

Summarized Administrative Review Board Detainee Statement

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

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

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

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Information to the Administrative Review Board. He then provided a brief description of its contents.

The Designated Military Officer confirmed that he had no additional unclassified information to present but requested a closed session to present classified information.

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

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

Assisting Military Officer: Yes. The documents, the detainee would like to make an oral and a written statement.

The Assisting Military Officer presented Exhibit EC-c, the Detainee's written statement to the Administrative Review Board.

The Designated Military Officer read the Muslim oath to the Detainee and the Detainee swore to the oath.

Presiding Officer: You may begin.

Detainee: Should I read my written statement or answer each allegation first?

Presiding Officer: Which ever, if you are going to read the written statement first that is fine or answer each allegation. Either way.

Detainee: I prefer to answer the allegations one by one first and at the end I will finish with my statement.

Presiding Officer: Fine.

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The Designated Military Officer read the unclassified summary items identified below in italics.

3.a.1. The detainee worked as a security guard for the governor of Jalalabad carrying a Kalashnikov rifle.

Detainee: Yes, I did work where the governor worked. I was not a security guard. I was helping everybody with the amount of work, whether it was writing something but I was not a security guard and I never had a gun.

3.a.2. In 2000 the detainee moved to Mazar-E-Sharif where he was a member of a 10-12 man team who provided security to the Governor.

Detainee: Yes, it is mostly true. I did work there for the governor of the Mazar-E-Sharif. I was not somebody who was loaded with weapons or armed. I was not an armed person. I was just doing like a servant working for him here and there and take this and bring this back but I was working for him. That is true but I was never armed. As I said before, I was never given a gun where I carried a gun around but I did work there as a servant or somebody who was helping the government - duties here and there. It was totally a civilian environment there, it was not like government related. It was strictly like a civilian organization. Civilian people were working there and the entire atmosphere was like a place where civilians would work.

3.a.3. The detainee served as the acting governor in Mazar-E-Sharif for 8 or 9 months prior to his capture.

Detainee: I never worked as a representative of the government or an assistant of the government. This is not true; I did not complete any duties or did not work as acting governor at all. Yes when he was gone for long periods of time, people would come to visit him, people would come to see him and he had told us if somebody came just tell them that I am not here. If they have any problem talk to them and tell them that I am not here. When he was gone it was like 10 to 12 of us so we opened the door for the people and they had problems here and there, we would talk to them about it. At times, if there was a situation like somebody was coming who was important and wanted to talk to the governor about something political or major, we had nothing to do with that type of situation. We would tell them that the governor was not here. But if somebody had a problem in the bazaar or the market or they wanted to do simple things and they needed help we would go ahead and tell them what to do in situations like that. It says here for eight, nine to 10 months. That is not how it was. I worked there for eight to 10 months as a person who was helping the firm but it was not like the governor was gone for the entire eight to 10 months and we were doing everything for him. During the eight to nine months, he would be there for a month and one-half and be there for two months and then go to the capital. But when he was gone for a short period of time at that time we would come into the picture and kind of open the door for people and do the things he told us to do. When the people come, tell them this or tell them that. It was not like he was gone for eight months and we were all just doing this. I guess the way this would have been started was maybe there were a lot of errors in the way that everything was written and brought to the head of intelligence and all of that. Maybe at that time when they came there, the governor was probably not there on that particular

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day when they came to capture us or something like that and I hope that's not the way everybody has taken it. Maybe when the intelligence guys were there, the governor was not there at all and they got this idea that I was the governor.

You tell me! Do you think a governor would be gone for 10 months sometimes and not show up at all and leave all his duties behind? That is not how it happened. He had to come there to work and talk to people and do his duties so he could not have been gone for that period of time from his duties or he would not have been governor, you know!

3.b. The detainee traveled to Kabul to serve as a security guard for a Taliban official.

Detainee: I did not have a direct position as a security guard. There was an area in alleys that was like a police station. I knew the head of that station and I would go there and spend some time there and I knew him. I was spending time with him as a guest. I also went to work with him and I did go to the place where he was working but it was just helping him out.

3.c. The detainee participated in a meeting where Taliban leaders decided to surrender to the Northern Alliance.

Detainee: I was never in a meeting. I never had a meeting with anybody. But when everybody was leaving together, I joined in the group as they were leaving. Like I said before, this never happened. I knew of a person called Ahbard Rashim, I think he was in charge. He knew what was going on and somebody told me to go and talk to him and ask him what should we do now and I asked the guy and I wanted someone to guide me in what to do. So they were all just sitting there and I went there and talked to them and we all went together. I did not have any interest or I did not have any need or any purpose to go into the meeting at all. It's just that they told me to go and I went there and talked to someone. That is my explanation for that.

