

Summary of Administrative Review Board Proceedings for ISN 976

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath.

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

The Assisting Military Officer presented the 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 15 June 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee initially declined but later changed his mind, stating he would attend the ARB and that he did not want the AMO to present a written statement on his behalf. The detainee was cooperative and attentive during the interview. A copy of both the English and Pashtu translated Unclassified Summary of Evidence were provided to the detainee, who accepted the Pashtu version.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-X, other unclass information) to the Administrative Review Board.

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

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

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

Designated Military Officer: (3.a.1) The detainee became more interested in learning about Islam after attending meetings with the Jamat Tabligh Group at the Takhatabika Mosque in Khowst, Afghanistan. He eventually began going on 40-day outings to Jamat Tabligh Centers and ultimately went on a four month outing to the Riwind Center of Tabligh in Lahore, Pakistan. The Riwind Center is the headquarters of the Jamat Tabligh.

Detainee: *(through translator)* When I joined the missionary I was trying to learn the Islamic rules and regulations, how to pray and how to wash yourself, how to eat the whole procedure of Islam. Before that I did not know how to do things, because of the religion. Even when I got through with the missionary or Tabligh I still could not pray or do things right. Is learning a religion a crime? If this is a crime to learn our religion, then you do not have a war with the Taliban or Al Qaida, you have a war with Islam. When I went to the missionary in Tabligh all I wanted to do is learn my religion. I wanted to learn how to read the Koran and learn how to wash before praying, this is what I wanted to learn. Is that a crime?

Designated Military Officer: (3.a.2) Jamat Tabligh is a Pakistan based Islamic missionary organization used as a cover to mask travel and activities of terrorists, including members of al Qaida.

Detainee: *(through translator)* The center of Tabligh is in Pakistan. As far as I know they don't have any connection with terrorism. I spent four months with them and I have not heard any word from them if they have other connections with other groups. If you have any information about that place, which is a very famous place, why do you not shut that down? Why do you not arrest them? It is a very famous place. You can get all the information in one day over there; it is not a secret place. Why don't you go there and obtain information and if you find something wrong then capture them. I am not going to defend them. I have not seen any terrorist activities, but if you think you have seen it then why don't you go and get them.

Designated Military Officer: (3.a.3) The detainee conducted Islamic Tablighian teachings five years ago in the Yaqubi District of Khowst, Afghanistan.

Detainee: *(through translator)* This word is not correct, it is wrong. I told them in my previous statements I went for three days in the Yaqubi area and I was not teaching, I was learning. I have not learned anything so how can I teach. I told them myself that I was learning and they just wrote it down that I was teaching. This is a bad experience, when someone tells you one thing and they write down another thing.

Designated Military Officer: (3.b) The detainee was taught to shoot the Kalashnikov rifle by his brother.

Detainee: *(through translator)* This is a lie. My brother does not know how to use the machine rifle so how can he teach me to use the rifle, how can he teach me?

Designated Military Officer: (3.c) At the time of capture the detainee was traveling with a known al Qaida bomb maker who the detainee had known for five years.

Detainee: *(through translator)* I was trying to go to Pakistan to bring back merchandise. When I reached Meeramshah and was waiting at the bus station and then I got on the bus at Meeramshah. When I went inside the bus, Karim was already on the bus. He was there after I got on the bus. I didn't know him. Five years before I got captured I went to Yaqubi for the Tabligh or missionary he was there too. Five years ago, we spent three days with him in Tabligh; then he went his way and I went my way. After that I have not seen him or had any connection or association with him. When we accidentally seen each other in the bazaar he went his way and I went my way. This is a custom in our country that when we see somebody that we have not seen in a while and we see them again we just wave. Is that a crime? I did not know him better than that. I do not know him anymore. That was a coincidence that we sat beside each other or that we where on the same bus. I did not want to go with this guy but this is kind of like the mighty god put us together; his power put us on the same bus. The last time I had seen this man was the time of missionary or Tabligh. He told me he was a shop keeper. The time we were together in Tabligh he told me he was a shopkeeper and I know him as a Tabligh and a shop keeper. That is all I know. I am not aware of what he is doing if he is making bombs or who he is. I have not seen him and I am not aware. If you do not believe me or you think that you know me, he is detained here where you can ask him yourself. He is detained here with you. The time of interrogation they asked me how I know him. I know him as a Tabligh and as a shopkeeper. I do not have any further information about this man.

Designated Military Officer: (4.a) At the time of capture the detainee was going to purchase 25 pairs of tires and 20 large batteries. He was captured with \$2,700 United States Dollars and a satellite phone.

Detainee: *(through translator)* Yes this is true. I was buying tires with this money and the telephone was not working properly and I was trying to fix it. I was taking it to a place to fix it.

Designated Military Officer: (4.b) The detainee stated he and his brother used the satellite phone for the tire and battery business.

Detainee: *(through translator)* Yes, because in Khowst Province there is no electronic small phone, so everyone was using satellite phones. I had received a letter and everyone has small mobile telephones now.

Designated Military Officer: (4.c) The detainee stated he passed the satellite telephone to the person he was traveling with because the detainee believed the Pakistani police would ask for a fine if they saw the satellite telephone and he did not want to pay any fines.

Detainee: *(through translator)* Yes, this is true. When the Pakistanis see any Afgans try to find any excuse to just get money from them. To take something from them. In Pakistan there is a lot of corruption and they take pride. So, that is why I knew if they saw the telephone with me then they would make me give them some money. I didn't want to give them any money. So when I was giving the other guy the other person the telephone they saw it.

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.

Assisting Military Officer stated that the detainee's comments were already provided in response to the information in the unclassified summary of evidence.

Detainee: *(through translator)* Do you have any questions for me?

Assisting Military Officer: After the responses to the items in the unclassified summary of evidence there are four statements that the detainee made that I would like to read on the record. The detainee was asked if he had any questions or would like to make any statements. The detainee made the following statements:

- This is oppression, being detained for such things as are in the Unclassified Summary of Evidence.
- I have told my story many times.

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- I provided 10 names of witnesses at the CSRT and my village name, and I would accept a guilty verdict if any of them say I am guilty.

The Assisting Military Officer had the following questions:

The Assisting Military Officer: What would be your plans or goals for the future if you were released?

Detainee: *(through translator)* If I get released I have children, a wife and a mother and father and I will go to live with them. I also want to conduct our goal with my business and provide for my family to include my father and mother. I want to have a suitable and comfortable life.

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

Administrative Review Board Member's questions:

Board Member: When you were on the bus and you saw Karim, did you sit next to him and have a discussion with him?

Detainee: *(through translator)* When they kept calling Banoo, another city. When I climbed the bus he was sitting in the front and the other seats were full so I sat in the number four seat.

Board Member: How many seats away from Karim were you?

Detainee: *(through translator)* Almost four rows.

Board Member: You referenced the satellite phone that you were going to have it get worked on. Whose name was the phone in and how was it paid for?

Detainee: *(through translator)* The telephone was working, but the front glass of the telephone was cracked. It was in my name. It was a used phone I bought for 35,000 kaldarr. It was not brand new phone, it was a used phone.

Board Member: You referenced the purchase of tires and batteries. You said you were buying tires and batteries. How much at that time would you have paid for the tires and the batteries and how many were you planning on buying?

Detainee: *(through translator)* When we pay for the merchandise, if I need tires and we do not have anything to sell we write down the name of the missing item, such as if there are no tires to buy and then we leave. Tires and batteries, which are needed a lot in the country then we will bring more of those items. If those items are not needed as much, then we will not bring a lot of them. At the time I was going, I already had a list of what kind of tires and batteries I needed. There are different sizes of tires, small and big tires and different sizes of batteries, small and big batteries. There are some batteries at 800

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and other batteries for 1,500. Some of them are in two tires, 2,800. In Pakistan, prices vary. If the prices are different then we will bring the tractor tire; the front tire of tractors are cheaper than the back tires. The tires on the trailer of the tractor are easier and cheaper. The time that I was there, the front tire of the tractor price was 3,000 or a little bit more. The back tire of the tractor was between 15,000 to 15,500.

Board Member: Did you feel that you would have enough money for the purchases?

Detainee: *(through translator)* When we go for merchandise and know the price, then we take that amount to cover that merchandise. When we go for merchandise at the big shop and if we find other merchandise that we would like buy, we borrow the merchandise and pay later. We know each other and we trust each so they let us pay later. That is what is established over there. When you buy merchandise and they know you for awhile then you can take the merchandise and pay later.

Board Member: You referenced the merchandise that you were going to purchase. What plans if any and could you detail those plans on how you were going to bring them back to your shops?

Detainee: *(through translator)* When we buy merchandise some other shopkeeper will buy another and then the shopkeeper will put them all together and transport it to Meeramshah. Everybody's supplies will be transported as one big load big truck load to be taken to Khowst. Then the merchandise comes to the station and the station people deliver the merchandise to our shops. Everyone has their own name on the merchandise. The rate is already known. So big tire big money small tires small money.

Board Member: Could you go into a little more detail on what your plans are if we recommend your release? Could you tell us a little bit more about where you might live and where you would work and what type of life style you would carry on?

Detainee: *(through translator)* When God relieves me first of all, I would thank God. I will go home to my children. When I left, my children were very small. I received their pictures and now they are bigger. It is possible my parents will be older. First of all, I want to spend a few months at home. I will spend this time in jail or detention where your brain does not work so well. I will try to recover from being detained so I will take a long break. After spending time with my family and when my brain will not be so down, I will be more ready to work and will be more comfortable. I received a letter that mentioned our village had built a school and I would like to take my children. Then I want to go back to my old business.

Presiding Officer: This is about the satellite phone that you gave to Karim. I understand that you had not seen Karim for five years on the bus. Why would you give an expensive satellite phone to someone you have not seen in five years?

Detainee: *(through translator)* When we were on the bus the police came inside and said to get out or we will force you to get out. The police only asked some of us to get out to be searched. They did not search all of us and when the soldier came inside and said to look in the back. I did not know what would happen to me if they found the telephone on me. I had to get off the bus and Karim was to stay on the bus; he was the closest person to me so I gave him the phone.

Presiding Officer: Did you think that Karim in some way would not be searched or not have to pay a fine if he had a satellite phone?

Detainee: *(through translator)* The soldier got on the bus and he looked around and he did not tell him to get off the bus. So when they come and told us to get off the bus, I knew he was already safe so I gave him the phone Karim had already been checked, so he was considered safe and that is why I gave him the phone.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 1001

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 26 June 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially noncommittal, however later stated he did want to attend the ARB. The detainee was very cooperative, attentive, and cordial throughout the interview. A copy of both the English and Pashtu translated Unclassified Summary of Evidence was provided to the detainee upon his request.

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

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

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

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary; we will then provide you a chance to respond. The Board Members may ask you questions based on your response.

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Connections/Associations. (3.a.1) The detainee's brother was identified as a senior lieutenant for a former Taliban Commander.

Detainee (through translator): In the name of the most gracious God, I have spent three years in this jail and during that time, I keep hearing that my brother was a former Taliban commander. I keep saying no, yet I keep hearing yes. There is no document to prove it, but to respect your own law and government, you say there is no lie in this accusation and that your conscience doesn't allow you to lie. I have been here three years, and because of respect and human dignity, I am suffering, and I am not happy about it. You can send forty people to the area and ask around about my brother. If they tell you that he was a Taliban commander, you can keep me here for forty years; if thirty of them say yes, you can keep me here for thirty years; if ten say yes, keep me here for ten years. If nobody tells you that my brother was a member of the Taliban Empire, why are you keeping me here?

Presiding Officer: Was your brother a former Taliban commander?

Detainee (through translator): During the last three years I have said no, but you have said yes. My brother was not a Taliban commander. I was not a member of the Taliban. This statement is totally wrong. I do not accept it. I reject it and look at it as a lie.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The detainee's brother has a well known car dealership in Zornat, Afghanistan, where he also keeps an arsenal including Kalashnikov rifles, rocket-propelled grenades and improvised explosive devices.

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Detainee (through translator): My brother has a car dealership in the middle of the town. This accusation became a cause of my imprisonment. The informer, God bless him, could have also said that my brother has helicopters and some other things; he is still a good guy since he did not say that. I reject this accusation very strongly. I call it a lie. That spy gives a bad name to Americans who are doing this. Behind Americans' back, these spies are enemies of Americans. It's up to you whatever you want to believe.

Presiding Officer: Does your brother have weapons stored in his car dealership?

Detainee (through translator): If he did, why didn't you get the weapons from him? Why didn't you raid him? Why didn't the Afghan government capture him?

Presiding Officer: Thank you.

Designated Military Officer: (3.a.3) The detainee has been identified as an al Qaida/Taliban facilitator.

Detainee (through translator): How can someone who has not worked for the Taliban even for one day do this? If you prove that I worked for the Taliban or al Qaida, even for one day, you can keep me here for ten years. I do not know al Qaida. I haven't worked for the Taliban government. I have no connections with the Taliban. I am still against the Taliban. The Taliban looted my house and put me in jail for one month. My pharmacy is still in my home. Because I was afraid of them I could not open my pharmacy in the bazaar, the outside market. I already explained the whole thing in my dossier.

Presiding Officer: Why were you in jail for one month by the Taliban?

Detainee (through translator): I already mentioned in my dossier that I was jailed because I disobeyed them. I did not want to cooperate with them. The first problem I had with them was when they looted my house and my pharmacy. Now I am in trouble here. Both sides are hurting me.

Designated Military Officer: (3.a.4) The detainee's telephone number and name were associated with a Taliban cell.

Detainee (through translator): I did not have a telephone. I was a poor man. I had nothing to do with the Taliban. Maybe my brother had a telephone. If I had one, I would have the number in my mind.

Presiding Officer: Did you have a cell phone?

Detainee (through translator): No. I did not.

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Designated Military Officer: (3.b.) Detainee Actions and Statements. (3.b.1) In mid February 2002, al Qaida fighters in the Paktia Province of Afghanistan, were providing payments of \$3,000 U.S. dollars to the detainee. The payments were intended to ensure that the detainee provided support to al Qaida and facilitate the departure of al Qaida family members from Afghanistan.

Detainee (through translator): It would be nice to have this money. I did not work for al Qaida or the Taliban government, how can I facilitate people to leave Afghanistan? I strongly reject this statement. I do not know al Qaida. I do not know his fighters. This statement is a lie.

Board Member: Was there any other reason why you may have been helping families to leave?

Detainee (through translator): I am against the Taliban. I wanted to get out of Afghanistan. I worked for the Karzai government. How can I work for and against the Karzai government? I was in charge of the county administration in the time of Karzai. If al Qaida members were getting killed in Afghanistan, I would be very happy.

Designated Military Officer: (3.b.2) The detainee was identified as a military commander that led a 12-man unit of former Taliban and al Qaida members who were planning to attack United States and Afghan Transitional Administration facilities using guerilla warfare techniques in September 2002.

Detainee (through translator): I am a pharmacist. I was not a commander and I did not have any group with me. I do not know al Qaida or the Taliban members. I have not done any actions against my own government or Americans. I welcome the Karzai government and the Americans in Afghanistan. In the time of Karzai and upon the people's request, I became the city's administrator. Based on the people's request, Governor Taj Mohammad Wordak appointed a letter to the Ministry of Interior and another one to Zormat City. I performed my duty as an administrator of that city for five months. I was cooperating with my own government, which I served honestly and sincerely because I am a bright man. I, along with the people in the area, was very happy about Karzai coming to power. That was our government and we had the responsibility to build our country. During this administration, I met with the campaign leaders on three different occasions in Zormat. On the day of the festival, I went to greet Taj Mohammad Wordak. There are two different festivals. I am talking about the one that happens after the fasting month; it's a three-day event. The name of the festival is Eid or Loyakhtar. Leaders for the American campaign were there also. Americans took pictures of me and Taj Mohammad Wordak. They took the pictures with them. The American campaign leaders' names were Tony and Mike. I met with them three times. The rest is up to you. Whatever you believe, whatever you think.

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Presiding Officer: I know you say you were the governor of Zormat, and you are a bright man. I just can't believe you did not know any Taliban or al Qaida members. As the administrator of the city, you have to have known different Taliban or al Qaida people in the city.

Detainee (through translator): If I do not work with them, I will not know them. It's like this room, if I did not come to this room, how could I know how many people would be in this room? In the time of the Taliban government, I did not go to the administrative office, not even once. They came to my house, captured me and put me in jail. The rest is up to you.

Board Member: When did the Taliban put you in jail in relation to the time you were city administrator?

Detainee (through translator): I am not sure because I have spent three years here. My mind is not accurate, but it was between the first and the second year of the Taliban power.

Designated Military Officer: (3.b.3) The detainee admitted he did fight against the Russians. The detainee also stated that he participated in several fights under the command of a village elected commander.

Detainee (through translator): Because Peer Sahib Gailani was the leader of our organization, I worked in two battles as a pharmacist and a doctor, patching wounds. I did not fight. They gave me one rifle, and when I stopped treating people, they took that rifle back from me. Our commander, Peer Sahib, was in Peshawar with another commander named Momen. Niaz Gul was elected by our tribe as a commander. In the winter these commanders went to Peshawar; in the summer they went back to Afghanistan. People went with them to Afghanistan; mostly they stayed with them in Peshawar. They kept moving around back and forth. Because I had an identification card from the Peer Sahib organization, they made me go to war to care for the wounded.

Presiding Officer: You were the medical person in the fight against the Russians?

Detainee (through translator): I was away from the battlefield. They brought the wounded to the compound I stayed in. I did not fight. I do not know how to fight. Only twice that I cared for the wounded.

Board Member: You say they gave you a rifle and took it back after the fight was over. Did you know how to use it?

Detainee (through translator): I did not use it.

Presiding Officer: Did you know how to use it?

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Detainee (through translator): Yes.

Presiding Officer: How did you learn how to use it?

Detainee (through translator): They showed me.

Designated Military Officer: (3.b.4) The detainee released three suspected al Qaida without an investigation.

Detainee laughs.

Presiding Officer: Why do you laugh?

Detainee (through translator): I laughed because I was against those people; how could I have helped them? This statement does not have any truth to it. I strongly reject it and call it a lie. This is wrong. We have a proverb back home: If there is a river and thirsty men go there, nobody knows which one is too thirsty. They destroyed our country, our buildings, and our civilization. They brought hostility and hate among us. I do not agree with them.

Board Member: During your time as administrator of the city of Zormat, did you ever release anyone without any investigation and that later someone might have thought they may have been al Qaida?

Detainee (through translator): No. I did not release anybody. If someone informed you that I released anybody from al Qaida, they should have some documents or proof.

Designated Military Officer: (3.b.5) The detainee held a meeting at his residence in Zormat, Afghanistan, with an extremist cell leader.

Detainee (through translator): My home in Zormat is in a village named Menzo. I was in charge of the county. I did not conduct any meetings in my home. This statement is a lie. I strongly reject it. I was a hard worker who provided for my family and raised my children right. I ate and used all the profits I gained from the pharmacy.

Designated Military Officer: (3.b.6) The detainee distributed arms for an ambush against his replacement. The detainee also gave out money to those who agreed to fight on his behalf. The detainee issued weapons to volunteers including rocket-propelled grenades, Kalashnikov rifles and at least one anti-aircraft gun.

Detainee (through translator): This is not a true statement. I did not do this. I did not have any negative reaction against my appointed replacement, Mohalem Janbaz. He was my countryman; he was from Zormat. He also was a teacher. I surrendered everything to him without any argument. Your honorable can ask Janbaz and get information from him. I

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left my job with sincerity and honesty to him. Janbaz was my friend. I recognized him as an administrator. I am very sorry for this, but honorable, the people who gave you this information are enemies of both of the Afghan government and the American people. When Mohalem Janbaz replaced me, I just went home. I was doing my pharmacy and my land work. After a while, Taj Mohammad Wordak was transferred and Raz Mohammad Dalili became governor of Paktia. Raz Mohammad Dalili offered me to work for the government. I had no other choice but to accept his request. He appointed me as a counsel leader. There were fourteen other leaders with me. Official letters were given to us by the government of Paktia with official copies to the county. One day before I was captured, the representative of the Italian Embassy, the representative of the Ministry of Interior, and the representative of the Ministry of Justice came to our county. The representative of the Italian Embassy told us that they brought supplies for the people and that the next day all the elders had to go to the governor's office in Garbaze to receive those supplies. We gave very beautiful turbans to the representatives.

Presiding Officer: How does this have anything to do with you issuing weapons to volunteers?

Detainee (through translator): I did not have any volunteers. I did not give any weapons to them. I did not do those things. This statement is useless and I strongly reject it. I was trying to explain to you how I got captured. The Italian Embassy's representative asked me to go to Garbaze. The next day, all the tribal counsels, the county judge, and the county administrator went to the governor's office to receive instructions on what to do with the supplies. When we got there, the governor was not present. He had gone to Kabul. We were watching each other so that neither of us would take the supplies. We were sitting in the governor's office and the police officers came and captured me. I was framed. I was brought here based on a conspiracy. I already mentioned everything in my dossier. The commander of Garbaze Province appointed another commander for Zormat County; he was once captured because he was stealing. At the time I was the head counsel, people came from Sherboze area, which is between Ghazni and Zormat County's borderline.

Presiding Officer: Do you have the name of the person that was caught stealing?

Detainee (through translator): Khial Mohammad. Merchants from Zormat were going from Ghazni to Kandahar and to Herat carrying money.

