

**Summary of Administrative Review Board Proceedings for ISN 1119**

*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 wished to make a statement under oath. (Muslim oath offered).*

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

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

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 4 April 2006 and lasted 60 minutes. After reviewing the ARB's purpose and procedures, the Pashtu translated version of the 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 and attentive throughout the interview. At the conclusion of the interview, a copy of the Pashtu translated Unclassified Summary of Evidence was provided to the detainee upon his request.

ISN 1119  
Enclosure (5)  
Page 1 of 16

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, the CITF Redaction Memorandum, DMO-3, and the Terrorists 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 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) The following factors favor continued detention: (3.a) Commitment. (3.a.1) The detainee was a member of the Hezb-I-Islami Gulbuddin for 10 years.

Detainee (through translator): That is a mistake; sometimes the Americans say 15 and sometimes they say 10. During the time of war America was giving assistance and help. They made people join different organizations if we wanted to get the rations from Pakistan. That is why you had to have identification from an organization to get the rations. They gave the rations directly to the leadership. We were compelled to have identification cards from one of the organizations because if we did not, no one would help us. Americans were giving help to the Afghan refugees and the groups delivered it, but you had to have identification. They gave us cooking oil or flour. The card I had, almost two million refugees had it; so if that is a crime, two million other people are criminals. The biggest organization was Hezb-I-Islami and they got the most assistance from America. We did not have a membership, but we had to have identification so we could get rations.

Board Member: So, you say we have wrong information regarding how long you were a member of the Hezb-I-Islami. Please be honest and set the record straight and tell us how long you were in the organization.

Detainee (through translator): I was a very young boy when the Taliban came. I did not join them. The elders collected rations for us. I had the same ration card from when I was a young boy. I don't know the time because Afghans don't keep time, not even our birthdays. Before the Taliban came, I collected rations with the identification card.

Board Member: Did you have the identification card when you were captured?

Detainee (through translator): No that was a very long time ago. The card was so the

ISN 1119  
Enclosure (5)  
Page 2 of 16

Pakistani police would not bother us. When we moved back home from refugee status, we destroyed the cards.

Designated Military Officer: (3.a.2) In November 2001, the detainee attempted to recruit and organize supporters for the Shah and Mahaz-e Melli in Kabul. The Northern Alliance arrested the detainee because of these efforts; however, the detainee escaped.

Detainee (through translator): Yes, there was no security. Nothing was in order so the international support was for the King. We were trying to bring unity and a national government. So we tried to recruit people that would support the Shah who was the ex-King. We were trying to bring order in the international community and the Americans were supporting Zahir Shah. The Northern Alliance told us not to do this because they are westerners. They captured me and I ran away from them.

Board Member: How did you escape?

Detainee (through translator): They did not put me in jail for more than an hour. They asked me why I was supporting Zahir Shah. I told them that Zahir Shah was a national figure. I don't work in the name of Hezb-I-Islami or Taliban. I just want the nation to come together. If you say I am Mujahedin then the country will be in conflict again. I told them I wanted national security and a national government. They asked me to come and work for them. This lasted for an hour.

Board Member: How did you escape?

Detainee (through translator): Would you like me to tell you the same story again?

Presiding Officer: So that is your explanation for your escape, after an hour you decided to work for them?

Detainee (through translator): No, I ran away from them.

Board Member: Did anyone help you?

Detainee (through translator): The high-ranking people brought me there [to a military area] and said I was their guest and they wanted to talk to me. The rest of the group did not know they were going to put me in jail. After an hour, they asked me to work for them. I told them no, and they said I was under arrest. I told them that we should all work for one person, a national person so the whole country can join together. I work for the security of the country and not for you. They told me that if I did not listen to them the Minister of Defense, Faheem, would arrest me. They brought me to a room that had another room behind it. My two friends were sitting in the doorway of the other room. I told them I needed to talk to my friends. I wanted to tell them I was under arrest so that they could let my family know not to worry. They allowed me to talk to my friends and the people that were asking me questions

