiding Officer: What is the full number of that brigade?

Detainee: I don't know the whole number. There were not seven soldiers with me there were four soldiers with me. When they transferred me it was to a tank division. I did not come to see my officer. I went there to tell the guy that I was replacing to go to the place I came from and that I was his replacement.

Designated Military Officer: (3.d.6) The morning after his arrival at the compound, the Detainee was arrested along with one other suspect, although other suspects escaped.

Detainee: I don't know who was there, but they captured me.

Designated Military Officer: (3.d.7) Mir Agha Jan was working as an intermediary to Qari Naqib, a senior Taliban leader, and coalition forces by way of the Afghan National Army (ANA). Qari Naqib was attempting to secure the release of the Detainee and another unnamed man.

Detainee: Mir Agha Jan is my younger brother. I was an officer and he was a soldier. If I don't know Qari Naqib how would he know him?

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Designated Military Officer: (3.d.8) One of the Detainee's brother is named Mir Agha Jan.

Detainee: Yes sir.

Designated Military Officer: (4) The following primary factors favor release or transfer:  
(4.a) The Detainee adamantly denied any prior knowledge of the improvised explosive devices (IEDs) found in Kandaki Toupchi post near the Detainee's room.

Detainee: They did not find it next to my room, but the distance between my room and Qari Naqib's room was far away.

Designated Military Officer: (4.b) The Detainee indicated that he did not support the Taliban or al Qaida forces.

Detainee: Yes.

Designated Military Officer: (4.c) The Detainee expressed positive feelings toward the United States as he indicated that United States Forces in Afghanistan freed him from Sarpuza prison. He stated that from the beginning he took up arms to fight the Taliban and al Qaida forces.

Detainee: Yes sir.

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

*The Presiding Officer acknowledged the request.*

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

Presiding Officer: Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board including a written statement, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

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

Presiding Officer: Assisting Military Officer please read the Detainee comments on the Enemy Combatant Election Form at this time.

Assisting Military Officer: Yes sir. Toward the conclusion of the first interview, the Detainee asked to make the following statement: "I was working for General Said Agha in the military compound. The General was transferred to Kabul to work with the Karzai

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Government. I/we had fought against the Taliban before America came; the Taliban imprisoned me for over 5 years in Afghanistan. The Americans (invasion) is what freed me. Why would I fight for the Taliban if they imprisoned me? I have letters from General Said Agha, he has given me his personal cellular phone number, and it has that. Would the General jeopardize himself by putting himself in contact with me, if I were Taliban or al-Qaida? I want to know what I did? Also, I was not arrested at Qari Naqib's place (residence), he was a military officer in the same military compound as me".

Presiding Officer: Assisting Military Officer does the Detainee wish to make any kind of statement? I don't recall hearing you say if he does or not.

Detainee: Yes.

Presiding Officer: You may begin your statement at this time. Anything you wish to present to the board, tell the board, or elaborate on, you can tell us now.

*The Detainee made the following statement:*

Detainee: This is all old stuff and I will repeat it again. I was in a Taliban prison for 5 years and General Said Agha was fighting the Taliban in Konar Province. General Said Agha is a senior General and he is from the era of the communist. When I was released from Kandahar I saw Haji Qadir and he gave me 20,000 Pakistani Rupees in Jalalabad city. He offered me any kind of job I wanted in Jalalabad. Haji Qadir was killed by his political enemies. When he was assassinated, General Said Agha offered for me to stay in Jalalabad and he would help me. General Said Agha gave me a job and he was my officer and anything he would tell me I would do. I never did any illegal stuff. When I was captured I had a letter and I signed my name to it everyday [indicating each person came to work]. If the United States forces did not come to Afghanistan I would still be in prison.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank you. Assisting Military Officer do you have any other information to present?

Assisting Military Officer: Yes sir. During the course of the interview it was stated by the Detainee that the Detainee's general observation [is] the ARBs are showing no action. [The] Detainees are of the [notion] that since no action comes of this board that no participation by them will be forthcoming.

*The translator asked the Assisting Military Officer to repeat the information.*

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Assisting Military Officer: The Detainee, during conversations in the interview, stated that the Detainees as a whole felt that the ARBs were taking too long to get results and if no results were seen [or reported back] no other Detainees would participate in the ARB.

Presiding Officer: We understand your frustration in not seeing results in the ARBs, but there are results taking place.

Detainee: I have another question. Is the board over?

Presiding Officer: No it is not over yet. Assisting Military Officer is there anything else?

Assisting Military Officer: No sir.

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

*The Designated Military Officer had the following question for the Detainee.*

Designated Military Officer: Yes sir. Our report told us that when you were captured you were very resistant and you were in control of these explosive devices, yet in your testimony you are saying that you did not know anything about the explosives. There is a real disparity of information for us. Could you maybe comment on that for us?

Detainee: Yes. In our Pashtoon culture when someone helps you, you help them back and not fight them back. I did not see any explosive materials there and I did not know there were any there. I don't know if someone else resisted.

Designated Military Officer: That is all sir.

*Administrative Review Board Member's questions:*

Board Member: There are three reports that we have covered that say you have attended Madrassas in Pakistan and received training there and you deny all of these reports. Please comment on that.

Detainee: I was not in a Madrassa. I did not have my beard and I was in the Army. I was not in a Madrassa. When did I go to a Madrassa?

Board Member: Prior to your capture.

Detainee: I swear that in my whole life I did not go inside the Madrassa.

Board Member: Okay, so did you receive training outside the Madrassa in Pakistan to build bombs?

Detainee: I don't need to learn how to make bombs?

Board Member: Because you already know how?

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Detainee: No.

Board Member: So are all of these reports lies?

Detainee: Yes.

Board Member: That is all I am asking.

Detainee: It is a lie because I am a Muslim and Muslims should not do that. If you make bombs you have intentions to kill people. That is not a Muslim. Anyone who kills people is not a Muslim.

