

Summary of Administrative Review Board Proceedings for ISN 1021

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.

Detainee: I will swear I am not against my country.

Presiding Officer: He said he would?

OL-24: Yes.

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 17 October 2005 and lasted for 90 minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of

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Evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said he would like for the AMO to take his answers to the allegations for backup in the event he forgot an answer, however, he will speak openly and respond [to] the Unclassified Summary of Evidence after each statement is presented, and he will make an oral statement. The Detainee was cooperative and very polite during [the] interview. He elected to keep a copy of the translated [Unclassified] Summary of Evidence for his review.

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

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

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

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) While in the Badaber Refugee camp the Detainee joined the Islamic religious party of Mulawe Mohammed Nabi.

Detainee: Yes sir.

Designated Military Officer: (3.a.2) The Detainee fought as a member of the Mulawe Mohammed Nabi party all through the Russian occupation. For the first few years of the fighting, the Detainee was a simple soldier, but after a few years he became a commander of about 15 fighters.

Detainee: Yes sir.

Designated Military Officer: (3.a.3) The Detainee joined Hezbi Islami Gulbuddin for six months as a commander in mid 1990 when Hezbi Islami Gulbuddin was fighting Ahmmad Shah Massoud and the Northern Alliance.

Detainee: Yes. That was twelve years ago. I was with Gulbuddin for six months. There was fighting between Gulbuddin and Ahmmad Shah Massoud and I left Gulbuddin and joined Ahmmad Shah Massoud.

Board Member: Is that right after he left the Gulbuddin, he joined Massoud?

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Detainee: Yes sir.

Designated Military Officer: (3.a.4) The Detainee is a Hezbi Gulbuddin field general.

Detainee: If you guys are Generals because you go to school, how am I a General when I am illiterate? I am not a General and was not a General. I didn't go to school and I don't understand. In Afghanistan there is a lot of animosity between the families toward each other and they gave me the name "General" (nickname). I am a very small guy and not the guy you all think.

Designated Military Officer: (3.b) Training: The Detainee traveled with other men to the Trareemanqat area of Afghanistan near the Pakistan border and learned to shoot a bolt-action five shot rifle.

Detainee: When we were refugees the Taliban were crossing the border between Pakistan and Afghanistan and everybody knew how to fire a gun and I did not go for training.

Designated Military Officer: (3.c.) Connections/Associations (3.c.1) The Detainee was a personal friend of Heckmatyr Gulbuddin and last met with Gulbuddin in Kabul, Afghanistan when Gulbuddin was Afghanistan's vice president.

Detainee: At that time there were two parties Rabani's Party and Gulbuddin Party. Rabani and Massoud Party were the same party and people were divided between Massoud and Gulbuddin. When I was with Gulbuddin for six months I left and went to Massoud. I was with Massoud for one month or two months. Right after that I went back to my village and saw my house was destroyed by the Russians then I started working on fixing the house. When the Taliban movement started [they] captured Logar and then they started coming to Azrah, which is my district. The Taliban collected ten guys by the name of Chaman's People (Detainee's people) and killed and executed them right on the spot. I was there and they did not capture me.

Presiding Officer: You mentioned ten people [who were they]?

OL-24: Ten of his own people were killed.

Detainee: My cousins and my day laborers. There is a custom between the Afghans when a person dies they take them to the cemetery but the Taliban would not allow me to take the dead bodies and bury them in the cemetery. I begged the Chief of the tribe to ask the Taliban if I could bury them and they said no. They came over and put all ten people together [in the same grave]. After that I came back to fight and after that I went to my house and I was working in my store. When the Taliban was over thrown by the United States and the Northern Alliance took over Kabul, I went back to [unbury] the dead bodies and [give them a proper burial] but the Mullahs (religious people) told me it was a

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sin to take them and rebury them, just leave them in the one grave. After that I was against the Taliban. I did not fight but I tried my best to fight them through propaganda.

Designated Military Officer: (3.c.2) The Detainee is the assistant of Kashmir Khan who is subordinate only to Gulbuddin Hekmatyr in the HIG.

Detainee: Kashmir is a very big shot in Gulbuddin Hekmatyr's Party and I am illiterate and I am not that big of a guy to be his Deputy. I am not a big guy and I am not his Deputy and I don't have any relationship with him.

Designated Military Officer: (3.c.3) The Detainee, Qalam, and Zardad are three Hezbi Islami Gulbuddin members that worked as intelligence collectors with direct communication with Hekmatyr.

Detainee: If you look at the statement ten years ago Zardad, Qalam and I were together for six months in Gulbuddin. Ten years ago when the Taliban took over, Zardad escaped to Pakistan and moved to London. He has lived there ten – twelve years. He is there and I don't have any relationship with him.

Designated Military Officer: (3.c.4) The Detainee, Almas, Qalam, and Salangi are all well known associates that are heavily involved in the drug trade and other illegal activities in Kabul. A source stated that Commander Almas is responsible for over 1,000 murders as a Hezbi Islami Gulbuddin leader.

Detainee: I never heard Almas name at all and I don't know him. Bashir Salangi, Salangi is his nickname he is the Commanding Chief of Kabul Police Forces. I just know he is the Chief of Police in Kabul and I do not have any relationship with him. I know him as a commander [not personally]. Qalam lives in Afghanistan and the United States can catch him. I do not have a relationship with him.

Designated Military Officer: (3.c.5) The Chief of Police in Kabul, AF has strong ties with weapons and drug smuggling activities. The Detainee and Qalam are major players in these operations.

Detainee: It's not clear, I know Bashir Salangi who was the Chief of Police forces in Kabul. I know him as a Police Commander but I don't have any relationship with him. I [also] know Qalam but I am not involved with him. When I was there (Kabul), Bashir Salangi was the Chief Police Officer of Kabul police forces.

Designated Military Officer: (3.c.6) In the beginning of 1991 the Detainee was accepted into the Northern Alliance and instructed to remain in Hezbi Islami Gulbuddin and remain in Surubay in order to report Hezbi Islami Gulbuddin activities, movements and operations.

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Detainee: That's not true. I stayed six months with Gulbuddin [but] no one ever gave me direction of what to do.

Designated Military Officer: (3.c.7) The Detainee was given money in exchange for information on Hekmatyr.

Detainee: I was with Gulbuddin for six months ten years ago and I don't know anything about this stuff.

Designated Military Officer: (3.c.8) The Detainee attended a meeting between members of al Qaida, Taliban and the Hezbi Islami Gulbuddin in Peshawar, Pakistan.

Detainee: I was against, why would they let me come to their meeting. I was never attended that meeting. I was against the Taliban why would I be there?

Designated Military Officer: (3.c.9) The Detainee visited Mayor Mast Gul in Muzafferabad, PK on numerous occasions.

Detainee: When Karzai became the President of Afghanistan, his Intelligence Chief Afiree sent his Deputy with him as a delegation to Pakistan. The fourth guy in the Intelligence Department was there Hajhi Shagha was with him too. Mayor Mast Gul was Shagha's friend and I went there with him as a delegate. I went there against the Taliban to find out [what to do].

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee, Qalam, and Zardad were operating in Kabul and collecting information about the Afghan government and possibly the United States forces.

Detainee: I told you that I saw Zardad ten years ago and he is not in Kabul right now he is in London, ten years ago he went to London. Qalam lives in Afghanistan and you can't find out about him through me, I am not a blind guy to work against my own [people].

Designated Military Officer: (3.d.2) The Detainee, Qalam, and Zardad set up checkpoints on the main road between Jalalabad and Kabul. At the checkpoints they would stop and search cars, steal items of merchandise they wanted and demand money from the drivers. If the drivers did not have money or refused to pay they were beaten. One of the checkpoints was called "Chaman Hotel" because it was near a hotel owned by the Detainee.

Detainee: The hotel is a place to eat. It's built from mud and on a cobble road and people stopped cars and eat there. Ten/eleven years ago I was there and I never had a checkpoint. People made up this stuff against me.

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Designated Military Officer: (3.d.3) The Detainee and Qalam were given explosives along with instructions for placing them along a route on 16 February 2003 by an important Hezbi Islami Gulbuddin member. They planned to organize the attacks on vehicles used by foreigners on the road from Kabul to Jalalabad, Afghanistan.

Detainee: Ten years ago I was with Gulbuddin's Party and I didn't do that kind of stuff. I don't know how to do this kind of stuff.

Designated Military Officer: (3.d.4) The Detainee worked as an intelligence informant for the Afghanistan Information Ministry. The Detainee was offered a job collecting information due to his personal relationships with Hezbi Islami Gulbuddin and Taliban commanders.

Detainee: Three or four times I went with Shagha to Pakistan and I did give some information about Gulbuddin and Taliban.

Designated Military Officer: (3.d.5) While employed with the Information Ministry, the Detainee was tasked with collecting information about Hezbi Islami Gulbuddin commanders in various Afghanistan districts.

Detainee: I didn't collect information on every district. I just went three times to Pakistan with the Intelligence Service.

Presiding Officer: You went three times?

Detainee: Two times in Pakistan and one time in Logar Province.

Presiding Officer: Two times to Pakistan with the Deputy and one time to Afghanistan.

Detainee: Yes, I was doing work against the Taliban.

Designated Military Officer: (3.d.6) A three-month campaign was fought against the Taliban/al Qaida forces in the Shaheekut, Gardiz area of Afghanistan during the spring of 2002. The Detainee commanded a unit of approximately 40 soldiers and held the rank of Brigade General.

Detainee: I went to that war with Gulhider as a soldier not as a General and I did fight there against the Taliban. Gulhider was the General.

Designated Military Officer: (3.d.7) The Detainee claims to have earned a famous reputation from experience gained fighting in the Soviet/Afghanistan jihad. He boasted 20 total years of experience, 12 years against the Soviets, five years against the Taliban and one year against the Hezbi Islami Gulbuddin.

Detainee: I am not famous and I have never claimed that type of status.

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Designated Military Officer: (3.d.8) The Detainee was hired by an American contractor through a sub-contractor (Esko) to guard shipments of equipment on a route between Herat and Kabul.

Detainee: The American Esko Company did not give me a job, they [had] a linguist who needed trucks and I helped find trucks for him. I rented trucks for him and found drivers for him, but I didn't work for the company.

Designated Military Officer: (3.d.9) In December 2002 an American contractor corporation employee provided the Detainee with a list of named Afghan security element personnel. The list included weapon serial numbers.

Detainee: That guy is in the camp right now (GTMO Camp) and that guy is lying and he didn't give me anything. He is in your custody here you can ask him if I took anything from him.

Designated Military Officer: (3.d.10) The Detainee intended to place a bomb at Camp Serenity at Pol-e-Charkhi during the upcoming grand opening ceremony for the radio network station at Camp Serenity. The main target for this attack was President Karzai, United States Ambassador to Afghanistan and other high-ranking Afghani officials.

Detainee: If I was doing that kind of stuff I would not bring my children and my family to Kabul and my children and my family were in Kabul [with me] [so] that is not true. I don't do that kind of stuff someone made it up. The result of twenty years of war in Afghanistan has caused much animosity between the families and the tribes and someone gave my name.

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee is thankful the United States went to Afghanistan because different tribes and Arabs had taken over the country. He hopes the United States stays long enough to stop the tribal wars.

Detainee: I don't know about this statement but I do want peace for my country.

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.

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Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement and he gave me some additional comments to make on his behalf.

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

Assisting Military Officer: I am innocent. That guy that turned me in was arrested. He is here. I am a farmer. I work on my own farm to send my kids to school. If only God would make these wars disappear and bring peace. Sir, that concludes his additional comments.

Presiding Officer: Thank You!

Presiding Officer: You may begin your statement.

The Detainee made the following statement:

Detainee: I don't have any more statements I just want to mention the following. I am a poor guy a farmer. I work on my farm to raise my kids and send them to school and pray to God to bring peace to my country and my people. I am not against the Government of Karzai in Afghanistan and I am not against the United States. Please believe me I will go back to my family and my kids and do what needs to be done.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, that's it.

Presiding Officer: Thank You!

Detainee: Thank you sir, too.

The Assisting Military Officer had a question for the Detainee.

Assisting Military Officer: I have one question, sir for the Detainee. Just for clarification, you stated that they cannot see the truth, what country were you referring to?

Detainee: [What] I mean is that I am not blind to fight against my own country. At least there is peace and why should I fight against my own government. In our country the Taliban brought a very bad situation. Right now there is peace and I am not stupid to fight against my own country.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: How long did you live in Pakistan?

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Detainee: When the Russians invaded Afghanistan, I went to Pakistan. And when the Russians left, I went back to Afghanistan. When the Taliban took over I went again back to Pakistan but when Kazai took over as President of Afghanistan I moved back to Afghanistan.

Board Member: I thought you fought the Russians?

Detainee: All Afghans fought against the Russians and I did the same.

Board Member: When you were in Pakistan you were a refugee?

Detainee: Yes sir. When Russia withdrew I went back to Afghanistan.

Board Member: Was Zardad a good guy when you knew him?

Detainee: I don't know him that well. I know him the way he mentioned me that's how I know him. Twelve years ago I saw [him].

Board Member: Is that the Koran you have with you?

Detainee: Yes sir. That's our holy book.

Board Member: Is it written in Arabic?

Detainee: Yes, all Korans are written in Arabic.

Board Member: Can you read the Koran in Arabic?

Detainee: Before I didn't know how to read it but I have learned in here.

Board Member: You learned how to read it here?

Detainee: Yes, in Camp Four all Afghans are living together, that's where I learned how to read. I learned how to read it there in the camp but now they have sent me to Camp Five.

Board Member: So you can read it in Arabic now?

Detainee: Yes, [a] little. When I was with Afghans I was able to learn how to read. But now I am with the Arabs I cannot [learn].

Board Member: Tell us about your family. How many children?

Detainee: I have two wives and twelve children.

Board Member: How big of a farm do you have?

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Detainee: 28 Jereeb (14 acres), it's enough to survive.

Board Member: Is that in Kabul?

Detainee: Azrah District.

Board Member: Do you know how to fire a Kalashnikov?

Detainee: No, I used the five shot. It's a gun that shoots five times.

Board Member: When you were a guard on that road, what kind of weapon did you carry?

Detainee: I did not guard. I was on the road and people were coming to me asking for help to find a truck and I was helping them find a truck.

Board Member: Have you heard from your family since you have been here?

Detainee: Yes sir, they have sent me letters.

Presiding Officer: When we asked you about Kashmir Khan, whether you were an assistant, you answered you are not his Deputy but we did not say you were his Deputy. Why did you use that term?

OL-24: I translated assistant to Deputy.

Detainee: No I am not his assistant and I am not his Deputy.

Presiding Officer: Have you ever worked as an Intelligence Collector when you fought against the Soviets?

Detainee: I never worked as an Intelligence Collector, I just worked with the government against the Taliban and at that time I worked as an Intelligence Collector for the government. I don't like to be a spy. Before I never done [such a thing] but the Taliban was very bad.

Presiding Officer: When you collected information against the Taliban you would call that spying?

Detainee: I don't know what you [are] talking about with the word "spy". What do you mean by spy.

Presiding Officer: You used the word spy I am only repeating what he said.

OL-24: In our language Intelligence Service is considered [as] "spy", so I used the word spy.

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Presiding Officer: Okay. You collected information against the Taliban?

Detainee: I did that to get my revenge against the Taliban.

Presiding Officer: Another question 3.c.6, it stated in 1991 you were accepted into the Northern Alliance and instructed to remain with HIG, that's a group not a person and when you answered you spoke as if you were staying with a person, Mr. Gulbuddin.

Detainee: It's a party and I left the party and I went to the Northern Alliance.

Presiding Officer: You never worked at checkpoints as a guard between Jalalabad and Kabul?

Detainee: Never in my life.

Presiding Officer: Did you own a hotel?

Detainee: Before the Russian invasion I owned that hotel and I [purchased] it with 70,000 rupees.

Presiding Officer: This hotel is a place where you eat, not a place where you can eat and sleep?

Detainee: People just stop in to eat then they leave. They sit and eat on the floor.

Presiding Officer: Have you received instructions on explosives?

Detainee: I don't know a bomb and I have never had instructions.

Presiding Officer: The list mentioned in 3.d.9 that an employee from an American contracting company provided a list to you. You said the guy was in the camp here but then you also said you don't know him.

Detainee: The investigator here in the camp brought him face to face with me and that is how I know he is here. They asked him if he gave me the [list] and he said he didn't give me anything. He said he was pressured to give a name. He said [since] I was working for the Karzai government [so] I mentioned your name. He said he didn't know they would arrest me but they did arrest me.

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

The Presiding Officer opened the classified portion of the session.

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

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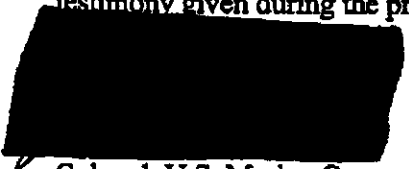
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AUTHENTICATION

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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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 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 18 August 2005 and lasted fifty minutes. After a review of the ARB purpose and procedures, the Unclassified Summary of Evidence was read in Pashtu to the Detainee. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he wants to attend the ARB and speak on his own behalf. He also stated he would like to respond to each allegation or statement as it is presented. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence. The Detainee remained cooperative throughout the interview and was provided a copy of the Pashtu translation of the Unclassified Summary.

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

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer 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: Commitment, a road pass filed with the Consulate General of Pakistan gave Haji Abdul Ghafar permission to travel to Pakistan for multiple visits with Haji Abdul Satar.

Detainee: This is not true. I'm a farmer. I've never seen Pakistan...in [all of] my life I've never seen Pakistan.

Designated Military Officer: The Detainee is suspected of being Haji Satar's bodyguard and driver. It is believed that Haji Satar led a group of Taliban Forces and instructed them to kill westerners in Afghanistan.

Detainee: I haven't been a bodyguard or driver for anyone. I've never been with any group like Mujahiden or other groups.

Designated Military Officer: Mullah Satar was a leader on the ground of the group who killed the International Committee of the Red Cross worker. He was a top commander in Northern Afghanistan under the Taliban.

Detainee: I don't know Satar...I have no information about this.

Designated Military Officer: The Detainee claims he was sleeping when his wife and mother woke him to check on helicopters hovering overhead.

Detainee: I was having tomatoes, potatoes and other vegetables with my two sons. I was asleep when my mother woke me up about some noise. When I woke up there were some planes. I just walked from here to the door and I saw the plane. It was [causing] very [strong] winds. I sat down. I saw three people coming with guns to capture me...I didn't know their language...I couldn't explain to them what was going on and they captured me.

Designated Military Officer: The Detainee ran from U.S. Forces and was found hiding in a creek bed away from his home.

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Detainee: They were not that far...the helicopter was [causing] wind. I sat down. It was not a creek. It is like a flood in front of me house. I was sitting when they came and captured me.

Designated Military Officer: The Detainee claims the attack happened approximately six hours away from his village.

Detainee: The Red Cross person had been killed where? It was in Delahood (ph) village which is six hours away from my home.

Designated Military Officer: The Detainee claims that he heard about a Red Cross employee being killed and he heard that Satar was the killer.

Detainee: The interrogator told me that Satar killed the guy but I knew that the Red Cross guy had been killed. I didn't know that Satar had killed him. The interrogator told me.

Designated Military Officer: Connections and Associations, an American non-governmental worker obtained information stating that a group of sixty men attacked the International Committee for the Red Cross. The group's leaders included Abdul Hakim and Gut Mullah Satar.

Detainee: I don't know Abdul Hakim or Mullah Satar.

Designated Military Officer: Abdul Hakim issued fatwas calling for jihad against the U. S. presence in Afghanistan.

Detainee: I am not aware of that.

Designated Military Officer: Abdul Hakim delivered speeches in Shah Wali Kot in an attempt to rouse the people to action against the United States and the Islamic Transitional Government of Afghanistan (ITGA). He also hoarded weapons and ammunition.

Detainee: I am not aware of this.

Designated Military Officer: A Pashtu letter found in Afghanistan in May 2002 mentioned the Detainee's name and a person named Mullah Abdul Hakim Akhund as being connected with the International Committee of the Red Cross murder.

Detainee: I don't know Abdul Hakim and I am not aware of that story.

Designated Military Officer: Mullah Abdul Hakim Akhund is a Taliban facilitator and commander of approximately thirty people and is engaging in anti-United States and anti-Islamic Transitional Government of Afghanistan activities.

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Detainee: I don't know Abdul Hakim...who is he?

Designated Military Officer: Abdul Hakim may be a Hezbe Islami associate who traveled from Quetta, Pakistan to Kandahar, Afghanistan to recruit personnel to fight against U.S. forces.

Detainee: I don't know Abdul Hakim.

Designated Military Officer: The Hezbe Islami Gulbuddin has staged small attacks in its attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state.

Detainee: I haven't seen the Gulbuddin and I don't know him. I've heard his name but I haven't seen him.

Designated Military Officer: Haji Satar had been killed by U.S. forces, but he was implicated in the March 2003 murder of an International Committee of the Red Cross worker.

Detainee: I don't know him.

Designated Military Officer: The group of International Committee of the Red Cross attackers consisted of Taliban and Hezbe Islami Gulbuddin personnel.

Detainee: I have no idea about this.

Designated Military Officer: The leaders of the International Committee of the Red Cross attackers stayed in caves in Takht Ghar, which are in the mountains in the Shah Wali Kot district.

Detainee: I don't have any information about this.

Designated Military Officer: The Detainee resides in the Shah Wali Kot district.

Detainee: Yes, I live in Shah Wali Kot.

Designated Military Officer: Other relevant data, the Detainee may have hidden a satellite phone belonging to Satar just before detainment. The phone was never found despite extensive searches.

Detainee: If I don't know him...how could I find the telephone?

Designated Military Officer: The Detainee had a Thuraaya satellite phone.

Detainee: I haven't seen [this] telephone yet so how could I have it?

Designated Military Officer: The Detainee has a history of harassing guards.

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Detainee: I'm a prisoner...I'm in my room sometimes and I throw water which is...they think that I throw water on them...that's why they think that I harass them. If I spit on him or I throw water on them (inaudible)...maybe I talk or something.

Designated Military Officer: The following factors favor release or transfer, the Detainee claimed he didn't know any details about the murder. The Detainee claims his innocence and that he doesn't know Satar. The Detainee claims that he's not a Taliban or al Qaida supporter and doesn't know anyone actively involved.

Detainee: Yes.

Designated Military Officer: The Detainee claims that he was not aware of any other incidents regarding U.S. Forces being fired upon by anyone in the area.

Detainee: Yes.

Designated Military Officer: The Detainee swears to God that he has never fired a weapon.

Detainee: I'm not going to lie to you...when I was a little boy...when I was [at a wedding] and I fired [a gun] three times. It was someone else's gun. He told me to pull the trigger. I did that. It was a long time ago when the Soviet Union invaded Afghanistan...that why there was a wedding. I was a little boy...they told me to pull the trigger three times. I cannot swear on that...other than that I swear that I have not touched a gun.

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 haven't been with the Taliban or the Mujahedin. My father died when I was a little boy and I was responsible for my little sister and my mother. Then my mother married had my sister get married [and I married her husbands' sister]. My mother did that for me. When I was married I was serving my mother and my family. I had nothing to do with the government. Right now I farmed for Ad-gi Bur-jhan (ph) before that I Ad-gi Ad-bu-llah's (ph) farmer and before [I farmed for] Ad-gi Mo-hammed A-seem (ph)...that's my life...not the Taliban. I have not been with this government or any other government or the Taliban. I'm a farmer. I'm very, very poor. I don't know anyone and they accused me of many things. I have no idea.

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Presiding Officer: Does this conclude your statement?

Detainee: My statement is 'why are you so brutal to me?'

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: Have you ever used a satellite phone?

Detainee: I haven't seen [one].

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

Detainee: Nobody got me involved in jihad now. In the time of the Soviet Union I heard that people talked about jihad.

Board Member: Do you consider the US as an invader if Afghanistan?

Detainee: I'm not even aware of what you did...I have no idea.

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

Detainee: I have nothing to do with government. I'm a very poor guy. I do my business. I don't care.

Board Member: You said that after your father died you had to take care of your family.

Detainee: Yes, there was no [one else].

Board Member: How did your father die?

Detainee: He died of [an illness]...naturally.

Board Member: How did you protect your family? Afghanistan is a very dangerous place. How did you protect your family?

Detainee: There were thousands of people like me...nobody touched me...nobody did anything to me.

Board Member: How did you protect your family?

Detainee: Nobody had business with me. In the morning I went to the farm and work and in the evening I went home.

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Board Member: You had no concerns about criminals coming in or warlords coming in to hurt your family?

Detainee: Those people are after people with money...I don't have money. I was not scared of anybody.

Board Member: They only bother people with money?

Detainee: In the desert I have only one house with nothing in it. They bother the people they have hostility with. The people that have money...they bother or hurt them. I have nothing...there was a guy whose name was Ab-du Ha-lek (ph). He was a thief but he was working with the government. He told me 'your was making a hundred Afghanis a day...I will give you five hundred Afghanis...why don't you come with me?' I [told him] I cannot go with you to steal. If I make less money I will. I want nothing to do with you.

Board Member: You made a hundred Afghani's a day?

Detainee: In the beginning when there was a lot of work like buildings or mixing [concrete]. When those jobs were [available] they gave me a hundred...but now the [work finished] and I got fifty a day. I'm a farmer...when I don't have anything in the farm I go work for somebody mixing [concrete] or those kinds of jobs. I am very busy in my house. I haven't joined any government [or] any group and I was brought here. I had fifty kilograms of wheat. I just grounded it in flour and left it at home. And I had about six hundred Afghanis in my pocket. That is all I had at home when they captured me. I sold potatoes to a shopkeeper. He had around two hundred Pakistani rupees and some Afghani rupees. That's what I got from him. Then the Americans captured me.

Board Member: You've been in prison for a while and you say that you never heard about jihad or no one has spoken to you about jihad or what Americans have done in Afghanistan. You're not aware of this kind of thing?

Detainee: I cannot tie people's mouth. They talk...I have heard people say things. People say there is war in Afghanistan...war in Afghanistan...they keep saying that.

Board Member: So your opinion of Usama bin Laden and al Qaida...these groups...do you think they are good people or bad people?

Detainee: I have heard on the radio Usama bin Laden's name...but I don't know what Arabs look like. I haven't seen any Arabs in Afghanistan.

Board Member: My question is what do you think about Usama bin Laden and about al Qaida, in your opinion?

Detainee: I haven't seen him how can I judge him? How can I say if he is good or bad?

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Board Member: So from what you've heard, you have no opinion?

Detainee: I haven't seen him...

Board Member: I'm not asking if you've seen him. I'm asking about what you've heard of him.

Detainee: Anyone who is brutal is bad no matter who [he is].

Board Member: I'm not talking about anybody. Do you think Usama bin Laden is a bad man from what you've heard?

Detainee: People say he is a bad guy. He has done very cruel things.

Presiding Officer: Is there a mosque near your house?

Detainee: It's like from Tango block to the hospital...that far.

Presiding Officer: Do you attend it regularly?

Detainee: Some times I go...not regularly.

Presiding Officer: When you go do you see strangers?

Detainee: No I haven't seen any.

Presiding Officer: You've never seen someone you don't know personally at the mosque?

Detainee: No, I haven't seen any...I'm too tired to go. There are maybe some strangers that come and go but I don't know them.

Presiding Officer: Do you ever hear political conversations before you pray or after you pray when you go to your mosque?

Detainee: When I pray, I just pray and come home. I don't sit down there.

Presiding Officer: I understand that you don't participate in conversation but do you ever hear other conversations?

Detainee: All the conversations are about sheep and their land. Nobody discusses with me what (inaudible) has done there.

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

The Presiding Officer opened the classified portion of the session.

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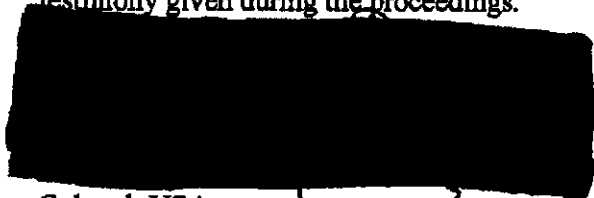
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The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1035

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

Detainee: I took an oath once in a prior tribunal and I will not take another oath. They gave me an oath and I took it last time.

Presiding Officer: That's fine, no is a sufficient answer for me.

The Detainee declined to take 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.

Detainee indicated he was cold and the air condition was shut off to accommodate his needs.

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 21 November 2005 and lasted 40 minutes. After reviewing the ARB's purpose and

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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 said he would like to attend, and would like to respond to the Unclassified Summary of Evidence after each point is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

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

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

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

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.

Presiding Officer: The Designated Military Officer (DMO) is going to read the factors and once he gives them point by point you can respond with your answers. The board may ask you a question or two, or they made hold off until the end.

Detainee: Whatever comes to my mind I will answer.

Presiding Officer: I would ask that you be as honest as you can with us because we will make our determination from the information that is presented.

Detainee: I told them the truth regarding the allegations.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was a sub-commander during the Russian jihad.

Detainee: I was not a deputy commander.

Presiding Officer: We said sub-commander.

OL-24: Sub-commander when you translate is the same as deputy commander.

Detainee: I was not a sub-commander and I did not do anything.

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Board Member: What were you sir, a foot soldier?

Detainee: I do not believe in jihad. My brother was mujahedin and he was involved in jihad and he is dead. I feel sorry for him and my family.

Board Member: Thank You.

Presiding Officer: So you are saying you had nothing to do during the Russian jihad?

Detainee: I was not involved in that jihad and my brother was, he is dead.

Presiding Officer: Thank You.

Designated Military Officer: (3.a.2) The Detainee was a former Taliban Governor for the Village of Narang.

Detainee: Sir, you are very knowledgeable and all of you have some knowledge from Afghanistan. So you tell me does a village have a governor? The whole file is a lie like this one. A village does not have a governor. I hated the Taliban as well as I hated the Russians. For God's sake, why would they make me a governor?

Presiding Officer: Governor may be the wrong term that we are using here but it is the one they have given us so I have to deal with it. Lets see, were you some type of government official for the Taliban?

Detainee: I hated the Taliban. If I were in the Taliban I would be released right now. I am not a Taliban that is why I am here. I was working with the Karzai Government.

Presiding Officer: Anything else?

Detainee: No.

Designated Military Officer: (3.a.3) The Detainee was involved in the mob takeover of the Konar Province Governor's Office.

Detainee: When the Taliban was defeated and there was no one there we went with the people and took over the office of the government after the Taliban was defeated. It was good news for us.

Presiding Officer: When you say we, whom do you mean?

OL-24: He mentioned Jan Dad, Jan Dad was the commander.

Presiding Officer: Okay that is what I want to know. If he tells you [something], you need to tell us. [Presiding Officer to OL-24]

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OL-24: Okay.

Detainee: Jan Dad was the Chief of the Tribe and he became the Governor. It was the time of Karzai's Government nobody else.

Presiding Officer: So you were taking over the governor's office because it was the Taliban that was in charge not the current government.

Detainee: When the Taliban escaped we took over the governorship and we took everything under control. When we took it, it was Karzai's Government.

Designated Military Officer: (3.a.4) The Detainee attended a meeting to appoint senior government positions in Konar Province. The Detainee stated all appointed personnel were affiliated with the Hizb-I-Islami Gulbuddin terrorist organization.

Detainee: In that meeting all the Chiefs of the tribe was there. The interrogators asked me did Hizb-I-Islami members take part in the meeting and who was there. I told them that the Chief of Police of Konar Province was a member of Hizb-I-Islami Gulbuddin and the Administrative Chief was maybe apart of the Hizb-I-Islami group. I heard that from the people, not that I knew it. I told them the story I am telling you now and then they made this allegation against me in my interrogation. I gave this information in order to help them find the bad guys and then they made this allegation against me.

Presiding Officer: They said that you attended that meeting as well.

Detainee: There were big guy, leaders and tribal chief. My rank is not that high to be a part of that meeting.

Presiding Officer: So are you saying you were or were not there?

Detainee: No, I was not there. I was in the office where the yard is but I was not a part of that meeting and that was after the Taliban.

Presiding Officer: So let me get this straight it may have been a compound similar to this, so you are saying the meeting went on in one room and you were out in the corridor?

Detainee: I was Jan Dad's bodyguard and Jan Dad was a part of the meeting and I was waiting outside. Remember all this was during Karzai's government after the Taliban.

Designated Military Officer: (3.a.5) The Detainee was a bodyguard for Haji Jan Dad Khan, the Governor of Konar Province.

Detainee: You can call it bodyguard or soldier yes that's what I was.

Presiding Officer: You just previously said you were his bodyguard.

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Detainee: Yes for us it is the same, bodyguard or soldier.

Presiding Officer: Okay, and was he the Governor of Konar Province, Haji Jan Dad?

Detainee: At the time of Karzai he became Governor of Konar Province.

Designated Military Officer: (3.a.6) The Detainee was Pashat District Manager. His office managed security for the District of Pashat. The transfer of weapons occurred within the Detainee's office. The security forces within his office had weapons including machine guns, anti-aircraft guns, rocket-propelled grenades, AK-47s and small radios.

Detainee: After the Taliban was defeated and they escaped for three months I was working with Jan Dad. After three months I became the District Manager of Pashat. I had one big machine gun, one rocket launcher, four Kalashnikovs and one radio, which were left from the Taliban in that district. That stuff belonged to the Chief of Police of the District and he was using that for security of the district. I was the Administrative Manager, which means District Chief. I went to Kabul and when I came back to the district the big machine gun was taken by the American Forces. The commander decided to hold the rocket launcher in his house and they did not take the Kalashnikovs.

Presiding Officer: The commander, what commander said [it]?

Detainee: I don't know the name of the person but he was the Chief of Police.

Presiding Officer: Okay, so the Chief of Police said it.

Detainee: It was still during Karzai's government.

Presiding Officer: Understand this, what they are saying is these weapons were generally kept in your office for the Chief of Police to use for security. That's my understanding, is that correct?

Detainee: These weapons belonged to the district and they were in control of the Chief of Police and he was responsible for the security.

Presiding Officer: So they were in the Chief's office not in your district office?

Detainee: It is in the whole district.

Presiding Officer: And you were out of town when these weapons were distributed and when you came back they were gone.

Detainee: When I went to Kabul and when I came back the machine guns were taken by the U.S. A rocket launcher, four Kalashnikovs and one radio were left with the Chief of Police. When I asked him where the rocket launcher was he said he kept it in his home. I

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don't know if it was in his home or if he hid it in the mountains. I don't know what he did.

Presiding Officer: So you don't know where the rocket launcher is but the Chief of Police has it somewhere?

Detainee: I don't know sir it was all in his control and he had that in his hand.

Presiding Officer: Thank You.

Designated Military Officer: (3.a.7) The Detainee was referred to as commander in a letter addressed to him, requesting a receipt for a transfer of weapons from his office to another.

Detainee: That is not true. Fifteen years ago, Jamiat Dawa was an organization and that [letter] was from them and the general is dead, so I don't know what is that.

Presiding Officer: You have just confused me can you please repeat that?

Detainee: There was an organization Jamiat Dawa, almost fifteen years ago. Then they changed their name to Emirate and Hizb-I-Islami Gulbuddin fought with them. In that fight the leader of Emirate Jamil Rochmon died. That organization is no longer active and is not there. I don't know. These are fifteen to twenty year old papers and if that was there, then I don't know [how].

Presiding Officer: What does that have to do with you being referred to as a commander in a letter requesting you receipt for weapons?

Detainee: That is what I am thinking, why did they make that allegation against me? My brother was in the jihad in fighting the Russians and I don't know anything else about this stuff.

Presiding Officer: But the letter was addressed to you not your brother.

Detainee: It was a long time ago, I don't remember. I don't have any weapons and a letter is not a weapon.

Presiding Officer: Thank You.

Designated Military Officer: (3.a.8) The Detainee was involved in transporting missiles and had knowledge of attacks on the Asadabad Mission Support Site.

Detainee: I was a District Manager and I don't have knowledge of it.

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Designated Military Officer: (3.a.9) The Detainee was responsible for rocket attacks on the Asadabad Mission Support Site.

Detainee: I am not crazy and stupid! I was the Chief of District and I was in my office and I was doing security for other people. There was no fighting in my district there was security for everybody in the Konar Province and I have never heard of this stuff.

Presiding Officer: You never heard of what kind of stuff, rocket attacks on the MSS Asadabad?

Detainee: I swear I have never heard anything.

Designated Military Officer: (3.a.10) The Detainee reportedly took rockets into the house of a Taliban Commander.

Detainee: I don't have any rockets and there were not any Taliban commanders because they escaped from the area.

Presiding Officer: The Taliban escaped from the area, is that what you mean?

Detainee: There was no Taliban there this was Karzai's Government. There is Karzai's Government in Afghanistan.

Designated Military Officer: (3.a.11) At the time of the Detainee's capture, numerous documents were found in his house that implicated him as being Taliban. Other items found in the Detainee's house included document making items, items for making improvised explosives, Arabic instructional materials, Taliban cards and documents, Taliban hand stamps and affiliated documents and a report with information about military posts.

Detainee: That's a lie. We were distributing cards for Karzai and the ex-king of Afghanistan.

Board Member: Why bomb making supplies, sir?

Detainee: I swear there are no bomb [making supplies] in my house and nothing else. When they captured me the U.S Forces did not find this stuff in my house and if someone gave that report, they made it up.

Board Member: Did they find pagers, cell phones, timers and that kind of stuff?

Detainee: I swear nothing was there with me.

Board Member: How about batteries, small batteries?

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Detainee: Some for the flashlight and nothing else. If the batteries for the flashlight are for the bomb then yes, I had them.

Designated Military Officer: (3.a.12) The Detainee had a Jamiat-e-Dawa al Quran Wasounah/Islamic Emirate passport for security officers with his name on it. He also had multiple blank copies of passports.

Detainee: I told you before that organization is no longer active and that was fifteen years ago. If I had it, it could not work and we could not use it. Now it is the government of Karzai and it is not usable.

Presiding Officer: So it is possible that they did find the passport?

Detainee: I swear I don't know and that was fifteen years ago when we had that stuff. Even if I had it, it was not usable, I did not use it, and I did not go into any country with that document.

Presiding Officer: How about the portion here that said you had multiple copies of blank passports is that true, even if they were not usable?

Detainee: I don't remember and I swear I don't know if we had that in our house, it was fifteen years ago when we had that stuff. I don't need to use it.

Presiding Officer: If it was good fifteen years ago why do you have blank copies around your house?

Detainee: We kept these copies so when the next government came to power we would show it to them. We were working very hard and they told us the ex-king would be good for Afghanistan and they said to keep these cards.

Presiding Officer: So you had some type of administrative roll that would allow you to fill out blank copies for other people?

Detainee: I swear I did not have any power.

Presiding Officer: So again I ask why would you have blank copies in your possession from fifteen years ago.

Detainee: I swear I don't have any power and fifteen years ago they had it and it is still in my house and I don't know why it is still in my house.

Presiding Officer: Thank You.

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Designated Military Officer: (3.a.13) At the time of the Detainee's capture, two documents were found in the Detainee's house listing the Detainee as a camp commander.

Detainee: It's not true. We don't have any camps in our village.

Designated Military Officer: (3.a.14) At the time of the Detainee's capture, signed promotion orders were found in the Detainee's house that promoted him to the rank of Colonel.

Detainee: If they found these document, I am also insisting that is fifteen years ago and this organization no longer exist. They gave me that rank and it is not usable anyway.

Presiding Officer: So you are saying they did give you the rank of Colonel, they did promote you?

Detainee: My brother brought that letter, I don't know. There was no rank at that time I don't know why they gave me that letter.

Presiding Officer: When you refer to your brother, you mean your deceased brother?

Detainee: Yes sir.

Presiding Officer: Pardon me but I failed to express my condolences for the loss of your brother.

Detainee: When the Emirates was made by the leader of the organization we were going to be a free Afghanistan and once we are going to be in control of Afghanistan this rank would be good. But when Rabbani took over and we showed it to them, they said these are worthless ranks. An official committee came to Konar Province to study the documents and ranks and they concluded the ranks were worthless. At the time of Rabbani's Government they gave me the rank of Colonel.

Designated Military Officer: (3.a.15) At the time of the Detainee's capture, a letter was found in the Detainee's house stating the Detainee had 28 people with weapons that he wanted to send to Jan Dad Khan.

Detainee: Jan Dad was my boss and commander, I was not his commander. If it is at the time of jihad I don't know.

Presiding Officer: Did you send 28 people to Jan Dad at anytime?

Detainee: I swear I don't remember. You guys were supporting us at the time of jihad and I don't remember anything.

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Board Member: Sir, 28 people would suggest that you have a rank of some size, perhaps a high rank, and you deny that and say the rank is invalid.

Detainee: At the time of jihad, I swear there were no ranks and stuff like that. We were just regular guys. At the time of Karzai I was a District Manager and you guys brought me here and now I am a Detainee.

Board Member: Okay, but you held no rank?

Detainee: There were no ranks at that time.

OL-24: Do you still want to ask the question sir, if he was a foot soldier?

Board Member: Tell him I am still confused how 28 people could be sent from one place to another unless, it was done by someone of rank or authority?

Detainee: I swear I don't remember anything. That was the time of jihad and my brother was involved and the letter was for him written in my name.

Presiding Officer: So it is possible you just don't remember.

Detainee: You can ask the people in my village. You guys know everything about me but the people in my village don't know about me.

Designated Military Officer: (3.a.16) At the time of the Detainee's capture, a list of 36 names was found in the Detainee's house stating the Detainee was their commander. The list had the Detainee's personal seal at the bottom.

Detainee: No sir.

Designated Military Officer: (3.a.17) The Detainee signed a document stating he had 120 former Khalis individuals plus weapons.

Detainee: That's not true sir. I don't know it is from the time of my brother and I don't know anything about it.

Designated Military Officer: (3.a.18) The Detainee stated that he had a shoulder-fired rocket and several other weapons in his house along with loaded magazines for each weapon. The Detainee stated that he hid the rocket in the foothills near his house.

Detainee: I told you before sir [about] the weapons, the machine gun, rocket launcher and Kalashnikovs. They [all] belonged to the district and it was not in my house.

Designated Military Officer: (3.a.19) The Detainee was a member of Jamiat-e-Dawa al Quran Wasounah and had several related pamphlets and books.

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Detainee: This organizations leader is dead and the organization is no longer active. Jan Dad was the commander of that organization and he is currently working for he Karzai Government and I don't know anything right now [on] why they have that allegation against me.

Presiding Officer: It is not an allegation it is just that they found several related documents and pamphlets in your home.

Detainee: These are schoolbooks and it was a religious school and they did find it there. They could have found any paper in the street and put that in my file.

Designated Military Officer: (3.a.20) The Detainee knows details of the chain of command for a branch of Hizb-I-Islami Gulbuddin terrorist organization.

Detainee: I did not see Gulbuddin Hekhmaytr and to me he is a killer, ruthless and a criminal. I hate him the same way I hate the Russians and I don't have anything to do with him and I will never have anything to do with him.

Presiding Officer: No details on the chain of command?

Detainee: I am not their brother or member or anything.

Designated Military Officer: (3.a.21) The Detainee knows complicated details about opium and lumber smuggling operations from the Konar Province, Afghanistan to Pakistan.

Detainee: No sir, I don't know. It is the work of those who do this kind of work and I am not involved in this kind of work.

Presiding Officer: Opium smuggling is a common thing is it not?

Detainee: I don't have land and I don't do that kind of stuff and I don't know who does. I don't have my own land.

Designated Military Officer: (3.b) Training: The Detainee knows how to fire an AK-47 and a shoulder-fired rocket. The Detainee fired these types of weapons during the Russian jihad.

Detainee: I did not use them and I never fired a rocket.

Designated Military Officer: (3.c) Connections/Associations: The Detainee was given his job of Pashat District Manager because of his close relationship with his former commander.

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Detainee: They did give me that job and it was the worst mistake in my life to accept that responsibility. I worked for the Karzai Government.

Presiding Officer: The worst mistake you made was working for the Karzai Government?

Detainee: If it was not a mistake I would not be here. I supported the Karzai Government and you brought me here. We struggled 25 years to bring this type of situation to Afghanistan and I was part of that, now I am here, why? Fifteen to twenty years ago we had some information on these kinds of organizations and other parties. They are ignoring the official work I was doing for the Karzai Government and the work I was doing for my ex-king also, trying to help bring peace. They are just looking back at twenty to fifteen years ago at these papers and they are not looking for the new official documents and letters.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee served as a lieutenant in the Northern Alliance military when Rabbanni was President.

Detainee: I don't know about Northern Alliance but I was a Colonel in Konar Province. I was a Lieutenant at the time of Rabbanni's Government for three months.

Designated Military Officer: (4.b) The Detainee stated that he hates the Taliban and was loyal to the current Karzai government.

Detainee: Yes sir. I was pro-Karzai that is why I am here.

Designated Military Officer: (4.c) If released, the Detainee wants to return to his job with the government.

Detainee: I am waiting for that and I am very happy to do so.

Designated Military Officer: (4.d) The Detainee stated he used to work for the Afghani government and he approves of the American involvement in Afghanistan.

Detainee: I approved and I am for the Americans [coming] to Afghanistan. I am glad. I did that before, I am doing that now and I will do it in the future. Unfortunately, what I did was, I was for the Karzai Government and the American Forces and now I am here at Guantanamo Bay.

Designated Military Officer: (4.e) The Detainee stated he knows the Americans are helping Afghanistan.

Detainee: Yes sir. When I was free and I was working there, they were building roads and doing a lot of construction. It was very good work.

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Designated Military Officer: (4.f) The Detainee stated he is pleased with American involvement in Afghanistan.

Detainee: Yes sir.

Designated Military Officer: (4.g) The Detainee considers the Taliban to be oppressors who have contributed to a poor situation in Afghanistan.

Detainee: Yes sir, they were ruthless and oppressors. Now they are releasing the Taliban to their homes and I am here.

Designated Military Officer: (4.h) The Detainee stated Usama bin Laden is not from Afghanistan and he does not believe what he says.

Detainee: Yes sir, I don't see, I don't know him and he is a bad guy.

Presiding Officer: He is a bad guy, is that what he said?

OL-24: Yes sir.

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: Sir, the Detainee only wishes to make an oral statement at this time.

Presiding Officer: I understand you wish to make an oral statement and you may begin your statement.

The Detainee made the following statement:

Detainee: My first statement is that I have been here almost two years and the interrogators [have] treated me very well. They [haven't] tortured me, they did not insult me and they [have] behaved well. The soldiers and guards, I am very pleased [with] because they treat me [like] a human being. They behave very well and I have behaved myself and I am proud of it. I am very happy from the American side. If I am released, and I am waiting for that happy moment, I will go to Afghanistan and I will be happy to

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have my job back with the government. If it is not possible and they are down sizing and they don't need me then I will do my own personal private work [like] day laboring or whatever is possible. I will think about that when I am there. Two other things I would like to mention is the construction or the building of Afghanistan, the Americans are doing a wonderful job. Making road, paving roads, and building for our schools and office buildings, I am proud and happy the Americans are there. They have [brought} peace and security and things that we never dreamed [of]. There will be peace and the Americans will get involved in that. And the second part [is] I hope that the Americans stay there until Afghanistan can stand up against these bad people that is my wish [and] I hope it comes true. The last thing I wish is that I am innocent and for the last two to three years I have been here and I am economically a poor guy and I don't know how my family is doing and how they [are surviving]. If you could please send me home and find out the truth I would be more than happy.

Presiding Officer: Does that conclude your statement?

Detainee: No sir, thank you very much for listening to my statement and I am glad you gave me the opportunity.

Presiding Officer: Now you said no sir did you mean to say yes sir?

O1-24: Yes sir.

Presiding Officer: I thought you said no. 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: I have one question, you said that you are very pleased with the progress that Afghanistan has had with the assistance of the United States. When do you personally think the United States should leave Afghanistan?

Detainee: When there is peace and security. As long as there is no peace and security, the United States should get involved.

Board Member: Have you heard from your family at all while you have been here?

Detainee: Yes sir, I got a letter from my family.

Board Member: Very good, thank you.

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Presiding Officer: You mentioned if released and you didn't get a job back with the government, what kind of private work would you do? You said something about private work.

Detainee: I will be a day laborer or [work] in construction. Anything that I am able to do I will do.

Presiding Officer: So construction or like carpenter's work, that's what you are trained in?

Detainee: I am a carpenter.

Presiding Officer: Earlier you mentioned you are not stupid and I think you are a smart guy personally. I also think some of the answers you gave us today do not necessarily jive up with the information we have from previous interviews that you have given previous information on. Just so you are aware of it, your detention probably based on (not knowing exactly how they determined you an Enemy Combatant) being involved with the shoulder-fired rockets possibly at American troops at MSS Asadabad. For you to say you have never heard of this [well] I tend to disbelieve that.

Detainee: I swear what I told you is the truth. My district is too far away from where the mission site is and I have never heard any rockets fire or anything else. What I said is true. You are with the government of the United States and are you prepared to fire a rocket on your government's side?

Presiding Officer: If I have to.

Detainee: Even if I wanted to I don't have a rocket, so how can I fire? I was an Administrator for Karzai's Government and I would never do that. Someone gave this report and they made up these fabrications. You guys have paid a lot of money for that report and the guy who spied on me.

Presiding Officer: The comment says that you stated you had a shoulder fire rocket in your house and other weapons. You did deny that, [however] one of the interviewers said you stated that.

Detainee: Sir the office of the district is not my house. The translator made a mistake and couldn't differentiate between the office and the house. Go to Afghanistan and see most administrative offices do have weapons. The Taliban had the government for five years [so] there would be documents from the Taliban in these offices. The Taliban spokes person, ministers, and other bad guys were here but now they are released to go back and participate in an election, what does that have to do with me. You are a freedom lover and a champion of human rights so do what you have to and decide based on my evidence and statements. The American Forces came to my house, checked everywhere and they didn't find anything.

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Presiding Officer: We will deliberate over the information and give you a fair judgment.

Detainee: When will I get that news?

Presiding Officer: I am sorry I cannot give you an exact answer on that. We are trying to get an answer for that as well. Our decision, our recommendation will be forwarded today or within a couple of days to the Designated Civilian Official, who will make a final determination within a few months. I do not know when that information will get back to you. We understand your concern.

Detainee: Thank you very much sir. I didn't commit any crimes. Even if you keep me for one thousand years, I didn't commit any crimes and if you send me home I didn't commit any crimes.

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 1036

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: Sir, I took the oath twice, I will take it again. It is my Islamic duty to tell the truth and nothing but the truth.

Presiding Officer: That is fine. Thank you.

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 6 December 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 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 did not have any written statements for the AMO to present to the board members. The detainee was very respectful, cordial and attentive. A copy of the Pashto translated Unclassified Summary of Evidence was given to the detainee for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, 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.

Presiding Officer: Before we continue any further we noticed that you have received an injury and your hand is bandaged. Are you on pain medication?

Detainee: I took it, sir.

Presiding Officer: Well if you have any problems, don't hesitate to ask for some time and we can take a recess.

Detainee: I don't have any problems, thank you very much. I appreciate it.

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 is a professed member of Ittihad-E-Islami (a.k.a. Islamic Union for the Liberation of Afghanistan)

Detainee: Yes, sir, I am going to tell you a little bit about my history leading me to being a member of this party. About 15 or 20 years ago when we fought against the Russians there were some parties, I was a member of this party mentioned here Ittihad-E-Islami. It was a better relationship and organized everybody knows everybody. Almost 25 years ago when I became a refugee and came to Pakistan, I joined the party for different reasons. One of the reasons was because, as a refugee in Pakistan, the Pakistani Police Authorities would not let you stay or walk around without a membership card. This was an ID for me as an Afghan.

Board Member: To be afforded the luxury of moving around freely you had to be a member of some party?

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Detainee: Yes, sir. One of the reasons that I had the card was to move freely inside Pakistan and to cross the border from Pakistan into Afghanistan. This way the Pakistani Police would not give us a hard time.

Board Member: What is the doctrine behind the party? What did they stand for? What was the goal of the party?

Detainee: The main purpose was to get rid of the Russians from Afghanistan. There were seven parties and this was one of them.

Board Member: The sole purpose of the parties was to remove the Russians from Afghanistan?

Detainee: My idea was to just get rid of the Russians whatever ideological agenda they had was none of my business.

Board Member: Do you know what that idea was?

Detainee: Once the Russians withdrew from Afghanistan or were defeated, the party was no longer active and I did not have any more relations with them. Once the Taliban came into power we then had another problem.

Board Member: Are you aware of any Islamic extremist organizations?

Detainee: I do not have any relationships with any of this kind of ideological ideas or Taliban, there are some other parties in Afghanistan and they are fundamentalists. I don't have any relationships with them.

Designated Military Officer: The detainee is a former Lieutenant Colonel or Colonel of the Mujahidin campaign against the Soviets and later against the Taliban.

Detainee: At the time of the Russians there were no ranks and positions. After the Russians were defeated and Afghanistan was free everyone got their ranks and positions. One of them was me, and that's the rank they gave me.

Board Member: Who was it that granted you this rank when Russia withdrew?

Detainee: The government of President Rabbani.

Designated Military Officer: The detainee admitted to attending a meeting with known Hezbi-E-Islami Gulbuddin members in the past.

Detainee: No, sir. I never had any relationship with any member of Hezbi-E-Islami Gulbuddin. Forget about the meeting I had with them because I never had such a thing and to tell you the truth we never had the same ideas.

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Designated Military Officer: The detainee stated he worked with Hikmatyar during the time of the Soviets, when all of the Afghani warlords worked together to get rid of the Russians.

Detainee: When we were fighting it was regional unity and the fight was necessary. We were working together to fight the Russians as a Tribal unity not based on a party unity.

Designated Military Officer: The detainee was conscripted into the military service for one year.

Detainee: Yes, sir. At the time of President Dāhōud, prior to the communist taking over in Afghanistan about 30 years ago. Afghanistan had an Army and everyone had an obligation to serve two years. At that time, if you graduated high school you only had to serve in the Army for one year and I graduated high school.

Designated Military Officer: The detainee fought in the jihad against the Russians.

Detainee: Yes. I am proud of the fight against the Russians and we defeated the Russian Army. Those who love freedom, democracy and were against the occupation, especially the United States, helped us a lot in that fight and I am proud of that. I did my share in that war against the people in white.

Board Member: Would you explain jihad and what do you mean by it?

Detainee: When the Russians occupied Afghanistan and we were fighting the occupation of the Russians that's what they named the jihad.

Board Member: Are bombing and killing of innocent women and children also considered the jihad?

Detainee: That is cowardice and ruthlessness, that's not a jihad.

Board Member: The World Trade Center 9/11 was not a jihad?

Detainee: That's prohibited by God and that was a ruthless and cowardly act. In Islam it is prohibited to kill the innocent and commit suicide.

Designated Military Officer: The detainee obtained a job with the Rabbani government as a border patrol under the Ministry of Interior. The Ministry of Interior had various missions to include intelligence, policing, traffic control and border patrol.

Detainee: Yes.

Board Member: What were your duties?

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Detainee: I had an infantry unit about 80-100 people in Gardez and that was part of patrolling the border police. It was in Gardez not at the border.

Board Member: So it wasn't at the border it was in Gardez?

Detainee: Gardez province.

Board Member: So it was in Gardez province that you would patrol. Patrol for what?

Detainee: It was to keep them busy, gave them salary and nothing else.

Presiding Officer: In our terminology that would be a company commander?

Detainee: Yes, sir.

Board Member: What were your marching orders? What was your mission?

Detainee: It was created for the forest. In the South they have a forest that no one was allowed to cut down. They didn't give us that mission yet.

Designated Military Officer: Under the Ministry of Interior, the detainee was again given a leadership position. The detainee held the rank of colonel and was in control of a company of approximately 80-100 infantrymen.

Detainee: Yes. When the Taliban were defeated and the superior in al Qaida was defeated I came to work. When I got to my region in Gardez province to work with the Karzai government, al Qaida captured me. One of Mulawi Khaqani commanders Mullah Gilani arrested me in Said Karam district. Mullah Gilani had control in Said Karam district and was one of Mulawi Khaqani commanders and Jaladin Haqani was working with al Qaida. When they arrested me the tribal leader came and requested that they release me. They released me under one condition and that condition was that I not work with the Karzai government for nine months.

Board Member: Did you know Jaladin Haqani before you were captured by him?

Detainee: I saw Jaladin Haqani once in Gardez, but I don't know him. He's from the Zadran tribe and he was a very famous commander at the time of the Afghan war against the Russians. He then joined the Taliban.

Designated Military Officer: The detainee worked for the Ministry of Interior for approximately 18 months. Shortly after he left, the Taliban took control of his company and arrested many of his men.

Detainee: Yes, sir I did work there for 18 months. They paid me for ten months I worked for 18 months and they still owe me for eight months. The Taliban came to the area and Commander Jaladin Haqani was in the control of the area that the Taliban took

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over. They looted my home and everything I worked for my whole life they took away. I was forced to go back to Pakistan. In Pakistan they gave me a very hard time so I moved to Panjshir.

Designated Military Officer: In or about 1997, the detainee left Pakistan to fight with the Alliance in Panjshir. The detainee fought for approximately three years in many battles in which the alliance was defeated.

Detainee: I went to Panjshir but I did not have the power to fight. The reason I even went to Panjshir was because I did not have enough money to go to Germany, United States, London, Paris or anywhere, so I went to Panjshir to survive.

Designated Military Officer: The detainee and his cousin rented a place for six months in Gardez, until they ran out of money and moved into a tribal house.

Detainee: When I was released I couldn't go back to my own village because they were in control of Said Karam district, that's why I rented a place in Gardez. When I was detained by them at that time, the United States did a wonderful job by bombing them, causing them to escape from the area and I was released. I was happy.

Designated Military Officer: The detainee states he had only been in that tribal house for approximately two days prior to his arrest. The detainee was taken into custody by United States Forces.

Detainee: Yes. This house is located in the middle of Gardez town. It was a member of my tribe's home.

Designated Military Officer: The detainee was one of three local nationals detained on 4 May 2003 and identified as Hezbi-E-Islami Gulbuddin operatives trained in the Logar district for attacks against United States Forces.

Detainee: No, sir, First of all they did not arrest three guys with me there was only one and he was one of Karzai's government soldiers. In my whole life I never had any relationship with any Islamic group. The Gardez province became one of the best-secured provinces in Afghanistan because the United States were there. There was no possibility to even think about training anyone against the United States and it's allies.

Board Member: What was the name of the Karzai soldier you were arrested with?

Detainee: Nazar Gul.

Designated Military Officer: The detainee stated he was recruiting personnel for the Afghani Armed Forces at the time of his capture.

Detainee: Yes that was my job and obligation. The reason I say it was my obligation is because it was our government that's Karzai's government. The government needs

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professionals such as engineers, soldiers, officers and doctors just anyone. I was obliged to bring people into the government.

Board Member: I do understand that's the obligation of the country to do that, but what were you going to direct these individuals to do? Where were you directing these individuals to go to be a fighting force or part of a fighting force?

Detainee: In the Afghan government there are a lot of departments such as agriculture, health, universities and even ministry. We needed people for all these different departments and the first thing I knew to do was to build an army and bring people to the Army.

Board Member: When you got someone that would tell you they have an interest in the Army, where would you send them? Who would you tell them to go see?

Detainee: I would send them to the General of the division and they would give them an assignment in whatever they wanted to do.

Board Member: Who paid you?

Detainee: The government.

Board Member: The Karzai government?

Detainee: Yes, sir, the Karzai government and now it's the Karzai government in Afghanistan.

Board Member: Were there any Hezbi-E-Islami Gulbuddin soldiers recruited into the Karzai government or military?

Detainee: I didn't see any of the Islami people to come to the Army but in the election there were Islamic Gulbuddin people that won the election. One of them is Marmor which means clerk but we call him Marmor Fazal, he was elected by his people and he won the election to the nation assembly based on his not to have a relationship with Gulbuddin, he denounced Gulbuddin. They all joined the government of Karzai and they were working there.

Designated Military Officer: The detainee advised that in approximately a month he would have been reportedly promoted to Toran General. President Hamid Karzai reportedly approved of this promotion.

Detainee: Yes, sir. It was nine months and after nine months I would have been promoted to general but I was short one month. This was based on the agreement I had with Jalaladin Haqani that I would not work with the government for nine months.

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Designated Military Officer: The detainee stated he was not a Hezbi-E-Islami Gulbuddin Commander and he didn't have a Hezbi-E-Islami Gulbuddin identification card on his person when he was arrested.

Detainee: Yes, sir.

Designated Military Officer: The detainee denied knowing about documents on Taliban and Hezbi-E-Islami letterhead, which were retrieved from the housing compound in which he was captured.

Detainee: There were no such documents of Islami in my possession, in my home, or in my room. I repeatedly requested these documents that they have in their possession. Please provide me with some evidence. When they captured me all I had in possession were two magazines. One was Newbahar, the other was Kelid, a blank notebook which was IRC, a passport, a medical book and my ID card.

Designated Military Officer: The detainee told interviewers where he would get information for the United States, how he would convey it to the Americans and how the Americans could task him with assignments.

Detainee: Yes. In any condition if there is a task or a job or work to do I will do it honestly and faithful. I will help the United States.

Designated Military Officer: The detainee states he has not fought against or assisted anyone else who fought against any United States Forces.

Detainee: Yes. The United States helped us twice in a very bad situation. One is that we defeated the Russians together, which they helped us with a lot. And the second one is that they helped free us from the al Qaida and the Taliban. It would be a big betrayal to damage that relationship and to forget about their help.

Designated Military Officer: The detainee states he is not a member of the Taliban or al Qaida.

Detainee: Yes. The Taliban and al Qaida are our enemies and I hate them.

Designated Military Officer: The detainee states he is glad the United States is helping the Afghanis, and believes that if the United States occupation ends then the Taliban and al Qaida will return.

Detainee: Yes. This is true.

Designated Military Officer: When asked his feelings about 9/11, the detainee stated it is against Islamic belief to kill innocent people and to commit suicide.

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Detainee: We can't even call those people human. They are animals. It is prohibited in Islam, that was a cowardly and ruthless act.

Designated Military Officer: If released, the detainee wants to work for his country in any job with the government, such as working as a police officer. He would like to return to Kabul, Afghanistan because security is good and there are good educational opportunities for his children.

Detainee: Yes. Right now there are a lot of opportunities in Afghanistan. When I am released, I would like to work with the government in any department, such as the police, mining, public health, anywhere and there are a lot of opportunities for education for children which is very important. Unfortunately, sir, I would like to say that it has been three years and my kids are living in Pakistan. They are not going to school, which is a very bad thing for the future of my children.

Designated Military Officer: The detainee denied working with a foreign government agency, stating it would shame him and his country.

Detainee: Yes, sir. To be a traitor to your own country and work for al Qaida, Taliban or ISI which is an intelligence service in Pakistan. That would be a shame for me and a traitor for my people and my country. I don't want to do that and I would not want to do that in the future.

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

The Presiding Officer acknowledged the request.

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

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

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

Assisting Military Officer: The detainee asked, "If they have these Hezbi-I-Islami documents, where are they? What kind of documents are they? They do have my Ittihad-E-Islami (membership card)." 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 was eager to attend the ARB and answer the allegations openly on

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his own. The detainee asked to be given some note taking paper...he may need to write some of his answers to the allegation to use at the ARB.

The Detainee made the following statement:

Detainee: When I was captured by these cowards (the al Qaida and Taliban) even after the Karzie government took over, for one year they had control in the Said Karam district. Said Karam is where I lived, my brothers and my family lived there at that time. I requested assistance from the government and they (al Qaida) arrested me. When they arrested me after I was released Mohammed Rafi one of Mullah Gilani's who is the commander of Jaladin Haqani was working with the United States forces in Gardez and Aazar Gul another who worked for the intelligence service Khad (KGB) for the communist regime. He made a plot against me; they plotted my arrest by the United States forces.

Board Member: Why?

Detainee: I was for the government of Karzai and against the Taliban. That's why they made the plot to arrest me. They looted my home, took away my car, my tractor and they beat up my brother almost killing him, they put him on his deathbed but he did not die. When I was released and the nine month time was up for the contract, the Taliban and al Qaida forced me to sign it was time to go back to work with the Karzai government but they arrested me. When they (United States forces) arrested me Mohammed Rafi left the job at the camp with the United States forces.

Board Member: It is a little confusing for me; please clear up for us why the United States forces arrested you?

Detainee: That is what I am trying to do, tell you the whole story, sir. Mohammed Rafi's brother in law is Mullah Gilani. Aazar Gul is the president of KGB, Mullah Gilani and these other two mentioned they all had a meeting and fabricated that plot.

Board Member: So your arrest by the United States forces goes back to the Soviet occupation, when you were against the Soviets?

Detainee: Yes, sir. These Afghan communist will not hold back; they take revenge at any time they can. Against the United States I don't even have the tiniest grudge.

Board Member: Is that the only reason that you know of why the United States forces arrested you?

Detainee: I don't know what was in the plot or what they made up, but that's my complete understanding of these two people.

Board Member: Do you have any other enemies that are still in Afghanistan?

