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Summary of Administrative Review Board Proceedings for ISN 1009

*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 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.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 29 August 2005 and lasted 80 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the detainee was 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 wanted to attend and address the allegations. When asked how he would like to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary of Evidence after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was

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polite and cooperative throughout the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

*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) Commitment (3.a.1) Detainee's son admitted that he and his father fought with the Taliban.

Detainee: This [allegation] is wrong. [During] the time of Dr. Nagib I was having problems with my legs. I could not get out of my home. How could I fight for the Taliban the way that I am? This is not true.

Designated Military Officer: (3.a.2) Detainee was captured by United States Forces with 700 weapons, including small arms and rockets.

Detainee: Actually, I don't know about my son and what he has done. I live 30 kilometers away from my son. When I found out that they captured my son I went to that area. The place [he was captured] belonged to the government and I was trying to ask what was going on. They captured me at my house about 30 kilometers away.

Designated Military Officer: (3.a.3) Detainee was captured with letters addressed to him and from him although he claims to be uneducated and illiterate.

Detainee: This is very, very wrong and meaningless talking. The Koran is my religion and I cannot even read that. If you find out that I can read and write then I will agree with you guys and whatever you do to me.

Designated Military Officer: (3.b) Training: Detainee claims he served in the Afghani army in the late 1950's or 1960's. Detainee claims he only served as an infantryman for approximately two years and only received small arms training.

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Detainee: Everybody during that time, for the government, it was mandatory for everybody to serve for 2 years for the government. I have done it too and everybody has done it. It was not like I was going to fight Americans. It is true I have done military service and after the service they give you a certificate called Tarkhis. It is like an honorable discharge kind of certificate and they will not ask you for more [service].

Designated Military Officer: (3.c) Connections/Associations: (3.c.1) Detainee was a Hizb-I Islami Gulbuddin commander.

Detainee: That is a lie. I was a commander for Harzat Sahib. I was not a Gulbuddin commander I was a Harzat Sahib commander. For example if Karzai is in power and if everyone is working for him as a commander and that is why we were being supported by America and we had an organization. I was a commander for Hazrat Sahib.

Designated Military Officer: (3.c.2) Hizb-I Islami Gulbuddin (HIG) was one of the major mujahedin groups in the war against the Soviets. HIG has long established ties with Usama bin Laden. Gulbuddin Hikmatyar founded HIG. Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic fighting conflicts. Hikmatyar offered to shelter Usama bin Laden after he later fled Sudan in 1996.

Detainee: What does that have to do with me? That has something to [do with] Gulbuddin and you can ask him.

Presiding Officer: That is fine. If you have no knowledge about it then that is a sufficient answer.

Designated Military Officer: (3.c.3) Detainee was a village leader in an area controlled by the Hizb-I Islami Gulbuddin (HIG).

Detainee: I never was a commander during Gulbuddin. I was a commander for Hazrat Sahib. I was the leader of the village because I was a Hazrat Sahib commander. When Gulbuddin took over I became sick and my health started failing and I have not [been a commander] since that time.

Designated Military Officer: (3.c.4) Detainee claims he only met Gulbuddin Hikmatyar once.

Detainee: I have not seen him like I am talking to you or these...I have not talked to him. It was at an Islamic leaders conference and they said Gulbuddin was going to talk. He was talking and someone showed me who he was. That is why I saw him. I have not seen him like to talk to him.

Designated Military Officer: (3.c.5) Reporting states Hizb-I Islami Gulbuddin members were planning to kidnap United States Personnel on the Kabul to Jalalabad road between

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the Sorobi, Kabul province, Afghanistan and Jalalabad, Nangrahar province, Afghanistan to exchange for a captured Hizb-I Islami Gulbuddin commander.

Detainee: What does that have to do with me? I cannot even get out of the house. What does that have to do with me?