ISN 1119  
Enclosure (5)  
Page 3 of 16

moved to another room. The soldier thought I was still a guest. He did not realize I was under arrest. He [the officer] excused himself to go to the bathroom and told me to go talk to my friends. When he left the room, I went outside. There was a taxi outside and I jumped in and ran away. When the guard came back they arrested my friend and asked where I had gone. They explained to my friend that I was not under arrest, but I actually was. I went to the Zahir Shah and told them what happened. The Zahir Shah told me to stay out of the way because the others would be out of power slowly. I lived in Kabul in a house and that was [in] the area of the Zahir Shah. I was not in any danger. They started propoganda against me accusing me of working for al Qaida and Hezb-I-Islami and not Zahir Shah. The Americans came and they told them that I worked for the same [al Qaida and Hezb-I-Islami] and they captured me. When I was arrested, I asked them if they had documents to prove the allegations or if it was based on what they said about me? If it was based on what the people said, they only said these things because they are my enemies. If you have documents against me, please show them to me. Even the statements that you are reading to me are contradictory. In one statement you say that I have been with Hezb-I-Islami and then you say that I am with the Taliban. If you work for one group you are not accepted into the other. If I were with the Taliban, Zahir Shah would not accept me. You then say I work for al Qaida. How can I work for al Qaida if I work for the Taliban? How do you think one person can go all over and work for all these groups? It appears that any group the Americans don't like, I am accused of being a part of that group. Iran is America's enemy and now they accuse me of that, too. Taliban is an American enemy and now I am accused of being a member. Hezb-I-Islami and the Americans were friends at one point. The Americans provided assistance so I was there and received help.

Presiding Officer: We understand the Americans provided help at one point.

Detainee (through translator): You were helping to build that organization. Another statement claims that I was assisting the Taliban, but they are the ones that put me in jail. How can I cooperate with my enemies?

Board Member: Don't the Taliban and al Qaida work together?

Detainee (through translator): I can't give you definite information because I was not with the Taliban or al Qaida. During the time of the Taliban, Usama bin Laden was in Afghanistan and they were together. So it looks as though they were together. Everyone in Afghanistan knows that the Arabs and the Taliban are together.

Designated Military Officer: (3.a.3) The detainee was arrested by the Taliban and placed in jail due to his affiliation with the Hezb-I-Islami Gulbuddin. He spent 23 months in jail before escaping to Pakistan.

Detainee (through translator): I spent 18 months in jail. It is possible the translator made a mistake. Yes, this accusation is true. Someone told the Taliban that I worked for Hezb-I-Islami and the Taliban put me in jail for 18 months.

ISN 1119  
Enclosure (5)  
Page 4 of 16

Board Member: How did you escape this time?

Detainee (through translator): I dug a hole in the jail. If you want, I will tell you the whole story.

Board Member: Did anyone help you escape this time?

Detainee (through translator): I was staying in a room with three of my friends. We noticed the security of the Taliban was not very good and so we took advantage of the situation. We dug a hole from the room and ran away during the night.

Designated Military Officer: (3.a.4) The detainee secretly recruited and organized members of the Mahaz-e Melli group. Consequently, rumors were spread throughout Kabul accusing the detainee of being involved with the Taliban and al Qaida.

Detainee (through translator): The Northern Alliance spread that rumor. They said I worked for Hezb-I-Islami and al Qaida.

Presiding Officer: Did you recruit and organize members of the Hezb-I-Islami?

Detainee (through translator): I was just spreading the word. Abdul Raheem Wardak is the Minister of Defense for Afghanistan right now. He gave me money and telephones, then told me to go to the Northern Alliance and tell them to join us. I was just a messenger. I was working for the Zahir Shah. I wanted to have a good national and international government in Afghanistan.

Designated Military Officer: (3.b) Connections/Associations. (3.b.1) The Hezb-I-Islami Gulbuddin was founded by Gulbuddin Hekmatyar as a faction of the Hezb-I-Islami party in 1977. It was one of the major Mujahedin groups in the war against the Soviets and has long established ties with Usama bin Laden.

Detainee (through translator): What does this have to do with me? That has nothing to do with me. The whole world knows that Gulbuddin was the leader of Hezb-I-Islami once during the time of the Mujahedin. He is with Usama [bin Laden]. What does this have to do with me?