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(Revised 17 Dec 05)

Detainee: Yes. There are communist for Russians. When the American forces realized and understood the truth, they bombed the district and freed them from these people. I'm an independent Afghan and I love freedom, democracy, education and women's rights. I don't have any relationship with these terrorist organizations, I don't know any of them and I don't have any type of relationship with them. Based on that, I'm not against the United States I never was and I never will be, there are opportunities for me and the Afghan people and we should take advantage of them. If the United States did not come to our help, my life was 100% in danger. Al Qaida and KGB are my enemies, to save my life I moved to Panjshir. The first thing I did, after Afghanistan was freed from these evil people, I came to Pakistan. I sat with Karzai like I am sitting with you; I sat with his top officials his cabinet members like you guys are sitting here. I love my country and my people I would love to do some work to rebuild my country. I will remind you again the day or the time the United States leaves Afghanistan it will go back to the same way it was. The ISI of Pakistan will take over, the Taliban and al Qaida will be there and it will be a bad day for Afghanistan. I don't have any bad feelings towards the United States for me being arrested and brought here. It was my fate and God brought me here, but I wish that the United States would realize who the bad guys are and who the good guys are. Based on that, they will make friends and they will know who their enemies are. I am one of their friends not their enemies. I am old enough; I may or may not survive. Afghanistan is the country of my children and I wish that we leave something for the Afghan [people], for my children so they can go freely, be educated and have the opportunities to live peacefully. We never had that chance because of the al Qaida, the Taliban and this bad situation that came upon us. That's my dream for my children and others to rebuild Afghanistan, serve the country and do something, make it something that it should be. I want it for peace and for the good life of the people. I would like to say thank you very much for listening to me, I hope and wish that you study my file and my documents. I did not commit any crime or do anything bad to hurt the United States or it's allies. I am happy that I spoke with you and again I wish and I hope that you find the truth and send me home. Thank you very much. If you have any questions, sir, this is your turn.

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: Since you were arrested and brought to Guantanamo Bay, have you ever tried to contact anyone in the Karzai government to vouch for you?

Detainee: No, sir. I haven't even got my family's letter.

Board Member: So you have had no correspondence back and forth?

Detainee: I sent letters but someone else sends me answers or letters back.

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(Revised 17 Dec 05)

Board Member: Someone else? Meaning they never make it back to your family?

Detainee: My family gets the letters but they are too small. They are babies and they cannot write back.

Board Member: So who is this someone else that writes back?

Detainee: The ICRC.

Board Member: Have you had any family members in the military wounded or injured in fighting?

Detainee: No, sir. Which war, sir?

Board Member: We will start with the Russian war?

Detainee: No.

Board Member: The Taliban?

Detainee: My brother was beaten by the Taliban.

Board Member: Is he still alive?

Detainee: There is no treatment for him, they beat him up and he is now paralyzed.

Board Member: The Taliban did that?

Detainee: Yes, sir.

Board Member: Do you own a weapon? A Kalishnakov?

Detainee: No.

Board Member: Have you ever owned one?

Detainee: At the time of the jihad when we were fighting the Russians I had an American made 11 gauge shot gun.

Board Member: How did you injure your hand?

Detainee: Playing football. It is nice in Camp 4 that they allow us to play volleyball, basketball and stuff like that.

Presiding Officer: Sports injuries happen, we all get them.

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(Revised 17 Dec 05)

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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Summary of Administrative Review Board Proceedings for ISN 1037

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 22 September 2005 and lasted 58 minutes. After a review of the Administrative Review Board'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 Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "Yes, I will attend. These allegations against me are lies. These are allegations and I strongly deny them. I was only in Afghanistan 18 days. In 18 days I came to Afghanistan and I became a big shot? I will talk there and answer each question." When

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asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or station in the Unclassified Summary after its presented. The Detainee also stated "I am going to ask for my salary for how long I have been here." 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.

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 was captured with an identified long-time Hezb-e Islami Gulbuddin (HG) member.

Detainee: That's not true.

Designated Military Officer: Gulbuddin Hekmatyar founded Hezb-e Islami Gulbuddin (HIG) as a faction of the Hezb-e Islami Gulbuddin party in 1977. It was one of the major mujahedin groups fighting the Soviets. Hezb-e Islami Gulbuddin has long-established ties with Bin Laden. In the early 1990s, Hekmatyar ran several terrorist training camps in Afghanistan. He pioneered sending mercenary fighters to other Islamic conflicts.

Detainee: I just heard the name Gulbuddin. I don't know how many camps he had in Afghanistan or how many camps he was running.

Designated Military Officer: In April 2003, the Detainee moved from Pakistan to Gardez, Afghanistan, to work as a security guard at a fuel depot. The guards also manned vehicle checkpoints on the road from Khost, Afghanistan, to Gardez, Afghanistan.

Detainee: It's true. I came to work for the government of Karzai.

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Designated Military Officer: The Detainee was captured 5 May 2003 in a suspected Hezb-e Islami Gulbuddin safe house.

Detainee: That's lie.

Designated Military Officer: The Detainee denied any association with Taliban, Hezb-e Islami Gulbuddin, or any other terrorist groups. He also denied being contacted for recruitment to any type of organization.

Detainee: That's true. If in a hundred years that was true then I would be responsible.

Designated Military Officer: The Detainee stated his only reason for coming to Afghanistan was to work for the Karzai government.

Detainee: That's true.

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

The Presiding Officer acknowledged the request.

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

The Detainee made the following statement:

Detainee: I just came to Afghanistan to work for the government of Karzai and in the 18 days I was there they captured me. I don't have any enemies. The United States is not my enemy and I am not their enemy, and I hope I should not be their enemy, too. I came to Afghanistan with my father's advice to go there to work for the government of Karzai. I don't have any enemies and I came there and I don't know why. For two and half years I have been here in Cuba and nothing has happened. One day they tell me one thing and the next day they tell me things are not fair and it should not be like that. They brought me here and I don't know my fate. I worked for the government of Karzai and you guys arrested me. In this government people should be free and they should do whatever they want. In eighteen days how [could] I be a big guy. I am not a commander of Gulbuddin Hekmatyar and I can give you my brother's number in Pakistan and you can call him and you can find out from him. Is there any evidence? I don't lie and if I lie I don't benefit. If there is any proof and evidence, if I fired one single shot in Afghanistan, then you guys can hold me here. If a soldier comes here to this camp in 18 days and doesn't know anything he will ask how to operate things and how to do things. He doesn't even know how to get to these camps. My situation was the same in 18 days, I didn't know anything. Even if I was two months there you would say I was Gulbuddin's commander and I wasn't working with al Qaeda or the Taliban. The allegation is that my brother and

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I are working against the United States forces in Jalalabad. How can you judge this on my 18 days? I am not able to read and write. How am I a commander? If there is a witness, then bring that witness to this court. If he is a witness and I am criminal he should not be afraid of being here in front of me to say that I did this and here is the proof and here is the evidence. Then you can punish me and you can do anything to me that you want. When I came to Afghanistan, I got a job with the government. They start[ed] my salary. Now I am here, I have family and I don't have any income. I have to get my money back for the time I have been here. If I am guilty and I am a bad guy then you guys can do anything you want, but I am innocent. In the same camp I told them I work for the government of Karzai, I don't have any enemies and you are not my enemy. Why don't you ask in my village of twenty people if I am a commander then you can get much more information.

Presiding Officer: We did not say that you were a commander. It said you were captured with a Hezb-e Islami Gulbuddin commander.

Detainee: I was a guest of Haji Ehtyar. He invited me.

Presiding Officer: I was trying to tell you to make sure you understood that nowhere here did we say that you were a commander.

Detainee: At the previous Combatant Status Review Tribunal I was accused of being a commander of Hezb-e Islami Gulbuddin and my brother was fighting the United States forces in Jalalabad. Then why don't you sit down and make the allegation?

Presiding Officer: We are here today to talk about these items. I just want to make sure that the statement you are making is relevant. Nowhere in here did we say you were a commander. We strictly said you were with Hezb-e Islami Gulbuddin. I just want to make sure your statement you were talking about things in which we did not discuss.

Detainee: I was a member of the Karzai government when they captured me.

Presiding Officer: Thank you very much. We will ask you some 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:

Presiding Officer: Tell about the house you were arrested in.

Detainee: The house belonged to Haji Ehtyar and he rented that house.

Board Member: I want to ask you some questions about you and your family. How old is your mother?

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Detainee: I don't know. She is old, but I don't know.

Board Member: Is she still alive?

Detainee: Yes.

Board Member: Where does she live?

Detainee: In Pakistan.

Board Member: How about your father? How old is he?

Detainee: He has gray hair, maybe 60.

Board Member: Is he still alive?

Detainee: Yes.

Board Member: Where does he live?

Detainee: In Pakistan.

Board Member: How many children do they have?

Detainee: Twelve. Seven sons and five daughters all from one wife.

Board Member: What is the oldest and youngest of their children?

Detainee: Oldest is 40 or 50 and the youngest is 10 years old.

Board Member: It is the same mother?

Detainee: Yes.

Board Member: Are you married?

Detainee: No.

Board Member: Do you have any children?

Detainee: No. If I didn't marry, then I have no children.

Board Member: The place where you were captured. What kind of place was that?

Detainee: It's a bazaar. I rented it.

Board Member: Do you know who owned it?

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Detainee: I don't know the landlord's name, but Haji Ehtyar rented it.

Board Member: Why were you there?

Detainee: Where I worked at the fuel depot, I went to the doctor there and stayed there for the night.

Board Member: Who else was there at the place where you were captured?

Detainee: Haji Ehtyar and Haji Baht.

Board Member: Just two?

Detainee: Yes.

Board Member: What was your relationship to him?

Detainee: My friend Haji Baht knew Haji Ehtyar and through him I became acquainted.

Board Member: How did you know Haji Baht?

Detainee: I had a bakery shop in Pakistan and I was selling vegetables and Haji Baht was coming there and I became friends with him.

Board Member: You knew him in Pakistan and he also moved to Afghanistan?

Detainee: We came to Afghanistan together to work.

Board Member: And he knew Haji Ehtyar?

Detainee: Yes.

Board Member: How many people were arrested at that house?

Detainee: Two.

Board Member: Do you know how old was the other man that was arrested?

Detainee: I don't know the age. Fifty. He is here.

Board Member: Did you know that he was a member of the HIG?

Detainee: I didn't ask him and he didn't tell me.

Board Member: Did you know anybody who was a member?

Detainee: I don't know.

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Board Member: What name do you go by?

Detainee: *Detainee provided his name.* Not a family name, but a nickname.

Board Member: I have a whole bunch of questions. Do you speak English? A little bit of English?

Detainee: I listen to the guards and learned a little bit.

Board Member: HIG? Did you ever hear about them in Pakistan?

Detainee: I just heard the name, but don't know where they have bases in Afghanistan.

Board Member: You heard of this group in Pakistan?

Detainee: I might have heard. People were talking about it.

Board Member: Did you ever see Gulbuddin?

Detainee: In Pakistan everywhere you go you can see Gulbuddin in pictures. I have never seen him and I don't know him.

Board Member: What tribe are you a part of?

Detainee: Logar Province, Charasyab District, Mussai Village. Hussin Khil tribe.

Board Member: When did you leave that village and go to Pakistan?

Detainee: When Russia came to Afghanistan. When I was almost three years old.

Board Member: You don't remember leaving Afghanistan?

Detainee: I remember a bomb and then we moved to Pakistan.

Board Member: Which eye can you see out of?

Detainee: I can see in one eye.

Board Member: Which eye?

Detainee: Right eye.

Board Member: When you went to Pakistan, did you attend any madrassas?

Detainee: No, I was doing my own job. There was a small mosque where I studied.

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Board Member: Prior to going to Afghanistan when you got arrested, did you ever return to Afghanistan when you were growing up in Pakistan?

Detainee: One time I came to Afghanistan with my father and worked.

Board Member: Was that during the Taliban government?

Detainee: No.

Board Member: Was that before the Taliban or after the Taliban?

Detainee: Before the Taliban.

Board Member: You were born in Afghanistan and you only returned once?

Detainee: Yes.

Board Member: So in Pakistan you had a bakery and fruit stand?

Detainee: Yes and my brothers were there and they worked the same.

Board Member: Were you doing well? Did your fruit stand and bakery make money?

Detainee: We were making enough to survive.

Board Member: Did you know anybody in Afghanistan?

Detainee: No, I didn't know anybody.

Board Member: This doesn't make sense to me. You don't know anybody in Afghanistan, you live in Pakistan and you end up going to Afghanistan and getting a good job in the Karzai government. Explain that to me.

Detainee: I don't know anybody but Haji Baht and he has a relationship and by his help I got the job.

Board Member: What were you doing at the fuel depot?

Detainee: Security.

Board Member: For security reasons what did you do at the fuel depot?

Detainee: Security was the main reason of my job.

Board Member: Did you carry a gun?

Detainee: Yes.

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Board Member: What kind?

Detainee: Kalashnikov (AK 47).

Board Member: Did you ever fire it?

Detainee: No.

Board Member: It doesn't make sense to me. You are a baker, you work at a food stand, what experience do you have to get a job in security?

Detainee: I have to service my country. Why do you service your country?

Board Member: But you lived in Pakistan?

Detainee: But Afghanistan is my country. I shouldn't [go] to my country? If you work in other governments and you live in another country...you come back to this country.

Board Member: You didn't answer my question. What experience did you have in security to get a job guarding a fuel depot?

Detainee: For a couple of days when I had the gun, they were giving me training.

Board Member: You mentioned in your statement something about Jalalabad.

Detainee: He is in Pakistan and the allegation is that my brother is fighting United States forces in Jalalabad.

Board Member: But your brother is in Pakistan?

Detainee: He is living in Pakistan.

Board Member: The village in Pakistan you say only had twenty people?

Detainee: The village in Afghanistan.

Board Member: But he only lived there when he was three years old. They don't know you.

Detainee: It's a town, a district of some sort. There is about twenty or thirty. There are even relatives that don't know me.

Board Member: Whom are you protecting the fuel depot from?

Detainee: Anyone opposed to the government that [may] want to destroy it.

Board Member: What kind of fuel was there?

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Detainee: There was no fuel, just storage of metals.

Board Member: Did you ever get your tooth fixed?

Detainee: Yes. They fixed my teeth.

Board Member: When did you get your tooth fixed?

Detainee: The day I got arrested. Anything you ask me you can find out about me and if you have any evidence or any proof, then based on that I am here two and a half years and I am a fall guy. I am not against anybody and that is it.

Board Member: Did you carry your weapon the entire 18 days you were there?

Detainee: Maybe three to five days.

Board Member: How much were you getting paid?

Detainee: 1800 Pakistani rupees.

Board Member: Per month?

Detainee: Yes.

Board Member: That is more than a lot of people were paid?

Detainee: Some were getting more than I.

Board Member: You haven't been in Afghanistan in a long time and you get a good job making more money than a lot of people that have been there and were supporting the Karzai government. I don't understand that.

Detainee: Because of Haji Baht and he knew Haji Ehtyar and that is how it worked. I got the job through him.

Board Member: Why were you so close? Was he your best friend in Pakistan?

Detainee: Yes, he was close to me and he was my friend.

Board Member: While in Pakistan did you see people come across the border from Afghanistan?

Detainee: I didn't see any people and I swear I don't know.

Board Member: After the Russian invasion was over, why didn't your family move back to Afghanistan?

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Detainee: When the Russians came into the village they destroyed our homes and we didn't have any home in Afghanistan to live in.

Presiding Officer: I am still kind of confused. Haji Baht, good friend?

Detainee: Yes.

Presiding Officer: What did he do for a living?

Detainee: Taxi driver.

Presiding Officer: How much did you make for a month in Pakistan?

Detainee: 1500 to 2000 Pakistani rupees.

Presiding Officer: So you got paid more to go to Afghanistan?

Detainee: If I was working in Pakistan, I was making the same money so why not work in my home country.

Presiding Officer: Why did you think that you would get a job so easily that you would leave a job in Pakistan? There were a lot of men in Afghanistan. Why would you get a job with the Karzai government?

Detainee: I was living in Pakistan and I went to Afghanistan to get that job because of my relationship with Haji Baht.

Presiding Officer: How did Haji Baht know Haji Ehtyar?

Detainee: They were cousins.

Presiding Officer: You knew Haji Baht in Pakistan?

Detainee: Yes.

Presiding Officer: He said let's go to my cousin's house in Pakistan and we will get jobs with the Karzai government?

Detainee: Yes.

Presiding Officer: I don't believe you. I think you went there because Haji Ehtyar was an HIG and he needed fighters and you came to be a fighter for HIG with Ehtyar. That's what I think.

Detainee: If that's true, you can put me here.

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Presiding Officer: We understand. We know we can do that.

Detainee: I didn't know Haji Ehtyar and Haji Ehtyar knew Haji Baht. I knew Haji Baht and through him I went there.

Presiding Officer: I understand that, but I think you knew where you were going. I think you knew what you were going to do and I think Ehtyar needed people to help him out as part of HIG and you went to help him.

Detainee: Why should I go over there just to kill myself?

Presiding Officer: I don't know why. Many people do. I don't know why you all do it. Maybe you thought you would make money, maybe you thought you would get a better house, I don't know why; but I think you went to fight.

Detainee: You are [an] officer and you are getting money...to kill yourself here by the government?

Presiding Officer: That is irrelevant. Did any of your brothers belong to HIG or do any of them know about HIG?

Detainee: No.

Presiding Officer: What is your plan if we send you back to Afghanistan?

Detainee: If I go back to Afghanistan and the government lets me stay with them, then I will stay with them and [do] whatever they ask of me [and] I will fight their enemies. If they don't give me a job in the government then I will have my own business.

Presiding Officer: I don't believe you can't read and write. I believe you can read and write.

Detainee: I swear I don't know how to read and write.

Presiding Officer: How did you study the Koran?

Detainee: The Koran taught me how to learn alphabet and then we stud[ied].

Presiding Officer: That is reading.

Detainee: People taught me and I don't know.

Presiding Officer: Thank you very much for all of your information today, it has been very helpful.

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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.



Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1043

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 07 December 2005 and lasted for 45 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee said 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 did not have any written statements for the AMO to present to the board members. The detainee was cooperative, very respectful to both the linguist and the AMO. He elected to take a copy of the Pashto translated Unclassified Summary of Evidence for his review.

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(Revised 16 Dec 05)

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-5 to the Administrative Review Board.

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

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

Detainee: I am an old guy and I don't have a good memory to translate the whole thing at once. I have to answer each, one by one.

Presiding Officer: That's fine.

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 claimed he fought against the Russian-backed Afghanistan Governments of Noor Mohammed Taraki, Hafizullah Amin and Babrak Karmal in the Kandahar area beginning in the late 1970's.

Detainee: Yes. I fought against Noor Mohammed Taraki and when the Russians invaded Afghanistan at the time of Babrak Karmal. I did not fight against the Russians. When Noor Mohammed Taraki took over, the resistance against him did not start right away in each village/province in Afghanistan. The resistance started step by step in each village, when the mujahidin came to our village people rose against Noor Mohammed Taraki's government. The mujahidin told the people either give money or participate in the fight against Noor Mohammed Taraki's regime. I didn't have any money so I joined them (mujahidin) in the fight against Noor Mohammed Taraki. Noor Mohammed Taraki's and Hafizullah Amin's regime was from 1978 to 1979.

Translator states the detainee said the date in Afghan history and I translated it right away.

Detainee: In 1980, when the Russians invaded Afghanistan, the people went to Pakistan and became refugees. I went to Pakistan also and stopped fighting the Russians. I did not fight during the time Magul Babrak was in power.

Designated Military Officer: The detainee said that he had stopped fighting and began to work in Commerce at the time Najibullah was the President of Afghanistan. When the Taliban later gained control, Taliban Commander Hezatullah asked the detainee to join with the Taliban.

Detainee: Yes. Like I told you before I did not fight against Najibullah in Babrak's government. I just fought Taraki. When the Taliban took over and came to our villages,

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they told us we had to participate by joining the Taliban or pay them cash in order to stay home. I knew one of Mullah Omar's bodyguards and through him I told them that I can not fight due to family problems, so he gave me a job in civil service. I had experience in commerce; they (Taliban) told me because of my experience in trading it is better that you go to Kabul and work with the custom department. I had two choices: one was to fight and the other one was to go to the customs department and work. The Commander Hezatullah told me I can either take a pen and go to the customs department in Kabul or take a gun and go to the front lines and fight.

Board Member: Was Hezatullah the bodyguard you mentioned that worked for Mullah Omar or was he just someone that approached you to join the Taliban?

Detainee: Hezatullah was a Commander in our village.

Board Member: How well did you know Hezatullah before you were approached to join the Taliban?

Detainee: He lived in and was from the same village I am.

Board Member: You knew him well?

Detainee: Yes.

Board Member: He was aware of your background in commerce and finance, which is what prompted him to ask you to work for them?

Detainee: Yes. He knew that I could read and write and I have experience in trading and commerce. That's why he recommended me.

Designated Military Officer: As the Taliban Minister of Commerce, the detainee oversaw a fleet of 1700 trucks and shipping vehicles.

Detainee: In response to this question, at the time of the Russian's there was a transportation department, which they called Apsotor. During that time it had more than 2000 trucks; when the Rabani government took over everyone started looting the trucks. I only had 70 or 80 under my operation.

Board Member: What were in these trucks? What was transported in them?

Detainee: At that time all these goods were coming through Hairatan, which was from the previous Soviet Union. These trucks would transport these Afghan trades and goods to Kabul, from Kabul to Hairat and all over. At the same time these Afghan traders importing goods from Japan, through Russia, then to Hairatan border and from there the transportation company had the first choice to deliver to Kabul.

Board Member: Name the top five goods that were traded?

Detainee: Tires, auto parts, air conditioning, videotapes and fabrics.

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Board Member: Were any foods imported?

Detainee: At the time of the Russians, they delivered food from Russia to Hairatan and from Hairatan to Kabul.

Board Member: After the Russians?

Detainee: At the time of the Taliban, they closed that border.

Board Member: Were there ever any war materials that went back and forth?

Detainee: I don't know.

Board Member: Rockets? Rifles?

Detainee: Different departments had their own vehicles and they carried weapons in their own trucks.

Board Member: How many trucks?

Detainee: They had their own vehicles, I don't know.

Board Member: 70 trucks?

Detainee: I don't know; maybe they had more than that. At that time I didn't know about the Defense Department and how many vehicles they had.

Board Member: The Defense Department had more trucks than trucks involved with Commerce?

Detainee: I don't know the exact information on who had more trucks.

Board Member: Did you ever stop to inspect or tax these trucks? Did you ever have any interaction at all with these trucks?

Detainee: It was at the time of Najib and Babrak Karmal. I did not go to Kabul at that time.

Board Member: So the answer is no?

Detainee: No.

Board Member: Were you the Taliban Minister of Commerce?

Detainee: Yes.

Board Member: In the conversations of moving vehicles and moving produce in and around Kabul through Afghanistan, who profited from the sale of this material?

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Translator adds after he (detainee) worked in the Customs Department, he worked in the Commerce Department.

Detainee: The incomes from the delivery of these goods were going to the Commerce Ministry. The goods belonged to individual Afghan traders, from the income the transportation company (which is Apsotor) had 49%, which was owned by the Russians and 51% owned by the Afghan government (they are the Taliban government). That income was coming to the Secretary of Commerce and us.

Board Member: After the Russians were gone did you still engage in this movement of produce to and from the border? If you did, the shares from the Russians then shifted to whom?

Detainee: The Russians did not have anything after they left Afghanistan. From that income we just paid the salary to the drivers and civilians who worked for that department and for repairs. We didn't pay taxes to the government.

Board Member: There was no political entity after the Russians? Who profited from these trades?

Detainee: There was no political.

Board Member: Who settled disputes between the Department of Commerce and the trucking industry?

Detainee: I don't know, but we had a framework for that. We were working based on the laws and regulations. There was no such problems, conflicts or anything. If something would come up there would be a third party that would come and investigate it.

Board Member: Who was the third party?

Detainee: The first step was the Minister of Commerce; the Commerce Department had that responsibility.

Board Member: You settled disputes?

Detainee: We didn't have any problems. There were no problems, no disputes or anything. The government did not own the Transportation Department it was a private individual department.

Designated Military Officer: The detainee tried to say that he was not the Minister of Commerce but was instead a secretary or assistant to the Minister of Commerce. This is contrary to information the detainee has reported numerous times before.

Detainee: That's not true. It was probably the linguist's mistake.

Board Member: Which part is not true?

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Detainee: I was the Commerce Minister and not the Deputy.

Board Member: To whom did the Commerce Minister report to? Who was he subordinate to as a Minister?

Detainee: We had an Economic Counsel and I reported to them.

Board Member: To your knowledge do you know who they report to?

Detainee: The head of the Economic Counsel was Mohammed Kabib and then he would give his report to Mullah Omar.

Board Member: What was Mullah Omar's title?

Detainee: He was the leader of the Taliban.

Designated Military Officer: Mullah Omar called a meeting in Kandahar. During the meeting the detainee argued for a single tax option that would be fairer for businessmen. The detainee stated that Omar ended up using his suggestions.

Detainee: Yes. Prior to the Taliban coming to power, the route was from the Soviet Union to the Hairatan border in Afghanistan and then to Kabul. When the Taliban took over that route became unsafe because people were stealing and robbing the trucks so they changed the route. The route went from Dubai to Iran, from Iran to Hairat, from Hairat to Kabul. The biggest Customs Department was in Hairat. The main custom was in Hairat; when the goods were coming from Dubai to Hairat Customs Department they would tax them and then they would transport them to Kandahar, Kabul, Jalalabad or wherever they wanted. The customs in other provinces wanted to tax them again, these traders began complaining, they said they should only have to pay taxes once and that should be it. When we (the traders) deliver it to another place we should not have to pay taxes again. At that time Mullah Omar called all the head of the Customs Departments (I was one of them in Kabul at that time) together. During the meeting Mullah Omar asked what was the best way to do this? What was the trick involved so the traders would not have to pay the taxes or you don't take taxes from them. The Afghan traders then told their side of the story and we told our side. We decided they (traders) should only be charged one tax and that's it. That's why Mullah Omar listened to me, accepted my proposal and suggestion that the traders should only be taxed once. After that meeting I went to Pakistan to take my father to the doctor because he was sick. When I came back the documents were already made for me to go to Kabul and become the Commerce Minister. When I heard that I made an appointment to see Mullah Omar. When I met with him, I explained that I was not that talented and I didn't have the talent and the skills to run such a big department. He told me he wrote a letter and signed it, I will go there (Kabul) for a couple of months and run that department then he would send someone else. There was a very big problem with Pakistan, there was not another route to bring goods to Afghanistan coming through Pakistan. Pakistan held 500 to 600 containers of Afghan goods; they did not want to release the goods to Afghanistan. Mullah Omar

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asked me to go with the Afghan trader and talk to the officials in Pakistan. The Pakistani officials said that these goods were prohibited and we should not import from Japan to Afghanistan. When I went there and tried to solve that problem Mullah Omar did not send another guy to replace me as the Minister of Commerce.

Board Member: Based on the two problems that you had solutions for (the double taxation and the problem at the border) Mullah Omar appointed you as the Minister of Commerce?

Detainee: Sorry I didn't solve the Pakistani problem. We went to Pakistan three or four times and we could not solve that problem because it was not good for their economy.

Board Member: Mullah Omar was apparently impressed with you.

Detainee: Yes. He was happy I did my job. I think on one side he was happy but on the other side I couldn't solve the Afghan trader problem in Pakistan, and they held 500 to 600 crates in their custody. The problem with the trading in Afghanistan was the Commerce Department going back for years, they didn't have any people to implement the laws and rules.

Board Member: When Mullah Omar had other problems of national significance whom did he consult with?

Detainee: I didn't have anything to do with Mullah Omar based on national problems. My department was Commerce. Problems I had I spoke with Mullah Mohammed Kabib and he was able to solve them.

Board Member: Did Mullah Kabib speak with any other Afghani leaders?

Detainee: Yes. Why not?

Board Member: Who were they?

Detainee: The Economic Counsel had about six or seven ministries under his control. He had a lot of people.

Board Member: Who were some of the men?

Detainee: The Commerce Department, Revenue, Mining and Exploration, Public Works, Telecommunication, Agriculture, Water and Electricity.

Board Member: Are any of them here?

Detainee: No. Nobody is here.

Board Member: How did you get here as a Minister of Commerce?

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Detainee: The President of Afghanistan was not fair with me and I did not escape to Pakistan. I was at my home when he (President) declared if there were any senior Taliban leaders who surrendered to them they would give us one car and two Kalishnikov's to have for our security. I gave my car and two of my Kalishnikov's to the District Manager and he gave me back one Kalishnikov for my protection. It is and was my country and I did not want to go anywhere. After the Taliban disappeared, I stayed in my home for about a year and a half. I was not against anybody.

Board Member: Which President turned you in?

Detainee: Karzai. That would be too long of a story for you to hear on how I ended up here.

Board Member: Did President Karzai turn anyone else in?

Detainee: The Afghan Army arrested me and took me to jail in Kandahar where I stayed for two months. The deputy of Foreign Ministry, Khalid Pashtoon came to visit me there and after he spoke to me the Americans came and took me away.

Board Member: Did President Karzai didn't turn anyone else in? Only you?

Detainee: I don't have any knowledge of that. I don't know if he gave any other Talibans to the United States forces or not. I'm not exactly sure that Karzai did this to me. From my point of view, I don't think the President of Afghanistan doesn't know I am here. I don't think that's possible.

Board Member: So it's assessed that the reason you are here is because you are a senior Taliban official?

Detainee: I was not a leader of the Taliban; I was just the Minister of Commerce. Hezatullah did a favor for me, I worked as the Minister of Commerce and as a Custom Director. This was all due to what Hezatullah did for me.

Board Member: As a Minister appointed by Mullah Omar the leader of the Taliban, couldn't that be construed as you being a senior leader for the Taliban?

Detainee: The Commerce Department has a huge name and a very important post but after Najibullah's regime was defeated. When Mullah Rabani took over and during the time of the Taliban, these two periods of time, all these ministries were nothing but names. The governor for each province was more important than the Commerce Department. There was nothing left I didn't do anything in the office maybe two or three Afghan business men would come in and I would sign something or do some other very little work. For example, in Pakistan the Ministry of Commerce is a very prestigious and important department. Their Minister should be very educated and knowledgeable. However in Afghanistan, unfortunately, it is nothing and that department was just a name. To you yes, that's a very important name but to us in reality it was a name and nothing else.

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Board Member: While serving as the Minister in name only, did you receive a salary?

Detainee: Yes.

Board Member: Who did you receive a salary from?

Detainee: Mullah Kabib. Not only the Commerce Department did not have a job but the Public Works Department that had to pave roads had no roads left, other departments like Mining and Exploration were the same way. There was no work for us to do. Only the Revenue Department had a job, which was writing the checks for the people's salary. Another very important thing was that Mullah Omar did not care about the economic part of the country he was busy with the fighting and the military stuff and how to conquer the whole Afghanistan. There was nothing in the Ministry and I didn't give them anything. The governor was very important because he would go and recruit people for the Taliban to make his Army stronger. I didn't have that power, that kind of job, or people to recruit and bring to him. If you catch another Minister of Mining, the Electricity Department or Public Service, whatever, don't think that he is very important. He was nothing in that regime. The governor and district manager were more important.

Board Member: Did you know Mullah Dadullah, Mullah Berader or Abul Salam?

Detainee: Mullah Zaif was here in the camp with me.

Board Member: Was he a great man or a great leader?

Detainee: He was a very good man.

Board Member: Did you know the others, Berader or Dadullah?

Detainee: Berader I don't know about his manner, his curiosity and things like that. I did see his brother in once Hairat because he was the governor of Hairat.

Board Member: You didn't know him well then?

Detainee: No.

Board Member: Did you ever talk to him?

Detainee: When I went to Hairat province I saw that he was the governor and I spoke with him for a half an hour.

Board Member: That was the only time?

Detainee: That's it. That one time.

Board Member: Never again.

Detainee: No.

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Designated Military Officer: In 1999, Omar asked the detainee to be the Taliban Minister of Commerce.

Detainee: I don't know the date, but yes.

Designated Military Officer: The detainee was able to provide detailed information concerning the relationship between the Taliban Minister of Interior and the Taliban Regional Governors. Taliban Supreme Commander Mullah Omar appointed the Taliban Regional Governors.

Detainee: I don't know why they wrote it like that but I didn't have anything to do with the governors. It was Mullah Omar's responsibility. They asked me what the governors in Afghanistan do. I told them that the governors were Mullah Omar's responsibility. The Commerce Department did not have anything to do with that. That was the Interior Ministries job and Mullah Omar's responsibility. The answer is no.

Designated Military Officer: In the spring of 2003, Taliban supreme leader Mullah Mohammad Omar, Hizb-I-Islami Gulbuddin leader Gulbuddin Hekmatyar, and Usama bin Laden agreed to unite their forces.

Detainee: That doesn't have anything to do with me, sir. I was in the custody of the United States. You gave me that information I don't know anything about that.

Designated Military Officer: The detainee reported that the Hizb-I-Islami Gulbuddin was the only group he was aware of that may have an active role in attacks on United States interests.

Detainee: I don't have any information based on that. Yes, he has a lot of commanders but I don't know about his planning on attacks, where or how he attacks. I don't have any relationship with Gulbuddin Hekmatyar and I don't know anything about him. If he is against or with the Karzai government, I don't know.

Designated Military Officer: Hizb-I-Islami Gulbuddin has long-established ties with Usama bin Laden. In the early 1990's, Hikmatyar ran several terrorist training camps in Afghanistan. Hizb-I-Islami Gulbuddin has staged small attacks in it's 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, sir.

Designated Military Officer: Mullah Omar named Mullah Beradar as a military leader. Beradar was the former Taliban Kabul Corps Commander who served as advisor to the former Taliban Defense Minister.

Detainee: I don't know, sir.

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Designated Military Officer: The detainee, the former Taliban Minister of Commerce, and Mullah Dadullah were appointed as Beradar's deputies.

Detainee: When? When you say deputy are you saying the deputy of Mullah Berader?

Board Member: The deputy of the government. An official of the government.

Detainee: I was the Minister of Commerce.

Board Member: Mullah Dadullah was also a deputy?

Detainee: I was the Minister of Commerce and then I was a deputy. Where?

Board Member: Was Mullah Dadullah considered a deputy?

Detainee: Whose deputy?

Presiding Officer: Berader's.

Detainee: I don't know.

Board Member: Did Mullah Dadullah work for Berader?

Detainee: I don't know. The former Taliban Minister of Commerce, explain what does that mean?

Presiding Officer: They are referring to you.

Detainee: I don't know.

Board Member: To clarify this chain of command, you were not in it? You were not subordinate or superior to Mullah Dadullah in any way?

Detainee: No. I was not in the chain of command in this one. I was a Minister of Commerce.

Board Member: You had no interaction professionally with Mullah Dadullah?

Detainee: No.

Board Member: We are having a little trouble understanding why you the Minister of Commerce was sent to Cuba and all these other officials were not.

Detainee: Noorudin Turabi was the Minister of Justice, Obidullah Akhund was the Minister of Defense, Sauddin was the Minister of Public Works, Said Mohammed was one of the Taliban's senior commanders, Naquibullah and Bashir Noorzai were all arrested. Obidullah Akhund was the Defense Minister and Sauddin was the Public Works Minister, Gul Agha was the governor of Kandahar at that time and Khalid Pashtoon was in Eastern Afghanistan. His tribe and his ethnicity goes back to Sauddin

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and Obidullah Akhund. They were all related so they were released. I am not one of them. I am from a different tribe and if you belong to their tribe they will release you or help to release you. I am not one of them; that's why I am here. Commander Dadullah released Bashir Noorzai. Everybody said that Dadullah was dead because Dormsta took over at that time with the United States forces and now you are telling me Dadullah is alive.

Board Member: Was Dadullah a great leader?

Detainee: He was a Taliban Commander?

Board Member: Was he a good leader or a bandit?

Detainee: When they were surrounded by the Northern Alliance they killed a lot of Taliban's and everyone in Kandahar said Dadullah was dead.

Board Member: You believe Dadullah is dead?

Detainee: I heard he was. Everyone was saying Dadullah is dead. When I was a detainee in Kandahar, Khalid Pashtoon told me that Dadullah declared something and told me his statement.

Board Member: So you think that Dadullah is alive?

Detainee: I don't know, sir. Pashtoon told me he was alive.

Board Member: Was he a good or bad leader?

Detainee: I don't know he was a Taliban Commander.

Board Member: What about Berader?

Detainee: He was also a Taliban Commander?

Board Member: Was he a good leader or a bad leader?

Detainee: I don't know. I don't know if he was a good or bad commander.

Board Member: Did you trust either one of those two?

Detainee: I didn't have any type of relationship with them because they were fighting all the time. I do not know anything about them. A question to you, sir. In the Taliban regime would the Defense Department be more responsible or the Minister of Commerce? You released them. Gul Agha and Khalid Pashtoon who were related to Obidullah the Minister of Defense and I was not related to them. I am from the Taraki tribe and they are from a different tribe. That's why I am here and they have been released. I think for you, sir, it is very important to capture and keep the Minister of Commerce here and release the Defense Minister. Naqibullah who was a very big

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commander in the Taliban and they released him as well. It's like the Americans were blind. They threw a stone to hit somebody and they didn't know where it was going to go and it hit me.

Board Member: Why doesn't the Karzai government send for you?

Detainee: My tribe is not that big. I don't have many people. I am not that strong. I have difficulty with these people. I have a lot of problems with them because we are against them.

Board Member: You're against the Karzai government?

Detainee: No. I am not against the government of Karzai. If I was against the government of Karzai, when all the Taliban's went to Pakistan and Iran I would have went as well.

Presiding Officer: You're basically talking about trouble between the tribes.

Detainee: Yes. When the American forces came to Afghanistan, I was so happy they were bringing security and peace to Afghanistan. I was in my home and thought they would bring me an award or some prize or gift for not doing anything against them. What happened was the opposite.

Board Member: You mentioned a stone being cast and it hit you, but it sounds as if the Afghan government cast that stone. Now we are just trying to figure out why.

Detainee: The Americans do make that kind of mistakes with other people's information; that's how I ended up here.

Board Member: The purpose of this group is to make an assessment as to whether or not you go or stay. We are still trying to figure out why the Afghan government would turn you over to the Americans. There has to be something there.

Detainee: I don't have an answer to that question. What I have realized from you is that the Defense Department with that huge responsibility is not important to you. That's why you released him. The commander of Naqibullah was a very strong commander in the region he was captured and released also. The Minister of Commerce, which is not anything but the name, but I am here. That's my understanding and my point of view right now is that you guys are going after very important guys and that's me; not the Minister of Defense.

Board Member: We do understand and appreciate that explanation.

Detainee: If that was important you would not have released them. When I was in my home in my village-I did a lot of propaganda for the government and the United States forces. I told the people to join the government.

Board Member: Which government?

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Detainee: The Karzai government. The point is that I am a poor guy, my family is not economically strong and important. It is very important when you are economically settled you have a good life and people listen to you and if you have your own tribe and strong people many people will listen to you. I am weak on both sides. Economically and people wise, they did not listen to me and I did my best to do some propaganda for the American forces and the government. I am a poor guy; economically I am not rich and tribe wise I am weaker than the other tribes are. Based on that I told you, that's why I am here. If I was strong and I had people I would not be here.

Board Member: If you were released and you went back to Afghanistan, what could have possibly changed to protect you from this happening again?

Translator adds I forgot to mention the detainee stated the Taliban was not like 100 or 500 thousand people it was more like 25 to 30 thousand people. They fought those who were against the government. I never fought, I never had experience in weapons I was not a fighter and I only had my Kalishnikov and knew how to use it.

Board Member: The question was if you were truly at home not doing anything for a year and a half and just minding your own business. If we recommend that you go back home, what could have possibly changed to protect you from this happening again?

Detainee: Before I was living far away from the city. Now my brother has sent me a letter telling me that we have a house in Kandahar City. If I live there, I don't think I will have that kind of problem. I am very happy and glad that I ended up here. If I was in the custody of the Afghan government or someone else I would be dead. Even when I was home in Kandahar, the governor Gul Agha was threatening me all the time. I wouldn't do anything but he would threaten me all the time. When I was in custody of the United States forces I felt secure. If you release me then you will give me a clearance letter saying that I am clear, if I have that letter no one should ask me anything.

Board Member: They threatened you just because you were from a different tribe?

Detainee: In Kandahar the tribal animosity towards each other is a very big problem. If you look it's very good evidence that they released the Defense and Justice Department managers and handed me over to the American forces. Whatever information I had I told the American forces. Now I am going to wait for your decision and justice for me.

Designated Military Officer: At the time of the Coalition attacks on Kabul, the detainee communicated with other members of the Taliban government using a digital satellite phone.

Detainee: I had a digital phone from a Chinese company that gave that service. Everyone had it. At the time of the bombings everyone spoke to each other saying what place was bombed.

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Board Member: That partially answers the question. The question says that you spoke with other members of the Taliban government.

Detainee: All these members were underground.

Board Member: Who did you speak to?

Detainee: I don't know the specific name. When any office or anyplace was bombed, I called it. I don't know the name of these people. I didn't have any information about the different ministries and the rest of the Taliban left. I had my own office in Darul Aman and I still went there. I was not afraid of the bombings.

Board Member: Everyone left except you, is that right?

Detainee: People were going to the offices and leaving because there was no work. At that time I was not afraid of these airplanes or bombings because I knew it didn't have anything to do with me.

Designated Military Officer: The detainee was identified as one of three Taliban Commanders responsible for the murder of an International Committee of the Red Cross employee on 27 March 2003.

Detainee: I was in the custody of the Afghan government. Khalid Pashtoon and Gul Agha the governor of Kandahar at that time told me the Red Cross employee was killed. Where the Red Cross employee was killed was about 60 or 70 miles away from where I was. After two nights in custody they took me to Kajoori and told me that Governor Gul Agha was there and I will talk to him. He told me the reason they were there was because the Red Cross employee was killed by someone. I didn't do those kinds of things. In front of my house there is a road. If I didn't like these people and wanted to kill them, I would have. Why should I go 60 or 70 miles away from my home and kill someone. I also did not have a car or airplane to fly and kill that guy there.

Board Member: Who were the other two Taliban Commanders that might have done that?

Detainee: I don't know. The governor of Kandahar told me that Mullah Satar might've killed that Red Cross employee. It was in Kajoori area.

Board Member: Why would Mullah Satar kill a Red Cross employee?

Detainee: The governor of Kandahar and his soldiers were talking about the killing of the Red Cross employee.

Board Member: Why would they kill a Red Cross employee?

Detainee: When the governor of Kandahar Gul Agha took me in his car. They told me Mullah Satar killed the Red Cross employee and he was now hiding in the mountains. After two or three hours we came back to the office.

Board Member: Why would Mullah Satar kill a Red Cross member?

Detainee: The soldiers were mentioning Mullah Satar's name and that he killed this employee. If I was against the United States forces and the Red Cross employee's and workers, in front of my house there is a road. The United States would pass by two, three, four times a day. The Red Cross employee's pass that road back and forth all the time. Why didn't I kill them before? I could have done anything I wanted. This person was killed 60 or 70 miles away from my house. Did I kill him? No.

Board Member: The Red Cross employee was not from the United States; he was from Ecuador.

Detainee: I don't know.

Board Member: Why would Mullah Satar kill a citizen from Ecuador that was in your country to help?

Detainee: The first time the governor of Kandahar Gul Agha mentioned that they killed the Red Cross employee, my reaction was that anyone who did it was a coward and that was a very bad thing. If you are against the American forces and you are fighting with them that's a different story. These people are there to help us and they should not be killed. When we were in the same area, (Khalid Pashtoon and Gul Agha) was there; they did not even ask me did I do anything or why it happened. They didn't even have the guts to ask me. I don't understand why they didn't ask.

Designated Military Officer: According to eyewitnesses, the men who captured an Ecuadorian Red Cross aid worker, Ricardo Munguia, called Mullah Dadullah on their satellite phone and under Dadullah's orders, shot Munguia dead.

Detainee: I don't know anything about that. I didn't have a telephone at that time and I didn't know where Dadullah was. So that's not true and I didn't have any relationship or contact with Dadullah.

Board Member: When the Red Cross worker was killed where were you at that time?

Detainee: I was arrested and detained by the governor of Kandahar.

Designated Military Officer: The detainee stated that he does not want to go back to being the Minister of Commerce in Kandahar, Afghanistan. The detainee said he wanted to go back to what he was doing before he was appointed to that position, which was private finance, such as the trading of oil or fruit.

Detainee: I was so happy when I was doing work for myself. When Commander Hezatullah asked me to join the Taliban and work for the Custom Department, then to the Commerce Department, during that time I didn't really have money or respect. When I was I doing my own work I had respect and money.

Board Member: What kind of oil?

Detainee: Petroleum Gas.

Board Member: What quantities did you trade oil? Did you trade 55-gallon drums? Did you trade with ships or tankers?

Detainee: A truck. The drum was about 60 or 70.

Presiding Officer: So it was a truck with about 50 or 70, 50-gallon drums?

Detainee: Yes.

Presiding Officer: Thank you.

The Designated Military Officer stated that concludes the Unclassified Summary.

Detainee: I have a question.

Presiding Officer: Go ahead.

Detainee: First of all I would like to say you are welcome and have a nice afternoon.

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

The Presiding Officer acknowledged the request.

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

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

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

Assisting Military Officer: The detainee said these allegations are all lies. He stated that it is disrespectful for him to tell these high ranking people (ARB) these lies. The detainee was informed that this is his opportunity to explain these allegations to the board however he wished. The detainee wanted to know when would the board give their decision regarding his detention. I (AMO) explained to the detainee that the board members would not be able to give him a decision... it will be explained to him during the ARB. The detainee said he would not ask the board any questions but would gladly attend the ARB.

The Detainee made the following statement:

Detainee: Welcome and thank you very much for listening to my answers. One thing I have to tell you is that I did work with the Taliban. If you think that was a very high or low position you can decide on that. Even if I committed a crime I have served here for three years. I never did anything to hurt the United States or the government. I guarantee that I will not do anything against the government and the United States forces. If you do not believe me then there's government housing. They can give me a house and I will live there under their watch, but I am giving you a guarantee that I will not do anything that will hurt the government of Afghanistan. I have my house in Kandahar. That's my place and it is clear to anyone that is where I will live. If it's not, then they can give me a house and control me there. I am getting old and weaker; I hope you guys release me. I can not be against anyone, especially the United States and the Afghan government. I am getting weak in my body and my age plus I understand I don't have to do that. By working with the Taliban and having that position in the Taliban regime, I believe it is enough being here for three years. That is punishment enough. That was my statement.

Presiding Officer: How old are you?

Detainee: 48.

Presiding Officer: I am older than you are.

Detainee: You are young still.

Presiding Officer: Thank you for your statement.

Detainee: If you have any questions.

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

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

Administrative Review Board Member's questions:

Board Member: You were trading oil and fruit then the Taliban approached you and stated that you either join the Commerce Department or fight. You chose the Commerce Department because you are not a fighter. What were your feelings towards the Taliban government and how they administered their policies while you were with them in the Commerce administration? What did you feel about what they stood and fought for?

Detainee: The Taliban had two councils: one was the Economic Council and the other was the Political Council. I was in the Economic Council and I don't know anything about the Political Council. They were concentrating on the war with the Northern Alliance.

Board Member: If the Taliban government or representatives of the Taliban government were to resurface and challenge the current government in Afghanistan what would you do?

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(Revised 16 Dec 05)

Detainee: No. I am not going to join the Taliban. I will be in my home and that's it. I don't like to work with the government anymore and that's enough for me. I declare my support to the present government.

Board Member: Thank you for participating.

Detainee: Sir, you have the power to tell me when I will get the answer on whether I will stay or be released. Is it possible to give me that answer?

Presiding Officer: We will tell you what we know. The short answer is that we make recommendations. We do not know how long it takes.

Detainee: Yes, sir. I beg you sir to help me and give your good opinion of me.

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

Detainee: Do you know the time?

Presiding Officer: We don't know the time.


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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Summary of Administrative Review Board Proceedings for ISN 1051

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: In Islam I have sworn one time and that is good enough.

Presiding Officer: Could you just give me a yes or no answer?

Detainee: No.

Presiding Officer: I understand your customs and I appreciate your honesty.

The Detainee declined taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 16 September 2005 and lasted sixty-four minutes. A follow-up interview occurred on 19

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September 2005 and lasted for fifteen minutes. The Detainee was polite and attentive throughout both interviews. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee accepted a translation of the Unclassified Summary of Evidence. He said that he had asked to be included in the Pashto literacy classes in camp but is not yet attending classes and does not know why. The Detainee also mentioned that he had filed a *habeas* petition and did not know why it is taking so long to have any action in the case. The Detainee submitted a letter from his brother, who was detained at Bagram in connection with the same incident, indicating that his brother has been released to their home. 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 Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to the Unclassified Summary after all of the information was presented.

Detainee: Any question you do [ask] I will answer.

Presiding Officer: We are going to read the entire Unclassified Summary to you.

Detainee: Okay.

Presiding Officer: Designated Military Officer please summarize the information. If you desire to comment on something we will allow you to interject since you seemed unclear on that.

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: Commitment (3.a) On 27 May 2003, in Khairo Village, Khost, at 11:00 local time, the Detainee was arrested within 500 meters of an Improvised Explosive Device (IED) attack on Coalition Forces, on the backside of a hill where his brother Qader was found running from Afghani Military Forces.

Detainee: Can I answer?

Presiding Officer: Sure.

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Detainee: This explosion happened and my brother was sitting on the top of the hill watching his goats. Then, the soldiers took him and I ran after him. He had five goats missing and he was looking for them. They came and took him and I went after him and they [covered] my eyes and that was it.

Designated Military Officer: (3.b) When questioned about whether he knew Qader the subject denied that he knew Qader or any knowledge of the blast. The Detainee stated he didn't hear the explosion or see the dust plume. He only later admitted knowing Qader after his brother identified the Detainee.

Detainee: I never denied that he was my brother and that is it.

Designated Military Officer: (3.c) During questioning in December of 2003, the Detainee stated he never heard an explosion, but later changed his story stating the explosion was far away.

Detainee: I have not changed any story. I told them the truth.

Designated Military Officer: (3.d) The Detainee has provided varying stories about his circumstances of capture. He stated he was watching his goats through binoculars when he was detained. Alternatively, his brother was looking through the binoculars when they were detained. Finally he stated he witnessed his brother being arrested and ran over to inquire about his brother and was arrested as well.

Detainee: My brother was looking through the binoculars for the five goats and they captured him and I ran after him.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated he had always told interrogators his brother was a good man. The Detainee stated he never denied being related to his brother, or even knowing him when they were first detained.

Detainee: I never denied him and I told them that is my brother.

Designated Military Officer: (4.b) He stated he always told interrogators he knew Qader and that they were both detained because of lies.

Detainee: I never lied that he was my brother and I told [the interrogators].

Designated Military Officer: (4.c) The Detainee said he did not have any dealings with the government and did not understand if the new Karzai government made any changes.

Detainee: We are illiterate people and we are nomad people. We do not know about those things.

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Designated Military Officer: (4.d) The Detainee's name and photograph were shown to several detained al Qaida members, none of whom recognized the Detainee.

Detainee: This is correct.

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

The Presiding Officer acknowledged the request.

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

Presiding Officer: Assisting Military Officer does the Detainee want to present 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. The Detainee would like me to present two letters from home.

The Assisting Military Officer presented two family member letters, Exhibit EC-C, identified herein as enclosure (4), to the Administrative Review Board.

Presiding Officer: [Assisting Military Officer] does the Detainee wish to make any comments in addition to [submitting the letters]?

(The Detainee interrupts with the following statement:) Yes, I have one question.

Presiding Officer: I was talking to the AMO, but you will be able to respond. That answers my question. Assisting Military Officer please read the Detainee Comments on the Enemy Combatant Election Form.

Assisting Military Officer: In response to the allegation that on 27 May 03, in Khairo Village, Khost, at 11:00 local time, the Detainee was arrested within 500 meters of the site of an Improvised Explosive Device (IED) attack on Coalition Forces, on the back side of a hill where his brother Qader was found running from Afghani Military Forces, the Detainee said that he was captured while he and his brother were looking for lost goats. The soldiers caught his brother and when the Detainee went to see his brother the Detainee was also detained.

(The Presiding Officer interrupts the AMO and asks the translator if he was getting all of the information read by the AMO because he was not translating it to the Detainee.)

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Presiding Officer: [Assisting Military Officer] I would ask you to break [up the response] because it does not seem like the linguist has this information written down. Let's start from the beginning so that the translator can follow you.

(The AMO reread the information so the translator could translate the information sentence by sentence to the Detainee.)

Detainee: Yes.

Assisting Military Officer: In response to the allegation that when questioned about whether he knew Qader the subject denied that he knew Qader or any knowledge of the blast. The Detainee stated he didn't hear the explosion or see the dust plume. He only later admitted knowing Qader after his brother identified the Detainee. The Detainee said he did not hear the bomb go off. The Detainee said that he was near the main road through the village with vehicles going back and forth, so he may not have heard and explosion on the other side of the hill over the noise of the vehicles.

Detainee: There were some cars going back and forth and we did not know about the explosion.

Assisting Military Officer: In response to the statements that he stated he always told interrogators he knew Qader and that they were both detained because of lies the Detainee said that he thought the interrogators made up this story.

Detainee: Yes.

Assisting Military Officer: In response to the statement that the Detainee said he did not have any dealings with the government and did not understand if the new Karzai government made any changes, the Detainee agreed that he had no dealing with the government. He said that he had not voted in the last election and did not seem to know there were any elections.

Detainee: We are illiterate people we do not know these things. Please bring stability and security to Afghanistan. That will make me happy.

Assisting Military Officer: Additional Comments: The Detainee said that the interrogations and this interview were frustrating for him. He could not answer anything except about goats and grass.

Detainee: We are involved with animals and we don't know politics.

Presiding Officer: Thank you.

Detainee: Can I say something?

Presiding Officer: In a moment. You may begin you statement at this point. Thank you.

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The Detainee made the following statement:

Detainee: I have a question. We are very poor people and we don't know anything. We have heard that America is...we are happy with them and they came and brought some security with them. We have no idea about these things. If you let me go I will be very happy and we want your cooperation. I have been here two years.

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: From where you were located could you see where the explosion occurred?

Detainee: No.

Board Member: Was there a hill in the way?

Detainee: Mountains and mountains.

Board Member: Why do you think that you were arrested?

Detainee: Yes, I was thinking, what have I done to be captured?

Board Member: Who captured or arrested you?

Detainee: Afghani soldiers.

Board Member: Were there any American soldiers in the area?

Detainee: They [covered] my eyes. I did not see anything.

Board Member: Before they [covered] your eyes did you see any other people in the area that could have put that explosive device by the road?

Detainee: No. I just saw soldiers. They took my brother and I went after them and they captured me and [covered] my eyes too.

Board Member: Were you in prison in Bagram with your brother?

Detainee: Yes, he was on one side and I was on the other side.

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Board Member: Why do think they released him and sent you here?

Detainee: I don't know. They captured us together and now I don't know what he has done to be released.

Presiding Officer: At two different times in the Unclassified Summary you were questioned whether you knew your brother and you told the interrogators that you always knew him. Is it possible you misled the interrogators because you were initially in fear for you life or afraid that if you told them the truth that you knew him (Qader) that something might happen?

Detainee: I never denied him.

Presiding Officer: How were you captured? I know Afghani soldiers captured you, but how?

Detainee: My brother was watching his goats with binoculars. They captured him and took him and I went after him and they captured me too.

Presiding Officer: When you say the explosion was far away, could you give me an idea of how far away it was.

Detainee: I can't lie; I did not see any explosion.

Presiding Officer: Thank you.

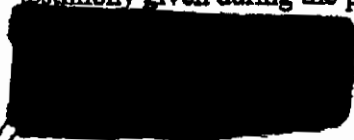
The Presiding Officer read the post-Administrative Review Board Instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1052

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee declined taking the oath.

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

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

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

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

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 2 September 2005, and lasted 60 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of the 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 kept a copy of the Pashtu translated

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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 Exhibits DMO-2 through DMO-3, to the Administrative Review Board.

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

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

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

Designated Military Officer: The Detainee was captured on 1 June 2003, along with four others, one of whom was a Saudi whose mission was to photograph Chapman and Salerno Bases for possible future attacks.

Detainee: I agree with the month and year. It was summertime. I was not captured with four people. I was captured with one friend, Rahmatullah. I disagree with the number of people and what they were doing.

Designated Military Officer: In late March 2003, Abu Layth al-Libi, an al Qaida facilitator, planned and coordinated a foiled reconnaissance mission to film the Salerno forward operating base and the villages surrounding the city of Khowst, Afghanistan.

Detainee: I don't know.

Designated Military Officer: Al-Libi is the al Qaida southern Afghanistan regional commander. He is responsible for operations in the areas of Khowst, Paktia and Ghanzni Provinces, to include Miram Shah, Pakistan. Al-Libi is a Libyan who specializes in explosive devices and guerilla warfare.

Detainee: I don't know him. I'm not aware.

Designated Military Officer: The Detainee had been provided with a Kalashnikov rifle, ammunition, and a military cargo belt.

Detainee: I didn't have military equipment. I had a gun, which I borrowed from a friend because I had a vendetta with some other guy. The belt is just a common belt in our area that everybody is wearing. I didn't have any military equipment.

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Board Member: Was the gun a Kalashnikov rifle?

Detainee: I don't know the name, but in our area the Kalashnikov is popular.

Board Member: And did the belt have ammunition?

Detainee: There were bullets inside the Kalashnikov, but I didn't see any on the belt.

Designated Military Officer: On the evening of 28 May 2003, al-Libi's group met with Abdul Rakhman and a student recruited from the Nazamia Madrassa at a house in the mountains near Naurak, Pakistan. The plan was for Rakhman to take the members of the team to Khowst, Afghanistan, so that they could film the airfield.

Detainee: I don't know al-Libi. I don't know Rakhman. I am not aware of them making films of these things.

Designated Military Officer: Abdul Rakhman is a known Arab al Qaida member who has been reported to operate in the Shahi Kowt area.

Detainee: I don't know him. I am not aware.

Designated Military Officer: The Nazamia Madrassa has been previously reported on for its affiliations with Afghanistan Anti-Coalition Militia. In March of 2003, this Madrassa was reported as being used by al Qaida, Taliban, and HIG personnel for training. It was cited as having been frequently visited by Jalaluddin Haqqanni in 2002. Reports also indicate personnel from Nazamia Madrassa were, in the past, sent across the Afghan-Pakistan boarder to collect intelligence on United States and coalition forces in Khowst Province.

Detainee: I don't know. I am not aware.

Designated Military Officer: Gulbuddin Hikmatyar founded HIG as a faction of the Hizb-Islami party in 1977, and it was one of the major Mujahadin groups in the war against the Soviets. HIG has long-established ties with Usama Bin Laden. HIG has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan government, and establish a fundamentalist state.

Detainee: I don't understand. I don't know this kind of talk. I'm just a small student of Madrassa.

Designated Military Officer: Jalaluddin Haqqani is the former Taliban Minister of Tribal Affairs and personal friend of Usama Bin Laden.

Detainee: I don't know him. I am not aware.

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Designated Military Officer: On 31 May 2003, two men from the Sinkay Madrassa joined the Detainee's group. The Detainee had met one of these men the previous Ramadan at the same Madrassa.

Detainee: I don't have any group. While I was going from Pakistan to my home, I met these two guys at the Sinkay Madrassa.

Designated Military Officer: Foreigners were conducting anti-coalition training at the Madrassa in Sinkay Village. Attacks against Afghan government posts were planned and based from the Madrassa. In May 2003, Afghan forces in Serabagh village captured three people who attended the Sinkay Madrassa.

Detainee: I am not aware of what is going on in that Madrassa. I met another student whose name is Azimullah. He is not planning anything against anybody. He is a student and is doing his own praying and studying.

Designated Military Officer: On the afternoon of 1 June 2003, three men, not including the Detainee, were asking people in the village of Kondee, which is east of Salerno, where Salerno is located. One of the men they asked was an Afghan Militia Force soldier. He did not answer them, but made his way to Salerno to inform his superiors.

Detainee: I am not aware of this.

Designated Military Officer: When he arrived at the burial ground near Salerno, Rakhman took the camera to begin filming. Shortly thereafter, shots rang out.

Detainee: I am not aware of who is filming or who is doing what. I am not aware.

Presiding Officer to Translator: Reread Paragraph c1, please.

Translator: Complied.

Detainee: I understand. I am not aware.

Presiding Officer: Now please reread Paragraph c2, please.

Translator: Complied.

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

Board Member: For clarification, the pronoun "he" refers to whom?

Designated Military Officer: The pronoun "he" is internal to the sentence and refers to Rakhman, not the Detainee.

Detainee: I don't know Rakhman.

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Designated Military Officer: When the AMF moved towards Kondee to investigate the three men asking questions about Salerno, the three men began firing on the AMF with AK-47s. All three were apprehended after a short firefight.

Detainee: I am not aware.

Designated Military Officer: The three men were brought to Salerno for questioning. They had one AK-47, one pistol, one ICOM radio turned to the Salerno security frequency, one set of binoculars, eight hand grenades, one small video camera. The men stated that there was another man near the Lakan Madrassa.

Detainee: I don't know these people. I don't know about the camera or this equipment they found. When I came from Pakistan to Khowst, Afghanistan, I borrowed a gun because of my hostility. He told me that when I want to give the gun back, to give it to a man named Salim.

Presiding Officer: Non-responsive to the question.

Board Member: Who told you to give the gun to Salim?

Detainee: The person that I borrowed the gun from.

Board Member: Does the person have a name?

Detainee: I don't know his name, but he was the driver of the car.

Presiding Officer: We will go back and get your statement. We are just trying to find out if the allegations are true or false.

Detainee: I understand.

Designated Military Officer: The AMF arrested two more men at the Madrassa with two AK-47s, bayonets, one set of binoculars, and a spare videocassette for the video camera. The Detainee was one of the two men captured at the compound. The Detainee was identified as someone who shot an AMF soldier in March.

Detainee: No, they didn't catch me with these things. I was sleeping. The soldiers came and they woke me up and said they wanted to ask questions. They didn't catch anything with me.

Board Member: What about the last sentence about shooting an Afghan soldier?

Detainee: That's drama. I haven't shot any soldier.

Presiding Officer: What is a drama?

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Detainee: That's a lie.

Board Member: Clarification, AMF is Afghan Militia Forces.

Presiding Officer: Did you shoot an Afghan soldier?

Detainee: No.

Designated Military Officer: The Detainee stated he supports the new Afghani government and fully believes America's presence with Afghanistan is important to achieving peace within his country.

Detainee: Yes, I said that.

Designated Military Officer: The Detainee claims he is not presently, nor has he ever been affiliated with al Qaida.

Detainee: I have no connection. I don't know them.

Designated Military Officer: This concludes the unclassified summary.

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

The Presiding Officer acknowledged the request.

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:

The whole allegation is nothing. These things are not in me. I haven't done these things. I am a small student of Madrassa. My mind does not understand these things. I can say now the truth of how I got caught.

The Presiding Officer further explained the meaning of taking an oath, and asked the Detainee if he wishes to make a statement under oath. Muslim oath offered.

The Detainee declined taking the oath.

The Detainee continued with the following statement:

When they captured me, they said I shot an American soldier, later on they said I shot an Afghan soldier. It is all about my personal vendetta. When I was going home in the vehicle, my enemy jumped in the car. He wanted to kill me or kidnap me. I found out

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that he is the one who killed my brother. He had a Kalashnikov and I was defenseless. He said that all my people are nothing and that nobody would ask about me if he killed me. I jumped on him and captured his gun. I started shouting that this man killed my brother and is trying to kill me. At that time, I didn't even notice that with God's help, his gun came into my hands. When he jumped on me to get his gun back, I got scared and shot him. I told him not to follow me. I understand that he got hit and I dropped the gun and started running.

Presiding Officer: Is this the Afghani soldier?

Detainee: I told you before; he was my enemy.

Presiding Officer: Different people?

Detainee: They said that I killed an American soldier; some said I killed an Afghan soldier. It's not true.

Board Member: This person that you are talking about now killed your brother?

Detainee: Yes. I did not kill him. I shot him.

Board Member: What about your brother?

Detainee: I have more information that this man had killed my brother.

Presiding Officer: Is he a soldier?

Detainee: No.

Board Member: Family feud.