Board Member: Were you in a uniform when you were captured or civilian clothes?

Detainee: When you wear your uniform it is after [0800]. It was not [0800] when I was arrested.

Board Member: So you were in civilian clothes.

Detainee: I was drinking my tea and I was in civilian clothes.

Board Member: Now in the report it says that you were in control of the IEDs. To me that means the IED was in your hand. You are saying that is not true.

Detainee: No.

Board Member: Were you the senior ranking officer at the place you were captured?

Detainee: There was...in that...the brigade officer went to Mecca, someone else was doing his job, I was there, and the senior officer was there. You cannot do any kind of the stuff that is mentioned here in someone else's control. If someone new comes to this office with a bomb or holds a bomb is that possible if he is fighting with us here?

Board Member: The General that wrote the letter...why didn't the General ask us to release you?

Detainee: There are Generals in this camp and they are from the same Karzai Government and they captured me too and if anyone has money [they] benefit. Karzai does not have any power, but President Bush has power.

Board Member: What rank were you?

Detainee: Sergeant.

Board Member: What are you going to do if you go back to Afghanistan?

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Detainee: I will take the same job if they offer it to me under one condition and that is if they apologize for what I have been through. I will not do anything to them, but I will take it.

Presiding Officer: I believe that you are an honorable man, but this report confuses me with your answers as to the planned attack against the United States with the IEDs and your answer that says you did not do anything. That confuses me. The raid on the compound says that they discovered IEDs and associated materials to include bicycles and a motorcycle. Then, they go on to talk about your involvement in that stuff.

Detainee: No sir. It is not an easy job and the people that are doing it are big shots. Would you please use your logic? If I did that kind of stuff General Said Agha would not put his position in jeopardy and send me a letter or get in contact with me and send me his telephone number.

Presiding Officer: So, Are you denying that you and the three others were identified?

Detainee: I deny it and if I were making bombs and had a relationship with the Taliban or al Qaida the General would not send me a letter. General Said Agha fought the Taliban for five years. General Said Agha is working with United States Forces and he is in Kabul and that means I am innocent. You guys are not doing [right] by me.

Presiding Officer: I see the General has been transferred to Kabul now and he gave his mobile number, but as the other Board Member pointed out, why doesn't he ask for your release or mention transferring you? I am just curious as to why he doesn't solicit the board to grant you a transfer or release.

Detainee: I told you before that Karzai is the president, but he does not have any power. For example, there is a Detainee named Haji Rookhullah in the camp and all of these big tribes came to President Karzai and asked for his release and it did not work out. You should know who the enemies are of the United States.

Presiding Officer: There was one other comment that was asked at statement 3.a.4 where you answered that you could not read the Koran, but you never answered the first part of the question about being resistant and in control of the IEDs at the time of your capture. You skipped away from answering that portion of the question.

Detainee: I gave an answer. I did not resist them at the time of my capture. They held me. I am a very weak guy and this is a very strong power (the United States). I could not do anything and I did not have the explosive materials. I was not captured at my place. What did you do with that bomb material? Where is it?

Presiding Officer: We don't have that in the report so I don't know. I don't know what they did with it.

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Detainee: I have another question. When they captured me, do you have any pictures of that, the materials, the bomb or anything? If I had the bomb, did I use it? If I had that bomb I would use it. When they captured me if I had the explosive materials and they don't have the documents then they are lying. That's very bad. [The U.S.] is a super power and they should not lie. If I had it in my custody or the intention to use it, then do not release me from custody. If I used it then tell me how many people were injured or died. It is a lie.

Presiding Officer: Was your younger brother a soldier in your unit or another unit?

Detainee: He is a teenager and he was with me in my group.

Presiding Officer: Was he one of the four men that went with you to Kandaki Toupchi?

Detainee: There were seven people that came from there. The four people you are mentioning were before the Taliban came. During the time of the Taliban my brother was a very small kid.

Presiding Officer: What I was referring to is that when we read the statement that the Detainee took seven of his men and weapons to Kandaki Toupchi military base, where you were ordered to rotate with some of the men assigned there, you corrected the board and said there were only four men.

Detainee: I may have said that, but it was a mistake. It was seven people.

Presiding Officer: I have no other questions.

Detainee: Isn't it amazing that Pakistanis who have crossed the border and those that would help the United States and the present government are poor guys that don't have anybody to look out for them are the ones that are still in prison. Is that fair? All Afghans are amongst themselves, saying they are not fair to us. The government of the United States is not fair to us and because of that they are on a hunger strike.

Presiding Officer: Since you brought it up, are you participating in the hunger strike?

Detainee: Up to this moment I am not. In the future I might. I am a poor guy and I cannot afford to be in this prison any more.

Presiding Officer: I only ask because you brought it up that's all.

Detainee: I will remember for the rest of my life the treatment you guys gave me here. For example, my leg hurts, I went to the doctor and he just gave me tablets for the pain. He did not x-ray it or anything like that.

Presiding Officer: In regards to that the only thing I can suggest is if it continues to hurt continue to ask for medical help. How is it right now?

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Detainee: I tried that. It has been hurting for one and a half months.

Presiding Officer: Again, ask for medical assistance when you get back to your area.

Detainee: What should I ask for? For the last one and a half years I have been asking for help.

Presiding Officer: Assisting Military Officer can you explain the last comment on the page entry by OL-24 on Exhibit EC-C? The [phone] number. I am not sure if that means someone called or what? *The translator explains that the number listed on Exhibit EC-C is [General Agha's] telephone number in case anyone needed to call him about Exhibit EC-C. The translator also provided his linguist identification number for translation purposes.*

Detainee: Would you like to talk to him?

Presiding Officer: No, I just want the verification on what was written on the EC-C.

Detainee: Can you help me to talk to [General Agha]?