Presiding Officer: We understand. This is a statement more about HIG than it is about you. However, because we previously mentioned you worked for the HIG for ten years, we are trying to show a connection between you, the HIG, and what it stands for.

Detainee (through translator): During that time it was different. The people were used to working for Gulbuddin during the time of Mujahedin. Now they are ministers for the current government, the big knowledgeable minister. When he changed his direction and did a lot [of] bad things, everyone became upset with him.

ISN 1119  
Enclosure (5)  
Page 5 of 16

Presiding Officer: We understand that as well.

Detainee (through translator): He did very wrong things.

Board Member: When you were arrested was the HIG supporting the new government?

Detainee (through translator): Which time when I was arrested; the second time or during the time of the Taliban?

Board Member: The time that you were brought here.

Detainee (through translator): I have no idea. I was not in Kabul. I was in Iran. No one said anything about Gulbuddin coming and trying to cooperate with the government.

Designated Military Officer: (3.b.2) The detainee was captured in August 2003, in Kabul, in a home owned by an al Qaida financier.

Detainee (through translator): I keep shouting and telling them the house I was living in belonged to a person very high up in the current government. He was a representative for the people of Parwan Province. He was a commander once and now he is a big shot there. Why do they keep saying it belongs to an al Qaida financier? I could lie and say that Afghanistan was in the kind of condition that when one group leaves another comes in and occupies their houses. I could tell you the house belongs to al Qaida and they took it over by force, but it would be a lie. I could say that I rented it from somebody . . .

Presiding Officer: What is the name of the individual you are referring to?

Detainee (through translator): His name is Mullah Ezat. He was my friend and he gave me help. I was staying there and not even paying rent.

Presiding Officer: Is this the same person that you say is now a current member of the Afghan national government?

Detainee (through translator): Yes. He was against the Taliban and fought them. Before I left he was a Colonel, but I don't know what position he had. He was a commander in the Northern Alliance. He nominated himself for the election because he was a big guy. He gave me the house when I came from Pakistan. I told him I did not have anywhere to live and he let me stay there. When I brought my family from Pakistan he helped me. When they say it [the house] was al Qaida, I tell them I know the guy that gave me the house.

Board Member: Who arrested you?

Detainee (through translator): The Northern Alliance captured me first and kept me for half a day and then turned me over to the Americans.

ISN 1119  
Enclosure (5)  
Page 6 of 16

Board Member: Was there anyone else with you when you were arrested?

Detainee (through translator): There were other people in my house like my uncles and other family [members], but they only captured me. We had guests in our home because someone in the family [had] passed away and they came for the funeral.

Board Member: Was anyone hurt when you were arrested?

Detainee (through translator): They came at night and started shooting. I thought they were my enemies so I jumped from the window and they shot at me. Later, they told me that my son had been shot in the leg. I had a lot of enemies from the Northern Alliance and I thought they had come for me because it was nighttime. If they had come during the daytime it would have been no problem because I was at home.

Board Member: Did you know Ezat before you went to Pakistan?

Detainee (through translator): Yes. I knew him for a very long time. He was my childhood friend.

Board Member: If he is in the new government, why did he not come to your defense when you were arrested?

Detainee (through translator): He was a very big man but it is very bad when someone is captured by the Americans. Maybe he was scared because he was already nominated to represent the people and it [my capture] may hurt him and give him a bad name. Maybe he did defend me but he wasn't big enough to just release me himself. He is a big guy.

Presiding Officer: He is a big guy now?

Detainee (through translator): I have no idea now but I heard he won the election.

Presiding Officer: Have you communicated with him via mail to request his support?

Detainee (through translator): I did not write to him. He should write to me because I am in trouble. My pride won't allow me to ask him for help. He should just do [it] for me because he was my childhood friend.

Presiding Officer: Does he know you are here?

Detainee (through translator): I don't know, maybe. He should know because when I was in the Afghanistan government he came and took care of me. So if he is still coming and I am not there he should know.