Detainee: Then I went to Pakistan and I spent two months in one Madrassa. My family didn't know where I was, and my brother asked about me. Another student of the Madrassa told me that a guy was asking about me, stating that I was his brother and I was lost. I know that was my brother for sure, and I got the message to come back home; that we are going to make up with our enemy. When I found out that this man is my brother, then I asked my teacher if I could go home. I didn't tell my teacher that this man was asking for me. My teacher didn't know I had hostility or animosity with anybody. My teacher would not release me from the Madrassa because I entered school in the middle of the year. I told them that I came here because of the hostility and animosity and now the family is going to make up with our enemy, and that is why I am going back. Then the teacher let me go home. I left the books there and the rest of the story is in my dossier. When I left Madrassa, there was a vehicle. The teacher asked me if I had money. I had 200 rupees in my pocket that I gave to my teacher. The teacher gave it to the driver, and I started for home. I switched vehicles on the way from one to another; finally, the last one took me to a house. There was a guy named Haji, who took me

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another way so that my enemy could not find me. But at the end of the day, they took me to a house. I got out of the vehicle. I remember I drank tea. I believe Haji was the driver's brother. He told me that in the morning we would start again going to Khowst. In this house, there were two other people. In the morning, we went inside the vehicle. When we reached a point close to Khowst, we stepped out of the vehicle. I was scared that they would turn me into my enemy or kidnap me. So, I asked the driver if I could borrow his gun, and he said I could borrow it and when I get to Khowst I should give it back to Salim. When he gave me the gun, he told me to take the belt too. So then Salim said to come with him to Kondee and then I can go home. I went with him to Kondee. When I came back, I remembered I didn't give him the gun. This is the allegation that I was trying to answer and you said we would come back to this. I remember I was waiting for Salim to give him his gun back. So the allegations says the people started shooting. I don't know if you're talking about Salim. The allegations say there was a camera and a hand grenade and these things. I don't know about these things, if you're talking about Salim or somebody else.

Presiding Officer: You didn't see any other weapons with Salim or the two gentlemen that you met at the house?

Detainee: When we were coming from Pakistan, Salim had a gun. In our country, everybody carries guns. I went to the mosque to wait for Salim. I had no other choice but to stay overnight at the mosque. While I was asleep in the mosque, the soldiers captured me. They said they wanted to ask a few questions, and then now I'm here. They asked about al Qaida and Taliban and I don't know about that. I am a student who just went to Pakistan for two months and then came back to my home. The rest of the story has been in my dossier. I hope there is a possibility that you understand what I am talking about.

Presiding Officer: Yes, I understand.

Detainee: If I go back home, I will hold no grudge against anybody. I don't belong to any group. I am a student and I want to go to school.

Presiding Officer: Mr. Mahbub Rahman, does that conclude your personal statement?

Detainee: Yes.

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

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

Administrative Review Board Member's questions:

Board Member: How close to the Salerno US base were you captured?

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Detainee: I haven't seen any American bases.

Board Member: Did you hear any gunfire that day?

Detainee: No.

Board Member: Were you a student in Pakistan?

Detainee: Yes.

Board Member: How did you support yourself in Pakistan?

Detainee: It's normal in Afghanistan and Pakistan for the small students to go to houses and collect brick and bring it inside.

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

Detainee: I don't know jihad.

Board Member: What are your feelings concerning Bin Laden?

Detainee: I heard of him here, and before that, I just heard Usama, but that's all I know. I just heard the name.

Board Member: Did you ever fire the weapon that was given to you?

Detainee: No.

Board Member: Does your family know you're here?

Detainee: There are letters coming from my home, but I don't know if it's coming from Madrassa or my home.

Board Member: If released, how would you support yourself?

Detainee: If I'm released, I will study or do labor.

Board Member: How can we be sure that you will not take up arms against the United States if you return to Afghanistan?

Detainee: Because of this, for this reason: before I didn't take any arms against you and I will not take any arms against you again. I am a student of a Madrassa.

Board Member: When you were a student in the Madrassa in Pakistan, can you tell us what you were taught in terms of the Koran's belief about Islamic States? Should there be a pure Islamic State?

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Detainee: At the Madrassa, they taught us about how to pray and how to wash ourselves and tradition.

Board Member: Did they talk about the United States or American people or Jewish people or Christians?

Detainee: No. I am not aware.

Board Member: So, when you were at the Madrassa, food was given to you? You didn't have to work to make money; food and things like that were given to you?

Detainee: I didn't need money. When I was coming from Afghanistan I had an amount in my pocket.

Board Member: When you were in the Madrassa, did you work or was the only money you had what you brought from Afghanistan?

Detainee: I was not working because in the Pakistan Madrassa you don't need money.

Board Member: So, you already had the 200 rupees with you?

Detainee: When I came from my hometown in Afghanistan, I had money in my pocket.

Board Member: So, you gave this money to the Madrassa and he gave the money to the person who was driving him out of Pakistan?

Detainee: Yes.

Board Member: You changed vehicles more than one time?

Detainee: Two times.

Board Member: Same driver?

Detainee: For a short time, I rode in another vehicle, and then the first driver came back again.

Board Member: So, a different driver?

Detainee: Yes. In the other vehicle, the driver was different.

Board Member: How did you pay him?

Detainee: I don't remember how much I gave him, three or four or five rupees.

Board Member: So, you had more than the 200 rupees he gave the first driver?

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Detainee: Yes, around 100 more. When the teacher asked me, I gave him the money and then he gave me some and gave 200 to the driver.

Board Member: So, you had more than 200 rupees?

Detainee: Yes, it was more than 200.

Board Member: How much?

Detainee: I don't know how much. It was a long time ago.

Board Member: But you remember how much you gave the driver?

Detainee: Yes, I remember that was 200 rupees.

Board Member: So, you remember giving the driver 200 rupees the first time, and the second driver 100 rupees?

Detainee: No. I gave 200 to the teacher, and then the teacher gave 200 to the driver.

Board Member: But you still had more money?

Detainee: Less than 100.

Board Member: So, the teacher didn't give you back change, you just kept the extra money and only gave him 200?

Detainee: No. When the teacher asked me if I had money, I said yes. Then I gave him all the money. He took 200, gave it to the driver and gave me the rest.

Board Member: The rest was how much?

Detainee: I don't know.

Board Member: Less than 100?

Detainee: I don't know. It could be less than 100 or more than 100, I don't know.

Board Member: So, when you got to the last stop, you was going to have to walk?

Detainee: Yes. The driver stopped and said I had to walk for a while.

Board Member: So, now you are afraid to walk without a gun?

Detainee: Yes.

Board Member: So the driver said to take his weapon?

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Detainee: No, I asked him.

Board Member: So, you asked and he said sure?

Detainee: Yes. There was a little bit of talking, and one condition was to give the gun to Haji or one of these two people.

Board Member: The two people that were with you?

Detainee: Yes. They were walking with me.

Board Member: So you were to give the rifle to someone you were walking with?

Detainee: There was a cleaner and the driver and another person that were all coming to Khowst. The driver turned around and the rest of the people started walking with me.

Board Member: Walking toward Khowst?

Detainee: Yes.

Board Member: Toward your home?

Detainee: When I asked Salim where he was going, he was going to Khowst. I didn't know where the other two people were going.

Board Member: But you were walking to your home?

Detainee: Yes, I was going to my house.

Board Member: You decided not to go to your house and decided to go to this other place?

Detainee: No.

Board Member: So, this place you stopped and went to sleep was it a Madrassa?

Detainee: Mosque.

Board Member: So you stopped here on the way home?

Detainee: Yes.

Board Member: Was Salim with you at this time?

Detainee: Yes. Until this time, Salim was with me. He said he was going to Kondee.

Board Member: And you decided to wait for him?

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Detainee: I went with Salim.

Board Member: You went with Salim?

Detainee: I went with Salim from that place back home.

Board Member: Why did you go with Salim? Why didn't you just go home?

Detainee: Because if I told him I was going home and not going with him, I would have to give the gun back.

Board Member: I don't understand. You were with Salim; Salim said he was going to another place, and you said you would go with him?

Detainee: I was with Salim; Salim said he wanted to go to Kondee. I went with him to Kondee. From Kondee, I went back to my home.

Board Member: Where did you get captured?

Detainee: I slept in the mosque to give the gun back to Salim. I slept there and then they captured me.

Board Member: Why did you stay at the mosque? Why didn't you just leave the gun with somebody else to give to Salim and go home?

Detainee: Because he told me to give the gun to Salim and nobody else.

Board Member: So, the reason you're going to give this gun to Salim is because someone told you to give it to him. Why didn't you give it to him before?

Detainee: Salim was going back to Pakistan, so I waited for him in the mosque.

Board Member: Why wait? Why didn't you just give him the gun and go home?

Detainee: When we came to the mosque, Salim had another gun. He didn't carry his gun either. He went to Kondee to pray.

Board Member: I don't care what he did. I want to know why you didn't give him the gun when he was with you?

Detainee: Salim said, "Go with me to the Kondee, when we come back from Kondee, then you give me the gun."

Board Member: But you don't have to listen to him. You could've said I'm anxious to go home, here's your rifle.

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Detainee: Salim refused the gun, so the gun was on me because if something happened to it, I was the one to pay for it.

Board Member: Were you planning to go home after he came back and you gave him the gun?

Detainee: I planned that when Salim came back I would give him the gun and then I would go home. I couldn't give the gun to anybody until Salim came back. It was my responsibility. I cannot pay for it. I couldn't take the gun back to Pakistan to the other guy.

Board Member: So you asked to borrow a gun from somebody because you were afraid. Then, after you got to a certain spot away from your home, you were willing to leave the gun and go by yourself without the gun?

Detainee: Yes.

Board Member: Your enemy is not at this place that you were leaving?

Detainee: My enemy is in the mountain and on the road to my house.

Presiding Officer: Why was Usama in Afghanistan?

Detainee: I don't know who is where.

Presiding Officer: Why are the United States soldiers trying to find Usama Bin Laden?

Detainee: Before that, I didn't know, but now here some interrogators told me he attacked America.

Presiding Officer: You've never heard about Usama Bin Laden before 2003 when you were captured?

Detainee: Yes, I have heard the name Usama.

Presiding Officer: Tell me what you knew about him.

Detainee: I don't know anything.

Presiding Officer: You just heard a name and remembered a name without anything associated with it? That is odd.

Detainee: No.

Presiding Officer: You must've heard something?

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Detainee: I heard Usama is a man, but I don't know what he's doing or what he is all about.

Presiding Officer: When was the first time you saw an American soldier?

Detainee: I don't know when I have seen them, but there were a lot walking around Afghanistan.

Presiding Officer: Why were they there?

Detainee: People say they are building Afghanistan and they are paving the streets. We are very happy for freedom and for schools to be built and streets to be built, and happiness will come.

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 reopened the Administrative Review Board because the Detainee requested to ask a question.

Detainee: What is the difference between transfer and release?

Presiding Officer: Release means you go free. Transfer means to be transferred from the prison here at Guantanamo Bay to your home country for further arrangements. The transfer agreements are not finalized. You may or may not qualify for transfer. Washington DC makes the final decision on transfer or release and you will be notified.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1056

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 01 September 2005 and lasted 40 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, 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 cooperative and polite throughout the interview. The Detainee declined to keep a copy of the Pashtu translated Unclassified Summary of Evidence for review and 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 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-I 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's family actively aided and abetted Taliban and al Qaida in the Serkbankhel Village area.

Detainee: It is a lie. All of those ruthless [people] wrote down [these] baseless allegations. Some pigs gave the wrong information to a couple of people.

Designated Military Officer: (3.a.2) The Detainee admitted that his family had collected firewood for al Qaida but this took place during the time of the Taliban. In late 2001, Arabs came to his village and took houses.

Detainee: [Our business] was collecting firewood and we had to sell it to everybody. [We sold it] to the Taliban and the villagers.

Designated Military Officer: (3.a.3) The Detainee's father admitted that they guarded al Qaida weapons in their home.

Detainee: I swear I did not see any weapons that my father was securing for al Qaida.

Designated Military Officer: (3.a.4) The Detainee has assisted his brother Allah Mohammed in his footwear business and participated in Allah's anti-coalition activities.

Detainee: It is a lie. We were just working to survive and we were self employed and we sold these shoes and sandals and made money.

Designated Military Officer: (3.a.5) The Detainee stated that he was an enemy of infidels and non-Muslims.

Detainee: It is not true. I did work in Pakistan.

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Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee knew about two people that were former Taliban and were assisting al Qaida operatives in the area of Zurmat, Afghanistan.

Detainee: I did not have any relationship with these people, but someone in the village told me that they were previous[ly] Taliban. If I knew who was Talib I would tell.

Designated Military Officer: (3.b.2) The Detainee's brother Allah Mohammed is an al Qaida sympathizer and leader of anti coalition activities in the Districts of Shahi Kot and Zurmat, Paktia Province, Afghanistan. He has ties to past and present Taliban leaders.

Detainee: That is a lie.

Designated Military Officer: (3.b.3) Allah Mohammed supported Mualim Shah Wali and the Taliban in the past and maintains strong ties to other Taliban and al Qaida sympathizers/operatives in his area.

Detainee: I don't know Mualim Shah Wali himself and I never saw or met him.

Designated Military Officer: (3.b.4) Mualim Shah Wali is the displaced leader of Shahi Kot District, Paktia Province, Afghanistan and a long time al Qaida facilitator and Taliban supporter.

Detainee: I don't know him. If he does anything it has nothing to do with me. Why are you guys mentioning him to me?

Designated Military Officer: (3.b.5) Mualim Shah Wali maintains relationships with al Qaida members living in Saudi Arabia.

Detainee: I don't know Mualim Shah Wali. Why are you guys telling me about Shah Wali? You can get information about me and if I have any relationship with Mualim Shah Wali you can blame me for that.

Designated Military Officer: (3.c) Other Relevant Data (3.c.1) The Detainee was apprehended by United States Forces on 02 May 2003 in Serkhankehel, Zurmat District, Paktia Province, Afghanistan, under suspicion of assisting anti-coalition forces.

Detainee: I swear I never helped the Taliban or al Qaida. You can get information about me and if I did anything wrong you can hold me accountable. You can get that information from anyone in my village.

Designated Military Officer: (3.c.2) The Detainee's brother, Allah Mohammed, remained an active leader of Mualim Shah Wali's political structure based in Shahi Kot. He is known to have strategized acts against United States forces and the Islamic Transitional Government of Afghanistan.

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Detainee: It is a lie. I swear I don't know anything about these things. I know myself I am innocent. I swear I don't know about this kind of stuff and I don't know how to explain that. You guys can get information about my innocence. I did daily work by myself to survive.

Designated Military Officer: (3.c.3) The Detainee's father, Said Khan, knew of his son Allah's involvement in anti-coalition activities and supported his efforts as an advisor.

Detainee: I swear I don't know [about this].

Designated Military Officer: (3.c.4) The Detainee seemed very uncomfortable and was shaking when he was asked questions about his support of al Qaida and Taliban elements in his village.

Detainee: I told them the truth. I came myself to the Americans they did not come after me. I was innocent and that is why I [went] to them. Like me, there are hundreds of thousands of people around there. You guys can ask them about my involvement.

Designated Military Officer: (4) The following factors favor release or transfer: (4.a) The Detainee denied helping the Arabs.

Detainee: Yes, I did not help anybody. I swear I don't know anybody and I did not get involved with the Taliban and you guys can get some information from my file.

Designated Military Officer: (4.b) The Detainee admits that his brother, Allah Mohammed, has had dealings with al Qaida in the past and only by force.

Detainee: My brother may have worked with the Taliban, but that was by force and I accept that. They were forcing us to build a Mosque in our district and they were coming to us and forcing us to go there and work and build the Mosque, not only me, but everyone in the whole village.

Designated Military Officer: (4.c) The Detainee recanted the statements he made in Bagram about giving al Qaida firewood and denied ever saying that his brother ever dealt with al Qaida.

Detainee: I accepted that we sold firewood to everybody. That was our work to survive. I don't know who was al Qaida and who was Taliban.

Designated Military Officer: (4.d) The Detainee has fired a Kalashnikov and an "American Rifle" but only during ceremonial events as wedding celebrations.

Detainee: Yes I did, but not with my gun, but [with] somebody else's gun.

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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.

The Detainee made the following statement:

When I was captured...at the time of the Taliban I was going to Pakistan and bringing stuff back to sell to people. That was in the wintertime. In the summertime I would come back to Afghanistan and I would help sell shoes and sandals and stuff like that. When the Taliban and Mr. Karzai, our beloved leader, came to power I had some money and started my own little shop. I was a shopkeeper and we sold shoes and sandals. I was vacationing at my home. When the Americans came in I was irrigating. After the irrigation of my farm we were at our village and after the irrigation I went to my home. I saw helicopters with my own eyes and I came to my house. I was thinking that I was an innocent guy and I was not a Talib or anything else. I am swearing on what I am saying. You can study my whole file. I went to the American forces [on my own]. The Taliban came to our villages and they forced us to leave and they captured me at my home. I was going house to house with the American forces to see if we could find some bad guys. The Taliban came to our villages and forced us to leave. The Americans came too. Everyone came. I swear I am telling the truth. I am against the Taliban. They beat me up a couple of times. I never liked them and you can get that information. I was against the Taliban and I am against the Taliban. I swear when you release me I will never do anything against the United States and I never did anything against the United States. I was shocked when they captured me and when they brought me to Bagram. I may have said something but I was not concentrating on [what I was saying]. I was nervous and I was not able to concentrate on stuff like that. I am telling you that I thought everybody was dead and I was the only one alive. I don't have any bad feelings about anyone. I was unconscious and I did not know what...you can study my file. I swear that I am telling you the truth. I never lied and I will never lie. I am innocent. I always did work to survive and feed my family. That is all I have to say.

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:

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Board Member: You were captured at your home. Is that the same home your father lives in?

Detainee: Yes.

Board Member: Is it a very big home?

Detainee: It is big, but not that big. It is a house that we...all children live there.

Board Member: How many rooms?

Detainee: It is five or six rooms, but you cannot count it that way. For the animals we have one room, for the grass we have another room, and for the children we have...

Board Member: So, if your father was guarding weapons for the Taliban would it be unusual that you couldn't see them?

Detainee: I swear I did not see and I swear that he did not have any [weapons]. We have an old gun and that is it. Wolves were coming and foxes were coming and we would shoot them for our safety.

Board Member: You said prior to your capture you were going around your village with the Americans pointing out or looking for bad guys. Did you see any or did you point any out?

Detainee: When we went around I did not see anybody, but my little brother gave some food to three guys and I did not know them. I swear when I go back there I am going to punish my little brother and ask why he did that.

Board Member: Is your brother Allah Mohammed?

Detainee: No. It is a brother younger than I.

Board Member: Where is Allah Mohammed now?

Detainee: He was at the shop at that time. I don't know where he is now.

Board Member: Do you know where your father is?

Detainee: My father was at the village and someone told me that my father was released too.

Board Member: What year was it that the Taliban made you leave your village?

Detainee: We went to Pakistan and when we came back our houses were destroyed and we were going to build up the stuff. We went back to Pakistan and we bought some tape

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and shoes and stuff like that. We got a permit from the government to build up our house. I don't remember the exact year.

Board Member: If you go back to Afghanistan and your brother and your father support the Taliban and al Qaida will you also support the Taliban and al Qaida?

Detainee: I swear if I go there I will damage the Taliban and do things against them that you would not believe. I am a Muslim, but I am against the Taliban. They destroyed our life and they destroyed our country. They caught me a couple of times and they beat me up. [They said] that I have a long beard and I have a short beard and they asked why I shave my beard.

Presiding Officer: Was your father taken into custody and then released prior to coming here?

Detainee: Yes, they captured my father and someone told me he was released back to his house. This is what the Red Cross told me.

Presiding Officer: Have you had any communication with anybody in your village or your family since arriving here?

Detainee: No, I have not seen anybody.

Presiding Officer: Have you gotten anything in writing, any correspondence, or any letters?

Detainee: Yes, I do write letters.

Presiding Officer: So, you have heard from your family?

Detainee: I got four letters.

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.

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AUTHENTICATION

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



✓ Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1074

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 09 August 2005 and lasted for seventy-three minutes. A follow-up interview was held on 11 August 2005 and continued for forty-five minutes. After a review of the ARB's purpose and procedures, the Farsi Unclassified Summary of Evidence was read to the Detainee. Afterwards, the Detainee stated he would like to attend the ARB, present his comments after each allegation regarding the Unclassified Summary of Evidence is read, and provide a written statement. He also expressed the desire to speak openly to the Review Board. The Detainee was polite and very cooperative throughout both interviews. He also stated the interrogators presented information about him that was not the truth. At

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the conclusion of the interview, he was provided a Farsi translation of the Unclassified Summary of Evidence for further review.

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

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

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee admitted that he joined the Taliban in 1999.

Detainee: When the Taliban took control of Afghanistan I was unemployed for three years and was busy with my personal life. In 1999 due to my financial obligations I got a job, which was a very low position job, in the city of Gardez as a functionary officer, in a military subdivision about 100 kilometers away from the battle field. Due to my health problems I have always been a non-combatant person. There were about ten thousand educated people who were employed by the Taliban, because they were forced to, but did not have any power and authority; the power was in the hands of the uneducated Taliban. In your minds, you should separate the Taliban from [Afghans] and you should know the difference between the Taliban and us. The Taliban went to a madrassa to study and we went to schools to get educations, [the Taliban] were Pashtu and we were Farsi. The Taliban were uneducated and fanatics. They would look at educated people in a [very low manner]. We were educated and open minded and [the Taliban] were uneducated and fanatics. All the power and authority was in their hands. If you were working as a clerk or functionary officer at the time, then all of the thousands of Afghans who are educated and worked for the Taliban, they should all be criminals. Most of those people still work for the current government of Afghanistan.

Designated Military Officer: (3.a.2) The Detainee worked for the Taliban for two years, until the Taliban was defeated.

Detainee: Yes, that is true and I said that during an interrogation. For two years I forcefully served as a functionary officer in a military subdivision. You should separate and know the difference between Afghanistan and other civilized countries. We call it a subdivision, but it was only 20-30 people and not more than that. You should not compare Afghanistan to other civilized countries because we did not have an organized government. We did not have many Taliban in Gardez and again, all of the power and authority was in the hands of the Taliban. During that time we did not have money to

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leave our country and run away. During that time the United States did not make any laws that said it was against the law to work for the Taliban.

Designated Military Officer: (3.a.3) The Detainee was the Deputy Officer of Personnel at 3rd Corps in Gardez. He was offered the position and promoted to Colonel by general Ziaudeen, the 12th Division Commander.

Detainee: You mean he promoted me?

Designated Military Officer: Yes.

Detainee: In the Karzai I held the same position. After the fall of Taliban until my capture I was working for the Government of Mr. Karzai as a deputy officer of personal at 3rd Corps. The commander of 3rd Corps, General Atiqulla Ludeen, was well trusted by Americans. Ziaudeen was the commander of 12th Division of Gardez. I personally did not have any connections or ties with Ziaudeen and my promotion and rank did not have anything to do with him. Because of Ziaudeen people would call us agents of Americans and look down on us. When the relations of Ziaudeen and the Ministry of Defense... there were some problems... the Ministry of Defense would not give us our salaries for a year and a half because of the relationship with Ziaudeen. Ziaudeen is in prison right now in Bagdad or Kabul.

Designated Military Officer: (3.a.4) Ziaudeen has been cited as being responsible for attacks in Gardez out of spite for being removed from his position in May 2003, and may be working with Taliban and al Qaida leaders against Afghanistan.

Detainee: I don't have any information about the attacks in Gardez and it does not have anything to do with me because I don't have any connections or ties with them and never did.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee was a Captain in the Afghani Army for 17 years. He had 6 months of military training at the Technical Military School in Kabul, Afghanistan.

Detainee: In 1986 I was promoted to Colonel and after 19 years I am still a Colonel. Which proves that I am innocent and don't belong to any political groups because I was deprived of my rights during promotion times. In spite of being an educated, experienced, and skilled man, who after 12 years of high school attended two years of Teachers Training Institute, and later 6 months of military courses in Kabul, I was not promoted to a higher rank or position, but instead I was deprived of my legal rights as well. [All of this happened] because I did not belong to any political organizations. On the other hand, the unqualified Taliban members and other political members had the privilege of being promoted to higher positions like General.

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Designated Military Officer: (3.c) Connections /Associations (3.c.1) The Detainee was captured at his residence by United States Forces, suspected of being a Hizb-I Islami Gulbuddin (HIG) member.

Detainee: I got arrested unlawfully from my home in my night-clothes without being at fault, and without any legitimate reason. I [have been] kept for such a long time because of false reports of local plotters. I have not committed any political or criminal activity and I am not a member of HIG or any other political party. I will never be because I hate all of them. HIG members looted my own house and drug store. Americans should research [information] when they are given a report on someone to find out if the information is true or not. It is becoming part of our culture and custom that people, due to their personal animosity; they will make up things just to sell people to Americans to make money. My house was located between [the] American Forces Camp and the market and the Americans would travel back and forth. I always helped the Americans and I always appreciated Americans and we had good relations. I would tell them that they left their country and traveled all the way over here to help rebuild out country and we will do anything for them to make their life comfortable. You can ask [the Americans that were there] during that time and they will agree, that they were passing through our village all the time and they were never attacked. In my village people would know me as an "American Agent" because I was working with [REDACTED]

Designated Military Officer: (3.c.2) A Hizb-I Islami Gulbuddin (HIG) identification card was found in the detainee's residence at the time of his capture.

Detainee: When I left my job and immigrated to Pakistan, in 1988, I received an ID card. That was not a membership card. It was only an ID card that was used for crossing through the Pakistani checkpoints. That was a common thing to do at that time and millions of Afghans had similar cards for the same reason. Again, I am not a member of any political party, in fact I hate them all, because of what they did to us. In 1988, at the time I received that card, Americans were supporting HIG and it was not a crime to have it.

Designated Military Officer: (3.c.3) The Hizb-I Islami Gulbuddin (HIG) was one of the major Mujahedin groups in the war against the Soviets. HIG has long-established ties with Bin Ladin. HIG has staged attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration (ATA) and established a fundamentalist state.

Detainee: The kind of position or reputation the HIG holds in the eye of Americans or the current government of Afghanistan has nothing to do with me. I hate HIG myself and condemn their activities like all other Afghans. Again, I would like to remind you, HIG looted my house and drug store. I wish you would capture all members of HIG and bring them to justice and put them in jail.

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Designated Military Officer: (3.c.4) It was reported that the detainee met with HIG leader Asadullah on 10 May 2003.

Detainee: The report that I have met Asadullah on May 2003 is absolutely not true. I don't know which Asadullah you are talking about and I told them that during the interrogations. There is an Asadullah who is a leader in the village, there is an Asadullah that is a shopkeeper, there are so many of them. I don't know any Asadullah that has been a leader of HIG. During the interrogation I asked if Asadullah was a bad person, then why not capture him? I was told that he was not, and they said they were talking about the one in Zurmat. I have only seen one guy 12 years ago named Asadullah and that was from far away. Someone told me that was his name. I told the interrogators to find him, his family, or his tribe and ask them if they know me or has any ties to me.

Designated Military Officer: (3.c.5) Asadullah is an associate of former Taliban commander Saifullah Rahman Mansour and acts as a liaison between Mansour and the Hisb-I Islami Gulbuddin (HIG).

Detainee: I don't know anything about Asadullah. I don't know if he is alive or dead and don't have any ties with him. I heard he is from the county of Zurmat, why don't you ask the people of that village or that town and get information on him. I don't know him and he is not from my tribe. When the Taliban was in power [they would choose all of the powerful] people from the Zurmat area. None of the Gardez people had authority.

Designated Military Officer: (3.c.6) Detainee said the last time he met with Asadullah was in the early part of May 2003.

Detainee: 12 years ago I saw a person by the name of Asadullah in City of Gardez from far away, it was maybe in 1372, (1993). Since then I have not heard anything and do not have any information about Asadullah, and did not meet him in the May 2003, it might be a mistake in translation. The Asadullah that I saw was an ordinary person just walking down the street. He was not driving and did not have a car or anything. There are people walking in the city or village and just because I see them, that does not make me a criminal.

Designated Military Officer: (3.c.7) Detainee admitted to knowing the police chief of Gardez, Abdullah Mujahid.

Detainee: Abdullah Mujahid was the official police chief for the Province of Paktia at the time of the Karzai government; all Gardez people and I knew him. He is from Gardez and I am from Gardez, but we are from different villages. But I don't have any other connections with him.

Designated Military Officer: (3.c.8) Abdullah Mujahid was identified as being responsible for the attack on a Special Forces Detachment in the vicinity of Gardez City, Afghanistan.

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Detainee: I have no information about the attack on Gardez and it is not my business. [Abdullah Mujahid] is here in Cuba too. If he made a mistake, then he is being punished for that and it does not have anything to do with me. When I was captured and detained he was still working for the government.

Designated Military Officer: (3.c.9) The detainee was present at a 30 April 2003, Taliban leadership council meeting.

Detainee: I did not attend any Taliban meeting in April of 2003 and I never had any kind of meeting with their associates either, in fact Taliban would look down at educated people. The Americans should have asked the people that made up these reports for some proof like who and where. When the Taliban was in power I did not care about them. Now that the whole world hates them I hate them even more. The Taliban were known as Kandaharis. They were mainly from the left cities of Afghanistan like Kandahar, Zabul, Orzughan, and Helmand. These are the four main provinces that the Taliban came from. We didn't even have any Taliban people in Gardez. Even in the mosques or Imams they were from Logar or Wardak.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee left Gardez and joined the Mujahedin in Zormat, Pakistan. He worked under CDR Mohammed Ghani for approximately three years and nine months.

Detainee: In August of 1988, and after the Russian withdrawal from Afghanistan, I left my job in the Army as a Logistic Director for the 502 Brigade. I left through the Zurmat county of Paktia Province and immigrated to Pakistan. During that time, for the purpose of travel, a man named Muhammad Ghani, in Zurmat County, issued an Identification Card to me. Once a year I would come home from Pakistan to the Zurmat area to visit my family. After the fall of Dr. Najibullah communist regime and victory of Mujahedin I returned to my country. It's been 3 years and 9 months since I left Pakistan and returned back to Afghanistan. Muhammad Ghani was killed in 1993. I did not have anything else to do with Muhammad Ghani. The only thing I got from him was that HIG I.D. card.

Designated Military Officer: (3.d.2) When the Taliban came to Gardez, the Detainee lived in a military division housing area in Kabul (Wazir Akbar Khan area) for free.

Detainee: When [the] Taliban took over Gardez I left for Kabul, which was still under the control of Burhanudin Rabani's government. Since I was out of money and did not have any place to live, I was forced to ask Sayed Ieshraq Husseini, who was from Gardez for help, and finally he gave me a note and sent me to one of his offices located in Wazir Akbar Khan, Kabul. In that office there were two captains on duty and I was hiding there for a while in fear of the Taliban. That house did not belong to the Taliban and Taliban were not in power in Kabul. The Taliban took over Gardez and I left Gardez and came to Kabul and lived in that house.

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Designated Military Officer: (3.d.3) The Detainee was given permission to stay at the government military division housing area in complex (Wazir Akbar Khan area) by Said Ishraq Husseini, the Under Secretary of Defense for Ahmad Shah Masoud and Under Secretary for the Ministry of Interior.

Detainee: At that time, Sayed Ishraq Husseini was the Chief of Publicity in the Defense Ministry, and Ahmad Shah Masoud was Defense Minister. Sayed Ishraq Husseini works as a Chief of Political Affairs in the internal Ministry of Mr. Karzai's government too. It wasn't an actual military compound it was more like an office. Since he was responsible for the Chief of Political Affairs in the internal Ministry they used that house to have meetings. I just stayed there a few nights. Since we were from the same tribe in Gardez, he gave me a place to stay for a while. I didn't know anyone in Kabul at that time. Said Ishraq Husseini is still working for the Karazi government.

Designated Military Officer: (3.d.4) The Detainee referenced his supervisor as the Taliban Modir for Gardez, Afghanistan, Mullah Mohammed Rahim.

Detainee: During the Taliban power in the 3rd Corps in Gardez there was a man by the name of Mullah Mohammed Rahim working as a Modir (which means Administrator) for the personnel office and I was working as a functionary clerk in the same office. The functionary positions or clerical jobs were very low paying jobs and the Taliban would not pay us any money and did not give us any authority. During that time the Taliban were uneducated, ignorant, and they would not respect anyone's rank. Even military officers of a higher rank had to work under the uneducated Taliban members. They would get paid less and they did not have any authority. Being an administrator, a Colonel, or a Captain did not mean anything because we did not have the authority that we deserved and our rank required. They would pay us about 800 kaldar, Pakistani money, which equals about \$15 U.S. dollars a month. That was not enough to buy food for our family. All of the luxury items like cars and houses belonged to the Taliban and they did not care about the rest of the country.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee said he was obligated to work for the Taliban, because they were the controlling government, and it was the only way he could support his family.

Detainee: This is true and I was compelled to work for them. I had to support my family and the Taliban would force you to work for them. They had the guns and the power and they were very cruel. They did not have any mercy for innocent people, so I had no choice but to work for them. The sad thing is that those cruel people are still after us and they are making up all of these allegations and putting us in this type of situation. All the workers that you see in the current government of Afghanistan worked for the Taliban too. It is not like the current government brought those new officers or educated people

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from somewhere else. They are the same educated Afghans that worked for the Taliban and now they are working for the current government.

Designated Military Officer: (4.b.) Detainee stated he registered with Hisb-I Islami Gulbuddin (HIG) despite not being an actual member. He explained that when the Soviets first invaded Afghanistan, the only way a person could enter Pakistan as a refugee, was to register with a political group.

Detainee: Yes, that is true. I worked for a communist government for ten years and they were cruel too. You had to have their card too. When we used to work for the communist we had to get their card and when you wanted to leave Afghanistan and go to Pakistan, each Afghan had to have an I.D. card from one of those Mujahedin groups otherwise, the Pakistani police would not let you cross the border. I am not the only person who has one of these cards. The whole...every Afghan that passed the border between Afghanistan and Pakistan had to get one of those cards. I was not the only one.

Designated Military Officer: (4.c) Witnesses testified that the Detainee was a lower level clerk or functionary within the Taliban and/or Afghan military.

Detainee: There is nothing lower than a functional level worker and that statement is true.

Designated Military Officer: (4.d) Detainee stated he feels 9/11 was a crime against humanity, a crime against the world.

Detainee: Yes, it was a disaster for the world and a crime against humanity. Those people that committed the 9/11 attacks are enemies of the whole world. Personally, I was for all civilized countries because they can help rebuild my own country.

Designated Military Officer: (4.e) Detainee stated he would support the new government if released because a stable government is the only means to achieve peace within the country.

Detainee: Yes, that is what I was hoping, after 20 years of darkness, that we would see the peace and be a stable country. Then the rest of the world would help rebuild my country, build hospitals, and schools. Finally, we got rid of the Taliban and other cruel Islamic parties.

Designated Military Officer: (4.f) Detainee stated he would go back home and attempt recruitment back into the Afghani Army if released from custody.

Detainee: Yes, I honestly support this government and I would like to help this government. I hate the name of all of those Islamic parties like the Taliban or HIG. They cannot fool us again. They cannot fool the country of Afghanistan again because they committed so many atrocities and cruelty [toward Afghans] that nobody likes them anymore. Under the name of Taliban, mujahedin, and Islam they destroyed our nation

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and our country. Before the mujahedin came we could see the government building the schools and the roads and we were happier, but they destroyed everything. Other prisoners are even punishing me in this prison. When I first came here they did not want to talk to me because I worked for the current government. They would call me an agent of America and agent of Karzi's government. Three days ago I was in the hospital and I saw one of the other Arab detainees and he said hello and wanted to talk to me. I knew they did not like me because I worked for the current government. He asked my name and I told them and they cursed me and called habiz, which means devil. They did that just because I worked for the government of Afghanistan.

Designated Military Officer: (4.g) Detainee also stated that if released he would like to return to his village in Gardez to rejoin his wife and children and work at his pharmacy in order to provide for them.

Detainee: Yes, that is true.

Designated Military Officer: (4.h) Detainee stated he would be willing to undergo a polygraph examination to prove his innocence as well as his loyalty to President Karzi and the Americans.

Detainee: Yes, I am willing and I am ready for the polygraph.

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 submit and read his written statement.

The Assisting Military Officer presented the Detainee Written Statement, Exhibit EC-C, to the Administrative Review Board.

The Detainee made the following statement:

I, Mohammad Aman, son of Haji Ramazan, from the village of Malik Khil, city of Gardez Province of Paktia, Afghanistan would like to enlighten you with the following information about myself. After two decades of war and brothers killing each other, which nearly destroyed our every existence in our country and took the country years back from civilization and progress, now with regime change the sun of peace and prosperity has risen in our country. The national democratic government, under the skillful leadership of his Excellency Mr. Karzai, who is a real symbol of peace, has

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established some progress. I deeply and whole heartedly support the current people's government and with abundant interest will serve the government and support the humanitarian help of International Coalition Forces, and especially the USA who defeated al Qaida and Taliban. I welcome and support the USA in their assistance of reestablishment of security and the rebuilding of our war torn country. I hope that complete security and total control of our national government will prevent us from bloodshed in Afghanistan. I see our democratic government as a point of hope to free our country from poverty, ignorance, and fanaticism. I see democracy as a source of progress and development in Afghanistan. In addition, I see the assistance of Coalition Forces, especially the USA's, support of the central government profitable for our people and I totally agree with it. I see the happiness of my country under the shadow of peace and security and all the suffering and torment in the war and bloodshed. Therefore, I find the existence of Coalition Forces in Afghanistan to establish a central government and bring peace a necessity. Unfortunately, as a result of some false reports and plots of local fanatics, I have been detained innocently and excluded from serving my country. It is obvious that the current government needs to get rid of the warlords and replace unqualified people with capable and educated people like myself. In the two years that I have been wrongfully detained here, I have had a good relationship with the people at the camp. I have never been punished and it's been over a year that I was transferred to camp four, which is a comfortable place. I have good memories from those in charge of it and the caretakers. Not only am I not a threat to America, but also I see America as a friendly country that is going to help us with reconstruction and maintaining the peace. Therefore, I will defend and support such a country. We, the poor people from Gardez, who in the past twenty years have seen and faced a lot of damages and problems see only the central democratic government of Afghanistan as our hope and happiness. There is no proof that I should be detained. I am an educated, innocent, patriotic, none political soldier who has no ties with any political agency, and who is being punished instead of being appreciated. When I am released I will faithfully join and serve the military of Afghanistan, support and defend the central government's decisions over the tribes and live a comfortable life with my family in light of democracy. People from Gardez live in a city and we like civilization. We like progress and we know that we can achieve those only under the control of a central government and with peace. The majority of us are educated and we appreciate and understand the meaning of progress and civilization and we are different than those people who think democracy is against our religion. They have killed 3,000 people in Gardez just because they were anti-Taliban. Let me clarify something. During the communist regime the majority of Gardez people did not want to go to Pakistan and become immigrants. That is why the mujahedin would shoot rockets at us and kill all innocent people of Gardez. They killed 3,000 people during that time not during the Taliban time. I would like your deepest attention in regards to my case and your consideration in reviewing my defense during the tribunal and my petition for the Civilian Court in order to find the truth, which will set me free. There is a need to remind you not to compare the condition of Afghanistan with other civilized countries and also keep these other factors such as problems, prejudice, customs and traditions of each country and government under your consideration in order to make a just decision on my case. I will not forget your good memories and kindness. Thank you.

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Presiding Officer: Mohammed Aman thank you.

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

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

Administrative Review Board Member's questions:

Board Member: Were you ever promoted to Colonel?

Detainee: In Afghanistan in the Army there are so many ranks that we call Captain. I did become a Colonel, but I was stuck in that rank for 19 years and never got promoted. That shows that I was not with the Taliban or any other group. That is why I didn't get promoted after that. You start from soldier and go higher. My position was a Colonel for 17 years. During the Karzi government I did file a petition and ask for my promotion and they were working on it, but I got arrested.

Board Member: When you went to Pakistan in 1988 you were issued a HIG card and you kept that card until 2003?

Detainee: In Afghanistan people use a wedding invitation card for 30 years. That card was expired and did not mean anything and I kept it with my clothes. We did not have many items in our house that we would need to get rid of certain things. Especially if it is a card, wedding invitation, or whatever we would keep it for years. The HIG card was expired and did not mean anything.

Board Member: If you had been promoted, what rank would you be?

Detainee: It usually depends on the Army and the government. I think I should have been a General by now, but in Afghanistan in order to become a General President Karzi has to approve that and you have to be active duty. You cannot be an administrator in the Army to become a General. You have to be a Chief or Commander and that way only the president can make you a General. I think that was my right. Now in Afghanistan there are a lot of uneducated Generals. Every warlord would use their own fighters and commanders and they get promoted. Here in Cuba, we have prisoners that have been a General, but they do not know how to read and write. We teach them how to read and write.

Board Member: Were you alone when you were arrested or captured?

Detainee: They arrested six people, my father, my brother, my son, and two cousins.

Board Member: Where are they right now?

Detainee: They have been released.

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Board Member: Were they in your house when you were arrested?

Detainee: Yes, that is how we live. We usually have a big back yard and everyone has his or her own separate room.

Board Member: Who arrested you?

Detainee: It was 11:00 p.m. and we were sleeping. Americans and the current government people arrested me. When they knocked on the door I was not going to open it because of the situation we had in our country. Since I was a government worker, for security reasons we would not open the door. When I saw American Soldiers there, I opened the door. The reason [you had to be careful opening the door] is because people would wear government or Army clothes and they would actually be thieves and they would come and loot people. That is why I did not want to open it for Afghans, but when I saw Americans I thought things were safe.

Board Member: Were they Afghani Army or Police?

Detainee: They were Army and they just started building the Army in Afghanistan and they were working with the Americans.

Presiding Officer: Initially you said you had some health problems, what kind of health problems?

Detainee: I have a few problems...I went through surgery here for hemorrhoids.

Presiding Officer: What kind of health problems did you have that would not allow you to fight?

Detainee: Swollen legs and they are weak. I had active Tuberculouis at that time. They treated me and the rules were you could not fight. They wrote a letter that said I should not be a combatant soldier.

Presiding Officer: In training it mentions you were a Captain in the Afghani Army for 17 years, but you said you were promoted to Colonel in 1986, is that statement incorrect?

Detainee: In the spring of 1980 I finished the training classes and became a sergeant. Then in I got promoted again 1981, 1982, and again in 1985.

Presiding Officer: All to the ranks of sergeant? Was one to First Sergeant?

Detainee: Yes, we go to First, Second, Third Sergeant and then we go to the higher ranks.

Presiding Officer: In 1986 you were promoted to Colonel is that correct?

Detainee: Yes, that is correct.

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Presiding Officer: I am curious as to why you said the HIG was being supported by the United States in 1988?

Detainee: Yes, because the Russians were in Afghanistan. During that time the Russians were in Afghanistan and they withdrew their troops, but their military advisors were still there.

Presiding Officer: Mohammad Aman thank you for you honest answers to our questions.

Detainee: 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.

Detainee: When will you notify me of the result of this ARB?

Presiding Officer: The date for notification has not been set. After it is set he will be notified. Do you have any other questions?

Detainee: In our country no matter what kind of crime you commit, the court will always give you a date. I am just being held innocently and [it has been] such a long time. I respect your law, but I want to know what kind of law you have that you cannot give me a date.


Presiding Officer: Once the Designated Civilian Authority makes a decision you will be notified.

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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11 August 2005

From: Mohammed Aman

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Mohammed Aman (ISN 1074) on 11 Aug 05 by OARDEC Linguist OL-11.

1. To respectful members of the ARB

I, Mohammad Aman son of Haji Ramazan from the village of Malik Khil city of Gardez Province of Paktia, Afghanistan would like to enlighten you with the following information about myself. After two decades of war and brothers killing each other, this nearly destroyed every existence in our country and took the country years back from civilization and progress. Now with regime change the sun of peace and prosperity rose in our country, and the national democratic government, under the skillful leadership of his Excellency Mr. Karzai who is a real symbol of peace, and progress have been established.

I deeply with all my heart support the current people's government and with the abundant interest will serve the government and support the humanitarian help of international coalition forces and especially the USA who defeated Al Qaida and Taliban. I welcome and support USA in their assistance of reestablishment of security and rebuilding of our war torn country. I hope that complete security and total control of our national government will prevent us from bloodshed in Afghanistan. I see our democratic government as a point of hope to free our country from poverty, ignorance, and fanaticism and I see democracy as a source of progress and development in Afghanistan. In addition I see the assistance of coalition forces especially the USA's support of the central government profitable for our people and I totally agree with it. I see the happiness of my country under the shadow of peace and security and all the suffering and

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torment in the war and bloodshed, therefore; I find the existence of coalition forces in Afghanistan to establish a central government, and bring peace a necessity. Unfortunately as a result of some false reports and plots of local fanatics I have been detained innocently, excluded from serving my country. It is obvious that the current government needs to get rid of the warlords, and replace unqualified people with capable and educated people like myself. In the two years that I have been wrongfully detained, here I have had a good relationship with the people at the camp, never been punished and it's been over a year, that I was transferred to camp four, which is a comfortable place. I have good memories from those in charge of it and the caretakers. Not only that I am not a threat to America but I see America as a friendly country who is going to help us with the reconstruction and maintaining peace; therefore, I will defend and support such a country. We the poor people from Gardez who in the past twenty years have seen and faced a lot of damages and problems see only the central democratic government of Afghanistan as our hope and happiness; and there is no proof that I should be detained. I am an educated, innocent, patriotic, non-political soldier who has no ties with any political agency, who is being punished instead of being appreciated. When I am released I will faithfully join and serve the military of Afghanistan, support and defend the central government's decisions over the tribes and live a comfortable life with my family in light of democracy. I would like your deepest attention in regards to my case and your consideration in reviewing my defense during the tribunal and my petition for the Civilian Court in order to find the truth, which will set me free. There is a need to remind you not to compare the condition of Afghanistan with other civilized countries, and also keep these other factors such as problems, prejudice, customs, and traditions of each country and government under your consideration in

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Order to make a just decision on my case so I would not forget your good memories and kindness.

Sincerely

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به هیئت حجت محمدتم اداری تجدید نظر

اینجانب محرممان و در حاجی رفقا معلوم نموده که ملک حاصل کردیم و ولایت یکتا است و اینجانب
بعد از دو ماه جنگ و بار بار کشتن خاک که طی هفتی و دهان مارا از زمین برده و وطن ما از کفرن و ترقی صلحی حاصل عقب زده شد
اکنون که اقتاب صلح و آراضی در وطن ما طلوع نموده و حکومت ملی دیوکراتی تحت اقتاب دولت مدبرانه جناب آقای
گروزی که اوضاعی قشور صلح و ترقی قیامت حکم فرما گردد خدمت نرسد از اوضاع و احوال و اخیر درین حکومت مردمی
اینجانب وظیفه می نمودم و کمک های بشردوستانه نیز و حاجی بها می و با الحضور ایا (از) مانده است که در
اصحابی القاعده و کما لبان توان همین اهمیت و بازگشتی در عرصه های مختلف کشور خود زده ما
انجام داده اند تا آنکه خود و ب دیگره قدر میگردم و امیدوارم که در صورت کامل و حاکمیت تکر استری
حکومت ملی ما را به روی آورده تا باز شیوه خون درون نشان جاری نگردد و چون دولت دیوکراتی
لا تعقل امیدوارم که رهایی ملت خود از عقب ماندگی و ضرافات در سنت و دیوکراتی با همت
دشمنی و ترقی اخلاقی نشان مسالمت و طمانینه با جانی نیروی و های استلاف صلحی و با الحضور
امریکا با نزد دولت امریکن به نفع مردم خود در سنت و عزیزان حمایت کامل بنمایم و ستادت
مردم شریفی ملت خود در ستاد صلح و امنیت بیشتر در سنت و صلح و امنیت و حاجی بها صلحی
مردم ما در جنت و خون نریزی بوده و (نور) صلحی و صلحی در استقرار دولت امریکن و
اعودن صلح ضروری میدانم. اما تا نشان خون بی گناه به ارتش را بر های کاذبانه دستگیر کاران
مغرض و متعصب منطقه به مورد محسوس ندم و ز صدمات ارزنده در راه صفت بوضوح محروم ماندم
و هوید است که دولت فعلی به رتخا صلحی یافته و اصل کار را شد ضرورت دارد و امید است
که گفتار تا لاری و بی شو ادوان از نیست های حکومتی شکر و شن شوند و کار به اصل آن
برده شود و زمین کار بر افرد و تحصیل یافته و مسلک که بنده جز این نیست شکر میگرد

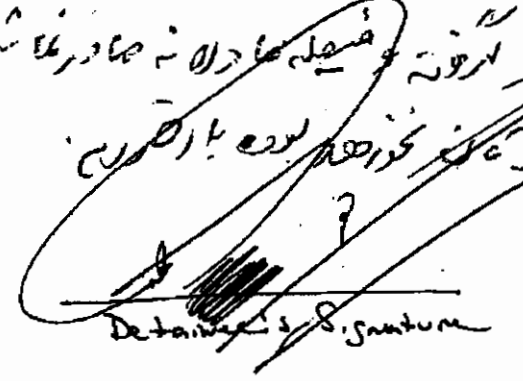
11 Aug 05
Date
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در طول مدت بیشتر از دو سال که بنده در این محسن بمانم با مسئولین گنبد بر خورد
 و در حدود نیت در شرف و تا اکنون هیچ نوع عذای نکرده‌ام و رضا غمناک که در گنبد دارم
 که جایگاه آشنایی من است زندگی در این محسن این و کار در آن تا طره نیت دارم. من به هیچ وجه
 خطری از امرها نبوده بلکه امرهای بحیثیت کشور دوست و حامی ملت مادر است. همین صلح و آزادی
 و صفای با نیت زنی کشور را در نشسته عمو در صورتی که حمایت کامل می‌نمایم همچنان تا ما این مردم بی‌آرام
 گردیم در طول این نیت سال گذشته انواع ضرایب و مشکلات را در تحمل کرده ایم اکنون منتظر حکومت
 ملی و دیگه گرافی و ششم تعلق و فو شبختی خوشین می‌داریم و هیچ عاملی وجود ندارد که من زندان باشم
 من نیت بیشتر تحصیل یافته مسلکی و طنز نیت و غیره نیت می‌بوده که به هیچ بنده نیت آرتیبا ط دارم و هیچ
 بی‌شم اما متانتی که بعضی مکافات مبارزات شرم و در صورتی که آزاد نسوم اما در هر نوع صلحت در
 اردوی ملی افغانستان نیت و در تمام خطبه حقایق دولت مرکزی در بین اقوام دفاع و حمایت دارم
 و زندانی آرام خویش را در هر بود می‌گردانی با فاعیل نجیب خوشین سپهری خودم کرد

خداوند در راه در پیش بنده غور و جود پانزدهم و بیست و نه فرموده و دفاعی که در محکم اونی مکرر در نیت دارم
 و هم عرفی که به محکم ملی امرها فرموده ام در تین محکم که بخوبی تا باشد در وضعیت بر رتبان نیت شده
 و حکم بر آزادی بنده صادر فرمایند در این به یاد اوری نیت که در وضعیت اتفاق نیت ن باشم
 کشورهایی که در آن مقام نیت نشود و هم مشکلات و تعویبات و معنات و نیتیم حال دولتی هر
 منفعت را در نیت گرفته و فیصله صادره که صادر فرمایند تا خاطر نیت تا من فراموش نگردد
 بعد از کشف نیت خودم بود بار خرم


 Detainee's Signature
 11 Aug 05
 Date

در این صورت بیشتر از دو سال که بنده درین مجلس بجا گذارم زبانی بیستم با هیئت امین گوی بر خورد
 و اصدق نیت در شرف و تان اکنون هیچ نوع عزای نذیده ام و درضا غتر از نیکه لهن لعد که در کنگه طوم
 که جای ایشان به شد زندگی درم و زرع منو لین و کار در کجا ظاهر نیت درم . من به هیچ وجه
 خط بر روی امرها نبوده بلکه امرها را بحیث کشور دوست و حامی ملت مادر آسمان هدین صلح و زرادتی
 و رصفا با زبانی کشور در شرف و زرع منو لین و کار در کجا ظاهر نیت درم . من به هیچ وجه
 گردیز که در طوم نیت سال گذشته از نوع ضار دات و مشکلات را مدخل کرده ایم اکنون متوقا حکومت
 ملی و دیو گرانسی را وسیله تان و خوشبختی خویش میداریم و هیچ عامل وجود ندارد که من زبانی باشم
 من نیت در شرف تحصیل یافته مسلکی و غیر نیت و غیر نیت است که به هیچ مانده نیت است ارتباط طوم و بی
 پیدا شتم و اما متان تان نه عوض مکافات مجازات شدم و در صورتیکه از ادنوسم آفاده هر نوع خدمت در
 اردوی ملی افتان تان نیت است و زرع منو لین و کار در کجا ظاهر نیت درم . من به هیچ وجه
 و زبانی آرام خورشید را در پر تو دیو گرانسی با فایده نیت خویش سپردم خود هم کرد
 خود هم در طوم نیت بنده غرور و غیر نیت است که در محله اولی کشور در شرف لودم
 و هم طرفی که به محله ملکی امرها نموده ایم دقیق است که بنده و دفاعی که در محله اولی کشور در شرف لودم
 و حکم بر از ادوی بنده ها در خرفه نیت لارنم به به ادوی نیت است که وضعیت زفان تان با سایر
 کشور های همخان مقابله نشود و هم مشکلات و تعصبات و منقنات و نیت است که در دولتی هر
 منصفه را در نیت گرفته و منصفه عادی نه جا در نیت است تا ظاهر نیت تان فراموش نکرده
 بعد از کشف آن نخواهد بود با اصرار

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Summary of Administrative Review Board Proceedings for ISN 1075

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, the FBI Redaction Memorandum to the Administrative Review Board.

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence to the Administrative Review Board.

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

The Presiding Officer acknowledged the request.

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

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Detainee: Whatever he (*referring to the Assisting Military Officer*) says...this is my statement. If he wants to tell the board I am happy with that.

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

Assisting Military Officer: The Detainee's initial interview occurred on 16 June 2005 and lasted for forty-nine minutes. After a review of the Administrative Review Board's purpose and procedures were explained, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee said he wanted to attend the Administrative Review Board, to speak to the board regarding the Unclassified Summary of Evidence, and have the Assisting Military Officer read additional comments. A follow-up interview occurred on 17 June 2005 and lasted twenty minutes. During this interview, the Detainee confirmed his comments made to the AMO. The Detainee was polite and cooperative throughout both interviews. The Detainee was provided a Pashtu translation of the Unclassified Summary of Evidence for additional review. The Detainee stated that his imprisonment is unjustified, and that he didn't do anything wrong. The Detainee said that he was not affiliated with the Taliban. The Detainee said that he is not an enemy of the Afghanistan Government or the American Forces in Afghanistan. The Detainee stated that he tells the truth...that they brought him here for no reason. The Detainee said if you want to keep him here, he doesn't mind, but he was brought here for no reason. The Detainee said, "If some witness said I have a gun or grenades and have used them, then I am responsible, but there is no witness to say that." The Detainee said "If they think having a gun in the house is a crime, and I did, then I am a criminal, but that is not a crime." The Detainee said that he brought two grenades and a gun for protection at Gardez, not Kabul. The Detainee said everything in the Unclassified Summary of Evidence is a lie. The Detainee stated that he respects an oath and he stands behind what he says, he wouldn't lie. The Detainee said that he never left his village and wants to go back there to return to a job as a farmer and keeper of lambs. He earlier fled his village when the communist came and went to Khowst for the safety of his family. The Detainee said he doesn't blame anyone. His circumstances are from God. He is grateful to the Americans that allow him to pray and provide his meals. The Detainee stated that he was angry with two people in Gardez and he told them before that he forgave them. He thinks they may have told lies about him.

Detainee: I don't think they (*referring to the two people the Detainee was angry with*) blame me for something I did, but I think like that because they didn't like me. They were my enemies.

Assisting Military Officer: The Detainee said that he told the Americans that four people were against him, but he thinks only two were serious and would talk against him. The Detainee said that he doesn't keep anything in his heart, that he forgives, and leaves everything to God and trust in God.

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

The Detainee declined taking the oath.

The 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: What is your relationship with Mullah Ghani?

Detainee: I do not know him.

Board Member: Were you responsible for an attack on a firebase in Gardez?

Detainee: No.

Board Member: Why would you be associated with that attack?

Detainee: I don't know anything about it.

Board Member: Were you in the area when it happened?

Detainee: No. One time the Americans and the Taliban were fighting and I was close by watching.

Board Member: Where did you buy your weapons and ammunition? Was it in Kabul?

Detainee: I bought them from Gardez.

Board Member: Is Kabul and Gardez close together? How far apart are Kabul and Gardez?

Detainee: I can't... I don't know how to tell you because I have not measured it. 3 to 3½ hours journey by car.

Board Member: Do you know a Mr. Bow Auddin?

Detainee: Yes.

Board Member: What does he do for a living?

Detainee: He ran a store during the Taliban time, but during [President] Karzai time he was working with the commander of Gardez.

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Board Member: Is that a police operation commander?

Detainee: No, he is not a uniform person.

Board Member: What kind of store did he (*referring to Bow Auddin*) run? Dry goods, grocery...

Detainee: Grocery store.

Board Member: Did you ever see him selling explosives?

Detainee: No, I don't know.

Board Member: You are also accused of being involved in the explosion or some kind of bombing of two video stores and I know you deny that. Were you in the area of the bombing when they occurred? Why would people associate you with those two bombings?

Detainee: That is absolutely wrong! My residence is very far away from there. The next morning when I came to the area people were telling me there was a bomb in the store... the next day.

Board Member: Did you say anything about the bombing?

Detainee: Everybody knew about it...everybody...all Gardez people knew about that.

Board Member: Did you know the people that were talking to you the next day?

Detainee: No, I don't know them.

Board Member: In what year did you swear the Bayat to Zaher Sha?

Detainee: When Zaher Sha was King of Afghanistan, my father was an obedient and honest citizen of Afghanistan, and he told me Zaher Sha was a good man. And I felt the same way...so I like Zaher Sha. When Karzai came we were happy with him.

Board Member: What year was that?

Detainee: I don't know.

Board Member: How many years ago?

Detainee: He was President of Afghanistan. He was a communist President.

Board Member: There are four people that you had a concern about. Then you narrow it down to two people. Which two people, of the four, do you have a real concern about maybe turning you in?

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Detainee: Habibullah Jan.

Board Member: Was one of those the one you had the fight with over the dirty car?

Detainee: No. I did not fight with him over a dirty car or anything like that. I fought with him because of water on my land...in my agriculture.

Board Member: Was it over water or the land or both?

Detainee: The water.

Detainee: The shortage of water...some people take one day some people another day... they are fighting each other over it.

Presiding Officer: Was that one of the two?

Detainee: The second one is Ahmad Shah.

Board Member: And they were both water disputes?

Detainee: He (referring to Ahmad Shah) was a businessman and he was selling lamb. I was buying lamb from him and one time we disputed and we fought with each other. Also, his father was deceased and he asked me for money, ten thousand Afghanis. Ahmad Shah had a dispute with his family about the land and they were fighting in the court [over the land] for a long, long time. He came to me and I gave him ten thousand Afghanis to [fight his family in the court] with to get his land and he eventually got his land back. But, somehow he didn't return my money.

Board Member: Is the water for livestock or agriculture?

Detainee: I didn't fight physically, but we yell[ed] at each other and this and that about the lined water... agriculture.

Board Member: Is the water used for...

Detainee: Agriculture.

Presiding Officer: You said that Ahmad Shah settled the land dispute. Did he ever pay the money back?

Detainee: No, he didn't return [the money].

Presiding Officer: In your statement through the Assisting Military Officer you said that if we wanted to keep you here you didn't mind, but I am curious why you wouldn't mind staying here if you had an opportunity to be transferred or released?

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Detainee: Well, if you keep me here I will pray to God, I don't care. I pray to God, well God you did this to me.

Presiding Officer: Thank you.

Presiding Officer: What affiliation if any do you have with al Qaida? You mentioned you are not affiliated with the Taliban, what affiliation if any do you have with al Qaida?

Detainee: What is al Qaida?

Presiding Officer: Also, in the Unclassified Summary it says that you were taught to use bombs during Jihad, and it mentions [you were] between 12-15 (years old), and that you know about the construction of bombs that destroyed shops. Can you be more specific?

Detainee: This is absolutely [a] lie. I never threw a grenade anywhere, but I bought two grenades for my own use and somebody told me if a thief or somebody attacks your home you [could] use it. But, I never used it; I had it for a long, long time in my house.

Presiding Officer: Kakai, thank you.

Board Member: Did you fight against the Soviets in Afghanistan?

Detainee: No.

Presiding Officer: Thank you.

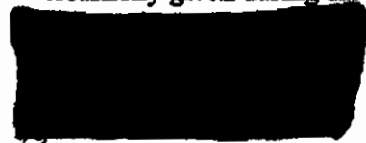
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

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 1094

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 07 December 2005, and lasted 28 minutes. After reviewing the ARBs purpose and procedures, the Urdu 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 Unclassified Summary of Evidence. The Detainee was very cooperative, attentive, and cordial throughout the interview. A copy of both the English and Urdu translated Unclassified Summary of Evidence was provided to the Detainee upon his request. The

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Detainee's follow up interviews were conducted on 08 and 09 December 2005. The purpose for the follow-up meeting was to collect documentation that the Detainee wished to present to the ARB as evidence on his behalf. Upon further review of the information the Detainee wished to present to the ARB, the AMO recommended the Detainee provide comments after the entire Unclassified Summary of Evidence was presented. The Detainee requested the AMO read his responses on his behalf.

Additional Comments: The Detainee speaks very good English and fully understands the ARB's purpose and procedures, citing that he has been waiting for this ARB to be held since his lawyer in Washington D.C. had informed him earlier this year of what to expect. The Detainee was concerned and questioned if OARDEC had received the packet of documentation his lawyer had sent in preparation for the ARB. The AMO followed up through the proper channels to confirm the packet was received and notified the Detainee.

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

The Detainee chose to respond to the Unclassified Summary of Evidence after it had been read in its entirety.

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.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) In approximately 1999, the Detainee traveled to Kandahar, Afghanistan to meet with Usama Bin Ladin to offer al Qaida the services of his media company.

Designated Military Officer: (3.a.2) In the summer of 2000, the Detainee traveled to Afghanistan with a group of men. This group included a terrorist facilitator and men bringing funds to Mullah Omar to support the Taliban.

Designated Military Officer: (3.a.3) A senior al Qaida operative stated the Detainee agreed to a plan to use the Detainee's textile business to smuggle explosives into the United States. The plan was to place the explosives in the containers that the Detainee used to ship women's and children's clothing.

Designated Military Officer: (3.a.4) The Detainee assisted a senior al Qaida operative in choosing homes in Karachi, Pakistan to use as safe houses for al Qaida families.

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Designated Military Officer: (3.a.5) The Detainee provided shipping regulations regarding the United States to a senior al Qaida operative. The Detainee was sympathetic to the extremist cause.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) A senior al Qaida operative stated that the Detainee was a Pakistani businessman who had a relationship with al Qaida.

Designated Military Officer: (3.b.2) The Detainee met with a senior al Qaida operative on several occasions.

Designated Military Officer: (3.c) Intent. (3.c.1) During discussions with a senior al Qaida operative about the pending war in Iraq, the Detainee displayed strong anti-United States sentiment. The Detainee commented that nuclear weapons should be used against the United States troops because thousands could be killed at once. The Detainee suggested that weapons could be acquired from other countries, such as China.

Designated Military Officer: (3.c.2) The Detainee stated to a senior al Qaida operative that nuclear reactors in the United States would be excellent targets for attack.

Designated Military Officer: (3.d) Other Relevant Data. The Detainee was captured in Bangkok, Thailand after he was identified as a high-ranking member of the Anti-Coalition Forces. The Detainee was captured with documents that had significant intelligence information.

Designated Military Officer: (4) The following primary factor favors release or transfer: (4.a) The Detainee traveled to Afghanistan to contribute to the establishment of a school for girls in Kandahar and other cities.

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 presented witness statements as exhibits EC-C1 – EC-C16 as evidence on behalf of the Detainee. These exhibits had been previously provided to the Designated Military Officer in advance of the Administrative Review Board. The Detainee provided written responses to each allegation listed in the Unclassified Summary of Evidence to the Assisting Military Officer, which are annotated on the Enemy Combatant Election Form. The responses to the allegations were made a part of the record by reference. Additionally, the Detainee chose to present an oral statement to the Administrative Review Board.

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The Detainee made the following statement:

Detainee: The written responses [to the allegations], you have them, correct?

Assisting Military Officer: [To the Detainee] Other than the statements you have already provided in the Enemy Combatant Election Form in regards to the Unclassified Summary of Evidence, do you have any additional comments or statements you would like to make to the Review Board?

Detainee: There are a few things I would like to add.

Assisting Military Officer: I believe at this time, that is what the Review Board would like for you to do. If you have any additional comments or statements, now is your opportunity to do so.

Presiding Officer: Are there any other issues that you would like to just visit with the Review Board about this afternoon? This is your time to make any statement you would like with regards to your case.

Detainee: One thing I would like to clarify. I visited Afghanistan *three* times during the tenure of the Taliban. One of the most difficult issues [facing the country of Afghanistan] was the issue of education for females. I debated with them [the Taliban] a great deal on that issue. Even fourteen hundred years, when Islam started, the preaching of our profit Mohammed. Even he [Mohammed] had an institution for females. I convinced them [the Taliban] on that issue [that females should have education]. They [Taliban] agreed that females should be allowed education and that they would allow me to establish schools [for females] in various parts of the country. That is one part I did not mention in my statement [referring to the written responses to the allegations listed on the Enemy Combatant Election Form].

