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Summary of Administrative Review Board Proceedings for ISN 1001

*The Administrative Review Board was called to order.*

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

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

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

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

*The Detainee accepted taking the oath.*

*The Administrative Review Board took a brief recess due to a suspected problem with the tape.*

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 10 November 2005, and lasted 30 minutes. After reviewing the ARBs purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated that he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he would like to attend the ARB and speak openly with the Board Members. The Detainee was very

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

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

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

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

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Detainee Actions and Statements. (3.a.1) In mid February 2002, al Qaida fighters in the Paktia Province, Afghanistan, were providing payments of \$3,000.00 United States 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: In the name of Allah, this is not true. I fully deny it. I don't know al Qaida. I didn't do this kind of stuff. At that time, I was the District Chief by order of President Karzai. The allegation is not true.

Designated Military Officer: (3.a.2) The Detainee was identified as a military commander, leading a 12-man unit of former Taliban and al Qaida members who were planning to attack U.S and Afghani Transitional Administration facilities using Guerilla warfare techniques in September 2002.

Detainee: I was not a Commander. I did not have any group. I don't know anything about the Taliban or al Qaida. I never took any actions against the [Afghan] Government. I have never taken any actions against United States Forces. With the coming of power of the Karzai Government, the people of Zormat elected Taj Mohammad as the Governor of Paktia and I became the District Chief [of Zormat]. A letter of my confirmation [as District Chief of Zormat] was sent to the capital [Kabul]. I worked as the District Chief for six months. I was supporting my Government [Karzai]. Honestly, I worked for the Government [Karzai].

Presiding Officer: Let me ask you a question. You are/were the Chief of Police, correct?

Detainee: Chief of Police, no Sir. District Chief. It's a political position.

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Presiding Officer: You were in charge of what, of whom?

Detainee: I worked for the Government side. I was the Chief Controller [of the province].

Translator: To clarify, the Chief Controller [also known as District Chief] works for the Government. In the Afghan Government, there are different positions. There is the Governor of the province. In each province there are twenty or so districts. Each district has one Chief. The Detainee was the District Chief of Zormat.

Presiding Officer: This district [Zormat] had several al Qaida members travel through it to Pakistan. That is a fact. Would you not agree?

Detainee: When I was the District Chief of Zormat the operations started. Once the operations started, they would pass through Zormat and to go Shahi Koot.

Presiding Officer: My question is this: Would you agree that al Qaida moved freely through your area of responsibility? Yes or no.

Detainee: No.

Presiding Officer: You dispute that fact.

Detainee: Yes.

Presiding Officer: I find that very interesting.

Detainee: When the operations began in the Shahi Koot area, if there had been al Qaida in the area, why were they not captured?

Presiding Officer: That is what the Review Board is asking you.

Detainee: It is a very mountainous range area [Shahi Koot]. They [al Qaida] did not travel through the Zormat District. They probably came from different areas and from different ways [directions]. They did not travel through Zormat. Shahi Koot is the district closest to the Pakistani border, not Zormat.

Board Member: Were you aware of any Arabs moving from Afghanistan to Pakistan through the Paktia Province?

Detainee: No. When I was interrogated, here [Guantanamo Bay] I told them I was against the Taliban and I was against al Qaida.

Presiding Officer: The Review Board understands that. What the Review Board is trying to figure out is; if you were against the Taliban, why were they able to do so well in an area that was your responsibility?

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Detainee: I was not a District Chief at that time [time of the Taliban]. Once the Taliban were defeated in the North and Karzai became the President, *then* I was made District Chief [after Karzai was elected]. I was made District Chief about two months after Karzai was elected President.

Board Member: Is it possible for al Qaida fighters to flee from Afghanistan to Pakistan, through a province/district, without the knowledge and assistance of the District Chiefs?

Detainee: I was not the District Chief [of Zormat] during the time of the Taliban.

Board Member: I am only asking a question. Is it *possible* for al Qaida fighters to leave Afghanistan for Pakistan without the assistance of the District Chief?

Detainee: It is a very mountainous and strange area. Anyone can come and go.

Board Members: Without any type of support, they [al Qaida] can just leave?

Detainee: I don't know how they went through.

Presiding Officer: You do agree however, that they [al Qaida] did travel through [Paktia].

Detainee: I don't know.

Presiding Officer: Please proceed.

Detainee: I did not finish my answer to the question.

Presiding Officer: Please continue with your answer.