Presiding Officer: In the event that he doesn't know you are here, my pride wouldn't allow me to contact him first either. However, the least you could do is tell him that you

ISN 1119  
Enclosure (5)  
Page 7 of 16

are here and then if he wants to help you he could. If you don't let him know, how would he know that you are here?

Detainee (through translator): Perhaps he knows and perhaps he doesn't. I cannot think straight. I am in a very, very bad situation because I have been arrested in the name of al Qaida. I have lost my mind.

Presiding Officer: We understand. However, with the situation you are in, support from somebody like your friend who is an elected official may help you. It may clear up some of the things you say are not true and support your statements to us.

Detainee (through translator): Maybe he has talked to Afghan officials but I don't know. At that time information was very bad. It was hard to realize who was wrong and who was right; who is doing good or not, but now things are getting straightened out and organized for the better. Maybe now they will start talking. When the Americans first came it was difficult to get any information because if anyone was identified as al Qaida they were captured. Now things will be different.

Presiding Officer: Now that things have settled down you may want to communicate with him and let him know that you are here and then let him take it from there.

Detainee (through translator): My case is with the Americans. I am asking you your basis for my capture. If you have any documents, records, or papers please let me know. Don't just tell me that someone told you. My case is with you. Why are you making me contact him? If you captured weapons with me and then said that I was using it against you, then that would be a correct statement. If you have any documented telephone conversations indicating that I had done certain things please show me. Even if you capture someone or arrest someone and they confess that I am a bad guy and have done anything against the Americans, let me know. I am surprised because you have asked me questions and I have answered them. It is a verbal thing. You say I am al Qaida and I say I am not. Do you have proof of anything? It is up to you to show me the proof. When the Americans come they keep telling people that if you bring us al Qaida, we will give you money. So they keep telling people the others are al Qaida.

Board Member: Was your son captured?

Detainee (through translator): I haven't seen him. They sent me a picture and told me that he is okay now.

Designated Military Officer: (3.b.3) The detainee was identified as an Iranian intelligence officer. The reliability of the source is not determined.

Detainee (through translator): Well you already answered that statement when you said, "the reliability has not been determined," so nobody knows. I am an Afghan. I am not

ISN 1119  
Enclosure (5)  
Page 8 of 16



Iranian. Yes, I went to Iran because I had no other choice. I went there and worked as a laborer to provide [for my family]. I stayed there for four months and when the Taliban got kicked out I came back. I don't think that any country would make an illiterate person an officer. I cannot read and write, how can they make me an officer? It doesn't sound right. I am a proud Afghan. In our country there are a lot of different kinds of people. The worst kinds are those that spy on their own country. When we talk to someone using bad words they ask if the person is a spy. I am a detainee here in American hands, but I am asking you to please don't insult me. If you don't have any documents about this statement and you keep asking me about it I will be very sad and it is a shame. If you have a small document regarding this statement I will not refuse. I know this hasn't come from the Afghan government.

Presiding Officer: Please let me remind you, it does state the reliability of this source has not been determined. You should realize that we understand this.

Detainee (through translator): But mentioning it makes it seem that I am a Pashtun or an Afghan because it is kind of an insult. I am an Afghan and even if the Americans paid me a lot of money, I would not sell my country's secrets to the Americans. If the Russians, Iranians or even the Pakistanis [asked] I would not sell my secrets. I am a very proud Afghan and I love my country. I work for my country.

Presiding Officer: In your response from the AMO's interview the other day, you mentioned you couldn't stay in Afghanistan because of the Taliban. You stated, "I couldn't stay in Pakistan because I dug a hole and escaped from them." Who did you escape from? It did not indicate that you were ever in jail in Pakistan?

Detainee (through translator): When I ran away from the Taliban jail I went to Pakistan. The Taliban's relationship was very good with Pakistan. They told the Pakistanis that I insulted them by digging a hole and running away. Give him back. The Pakistanis raided my home and searched everything. Fortunately, I wasn't home so I went to Iran.

Presiding Officer: Okay.

Detainee (through translator): Even for the Taliban I wouldn't do these things.

Presiding Officer: At this point, just understand we do not have any reliability from the source that gave us this information.

Detainee (through translator): That is not a good thing to say.

Board Member: Were there many Afghans with you in Iran?

