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Summary of Administrative Review Board Proceedings for ISN 1002

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

Detainee: I took the oath during the CSRT and it did not help me. The oath has a big meaning and it is very important. I am not going to take the oath.

Presiding Officer: Thank you. The Detainee declines to take the oath.

Detainee: It is not as if I am not telling the truth or lying or something. I just don't want to take the oath.

Presiding Officer: That is fine...accepting or declining is all we are looking for.

The Detainee declined taking the oath.

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

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

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

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

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Assisting Military Officer: The Detainee's initial ARB interview occurred on 26 August 2005 and lasted for 30 minutes. After a review of the ARB's purpose and procedures, the Farsi translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, the Detainee stated he wishes to attend and speak openly with the board members. The Detainee prefers to respond to the Summary of evidence after each allegation is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during the interview. The Detainee elected to keep the Farsi version of the Unclassified Summary of Evidence for his review.

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

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

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

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Connections/Associations (3.a.1) The Detainee began working for the Taliban approximately one and a half to two months after the Taliban captured Mazar-e Sharif. He obtained his position from Sharifuddin who was the Chief of the Taliban Intelligence Department in Mazar-e Sharif at that time.

Detainee: I challenge this allegation and I mentioned this in my file. I never even said 'hi' to a Talib and if I never said 'hi' to a Talib how could it be possible that I worked with them. This person Sharifuddin, I only met him once and I went to his room once because everyone went to greet him or see him. That was the only time. Sharifuddin arrested me for six months. Actually he did not send me or give me the job. He sent me to jail. How could it be possible for someone who arrested me to make me a chief or deputy chief for [that] job? I wanted to provide proof that this was true. The person that [was watching over me while I was detained] was also [detained] in this camp. I told the interrogators that they could call him in and ask him questions and they did that. I just wanted to prove my point and that is why I pointed him out. He was the person that I was being arrested...I was under his control at the jail that I was arrested at. You could ask him questions about me and I wanted to prove my point. Secondly, how could it be possible that a person would come in and he would be given a high position like that

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without even knowing anybody or having any connections or anything? It is not possible and it is far away from reality. It is always a proper procedure to keep records of all employees. Even for the students they would have your first name, last name, or their father's name. They do not have any records of me [and] my name is not even there. I told the interrogators that they could ask that officer if they could find any records with my name on it. The office that they claim that I worked for is still in operation in Mazar-e Sharif. Maybe they can ask and find out about this. I was detained there for 10 months. How come nobody volunteered to go ask [about it]? The other important point is if I was working with the Taliban or I ever did work for them, why would I go back to that place two or three months after the fall of the Taliban? If I was with them I should have fled too. Why would I go back there? All of the Taliban were fleeing from that area going toward Pakistan or other places. Why would I go there? This concludes that I did not do anything with the Taliban in Mazar-e Sharif and I did not work with them. That is why I had no worries [about going] there. The other part of the allegation about me working for Sharifuddin, I was arrested by Sharifuddin, so that is not possible.

Presiding Officer: Next question. If you are done we will go to number two.

Detainee: I am done.

Designated Military Officer: (3.a.2) The Detainee was the deputy Chief of the Estakbarat (Taliban Intelligence Service) in Mazar-e Sharif.

Detainee: I already pretty much answered this question too, but I would like to say one thing. I deny that I even worked for him for one day or one hour, so how could I be his Deputy Chief? I would like to ask you if you could prove that I worked for him for one day or one hour I will accept all of the allegations.

Designated Military Officer: (3.b) Other Relevant Data: As a prisoner at the Sheberghan prison, the Detainee was considered to be a threat based on what Jonbesh-e Milli Intelligence considered hard-line al Qaida and Taliban sentiments and a demonstrated ability to carry out threats. Jonbesh-e Milli Intelligence ran the Sheberghan prison and was responsible for intelligence on its detainees.

Detainee: First, I would like to mention that this was not a detention facility it was a place of business that they actually did business transactions in. The Detainees were sold there and if you had money you could have gotten out the same day. If you wanted to go home, you just paid your way out and went home. This is not just me [saying that]. It was a well-known fact to the world and to the radio about the condition of the Sheberghan prison. When I broke my leg and I got arrested for ten months they asked me for \$30,000. Since I didn't have the money or I didn't give them the money, they transferred me. I had the money, but I didn't want to pay them the money. Therefore, they took me to Sheberghan and I was detained there for four months. While I was at Sheberghan and my leg was broken they did not give me any medical help or medicine. They would just bring me bread and tea. I could not even move. I would relieve myself in that same