Detainee: I am going to make this as clear and specific as possible. When Karzai came to power as the President of Afghanistan, he made Pachah-Khan the Governor of Paktia Province. Between Pachah-Khan and Abdullah, there was animosity toward each other. They started fighting with each other. I was not the District Chief at that time. Pachah-Khan was not a man of good behavior and not able to do a good job. Taj Mohammad replaced Pachah-Khan. Two or three months following that, I became the District Chief of Zormat.

Board Member: When you answered the allegation in 3.a.1, I thought you said in February 2002, you were the District Chief of Zormat.

Detainee: Yes.

Presiding Officer: Sir, you are going to be able to make a long personal statement in the second portion of this session. I am going to ask that for this part of the session, you restrict your comments to admitting or denying the allegation/statement with a brief explanation. Right now it is very confusing and a little tough for the Review Board to

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sort out all that you are telling us. The Review Board will give you all the time you need to make a long summary statement. However, to keep your answers straight, and to determine how your answers relate to the allegations, we need to get through the allegations/statements first.

Detainee: Yes Sir. I would like to finish my answer.

Presiding Officer: We are finished discussing this allegation [3.a.2] for now. You may come back to this allegation at a later time.

Designated Military Officer: (3.a.3) The Detainee claimed that he was never in any military service and never received any military training, but he did fight against the Russians. The Detainee also stated that he participated in several fights under the Command of Niaz Ghul, a village elected Commander. The Detainee also stated that the District Commander was a man named Momein.

Detainee: If I can explanation to you, you will understand.

Presiding Officer: You may provide a short explanation. However, the Review Board first needs to know if you agree or disagree with the allegation/statement.

Detainee: At the time of fighting against the Soviet Union I was just a Pharmacist and a Nurse. Niaz Ghul was a Party Member. Momein was not a "big guy" [not high ranking], but he worked for Niaz Ghul. Niaz Ghul was kind of like a Supreme Commander....

Presiding Officer: Ok, we understand that, but the Review Board still does not know if you *agree* or *disagree* with allegation/statement 3.a.3.

Detainee: No, I do not agree. I did not do any service in the Army. I did not do any training. I was a clerk and pharmacists. I was like a doctor and a nurse, working in a pharmacy. The people elected Niaz Ghul.

Presiding Officer: Thank you. That is all the Review Board needs to know at this time.

Detainee: Momein, Niaz Ghul, and me [the Detainee] are all part of the same Party

Designated Military Officer: (3.a.4) The Detainee released three-suspected al Qaida without investigation.

Detainee: No. If you want an explanation, I can give you one. I was the District Chief and I deny that allegation.

Presiding Officer: How did this allegation come about? Do you know who said this [referring to allegation 3.a.4] about you?

Detainee: Anyone who gives you a report like this. They lie.

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Presiding Officer: Why would they do this?

Detainee: There are two reasons for this. The first reason is that anyone who would give you a report like this wants to make the United States look bad. To damage the United States reputation and the reputation of Afghanistan. The second reason, my enemies do not like me and they want to get rid of me.

Presiding Officer: Who are your enemies?

Detainee: Anyone who would give you reports like this with these lies [referring to allegation/statement 3.a.4.

Presiding Officer: Can you give the Review Board a name? Who do you think it was?

Detainee: I don't know the name of the guy who gave you the report.

Presiding Officer: Take a guess. Who wanted you gone?

Detainee: One person is Abdullah, who is in Baghram as a detainee right now. There are three people Sir. Fazal, Abdullah, and Ziauddin are the names. If you let me explain, you will understand.

Board Member: As the District Chief of Zormat, did you ever have suspected al Qaida fighters under your control?

Detainee: I had a meeting three times with Mike and Tony during my time as District Chief.

Board Member: Did you ever have control of suspected al Qaida fighters?

Detainee: No.

Designated Military Officer: (3.a.5) The Detainee held a meeting at his residence in Menzi in Zormat with an extremist cell leader.

Detainee: I have a house in Menzi, Zormat. No one ever had a meeting in my house. I don't have any knowledge of that.

Designated Military Officer: (3.a.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 RPG's, Kalashnikov's, and at least on "ZK-1" anti-aircraft gun.

Detainee: I request one thing Sir [speaking to the Presiding Officer]. If you listen to my explanation in detail, you will have the answers to your question.