Board Member: How much money?

Detainee (through translator): One of the merchants was carrying 200,000 in his pocket and 200,000 in each arm. Those people crossed Zormat and reached Sherboze area. The local police went to the merchants who were sitting on their car.

Presiding Officer: How does this tie into you issuing weapons to volunteers?

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Detainee (through translator): I am explaining the reason why I was captured. The thief took the 200,000 the merchant had in his pocket. The merchants went to the county administrative office and filed a complaint. We, the county leaders, had already promised the government that robberies would be dealt with. Other county administrators called us about the robbery. We decided to go to the area where the robbery took place. A shop owner in the area told us that the robbers had brought oranges and peanuts from him. We knew the area and we knew that the robbers were wearing uniforms. Our investigation took us to the county judge, the administrator in charge of the county, and the investigator; we told them that they were the ones that robbed the merchants. Then we went to the police department; there were peanuts, peanuts shells and oranges in the robbers' car. We proved that the car was used in the robbery. We went to the commander and demanded the stolen money back. We told him that we either get the money back or we report him to the governor. They gave us 150,000 back and a receipt for 50,000. When I went back to Garbaze, because of that commander, I was captured. Justice is now in your hands.

Board Member: You say that you served as the city administrator for five months before being replaced by your friend who was a teacher. Is five months a normal term or did you leave early? If so, why?

Detainee (through translator): My replacement had more connection with the administration. As I mentioned earlier, the governor of Paktia, Raz Mohammad Dalili, was not in his office; he had gone to Kabul. That night, the governor came back from the campaign and promised to help me get released. If I were an enemy of the country, why would the governor come in the middle of the night and offer to help me be released? If you do not believe me, you can ask your own campaign why Raz Mohammad Dalili came in the middle of the night to try to help me.

Presiding Officer: Why was he not successful in getting you released?

Detainee (through translator): When Americans say one thing, you cannot change it.

Presiding Officer: Because we had already made a decision, the governor was not able to reverse it?

Detainee (through translator): No, he could not do anything.

Presiding Officer: Have you been in communication with this individual that he may be able to talk to the current government and get you released.

Detainee (through translator): I have written several letters to Raz Mohammad Dalili, but I haven't received any answer. Those people are so scared of you guys; they are afraid that if they took the courage to do this, you would bring them here too.

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Presiding Officer: Have you had the opportunity to meet with any Afghan delegations that have come here?

Detainee (through translator): Yes.

Presiding Officer: Have they visited you recently?

Detainee (through translator): About six months ago.

Presiding Officer: Have they met with you more recently?

Detainee (through translator): One month ago.

Presiding Officer: What did you get from that meeting?

Detainee (through translator): We have a proverb: When it's cloudy, I can see it and when it's clear I can see it. If you want to give Afghan prisoners to Afghan government, you will. If you do not want to, these delegations cannot change anything. I have heard that Americans obey and apply the law. They apply justice. They are good people with compassion.

Presiding Officer: Thank you.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee stated he does not know why the Americans detained him and that he had helped them in the past by giving them information about al Qaida.

Detainee (through translator): I do not know why they captured me. I have not given them any information about al Qaida.

Designated Military Officer: (4.b) The detainee denied having any military training and he claims he has never served in the military.

Detainee (through translator): In Afghanistan, in the time of Zahir Shah or when you become 22, it was mandatory to join the military. Even though it was mandatory, I did not do it. I made a petition stating that my father was old; therefore, I was not qualified to enter the military. Anybody who had an old or disabled father would be excused from military service. I do not have any military training; I am telling the truth.

Board Member: I understand you were not in a formal military structure; however, you also talked about fighting the Russians under a commander, what type of structure are you talking about.

Detainee (through translator): There was no discipline, no organization and no structure.

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Board Member: You say that the commander was elected and his name was Momen?

Detainee (through translator): Momen was the high-ranking commander.

Board Member: Was he a military commander?

Detainee (through translator): No. He was the administrator of the county in the time of Zahir Shah. They still call him Administrator Momen. They still call Niaz Gul administrator also even though he cannot read and write. Honorable people, I present my respect to all of you. Please allow me to make you understand this conduct. In the time of my government job during the five months, I, along with forty other people, met with my honorable leader, Hamid Karzai, three times. Our area leader received instructions from him regarding building our county. One time we met Sebghatullah Mojadidi. They call him Harzat Sahib. Including these forty people, we met Sebghatullah Mojadidi. Once we also met with Zahir Shah and Sardar Wali who is the son in law and cousin of Zahir Shah. We also met with Peer Sahib Said Ahmad Gailani, and border minister Amanullah Khan Zadran. During my five months assignment, I met a lot of high and low ranking government officials. I met Paktia Province local campaign leaders. I met Ziauddin Logaray and Ghulam Rasul. I also met the American campaign leaders three times. One named Mike, and another Tony.

Presiding Officer: When you say American campaign leaders, do you mean military leaders?

Detainee (through translator): Yes, of course. Fifteen days before I was captured, I met another American leader named Mike. We talked to him regarding the county and security. The county administrator and the leaders were there when we talked to him. They promised us a lot of assistance and cooperation. The people who informed you cannot get any evidence or picture or any other document, which would be acceptable to you and would make you believe. You would be sure and you would not feel guilty with your conscience. I do not want to teach you anything, but that would be your success key. In Afghanistan, Jihad had passed. People have hostility with each other. Pashtuns are against Farsi speakers. Sunni religion against Shiat religion. Tribes against tribes. I was brought here because of language and tribal conspiracies. If I were against Karzai and American people, I would not have cooperated with the government and Americans. I would be sitting in my home or running away to another country. I did not work for the Taliban government. I was against them. I did not work for the government of Mujahedin. You can ask about me from Taj Mohammad Wordak and Raz Mohammad Dalili. Both of them used to be governors of Paktia. You can ask the interior campaign leader, Haji Wali Mohammad, about me. You can ask Paktika campaign leader, Engineer Amin. During the interrogation, I gave a lot of names from Zormat. They can ask them too. I was the administrator of Zormat County during the Anaconda operation. I cooperated with Americans. American troops were in Zormat. During that time, if there were any fire toward American troops, I would be responsible. If you have any proof, you can keep me

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here for ten years. I ask you to apply justice and use compassion. If Afghanistan was close by I could have documents and prove my innocence. Thank you very much.

Board Member: Is there any reason why you did not join the Northern Alliance to fight the Taliban government?

Detainee (through translator): I only wanted to provide for my family.

Board Member: During Operation Anaconda, what support did you provide to U.S. forces?

Detainee (through translator): We did not have any army troops to join them, but we spread the word and informed the population that the American troops were there to help us, bring security, and build up our country.

Presiding Officer: Normally, at this time, I would ask you if you had any statement to make, but obviously you have already made that statement.

Detainee (through translator): Thank you very much.

Presiding Officer: Is there anything additional you would like to add?

Detainee (through translator): No. I do not. What are the Afghan and American decisions about the prisoners?

Presiding Officer: We are not privy to that information. You probably hear more than we do. I just know that there was a delegation here recently that met with the Afghan detainees. That is why I inquired about it.

Detainee (through translator): They just asked us for identification like what is your father's name, and where is your hometown?

Presiding Officer: Thank you.

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

The Presiding Officer acknowledged the request.

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

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

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Assisting Military Officer: You had mentioned that you had not had the opportunity to present information to the prior board; do you feel like you had ample time to provide responses to the Unclassified Summary today?

Detainee (through translator): I am very happy with this meeting. I do not want to gossip or say anything against them, but in the last meeting I was only saying yes or no.

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

Administrative Review Board Member's questions:

Presiding Officer: If released or transferred back to your country, what do you plan on doing?

Detainee (through translator): I belong to that country. If my service is needed, I would serve my country. If not, I would stay home and run my pharmacy. That would be very good news. I would go back and bring out my pharmacy from my home to the market.

Presiding Officer: I, and probably the board members, am concerned about some of the allegations that were read in favor of your continued detention; whether they are true or not, should you be transferred that you would provide harm against U.S. servicemen currently in your country or the Northern Alliance.

Detainee (through detainee): I did not do it. How can I do it now that I am so scared?

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.



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Summary of Administrative Review Board Proceedings for ISN 1002

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer asked the Detainee if he wished to make a statement under oath.

Muslim oath offered.

Detainee (*through translator*): As I mentioned during the interview earlier, I am an honest person. Since you took the oath and everything I say is the truth I will take the oath too. During the CSRT I took the oath and I was disappointed that they did not believe me, so during the first ARB I refused to take the oath. Since you guys took the oath today and swore and promised to do your job honestly and you will serve justice then I will take the oath with the hope that you will believe in me.

The Detainee accepted taking the Muslim oath.

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

Detainee (*through translator*): May I ask a question?

Presiding Officer: Yes.

Detainee (*through translator*): You said that I might be here because I continue to be a threat to the United States or because there might be some other reasons for me to be here. Can you please explain to me what kind of reasons that would be?

Presiding Officer: The reasons that we are going to cover today will all be clear to you, we will get into that in just a minute. Those are the only reasons.

Translator explained: The detainee is referring to the other factors favoring continued detention. That was the sentence that he could not understand.

Presiding Officer: The only other information that is available to us is classified information and for security reasons you cannot have that information.

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Detainee (*through translator*): Then how can I defend myself if you keep this information secret from me? If there were information about me, then it would not be a fair procedure if I cannot defend myself or clarify these things. During any type of court, if I am a criminal they usually tell the criminals the charges against them before court and give them a chance to defend themselves.

Presiding Officer: For security reasons we cannot disclose classified information and that is the same procedure for all the detainees here.

Detainee (*through translator*): I understand that as an excuse for keeping me here. I am 40 years old, I never heard of someone keeping a criminal in prison without telling him what his charges or crime was. I don't think they would do such a thing anywhere in the world to a detainee. It's not fair. What if the secret information that you have about me is wrong or is lies? You are not giving me a chance to clarify that, a chance to prove or to defend myself.

Presiding Officer: We are going to continue on with the process and allow you to make a statement later. If you have anything to add concerning the unclassified information or any other information presented, you can present that to us at a later point in this hearing.

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 12 April 2006. After reviewing the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB and respond to each statement of information in the Unclassified Summary of Evidence after it was presented. The detainee was very cooperative and cordial throughout the entire interview. Copies of both the English and Farsi translated Unclassified Summary of Evidence were offered to the detainee. He accepted and retained the Farsi translated version.

The Assisting Military Officer read the additional comments.

Assisting Military Officer: Originally, the detainee did not want to attend the ARB 2 proceeding, citing that he had previously attended and participated in both the CSRT and ARB I and was disappointed by not qualifying for release. He thought that the panel had already made its decision to detain him regardless of his presence and participation. After a lengthy conversation about the merits of attending this ARB and being able to

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present his statements directly to the ARB panel, he changed his mind and agreed to attend.

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

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

The Designated Military Officer read the following primary factors favoring continued detention of the detainee.

Designated Military Officer: (3.a.1.) In the fall of 1998, the detainee traveled from Mansehra, Pakistan to Sheberghan, Afghanistan to look after his family's property holdings.

Detainee (*through translator*): This is true. I did travel in 1998 and once every year. We had all our property, so once every year we would go and collect money. We rent out our land and property to stores or whatever else; then we would go collect our rent money. That was the purpose of me traveling. When you say that I went to look after our property, we had the property. We just went to collect the money. Another reason for me traveling was because I was a teacher in school; there was three months for school break and during this time I went to collect the money.

Presiding Officer: You were collecting rent?

Detainee (*through translator*): Yes, sometimes we would also have to change the people we were renting the property for hotels and shops too. For example, change the farmers for our land. They had to give us a certain amount of money from our property and the rest they would keep as a commission for themselves. Sometimes, we would have to go and change these people to take it from one person and give it to another.

Board Member: How did you come to have these holdings in Afghanistan but live in Pakistan? Why did you live in Pakistan and have all this property in Afghanistan?

Detainee (*through translator*): When the Russian Communists took over Afghanistan, they were anti-capitalists and were against rich people. They put members of my family in prison and took our property from us.

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Detainee (*through translator*)(cont.): For example, out of 3,600 acres of our land; they only left us with 75 acres and the rest they distributed to the poor people, they gave 12 acres to each family. Communists did not like rich people. They would make them run away, put them in prison, or they'd just take property from them. This is why we had to leave the country. They put my uncle, my brothers and my father in prison, and then assassinated my uncle. My father and brother were released when the second term of communist took over. President Tarkai left and the other person took over. He released some of the prisoners. My father and brothers were released; this was a good opportunity for us to run away before they tried to harm us again.

Board Member: You were able to retain some of that property, but you left it to move to Pakistan, is that correct?

Detainee (*through translator*): No, when we left the country all of our property was taken by Dostum's people and communists; they looted our house, our shops and everything was taken. When the communist regime was removed, since we had all our original paperwork, the new government gave our property back.

Board Member: Some of your property?

Detainee (*through translator*): No, with the new government as long as you had the original paperwork, they gave everything back.

Board Member: So you were able to reclaim what was yours?

Detainee (*through translator*): Yes, the new government actually advertised on the radio for people who had original paperwork. We would not have to share our property with anyone; it was all ours as long as we had the original paperwork. They told us to just come back and claim it; they would give it back to us. This is what we did and they gave it back to us.

Board Member: You and your family chose not to relocate back to Afghanistan and decided to stay in Pakistan? Why?

Detainee (*through translator*): There was no security in Afghanistan. It was insecure and unstable; we would come once a year just to collect money.

Board Member: So, due to Afghanistan not being secure you chose to stay in Pakistan?

Detainee (*through translator*): Yes.

Board Member: How old were you when you moved to Pakistan? Why did the family elect to live in Mansehra, Pakistan?

Detainee (*through translator*): I was in the eighth grade in school; I was almost 16 years old. There were two reasons why we chose that city. The first reason was they were always rebuilding. They kept building refugee camps and of course, put the new refugees in these new camps. Pakistan is a very hot country and the weather in Mansehra was cold; it was a cold city. We could survive without having air conditioning, a fan or anything like that. My father was also alive at that time and he chose to live there. He was the head of the family, he made that decision and we followed him.

Designated Military Officer: (3.a.2.) While on a trip to Mazar-e-Sharif, Afghanistan the detainee stayed at Sharifuddin's house. The detainee claims he knew Sharifuddin through his father.

Detainee (*through translator*): That's not true. First of all, Sharifuddin was in Sheberghan, not in Mazar-e-Sharif. I was in Mazar-e-Sharif. According to our culture, when someone goes to Hajj to Mecca, someone gets married, or someone gets a higher position, usually the villagers all go to congratulate him or her. I went to Sharifuddin's house once with other people just to congratulate him since he became the head of the Intelligence Office in Mazar-e-Sharif. I visited him that one time with other people from Sheberghan province just to visit and congratulate him.

Board Member: For his promotion?

Detainee (*through translator*): Yes, but I didn't live with him or spend any time with him, I just went to congratulate him on his promotion. When you say I know him because of my father, my father was a famous rich man that everyone knew. Since my father wasn't alive I was kind of representing him and that's also a cultural thing, I represented him by going to congratulate the guy.

Designated Military Officer: (3.a.3.) The detainee's stay in Afghanistan coincided with the three to four month break between school sessions at Mansehra.

Detainee (*through translator*): Yes, this is true. It was during school break and I did not have any work so it was a good opportunity for me to go.

Designated Military Officer: (3.a.4.) While the detainee was staying as a guest, either Sharifuddin or his nephew would ask the detainee to write items such as letters and receipts in an unofficial capacity for Taliban government matters.

Detainee (*through translator*): The first thing I already mentioned was that I did not live there; I did not spend any time there. You call it a guest, you call it just a visit that is fine with me, but I just went to visit. About his nephew, I do not even know who that is; this is a new thing. When I went to Sharifuddin's house, I met one of my classmates. We were together up until about the eighth grade. His name is Abdul Satar. Of course he was happy to see me. We were old friends, he said hello, we sat and spoke. I asked Abdul Satar what he was doing there. He told me he was working for Sharifuddin. I then asked him what he did for him (Sharifuddin).

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Detainee (*through translator*)(cont.): He explained that he does paperwork for him, like writing receipts, small letters, and things like that. Satar said that he was working in Sharifuddin's office. This is not me, this is a big misunderstanding. I told them during the interrogation, that at Sharifuddin's house, I met a guy who was an old school friend named Abdul Satar and that Abdul Satar worked for him, not me. When I met Abdul Satar of course I asked him what he was doing there. How much he was being paid and stuff like that. He answered these questions. I don't understand why they wrote all these things against me, I never said that I worked for Sharifuddin, wrote some letters for him, receipts or anything like that. I just told them about Abdul Satar.

Board Member: How long have you known Sharifuddin?

Detainee (*through translator*): That was the first time I met him. When I went to my city in Sheberghan, people told me of this guy who was promoted to the head of the intelligence office in Mazar-e-Sharif and that he was from our city. Since he was from our city, I went with the other people just to congratulate him and that was the first time that I saw him.

Board Member: Did your father know him?

Detainee (*through translator*): No, Sharifuddin was not very well known. He was even younger than me, my father was an older man and he wasn't alive at this time. My father didn't know him because he wasn't famous or an older person, he was just an ordinary person who all of a sudden got this position. When he got the promotion and became famous, my father wasn't alive. My father passed away in 1992; Sharifuddin got promoted to this job and became famous later on.

Board Member: The reason that I ask this question is because you previously stated that you were representing your father by going to congratulate him. I assumed that your father knew him.

Detainee (*through translator*): My father was a famous man, he would attend events whether it was a funeral, a wedding or whatever; this is our culture. Whether he knew the people or not and they did the same thing with him, people would come to our house, he was a respectful man. When I went to Sheberghan, I thought since this was a man from our city who got promoted in Mazar-e-Sharif and since my father was a famous man, he would say I came to visit my property, heard about him but I never went to visit. I was sure Sharifuddin knew my father because everyone in the city knew my father, but my father didn't know Sharifuddin. He was a young man and wasn't important back then.

Designated Military Officer: (3.a.5.) Sharifuddin had the detainee arrested. The detainee was accused of taking bribes.

Detainee (*through translator*): The first part is correct. Yes, I was arrested because of Sharifuddin, but the second part logically doesn't make sense. It's a lie, it is not true. Why would I take bribes?

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Detainee (*through translator*)(cont.): I have so much property, so much land and so much money that I couldn't even spend it. I didn't have a job over there either. My job was in Pakistan, not in Afghanistan, I was there only to visit. Since I wasn't working for anybody and I didn't have a job there, who would bribe me and why would I take a bribe? I wasn't poor or anything like that, so logically it doesn't make sense. This is wrong.

Presiding Officer: So why were you arrested?

Detainee (*through translator*): Every time I went to Sheberghan, since my father was such a well known respected man and people heard that I was his son, as I went through the villages I was invited to people's homes and they would gather around me. This aroused their curiosity; they thought that I had political activities against them, so they had me arrested. The people actually invited me. In our culture if someone comes back after one year and they are well known, the people will invite them over, they would feed them and throw parties.

Board Member: Do you know what you were arrested for?

Detainee (*through translator*): When they asked me questions during the interrogation, this is what they were asking me. Why I came? Why did I go to meet all these people? Why did I go to the village? Why did people come and visit me? Who did I know? What I was doing? What we were talking about? They asked me questions like this.

Board Member: Were you detained and questioned or were you in prison for a certain amount of time?

Detainee (*through translator*): When they put me in jail, they beat me up for five days and nights straight. The guy that used to beat me up was actually here in Cuba. As soon as I heard about him being here, I called the interrogators and told them that I was a witness against him. This guy broke my hands, my foot and injured me really bad. I gave them all the evidence, I told the interrogators everything about him. The interrogators asked if I could recognize him or if I knew his name, they brought some photos and I pointed his picture out. I told them this was the guy and this was his name. He was refusing his name and saying that he was not the same person. I told the interrogators that I even had the newspapers with his photo and his name, I had recorded cassettes of him giving speeches, but of course no one would believe me. The guy was released, even after I gave all the detailed information about his position and what he was doing to me and other prisoners. No one believed it and they released him from here.

Board Member: Whom did you work for? Who detained you? What was the name of the organization?

Detainee (*through translator*): I didn't work for anyone. I was a teacher. In Afghanistan, I wasn't working for anybody.

Detainee (*through translator*)(cont.): Sharifuddin was the one who arrested me, he sent me to Kabul and this guy that I mentioned earlier was the one who interrogated me and beat me up. I spent four months in one prison; then they transferred me and I spent two months in the other prison.

Board Member: What organization did this person work for?

Detainee (*through translator*): The first four months I spent with the Intelligence Services.

Board Member: What Intelligence Service is that?

Detainee (*through translator*): The Taliban of course.

Board Member: The Taliban Intelligence Service?

Detainee (*through translator*): Yes.

Detainee explained to the translator he is getting confused by the question. He asked whether the Board Member wanted to know if he had connections with somebody or did the Board Member want to know who detained him?

Board Member: Let me restate what we have just spoken about here, you came from Pakistan to Afghanistan and you visited an individual you do not know. That individual has you arrested because people wonder why you are so famous? Why you have so much money? Why did you come to Afghanistan? I want to know what organization would have done something like that and torture you? Who were they?