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room because I could not move to go to the bathroom. How could I be a threat to anybody if I was in that condition? If I could not use the bathroom then how could I be a threat? I was depending on other people to help me with my problems. Therefore, it is not right to even say I was a threat. My only danger to them was that I did not give them the money. If I had given them the money, then I would not be in jail. They turned me over to the Americans for interrogation and they asked me, according to them, I had been working for the intelligence agency in Mazar-e Sharif. I told the Americans that if I worked for the Intelligence Agency why don't you go ask them since we are in Mazar. The office was still running and almost all of the people that worked in that office are still there. [I told them] maybe you can go there and ask a few questions and find out more about this situation. I told the Americans that [the prison] asked me for money and I did not want to give it to them. [The prison] told me that if I gave them the money they would drive me to my house and if I didn't give them the money they would turn me over to the Americans. I told the [prison] to turn me over to the Americans and asked 'what are they going to do with me?' The Americans asked me some questions and I answered them. Then they took some pictures of me and then they turned me back over to the Afghans and I was back in prison. If someone would ask the interrogators or Americans that had me and questioned me in Mazar-e Sharif, and that would shed some light on the subject. I was actually detained in the same office for ten months. Even now, if you would like, you can call or ask the government of Afghanistan for some information. You can find out the answers from them. I did not even work for them for one day. Sheberghan Jail was like a business place. If anybody had the money and was willing to pay the money they could of gotten out of jail. The second time they gave me to the Americans I told the translator to tell [the interrogators] to ask who I am, what is my name, and why they were taking me. [The translator] told me he did not have that permission. They put a hood on my head, gagged my mouth, blind folded me and brought me here. They took me to Bagram first and for six months they called me by the wrong name. [They called] me Shah Zada. They even did that here. Correction, I was in Bagram for a month and a half and here for about six months and they called me by that name. Later on when the Red Cross wrote letters and I wrote letters it was proven to them that I was not Shah Zada. Later they found out that there was a Detainee here by that name and he was released. The interrogator even showed me his picture. If I could not move, I could not leave the room, and I did not have visitors, how could I be a threat?

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee stated he didn't hate Americans, he just wished to be released and to be given a specific time he will leave Cuba.

Detainee: Yes, that is correct.

Designated Military Officer: (4.b) The Detainee stated he came back to Afghanistan to look after some property and was not connected with anybody.

Detainee: Yes, correct.

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

The Presiding Officer acknowledged the request.

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

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement.

The Detainee made the following statement:

Detainee: First of all I would like to point out the fact that if I am here to defend myself I should be aware of all of the allegations against me. How would I know if someone said a lie about me? The best way to prove my point is...I was a teacher for seven years in the same school. Over and over again I told the interrogators that they could contact somebody in that school because it is still operating and they can ask the personnel of the school if I was a teacher in that school from this time to this time or not. Everyday that I went to work I had to sign my name on a piece of paper. It was a logbook and they can check that. I even provided the address and telephone number to the principal and some teachers that I know. They can check the logbook because if I were absent for one day it would show it. If I was absent for a long period of time then it also shows it in the long book. Maybe someone can ask about this. I have been living in the same camp in Pakistan for twenty years and everybody knows me in that neighborhood. If anyone would ask about me the kids and adults would probably know me. The kids would know me better than the adults because I was their teacher and teachers are well known in that area. I am originally from Shebergan and I have a lot of property there. In our village there are about three hundred to three hundred and fifty houses there. You can ask anyone from that village and he or she will know everything about me. You can ask anyone, except for Said Khamel, because he turned me in, and they will know if I was a Talib, if I worked with the Taliban, or if I had any connection with the Taliban. Said Khamel would say that I am Taliban. Why don't you ask the person that turned me in what proof he has like a document, a video, or picture that I worked for the Taliban. If you can find one person, as proof that I was a Talib, then I will accept a punishment ten times more than the other Detainees that are here. When the government of the Taliban fell, and Karzai was elected, what reason would I have to go to that place while everyone else was running away from that area? The Taliban was fleeing that area and trying to get away from Afghanistan control. What reason would I have to go back in there and be arrested if I had nothing to fear? The only reason that I did not pay to get out of jail is because I was counting on the Americans. [I thought] these people are crooks and they want money and the Americans are honest people and [the Americans] will look into the matter and find out the truth about me being a Talib and if I actually worked with them or