Presiding Officer: I am not sure of the proper channels, but you can go through International Committee Red Cross (ICRC) for that. I am not familiar with what your procedures are.

Detainee: CRC or ICRC?

Presiding Officer: ICRC.

Detainee: What should I do?

Presiding Officer: You can always write to him and deal with him through the ICRC.

Detainee: I count them and you guys the same. They are working with 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.*

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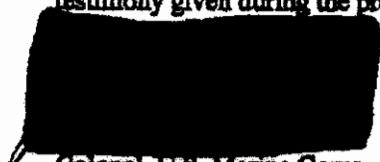
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AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Presiding Officer

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**Summary of Administrative Review Board Proceedings for ISN 948**

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

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

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

*The 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 November 2005 and lasted 40 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB and 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

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interview. A copy of the Pashto translated Unclassified Summary of Evidence was provided to the detainee upon his request.

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

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

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

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

Designated Military Officer: The detainee said that he was a security guard in Punjab, Pakistan during the winter. He returned to the village of Shomasht, Afghanistan during the summer months.

Detainee: Yes.

Designated Military Officer: The detainee was asked about the documents he was captured with such as the oath, the various ID cards, and the note with the description of a British man. The detainee stated he did not know about those documents.

Detainee: I had ID cards and nothing else.

Board Member: What is meant by the oath?

Detainee: I don't know. I had some phone numbers and ID cards.

Designated Military Officer: The detainee had an old friend who was the district leader in the Noorgal District.

Detainee: His name is Said Jalal and he is the district manager right now and still working with the government.

Designated Military Officer: The detainee's old friend, formerly Taliban and now against them, wanted the detainee and two others to take one handgun, two rifles and machine guns across the border from Afghanistan into Pakistan. They were to get these weapons from the commander in Jalalabad.

Detainee: That's not true.

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(Revised 28 Nov 05)

**Designated Military Officer:** The old friend is a Taliban supporter and has arranged for at least 50 Taliban fighters who are hiding in the mountains near Shomasht to visit the town once a week.

**Detainee:** That's not true. I have nothing to do with the Taliban.

**Designated Military Officer:** The detainee had another friend who lived in Mazar, in the Noorgal District.

**Detainee:** I have friends in Mazar.

**Designated Military Officer:** The detainee claims that prior to his capture, he had delivered two machine guns to this other friend in Afghanistan.

**Detainee:** I had two Kalashnikovs and one pistol, which I brought back to the district and gave to Gulan.

**Board Member:** Why were you carrying these weapons?

**Detainee:** I was fighting against the Taliban and once they were overthrown I did not need the weapons anymore so I gave them to the guard.

**Designated Military Officer:** The detainee told the Bagram guards that his old friend and the other friend, the detainee's uncle and his father all belonged to the Taliban.

**Detainee:** That's not true.

**Designated Military Officer:** The other friend was last known to be a Taliban commander.

**Detainee:** He was not a Taliban Commander.

**Designated Military Officer:** The detainee's name appears in a phonebook recovered from a Mansour compound in Zormat, Afghanistan.

**Detainee:** The Mansour compound in Zormat is far away from our district and our village.

**Board Member:** Was your name in the phonebook or not?

**Detainee:** I had a telephone in Pakistan and a friend in Pakistan he had my phone number and I had his.

**Board Member:** No association with the Mansour compound?

**Detainee:** I only know about Jalalabad and my district in the Noorgal province.

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Designated Military Officer: The detainee's name appears in a notebook found in the possession of an Afghan suspected of arms dealing and ties with the Taliban. The detainee is listed as being associated with the Office of Director of Logistics.

Detainee: Not true. I didn't have any phone numbers from Afghanistan, the only numbers I had was for all the stores.

Board Member: This was a name from a notebook not a telephone book.

Detainee: That's not true. I have never lived with Talibs and I never had any Taliban friends.

Designated Military Officer: The detainee wore an all black uniform for his job and carried a pistol. He claimed not to know anything about his pistol other than its size.

Detainee: That's true I did have a black uniform and a pistol. I was a guard/watchman for the stores. I was not the only one; I had 35 people that worked with me. We were watchmen at night for the people who owned stores.

Designated Military Officer: The detainee later said he did not carry a weapon while working as a security guard and only carried a police stick.

Detainee: I had a weapon. I would collect the money from the stores that I worked for and give each guy whatever their monthly payment was. They had sticks and I had a pistol.

Designated Military Officer: The detainee said the reason he possessed many ID cards when he was arrested was for his job as a security officer.

Detainee: In Pakistan everyone can make ID cards and I made that card for my job as a watchman.

Designated Military Officer: The security ID card was a picture of him in his security uniform and the epaulets were put on the uniform so that the ID would appear to be a Government ID.

Detainee: I have no relationship with Pakistan. The epaulets on the uniform I bought from the market and I borrowed some from the Police for decoration and to look nice. That's why I didn't want to take the oath but I took the oath to tell the truth and that's that.

Designated Military Officer: The detainee states it's a standard watchman ID card. The only thing he had different in his picture were the decorations. The decorations were borrowed from a friend of his who was a police chief in Pakistan.

Detainee: Yes.

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Board Member: You're friends with the Police Chief in Pakistan?

Detainee: I know them from when I watched the stores at night. They would stop the cars at night and have checkpoints. That is how I know them. I am not a Pakistani Police Officer. I know them because when we caught thieves we handed them to the police to press charges.

Designated Military Officer: One of the ID cards the detainee was captured with was a Pakistani police ID card. The detainee has denied any affiliation to Pakistani police.

Detainee: The ID card I had was not from the Pakistani police. The ID card I had was our watchman station card. I did not have any relationship and association with the Pakistani police other than my job.

*When the Designated Military Officer read "Comments reflecting information in favor of releasing Detainee", the Detainee had the following comment:*

Detainee: I do not want to be released. I'm not going to go home if I'm released because I was innocent. They beat me naked and that's an insult. I would like to know the truth. (Translator says and what kind of truth that is, I do not know).