Detainee (*through translator*): I don't know exactly who reported me, but you know the job of the Intelligence Services; they have agents everywhere. I wasn't the only person, they were very strict, and there were hundreds of people like me. As soon as they got suspicious and since there was no law or anything like that, they would put them in prison, torture them; send them immediately to Kandahar or Kabul. They would do whatever they wanted to do with them. I wasn't the only one, so I don't know who reported me. All I know is Sharifuddin was the one who sent me to Kabul and Sharifuddin was the head of the Intelligence Services in the Northern part of Afghanistan.

Board Member: The organization that you were a victim of was the Taliban Intelligence Service? How soon or how long after you met Sharifuddin were you arrested?

Detainee (*through translator*): I don't remember. It was approximately two or three months after I met him that I was arrested.

Board Member: You went to Afghanistan during the school break for several months; you met Sharifuddin and were arrested at the end when you were about to go back to Pakistan?

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Detainee (*through translator*): It was during that three months. I wasn't sitting in one place. I traveled to villages, people invited me over. I was traveling around within the city all the time. That made them curious about me. It was before the end of the school break, it was close to me returning back to Pakistan within those three months.

Board Member: How long were you detained?

Detainee (*through translator*): Six months.

Board Member: At the end of that, did they tell you why they let you go or did they just say you can go now?

Detainee (*through translator*): The guy that was here that tortured me, in the prison he got 60,000 dollars from a convicted criminal that he was supposed to kill. The guy bribed him and he killed another guy who didn't have any money instead of him. The victim's family took his body, went to Mullah Omar in Kandahar and asked him what kind of justice was this? What kind of Muslim are you that one of your officer's are taking money from criminals and killing our innocent. Mullah Omar then got this guy arrested and sent a delegation of people to investigate this case and check the prisons to see what kind of people were being detained. They re-interrogated all of us and the ones they believed to be innocent, one by one they released them. I was one of them.

Designated Military Officer: (3.a.6.) The detainee was eventually released from jail.

Detainee (*through translator*): That's correct.

Designated Military Officer: (3.a.7.) Once the detainee was released from Afghanistan, he went back to Pakistan and did not return to Afghanistan until several years later.

Detainee (*through translator*): That's correct.

Designated Military Officer: (3.a.8.) During the spring of 2002, the detainee was on a trip from Pakistan via Kabul to Mazar-e-Sharif, Afghanistan to verify his family's land holdings. The detainee was injured when something exploded at a bazaar he was at in Mazar-e-Sharif.

Detainee (*through translator*): There were two reasons, one was for our property and the second was when the Taliban regime fell, on the radio President Karzai advertised, actually invited, all the Afghan teachers from all over the world to return to their country. He said there would be a three-month seminar to retrain them (teachers) and they could help rebuild their country. All the schools were destroyed and they wanted to rebuild them, so they asked/invited and encouraged the educated Afghans to return back to their country to participate in the rebuilding of their country and re-educating of the kids. I thought since the Taliban was gone, we now had a new government, the world recognized this new government.

Detainee (*through translator*)(cont.): Many countries were now opening embassies in Afghanistan, the world was willing to help our country. There would now be security. This was now a new light and a new hope in our life. This is why I returned back to Afghanistan to take care of my property and of course to serve my people. I did come with the hope of being a teacher; becoming the head of the teachers or anybody in the school, I came with the hope to serve. I went to Kabul and from Kabul I went to Mazar-e-Sharif. I was only there for about half an hour and as soon as I arrived to the city, I went to the hotel and had some food. Since I only had Pakistani money with me I needed Afghan money. There was a market that exchanged money, when I went to exchange the money at the market that's where the explosion happened.

Designated Military Officer: (3.a.9.) The detainee was injured from the explosion at Mazar-e-Sharif, so a friend drove him to his home. His friend saw that the detainee's foot was broken. His friend took the detainee to a hospital to try to get it X-rayed but could not and instead his friend sent the detainee to Kabul. The friend drove the detainee to a Taliban Intelligence Office and the detainee was turned over to the police.

Detainee (*through translator*): This allegation from the beginning to the end is all a big misunderstanding. I was actually by myself there. I had just arrived from Pakistan. About 150 or 160 people were killed or injured; I wasn't the only one. I actually pulled myself from there. I stopped a cab and asked the driver to take me to my friend's house, which was very close. I went to my friend's house. I went to his house and asked him to please take me to the hospital because my foot was broken. My friend told me that everything was destroyed; there was no hospital, no medication, no doctors, nothing. I told him that I was seriously injured, please find a doctor or do something about it. He brought someone from the village that could put a splint or cast around the broken foot, but that wasn't enough for me. I asked him to send me to Kabul and maybe they would have a hospital that was active with doctors, he said that they could not do it right then and I had to spend the night, so I did.

The Administrative Review Board took a brief recess.

The Presiding Officer reconvened the Administrative Review Board resuming with allegation 3.a.9.

Detainee (*through translator*): My friend was a rich man himself he had his own car and chauffeur. The next morning my friend and his driver took me in his car to the Intelligence Services. I asked them to take me to a hospital in Kabul and I thought they were going to take me there. My friend sat in the front seat with his driver; they made me comfortable in the backseat by letting me lay down. I thought we were going to Kabul. On our way, there was an intelligence office and they just turned the car, they stopped and he got out, I thought he just had to speak to someone. After a few minutes, a couple of soldiers came, took me out of the car and my friend and his driver drove away. They went home, my friend had turned me over to the Intelligence Services. When the soldiers surrounded me, I didn't see my friend, Gulham Sakhi, anymore. He had driven away.

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Detainee (*through translator*)(cont.): I asked where is my friend, I am injured, I have a broken foot, he is supposed to take me to Kabul; they said, "No he is gone. You are with us now. Tell us how much money you can give us." I asked why should I give you money. They told me I should give them money or they would turn me over to the Americans. They said they would make up a story, they would say that I was with the Taliban and al Qaida. The Americans would then take me to Cuba. They asked if I heard of Cuba, I told them, "Yes, I have seen it (Cuba) on television and heard about it, but why me, I didn't do anything." They turned me over to the Americans. The Americans took a translator, and they asked my name and other information. I gave them my name, my phone number and my address in Pakistan. I gave them the school address, other teacher's names; I gave them very detailed information. I told the Americans that these guys were asking me for money. I told them these guys wanted me to either give them money and they would take me to the Pakistan border, to Kabul or anywhere I wanted to go, but if I didn't give them money they would take the money from the Americans.

Detainee (*through translator*)(cont.): They turned me over when I told them it was better to just give me to the Americans. When the Americans heard my story, they didn't want to keep me, they gave me back to those people (intelligence), they told them they didn't need me. Intelligence kept me there for ten months. Something else I forgot to tell you about the money. I was in pain when they took me because I had a broken foot. I was in so much pain. I asked them how much money they wanted for my release? They told me they wanted 100,000 American Dollars. I laughed at them and asked them if they were drunk or on some type of drugs. I explained to them that 100,000 Dollars was a lot of money and I did not have it. We finally negotiated and they came down to 30,000 Dollars. They said they would not take a penny less than that. They kept me there for ten months. During those ten months, the head of the officers would come ask me why I didn't want to give them the money? They said they knew I was rich because I had so many shops, stores, warehouses and land. The officer said to me, you have the money, it's worth it. Why don't you just give us the money and we will let you go. I told him no, I'm not giving you one American dollar or even Afghani money. I told him I was not giving them any money unless they explained to me why they were doing this. I told him they did everything they could already, they gave me to the Americans and the Americans gave me back because they knew I was not guilty. You can keep me here, but I am not giving you any money.

Detainee (*through translator*)(cont.): I called the Red Cross people twice and they came to interview me. I told them the whole story and I explained to them that I am like a personal prisoner; because of their (intelligence) animosity and greed for money, I am here. I asked the Red Cross to tell my story to the people higher up. The Red Cross people said they could not do that. They wrote my story and told me they could not release me, but they were trying to get permission to give me treatment and that was all they could do. They did this to me two times. Finally my cousin who is a member of the parliament for the current government went to meet with Hamed Karzai, Zalmay Khalilzad the American Ambassador, and our King Zahar Shah; he spoke with them about me.

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Detainee (*through translator*)(cont.): My cousin got a letter from Hamed Karzai to Dostum's people telling them to release me. When the Dostum officer saw the letter he threw it under the table and said, "You can bring one hundred letters like that from Hamed Karzai, even if they excuse and release all the political prisoners all over Afghanistan there is no way that I am going to release you (detainee). You are going to stay here with us."

Detainee (*through translator*)(cont.): There were so many complaints about this guy, he was known for bribery and releasing prisoners if they paid him. Hamed Karzai dismissed him and advertised through Kabul that Sayeed Kamel was dismissed from his position for giving innocent people a hard time. There were lots of prisoners in that prison, they transferred eight of us to a prison in Sheberghan and put us among the other prisoners who were Taliban and whatever else there was. At that time, there were three different Intelligence Services that belonged to each warlord, I was under General Dostum's Intelligence Services prison. Hamed Karzai dismissed all the Intelligence Services, stating none of them were legal for the current government. He brought a new officer to be the head of the Intelligence Office for Mazar-e-Sharif, I don't remember his name but I think his name was Sayeed Hussein or Hassan or something like that. The new guy transferred us eight prisoners to Sheberghan.

Board Member: This transformation of leadership took place while you were in custody?

Detainee (*through translator*): I heard about it after I was transferred to Sheberghan prison. They transferred me before the new security officer came. As soon as they were dismissed, they transferred us to the old officers that were there to General Dostum's officers in Sheberghan prison and we didn't know why. In the prison we heard that all these transfers happened and we found out why they actually moved us.

Presiding Officer: So you spent time in two prisons, the first prison was ten months and the second prison was how long?

Detainee (*through translator*): I was in Sheberghan for four months. In Sheberghan prison the officers were again asking me for money and I kept refusing to give them. The villagers who knew me and knew my father found out. Hundreds of these people came and told them that I was innocent and my father was a well-known, good man. They told them that I just came to take care of my business and things like that, but no one listened to them. For the second time they turned me over to the Americans. They told me to come out there was someone that wanted to meet me. When I came out of the prison I saw American officers, they turned me over under the name of Mullah Shahzada.

Detainee (*through translator*)(cont.): The Americans didn't ask any questions this time, the Americans searched me, handcuffed me and then took me to Bagram Airport. At the Bagram Airport they began to interrogate me and told me this new name, they told me this was my name. I kept telling them this was not my name; no one listened to me and they made me wear those orange clothes. From there they transferred me here.

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Detainee (*through translator*)(cont.): I tried to explain to the Americans that the first time I was with the Americans they took my pictures; they have my pictures and they have my name, this is the wrong name. I told them if they did not believe me they could go to my village; there are about 300 to 350 families that live there, you can ask them my father's name, how many sons he has and ask what the names of his sons are. Everyone in the village knows me and knows that my name is [ISN 1002] and [*alias*] was a name that they gave me. I explained everything to the interrogators with great detail. I explained to them again that I lived in Manserah City in Pakistan, I was a well-known person, I was a teacher in the school; and you can ask not only the students, or the teachers knew me, but also the entire refugee camp knew me. You can verify my name. They kept threatening me, telling me my name was Mullah Shahzada and I was a Taliban and against them (U.S.). The best document I could offer them to verify my name, I told them it was in a journal in the school in Pakistan. The teachers signed a daily journal every morning. We taught hourly. We had to log in all the hours and minutes we taught, then sign it. I have been signing this book for seven years; everyone can verify that I was a teacher in that school and there almost everyday for seven years.

Presiding Officer: Has anyone sent you a letter from Pakistan? Have you received any mail from home?

Detainee (*through translator*): Yes, from my family. I have received more than 20 letters.

Presiding Officer: Have you received any letters from fellow teachers?

Detainee (*through translator*): No, I received letters from my family and from my in-laws. As you know Cuba is a big name, the names of the prisoners in Cuba are big. Everyone is afraid of their names, even if they know you, they are afraid to say that they do because they do not want to get into trouble. I have heard that some prisoners have finally managed to get some letters from the people, but in the past no one would do that, even if they were your close neighbors. When someone would ask them about a prisoner in Cuba they would refuse to say anything. My cousin, my nephews, my own family would send me letters.

Board Member: Thank you for the details bringing us up to date on your capture, but I am curious about the explosion when you were injured and got a taxi to your friends house. Who was that friend? What did he do? How close of a friend was he? What was his position?

Detainee (*through translator*): I wanted to answer this question before, but I forgot. Thank you for asking me again. I knew many people; this guy was one of them. I knew he was the closest house to the explosion; he is Uzbek, that is a tribe. Dostum is Uzbek as well; they were from the same tribe. I went to his house because he did not have any official or government job, he was a businessman. I went to his house to seek some help, he knew me and knew that I was a rich man and my family had money.

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Detainee (*through translator*)(cont.): It was chaos at that time in Afghanistan; everyone was trying to make some money some how. This was a good opportunity for him to make some money, I am Pashtoon and as you know for the past 30 years there has always been fighting and wars between Pashtoons and Uzbeks in Afghanistan. He took this as revenge, he knew Dostum and his people, he told them this was a good opportunity. He explained to them that I was Pashtoon and a rich man; they could take revenge for their tribe and at the same time make some money. This is why he turned me in.

Board Member: Before this incident would you have considered him a good friend?

Detainee (*through translator*): We were not close friends. I knew he was a businessman.

Board Member: He was an acquaintance?

Detainee (*through translator*): Yes. I just knew him and his house was on my way; it was very close. I was in pain. There were lots of friends and other people that I knew, but he was the closest one.

Board Member: What was his name?

Detainee (*through translator*): Gulam Sakhi.

Board Member: You went to this individual's home and he obviously saw it as a way to make money. He did not bring you to get medical attention but to Taliban Intelligence Service is that correct? Is that what happened?

Detainee (*through translator*): Not Taliban, the Taliban was gone at this time. It was General Dostum's people; he and Sayeed Kamel were all from the same tribe. They were Uzbeks.

Board Member: So you sought help from the wrong individual?

Detainee (*through translator*): I didn't know at that time. Let me explain something about today's Afghanistan, even as an Afghan I don't like to say it, it's unfortunate. Take the history of General Dostum for example, for money he was allies with the communists, then he was with Ahmad Shah Masoud, then he went to the Russians. He changed directions and allies all for money; people unfortunately do these things. It's hard to know who is your friend and who is not, who is honest and who is dishonest. It is a normal thing, in today's Afghanistan.

Board Member: Why did you take the taxi to your friend's house and not to a hospital?

Detainee (*through translator*): There were three reasons for that sir. The first reason is as I mentioned earlier, I just arrived to Mazar-e-Sharif. No one knew that I was there; I wanted to tell someone so that the people who knew me would know what happened and help me.

Detainee (*through translator*)(cont.): In Afghanistan an explosion happens and you have to take care of yourself, there were 150 people lying down and there wasn't much help. I needed help getting to the hospital. I wanted to find someone that knew me and would help me and tell other people that I just came from Pakistan and was injured so they would come and help me. I was in pain; I thought this was the end of my life. I was in shock; it was chaos.

Detainee (*through translator*)(cont.): In Afghanistan things were bad. It's not like other countries where help would come quickly and you are taken care of. You had to take care of yourself. For the 15-20 minutes after the explosion the people that were still alive. Instead of helping others, they ran away because they were afraid there would be a second or third explosion. Nobody cared about anybody. I managed to put myself in a taxi to go somewhere and find help or find a friend first. I wasn't sure the hospital would give me the attention that I needed. During that trip, I wanted to stay in Kabul for a longer period of time, to attend a teacher's seminar, but one of my nephews was getting married on those days and I wanted to go to attend the wedding. That is why I did not stay in Kabul for much time and rushed to go to Mazar-e-Sharif. It was probably written in my fate to go there, to get injured and to come to Cuba. I believe it was meant to be this way.

Designated Military Officer: (3.a.10 & 11) The detainee was transferred from a prison in Kabul, Afghanistan to a prison in Sheberghan, Afghanistan. The detainee's second jail term lasted over one year.

Detainee (*through translator*): Both allegations are wrong. For the first one, I was not transferred from Kabul; it was from Mazar-e-Sharif prison to Sheberghan. I was never in prison in Kabul. For the second one, I was in Mazar-e-Sharif for ten months and in Sheberghan for four months.

The Designated Military Officer read Connections/Associations.

Designated Military Officer: (3.b.1.) Sharifuddin was the head of the Estakbarat for the Northern part of Afghanistan, and his office was located in Mazar-e-Sharif.

Detainee (*through translator*): That's correct.

Designated Military Officer: (3.b.2.) The detainee's name was part of a list of names of Sheberghan prisoners affiliated with the Taliban and al Qaida and was deemed a continuing threat to Coalition Forces.

Detainee (*through translator*): My situation in the Sheberghan prison was so bad. I did not get the medical attention I needed and then my bones healed crooked. They had to break my bones here and re-operate on my knee. I wasn't even able to go to the bathroom; I would relieve myself in the same room. I had no medication and I was in pain. A person who is not even able to go to the bathroom, how can I be a threat to the Coalition Forces or to Americans?

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Detainee (*through translator*)(cont.): They actually needed other people to move me from one spot to another, that is how sick I was. I don't know what kind of threat I could have been for Americans or Coalition forces. All of my life, I never had any connections with al Qaida, Taliban or any political organization. Being sick like that and in prison, was I going to make connections or plan something? Logically it does not make any sense. That's not true.

Designated Military Officer: (3.b.3.) A source has identified the detainee as the Deputy Chief of Estakbarat in Mazar-e-Sharif.

Detainee (*through translator*): The first time they turned me over to the Americans, they accused me of being the Deputy of the Intelligence Services. I asked the American officer, where are we now? He told me we were in Mazar-e-Sharif, I said to him this is good. You have the Taliban Intelligence Services here, so you have all the paperwork. When you hire a garbage man or a cleaner, his name should be somewhere. You have intelligence officers here in prison from the Taliban regime, go check the paperwork first and if you find my signature or name in any of their paperwork or books, then you can believe this. You can even ask their (Taliban Intelligence) officers, if they recognize me as a co-worker. If they do then I am guilty. You can also ask people from Mazar-e-Sharif, the people knew the Taliban, and they knew who was who. They probably made some inquiries and that is why they released me the first time.

Board Member: When you were injured and your friend brought you to Dostum's Intelligence Service, did you have any identification with you such as a passport or anything with your name and photograph on it?

Detainee (*through translator*): No, in Pakistan you are not required to have a passport or any type of identification; you can just move around.

Board Member: Was there any type of identification required in the school you worked at?

Detainee (*through translator*): Yes, I did have an identification card. At that time, I did not have it with me.

Board Member: At the time of the explosion did you have any type of identification with you?

Detainee (*through translator*): I did not have my identification, but I did have some school paperwork and identification; not the original one, but the paper one. I was carrying all of these things along with other belongings in my bag, when the explosion happened, I lost it. I do have the original copies of those documents at home with my family.

Board Member: After the explosion, while you were detained, did you have any physical proof of your identity or was it just your word?

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Detainee (*through translator*): In our country, that's not how it works. In our country, everyone knew me, people in Mazar-e-Sharif and in Sheberghan. Everyone knows everyone. I had two cards from my cousin's hotels. They had their own restaurant and hotels, I showed the cards to the Americans and the Red Cross. The Red Cross issued me an identification card.

Board Member: Did the Red Cross issue you the identification card with your true name or the name they believed was yours?

Detainee (*through translator*): They issued it with my original name. They asked me what was my name. Kamel, the guy who put me in prison, knew me. In one class, in the school, there are about 50 kids/students, he knew me from there. Once we grew up he chose to become a communist, he went to the hard Intelligence Service in the communist regime, he went to Russia, did his studies and graduated from there. This guy knew me, this is how it works in our country, your neighbors, your classmates, they all know you and can identify you. I did not need any identification cards in those cities.

The Designated Military Officer read other relevant data.

Designated Military Officer: (3.c.1.) The detainee claims that his family owned warehouses, several stores, and hotels in Sheberghan, Afghanistan.

Detainee (*through translator*): I am not sure about the warehouses. We have about 45 different stores, jewelry, food and clothing, they all sold different things. We do have hotels, it says warehouse, but it's like a compound. One of what you call a warehouse is actually a big yard.

Presiding Officer: A fenced in field?

Detainee (*through translator*): Yes, it was used for the buses that come and go. It was like a bus station.

Board Member: How did your family come into this wealth? How did you become so wealthy?

Detainee (*through translator*): The original documents from all our property we have are almost 110 years old.

Board Member: You inherited your wealth from your ancestors?

Detainee (*through translator*): Yes. My father passed away, now everything he had went to me. After me, I will leave everything for my son. Right now, I consider myself dead, so all my property belongs to my son.

Designated Military Officer: (3.c.2.) The detainee's family's land and property was taken when the Soviets occupied Afghanistan. Once the Taliban regime was removed, his family's land and property was redistributed back to the people.

Detainee (*through translator*): This is wrong, our land and property was taken from us during the communist regime, that's correct. After the fall of the communist regime not the Taliban as you say. After the fall of the communist regime, the new government with Sibghatullah Mojadadi as the first President, he was the one that gave our property back to us.

Designated Military Officer: (3.c.3.) The detainee has stated that he graduated from high school in 1992 and then became a teacher and taught school in the Mansehra area.

Detainee (*through translator*): About 1992/1337, 14 years ago.

Presiding Officer: What did you teach?

Detainee (*through translator*): I taught science for seven years in the same school.