Designated Military Officer: (3.c.6) Further reporting states Hizb-I Islami Gulbuddin wanted to kidnap United States military personnel from Bagram Airfield.

Detainee: It has nothing to do with me so when they kidnap them...that mother...that pimp. Whatever he does has nothing to do with me.

Designated Military Officer: (3.c.7) Detainee claims that Engineer Wasil was his son's commander.

Detainee: Yes, I have to give some explanation with this one. There were two Americans that came to my son and asked him if he wanted to go to the university in Kabul with us and he said yes. They promised him that they would bring him back in the night [time], but he did not show up. The next day people told me and then I went to Sorobi. I went to Sorobi and I asked what happened and they said these two Americans came and picked him up and I asked them who [my son] was working for. They said he was working for Engineer Wasil and that he was the Eastern Zone Commander in Afghanistan. I asked who Engineer Wasil was and they said he was from Panjshir Province, Northern Alliance, and he was a commander for Masoud. I asked where I could find him and they said in Policharkhi. I went to Policharkhi and I could not find him. I found another Pungeshiri to take me to [Engineer Wasil's] house. I went there and asked if he was Engineer Wasil and I told him that two Americans came and took my son and he said they were taking him to the university and he did not show up for three to four days. I told Wasil that I could not find him in the beginning and I want to let you know about my son. Wasil said not to worry they will only ask my son a few questions and let him go. That was the only time I saw Wasil.

Designated Military Officer: (3.c.8) Reporting states Wasil is a known member of Hizb-I Islami Gulbuddin.

Detainee: That is too far away from each other. Gulbuddin and Panjsher...that does not match. He belonged to Masoud's office and Gulbuddin is Pashtun. I have nothing to do with Pung Shiri. Anybody that says that does not make sense and that is a lie.

Presiding Officer: When they refer to Hizb-I Islami Gulbuddin it is a group.

Detainee: Yes, it is a party in Afghanistan.

Designated Military Officer (3.c.9) Reporting further states Wasil is not supportive of the United States, and believes the United States should not be in Afghanistan.

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Detainee: God kill him. What am I supposed to do? If he is not with the Americans what am I supposed to do with him?

Designated Military Officer: (3.c.10) Detainee's son is a commander of the Hizb-I Islami Gulbuddin.

Detainee: You can ask him that. I don't know about that.

Designated Military Officer: (3.c.11) Detainee's son admitted to having a weapons cache in his residence in the region of Sorobi.

Detainee: I have no information about that. Maybe he has information and you can ask him.

Designated Military Officer: (3.c.12) Reporting states the Detainee's son has links to al Qaida, Taliban and Hizb-I Islami Gulbuddin which led to his son's arrest.

Detainee: This talking is not connecting to me. What am I supposed to say about it?

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) Detainee claims he retired as the Hizb-I Islami Gulbuddin fifteen years ago when his health began to fail.

Detainee: Now it is about 18 years ago. When Najib was in power I was not his commander. I was somebody else's commander. Since that time I got away from the politics and these [types] of things.

Designated Military Officer: (4.b) Detainee stated he did not know anything about the weapons found in the residence he was captured in.

Detainee: I told you before and I am telling you now that I have no idea about those things.

*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 and anything earlier that you wanted to tell us this is the time to do it.

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*The Detainee made the following statement:*

Detainee: May I have permission to begin?

Presiding Officer: Yes.

Detainee: I will talk very shortly, the translator will translate, and our session or hearing will be very quiet and everyone will understand what I say.

Presiding Officer: You are not limited. Just tell us what you would like to tell us.