Designated Military Officer: When asked what he thought about the Taliban, the detainee stated he has never supported the Taliban. They are not good people. He thinks Americans are good, because they have opened schools and provided shelter for Afghans. The Taliban has not done this for the people.

Detainee: Yes Sir. Americans are good people. I will say it in front of the Taliban, the Taliban are bad people they are not good. The Americans are good; they are doing good things for us.

Designated Military Officer: The detainee blames the Taliban for the death of his brother.

Detainee: I don't like the Taliban with or without them killing my brother. That's a different story. In general I hate the Taliban.

Designated Military Officer: The detainee also stated numerous times that he was just a poor farmer.

Detainee: Yes, I am a poor guy.

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

*The Presiding Officer acknowledged the request.*

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(Revised 28 Nov 05)

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

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

*The Detainee made the following statement:*

Detainee: I was and I am against the Taliban. I was and I am for the American forces. I was not and will not be a danger to the Americans. The weapons I had were for a group of people in the Noorgal government, Gulan, Said Jalal and Haji Kamal. I gave them back these weapons. These three commanders are supporting the American Forces and they are working with them in Jalalabad, the Supreme Commander Hazrat Ali lives in Jalalabad. I don't have any relationship with Pakistan. I was going to Pakistan and I had a Pakistan card with me on my way to my job. They stopped me and told me they had five questions and then brought me to Bagram and in Bagram they punish me a lot and now I am here. It's up to you if you believe me or not, but they were unjust when they brought me here and they have to pay me back for that. The Doctors beat me up and they did not give me the medicine, that's why last week they gave me this clothing. I am sick and they did not give me medicine. They put me in mental facilities for people who are completely crazy for ten months and then injected me with some medicine that was not good. It damaged my mental status, when I told them that I could not see or read they did not give me glasses. I am not a danger to the United States and I will not be a danger to the United States in the future. If you don't believe me I will announce it on the radio and in the radio station so that everyone can hear that I am not a danger to the United States and I will not be a danger to the United States. I am not afraid of Mr. Bush, I am not afraid of Karzai and I am not afraid of Mulawon. I am innocent and they brought me here. It's up to you whether you want to release me or send me to my home. That's my statement.

*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: The circumstances pertaining to the day you were captured, you were on your way to Pakistan to go to work?

Detainee: Yes Sir.

Board Member: So you crossed the border often?

Detainee: Once a year we would go to Pakistan and sometimes even two years. When the Taliban was in power we stopped going back. When the war started against the Taliban we came back to fight the Taliban with my brother and the other commanders. I

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fought against the Taliban with the weapons that I had in Tora Bora. Once my brother died I decided I didn't need to fight anymore. I gave my weapon back to these guys and I told them my brother was dead and I did not need to fight anymore. When I crossed the border I had two other people with me. A friend of my brother who was a commander in Jalalabad.

Board Member: Were you headed to Pakistan from Afghanistan?

Detainee: Yes, I was going to Pakistan.

Board Member: Were you a security guard at this time?

Translator: In Afghanistan or Pakistan.

Board Member: I would like to know.

Detainee: We went to Pakistan almost 20 years ago at the time of the Russians.

Board Member: Where were you a security guard?

Detainee: I was a security guard in Punjab, Pakistan.

Board Member: So you lived in Afghanistan?

Detainee: My brother was alive at that time. My mother and my father lived in Afghanistan and I was going to Pakistan for that job.

Board Member: Did you live in Pakistan?

Detainee: Yes, I went there as a teenager.

Board Member: So when you were a security guard you worked and lived in Pakistan?

Detainee: Yes Sir.

Board Member: Who arrested you?

Detainee: The American Forces. The United States Forces captured me.

Board Member: What were you told was the reason for your arrest?

Detainee: It was just for the ID cards. There was no other reason other than the ID cards I had.

Board Member: How many ID cards did you have?

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**Detainee:** I had three wives with two ID cards for them and the other one was in the process of getting an ID card from Pakistan. One was mine and one was my watchman card.

**Board Member:** You were arrested by United States Forces and sent to Guantanamo for having an ID card?

**Detainee:** They took me to Bagram and asked if I knew any Talibs. They asked if I know this guy and if I know that guy. When they caught me they told they were only going to ask me four or five questions and then they put me in a helicopter and brought me to Bagram. In Bagram they told me that I was a Talib, my father was Talib, and my uncle was Talib. I told them that I was not in the Taliban.

**Board Member:** So they suspected you of being a Taliban that's why you were arrested?

**Detainee:** I helped them to identify a couple of bad guys and I stayed in Bagram for two months. I didn't see anyone that I pointed out. They didn't catch the bad guys.

**Board Member:** How would you characterize your behavior since you have been here in Cuba?

**Detainee:** What do you expect from me? They put me with the Taliban and they are my enemies; I am a nice guy, but they are bad to me. If they are bad to me then I have to be even worse to them. When they take me to interrogations the Taliban and the other detainees call me a spy, they say I am helping the Americans and I am an infidel.

**Board Member:** Do you have a family at home that you can return to in Afghanistan?

**Detainee:** I am from Pashiet that's a big tribe. My family is there, my father, my mother and I have brothers.

**Board Member:** If released or transferred what do you plan on doing?

**Detainee:** I will do the same day labor or be a bodyguard or whatever there is to do. I am not going to go back to Pakistan. I am going to be a farmer.

**Board Member:** You went to Pakistan as a teenager where you worked as a security guard and you would travel back and forth from Pakistan to Afghanistan. Then you mentioned getting involved in the fight against the Taliban. At what point did that start and how did you get involved in that fight?