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Presiding Officer: First, the Review Board needs to know if you agree or disagree with the allegation/statement. After you have answered yes or no you may provide a brief explanation.

Detainee: That allegation is not true. I did not do that.

Board Member: Did you have these types of weapons in your possession? Did you have access to these types of weapons?

Detainee: I swear, I don't know about those kinds of weapons.

Presiding Officer: That answers the allegation. We will come back to that allegation later if you wish to make a statement in regards to the allegation/statement.

Board Member: The Detainee made another statement. I would like to know what he just said.

Detainee: My replacement was Mualim-Jan Baz.

Presiding Officer: Did you have access to those types of weapons [allegation 3.a.6]?

Detainee: Mualim-Jan Baz is alive and is the District Chief right now. I left the position of District Chief voluntarily. If I had had those types of weapons [referring to 3.a.6] I would have stayed and fought him [Mualim-Jan Baz] for my position [District Chief]. If I had had those weapons we would have fought and either he [Jan Baz] would have killed me or I would have killed him. But Mualim-Jan Baz is still alive and is still the District Chief and I'm here [Guantanamo].

Presiding Officer: Your answer then to allegation/statement 3.a.6 is no. Is that correct? You did not have those kinds of weapons in your possession?

Detainee: No.

Presiding Officer: You didn't have access to them?

Detainee: No.

Board Member: There was probably an arsenal in that district.

Detainee: No. That is probably fabricated by the person who gave you the report.

Presiding Officer: How do you explain that there would be no arms at all? That does not make sense.

Detainee: The Taliban took everything with them. Nothing was left.

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Presiding Officer: That is not what we are talking about. After you came to power in the district of Zornat, under President Karzai, you are telling the Review Board that you had no weapons for your Forces. That does not make any sense.

Detainee: There was no salary. There was nothing. We did not have weapons. After the Taliban left, Atiqullah-Luddin came to the Army Division and *he* had weapons.

Presiding Officer: Your Police Officers did not have weapons?

Detainee: No. Our Police Officers did not have weapons.

Board Members: Are you saying that other Government officials and Police Officers in this province **had** weapons, but your officers did not?

Detainee: To the best of my knowledge, the other District Chiefs, and other officials, if they had weapons, they were their own personal weapons.

Presiding Officer: Just so that you are aware, that is the first time I have ever heard that nobody had weapons in Afghanistan.

Detainee: In my district, we did not have any weapons. The Taliban took everything.

Designated Military Officer: (3.b) Connections and Associations (3.b.1) The Detainee's brother was identified as a senior Lieutenant for a former Taliban Commander.

Detainee: My brother was not a Lieutenant for the Taliban.

Board Member: Where is your brother now?

Detainee: My brother has a car dealership in the same district [Zornat].

Presiding Officer: Your brother is still in Afghanistan?

Detainee: Yes.

Designated Military Officer: (3.b.2) The Detainee's brother has a well-known car dealership in Zornat. The Detainee's brother also keeps an arsenal at his car dealership, including AK-47s, RPGs, and IEDs.

Detainee: My brother's car dealership is in the middle of the Zornat District. The United States Forces came to my district. They came to my brother's car dealership. If the United States Forces were coming to the district, how would my brother be able to keep an arsenal at his car dealership?

Designated Military Officer: (3.b.3) The Detainee was identified as being the Commander of Samoud Khan.

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Detainee: That is not true. I do not know Samoud Khan. I was not Samoud Khan's Commander. That allegation is not true.

Designated Military Officer: (3.b.4) Samoud Khan is a known Anti-Coalition Militia member.

Detainee: I do not know Samoud Khan.

Designated Military Officer: (3.b.5) The Detainee's telephone number and name was associated with a Taliban cell.

Detainee: I have never had a telephone. If you prove that I had a telephone associated with the Taliban, you can put me in jail for ten years.

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: I don't know why they arrested me. I am against al Qaida. The Taliban were from the same district [same as the Detainee], but al Qaida, I don't know anything about them.

Board Member: When you were arrested, they didn't tell you why?

Detainee: No. If you study my file, you will find out that it was my enemy that gave you a false report about me.

Designated Military Officer: (4.b) The Detainee denied leading a 12-man unit of former al Qaida and Taliban in planning an attack on Coalition Forces.

Detainee: Yes Sir.

Designated Military Officer: (4.c) The Detainee stated "I don't like al Qaida, I don't like its name, and I don't like him [Usama Bin Ladin], and it's up to you to accept it or not."