Assisting Military Officer: Does the detainee wish to comment on the factors favoring release?

Detainee: When the allegations are done I just want to add something at the end.

Presiding Officer: Do you want him to read factors favoring your release or transfer?

Detainee: If you think it is necessary, I'll do it, but if not, I want to pass on it.

Presiding Officer: We read them once. So it's not necessary if you don't want to.

Detainee: Can I say something at the end right now?

Presiding Officer: Yes, if you are ready to give your prepared statement now, that's fine.

Detainee: I just want to add something at the end of the allegations.

Presiding Officer: Please. Begin.

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Detainee: There are a lot of discrepancies in these allegations. They are not legitimate at all. I just want to say an example about all of them and I want to pick one. If you are a security guard somewhere for a governor somewhere and first of all they said that I was a security guard and at the same token I became a governor. You have to see the way that all these accusations are put together. It is not very legitimate. I'm a security guard and then I'm promoted to governor or acting as one. I just wanted to add to that at the end. I do not accept most of these allegations. Yes, as I said, I did work there and I was apart of that particular organization whatever if you work for Jalalabad governor, but if you guys think that is a very big sin, then I don't have anything further to say. If you don't mind when I finish with this, I would like to read what I have prepared for everyone.

Presiding Officer: Continue. If you could tell him to read one or two sentences at a time and that way it will be easier for you (the translator).

The Detainee reads the prepared statement that was presented by the Assisting Military Officer into evidence as Exhibit EC-c.

The Detainee's adds the following verbal statement to the end of his written statement.

Detainee: I'd like to tell you a few things that I don't think that there is any reason for my detention over here and I will tell you why. I shouldn't be detained any longer because I have never caused any problems for you (America). I voluntarily came to you people, how could I be a problem for you? I did not fight with anybody nor did I use a gun against anybody. Why should I be detained? Personally myself, I have never caused any kind of interruptions or make any wrong move against the Americans or their allies and I have not made that wrong move at all why should I be detained? If this is a crime because I am a Muslim or an Afghan or if I spent a few nights with the Taliban due to my obligations and necessities so a lot of Afghans had to go through that. That should not be considered a sin and for that I shouldn't be detained.

On top of everything, I am a very poor man I don't have anybody. If I stay here as a detainee, I don't have anybody to come here to visit me, see me or to watch out for me. That's why there's no reason for this detention or for me to be detained here nor have I committed any crime. On top of all above and I'm still detained here, then I will leave everything in your hands and leave everything up to your judgment for you to be the judge of this. These are some of the explanations that I wanted to tell you about why I shouldn't be detained or that I'm not a threat. There is so much in my heart that I want to say right now but I don't want to take a lot of your time. And there is one little thing that I want to say. There is a new government there and I want to go there and these are all of my promises. That is what I have in my mind and if something goes wrong you know there is a government and they can take care of the problem. So please, I am unable to do anything here and take care of my business.

I would like to ask a couple of questions of the board.

Presiding Officer: There will be a time. (Pause) If you have some questions we will entertain them at this time.

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Detainee: I have gone through the same situation before with my Tribunal where the allegations were read to me. I told them everything truthfully and was just wondering this board will decide about me. How will this go?

Presiding Officer: The information provided for us today, we will make a recommendation as to whether to release, detain or transfer you and that information that you are aware of on the unclassified side is going to be used as well as some classified information in which you will not have access to. But this board will make a recommendation today.

Detainee: One more question. It's a question that I ask. The board, that if they want further explanation, if they want a different method and a different way that I can answer these questions or something else against me, I have to have an opportunity to explain if there is something else in a different way. That's all.

Presiding Officer: I want to go through the remainder of the proceedings and if you have any questions later on in the proceedings, if we have an answer to those questions.

Designated Military Questions:

Q: Did I understand you to say that you are a tailor?

A: Yes, I am.

Q: Can you explain how it came to pass that you worked on the staffs of the governor of Jalalabad and Mazar-E-Sharif?

A: There are a couple of factors in that situation. It was an obligation through the government and also I went there because I had to survive and I had to make a living for myself. It was a combination of both of them.

Q: In what district does your family live?

A: The district of Shahjoy, in the province of Zabul.

Q: Do you have any brothers that live in any other district?

A: I do not have any brothers that live in any other districts but I do have brothers in my village.

Administrative Review Board members' questions:

Q: What did your friend in Kabul, what was his type of work that you went to work with him, a Taliban official in Kabul?

A: His job was like a head of the police station that was creating security for that division.

Q: And you indicated that you don't have any properties but your father does. Is that true?

A: No, as I said in my statement between all of us, it's not my father's it's like everybody's. My whole family has about four jareeds, which is a unit I think two jareeds in an acre. I got like two acres. That's all we have between all of us combined.