**Detainee:** We are not Taliban and we were against the Taliban. We fought against the Taliban.

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**UNCLASSIFIED//~~FOUO~~**

(Revised 28 Nov 05)

Board Member: I understand that. How did you get involved in that fight from being a security guard to going home to Afghanistan to farm and going back and forth? What is the timeline that you got involved in the fight against the Taliban?

Detainee: My brother was already there and he sent us a message to come from Pakistan to Afghanistan.

Board Member: While you were in Afghanistan you were asked by two Anti-Taliban leaders to move arms. How were you entrusted to do that and how would you know how to do that without risking being captured by either side?

Detainee: I involved myself in the fighting and I was not working for anyone else. I carried weapons from one side to another and fought against the Taliban.

Board Member: Why did you hate the Taliban?

Detainee: If you like them and they are good people then why did you come to Afghanistan?

Board Member: I have my opinions as everyone else has their opinion. I would like to know your opinion.

Detainee: The Taliban told us to give them our weapons and live like women. We didn't like that. (Detainee gives the translator an example: If I tell you give me your chair you are not going to give it to me. It's just the power)

Board Member: Was this part of your decision to move to Afghanistan from Pakistan?

Detainee: No. The time I was in Pakistan we told him we are from the North Western Frontier Province and that's when they gave us the Pakistan ID card. That's how we were allowed to work as a security guard/watchman or whatever. Right now if I were to go there since I am Afghan they would cancel everything.

Board Member: The only reason you went to Pakistan was to seek work as a security guard?

Detainee: Yes Sir. Just to get a job.

Board Member: How many times did you actually bring weapons over the border in support of the Northern Alliance against the Taliban?

Detainee: No, we did not bring weapons across the border. Rabani was the President of the Northern Alliance and he gave us weapons to fight the Taliban.

Board Member: Why do you think your name appeared in a notebook that belonged to a Taliban member who dealt with arms?

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(Revised 28 Nov 05)

Detainee: I can't say why. I don't know why they had my name in that notebook.

Presiding Officer: You mentioned that when you went to fight with your brother in Tora Bora, you blamed the Taliban for his death. Can you explain further? You said that was another story.

Detainee: When we were fighting the Taliban in Tora Bora, my brother got shot and was killed there.

Board Member: When you fought in Tora Bora against the Taliban, how was that organized? It is very difficult to fight as an individual. How was it organized that you can join and then participate in a fight? Who was the leadership? How was it funded? What was the logistics? How does something like this come together?

Detainee: Hazrat Ali who is the supreme leader was on the United States' side. My brother was a commander with him and we were there fighting.

Board Member: That was Esmail, was that his name? No last name?

Detainee: Esmail was his first name.

Board Member: The last name you don't know?

Detainee: No.

Board Member: He was the commander and he worked for him directly?

Detainee: Yes. The United States gave him a satellite telephone, radio and car. He was a very top guy. They gave him money and everything. My fate brought me here.

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

Detainee: It is up to you Sir. I am not bored here, I am happy here. They undermine my dignity and they did injustice to me. I am here and I am a poor guy.

***President notified detainee that Washington, DC would notify him of their decision.***

Detainee: It is in your disposition.

***President notified detainee that if it is determined he shall be detained, he maybe eligible for another Administrative Review Board in one year.***

Detainee: I am going to come; do not worry, Sir.

***The Presiding Officer opened the classified portion of the session.***

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(Revised 28 Nov 05)

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

**AUTHENTICATION**

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



Colonel, USAF  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 949

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 26 August 2005 and lasted forty minutes. After a review of the Administrative Review Board's purpose and procedures, the Farsi Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the Administrative Review Board, the Detainee said yes and he would like to present his comments regarding the Unclassified Summary of Evidence after each allegation is read. The Detainee was very cooperative throughout the interview. At the conclusion of the interview, he was provided a Farsi translation of the Unclassified Summary of Evidence for review. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence and he stated that he can not read or write.

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UNCLASSIFIED//~~FOUO~~

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

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

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

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

Designated Military Officer: The Detainee had a girlfriend by the name of Layla. Layla is one of his wife's sisters.

Detainee: She wasn't one of my wife's sisters.

Designated Military Officer: Layla told the Detainee that her friends, Khalid and Hamed were possibly planning on bombing one of the buildings in Kabul.

Detainee: That's correct.

Designated Military Officer: The Detainee went to an American post and informed an American contact about the plot. The American told him to come back the next day at 11 AM; he did and the Detainee was promptly arrested.

Detainee: They came and picked me up, somebody by the name of Hamid. I told him that I ha[d] some problems with some people and I didn't want to create a problem for me in the future. The next day I went [to] talk to the Americans, I told them about this girl, Layla. She told me about this plot. He told me to come and report to [them] as soon as they bought the bomb or the mine. When I heard the report from the lady...from the girl, that they brought the bomb...the device. I went there, told them and after that I went home. They told me that whenever [I] came and give detailed information or stuff like that [they would] refund the money for your cab fare...if I use a cab to go there and go back. I forgot to pick up the cab fare for the first time. Two or Three days after that, I went back to pick up my cab fare money from them. When I [got] there I was arrested. I don't know if they got the cab driver or not. That I don't know. I don't have any other information [for] what happened because after that I got arrested.

Designated Military Officer: The Detainee was confused as to why he was arrested. He knew that the authorities had raided Khalid's house, but claims he did not know that they had found any bombs.

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Detainee: According to the report from the girl, I told the Americans that there's going to be a bomb in here then they went there. They told me in Bagram that they found the bomb in there. I don't have any information after that.

Designated Military Officer: After several questions, the Detainee mentioned that the bomb had been found on the roof of Khalid's house, inside of a duffel bag.

Detainee: I [didn't] know they found the bomb inside a bag or not. I got the information from the girl and passed the information onto the Americans. I told them that it's [their] responsibility whether [they] want[ed] to go find or not. I [didn't] want to go there because I [didn't] want to create enemies for myself. I [was] just passing on the information.