Presiding Officer: You would like to add by reference, into your statement at this time the following: one of the points you would like for the Review Board to consider is that you traveled to Afghanistan, at your own expense and convinced the Taliban Government to establish schools for the education of women. Is that correct?

Detainee: Yes Sir. The Taliban [government] agreed to this proposal, but the timing was not good for the Taliban at the time I made the proposal. There is a second point I would like to clarify. After the Taliban Government fell and the Northern Alliance established their government, I went back to Afghanistan again. That was the fourth time in my entire life that I had been to Afghanistan. I met with the Northern Alliance Ministers. I told them I had done many studies [of Afghanistan]. I told them that their own industry already exists, but it was obsolete. For example, any machines or hardware they may have had were now obsolete. However, they had the buildings and the infrastructure was there [to begin building up industry].

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I told them [Northern Alliance government] if they leased me those buildings on a long term basis, roughly five to eight years, I would put up industrial units [to help get the economy started]. For example, I wanted to put together an assembly plant for cycles [bikes]. That [a bicycle] is a basic need for that country [Afghanistan]. It's a poor country. The most important thing for each individual is to have a cycle for commuting to work, to get around, etc.

Presiding Officer: Are you referring to a motorcycle or a bicycle?

Detainee: A bicycle. They [Afghanistan] have been importing bicycles from China. I proposed to them [the new government] that I would develop an assembly plant to put bicycles together rather than import them from China. We could import the parts to put the bicycles together rather than import the whole bike. We could then open an assembly plant and create jobs by assembling the cycles in Afghanistan. I told them if we could assemble the bikes in Afghanistan, we could give it our own name, so the people would have a little pride in their work and in their product. After sometime, we could delete the components, very slowly, and then we could turn the assembly plant into a shop that would repair bicycles to maintain jobs.

Presiding Officer: Like a machine shop?

Detainee: Exactly! The new government agreed to it, but the problem was that the new government had not yet established rules and regulations for foreign investments. However, they did agree to my suggestion. I gave them [the new Afghan government] a lot of ideas of putting up industries and creating jobs for the people. For example, assembling the cycles. If a cycle costs \$30.00 to import, I told them I could make it for \$20.00. I told them if you then even just sell it for \$21.00, I still make money. Plus, the government would save \$9.00, you would be able to distribute the cycles around the county, and with the assembly plant in the county, if you needed spare parts for the cycles, they would be right there.

Presiding Officer: The second entry that you would like made in addition to your written statement on the Enemy Combatant Election Form is that you made a proposal to the Afghani transitional government to: long term lease buildings, to establish a cycle assembly plant, and thereafter, a cycle part machine shop, for the purpose of job creation and economic stimulation to the country of Afghanistan. Is that correct?

Detainee: Yes Sir. However, I only mentioned to you Sir one cycle, one idea. There are various units [ideas for industry] that I proposed to them [Afghani government]. For example, making detergent powder. I told them they could import the power and they could do the small packaging themselves. Electrical fans. They don't have electrical fans in Afghanistan. There are numerous small industries, which Afghanistan does not have and they import. I told them many of these small industries they could do in their own country rather than import everything from other countries. I told them many of these small industries could be done right there in their own county with the least amount

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of investment and in the most economical way. That was another point I missed in my written response to the allegations listed in the Unclassified Summary of Evidence.

Presiding Officer: Your points will be noted and added to the Enemy Combatant Election Form.

Detainee: My purpose was not to help Taliban, the Northern Alliance, or the transitional government. My purpose was this: Afghanistan is a poor country and we should help wherever we can, whenever we can. I had no inclination toward the Taliban, the Taliban Government, or the Northern Alliance. I am not a political man. I just wanted to help people. I am not an extremist. I mentioned in my write up [response to allegations noted on the Enemy Combatant Election Form] that my children go to Christian Missionary Schools. Fundamentalists do not send their children to schools like that. You can see from the interrogation reports, the report that is classified, that they [interrogators, the U.S.] have done a lot of investigation about me and put it on the record.

Presiding Officer: Thank you very much for your statement. Do you have any further comments or statements you would like to make before the Review Board asks you some questions?

Detainee: No Sir.

Administrative Review Board Member Questions:

Board Member: Sir, you mentioned it was your third trip to Afghanistan when you traveled to establish schools for girls. Is that correct?

Detainee: That was the first time Sir. [That the Detainee traveled to Afghanistan]

Board Member: The first time, ok. But you did say you had been to Afghanistan three times. Is that correct?

Detainee: Altogether, I traveled to Afghanistan three times.

Board Member: What was the purpose of the other visits you made to Afghanistan?

Detainee: The first time I went to Afghanistan, I went to explore the country and see it with my own eyes. I was afraid, like anyone else, to go to Afghanistan. I was hesitant to travel to Afghanistan. I belonged to an organization called the Council of Welfare Organization. I have already provided a description of this organization in my write up [Enemy Combatant Election Form]. It is a non-profit organization that helps the poor and needy in four areas: Education, Health, Justice, and Food Support. Some of the trustees of the organization proposed that we [that I] should go to Afghanistan and see what kind of condition the country was in. I categorically refused to go [to Afghanistan]. Over a period of time, slowly but surely, they convinced me to travel to Afghanistan.

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They told me other trustees of the organization and the Emir were going, so I should go to.

The organization wanted me to travel to Afghanistan to see the country with my own eyes. They told me I would not be in any danger and there would be no threat to my life. They told me it would be safe for me to visit Afghanistan. So, I traveled to Afghanistan for the first time. I saw that the country was totally ruined. Traveling throughout the country was almost impossible. It was a nightmare to visit Afghanistan that particular time. During that time, during that visit, is when I proposed to them the idea of a school for the education of females.

Board Member: What year was this? What year was it that you wanted to establish this school?

Detainee: That was, you have to excuse my memory Sir, but I believe it was 1999.

Board Member: The Taliban practiced Sharia Law. The Taliban was not going to provide any education for women, as far as I know. Why did you believe that you could talk the Taliban government into building schools for the education of women?

Detainee: Sir, if you please excuse me, but the Sharia Islamic Law does not prohibit the education of women.

Board Member: I mean the Taliban. The Taliban form of Government *did* prohibit the education of women. Is that correct?

Detainee: Sir, they had no education at the time. They [the Taliban] were not prohibiting the education of women. It was not against the Islamic or the Government Law [to educate women]. When I talked to them [Taliban Government] they told me they were not *ready* yet [to educate women]. That they [the Taliban] were still fighting with the Northern Alliance and they were not ready because women had to move around the country for security reasons. That was the reason they [the Taliban] gave me for not being ready to open schools for women.

Board Member: Basically, the only reason you visited and traveled to Afghanistan was for charitable reasons. Is that correct?

Detainee: Yes Sir. That is exactly right. I traveled to the country of Afghanistan to help the poor and the needy in the areas of health, education, and justice.

Board Member: Concerning the United States intervention into Afghanistan and Iraq, do you consider the United States to be a liberator or an invader?

Detainee: My feelings about this, I differ politically with the United States. I don't know how I would categorize my feelings. I feel that the United States is a member of the Security Council and a member of the United Nations, who have signed the Charter. We

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[as people] should all respect that. United Nations were making a search, and I feel it was not appropriate. I will say this. I never liked Saddam [Hussein]. I think he was a dictator to the extent of being cruel. It is good that he is no longer there [in power]. What I would like to see is for other countries to not interfere with other countries affairs. This is what I feel.

Board Member: Do you consider Afghanistan to be better off now or before the invasion by the United States?

Detainee: Sir, it is much better now at the moment. I feel it is much better now. According to my letters that I have sent to all the congress men and senators of the United States and my letters that I have sent to the President of the United States, that if the United States could come and help this country [referring to Afghanistan] that was the purpose. Sir, with all due apologies, if you read my letter carefully, what I had proposed before [United States Aid to Afghanistan, etc.] is now being done, but at a very expensive cost. The loss of United States lives, the loss of lives at the World Trade Center. What my feelings is, that a high government official in Afghanistan read my letter. I asked him [*him* the high Afghan government official was not referred to by name] what he thought about my letter. He said if politicians had paid attention to my letters [regarding the conditions in Afghanistan and ideas to help the country] more than likely 9/11 would not have happened.

Board Member: I want to stop for just a second. I have that letter right here. What in your letter, what was written in your letter that would have prevented the attacks on the World Trade Center on 11 September 2001? What was in your letter that could have prevented 9/11 from occurring?

Detainee: Sir, I am talking about the development of Afghanistan. What I feel, what I have written in numerous papers, is that terrorism is the base root cause of poverty and unemployment? If the county [Afghanistan] had jobs, if there is on-going development, that deteriorates terrorism. This is what my letters to the politicians said. Development would bring Afghanistan out of the collective poverty.

Board Member: Have you ever met Usama bin Ladin?

Detainee: I have met him twice Sir.

Board Member: When and where did you meet Usama bin Ladin?

Detainee: I met him the first time in Kandahar. I am not exactly sure *where* in Kandahar he was though. I was taken to him in a vehicle during the night. I don't know where about in the city he actually was. I was taken to a place where he [Usama bin Ladin] was. Usama bin Ladin met with about thirteen or fourteen people that night. The second time I met Usama bin Ladin, I was part of a delegation of my religious organization. The Chief of my religious organization was invited by the government to visit Afghanistan. The Chief of my religious organization picked me to accompany him on this trip to

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Afghanistan. During the second meeting with Usama bin Ladin, I did not personally talk with him [Usama bin Ladin]. Only the Emir and the Chief of my religious organization talked to Usama bin Ladin.

Board Member: So, during both meetings, you never talked to Usama bin Ladin?

Detainee: I talked to Usama bin Ladin during my first meeting with him. I did not speak with him during my second meeting with him.

Board Member: During your first meeting with Usama bin Ladin, what did you talk about? What was the purpose of your meeting with him?

Detainee: After my first trip to Afghanistan, I published a small booklet about the conditions of Afghanistan and the agricultural and industrial possibilities that Afghanistan had. That booklet was circulated around the country of Pakistan to the Government and to the people of the community. That booklet was well liked by a political party in Pakistan. The political party decided to form a delegation, consisting of about ninety-eight people, to go to Afghanistan. They wanted me to head the delegation. I headed the delegation. One of the members of the delegation was Muzzal, who was a religious leader in Pakistan. Muzzal runs a Maddarissa, which is an Islamic system for education. He saw me talking to the Pakistani Prime Ministers and presenting them with ideas about industry and consumer ideas. More than likely, he [Muzzal] already had a pre-scheduled meeting with Usama bin Ladin. He asked me if I would be interested in meeting Usama bin Ladin. I told him, "Yes I would be interested," and I went along with him.

I gave him [Muzzal] my business card. I have a business called Universal Broadcasting Limited. My business makes Islamic programs concerning various issues. I requested to him [Usama bin Ladin] that maybe he would consider making Islamic programs with my organization [in English] based on the Quran. He [Usama bin Ladin] said he would think about it.

Board Member: What are your views concerning Usama bin Ladin?

Detainee: I think he is a humble person. I don't think he is capable of doing all the things he claims to be responsible for in the world. I don't think what is happening in the world is all the work of Usama bin Ladin. I think there is someone else who has a hand in it. I don't think Usama bin Ladin is capable of doing all the things he says he does. That is just my personal feeling after meeting him.

Presiding Officer: Who do you think *is* capable of doing all these things, if not him? Do you think he is just a mouthpiece, a figurehead?

Detainee: Sir, if you define the Internet, the Internet is everywhere and nowhere at the same time. Terrorism is everywhere and nowhere. I would consider it in that respect.

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Presiding Officer: Usama bin Ladin does make all these claims. He claims that he is responsible for 9/11...

Detainee: Sir, that is what I was trying to reference. That it is the publicity he [Usama bin Ladin] is getting. That is what I think....

Presiding Officer: It is the publicity that he produced. Usama bin Ladin made the tape [referring to the tape in which UBL claims responsibility for 9/11]. Usama bin Ladin accepted responsibility for and claimed that he masterminded the events of 9/11.

Board Member: My point was this: in 1999 when you met him, Usama bin Ladin had already facilitated terrorist acts against the United States. Usama bin Ladin was a wanted fugitive by the United States government. You knew that at the time you met him, right?

Detainee: I did know that. However, I did not know that he was indicted [on any charges].

Board Member: I did not use the word indict. However, you were going to assist someone who had already conducted acts of terrorism against the United States.

Detainee: Sir, if you look into my organization [Detainee referring to his media company], we do not have facilities to transmit programs. We only produce programs according to, what I feel Islam is. Islam is a religion of peace. The Quran does not condone violence. We were going to write an Islamic program, based on Islam and the Quran and he [Usama bin Ladin] was going to speak on behalf of Universal Broadcasting and teach about Islam and the Quran. The program was designed to try and reduce the gap between the international communities and the Muslim community as much as we can. To make the international community understand as best we could what Islam is all about.

Board Member: Do you believe Usama bin Ladin is a man of peace? Do you think that by producing a program about Islam and the Quran that would make Usama bin Ladin a peaceful man?

Detainee: Sir, I do not know if he is a peaceful man or not.

Presiding Officer: Usama bin Ladin has issued a fatwa against the United States and he is not even a Muslim Cleric. The man issued a fatwa!

Detainee: Sir, Usama bin Ladin is not entitled to issue a fatwa.

Presiding Officer: But he did anyway.

Detainee: I know he did.

Presiding Officer: And people believe him!

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Detainee: I know Sir, but I don't believe that.

Presiding Officer: I know you say that you don't believe in him. But you are saying that Usama bin Ladin is a peaceful man...

Detainee: Sir, I am not saying that Usama bin Ladin is a peaceful man. What I am saying is, *my message* according to the Quran would be one of peace. That is what we [Universal Broadcasting] wanted him to talk about.

Board Member: What are your feelings concerning the attack on the World Trade Center on 11 September 2001?

Detainee: Sir, I have been to the World Trade Center many times. I have taken my children to the World Trade Center. I thought it was one of the many wonders of the world. My own nephew was there. My own blood, they were there! I even talked to Charles Anteby, my business partner, to make sure he was ok. I spoke to my family members. I was just as concerned as anyone could be.

Board Member: Usama bin Ladin was part of that act against the World Trade Center. There are videos of him after the attack where he states how happy he was when the two buildings collapsed. You were helping a man and willing to work with a man who helped facilitate an act of terror against the United States.

Detainee: If you look at it at that angle, I was only trying to do the same thing that networks such as the BBC or CNN were doing.

Board Member: When you were arrested, did they tell you why you were being arrested?

Detainee: No.

Board Member: What were you doing in Bangkok?

Detainee: I am a 50% shareholder in a company called International Merchandise Ltd. That business is a buying agent. My company does not manufacture anything. We do not import or export anything. We are like a commissioning agent. The company facilitates U.S. buyers to buy goods from Pakistan for major U.S. stores, such as K-Mart, Wal-Mart, and department stores alike. After 9/11, the company had difficulties in business. Charles [my partner in the company] and I were talking back and forth, trying to make some better arrangements to execute business. Charles Anteby flew from New York to Bangkok and met with many of the major U.S. buyers [department store buyers, etc.]. Many major U.S. buyers come to the Far East for buying purposes. Charles told me the director of marketing for K-Mart was in Bangkok and that I should come to Bangkok and meet with them. Charles told me it would only take a few days. I told him fine, I would come to Bangkok.

Board Member: Who arrested you?

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Detainee: The U.S. Government.

Board Member: They did not tell you why you were being arrested?

Detainee: No. In my CSRT, I asked that very question [why was I arrested]. I told them that I have never been informed as to why I was arrested.

Board Member: What are your views of Mullah Omar?

Detainee: Mullah Omar was another head of state, I think. I don't know much about him. I have read about him. I read that he was a Freedom Fighter. I read that after he lost one of his eyes and he was injured, he started teaching students in Afghanistan and the northern part of Pakistan. Those students are the ones who eventually became the Taliban Government.

Board Member: Did you ever meet him?

Detainee: I didn't meet him in the sense of a formal meeting. We offered prayer in his mosque. I saw him.

Board Member: If you are transferred back to Pakistan, how do you feel the Pakistani Government will receive you?

Detainee: I think they will welcome me. I think they will welcome me for several reasons. I was living very comfortable in the United States. I had no problems. I got an education. I had a green card. My family was with me. My wife studied at the University in New York. I studied at New York Tech. I was running a good business. I would say divine things in the world led me back to Pakistan. I have contributed to the country of Pakistan in the form of education and health. I have built hospitals. I have built schools. If you compare those schools that I have built, they are compatible to public schools of the United States. In a very poor country, people cannot afford basic needs.

My contribution to my country, in that respect, that is there. I have made great contributions to my country. My contributions have been publicized in the newspapers. I have been told there have been demonstrations for my release. There have been press conferences. There was a press conference on CNN. The New York Times quoted some American business associates of mine. I have put those in my exhibits. The present government in Pakistan right now had sent Military Intelligence Officers to visit me. The President of Pakistan wanted me to join the government as a cabinet member. I did not want to join. I told them that if someone does not respect the basic constitution of the country, I couldn't be a part of it.

Board Member: Is your wife and family in Pakistan right now?

Detainee: Yes Sir.

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Board Member: What are your plans and goals if you are released or transferred?

Detainee: I have had a lot of time to think since I have been detained here [at Guantanamo]. I have been thinking about what has happened to the organization I had back home [referring to the non-profit organization, Counsel of Welfare Organization]. I had a pretty good organization working in the fields of health, education, justice, and food support. I feel this organization still has great potential as a business aspect and in helping the needy and the poor. I think there is still a great possibility this organization can help boost the industry of my area. My country still does not have 100% electricity in the country. About 70% of Pakistan has electricity. But poor areas like farmhouses, etc still do not have basic electricity. The farmer works very hard, but he does not have electricity. I have many ideas and have come up with imaginary designs in my head to help these poor people develop industry in their area.

I have an idea of designing a bike that will produce electricity and can be stored in a battery. It would be good exercise, plus it would generate enough electricity that you could have basic things like lights, fans, and things like that. I would like to help do things like that for the people if I am released or transferred. I have a lot of good ideas to try and help the poor and needy people and to help get industry started and promote economic growth so people may have basic needs.

I also some have some other businesses that I was running. Two of my businesses have been closed down. My wife wrote me and told me that one of my businesses could probably be revived. The second business I had was with Charles Anteby. I will try to convince Charles to go back into business with me. The business is there just waiting to be reopened. We have the infrastructure, the building, software, telephone lines, and computers. Everything we need to run a successful business. We have the most modern office in Pakistan. I spent almost \$100,000.00 on the computer network alone. If Charles does not want to go back into business with me I will try to find someone else in New York who might want to go into business with me. I would also like to go back to doing charity work. I would like to contribute in that area as well.

My feeling is now, since I have been detained here and have had a lot of time to think, that probably, sometime in the future, if the government of Pakistan wants me to assist and to help the government, I would like to do that. I have a lot of ideas that I think would benefit the country of Pakistan.

Board Member: Those are very lofty goals. Thank you very much.

Board Member: You went into a lot of detail about your business affairs and charity work. I would like for you to describe to me your relationship with your family. How is your relationship with your family?

Detainee: My family relationship is very good.

Board Member: How many children do you have?

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UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: I have two sons and two daughters. I have been married for twenty-seven years, with one wife only. It has been quoted everywhere that Muslims have four wives and many many children. There is not such a thing, at least not for me. Even our prophet, in his first life, he never had a second wife, he only had one wife. I have been very happily married. I love my wife very much. She is my best friend.

Board Member: And your children?

Detainee: They are wonderful children. We [referring to Pakistani individuals] have a very different system as compared to the United States system. For example, children are not allowed to be away from home after 9pm. You remember that commercial, "its after 10:00pm, do you know where your children are?" So we don't let the kids go out after 9:00pm [laughing].

Board Member: Where are your children now?

Detainee: Three of my children are in Pakistan. I have one child in New York. My son started a business in New York. Right now the FBI has detained my son who is living in New York. My daughter, she is twenty-two years old. She is working on her Bachelors Degree in MIS, Management Information Systems. My daughter was part of the Convention of software of the Microsoft in Pakistan. My smaller children are going to Christian schools in Karachi, Pakistan.

Presiding Officer: In reviewing your seven page written response, annotated on the Enemy Combatant Election Form, there are a number of coincidences that I would like to talk with you about. I am curious. Is there anything, looking back now, that you would do over again. Are there things you would do differently?

Due to technical difficulties with the tape, the Review Board took a brief recess to remedy the problem. After a brief recess, the Review Board resumed.

Presiding Officer: If you could go back and *not* do something that you had done previously that resulted in your detention at Guantanamo Bay, what would you do differently?

Detainee: I would like to give you a little background on this. Many Muslims were brought into our area of Afghanistan and Pakistan to fight the Russians. This war was internationally propagated, in which this was a Holy War against Islam.

Presiding Officer: A war in which the United States was your ally.

Detainee: Yes, that is correct. All the western countries and the Arab world were finically supporting (with Military support as well) our war against Russia. Those people were brought into the Muslim world to fight the Russians, but they were already troublemakers in their own countries. In Islam, there is no Kingdom ship. That is not allowed. Those people wanted to have a democratic country in their society. They

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UNCLASSIFIED//~~FOUO~~

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[Arabs] were sent to Afghanistan to fight against Russia. They successfully did it [fought against Russia]. After the war, their own countries did not accept these people. They were left homeless. Pakistan was one of those countries that had had problems with India with regards to Kashmir. Pakistan had two or three wars with India. These wars drained both countries economically. With that and the Russian withdrawal, that left Afghans fighting with each other. More than a million people fled from Afghanistan to take refuge in Pakistan. After the Russian withdrawal, the Freedom Fighters, the issue was propagated so much in our area, that freedom fighting became fashionable. Freedom fighting is still fashionable. I would say that a great deal of the Pakistani population side with the Freedom Fighters without knowing their causes.

Presiding Officer: So, are these people essentially "Rebels without a Cause?"

Detainee: After the Russian withdrawal, Pakistani fighters in Afghanistan, they all gravitated toward Kashmir. That kept many military individuals in India very busy. That suited our area as far as Pakistan and China were concerned.

Presiding Officer: China has a dog in that fight as well.

Detainee: Exactly. Well, as far as I know, China was a big economic supporter to those Kashmir Freedom Fighters. The Jihad, which is Freedom Fighting in Islam, in Muslim countries, has also become fashionable in our country. After 9/11, India began objecting, and the United States started pressuring Pakistan not to interfere in India's affairs. So, Pakistan began cleaning up those Freedom Fighters. The region overall has a problem. It is very difficult for any civilian to determine who is who in our country. I am giving you my very honest opinion.

After being detained here [at Guantanamo] I can now realize the difference between the Freedom Fighters and the terrorists. At this point, it is no longer difficult for me to distinguish between and not to associate with people like the people I had been associated with in the past.

Presiding Officer: Are you saying that now, as you sit here today, you have a better understanding and you are better able to discern who the terrorist are and who the Freedom Fighters are?

Detainee: What I feel Sir, is when I think about Pakistan and the people I used to meet and associate with, anybody who is doing good business in Pakistan, they will see in a week, hundreds of people who come to you and visit you at your office at the reference of a friend, family member, etc. It is very common to see many people each day. It is the obligation of every Muslim to give 2 ½ % of your assets in the form of charity to deserving people. Even if I do not make any money in a year, if I have any assets, I must sell them to give my required 2-½ %.

Presiding Officer: What would you do different knowing what you know now?

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UNCLASSIFIED//~~FOUO~~

Detainee: I would avoid meeting people as much as I used to. I have been trying to educate Freedom Fighters to get jobs. As far as I know, the Freedom Fighters have over 100,000 in manpower. I am trying to educate them to create jobs. The formal Army does not train them.

Presiding Officer: Tell me about your relationship with Khalid Sheikh Mohammed (KSM).

Detainee: I met him after I met Usama bin Ladin. The card [the media business card] I gave to Usama bin Ladin, Khalid Sheikh Mohammed brought that card into my office one day. He said you proposed a program to Usama bin Ladin. What are the details of that program? He was the one who had a lot of knowledge of production, cameras, and equipment. We started a conversation based on that. He introduced himself to me as an agricultural specialist from Afghanistan.

Presiding Officer: When was the last time you saw him?

Detainee: I saw him in July 2002.

Presiding Officer: How would you describe him?

Detainee: After I saw the news coverage on the media, I was just as surprised as anyone else. I did not know he was Khalid Sheikh Mohammed. He introduced himself to me as Mir. I had a copy of his identification card. He appeared to be a basic and humble Muslim man. We prayed together. He came to my office a few times. I offered him a meal and he ate the meal.

Presiding Officer: He was not the person he was telling you he was. Is that correct?

Detainee: That is correct.

Presiding Officer: Are you referring to him [KSM] when you said earlier that you would be more careful of the people you would associate with? Is he one of the people you were talking about that you wished you had never met?

Detainee: Yes Sir. And making programs with Usama bin Ladin, I now know that is something that I would not have liked to get into.

Presiding Officer: Why?

Detainee: Because they cause problems for my organization and me so we should not get into that and associate with Usama bin Ladin and Khalid Sheikh Mohammed.

Presiding Officer: Do you think making those kinds of programs would cause problems for anyone else other than you and your organization?

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Detainee: These are the controversial people of the world and it would be better for me not to get involved with them. They have been labeled as terrorists. I don't know if they are terrorists or not, but associating with them is bad.

Presiding Officer: Really. I am surprised to hear you say that. You seem like a very well educated and well-read man. None of these people [UBL or KSM] we have been talking about have denied any of their activities.

Detainee: I have a very good friend in Pakistan who can tell your future. If you sit with him he can tell you your past and future. I asked him what he thought about Usama bin Ladin. He told me Usama bin Ladin is publicity hungry. What my feeling is Sir; the media services are the ones who are projecting them [UBL and KSM, terrorists, etc] in such a way that people are becoming paranoid. I think if the media could be controlled, we could probably solve about 50% of the terrorism problem.

Presiding Officer: You must admit these individuals are projecting a little more than just publicity. Flying planes into commercial office buildings, the Pentagon, and the plane that went down in Pennsylvania. That is a little more than projecting publicity.

Detainee: Sir, I agree with you on that point.

Presiding Officer: This is what concerns me. I will be honest with you. I am concerned that you equivocate every time the Review Board asks you to give us an assessment of a known terrorist, a known mass murder. I am concerned about that. You are not making the Review Board feel good. Are we communicating here?

Detainee: I understand that Sir.

Presiding Officer: The Review Board wants you to know what we are thinking. We are not playing hide the ball here.

Detainee: I want to be very honest with you Sir.

Presiding Officer: I know you do. I believe you do. That is why the Review Board is being honest with you.

Detainee: I have asked this question to the Intel team time and time again. If you think the people I was associated with and you have the evidence and the proof that they are terrorist, can I see that proof? The interrogator told me I was asking too much.

Presiding Officer: You don't need that information. That information is out on the public airways. Usama bin Ladin freely admitted it was his plan to attack the World Trade Center. He was overjoyed and happy. He said he could not have anticipated that it was going to be more successful. Those words came out of his own mouth. KSM did the same thing. Mullah Omar did the same thing. All the Review Board is asking you Sir is this: Condemn what they did, condemn what they admitted.

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Detainee: I do condemn them Sir. I condemn who ever carried out those acts. As I am living in Pakistan, what I see and what I read in Pakistan, I have also seen and have heard that they [UBL and KSM] have denied these things.

Presiding Officer: I guess we could talk about apples and oranges. I think you are in a different category in regards to what I was talking about. What my distinguished Board Member here brought up, were some specific events, he asked for your feelings in regards to those events, and I am telling you, your responses are not exactly giving the Review Board a good feeling to release you.

Board Member: Prior to your arrest, do you admit that you associated with known al Qadia operatives?

Detainee: I never knew they were al Qadia operatives.

Board Member: You never had a business relationship with al Qaida?

Detainee: I never had a business relationship with al Qaida. But I did have a business relationship with people whom I am now being told were members of al Qaida.

Board Members: These people wanted to do great harm to the United States of America. As late as 2002, you had associated with these people. That is our concern. Our purpose is to try and stop any future attacks against our nation. What the Review Board is trying to say is this: if you cannot condemn these people for their acts, then the Review Board does not feel very comfortable [releasing or transferring you].

Detainee: I condemn them Sir. I condemn them for these acts. But I have read accounts in Pakistani newspapers and seen on news broadcasts that Usama bin Ladin was actually not responsible for 9/11.

Presiding Officer: Didn't you hear Usama bin Ladin admit it? Usama bin Ladin admitted it. His [video] confession was on every television and on every radio. Usama bin Ladin said he was responsible for the attacks on 9/11. Didn't you hear that?

Detainee: I did not hear that Sir.

Presiding Officer: You have never heard that and you have never seen the video footage of his confession?

Detainee: I have never heard that Usama bin Ladin accepted responsibility for 9/11. I have never heard KSM or Mullah Omar admit it either.

Presiding Officer: That is incredible to me. I am not saying that you are not telling the Review Board the truth, I believe you when you say it, but it is just very incredible. I am just amazed that a man with your education, your world travel, and your background in

UNCLASSIFIED//~~FOUO~~

business, that you are that unconnected to mass media and you have never heard or seen Usama bin Ladins confessions.

Detainee: I watch CNN and the BBC.

Presiding Officer: CNN ran the video confession over and over again. It was all the entire world watched for weeks. I cannot tell you how astounded I am that you are telling me your have never heard about Usama bin Ladins confession and claim of responsibility for 9/11.

Detainee: I have never heard that Sir. I am telling you the truth.

Board Member: Do you think Bin Ladin would like to strike the United States again, even harder than he did the first time?

Detainee: Do I believe that Sir?

Board Member: Do you believe Usama bin Ladin would still like to do great harm to the United States?

Detainee: I do not know Sir.


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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CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 1094

Exhibit#	Date	Classification	Guantanamo#
EC-C1	12/09/05	UNCLASSIFIED	NONE
EC-C2	11/11/04	UNCLASSIFIED	NONE
EC-C3	02/08/05	UNCLASSIFIED	NONE
EC-C4	11/03/04	UNCLASSIFIED	NONE
EC-C5	08/17/05	UNCLASSIFIED	NONE
EC-C6	05/12/01	UNCLASSIFIED	NONE
EC-C7	01/21/02	UNCLASSIFIED	NONE
EC-C8	12/09/05	UNCLASSIFIED	NONE
EC-C9	02/08/05	UNCLASSIFIED	NONE
EC-C10	11/11/04	UNCLASSIFIED	NONE
EC-C11	12/09/05	UNCLASSIFIED	NONE
EC-C12	12/11/04	UNCLASSIFIED	NONE
EC-C13	11/18/03	UNCLASSIFIED	NONE
EC-C14	11/18/04	UNCLASSIFIED	NONE
EC-C15	11/19/04	UNCLASSIFIED	NONE
EC-C16	11/18/04	UNCLASSIFIED	NONE

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EC-C
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UNCLASSIFIED

UNCLASSIFIED

Dec 09, 2005.

The President

Administrative Review Board

OARDEC, Guantanamo Bay, Cuba.

REF: YOUR UNCLASSIFIED SUMMARY DATED 14 NOV 05.

SUB: REVIEW - MY DETENTION.

Honourable Sir,

With reference to above UNCLASSIFIED SUMMARY my
humble submissions are as follows: -

Name: SAIFULLAH A. PARACHA

DATE OF BIRTH: AUG 17, 1947 - PAKISTAN - 58 YEARS.

NATIONALITY: PAKISTANI BY BIRTH.

EDUCATION: GOVERNMENT BOYS SECONDARY SCHOOL KARACHI - HIGH SCHOOL - 64

AISHA BINARY COLLEGE, KARACHI - TWO YEARS - 1966

KARACHI UNIVERSITY, KARACHI - (B. Sc) HONOUR - 1969

NEW YORK INSTITUTE OF TECH. NEW YORK (B.S.) SYSTEM (Camp)

With reference to your memo 3(a) 1-2. I visited
Afghanistan 3 times during TALBAN GOVERNMENT. After
Soviet Union withdrawal, warlord started fighting


Detainee's Signature

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With each other and they damaged Afghanistan more than Soviet Union invasion era. TALBAN means Student in Afghan language, Mullah Omar was a freedom fighter against Soviet Union, after Soviet withdrawal he became a teacher in Quranic education. Mullah Omar with his students started disarming Warlord from Southern part of Afghanistan and they succeeded to clean up 95% of Afghanistan. Also declared Poppy growing, trading & processing against Islam. In 1999 I was also searched to visit Afghanistan, Some Trustees of Council of Welfare Organisation made me to visit, it was an eye opener visit, Country ~~is~~ totally ruined, no basic infrastructure for communication, no phone system, limited power supply, very poor and limited health facilities, very limited education institution no industry and very limited agricultural activity. But I saw no drug and absolutely peace wherever we went in Kandahar, Spinbunkel Kabul area. Pakistan Saudi Arabia and


Detainee's Signature

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United Arab Emirate recognised the TACBAN Government and had establish formal diplomatic relationship. Also I met Pakistan Ambassador in Afghanistan. To visit Afghanistan was neither restricted nor prohibited by Pakistan Government. Since the poverty was all around in Afghanistan even for basic bread there was problem for most people to feed their children and themselves. My second trip was organised by Pakistan Rice Exporter Association, they requested me to lead the delegation consisted of Businessmen, retired Army officers, Industrialists and some government retired officials from all over Pakistan most of the people I did not know, if there was a terrorist supporter. I have no information, I even don't know if some body met Mullah Omar and contributed funds.

As far as ~~meeting~~ Usama's meeting is concern there was one gentleman MAULANA MAZHAR who offered me to meet USAMA and I went with him

Detainee's Signature

Date

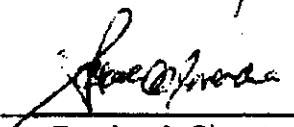
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I have already provided detail of my meeting to interrogators from time to time. I introduced him and gave my business card of Universal Broadcasting and suggested him for T.V. program recording based on Qur'an ^{in English} as described in Annex 1 written by Mr. Bukhtar Ahmed, Director program, Universal Broadcasting. One of our speciality in T.V. program production we have been producing high quality Islamic program and trying to make interesting and marketable around the world. What I feel there ^{are} many similarities in Christianity & Islam which has not been understood properly i.e. we have many common prophets like ABRAHAM, ISAAC, ISHMAEL, JACOB, JOSEPH, MOSES, DAVID, SOLEMON and specially Qur'an pays lot of respect to Chris and Mary. We, between Christian & Muslim represent 54% of the world population and own 70% of world resources which need to be properly projected among Muslims & Christians.


Detainee's Signature

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Making T.V. programs with USAAMA did not material.
So far we have ^{produced} over 300 programs consist of entertain-
ment, documentary, current affair and religious.
One of the program consist of 26 episodes
of well known muslim scholar from
Washington D.C. MR. Yusuf Estes, one program's
C.D. has been submitted to your Washington
office by my lawyer Mr. Q.T. Hunt for your review
WRT 3(a) ~~345~~³⁴⁵, enclose please find Annex A+B
detail of IMA by General Manager of IMA. Whome
CHARLE ANTERBY - WHITE - AMERICAN from JEWISH
Community was my 50% partner since 1993,
our business setup is like a commission agent
called buying house on behalf the US buyer
of GARMENT from Pakistan from manufacturer.
Factory make direct shipment to USA our company
is only to monitor quantity and timely shipment,
F.B.I. has all the detail operation of IMA. In
last 10 years we executed more than \$90,000,000 Dollars,
never prepared, never shipped any explosive.



Detainee's Signature

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Date

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As I have stated I or any of our organization
neither exported or imported into Pakistan ^{any material} for
USA or any where in the world, I have no
knowledge on shipping regulation. However
Charles Antebay advised our Karachi office that
it take 2 days longer in the formalities from
US clearance so the factory should ship
goods according. I am sympathetic to post and helpers.

WRT 3(a)4 & 3(b) ⁴⁺² ~~4+2~~ please find
Annex 3, specially page 3 and 4. I and my son
Usama Pervez did not know their real identity
we were told different names, I had behaid
Shahid and Ammar Bahuchi's Pakistani
identification card ^{copy} photos in my office.
And try to help to show them area in Karachi
where I live behaid Shahid was interested
to buy one ^{house} whereas Ammar Bahuchi wanted
to rent one ^{house} to the best of my knowledge and
information they neither bought or rented any property.
Meeting AL-QAIDA not knowingly, I dont know who is who?

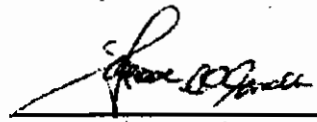

Detainee's Signature

Dec 07, 2005
Date

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WRT 3(c)1, during US operation in Iraq, people used to discuss with their own point of view, O'as remember ^{may have} stated many times that Saddam Hussain is a ruthless dictator if he has any weapon of mass destruction he would ^{not} ~~would~~ ^{not} ~~hesitate~~ to use and ^{it} would be a disaster, how some one quoted that, and what circumstances I don't know. On the issue of WMD a detail interrogations were carried out on me and several POLYGRAPH tests were also carried out which I was told I cleared. you may refer this some time in March-04 in Afghanistan.

WRT 3(c)2, This is first time you brought up, I never discussed, I have no knowledge of US nuclear reactors. It is crazy to think, discuss it is my opinion. Again who said that under what circumstances I don't know. Even I don't know in my life time any body discussed this issue in my presence


Detainee's Signature

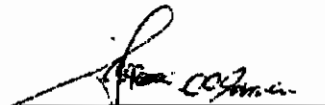
Dec 09, 2005
Date

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WRT 3(d) Charles Anteby called me from Bangkok invited me to Thailand to discuss business just for couple of days I was travelling very light only with some ^{business} documents, I would request to see those INTELLIGENCE INFORMATION for which I am not aware of.

WRT 4, I and some like minded Pakistan formed a non-profit organization called Council of Welfare Organizations in order to help poor and needy people in 4 area, i, EDUCATION, HEALTH, JUSTICE and FOOD SUPPORT. for some detail refer ANNEX - 2 page 2 and 3.

I see and believe there is a UNIVERSAL GOVERNMENT where Lord AL-MIGHTY is a King, we all human being are equal citizen of Universal Government. What ever when ever we can contribute it has a great value in the spiritual world. After Afghanistan visits I felt responsible to find solution for the entire


Detainee's Signature

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Pak-Afghan. First I prepared a booklet to highlight business opportunities, it was also covered in local newspaper in Pakistan. Karachi Chamber of Commerce and Industry invited its members, Counsel General of Afghanistan, for presentation that booklet, it was very useful and well circulated and received.

I also thought to pursue US Congressmen Senators, Cabinet members and the president of United State, I sent over 550 letters each letter was addressed each Law Maker and other Cabinet Members. Copy enclosed as Annex 4 A. One high official we read this letter complimented that if our politician had paid attention^{to} this letter probably 9/11 might have not happened.

Another letter I sent to ^{US} President Annex 4-B to assist US to coordinate with moderate TALBAN for peace - Never received any response.


Detainee's Signature

Dec 09, 2001
Date

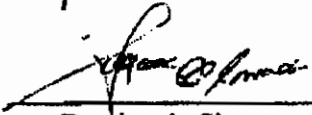
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An other letter I sent to US Ambassador in Pakistan for an interview in order to discuss and clear my and my family position and made many phone calls see Annex 4-c.

It is beyond my imagination why I was arrested in such a uncivilised way whereas I was never hiding on the contrary I offer myself availability any time any where. More ~~over~~ ^{over} I was no where near war zone area and I did not violate local or international law, never kept licensed or unlicensed arms in my custody.

I am in the custody of US since July 06 2003, I never violated rules and regulation of US Army. I am always studying Quran in strict isolation even here in Guantanamo Bay.

I have always been worried about the welfare ^{organisation} which I was heading what is the status, and how I can improve poor man's life in


Detainee's Signature

Dec 09, 2003
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Education, Health, Justice and ^{that} I could earn
and make honest living in a respectable way.

I feel myself and my family is really
a blessed one I have ^{been} doing very ^{good} business with
U.S. for last 10 years, my partner has always
been very happy and satisfied of our relation-
ship, although Charles belong to Jewish Community
but never felt insecure as a Jew in Pakistan.
As I stated I am student of Holy Quran and
Holy Bible, Quran says killing one human being
is like killing entire humanity, Saving one
human soul is like saving entire humanity,
I believe and practice accordingly.

Annex 5-A, it is a partial list of my immediate
family members and their off-spring in USA. And
Annex 5-B is sworn statement of my nephew
lives in New York, he has highlighted New York
times, Aug 18, 2003 statement some American business
associate news coverage, for your reference.


Detainee's Signature

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During my captivity I wrote many papers for interrogator, they liked and appreciated i.e.

i, WAR AGAINST TERRORISM.

ii, Political PROBLEM & SOLUTION FOR AFGHANISTAN

iii, Economic DEVELOPMENT IN AFGHANISTAN.

iv, Political & Religious PARTIES IN PAKISTAN.

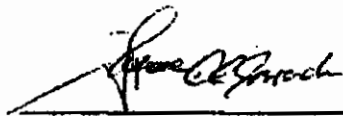
v, SOLUTION FOR KASHMIR BETWEEN INDIA & PAKISTAN.

vi, MADARUSSA SYSTEM (ISLAMIC TEACHING).

vii, UPDATING MADARUSSA'S WITH VOCATIONAL EDUCATION.

I tried to convey to agents to use wisdom rather than force, it is a basic teaching of Quran & Bible, my education, believe and experience of stay in western countries, I felt comfortable and people around me always felt comfortable also.

I have 2 sons and 2 daughters they all having their education in Christian (Catholic) missionary school in Karachi except Uzair who studies in Parsi Missionary school. All my four children are having best secular education. And they do practice Islam.



Detainee's Signature

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Annex 6-A, B, C, D, E & F are six letters
regarding my references consist of 10 pages

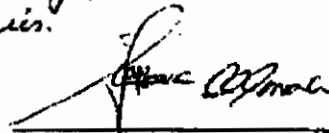
It has been more ^{than} 29 months of my detention
and being kept in ISOLATION. I am an old man
of 58+ years, My CARDIAC, DIABETIC, BLOOD PRESSURE
SKIN DISORDER, URINATING DIFFICULTIES & ULSER, I
am on constant medication, but my biggest
desire is I am home sick. There is an old
English proverb "JUSTICE DELAYED JUSTICE DENIED"
You are a Sole Superpower now if you don't do
justice how can be there otherwise.

According to great Greek philosophers ARISTOTLE
& ~~SOCRATES~~ ^{PLATO} "EVERY ONE SHOULD GET THEIR DUE JUSTICE"

According to old LATIN say "JUSTICE SHOULD
DONE LET HEAVEN ^{EVEN} FALL"

According to Shakespeare "RIGHT AND WRONG. BETWEEN
WHOSE ENDLESS TAN JUSTICE RESIDE"

ALEXANDER the great of Macedonia was a disciple
of ARISTOTLE and was a just king, he died at ^{the} age 33 but
his kingdom lasted for centuries.

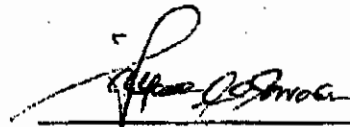

Detainee's Signature

Dec 09, 2015
Date

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I request and pray for you early recom-
mendation and implementation and I am
ready to give undertaking sworn statement
that if I am released, I solemnly swear
that if I am release I will not take up arms
against the United State or against any force
allied with the United States and that I will
not aid or assist anyone doing so, I will
not aid or assist anyone planning or
carrying out any act of terrorism.

GOD BLESS HUMANITY, GOD BLESS OUR MOTHER
EARTH.


Detainee's Signature

Dec 09, 05
Date

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ANNEX - 1

Mr. Saifullah Farooq

As I know him,

I came to know Mr. Saifullah Farooq when I started directing plays for his TV production company, Universal Broadcasting. Initially I did not see him personally as his Production Executive, Mr. Akbar, used to call I would deal with him only. In year 2000, I had to Lahore and would come to Karachi according to the shooting schedule. Then there was a big gap as the production work was suspended.


In 2001 I was once again asked to direct some plays for the Universal Broadcasting, which was now headed by Mr. Khalid Saifi, writer of the plays I directed previously. It was now that I had the chance to meet Mr. Farooq occasionally.

I found that he was a thorough gentleman. We would exchange greetings during the noon prayer whenever I was in the office of Universal Broadcasting. Some times he would lead the prayers in the absence of the regular leader Mr. Hingora. One has to be a Minister of high order to be able to lead prayers.

He was consistent and would look after the genuine workers. He had the ambition of preaching Islam through scholars of International scope. We had planned to do such programmes on the basis of non-orthodoxy with other religions. The first of the series was to be on The Christ, Hazrat Imam, Muhammad, The life and teachings of the Christ, PBUH, were to be presented or stated in The Holy Quran and the sayings of our Prophet, Muhammad PBUH. The next personality was to be of Hazrat Imam KATU, also, Moses, PBUH, and so on. We were very much on the idea that you would be doing a service to the peace loving community and would perhaps help maintain the frontiers wide spread in the world due to religious antagonism. But alas it was not to be I found that Mr. Farooq had left the country to attend a business meeting and is missing since then.

I have narrated the above in detail to draw a past picture of Mr. Farooq the kind of a person he was. It is quite astonishing to learn that he is being associated with any hostility or crime. I found him a man of character, a learned person, doing good business, a man of word having respectable habits.

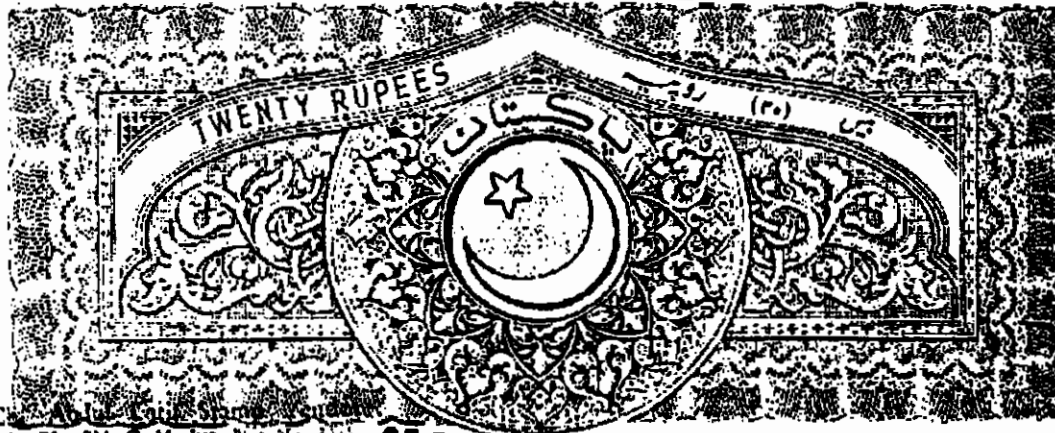
I wish him and his family all the best. May he return soon and be with his family.


Bakhtiar Ahmad
Controller Special Productions (RTD)
Pakistan TV Corporation Ltd
Karachi.

Dated: November 11, 2004.

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Ms. No. 214, G. Market, Post No. 257.
Koch No. 6 P.E. H 8 Karachi-29.
08 FEB 2005
RECEIVED TO WITH ADDRESS THROUGH WITH ADDRESS FOR POSTS WALKER IS ATTACHED
SYED ABUL MAHASIN
SYED ABUL MAHASIN

ANNEX - II - A

KARACHI PAKISTAN.

I, Syed Abul Mahasin states under penalty of the perjury laws of the United States of America:

- 1. I was associated with Mr. Saifullah A. Paracha in his textile garment export business for several years. I make the following statements of my own personal knowledge and from the books and records kept in the ordinary course of the business. I am competent to swear to these facts.
- 2. In or around October, 1992, Mr. Saifullah A. Paracha, in association with three American Citizens, Steven Levy, Allan Levy and Charles Anteby, founded a private limited company and later incorporated, on or about Feb. 27, 1993, with Govt. of Pakistan under Companies Ordinance, 1984.
- 3. Due to some differences between the three American Partners, Allan Levy, Steven Levy and Charles Anteby (Charles is a relative of the other two American Partners), the latter bought the shares from the other two. Thus the company's shares were divided 50% in the name of Charles Anteby and his wife Marissa Anteby and 50% in the name of Saifullah A. Paracha and his family members.



Cont'd on Page # 2.

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Page # 2

4. Our company was working as a Buying House and liaising between Buyers & Suppliers for completion and execution of orders. We oversaw and followed up from cut to pack on textile garments in suppliers' factories and shipping arrangements.
5. The goods were shipped to Mr. Charles Anteby from Karachi to the United States in the name of International Merchandise Group, New York. Later on the company's name was changed to Chanco Buying Agents, 240 West, 35th Street, Suite # 504, New York, N.Y. 10001, U.S.A.
6. During the years from October 1992 to July 2003 we shipped goods worth the following amount to the United States from Karachi:

Year		Value (\$ US)
Oct. to Dec 1992	=	1,703,372
1993	=	8,830,939
1994	=	11,701,260
1995	=	8,543,568
1996	=	3,431,483
1997	=	10,771,074
1998	=	11,570,407
1999	=	13,634,919
2000	=	1,654,896
2001	=	8,224,345
2002	=	7,362,956
Jan. to July 2003	=	3,467,684

7. Our main buyers in the U.S. during the period from 1992 to 2003 were:
 - (1) H.L.S. International
 - (2) Jenna Lane
 - (3) Mister Noah
 - (4) Stargate Apparel
 - (5) Tahiti Apparel
 - (6) Star Kids
 - (7) Star Wear Inc.
 - (8) Haddad Apparel Group
 - (9) Total Impact
 - (10) Van Baalen Pacific
 - (11) No Excuses
 - (12) Parthenon Sports Wear
 - (13) Four Star Apparel Inc.



Cont'd on Page # 3

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Page # 3

- (14) Robert Stock Ltd.
 - (15) Kids Head Quarters
- And others.

8. Saifullah Parache was the Chief Executive of the Company (International Merchandise (Pvt.) Ltd., Karachi.) on the exporting side of this business. In the several years prior to his disappearance in July, 2003 he contributed many millions of dollars of goods to the Americas economy, as the above figures show.

I declare and affirm under the perjury laws of the United States of America that the above facts are true.

Feb. 8, 2005
SAIFULLAH PARACHE

Executed February 8, 2005



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ANNEX - II - B

November 03, 2004 .

RE: MR. SAIFULLAH A. PARACHA

Dear Mr. G. T. HUNT

I know Mr. Saifullah A. Paracha, personally for the last 11 years and that include his wife and children. As a family friend I frequently visit his home.

Mr. Paracha is a versatile personality. He is an honest and true Muslim. He never keeps company with Alcohol and other trivialities. Lots of people lined his office every day, including people related to business and social welfare institutions. People used to take advantage of his philanthropy some used to get loans from him and never repaid.

He was involved in several businesses, most of which have been losing concerns. Abson Industries Ltd., Karachi (A Public Limited Company incorporated in Pakistan) was forced to close due to losses. International Merchandise (Pvt.) Ltd. Karachi (a Private Limited Company incorporated in Pakistan) had to cease its business since his disappearance. Universal Broadcasting (Pvt.) Ltd. (A Private Limited Company incorporated in Pakistan) which was producing programmes of Religious and Entertainment was also wound up. S.S. Associates (Pvt.) Ltd., Karachi (A Private Limited Company incorporated in Pakistan) a construction venture has resumed in October, 2004, after an absence of several months.

His financial status is such that there is hardly any cash balance in his account. His own house is under mortgage. Still he would help his friends, even by taking loans. His alleged involvement in terrorist activities is baseless and without foundation. He is under custody of U.S. Army and F.B.I. for the last 17 months, but could not prove anything so far. Otherwise, he should be presented in the Court of law for his crimes (if any), but the Agencies bitterly failed to prove. His letter from Bagram, Kabul, Afghanistan delivered to his wife after lapse of 45 days to 60 days after censor through the courtesy I.C.R.C., Islamabad (Now he is in

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Page 1 of 3

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Guantanamo, Cuba), since September, 2004. Being a Muslim, his sympathy with Afghanistan and Iraq does not mean that he is involved in terrorism or supports terrorism. He has never ever seen a live cartridge in his life. For the last 11 years, I have never seen a Security Guard with a Gun posted at his residence (In Defence Housing Authority, every resident has his own Security Guard). In such circumstances, it is absolutely baseless and false to implicate Mr. Saifullah A. Paracha a pious and generous man to be labelled and charged with as a "TERRORIST".

I am narrating below some of the Business and Social Activities of Mr. Saifullah A. Paracha.

1. Mr. Saifullah A. Paracha has been a model Pakistani citizen. I have set out a short description of his activities to illustrate by way of background the nature and conduct of Mr. Saifullah A. Paracha. He has been founder of several successful business interests operating in Karachi & N.W.F.P. These have included business in both propylene bags, Textile Garments, Religious & Entertainment programmes of T.V. and construction of residential apartments.
2. Mr. Saifullah A. Paracha has devoted enormous time, effort and resources in his tireless efforts to further charitable causes. By way of example, Mr. Paracha established, the General Hospital and Maternity Home in Mangowal, Distt. Sargodha. This was a substantial project with the help of Paracha clan which cost in excess of Rs.14 million. The hospital provides medical facilities to the poor and needy people in the deprived and undeveloped village of Mangowal, his birth place.
3. Mr. Paracha also assisted "The Citizen Foundation" (TCF) in establishing an educational institution, opposite the hospital in Mangowal, Distt. Sargodha.

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4. Mr. Paracha's charitable activities have extended to other projects including assisting with the construction of EYE HOSPITAL for the poor by the Layton Rahmatullah Benevolent Trust (L.R.B.T.) in Shahpur, Distt. Sargodha.
5. Mr. Paracha was responsible for the renovation of the GYNAECOLOGICAL Wards in the Civil Hospital, Karachi through Council of Welfare Organisation. This particular project was acknowledged by the Secretary of Health, Govt. of Sindh.
6. Mr. Paracha has covered extensive projects for relief of poverty. These have included feeding some 5000 families struck by famine in Thar and Kohistan. Projects have also comprised building wells and installing hand pumps to benefit 4000 families through PASBAN. Mr. Paracha has also been devoted to assisting with the eradication of the spread of scabbles amongst inmates held at the Central Jail in Karachi and provided ceiling fans for installation in the cells.
7. Mr. Paracha visited Afghanistan from May 12 to 14, 2000 and February 16 to 19, 2001 well before the tragedy, which occurred in America on September 11, 2001.
8. These visits to Afghanistan were in pursuance of efforts to rebuild the economy and assist with developing educational institutions, particularly for the female community. In fact Mr. Paracha led a delegation of 65 Industrialists, Traders, Retired Army Personnel, Social Workers and other individuals from diverse background in order to further these goals. After this trip in February, 2001, the Ummat newspaper carried articles in instalments covering the visit. Even after September 11, 2001, Mr. Paracha efforts to help stimulate Industrial growth in Afghanistan continued with the new Government of Mr. Hamid Karzai.

You may draw your own conclusion about Mr. Paracha's character.

Best Regards - MAHASIN

UNCLASSIFIED
Gallard T. Hunt

301-530-2807
gthunt@mdo.net

Attorney at Law
1409 Gleason Street
Silver Spring, Maryland 20902

Amvex III
Admitted:
D.C. Bar, #99375
(Not in Maryland)
U.S. Tax Court

This communication from an attorney to a potential client is not related to any future confidential communications.
Sending it by non-secure means implies no waiver of the privilege for other communications.

August 17, 2005

Mr. Saifullah Paracha
Detainee, Camp Delta
Guantanamo Bay, Cuba

Dear Mr. Paracha:

Uzair's lawyers have sent me the enclosed reports. These are two reports of three pages altogether, with no indication who compiled them or the real names or identities of the persons supplying the information. Uzair's lawyers say the reports were given to them by the government under the obligation to give the defense any exculpatory evidence the government may have. Uzair's lawyers filed them with the court (the Southern District of New York) and they are now public documents we may use as we wish.

I already sent copies of these reports to [REDACTED] to pass on to the Administrative Review Board. She cannot tell me if you have already had your ARB hearing or when it will take place. So be sure to show the reports to the Board, and if you have already had your hearing, ask that they reopen to consider them. Please keep in mind my previous genetic advice to any and all prisoners: You have a right to remain silent, and to demand counsel at any point in your questioning, and anything you say may be held against you.

When I get down there in September, I hope you can elaborate on the reports, and maybe suggest some ways to corroborate them.

Also enclosed are two recent orders of the appellate court. They are mostly technical and scheduling matters, but I was encouraged by them because they did not dismiss our appeals out of hand as I feared they would.

I see you turn 58 today. I wish you many happy returns of the day -- next year in Karachi.

Yours truly,

Gallard T. Hunt

Gallard T. Hunt

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Attorney-Defendant Materials

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UNCLASSIFIED
KARLOFF C. COMMISSIONG
Attorney At Law
20 VESEY STREET, SUITE 400
NEW YORK, NEW YORK 10007
TEL. (212) 791-3919 FAX. (212) 791-3940

August 15, 2005

VIA FACSIMILE

Mr. G.T. Hunt, Esq.
1409 Gleason Street
Silver Spring, Maryland 20902

Re: United States of America v. Uzair Paracha, 03 Cr. 1197 (SHS)

Dear Mr. Hunt:

Please find enclosed a copy of unclassified summaries of information provided by the government in the above referenced case. Should you have any questions or concerns, please contact me at (212) 528-2714.

Respectfully,

Karloff C. Commissiong
Karloff C. Commissiong

KCC/es

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The person known to Uzair Paracha as "Mustafa" is reported to have stated as follows:

- "Mustafa" met with Saifullah Paracha's son, Uzair Paracha, a total of four times, all while visiting Saifullah Paracha at Saifullah Paracha's house.
- Uzair Paracha was totally unwitting of "Mustafa's" Al Qaeda affiliation, or of "Mustafa's" intention to use Saifullah Paracha for the broader operational plan involving Majid Khan. Uzair Paracha knows nothing about operations. Neither "Mustafa" nor Majid Khan indicated to Uzair Paracha at any time that they were mujahidin or Al Qaeda. Uzair Paracha did not complete the task involving Majid Khan.
- Saifullah Paracha was unwittingly being used to assist in "Mustafa's" broader plans with Al Qaeda operative Majid Khan. Saifullah Paracha was someone "Mustafa" used for information, but from whom he kept his Al Qaeda connections hidden. There were no operations discussions between "Mustafa" and Saifullah Paracha. "Mustafa" intentionally used cover stories and distorted truths to mask his particular interests with Saifullah Paracha during their discussions.
- Although Saifullah Paracha had a long-standing relationship with "Uzair," Saifullah Paracha did not know "Uzair's" true identity, or any other name for "Uzair." "Mustafa" did not believe that Saifullah Paracha was aware that he and "Uzair" were Al Qaeda, but "Mustafa" believed that Saifullah Paracha likely knew that "Mustafa" and "Uzair" were associated with mujahidin and could be associated with the Taliban or Al Qaeda. Saifullah Paracha did not know that "Uzair" was affiliated with Al Qaeda until the worldwide publicity of "Uzair's" arrest. Mustafa showed Saifullah Paracha the famous picture of "Uzair" after "Uzair's" capture and Saifullah Paracha was surprised to learn that "Uzair" was as important a man as he was. At the time of "Uzair's" arrest, Saifullah Paracha probably knew of "Mustafa's" Al Qaeda affiliation.
- Because Saifullah Paracha had never been properly vetted, he was never tasked by Al Qaeda (i.e. "Uzair" or "Mustafa") to do anything for them. Saifullah Paracha was only a businessman who was sympathetic to the mujahidin. Saifullah Paracha has no relation to this business, i.e. Al Qaeda.
- "Mustafa" was not aware how "Uzair" knew Saifullah Paracha, or if Saifullah Paracha had ever met UBL.

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Majid Khan is reported to have stated as follows:

- He did not know of any funding or investment "Mustafa" gave to Saifullah Paracha.
- He had no knowledge of Saifullah Paracha's company, the plan to smuggle chemicals or explosives via the Parachas, or other resources that might be attractive to Al Qaeda.
- No compensation was given to Saifullah Paracha in return for Saifullah Paracha arranging for Uzair Paracha to assist Majid Khan with Majid Khan's immigration matters.
- He had no Al Qaeda contacts in the United States.
- None of his contacts were aware of his gas station attack plan or any other actions he might have taken on behalf of Al Qaeda.
- He assessed Uzair Paracha was willing to help a fellow muslim at his father's request, and that Majid Khan knew of no other motivation for Uzair Paracha's assistance. He did not assess Uzair Paracha as being suitable for any other assistance to Al Qaeda besides helping with Majid Khan's documents at the time. Uzair Paracha volunteered that he wanted to spread Islam through media.
- He thought Uzair Paracha was a good person who was willing to help and that Majid Khan might have been interested in recruiting Uzair Paracha once Majid Khan returned to the US and had time to assess Uzair Paracha. He would only give Uzair Paracha a 5-10% suitability assessment, citing the fact that Uzair Paracha had no extremist views and was not really a practicing muslim.
- Uzair Paracha was to go to the post office, pretend that he (Uzair Paracha) was Majid Khan, and give the post office a change of address for Khan. Uzair Paracha was to deposit money in Majid Khan's account, and later call the INS to inquire about the travel document. All of this was to be done to lead US authorities to believe that Majid Khan was in the US when he was actually in Pakistan. To his knowledge, Uzair Paracha did none of these things.
- If Uzair Paracha claimed that Majid Khan sent something to Uzair Paracha, Uzair Paracha would be lying in making that statement.
- "Mustafa" was known either as Habib or Moin to the Parachas.

It has been reported that the person known to Uzair Paracha as "Uzair" was shown a photograph of Saifullah Paracha, which was taken in the early 1970s. "Uzair" claimed not to recognize the individual in the photo.



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Council of Welfare Organisations

ANNEX - H-A

Anam Estate, 8th Floor, Opp. Duty Free Shop,
Shahruh-e-Faisal, Karachi-75350, Pakistan.
☎ (92-21) 431-3000 (11 Lines)
Fax : (92-21) 431-3011
E-mail : cwo@img.com.pk
Web Site : www.cwo.org.pk

The Honourable George W. Bush (Sr.),
Ex-President,
The White House,
1600, Pennsylvania Ave, NW,
Washington DC. 20500.

CWO/2001.
May 12, 2001.

SUB : AFGHANISTAN / PAKISTAN.

Dear Your Excellency,

I take this opportunity to introduce the "Council of Welfare Organisations". This is a combined organisation of a number of welfare projects, engaged in service to the needy people and mankind for nothing but to get the accord and blessings of God Almighty.

Now, after this brief introduction, I seek your kind indulgence towards the main issue. I have spent a great part of my life, about 15 years in the USA. I have been a student of Political Science and Islamic Studies and have an abode at Karachi - Pakistan.

Sir, Afghanistan, which has a population of about 27 million, and an area of more than 0.65 million square miles is now ruled by the Taliban. They have under their rule about 95% of the whole Afghanistan territory. Not long ago, Afghanistan was a trustworthy ally of the USA and waged a relentless war against a Super Power, U.S.S.R., for more than ten years, as a result of which 1,500,000 of its people gave their lives. In addition to the this huge loss of lives, it suffered tremendously, economically and socially. The industries, agriculture, hospitals, educational institutions, electricity and telephone, roads, water, transport and other systems of amenities were badly ravaged in the war.

Now the present situation due to the war is that a man of this country does not even have the basic requirements to lead an ordinary life. It has become

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a backward country absolutely and appears to be a land thousand years before modern civilisation.

The most regrettable aspect however, is that now the USA which was once its ally, has been in open collaboration with Russia in its aim to crush Afghanistan and take revenge of its past defeat. Is it the kind of REWARD which the people of Afghanistan deserved from their former ally ?

Today, undoubtedly USA is the sole Super Power of our globe. But just ponder over it dispassionately, this status of the USA, which it currently enjoys, how did it GAIN it ? Is it not the fruit of the unparalleled sacrifices of the Afghan people and the Pakistanis ? No person can deny this stark naked reality. To say so, the USA has turned its eyes from its former allies. Pakistan has been kept out completely in oblivion, while the people of Afghanistan have been targeted with untold miseries by imposition of various types of embargoes and restrictions on them, through the UNO and its subsidiary agencies.

I dare to bring to your kind attention some economic factors in this connection. You may recall that there was a "DEFICIT BUDGET OF 225 BILLIONS in the year 1993", which persisted till the year 1997, but in the year 1999 the budget became "SURPLUS BY 115 BILLION DOLLARS". How did this happen ? It was largely after the USA became the SOLE SUPER POWER, then again, it cannot be overlooked that making your country a Super Power became possible due to the unprecedented sacrifices made by the people of Afghanistan, in lives and economically.

In addition to Pakistan, every sincere friend of Afghanistan would like it that Afghanistan should be treated according to the ground realities, prevailing there. Such steps, which might further deteriorate the situation in Afghanistan, will prove equally disastrous and destabilising for the region. These should be avoided by all means and forms, e.g. it has been the earnest endeavour of Russia to alienate the northern neighbouring states of

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Afghanistan against it, and get them lined up for internecine warfares with the Taliban and retard its growth and bleed it to death. Russia has an all out plan for its previous shameful defeat and take sweet revenge.