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Q: Were you a tailor before you became a servant at the governor's house?

A: I did not have a shop but I was doing the tailoring within my residence within my own house I was living in for people and combined with some farming on this land.

Q: So again, why did you leave that work and go to work for the Taliban party?

A: I kind of answered that earlier and it was a combination of I had to go with the government, I was obligated to go with the government because they wanted me to work for him and at the same time I was very poor as well and did not have a lot and could not afford my living so easily. The two factors had to be combined for my decisions.

Q: I understand that only Taliban members could enter the governor's house. Were you a servant in the governor's house? Do you understand it that way?

A: There were a lot of people going through the Taliban system. I was just like a servant and also like a security guard. I never heard of that situation before. They told us to come and work here so we went there and that's how it went.

Q: Do you believe that a pure Islamic state needs to be established?

A: You are speaking about something political. I am not knowledgeable enough or an advanced person or an educated person enough to decide what a government should look like. That is not my duty.

Q: What kind of wheat do you grow in Afghanistan?

A: Corn, barley, grass for the animals, beans and different things.

Q: But what kind of wheat, there's lots of different kinds of wheat? Do you know what kind of wheat you grow? What kind of wheat, land-winter wheat, summer wheat?

A: (Translator) I want to know the exact terminology of wheat that you have.

Q: OK, forget the question, too difficult to translate.

Q: (Too translator) Did you ask him if he grew wheat?

Translator: Yes, he said he grew wheat. My personal experience is that there is dark flour and white flour, which comes from wheat. And then he said he did not know the difference but he did grow wheat.

Detainee: When I am transferred to my country or to a third country will I be transferred as a detainee or will I be free?

Presiding Officer: That depends on what the designated civilian official decides in his release conditions.

Detainee: Does that mean that if I am released I may be going to a third country or my country? Is that what it means?

Presiding Officer: He will be released or transferred to his home country, or another country as soon as arrangements can be made if that is the condition that is decided. Retained here,

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transferred or released, those are the three options. There is one last question from a member for the board.

Q: Would you like to live in a pure Islamic state or a pure Islamic government?

A: The government that is in Afghanistan right now, I am totally fine with the government. That's the kind of government I want.

Detainee: If it is a very educated and sophisticated question, I cannot answer those types of questions.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and concluded the open session.

The Presiding Officer read the remainder of the Administrative Review Board process to the Detainee.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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①

This is my speech

[006]

- ① I did not get captured. I voluntarily came to Americans & its allies & turned my self in. There were other people as well that were turning themselves in and I was among them.
- ② I will be providing living for my family. I will be in service of my father and my family. We have some land and I will be farming in it. And my goal is, that I'm a tailor and I would like to share a shop in the Bazaar of the District with someone else and continue my tailoring profession, so I can survive and provide living.
- ③ My behavior & conduct is known to everyone here in the camp, that I've not even once had any problems with the guards and did not act in a rude way. Actually I'm totally against having a bad attitude or being rude, and I've always obeyed camp's rules & regulations.
- ④ I'm not a threat. a) I'm a member of a poor family. I do not own any properties and denied from nature's goodies. b) Neither I, nor my father have ever been a Khan, or a Sherrif, or any seniors of the village. I still do not have any
- c) All my life, I did not work with any parties or groups and never had relations with them or ever knew them.
- d) Never carried a gun in my life, nor I received one from any body. e) I've never intermediated any body and never had any enmosity with anyone. f) The government can monitor my everyday activities, whether I stay at home or work somewhere in my country. They can see for themselves to realize who I am, what, will I be doing and to find out everything.

(2)

- I said, ^{were} was a fact or not? So the above are six different different explanations to you that I am not a fact (THREAT) DB
- ⑤ I ~~shouldn't~~ be detained any longer, because I've never caused any problem for you (America) or created one. I voluntarily came to you people. ⑥ I did not fight with anybody nor I ever used a gun against anybody. ⑦ And with Americans & its allies, I've never caused any ^{kind of} interruption or made any wrong move. ⑧ If this is a crime because I'm a Muslim or an Afghan or if I spent a few nights with Taliban due to my obligations and necessities, so allots of Afghans had to go through that, that shouldn't be considered a Sin.
- ⑨ Another thing I'm a poor person, no body is out there to look for me.
- ⑩ Thus far, there is no reason for this, that I should be detained here, nor I have committed any crime. If on top of all of this I'm still detained here, then I leave everything in your hands, so you can fairly judge into the matter.
- ⑪ Whether I am not a threat, I have written 6 sections (sentences) and ^{also} about my further detention, I have also written 6 sentences.

نور الله

دلالة الصفا وكونه

EC-C

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