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not. I thought they would get to the bottom of this and I would be set free. It seems like [the Americans] did not do anything either and from Shebergan they took me to Bagram and then they blind folded me and brought me here. I don't blame you guys for me being here because maybe someone gave you false information or told lies about me and I did not dismiss them, but now you have the opportunity to find the truth about this matter. If you can do that then I will be set free. In my case it is very easy to find information about me because I was working in a school and it was a well known place. [The school] was easy to find and I gave them the exact address. In one day they can find out information about me if they want to. My being here in Cuba will give Americans a bad name because the people of my village know me and they know that I was taken by the Americans and brought to Cuba. They know that I was not a Taliban [member] and I had no connection with the Taliban. I was just a teacher. In their mind they would think that in Cuba they don't have the Taliban and they don't have al Qaida, but they have innocent people. That would give you guys a bad name. They would say I was arrested under the name of the Taliban or al Qaida, but I am not. The only thing I would like to ask the board is to do some research about me. If I am guilty I will be here as long as you want me to be here. If I am innocent then there is no need for me to be here. All it takes is some time and some effort to go and find out some information. That is all I am asking. When they brought me here the first day I gave them the exact address of my home and my school because they probably figured that I would say anything to get out of here. The interrogators didn't think that I would tell the truth so I gave them those addresses to check and verify, but I have been here a long time.

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 the following questions for the Detainee.

Designated Military Officer: Can you tell the story of how your leg was injured? When did it happen and where did it happen?

Detainee: Yes, why not. When Karzai took control of Afghanistan from the Taliban it was well know to the whole world. I saw it on television. I was planning to return back to Afghanistan to my home village from Pakistan because I was a refugee. We went back to Afghanistan because I felt like it was a safe place because Americans and Coalition Forces were there. Then the Ministry of Education announced on the television that all of the people that are teachers, doctors, and nurses should return to [Afghanistan] because [our country] needed us. I decided to go back because it was safe and [other] people were going back too. I went from Pakistan to Kabul and stayed there a few days. I wanted to go to Shebergan, but you have to go through Mazar-e Sharif first and then to Shebergan. I had only brought some Afghani currency with me from Pakistan and the rest of the money I had with me was Pakistani Kaldar. I ran out of Afghani the few days

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I was in Afghanistan. I went to a market called Kefayat Market in Mazar-e Sharif to exchange some money from Kaldar to Afghanis. I was waiting there and I heard a big "boom" and that is how I hurt my leg. The explosion was a very big explosion and about 150 to 160 people died...men, women, and children...in Mazar-e Sharif that is one of the busiest markets. My leg got hit by shrapnel and broke. Since I just arrived there I did not know a whole lot of people. I did know someone there so I took a cab to that person's house and I asked him to take me to a hospital or doctor to have an operation on my leg or something. That person told me there was only one hospital in Mazar-e Sharif and right now it is probably full because all of the people that got injured are going to the hospital and there would not be enough doctors and nurses in that hospital. He brought someone that was not a doctor, but can do stuff like a doctor, and he gave me an injection and tied a splint on my leg. I told him to take me back to Kabul so I could see a doctor there or I will need to go back to Pakistan. He said fine and he would accompany me to Kabul. We spent the night and left the next morning. After eating breakfast we got in the car and he took me straight to the Intelligence Office. The Chief of the Intelligence Office was his relative. He turned me over to Said Kahmel and he was an Uzbek. They took me and put me in a room. I told them I needed to go to a hospital...

Designated Military Officer: Earlier you said that you stepped on a land mine. Do you know what caused the explosion in the market?

Detainee: Yes, according to what people said it happened...I said mine because if a bomb comes from the air or an airplane we call it a bomb and if it is on the ground and explodes or if it is an explosion device, we call that a mine. In reality, the bomb or the mine was inside the big water coolers. There was a storage area for water coolers and the explosion was in that area. I was only there for half of an hour when this happened.

Presiding Officer: You did not actually step on the mine then. Is that what you are saying?

Detainee: No, the explosion was so big that 150 to 160 people got injured. It is well known to everyone in the northern part of Afghanistan.

Administrative Review Board Member's questions:

Board Member: Do you know what ever happened to Sharifuddin?

Detainee: No, because when I saw him it was in 1998 and after that I went to Pakistan.

Board Member: You mentioned that the bribe you were asked to pay was \$30,000. Was that dollars or Afghanis?

Detainee: American Dollars.

Board Member: You mentioned that you were a teacher, how does a teacher accumulate \$30,000?

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Detainee: If you check my file you will see that my father was a very wealthy person in Shebergan. We have a lot of land, 40-45 stores that we rent to other people, and a lot of businesses. That is why they were asking me for a lot of money. My father passed away and I am the inheritor of that money and property.

Board Member: What years were you in Pakistan?

Detainee: I was in Pakistan since 1981.

Board Member: Until when?

Detainee: From 1981 until I got to Cuba...in the second month that Karzai took over [which was] February 2002.

Board Member: What years did you teach?

Detainee: In 1993 I became a teacher.

Board Member: What did you teach?

Detainee: Science.

Board Member: Any particular part of science like Chemistry, Physics, or Biology?

Detainee: General Science. I teach Science and in [that subject] they have Chemistry, Physics, Geometry and even Math in that department. If you have doubts you can ask me questions about science. You can give me a book and give me one night to study it and I will take a test the next day. I am telling the truth. I am not lying.