The Designated Military Officer read the following primary factors favoring release or transfer of the detainee.

Designated Military Officer: (4.a.) The detainee claims that he was not involved with the Taliban in any way.

Detainee (*through translator*): This is correct. I was just a refugee. I did not have any connections with any groups, not even the Taliban.

Designated Military Officer: (4.b.) The detainee has stated that he does not hate Americans; he just wishes to be released and to be given a specific time he will leave Cuba.

Detainee (*through translator*): Of course, this has been my wish for the past three years; you read that as a reason or factor that favors my release or transfer. During the last ARB, they said the same thing, but this does not do anything good for me if I wish to leave. Look at it this way, if I hated Americans and I was against the current government, why would I come to Afghanistan in 2002? This was the time that al Qaida, Taliban or anyone that was against the new government was trying to run away or escape. If I were against the current government or the Americans then I would not have come back. This is a fact that can be used as proof, during the Karzai government, I returned back to my country because I wasn't afraid they would put me in jail. I knew I was not a Taliban or al Qaida and I did not have any connections with them.

Presiding Officer: You received letters from your family. Who is taking care of your land now?

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Detainee (*through translator*): My son is actually very young; my brothers are taking care of it. Every year when we collect our money and rent then we divide the money among us, my brothers give my part to my family.

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 (*through translator*): I asked earlier about the classified information. If someone gave you wrong information about me or it's a plot against me, you should let me know so I can defend myself or prove to you that it is not true. Sayeed Kamel and those people I told you about in great detail, they must have given these Americans something about me to make them believe that I am a guilty man. Unless you tell me what that is, I cannot defend myself. You can compare what I am telling you. My answers to what they said and try to find the proof for what they are accusing me of. Ask for the proof, I am 100 percent sure that everything they have said about me was a lie.

Presiding Officer: Sir, everything you have told us is something we will consider when we do our deliberations, but we cannot release the classified information to you. We just cannot change that.

Board Member: The source (referring to the classified information) means by law it cannot be shared. However, we do not blindly look at that information and assume that it must be true. We will look at it and balance it with all the information you have told us and then we will make an assessment. We will take everything into consideration.

Detainee (*through translator*): I know those sources; I gave you the names of those people. I am happy that you explained that to me, thank you. One thing that I am requesting you do before you make your decision, is don't believe in one source. I gave you my biography, I am challenging you to look at the other prisoners, and my case is very clean. I lived clean, I lived in one city for 20 years, I was a teacher for seven years in the same school, I was not here and there. Don't look only at the information from the few people, you now have all these connections with the Pakistan and Afghanistan government, you can call the school, ask the teachers. Ask the people in Sheberghan and get more information from other people. All the school kids recognize me, you can ask them as well. These are good sources for you.

The Presiding Officer acknowledged the Designated Military Officer's 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.

Assisting Military Officer: In response to allegation (3.a.9) the detainee disagreed and stated that he was not taken to the hospital or to Kabul, but to the Taliban Intelligence Office in Mazar-e-Shariff.

Detainee (*through translator*): It was Dostum's Intelligence not Taliban.

Assisting Military Officer: In response to allegation (3.a.10.) the detainee disagreed and stated that he was not in Kabul, but in Mazar-e-Sharif.

Detainee (*through translator*): Yes.

Assisting Military Officer: In response to allegation (3.c.2.) the detainee agreed and stated that his family was the rightful owners of the land in question.

Assisting Military Officer: In response to allegation (3.c.3.) the detainee agreed and further stated that he was a teacher there for the seven years and that any of his former students and people in that village could testify on his behalf that he was a teacher there and not a member of the Taliban.

Assisting Military Officer: The detainee concluded his remarks by saying generally, putting innocent people in prison here in Cuba will hurt America's image in everyone's eyes. The prison is supposed to be for Taliban. With regard to his capture, he stated that the man from the General Dostum's Northern Alliance forces who turned him over to the Americans was a childhood acquaintance of his in Afghanistan and had harbored a long standing animosity towards him, which motivated his desire to turn him over to the Americans on fabricated charges.

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

The Detainee made the following statement:

Detainee (*through translator*): I have said everything already; I don't want to repeat myself. I thank you for reminding me about the last thing that I mentioned the other day. Yes, it will hurt the American's reputation among the people. They will say that the Americans are not after the Taliban or al Qaida, they are taking the teachers away from the poor people. Bringing people like me to Cuba hurts the Americans' reputation. I really can't blame the Americans, during that time in Afghanistan, of course, they would believe everything Dostum or Sayeed Kamel would tell them. But here within three years, I gave them all this detailed information about myself. You speak of human rights, I consider Americans humanitarian people, but my kids, my family are human beings too. I am a human being too. You should serve justice and release me from here. Back then I could not blame you, you had no other choice but to believe the wrong information. Right now everything is clear and in front of you and you know everything about me. During that time of course, I would blame Sayeed Kamel and those people that lied about me, but right now they are not here. I am here and you are here; you heard my story. It is now up to you. I am in your hands now, not theirs.

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Detainee (*through translator*)(cont.): I don't know if this is appropriate to say but I do complain to the interrogators and this is an opportunity for me to tell you. I am a political prisoner; you claim that medically, you take care of the prisoners here. They put a 40-centimeter screw or a piece of metal in my knee and I cannot bend it. I should have the right to make the decision on that. I keep asking them to remove it because I will not be able to walk like this all of my life. People in Afghanistan spend so much money to go to the United States for treatment and here I am, you are claiming that I have the opportunity to get treated well here, but they do not take care of me. I keep asking them to remove the screw from my leg and they will not.

Presiding Officer: How long has the screw been in your leg?

Detainee (*through translator*): It's been approximately two and a half years.

Board Member: Have they explained to you why it was inserted into your leg?

Detainee (*through translator*): They explained that if they removed the screw, they would have to replace my knee and put a new one. I asked them why don't they do that, because I want to bend my knee, I want to be able to walk. They said that it was too expensive. I told them that Americans are supposed to be rich they should be able to take care of that and replace my knee with a new one. I told them if they can't do that, then give me the opportunity to make some phone calls, to find my family and tell them so that I can provide the money. I will ask my family to send you the money so that I can get the right treatment, but they don't want to listen to me. I can't sit properly, I can't walk it is hard for me to go to the bathroom, it's very hard for me to live like this here and in Afghanistan we do not have chairs and bathrooms this style everywhere. It is impossible for me to live like this, I told them this is your responsibility to give me a new knee and if you think it is too expensive then at least give me the opportunity to collect that money. When I walk it is very painful, I was in so much pain, I was praying. Everything I do is so hard for me. I asked them to cut my leg, if they cut it, my life would be so much easier. Please do that for me.

Presiding Officer: We will take this back and see what they plan to do with your leg. We do appreciate you bringing that to our attention.

Detainee (*through translator*): Thank you. I don't have anything else to say. I am just hoping that I helped clarify some of the misunderstandings and mistakes here. I did my part and I hope you will do your job honestly. I was very happy with the new government; I see it as hope for us, the new government brought democracy. It was a new hope a new life for Afghanistan and unfortunately, I am here instead of being in my country. I was hoping that they would encourage people like me, they would give hope to people like me and they would use people like me as a teacher, but unfortunately it did not happen.

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

Assisting Military Officer: I would just like to thank [ISN 1002] for coming to the board. I think his answers clarified a lot of issues. The only comment I have was about the Taliban Intelligence agency, which was already clarified.

Detainee (*through translator*): Thank you Sir.

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

Designated Military Officer: I do need to clarify the name that was given to the Americans.

Detainee (*through translator*): [*Alias*], which means Priest and [*alias*]. The first six months in Cuba, they kept me under this name. [*Alias*] was a Taliban Commander, who was in the same prison here in Cuba, but he changed his name. They brought him under a totally different name and he was eventually released. When he was released he went back to Afghanistan, BBC radio interviewed him and he spoke about it. Later the Americans found out that they released [*alias*] and it was too late for them. After six months, they finally changed my name from [*alias*] to [ISN 1002] and the interrogators called me back for an interrogation. They showed me his pictures and asked if I knew him. I told them I did not know him, they then told me he was the real [*alias*], he fooled them. He gave them the wrong name and now he was gone. The interrogators told me they now knew I was not [*alias*]. They took my real name and promised me that they knew my real name, everything about me and I would be released. For the past three years they have been promising me that.

Board Member: At what point did your true identity come out? Was it a year or two ago? Around what time frame did they let [*alias*] go?

Detainee (*through translator*): I do not know the exact date and time but it was approximately six or seven months after they brought me here.

Board Member: So it has been some time?

Detainee (*through translator*): Yes.

Administrative Review Board Member's questions:

Detainee (*through translator*): I am sorry, Sir. I do have one more question about the Unclassified Summary. The first and second paragraph that says at the end of the ARB you will determine if I will be released, transferred or detained. Are you going to tell me at the end of this meeting/session?

Presiding Officer: We will explain that to you in just a few minutes.

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Board Member: [ISN 1002], thank you for your time, I appreciate you being here. As a science teacher for seven years, who is your favorite scientist?

Detainee (*through translator*): You mean on the level of Afghanistan or any where in the world?

Board Member: Generally. In your teachings, who would be the most influential scientist you have come across?

Detainee (*through translator*): Actually I was teaching Chemistry, Physics and Algebra. If you can be a little bit more specific with your question. In each subject, you have famous scientists such as Einstein, Newton and Pythagoras (translator explains this is what we call him, he is the famous Greek scientist) these are the famous formalized ones. Are you talking about that? Then yes, I can tell you what Einstein, Newton or Pythagoras did. Whatever is written in the schoolbook. Yes, I know all of them, I know all of their formulas.

Board Member: My question was whom did you find most influential to you?

Detainee (*through translator*): I named those subjects for you, they are all interesting for me and I appreciate all of those scientists who served the world. I got help from all of them; I can't mention which scientist had more of an influence on me.

Board Member: Once again thank you for your time. You have lived in Manserah, Pakistan for many years. Can you tell me about it? Is it a secure and safe city? What else did you do in that city? I know you were a teacher and you traveled to Afghanistan once a year, but what else did you do in that city?

Detainee (*through translator*): I want to clear one thing up. I wasn't personally going every year to Afghanistan; I went twice actually, once during the Taliban regime and then after the fall of the Taliban. For the nine months, I was busy with the preparation of school and stuff like that; during the school break we had extra classes I taught at home. Some of the students in the 10th, 11th, or 12th grade I would teach them Algebra, or help them with Physics or Chemistry at home during the three months. That was kind of an unofficial thing I was helping with.

Board Member: Like a tutor?

Detainee (*through translator*): Right.

Board Member: What was it like where you came from? You stated it was not secure in Afghanistan. Was this a relatively safe place to be?

Detainee (*through translator*): It's actually a big city, it's a four-hour drive from Peshawer and two and half hour drive from Islamabad, the capital of Pakistan. It is a safe place because it is not Afghanistan it is Pakistan and there is 100 percent security.

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Detainee (*through translator*)(cont.): Located on one side of the city there are about nine Afghan refugee camps. Manserah is a very good location because it's in the middle of the roads to Peshawer, towards Islamabad, towards China and towards Peshmir. It's in the center of all of these cities.

Board Member: So there would be a lot of international traffic, a lot of different nationalities that passed through the town?

Detainee (*through translator*): Yes, it is like that. Another good thing about the city was the weather. It has lots of rain, as you know Pakistan is a very hot country, it can be unbearable. The city is actually a beautiful city, mountains surround it and it is very green. Winter and summertime it is a green city.

Presiding Officer: If you were released today, Sir, what would you do?

Detainee (*through translator*): I would do whatever I used to do. I would be a teacher again; I shouldn't say good things about myself but just to answer your question. I graduated as an honor student from the first through the 12th grade; I always had the top numbers, which was why those chose me to be a teacher. Even if I wanted to continue my education the head of the school, the principal, and the other teachers would not let me. I was doing such a good job and I loved to do it. Of course I would go back and try to be a teacher. I did not choose this profession for money; a teacher's salary is not that much. It was just a part of my family, in my family we had lots of teachers and it's a very respectful job in our country. Financially, I am a very stable person, we had lots of property, I could survive without teaching.

Board Member: You had three months off every year that you taught; since you had so much money did you travel anywhere else besides the two trips to Afghanistan?

Detainee (*through translator*): No, unfortunately I did not travel.

Board Member: Thank you.

Detainee (*through translator*): It was my father's wish and my wish since I was younger for me to go to college and continue my education. In 1992, when I was graduating my father passed away and I had to take some of his responsibilities. A year later I became a teacher, got married and then I started my family life so I could not continue my education. If you release me from here, yes I want to go and travel around the world.

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

Detainee (*through translator*): One small point, you are saying that this unclassified decision will be made by officials in Washington?

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Presiding Officer: Point well taken. What this board does is provide a recommendation; the final decision will come from Washington, D.C.

The Presiding Officer informed the detainee if the Designated Civilian Official determines that you should no longer be detained by the United States, you will be released or transferred to your home country as soon as arrangements could be made.

Detainee (*through translator*): When you say soon, the interrogators say soon and they mean six months. When you say soon how long will that be?

Presiding Officer: We have no control over the time. All we can do is make a recommendation and Washington, D.C. can take as long as they need to look at your case.

The Presiding Officer informed the detainee if the Designated Civilian Official determines that you should be detained then he would be eligible for another Administrative Review Board in one year.

Detainee (*through translator*): They said the same thing during the last board and after four months they gave me the notification. With the notification they told me again that I would be eligible for another board in one year. Two months from the time they gave me the notification, they brought me here again.

Presiding Officer: These are just approximate times.

Detainee (*through translator*): Okay.

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

Presiding Officer: Sir, thank you for attending today.

Detainee (*through translator*): Thank you for giving me the opportunity. I am looking forward to hearing positive results.

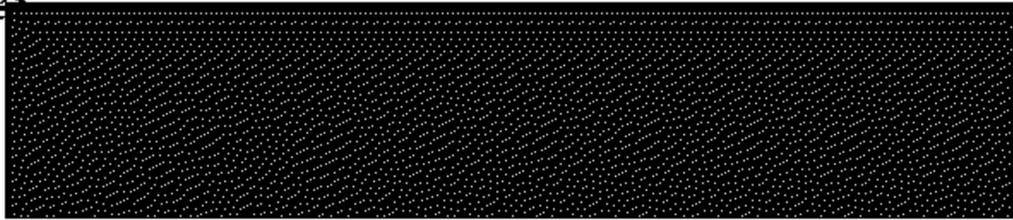
The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Air Force
Presiding Officer

23 MAY 2006

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Summary of Administrative Review Board Proceedings for ISN 1008

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath.

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

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

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

Presiding Officer: Are you familiar with these two documents?

Detainee: If they are different documents, no; if they are the same documents I read before, yes.

Presiding Officer: EC-A is the document that notified you of the decision to continue detention of the Administrative Review Board you had last year. EC-B is the election form, which covers the initial interview you had the other day with the AMO and the linguist. The AMO will read it and if you disagree with anything, please let us know.

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 03 July 2006. A Pashtu translator was assigned to, and attended the interview; however, the detainee spoke English fluently and when asked which language the detainee wished to use in the interview, he chose to use English. After reviewing the ARB's purpose and procedures, the Unclassified Summary of Evidence was read to the detainee in English by the AMO. When asked if he

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wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. Both the English and Pashtu translated Unclassified Summary of Evidence were provided to the detainee upon his request.

Presiding Officer: Does that summarize what took place?

Detainee: Yes.

Presiding Officer: Thank you.

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

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

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

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary; we will then provide you a chance to respond. The Board Members may ask you questions based on your response.

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee attempted to obtain a United States travel visa using several different names.

Detainee: I did. I have four names. Mohammed Mustafa Sohail Bahazada. It does not matter that I applied for a visa using Mohammed or Mustafa or Sohail. They are my names. I did not apply with a different name. I did not apply by myself; I applied with my entire family.

Presiding Officer: You used several different names and they are all part of the names I read out today?

Detainee: Yes. They were not other people's names.

Board Member: Why did you try to obtain a visa to the United States?

Detainee: I did not apply directly to the United States. I applied through the United Nations High Commission for Refugees to any Europe or American country for education.

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Board Member: Why were you planning to come to the United States?

Detainee: As I said before, I did not apply directly to the United States. I applied to any Europe or American country during the Taliban because of the problem with education and also financial difficulties in Afghanistan. I did not apply by myself; I applied with my entire family.

Board Member: The reason you would have come to the United States would have been for what purpose?

Detainee: Immigration. For the purpose of education and economic. I did not apply to the United States; I applied to any Europe or American country.

Board Member: Thank you.

Presiding Officer: You say education and economic?

Detainee: Not economic education. Financial problems.

Designated Military Officer: (3.a.2) A Hezb-e-Islami Gulbuddin member approached the detainee for information about operations, future events, identification and personnel related to the Camp Serenity and the Karzai Protection Detail based at Camp Aegis.

Detainee: I worked at Camp Serenity in Kabul, Afghanistan in 2003. Nobody approached me for any information; I did not give any information to anyone.

Designated Military Officer: (3.a.3) The detainee gave a Hezb-e-Islami Gulbuddin member a list containing the names of security personnel assigned to the Karzai Protection Detail and the serial numbers of the weapons they used.

Detainee: As I said before, I did not give any information to anyone. I did not give out a personnel list or weapons' serial numbers. If I gave out this information, I do not see the point of being treated like this by the U.S. government because people do not live forever in Afghanistan. I did not do it, but if they continue to say that I did, it does not matter because the personnel can be changed or can be issued different weapons.

Presiding Officer: You are right; if you give my serial number to somebody, I can get another weapon. The main point is that they are saying that you give out personal information on others as well as their serial numbers. They are more worried about the mistrust if in fact you did it. You say that you did not, and we believe you. Let's just say that we have information that tells us that you are not telling the truth right now and that somebody else points the finger saying that you did do that; the trust factor behind that is if you did it once and we release you, our concern is that we might not trust you.

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Detainee: I am not working with DynCorp anymore; they can trust me or not because I am not working for them.

Board Member: Did you make a list of security personnel names?

Detainee: No.

Board Member: Thank you.

Designated Military Officer: (3.a.4) The Hezb-e-Islami Gulbuddin member noticed the recently developed set of photographs in detainee's car. The photographs were taken by the detainee in December 2002 during the opening of an American camp. As the Hezb-e-Islami Gulbuddin member reviewed the photographs, he pulled out several photographs and kept them.

Detainee: Before I took pictures at the opening of the camp, I asked my program manager, [REDACTED], if I could and he said yes. I only took personal pictures. I did not take pictures of any secured areas. I did not give any pictures to the person mentioned.

Presiding Officer: It says that this person pulled some pictures out.

Detainee: He was not in the car with me at the time that I had those pictures.

Board Member: For clarification, which individual are you talking about?

Detainee: The person mentioned that took the pictures from me; his name is Commander Chaman. I did not give him any pictures; he did not take any pictures from my car.

Presiding Officer: Is he the Herb-E-Islami Gulbuddin member?

Detainee: Yes.

Presiding Officer: Did he take the pictures some other time maybe?

Detainee: He was not in my car during the time that I had the pictures.

Board Member: Did he ever see these pictures outside of the car?

Detainee: No.

Board Member: What was your association with Commander Chaman?

Detainee: I met him on 17 October 2003 at the DynCorp office after I was transferred to Kabul. I heard his name because he was a famous person all over Afghanistan. I saw him in Kabul at

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DynCorp in the office of [REDACTED] a program officer, who asked me to do some work as a translator. That was the first time I saw Commander Chaman.

Board Member: Did you know at the time that he was a Gulbuddin member?

Detainee: No.

Board Member: You say that he was famous all over Afghanistan, what was he famous for?

Detainee: He was a famous thief between Kabul and Jalalabad. He was robbing the cars that passed through that area.

Presiding Officer: They had to answer to him?

Detainee: He had a check post there.

Board Member: Was he a member of al Qaida or the Taliban?

Detainee: I do not know about that.

Presiding Officer: Was he Mujadin?

Detainee: Of course.

Designated Military Officer: (3.a.5) The detainee met with the Hezb-e-Islami Gulbuddin member on the street and provided him with a computer disk containing the digital images of personnel involved with security at an American camp.

Detainee: I did not give any disk to him; he is not an educated person to ask me about a disk.

Presiding Officer: He does not have to be educated. He may have somebody as smart as you are working for him. He may not be computer smart, but he might know people that can help him.

Detainee: I did not give any disk to him. If I did, they could change the personnel and the information would not be the same.

Presiding Officer: Again it's not that easy. Let's say that you give my picture to these other two Board members, if they are not friendly toward me it can be detrimental to me.

Detainee: They were looking for Karzai's bodyguards; if Karzai changed his personnel, they would not be looking for them.

Presiding Officer: There are other reasons that I can think of but will not disclose to you due to security reasons.

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Detainee: I did not do it. If the people are living in the states, how can they find them?

Presiding Officer: It would be detrimental if you did it; you say that you did not, and I thank you for your honesty.

Board Member: Did you copy information on a computer disk?

Detainee: Yes, I did. I did not make a copy to give to anyone. I made the copy as a back up in case a virus damaged my computer.

Presiding Officer: Did you ever take this copy home?

Detainee: Yes. It was allowed for me to take the computer home.

Presiding Officer: Was the copy on the computer or on a disk?

Detainee: It was on a CD. I did not give the CD to anyone.