Detainee (through translator): Yes. In Iran, during the time of the Soviet Union a lot of Afghans went to Pakistan and Iran. Approximately three to four hundred Afghans are in Iran.

ISN 1119  
Enclosure (5)  
Page 9 of 16

Board Member: You mentioned that Hekmatyar Gulbuddin is in Iran now.

Detainee (through translator): Yes. It was a rumor because his relationship with Pakistan soured. His relationship was not good with the Taliban, so it was rumored that he was in Iran. Rabanni and other leaders were living in Iran. These were only rumors from other people.

Board Member: Do the leaders that you mentioned as living in Iran follow fundamentalist Islam?

Detainee (through translator): I don't know if they were praying our way or their own way. I haven't seen them.

Board Member: During your CSRT you mentioned setting up a government in Afghanistan that the United States and the United Nations were trying to put in place. The individuals in Iran were trying to assemble a more radical Islamic state.

Detainee (through translator): I mentioned during the jihad of the Mujahedin that Mr. Bush had a policy and everyone knows his policy. That is what I said during the CSRT. They were talking on the radio, among people, and in the newspaper. We listened so we knew that they were very hard going guys.

Designated Military Officer: (3.c) Intent. A source named the detainee as the commander of 30 men, with ties to the Taliban, planning an attack on an Afghan National Directorate of Security Unit near Kabul.

Detainee (through translator): Again, only a verbal accusation. Do you have any documentation for this statement?

Presiding Officer: We have a source that provided this statement.

Detainee (through translator): If you capture a member of the group that is saying this or a weapon or something that would be very nice. There may be a source. How do you know if the source is right or wrong? During the time the Taliban was in power I did not work for them. Now they have fallen apart [and you say] I am helping them now? That is not right because the Taliban is my enemy and they put me in jail. How would I work with the Taliban during this critical situation? People that mentioned their names are bad. Those words may be intelligence but do you have any documents from me because that would be better.

Board Member: Let's forget about the Taliban for a minute. Were you ever a commander?

Detainee (through translator): I haven't been with the Taliban or spent anytime with the Taliban. No, my cousin was a commander during the time of the Russians. I went with him financing things such as teas and sugar; I prepared these things after I brought them from the center of the city. I was smoking hashish so they kicked me out. I don't do these things now but I was.

ISN 1119  
Enclosure (5)  
Page 10 of 16

Board Member: I see from your previous testimony and from today that you supported the HIG and then you did not. At times you supported the Afghan government and then at times you have not. Have you ever supported the Taliban or believed in what they believe in?

Detainee (through translator): No, I have never been a supporter of the Taliban, 100 percent.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The detainee states that the only reason he worked for the Hezb-I-Islami Gulbuddin was that they would provide food and money for the member and their families.

Detainee (through translator): No, I only collected rations. They did not give us money. That was our right as refugees because they were receiving help from all over. Working means being a clerk or going to jihad with them. I did not do anything because I cannot read and write. I showed my ration card to receive help. Someone wrote down money but I never mentioned money. They were thieves. How can thieves give money to us? When they received money they did not give it out for 10 days, how can they give us money?

Presiding Officer: Earlier you stated you were a card-carrying member of the HIG so you could receive rations in the refugee camps. Do you disagree with this because you deny ever having worked for the HIG; you only joined to receive rations?

Detainee (through translator): I received rations and police [protection from being harassed by the police].

Presiding Officer: No money?

Detainee (through translator): No.

*[The detainee spoke to the translator and asked him if he knew about those people. You should be aware that they don't give anything to people.]*

Detainee (through translator): Even for the rations we had to wait for up to 20 days because it was hard for us to get them. We would come and then they would say "Not today, come back later, it is not your turn." Finally we got something [rations]. It was very hard. I was a laborer in Pakistan [and this is what I did while waiting for the rations and it was not enough].

Board Member: You said that you were young. During the CSRT process you mentioned that the adults contacted the HIG. Who in your family contacted them?

Detainee (through translator): My father was responsible for our decisions and he is now around 90 years old. The commander is my cousin and his sister is my wife, so he is my brother-in-law. These were our leaders or our elders. When I became a refugee I was 15 years old. In our culture you have no decision making abilities or authority until you are 20 years old.