All sorts of embargoes and restrictions have been imposed on the Taliban government of Afghanistan to destabilise it and to prevent it to achieve its rightful position among the comity of nations. Every type of mean line of action has been set in position for them.

In this context the recent tour of Ahmed Shah Masood becomes another glaring example of animosity against the legitimate government of Afghanistan.

Ahmed Shah Masood who poses himself as a leader of the so-called Northern Alliance against the Taliban government and calls himself Defence Minister of the defunct Rabbani government, was called for a whirlwind tour of Europe, and presented before some elite gatherings there as the last ray of hope for Afghanistan. The European nations ensured him of all possible assistance, monetarily and diplomatically to root out the Taliban from Afghanistan.

On the other hand despite all these provocations and schemes to dislodge them the Taliban have hitherto adopted a very calm and patient posture; despite all the provocations and anti-postures the Taliban have adopted a very positive approach and welcome all such measures, which might help the USA and the western powers to adopt a policy based on ground realities.

As far as Pakistan is concerned, it has adopted a very sensible course i.e. to refrain from any interference within the domestic affairs of the Taliban government. It may be recalled that when Pakistan strongly opposed the demolition of the Buddha statues the Taliban government said :

"PAKISTAN IS OUR GOOD FRIEND BUT NOT OUR MASTER".

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In submitting all these realities before your Excellency, which have rather become a bit lengthy despite my best efforts to put it in brief, I beseech you to view all my submissions in a realistic style. Count on Afghanistan and Pakistan as your sincere friends and assist them in the best possible ways. You can bank on these nations, as reliable friends and allies, during the coming decades and the implied changes which are to take place. They will give you their unflinching support. If no radical change could be possible at this stage, your endeavour will be very much greeted, if atleast for the time being, the restrictions and embargoes imposed upon them are lifted. They were your FRIENDS before and now also they are not your ENEMIES. Only a shift in your outlook is the most befitting thing.

CONCLUSION :

We request your honour :

- That the debt burden on Pakistan of over 36 Billions may kindly be written off, being one of the least developed countries in the world and most loyal and supportive to the U.S.
- The Kashmir problem should be resolved once and for all according to U.N Resolutions, so that the amount we spend on Weaponry be spent on development. Since Pakistan Army professionally one of the best in the world may be utilized in the Middle East as peace keeper.
- That sanctions against Afghanistan should be lifted. Immediate help in Health and Education sectors and assist once in Food support programs on an urgent basis should be given to save the starving nation.

The Afghans will reciprocate and give full support to the U.S against communism, terrorism and controlling drugs.

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Council of Welfare Organisations

(Non Profit Organisation)

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We deem it necessary to let you know and make you realise about your obligations. God has rewarded you with the position of political and economic strength in the world through the efforts and contribution of Afghanistan and Pakistan. What we expect from you is to do whatever is in your control and the rest should be left to God Almighty.

God bless you. Best Regards.

Yours Sincerely,
Council of Welfare Organisations.

Saifullah A. Paracha,
Chairman, Board of Trustees.

Copy to : The Honourable George W. Bush,
President,
The White House,
1600, Pennsylvania Ave, NW,
Washington DC. 20500.

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(Non Profit Organisation)

Council of Welfare Organisations

ANNEX - 4-8

Anum Estate, 8th Floor, Opp. Duty Free Shop,
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E-mail : cwo@img.com.pk
Web Site : www.cwo.org.pk

The Honourable George W. Bush,
President,
White House,
1600, Pennsylvania Ave. NW,
Washington DC. 20500,
U.S.A.

CWO/GB/2002.
January 21, 2002.

SUB : AFGHANISTAN

Your Excellency !

I have already mailed you a letter on Sept. 20, 2001. The object of writing this letter is to review the effects on Afghanistan following attack on Oct 07, 2001.

Can the American realize their objectives ? Apparently not, as peace will be difficult to establish in Afghanistan. The Northern Alliance comprises of Uzbeks, Tajiks and Hazaras, who have deep rooted enmities running and are allied under forced circumstances. On the contrary, the Taliban (call you by whatever name) is a reality. Americans will find it very hard to establish peace in Afghanistan, without their support, your economic plans of laying down OIL and GAS pipelines to Pakistan through Afghanistan would be hard to achieve.

The absence of Taliban has already indicated the revival of HEROIN, which is deadly to Humanity. Indications point to growth in illegal weapons. These weapons could be used against locals and foreign people.

The Indians and Russians are supporting the US with their agenda. Iran seems to be with the Allies. Pakistan is already with the Americans. Should you permit, we will put in our efforts to convince moderate TALIBANS to co-operate with you. Such a measure would put an end to the destruction and devastation. Peace can be established, even though it will be a daunting task.

We are aligned to none, neither with Taliban nor the Northern Alliance. We intend to promote your interests and to see Afghanistan prosperous. We want to push behind the destruction of Afghanistan, which has been going on for well over two decades. Innocent lives can be saved. The sooner we get started, the better it would be.

Thanks & Best Regards.

Yours Sincerely,

21849

(SAIFULLAH A. PARACHA). UNCLASSIFIED

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Her Excellency Honourable Nancy Powell,
Ambassador of United States,
Blue Area,
Islamabad.

ANNEX-4

Your Excellency

First of all, I introduce myself as a Pakistani Citizen conducting my business and I am a Businessman/Industrialist since more than a decade and dealing in Textile Garments, Construction and T.V. Private Production House etc. I also lived in USA.

My age is 55 years. To carry on my business and to evaluate, train and transfer my expertise, I thought to groom up my son who has completed his MBA (Marketing) from the Institute of Business Administration, Karachi with distinction in the year 2002 and I have inducted him in the following Companies as Director.

1. International Merchandise (Pvt.) Ltd. (Textile Garments)
2. S. S. Associates (Pvt.) Ltd. (Construction of Multi Storeyed Apartments)
3. Universal Broadcasting (Pvt.) Ltd. (T.V. Private Production House)
4. Arty Management (Pvt.) Ltd. (Food Street, Aquarium etc)
5. Universal News Agency. (Print Media)

Our main Buying House for Textile garments is in New York and our Company's President Mr. Charles Anteby and running the office under the name of Chanco Buying Agent, 240 West, 35th Street, Suite # 504, New York, N.Y. 10001, U.S.A.

I have assigned my son Mr. Uzair Paracha to market for the sale of luxurious apartments in Karachi. Being a Marketing Post Graduate, he has accepted this challenge & left for N.Y. in February, 2003.

As he has just sell two Apartments worth of US\$ 70,000/- and send the remittance through proper banking channel. All of a sudden FBI entered the office and nabbed and asked him to accompany them without assigning any rhyme or reason and was detained in illegal confinement without any cause or crime. He is neither presented in any court of law. If he is a guilty, we shall extend full cooperation with the Authorities concerned, if not he should be released immediately, keeping in mind his educational back ground and business activities.

It may not be out of place to mention here that the Government & People of Pakistan are best friend of-USA. Keep this image alive. Also I would like to request for an appointment to meet and clear my and my families position.

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The brief circumstances stated above, you are requested to intervene and relieve him from solitary confinement.

I am enclosing his graduation profile, brochure & his business cards for your kind perusal.

With profound regards.

Yours Sincerely,

SAIFULLAH PARACHA
CHAIRMAN

FARHAT S. PARACHA
MOTHER

Enclosures :

- 1) MBA Graduate Profile.
- 2) Cliftonia Brochure.

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ANNEX 5-A

STATE OF NEW YORK

COUNTY OF NEW YORK

MOHAMMED T PARACHA, being duly sworn, deposes and says:

1. I am a nephew of Saifullah Paracha and I am competent to make this affidavit by reason of my personal observation, family repute, and my knowledge of the Paracha family.

2. Saifullah Paracha had eight brothers and sisters. Four of these are now living in America and one lived here until his recent death:

Razia Paracha
Attaullah Paracha
Ismatullah Paracha
Qaiser Iqbal
Mumtaz Paracha (who passed away January 2005)

3. Two of these brothers have taken United States citizenship:

Attaullah Paracha
Ismatullah Paracha

4. Together these brothers and sisters produced many children. Among these cousins, I believe the following to be native-born U.S. citizens:

Imran Paracha
Uzma Paracha
Khadija Paracha
Osman Paracha
Omar Paracha

5. I am a naturalized U.S. citizen. I believe the following among these cousins also to be naturalized U.S. citizens:

Saidar Paracha
Khawar Paracha
Tunaia Iqbal

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Afzal Paracha
Mohammed T Paracha

6. I believe about twenty of my cousins to be lawfully living in the United States.
7. Many of Saifullah Paracha's brothers and sisters have grandchildren. Many of the grandchildren are United States citizens.
8. Therefore in terms of family connections Saifullah Paracha is as much or more American than Pakistani. Five of his eight siblings chose to live in America, and two of them took American citizenship. About twenty of his nieces and nephews live in America, some of them, like myself, as United States citizens. If more information on family connections is needed I will be glad to supply it.



MOHAMMED T PARACHA

Sworn to before me this ^{8th} day of February, 2005.



Notary public.

BANDRA DeJESUS
Notary Public, State of New York
No. 01026031022
Qualified in Westchester County
Commission Expires December 27, 2005

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STATE OF NEW YORK

ANNEX 5-8

COUNTY OF *New York*

[REDACTED] being duly sworn, deposes and says:

1. I live at **[REDACTED]**. I have lived in New York since the age of 3. I graduated from NYU Stern School of Business, and currently serve as President of Software Company in the Empire State Building. I am competent to make this affidavit. I make this affidavit to assist the Combatant Status Review Tribunal in ascertaining that my uncle, SAIFULLAH PARACHA, is not and has never been an enemy combatant.
2. My Company based in New York also has an office in Karachi, Pakistan. My business requires that I go to Pakistan about three or four times a year. The main Pakistan office of my company, Verticity Pvt Ltd., is at Ansum Estate Shah-re Faisal, Karachi Pakistan. SAIFULLAH PARACHA's office is also in that building. I do not recall that I ever visited Pakistan without seeing and talking to Saifullah Paracha.
3. When I visited Pakistan I generally stayed with my relatives, and talked with numerous friends and associates in Karachi. I therefore am well-informed about Saifullah's reputation in the community where he lived and worked.
4. SAIFULLAH PARACHA has a well-established reputation for peaceable ness. The people I have talked to simply do not believe that he is involved with terrorism or has supported terrorism.
5. On September 11th, 2001, I was right in front of the WTC when the first building collapsed. I was literally inches from losing my life. As debris was falling down and hitting people, most people began to panic and start stampeding, thus many people lost their lives due to that. With my own eyes I saw people holding hands and jumping out of the window of the 80+ floors.
6. I have discussed the events of September 11th with my uncle, and he was completely against what happened. He expressed sorrow and compassion for people who lost their lives, and agreed that nothing justifies killing innocent people as Bin Laden did that day. My uncle was into saving and helping people. He spent his time in charity work, building a hospital in the poorest areas of Pakistan. He also worked with building schools in the poorest area of Pakistan, which is the Northwest Frontier. This area is next to

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Afghanistan, with which it shares a very porous border. If my uncle crossed into Afghanistan it would have been in connection with this charitable work.

7. Typical of the views people express about SAIFULLAH PARACHA are these:

From an article in The New York Times, August 18, 2003, by David Rhode:

"He very clearly knew I was Jewish," the [Saifullah] Paracha's business partner [Charles Antoby] wrote in a recent e-mail message to co-workers that was released by the family. "We had friendly talks on religion and he never has shown any animosity at all to Jewish people or to America. The opposite — he spoke very highly of America."

* * *

"I was shocked and soured by the allegations and find them very hard to believe," wrote the businessman. He ended the message by referring to his longtime business partner by his nickname. "Saif is my friend," the American businessman wrote. "And he knows it."

On the web site <http://www.freoparachas.org>, where we have a petition to free SAIFULLAH PARACHA, Rabia Azmir, number 82 of 147 signatures, wrote:

He has been like a father to me ever since my father died. He is not capable of doing anything wrong. Please God let him come back to us.

8. SAIFULLAH PARACHA's charitable activities, coupled with his outgoing personality, necessarily brought him in contact with a wide variety of people with a wide variety of views. Given the political atmosphere in Pakistan and Afghanistan today, it is impossible that none of these people would be sympathetic to terrorism. There is no way anyone can live and do business in Pakistan and Afghanistan without coming in contact with some persons who at least verbally support terrorism. It is therefore essential that no court or tribunal infer any guilt by association from any such contacts.

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9. Far from being guilty because of his associations, if any, with persons who may be supportive of terrorism, SAIFULLAH PARACHA is among the decent, anti-terrorist Pakistanis who the United States should be supporting and cultivating as a moderating influence.



Sworn to before me this 11th day of November, 2004.

Jerry Pasini
Notary public

JERRY PASINI
Notary Public, State of New York
No. 01PA6108612
Qualified in QUEENS County
COMMISSION EXPIRES: 04/19/2005

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ANNEX 6-A

To Whom It May Concern:

Although my acquaintance with Mr. Saifullah Paracha does not date back into a distant past, however, his magnetic personality and his thorough gentlemanliness made us feel like long time friends. We met only a few times, but perhaps, because of the commonality of interests and the concern to make our world, as far as possible, free of hatred, made us come very close to each other.

I am a retired Squadron Leader of Pakistan Air Force and also served the Pakistani Inter Services Intelligence agency for a number of years. My association with Afghanistan and its Jihad against the invading forces of the former Soviet Union dates back to the early eighties. The Jihad of Afghanistan against the occupying forces of Soviet Union brought me in close contact with all the major elements who were involved in resisting this aggression. For some, like America, it was a political decision and for others it was a religious duty to safeguard the honor of a Muslim nation.

Soon after the former Soviet Union was forced to pull out of Afghanistan, unfortunately, due to various reasons, the forces that fought collectively and so relentlessly against the Soviet Union, started fighting amongst themselves. This was a very sorry situation, especially, for people who wanted to see Afghanistan as a free country ruled by its own people. I, as one who had gained respect and trust from a majority of the Afghan segments due to my long association with the Afghan Jihad was instrumental in brokering the accord between these warring factions, this accord is popularly known as Islamabad Accord. Again during the early nineties I worked very closely with Mr. Paul Manafort, the well known lobbyist who now holds a very important position in the present US Administration, to broker a settlement of the dispute between the then Sudanese Government and United States of America.

Again, in the aftermath of the tragic happenings of September 11, 2001, I was more eager to see that a negotiated settlement is worked out between the American Government and Taliban. It was my trust with Taliban that made me an acceptable conduit for them to negotiate with the Mr. Mansoor Ijaz and Mr. James Woolsey (the former CIA director) for a possible settlement of the differences between the American Government and Taliban.

Like Mr. Paracha, probably, it has always been my endeavor to try to bridge and fill in the gaps between two contesting parties. This commonality of approach was probably one more reason for us to come so close to each other in so short span of time.

During the course of our discussions on various issues, I was much impressed by Mr. Paracha's emphasis on the human consideration in Islam, especially, being a busy businessman, a person tends to adopt a materialistic approach to life, but it was not so in the case of Mr. Paracha. His concern to redress the sufferings of the ailing humanity around him was praiseworthy as he could always find time for such charitable endeavors despite being involved in diversified businesses; he owned a Production House for

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television entertainment programs and documentaries, a buying house for the export of garments to USA, a huge polypropylene factory and construction projects.

In his eagerness to contribute to humanitarian projects he traveled to various places and met people from a cross section of society. I found him always willing and ready to meet and talk to people wherever such humanitarian project was necessary. This interaction, whose sole agenda was to alleviate the sufferings of the poor and people afflicted by international conflicts, may have brought Mr. Paracha in contact with people labeled as terrorists. However, I will want to make this fact very clear that nor I, neither any of his other acquaintances, have the slightest of doubt in the peace loving nature of Mr. Paracha. None of the people that know Mr. Paracha can ever even imagine associating Mr. Paracha with any activity having negative dimension to it. He probably met Osama once and may have also met some of the leaders of Taliban. But this interaction was not so noteworthy in those days as many charities and charitable people visited Afghanistan to help the downtrodden people of that country. He did criticize American policies but was always concerned at the widening gulf between the west and the east, especially between the Muslims and the American Government. He wanted to come up with a way to bridge this widening gulf, through his television documentaries, etc., to avoid any catastrophic happening.

He was known, amongst his friends, as one following Islamic way of life but he was also criticized for his interest-based borrowings from banks for his businesses. Mr. Paracha possessed a very mild personality, as he did not even force his wife and daughter to wear Hijab, a covering for women prescribed by Islam. He did not even mind dealing with a Jewish businessman, Mr. Charles Anteby and actually felt very comfortable taking him as his partner in his buying house.

I really wish that people like Mr. Paracha are not made victim of the campaign against terrorism. We should be careful not to throw people on the other side of the wall, people who can be instrumental in finding ways to bring the Muslims and the American government closer together to address the reasons for this increasing gulf between them.

Khahid Khawaja

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ANNEX 6-B



Kharwa Naveed Ahmed

AMERICAN BAR ASSOCIATION
Member Executive Committee (Middle Eastern)
Member International (M), ASSOCIATION (I.M.)
Member International LAW ASSOCIATION (I.L.A.)

ADD: 205, Ashraf Center,
Sector 4, Faisal Road,
PO Box 100, Islamabad

Adv. No. 14, Islamabad
Phone: 37333333, 37333333
Fax: 37333333

Date: 12.11.2009

TO WHOM IT MAY CONCERN:

It is certified that Mr. Saifullah Paracha is known to me for last three years. He is a businessman of good repute. To the best of my knowledge, he bears good moral character. I have been told that he has been detained in Kabul for last about sixteen months.

(Kharwa Naveed Ahmed)
Advocate

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Annex 6-C

Samin Khan

Mr. G. T. Hunt,
Attorney-at-Law,
8909 Grant Street,
Bethesda, Maryland 20817
U.S.A.

November 14, 2004

Subject: Saifullah Paracha Case

Dear Mr. Hunt,

I am writing this letter to you as a senior lawyer who is a Barrister-at-Law of the famous Lincoln's Inn, London (1954) and a Master of Law from the Southern Methodist University, Dallas, Texas (1956) and a Master of Comparative Law from the University of Michigan, Ann Arbor (1957).

It may be of interest for you to know that two of my former students are judges of the Supreme Court of Pakistan including the present Chief Justice of Pakistan.

It may be of further interest to you to know that I have addressed the US Senate Committee on Afghanistan (1996) and I am now known for international negotiations.

Mr. Saifullah Paracha is known to me both in my capacity as a lawyer and my being a well known personality of India, Pakistan and Afghanistan. He came first to see me several years back with a gentleman whose family is a well known business family of Pakistan.

Then he later on expressed a desire to record a TV interview of mine on my role in Afghanistan which was conducted by three experts on International Relations and Law. The very next year he again wanted me to record another TV interview of mine on Afghanistan. Subsequently he developed an interest in Afghanistan and tried to do business in Afghanistan and also made some harmless religious recordings for Kabul TV. But he did not take part in anything sinister or against international law or even natural law. He is a mildly religious person but since he has studied and lived in the West for a long time, he is not a fanatic in any sense of the word but a very reasonable person who could listen and appreciate the other person's point of view.

But as regards his trip to Bangkok although he had told me about his differences with his American partner, he did not tell me about the trip.

Saifullah Paracha is a perfect gentleman, is a family man, is a fine synthesis of the East and the West and used to help the poor and the needy.

After his arrest many prominent businessmen because of my presence had naturally and internationally asked me to take interest in the matter and so I became interested in the well-being and survival of his family and I found the family which I had never met before, a true product of Islamic humanism.

If you want any other information about him please feel free to send me an e-mail or write at the above address.

Finally, I wish you success in this matter.

With best wishes,
Sincerely yours,

Samin Khan
Barrister-at-Law

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ANNEX 6-D

CITY SOFT

From: [REDACTED]
To: <citysoft@citysoft.com.pl>
Sent: Thursday, November 18, 2004 12:52 PM
Subject: Attn: Mrs. Saifullah Paracha

This is [REDACTED] and I am the nephew of Saifullah A. Paracha. I have known Mr. Saifullah Paracha since childhood and my closest interaction with him had been during my employment in International Merchandise Group as a Manager Computer Operations of which Saifullah Paracha is the CEO.

During my interaction with Mr. Paracha I had come to know him more personally. Along with managing his company he was also involved in humanitarian work that included operating Council of Welfare Organizations (a non profit organization) and helping the Paracha community to progress that included building a hospital in our village Mangowal.

Most if not all of the company employees turned to Saifullah Paracha with personal or financial assistance and he had always helped the employees directly or in-directly of the company with honest suggestions and financial assistance if needed.

In short, I have seen him as a man of principles and always helps the needy.

Sincerely,

[REDACTED]
s/o [REDACTED] (late)

Date: Thursday, November 18, 2004

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ANNEX 6-E

My first meeting with Mr. Saifullah Paracha was arranged by Sardar Ashraf in October, 2002. Despite the fact that my association with him spans over a very short span of time, however, I learnt quite a bit from him. We worked as partners on the Food Street project, for which prequalification was requested by the City Government of Karachi. I was instrumental in working out a deal for him whereby he acquired 80% shares in the high rise apartment project called Cliftonia.

I am very much impressed by the balance that Mr. Paracha maintains in religion and his daily routines of life. He is a very loving person and gave me valuable advice in my personal as well as businesses affairs. I found him as a very calculated person who always very meticulously looked at the pros and cons of a particular project before making up his mind. I never found him failing in his commitments. Mr. Paracha was very careful in his interactions with his associates and took extreme care that his actions do not hurt others. Whenever I saw him giving financial assistance to anybody he always instructed me not to disclose it to anybody.

During my association with Mr. Paracha, I found him to be an extremely nice man and I consider such type of people as the blessing of God to mankind. He is a loving and a faithful friend, a person who had a unique friendly and immensely loving relationship with his family, always taking extreme care that his children may grow up to be useful members of the society and at the same time have a clear understanding of their religion.

I personally feel that the tragic happening of 8th July, 2004 when he was allegedly taken away by FBI, is an extreme injustice perpetrated on a noble person like Mr. Paracha. I sincerely pray to God that his family comes out of this ordeal at the earliest.

[Statement of Mr. Sher Afzal,
received by email by G. T. Hunt November 19, 2004]

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ANNEX 6F

[English translation of the statement by journalist Mr. Haroon Rasheed, re Saifullah Paracha. This translation was received by Gaillard T. Hunt on November 18, 2004, as a Word attachment on an email from Mrs. ██████████]

The body language of a person depicts his character. Three years back when I met Mr. Saifullah Paracha for the first time, I had an immediate impression that he is a compassionate and a loving person. He offered to enter into a contract with me for his Universal Broadcasting production house, which produced Current Affairs, entertainment and religious programs. Due to some reasons I could not accept his offer, however, I was immensely moved by his sincerity to his work and self-esteem, which is so rare in this subcontinent where inferiority complex is so rampantly widespread.

Our association continued and each meeting that I had with him made me like and respect him all the more. Despite being a reasonably well off man, I found him to be a very cordial and straightforward person. He is very soft spoken and possesses a very congenial personality, un-quarrelsome and never looking down upon others.

Although I am a journalist by profession but a major portion of my life is spent pondering on some major and basic issues concerning human character. For example, how do humans acquire certain traits in their personality and the factors that affect the process of human thought and action, and how are they negatively or positively transformed.

Human behavior and history have always been my areas of interest. Likewise, Mr. Paracha was also very interested in these subjects, which made us come close to each other all the more. I found him to be ever willing to help the suffering humanity. And we so often debated the reasons for the downfall of Muslims.

We, as humans, possess certain positive, and at the same time, certain negative traits in our personality. Genes, impressions that we take from our immediate family and the surroundings, as well as the type of education that we acquire, transform and highlight certain traits in a personality. A positive and good person is one who loves people in general and despises selfishness. One who keeps striving to suppress his negative and augment the positive traits. In Islam we call it self-purification. This process is a never-ending process. Worshipping the Almighty and helping his creations are two cardinal principles of this process of self-purification, and this can only happen if a person ceases to despise and look down upon others. The last prophet of God, Muhammad, may the peace and blessings of God be upon him (PBUH), described this in two words, Al-Deen Al-Naseeha, (Religion is "to be the well wisher of all human beings"). Mr. Paracha is one of those persons who so closely fit into this definition. Although we never found him bragging about his charitable projects and he never told us about them, however, we came to know through others that he set up various schools, other educational institutions and hospitals in the District of Sargodha, from where he started his life as an orphan. He contributed to the renovation of one of the largest hospitals of Karachi. We came to know, after he was taken away by FBI, allegedly, that he was supporting many families financially.

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He is very much different from the religious fanatics. Religious fanatics don't make TV entertainment programs and they enforce their opinion on others, whereas Mr. Paracha did not even force his wife and daughter to wear Hijab. He did not even ever criticize those who did not pray the compulsory Muslim prayers. To the contrary he believed in practicing himself what he advocated and was always busy in his welfare activities. He believed in compassion, self-restraint and healthy exchange of views and lead people by example, not through force.

I always saw him showing respect, love and open-mindedness to non-Muslims and foreigners. He is very firm in his belief that Muhammad, may the blessings and peace be on him (PBUH), is the last messenger of God, and Quran is the last message of God, revealed to mankind through Muhammad, PBUH. He believed that Muhammad, PBUH, completed the mission of Jesus, peace be upon him, and Mosca, peace be upon him, and that Quran actually completed and interpreted clearly and comprehensively the message of Jesus, peace be upon him, and Mosca, peace be upon him which actually is the prescribed way of life for us.

Like Pakistan he was interested in Afghanistan too, where he saw poverty and destruction due to war. He helped the devastated Aghans through his charitable projects and took deep interest in the experiment of Islamic governance in Afghanistan. Like all of us, he also believed that Taliban had no experience of governance and that their interpretation on certain issues was too rigid and opinionated. However, he was much impressed by Taliban's simple way of life and firmness in their belief; he was never opinionated and never expressed extremist ideas.

One of the reasons of our close association was that we both were more inclined towards Sufism in contrast to Taliban's rigid and extremist approach. We both liked the Sufi's approach more who despised the sin and not the sinner. Who hate the wrong rather than the wrongdoer. We used to visit one of the noted Sufis of Pakistan, Professor Ahmed Rafique Akhtar. He was one of the many people whom I introduced to Professor Ahmed Rafique Akhtar who has a following of thousands of followers from the western countries who revere him and take guidance from him.

Mr. Paracha never thought of the American society as an ideal society but at the same time I never saw him rejecting or despising it. To the contrary he mingled with Americans quite comfortably and never had any mental reservations in doing so. Apart from the rare extremist, all good Muslims are like that. He, who sticks to his belief, and respects the belief of others.

He experienced and learnt a lot during his youthful days in the United States. Like many educated Muslims, he wanted to see the development and institution of the various organs of governance in Pakistan. He wanted Pakistan to have an autonomous judiciary, a pluralistic society where people agree to disagree, and the strengthening of democratic institutions, as he saw them being so successfully experimented and implemented in the US and other West European countries. I always felt that he wished Pakistan to have an

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Islamic Social setup established on democratic foundations, where the media, press and the Judiciary is completely free and where people rise above prejudices and live as per their likes and preferences.

I find myself totally unable to accept the fact that he is being labeled as an accomplice of a terrorist. It's a serious misunderstanding, a grave mistake and only those who are extremist and very opinionated themselves can commit such a mistake in their assessment of Mr. Paracha's personality, these are the people who think of every Muslim, who prays five times and has a beard, as a terrorist. Wars bring with them a flood of misunderstandings and unfounded apprehensions and it is a fact that the greatest victim in a war is truth. I know for sure that Mr. Paracha has been a victim of a serious misunderstanding and if any court of law ever investigates his case impartially it will definitely find him as one possessing a noble character for whom Jesus, peace be on him, said that such people make this world a wonderfully interesting place, people who are the essence of life.

One of the basic instincts of mankind, which man has yet not been able suppress, is the urge to dominate. This instinct can be found on an individual, societal or national level. A Society or nation may become afflicted with this negative instinct and the degree of this affliction is at times directly proportional with the supremacy of its power on others. This urge to dominate others, has been the reason that this world of ours has, unfortunately, always had a Nation with hegemonistic aspirations. At one time it was Great Britain, then the Soviet Union and now it's the United States of America. We understand that the New World Order started by senior Bush is actually a manifestation of the same urge to dominate others, which has resulted in the ugly reaction in many Muslim countries. We see Muslims being so mercilessly massacred in Chechnya, Palestine, Kashmir, Iraq and Afghanistan. In Iraq and Afghanistan there is a direct involvement of US in the injustices being perpetrated, whereas in Palestine it supports the aggression of Israel. We see that the US very conveniently ignores the injustices being done to the people of Kashmir and Chechnya. This is our point of view and the way we see things, we agree that the US government has a right to have their own interpretation of the situation, however, this difference of opinion should appeal to human logic, US should not stick to its interpretation on the basis of brute force at its disposal. When, on the behest of US administration, people like Mr. Paracha are kidnapped and taken to Guantanamo Bay, and in doing so, all legal formalities are ignored, what reaction US should expect in return. If Mr. Paracha has committed any crime then it should be very easy to convict him through a court of law. Is it proper to suspect a person of a crime and then kidnap him and condemn him to a deserted island of Guantanamo Bay, without any legal proceedings? Any court of law will agree that no justice can prevail through tyranny and force. When justice and fair play is compromised and suppression of the weak becomes a norm on the basis of power, it manifests itself in the form of unwelcome reactions that we so commonly see nowadays.

As a journalist, I have spent more than 20 years of my life looking at the various dimensions of the Afghanistan issue. Although I am not a jurist myself, however, if the

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court permits, I will be glad to put before the court, very clearly and elaborately, how I see the Afghan situation provided justice is intended, and I believe that it is.

Sir, I have no doubt in the fact and want to state this with full vehemence that only justice and fair play can guarantee peace and bring tranquility in this world. Nations that have differing standards for dealing with the 'powerfuls' and the 'weaks' are eventually themselves destroyed.

"Why do they hate us?" is a very common question that many Americans ask these days. Sir, this is because the present American Administration has miserably failed in equitably dealing with the oppressed and suppressed nations. In some cases it has perpetrated the worst of crimes against the best among us and Mr. Paracha is one of those best human beings who I have been able to interact with, in my life spanning more than half a century. After committing such a crime, how can the American Administration expect any good from the Almighty who sees everything and is omnipotent. He is the one Almighty who brings to naught the forces of power and tyranny. The Almighty in his The Last Testament, Quran, which certifies the Old and the New Testaments, says that His wrath falls on a nation when it starts feeling too high of itself.

**By : Mr. Haroon Rasheed
Columnist Daily 'Jang' Newspaper**

[English translation of the statement by journalist Mr. Haroon Rasheed, re Saifullah Paracha. This translation was received by Gaillard T. Hunt on November 18, 2004, as a Word attachment on an email from Mrs. ██████████]

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Summary of Administrative Review Board Proceedings for ISN 1100

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-4, 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 Detainee opted to make his statements in response to the Designated Military Officer's brief summary of the Unclassified Summary of Evidence.

The Detainee accepted taking the Muslim oath.

The Designated Military Officer presented the Unclassified Summary of Evidence as follows:

Designated Military Officer: The Detainee went to fight in the jihad against the Russians between 1987 and 1991.

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Enclosure (6)
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Detainee: During the Russian war I was a little kid; from the age of 16 or 17, I participated in jihad, and [I] only fought against Russians for eight months. After their withdrawal I fought against the communist government of Najibullah.

Designated Military Officer: The Detainee was an Assistant Investigation Commander for the police in Gardez between 1992 and 1995. Between 1995 and 1998, he was the military commander of an air defense base in Kabul. From 2001 until 2003, the Detainee was a Criminal Investigation Officer for the Gardez police.

Detainee: During the Taliban regime I laid low and stayed at home. I worked as a farmer and [I] didn't work for anyone. Before the Taliban came to power I was working [for only] one year for Rabanni's government [at] the military air base in Kabul. I was a commander at that time. After the Taliban's fall I served as an Assisting Criminal Officer of the city of Gardez and then as Security Commander for the Karzai government [in Gardez].

Designated Military Officer: The Detainee was responsible for an attack near Gardez, Afghanistan, which caused the death of one American and injury of two others.

Detainee: That is not true. This incident never happened in the city of Gardez and I never heard anything about it. I never fought against Americans nor did I encourage anyone nor organize such an attack.

Designated Military Officer: The Detainee was a former Lashkar-e-Tayyiba commander.

Detainee: I'll answer your interrogation, but please make it clear. When you say, "former commander" of Lashkar-e-Tayyiba, can you give me a time frame on that? During the interrogation, I talked about my age and all my jobs. When you call me a commander of Lashkar-e-Tayyiba, "former commander" can you give me the time or the date?

Presiding Officer: In this situation, we are just asking...at some point in the past, a connection was made that you were a former commander to the Lashkar-e-Tayyiba.

Detainee: During the interrogation, I told the interrogators [everything]; from the day I was born until now. Everything I did in my life! If you logically...it doesn't make sense. As a young teenager...the years that you are claiming I could be a commander. If you go through my file and see all the dates, and the year I was born, and if you look at my age, you will understand that this allegation is totally wrong.

Presiding Officer: Thank you.

Detainee: I don't even know the meaning of this word; this is the first time I have heard this word here. I was never asked about it during the interrogation or the tribunal. I don't know anything bad.

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Presiding Officer: Thank you.

Designated Military Officer: The Lashkar-e-Tayyiba is the armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-irshad, a Sunni anti-U.S. missionary organization formed in 1989.

Detainee: I don't have any information about it. I don't recognize the organization. In 1989, I was 16 or 17 years old teenager. I'm from Afghanistan and not Pakistan and I would never go and join some Pakistani group or fight. I never traveled to Pakistan. I never went to their schools or Madrasa's. I wasn't raised in Pakistan. I'm Afghan.

Designated Military Officer: The Pakistani terrorist group Lashkar-e-Tayyiba had been transporting and hiding al Qaida members who escaped from Afghanistan. The Detainee was identified as working in Quetta, Pakistan, assisting al Qaida members to move out of Afghanistan.

Detainee: At that time, I was one of the first persons who fought against the Taliban and against al Qaida to support the Americans. I was in the area of Shahi-khot, city of Gardez with the Americans and soldiers of Karzai's government and everybody in the city of Gardez knows about it. How could I fight against al Qaida and at the same time help them to run out of Afghanistan? Actually I never traveled to Quetta, Pakistan nor do I know the way to get there.

Designated Military Officer: The Detainee was identified as a member of the Military Council for the Lashkar-e-Tayyiba.

Detainee: I already answered to this allegation.

Designated Military Officer: The Detainee was chosen to replace Muhammad Azam Cheema as the Chief of Operations in India during a Lashkar-e-Tayyiba meeting in Muridke, Pakistan in February to early March 2003.

Detainee: I have been detained for the past two years here and prior to this I lived in the city of Gardez. Such allegations make me think that maybe you accidentally mixed up my file with somebody else.

Designated Military Officer: The Detainee was reported to have ties to Hezb-e-Islami Gulbuddin and al Qaida.

Detainee: I don't have any ties to Gulbuddin and al Qaida nor had I any connection with them in the past, and I don't want to deal with them in the future. What kind of person am I, that I have the time and the knowledge to join every single group in every single country? Where would I get the time [or] ability? Logically, you [have given] me the

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answer... How could I be part of these parties and travel everywhere and do everything?
It's just impossible.

Presiding Officer: Thank you.

Detainee: I've never even traveled out of Afghanistan. I'm asking you to show me some kind of proof. What kind of proof do you have that I was linked with these groups or I've been in those cities?

Presiding Officer: We are examining and asking these questions for us to make the best determination, if you are going to be released, detained or transferred. We ask these questions to gather information. Any information you give us helps us make a better decision.

Detainee: I apologize sir, with all respect. You are an educated man and a knowledgeable man. Even without my information, if you look at my file and you read that I worked for current government in Afghanistan. I served President Karzai and Americans. I worked for Taliban and I worked for every single government. Logically, it shouldn't make any sense to you and you shouldn't decide without me giving you any information that [it's] all false.

Presiding Officer: Thank you very much. We will look at all the information and we will examine your record afterward and give it all due gravity. Thank you very much for your responses.

Detainee: Thank you.

Designated Military Officer: Hezb-e-Islami Gulbuddin is a faction of the Hezb-e-Islami party, and it was one of the major mujahedin groups in the war against the Soviets. Hezb-e-Islami Gulbuddin has long-established ties with Bin Ladin.

Detainee: It has nothing to do with me. My last name is Mujahid, but it is a common name among Muslims. It doesn't mean that I am Mudjahid or Islamic fighter. I am Muslim, but I am not a militant. Please don't place judgment on my case just because my name is Mujahid.

Designated Military Officer: The Detainee is affiliated with Mullah Abdul Fatah, a member of al Qaida, who conducted a meeting in Kabul, Afghanistan, on 16 August 2003, to recruit former explosive experts to conduct attacks.

Detainee: I have been asked about this during the interrogations too, but I don't know this person and I never heard of his name. During that time, the current government existed in Afghanistan. What kind of government is that? When I would go and have a meeting about explosives and try to organize some attacks and stuff...the government would catch me and they would provide proof of me being in that meeting?

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Designated Military Officer: The Detainee was in contact with Saif Ur Rahman, a Taliban commander in Gardez, and Jalaluddin Haqqani, an al Qaida commander in Pakistan. The Detainee worked against the U.S. and International Security Assistance Force and the Afghan government. The Detainee had ties to local anti-coalition militias.

Detainee: These two people were Taliban commanders. I was detained for a while during that time and then after that I was at home. They were famous as the human butchers. During Najibullah's government they killed more than 3,000 men, women and children of Gardez with guns. I heard of their names because all the people of Gardez know them by the name of killers of innocent people. These two people are from two different villages of Paktia and I don't know them and I don't have any personal tribal or verbal ties with them. During the Karzai's government I was the security commander of Gardez while Rahman and Haqqani were against us and against our government. You can review my file about this matter since I gave detailed information to the interrogators. Not only have [I] never been against American or other foreigners working in Afghanistan but I also provided security for them. You can ask the Americans and foreigners who worked there [at] that time about my services. Since I was working as a security commander of the current government in Gardez... al Qaida, Taliban and these two men, Haqqani...they paid somebody, a suicide bomber, to come and kill me. I was late from work and [I survived, because] the explosion occurred in front of my house. My neighbors and people over there [in] Gardez know that these groups were trying to kill me, since I was faithful to Karzai's government. I do know that only terrorist, only these terrorists can commit these kinds of attacks. So if I have any connections, or ties, with [one] group of terrorist, none of them probably would have tried to kill me.

Designated Military Officer: Rahman has known links with both Taliban and al Qaida. Haqqani is the former commander in chief of the Taliban Southern Forces and is heavily involved in the drug trade.

Detainee: I've already answered this previously. This doesn't have anything to do with me.

Designated Military Officer: During a meeting with an Afghan Military force commander, General Zia Udeen and the Detainee discussed operations to create disorder in the outlying areas around Gardez to disrupt civil security.

Detainee: Zia Udeen is the current government's general and I never had a private meeting with him. We both are supporting the current process, and we both served for the safety of Afghanistan. Please think about it, I was the security commander of this city...how could I do something against my own job? I was there to maintain [and] provide security for this city. How could I just fight against myself or do something against myself? You tell me, who is going to hurt himself like this, at his job like that?

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Designated Military Officer: The Detainee was in the Afghan military during the Rabanni government and fought against the Taliban. He was appointed as head of security for Gardez and Paktia, and continued in this position during the Karzai government.

Detainee: After the fall of Rabanni's government until Karzai's government took power I did not work for the government. I was lying low and stayed at home. Two or three months before the fall of the Taliban when the Americans came to Afghanistan I got an invitation from General Momeen and Pacha Khan to join the fight against Taliban and al Qaida. That is why I was awarded the post of head of security for Gardez.

Designated Military Officer: The Detainee was fired and replaced as Director of Security for the Gardez area due to suspicions of collusion with anti-government forces.

Detainee: I was not fired. I got transferred from Gardez to Kabul. This actually was a promotion to a better post in Kabul. At that time no other commander would accept the transfer easily but I obeyed the government's decision to go to Kabul; therefore the interior minister Mr. Jallali gave me a car as a gift. About the suspicion that I am associated with forces that are anti-U.S. [that] is a lie. During that time, when they appointed a new government to the province of Paktia, the government was Asadullha Wafa. The interior minister sent me with that new government [Asadullha Wafa] to the province of Paktia, to introduce him to his new position, to his new post, and to the people. If I were fired they wouldn't trust me or they wouldn't give me the job to do and go with the government. So the second position that I got in Kabul, that was transfer, I wasn't fired and it was a higher position for me, it was [a] promotion for me. The interior minister sent me to talk to tribal leaders in Paktia, the current government [Asadullha Wafa] trusted me so much that they sent me to bring all the tribal elders from Paktia and bring them to Kabul so they would have a meeting with the interior minister.

Designated Military Officer: The Detainee stated he was never associated or affiliated with any Taliban or al Qaida members, nor was he ever part of any military council associated with anti-U.S. and anti-coalition activities.

Detainee: That is true.

Designated Military Officer: The Detainee stated he approves of the American involvement in Afghanistan because they are improving the country for everyone. When asked his feelings on jihad, the Detainee stated he simply fought against the Russians when he was handed a weapon.

Detainee: That's true.

Designated Military Officer: The Detainee claimed that neither he nor Zia Udeen did anything to create internal strife between competing villages and groups in Gardez and Paktia.

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Detainee: That is correct and there was never a conflict among the villages in Paktia.

Designated Military Officer: The Detainee stated he never heard of Mullah Abdul Fatah.

Detainee: Yes, I never heard of his name. That's true. I told the interrogators a hundred times I don't know this person. [In] the unclassified summary that you provided, can you show me a document, something with proof that I've done such things?

Presiding Officer: No, we would not be able to provide that. We understand your responses. In the unclassified portion you will have an opportunity to make a statement. We will get to that in a few moments.

Detainee: These allegations are a result of personal animosity, drugs, and conspiracy, which is very common in our country in Afghanistan. Mostly the communist, the Afghan communist, want to take power one more time and they want to destabilize the current government. They are trying to make these allegations, or they make up things, and the Americans basically believe them. They want to put people like me in jail, because it would be bad for the current government, and the current process to put an honest servant of the people [in jail].

Presiding Officer: Thank you very much and in a few moments we will ask questions.

Detainee: I'm sorry if I talk too much.

Presiding Officer: You don't talk too much.

Detainee: I have to defend myself.

Presiding Officer: Thank you.

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

Detainee: That's fine, if you don't want to show me any classified evidence against me. That's your law, if your law requires that, I'll just obey that. I'm just a Detainee.

Presiding Officer: [The owning government agency has decided the] information, [if released], could cause damage to our national security. This board does not have the authority to change those decisions.

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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.

The Assisting Military Officer presented the Detainee's written statement, Exhibit EC-C, to the Administrative Review Board.

The Assisting Military Officer read the following Detainee additional comments:

Assisting Military Officer: You can check the record during my stay here from your computers; I [have] never had any mess-ups or any problems. I have always been very obedient. I consider myself innocent and I have committed no crime. Personal animosity and conspiracy are common in Afghanistan. By now you should have realized that these allegations against me are baseless and not true, since no evidence exists against me. I request this board not to repeat the same mistake that the previous tribunal made by not turning away from the truth and misjudging my case. In case of my release, I would like to say that I am a poor man and don't have enough money to start a business, but I will accept any jobs from the Americans or the current government of Afghanistan, no matter where in Afghanistan. I will do my duty to the best of my ability to serve my country as I did in the past. America is Afghanistan's only and last hope. I realize that all these years of misfortune that Afghans have been through. Finally the Americans came to help us in rebuilding our country. Then why would I want to hurt someone who is going to help my country?

Presiding Officer: Do you have any further statements or comments?

Detainee: I told [them] during the interrogation, during the Combatant Status Review Tribunal and now. I consider myself an innocent person. I'm harmless. I'm innocent. These allegations are all false, baseless... and what ever my age is I told you everything that I've done in the past in my life. If you go through my file and check my file and see... if you give me a time frame, when I did or committed all these crimes? If you would at least prove one [of the] allegation. I will accept all the charges, but if you cannot provide any kind of evidence of me committing all these crimes, then it means that I am innocent. I don't have any connections and ties with the government previous to current government of Afghanistan. When the Americans came to Afghanistan, I did not leave my country. I wasn't on the run. I was there fighting along with them (*Americans*) against Taliban and I serve [d] all [that] time for current government.

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

Detainee: Yes, I am done. If you have any questions, I'll be happy to answer them.

Presiding Officer: Assisting Military Officer do you have anything else to add?

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The Assisting Military Officer read the following comments:

Assisting Military Officer: The initial Administrative Review Board interview took place on 5 July 2005 and lasted 120 minutes. After a review of the Administrative Review Board purpose and procedures, the Farsi translation of the Unclassified Summary of Evidence was read to the Detainee and a copy provided for his use. The Detainee had intended to write his responses to the Unclassified Summary of Evidence, but was not allowed a pen in his cell.

Detainee: Yes, they wouldn't allow the cellblock translator to write the statement for me [either].

Assisting Military Officer: A follow up interview was conducted on 6 July 2005 lasting 75 minutes in which the Detainee dictated his responses to the Unclassified Summary of Evidence. A second follow up interview was conducted on 7 July 2005, lasting 30 minutes in order to verify the Detainee's transcribed statement, which he intended to submit to the Administrative Review Board. Although the Detainee challenged the results of his Combatant Status Review Tribunal and subsequent detention, he was cooperative throughout all the interviews and appeared eager to refute the factors favoring continued detention.

Detainee: [I am challenging the result] of the Combatant Status Review Tribunal. I think justice hasn't been served. Even to the Red Cross people...to interrogators, I told all of them that it is [cruel] the way I provided the Combatant Status Review Tribunal with witnesses, legitimate answers, but [they] still unfortunately found me [to be an] enemy combatant, which is not true. I will never accept the fact that [the] Combatant Status Review Tribunal or tribunal decision found me [to be an] enemy combatant. According to the definition of the enemy combatant that you (*referring to Combatant Status Review Tribunal*) gave us, it doesn't apply to me and I'm telling you that I'm not an enemy combatant. That was a mistake the tribunal [made]. That is very unfortunate [for the] law.

Presiding Officer: This is a separate process [than the] Combatant Status Review Tribunal. In this process (*referring to Administrative Review Board*), we move beyond that and look to see... take into account information. We make the determination if the Detainee should be transferred, released or detained. That is in the past and this is a new process.

Detainee: I was just saying that because I don't want you to repeat the same mistake they did...because they didn't capture me during Afghan fighting. They came to my home and arrested me from my home. They didn't have any kind of evidence to show me that I belong to al Qaida or Taliban or any other terrorist group. I never admitted, not now...in the future...forever...I'm refusing to accept the fact of the decision of the Combatant Status Review Tribunal.

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Presiding Officer: We appreciate [and] understand that. We take our oath very seriously and that is why we are here today.

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

The Designated Military Officer had the following questions:

Designated Military Officer: Mr. Mujahid, you say you provided the interrogators information about your entire life. Is that correct?

Detainee: Yes.

Designated Military Officer: You never mentioned the name of an organization called Lashkar-e-Tayyiba during those interrogations?

Detainee: Nobody during the interrogation asked me about this. First time, during the initial interview, this translator (OL-11) and this Assisting Military Officer told me about Lashkar-e-Tayyiba. Even back home in Afghanistan I never heard of such organization or name.

Designated Military Officer: In your positions with the police in Gardez, you never heard of Lashkar-e-Tayyiba?

Detainee: Not in Afghanistan...not during the tribunals...not during the interrogations...only during the first initial interview that I had with this Officer and this translator...first time. Not even during the tribunals, they didn't have these allegations against me. In the present...when I'm here for two years, I never heard this thing nobody ever talked about it. I just heard about it a few days ago.

Designated Military Officer: Is it the same thing about Markaz-ud-Dawa-irshad?

Detainee: Yes, I told you. I never went to Pakistan. During the interrogation I told the interrogator...I went twice there [Pakistan] for 20 days and one month. I explained why I [went] there. I never [went to] their schools, I never lived there? I didn't know about all these organizations that belong to Pakistani government or their people. I never forget a thing.

Designated Military Officer: You did or did not go to Pakistan?

Presiding Officer: For the record, have you ever been in Pakistan? I understand now that [you've] been in Pakistan two times.

Detainee: When I said I never went to Pakistan, I meant Quetta, Pakistan, the city that you mentioned during the allegations. I went to Pishawer, Pakistan, twice, and to Torkham, it is in the border of Afghanistan and Pakistan. I went twice for a very short time during Taliban. I was kind of on the run from them. I went there (*referring to*

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Pakistan). In the past when I said I've never been to Pakistan, I meant those cities, Quetta and Muridke, like you mentioned before.

Presiding Officer: Thank you for the clarification.

Designated Military Officer: You were not allowed to use a pen in your cell to write your statement. Can you tell us a reason why?

Detainee: [They're] five or six pens for the entire block and most of the time they don't have enough to give [for] each Detainee who [has] requested [one]. I asked for translator, cellblock translator, and then the guards, Military Police, wouldn't allow that translator to...because my dictation is not good in Farsi...so I needed help. The guards said, "No, we are not going to allow cellblock translator to translate for you. Your Administrative Review Board translator should write it down for you." That's why I requested [a] follow up...so this translator will help me and write my statement.

Designated Military Officer: Obviously, the translator did help you write your statement, is that correct?

Detainee: Yes, this is the translator who did write for me, did help me, and did write for me my statement.

Presiding Officer: I just want to make sure that between these three meetings that you did have sufficient time.

Detainee: Yes, they actually...they explained all the Administrative Review Board procedures to me. They showed me and explained to me all my allegations and they helped me with my answers. Whatever I said, they took notes and they read it back to me, to make sure everything is accurate.

Administrative Review Board Member's questions:

Board Member: When you were the commander for the police in Gardez, how did you get that job?

Detainee: As I mentioned earlier, when the Americans came and all these processes started against the Taliban, people like General Momeen and Pacha Khan, all tribal leaders they invited everybody, who [were] against Taliban, to fight against Taliban along with Americans. General Momeen and Pacha Khan [invited me]. I joined the American forces and anti-Taliban forces and I fought against them. After that, there was kind of a tribal council and the first thing that they did, after fall of Taliban, they were worrying about security of this city. That's why they kind of awarded me and since I had the experience in this area. They gave me the job of assistant security officer and then when Taj-Muhammad Wardak, the new government came. He promoted me to commander of security of the city.

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Board Member: Was the head of security there; was that the same as the criminal investigation job? Did they go together?

Detainee: Yes, they both belong to police forces. After fall of Taliban there wasn't like a legitimate government they appointed me this position of security officer or criminal investigation and they both mean the same in Afghanistan. When the governor came, then he created this commander of security position.

Board Member: How large of an area were you responsible for?

Detainee: It was the city of Gardez.

Presiding Officer: Not the province of Paktia?

Detainee: When I was assisting security officer or criminal investigator, I was only responsible for the city of Gardez, but when I [got] promoted to commander...yes, then the whole province of Paktia was under my command. It means the city of Gardez and all the villages around it. Some of the villages were against the government and Americans. I had to provide security for the whole town of Paktia.

Presiding Officer: How many people worked for you when you were in command position?

Detainee: Six hundred twenty soldiers, one hundred seventy officers, and other sixty, seventy other people...like clerks...people who do like clerks. It wouldn't cover all the villages and all the province of Paktia, because the government was so new that we didn't have like our representative in many villages. We talk about the whole province of Paktia it would be like 1,300 or 1,400 persons, but we don't have enough people. Most villages the government just didn't have any power over them.

Board Member: Were you ever aware of any attacks on Americans in your province?

Detainee: No, actually sometimes they would fire missiles from outside to [wards] Americans, but there [weren't] any organized attacks against Americans. Only one incident in the place of...as I mentioned earlier Shahi-khot. There was one area that there was an attack against American[s]. We shot with others...with Americans...and we went there...we fought against them and we destroyed them and that was the only time.

Board Member: Did you say in 1989 you were in Egypt?

Detainee: Why do you have that in my file? Why is there something new?

Board Member: I think I misunderstood.

Presiding Officer: He thought he heard that.

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Detainee: I don't even know all the cities and provinces in Afghanistan and now you are talking (inaudible).

Board Member: No, it was a mistake. General Momeen is in the same tribe as you?

Detainee: He's from Gardez, but he is not my relative or anything like that.

Board Member: How did you meet him?

Detainee: Before the Taliban came to power, during Rabanni's government; he used to be a commander for Rabanni's government. I know him from there. When Taliban took the power I was on the run. I don't know anything...

Board Member: What were your day-to-day duties as security commander?

Detainee: We had about 22 branches and we did all the jobs that normally police officers would do.

Board Member: Was there any other security forces within the city?

Detainee: There were military forces. They would call it compound number 12, [which] [it was] was appointed [by] the defense ministry, so there were military officers too. The other compound was number 15. On the border area they had more military officers, and I don't know they called it like war campaign or compound, something like that, many Afghans were with Americans participating in that campaign. Intelligence services were out there in that time.

Board Member: And that was separate from your unit?

Detainee: Of course. Our units had their own military, they had their own bosses, and their separate jobs.

Board Member: What was your position going to be in Kabul?

Detainee: Our defense ministry, they created a new office, they would call it Shahra, and they were responsible for taking the security of the roads. I was commander of that.

Board Member: You said you laid low for a period of the time during the Taliban. What did you do?

Detainee: In Afghanistan it's common...mostly we have lands and we work as a farmer in our lands. In the beginning, when Taliban took the power, I was kind of on the run, but somebody named Bahram Sanator, he was one of the tribal leaders; he talked with Taliban and guaranteed my safety. He told Taliban, "He's not going to have anything to do with them and leave them alone." That's why the Taliban after that they wouldn't give me any job or anything, because I was against them, but they would at least let me

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live my life. I was busy with my...I had a piece of land and I was working on my land and that's how I [made] money.

Board Member: A farmer?

Detainee: Yes, a farmer.

Board Member: I have no further questions.

Detainee: In Afghanistan every time [the] government changes, people in power usually bring their own people, their own relatives. It is very common for a doctor or an engineer or for a military officer to just go and work as a farmer. When a government changes people have no choice, in order for them to survive, they go and they do whatever they can. There's no justice. They will hire the people who would know the job. Everybody brings [his or her] own relatives and people that they know. Every time a new governor comes to the province, the governor will bring all his friends and his families and give them the best positions, even if they don't know how to do the job. The same thing...in Kabul when a new minister gets the job, they bring from his city from his tribe, he's going to bring all the people he knows from his tribe. They don't care, if they know how to do the job or not.

Board Member: Were you a military commander in Kabul, 1995 to 1998?

Detainee: I mentioned in the past, before the Taliban, for Rabanni's government, I used to work in Gardez first. When the Taliban came to power, I was in jail for three months. After that I was [on] the run, I am not familiar with the dates, I am not very educated. I don't know the dates. When Taliban took over Gardez, the Taliban started to come from the south first. Then I run to Kabul the Rabanni government [was] still in power there. I worked for one year [there], as a commander. I worked for one year over there (Kabul) and then Taliban finally took over. After [the Taliban took over] I was [put] in jail for three months, then I was on the run, and then I [was] home.

Presiding Officer: Mr. Mujahid, you have clearly been a leader in Gardez. Do you intend if you return to assume leadership positions again in Gardez?

Detainee: No, I wasn't like a leader. I was more like servant of the government. I helped the government [in] this new process. I fought against government's enemies and Americans' enemies and they just awarded me with this position to serve the people. When I go back it doesn't matter, I don't have to go and be a leader, or have a position in Gardez. They can send me to any city in Afghanistan and give me the lowest position I will work for the government and Americans. In case, they don't give me any job I will go back work as a farmer. I don't want to be leader of the people. I'm responsible for my own life, for my own city. [In] in my family, my father is still alive, he is the oldest, and he makes the decisions. I'm not allowed to make decision for anybody else. I'm nobody's leader. I'm just responsible for myself.

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Presiding Officer: Can you tell us about your arrest? When were you arrested? Who arrested you?

Detainee: Of course, why not? As I mentioned earlier, I got transferred to Kabul. The interior minister sent me back to Gardez to bring all the older tribal leaders [to Kabul], because he wanted to have a tribal meeting with them. When I was sent to Gardez...I went there...I had some work to finish. [The shop keepers] would provide meat, groceries, everything for the security officers and the new commander told me that we still owed them money. I was there to help the [shopkeepers] with paperwork to get their money back for [the] people who would provide the army and police forces with food and [it was] also my cousin's wedding. My cousin was getting married...so I was there for a couple of days longer than I was supposed to be to finish that business and also to attend my cousin's wedding. It was Wednesday...actually, I was planning to return to Kabul with all [the] older people on Friday but it was Wednesday before the sunrise and it was raining a little bit and my father called me, he was in the backyard, and he called my name "Abdullah, there are four people here. They want to see you." I went outside, I said, "Hello," to them and I invited them for tea. They said, "No." They refuse to have tea in my house and they said, "We want you to go with us to the..." What he calls "campaign"? "Those campaign people want to see you and they want to talk with you." I told them I did not have my driver with me, if you want me to go with you, would you give me a ride back. I just had my pants and my shirt, so I asked my brother to give me his hat and shawl...so I borrowed that from him and I told him I'll give it back to him when I return. When I went there they asked me if I know some bad people. "Do you know any bad people? If you know any of them please report to us." Without saying any names...when they asked me if I [knew some bad people, who were] anti-Americans? I was very happy to hear...that I told them I wish...you had asked me for the past two years...we should've worked together in the past two [years]. I was happy that they were seeking my help and we were going to work together. I told them that I worked in [the] police department and I'm [the] commander of police forces...of course I will provide you all the records that we have...[of] people, who would use drugs or do stealing, all the thieves, and commit adultery and other criminal stuff. I told the Americans that I was going to provide [a] list of all those people and they laughed and they said, "Don't pretend that you don't know what we're talking about." The officer asked me, "No, we are talking about Zia Udeen and we are asking about Shireen." I told them they are good people they work for the government. The officer took my watch off my wrist and he put it on his wrist and he said, "What if somebody takes your watch from your hand and just take it like that for himself. What kind of person is that?" I said, "That would be a thief." They told me that Zia Udeen and Shireen, they are both of them are thieves. I said they haven't stolen anything from me, but if you have some cases or some people claiming that they (*referring to Zia Udeen and Shireen*) are thieves. They can write [a] report and we [will] follow up...we have police forces...we have your forces. We can follow up and figure out whether it is true or not. That officer took my watch and he left the room. Five or six officers entered the room and one of them told me that he was very short-tempered and I need to talk with him [clearer]. "Please don't talk to me the way you talked with the previous officer." I told the officer...with the kind of life that you

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Americans have in your country...with all the freedom...with all the food...with all the good life and you are telling me you are short-tempered. Then we poor Afghans, we shouldn't have any kind of patience. How can you tell me that? The officer told me you know what...I don't have time to talk to you...I think your place is in Cuba. They all left and then I heard the helicopter [come]...and they just handcuffed me...and from there...and it's just going on and on with these interrogations...and all these things. I think the first Afghans that came behind my door and take me away...they still might be in Kabul...and they still might work there. Ever since I came here I hear different names from Gulbuddin...to Bin Ladin...to Jalaluddin. All the terrorists...they keep adding...they're asking me...I refuse since I'm innocent I don't have connections with them. Everyday I see something new in my file. Until today, I really don't understand what kind of crime I have committed and what I have done against Americans other than serving them...and helping them. During the interrogations...they asked me different questions. When they took me for [a] polygraph test they asked me two [or] three different questions. During the first tribunal...they [asked] me different questions...[today] you are asking me different questions.

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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Detainees Statement #1100 Abdullah Mujahid

A. Commitment

1- The detainee went to fight in the jihad against the Russians between 1987 and 1991.

A /1- During the Russian war I was a little kid; from the age of 16 or 17 I participated in Jihad, and only fought against Russians for 8 months. After their withdrawal I fought against the communist government of Najibullah.

2- The detainee was an Assistant Investigation Commander for the police in Gardyz between 1992 and 1995. Between 1995 and 1998, he was the military commander of an air defense base in Kabul. From 2001 until 2003 was a Criminal Investigation Officer for the Gardyz police.

A/2- During the Taliban regime I lie low and stayed at home. Before the Taliban came to power I was working only for the period of one year for Rabani's government in the military air base in Kabul. After the Taliban's fall I served as an Assisting Criminal Officer of the city of Gardyz and then as Security Commander for the Karzai government also in Gardyz.

3- The detainee was responsible for an attack near Gardyz, Afghanistan, which caused the death of one American and injury of two others.

A/3- That is not true. This incident never happened in the city of Gardyz and I never heard anything about it. I never fought against Americans nor did I encouraged anyone or organize such an attack.

B. Connections/Associations

1- The detainee was a former Lashkar-e-Tayyiba (LT) commander.

B/1- I don't even know the meaning of this word; this is the first time I have heard this word here. I never was asked about it during the interrogation or the tribunal. I don't know anything about it.

2- The Lashkar-e-Tayyiba (LT) is the armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-irshad (MOI), a Sunni anti-U.S. missionary organization formed in 1989.

B/2- I don't have any information about it, I don't recognize the organization. In 1989 I was a 16 or 17 years old teenager

3- The Pakistani terrorist group Lashkar-e-Tayyiba (LT) had been transporting and hiding al Qaida members who escaped from Afghanistan. The detainee was

Detainees Statement #1100 Abdullah Mujahid

identified as working in Quetta, Pakistan, assisting al Qaida members to move out of Afghanistan.

B/3- In that time I was one of the first persons who fought against the Taliban and against Al Qaida in support of the Americans. I was in the area of Shahi-khot, city of Gardyz with the Americans and soldiers of Karzai's government and everybody in the city of Gardyz knows about it. How could I fight against Al Qaida and at the same time help them to run out of Afghanistan? Actually I never traveled to Quetta, Pakistan nor do I know the way to get there.

- 4- The detainee was identified as a member of the Military Council for the Laskar-e-Tayyiba (LT).

B/4- I already answered to this allegation in B/1, B/2, and B/3.

- 5- The detainee was chosen to replace Muhammad Azam Cheema as the Chief of Operations in India during an LT meeting in Muridke, Pakistan, in late February to early March 2003.

B/5- I have been detained for the past two years here and prior to this I lived in the city of Gardyz. Such allegations make me think that maybe accidentally you mixed up my file with somebody else.

- 6- The detainee was reported to have ties to Hezb-e-Islami Gulbuddin and al Qaida .

B/6- I don't have any ties to Gulbuddin and Al Qaida nor had I any connection with them in the past, and I don't want to deal with them in the future.

- 7- Hezb-e-Islami Gulbuddin (HIG) is a faction of the Hizb-e-Islami party, and it was one of the major mujahedin groups in the war against the Soviets. HIG has long-established ties with Bin Ladin.

B/7- It has nothing to do with me.

- 8- The detainee is affiliated with Mullah Abdul Fatah, a member of al Qaida, who conducted a meeting in Kabul, Afghanistan, on 16 Aug 2003, to recruit former explosive experts to conduct attacks.

B/8- I have been asked about this during the interrogations, too, but I don't know this person and never heard of his name.

- 9- The detainee was in contact with Saif Ur Rahman, a Taliban commander in Gardyz, and Jalaluddin Haqqani, an al Qaida commander in Pakistan. The detainee worked against the U.S. and international Security Assistance Force (ISAF) forces and the Afghan government. The detainee had ties to local anti-coalition militias.

Detainees Statement #1100 Abdullah Mujahid

B/9- These two people were Taliban commanders and I was detained for a while during that time and then after that lie low. They were famous as the human butchers. During Najibullah's government they killed more than 3000 men, women and children of Gardyz with guns. I heard of their names because all the people of Gardyz know them by the name of killers of innocent people. These two people are from two different villages of Paktia and I don't know them and I don't have any personal, tribal or verbal ties with them. During the Karzai's government I was the security commander of Gardyz while Rahman and Haqqani were against us of the government. You can review my file about this matter since I give detailed information to the interrogators. Not only I have never been against American or other foreigners working in Afghanistan but also I provided security for them. You can ask the American and foreigners who worked there.

[The detainee did not address B/10 nor B/11]

C. Intent

1. During a meeting with an Afghan Military force commander, General Zia Udeen and the detainee discussed operations to create disorder in the outlying areas around Gardyz to disrupt civil security.

Zia Udeen is the current government's general and I never had a private meeting with him. We both are supporting the current process, and we both served for the safety of Afghanistan.

D. Other relevant Data

1. The detainee was in the Afghan military during the Rabbani government and fought against the Taliban. He was appointed as head of security for Gardyz and Paktia, and continued in this position during the Karzai government.

After the fall of Rabbani's government until Karzai's government took power I did not work for the government. I was laying low and stayed at home. Two or three months before the fall of the Taliban when the Americans came to Afghanistan I got an invitation from General Momeen and Pacha Khan to join the fight against Taliban and Al Qaida. That is why I was awarded the post of head of security for Gardyz.

2. The detainee was fired and replaced as Director of Security for the Gardyz area due to suspicions of collusion with anti-government forces.