Designated Military Officer: The Detainee struggled to keep his story straight. He would tell multiple stories, sometimes in the same sentence and was deceptive about the real Layla. We believe the Detainee planted the bomb or knows who did.

Detainee: No, I have never changed my story. I told them that one thing. I received information that there [was] a bomb in this house. Layla gave me the report and when they went in the house she was there. They probably saw her too.

Designated Military Officer: Khalid was planning to attack either the United States or the United Kingdom Embassy in Kabul, Afghanistan. He has worked for the Hezb-e Islami Gulbuddin and Taliban members in the past, and could be acting for either organization.

Detainee: Correct.

Designated Military Officer: 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: I don't know about this. I do not belong to any organization or anything like that. So I don't know.

Designated Military Officer: The Detainee has ties to Agha Shireen Salangi, an infamous Taliban commander from Charikar, Afghanistan. He admitted to having command of troops while under Agha Shireen Salangi's control.

Detainee: That's a lie. I did not have a weapon. I told my brothers not to fight, don't join the jihad, because it's just a name...they are using the name jihad to make an excuse [for] one killing another.

Presiding Officer: Do you know Agha Shireen Salangi?

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Detainee: No, I don't.

Presiding Officer: Have you heard of him?

Detainee: No, I have not. I was busy doing my own life. I had a shop; I was busy with my shop.

Presiding Officer: Thank you.

Detainee: Gulbuddin Hekmatyar killed my brothers. I did not like organizations or anything. So I would [rather] cut my tongue, you know, [then be a] part of any organization or anything like that.

Designated Military Officer: Agha Shireen was once aligned with the Taliban and specialized in assassinations and other terrorist operations.

Detainee: I don't know anything about that.

Designated Military Officer: Agha Shireen was also identified as being a famous Hezb-e Islami Gulbuddin commander supported by the Afghan Ministry of the Interior police chief for Kabul.

Detainee: I don't know about that either.

Designated Military Officer: While Agha Shireen was in Kabul, Afghanistan, the Detainee came to visit him. The Detainee was Agha's assistant commander during the time of the Taliban and was a Talib himself.

Detainee: No, that's not correct. I don't know him, Agha Shireen.... I've never met him and I haven't heard from him. I did not go to see him. The story is, when I saw there were a lot of problems in Afghanistan with the Taliban being there...a lot of fighting going on. I and my family packed our things and went to Pakistan. Right on the borderline...on one side was the Taliban on the other side was Massoud's forces. They got me in that area.

Presiding Officer: Massoud's forces or the Taliban?

Detainee: I was arrested by Massoud's forces first. When I [was] released from their jail. I saw the problems in Afghanistan with the Taliban. I pack[ed] up my things, my family and my belongings and [left] Afghanistan to go to Pakistan. I was captured by the Taliban at the checkpoint between the borderline of [the Taliban] and Massoud's forces. My family continued on towards Pakistan. [When] I was released after 15 days, I went to Pakistan and contacted [the] Red Cross. They told me it [was] now safe to go back [to] Afghanistan and we all [went] back.

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Designated Military Officer: During the reign of the Taliban, Agha Shireen was imprisoned by Ahmad Shah Massoud, the Northern Alliance Commander. He was jailed for working with the Taliban.

Detainee: I got arrested yes, but it wasn't because I was for the Taliban. I don't have any connections with them. I got arrested because of a personal vendetta. The people who killed my brothers, [they] later surrendered themselves to Massoud's forces. Since they knew they [had] killed my brothers, they [would have] a problem. So they told lies about me and got me arrested.

Presiding Officer: Was that the Gulbuddin Hekmatyar?

Detainee: Yes.

Designated Military Officer: The Detainee was imprisoned, for approximately five years, by Mr. Massoud. One of the Detainee's brothers was a commander for Massoud's group, a group called Shura-e-Nazar.

Detainee: My brother wasn't a commander, but he was with them. He was fighting [with] the jihad against the Russians. He was doing the jihad against the Russian. At that time you couldn't ask anybody "What are you doing?" or what you are not doing, because it was difficult and scary.

Designated Military Officer: The Shura-e-Nazar group was another of the many Afghan groups formed to fight against other Afghan groups.

Detainee: I don't know anything about that. Like I said earlier, I did not belong to any groups or organizations...so I wasn't paying attention [to] who was doing what or anything like that. If I did maybe I would have some recollection but [I do] not. Since I did not, I don't know anything about it.

Designated Military Officer: Shura-e-Nazar is a leadership council formed by the late Ahmad Shah Massoud in 1985. It is the consultative body within the United Islamic Front for the Salvation of Afghanistan.

Detainee: I don't know anything about this either.

Designated Military Officer: A foreign government service said that Iranian officials had trained a group of commandos belonging to Shura-e-Nazar. These commandos have allegedly been tasked to attack the United States and its allies in Afghanistan so that the Taliban and al Qaida members will be blamed for the attack.

Detainee: I don't know anything about this either.

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Designated Military Officer: Documentation was found in the Detainee's possession addressing him as Commander Zahoor Khan.

Detainee: My name is Abdul Zaboor so sometimes they write as Mr. Zahoor; it's the same thing.

Presiding Officer: As commander?

Detainee: No, I never been a commander.

Designated Military Officer: The Detainee had documentation that listed personalities identified as his troops. He also had documentation that discussed Blowpipe and Stinger Surface to Air Missiles.

Detainee: Somebody from the United Nations, by the name of Shawgha. He asked me to see if I could buy these rockets from people. I told him I don't know the price for these rockets, so he gave me a list of the names of rockets and prices. I had that with me when I [was] captured, therefore, they [thought] that list belonged to me or had something to do with me, but in reality I was suppose to purchase those things for the U.N. employee.

Presiding Officer: How many items were on that list?

Detainee: One of them was a stinger missile and there were some other things but I didn't know how to read and write...so I don't know.