Board Member: What year were you arrested by Sharifuddin?

Detainee: It was the end of 1998.

Board Member: Was that in Pakistan?

Detainee: No. It was during the school holidays. I went to Shebergan to collect the rent from the shopkeepers. We rent our stores for one year and we collect the money and we don't see those people for another year.

Board Member: So you were put in jail for six months. Did you miss the next school year because you didn't come back to Pakistan to teach?

Detainee: I almost lost that whole year because it took me a couple of months to take care of my leg and I was in jail. My fingers were broken [too], but that was by a person who was detained here. I told them his name and his duty but he got set free.

Board Member: What were you arrested for? What did Sharifuddin arrest you for?

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Detainee: As I said before my father was a wealthy person in that area and because of my father people invited me to their homes for dinner and lunch and I would go from this village to that village. Sharifuddin thought that I might have some political agenda or something.

Board Member: What does the guy do that turned you in?

Detainee: His name is Ghulan Sakhy and he is a shopkeeper in the city and he has a house in the city.

Presiding Officer: Is [Ghulan Sakhy] the individual that drove you around the next day after your leg was worked on.

Detainee: Yes.

Presiding Officer: Said Kahmel, you had said turned you in... Ghulan Sakhy turned you into Said Kahmel.

Board Member: I thought you said that Said Kahmel was a friend. Was he somebody that you knew in Mazar-e Sahrif?

Detainee: He was also my friend. From the first grade to the eighth grade we were in the same class. We got separated when the Russians came to Afghanistan because he went toward the communist regime and I went to Pakistan. He became a communist and I did not and our differences started there. Our biggest problem started with my property because the communist wanted to take land from the people when they came to power. I had something like 3500 acres of land.

Board Member: Who is taking care of your land now?

Detainee: My other brothers and my uncles [are taking care of my land]. My biggest problem is my assets. During the communist time I was given a hard time about my assets and the Taliban gave me a hard time about it too.

Board Member: It is hard to be rich.

Detainee: I always got in trouble from it not anything good.

Presiding Officer: Ghulan Sakhy, is he the one that helped you get your leg looked at the first day and then turned you in the next day?

Detainee: Yes.

Presiding Officer: I am just curious about why you did not insist on him taking you to the hospital?

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Detainee: He told me that he would take me to Kabul because at that time there was no other hospital in Mazar-e Sahrif. He was supposed to take me to Kabul, but instead he took me to the Intelligence Office.

Presiding Officer: I understand that part. If you were hurt that day and decided to wait another day after 150-200 people were hurt, the hospital would be the place to go.

Detainee: Since I did not know anybody else...the hospital situation in Afghanistan and here are very different. If you go into a hospital here and you are injured they will take you to the Emergency Room and they will give you care as soon as they can. Back in Afghanistan if you don't have anybody with you to take care of you nobody will even come and talk to you. As far as medicine, they don't give you medicine in the hospital. The doctor will prescribe a medicine and then you have to go buy it from an outside pharmacy. There is a big difference between our hospitals and your hospitals. That is why he was the only person that I knew in that area. I trusted him and I went to him for help.

Presiding Officer: We understand you are a teacher and have been for seven years. Have you asked any of these fellow teachers, parents, or the principal to write letters on your behalf? Have you written home and asked them to support your effort and provide the proof that you ask us to look for?

Detainee: So far I have not, but if it is required, instead of one I can get fifty of them. They can even send a photocopy of the logbook or something.

Presiding Officer: It is not required, but I would encourage you to do that simply because you offer it to us to go investigate. I would be proactive and have them send stuff to you so that you can send it to us.

Detainee: I told the interrogators and they said they would inquire about this and I have been waiting but nothing has happened.

Presiding Officer: I would encourage you to write home and ask people to support you and write letters rather than wait for the investigators or interrogators to do it for you.

Detainee: If they start writing me without any good reason or anything that would make them a suspect or something. Nobody in their right mind would do that because they are afraid.

Presiding Officer: I can't remember, but you mentioned something about Red Cross letters somebody had written to you or you had written to somebody else. Do you have anything to present to the Board on behalf of these letters?

Detainee: I mentioned the Red Cross because I went to the Red Cross in Mazar-e Sahrif two times while I was detained there. They came and visited with me and someone by the name of [REDACTED] asked me why I was still there. I told her that they want money

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from me. I asked [REDACTED] to help me because I had been detained without any cause and that they wanted money. She knows about my story. I was being detained in the same office that they are telling me that I worked for. This is good proof also. How could I be working for that office when I was being arrested in that office? The Red Cross probably has some information about me from when I was in Shebergan or Mazar-e Sharif.

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

[REDACTED]
Colonel, USMC
Presiding Officer

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