I was not fired. I got transferred from Gardyz to Kabul. This actually was a promotion to a better post in Kabul. At that time no other commander would accept the transfer easily but I obeyed the government's decision to go to Kabul; therefore the interior minister Mr. Jallali give me a car as a gift.

About the suspicion that I am associated with forces that are anti-U.S. is a lie.

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EC-C

Detainees Statement #1100 Abdullah Mujahid

- a. The detainee stated he was never associated or affiliated with any Taliban or Al Qaida members, nor was he ever part of any military council associated with anti-U.S. and anti-coalition activities

That is correct.

- b. The detainee stated he approves of the American involvement in Afghanistan because they are improving the country for everyone. When asked his feelings on Jihad, the detainee stated he simply fought against the Russians when he was handed a weapon.

That is correct.

- c. The detainee claimed that neither he nor Zia Udeen did anything to create internal strife between competing villages and groups in Gardyz and Paktia.

That is correct and there was never a conflict among the villages in Paktia.

- d. The detainee stated he never heard of Mullah Abdul Fatah.

That is correct.

Additional comments and plans for the future.

You can check the record during my stay here from your computers, I never had any mess-ups or any problems. I have always been very obedient.

I consider myself innocent and I have committed no crime. Personal animosity and conspiracy are common in Afghanistan. By now you should have realized that these allegations against me are baseless and not true, since no evidence exists against me. I request this board not to repeat the same mistake that the previous tribunal made by not turning away from the truth and misjudging my case.

In case of my release, I would like to say that I am a poor man and don't have enough money to start a business, but I will accept any jobs from the Americans or the current government of Afghanistan, no matter where in Afghanistan. I will do my duty to the best of my ability to serve my country as I did in the past.

America is Afghanistan's only and last hope. I realize that all these years of misfortune that Afghans have been through, finally the Americans came to help us in rebuilding our country. Then why would I want to hurt some one who is going to help my country?

Detaine's Statment Abdullah Mujahid #1100

اظہارات عبداللہ مجاہد- محبوس شماره ۱۱۰۰

عوامل یا دلائل مقدماتی که طرفداری از ادامه حبس تان میکند.

الف- سر سپرده گی

۱- محبوس در جهاد علیه روسها از سال ۱۹۸۷ تا به ۱۹۹۱ اشتراك نموده

الف ۱- در دوران جنگ روسها من طفل خورد بودم ، من تقریباً از سن ۱۶ یا ۱۷ سالگی در جهاد اشتراك نمودم که فقط ۸ ماه علیه روسها و بعد برآمدن آنها علیه دولت کمونیستی نجیب الله جهاد کردم.

۲- محبوس معاون ق.ومندان تحقیق پولیس گردیز بین سالهای ۱۹۹۲ و ۱۹۹۵ بود.

الف ۲- در دوران طالبان من در فرار بودم و خانه نشین بودم . قبل از طالبان فقط به مدت یکسال برای دولت ربانی در کابل در کندک هوائی کار کرده ام . و بعد از سقوط طالبان در گردیز بحیث معاون امریت تحقیق جنائی و بعداً بحیث قوماندان امنیه شهر برای دولت کرزی خدمت کرده ام

۳- محبوس مسؤل يك حمله در نزدك شهر گردیز که باعث مرگ يك امریکائی و زخمی شدن دو نفر دیگر شد است.

الف ۳- این حقیقت ندارد . این واقعه در شهر گردیز اصلاً اتفاق نیفتاده و من هیچ اطلاعی در این باره ندارم. من هیچوقت علیه امریکائی ها جنگیده و نه کسی را تشویق و یا قومانده کرده ام.

ب- ارتباطات/همکاری ۱- محبوس قوماندان سابق لشکر طایبیه بود.

ب ۱- من حتماً معنی این کلمه را نمیدانم ، اولین بار در اینجا اسم طایبیه را شنیده ام . حتماً حالا، نه در جریان تحقیق و نه در محکمه اولی از من در این باره سوالی نشده. من در این باره هیچ اطلاعی ندارم.

۲- لشکر طایبیه یکی از شاخه های سازمان اسلامی پاکستان که بنام مرکز دعوا والرشد و يك سازمان تبلیغاتی سنی علیه ایالات متحده بوده و در سال ۱۹۸۹ متشکل شده است

ب ۲ - من هیچ اطلاعی و شناسائی با این سازمان ندارم و در سال ۸۹ من يك جوان ۱۶ و ۱۷ ساله بودم.

۳- گروه تروریستی پاکستانی لشکر طایفه اعضای القاعده را که از افغانستان فرار میکردند انتقال میداد. محبوس من حیث شخصی که در کویته پاکستان در قرار اعضای القاعده از افغانستان همکاری میکرد شناخته شده.

ب ۳- در آن زمان من اولین کسی بودم که علیه طالبان و القاعده به طرفداری امریکائی ها جنگیدم. من همراه با عساکر امریکائی و عساکر دولت کوزی در شاهی کوت شهر گردیز بودم که همه مردم شهرگردیز در این باره میدانند. من چطور میتوانم که در يك وقت هم بر ضد القاعده بجنگم و هم آنها را در فرار از افغانستان کمک کنم. من هیچوقت در کویته پاکستان نرفته و نه راه آنرا بلد هستم.

۳- محبوس من حیث عضو شوراً نظامی لشکر طایفه شناخته شده.

ب ۴- در ۲۰۱ و ۲۰۳ جواب داده شده.

۵- در اواخر فبروری و اوایل مارچ ۲۰۰۳ در يك جلسه لشکر طایفه که در (موریدکه) پاکستان دائر شده بود، محبوس رئیس عملیات هندوستان بجای محمد اعظم چهما انتخاب شده بود.

ب ۵- من دو سال است که در اینجا زندانی هستم و قبل از این در شهر گردیز بودم. چنین اتهامی مرا به فکر این میاندا زد که اشتباه شما از دوسیه کدام شخص دیگری این مسائل را به دوسیه من انتقال داده اید.

۶- قرار اطلاعات محبوس با حزب اسلامی گلبدین و القاعده ارتباطات دارد.

ب ۶- من با گلبدین و القاعده نه کدام ارتباطی دارم و نه در سابق داشته ام و نه در آینده خواهم داشت.

۷- حزب اسلامی گلبدین يك گروه عمده مجاهدین در جنگ علیه روسها بوده و ارتباطات

قدیمی با بن لادن دارد.

ب ۷ - به من ارتباطی ندارد.

۸- محبوس وابستگی با ملا عبدالفتاح که عضو القاعده بوده و در ۱۶ اگست ۲۰۰۳ رهبری يك گروهائی را در کابل افغانستان به عهده داشت تا متخصصین مواد منفجره را جذب نموده و حملات را انجام بدهد، دارد.

ب ۸- در این باره از من در جریان تحقیق هم سوال شده ولی من این شخص را نمیشناسم و اسم او را قبلاً هم نشنیده ام.

۹- محبوس با سیف الرحمان که قومندان طالبان در گردیز بوده و جلال‌الدین حقانی که قومندان القاعده در پاکستان بود ارتباط داشت. محبوس بر ضد ایالات متحده، قوای امنیت بین المللی در افغانستان و دولت افغانستان کار میکرد. محبوس با نیروهای ضد ائتلاف بین المللی منطقه ارتباط داشت.

ب ۹- این دو شخص قوماندان های طالبان بوده در حالیکه من در زمان طالبان يك مدتی بندی بوده و بعد از آن فرار بودم آنها بنام قصاب های انسان ها مشهور بودند، در جریان حکومت نجیب الله آنها اضافه از ۳۰۰۰ زن، مرد و اطفال گردیزی را به توپ کشتند. من نام آنها را شنیده ام بخاطریکه همه مردم گردیز آنها را بنام قاتلین مردم بی گناه میشناسند. این دو نفر از ولسوالی های مختلف پکتیا بوده و من هیچنوع قرابت لسانی، قومی و یا شخصی با آنها ندارم. در زمان حکومت کرزی من قوماندان امنیه گردیز بودم و رحمان و حقانی مخالف ما و دولت ما بودند. شما میتوانید دوسیه مرا غور کنید من در این باره معلومات مفصل به محقیقین داده ام. من هیچوقت ضد امریکائی ها و با خارجی های که مربوط موسسات دیگر هستند نبوده و برعکس امنیت آنها را بدوش گرفته ام. شما میتوانید از امریکائی ها و با خارجی های که در آن وقت در گردیز بوده اند در باره خدمت من معلومات کنید.

۱۰- رحمان وابستگی آشکار با القاعده و طالبان دارد.

ب- ۱۰ و ب-۱۱ را قبلاً جواب داده ام.

۱۱- حقانی قومندان قبلی در نیروهای سمت جنوب طالبان بوده و در قلاچاق مواد مخدره شامل است.

ب- نیت و مقصد

۱- محبوس در جریان يك ملاقات با جنرال ضیا الدین قومندان نظامی افغان ، در بارهٔ ایجاد کردن بی‌نظمی در اطراف شهر گردیز و اخلاص امنیت مردم ملکی بحث کردند.

ب ۱- ضیا الدین جنرال دولت فعلی بوده و من هیچوقت با او جلسهٔ خصوصی نداشته ام. هر دوی ما طرفدار پروسهٔ کنونی بوده و برای امنیت افغانستان خدمت می‌کردیم.

ت- عوامل مربوط دیگر

۱- محبوس در اردوی دولت ربانی بود و بر ضد طالبان می‌جنگید. وی منحیث مسؤل امنیتی گردیز و پکتیا مقرر شده و به وظیفه خود در زمان حکومت کرزی ادامه داد.

ت ۱- بعد از سقوط دولت ربانی تا استقرار دولت کرزی من برای دولت هیچ کاری نکردیم ، فرار بودم و خانه نشین بودم . دو یا سه ماه قبل از سقوط طالبان ، زمانیکه امریکائی ها به افغانستان آمدند من از طرف جنرال مؤمین و پاچا خان دعوت شدم تا در این پروسه اشتراك نمایم ومن با آنها همکاری نموده همرا با عساکر امریکائی علیه طالبان والقاعده جنگیدم و به همین خاطر وظیفه قوماندان امنیه گردیز را برام دادند.

۲- محبوس از وظیفه قومندان امنیه منطقه گردیز نظر به ساخت و بافت مشکوک که با قوای ضد امنیتی داشت اخراج شد.

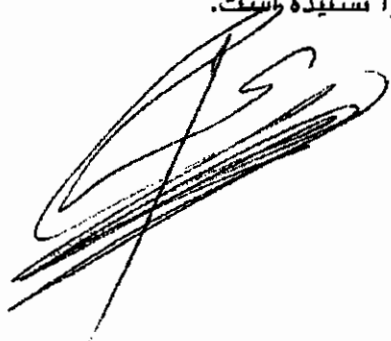
ت ۲- من برطرف نشده بلکه تبدیل شده ام از قومندانی شهر گردیز به شهرارای کابل. ان تبدیلی برایم ترفیح بوده مقام بلند تر و بهتر بود: در انوقت هیچ قوماندان تبدیلی را به اسانی قبول نمی‌کرد ولی من از تصمیم دولت اطاعت کرده و حاضر شدم تا به کابل

بروم و به همین خاطر وزیر داخله اغای جلالی يك موتر را بشکل تحفه برآیم داد.
 در باره شك كه من با قوای ضد امریکائی ارتباط داشته ام بکلی دروغ و غلط است.
 ۳- عوامل یا دلائل مقدماتی که طرفداری به آزادی ویا انتقال حبس تان میکنند.
 الف- محبوس گفته است که وی هیچوقت وابستگی وارتباط با طالبان و القاعده نداشته
 نه هیچگاهی عضو شورا' نظامی که با نیروهای ضد ایالات متحده و ائتلافین همکاری داشته
 نبوده.

۳ الف- درست است.

ب- محبوس گفته است که ، طرفدار موجودیت امریکائی ها در افغانستان بوده زیرا آنها
 در بهبودی مملکت برای همگی کمک میکنند. وقتیکه نظر و احساس در باره' جهاد
 پر سیده شد، وی گفت زمانی که به او سلاح دادند تنها در مقابل روسها جنگید. ۴.
 ۳ ب- درست است.

پ- محبوس ادعا دارد که نه او و نه ضیا الدین هیچکاری نکردند تا نزاع و نفاق داخلی را
 بین قریه جات و گروپ های همچشم در گردیز و پکتیا ایجاد کنند.
 ۳ پ- درست است. و هیچوقت کدام اختلافی بین قریه جات پکتیا نبوده.
 ت- محبوس گفته است که ، او هیچوقت نام ملا عبدال فتاح را نشنیده است.
 ۳ ت- درست است.



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Summary of Administrative Review Board Proceedings for ISN 1104

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 29 August 2005 and lasted 15 minutes. According to the language database, the Detainee speaks Persian and Pashto equally well at the basic understanding level. The Detainee said he only speaks a little Persian and after the Persian translated Unclassified Summary of Evidence was read to the Detainee, he stated that he did not understand the allegations. A follow-up interview was scheduled with a Pashto linguist on 29 August 2005 and lasted 30 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee wanted to review the Pashto translated Unclassified Summary of Evidence and a final follow-up interview was held on

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30 August 2005 and lasted for 19 minutes. 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 speak for himself to the board. After being asked four times, the Detainee would not answer whether he would address the Unclassified Summary of Evidence point by point or as a group. The Detainee stated during the interview that he was a sick man, and he has headaches, but the doctors gave him medicine for them. The Detainee was civil throughout all of the interviews. The Detainee kept a copy of the Pashto translated Unclassified Summary of Evidence 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, 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 claims he has four years of military service and was a Mujahedin foot soldier operating out of his home village.

Detainee: I had been forced.

Designated Military Officer: The Detainee was Chief of Logistics for a Cooperative Logistics Company located in Kabul, Afghanistan. The Taliban government owned the company and it was closely affiliated with Taliban intelligence. The company provided logistical support directly to the Taliban government.

Detainee: No, I haven't done this thing.

Designated Military Officer: The Detainee was responsible for purchasing items as directed by Mohammad Ibrahim.

Detainee: No response.

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Designated Military Officer: Mohammad Ibrahim worked for Taliban Central Intelligence.

Detainee: I only know one Mohammad Ibrahim, and he was responsible for logistics.

Designated Military Officer: After the Detainee purchased the items he would then resell them to company employees at a higher rate. The profits would then be deposited into Taliban controlled accounts.

Detainee: No response.

Designated Military Officer: The Detainee was captured at his home with an AK-47 and Taliban related documents. These documents have been reported as financial records indicating large money transactions with a group called the "Afghan Islamic Movement".

Detainee: Dealing with money was not my job.

Designated Military Officer: The Detainee was controlling a large cache, located in a nearby school, which contained 68 x 122 mm rockets; 1218 x 76 mm AT and HE rounds; 54 x 122 mm artillery rounds; 82 x 76 mm MNTN gun rounds; 44 x 100 mm tank rounds; 9 x SPG-9 rounds; 17 x 60 mm mortar rounds; and 35 x 140 mm rockets.

Detainee: It is not true.

Designated Military Officer: The Detainee kept the records for documentation of where money and supplies went in case of inquiry by the new government. He said he worked there for about 30 months until the day the Taliban fell from power.

Detainee: Dealing with money was not my department.

Designated Military Officer: Mullah Abraham was appointed by an al Qaida Intelligence member, Mullah Wasiq, as the Deputy Minister of Intelligence.

Detainee: I am not aware of this information.

Designated Military Officer: Mullah Wasiq reported to Mullah Qari Ahmedullah, who ultimately reported to Mullah Omar.

Detainee: I have no idea.

Designated Military Officer: Ammadullah was the Chief of Intelligence and he reported to the Deputy Chief of Security Services Mullah Omar in Kabul, Afghanistan.

Detainee: I am not aware of these things.

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Designated Military Officer: The Detainee is identifiable as a former companion of Bin Ladin during the jihad against the Russians. He was among a group protecting Bin Ladin at his last meeting at Tora Bora.

Detainee: I do not know what they are talking about.

Designated Military Officer: The Detainee was entrusted by Bin Ladin to exfiltrate his guard forces from Afghanistan back to their countries of origin. Bin Ladin and his companions spent the night in a house belonging to an Afghan acquaintance of the Detainee.

Detainee: It is all un-true.

Designated Military Officer: The Detainee attended a meeting of Taliban members in Zabul Province, Afghanistan. Reports indicate that additional Taliban groups were formed and given commanders.

Detainee: I'm a poor man. I was just doing my business. This is un-true.

Designated Military Officer: The Detainee commanded one of the newly formed Taliban groups, which was comprised of approximately 13 Taliban soldiers. His group is assessed to have possessed numerous weapons.

Detainee: It is not true.

Designated Military Officer: The Detainee attempted to align himself with other Taliban to continue the anti-United States/Coalition Campaign.

Detainee: It is not true.

Designated Military Officer: The Detainee attempted to export gems from Afghanistan to Germany in order to raise revenue to finance al Qaida.

Detainee: It is not true.

Designated Military Officer: The Detainee stated that the Taliban leaders from Pakistan gave him several satellite phones with long-range capability.

Detainee: I have not told anybody that.

Designated Military Officer: Reporting indicates that Taliban leaders planned to hold another meeting in March 2003 to form more groups and assign commanders to those groups. The additional groups were to be assigned tasks and given their agenda.

Detainee: No.

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Designated Military Officer: Taliban members were armed with mines when they traveled to the meetings.

Detainee: I do not know.

Designated Military Officer: According to a Foreign Government Service, members of the Afghan Islamic Movement were trained at Usama Bin Ladin's Khaldan Training Camp during period 1996-2001.

Detainee: I am a poor farmer, busy with my job. I am not aware of this.

Designated Military Officer: The Khaldan Camp was used to train Mujahedin and consisted of tunnels to house soldiers and supplies. The students at the camp were Arabs undergoing small arms training.

Detainee: I am not aware.

Designated Military Officer: The Detainee stated he did not even know the weapons were there. He then related the weapons belonged to the district and the district commissioner. He continued to deny that he owned even one bullet from the weapons cache.

Detainee: Yes.

Designated Military Officer: The Detainee denied any knowledge of the weapons in the schoolhouse in his town and blamed unknown enemies for saying they were his.

Detainee: Yes.

Designated Military Officer: The Detainee again denied that he was continuing to serve as a logistics officer for the Taliban and assisting them in obtaining weapons and supplies.

Detainee: That is true.

Designated Military Officer: The Detainee denied the allegation that he was continuing to run the cooperative for the Taliban by brokering deals for supplies and money into Afghanistan.

Detainee: Yes.

Designated Military Officer: The Detainee denied being part of the Taliban and said he did not like them and was forced to work for them. He denied any association with the "Afghan Islamic Movement" and that he was unaware of any such organization.

Detainee: Yes.

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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.

The Detainee made the following statement:

Detainee: I am a sick poor farmer with enemies. I have spent my life working, but my family and I do not have enough to eat.

Presiding Officer: Sir, these are all statements that you have covered in your previous answers. Do you have any new information?

Detainee: Sir, I am getting to the point.

Presiding Officer: Please, if you would be so kind.

Detainee: I apologize. I am from Afghanistan, and we had no choice. We were there at the time you were doing operations. For several days, I would bring wheat flour to the houses to make bread. I would pull it out and take the bread to them. I was trying to feed my family, so I did it. I did not do it for the Taliban.

Presiding Officer: You admit to working for the Taliban, but you did it under protest. Is that correct?

Detainee: That was at the time of the Mudjahedin.

Presiding Officer: Mudjahedin, not the Taliban? Did you do the same function for the Taliban?

Detainee: I had no choice but to do it.

Presiding Officer: So, you did do it, but once again, under protest?

Detainee: The Taliban took everybody by force. They forced me from my home. However, because I have a stomach problem, I was not qualified to fight. My job was to bring food and other supplies from the bazaar, and then sell them cheaper to the very old and poor people. Their salaries were being cut. In summary, I handled food and other supplies, for one month, because I was afraid. I did it for my family.

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Presiding Officer: That concludes your statement, sir?

Detainee: Yes, sir.

Presiding Officer: Thank you.

The Assisting Military had no further questions for the Detainee.

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

Designated Military Officer: Sir, have you ever met Usama Bin Ladin?

Detainee: I have not seen him. I'm a poor farmer.

Designated Military Officer: Sir, you say that you are a sick poor farmer, and, yet, you have so many enemies. Can you tell us why you have so many enemies?

Detainee: During the time of Russian occupation, the people became enemies, because of land. The Russians caused this hostility. With your permission, I will provide examples of the hostility, and animosity.

Designated Military Officer: Please.

Detainee: First, there is this mountain not far from my farm. There is an abundance of grass and a spring located by my land. There is desolate land between my village and two other villages. These villages fight over the right to have their animals feed on the grass, and use the spring. This has caused animosity. We took turns fighting each other. Second, during the Russian occupation, we turned each other in. Last, in the time of revolution, people were killed; that caused hostility.

Presiding Officer: Mr. DMO, would you like to re-direct?

Designated Military Officer: Yes. Are you saying that you are Hazra?

Detainee: Some people call it Hazragon, some people call Hazra.

Designated Military Officer: You still say you are a poor sick farmer. Why do you think the United States would have an interest in bringing you over here---halfway around the world--- feeding you and housing you, if that is all that you are?

Detainee: I am nothing more than a poor farmer.

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Presiding Officer: Mr. DMO, would you like to re-direct?

DMO: Yes. I thank you for your answers.

Detainee: I would like to say one more thing, if I may?

Presiding Officer: Of course.

Detainee: I am not the enemy of America. I am not dangerous to nobody, because I am a very miserable poor man.

Presiding Officer: Do any of the board members have questions for the detainee?

Administrative Review Board Member's questions:

Board Member: As a foot soldier, did you ever participate in combat operations?

Detainee: I was working my own business, my farm.

Board Member: How close was your home to the school that held the munitions?

Detainee: My house is far away with two houses in between.

Board Member: Did you know that munitions were in that school?

Detainee: I was not aware.

Board Member: What were the Taliban financial documents doing in your home?

Detainee: As mentioned earlier, I worked at the bazaar, but another man dealt with the money.

Board Member: And this dealt with the Cooperative Logistics Company?

Detainee: Yes, logistics office.

Board Member: Was that a company associated with the Taliban?

Detainee: That was a personal salary for the workers.

Board Member: It was associated---

Detainee: Everything belonged to the Taliban.

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Board Member: Were you associated with MuHammid Abraham?

Detainee: At the bazaar, there was the logistics chief; two representatives who purchased supplies.

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

Detainee: I am happy to have a quiet, peaceful business, without worry.

Board Member: Will you return to your home and family in Afghanistan?

Detainee: I will go back home and work.

Board Member: Will you be able to support your family?

Detainee: I will serve them.

Board Member: Thank you very much. Did you consider your country, in Afghanistan, a dangerous place, leading up to the time of your capture and your being forced to come to our country?

Detainee: No, it is not dangerous for me.

Board Member: So, how can someone force you to do something, if you didn't think it was dangerous? That is, how were you forced to be a part of the Taliban, if you were not afraid, or if it was not even dangerous?

Detainee: The government took everybody by force. They would dishonor me, or kill me.

Board Member: So, it would be dangerous for you to not be a part of the military?

Detainee: They would not leave me alone.

Board Member: Your enemies are not dangerous?

Detainee: We have a problem over the land.

Board Member: So, it's dangerous?

Detainee: We submitted a petition, for our land, to the government.

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Board Member: So, the only training you had was to be a logistics person, no military; no weapons training. You have no training with weapons, at all?

Llquist requested to translate question again

Detainee: During Mudjahedin, I carried bread.

Board Member: So, with the war going on with enemies---a lot of dangerous things happening---you never had a weapon? You never worried about protecting your family?

Detainee: We would beat them with sticks and shovels.

Board Member: You never saw a weapon?

Detainee: I have seen other people have them.

Board Member: Where?

Detainee: During Mudjahedin, some people came home carrying guns.

Board Member: There were weapons in your village?

Detainee: During Mudjahedin, people would come from other places.

Board Member: What were the names of the superiors you worked for in the Logistics Company?

Detainee: It was the Chief of the company brother.

Board Member: You said there were two superiors you reported to. What were their names?

Detainee: Two representatives controlled the prices.

Board Member: I want to know the names of the people you reported to. You reported to someone. What is their name?

Detainee: We were responsible for these two members.

Board Member: My question is simple. Does he know the names of the people he reported to?

Detainee: I forgot their names.

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Board Member: I have no further questions.

Presiding Officer: Did you ever hear the sounds of weapons being fired, bombs going off?

Detainee: Why not?

Presiding Officer: Have you ever fired a Kalashnikov, even once, in your life?

Detainee: I might have, but I can't remember.

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 1119

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 16 August 2005 and lasted for 55 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu transl[ed] 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 to speak on his own behalf with the board members. The Detainee prefers to respond to the Summary of Evidence after each allegation or statement 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 cooperative and very polite during the interview. The

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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 Assisting Military Officer and Detainee.

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

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

Designated Military Officer: The Detainee was a member of the Hizb-I Islami Gulbuddin (HIG) during the jihad. He served with the HIG before the Taliban regime took over.

Detainee: The conditions of the country [were] different at that time. Russians had invaded Afghanistan and Afghans were fighting Russians to expel them out of the country. I was a teenager at that time. I was 15 years old. It was difficult to live in Afghanistan so we went to Pakistan to live there. Our adult members of the family, they contacted Hizb-I Islami just to get rations. It's not my responsibility. I was a teenager at the time, so I did not know much about those things.

Designated Military Officer: The Hizb-I Islami Gulbuddin (HIG) was founded by Gulbuddin Hikmatyar as a faction of the Hizb-I Islami party in 1977. It was one of the major mujahedin groups in the war against the Soviets. HIG has long-established ties with Usama Bin Laden.

Detainee: I don't know about this party's connections with Usama Bin Laden. I don't know that much, but I know it was one of the major parties fighting against Russians. I know that. This does not relate to me. Every party has their own agenda, their own affairs; probably they were having some connections. It's not related to me.

Designated Military Officer: The Detainee was a member of the Mahaz-e Melli Tanzim.

Detainee: Just recently I joined Mahaz-e Melli, because United States and United Nation forces came to Afghanistan and we wanted to support this new government. So I was working for that purpose with Mahaz-e Melli.

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Designated Military Officer: The Mahaz-e Melli Tanzim attempted to recruit and organize supporters in Kabul, Afghanistan, following the fall of the Taliban. King Zahir Shah intended to establish a post-Taliban government for the purpose of rebuilding the war torn nation.

Detainee: This is true. We wanted to rebuild the country. Our purpose was not only Zahir Shah, neither Karzai nor Shah, under the supervision of the United States and United Nations we wanted to rebuild the country and bring peace to the country. Whoever supports the United Nations and United States, he's your friend too...Zahir Shah or Karzai or whoever else. You want to support that person, you want to support that government to rebuild Afghanistan and keep the peace.

Designated Military Officer: In 2003, the Detainee was a HIG commander who worked directly for Abu Bakr, the alleged highest-ranking HIG commander in Kabul. The Detainee controlled a large weapons cache in Kabul.

Detainee: This allegation is not true. This is wrong. There was no weapons cache. I was not in control of any weapons cache. Whoever confiscated that weapons cache they should have hard evidence against me. Where's that weapon? I was arrested [at] home. I was not arrested in any weapons cache. I don't know. That's wrong. That's not true. After United States and United Nations came to Kabul...to Afghanistan, no one could keep such a cache of weapons in Kabul. It was impossible. How could I be in control of such a weapons cache? This is not true.

Designated Military Officer: The Detainee was reported to be one of the heads of the Psychological Operations Wing of the HIG.

Detainee: This is very funny. Whoever becomes the head of a psychological unit, that person should be a doctor or some psychologist? I'm a smart man, but I'm illiterate. I can't write. I can't read. How can I be in charge of such a position there? I have not even graduated [the] first grade of school. Probably this is related to one incident that [happened] with my interrogator. If you will allow me to mention it...[I will elaborate].

Presiding Officer: Please, continue.

Detainee: My interrogator told me, after a couple of interviews, he told me that he's going to [the] United States. He's going to get married. After two weeks, he [was] going to return and he will have interviews with me again. When he came back, I was joking with him, "You're a good-looking man, nice looking youth. You have youth. You're young. How's your wife? Is she also pretty...a good-looking woman, like you?" He wrote down something...probably, he made me this...gave me this doctor's position for this. This is what I suspect...

Presiding Officer: Thank you.

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Designated Military Officer: The Detainee was captured in August 2003, in Kabul, in one of the homes owned by Raouf.

Detainee: I don't know any person by that name, Raouf. I was living in a house and the owner of that house is still alive. He's still there.

Presiding Officer: Thank you.

Designated Military Officer: In May 2003, the Detainee was the commander of 30 men, with ties to the Taliban, who were planning an attack on an Afghan National Directorate of Security (NDS) unit in the vicinity of Kabul City, Afghanistan.

Detainee: I was against Taliban. At the time of Taliban, I was not in Afghanistan. I came to Afghanistan when their (*Taliban*) regime [had] collapsed. When I was arrested they didn't find any weapons with me, not even a single needle. A person, who attacks a security unit...he should have some weapons. I don't have any weapons. Those three people that you mentioned...somebody else should have been arrested with me. I haven't heard of anybody else being arrested out of those three.

Presiding Officer: Thank you.

Detainee: How come I'm the only person [that has] been arrested among those 30 people? Someone else should have [also] been arrested if there were like 30 people.

Presiding Officer: Today, we are just going to discuss you. I don't know about the other 30. At this time, it's just about you.

Designated Military Officer: As a known HIG member, the Detainee was arrested by the Taliban and placed in jail. He spent 23 months in jail before escaping to Pakistan.

Detainee: I was not in jail for 23 months. I was in jail for 18 months with Taliban. Since these different political parties...their fighting each other, I came to Taliban. I thought they were working and probably they would get rid of all these political parties and there would be one central government in Afghanistan. I was happy for them in the beginning. I thought Taliban were good people. When I came to Kabul. They put me in jail. They told me, "You have more liberal thoughts and we have strict code of conducts. We don't want you around." So they put me in jail. After 18 months [of] imprisonment, I went away...I escaped from Taliban. When the United States and United Nations came to Afghanistan, I returned back to Afghanistan. Now you tell me how I found 30 people and I did those things? The people from whom I run away...now I work with them again. It's impossible. The people who don't want peace in the nation...working with them is wrong. This is my view.

Presiding Officer: Thank you

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Designated Military Officer: In November 2001, while attempting to recruit and organize supporters for Shah and the Mahaz-e Melli in Kabul, Afghanistan, the Northern Alliance arrested the Detainee, however the Detainee escaped.

Detainee: Under the supervision of the United States I was supporting the new found government...King Zahir and Karzai's government. I was helping [that]. Northern Alliance apparently they were friendly with the United States and United Nations. However, deep down they were...they didn't like it. They told me don't support the United Nations and United States, don't support the new government. For that purpose they put me in jail. I told them we want a strong central government that the nation can follow a good leader and now we have the support of the world, but they [didn't] agree with me. They put me in jail, but I found some way of going away from them...I escaped from them, but I was in Kabul. I was still supporting the new government. For that reason, they contacted the government, they told lies about me to the Americans and told them "He's working for al Qaida. He's working with Taliban. He's associated with this and that." They had me arrested. That's the reason that I ended up arrested and I ended up here.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee claimed he is friendly to the United States and turned to the Islamic faith as being a reason not to kill.

Detainee: There's no doubt about it that I'm a Muslim, praise be to Allah, but Americans are much better. I like them. I'm friendly to them there's no doubt about it, because they are much better than Taliban. They are better than al Qaida. They are better than Hizb-I Islami. They are better than any group that [I have seen]. Having the support of the United States and United Nations, mutually supporting their back for the purpose of bringing peace to Afghanistan and keeping the peace that is my purpose. So I do it with them. Most of the Taliban or al Qaida they do suicide bombings...they attach a bomb to their body [and] kill themselves and others. This is not allowed in Islam. In Islam, it doesn't say to kill non-Muslim. Islam is not about that. Islam is about the invitation...to invite people. Invite them and tell the people not to do wrong things. Try to convince them and direct them to the right path, but if that person does not go with the right path...the path that you are telling him. The rest is up to Allah. Allah is powerful; he will take care of things. This is my understanding about Islam and this is what I have heard from Islamic scholars.

Presiding Officer: Thank you. We'll ask questions in one moment.

Detainee: Sure, why 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.

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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.

The Detainee made the following statement:

Detainee: I will say a few words by your permission. From my experiences that I had in the past...the incidences that happened to me, I ended up here with this condition. There are many aspects to this and many points of view. What do you want me to talk about in particular?

Presiding Officer: We will get to questions in just a moment. Do you have [anything further to state]? We will get into some questions in a moment.

Detainee: First, I will start with my problems...I am having a problem. Afghanistan needed a central government...a government that the nation could follow [of] all different nationalities and tribes of Afghanistan...in different religions in Afghanistan. They all needed one unity. So we could all live and work together under that government. We needed that. I was working in supporting that kind of government; because of that ideal that I had I ended up here. This all began with the Russians in Afghanistan, I'm going to say this always and in front of Allah, I will say this too, "The Russians [are a] the major cause of Afghan calamity or adversity." Just before Americans and United Nations came to Afghanistan...the conditions in Afghanistan were very bad...terrible conditions. We didn't have economy. We didn't have a good government. We didn't have education. There was no respect. There was no peace. There were no healthy human relations. Everything was just chaos. There was a mess in the country. First, Russians caused this problem for Afghanistan. After Russians left it continued and it got worse by these different Islamic groups, which were Hizb-I Islami, Gulbuddin Hikmatyar, Rabani, Sayyef, Masoud and their friends and supporters. After that Mullah Omar. They were fighting continuously over territory, over power in Afghanistan. People of Afghanistan suffered as a result of these fights. These are the facts that I observed and experienced of my lifetime. These are the things that I saw and this is my pain. I'm suffering from my pain. This is why I'm telling you. Afghanistan was almost in a state of barbarianism...it was chaos. Like a person, who is very thirsty for water and very hungry for food, we were so thirsty and hungry for the presence of the United Nations and United States in Afghanistan. It was a center of barbarianism and chaos the whole world could see it and the whole world was getting some negative affects from that. Most of the terrorist in the world would come to Afghanistan. They would get trained in Afghanistan and then they would go and blow up themselves and blow up other places and people. Whoever their leaders...the warlords, they were getting some financial benefit from it. Different warlords in different areas were getting personal benefits, personal advantage from doing those things. The world got fed up with those terrorist acts. Allah made the conditions so that finally United Nations and United States would have to come to Afghanistan and end the chaos. Otherwise, you guys didn't care about us. With this new conditions under

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the United States and United Nations, whoever were a true patriot...whoever was supporter of humanity and human rights and he wanted to rebuild Afghanistan. He supported the new government. He wanted to help the new government and he wanted to maintain the peace in Afghanistan. When the United States and United Nations took control of things there was still some groups, some individuals in Afghanistan, that were left over from the last regime and they were not 100% friendly and they were not well known to Americans and United Nations. Under the table, they tried to hurt the new regime or hurt the United Nations and they wanted to cause some chaos. Apparently, they were acting like they were friendly to Americans and United Nations. Among those people are Rabani, Sayyef and Fahim that they came to power again under the United States. These people are the people, who were fighting before...they were from the last regimes and they were fighting before with each other. This was my experience and point of view. Now I'm here. I don't blame Americans for this. I blame Russians. Russians were a major cause of this. They were the beginning of the problems for Afghanistan and me that I ended up here. After the Russians these warlords in Afghanistan in different religious and political groups...they cause those problems for Afghanistan and this is why I'm here.

Presiding Officer: Thank you very much for your statement. We will ask you some questions now, concerning some specifics.

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:

Presiding Officer: Do you speak English at all?

Detainee: No.

Presiding Officer: Not at all?

Detainee: No.

Presiding Officer: You say that you cannot read or write; yet you seem to have a very extensive knowledge of the history of Afghanistan. Are you sure you cannot read or write?

Detainee: I observed the whole thing. I have experience. I've seen a lot of problems in my life. I learned from it.

Presiding Officer: How old are you?

Detainee: About 40, 41.

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Presiding Officer: Okay, thank you. I will come back with more questions.

Board Member: What was your involvement with HIG?

Detainee: Only my elders of the family, they went to the party for the purpose of [voting for them]. I was a minor at that time and we were getting rations. We were receiving rations or support [against] the Russians from you (*Americans*). They (*HIG*) would then distribute it to us. At the time of jihad, you (*Americans*) were the major supporters of those groups. So ask yourselves some of those questions.

Presiding Officer: Did you ever work for them? Did you ever have any specific jobs for the HIG?

Detainee: No, no I couldn't write. I was a teenager. I was a bad teenager. I was smoking Hashish.

Presiding Officer: You never had a job, no...responsibilities...no work at all?

Detainee: Only in one occasion they gave me some food and told me to give it to Gulbuddin. I delivered the food to Hizb-I Gulbuddin, that's it.

Board Member: What about Mahaz-e Melli Tazim?

Detainee: When the new government was formed, Rahim Wardak, he is the Secretary Defense now. He called some people, among those people, he called upon me to help and support the new government. This is why I was doing some activities to support the new government...to talk to people.

Board Member: Was this organization in support of King Zahir Shah?

Detainee: In the beginning there were rumors that Zahir Shah would be the leader...Zahir Shah is coming...everyone was Zahir Shah. Mahaz-e Melli is a supporter of Zahir Shah.

Board Member: Did you personally know the King?

Detainee: I did not know him person[ally], but he was a famous King of Afghanistan. He was [the King] long before my time. We were happy for him, because we knew he had a peaceful government at that time. Afghanistan was living in peace at [the] time [of his] reign.

Board Member: Did you personally know Mr. Wardak?

Detainee: Yes, I know him personally. He [used to] give me money. He used to give me letters to take [to] people. To give them money...

Presiding Officer: How did you come to know Mr. Wardak?

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Detainee: He was with Mahaz-e Melli before and a friend of mine...was also a friend of his. That guy introduced me and he was part of the Mahaz-e Melli. A friend of mine was working with him and introduced me to Wardak.

Presiding Officer: Did you ever work at all then for Mr. Wardak?

Detainee: Yes, he gave me some money and some satellite telephones and some letters to distribute among people. I did that job for him.

Board Member: Do you know anybody else besides this gentleman who works for the Karzai government?

Detainee: I don't know them very closely, but I know them like from a distance or from somebody else. Like Karzai he was son of Abdul Ahad Karzai, his father was [a] senator. He was the Secretary of Finance and now he is the president of Kabul University. So I know these people more or less.

Board Member: Were you ever involved in planning any attacks on agencies of the Karzai government?

Detainee: I don't have those thoughts. I don't like those kinds of people. I told you earlier that I was supporting and working for this new government...to support them and help them.

Presiding Officer: When you moved back to Kabul were you working for HIG at that time?

Detainee: No, no at that time I didn't work with them. Those people were gone. They didn't like me, because they didn't get along with the new government. Why should I work for Hizb-I Islami or why should I work for Taliban, because they didn't prove to be right. They didn't do anything for Afghanistan. People are fed up with them. They proved to the people of Afghanistan that they were failures...their regime and their leadership [failed]. They didn't do anything for Afghanistan. Why should I support them?

Presiding Officer: You didn't know Abu Bakr at all?

Detainee: About 20 to 25 years ago, the time of jihad against Russians. I heard his name, Abu Bakr. He was a pretty famous guy, but he was not from Kabul. He was from Lowgar. I have not seen him personally, but I've heard his name. Like Masoud was famous too. I'm still under oath, but I [will repeat my statement] again. I swear to Allah that I do not know or have [not] seen Abu Bakr.

Board Member: You said you delivered food to the mujahedin was that during the Russian invasion?

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Detainee: Yes.

Board Member: What do you think about al Qaida?

Detainee: In Afghanistan we are Sunnis and Sunnis they have these three or four leaders...Immam Hanif, Immam Hasham and Immam Malik. These are the major Sunni leaders that people follow their teachings of Islam. Al Qaida was none of these. They were different. They were Wahabis and their Shia. We don't like them. We don't approve [of] them. They are terrorists. For example, there is a food strike...people don't eat food here in detention. They say they are doing the right thing. Even if they die from hunger, that's okay. [Islam does not forbid that]. That's their way of thinking, but I don't think that way. I think they're wrong. They['] die and they will go to hell. I disapprove it, because this is another form of suicide. Suicide is forbidden in Islam. Muslim prophets, religious prophets in the past, none of them have done suicide. They've been through a lot of difficult times, during their history, but none of those prophets killed themselves. This is why I don't like what they do. Allah recommends patience [at] the times of difficulties...to be patient and Allah will make things easier, but whoever is impatient...that's wrong I don't approve that.

Board Member: When you talk about support. You're obviously a very smart man. People were coming to you for support of their specific organization. Why were they coming to you?

Translator did not understand the question.

Presiding Officer: The Secretary of Defense came to you for support...that would indicate that you are a very [intelligent] man. Why do you think these people are coming to you for support?

Detainee: I had a friend and he was a friend with Rahim Wardak. I was introduced to him through my friend. My friend knew that I had [the] ability to talk to people and convince them. That's why I was doing it. It was a reciprocal favor, because in Afghanistan there is animosity between tribes and between different groups. I was seeking some support in return from them. This was why I was doing it.

Board Member: Support for what?

Detainee: There is animosity between tribes, between different groups and if you have the support of the government then you are safe more or less. For personal safety, family safety...that's what will help.

Board Member: What tribe are you part of?

Detainee: Tera Khail

Board Member: Do you have a lot of influence over the people in that tribe?

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Detainee: Besides having some enemies, which is natural to the condition of Afghanistan, but thanks to Allah I have a lot of friends. The elderly I have respected and with everybody else I have been very respectful. This respect is mutual. I have gained some respect from the tribe member[s]. Of course, there are enemies and there are friends.

Board Member: Why did the Northern Alliance arrest you?

Detainee: They didn't like Zahir Shah. They wanted their own leadership. Whoever was working with Zahir Shah for his support they didn't like it. They knew that I was doing some activities in Afghanistan for support of Zahir Shah and support of the new government. They didn't like it, this is why they arrested me.

Board Member: If you would go back to Afghanistan would you rejoin HIG?

Detainee: *Detainee laughs.* Because of Hizb-I Islami I ended up here. I [will not] go [back] there.

Presiding Officer: What do you do for a job? What kind of work do you do?

Detainee: I was buying cars and selling them back or sometimes I would buy land and then sell it for some profit and houses too.

Presiding Officer: Those jobs require a lot of intelligence, again I'm surprised that you cannot read and write and undertake those kinds of transactions.

Detainee: I have some general intelligence. I know that peace is good for our country. United Nations are good. United States leadership and supervision of Afghanistan is good. I know about other aspects of life. I know about everything good and bad. I'm generally intelligent, but being able to read and write that is just one part of intelligence.

Presiding Officer: Just the transactions that you do, I am very impressed that you can do those without reading and writing. You are also for a man, who has spent so much time in different prisons; you have a very, very good understanding of the politics of your country.

Detainee: I was seeking the help of my cousins and my brothers and other friends that [could] write. I was building these bricks for the buildings. Those were the things that I was doing.

Presiding Officer: When you were back in Kabul, you didn't know anything at all about who owns the house you were staying in 2003?

Detainee wants the question to be repeated.

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Presiding Officer: The house you lived in when you were captured. Do you know who owned it?

Detainee: The owner of the house is Mullah Issat.

Presiding Officer: Mullah Issat, do you know does he have any affiliations with any groups?

Detainee: He was the commander of a brigade lately with Karzai.

Presiding Officer: So he is loyal to Karzai?

Detainee: Yes.

Presiding Officer: Did you pay him rent at all?

Detainee: No, he's just a friend of mine.

Presiding Officer: So again, you have very high associations. Secretary of Defense, brigade commanders, all these leaders know you very well?

Detainee: Allah is great and friendship is good...now today I have the honor of meeting you. Of course there are conditions in our countries that we have some enemies, but I tried to find good friends too.

Presiding Officer: Are you aware if HIG is still active right now in the Kabul area? Are they still conducting any activities?

Detainee: I don't have enough information about myself in these conditions, no one tells me. I don't know about them.

Presiding Officer: When you left Kabul were you aware that HIG was active at all?

Detainee: At that time my participation was towards the United Nations and [United] States forces. There was not much to hear about them.

Presiding Officer: Again, you seem like a very popular man. Any of your old HIG associates, did you know of any of them are operating in Kabul when you were there?

Detainee: No one told me anything about them. Probably because of my association with Zahir Shah and his support and supporting the government. This is why nobody told me anything about it. So, I don't know.

Presiding Officer: Never heard anything? You never heard anything when you were living in Kabul?

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Detainee: No, I didn't. How much contact...my only source of information was radio...radio freedom, which was made at the time of the new government.

Presiding Officer: Do you have any family?

Detainee: Yes.

Presiding Officer: How many [wives], children?

Detainee: I have two wives, ten kids.

Presiding Officer: Have you heard from them at all?

Detainee: Yes, three, four letters I got from them.

Presiding Officer: Very good, are they well?

Detainee: Praise be to Allah, yes. I saw [a] picture. They look fine to me.

Presiding Officer: Where do they live right now?

Detainee: They live in Kabul.

Presiding Officer: How are they getting support? How are they living, getting food and shelter?

Detainee: My brothers.

Presiding Officer: Very good, how many brothers do you have?

Detainee: I have five brothers.

Presiding Officer: Do they all support the Karzai government?

Detainee: I don't know in particular. I don't know what they are doing, but I think they are doing their own business. I think they work for themselves.

Presiding Officer: Very good. I'm very happy to see you wearing a tan uniform. That means your behavior here has been good. That is very important.

Detainee: Yes, I always treated them with respect. I've never had a problem with them.

Presiding Officer: What is your plan if you go back to Afghanistan? What will you do for a living? How will you support your family?

Detainee: I will either have a restaurant or I will go back to my old business, buying and selling houses and cars. I will do something else like making bricks for buildings. I have

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a very little chance working with the government now, because I can't read and write. Otherwise I would be supporting them. When Afghanistan was being rebuilt...these [past] two, three years, I missed a lot of money. Since I am here in jail. *Detainee laughs.* The hous[ing] market was good, people were buying houses, but I missed that unfortunately. You guys caused a lot of loss of money for me.

Presiding Officer: I'm very sorry for that, but hopefully this restaurant will have a menu that you can learn to write before you can have a good menu for your restaurant.

Detainee: *Detainee laughs.* That would be good.

Presiding Officer: I know you say that you cannot read or write, but you're clearly an intelligent man with very much influence. If you go back to Afghanistan it is very important that you are careful whose influence you use.

Detainee: Afghanistan unfortunately has been under the influence of some evil neighbors. Pakistan has a lot of negative influence in Afghanistan, Iran on the other side, Russians. We have very bad memories from them. They are not there to help us, but to hurt our people and our country. I am very, very happy with United Nations and United States. A thousand times better than those people. Whether I'm here or whether I am released my ideals will not change. I swear to Allah. I'm telling you the truth, this is my opinion, [and] this is my idea. I want peace in Afghanistan under the present...

Presiding Officer: Thank you very much for your forthrightness and all the information that you have given us today. It was very helpful.

Detainee: I thank you too.

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

The Presiding Officer opened the classified portion of the session.

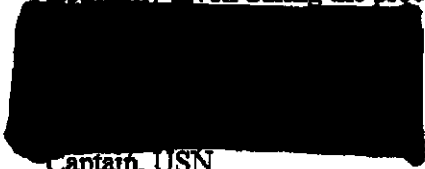
The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

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AUTHENTICATION

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



Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1154

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 21 December 2005 and lasted 100 minutes. After reviewing the ARB's purpose and procedures, the [Farsi] 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, the Detainee replied with the affirmative. When asked if he wanted to present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would like to prepare written responses to each allegation in the Unclassified Summary of Evidence which he would like to read to the Board after each is read by the DMO. He added that he would also like to make an overall statement at the conclusion of the discussion of the Unclassified Summary. The

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Detainee initially indicated he wanted the assistance of the AMO but after further discussion he indicated he would determine to what extent he wanted assistance after he developed his written responses. A follow-up interview was scheduled for 22 December 2005 and lasted 90 minutes. The Detainee provided copies of his written responses to the Unclassified Summary of Evidence and asked many questions and requested that the AMO assist him in remembering to verbalize key dates, times and events in his responses to Board Members questions. The AMO recorded a brief summary of the Detainee's words and agreed to assist as much as possible. The Detainee was calm and cooperative throughout both interviews.

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

Detainee: Is this the Unclassified Summary that was given to me?

Presiding Officer: Yes.

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: The Detainee stated that in approximately 1986, he joined jihad. He fought against the Russians for five years during which he was shot in the neck and leg. He was fighting for jihad as a doctor for two years. Then he became a sub-commander for four years.

Detainee: In the name of Allah, the most compassionate, the most merciful. With all respect to the members of the Administrative Review Board, I would like to make a statement to the allegations. During the Russian occupation all the people of Afghanistan started an uprising against the occupiers and they gathered, organized and joined in big and small groups while the whole world supported this cause, particularly the Islamic countries and free western countries, especially America. I had expertise in medicine and while I was a refugee in Pakistan I went to Afghanistan for two years and a few months and helped the Mujahideen. While helping the Mujahideen I got injured. After the departure of the Russian forces from Afghanistan I got busy with my education and left

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all political and military activity behind. I got busy in my personal life and my education. I was a refugee in Iran the whole time during the Mujahideen's and Taliban's government. I went back to Afghanistan after the establishment of democracy to help the central government and the people of Afghanistan. Since I got married and changed my personal life, I left all activities behind me. I went there only a few months each year and returned back. There was not any two years. During those five years I went to Afghanistan for a few months.

Presiding Officer: So you lived in Pakistan for five years and then came back and forth a couple months a year to Afghanistan.

Detainee: Correct.

Designated Military Officer: (3.b) Training: The Detainee was trained by the Harakat Manqalab Aslami party to use the AK-47 during the jihad against the Russians. The Detainee did use the AK-47 during the jihad.

Detainee: During the Mujahideen's Jihad, I had a weapon for my own protection. There was no training required on how to use an AK-47 and all Afghans had weapons and knew how to use them.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee fought as a group leader with Nasrullah Mansour during the Russian Jihad. Nasrullah had a son, Saif Rahman Mansour, who became powerful in the Taliban.

Detainee: During the Jihad I was with the Mujahideen who were with the Harakati Inqilab-e-Islami (Islamic Revolutionary Movement Party), which was formed in Afghanistan. It's not comparable with western organizations, rather everybody in their own area would get together with Mujahideen and it was not important to the people which group was with which organization. Nasroullah Mansour was one of the leaders of Islamic Revolutionary Movement, and my connection with him was like any other Mujahid's connection with the Islamic Revolutionary Movement Party. I don't have any personal connection with him; he was killed in 1371, which would be the end of 1992 or the beginning of 1993. This Islamic Revolutionary Party had a few leaders and the top leader was Mali Mohammed, and Nasroullah was one of the leaders not the top one.

Designated Military Officer: (3.c.2) The Detainee was introduced to a Mujahedin group, Hizb-I-Islami. He then went back to Afghanistan for over a month, where he was introduced to jihad. Approximately two years later, the Detainee was wounded in the leg by government forces, after which he returned to Pakistan.

Detainee: As mentioned above, during the occupation of Afghanistan by Russia, I served with the Mujahideen of the Islamic Revolutionary Party as a medical doctor. I went to Afghanistan with the Mujahideen a few months out of a year and I have no ties with any other political group and am not part of any group.

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Presiding Officer: You were wounded in the leg by pro-Russian Afghan Government Forces.

Detainee: Yes.

Designated Military Officer: (3.c.3) A source indicated that as of June 2002, the Detainee claimed that he was an agent of influence for Iran.

Detainee: I consider connection with foreigners a big deficiency and betrayal to my country, therefore I have never used this word. I consider this a lie and false accusation. I was a refugee in Iran. There are more than two million [Afghan] refugees living in Iran and more than that live in Pakistan and other countries. If any of these people were to return to their country to help and serve and face an accusation like this, would anybody dare to come back to their country? Does living in another country as a refugee make him an agent of that country? Is not this accusation, without cause, made of thousands of educated and intellectual people, the work of the enemies of the country who don't want these people to return to Afghanistan and democracy? This is exactly what this accusation without cause is: a plot, a trick, and conspiracy of the people who wanted to keep me away from the scene.

Designated Military Officer: (3.c.4) A foreign government source reports that the Detainee worked for the former Taliban Eight Division Commander, Saifullah Rahman Mansour. The source indicated that the Detainee acted as Mansour's representative in Iran.

Detainee: Neither I saw or know Saifullah Rahman Mansour, nor do I have any connection with him. After the fall of Taliban, I only heard his name on the radio. During the Taliban I was not in Afghanistan and I never mentioned in my written defense statement in the first court that I have been a representative of these kinds of people. I consider any connection with these people whose hands are tainted with the blood of our nation a deficiency and a shame.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) A source said that the Detainee said the Iranians had given him \$50,000 United States Dollars to distribute among Loya Jirga (Grand Assembly) delegates to buy their votes for the upcoming July 2002 parliamentary election.

Detainee: Before I even start answering these allegations since the next two allegations talk about Loya Jirga (Grand Assembly) I would like to talk about Loya Jirga. Loya Jirga is a national process in Afghanistan that was founded in Germany. After the fall of Taliban, all of Afghanistan and Germany gathered together and decided to clean up the mess after the war (detainee was interrupted by Presiding Officer).

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Presiding Officer: We are familiar with the Grand Assembly and it brought representative throughout Afghanistan together to establish a post Taliban government, we know that.

Detainee: Thank You, that's very good that you know. When they decided to do the hearing (Loya Jirga) the first one was in Afghanistan. Not only Afghan representatives were present, there were representatives from all over the world who participated in that one. That Loya Jirga there was about 1,550 delegates and the purpose of the Loya Jirga was to decide on whom the President was going to be in the transitional government. There was not any discussion about anything other than choosing the President of the transitional government. There weren't any talks about Parliament and they didn't discuss Parliament in that Loya Jirga at all.

Presiding Officer: Okay, I would like to stop now and get back to the allegation and find out whether you provided money to delegates of the assembly to buy their votes.

Detainee: It was all connected to the allegations. The two allegations were talking about me and what I did with Loya Jirga and that's why I want to give extra information.

Presiding Officer: Okay thank you very much. I would like for you to now answer that allegation.

Detainee: There wasn't any place for buying or selling votes in Loya Jirga. If you logically look at the history of Loya Jirga and this allegation, you would probably know that it is a false and baseless allegation. Now I am going to answer it. These reports are false, and I neither paid any members of the Grand Assembly nor did I go there to become a member. There were no votes to buy in this provisional National assembly because the voting was for the presidency. Most of my friends and I voted for Karzai and there was no need to buy any votes for him. Furthermore, during the election of the Grand Assembly none of the members of the Gardez zone spend any money. This is an obvious lie because the election was controlled by the UN and there was no problem in the Gardez zone. If there were any problems a report would have been given to the Grand Assembly or UN. I did not elect myself to become President and President Karzai did not need to buy a vote, everyone voted for him. I did not elect myself, why would I buy votes for other people? That just doesn't make sense.

Presiding Officer: Do you know if the Iranians were trying to influence the delegates during that assembly?

Detainee: They couldn't do that because the Iranians did not have a representative or allies there. Karzai was the only candidate and the people of Afghanistan chose him.

Designated Military Officer: (3.d.2) A source said that the Detainee distributed this money to five Loya Jirga members from Paktia Province. The Detainee stated that he

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expected to be elected to the parliament as one of the two representatives from Pakita Province.

Detainee: There were about 1,550 participants in the Preliminary Grand Council. If these five members are well known please ask them who gave them money and why? If one of them says I gave them money, then I will admit to all the allegations because this issue is a pure lie. For better clarification of this fabrication I should mention that parliament is not the responsibility of the Grand Council. It was organized this year and the election took place on September 18, 2005. How is it possible to give someone money for gaining a vote that is needed three years later?

Designated Military Officer: (3.d.3) A foreign government reports that as of late April 2003, Mansour reportedly was receiving financial and logistical support from Iran.

Detainee: This question does not relate to me and there is no need for me to answer that.

Designated Military Officer: (3.d.4) On 10 August 2003, the Detainee returned to Afghanistan from Iran in order to distribute money to anti-coalition militants on behalf of Saifullah Rahman Mansour. The Detainee returned to the Gardez, Afghanistan area with approximately \$150,000 United States Dollars to be distributed to tribal leaders and representatives of 14 anti-coalition militant groups in Gardez area of Pakita province, Afghanistan. The Detainee planned to hold a meeting with the 14 representatives on the night of 12 August 2003 or 13 August 2003, at which time the Detainee planned to distribute the money.

Detainee: I returned to my homeland along with my brothers and friends to serve the people, support the central government, stabilize democracy and rebuild our country. I wanted to facilitate the conditions for the return of my family, to build my house and start a job. I have neither been sent to Afghanistan by anybody else nor have I carried money from anyone. My company was Dr. Ismail, my brother, and Dr.Reza, my cousin, who were not ordinary people. How could such well-known individuals with established academic backgrounds and personalities transfer money in such difficult and unsafe conditions of that time? Hearing the name of Mansour and other criminals like him is reminiscent of the hardship and blood shed era for the people of Gardez and I have never had any connection with him. I haven't had any links with any financial resource nor have I had any money with me. This plot was coordinated by liar-conspirators to achieve personal gain. On the other hand there are no anti coalition groups in Gardez. The city of Gardez consists of 14 Farsi speaking villages that were rescued from blood shed and hardship by the establishment of democracy and a coalition government. They seek happiness and prosperity with the central government under the leadership of Mr. Karzai. They never associated with the enemies of this government but always showed their total support in war against its enemies. I was in Gardez for two days, if I had money with me then, what happened to that money? You have my handbag with you. I want to mention one thing, here they are talking about 14 anti American groups in Gardez. I can assure you that there is not even one anti-American or anti-Coalition group. I would like to

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mention one more thing. When I am talking about those 14 villages, none of the tribal leaders are anti-American or anti-Coalition, neither are the people of those villages. We don't have anyone in Gardez that would be against the current government. We have very bad memories from the leadership of previous governments, therefore we are always there to help and support our current government.

Presiding Officer: Do you know any of these conspirators that are against you?

Detainee: Yes, it is mentioned later and my statement. We will talk about it.

Designated Military Officer: (3.d.5) The Detainee left Afghanistan in approximately February 2003, when he learned that United States Coalition Forces were seeking to detain him. The Detainee is reported to have transported the brother of Saifullah Rahman Mansour, Latif Mansour, along with several unidentified members of Saifullah Rahman Mansour's family to an unknown location in Iran at that time.

Detainee: I went to Gardez for the first time after the fall of the Taliban in late April 2002 to see my country and family. With the encouragement and support of the people I participated in the election process for senators and was elected a member of the senate from the people of Gardez. After three months and a few days in (early August) I went to Iran via Afghan Airlines and in 2003 I was in Hajj/ Mecca. Everybody knows I was in Hajj in that year and the time of the Hajj is very clear and we call it Eeid (Muslim holiday at the end of the Hajj). The people of Gardez welcomed us because it is a custom to welcome Hajjis; they go to visit those who return from Hajj. I have some documents in that regard, and Hajj cards might be in my wallet. Since I was not in Afghanistan, how could the coalition forces chase me? Since I have never committed any wrongdoing, the coalition forces have never been following me. In the month of August that year also I was welcomed by the people. I have never traveled to Afghanistan secretly and that report is wrong. As I mentioned earlier, I have no relation to Mansour's family. They are from Zurmat and I am from Gardez, and in the time of Taliban I haven't gone to Afghanistan. I would like to say one more thing, I never had fear or thought for one minute that American Forces were following me or that they would be after me. I thought they were my friends and that I was their friend. I never had the fear of being followed by Americans or Coalition Forces. About Mansour's family, in Afghanistan there are a lot of sensitive areas besides the culture differences, the religious differences, and especially during those areas were sensitive more than ever. Mansour's family is Sunnis and I am a Shiite so there is no way they would trust me or allow me to travel with their family.

Presiding Officer: Thank you, understood.

Designated Military Officer: (4) The following primary factors favor release or transfer (4.a) The Detainee stated that he never provided support to the anti-coalition militia, the Taliban or al Qaida. The Detainee said that he fully supported the Coalition Forces and that there were recorded conversations with the Coalition Forces about the promise of

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democracy in Afghanistan. The Detainee strongly believes that with the help of the Coalition Forces, democracy in Afghanistan is possible today. The Detainee stated that even during the jihad, he did not work with those who were against the United States.

Detainee: I have never cooperated with them and I have been against them. In the time of their government I was a refugee and I preferred all the difficulties of being away from home over accepting any position with them. In the time of their government I did not go to Afghanistan for even one single day to take care of my estates and personal property. After the fall of the Taliban, I went to Afghanistan for the first time in late April 2002. With the encouragement of people, I was the speaker for Gardez Grand Council and I talked in support of democracy and the coalition forces as a token of appreciation for them (Coalition Forces). This scene was filmed by international observers. I believe that the existence of Americans is very beneficial to the stabilization of democracy and preservation of peace in Afghanistan. I have never been in ideological agreement with those who are against Americans. In that meeting I actual talked in favor of President Karzai, his government, Coalition Forces and the Americans. I talked against anti-government forces, anti-American forces, communists, and any other groups that were against our government. I actually revealed their crimes and the atrocities that they have done to our people, I revealed. After that meeting, these anti-government groups and the communists, they were against me and they did propaganda that I have become an American or that I have become Americanized. There were rumors that I took money from the Americans and that's why I was speaking in their favor. They were saying these were not my words an America was paying me. After that I was threatened and these conspirators started to lie about it.

Designated Military Officer: (4.b) The Detainee advised that he only traveled with \$550 United States Dollars prior to his arrest.

Detainee: I only had enough money for my own expenses during this trip and did not have any extra money.

Presiding Officer: Do you normally travel with U.S. Dollars?

Detainee: It is just much easier to travel with American Dollars because if we travel with Iranian money or Afghan money we would have to have a huge amount with us because it has no value. So a lot of Afghans like to travel with American money because it takes up less space.

Designated Military Officer: (4.c) The Detainee denied allegations against him including distributing Kalashnikov rifles, talking about selling or transporting Kalashnikovs on the radio or being with Mansour against the government.

Detainee: I never had any ties or links with anti government groups and never associated with them in any area. As previously mentioned I did not assist Mansour or anybody else

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against the central government of Mr. Karzai. I was a supporter and helper for the government everywhere.

Designated Military Officer: (4.d.) The Detainee stated he never fought against nor assisted anyone else who fought against any United States Forces.

Detainee: I was not in Afghanistan during the Taliban regime, therefore I did not participate in any anti-American or anti-coalition movement or operation and never had any associations or relations with those who oppose the central government. There are several facts that prove my opposition against Taliban. I was an immigrant, homeless and straggly during the Taliban rule. They are extremist Pashtuns, while I am Farsi speaker. They are Mullahs and Sunni Muslim, while I am educated and a Shiite Muslim. They are narrow minded and cruel while I am an intellectual individual who looks at everything under the light of peace, security and establishment of a strong central government. Therefore there is nothing in common between me and the Taliban or al Qaida. I have always been against their thoughts, ideology and actions.

Designated Military Officer: (4.e) The Detainee denied being a member of the Taliban or al Qaida and stated that he is against the Taliban.

Detainee: This allegation was answered with the foregoing allegation 4.d.

Designated Military Officer: (4.f) The Detainee stated that the 11 September 2001 attack was a big crime against humans and that everyone who is responsible are criminals.

Detainee: Yes, that's true. I call the killing of innocent people under any name a crime to humanity, and especially condemn this tragedy and call those who were responsible for these attack criminals.

Designated Military Officer: (4.g) The Detainee indicated that the United States arrival in Afghanistan was the saving of the Shia people.

Detainee: During the Taliban regime Shiites and Farsi speakers had to go through lots of difficulties. They had to face massive killings, lootings and invasions. In many areas, people even did not have the right of performing their religious rituals, beliefs or even speaking the Farsi language. Establishment of democracy with the help of American power removed all these tragedies and for the same reason Shiites look at this as a hope for their survival. Now thanks to democracy and peacekeeping coalition forces, one of Mr. Karzai's assistants is Shiite and there are a few Shiites ministers working in the current cabinet. In our new constitution the Shiite religion has been recognized as an official religion and the Farsi language is the official government language as well.

Designated Military Officer: (4.h) When released, the Detainee intends to go to Gardez, Afghanistan and be a medical doctor.

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Detainee: Yes, I would like to serve my people and my government under the light of peace and freedom with honesty and proficiency in the medical area and any area they would want me to work.

Designated Military Officer: (4.i) The Detainee claimed he was wrongfully detained. He believes that someone told American Forces he brought back \$150,000 United States Dollars from Iran to Afghanistan to fund anti coalition militant forces. The Detainee denied these allegations. The Detainee further related he has never had more that \$1,000 United States Dollars with him.