Detainee: Yes Sir. I don't know al Qaida and I don't like al Qaida. I don't know Usama Bin Ladin [personally]. I know who Usama Bin Ladin is and I don't like him.

Designated Military Officer: (4.d) The Detainee denied having any military training.

Detainee: Yes Sir.

Designated Military Officer: (4.e) The Detainee denied knowing anything about Samoud Khan.

Detainee: Yes Sir.

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Board Member: I would like to make a note for the record. In the Unclassified Summary of Evidence, item 3.b.3, it has been established that Samoud Khan is an actual person and not a military unit or political subdivision.

*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 have any exhibits to present to the board, but did however have an additional comment from the Enemy Combatant Election Form.*

Assisting Military Officer: The following are the Assisting Military Officer's additional comments: The Detainee did not need the assistance of the AMO to take any notes on his behalf, however, the Detainee asked to be provided with note taking paper to write answers to the Unclassified Summary of Evidence to use as his reminder during the ARB. The Detainee also stated that he was waiting for two letters from Taj Mohammed and Raz Mohammad Dalili, regarding his work as the District Chief of Zormat. When the Detainee receives these letters, he wishes the letters to be part of his ARB file. The Detainee states that the letters would describe his performance as District Chief and his loyalty to the present government of Afghanistan. The Detainee said he told the interrogators about these letters.

*The Detainee made the following statement:*

Detainee: When Karzai came to power and Taj Mohammad became the Governor of Paktia Province, I was elected by the people as District Chief of Zormat. My official letter of my election was sent to the capitol [Kabul]. I worked as the District Chief for five months. There was no salary and there was no money involved. I was supporting my government at the time. Honestly, I worked for my government [under Karzai]. I am an intellectual and not a fundamentalist. I am not al Qaida. When Karzai became the President of Afghanistan the whole region, districts, and provinces were all very happy. That was our dream, our government, and our wishes [to be free of the Taliban and for Karzai to become President].

During my whole time as District Chief, three times I had a meeting with United States Forces. During the Muslim Eid, I went to Taj Mohammad residence to congratulate him on the Eid. American Forces Commanders were also present at Taj Mohammad's residence.

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Presiding Officer: I am going to stop you for just a moment. Your story is very interesting. However, your comments right now during this part of the session are supposed to focus on what we went over earlier this morning [Unclassified Summary of Evidence]. Explain to the Review Board why you are: (1) not a threat to the United States, and (2) why the Review Board should release you. Please provide the Review Board with information relevant to those two issues. The Review Board is very familiar with who you are and your entire history. The Review Board would like for you to use your time here today to the best of your ability. With all due respect, the comments you just made do not help the Review Board to make a decision. The Review Board is asking you to help us help you. Take a moment and collect your thoughts. Then, tell the Review Board why you are no longer a threat to the United States.

Detainee: I will tell you Sir. As a human being, killing human beings is not allowed. If I had had any problem with the United States, I would not have gotten involved with helping the [Afghan] Government. The United States Forces did us [the Afghan people] a big favor by coming to Afghanistan. The American Forces came to Afghanistan and destroyed the individuals who destroyed our country. If anyone is a real Afghan, the help that the United States gave to us, those Afghan people will not forget that help. I support the mission and I wish everyone else would do the same. I have been on good behavior since I have been a detainee. I have not violated a single rule. I have obeyed the rules and have followed the rules [in the detention facility]. You can see my file on that kind of stuff.

Presiding Officer: Your good behavior is known and the Review Board thanks you for that.

Detainee: Sir, while I have been here as a detainee, there have been some people [other detainee's] who have thrown bad things, cursed at, and have not obeyed the soldiers. I have not been one of those people. As a Detainee and an Afghan, I am proud that while I have been here I have obeyed and followed the rules. I follow the rules here and when I go back to Afghanistan, I will continue to follow the rules. It is my duty and responsibility to follow the rules as a good Afghan and a good person.

There is another point I would like to make about when the Mujahadin took over after the communists were overthrown. I did not do a single days service in their government. When the Taliban took over and they came to power, I did not do a single days service with that government either. When the United States came to Afghanistan and the government was created and Karzai came to power, I knew that by serving this new government I was putting my life in danger from my enemies. I accepted that danger. I received threatening letters when I started working for the new Afghan government. The letters were left at my door and they said things like, "I should wear my coffin all the time and I should prepare for death".