Presiding Officer: You had the authorization to take the computer and the disk to and from work?

Detainee: Yes, because I had the HTML course and I asked [REDACTED] my program officer, if I could take the laptop home and he said yes.

Board Member: What were some of your responsibilities working with DynCorp?

Detainee: I was a translator the first time I joined DynCorp, then I was driving for [REDACTED]. I also did the purchasing for the office, and I was a finance clerk at Site III.

Designated Military Officer: (3.b) Connections/Associations. Three men identified the detainee as an active source for the Hezb-e-Islami Gulbuddin terrorist organization through a member in that organization.

Detainee: These three persons came in the office on 01 April 2003. They asked to talk to [REDACTED] the security officer at DynCorp Site III. [REDACTED] these three people, and I sat in a dining room. That was my first time seeing these three people. How did they know that I was working with Hezb-e-Islami?

Presiding Officer: I do not know. You never saw them before and they pointed their fingers at you as being Hezb-e-Islami?

Detainee: That was the first time I had seen those three persons. The problem is that in Afghanistan, if you are working for Americans, anyone can tell lies about you just to receive \$400 to \$500.

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Designated Military Officer: (3.c) Other Relevant Data. The detainee stated that the Hezb-e-Islami Gulbuddin member threatened his family should the detainee fail to provide him with the information he requested.

Detainee: No.

Presiding Officer: You never said that?

Detainee: No.

Board Member: You never said that he threatened your family or that he never threatened your family?

Detainee: He never threatened my family.

Board Member: Did you ever say that he did?

Detainee: Yes.

Presiding Officer: If you did not provide anybody with any information, why would you say that he threatened your family?

Detainee: They were beating me and I was bleeding after they arrested me in Kabul.

Presiding Officer: Who was beating you?

Detainee: [REDACTED] an American.

Presiding Officer: Whom did he work for?

Detainee: He came from the U.S. Embassy. I was bleeding; he put a pistol in my mouth and said a lot of stuff to me. He said that I would go to Cuba and stay there forever, and that I will never see my family again. That's when I decided to lie against myself.

Presiding Officer: You think [REDACTED] worked for the Embassy?

Detainee: That's what he told me.

Presiding Officer: Was he in uniform?

Detainee: No, he was in civilian clothes.

Presiding Officer: In what city did that happen?

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Detainee: Kabul, KMTC.

Presiding Officer: Is that a camp?

Detainee: That was an American camp, a training center.

Translator: Military College.

Board Member: Was anyone else in the room when the beating occurred?

Detainee: [REDACTED] and another American, [REDACTED]

Board Member: Was [REDACTED] in military uniform?

Detainee: No, he was a civilian. There also was a translator, an Afghani-American; I do not remember his name.

Board Member: Did they also participate in the beating?

Detainee: Yes.

Presiding Officer: I was under the impression that [REDACTED] was the only one who hit you.

Detainee: [REDACTED] and the translator.

Board Member: Did they all hit you?

Detainee: Yes.

Board Member: After [REDACTED] and the translator hit you and that you needed to tell them who you were working for or you were going to go to Cuba, did you tell them then that you worked for Chaman?

Detainee: Yes.

Board Member: Did you tell them right then that Commander Chaman had threatened your family or did you tell them later?

Detainee: After thirty minutes or one hour later.

Board Member: Thank you.

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Designated Military Officer: (4) The following primary factors favor release or transfer. The detainee claims that the confession regarding him providing classified information is false and coerced.

Detainee: After taking the beating from [REDACTED] and the others, I confessed that I was working for Commander Chaman. I am not a member of any party or organization.

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

The Presiding Officer acknowledged the request.

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

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

Presiding Officer: Do you have any additional comments?

Detainee: My previous answers covered all the allegations.

Presiding Officer: Do you have anything else such as communications from your family that you want to tell us?

Detainee: The elder of my tribe sent a letter to the ARB guaranteeing that I am not a trader against the U.S. government, and that I did not have any problems with anyone back in Afghanistan. I heard about it, but I do not know whether you have a copy.

Presiding Officer: Your town elder sent something to the ARB, but I am not sure I am in possession of that. Was it this year or last year?

Detainee: This year. Three or four days ago, I spoke with ICRC and was told that the letter is with the censorship people. They also said that the original of that paper will go to the ARB, and I will receive a copy.

Presiding Officer: Did you get your copy yet?

Detainee: No.

Presiding Officer: That's probably why we do not have it yet either. I will ask the AMO to look into that after the Board so that it can be made available to us. It is going through censorship like you said; if it's still in their hand, that's why we haven't gotten it, especially if you haven't received your copy either.

Detainee: I was told that it might take a year.

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Presiding Officer: Since we know about it now, we can ask about it and see if we can speed that up. Is there anything else you would like to say?

Detainee: I am not a trader against the U.S. government. I do not have any problem with the U.S. government. I am not associated with any organization or any terrorist group. I am an educated person. I am a computer instructor, and I want to go back to my job. When I go home, I will work as a computer instructor. I will not work with the government or with different people. Not too long ago, back home, I was a computer instructor.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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

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

Administrative Review Board Member's questions:

Board Member: How would you describe your relationship with Commander Chaman?

Detainee: As I told you before, I saw him for the first time at DynCorp. I had never seen him before that.

Board Member: Would you consider him a friend?

Detainee: No. For all the people he has killed in Afghanistan, how can I consider him a friend?

Board Member: I asked this question because you mentioned at the Board that he rode in a car with you.

Detainee: I brought him from his home to the office. I did not bring him for personal reason. I brought him because my officers needed him. I had his address and phone number. He speaks Pashtu and nobody else in the office spoke Pashtu. I was the contact person between Chaman and the office members.

Presiding Officer: You were a linguist for them as well, correct?

Detainee: Yes.

Presiding Officer: I think you probably covered any questions that I was going to ask you in relation to the material that we claimed you gave to other people and took copies of. You were quite honest about the copy. You said that, being able to take your computer back and forth, you did have a copy of the stuff that we alleged, and it was the back up in case of a computer virus. We appreciate your honesty today and thank you for the answers to some of these tough questions. Do you have anything further to add?

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Detainee: I am not a trader against the U.S. government. I am not working with any organization. Why am I staying here for a long time?

Presiding Officer: Did you meet with the Afghan delegation when they were here?

Detainee: Yes. They also came last year and spoke to us four different times, but nothing came up for us.

Presiding Officer: You were able to meet with them, so that is good.

Detainee: Yes.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



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UNCLASSIFIED // ~~FOUO~~

00002753

2753

ICRC letters--withheld from release under
5 U.S.C. § 552 (b)(3)

2753A-2753H

Summary of Administrative Review Board Proceedings for ISN 1012

The Administrative Review Board was called to order.

The detainee entered the proceedings.

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

Detainee: (through translator) Thank you very much. In order to show my respect, I decided to attend this ARB. Since you gave me this opportunity, I would like to use that to defend myself.

Presiding Officer: Thank you.

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

The Designated Military Officer (DMO) was sworn.

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

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

Detainee: (through translator) I don't want to take the oath but I promise that everything I say will be the truth and nothing but the truth and I'm not going to lie here.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 18 July 2006. After reviewing the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his

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behalf, the detainee stated he would attend the ARB and wished to respond to each statement of the Unclassified Summary of Evidence after it is presented. The detainee was attentive and polite throughout the interview. A copy of the English and Farsi translated Unclassified Summary of Evidence was provided to the detainee upon his request.

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

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

Designated Military Officer: (3.a.1) The detainee remained in Herat, Afghanistan for approximately three years after the Taliban took over before finally fleeing to Meshad, Iran. The detainee and his wife lived illegally in Iran for the first two years, after which the Iranian government allowed illegal Afghan refugees to become legitimate by officially registering.

Detainee: (through translator) I want to apologize, first of all, because I am a little bit sick. I'm suffering with the flu so my voice is not as clear.

Presiding Officer: If you need any assistance, let us know.

Detainee: (through translator) I'm fine. Thank you.

Detainee: (through translator) I would like to say that, when the Taliban took over Afghanistan, there were millions and millions of Afghans living in that country and I was one of them. I was born in the province of Herat and I lived there. I continued to live there. I don't think it should be a crime for the United States to put me in prison or take this fact against me as an allegation while I lived there when the Taliban took over. First of all, it wasn't three years, but it doesn't matter if I lived there three years or less than that. When the Taliban took over our city and I saw their rules and regulations, I was against them. It was too cruel and I couldn't take that. The government of Iran welcomed the Afghans who would not live under the Taliban's rule; that's why I fled the country. I did not live illegally in Iran. They knew where I lived. I had an address; I had a business over there; they knew. Just after two years, the government of Iran decided to register all Afghans that used to live there. I just went and registered myself. Before that, I was a refugee; I wasn't illegal. I was just living in Afghanistan or Iran. That shouldn't have anything to do with the United States. I didn't do any harm to the United States government while I lived in Afghanistan or in Iran. So you shouldn't take that as an allegation against me.

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Designated Military Officer: (3.a.2) During the detainee's time at the University of Herat, the detainee was in a student political organization called Basij, a group created to fight against the Taliban. One faction of the Basij group had weapons to fight the Taliban, but the detainee was not involved with this faction.

Detainee: (through translator) When the Taliban took over Afghanistan but before they took over Herat, our governor was Esmail Khan; he was still in power. He actually asked the people to gather and fight to defend our city against the Taliban; that was the organization named Basij.

Detainee: (through translator) This man is a minister in Karzai's government. I was fighting and I was actually working against the Taliban. It shouldn't be a crime to fight or defend your city against the Taliban. If that's a crime, why is the United States fighting right now with the Taliban in Afghanistan? I just don't understand this. In my previous board, this item was mentioned with those factors that favored my release or transfer. I was fighting against the Taliban. I had some activities against the Taliban. In this board, you're saying it is a factor that favors my continued detention.

Designated Military Officer: (3.a.3) The detainee ran a fabric store in an Afghan market area of Meshad, Iran. After two years, the Iranian police forced him and several other Afghan refugees to close their stores. The detainee was unemployed for about two months when he bought an automobile to use as a taxi so he could earn a living.

Detainee: (through translator) I think any human being or any man, who wants to earn money with dignity in a good way, should find something to do. What would you suggest? Would you prefer that I go and steal and live that way or just buy a car or get a car and do a decent job? Any good human being, any good man, should do something like this to find a legal and decent job to make a living. What do you think? Is it a crime to work, or to buy a car, or a taxi?

Presiding Officer: I don't have an opinion on it.

Designated Military Officer: (3.a.4) While the detainee was living in Meshad, Iran and still operating the fabric store, a friend asked the detainee to help two individuals get to Afghanistan, to which the detainee agreed.

Detainee: (through translator) Yes. My friend did call me and he said that he knew a couple of people who needed my help. He didn't ask me to transfer them or transport them to Afghanistan or anything like that. He asked me to go meet those two men and ask them what kind of help they needed. When I went to meet those two men and asked them what they needed, they told me that they haven't eaten for three days and they are Sunni's. In Iran, the majority of the people are Shiites, they didn't want to eat their food. They asked me to find them a Sunni restaurant where they can eat; that's the only thing they asked me. I do admit that I helped them with that; I took them to a Sunni restaurant

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and found some food for them. Those two men were Arab. I couldn't speak Arabic so the manager of the hotel translated for us. After they ate their food, they told me that they wanted to go to Afghanistan. When I asked if they had all their legal documents like passports or other stuff, they told me, "Yes", that they do have all the required documents, passports, Visas, and they have no problem.

Presiding Officer: Did you see their passports and Visas?

Detainee: (through translator) Yes. Actually, I took them to Tiabet, a city located on the border of Afghanistan and Iraq. While they were handing their passports to the officers over there, I saw their passports.

Presiding Officer: What nationality were they?

Detainee: (through translator) Their passports were green. It had green colors so I didn't know which country and which nationality.

Presiding Officer: But they spoke Arabic?

Detainee: (through translator) Actually, I didn't care where they came from or who they were. What I was actually doing, when I rented a cab to transfer them to the border, the cab would ask for 10,000 Tomans, Iranian money, I would charge these men 20,000. So my intention was to make a little extra money. I didn't care who they were and what they were doing. I didn't feel any danger or any crime in that because I didn't know those two men. A friend asked me to help them and I did; I made extra money. It wasn't written on their forehead that they are dangerous or bad people so I couldn't tell. The person who actually called me was a decent man. As far as I know, he wasn't a person who would cooperate with the Taliban. He wasn't the Taliban's ally or any other bad group's ally.

Presiding Officer: This was your friend?

Detainee: (through translator) Yes.

Presiding Officer: What's his name?

Detainee: (through translator) Phuvadaad. I told the interviewer about this.

Designated Military Officer: (3.a.5) The detainee rented an automobile and drove the two men to the Iranian-Afghan border town of Tiabet, Iran.

Detainee: (through translator) Yes.

Designated Military Officer: (3.a.6) One of the men was the National Director of the Non-Governmental Organization al Wafa and, from the fall of 2000 to the fall of 2001, smuggled Arabs and Russians through Iran into Afghanistan to fight.

Detainee: (through translator) This has nothing to do with me what these men were doing. I didn't have that kind of ties or relations with them and you can't take that against me.

Designated Military Officer: (3.a.7) The Non-Governmental Organization al Wafa was believed to have had connections to Usama bin Laden and Afghan Mujahedin.

Detainee: (through translator) I didn't know what al Wafa meant or what it is. It has nothing to do with me.

Presiding Officer: What is your opinion of Usama bin Laden?

Detainee: (through translator) To be honest with you, I didn't know Usama bin Laden before, but since last year and the stuff that happened in Guantanamo Bay, I think he's a war-like man. He's a man against humanity. He is a man, who came and destroyed my country, especially my city. He's not a good person and I hate people when they cause trouble for others; bin Laden is one of those people.

Designated Military Officer: (3.a.8) From the fall of 2000 through the fall of 2001, the National Director of al Wafa contracted the detainee to transport Arabs and Russians from the town of Mashad, Iran, to the town of Zabol, Iran, located on the Afghanistan border.

Detainee: (through translator) The only thing that I know about this is that I didn't have a contract with that man. All I know is that he was asking me to prepare Sunni food because they couldn't eat Iranian or Shiite food; that's basically what I was doing. There were 14 or 16 men that I prepared food for. When they were traveling from Meshad, Iran to Zabol, Iran, they were traveling by air. They were flying while I took the bus. I did not transport them; they flew, and I took the bus. I just went to the city of Zabol to prepare appropriate food for them to eat. You used the word "Russians". They weren't Russians. They were kids between the ages of 10 to 12 years old and they were from the former Soviet Union country. They were Muslims from there.

Presiding Officer: This person, who is the National Director of al Wafa, was he one of the Arabs you assisted earlier?

Detainee: (through translator) I didn't know anything about al Wafa. I didn't know if they had any ties with al Wafa.

Presiding Officer: I'm asking about this person, not the organization.

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Detainee: (through translator) That man is here in Guantanamo Bay. When the interviewer showed me his photo, I recognized him. He is here. Who he is, I don't know. Which organization he belongs to, I don't know. I told you what kind of help I provided to him earlier.

Presiding Officer: Was he one of the people that you assisted earlier?

Detainee: (through translator) Yes. The two men that went to Tiabet, one of them was him.

Presiding Officer: How did this person communicate with you when he needed your help?

Detainee: (through translator) He had an Afghan translator. He would call me and then, through the translator, he would tell me that, "I have a friend here who needs Sunni food. Please prepare that food for us."

Presiding Officer: Did he call you on a cell phone?

Detainee: (through translator) Yes.

Presiding Officer: So he knew your number?

Detainee: (through translator) No, I didn't know his number.

Designated Military Officer: (3.a.9) The detainee stated that he transported a total of 16 Arabs and 14 Russians during the year he worked for the National Director of al Wafa. The detainee dropped the individuals off in Zabol, Iran, where they met an Afghan, who smuggled them across the border into Afghanistan.

Detainee: (through translator) I already answered this question, I didn't do anything illegal to transport them or anything like that. Back to those kids, those kids came from countries that were under communist regime and they got their freedom. They would come to Iran to go to religious schools and study the Koran. It shouldn't be a crime to do that. I don't think the United States is against people learning their religion. That's all with that; they were kids 12 to 14 years of age.

Detainee: (through translator) That's a mistake; I did not go with those kids to Zabul; it was Mashad. It says here it's from the fall of 2002, 2001; that shows a whole year. The total number of times that I contacted these men was not more than 20 times. It's not a whole year. It's not even 20 days.

Presiding Officer: Noted.

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Designated Military Officer: (3.a.10) The detainee knew the individuals he smuggled were al Wafa members.

Detainee: (through translator) First of all, I did not smuggle anybody from anywhere to anywhere. The second thing, I didn't know what al Wafa is and I still don't know what al Wafa is.

Designated Military Officer: (3.a.11) The detainee was forging documents to facilitate the escape of al Qaida members during the Taliban era.

Detainee: (through translator) I don't know how to do that and I have never done this.

Designated Military Officer: (3.a.12) The detainee stated that he was arrested in Meshad, Iran by Iranian authorities because he was stopped at an Iranian security checkpoint one day after his Afghan refugee card had expired.

Detainee: (through translator) I was a cab driver. Between the bus stations, there was a place called Haram. It's like 20 minutes distance. I was doing my work and I had to go to extend my refugee card, but that was a time when the United States declared Iran as "Axis of Evil". That was the time when I went to extend my refugee card and they just arrested me. Actually, the first day I went there when my card expired, it was too crowded so I wanted to go the next day. That night, I didn't get the chance and I was stopped. It was at the end of the day and I was going home when I was stopped. They asked for my license and then they asked for my refugee card.

Designated Military Officer: (3.a.13) The detainee was transferred from Iranian to Afghan custody in April 2002.

Detainee: (through translator) Actually, in Iran, I didn't commit any crimes; they would have kept me in their prison, but it wasn't like that. The Iranians, whenever they see Afghans, they just hand them to the Afghan government. So I wasn't handed over like prisoner. That's my bad chance; I wasn't lucky.

Designated Military Officer: (4.a) The detainee stated that he is not al Qaida or Taliban and, in fact, he fled his country to escape the Taliban.

Detainee: (through translator) Yes. That's correct.

Designated Military Officer: (4.b) The detainee denied ever helping Arabs or Russians obtain false or fraudulent documents to cross the Afghanistan border.

Detainee: (through translator) Yes. I have never done that. I have never transferred anybody to Afghanistan and I have never forged any documents.

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Designated Military Officer: (4.c) The detainee regretted becoming involved with the National Director of al Wafa.

Detainee: (through translator) Of course. Again, I don't know that man and I didn't know that he was the Director of al Wafa. I didn't know what al Wafa was. Dealing with a man like this, even for a little bit, because of him, I am here today. Of course, I regret why I dealt with him; why I even knew him.

Designated Military Officer: (4.d) The detainee admitted that the smuggling was a mistake he committed only because of greed.

Detainee: (through translator) I told them in the past and I'm telling you now that the smuggling or doing any illegal thing is not a good thing, but I have never done that. The only goal that I had in life was to make some money for living; that was the only thing. Whatever they did has nothing to do with me.

Presiding Officer: So you deny admitting that you smuggled people?

Detainee: (through translator) Yes. I have never, ever done that.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer presented Exhibit EC-C on behalf of the detainee to the Administrative Review Board.

The Detainee made the following statement:

Detainee: (through translator) I would like to say that, with the help of God, I would like to be released and leave this prison. I'm a man with a wife and a kid. I want to return to my family and to my country. I would like to say that I have never been against the United States, or civilization, or humanity in the past and I'm not against the United States now. In case of my release, I will never be against President Karzai's government or the United States government. My goal is to get released, of course, go to my country and finish my education. As you probably know, I was a student of Economy Faculty and I only have one semester left to finish. I would like to finish my education and serve my people, serve my government and work for the current government of Afghanistan. I'm asking you, please, when you make your decision, whatever it is that's in my file and

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whatever I have done, it's because I was trying to make a living and put some food on the table for my wife and my kid; that was in the past. The only intention and goal that I had in life was to make some money; that's all it was. With the help of God and, if you release and I leave, I will live an honest life; I will work for my people and my government. Even if somebody approaches me with money or do anything that I'm not sure of, I will refuse. I'm not going to do anything against the government or the United States. One more thing that I wanted to mention about my personality is that, I have been here for four years; within those four years I have never caused any problems for MPs or for other prisoners. I always obey the law of the prison. I'm not a troublemaker. I have never caused any big problems for MPs or for the officers here. I'm begging you and asking you to think about me, four years is a lot of punishment. Four years is a lot of punishment for somebody who was trying to make a living, even if I dealt with people that I didn't know. I didn't mean to help them just to make a living. Four years is enough. I'm asking you to think about my wife and my kid. My son is eight years old and he needs his father in life. When you make your decision in my case, please think about them, too. Even if you think I made a mistake, I think four years is enough; four years punishment is enough.

Presiding Officer: Mr. Tukhi, does that conclude your statement?

Detainee: (through translator) Yes. 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: I would like to say, "Thank you," for coming today. I think that coming in and making your statement and answering our questions helps me make a better decision as a board member. I do have a couple of questions that I would like to ask you. The first one is how long did you live in Iran? In your statement earlier, you disputed the time that was in the Unclassified Summary. I would like to know how long you did live in Iran.

Detainee: (through translator) Approximately five years.

Board Member: How old were you when you and your family moved to Iran?