ISN 1119

Enclosure (5)

Page 11 of 16

Board Member: What else did your father do for them [HIG]? Was anything else expected in return?

Detainee (through translator): My father did not go there to get a job; he is a religious cleric. He is very knowledgeable. All Afghan people respect my father. He doesn't belong to any organization. Even American political figures in Pakistan and around the world know him. He is a very old and wise man. The rations that we received were given to us out of respect for him. The other organizations helped us; such as Jamat-al-Tabligh in Pakistan. My father was a knowledgeable wise man and even Karzai knew him. I cannot say too much about my father but I can say he is a religious and knowledgeable figure. He is independent and has his own agenda. He doesn't belong to any other groups.

Board Member: He is 90 years old. Do you know where he is?

Detainee (through translator): When I was there he was in Kabul.

Board Member: Have you written to him?

Detainee (through translator): Yes, letters come from Kabul to me.

Board Member: You said that Jamat-al-Tabligh helped you in Pakistan; did you have to study with them to get that help?

Detainee (through translator): No, Jamat Islami belongs to Rabani. There were several groups Rabani, Mohammed Nabi, Sayaf, Afandi, Galani, Mojaddidi; these were the people [the heads of the organizations].

Board Member: Did you have to study Islam with them?

Detainee (through translator): Unfortunately, my father is a very knowledgeable man. I cannot read and write. I was just smoking hashish and doing things on the street. I am not a good guy. I believe in Islam and I am a Muslim and I respect it a lot.

Presiding Officer: So the reason for your illiteracy is that you did not go to school because you were goofing off?

Detainee (through translator): I made a mistake, that is my crime and I have admitted it.

Presiding Officer: Okay, because you said your father was knowledgeable and I was wondering why you said that you are not.

Detainee (through translator): I have committed a big crime and I am sorry now.

Designated Military Officer: (4.b) The detainee claimed he is friendly to the United

ISN 1119  
Enclosure (5)  
Page 12 of 16

States and turned to the Islamic faith as being a reason not to kill.

Detainee (through translator): I have to tell you that Muslims shouldn't hurt anyone. America came to Afghanistan because the whole country was destroyed and the system was bad. They were in Afghanistan and were going to hurt America. That is their right because America was attacked and their buildings were hit. So they had to attack and stay there. My father used to tell me about Islam. It doesn't say go and kill the infidels. It says go and spread the word to them. If they accept it and become Muslim, that is fine. If not the rest of them have to decide what they have to do. My father told me that the war is okay if someone attacks you like the Russians did and that war was okay. Any religion that attacks the Americans, it is okay for them to fight back. It was a big tragedy, so they have the right to defend and strike back. Their [al Qaida] main office was in Afghanistan. They did not come to Afghanistan and immediately start doing something. They gave us information and told us to give up the enemy and we will not hurt you. But they did not do it. The leaders are very wise and came to Mullah Omar and the Taliban said, "Give these people up to the Americans." They did not listen to the elders. Even my father told them that it was not okay to keep these people [al Qaida]. He told them if they did not want to turn them over to the Americans, at least give them to another country. Just get them out of the country [Afghanistan]. They did not listen. So they did not get out and they did not give them up and the Americans came and had no other choice but to come and get their enemy or just kick their enemy out of Afghanistan. I think America did the wise thing by bringing the whole world with them to establish a national government in Afghanistan. There was so much misery in Afghanistan. The people did not even have a piece of bread to eat. America and their allies created a situation by bringing food to the people and began establishing a kind of government. They are not going to hurt anybody because [of] their religion, they have nothing to do with religion. Besides helping, they built mosques for us. What kind of human being or ignorant person can bring a sack of flour to your front door, and then take the sack and start beating them or using a stick to beat him? Does that make sense? If he takes the sack and doesn't fight back is that the Muslim way? No way. Even if the person that assists you if they have any religion, an infidel or anything, if he helps you, you don't have the right to fight someone if they help you. I am not saying these words for you to give me a break or let me go. This is my belief. Even back home in Afghanistan I spoke with my elders and I said the same things and here with the detainees I say the same thing. They are not guilty; we are the ones that are guilty. They are not the ones to blame we are. In Afghanistan if they do not stay with their allies and the government of Afghanistan is not stable, if they leave now, much blood would run through our streams and rivers in Afghanistan. If they get out it means Hekmatyar, Gulbuddin, Rabbani, Dostum will all say they are the one, it will be a war that was worse than the time of the past.