Detainee: I am certain that my detention is a mistake. As a result of my detention, other intellectual individuals like me who are determined to return to their homeland with the intention of serving their country and people will hesitate to return because of fear of facing similar problems. This would do damage to our government. This would make professionals who are faithful to our government run away. I, as a servant and representative of the people and as a member of the Loya Jirga, who's intention was nothing but serving the people, had to face these difficulties because of false reports. Making false reports is not a hard thing to do in Afghanistan, especially for the former communists of KHAD (Government intelligence services), who were trained by the KGB. It is easy for them to find governmental documents and seals. In order to achieve their goals they would use any means to eliminate opposition from their path. They are attempting to weaken the government and to harm the reputation of coalition forces. I am assuming this allegation is just part of the imagination of the people who made this report about me, they probably created this allegation.

Presiding Officer: Who created the allegations?

Detainee: The people who reported against me.

Designated Military Officer: (4.j) The Detainee listed numerous groups that could benefit from his detention. The possible opponents included opponents in a land rights court case, defeated candidates for Loya Jirga, the intelligence service, and former Communists.

Detainee: This plot and conspiracy against me was organized by personal enemies, political opponents, and even the Taliban and their remains and former communists with the help of KHAD, and individuals trained by the KGB. They achieved their goals. It is necessary to mention that from long before and especially because of war and killings there are numerous differences. Conflicts and fanaticism based on tribal, language, and religious, ideological, political and territorial differences exist. Unfortunately, due to the lack of central government and national autonomy, each group uses all possible tools to remove their opposition. Unfortunately in Paktia province, in addition to language differences between the majorities of Pashtuns and Farsi speakers in the city of Gardez, and Shiites, especially in our village, which is the only Shiite village in the entire Paktia province, there are deep differences among the different groups. For example, conflicts

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between communists and Mujahideen's. The communists fell from power at the hand of the Mujahideen and Taliban, and the failure of communism worldwide was a huge humiliation to them. The communists were thrown off the political, social and governmental stage. When democracy was established, Mr. Karzai invited former government workers to assist the current government in restoring governmental offices destroyed by the Taliban. Different individuals returned to different offices but since the intelligence offices did not have any workers other than former communist government workers, all communists gathered to this particular office and resumed their activities. They contacted other communists and turned Gardez into the center of communist activity. The communists have a long history in Paktia province. Many powerful officials within the communist government were from Paktia province, including Najib, the majority of the communist commanders and the defense and internal affairs ministers. In fact, in the current parliament one of the well-known communists, Gulaab Zoi, who was the internal affairs minister for the communist regime and a representative of Khost province, tried to recruit people by conducting numerous meetings at the beginning to gain power and remove the opposition. They want to take revenge on the Mujahideen at any price, and one of their methods is to influence the government and coalition forces and by making false reports and telling lies. They were thought to do this by the KGB in Russia since there were not any intelligence classes in Afghanistan and all KHADists were trained in Russia.

Communist plotted and conspired against some people, and with various methods delivered reports to government and American authorities. If the authorities questioned the validity of these reports, the same people would approve their soundness. Forging documents is not difficult in Afghanistan, and these people with all the opportunities and training by the KGB, have always plotted against their opponents to eliminate them and achieve many other personal goals.

- 1- They eliminated Mujahideen, their old political adversaries.
- 2- They strengthened their position by giving the reports of so-called opposition to government and coalition forces.
- 3- They influenced people against America, which is still considered an enemy by communists, telling them that Americans imprison innocent individuals who serve their people and they even imprison their own friends.
- 4- They drove the honest people who are faithful to the government away from helping, protecting and supporting the central government so they get power and do their activities.
- 5- From this they received enough money because it was known that the Americans would pay snitches.

They wanted to make conflict amongst the people in the government.

Presiding Officer: Is this the KGB that you are talking about?

Detainee: Yes.

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Detainee: For example, in the Province of Paktia they turned Pacha Khan, who was once a supporter of Karzai's government, they turned him against the government (Pacha Khan). As a result of this conflict there were numerous fights and conflicts between the government and Pacha Khan's Forces. There was lots of killing and fighting during this conflict and that was a bad thing of course for the Province of Paktia and Chows.

Designated Military Officer: (4.k) The Detainee stated that he once received a warning from the Taliban when he was attempting to run for tribal leader by the Deputy Minister of Zormat. The Detainee was told that he had become Americanized and that he should be careful.

Detainee: Being a candidate to the Loya Jirga (Grand Assembly) at that time in Paktia was a dangerous thing because the opposition and Taliban boycotted the Loya Jirga. A few of the members were killed and some were kidnapped; for this reason not all had the courage to be a candidate. I also received threats from different people and places. I later learned that one of those who threatened me was the Deputy Secretary of the Department of Borders. He threatened that by becoming a candidate and working with the central government and coalition forces I had become an American and I should watch out for myself.

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 he has also provided written documentation. I am handing the Administrative Review Board the following unclassified exhibits, marked as EC-C1 through EC-C10. Copies of these exhibits have been previously provided to the Designated Military Officer.

Detainee: Are you going to return my letters back to me?

Presiding Officer: Yes we will.

Presiding Officer: You may begin your statement.

The Detainee made the following statement:

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Detainee: Respectful members of the Administrative Review Board, I would like to thank you for your patience and I would like to present my statement. You have been very patience with me and I appreciate that. I, the accused standing before you, who by turn of bad fortune have spent a period of nearly three difficult years in a rough environment at this prison, am, in actuality, a physician specializing in pediatrics. During the aggression of the communist regime I became a refugee; therefore, I was compelled to abandon my studies at the University of Medicine in Kabul. Subsequently, I spent a significant amount of my time as a refugee, accompanying the Mujahideen and performing the duties and services of a physician. Following the expulsion of the Russians, I abandoned all military and political activities and recommenced my studies. Sadly to say, the period of my education coincided with Taliban's suffocation of and stronghold on Afghanistan. For this reason, I took preference in being a refugee instead of working and cooperating with the Taliban. I, along with thousands of other educated people, counted the moments when the Taliban regime would collapse, for democracy to rise, and for all of us to return to our country in order to serve our people and to assist in the establishment of peace and democracy. For these reasons I returned to my country and endeavored to participate in the "Loya Jirga" (Grand Assembly), which is a national process. I supported the Karzai government as well as all those taking part within its infrastructure. I view the assistance and support of the coalition forces as an agent of hope for our people, especially the support of the United States who, during the Jihad era, helped and supported our people. The Afghans view the Americans as their one greatest friends; they have an abundance of respect for Americans because they helped get rid of the Taliban and al Qaida.

I especially think of the Americans as being the catalysts for relieving the suffering and oppression of Shiite Afghans by the Taliban, for restoring justice, for supporting intellectuals, and specifically, for restoring women's rights.

From the very beginning my intention to go to Afghanistan was to be of service to my people and to assist and support the central government of Afghanistan. Presently, with my knowledge and honesty I want to serve my people, assist my government in any manner, and I will not shy from offering my services to my people in any shape or form. I will offer my services and assistance in the establishment of the central and national government and in the establishment of a stronghold of democracy and freedom with all the forces faithful to the government. I've never been and never will be a danger to the United States; instead, I view Americans as being long-term friends of my people, and I admire their determination in establishing peace and democracy and their endeavors toward annihilating al Qaida and world terrorism. I see my imprisonment as a plot and conspiracy carried out by my enemies and wicked people, and I see myself innocent. I view my captivity as something that inflicts harm to the peace, security, and construction of my country. It is due to the propaganda of those opposed to the government that innocent people such as myself are in prison.

Prison is a place reserved for killers and criminals. I have committed no crime, nor have I committed any unlawful acts. I therefore view my imprisonment as being unlawful, and

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I request the honorable Board to consider my freedom. Since my entire family is educated, myself, my brothers, my cousins, my wife and all the women in my family, we all are willing to go back to our country to help our people. Right now the majority of my family had returned back to Gardez and they are working there. One of the wishes of my wife and myself and it is mentioned on those letters, that she wants to go back to Afghanistan and serve in the government of that country. Me and my family we have always been away from Afghanistan through the communist government, Mujahideen government and the Taliban government, we were away and immigrants because we were against their ways, their ideology, their thought and their concepts. Now things are different, there is democracy and peace in Afghanistan and my family would like to return back and serve our people under the light of Democracy. Especially for women, there are opportunities to participate in the government. Under the light of the democracy that has been provided by our government and with the help of our American friends and the Coalition Forces, we would like to go and serve our people. Some of my family members did return to Afghanistan and they are helping the government.

I have been true and honest and this is something that all the interrogators can attest to. I took an oath, which is very holy amongst Afghans and other Muslims, and which in such manners is something that resolves decisions. In regard to the questions mentioned above, I've taken a polygraph as well as voice stress test, and I've proven that I'm truthful. Furthermore, interrogators who have put me through these tests have told me that I'm not guilty. You can find this information in my file. I have always acted in a respectful manner with both my interrogators and guards; I have not caused any problems with either of the two.

Furthermore, I would like to present documents from my friends and relatives as testimony. There are also people from my locality in this camp who are willing to be witnesses and offer testimony against the allegations. I would like to ask my Assisting Military Officer to get the witness statement from them verbally or written. I would like to ask the respectful members of this Administrative Review Board to please review my statement from the tribal process.

Presiding Officer: We have those and they have been reviewed.

Detainee: I would like to thank all of you and ask that you please review my file truly and with good will.

Presiding Officer: DMO we do have the documents he just mentioned?

Designated Military Officer: Yes, that's correct.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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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: How was your time in Iran when you were a refugee?

Detainee: I was a student.

Board Member: Did you have a job at that time?

Detainee: I was doing side work, part-time jobs but I didn't have an official job. I had jobs only a student would do.

Board Member: I understand. What do you think of the Iranian Government?

Detainee: I can speak for all the Afghan refugees living in Iran, nobody liked the Iranian Government and all Afghans did not look at the Iranian Government as a good government.

Board Member: So they were looking forward to going home?

Detainee: Yes indeed.

Board Member: Did you get married in Iran or Afghanistan?

Detainee: In Iran, but my wife is Afghan not Iranian.

Board Member: You said during that time period you went back and forth between Iran and Afghanistan a number of times during the Russian occupation?

Detainee: Pakistan.

Board Member: Pakistan, I stand corrected. How many times did you go back and forth?

Detainee: There is not an official border between Pakistan and Afghanistan, especially near my Province of Paktia, it is right on the border of Pakistan. I would go a couple of times a year and it has never been a problem. I personally traveled a couple of times a year.

Board Member: This is not so much a question as it is an observation. You are a children's doctor so how can a children's doctor have so many enemies and people who want to cause you hardship?

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Detainee: I did mention some of the reasons, which were religious, tribal and language and these types of personal animosities. My family is educated and my father has more money than the majority of the people in that area. The jealousy also plays a roll. I would like to mention my father owns lots of land in our Province and the Taliban would fabricate the documents and would take the land from people by force. The new government under Karzai announced if anyone comes with the original documents for having land we would give their land back to them. So when returning back to Afghanistan it made some people nervous because they knew we were going to collect our land back. They got nervous and they got jealous.

Presiding Officer: If you were transferred back to Afghanistan, how do you feel you would be received by the Karzai Government?

Detainee: I am 100% sure that if I go back to Afghanistan they would look at me as a servant to their government. As a person who would work for them because when they did the Grand Assembly I was and an activist for Karzai.

Presiding Officer: Were you an actual member of the Grand Assembly?

Detainee: Yes.

Presiding Officer: How were you selected as a representative for the Assembly?

Detainee: It is not a parliament first of all.

Presiding Officer: I understand that.

Detainee: My close friends and the people of Gardez selected me. First I was elected by the people of my own village and then the other people from other villages in Gardez chose four candidates and one of them was me.

Presiding Officer: When did you live in Pakistan, the years?

Detainee: During the five years of jihad I lived in Pakistan.

Presiding Officer: Could you give me the years?

Detainee: Since I became an immigrant, I went to Pakistan in 1982.

Presiding Officer: How long did you live there?

Detainee: Until 1990.

Presiding Officer: Did you live in Iran?

Detainee: After 1990, in 1991 I was in Iran. Until the fall of Taliban.

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Presiding Officer: So approximately, until 2001.

Detainee: April 2002, I came back.

Presiding Officer: I do find it hard to believe that someone could make an allegation against you no matter how strong and the United States government would imprison you and fly you all the way to Cuba. I find that difficult to believe.

Detainee: Exactly, I never thought for a second that I would be detained by the Americans and they were going to bring me all the way to Cuba. When I remember the allegations from the first tribunal, this court, when I look at the allegation my enemies looked at the things that were sensitive to the Americans and they knew and did it purposely. It tells me that they are professionals and they have been taught very well. The Americans are very sensitive towards their enemies in Afghanistan. My personal enemies connect me with Mansour and the Iranian government to make it look like [something wrong]. Unfortunately I couldn't afford to go anywhere but Iran like other Afghans. There were thousands other Afghan. During Jihad I kind of know that not Mansour but his father was one of the leaders of the Islamic Movement and he was killed. I don't know anything about his son or have any connections with him and he is not connected to me.

Presiding Officer: Prior to your arrest, did you ever suspect that the U.S or Coalition Forces were looking for you to detain you?

Detainee: No sir, not even for a single second. I did not think about it. Not only me, not even my friends. I never did anything against the United States.

Presiding Officer: So if you here under false allegations, and I really do believe you could do some good in your country because you are an educated man, we will just have to make that decision.

Detainee: Thank you very much for the nice words and my intentions are only to sir my people and my government.

Presiding Officer: Thank you sir.

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

The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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



Colonel, U.S. Air Force
Presiding Officer

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A- During the Russian occupation all the people of Afghanistan started an uprising against the occupiers and they gathered, organized and joined in big and small groups while the whole world supported this cause, particularly the Islamic countries and free western countries, especially America. I had expertise in medicine and while I was a refugee in Pakistan I went to Afghanistan for 2 years and a few months and helped the Mujahideen. While helping the Mujahideen I got injured. After the departure of the Russian forces from Afghanistan I got busy with my education and left all political and military activity behind. I got busy in my personal life and my education. I was a refugee in Iran the whole time during the Mujahideen's and Taliban's government. I went back to Afghanistan after the establishment of democracy to help the central government and the people of Afghanistan.

B- During the Mujahideen's Jihad, I had a weapon for my own protection. There was no training required on how to use a Kalashnikov and all Afghans had weapons and knew how to use them.

C1- During the Jihad I was with the Mujahideen who were with the Harakati Inqilab-e- Islami (Islamic Revolutionary Movement), which was formed in Afghanistan. It's not comparable with western organizations, rather everybody in their own area would get together with Mujahideen and it was not important to the people which group was with which organization. Nasroullah Mansour was one of the leaders of Islamic Revolutionary Movement, and my connection with him was like any other Mujahid's connection with the Islamic Revolutionary Movement. I don't have any personal connection with him; he was killed in 1371 (1992-1993).

C2- As mentioned above, during the occupation of Afghanistan by Russia I served with the Mujahideen of the Islamic Revolutionary Movement as a medical doctor. I went to Afghanistan with the Mujahideen a few months out of a year and I have no ties with any other political group and am not part of any group.

C3- I consider connection with foreigners a big deficiency and betrayal to my country, therefore I have never used this word. I consider this a lie and false accusation. I was a refugee in Iran. There are more than two million [Afghan] refugees living in Iran and more than that live in Pakistan and other countries. If any of these people were to return to their country to help

and serve and face an accusation like this, would anybody dare to come back to their country? Does living in another country as a refugee make him an agent of that country? Is not this accusation, without cause, made of thousands of educated and intellectual people, the work of the enemies of the country who don't want these people to return to Afghanistan and democracy? This is exactly what this accusation without cause is: a plot, a trick, and conspiracy of the people who wanted to keep me away from the scene.

C4- Neither I saw or know Saiful Rahman Mansour, nor do I have any connection with him. I only heard his name on the radio. During the Taliban I was not in Afghanistan and I never mentioned in my written defense statement in the first court that I have been a representative of these kinds of people. I consider any connection with these people whose hands are tainted with the blood of our nation a deficiency and a shame.

D1- These reports are false, and I neither paid any members of the Grand Assembly nor did I go there to become a member. There were no votes to buy in this provisional National assembly because the voting was for the presidency. Most of my friends and I voted for Karzai and there was no need to buy any votes for him. Furthermore, during the election of the Grand Assembly none of the members of the Gardez zone spend any money. This is an obvious lie because the election was controlled by the UN and there was no problem in the Gardez zone. If there were any problems a report would have been given to the GrandAssembly or UN

D2- There were about 1550 participants in the Preliminary Grand Council. If these 5 members are well known please ask them who gave them money and why? If one of them says I gave them money, then I will admit to all the allegations because this issue is a pure lie. For better clarification of this fabrication I should mention that parliament is not the responsibility of the Grand Council. It was organized this year and the election took place on September 18, 2005. How is it possible to give someone money for gaining a vote that is needed 3 years later?

D3- This question does not relate to me and there is no need for me to answer that.

D4- I returned to my homeland along with my brothers and friends to serve the people, support the central government, stabilize democracy and rebuild our country. I wanted to facilitate the conditions for the return of my family, to build my house and start a job. I have neither been sent to Afghanistan by anybody else nor have I carried money from anyone. My company was Dr. Ismail, my brother, and Dr. Reza, my cousin, who were not ordinary people. How could such well-known individuals with established academic backgrounds and personalities transfer money in such difficult and unsafe conditions of that time? Hearing the name of Mansour and other criminals like him is reminiscent of the hardship and blood shed era for the people of Gardez and I have never had any connection with him. I haven't had any links with any financial resource nor have I had any money with me. This plot was coordinated by liar-conspirators to achieve personal gain. On other hand there are no anti coalition groups in Gardez. The city of Gardez consists of 14 Farsi speaking villages that were rescued from blood shed and hardship by the establishment of democracy and a coalition government. They seek happiness and prosperity with the central government under the leadership of Mr. Karzai. They never associated with the enemies of this government but always showed their total support in war against its enemies. I was in Gardez for 2 days, if I had money with me then, what happened to that money? You have my hand-bag with you.

D5- I went to Gardez for the first time after the fall of the Taliban in late April 2002 to see my country and family. With the encouragement and support of the people I participated in the election process for senators and was elected a member of the senate from the people of Gardez. After 3 months and a few days in (early August) I went to Iran via Afghan Airlines and in 2003 I was in Hajj/ Mecca. Everybody knows I was in Hajj in that year and the time of the Hajj is very clear.

The people of Gardez welcomed us because it is a custom to welcome Hajjis; they go to visit those who return from Hajj. I have some documents in that regard, and Hajj cards might be in my wallet. Since I was not in Afghanistan, how could the coalition forces chase me? Since I have never committed any wrongdoing, the coalition forces have never been following me. In the month of August that year also I was welcomed by the people. I have never traveled to Afghanistan secretly and that report is wrong. As I mentioned earlier, I have no relation to Mansour's family. They are from Zurmat and I am from Gardez, and in the time of Taliban I haven't gone to Afghanistan.

4a- I have never cooperated with them and I have been against them. In the time of their government I was a refugee and I preferred all the difficulties of being away from home over accepting any position with them. In the time of their government I did not go to Afghanistan for even one single day to take care of my estates and personal property. After the fall of the Taliban I went to Afghanistan for the first time in late April 2002. With the encouragement of people I was the speaker for Grand Council and I talked in support of democracy and the coalition forces as a token of appreciation for them. This scene was filmed by international observers. I believe that the existence of Americans is very beneficial to the stabilization of democracy and preservation of peace in Afghanistan. I have never been in ideological agreement with those who are against Americans.

4B- I only had enough money for my own expenses during this trip and did not have any extra money.

4C- I never had any ties or links with anti government groups and never associated with them in any area. As previously mentioned I did not assist Mansour or anybody else against the central government of Mr. Karzai. I was a supporter and helper for the government everywhere.

4D & 4E- I was not in Afghanistan during the Taliban regime, therefore I did not participate in any anti-American or anti-coalition movement or operation and never had any associations or relations with those who oppose the central government. There are several facts that prove my opposition against Taliban. I was an immigrant, homeless and straggly during the Taliban rule. They are extremist Pashtuns, while I am Farsi speaker. They are Mullahs and Sunni Muslim, while I am educated and Muslim. They are narrow minded and cruel while I am an intellectual individual who looks at everything under the light of peace, security and establishment of a strong central government. Therefore there is nothing in common between me and the Taliban or al Qaida. I have always been against their thoughts, ideology and actions.

4F- I call the killing of innocent people under any name a crime to humanity, and especially condemn this tragedy and call those who were responsible for this attack criminals.

4G- During the Taliban regime Shiites and Farsi speakers had to go through lots of difficulties. They had to face massive killings, lootings and invasions. In many areas, people even did not have the right of performing their religious rituals, beliefs or even speaking the Farsi language. Establishment of democracy with the help of American power removed all these tragedies and for the same reason Shiites look at this as a hope for their survival. Now thanks to democracy and peace-keeping coalition forces, one of Mr. Karzai's assistants is Shiite and there are few Shiites ministers working in the current cabinet. In our new constitution the Shiite religion has been recognized as an official religion and the Farsi language is the official government language as well.

4H- I would like to serve my people and my government under the light of peace and freedom with honesty and proficiency in the medical area.

4I- I am certain that my detention is a mistake. As a result of my detention, other intellectual individuals like me who are determined to return to their homeland with the intention of serving their country and people will hesitate to return because of fear of facing similar problems. This would do damage to our government. This would make professionals who are faithful to our government run away. I, as a servant and representative of the people and as a member of the Loya Jerga, who's intention was nothing but serving the people, had to face these difficulties because of false reports. Making false reports is not a hard thing to do in Afghanistan, especially for the former communists of KHAD (Government intelligence services), who were trained by the KGB. It is easy for them to find governmental documents and seals. In order to achieve their goals they would use any means to eliminate opposition from their path. They are attempting to weaken the government and to harm the reputation of coalition forces.

4J- This plot and conspiracy against me was organized by personal enemies, political opponents, and even the Taliban and their remains and former communists with the help of KHAD, and individuals trained by the KGB. They achieved their goals. It is necessary to mention that from long before and especially because of war and killings there are numerous differences. Conflicts and fanaticism based on tribal, language, religious, ideological, political and territorial differences exist. Unfortunately, due to the lack of central government and national autonomy, each group uses all possible tools to remove their opposition. Unfortunately in Paktia province, in

addition to language differences between the majorities of Pashtuns and Farsi speakers in the city of Gardez, and Shiites, especially in our village, which is the only Shiite village in the entire Paktia province, there are deep differences among the different groups. For example, conflicts between communists and Mujahedins. The communists fell from power at the hand of the Mujahedin and Taliban, and the failure of communism worldwide was a huge humiliation to them. The communists were thrown off the political, social and governmental stage. When democracy was established, Mr. Karzai invited former government workers to assist the current government in restoring governmental offices destroyed by the Taliban. Different individuals returned to different offices but since the intelligence offices did not have any workers other than former communist government workers, all communists gathered to this particular office and resumed their activities. They contacted other communists and turned Gardez into the center of communist activity. The communists have a long history in Paktia province. Many powerful officials within the communist government were from Paktia province, including Najib, the majority of the communist commanders and the defense and internal affairs ministers. In fact, in the current parliament one of the well-known communists, Gulaab Zoi, who was the internal affairs minister for the communist regime and a representative of Khost province, tried to recruit people by conducting numerous meetings at the beginning to gain power and remove the opposition. They want to take revenge on the Mujahedin at any price, and one of their methods is to influence the government and coalition forces and by making false reports and telling lies. They were thought to do this by the KGB in Russia since there were not any intelligence classes in Afghanistan and all KHADists were trained in Russia.

They plotted and conspired against some people, and with various methods delivered reports to government and American authorities. If the authorities questioned the validity of these reports, the same people would approve their soundness. Forging documents is not difficult in Afghanistan, and these people with all the opportunities and training by the KGB, have always plotted against their opponents to eliminate them and achieve many other personal goals.

- 1- They eliminated Mujahideen, their old political adversaries.
- 2- They strengthened their position by giving the reports of so-called opposition to government and coalition forces.
- 3- They influenced people against America, which is still considered an enemy by communists, telling them that Americans imprison innocent

individuals who serve their people and they even imprison their own friends.

- 4- They drove the honest people who are faithful to the government away from helping, protecting and supporting the central government so they get power and do their activities.
 - 5- From this they received enough money because it was known that the Americans would pay snitches.
- 4K- Being a candidate to the Loya Jirga (Grand Assembly) at that time in Paktia was a dangerous thing because the opposition and Taliban boycotted the Loya Jirga. A few of the members were killed and some were kidnapped; for this reason not all had the courage to be a candidate. I also received threats from different people and places. I later learned that one of those who threatened me was the deputy secretary of the department of borders. He threatened that by becoming a candidate and working with the central government and coalition forces I had become an American and I should watch out for myself.

I, the accused standing before you, who by turn of bad fortune have spent a period of nearly three difficult years in a rough environment at this prison, am, in actuality, a physician specializing in pediatrics. During the aggression of the communist regime I became a refugee; therefore, I was compelled to abandon my studies at the University of Medicine in Kabul. Subsequently, I spent a significant amount of my time as a refugee, accompanying the Mujahidin and performing the duties and services of a physician. Following the expulsion of the Russians, I abandoned all military and political activities and recommenced my studies. Sadly to say, the period of my education coincided with Taliban's suffocation of and stronghold on Afghanistan. For this reason, I took preference in being a refugee instead of working and cooperating with the Taliban. I, along with thousands of other educated people, counted the moments when the Taliban regime would collapse, for democracy to rise, and for all of us to return to our country in order to serve our people and to assist in the establishment of peace and democracy. For these reasons I returned to my country and endeavored to participate in the "Loya Jirga" (Grand Assembly), which is a national process. I supported the Karzai government as well as all those taking part within its infrastructure. I view the assistance and support of the coalition forces as an agent of hope for our people, especially the support of the United States who, during the Jihad era, helped and supported our people. The Afghans view the Americans as their one greatest friends; they have an abundance of respect for Americans because they helped get rid of the Taliban and al Qaida.

I especially think of the Americans as being the catalysts for relieving the suffering and oppression of Shiite Afghans by the Taliban, for restoring justice, for supporting intellectuals, and, specifically, for restoring women's rights.

From the very beginning my intention to go to Afghanistan was to be of service to my people and to assist and support the central government of Afghanistan. Presently, with my knowledge and honesty I want to serve my people, assist my government in any manner, and I will not shy from offering my services to my people in any shape or form. I will offer my services and assistance in the establishment of the central and national government and in the establishment of a stronghold of democracy and freedom with all the forces faithful to the government. I've never been and never will be a danger to the United States; instead, I view Americans as being long-term friends of my people, and I admire their determination in establishing peace and democracy and their endeavors toward annihilating al

Qaida and world terrorism. I see my imprisonment as a plot and conspiracy carried out by my enemies and wicked people, and I see myself innocent. I view my captivity as something that inflicts harm to the peace, security, and construction of my country. It is due to the propaganda of those opposed to the government that innocent people such as myself are in prison.

Prison is a place reserved for killers and criminals. I have committed no crime, nor have I committed any unlawful acts. I therefore view my imprisonment as being unlawful, and I request the honorable Board to consider my freedom.

I have been true and honest and this is something that all the interrogators can attest to. I took an oath, which is very holy amongst Afghans and other Muslims, and which in such manners is something that resolves decisions. In regard to the questions mentioned above, I've taken a polygraph as well as voice stress test, and I've proven that I'm truthful. Furthermore, interrogators who have put me through these tests have told me that I'm not guilty. You can find this information in my file. I have always acted in a respectful manner with both my interrogators and guards; I have not caused any problems with either of the two.

Furthermore, I would like to present documents from my friends and relatives as testimony. There are also people from my locality in this camp who are willing to be witnesses and offer testimony against the allegations.

①

الف
 در دوران مجازد روسیه : افتخارستان هم مردم افغانستان علیه اشغالگران قیام عمومی نمودند و در علیه مجازد روسیه
 در دوره‌ها که یک و بزرگ مردم جمع شد و تسلیم گردیدند که همه جهان بدانند که این ملت است حمایت و پشتیبانی نمودند
 مخصوص کشورهای اسلامی و کشورهای آزادی و غربی در راستای هم آمریکا . من هم با داشتن تخصص بر آفریت علمی
 ؛ می‌دیدم در زمانیکه در پاکستان می‌جویدم در سال چند تا : افتخارستان افتخار و خدمت و همچنین راهی کرد
 در جریان همین ملک و خدمت زحمتی می‌شدم که بعد از خروج منزهت راهی از افتخارستان و بعد از آن در خارج
 مشغول تحصیل شد و هم فعالیت‌ها علمی و سیاسی را آغاز نمودم و همسرم در دوران دانشجویی شخصی
 گردیدیم و در تمام مدت حکومت می‌بودیم و کارهای در ایران می‌جویدم و فقط با پیروزی دموکراسی با نوبت
 خدمت : مردم زمین و استقرار دموکراسی و استقامت دولت مرکزی و حکامان دولت : افتخارستان مردم

ب در دوران جهاد در حیثیت می‌بودم بر آن حفظ نظام علیه اشغالگران و کلمه شکرگزار نیاید به نظم
 نماند و هم مردم افتخارستان اسلامی را همیشه و با آن آشنائی دارند .

ج در جریان جهاد : جاهدین خواه بعلم که با حرکت انقلاب اسلامی وابسته بودند (در
 افتخارستان تشکیل و وابستگی به افراط قابل مقایسه با غرب بوده بکم هوکن در منطقه جند
 یکی که گردیدند می‌بودند و یکی بر مردم اهمیت نداشتند که این گروهها : کدام
 حزب وابسته است) فراموش نمود یکی که رهبران حرکت انقلاب اسلامی بودند که در تبعاطین
 یا ایشان مثل که تبعاطین خود دیگر با حرکت ^{انقلابی} تبعاطین است و که تبعاطین شخصی داشته‌اند حضور یا او
 نداشته‌اند نام برده در سال ۱۳۷۱ (۱۹۹۲-۱۹۹۳) گفته شده است

د در همان دوره که در سال تذکره داده شد در دوران ^{جهد} استقلال افغانستان توسط روسیه منع می‌بود
 حرکت انقلاب اسلامی به عنوان دکتر طب خدمت کردند و در سال چند تا : می‌دیدم : افتخارستان افتخار
 ام من با جمع گروه سیاسی گردیدیم و در دوران نیز عضو جمع گروه می‌شدم


 Detainee's Signature

۲۲/۱۲/۰۵
 Date

(۳۳) من وابستگی دارم با بیگانه‌ها را بر خود عیب بزرگ دانستم و چنانست به بدلت خود می‌دانم پس هیچگاه من دین حرف را نزنم بلکه آنرا دروغ و کجاست ناروا بزرگ عیب خود می‌دانم.
 من در ایران مهاجر نبودم بر می‌گشتمه که در دو میلیون مهاجر در ایران زندگی می‌کنند و افاضه تزلزل آن در آن کسان و دیدار کشورها چون زندگی در آنرا هرگز نمی‌کنند مهاجرین به قصد خدمت و وطن و مردم به کشور دهند به نژاد و نژاد آن این خدمت ندهد کشورها کسی جوأت با نژاد است را خواهد نمود آیا سخن در هر کشور مهاجر بود زندگی کردی گشته را خدمت آن کشور است به آن این خدمت به نژاد آن در شکر و شکر بدون هیچ وسیله کار و دستن وطن که می‌خواهند افراد مخصوص و دانا را در کارهای آن وقت است به نژاد آن یعنی این خدمت بدون دلیل و وسیله توسط افراد نیست که می‌خواهند به این ترفند بر آنرا خدمت بردارند

(۳۴) من هرگز سیگار نمی‌کشیدم و نمی‌کشتم و نه با اولاد و نه با اولاد بعد از خود کامیابان که طریق را در دستگیرم در دوران کامیابان نیز من به افتخار استان شومده ام و به دلیل که در دنیا به خود عمر را نه حکم اول ارائه کرده ام هیچگاه به عنوان نماینده هیچ انجمنی نبوده ام و نمایندگی و همکاری با افراد هیچ بود که دست آن استان به خدمت ملت ما آلوده است بجهت من که بر بزرگواران این بیست سال بزرگترین کمالات را از دست جان بیچاران مقصوب دیده است به هر طرف نگاه در عیبها رستم می‌دانم

(۳۵) این را بعد از همه دروغ بعد از من هیچگاه برای نماینده شدن و یا به نمایندگیان نوبت بر آنم و کمی پول نهاده و در نوبت که اضطراری جمع رای قابل خرید نبود است چون رای بزرگ با آنرا است دولت صدمت گرفت که منند و اگر در آن زمان که بزرگ رای دارم و با آنرا نیز به خرید رای نبوده است.

صحبتان در جریان انتخابات نوبت چهارم جمع یکصد و نمانده که در نوبت اول صورت نگرفته که این یک دروغ واضح بود چون انتی است خدمت نظر ناظرین سازمان ملل بود و جمع صدها که در نوبت چهارم است که نرفته و اگر چنین بود صحت را باور آن به کمیسیون نوبت چهارم و سازمان ملل داده می‌شد

Signature: [Handwritten Signature] Date: 22/12/05

۳۹) دلوی جوہر افطاری حدود ۱۵۵۰ نفر استراحت معقول بود مخصوصاً در این پنج عضو
 شخص مستند که آنجا پیرسید که می؛ آنجا قبول دارد است و برآ چ کار که یک نفر گفت که من
 و او قبول دارد هم احتمالات را قبول کردم چون این مستند دروغ محض برآ در جن شدن
 بخت این دروغ سازی باید یاد آورم که پارحان و طیف بود جز آن افطاری نبود بکنم در همان
 امسال ششصد و دشتی است آن در ۱۸ سپتر ۲۰۰۵ برآ در کردید است چطور ممکن است
 و کسی بود بدهد که سه سال بعد از امورای بدهند؟

۳۹) جواب این سوال مربوط به بزرگ نیست؟ و در سن گذشته طند کرد.

۴۰) من همراهی بر لیدانم و دیدار دوستان به ابر خدمت به مردم و حمایت که دولت مرکزی و استرا
 و حمایت دیگر اسی و کمک و صلح و بر سازی و کشور خدمت باز گشتم و می خدا قسم از من باز گشت
 به ای خانواده و فایده خدمت می کنم و خانه خدمت را غیر نموده در زمینه کار را برآ خود آماره سازمان من
 که طرف هیچ کسی و به نایب می جمع کسی و افتد نشان نیامده و از جانب جمع کسی نیز قبول نیامده
 و حاصل قبول نموده ام هر اهل من و اکثر اهل بلخ و دیگر اهل بلخ و اهل بلخ و اهل بلخ و اهل بلخ
 متفحص و با شخص علمی در شرایط نا امن زنده شدن آن زمان کار انتقال بود را انجام بدهند
 و منصرف و اتم می جان می گران به آ مردم گریز یاد آمد دوران سخت جنگ و خدمت بر است و من همچنان
 با اولاد تبا نه اشتم ام و با جمع مبلغ پولی نیز که تبا طند اشتم ام و جمع پولی نیز به من نبوده است
 این تدریس در مسیه را را بود چه در وقت و وقت و ابر و رسید؛ اعداد خدمت به اتم طرح نیز کرده اند
 که طرف و نیز در گریز جمع گروه خدمت برده اشتم و جیدند که در ۱۴ نفر
 فارسی زبان بعد که با آرمون دیگر اسی و قوای اشتم که در خدمت و خدمت بر است و من
 حمایت دولت مرکزی که کار گریز اعداد و خدمت بر خدمت را می خواهند و همچنان؛ فانیان دولت همراه
 نبوده و حمایت کان خدمت را از دولت مرکزی در خدمت حه علیه فانیان دولت که خدمت نشان داده اند من نمود
 در گریز به هم در گریز نموده و منته هر آنرا چه شد؛ چون کیف دوستی می نزد می است.

Detainee's Signature

Date



22/12/05

Enclosure (3)

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 ⑤۰) من بهر او پس به بعد از لغو واکاوی در او فرایردن ۲۰۰۲ به آرزوید که کشور
 و دیدار اقارب و خانواده عزیز به ترتیب رفتم که، حمایت و تشویق مردم در انتقامات بود جوهر
 که یک پرونده ملی بعد از یک هفته به عنوان نمایند مردم گردید عضو بود جوهر مردم بعد از دیدن
 شدن سران و چند روز به هر دو که خواجها آری (در ادراک انگست) به ایران رفته و در فیروز
 سال ۲۰۰۳ من در ۹ بهدم و هم مردم میدادند که من همین سال به حج رفتم و ایام حج هم در آن وقت
 بود؛ همین دلیل مردم گردید که استقلال کردند چون یکی از رسولات در افتادنتان است که از
 حاجی استقبال می کنند و به پیش از آن روز درین زمان هم است و من دیدار و دیدار بعد از
 کارت حاجی در کیف نیز است. پس من در افتادنتان و جسد ایشتم که قوای انگست
 دنبال من به شسته و هیچگاه نیز و انگست به تعقیب بند نبودند که چون من حج کار
 خدی را انجام نداده ام و در انگست همین سال نیز علم را با دوستان خود یکی معاد استقبال
 مردم قرار گرفت و من حقا و حقیقا؛ از وقت استان رفتم ام و این را بعد یکی غلط است
 و چنانچه در جلد متبر نیز کردار من به تا میں مقصود جمع شده قوی ندادم و هم رابطه تمام
 آنجا که زیست بعد از آن که گردید هشتم و در طول دوران که به نام نیز به وقت استان رفتم ام

۴۰ الف) من نه تنها هیچگاه با آنجا همکاری نکرده بکنم به آنجا فرقی بعد و در طول دوران حکومت
 آنجا من مجبور بودم و زبردتی صحت آوارگی را به هم شکست آن - همکاری به طاهر و ترقی
 مستعدیت که طرف آنجا به جمع طلب و همی گیرند در کل دوران حکومت آنجا به کار کشور
 و سرپرستی ارباب و ملاک چند نیز به وقت استان رفتم ام من اولین بار بعد از لغو واکاوی
 در او فرایردن ۲۰۰۲ به وقت استان رفته و در کرد هائی و پیش از آنکه اولین بهر جمع انتقام
 بود جوهر؛ عنوان سخنان در تشویق مردم؛ این پرونده ملی و حمایت استان و آمدن در کردار

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وھنگوڻ ٻيڙوڪا اڻٽھڻ ۽ ٻار ٽيڙين سان گڏ ائين امر ۾ ھم ۽ ھنگوڻ وڌو ڏرائي لڏ آڻيو ھو ھيٺ
ڪرڻ ۾ ائين ھيٺ لڏو ٿو ٺاھڻ سان گڏ ملڻ ڦيٽي ٻڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڪم ھو
ٻيڙوڪا آڻيو ٿو ھي ٻار ٽيڙوڪا ڏيکاري ۽ ھي ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ
وھيٺو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

④ من ٺھڻ ٻار ٽيڙوڪا ھيٺ لڏو ٺاھڻ ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ

③ پ من ھيٺ لڏو ٺاھڻ ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو
ٺھڻ ۾ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو
مرڪزي آفيس ڪري ٿو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

② ۽ ③ من ڇوڻ ڏرائي لڏو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

عليه امريڪا وٽ ٺھڻ ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو
وھنگوڻ وڌو ڏرائي لڏو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو
مرڪزي آفيس ڪري ٿو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو
ڪھڙو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو
وھي ٺھڻ ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو
پڻ من ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

① من ڪٿي ڏرائي لڏو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

را ٺھڻ ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

② ڏرائي لڏو ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

من ٺھڻ ۽ ھيٺو ڏرائي لڏو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو ۽ ھنگوڻ وڌو ڏرائي لڏو ھو

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دلیل تعیین آنرا فقط امید همد بر زندگی میمانند + والدین میانه که بعد از آن آثار سزای سبب بودند

و چندین وزیر طبق در کابینه وجود داشته در آن زمان از سوی جرایم مزاحمت سبب مزاحمت رسمی

رژیم آن کارس نیز زمان رسمی دولت می باشد و این در کرامتی و پیروی از آنند و هیچ عملی در آن

۲۴) من با داشتن صداقت و تخصص در طلب می خواهم در این صحنه و آزادی را از مردم هند

در بر آن دولت هند در حومه که لازم باشد کار کنم و معصوم خدمات واقف گزین

۲۵) من یقین دارم که در این سبب حق من یک استیفا بود چون بازمانده ای شدن امکان

منع روشنگرانی که خارج از کشور هستند و قصد خدمت به مردم و وطن و دولت را دارند

لذا ترس اینکه با داشتن با استعداد برای نگردند لذا وقتن این در زبیده و این خدمت به دولت

باست که پیروی و وفاداری دولت و تخصصی که در دولت دور می گردد من به عنوان

حامی مردم و نمایندگی مردم و عشق برای هر کس که بخیر قصد خدمت به صاحب کارانند استم فقط با راهی

دروغ افولد این شکل برای نگردیدم و در هر یک دروغ دولت کردن در افتاد استان نیز

شکل مثبت شخصی که نگردیدم خدمت به عشق خدا که در سطح KGB آندرش دیده اند

بر اساس دولت و دولت کان و شهر و ... در آنجا به آسانی یافت می گردد. آنجا بر آ

و سبب معصوم هند خفا لغزش را به خود وسیله لا اله الا الله بر می دارند و این دو تقصیر دولت

در خدمت کردن اعتبار قراری استندت شد می می دارند و مردم را نیز از آنی و کشور میمانند


۲۶) خفا لغزش شخصی در قیاس بسیار و حتی تا پیش و بغایار آنجا به معصوم و کشورش را سبب حق با همکار

شکیم خاد و آندرش دیده صلاحات که در نگردیدم در اختیار آن بود این که طبع را بر این سبب بود

آندرش اند و اهداف هند رسیده اند

تا این یاد آورده است که در افتاد استان که در هر یک از بخش های دولت به همکار و نظری

احتمالات و تصاویر و تصاویر متفرد که قبیر قومی - زبانی - مذهبی و اعتقادی

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سید سر و متعلقوی و عهد دلدار و صانعان و عدت نبود حکومت مرکزی و حاکمیت ملی محسوس
لذ هو وسیله برای که همجنه بعد از آن رقیب خند استفاد می کنند که در هر هم صانعان بر عدل
لذ نصیبات زبانی بین اکثریت استون که در کل یکتیب و عمارت را با مدخلی در هر و بعضی
مردم شیعه و سنی (فقط قریب) در کل یکتیب لایحه است) نصیبات عجیب بین گروهها
فصحت نیز عهد دلدار که آنجمله بین حکومت ها و هی هدی. صانعان چون کوشش ها بعد از
سقوط دولت شان و در دوران حاکمیت هی هدی و کابین و با شکست کوشش در جهان
بصورت کلی محسوس شد و لذ صحنه ها افتحای ریه کوشش و دستر بیدر بودند. با استوار دیگر کوشش

دولت مرکزی آثار مرکزی بر ارجح ادارات دولتی که در کابین لایحه لایحه بین رفته بعد از
کارمندان سابق دولتی دعوت به همکاری نمود. افراد مختلف ادارات مختلف جهت همکاری
بر اجماع را چون اداره خاد جمیع کارمند نیز کارمندان دوران کوشش ها در امرت هم کوشش
آنها این اداره جمع شد و هم فعالیت ها خضر را منجم نمود و بر آن تقویت چند و دیگر کوشش نیز
ارتب طرقتند و آنها را دعوت کردند و یکتیب را مرکز فعالیت کوشش چند قرار دادند چون کوشش
در یکتیب با بتم طولانی و اولاد فرزیده را نشسته و اکثریت قدیمندان کوشش نیز نجیب رفیق و در
دفاع و دفاع لایحه ولایت لایحه است. دلیل همین فعالیت ها است که در کابین لایحه لایحه

خوبست می که کوشش سراسری تمام مردم را در آن عهد کرد است و جهت تقویت
آنها در اوائل بر اموال رفتن برای خدمت حکومت فعلی و برای دور کردن قوتی که همیشه و انتقام
گیری که آن شخص لایحه هی هدی به حوسیه کمندت است زرد که یکی لایحه را صفا و فعالیت ها
ارتب طرقتن با نیروها سرور در دولت و قوای ارتداف بودند است آنها با راهها دروغ
خند که آسودگی آنرا در کار و در کوشش K G B و در سوسیه ریه اینرا که در کار جمیع کدام
در افتحاستان نبود است و یکی خاد سوسیه ها برای آسودگی در سوسیه هی رفته است

بصورت کلی محسوس شد

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عبدی بعضی افراد کو طلبہ و مدرسین پرانہ انداز فکر و انداز عمل کو مانگتا ہے و بعضی افراد کو اس کے دوسرے و قدما را آمریکا
می برسانند و دیگران نیز در این صورت آن سوال می کردند که این افراد آنرا تا کی می کردند
و مدرسین نیز در این وقت نسبت به شکل مثبت و این افراد با اینکلمات در دست داشتند فراوان و
آشنایی داشتند که کورسها ۱۰۰۰ دلار به ازای رقیبان همیشگی سازی نموده و به ازای دور کردن آنها توکل
و درسیه سازی نموده و لایحه کار چندین مایه به نفع خود و احضار خود کردند

② رقیبان سواکس خود را و فی بعضی قدیم در زمین خود ~~بعضی~~ و همی والدی خود دور کردند

③ بهر طرف موقوف خود را می فروختند و اینها را به ~~بعضی~~ به اصطلاح خودی که فی بعضی دولت را به دولت
و توانی استعداف داده است تقویت کردند

④ مردم را نصیحت می کردند که آمریکا که کمتر است حتی هنوز هم آنرا دشمن خود می دانند بدینست خفته چه

مردم می گویند که آمریکا می خواهد اولاد خام مردم و دولت و اولاد بیگانه و همی دولت خود را از اندانی می کند

⑤ مردم صادق و وفادار به دولت و الله همکار می حمایت و هرگز در دولت کمزوری بدین وقت و برای
خود و خانواده و برای بقدرت رسیدن خود از آن اشفاف کردند

⑥ لایحه مردمی و پول کافی است یا بسته چه که ~~بعضی~~ بود که آمریکا به چه راهی ~~بعضی~~

⑦ کانیه سدن در لایحه بود که افکار را در آنزدک ~~بعضی~~ در ولایت بکنیت یک کار خوارک بود چون فی بعضی و

طریق آنرا نمی کرده بودند چنانچه چندین عضو بود ~~بعضی~~ و اختلاف ~~بعضی~~ در زمین ~~بعضی~~

جرات کانیه سدن را نداشتند و طبعی ~~بعضی~~ در طول ~~بعضی~~ و در لایحه بود که ~~بعضی~~ که طریق ~~بعضی~~

تجدید ~~بعضی~~ که نمی ~~بعضی~~ که آن شخصی بود که بعد از ~~بعضی~~ در دوران ~~بعضی~~ معین ~~بعضی~~

سه سال بعد است و ~~بعضی~~ که ~~بعضی~~ به ~~بعضی~~ در وقت ~~بعضی~~ در ~~بعضی~~ ~~بعضی~~ ~~بعضی~~ ~~بعضی~~

22,12,05

صیفت چشم کسبه لدرک مجرب نظر

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مطمئن که در تاج بن نما است و بنا بر آن همه سال که عمر خدا را در شمس سوزان کرد از آن
تند را بیدار کند و مقصود از آنکه اطفال بود که در دوران کوشش و بجای ندهی می بود
و از پاره صفتون طب کابین ترک کرد است در دوران مجرب است مهربانی راه می هدنی
و عنوان برنگد و طبیب خدمت کردن و بعد از خروج روی که لطف است تمام می شود
حکایتی در کتب کتب آمده است که شخص مشغول شده است .

بنا بر آن دوران فراغت بنده که کفیل مصدق بود با دوران بر افتد ق کابین که
افتاد است و همین دلیل زندگی در مجرب است و اشتغال با کارها حقیر را بر هم
با طایفه ترجیح دادم که با بقا کابین و طلوع دیگر اسرار در افتد است که منجی
حوالده ان تحصیل کرده است برکت کشور و خدمت و موم و حمایت و استوار جمع و دیگران
حکم تاریک مردم و همین دلیل و وطن برگشته بود بود که می بود
تکرار شده و که دولت مرکزی است رهبری آنها مرکزی حمایت همه جانبه نمود و
حمایت بیرونی است قدرت را که دولت خود فقط امید جمع با بدید و آبرائی و توان
مردم خردی و انم مخصوص دولت دیوانه که در دوران همه مردم با یک اندازه
و مردم افتد استان بریده دو سه بزرگ است آن تخریب و کمک و حمایت اموال که بین
در آن رژیم خدمت روی کابین و محو القاعده به دیده احترام تخریب و از آن حمایت
می نمایند مخصوص بنده نباشد شریف افتد استان را که در حکم و همه کابین
و رسیدن به حق خدمت و حمایت که روشنگران و حق زبان را در یونان که از آن است
دانسته و از آن حمایت می نامی منجی که اول به قصد خدمت و مردم خدمت و حمایت در
مرکز است افتد استان و از آن جمع و علم و صداقت خود را مردم خدمت

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کتابخانه 55

EXHIBITION (S)
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دولت خود حمایت و پشتیبانی تمام طایفه نوج خدمت که بار مردم خود می توانم در این خواج
 کرد و در استوار حکومت مرکزی قوی و ملی و تجلیم دیگر امور در آرزو است و باید که
 به دولت و این خواج رسانید . بیخ هیچجا به بار آمریکا خطا نبود و نخواهد بود بیک
 آمریکا را درست در این مردم خودی و این دولت حضور آن در استوار جمع و دیگر امری و این
 القاعده و تروریسم جهانی قدرانی می نامیم . مع زنی زن خدمت و این خدمت در این خدمت
 مع خود را بپایان و این خدمت و زنی زن خدمت و این خدمت و این خدمت و این خدمت
 می و این خدمت و این خدمت و این خدمت و این خدمت و این خدمت و این خدمت
 هستند و چون زن زن چهار جنبه کاران و چون است و این خدمت و این خدمت و این خدمت
 در این خدمت و این خدمت و این خدمت و این خدمت و این خدمت و این خدمت
 و این خدمت و این خدمت و این خدمت و این خدمت و این خدمت و این خدمت

من بر عهده که هدایت در گفتار که هم تحقیق آن که القادری که در آن که سوگند زنده
 که تروریسم و این خدمت و این خدمت و این خدمت و این خدمت و این خدمت و این خدمت
 عنوان منحصرا که می باشد من سوالات فوق را در سه قسمت جدا و یک پرسش
 می تراود استیاد و در این قسمت دروغ یعنی ثابت کرده ام که صادق هستم
 و هم تحقیق که این استیاد را زنده زنده گفته اند که که بپایان و این خدمت و این خدمت
 را که تا این بپایان بپایان من به عساکر و تحقیق و این خدمت و این خدمت و این خدمت

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CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 1154

Exhibit#	Date	Classification	Guantanamo#ICR Letter #
EC-C1	1 Aug 2005	Unclassified	2005-A 01827
EC-C2	2 May 2005	Unclassified	2005-A 01109
EC-C3	12 Jul 2005	Unclassified	2005-A 02229
EC-C4	17 May 2005	Unclassified	2005-A 01111
EC-C5	1 Aug 2005	Unclassified	2005-A 01831
EC-C6	31 May 2005	Unclassified	2005-A 01836
EC-C7	2 Sep 2005	Unclassified	2005-A 02553
EC-C8	1 Aug 2005	Unclassified	2005-A 01826
EC-C9	2 May 2005	Unclassified	2005-A 01110
EC-C10	2 May 2005	Unclassified	Not Available

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EC-C5
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This is your son Esau

ESAU

ALM D R 2006

1140

EC-C5

Description: Photograph of detainee's son Mohammad Esau

Translation: This is your son Esau

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Summary of Administrative Review Board Proceedings for ISN 1165

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.

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

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

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

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee had plans to blow up the main Gardez bridge using explosives and a remote controlled improvised explosive device (IED).

Detainee: Do you have any proof or any kind of evidence about this allegation?

Presiding Officer: This is not an evidentiary hearing.

Board Member: Is the allegation true or false?

Presiding Officer: Do you admit to or deny the allegation? That is the purpose of this Review Board today.

Detainee: I don't know anything about it. It is a lie.

Designated Military Officer: (3.a.2) The Detainee was suspected of targeting the United States forces.

Detainee: I don't know anything about this.

Designated Military Officer: (3.a.3) The Detainee told American forces that he possessed a Kalashnikov rifle and Rocket Propelled Grenade (RPG) rounds at his home.

Detainee: Yes. Yes I did tell them [American Forces] I had one AK-47 that had belonged to my grandfather. My grandfather gave it [AK-47] to my father. The AK-47 was in our house and it [having the AK-47] was something very normal in Afghanistan. Every house had to have a weapon for security purposes. In regards to the RPG rounds, yes, I did have them. I was working for the current Government. With the permission of the current Government, I had those rounds in my house.

Presiding Officer: Which Government?

Detainee: Karzai's Government.

Presiding Officer: Continue.

Detainee: I do have receipts or papers for those RPG rounds. When I told the Americans I had receipts they did ask the [Karzai] Government. The Americans talked to the [Afghan] Security Commander and they [the Americans] know everything was fine, I was clear of those.

Presiding Officer: Assisting Military Officer, are those receipts exhibits this morning?

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Assisting Military Officer: No Sir.

Presiding Officer: You [the Detainee] need to obtain those receipts. Have you requested those receipts?

Detainee: Those receipts are in my house. You need to ask the current [Afghan] Government or the Security Commander of the city and they will get those receipts. I don't have the receipts here.

Presiding Officer: Have *you* made a request?

Detainee: During my interrogation I told the interrogator during the first court [CSRT] about the receipts and I requested them. The [Afghan] Government knows about it. They have those receipts. I was going to return the RPG rounds back to the Government.

Designated Military Officer: (3.a.4) The Detainee was responsible for the IED attack on United States Security Forces in Gardez, Afghanistan.

Detainee: Actually, my post where I used to work was far away from that bridge. There was a tree. The explosives were placed on top of the tree. There was a shopkeeper close to that tree. The shopkeeper reported to our [security] post that he saw something in the tree. One of our friends came and told us that the shopkeeper saw that there was something in the tree and he was afraid to touch it. We reported [the item in the tree] it to the Security Commander of the city. We told the Security Commander that our post knew about the item in the tree and we wanted to report it to the Security Commander.

Presiding Officer: Do you deny the allegation?

Detainee: Yes, I deny the allegation. I am not responsible for that incident. I am trying to explain to you the whole process.

Presiding Officer: We will get to that part of the Review Board session. For this portion of the Review Board, we would like for you [the Detainee] to admit or deny each allegation as they are presented.

Detainee: I deny this allegation. I don't know anything.

Designated Military Officer: (3.a.5) The Detainee took the jeep of a local merchant, named Bahauddeen, and never returned it. The jeep contained 5 AK assault rifles, 2 rockets, and 1 machine gun.

Detainee: It is a lie.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee stated that he was trained at his post on how to fire the AK-47 and Rocket Propelled Grenade (RPG) by other personnel at the check post.

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Detainee: That is not true.

Presiding Officer: You did not receive training [on the RPG] at this time?

Detainee: No I did not.

Designated Military Officer: (3.b.2) The Detainee admitted to firing an RPG only one time during training.

Detainee: I told the interrogators during my first interrogation that if someone were to shoot even one RPG, or if I even heard one shot of an RPG I probably wouldn't be able to sleep for two nights. That's how scared I am [of RPGs]. I never shot anything.

Presiding Officer: So this allegation/statement is incorrect?

Detainee: Yes, this is wrong. That's all I have to say. If someone were to shoot an RPG in my area, I probably would not be able to sleep for two nights.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee has ties to Anti-Coalition Militants, has conducted recruiting, and had planned on blowing up the bridge in Gardez, Afghanistan.

Detainee: I don't know anything about this. Actually, I only hear these allegations when I am here. In Afghanistan, when they arrested me, during my interrogation, no one ever asked me anything about these allegations. These things, they just made them up for the CSRT and for this [Review Board] process. Before, they never asked me anything about these allegations.

Presiding Officer: Who made up these allegations?

Detainee: I don't know.

Presiding Officer: Guess.

Detainee: Sir, I am a Detainee here. I am not aware of what is going on around me.

Presiding Officer: Do you have any enemies that would make up lies?

Detainee: Yes. It might be their work. I don't know.

Designated Military Officer: (3.c.2) The Detainee's brother was apprehended for suspected involvement in mortar attacks on United States forces. The Detainee's brother was found to be in the possession of a Hizb-I Islami Gulbuddin (HIG) identification card.

Detainee: You need to do some research about this. My brother is actually a poor man. He was working in Iran. In Iran, you must have some sort of identification card. You need to find out if it is a refugee card or if it is a HIG card. As far as I know, in Iran, if

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you don't have that HIG card they [Iran] will not let you be there. They will kick you out of their country. So, for any Afghan, when they go to Iran to work or to earn money, they have to have that card. They actually sell that card for about 10,000 Toman [Iranian currency]. Many Afghans they just purchase that card in order to be able to live there or work there.

About the mortar attacks or the suicide attacks. My brother does not have any kind of ties with the Government, nor with any other organizations. Everyone knows in his city that he is an ordinary worker and he is not the type of person who would commit suicide attacks. This is what I am talking about. This allegation about my brother being a suicide bomber, nobody has ever asked me about this, not even in my initial interview.

Presiding Officer: The allegation does not state that your brother is a suicide bomber. No one is accusing your brother of being a suicide bomber.

Detainee: Yes, I understand that. But nobody has ever talked about my brother this way. In my initial interview, the only thing the translator told me about my brother was about my brother carrying the [HIG] identification card.

Designated Military Officer: (3.c.3) Hizb-I Islami Gulbuddin (HIG) is a Terrorist organization.

Detainee: That's none of my business. I do not have anything to do with Gulbuddin and I don't know anything and don't want to know anything about them.

Designated Military Officer: (3.c.4) The Detainee and Bow Audin are cousins. Audin is known to have sold explosives and rockets.

Detainee: As I mentioned in the past, if you prove that Bow Audin is my far relative or my cousin...

Presiding Officer: Do you deny this allegation?

Detainee: What I am saying is, you need to research to find out if this guy [Bow Audin] is my relative or even from the same tribe.

Board Member: Do you know Bow Audin?

Detainee: I know that he is from Gardez, but he is not from my area and he is not my relative. I do not know him personally. I do not have any contact with him personally. I only know his name.

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee states that al Qaida are bad people and blames them for ruining his country.

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Detainee: They [al Qaida] are not only ruining my country they are ruining the whole world. They are bad people for everyone, not just the people of Afghanistan.

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 exhibits marked ECC through ECC5.

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 3 October 2005, and lasted 35 minutes. The interview was started in Pashtu, but was switched when the Detainee indicated he spoke Farsi. After a review of the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present 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 elected to submit letters from family and a photograph of his son, who was born while the Detainee has been here [Guantanamo Bay, Cuba]. A follow up interview was conducted on 4 October 2005, to allow the Detainee to bring these items and lasted for 20 minutes. The Farsi translated Unclassified Summary of Evidence was again read to the Detainee. The Detainee was cooperative and polite throughout both interviews. The Detainee was given a copy of the Pashto translated Unclassified Summary of Evidence after the initial interview and a copy of the Farsi translated Unclassified Summary of Evidence after the follow up interview.

The Detainee made the following statement:

Detainee: I used to be an ordinary worker in the markets in my city. You can ask anybody in my city or my village. I was an ordinary worker until the fall of the Taliban. When the Taliban fell, about six months after the current Government [Karzai Government] was established, they advertised through the radio that they had a lack of Security Forces and soldiers. The new Government invited people from all over the country to come and help the Government fill up those empty security positions.

From my area, they [local security forces] assigned me and another individual to a security post. They took me and the other individual to Commander Abdullah Mugahid, who was the city Security Commander. They took us to the Security Commander so he may either give us a security position or to use us at security posts. That Commander

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[Mugahid] sent us to that security post [somewhere in the proximity of the Gardez bridge]. There were eight people assigned to that post. The Security Commander gave us some clothing, dishes and pots. The Security Forces told us that of the eight people at our post, we needed to choose a leader within the eight of us. The other seven people at my post chose me to be the leader. I accepted their nomination to be the head officer. All of us at the post were illiterate. None of us could read or write. The Security Forces told us that our job was to maintain security, watch for our people, and maintain security of that area. The Security Forces Commanders told us not to harm anybody that we were there to serve the people of that area. I am trying to make this as short as possible because I don't want to take up your time.

Presiding Officer: Take as much time as you would like. This is your time.

Detainee: We [the eight individuals stationed at the security post] then traveled to another security post, called Pool-E-Khost, located within the city of Gardez. After working at that security post for a while, we were again transferred to another security post named Tera. We spent a few months at the Tera security post and then they sent us back to the city. I was then sent to a school named Bramkhile. My superiors told me I could go to the school to get some education. The school was a little bit far from where I lived so I asked if I could go and work with the Officers at the Coalition and International Forces. They had schooling there and they would help us in many ways. I was trying so hard to go there and start working with them [Coalition and International Forces].

The head of that security department told me that I had already been assigned to the Bramkhile school post. The head of the security department told me he would have to speak to the Security Commander to see if he could switch me from the Bramkhile School to the Coalition and International Forces School. In their office [Security Commanders officer], there was some furniture. I sat there and waited for the Security Commander to come back and make a decision as to whether or not I could switch schools. I had with me, in a vehicle, all the supplies they had given me, such as pots, pans, cooking supplies, and the clothing. I waited for a couple of hours. I was then told the Security Commander was not available so they were unable to make a decision right then about me switching schools. They told me to go back to the Bramkhile School because they could not change the decision right now.

Translator: I need to clarify what the Detainee is telling me about the Bramkhile School. The Bramkhile School is actually a school for children. There are two rooms in the school that are security posts. The Detainee's job was to maintain the security of that school and in the meantime the Detainee could get some education while he was there.

Detainee: It was getting dark, so I asked the head of the Security Forces what I should do because we could not travel to that security post [Bramkhile] in the dark. I told them we [the eight security guards] would travel to the security post in the morning. I asked the Security heads if they had any place to keep the supplies they had previously given to us. They told me they did not have any space in the office. They [my superiors] suggested

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that I take all the supplies to my house. We also had weapons with us. We had three AK-47s, one rocket, and RPG rounds. The Security head said they would take the weapons from us and they would keep them at the security post. As far as the clothing, pots, cooking supplies etc, they gave those supplies to me and said I could take those items to my house. I gave all the weapons to the Security heads. The only reason I still had the RPG rounds in my vehicle was because they were buried underneath all the other supplies. I would have given the rounds to the Security heads if they had been on top of all the other supplies. But the rounds stayed in the bottom and they told me to take the whole thing to my house. The Security heads then told me they would have a decision by the next morning as to weather or not I would go to the Bramkhile School post or the other security post I had requested.

The next morning, the Security heads told me they could not change my security post assignment and that I would have to go to the Bramkhile School security post. The Security heads gave me a list of all the items that were with me and that I was to take all the supplies with me to the security post.

At the time, my father was very sick and dying. I told the Security Officer to take the supplies to the new security post and that I would meet him there later. Since I was in a hurry, I forgot to give the Security Officer the RPG rounds. The rounds would not have fit in the car anyway with all the other supplies we already had. When I found out that we still had the RPG rounds in the vehicle, I told the Security Officer I would bring the RPG rounds with me later after I take my father to the hospital.

I told the remaining seven Security Guards to go with the Security Officers to the Bramkhile security post. I told them once I had taken care of my father I would meet them at the security post. When I took my father to the hospital he was very sick. The doctors told me they did not have the equipment needed to treat him. The doctors told me my father was dying. The doctors told me that I would probably have to take my father to Kabul, Afghanistan. However, another doctor told me that Kabul was to far and that my father would not make it. I decided to take my father home but he died in the car on the way back home.

By the time I buried my father, with the funeral, and all the things I needed to do for his funeral, it took a while. During this time, when I was taking care of my fathers funeral arrangements, every once in a while I would go out to the Bramkhile School security post. Eventually they assigned someone else to the post instead of me because I was taking care of my father's funeral arrangements. It took a long time for me to get over everything that had happened with my father. Finally, when everything was over [with my father] I went to my security post and stayed for two nights. After two days, an officer came and said that all eight of the security guards at the Bramkhile School post had been transferred to yet another post. The new security post was called Redar. The officers who came to inform us we were now moving to a new post would be taking our place at the Bramkhile security post.

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We said that was fine. We then traveled to the new post [Redar]. We spent two nights at the Redar post. I personally spent two nights at the Redar post before I was arrested. The rest of my Security team was still at the security post, even after my arrest. When we arrived at our new security post [Redar] the other seven members of my security team told me there was not enough food. The other seven members of my team wanted me to talk to the Security Commander to see if our food supply could be increased. They also wanted me to bring some food back with me. We knew the Security Commander would not be able to issue us more food supplies quickly, so I took a driver and a soldier, a vehicle, and we went to the market to purchase some food. We bought some potatoes, spinach, and onions. I gave the food to the driver and the soldier and told them to return with the food back to the security post because the guys were hungry. I told the driver and the soldier I was going to go to see the Security Commander to ask him to increase our food supply or give us money to buy more food.

I sent the driver with the food to my security post and then I went to see the Security Commander. The Security Commander was not in his office when I got there. I talked to the Security Commander's assistant. The assistant's name was Waseeq. I talked to the Assistant Security Commander and I told him to please ask the Government to increase our food supply. I told him that the food they were giving us was not enough for eight people. The Assistant Security Commander told me that he could not make the decision right away. However, he told me he would give us some food to hold us over for right now and that it would take a couple of hours for him [Assistant Security Commander] to talk to his boss to make a final decision about increasing the food supply.