Detainee: (through translator) I'm 36 years old. My wife was very young; she was like 15 years old at that time. I'm 36 years old so I was maybe about 26, 27, or 28. We Afghans are not very accurate about dates.

Board Member: You always like to say that you are younger than you really are?

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Detainee: (through translator) Yes (laughing).

Board Member: Before you moved to Iran, what work did you do in Afghanistan besides attending the university?

Detainee: (through translator) Our family actually never worked for the government; we had our own personal business. Me, myself, I had a pharmacy store, as evident in that letter. We do have a stamp of our Tajik pharmacy store. I was selling medication besides being a student.

Board Member: How many children do you have? You mentioned that you have at least one child. Do you only have one child?

Detainee: (through translator) Just one son and his name is Danielle.

Board Member: Where are your wife and son living now?

Detainee: (through translator) I'm getting letters from Afghanistan from them. So they live with my father.

Board Member: They moved back to Afghanistan after the officials in Iran arrested you?

Detainee: (through translator) Yes.

Board Member: This will be my last question. The board can recommend that you be released, or that you be transferred to your home country, or that you remain here in Guantanamo. I want to make sure that we're correct on this, but from what you're telling me, Afghanistan is your home country; is that correct?

Detainee: (through translator) Yes.

Board Member: Those are all the questions I have. Thank you, again, for coming today.

Detainee: (through translator) I think the documents that we just gave you are the best evidence. I don't think any detainee in this prison has. You see, all respectful people, all the businesses, all the tribal leaders, they all guarantee my personality that I'm a harmless person and that, if you release me, I will go and live a peaceful life. So that's the best document that I can present to you.

Presiding Officer: You mentioned you knew someone who was a minister in the Karzai government.

Detainee: (through translator) Personally, I don't know him. His name is Esmail Khan. Just to clarify things, I told you that, back then, he was the governor of Iran. When the Taliban came and took over, he had to run away, too. Right now, he is the minister in Karzai's government. He is a pro-American guy.

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Presiding Officer: Why do you think the Afghan government transferred you to United States custody?

Detainee: (through translator) Well, in the beginning, it's very normal anywhere when there are changes in the government; they are disorganized. It's like, when flooding comes, it takes everything; the small tree, the big tree, the good, the bad, it takes everything with it. In the beginning, the Afghan government was destabilized and disorganized. It was a mistake. I think it was a mistake.

Presiding Officer: That was a good analogy.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



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Enclosure (5)
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UNCLASSIFIED

CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT

ISN 1012

Exhibit#	Date	Classification	Guantanamo#
EC-C	07/17/06	UNCLASSIFIED	2005-AO1547

Enclosure (4)
EC-C
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UNCLASSIFIED

2764A

UNCLASSIFIED

1

Aminullah Tukhi
ISN: 1012
ABZ: 015844

Dear Director of Herat University (greetings.....)

Mr. Aminullah, son of Habibulah, graduated in 1368 (Afghan calendar) from Jamee high school of Herat and succeeded the final examination (concourse) in 1369. He then started studying at the faculty of economy in Herat province.

I hope you can confirm the above mentioned statement.

Sincerely,

Habibulah

Answer of the university director

We found in the records of our archives (number 2) that Mr Aminullah, son a Habibulah, lived in Bodekerhon (village) and according to official letter number 24, he was a student in this faculty and he finished the first semester and in the second semester he failed second chance exams and did not continue his studies. Then according to the official letter number 297 of 1/6/1376, this student did not belong to this university anymore.

Signed by Fariha Amin, assistant to teachers of the Faculty.

UNCLASSIFIED

Enclosure (4)
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2764B

UNCLASSIFIED

2

To dear owners of companies, representatives of villages and owners of pharmacies,

Greetings

As you know, Mr Aminullah, known as Baryallay, son of Hadji Habibullah, Tukhi lived in Bomurghon (village). He was captured by international troops (ISAF) after the fall of the Taliban regime. I hope that you give your opinion about him and testify that in the future he will live in peace as his other fellow citizens under the flag of the Islamic republic of Afghanistan.

Answer:

The mentioned person (Aminullah) known as Baryallay, is resident of Abdullajohn's area (he is a representative his village).

We, representative of the area of Herat province confirm the personality of Aminullah. We hope that he will be pardoned. We also confirm that in future he will live in honesty under the flag of the Islamic republic of Afghanistan.

Signed by

- Abdul khazak (representative of the chicken seller street area)
- Saleh Mohammad Tukhi, (representative of Obaydahjohn area)
- Ghulam Rabani Nazari (representative of Pay day area)
- Company of Tukhi,

3 (second part of the same letter)

- The Company of the United Sons of Sadat guarantee
- Benazir Darmaltoun (pharmacy)
- company of Commercial and transportation, Heart, Asia al Sadat guarantee
- Akhtar Mohammad, representative of Atazadah
- Directory of Jamee high school
- Directory of education, according to the result of year 1368, Mr. Aminullah Tukhi, son of Habibullah, with number 6407, graduation from class 11 on 3rd position. Signed by the school's director

UNCLASSIFIED

Enclosure (4)
EC-C
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2764C

UNCLASSIFIED

GUAN-2005-001647

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Handwritten signature and text in the lower section.

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UNCLASSIFIED

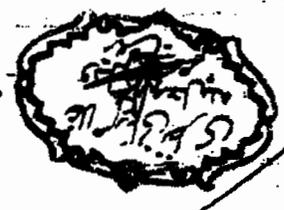
27640

Enclosure (4)
EC-C
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Main body of handwritten Persian text, appearing to be a letter or official document.

Second main body of handwritten Persian text, continuing the document's content.

QUAN-2005-A 01547

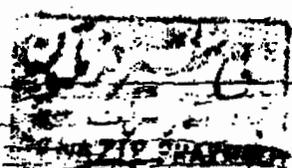
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شركت بازرگانی و بازرگانی همدان

شماره ثبت ۲۲۳۸۵
شماره پروانه ۲۲۳۸۵
شماره ثبت ۲۲۳۸۵
شماره پروانه ۲۲۳۸۵

شماره ثبت ۲۲۳۸۵
شماره پروانه ۲۲۳۸۵



شركت بازرگانی و بازرگانی همدان
شماره ثبت ۲۲۳۸۵
شماره پروانه ۲۲۳۸۵



شماره ثبت ۷۸۶
شماره پروانه ۲۲۰
شماره ثبت ۷۸۶
شماره پروانه ۲۲۰

شماره ثبت ۷۸۶
شماره پروانه ۲۲۰

شماره ثبت ۷۸۶
شماره پروانه ۲۲۰

شماره ثبت ۷۸۶
شماره پروانه ۲۲۰



شماره ثبت ۷۸۶
شماره پروانه ۲۲۰

شماره ثبت ۷۸۶
شماره پروانه ۲۲۰

شماره ثبت ۷۸۶
شماره پروانه ۲۲۰

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 1015

The Administrative Review Board was called to order.

The Administrative Review Board was recessed in order to bring detainee into the room.

The Detainee entered the proceedings.

The Administrative Review Board was reconvened with the detainee present.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer asked the Detainee if he wished to make a statement under oath.

Detainee (through translator): Are you going to believe me if I swear or if I don't; if I take the oath or not? You don't believe us. If I swear or not, does it make a difference? It's the same system you use.

Presiding Officer: It's your choice, [ISN 1015]. Would you like to make an oath or not?

The Detainee declined taking the Muslim oath.

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

Detainee (through translator): You kidnapped me from the street. How do I pose a threat to you? This is a question that I need an answer.

Presiding Officer: You cannot demand of us that we answer any questions, just as we are not demanding you to answer any questions. However, I'm happy to work with you during the course of this board as long as we keep our relations cordial.

Detainee (through translator): The respect is something I have to do, but you cannot answer any question.

Presiding Officer: You have the assistance of the Assisting Military Officer at the hearing. You may present information to this Administrative Review Board including a

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written statement, an oral statement, or the statements from persons who can provide relevant information.

Detainee (*through translator*): From where do I get this?

Presiding Officer: From your head.

Detainee (*through translator*): I have been here for five years. What do you want me to tell you?

Presiding Officer: We will come to that later in this session. You may examine all relevant unclassified information. However, some documents you examine may be partially masked for security reasons. You may not be compelled to testify or provide a written statement to this Administrative Review Board, however, you may make a statement if you wish. You may choose to have the Assisting Military Officer provide a statement on your behalf if you prefer.

Detainee (*through translator*): I want my lawyer. I need my lawyer. Can I see him?

Presiding Officer: This is not a judicial proceeding and we are not here to provide you a lawyer at this hearing. This is an administrative hearing. So I will provide you with a direct answer, and the direct answer is no. Do you understand this [Administrative Review Board] process?

Detainee (*through translator*): I understand this from three years ago.

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

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

Detainee (*through translator*): I would like to understand what an "Enemy Combatant" is.

Presiding Officer: Do you want to know what an "Enemy Combatant" is or are you wondering what's on this form [EC-B]?

Detainee (*through translator*): Both of them. What an Enemy Combatant is and what's on the form.

Presiding Officer: The determination of Enemy Combatant status was a process that we previously went through during the Tribunal process, and you have been classified as an "Enemy Combatant." It is not the purpose of this board to address your Enemy Combatant status.

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Detainee (*through translator*): I want to know, what is the meaning of the word "Enemy Combatant?"

Presiding Officer: "Enemy Combatant" is somebody who supported al Qaida or supported organizations that helped al Qaida in the fight against the United States and its allies. That is not the dictionary definition, but that is good enough.

Detainee (*through translator*): This is a general meaning?

Presiding Officer: Yes.

Detainee (*through translator*): I am kidnapped. I am not an Enemy Combatant. You kidnapped me from my country. They don't have a stake.

Presiding Officer: We can talk about that later on. I understand the point you're making.

Detainee (*through translator*): When?

Presiding Officer: In a few minutes. Do you wish to look at this piece of paper (*holding AMO Exhibit EC-B, Enemy Combatant Election Form*).

Detainee (*through translator*): Read it for me.

Presiding Officer: I am going to ask the Assisting Military Officer to read the comments that are on the form.

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

Assisting Military Officer: The detainee's ARB interview was conducted on 10 April 2006.

Detainee (*through translator*): Take out that word "detainee." I am not a detainee. I'm kidnapped.

Assisting Military Officer: After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee.

Detainee (*through translator*): Tell the AMO not to say detainee because I am kidnapped. I am not a detainee.

Presiding Officer: The AMO is reading comments that are written on the form. Those are his comments and I am not going to tell him to change the comments he makes. He is just reading the comments he placed on the form for your benefit. I am not going to ask him to change anything that he placed on the form. We can talk later about whether you

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were kidnapped or are a detainee, but at this point in time we are just going to read what the form says.

Detainee (*through translator*): He is wrong. Did he capture me in a war or [in] combat?

Presiding Officer: [ISN 1015], it is a privilege for you to be here at the board hearing and I really truly want to work with you to get us through the hearing.

Detainee (*through translator*): I'd do the same. The way you know about cooperating; you working, you and him, against me. That's the way you understand the cooperation. If you tell the truth, I was at home and you kidnapped me from a country like there is no law there.

Presiding Officer: [ISN 1015], we will give you an opportunity to talk later in the proceeding. Let's just get to that point in the proceedings.

Assisting Military Officer: When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it was presented. The detainee was very disruptive throughout the interview. Copies of both the English and Arabic translated Unclassified Summary of Evidence were presented to the detainee upon his request.

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 previously been distributed to both the Assisting Military Officer and the 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 wanted to leave Yemen and go to Europe because he sought a western society where there would be more opportunity and tolerance. He did not have an exact destination in mind.

Detainee (*through translator*): True.

Designated Military Officer: The detainee hope to be granted political asylum when he arrived in Europe.

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Detainee (*through translator*): Not political asylum, but a human asylum, and I asked the AMO to change it and he did not.

Presiding Officer: By human asylum, do you mean you were just looking for a better life in Europe then you had in Yemen?

Detainee (*through translator*): Yes. When you say political asylum, that means I have problems in Yemen, but I do not have problems.

Presiding Officer: I understand.

Designated Military Officer: The detainee planned to go to Europe via Pakistan because it would be easier to get a visa in Pakistan rather than Yemen.

Detainee (*through translator*): This is not complete information; I had a better opportunity in Pakistan than in Yemen.

Presiding Officer: Would it have been easier for you to get your visa to go to Europe in Pakistan than in Yemen?

Detainee (*through translator*): True.

Designated Military Officer: The detainee says he did not join the Tabligh, but had planned to claim Tabligh membership in order to receive the same discounts they received.

Detainee (*through translator*): It's good.

Presiding Officer: What I understand that to mean is that you were looking for travel discounts with the Tabligh, is that true?

Detainee (*through translator*): Of course.

Designated Military Officer: Jama'at al Tablighi is a Pakistan-based Islamic missionary organization used as a cover to mask travel and activities of terrorist, including members of al Qaida.

Detainee (*through translator*): Are they my kids or the rest of my family? I'm not in charge of them.

Presiding Officer: I understand the point you are making.

Detainee (*through translator*): The whole statement is strong. You are the one who ... information. I am not a member with them. I am not one of their kids. Why do you ask me if they are missionaries or if they are terrorists? I don't get their ideology or their thoughts. I don't follow them.

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Presiding Officer: You do not have to confirm or deny that statement. We are just letting you know that the statement is there.

Designated Military Officer: The detainee traveled to Sanaa, Yemen, bribed a guard at the embassy, and got a visa to Pakistan. The detainee told them he was Tabligh. The detainee also got a passport while he was there. While in Sanaa, the detainee went to a travel agency and bought a round trip ticket, again claiming that he was Tabligh.

Detainee (*through translator*): I got my passport in Aden, not Sanaa.

Presiding Officer: So what we're saying is that you bribed a guard to get the visa, is that really true? Did the guard get you the visa or did you bribe the guard to get the access to somebody else who was going to get you a visa?

Detainee (*through translator*): Just to get me the visa.

Presiding Officer: I am ignorant of this process, but could you have bribed the guard to also get you a visa to a European country instead of Pakistan?

Detainee (*through translator*): I went to the Pakistani embassy not to a European embassy so there is no relation.

Presiding Officer: I understand. It is cleared up for me now.

Designated Military Officer: The detainee traveled from Sanaa, Yemen to Karachi, Pakistan, by himself. He spent four days in Karachi, and then took a train from Karachi to Lahore, Pakistan to get to the Tabligh headquarters.

Detainee (*through translator*): True.

Designated Military Officer: At the Tabligh center, the detainee met a facilitator who recommended that the detainee stay in Pakistan and travel to Europe with the Tabligh on a missionary journey because it would be cheaper.

Detainee (*through translator*): I'm not feeling good, that's why I can't ... When I went to Pakistan to the Tabligh headquarters, I met this guy that I'd never met before, and

Translator: I have to translate every single word he says but he says they know I don't have to. He's going fast and I told him, "Let me catch what you're saying," and he said, "They know these things, you don't have to translate it."

Presiding Officer: I promise you, I don't understand what you're saying.

Translator: He said, "You know."

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Detainee (*through translator*): When I went to the headquarters, at the gate, I started asking, and nobody knows Arabic there. I found this guy and I asked him if he spoke Arabic. I asked him where's a place I can go and sit. He showed me where the bathroom was, where to sit, and where the restaurant was. I told him that I wanted to go to Europe and he started explaining to me. After a while, he told me that there is a problem between the U.S. and the Arabs. You can't travel. I asked him what's the solution for this. He told me that if I wanted him to, he would smuggle me. So I agreed to let him smuggle me.

Presiding Officer: Your answer probably relates to the next several things we're going to be reading to so if you want to amplify that after we read them, fine and if not, that's okay also.

Designated Military Officer: The detainee stayed at the Tabligh Center for two and a half months waiting for the Tabligh to go to Europe, but did not go on any missionary journeys with the Tabligh.

Detainee (*through translator*): True.

Presiding Officer: Did you start to lose faith in your friend after waiting all of this time to go to Europe?

Detainee (*through translator*): I lost it in the traveling, not with the guy. I know him but he is not my friend.

Designated Military Officer: The facilitator told the detainee that Arabs had been blocked from travel to Europe following the 11 September 2001 attacks, but that he could smuggle people to Europe. The facilitator said they would travel through Iran to Turkey and then to Greece.

Detainee (*through translator*): True

Designated Military Officer: The facilitator took the detainee to the Pakistan/Iran border. Once there, the facilitator arranged the detainee's travel into Iran.

Detainee (*through translator*): True

Designated Military Officer: The detainee and the facilitator crossed the Pakistan/Iran border and traveled into Iran. They ultimately arrived in Mashhad, Iran, stopping in Tehran, Iran, along the way.

Detainee (*through translator*): True

Designated Military Officer: The facilitator rented a house in Mashhad, Iran, where he and the detainee stayed for approximately one and a half months. The detainee felt that the facilitator might be fooling him after the detainee paid him to travel to Europe.

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Designated Military Officer (cont.): The detainee told the facilitator that he was going to go back to Pakistan and then Yemen. The facilitator then said they would leave the next day for Europe by going to Tehran first.

Detainee (*through translator*): True.

Designated Military Officer: The facilitator took the detainee to Tehran. While there, two Iranian policemen approached them. The facilitator told the police that he was Iranian but the detainee did not speak Farsi, so the facilitator had to tell him that the policemen wanted to see his passport. The detainee was arrested and taken to a police station in Tehran.

Detainee (*through translator*): True

Presiding Officer: Do you think the facilitator betrayed you, or was it just coincidence?

Detainee (*through translator*): By the name of God, if he betrayed me or not, that's the story.

Designated Military Officer: The detainee was eventually turned over to American custody in Kabul, Afghanistan.

Detainee (*through translator*): Yes. How am I an Enemy Combatant? How do I pose a threat to the United States? Why am I here in prison for almost 5 years?

Presiding Officer: [ISN 1015], it is not the purpose of this board to determine if you are an Enemy Combatant. I can't control that much as you can't control it. The purpose of this ...

Detainee (*through translator*): Is this fair or unfair?

Presiding Officer: It is the way it is. The purpose of this board is to assess whether you continue to be a threat to the United States or its allies, whether you have any intelligence value, and really, most importantly for you, is we are going to recommend whether you should stay here another year, whether we should transfer you to another country, or whether you should just be outright released. So any discussion about whether or not you are an Enemy Combatant is just immaterial to us. We are just focused on threat assessment, intelligence value assessment, and what we should do with you.

Detainee (*through translator*): Who can assess that I still pose a threat to the United States when you kidnapped me ... is there a competition to just show the world that you've captured a lot of people?

Presiding Officer: I'm not exactly sure what point you're making, but you'll have an opportunity to make a statement again in a few minutes.

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Designated Military Officer: The detainee met some Tabligh members who told him to come to the Tabligh headquarters in Pakistan

Detainee (*through translator*): Who said this?

Presiding Officer: It doesn't make any difference. Actually, to be honest, if some Tabligh members took you to the Tabligh Center in Pakistan, I could certainly understand that.

Detainee (*through translator*): My question is who said this? Do you bring it from your head?

Presiding Officer: Read the question again.

Detainee (*through translator*): This is all it said, this lie? All of what you put in their are lies.

Presiding Officer: Okay, that's fair. He's saying it is not true. I understand. We can move on.

Detainee (*through translator*): Yes. You are liars and these are all lies.

Designated Military Officer: A senior al Qaida operative recalled seeing the detainee once in Afghanistan during 2000 or 2001.

Detainee (*through translator*): Are you saying 2000 and 2001?

Presiding Officer: 2000 or 2001 - around that time period

Detainee (*through translator*): In 2001, I was in Yemen. I was working for a company. Is the American prison in Afghanistan a guest house for al Qaida or Taliban? You brought me from Iran, my hands and my legs shackled, and you threw me in prison for one year and two months. Now, you're telling me ... Is this prison ... was it in Taliban's time? Yes, you can say that.

Presiding Officer: Stop. Just so I do not misunderstand what you're saying. It sounds like you are saying you were in a prison in Afghanistan during the time that the Taliban ruled Afghanistan. Is that what you're trying to tell me?

Detainee (*through translator*): No, American time. I was in Afghanistan after the Americans got there.

Presiding Officer: I understand. You are going beyond what the question is actually referring to. Based on what you have told me so far, I think you are going to say it's not true or it's not possible that somebody saw you in Afghanistan during 2000 or 2001, except after you were transferred to the custody of the U.S.

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Detainee (*through translator*): I didn't know anything about Afghanistan until the Americans came and they put me in Afghanistan. One minute, excuse me. I am in Cuba, right? Can you tell me why I'm in Cuba?

Presiding Officer: That's not the purpose of this board. Remember [ISN 1015], focus on what the purpose of the board is. We are making the threat and intelligence assessments and we are also going to recommend whether you stay, whether you are transferred, or whether you are released. That is really all we are here to do today.

Detainee (*through translator*): Listen to me. If you interrogated me and you ask me, "Why are you in Cuba?" You brought me to Cuba. You are senior officer and you bring me to a prison and you put me inside and then you ask me, "Why are you here?"

Presiding Officer: That's not what we are doing here. One thing [ISN 1015], we are not interrogators.

Detainee (*through translator*): It's just an example. You brought me here to this meeting, this session. You brought me here, it's not that I want to come.