Presiding Officer: [ISN 1119], we are starting to drift. It's nice hearing your words, but if you are finished with that comment we are going to continue.

Detainee (through translator): I want you to know I am not very ignorant. I want

ISN 1119  
Enclosure (5)  
Page 13 of 16

Afghanistan to be built up. These people, the leaders like Mullah Omar are very ignorant people. I don't agree with them, I won't follow and I don't believe in them. I just want my country to be built up and security and safety to be established. We are desperate for work, before we were poor [and had no work]. So instead of working for Iranians and Pakistanis, why not work for the Americans, it would be a lot better. This is my belief; the rest is up to 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 did not read the Detainee Comments from the Enemy Combatant Election Form, Exhibit EC-B. The detainee chose to respond after each item was presented.*

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

*The Detainee made the following statement:*

Detainee (through translator): I have already said everything. My last word that I will say is I want America and their allies to stay in Afghanistan until there is a strong national government established in Afghanistan. If I am free I will help support the government. If I am in jail I will pray for my country to be built up. This world has proved that America is a super power. They can do whatever they want and they came to my country to help us. I am backing up America and I want you [to] stay there until the country stands up on their own feet. There is a proverb in Afghan that says, "Where did you learn the wisdom? From the stupid people." I learned it the hard way from all those Mujahedin leaders. They cannot run a government. They are stupid people and they cannot do anything. I don't have anything more.

*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: When you escaped to Pakistan or went to hide in Iran did you need or have travel or identification documents?

Detainee (through translator): No, I smuggled myself illegally. In Pakistan I couldn't get

ISN 1119  
Enclosure (5)  
Page 14 of 16

any documents and [in] Iran I went illegally. There are a lot of Afghans walking around in Pakistan and Iran without any documents so there is no pressure on us to get them.

Board Member: Before you were arrested and transferred to the U.S., what was your relationship to Mr. Wardock?

Detainee (through translator): It was a good relationship with him.

Board Member: Did you see him often?

Detainee (through translator): He came to Kabul once a month and I went to visit him.

Board Member: Before working with Mr. Wardock, you mentioned you had enemies with the Taliban. Why was the Taliban your enemy when they were in control of the government?

Detainee (through translator): There is a very old time ethnic hostility, a tribal vendetta. During the time of communism, most of them stayed with the communist and the rest became refugees. At the time of the organization the groups were separated. We stayed with Hekmatyar and they went with Masoud. It's kind of the whole tribe that has some hostility at the time of the Taliban. They were with the Taliban at the time of the [Northern]Alliance. This is the kind of people they are. They tried to get rid of me because I know a little bit. I know how to organize the people, take care of them, and help them out. Those sorts of things, so they just wanted [to] get rid of me. They were trying to kill one of us, our leaders, our family; it's been kind of personal it makes them feel good to kill one of us. It's a personal hostility, vendetta, and an animosity.

Presiding Officer: If you were released to Afghanistan from here, what would you do?

Detainee (through translator): If I go back to Afghanistan and see that the government has some security and things are running very good, I cannot read and write so I cannot work for the government. I will do business like buy cars, buy and sell land, and sell houses. In Kabul, business is very good right now. Everything is being built. If I were not captured [and detained] here I would make one and a half to two million dollars. I lost big money. I had a lot of land that was invaluable and worth a lot of money. Now the Americans took it. There is a lot of money in that business. It was very good.

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.***

ISN 1119  
Enclosure (5)  
Page 15 of 16

**UNCLASSIFIED // ~~FOUO~~**

**AUTHENTICATION**

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



ISN 1119  
Enclosure (5)  
Page 16 of 16

**UNCLASSIFIED // ~~FOUO~~**

**00002909**

2909