I told him that would be ok. We got into the car and wanted to head back towards the city but the road was closed. Some translators, Afghans, and some Americans approached us and asked my driver what his name was. The driver said his name was Farooq. They [Americans, translators, Afghans] then pointed at me and asked my driver what my name was. The driver told them that my name was Musa. They told the driver to exit the car. They told him they just wanted to search the vehicle but that it was not a big deal. I told the driver to be calm, that it was not a big deal because we are police officers and we have to obey the law. I told the driver they were probably just suspicious of something. Let them search the car.

Presiding Officer: Are you wearing a uniform at this time?

Detainee: No Sir.

Board Member: Who is conducting the search?

Detainee: Americans were standing there watching and observing. The Afghans that were working with them [the Americans] in their campaign were conducting the search. They searched the driver and they asked him to put his hands up. They proceeded to then search me and asked me to put my hands up. During the search they could not find anything. They could not find anything in the car and not with us. The Afghans told us

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that it was their law when they search someone to ask them to put up their hands and to be handcuffed and that it was not a big deal and not to get upset. I told them don't worry, if they wanted to put handcuffs on me that was fine. I told them we were not going to be upset because we were police officers and we understood. They tied down our hands, put us into their car and took us to their compound. They put us in an area where they kept detainees and prisoners. Afghani Forces guarded the prison/detention area.

Presiding Officer: Do you have any statements you would like to make concerning why this Review Board should release you or transfer you? Why you are not dangerous.

Detainee: I am about to finish Sir.

Presiding Officer: This Review Board is familiar with the historical background concerning your case. What this Review Board would like to hear from you are statements and/or reasons as to why you feel you should be released. The Review Board would like for you to spend your time on issues and statements that are going to be beneficial to you.

Detainee: If you give me two minutes I will finish my story and then I will answer your questions.

Presiding Officer: Proceed.

Detainee: An hour after arriving at the compound, they [American and Afghan Forces] took me to interrogation. They asked me if I had any weapons. I told them that I did have a weapon [AK-47] at home. I told them the weapon I had at home had belonged to my family for a long time. I also told them about the RPG rounds I had. I told them that the RPG rounds belonged to the [Afghani] Government. I relayed to them that the Government knew that I had the rounds. The translator was speaking to me in Pashtu. I told them I could not speak Pashtu, that I was a Farsi speaker. The translator then cursed me and cursed my wife using the *F* word, saying to me, "What kind of Afghan are you if you cannot speak Pashtu". He continued to curse my wife. I then told the translator, "Everything you just said to me, same back to you". Since the translator cursed at my wife and me I cursed him back.

I told the translator that it was I who was in the prison, not my wife. That he should not be saying anything bad about my mother or my wife. I told the translator that if he was going to curse my mother and my wife, that I would do the same back to him. The translator then said something to the American and the American became very upset. The American kicked me two or three time.

Presiding Officer: Who kicked you?

Detainee: The American interrogator. Whatever the translator told him must have upset the American very much. The American kicked me. I told the translator I had no idea what he had said to the American interrogator, but I cannot speak Pashtu. Please bring a

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Farsi translator. I told the Farsi translator what had happened and that I was not going to lie. I cursed back to the Pashtu translator. I answered the Pashtu translator's questions, but I did not say anything bad to the American. I don't know what the Pashtu translator said to the American interrogator.

Presiding Officer: Who is the American?

Detainee: The individual who arrested me was American. The individual who interrogated me was an American.

Presiding Officer: Was the individual in a uniform?

Detainee: No. The individual was in civilian clothing.

Presiding Officer: Why do you believe that this individual was an American?

Detainee: Because of the way he spoke. He appeared to be a boss or in charge of everyone over there. He was running the whole thing.

Presiding Officer: Do you speak English?

Detainee: No I do not speak English. When the individual was speaking, he sounded just like you [referring to the Presiding Officer] when you speak.

Presiding Officer: Did he hurt you?

Detainee: No, he did not hurt me real bad. He kicked me two or three times. He was very angry. I do not know what that translator told him.

Presiding Officer: I am going to report your allegation of abuse through the proper authorities. That type of behavior is not tolerated by the United States. There will be an investigation into this allegation of abuse.

Detainee: It is not that I am complaining, but I swear to my God that I am not lying. During the interrogation they asked me about the explosives in the tree. I told them I did not know anything about it. At the time of my interrogation, four months had already passed since the incident [the bombing of the bridge] had occurred. I kept telling the Farsi translator to tell the American that I did not say anything bad to him or about him. The American officer/man, showed me his card and said that he was an important man. The American asked me if I had ever heard of Guantanamo Bay, Cuba. The American told me he was going to send me over there [Guantanamo Bay, Cuba].

The American took my picture, did whatever he needed to do, put me on an airplane, and then hit me [patted me] on the knee. I did not know what this hit on my knee meant. I was flown to Baghram and from there I ended up here [Guantanamo Bay, Cuba].

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Presiding Officer: What did that mean?

Detainee: Maybe he meant, I don't know. Maybe whatever he promised me he would do to me he did [sending me to Guantanamo Bay, Cuba].

Presiding Officer: When the American hit you on the knee, did it hurt?

Detainee: No. He did not hit to hurt me.

Presiding Officer: Does that conclude your statement?

Detainee: Yes Sir.

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. Musa, do you have any idea who might want to blow up the bridge in Gardez?

Detainee: This is not good human behavior to destroy a bridge that your own people use. Whoever could commit such a crime would be guilty or a sinner, not only in the eyes of the Government but in the eyes of God as well.

Board Member: You have no idea who may want to blow up the bridge in Gardez?

Detainee: I swear to my God, if I knew who had blown up the bridge I would have arrested them myself. I would have turned them over to the Government myself. It is very unfortunate that I do not know who blew up the bridge and I ended up here [Guantanamo Bay, Cuba].

Board Member: Do you know of anyone where you lived, from your city or village who might have been against the United States presence in your country?

Detainee: No.

Board Member: The shopkeeper told you about the explosives that were located in the tree. Were those explosives targeted against the bridge [in Gardez] and United States Forces?

Detainee: First of all, the shopkeeper did not say for sure there were explosives in the tree. The shopkeeper only said was that he saw *something* in the tree. That he [the shopkeeper] saw something in the tree and that he was afraid to go near it.

Board Member: What was in the tree?

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Detainee: When our post found out there was something in the tree, they closed the roads and stopped all the cars so they could find out what was in the tree. American cars were passing by. They were trying to stop the American cars by hand from passing by shaking hands, but they did not stop. American cars continued through and passed the tree and the bridge. When the American cars left, the explosions occurred. Yes, there were explosives, but at that point we were unsure that the items in the tree were actually explosives.

Board Member: Were you in charge of security of the team of eight men during that period of time?

Detainee: Yes. I was the leader of that group of eight people, but the tree was too far from our location.

Board Member: Is it possible that someone could have set up an improvised explosive device (IED) in your area of responsibility without you or your security team knowledge?

Detainee: Sir, it would be hard for us to find out if we do not know if someone is doing something. If we don't know, there is nothing we can do about it.

Board Member: Why did you allow the American convoy to proceed past the point where you thought explosives might be present? Why didn't you notify the Americans about the possible danger?

Detainee: The whole process between when the shopkeeper notified us that there was something in the tree and the actual explosion occurring was just a matter of five to ten minutes. We did not have enough time to go to the Americans and warn them. In regards to the convoy, I don't know if it actually belonged to the Americans or to some other Coalition Forces. We did try to stop the convoy. We tried to stop all the civilian traffic and tried to stop the convoy.

Board Member: During the four months between the explosion and your arrest, were there other acts against American Forces that you are aware of?

Detainee: No.

Board Member: What are your feelings concerning the United States intervention into Afghanistan?

Detainee: My feeling is, that Americans brought freedom to our country and I am very happy about that. I am a poor man, I am an illiterate man, and never had the chance to go to school. I would like for my son and my younger brother to get the chance for an education and a better life. I am happy with the American presence in Afghanistan. They gave us hope.

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Board Member: Why did you volunteer the information concerning the fact that you had weapons at your home when they were searching your vehicle?

Detainee: I did not tell them [about the weapons] Sir when they were searching my car. During the interrogation they asked me if I had any weapons at home. I told them yes, I do have a weapon(s) at home.

Board Member: When you were arrested, did they give you a reason as to why you were being arrested?

Detainee: No, I did not ask them for a reason and they did not give me a reason for my arrest. However, they asked me about the weapons and I told them. I thought that the procedure [being searched by the American and Afghan Forces without cause] was normal and routine. I thought I didn't have anything to worry about. I thought it was a matter of formality. I thought they were going to arrest me, question me, and then release me.

Board Member: Did they have any reason to suspect you of a crime or any reason to suspect that you were involved in the bombing of the bridge in Gardez or attacking United States Forces?

Detainee: I don't know.

Board Member: Your brother that was mentioned in the Unclassified Summary of Evidence, where is he now?

Detainee: He is at home in Gardez?

Board Member: Is that where you son is also, in Gardez?

Detainee: Yes.

Board Member: If released, is Gardez where you would return?

Detainee: Yes.

Board Member: What would you do to support yourself and your family if you were released?

Detainee: I probably would go back to working in the local market as a shopkeeper. That is probably the best thing for me. In regards to the bridge and the explosions, a few other people were arrested. When these other people were asked why did you not try and stop people from crossing the bridge or going past a certain point, those other arrested individual said they did try and stop people from passing. They told the individuals trying to pass that they needed to obey the rules, but they would not stop. It was not our fault [referring to the other individuals arrested] if they did not stop. People confirmed

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that we were trying to stop people by shaking hands, but those individuals who were trying to pass were not paying attention and kept going. About a half an hour or an hour later, the other individuals who were arrested at that time were released. The Americans even helped my friends that were arrested. The Americans gave them a radio and some food.

Board Member: Mr. Yakubi, were you born in Afghanistan?

Detainee: Yes.

Board Member: Did your grandfather fight against the Russians with the family AK-47? What was the history behind the AK-47?

Detainee: No Sir. I don't know. All I know is that AK-47 belonged to our family. It was for security reasons. My own father was not a fighter. He worked for a bank for over 25 years. My father was a cashier at the local bank.

Board Member: Was the tree where the explosive were located and where the explosion occurred, was that in your patrol area?

Detainee: No Sir. That tree was not located in my patrol area. It's even farther from the bridge [the tree]. The tree was too far from the bridge. It was nowhere close to the bridge.

Board Member: With regards to the explosives and the RPG rounds [the rocket], you stated you had a receipt for those items. Can you tell me exactly what was written [printed] on that receipt?

Detainee: It was a list of all the weapons and the rounds. The receipt stated that these items belonged to the Government, but they [the weapons and rounds] were in the possession of [care of] Mr. Musa.

Board Member: Can you tell me what was on the list exactly?

Detainee: There was cooking pots, a few beds with mattress, blankets, and cooking supplies.

Translator: I need to make a correction. On the list, the items noted were the cooking supplies, cooking pots, beds, and blankets. However, the weapons were not written on the list because I had already given the weapons back to the post.

Detainee: The Government says you are not allowed to take Government issued weapons to your home. I was only allowed to take the supplies such as the pots, pans, and other cooking supplies to my house.

Board Member: The weapons were not annotated on the list, is that correct?

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Detainee: When I talk about the receipt, I am talking about all non-weapon supplies. The rest of the weapons were left at the post and I took the other supplies. I got a receipt to state that I had turned in all the supplies and given the supplies back. Except for the RPG rounds. I was going to take back the RPG rounds when I realized I had forgot them in the car. What am I going to do with them anyway? I can't use them.

Board Member: When was the last time you saw a security supervisor prior to the explosion?

Detainee: Which supervisor?

Board Member: Your Police Commander.

Detainee: I have only seen that commander [the commander to assigned me to that post] one time. The second time I never saw him.

Board Member: Whom did you report to?

Detainee: I was reporting to the Assistant Security Commander. The last time I saw him was on the day of the explosion.

Board Member: Did you know Bow Audin?

Detainee: I just know that he is from Gardez. He is not my relative and he is not my friend. Everyone once in a while we might say hello.

Board Member: Did the Assistant Security Commander know Bow Audin?

Detainee: I don't know.

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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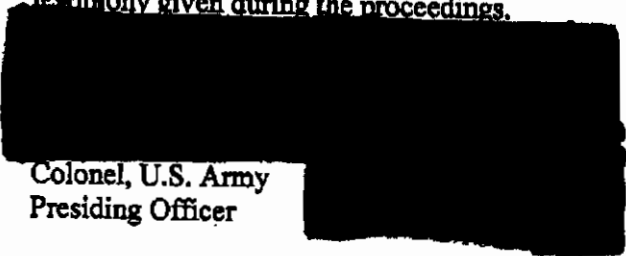
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AUTHENTICATION

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


Colonel, U.S. Army
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1452

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee declined taking the (Muslim) oath.

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

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

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 29 August 2005 and lasted one hour and forty minutes. After a review of the Administrative Review Board purpose and procedures, the Arabic translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee chose to attend the Administrative Review Board and answer the allegations on the Unclassified Summary of Evidence. The Detainee retained a translated copy of the Unclassified Summary of Evidence to prepare for his board appearance. A follow up interview was held on 30 August 2005 and lasted one hour and forty minutes. The Detainee stated that many of the detainees in the camps at Guantanamo, Bagram and Kbandahar are on the edge of mental illness brought on by abuses at the hands of the

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guards and by the general conditions in which the detainees are held. He also said that many of the affected detainees will not talk about their abuse and that their deteriorating mental situation needs to be addressed by the United States. When asked if he would talk about any abuses that he had personally suffered, the Detainee said that he personally had suffered no abuse. A report of abuse was submitted in accordance with OARDEC Memorandum 01/2005 (Revision 2).

Presiding Officer: I note for the record that the Detainee made no claims of personal abuse, just that he had viewed the abuse of others.

Detainee: I was threatened by the same methods the other detainees had but it wasn't really administered on me personally.

Presiding Officer: Thank you very much.

Detainee: But the abuse happened to other Detainees.

Presiding Officer: We understand, thank you.

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: Sometime in 1985, the Detainee, his father, his two brothers, his cousin Mustafa Hamlili, and a friend of the family named Abu Yasir left Algeria and went to Peshawar, Pakistan, to perform jihad.

Detainee: I lived in Mecca and my father had a job.

Presiding Officer: Lived in Mecca, Saudi Arabia?

Detainee: Yes. He had a job as a civil engineer. He found a job in Islamic Commission for charity reasons and he was asked to work in a section of the Afghani Refugee Division.

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Presiding Officer: Did you live in Algeria at the time or did you live in Saudi Arabia?

Detainee: From 1986 to 2003, we came from Saudi Arabia to Pakistan.

Presiding Officer: Thank you.

Designated Military Officer: Abu Yasir was the head of External Information and the head of Finance for al Qaida prior to September 2001.

Detainee: I haven't seen Abu Yasir, since 1986, up to today. I have no idea. He is a detainee here you can ask him. If he says differently I am willing to face him and face the consequences.

Presiding Officer: Thank you very much.

Designated Military Officer: Mustafa Hamlili specialized in forging documents as a follower of Omar Chaabani (aka Abu Jaffar). Chaabani's group members transited through Peshawar, Pakistan, at a center activated and funded by Usama Bin Laden.

Detainee: I have no idea about this and this allegation and it [should] be pointed [towards] somebody else not me.

Presiding Officer: Thank you.

Designated Military Officer: Enroute to Afghanistan, the Detainee's group traveled to Jiddah, Saudi Arabia, where they stayed for about three months at a guesthouse operated by the Egyptian Jihad Group and run by Ayman Al-Zarqawi, the second in command within al Qaida. The Detainee met Usama Bin Laden (UBL) while at this guesthouse, and the Detainee's father began a relationship with UBL.

Detainee: I have no idea what you're talking about. The question should be pointed at my father not me.

Presiding Officer: Thank you.

Designated Military Officer: The Secretary of State has designated Al-Jihad (aka Egyptian Islamic Jihad, Jihad Group, and Islamic Jihad) as a Foreign Terrorist Organization (FTO). This group is an Egyptian Islamic extremist group active since the late 1970s that merged with al Qaida in June 2001. The group's primary goals are to overthrow the Egyptian Government and replace it with an Islamic state and to attack United States and Israeli interests in Egypt and abroad.

Detainee: I have no clue. I'm not a lieutenant. I'm not a president in that group. This allegation [is] not pointed to me. The group itself, they are all known by this and we hear all this by the media, by the news and they are proud of what your saying. They know

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that and they are all [well] known, the group that they want[s] to attack the United States or Israel or any other country abroad.

Presiding Officer: Thank you very much. We understand.

Designated Military Officer: During the post-Soviet years when the Mujahedin leaders were vying for control of Afghanistan, the Detainee was aligned with Gulbuddin Hekmatyar.

Detainee: That's impossible.

Designated Military Officer: Gulbuddin Hekmatyar founded Hizb-I Islami Gulbuddin (HIG) as a faction of the Hizb-I Islami party in 1977, and it was one of the major Mujahedin groups in the war against the Soviets. The Secretary of State has identified this group as a Foreign Terrorist Organization. Also known as HIG this group has long-established ties with Usama Bin Laden. HIG has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan government, and establish a fundamentalist state.

Detainee: I have no idea what you're talking about.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee was a member of HIG from 1991 to 1993.

Detainee: That's impossible.

Designated Military Officer: The Detainee fought on the front lines with the HIG in 1996.

Detainee: Not true. It's impossible.

Designated Military Officer: The Detainee served as a foot soldier in HIG fighting against General Dostum and Massoud after the Soviets left Afghanistan.

Detainee: Impossible.

Designated Military Officer: After leaving Afghanistan, the Detainee returned to Peshawar where he joined the Algerian jihad group Jamiat Islami. This group was formed to go back to Algeria and begin a new jihad. The Detainee's main job was distributing the Al Ansar newspaper, which they received via fax from London, England.

Detainee: I deny this and that's impossible.

Designated Military Officer: The Secretary of State has designated the Armed Islamic Group (GIA) in Algeria as a Foreign Terrorist Organization (FTO). The GIA is an Islamic extremist group attempting to overthrow the secular Algerian regime and replace

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it with an Islamic state. Since 1992, the GIA has conducted a terrorist campaign of civilian massacres, sometimes wiping out entire villages in its area of operation. The group uses assassinations and bombings, including car bombs, and it is known to favor kidnapping victims and slitting their throats.

Detainee: This is all known in the media, but I am not a member in it. They should note crimes that they did against the civilians in 1990. It's similar to the regime that use[d] to be in Hafez Al Assad days and Saddam Hussein's days. You mention this but why don't you mention with these people Saddam Hussein...the crimes that...it's the same procedures that its been done in war zone[s] only the civilians use the knives but the other parties use the military actions.

Presiding Officer: We mention these groups because right or wrong your name has been associated. That's why we mention these groups.

Detainee: I am not from this group and I don't belong to it...

Presiding Officer: We understand your answer. Next.

Designated Military Officer: The Detainee was a member of GIA from 1993 to 1994.

Detainee: Impossible.

Designated Military Officer: The Detainee joined a group called Hillafah to which he was elected as the group's leader because he spoke Pashto and was able to pass himself off as an Afghani.

Detainee: I never belonged to this group and [it's] impossible that I belonged to this group.

Designated Military Officer: According to the Detainee, Al Khalifa is a very disciplined sect that enforces Islamic or Shari Law. Losing your life is an acceptable risk for non-compliance.

Detainee: I have never heard of this script[ure] that your stating and I never belonged to this group.

Designated Military Officer: The Al-Khalifa group was dedicated to overthrowing the Pakistani government.

Detainee: That's all known about it. Pakistan took over and transferred it to Bangladesh. Every time a military action happens the country has to make its land wider.

Presiding Officer: You're saying that Pakistan did this to Bangladesh?

Detainee: In the first place, Bangladesh belongs to Pakistan.

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Presiding Officer: East Pakistan.

Detainee: India split Bangladesh [with Pakistan] put a lot of pressure in...you know the history and you are a military man. I'm sure you know about this. Pakistan tried to bring back [the Eastern] part of [Bangladesh].

Presiding Officer: I understand. Thank you.

Designated Military Officer: While a member of the Khalifah group, the Detainee tracked down, assaulted, and robbed a group of men of about 700,000 Pakistani rupees. The group of men included an individual the Detainee suspected of spying on the Khalifah group.

Detainee: This has been added to this. This is not true. The guy who I took the money from he is supposed to sue me. This is first, second that's not true. That's impossible. I have [not] done all these actions.

Designated Military Officer: According to the Detainee, the Khalifa group itself had relationships with the Egyptian Islamic Jihad.

Detainee: I don't know. Ask them this question. I am not from this group, so I decide...

Presiding Officer: I understand. You deny membership in Khalifa, you don't understand what the group does. I understand. Next.

Designated Military Officer: The Detainee stated that Jamaat Muslimin and Al Khalifa were the same organization, just different names used in different locations and that all were part of Takfir Wa Hijra.

Detainee: I'm not one of them and I don't know anything about that.

Designated Military Officer: Jama'at al-Muslimin is an extreme Islamic fundamentalist group whose leader is 'Abdallah al-Rifa'i. As of early 2002, al-Rifa'i, who moved his headquarters from Pakistan to the United Kingdom to Bangladesh, estimated there were 10,000 members worldwide.

Detainee: This is the first time I['ve] hear[d] about this ever, since the interview with me.

Designated Military Officer: The Detainee was described as a very violent person with little contact except for his close fiends and those affiliated with Takfer Wael Hagra. The Detainee believes that only he and a few others within Takfer Wael Hagra are important and that even other Muslims are subservient infidels who cannot peacefully live or practice among them. This group has no problem killing others.

Detainee: This is all known [by] whoever hate[s] me that I am a violent man, but that's not true. You're supposed to know me I have been on the camp for two years. You're

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supposed to know me, if I am violent or not. These Islamic groups I really don't believe in it, because it's all lies and I know these groups. There all lies and games and they use you as a pressure [point]. The first person who used this group was Stalin, in World War II. The Islamic group basis I know about it and all. President Arafat used to use these methods, these groups. He used to use their methods between the Palestinian matter and the Arabs in the Middle East. American intelligence use[d] these groups and this is all known by the FBI (inaudible). And even Usama Bin Laden, he was getting orders from the FBI agencies. Indirectly, his operations use to be indirectly through Saudi Arabia. General said that he had orders to capture Usama Bin Laden and he had mentioned that Usama Bin Laden use to be on our side. [He] use to work with our allies. This is a really big point against you in international law.

Presiding Officer: I understand.

Detainee: And you're the one who made Usama Bin Laden as a terrorist and please don't be mad at what I'm telling you (inaudible).

Presiding Officer: I understand, but today I want to focus on you. I understand that you say that you are not a member of this organization. That is sufficient, if you say that. We understand.

Detainee: Thank you very much.

Designated Military Officer: A senior al Qaida lieutenant stated the Detainee was a Taqfiri, a group of religious fanatics who were known to purge and kill their own members. The Detainee was a good contact if one needed to stay or pass through the tribal region on the Afghanistan and Pakistan border.

Detainee: Who is this Sergeant? Is he American?

Presiding Officer: We don't know. This is a summary of information. I don't know.

Detainee: Th[ese] are all lies.

Presiding Officer: For the record, you have never helped people across the border?

Detainee: Never, never, never.

Presiding Officer: Thank you. I understand.

Designated Military Officer: The Detainee assisted two reported al Qaida supporters and facilitators in moving a group of Kurdish fighters and their families from the Afghanistan border to a guesthouse in Pakistan.

Detainee: Lies.

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Designated Military Officer: The Detainee admitted to having killed Asadullah al-Sindi. Al-Sindi was Usama Bin Laden's commercial representative in Pakistan and a member of al Qaida. This action alienated the Detainee from many members of al Qaida.

Detainee: This is a lie and this matter happened [in] 1996. How come al Qaida didn't retaliate? Th[ese] are all lies. There is no basis to it, no facts; and I don't have really a lawsuit even in Pakistani government. Al Qaida members they lie and they will purge and most of them they really apologized to me in Camp V. He had ask[ed] me please...he had asked for my forgiveness because he had to do so. He had to say something like this because he was under pressure. You can go ahead and look for him and question him and I will give you his room number. He used to be detained next to me; ask [him] who forced [him] to forge witness against me and why did you retreat and why did you come back and ask for my forgiveness.

Presiding Officer: We understand, you say this did not happen?

Detainee: Thank you very much.

Designated Military Officer: Sometime in 1997, the Detainee was arrested by the Pakistani police for stealing a car with three Pakistani friends, all of who had been associated with al-Khilafa. For this crime, he served approximately one and a half years in prison, until his release and his expulsion from Pakistan in 1999.

Detainee: That's a lie, that's a lie and a lie. I was captured by the Pakistani because I did not have the legal papers. They accused me [of] belong[ing] to al-Khilafa. I was under probation in prison. When the time was over, I was dep[or]ted [out of] Pakistan. In [the] first place, they should [have] sen[t] me to my own country, but my wife sent a letter to the president. She begged them to find a solution for this situation and for me to be released. Pakistan never accused me of this allegation and they have never mentioned al-Sindi. Pakistan never mentioned these crimes, but when I was captured in Peshawar by orders from the FBI they mentioned this to me.

Presiding Officer: Thank you.

Designated Military Officer: After spending approximately one year in jail, the Detainee was deported to Afghanistan. The Detainee went to Jalalabad where he had a friend named Abdullah from Morocco, who the Detainee had fought with in the HIG. Abdullah subsequently introduced the Detainee to various people within the Taliban.

Detainee: When Pakistan sent me to.... I met this person at a mosque. The Morocco guy I met at the mosque and I got to know him there when Pakistan sent me... Since I had no legal papers of residency in Pakistan they kicked me out of the border eventually.

Presiding Officer: Into Afghanistan?

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Detainee: I never entered willingly to Afghanistan with my satisfaction. I was pushed to go there, and then I met this Morocco guy at the mosque. I was captured and with the handcuff[s] [on] all the way to the border, [un]til I got to the border. When I got to the border they released the cuffs and they took [off] the handcuffs and they said, "Go to Afghanistan and never come back." Then I entered Afghanistan. So I entered Afghanistan casually, because Afghanistan [didn't] have...they didn't have immigration laws and entries and so on. I entered casually, no legal papers, and I spoke Pashto. I entered the city and I got to know this Morocco guy at the mosque. I entered the mosque to pray and I met this guy. When I saw him, I remembered that I [had not] seen this guy [since] 1991. He introduced me to a lot of people with the Taliban and he told them, "this is a poor guy and he doesn't know anybody." He introduced me to a lot of people. They were nice to me. They were very hospitable, no force upon me. They gave me money; they gave me food, board. They offered me a job. They told me I should find me some way to live. They offered me to work. I was offered by the Taliban to work at al Jazeera station. The guy who works at the al Jazeera, he tested me to see [what] my capabilities in translation. He found me weak because I can translate but I can't translate right on the fly. I had no qualifications in that [aspect] and you need practice to do translation on the fly. I had no previous experience. He refused me and he told me that our office [couldn't] accept you. And then the Secretary of State took me and found me a job in the media and translation [department]. This is not a crime. I want to work. I want to seek a living, to provide for my family.

Presiding Officer: Thank you. Some of the next questions deal with the same stuff. It talks about your time with the Taliban, Foreign Minister and your time with al Jazeera.

Detainee: Thank you.

Designated Military Officer: The Taliban gave the Detainee room and board in Kabul for approximately four months. During this time, the Detainee received a job as a translator at the Taliban Foreign Ministry based on the personal recommendation of the Taliban Foreign Minister. The Detainee did not mind working for the Taliban as they listened to him and treated him with kindness and respect.

Detainee: I just told you about it now. Yes, that's true, the last statement. I did not care who I was working with because that's natural when you work with somebody and they're treating you nice. I have to be there. Plus I don't want to go back to Pakistan.

Presiding Officer: Thank you.

Designated Military Officer: From at least January 2002 through February 2003, the Detainee received financial assistance from al Qaida for living expenses such as food, rent, clothes, and so forth. The Detainee stated that Abu Sulayman al-Jaza'iri was responsible for providing money to the individuals and families in the Peshawar area in Pakistan, although he often relied on intermediaries, such as Abu Nasim and Muhammad Shah, to provide the money directly to families.

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Detainee: That's impossible. I was forced to say this.

Designated Military Officer: The Detainee stated Abu Nasim al Tunisi is a Tunisian who provided the Detainee with a monthly stipend of 7,000 Pakistani rupee after the Detainee had fled Afghanistan, and was living in Pakistan. Abu Nasim was a member of the Tunisian Fighting Group, and was acting as a money courier.

Detainee: I have no idea what you're talking about. I never said this.

Presiding Officer: I want to make sure I understand your answers. I'm not saying yes or no. I just want to make sure we understand.

Detainee: Thank you, but some of the allegations I was really forced to answer.

Presiding Officer: Thank you. I understand.

Designated Military Officer: The Secretary of State has designated the Tunisian Combat Group (TCG) as a Foreign Terrorist Organization (FTO). The TCG reportedly is seeking to establish an Islamic regime in Tunisia and targets United States and Western interests. The loosely organized TCG has come to be associated with al Qaida and other North African extremist networks that have been implicated in terrorist plots.

Detainee: I never stated this and I have no idea about this.

Designated Military Officer: The Detainee said that Abu Nasim al-Tunisi was in charge of a cell comprised of twelve families, including the Detainee's family. Abu Nasim had visited the Detainee's home many times and had the Detainee's phone number.

Detainee: This kind of talk I was forced to say this. I was forced.

Designated Military Officer: The Detainee attended the Satta Camp several times between 1986 and 1991. The camp was started when the Russians invaded Afghanistan and it provided general and specialized training in weapons, tactics, and special operations. Training at this camp was considered mandatory for fighters entering Afghanistan to fight the Russians.

Detainee: I don't know. I have no idea I was forced to say this here, in Bagram, and in Kabul.

Presiding Officer: Thank you.

Designated Military Officer: Training at Satta Camp consisted of anti-aircraft guns and small arms, such as the Kalashnikov, AK-47, Rocket Propelled Grenades (RPG) and the PK machine gun. The Detainee claimed that during the training he fired each of these weapons and then used them on the front line. While fighting on the front line in Afghanistan, the Detainee received training on the Stinger missile, but he never fired it.

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Detainee: Lies and I was forced to say this.

Presiding Officer: I understand.

Detainee: Thank you.

Designated Military Officer: Sometime in 1999, the Detainee and 15 to 20 other Algerian members of GIA received training at the al Qaida-sponsored Jaluzi Camp near Peshawar in preparation for returning to Algeria for jihad.

Detainee: Lies.

Designated Military Officer: The Detainee attended the Khalden Camp in Afghanistan for one month in preparation for returning to Algeria for jihad.

Detainee: It's all lies. Impossible. I was forced to say so.

Designated Military Officer: The Khalden Camp was an al Qaida training camp located near Kabul that was operated by Ibn Shaykh Al-Libi and Abu Zubaydah. Instruction at this camp included urban guerilla tactics, physical conditioning, and endurance.

Detainee: I don't know about this camp. I don't know its location and I never entered it.

Designated Military Officer: Abu Zubaydah is a senior member of al Qaida.

Detainee: I don't know him personally, but I heard about him on the news.

Designated Military Officer: In November 2002, the Detainee participated in a three-day improvised explosive devices training class, including the use of poisons in explosives, in Peshawar, Pakistan. The explosives expert teaching the course had been a member of the Egyptian Islamic Jihad.

Detainee: During [the] investigation I was forced to say all this talk not here in Guantanamo Bay [but] in Bagram and Kabul. All lies.

Designated Military Officer: In November 2002, during the three-day improvised explosive devices (IED) training course, the Detainee and other participants discussed several methods on how to attack United States forces at Bagram Air Base, Afghanistan. Methods discussed included poisoning the food while it was at the Karachi port and attaching IEDs to fuel trucks entering Bagram. In addition, they discussed using bombs to attack troops in Konar and Nangarhar Provinces.

Detainee: That's all lies again. I was force to say all of this when they were investigating me in Bagram and Kabul. It's under the psychological abuse and mental abuse I had to say all this and that is all lies.

Presiding Officer: Thank you.

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Designated Military Officer: In 1995, Muhammad Shah offered to sell uranium to the Detainee. Several months later, Shah offered the uranium to al Qaida, and then to the Iraqi Embassy in Pakistan. The Detainee believes the uranium was stolen from the Pakistani government. Shah showed photographs of the uranium to the Detainee.

Detainee: This is something I was forced to say. [These are] all lies. Especially here I was really forced here by the interrogator and investigator. I was forced to say all these things, and also in Kabul and Bagram. I was abused mentally and psychologically, by threatening to be raped. If you were in my place you would do the same thing. You would say anything to satisfy.

Designated Military Officer: Mohammad Shah, an Afghan al Qaida supporter who was positioned well within the Taliban, was living in Peshawar, Pakistan, as of 14 August 2002. Shah had been helping Abu Sulayman, an Algerian al Qaida member, to plan attacks on United States forces by attacking low flying aircraft inside Afghanistan around Khowst and Jalalabad.

Detainee: I don't know anything about this.

Designated Military Officer: In 2000, the Detainee was pressured by a long-time friend to provide lodging for Abu Mus'ab al-Zarqawi in Kabul. The Detainee's wife objected to Zarqawi staying with them, so the Detainee rented a house for him instead. The Detainee said he never personally met Zarqawi.

Detainee: All big lies, big, big lies and I was forced to say this and there's no need to add anything else.

Designated Military Officer: Abu Musa'ab al-Zarqawi is a Jordanian citizen with ties to al Qaida and other terrorist organizations and currently operates out of Iraq. He was provided the financial and material support for the assassination of a United States diplomat, participated in acts of terrorism, trained terrorists, led terrorist cells, and facilitated transport of terrorists. Zarqawi has arranged training for terrorists at al Qaida camps and eventually established his own terrorist cell and camps, which specialize in poisons.

Detainee: I have...personally I don't know about this. But whatever you're telling me it's all known on the media. All on the news and the media.

Designated Military Officer: The Detainee stated he met Khalid Sheikh Muhammad (KSM) two months before the fall of the Taliban government in Afghanistan. He recalled only seeing this individual twice in 1987 and then again for a one time event in 1990. He was not a close associate of this person and had limited contact.

Detainee: Lies, I never been asked about this before previously, but I was asked about this here in Guantanamo Bay and they forced me to say all of this. By force they [told]

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me just admit that you met him in 1987, but the other day I really have no recollection of that.

Presiding Officer: Thank you.

Designated Military Officer: An Egyptian suspected of connections to al Qaida stated the Detainee was a member of Hizbul Mujahedin.

Detainee: Never, that's impossible.

Designated Military Officer: The Secretary of State has designated the Hizb ul-Mujahedin (HM) as a Foreign Terrorist Organization (FTO). This organization was founded in 1989 and is the largest Kashmiri militant group, officially supporting the liberation of Kashmir and its accession to Pakistan or independence. The group is the militant wing of Pakistan's largest Islamic political party, the Jamaat-I-Islami. It reportedly operated in Afghanistan through the mid-1990s and trained alongside the Afghan HIG until the Taliban takeover.

Detainee: I have never been a member with this group and I don't know anything about it. I heard about it. That officially Pakistan acknowledges this group and it has their official office, that's what I heard. I never belong[ed] to it, never.

Designated Military Officer: The Detainee hosted Khalil Haqqani at his home during the winter of 2002-2003. Khalil is the brother of Jalaluddin Haqqani.

Detainee: That's a lie. I never met him and I don't know him, but I was forced to say so.

Presiding Officer: I understand.

Designated Military Officer: Jalaluddin Haqqani is the former Taliban Minister of Tribal Affairs and personal friend of Usama Bin Laden.

Detainee: I don't know this but by getting involved with other detainees. They said, "Yes, he was a brother of the Haqqani." But I don't know him. I never did. I know [of] him. I don't know his brother and I don't know he has any relation with Usama Bin Laden.

Designated Military Officer: On 18 November 2002, the Irish National Police arrested and questioned Libyan extremist and document forger Ibrahim Mohammed Mustafa (aka Abu Hafs). During a search of his home, officers seized 56 pages of handwritten notes including names and numbers in his personal telephone directory. Several names on this list may match the Detainee's name, his family members, and his friend Abu Yasir.

Detainee: Nobody had asked me during investigation about this and I have no idea about this person. I've never been questioned about this matter. Just recently, when I had the interview with you. I heard about this Abu Hafs.

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Designated Military Officer: During an Irish National Police raid of the Dublin residence of Libyan extremist Jamal Mohamed Octabesh in the late October 2003, officers seized 55 pages of documents, including lists of names and telephone numbers. Several names on this list may match the Detainee's name, his father, and his cousin.

Detainee: It's never been discussed during investigation and I have no idea about this.

Presiding Officer: Okay. Thank you.

Detainee: Thank you.

Designated Military Officer: The Detainee believes he has been imprisoned unjustly and he hopes bad things will happen to America.

Detainee: That's impossible. I never said this. Yes, I am unjustly here but I never said anything about bad things happen to America. Thank you very much.

Designated Military Officer: Pakistani police came to the Detainee's father-in-law's home on numerous occasions because the Detainee and his two Pakistani companions were causing disturbances and threatening villagers. On one occasion, the father-in-law refused to allow the Detainee's disruptive friends back into his home. He confronted the Detainee who went for a gun. The father-in-law was also armed and shot the Detainee in the chest. The Detainee was treated at a Pakistani hospital after this incident, and then arrested while still at the hospital for previously stealing a car.

Detainee: You could verify this through Pakistani authorities or by telex and then they will give you the answer for this. As far as the shooting, I was playing with [a] gun and I shot myself, my father-in-law [did not] shoot me. Well, I have to be frank. Yeah, there was some anonymous...there were some problems between him, and me but the authorities...Pakistani they know that. It's a domestic affairs and I have admitted to the Pakistani authorities that I was playing with my gun and I shot myself. As far as a car, car theft or anything like that. I heard about this matter here, just now. This is the first time I hear that I entered the prison because I stole a car. You can verify that by calling the Pakistani authorities, the capitol of Pakistan, and they will let you know everything and how I was shot.

Presiding Officer: Are you better now?

Detainee: Yes, I am fine thank god.

Designated Military Officer: The Detainee denies having a police record in Pakistan, and claims local villagers were lying because they did not like Arabs.

Detainee: *Detainee laughs.* Pakistani authority has nothing to do with this allegation, but if you want to verify it you could. You can always verify it. There is no need to discuss this.

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Presiding Officer: We understand.

Detainee: I have a very, very clean record in Pakistan and nobody sued me I have no record what so ever, but my entry to prison it was due to the fact that I didn't have legal papers. I don't want to get into a lot of details, but I...there are some groups that initiate these actions to make the Pakistani authorities against me, but I really don't want to go into details.

Presiding Officer: We understand. The government has not but other individuals have made accusations.

Detainee: I thank you very much, but I don't want to take much of your time. I would like to mention one thing. I really would like you to do a background check on me in Pakistan. You will see what Pakistan think[s] of me.

Presiding Officer: We will pursue all information.

Detainee: I would like to also say Pakistan authority unjustly treated me. After I was shot they took me to the investigation office and I was treated very badly. [Even] now I am suffering from pain.

Presiding Officer: Thank you. I will ask you more questions.

Designated Military Officer: The Detainee said that he never swore bayat to Usama Bin Laden.

Detainee: Impossible.

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 unclassified information, Exhibits EC -1 through EC - 4, to the Administrative Review Board.

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

The Detainee made the following statement:

Detainee: I deny all the allegations that have been directed at me. I consider them to be additional and forced upon me by the interrogator, Paul. Who destroyed me [with] the

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excessive use of poisons, in drinks and especially nasal congestion medicine, which made my nose bleed. Regarding my manners they are good with the MPs and the administration and you can verify that with the administration and ask them about it. I intend to start a happy life for myself in terms of learning and education and this will not happen except for a western country that will accept me as a refugee and help me in the matter of survival, stability and safety. I also intend to gather the members of my family that are dispersed all over the world. And this will not happen until after a period of time. As well as other things that I do not wish to mention right now. I do not pose a threat neither to America nor to its allies. Not even to an animal that does not speak and does not have a brain. This is all I have, god bless you.

Presiding Officer: Thank you very much. Thank you for the pictures of your children. These are your children, correct? Does this conclude your statement?

Detainee: This is an abbreviation I gave you, sir.

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: How old were you when you first went to Afghanistan?

Detainee: Eleven years old.

Board Member: What kind of profession [did] you say your father was in?

Detainee: School director in Peshawar. Principal

Board Member: What kind of work did he do after he got to Afghanistan?

Detainee: I never [saw] my dad in Afghanistan. I have not seen my father since 1988.

Board Member: Who did you live with in Afghanistan?

Presiding Officer: When you were eleven...when you were very young?

Detainee: I lived with a Afghan citizens. I lived with the Afghans.

Presiding Officer: Where specifically, whose house?

Detainee: I live in a village in Jalalabad. I lived with some Afghani friends in their homes.

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Board Member: Did you ever go to Afghanistan to fight?

Detainee: No, sir.

Board Member: Did you know about the war that was going on?

Detainee: No, I had no idea.

Board Member: Did you ever have any kind of military training?

Detainee: No, sir.

Presiding Officer: Did you have any kind of weapons training at all?

Detainee: I only know how to use two pistols, but I have [had] no weapons training.

Board Member: What kind of weapon was it that you shot yourself with?

Detainee: It's called number 30. It's made by [the] Russians.

Presiding Officer: Is it a pistol?

Detainee: Yes, it is a pistol.

Board Member: Do you know a man named Asadullah al-Sindi?

Detainee: I've heard of him. I don't know. I've never seen him.

Board Member: Do you speak English?

Detainee: I wish.

Board Member: Just a little bit?

Detainee: Due to the excessive investigation I learned a little bit, but I don't speak it normally.

Board Member: I have about five questions for you. How old are you now?

Detainee: I was born in 1975, the month of six, June. The 26 of June, it was on Monday at 1:30 in the afternoon.

Board Member: You said that you would like to go back to your home country? What is your home country?

Detainee: Algeria. I haven't seen Algeria in 21 years.

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Presiding Officer: That's why we asked; you have lived everywhere but Algeria.

Board Member: And you were born in Algeria?

Detainee: Yes.

Board Member: You said that you had family all over the world. Where are they?

Detainee: Not all over the world, some countries in the world.

Board Member: When I went through all this information. It looks like you were, according to this information...you were very busy in 1999?

Detainee: Could you please explain to me how?

Board Member: I will. It says that you were expelled from Pakistan in 1999?

Detainee: 2000.

Board Member: That was 2000. Were you in prison in Pakistan in 1999?

Detainee: Yes.

Board Member: So, if you were in prison in Pakistan in 1999, did you also attend a training camp in Pakistan in 1999?

Translator requests the question to be repeated.

Board Member: Were you in prison in 1999?

Detainee: Yes.

Board Member: Did you also attend training in Pakistan in 1999?

Detainee: No, I didn't.

Board Member: Thank you.

Detainee: I really thank you all.

Presiding Officer: I have more [questions]. Thank you very much for all your answers today. There's [so] much information. Thank you for your patience. How many children do you have, five?

Detainee: Now, I have four children, but I lost one. It would have been five.

Presiding Officer: Is [that] one [in] of these pictures?

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Detainee: No. It's not in [the picture].

Presiding Officer: Three girls and one boy?

Detainee: Yes, sir. I haven't seen the last one, which is the boy, because he was born after I was captured.

Presiding Officer: What kind of work will you do, if you go back home?

Detainee: I need to study. I want to study.

Presiding Officer: You want to back to school?

Detainee: Yes, sir.

Presiding Officer: What would you like to study for a profession?

Detainee: After I finish my college, I will decide, right now I can't tell you.

Presiding Officer: It's very unfortunate, there's so much information, so many times, [and] different people have mentioned your name, why do you think that is?

Detainee: Do you mean the detainees?

Presiding Officer: Your name has been with so many different groups and have been mentioned so many times?

Detainee: I don't understand the question. What is the point of the question?

Presiding Officer: The point is...I was just wondering if you knew why your name appears with so many different groups and so many different individuals seem to know your name. Are you a man, who would be known by many people outside of these fighting groups?

Detainee: What do you mean is it mentioned that I am a bad man, a good man?

Presiding Officer: What I mean is many people seem to know your name, is there a reason they may know your name other than doing bad things?

Detainee: Some people are very well known in this world, without the individual know[ing] about it.

Presiding Officer: Okay. Thank you. Your behavior in camp is very important, by the fact that you're wearing white, I know that your behavior has been very good. That is very important.

Detainee: Thank you.

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Presiding Officer: Thank you very much for your patience and your answers today to all these questions today. It's very helpful to us.

Detainee: I thank you. I thank all of you here.

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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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT—ENEMY COMBATANT WRITTEN STATEMENT**

ISN 10003

Exhibit#	Date	Classification	Guantanamo#
EC-C1	12/16/2005	UNCLASSIFIED	NONE

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In the beginning, I thank the members of this esteemed board, headed by the esteemed presiding board officer, for giving me the opportunity to express my opinion, and if this indicates anything, it is an indication of some form of justice and freedom that you live by, in your country, and also that we, as Arabs, benefited from, and that provides others to express their opinions with absolute freedom. I would also like to wish the members of the board success and prosperity in their work.

Thereafter:

As you know, I spoke at the first board about everything in regards to the allegations that were presented, and I have defended myself as much as I possibly could, with the testimonies of four witnesses. Also, my lawyer whom I have appointed presented a document to the members of the esteemed court, which pertained to my case, which states that I am an employee and bear the responsibility of my wife and my children and I do not pose a threat to anybody. I hope that this document ended up in your possession.

Nevertheless, I want, through this statement, to familiarize you with my life, and based upon my statement, I want for you to evaluate my case and my situation: Am I a bad person or not? Do I pose a threat or not?

So I say:

My name is Nechle Mohammad, I was born in Algeria, and my birth date is April 2nd, 1968. I am married to a kind hearted woman who loves me and whom I love. I am a father to two children who are just like two roses. I have not seen them for four years. I have missed them badly, as every father would miss his children.

As you know I departed Algeria, headed to Pakistan, in the year 1990 A.D, to seek work with charity organizations because the economic circumstances in Algeria were very bad. I also wanted to support my family, and my father, who was ill. I worked at the (AL-TA'MIR) organization in Pakistan at the office of administration. After that I traveled to The Philippines to work as a teacher for the Arabic language. After that I headed to Albania and worked at the Bin Hamoodah Center, which is affiliated with the United Arab Emirates Red Crescent Agency, and then I was transferred from the Albania office to the Bosnia and Herzegovina office to work with orphans. My duty was entirely charitable, to help people and educate them to do good deeds.

I also worked at the Bosnia and Herzegovina office in the city of Bihac as a supervisor and a caretaker of orphans for five years. As you also know, Bosnia and Herzegovina were in a constant war that lasted for five years, innocents were killed from both sides, and after that, the Europeans and the Americans got involved in solving this predicament which resulted in the loss of thousands of souls, so the famous (Dayton) agreement was convened, which stopped the war and which the Americans had a big role in executing. Then, after the war ended, as you know, it resulted in thousands of orphans and widows, so the international organizations and charities started to provide the necessary aid for

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those people, among these organizations there was the United Emirates Red Crescent organization, which provided a helping hand to those in need.

I was transferred from the Albania office that I used to work in to Bosnia in the year 1997 A.D, in the month of April, and that was three years after the end of the war. This transfer was conducted with the approval of the main office in the United Arab Emirates. As you also know, the Emirates are allied with America, and the Red Crescent is a governmental organizations affiliated with the Emirates.

I started my work with the orphans, and I used to provide them with compassion and I loved them very much. I tried to compensate them with the compassion of the father and mother. I would wipe their tears, visit their homes to deliver clothes for Eid (holiday), I would give them school bags so they could go to school and provide them with mattresses along with the warm blankets, I would give them the food and drinks and all what they needed. My only concern was to bestow happiness upon them and their mother's hearts.

I have been raised and disciplined to have good manners and good behavior. I lived in Bosnia as a respected citizen, respected in my words and respected in my appearance. I spent most of my time taking care of my own family and then taking care of those orphans whose number amounts to about 500 hundred orphans, their ages between 3 years and 12 years of age, among them Muslims and Christians, and thinking how I could bring happiness into their lives.

I lived in Bosnia and Herzegovina for 5 years continuously and the American forces lived in Bosnia as well, as did other forces from several nations. These forces had never been exposed to any assault or inconvenience from anybody and never will be. At the Red Crescent, we used to coordinate with some of these forces in distributing some aid among the needy orphans to several distant places. Our relationship with them was a good one, because these forces had come to spread peace in Bosnia, and yet if these forces leave the country it will be exposed to a second war.

So I swear to you that I am a person who does not pose a threat to you or to your allies, not even in the future, because I do not hold hatred towards anybody at all. I have raised my children to love people and wish them the best. I swear to you that I am not a terrorist for how could terrorism gather in a heart that sympathized with orphans.

Should you want a testimony, ask about me those orphans that I loved severely. Ask them one by one and tell them, what do you know about this person who used to guide you and take care of you?

Should you want a second testimony, ask about me the people of the city of Bihac. Tell them, what do you know about this person who used to live among you?

Should you want a third testimony, request a certificate of good conduct and reputation from our headquarters in Abu Dhabi, who hired me and knew me very well.

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Should you want a fourth testimony, ask about me the investigators, for I have been honest and cooperative with them for the last 3 years.

Should you want a fifth testimony, ask about me the soldiers and the superiors in Guantanamo prison, about how my manners were in dealing with them for the past 4 years.

Should you want a sixth testimony, this white gown that I am wearing, if I was bad, I would not be qualified to wear it.

Should you want a seventh testimony, ask about me the Bosnian government. The Bosnian parliament voted in its vast majority for negotiating with the Americans to retrieve us to Bosnia to live there as a good citizens.

Finally, I implore your esteemed board, which is headed by the court president, to perceive my case with a heart filled with freedom and justice. My conscience is clear, because I am innocent of any accusation presented against me and I am a person who takes responsibility for my family, because if I left this place my only concern would be bread on the table for my wife and children, because I lost my job when I came to this place.

I am a person who would like to live freely and help the needy and the orphans because that is my mission in life, and I swear to you one more time that I do not pose a threat to anybody at all. Thank you.


Mohammad Al Nechle

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في البداية أفكر أعضاء المحكمة الموقرة وعلى رأسهم رئيس المحكمة
المحترم على أن أتاحوا لي الفرصة للتعبير عن رأيي، وهذا إن ذل
على شيء وإنما يدل على العدالة والمروية التي تعيشتونها في بلدكم والتي
استفدنا منها نحن العرب والتي تضمن الرأي الآخذ للتعبير عن رأيه
بكل حرية كما أتمنى لأعضاء المحكمة النجاح والموفق في أعمالهم
أما بعد:

وكما تعلمون أنني تكلمت في المحكمة الأولى عن كل شيء والتفقت التي
وجهت لي وقد دافعت عن نفسي بما فيه الكفاية، ومستعينة بأربعة
من الشهود، وقد قام المحامي الذي وكلته بتقديم بيان لأعضاء
المحكمة المحترمة بما يخص قضيتي، والذي يقول فيه أنني كمت
موظف، أنتحمل مسؤولية زوجتي وأولادي ولا أتمثل خطر على
أحد، وأتمنى أن يكون قد وصل إليكم هذا البيان، إلا أنني أريد
من خلال هذا التقرير التبرير عن حياتي ومنحلاله تقوون من نفسي
وخالتي هل أنا إنسان نفسي أم لا؟ وهل أتمثل خطراً أم لا؟



Detainee's Signature

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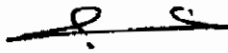
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فأقول :

واسمى خنثله محمد بن مواليد الجزائر بتاريخ 2. أفريل - 1968 ،
 أنها تزوج بامرأة طيبة القلب نجيد وأجيبا ، وأثارت لولدين جنس
 الوردتين لم أرتهم منذ أربع سنوات ، وقد إشتقت إليهم كثيرا
 كما إشتاد كل أب لإبنه .
 وكما تعلمون أنت غادرت الجزائر متحفا الي بالمتان سنة 1990م
 للفت عن عمل في المعجات الخيرية لاذ صروف الإقتصادنة
 للجزائر كانت سيئة جدا . وكذالك أردت أن أمتاع عائلتي
 ووالدي الذي كان مريضا وعملت بصحبة التقيين في بالمتان
 بإدارة لانا به بالمكتب وبعد هذا متفرقت الي القليين للعمل
 كما أننا في اللغة العربية وبعد هذا التجهت الي ألبانيا
 وعملت في مركز من حمود و التايح لجمعية العادل الأحمر
 الإخادتي وبعدة تحولت من مكتب ألبانيا الي مكتب البوسنة
 والهرسك للعمل مع الأيتام وكان عملي كله اعانة أمتاع
 الناس و أطلبهم الخير .
 وقد عملت في مكتب البوسنة والهرسك بمدينة بيجانيس بوظيفة
 مسؤول و حروب أيتام لمدة خمس سنوات .
 وكما تعلمون أيضا أن البوسنة والهرسك كانت في حوب دامية دامت
 خمس سنوات فقبل خيما الأبرياء جنبا كلتي الطرفين ، وبعد هذا


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تدخل الأوروبيون والأمريكان في حل هذه الأزمة التي حدثت
أرواح آلاف الناس، فتم عقد اتفاقية (دايتن) المشهور الذي
أوقف الحرب، والذى كان الأمريكان لهم الدور الكبير في تنفيذها،
ثم بعد نهاية الحرب كما تعلمون فقد خلفت الآلاف من الأيتام والأرامل
في أدنى الهيئات العالمية والإغاثية لتقديم المساعدات
اللازمة لهؤلاء الناس، وكان من بين هذه الهيئات جمعية
الغلال الأحمر الإماراتي التي قدمت يد العون لهؤلاء المحتاجين،
فجاءت أنا من مكتب ألمانيا الذي كنت أعمل فيه إلى يومنا
هذه 1997م في شهر أبريل، وهذا بعد نهاية الحرب بثلاث سنوات
وتم هذا القبول بموافقة المكتب الرئيسي في الإمارات العربية المتحدة
وكانت تعلمون بأن الإمارات دولة خليفة لأمرجيا، والغلال الأحمر
جمعية حكومية تابعة للدولة،
فقد بدأت بتوفير حاج الأيتام فكانت أعرف عليهم وأجسم حثا
شديدا، وكنت أحاول أن أعرفهم عنان الأيتام والأرامل وكنت أمسح
عنهم الدموع، وأزورهم في بيوتهم حتى أعطيهم لباس العيد
وأعطيهم الحقبة المدرسية حتى ينذهبوا إلى المدرسة، وأعطيهم الفرائش
والساكنات الدافئة، وأعطيهم الطعام والمشايخ، وكل ما يحتاجونه
وكان قصص الرحمة وإدخال السرور عليهم وعلى قلوب أمهاتهم


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ولقد تربيته على الأخلاق الحسنة والمعاملة الجيدة، فكانت أعيان
في المؤسسة كتنشئة محترمة، مُعَدِّمٌ في كلاس، وليامس، ولقد
تُحَضَّرُ دَقِيَّ الإِهْتِمَاءِ بِعَائِلَتِهِ تَمَّ الإِهْتِمَاءُ بِعَاقِبَةُ الإِهْتِمَاءِ
الَّذِي يَبْلُغُ عَدَدَهُمْ 500 بِنْتًا، أُنْمَارَهُمْ قَائِمِينَ فِي مَنَوَاتٍ وَ
12 حِنَّةً بِمَا فِيهِمُ الْمُسْلِمِينَ وَالْمَسِيحِيِّينَ وَكَيْفَ أُسَدُّهُمْ فِي حَتَائِقِهِمْ
وَلَقَدْ عَشْتُ فِي الْبُؤْسَةِ وَالرَّهْمَاتِ فِي مَسَدَاتٍ مُنْتَابِلَاتٍ، وَلَقَدْ
كَانَتْ الْقُوَاتُ الْأَمْرِيكِيَّةُ تَعِيَشُ فِي الْبُؤْسَةِ كَذَلِكَ، وَالْقُوَاتُ الْمُتَعَدِّدَةُ
الْجَنَسِيَّاتِ، وَلَمْ تَتَرَضَّ هَذِهِ الْقُوَاتُ إِلَى أَيِّ إِمَامَةٍ أَوْ مُضَائِقَةٍ
مِنْ أَحَدٍ وَلَنْ تَتَرَضَّ أَبَدًا، بَلْ كُنَّا فَنَدُّ فِي الْعِلَالِ الْأَحْمَرِ فَتَسَلَّقُ نَحْ
بَعْضُ هَذِهِ الْقُوَاتِ فِي تَوَزِيحٍ بَعْضُ الْمَسَاعِدَاتِ عَلَى الْإِهْتِمَاءِ لِلْمُحْتَاجِينَ
فِي بَعْضِ الْإِمَّاكُنِ الْبَعِيدَةِ، وَكَانَتْ عَلَاقَتُنَا عِلَاقَةٌ صَيِّبَةً تَحْمِلُهَا
جَاءَتْ لِنُنْشِرَ الْمَسْلَامَ فِي الْبُؤْسَةِ بَلْ إِنْ خَرُجَ هَذِهِ الْقُوَاتُ تَتَعَرَّضُ
الْبِلَادُ فِي حَرْبٍ ثَانِيَةٍ.
فَأَقْبَلْتُ لَكُمْ أَنَّهُ مُخَصَّنٌ لَا أُحْمِلُ خَطَرًا عَلَيْكُمْ وَلَا عَلَى حُطَايَاكُمْ وَلَا حَيَاتِكُمْ
فِي الْمُسْتَقْبَلِ لِأَنَّهُ لَا أُحْمِلُ كَرْهًا عَلَى أَحَدٍ أَبَدًا، وَقَدْ رَبَيْتُ أَوْلَادِي
عَلَى حُبِّ النَّاسِ وَحُبِّ الْخَيْرِ لَهُمْ.
دَأْبْتُمْ لَكُمْ أَنْفُسًا لَيْسَتْ إِنْسَانِيًّا أَرْهَابِيًّا وَكَيْفَ يَجْتَمِعُ الْإِرْهَابُ فِي
قَلْبِ عَدُوٍّ عَلَى الْإِهْتِمَاءِ.

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- إذا أردتم شهادة فاسألوا عن حاولاء الأيتام الذين كتبنا أوصيتهم حيا مدينا
باسمهم وادنا واجدا وقولوا لهم ماذا تعرفون عن هذا الإنسان الذي
كان بركم ويعتني بكم.

- وإذا أردتم شهادة ثانية فاسألوا عن أهل مدينة بيهارتس قولوا لهم
ما تعرفون عن هذا الإنسان الذي كان يعيش بينكم.

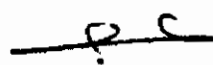
- وإذا أردتم شهادة ثالثة أطلبوا شهادة حسن السلوك والسيرة من
مكتبنا الرئيسي في أوكلاهوما الذين وافقوا عندهم وهم يعرفونني جيدا.

- وإذا أردتم شهادة رابعة فاسألوا عن المبرقين، فلقد كنا متعاوننا معهم
صادقا عنهم منذ ثلاث سنوات.

- وإذا أردتم شهادة خامسة فاسألوا عن القضاة والمسؤولين في سجون
كوانتاليمو وكيف كانت أخلاقهم منذ أربع سنوات.

- وإذا أردتم شهادة سادسة هذا اللباس الأبيض الذي ألبسه
و لو كنت تسيئا لم ألبسه.

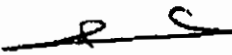
- وإذا أردتم شهادة سابعة فاسألوا عن حكومة الومنة، فلقد صوتت
البرلمان الومسوي خالا عليها المناقشة على التفاوض مع الأمريكان
لإسترجاعنا إلى الومنة والعيش فيها كوطنيين صالحين.


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وأخيرا أرجوا من ترحمكم المحترم وعلى رأسهم رئيس المحكمة
أنا أخذوا قضيتي بقلب تملوه بالحرية والعدالة وضميري
مطمئن لأنني برئت من أية تهمة وجهت لي، وأنا إنسان
أتحمل مسؤولية عائلتي لأنني إذا خرجت من هذا المكان
فسبوك نهي الوحيد لفتنة العيش لزوجي وأولادي، لأنني
تقدت وظيقتي عندما جئت إلى هذا المكان.
وأنا إنسان أريد أن أعيش كذا وأساعد المحتاجين
والإيتام لأن هذه مهمة الحياة. فأقسم لكم مرة ثانية
أن لا أمثل خطرتك أحد أبدا.



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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 10006

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	19/12/2005	UNCLASSIFIED	NONE

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Enclosure (4)
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19 Dec. 05

From: Al Hajj, Boudella

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Al Hajj, Boudella, ISN #10006, on 19 Dec 05

To the respectful Officers on the Administrative Review Board Via the Assisting Officer

Peace and Greetings:

I thank you for giving me this valuable chance of presenting my case to the ABR. If this indicates anything, it tells me something about your cooperation and help to me.

The following is a statement about my life:

I was raised to love life and people and to cooperate with them, help them, and extend a hand to them. I was never violent with anyone. On the contrary, I hate violence and terrorism very much.

I am responsible for a family of seven children and was very keen to bring them up in the best way built on love, co-existence and cooperation with all the people and to offer good deeds to them with no exception. I also encouraged them to hate violence and terror anywhere in the world, because we have tasted first-hand the nasty taste of war in our country, Bosnia. That was my goal in life – to see them good and Samaritan people when they grew up.

I used to have Christian neighbors in Bosnia, whom I co-existed with in a manner that was full of love, help and cooperation. I used to offer them gifts and congratulate them during their holidays and occasions. They used to do the same. I believe in co-existence between Muslims and people of all other beliefs.

I worked in humanitarian and charity fields back in my home, Bosnia and Herzegovina. I helped needy people and orphans who lost their families during the war. I tried to be a substitute father to give them back some of what they lost and to make their lives easier, helping them overcome the difficulties of life and making sure that they will be good people in the community.

The Supreme Court in Bosnia ruled that I am innocent in 2002 and ruled to drop all the charges that were brought against me. Also, the Bosnian parliament ruled with a majority of votes that I can go back to Bosnia. The Bosnian government is making efforts to obtain my release and bring me back to Bosnia. All of this proves that I do not have any links to violence and terrorism.

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I do not pose any danger on anyone, and I do not pose any danger to any country in the world. I have never been and will never be a danger to the United States of America or any of its citizens.

I am a good citizen who aims to build his country, Bosnia, which recently came out of a war with the help of the United States of America, and we thank the U.S. for this great and beneficial position.

When I am freed from this place, I will be a model and a good citizen, as I was before. I will try to establish a small business to feed my family and also try to finish my higher education.

I have an American lawyer,* who provided you with a written submission on my behalf.

I hope you accept this statement and give it you consideration. I trust your fairness and your justice.

Finally, please accept my best regards. I do thank you for thanking the time to read this statement.

Thank you

Al Hadj Boudella

ISN # 10006

*Stephen Oleskey of Wilmer Cutler Pickering Hale and Dorr LLP

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Statement to Administrative Review Board from Al Hadj Boudella -- ISN# 10006

Date: ___/___/2005

To The Respectful Officers on the Administrative Review Board
Via the Assisting Officer

Peace and Greetings:

I thank you for giving me this valuable chance of presenting my case to the ARB. If this indicates anything, it tells me something about your cooperation and help to me.

The following is a statement about my life:

I was raised to love life and people and to cooperate with them, help them, and extend a hand to them. I was never violent with anyone. On the contrary, I hate violence and terrorism very much.

I am responsible for a family of seven children and was very keen to bring them up in the best way built on love, co-existence and cooperation with all the people and to offer good deeds to them with no exception. I also encouraged them to hate violence and terror anywhere in the world, because we have tasted first-hand the nasty taste of war in our country, Bosnia. That was my goal in life -- to see them good and Samaritan people when they grew up.

I used to have Christian neighbors in Bosnia, whom I co-existed with in a manner that was full of love, help and cooperation. I used to offer them gifts and congratulate them during their holidays and occasions. They used to do the same. I believe in co-existence between Muslims and people of all other beliefs.

I worked in humanitarian and charity fields back in my home, Bosnia and Herzegovina. I helped needy people and orphans who lost their families during the war. I tried to be a substitute father to give them back some of what they lost and to make their lives easier, helping them overcome the difficulties of life and making sure that they will be good people in the community.

The Supreme Court in Bosnia ruled that I am innocent in 2002 and ruled to drop all the charges that were brought against me. Also, the Bosnian parliament ruled with a majority of votes that I can go back to Bosnia. The Bosnian government is making efforts to obtain my release and bring me back to Bosnia. All of this proves that I do not have any links to violence and terrorism.

I do not pose any danger on anyone, and I do not pose any danger to any country in the world. I have never been and will never be a danger to the United States of America or any of its citizens.

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I am a good citizen who aims to build his country, Bosnia, which recently came out of a war with the help of the United States of America, and we thank the U.S. for this great and beneficial position.

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Thank you.

Al Hadj Boudella

ISN # 10006

* Stephen Oleskey of Wilmer Cutler Pickering Hale and Dorr LLP

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