Presiding Officer: [ISN 1015], are you referring to "here" meaning the prison or "here" meaning this ARB session? Actually [ISN 1015], I disagree with you. It was your choice to come to this session. We could have held this session without you and in fact, we hold plenty of these sessions without folks in attendance. In fact, I'm glad you are here, we are happy that you are here.

Detainee (*through translator*): Thank you because you're happy. Why are you here? Why did you come here?

Presiding Officer: I'll answer for all the military people in the room. We came here because these were our orders. We were told to come here.

Detainee (*through translator*): So then somebody asked you to come here?

Presiding Officer: Well actually, in the military they told us to come here.

Detainee (*through translator*): Now if you leave, someone from the military would ask you why you're here.

Presiding Officer: I think most people in the military understand why we're here.

Detainee (*through translator*): I want your answer.

Presiding Officer: Why I'm here?

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Detainee (*through translator*): After you have an order, you came over here, and somebody ... will ask you, "Why are you here?" Why do you have an order to come here.

Presiding Officer: I came here because I was ordered to come here to do my duty.

Detainee (*through translator*): Then somebody will tell you to do so. You didn't volunteer.

Presiding Officer: No. I did not volunteer to come here.

Detainee (*through translator*): So then somebody asked you to come here?

Presiding Officer: No, somebody told me to come here.

Detainee (*through translator*): You kidnapped me and you took me to Afghanistan and now you're telling me I was in Afghanistan

Presiding Officer: We're not telling you that you were in Afghanistan. We are just asking you to tell us whether it's true or not that you were in Afghanistan.

Detainee (*through translator*): It's not true. I said all that I have. I want you to tell the truth.

Presiding Officer: [ISN 1015], we're going to be reading several other items now, and you have read this before. I understand your comments will probably be very similar. This will show you some of the other information we have and why we brought you here to Guantanamo. Just like the previous statement, these will tell you why we brought you here. Understand, I am not saying you did or did not do these things. I am just asking you to tell us whether you did these things.

Designated Military Officer: A senior al Qaida operative recalled giving someone who looked like the detainee approximately 2,000 United States Dollars in early 2001.

Detainee (*through translator*): There are forty people inside the camp here saying ... some people here call me another person's name. We are all the same. They are calling me a name of anybody else.

Presiding Officer: I understand the point you are making; that it's possible that somebody with the same name as you, these charges could apply, but what you're saying is that you didn't do this. This does not apply to you personally.

Detainee (*through translator*): I've never been in Afghanistan.

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Designated Military Officer: The detainee was seen at al Qaida guest houses in Afghanistan. The detainee was described as an old junior al Qaida member who had been around for some time but was not a senior al Qaida leader.

Detainee (*through translator*): In ARB 1, they said I was senior in al Qaida, and I mentioned at that time that I'm older than Usama bin Laden in al Qaida and now you're making it different.

Presiding Officer: Just to be clear. Are you being tongue in cheek now when you're talking? Are you being a little sarcastic when you're making this statement, because I don't think you want to tell us that. Are you telling us you are al Qaida, or are you being sarcastic right now?

Detainee (*through translator*): I said it the first time, I was a senior because this ... is a lie. Because before you said that I'm senior and now I'm not.

Presiding Officer: Okay, but I think for our purposes, I think you're telling us that it's not true; you're not an al Qaida member. I don't want to put words in your mouth.

Detainee (*through translator*): Not true.

Presiding Officer: Not true that you are not an al Qaida member.

Designated Military Officer: The detainee's name appeared on a list of 254 Arab nationals who were deported or were repatriated from Iran as suspected al Qaida or Taliban members in roughly the December 2001 to February 2002 timeframe.

Detainee (*through translator*): We were just 10 people; 6 Arabs. I want to divide 254 over 6 and from that, you would have 80 percent. We were just 10. We were just 10, 6 that were Arabic and 4 that were not. How'd they come up with 254? Why didn't you bring them here, the 254?

Presiding Officer: Actually [ISN 1015], the next statement that is going to be read will probably tell you why all 254 of those Arab nationals are not here.

Detainee (*through translator*): Do you really believe that? Are they innocent?

Presiding Officer: I'll just go ahead and read the statement.

Designated Military Officer: The detainee was among ten al Qaida and Taliban-associated individuals that Iran transferred to Afghanistan in 2002. All of them lived in Afghanistan during the Taliban era. Iran returned some of them to their country of origin. However, the detainee remained in Afghan custody.

Detainee (*through translator*): They sent all of them back to their original country?

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Presiding Officer: Obviously, not all of them because you are here.

Detainee (*through translator*): 6 Arabs ... One guy was released because he was Shiaah from Iraq and the rest came here? Myself ... one Yemeni, 5 of them. Do you have their names?

Presiding Officer: You do not have to tell us names. What's important for us is just to understand that the Iranians turned you over to the Afghans, and that's how you ended up in U.S. custody.

Detainee (*through translator*): Yes, to your allies, the Afghans. They didn't send anyone to their country.

Designated Military Officer: The detainee assisted the son of a senior al Qaida in acquiring a falsified Yemeni passport.

Detainee (*through translator*): When did that happen?

Presiding Officer: It does not make any difference when. I would assume that if that did not happen, you can just tell us, "it's not true."

Detainee (*through translator*): Not true. Is it ... that you collect words to make a lie.

Designated Military Officer: The detainee was unable to provide any plausible explanation for why he was in possession of over 1,000 United States Dollars.

Detainee (*through translator*): 1,000 dollars? Where's the rest? Do you steal it? Where's the rest of it? You took my money, and then you're telling me 1,000 dollars when I had 1,500 dollars. On top of that, I had 15,000 Pakistani and 2,000 Yemeni currency; and when you took me, I had 2,491 American Dollars.

Presiding Officer: I'm kind of surprised that after being in Iranian custody for however long you were in custody, they allowed you to keep all of this cash on you.

Detainee (*through translator*): I gave them my passport, but I kept the money. I hid it.

Presiding Officer: The statement says that you have not given us a good answer as to why you had the money.

Detainee (*through translator*): I was working at a company in Yemen and I had the money. I earned it as a salary. How long have you been in the Army?

Presiding Officer: I do not want to answer the question. We're just trying to get an answer to the question here. You were able to hold on to all of this money for the time you were in Pakistan, and then going into Iran and then when the Iranians took you into custody?

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Detainee (*through translator*): My money is ... They didn't do like you Americans. They didn't take my clothes and tear up my clothes.

Presiding Officer: The real answer to the question is that the money was the money that you took with you when you went from Yemen.

Detainee (*through translator*): I worked at the Hyundai company in Yemen and I was paid 112 dollars per month plus overtime while I was studying. I finished school in 1996-1997. I was working and I've said this many times, but I'm sorry the last days when I was leaving. I was working at the company and you can ask the company. I was working at; I was working in the silos. I've been working since I was 3 years old. This is not right to ask me why I have 1,000 dollars. I don't know how much you pay for drinks or how much money you throw on a dancer. You can do that and have that money. I don't, and this money is nothing.

Designated Military Officer: The detainee stated that he considers the U.S.S. COLE bombing a crime because there were innocent people in that place who should have not been killed.

Detainee (*through translator*): That's right and every regular person would say that.

Designated Military Officer: The detainee stated that he has never been involved with anything criminal and this could be verified with his government. The detainee denied being involved with al Qaida in any way.

Detainee (*through translator*): True. I don't know about al Qaida; I know it from you. I also know it from when I was in the prison.

Presiding Officer: You'd never heard of al Qaida when you lived in Yemen?

Detainee (*through translator*): Not at all.

Designated Military Officer: The detainee called Usama bin Laden a big problem.

Detainee (*through translator*): Double that problem.

Designated Military Officer: The detainee claimed that he hated al Qaida more than the interrogator does.

Detainee (*through translator*): We are here because of them, because of the interrogators. It doesn't matter for me whether it's true or not. I cannot take advantage of this.

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.

Presiding Officer: [ISN 1015], at this point in the proceeding we will give you an opportunity to say anything you want to say. We call this making an oral statement. After you make your oral statement, we'll probably take a short break so if you want some water, you can get a drink of water and then we will convene again shortly thereafter; and then, if we have any additional questions, we will ask them.

The Detainee made the following statement:

I am innocent, if you believe me. I cannot force you to believe me.

Presiding Officer: Is that your oral statement?

Detainee (*through translator*): That's all. I'm just innocent. Why don't you let my lawyer come to the meeting? Why do you open all of my lawyer's letters and read them? Plus you want to speak to the media.

Presiding Officer: The only way I can answer that is this is not a legal proceeding, so there are no lawyers in the room.

Detainee (*through translator*): Why? Why are there no lawyers?

Presiding Officer: I'll tell you a story about the U.S. Military. There are plenty of times in the U.S. Military when our men and women get in trouble. They come before the commanding officer and the commanding officer has an administrative procedure similar to this and there are no lawyers present. It's just military officers and the young men and women who get in trouble. So when we say this is an administrative proceeding, this is what we mean by administrative; no lawyers are present and it's not a legal proceeding.

Detainee (*through translator*): Is this media, military, or civilian? (*referring to three individuals sitting in the room observing the proceedings*)

Presiding Officer: They are not wearing uniforms.

Detainee (*through translator*): I recognize I am a civilian because ... What I'm asking is, is this committee civilian or military?

Presiding Officer: They are observers. We call them observers. Who they are, or what represent, really is not relevant to the board.

Detainee (*through translator*): My question is that if you understand the question, it is the half of the answer and I ask you, are they military people or civilian?

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Presiding Officer: I do not have to tell you who these people are, and I do not really think it makes a difference whether they are military or civilian because it's this board, the three people sitting in front of you, who are the only ones that are going to be making any decisions and recommendations.

Detainee (*through translator*): You're right. You're correct. I'm not discussing if they have anything to do with your decision or recommendation, but I will know they are civilian and I want to talk about my case with them.

Presiding Officer: We're not going to give you an opportunity to talk with them about your case

Detainee (*through translator*): Why?

Presiding Officer: Because that's not the purpose of them being here.

Detainee (*through translator*): What's the purpose of these ...

Presiding Officer: Their purpose is to observe the ARB process.

Detainee (*through translator*): Why are they here? I'm tired and it's warm here.

Presiding Officer: If their presence disturbs you, I can ask them to leave. I'm okay with that.

Detainee (*through translator*): No. I want to talk to them.

Presiding Officer: Unfortunately, you can't talk with them other than the statements that you are making right now.

Detainee (*through translator*): Can I tell my story now and they will write it down?

Presiding Officer: You have an opportunity to make an oral statement. I'll give you that opportunity. You can make your statement to us. You're not talking to the observers, you're talking to us. However, if what you say veers off track and ceases to become relevant, then in my judgment I may think you're just saying what you're saying so they can hear it and I'll cut it off.

Detainee (*through translator*): How can you determine if what I'm going to say is related to my case or not?

Presiding Officer: It's not easy and that's the reason why my government sent me here to make these kinds of determinations. Let's have a short recess.

The Administrative Review Board took a brief recess at 1553 hours.

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The Administrative Review Board reconvened at 1603 hours.

Presiding Officer: I assume you are finished with your oral statement, but we are pleased to hear you say anything else you want to say before we start asking our questions. You may have noticed our observers are no longer here. They actually had another meeting they had to go to. So we are back; do you want to make any more oral statements, or are you ready of us to start asking questions.

Detainee (*through translator*): I want to say something. I am sick. I'm sorry that they don't take care of my health. How long is it going to stay like this? You won't give me the little things I need for my health. You are sitting across from me and I cannot see you. Is that a nice treatment?

Presiding Officer: Is that a question for us?

Detainee (*through translator*): Yes.

Presiding Officer: If I understand what you are saying, you're speaking in literal terms and not tongue-in-cheek?

Detainee (*through translator*): It was just one question. I am sick. They are not treating me well. You are sitting across from me and I can't see you. Do you tell me this is a good treatment I am getting? I need a lot of things. I need medical shoes and bandages. I need someone to check me out because I cannot eat, I throw up whatever I eat, and when I go to the bathroom, there is always blood there. I want to know why the cold bothers me so much, in my bones. I need olive oil to rub my toes. If you ask me, I can give you my ... but when I need something, they don't give it to me.

Presiding Officer: Okay. [ISN 1015], we're not doctors, but the only we can do is, I will turn to the DMO and direct the DMO that you are ill and not feeling well, and the DMO will bring that to the attention of the guard force. If you are feeling sick right now, let us know and we can very much shorten the Board. So just let us know if you are feeling sick right now and can't participate in the board.

Detainee (*through translator*): So, you're not talking about my health problem right now, but you need to hear what you want to hear.

Presiding Officer: I don't quite follow what you're saying.

Detainee (*through translator*): You don't want to hear about my health situation. You don't want to hear from me. What do you want to hear, the reason why I said this because you want to shorten the time.

Presiding Officer: I will shorten the time because if you're not feeling well, I'm happy to shorten the time you are here so you can go back to your room.

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Presiding Officer (cont.): Remember [ISN 1015], we are just here to make the threat and intelligence assessments and make a recommendation for your detention. We are not here to engage you in philosophy.

Detainee (*through translator*): This is not a philosophy. Do you call that philosophy when I am asking you about or I'm telling you that I am sick and I need care?

Designated Military Officer: I have taken the details so I can pass it on to the guard force, and they should pass it on to medical.

Presiding Officer: [ISN 1015], we are doing what we can for you as far as your medical complaints.

Detainee (*through translator*): Okay, thank you very much. Can I go now?

Presiding Officer: Go to speak or go to leave the board?

Detainee (*through translator*): I want to leave. I did not benefit anything out of this session, just you benefited but still I thank you.

Presiding Officer: I thank you for choosing to attend. The board will recess so that we have an opportunity to have the detainee escorted out of the room.

The Administrative Review Board took a brief recess at 1611 hours. The detainee was escorted out of the room.

Presiding Officer: The detainee asked to leave the room and so therefore, there are obviously no questions from either the AMO, DMO, or Board Members for the detainee at this time.

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.

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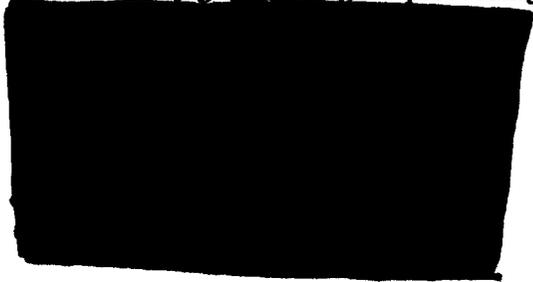
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AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 1021

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Mr. Chaman Gul, I want to welcome you to this Administrative Review Board.

Detainee: *(through translator)* I am also happy to be here.

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

The Designated Military Officer (DMO) was sworn.

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

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

Muslim oath offered.

The Detainee accepted taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 15 June 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative, attentive and cordial throughout the course of the

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interview. Copies of both the English and Pashtu translated Unclassified Summary of Evidence was offered to the detainee and he elected to retain the Pashtu copy.

Assisting Military Officer read Additional comments.

Assisting Military Officer: The detainee appeared very anxious at times and wanted to respond to the statements contained in the Unclassified Summary of Evidence.

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

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

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

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

Designated Military Officer: (3.a.1) When the detainee was a teenager, the Russians invaded Afghanistan, destroyed his village, and forced him to flee to Pakistan, where he lived in a refugee camp. While living in the camp, he joined an Islamic party.

Detainee: *(through translator)* Yes Sir. At the time when the Russians invaded Afghanistan, I went to Pakistan as a refugee. I was not the only one--it was the entire village.

Presiding Officer: Did you join the Islamic party?

Detainee: *(through translator)* Yes Sir. The Islamic party was fighting against the Russians. I joined that party to fight against the Russians.

Designated Military Officer: (3.a.2) While the detainee was in the camp, the son of the leader of the Islamic party came to recruit men to fight the Russians. The detainee traveled to Afghanistan and learned to shoot a five-round bolt-action rifle. After training, the detainee went into Hazra, Afghanistan, for one or two months at a time to fight.

Detainee: *(through translator)* Yes Sir. I went there. Hazra is where we were living and I went to fight there.

Designated Military Officer: (3.a.3) Three groups existed during this time: the Harakat Inqlab, the Nejat Meli, and the Mahaz Meli. Together these groups formed the Itihad

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Saygana. The detainee belonged to the Mahaz Meli but occasionally helped the Harakat Inqlab.

Detainee: *(through translator)* Yes Sir. The three groups were combined together and I was with Harakat Inqlab.

Designated Military Officer: (3.a.4) 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: *(through translator)* Yes Sir.

Designated Military Officer: (3.a.5) The detainee claims that his involvement with the Hezb-E-Islami Gulbuddin started in mid-1990 to early 1991. He joined the Hezb-E-Islami Gulbuddin for six months as a commander. During this period, the Hezb-E-Islami Gulbuddin was fighting the Northern Alliance.

Detainee: *(through translator)* After the Russians left the country, there was no more fighting. For many years I had a shop in Pakistan and I was just working. After six years, I went to the Gulbudin and was with the party for only six months.

Presiding Officer: Did you fight the Northern Alliance during this period?

Detainee: *(through translator)* They sent me to Afghanistan, but I did not fight the Northern Alliance. The reason was because I did not like Gulbuddin, he was fighting against the Afghans. I did not like that.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.6) Hezb-E-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 Sate.

Detainee: *(through translator)* I have only spent six months and this was many years later that the United States forces came to Afghanistan and the Transitional Government came into power. At that time I was not with Gulbuddin and it was about 18 years ago. At that time, I was not with Gulbuddin anymore.

Presiding Officer: Do you agree with Gulbuddin's goal to establish a Fundamentalist State?

Detainee: *(through translator)* When Gulbuddin was fighting with Rabbani, I did not like it, so I went to Mazoud who was also fighting with other Muslim parties and I did not like that either. So I came to my home. I am very much against Gulbuddin.

Designated Military Officer: (3.a.7) The detainee was accepted into the Northern Alliance and instructed to remain in the Hezb-E-Islami Gulbuddin in order to report on their activities, movements, and operations.

Detainee: *(through translator)* I just went to my home, I did not go back to Gulbuddin's party.

Presiding Officer: This question is about you being accepted into the Northern Alliance. Were you accepted into the Northern Alliance?

Detainee: *(through translator)* I did go to the Northern Alliance, but when they asked me to fight I was on my own so I told them I did not want to fight. So I did not accept that offer.

Presiding Officer: So you did not accept the offer?

Detainee: *(through translator)* No.

Designated Military Officer: (3.a.8) The Hezb-E-Islami Gulbuddin had three of its members, the detainee and two others, working as intelligence collectors. They were operating in Kabul and collecting information about the Afghan Government and possibly United States forces. They used vehicles with Kabul Police Department license plates for traveling.

Detainee: *(through translator)* Like I said before it was 15 years ago. It was 15 years ago that I was with the Gulbuddin for six months. I have never met Gulbuddin again or been involved in Gulbuddin's plans. After the first six months, when I was involved with the party, I have never met anyone with the Gulbuddin party again.

Presiding Officer: Did you use vehicles with the Kabul Police license plates?

Detainee: *(through translator)* The Police is a Department that belonged to the Government, I could not use this kind of vehicle because I was not a Government official.

Designated Military Officer: (3.a.9) The Kabul Chief of Police has strong ties with weapons and drug smuggling activities. The detainee was also a major player in these operations.

Detainee: *(through translator)* These are false allegations, I have never met the Police. I am a poor man; I have never been involved with smuggling drugs and weapons. I have never met any Police Officer in my life. Can I reason with you about this?

Presiding Officer: Yes, go ahead.

Detainee: (*through translator*) I am very much against smuggling drugs. I am very much against the drugs. Unfortunately, there are tribal fights and animosities. They say lies about people. These are just false allegations. After the invasion of the Russians unfortunately the Afghans started killing each other because of the different parties. There is a lot of animosity in the country now. Many people are against each other, when someone goes to give information they will probably tell lies about that other person because it is his enemy. These allegations are all lies.

Designated Military Officer: (3.a.10) The detainee and two other Hezb-E-Islami Gulbuddin members were all well-known associates that were heavily involved in the drug trade and other illegal activity. One of these men is responsible for over 1,000 murders as a Hezb-E-Islami Gulbuddin leader.

Detainee: (*through translator*) During the interrogation they told me the name of this person, which I don't remember now. I told them that I have never heard this name and I don't know anything about this person who has killed over 1,000 people. These are just false allegations. I do not know anything about this. The interrogators told me the name and that he has killed more than 1,000 people. If he has killed 1,000 people, this is his responsibility, I do not know him, this has nothing to do with me. I have not killed anyone and I do not know him.

Designated Military Officer: (3.a.11) The detainee was a Hezb-E-Islami Gulbuddin field General.

Detainee: (*through translator*) I am illiterate. I cannot write my name, I don't even know what a General means. As an illiterate man I have seen soldiers, but this is a very high military rank. How can an illiterate man be a General when he cannot write his name? In Afghanistan someone can become a General, if he has had an education for 20 or 30 years like you gentlemen can be General's but not me with no education. These are allegations that only the Afghans can bring because a man that cannot write his name, a man who is hungry and cannot find enough food for his children how can he be a General? No one else would make such an allegation unless they are Afghans and they are used to telling such big lies.

Designated Military Officer: (3.a.12) The detainee worked as an intelligence informant for the Afghanistan Information Ministry. He was offered a job collecting information due to his personal relationships with Hezb-E-Islami Gulbuddin and Taliban commanders.