Presiding Officer: Sir, the Review Board has some questions they would like to ask you.

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Detainee: Can I finish my statement?

Presiding Officer: You are beginning to get off track again. You are supposed to be focusing on the two issues we talked about earlier.

Detainee: I will not be against the United States. I was never against the United States. When I go back I will support the Afghan Government. Even if the government does not give me a job, it is still my responsibility to be there for my country.

Presiding Officer: Thank you very much.

Detainee: When Raz Mohammad Dalili replaced Taj Muhammad as the Governor, he selected me as the Chief of the District Assembly. They sent me a message to come to Gardez and that was when I was arrested. I was not arrested in the mountains or some strange place like that. I was arrested at the Governor's house.

Board Member: Who arrested you?

Detainee: Commander Abdullah's people arrested me. Sir, if you would please give me two minutes to finish my statement it will be good for you and it will be good for my future. I don't want to give you a headache. We were supporting Mualim-Jan Baz. Jan Baz replaced me as the District Chief of Zormat. Even though he replaced me as District Chief, I still supported him. There were fifteen influential tribe leaders who supported Jan Baz. Those leaders were working for the districts. They were doing things that were good for the people.

My problem is here. The business people from Khost were going to rob the province [Zormat] and bring in cars to sell. These people came to Zormat and looted the district and took money. The District Chief called for a meeting and asked the Tribe Leaders why is this kind of bad thing happening in your areas. We asked all the shopkeepers who came to the area [of Zormat]. They told us that some of the people had on uniforms. They also said there was an officer among the looters. They bought some oranges and some dry foods. We asked the Khost people, do you know who these people were or not. The Khost people told us that they did not know the looters, but we do know the car [that the looters were driving]. At that time we were suspicious of a car that belonged to the District Commander [Khost District]. We went to the Commanders house and the District Chief was with us. The Khost people who had seen the car identified the car as belonging to the Khost Commander. When we checked the car and there were oranges and dry foods.

We told the Commander of the District that we wanted his people that did the looting and that we wanted the money back. We told the Commander if he did not give back the money that we were going to turn him into the Government. They gave us back 200,000.00 Rupees. They also gave us back another 150,000.00 Rupees and a letter that said they still owed us another 150,000.00 Rupees. We took the money and the letter and gave it back to the people it had been stolen from. Two or three days later, the Italian

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Ambassador and Justice people of Afghanistan [representative], and the Interior Minister came to help us by bringing us some goods.

Presiding Officer: Sir, this is a very interesting story, however, it has no relevance whatsoever to our decision this morning.

Detainee: Please give me two minutes to finish.

Presiding Officer: You have two minutes.

Detainee: The next morning I went to Gardez. The Judge of the province, the Police Chief, the Governor, and the Italian Representative were there. We told them they should watch us [people of Zormat] not to steal and we will watch them not to steal. At that time, the Police came in and arrested me. The Commander from Gardez and the Commander from the district of Zormat were friends. I got caught in the middle of it.

*Administrative Review Board Member's questions:*

Board Member: Will the Karzai Government welcome you back if you are released?

Detainee: Yes Sir.

Board Member: Do you still have family in Afghanistan that can help support you?

Detainee: Yes Sir.

Board Member: What are your plans and goals if you are returned home?

Detainee: If the government asks me for my service I will join the government.

Board Member: We have not received the two letters that you spoke of from Taj Mohammed and Raz Mohammad Dalili, is that correct?

Detainee: I told the AMO that I sent two letters back home asking for Taj Mohammed and Raz Mohammad Dalili to write letters on my behalf about my service and my loyalty to the Afghan government. It is going to take a while for the letters to get here.

Board Member: When did you write the letters?

Detainee: About six months ago.

Board Member: You talked about Pachah-Khan earlier in your statement. What do you know about Pachah-Khan.

Detainee: Pachah-Khan was selected by President Karzai to be the Governor Paktia.

Board Member: Is Pachah-Khan a great leader?

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*Detainee: He was not a good leader.*

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

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

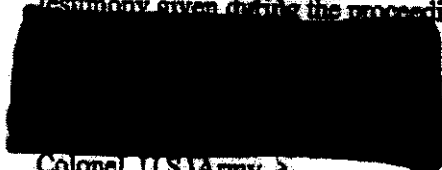
*The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.*

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

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

AUTHENTICATION

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



Colonel, U.S. Army  
Presiding Officer