Designated Military Officer: The Detainee has a history of harming himself and harassing guards.

Detainee: In here?

Presiding Officer: Yes.

Detainee: No.

Designated Military Officer: The Detainee said, "If I am guilty of this, then I would want to be hanged right now."

Detainee: Yes, that's right. If I am guilty you can hang me right now. I haven't done anything wrong.

Presiding Officer: Thank you for that offer.

Detainee: All I was trying to do was help. [On] the radio they kept announcing...if you see al Qaida or Taliban please report them. I did my duty as an Afghani. If Afghan[s]

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[didn't] [do] this how would they (*Americans*) find out about these things. All I did was try to help and maybe make some money on the side.

Presiding Officer: We understand your story. We understand what you were saying.

*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: I [don't] have much to say. I just want to know...I want to know why I'm being detained here. I was trying to do something good. Why? Five years I was in jail, in a private jail and now I've been here detained for many years. I want to know why? In my opinion I did something good. If I did something bad please, show me proof that I did [something] wrong. I will accept my punishment. If I haven't done anything wrong...I don't know why I'm here? If I [didn't] [do] this [for] [the] Americans they probably would not [have] [found] the bomb. If I would have told this to one of the other organizations they would have given me medals or decorated me with rankings or something like that.

Presiding: I will answer your questions in one moment. Do you have any further statements to make?

Detainee: What else should I say? I just want to know for how long I will be here detained.

Presiding Officer: I have three choices today. I can recommend...I can only recommend that you be released, transferred or detained. I will make that recommendation...we as a group will make that recommendation today and you will find out in a short period of time.

Detainee: I am stuck in the middle of all this (inaudible) al Qaida organization...in different organizations. Part of my family was killed in some Afghan organizations and part of them [were] killed by [the] Taliban and I'm not with either side. I'm stuck in the beat. So I don't [know] what to do.

Presiding Officer. We will determine that today. We understand what you are saying. We have to look at...in the past another board determined that you had some involvement with fighting against the United States. We will take a look going forward, if we think you still pose a threat. If not, you will be either released or transferred.

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Detainee: I'm afraid to go back. I don't care if they need me to report a bomb that will kill 500 people or 5,000 people I will not [tell] [anybody] from now [on].

Presiding Officer: Thank you. We will have an opportunity to talk more in a few moments. We'll ask some questions. Did he say more than that? Is there anymore than that?

Detainee: We are so happy that Taliban regime was toppled and a new regime was in power. My family they were getting up in the middle of the night to pray for being happy. They were praising the new regime, but I don't know why I got myself into this mess, you know. If I would go back there...I would go back and continue working my land. I have a lot of land. [On] some land I grow grapes and other fruits. [I would] just go there and I will work my land.

Presiding Officer: Thank you. We'll get to more questions in a moment.

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

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

*Administrative Review Board Member's questions:*

Board Member: Is that the first time you contacted the Americans, when you went to them and tell them about the bomb?

Detainee: [It was the] first time I went and met with them. About a couple of days later, it was the third day of Eid. [On] the third day of Eid, they came and picked me up. [The] linguist came to pick me up...he came to my house. He told me he needed to talk to me some more and that I needed to come with him. When I went there they did not want to have that linguist present in [the] room they brought another linguist instead. They told me when I [leave] not to go with the linguist, who brought me there. They told me to come on my own next time. I told them I couldn't afford [to] because of the work that I do. I cannot afford to pay for the cab fares. If you have to take a cab to come here again, then we'll pay you for the cab fare. I used [a] cab and they [took] me. I don't know what happened to the cab driver. I talked to them about the incident and after we were finished I went back to Charikar. I came back after a few days, two three days after that, and I [was] captured by the Americans. At that time, the current government or the Americans did not have too much information or too much power to go and do something...like capture somebody or take somebody. They were allies with Massoud's group. They were helping the Americans and the Afghani force. Now because of them, that group, Massoud's group, the people from his group I'm here because they arrested me for five years. When I [was released], they apparently had some animosity against me. They gave false reports to the Americans and the Americans (inaudible)

Presiding Officer: Do you know what Massoud's group has against you?

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Detainee: They killed three of my brothers, they beat me up...what else can they be? They...

Presiding Officer: Massoud's troops killed all three of your brothers?

Detainee: Hekmatyar's people.

Presiding Officer: Hekmatyar, but why is Massoud's...your brothers fought for Massoud. Why is Massoud turning you in?

Detainee: He was killed.

Presiding Officer: When Massoud was killed.

*Translator: No his brother was killed. You know that person that was working for that group. He was killed also.*

Detainee: They killed my brothers, people from Gulbuddin's [forces], and they beat me up. After they beat me [and killed my brothers] they (*Gulbuddin's forces*) went and [became a part of] Massoud's group.

Presiding Officer: Okay, I understand.

Board Member: When were you in jail?

Detainee: In where?

Board Member: For the five years?

Detainee: During Rabbani's government, I was jail[ed] in Panjshir.

Board Member: What was your involvement with Khalid?

Detainee: His wife had a far relationship with my wife...maybe second or third cousins. I don't have any problem[s] with him.

Board Member: How did you know that the authorities had found a bomb in Khalid's house?

Detainee: In Bagram, they told me they found a bomb. I gave the report, like I said before; you know [the report] Layla told me. I told [the] Americans they went and searched the house, they found it and in Bagram they told me they found the bomb.

Board Member: After he was already in prison or in jail they told you?

Detainee: Yes.

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Board Member: How did you know where the bomb was located?

Detainee: That girl told me that it was inside of the entrance of the gate inside the house. In Afghanistan and other countries they have a yard, you enter through the gate first to get into [the] yard and then you go in the house. She told me as we enter[ed] the gate that the bomb was on the roof of the guesthouse on the right side. That's what I told the Americans, but I don't know where they found it exactly. I'm assuming that they found it around there.