Detainee: (*through translator*) I was against the Taliban they were trying to kill me and I was hiding from them. When Karzai came into power, I then got the courage to go back and they asked me to get the information. The Intelligence President whose name is Engineer Aarif sent for me and said that I should help the Government. He said they were going to send me to Pakistan with another man, I was supposed to help him get some information against the Taliban and I did. When I went to that department, I told

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Engineer Aarif that I was an illiterate man and I could not read or write. He told me that another person would read and write I would just help, be his guard since I have been in Pakistan for so long. The man who was designated to go with me name was Shaagha Haji. I helped him and he wrote the most important parts.

Presiding Officer: Did you have a personal relationship with Gulbuddin and Taliban Commanders?

Detainee: *(through translator)* I have never met Gulbuddin, I have seen him one time in my life, which was in a big crowd of people and he was speaking.

Presiding Officer: I am talking about the organization itself. Is that the reason why you were working with the intelligence because of your relationship with the Gulbuddin organization and the Taliban?

Detainee: *(through translator)* They knew that I was against the Taliban. When I was in the camp in Pakistan, everyone was from different parties. Some people belonged to the Hezb Gulbuddin and some people belonged to the Islami. People talk in Afghanistan. They knew that I was against the Taliban that is why they told me to go and get some information.

Board Member: What was the date that you began working for the Afghan Information Ministry?

Detainee: *(through translator)* Around two or three months after the Taliban.

Presiding Officer: Do you know the year?

Detainee: *(through translator)* I don't remember, because I am illiterate. After the Taliban was defeated for a few months it was Rabbani. It was at the time of Karzai maybe two or three months. I have never met any of the Taliban Commanders. The system was to ask people questions such as. "do you know him, is he at home, where is he?" The people would talk we kind of did it indirectly

Designated Military Officer: (3.a.13) While employed with the Afghan Information Ministry, the detainee was tasked with collecting information about Hezb-E-Islami Gulbuddin Commanders in various Afghan districts. He received his intelligence collection tasks from a deputy of the Afghan Information Ministry.

Detainee: *(through translator)* Myself and Haji Shaagha did not go many times. We only went into three areas, three times and we secretly asked people and got information.

Designated Military Officer: (3.a.14) The detainee commanded a unit of approximately 40 soldiers and held the rank of Brigade General during a three-month campaign fought against Taliban/al Qaida forces in Afghanistan during the spring of 2002.

Detainee: *(through translator)* There is a place in Paktia, Gardez, called Shari-e-Khot. There was a United States Commander who was also helping fight against the Taliban. They were involved in a long period of fighting before I went there. I joined them as just a simple man, I don't know what the Brigade General means, but I joined them to fight against the Taliban. Mr. Fahim was the Defense Minister for Karzai who also ordered the Militia to join the military people to fight. I was among them. The commanders name was Gulhider. He was one of the commanders for General Fahim who also gathered Militia people I was also among them. I did not have my own people. I was by myself with the other Commander fighting against the Taliban as a Militia. Our fight was not long. It was for three days because they were fighting long before I got there. After the three days the Taliban was defeated.

Designated Military Officer: (3.a.15) Al Qaida, Hezb-E-Islami Gulbuddin, and the Taliban held a meeting in Peshawar, Pakistan during February 2003 to discuss future plans on how the three groups could regain power in Afghanistan. During the meeting, many anti-United States and anti-Karzai conversations took place.

Detainee: *(through translator)* I got the information from the Afghanistan Government Intelligence office. They sent me the language; Haji Shaagha and I went together. The piece of paper had information about the three partie-Gulbuddin, Al Qaida and Inqlab. It said they would have a meeting. They told us to go and spy a little bit to get some information, so we went there. This is not the information that I gave to them. This is the information they gave to us and sent us there. I did not even go at that time because I was sick. I was supposed to go with Haji Shaagha, we got the information and we were supposed to go and get more information but the other person went.

Presiding Officer: Who sent you there?

Detainee: *(through translator)* The Afghan information center, Engineer Aarif. I was working with Engineer Aarif, he was an Assistant Chief there.

Designated Military Officer: (3.a.16) The detainee was present at a meeting between members of al Qaida, the Taliban, and the Hezb-E-Islami Gulbuddin in Peshawar, Pakistan.

Detainee: *(through translator)* This is the same information that we got from Kabul when we were sent there, but I was sick, I did not go. The other person did get some information.

Presiding Officer: If you had gone you would have been undercover?

Detainee: *(through translator)* I was undercover. They gave us the names of commanders. We could not talk directly to them. We would just ask people information about them. If the Taliban caught me there, they would have killed me.

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Board Member: You were working with Haji Shaagha?

Detainee: *(through translator)* He was the assistant to Engineer Aarif. Engineer Aarif said that Haji Shaagha was his fourth assistant.

Board Member: They used you because you were Pashtu and you could speak the language?

Detainee: *(through translator)* Haji Shaagha was from the Northern area and did not know Pashtu, I would speak and he would write. They used me because I was a Pashtoon countryman. The Taliban has killed a lot of my family members, I was the Taliban's enemy and happy to do anything against them.

Designated Military Officer: (3.a.17) Dyncorp hired the detainee and his men to guard shipments of equipment between Herat, Afghanistan, and Kabul, Afghanistan.

Detainee: *(through translator)* I did not have any people who were in the party with me. They contacted me when they needed trucks and I would hire people. They would then give me a little money for my activity that is all. I was not guarded like I am here, I was by myself. I knew the truck drivers. If they needed the trucks I would hire the trucks and the people for them. When I was with the intelligence, I was not permanent. Once every couple of months I would go there, they would use me for a day or two, and then I would go and work on my own land. I was not a Government official. I just helped them hire trucks and they would give me a little bit of money.

Designated Military Officer: (3.a.18) Site #1 was the housing and office compound for the Karzai Protection Detail. Site #3 was the Afghanistan communications center.

Designated Military Officer: (3.a.19) The detainee intended to place a bomb at Site #1 or Site #3 during the grand opening ceremony for the radio network station at Camp Serenity. The main target for this attack was President Karzai, the United States Ambassador to Afghanistan, and other high-ranking Afghani.

Detainee: *(through translator)* Can I speak a little more about this?

Presiding Officer: That is fine.

Detainee: *(through translator)* At the time Karzai assumed power it gave me great hope that along with the help of the United States things would now change and I trusted that. I lived in Pakistan for 20 years and I have 15 members of my family, I brought all my children and family from Pakistan in hope that it was secure enough and the opportunity of having a better life. I brought them back to Afghanistan after the Taliban was dismissed. If I were going to place a bomb and kill Karzai why would I transfer my whole family to Afghanistan? I like them. I like my children and my mother so much that I would not trade one son for the whole country. I was established in Pakistan. If I

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were going to kill Karzai, I would have kept my children safe in Pakistan. I brought them there with the hope of the United States helping Afghanistan to make it a prosperous country.

Presiding Officer: Why do you think you were identified with this allegation?

Detainee: *(through translator)* Unfortunately, with the Russian invasion, we now have different parties. In a family with two brothers they will belong to different parties and they will try to kill each other because of the parties. Unfortunately, it is in the country too much now, everybody has enemies.

Presiding Officer: Who would accuse you of doing this? Who would accuse you of making these plans?

Detainee: *(through translator)* If I would do such a bad thing then you would have at least caught me with something. I was not caught with a bomb, I don't even know what a bomb is and I would never do that it is a very nasty thing. I told you just the animosity of the people. I don't know who you got that information from, you know who they are I don't know them. They probably gave you all this information that I am such a bad man and I was trying to place a bomb. There is so much cruelty against me. The interrogator once showed me a picture and asked me if I knew this man. I told him yes, it was the same man in Iraq that I made a deal with him to transport and make a little bit of money. He said that I asked for a bribe, for money and I took the money from him. Then accusations started I became his enemy.

That man became a prisoner with the United States forces in Afghanistan. It was the same man that I saw in Iraq. It probably made me look suspicious since I had a deal with him and he was probably a bad guy. In Bagram they showed me him. I said I think if that man has an allegation against me, let me see him. If he has an allegation he should tell me straight. He came here and was shy. He couldn't look at me or say anything when we were in Bagram. I was in Bagram for 14 days as a prisoner, then they brought me here. I saw this man here also. He was accused of stealing a computer from the United States military people. I told him I did not have any connection with you and he told me no I did not.

Presiding Officer: You are denying these allegations?

Detainee: *(through translator)* Yes.

Designated Military Officer: (3.a.20) On 16 February 2003, an important Hezb-E-Islami Gulbuddin member gave explosives and instructions for their use to the detainee and another Hezb-E-Islami member. The two planned to organize attacks on vehicles used by foreigners on the road from Kabul, Afghanistan, to Jalalabad, Afghanistan.

Detainee: *(through translator)* This is just a false allegation. I was not caught with anything it is the same people with the same stories. No one touched me, no one contacted me I have never gotten any explosives. This is something that I have heard here. If I would do something of that nature then they should have arrested me there, I was not arrested and the Government has not touched me. I have not been involved in this; this is a false allegation.

Designated Military Officer: (3.a.21) The detainee was captured on 10 April 2003.

Detainee: *(through translator)* Yes.

Presiding Officer: Who captured you?

Detainee: *(through translator)* Engineer Aarif, the Chief of the Intelligence of Afghanistan, asked for me, then showed me the picture of the man and asked me if I knew the man. I told him yes, of course I knew him, and he was in Iraq as a translator for the company and asked me for some trucks. He then kept me for four days as a prisoner and then involved in that case.

Presiding Officer: Did they tell you why they arrested you? Was the only reason that they arrested you because of the picture?

Detainee: *(through translator)* They told me that he stole the computer and I tried to get the computer from him. I told them I did not know anything about the computer. He stole the computer and I was accused of him giving it to me after that these other allegations came about bomb threats. The man that stole the computer is still here I believe in your justice ask that man if I was ever in contact with him to ask for a computer.

Presiding Officer: You were arrested because of these bomb plots from allegation 19 and 20.

Detainee: *(through translator)* They did not catch me with a bomb and I don't know about the bomb at all. I had my family over there I told you.

Presiding Officer: I am trying to find out if that was the reason the Afghan Government arrested you.

Detainee: *(through translator)* It was only because of the picture of the man who stole the computer.

Presiding Officer: Was that the only reason?

Detainee: *(through translator)* After being here six months then I heard the allegations about the bomb it was not there before.

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Designated Military Officer: (3.b.1) Hezb-E-Islami Gulbuddin was founded as a fraction of the Hezb-E-Islami party in 1977. Hezb-E-Islami Gulbuddin has long established ties with Usama bin Laden. In the early 1990's Hezb-E-Islami Gulbuddin's founder ran several terrorist training camps in Afghanistan. He offered to shelter Usama bin Laden after he later fled Sudan in 1996.

Detainee: *(through translator)* I don't even know the name very well I knew Laden but not Usama bin Laden. I did not hear his name in Afghanistan I heard it here from the other prisoners.

Designated Military Officer: (3.b.2) The Hezb-E-Islami Gulbuddin founder traveled to Iraq to meet with Saddam Hussein. The two discussed issues involving the planning of Hezb-E-Islami Gulbuddin attacks against United States forces in Afghanistan and abroad.

Detainee: *(through translator)* Is Iraq in Afghanistan?

Presiding Officer: This is general information.

Designated Military Officer: (3.b.3) The detainee was a personal friend of Hezb-E-Islami Gulbuddin's founder.

Detainee: *(through translator)* I only knew Gulbuddin from his pictures at the time the Russians invaded Afghanistan. These parties were all together like Gulbuddin and Rabbani. Gulbuddin's pictures were everywhere I only saw him in the pictures and I saw him once speaking to the public. I have never met him.

Designated Military Officer: (3.b.4) The detainee and the Hezb-E-Islami Gulbuddin founder's friendship ended when he later became Vice President of Afghanistan and refused to allow the detainee to become the Governor of Logar Province, Afghanistan. As a result the detainee stated that he secretly joined forces with the Northern Alliance while still maintaining membership within the Hezb-E-Islami Gulbuddin.

Detainee: *(through translator)* To become the Governor, it means that you are a little bit lower than the King. It's a very big position. I am just an illiterate poor man. This is just a stupid allegation. I am against Gulbuddin. Like it says here, but how can I dare think of such a thing as to become a Governor while I am a peasant.

Designated Military Officer: (3.b.5) The detainee was the assistant to the direct subordinate of the Hezb-E-Islami Gulbuddin's founder. The Afghan Minister of Defense indirectly gave money to the detainee in exchange for information on the Hezb-E-Islami Gulbuddin's founder. The direct subordinate of Hezb-E-Islami Gulbuddin's founder was not aware that the detainee was betraying the Hezb-E-Islami Gulbuddin.

Detainee: *(through translator)* I don't know anything about this allegation. Here you say that the big man of the Gulbuddin picked me this is like a Kings man. I was a poor man

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no one would believe this. I confess that I have done two things and that is that I got some information against the Taliban, I have never killed a man in my life. I have collected a little bit of information about Gulbuddin, which I did not like because he was a cruel man. This is all that I have done. The Taliban has killed members of my family I did not have the power to go and fight against them so I collected a little bit of information against them.

Presiding Officer: Were you an informant for the Ministry of Defense?

Detainee: *(through translator)* Except Engineer Aarif, I have never been in touch with any other person with the Ministry of Defense.

Designated Military Officer: (3.b.6) The field commander for al Qaida terrorists located in Muzaffarabad, Pakistan, personally showed the detainee bombs devised by al Qaida terrorists that use a white powdered explosive packed in Pepsi cans. The detainee visited the field commander on numerous occasions.

Detainee: *(through translator)* Engineer Aarif gave us the information from the piece of paper that the al Qaida people were making bombs and wanted to send us to Pakistan. Since I was sick I did not go, but Haji Shaagha did go. Engineer Aarif asked for us I went there they gave a piece of paper to Haji Shaagha and told us to go to a place where they had information about an al Qaida Commander making bombs from a white powder which was packed in Pepsi. I was sick I did not go.

Presiding Officer: You have never visited with this field commander?

Detainee: *(through translator)* No.

Designated Military Officer: (3.b.7) Hezb-E-Islami Gulbuddin and al Qaida were responsible for a suicide car bomb attack in Kabul, Afghanistan, on 7 June 2003 against the United States Embassy, International Security Assistance Forces, the United Nations Headquarters, and a shopping area used heavily by foreigners. The leader of the group involved was a Hezb-E-Islami Gulbudin Commander.

Detainee: *(through translator)* When I was in Afghanistan I never heard of such a bomb. I have no information.

Designated Military Officer: (3.b.8) The Hezb-E-Islami Gulbuddin Commander was the detainee's assistant.

Presiding Officer: They are saying what happened in allegation number seven was done by your assistant.

Detainee: *(through translator)* How could he be my assistant when I did not have one person behind me? I was by myself. A person who has an assistant has connections and a

party of people. I was one man. Even now the Taliban has certain types of cars for explosives. I am here. If you go and ask people, they will probably make these allegations against me if they don't know that I am a prisoner here. If you send someone to Afghanistan and ask, they will say yes, I am involved in it while I am here as a prisoner. My main concern is the hunger of my children over there, I am a poor man these are allegations.

Designated Military Officer read the following primary factors favor release or transfer of the detainee.

Detainee: *(through translator)* As Americans you are still involved in Afghanistan. For God's sake don't believe in what the Afghans say. You take the information for yourself don't trust them. I am against the Taliban. I am a prisoner here. If there is an allegation they will say it is me while I am here as a prisoner. It is cruel against me, my family, my sons, my wives are there while I am innocent and here.

Presiding Officer: Sir, you will get a chance at the end to make an oral statement before we conclude.

Detainee: *(through translator)* Yes Sir, I am sorry.

Presiding Officer: That is fine.

Designated Military Officer: (4.a.) The detainee stated that the Taliban and the Hezb-E-Islami Gulbuddin's founder were his sworn enemies.

Detainee: *(through translator)* Yes Sir.

Designated Military Officer: (4.b) The detainee stated that he liked the United States and he fully supported the United States and the Karzai Government in Afghanistan.

Detainee: *(through translator)* I am for the prosperity of my country and I will always have that idea. I like the Americans and the present Government I am all for it.

Designated Military Officer: (4.c) The detainee stated that he did not and would not help the Hezb-E-Islami Gulbuddin.

Detainee: *(through translator)* I am not helping Hezb-E-Islami Gulbuddin, I will never help. I am very much against it. If any other person follows Gulbuddin I am very much against them.

Designated Military Officer: (4.d) The detainee stated that the United States was the reason why he moved back to Afghanistan after 20 years and he hopes the United States stays long enough to stop the tribal wars.

Detainee: *(through translator)* After the Taliban Rabbani was there for some days and I would never bring my family, I did not bring my family because I did not trust them. It was only when Karzai came into power and I saw that the Americans were supporting him I brought my children.

Presiding Officer: You brought your family to Afghanistan after Karzai assumed power?

Detainee: *(through translator)* Yes.

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

The Presiding Officer acknowledged the request.

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

Detainee: *(through translator)* In Afghanistan I was accused of stealing a computer, the person who stole that computer is here. You can investigate him. I absolutely was not involved. These allegations of me putting a bomb somewhere in Afghanistan I heard after being here for six months and these other allegations that I am accused of. I am an innocent man, God knows it. I am a prisoner here and there are still allegations coming up about me. These allegations are baseless and my children are still hungry. The Afghans have made me a very big person from these allegations, you know and you can get information that I am nothing. I am just a poor illiterate man. If released I will try my best to work hard and make a living for my children.

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 was asked if he had any questions or would like to make any statements, the detainee made the following statements:

These are all baseless allegations. The persons who made these allegations have lied.

Whatever I have been accused of only God knows the truth. I am innocent, so I will attend the ARB proceeding. Only the Taliban and al Qaida don't come to these boards because they are guilty.

I do not cause any trouble and have a good record. I did not have anything to with the problems in Camp 4 last month, but they moved me anyways to another place.

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I have been separated from my two wives and ten children because of this. I brought them all back to Afghanistan after the Karzai Government assumed power because I thought the future of Afghanistan looked so bright with the U.S. support.

If released, I plan to return to Afghanistan and work on a farm, possibly work buying and selling cars, which I like to do. My main concerns now are for making a living for my families and to put my children into school.

My American lawyer visited here about a month and a half ago. He said that he has sent three letters to the ARB on my behalf.

Assisting Military Officer noted for the record.

Assisting Military Officer: Mr. Presiding Officer at this time I would like the record to reflect that during the 15 June interview the detainee stated he had letters to present to the ARB. In this case it would be written statements to be presented to the Board under Exhibits EC-C. Due to circumstances beyond our control, we have yet to obtain these written statements and will present them to the Board at a later date.

Presiding Officer: Noted. When we receive these letters we will reconvene and make them a part of the record.

Detainee: *(through translator)* I have written the dates if you need it.

Presiding Officer: We don't need the dates. We will have the AMO retrieve these letters and make them part of the package.

Detainee: *(through translator)* I have never been impolite with the soldiers here and I was not part of the struggle but they took me from Camp 4 which I was living a little bit better.

Presiding Officer: Mr. Gul, this is the time if you wish to make an oral statement.

Detainee: *(through translator)* May I speak about the camps and why they moved me to this other place? I was a little bit more comfortable.

Presiding Officer: You can make an oral statement.

The Detainee made the following statement:

Detainee: *(through translator)* Two Afghans were quarreling and some of the detainees took sides with them. I told them I was not with them. The translator told me to sit on my bed because I was not a part of it but when they took them out the soldiers came and took me out also.

Presiding Officer: You must understand that we have no control over the camps. We are just an Administrative Review Board here to make a recommendation whether to keep you here, transfer you or release you. Basically what goes on in the camps has nothing to do with this Board and we have no control over it.

Detainee: *(through translator)* Thank you very much.

Presiding Officer: Mr. Gul, does that conclude your statement?

Detainee: *(through translator)* I have nothing more but to insist that I am a safe man. I am no danger, I will go home if someone releases me. I will just be a poor man working on my land and that's it.

Presiding Officer: I understand.

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: We cannot attempt to understand the difficulties that you have had in your life. You have had many difficult decisions to make and I am sure that you have made the best decisions that you could however there are many of your own people who have told stories about you.

Detainee: *(through translator)* Yes Sir.

Board Member: You said that only God knows the truth. If your own people tell stories about you we cannot know. Man-to-man what, would you say to this Board to make us believe that you are not a threat to your own Government and to the United States?

Detainee: *(through translator)* I am not angry with anyone of you. I know that there are allegations you should go by those allegations. I have to say that there are a lot of allegations about me, but none of them have any proof. That's the only hope that I have. If I am accused of 20 or 30 allegations and none of them have any proof that I have been caught with anything it is because I am innocent. I know that you also have trouble with it. I swear that I am no threat to you or to my Government.

Presiding Officer: What is your education level?

Detainee: *(through translator)* No education. I have not even been in school for one year.

Presiding Officer: How is your family being supported in Afghanistan today?

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Detainee: *(through translator)* I don't know maybe some of my sons will do it. They can work here or there and we have a little piece of land maybe they will grow something on that. I have no information about that.

Presiding Officer: Thank you Sir.

Detainee: *(through translator)* You are able to get the information. I say that I have not done it I cannot prove it because I am here but you can do it you can go and search for it. Make yourself sure that I am innocent.

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.