Board Member: What was the girl's name [that] told you this?

Detainee: Layla.

Board Member: Was Layla your fiancée?

Detainee: No. They wanted to give her hand to me but my father did not accept.

Board Member: When you were arrested you had some paperwork in your possession [which] referred to you as commander Zahoor?

Detainee: That's false.

Board Member: Did you have any documents with you?

Detainee: I only had one identification card and it was from National Caravan 3991. *Karzai government identification.*

Board Member: You didn't have any paperwork talking about missiles?

Detainee: That document [was given] to me [by] that person.

Board Member: Who gave that to you?

Detainee: Shawgha

Board Member: Who is that?

Detainee: He was working for the United Nations and he was instructed by [the] United Nations to collect as [many] rockets as he [could].

Presiding Officer: So, let me get this straight. You were trying to buy those rockets or get those rockets to turn them in?

Detainee: Yes, he was instructed by [the] United Nations to buy as much as he can to get it out of the people's hands.

Presiding Officer: I understand.

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Board Member: Why did the person from United Nations come to you?

Detainee: First of all he was from the same village I was [from]. Secondly, I was a shopkeeper. I had a lot of contact with people.

Presiding Officer: I thought you were a farmer?

Detainee: I do working. I have a shop even right now I currently have a shop and I do have land too so I work...

Presiding Officer: Is it hard to be a shopkeeper when you can't read or write?

Detainee: I would bring the goods in the shop and my nephews run the shop. They're like 23, 24 years old. They can read and write, but I would go and buy the stuff and bring it to them to sell. I couldn't be in the shop long, since I had a problem with my leg, my leg would hurt. While they were in school I [would] be in the shop.

Board Member: How did you hurt your leg?

Detainee: When I got beaten by the group, that group, you know Gulbuddin's group. They killed my brother and they beat me up. It hurt my leg.

Board Member: What tribe are you from?

Detainee: I'm Tajik.

Board Member: Do you know people in the Taliban?

Detainee: No I don't know them. I don't speak Pashtu. I only speak Farsi, even in here some people don't speak Farsi with me.

Board Member: Are you influential in your community, because you own a shop and a farm? Are you important in your community or your village?

Detainee: No, I'm not that kind of person. Like I said earlier, I have land [and] a shop, but I hire people sometimes [to] work the land. They [would] take their share and I [would] take my share. So their happy and I'm happy.

Board Member: Are you rich?

Detainee: No, I am not rich. Even the poor people have some, some small stuff. When I [said] that I have land that doesn't mean that I have lots of land. I just have a small portion [where] I grew some grapes and other fruits that I would sell.

Board Member: Thank you.

Presiding Officer: Did Layla turn you in? Is Layla your friend or is she your enemy?

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Detainee: Layla, her parents and my parents were all having lunch or dinner. The question came [up] that I want to get married and my mom told my dad, "What about Layla?" She asked for Layla's hand for me; my father said, "No, I already have a relationship with this family. I took one daughter for somebody else and that's enough for one family...one daughter is enough. I'm not going to [have] another relationship with this family."

Presiding Officer: Did Layla turn you in?

Detainee: I don't know if she turned [me in] or if somebody else [did], but I know this somebody from Panjshir maybe...

Presiding Officer: Who ran the prison that you were in for five years?

Detainee: Massoud.

Presiding Officer: It was Massoud's prison? Now, Massoud was fighting the Taliban. Does that make you...do you hate Massoud?

Detainee: Massoud was a very busy man. He was always [in] the battlefield, you know sometimes in the north, sometimes in the south, sometimes here, sometimes there, so it was so hard to get a hold of them, so he could sign my release papers. So I [could] be released from that jail, you know from that jail I was belonged to (inaudible)...

Presiding Officer: But your brothers fought for Massoud and yet you were imprisoned by Massoud? I just want to make sure I have this correct.

Detainee: They were [dead] at the time.

Presiding Officer: You were in Massoud's prison after your brothers had been killed?

Detainee: No, my brothers [were] killed, I got beat up and then I was jail[ed] by them (*Gulbuddin's forces*). They (*Gulbuddin's forces*) surrendered to Massoud's group after the fall of the Taliban.

Presiding Officer: Did you like the Taliban?

Detainee: No, they killed four of [my] brother-in-laws, they burned our houses. So why would I like them?

Presiding Officer: Because they weren't Massoud?

Detainee: I personally don't like anybody, who's armed. It doesn't matter if he is Massoud or Talib. It doesn't matter what organization. I don't like people being armed.

Presiding Officer: What town were you born in?

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Detainee: Durana and Charikar.

Presiding Officer: How many wives and children do you have?

Detainee: I have one wife, who was my older brother's wife, after he was killed they gave her to me. I have kids, two sons and one daughter.

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

Detainee: I would just go and work. I don't want to have anything to do with anyone.

Presiding Officer: You're in a white suit but you have made many threats to yourself while you have been here in the camp. You need to continue to behave well. It is important.

Detainee: I was about to lose my mind you know. I was in prison [for] five years over there and now I'm in prison here. I keep thinking to myself, "what have I done wrong?" "Why am I being in jail all this time?" So this all makes a person kind of...

Presiding Officer: It's important though that you behave well here.

Detainee: I tried to be good, but I'm with some people that I don't speak their language they don't speak my language. They're sitting in their corner and I'm sitting in my corner so we just sometimes stare at each other. That would make you moot. For how long can you sit quiet, you know and don't say anything.

Presiding Officer: Have you heard from your parents, how are they doing?

Detainee: I got one letter from my parents, which [told me] they are living in a rented house or something and [I] got me really upset. The translator read the letter for me.

Presiding Officer: Are you sure you can't read or write...even a little bit?

Detainee: No, I can't read or write my name.

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

*The Presiding Officer opened the classified portion of the session.*

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

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AUTHENTICATION

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



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Presiding Officer

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