Detainee: After the revolution there was a civil war or personal war with each other that started. During the time that we had a fight with the Soviet Union, Russia, the mujahedin had very good memories of Americans. When the Russians left Afghanistan and there was a Najib communist government left and later on it disappeared. Then we were expecting, waiting for America to help us to create and build up a new government. Unfortunately they did not do it. Then the Taliban took over and they [committed] atrocities, killing, and any brutality they could. Talib means educated student or to learn things, but they were not that kind of people. Then, during the Taliban time, the opportunity opened for people to come from all over the world. The terrorist and any [other] kind of person came to Afghanistan and destroyed our honor and our dignity. Bin Laden, we hate him more than you guys and you people do not realize who is an enemy and who is a friend. When you came to Afghanistan everybody was waiting for America to help us build our country. We were looking for you guys and we were very happy that you would come to our country. The people that hated you were very few, but you just grabbed guys like me. Look at me. Our very happiness, you changed it to [bitterness]. I am still not mad at you guys, but in the future try to know the difference between your enemy and your friend. My son and I, if we have told any Americans to get lost, then you can do what ever you want to do to us, but we have not even said that. [After all] that has happened I am not upset. Even when I was at Bagram and here I was not upset. I was not upset with them until the time they called me an Enemy Combatant. What part of me is an Enemy Combatant? We were thirsty for peace and we wanted... a long time had passed and we were hoping that [America] would bring peace and build up our country. I hope God will do something so that peace will come to the country. The things that Americans are doing to us, even if we are not bad guys, we will turn into bad guys and go to the other side and do destructions. Afghanistan's doors were open for [the entire] world and Afghanistan's control was gone from us. We did not have control of Afghanistan. A few people, in the name of the Taliban and Osama bin Laden, were in control of Afghanistan. It was not looking like our own country and we kind of had a homeless feeling. When you captured me I thought that you would ask me some questions and I will give you some information and you would let me go. When they called me an Enemy Combatant I just got upset. One thing I am complaining to you [about] is that you did not [differentiate] between al Qaida and myself. You put us in the same place. I pray after this... after that God will do better things to us. Those people are against you and you did not catch them. You did not catch them and you will not be able

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to catch them. You just brought me here. I am glad you gave me the opportunity to be heard because my heart was pumping up and now I released it all. That is all.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, I have nothing else.

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

*The Designated Military Officer had the following question for the Detainee.*

Designated Military Officer: Was the house that you were arrested in your house or somebody else's house?

Detainee: It was my son's house.

*Administrative Review Board Member's questions:*

Board Member: How old is your son?

Detainee: Back home we don't have any record or memories. In 1348 he was two years old. I think he is around forty-six years old.

Board Member: What does your son do for a living?

Detainee: When he became mature, I fell at home so I don't know.

Board Member: Do you know if the two Americans that took him to the university in Kabul were in uniform? Were they soldiers?

Detainee: I asked, but I was not there.

Board Member: What rank did you hold in the Hazrat Sahib?

*(The linguist explains who Hazrat Sahib is.)*

Linguist: Hazrat Sahib was president for two months in Afghanistan when the Mujadidi took over. He was elected transferable president and his name is Sabghatullah Mujadidi.

Board Member: You said you were a commander. What does that mean?

Detainee: Karzai Sahib is the information chief of the Hazrat Sahib time...the Hazrat Party. Even Karzai was working for him too.

Board Member: I want to try to tie something down. The house that you were arrested at was your son's house. Did you live there also?

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Detainee: The place that my son was living belonged to the government. It is in the center of the local government place. He was living there.

Board Member: Did you live there also?

Detainee: As I told you before I lived 30 kilometers away from that place.

Board Member: Did you visit there often?

Detainee: I was not going there. I was sitting in my home and when they captured him I came to find out [what was going on].

Board Member: Did you ever know there were weapons in your son's home?

Detainee: Sir, I was to far [away] and I didn't know.

Presiding Officer: In response to the questions, you did say that you visited from time to time.

Detainee: When he got captured I came. I cannot move I...

Presiding Officer: In regards to the 700 weapons, does your son live in a single house, or in a compound like other homes in that area?

Detainee: It is a military building...a compound...it belongs to the government it is not personal property it is government property.

Presiding Officer: Was your son living there?

Detainee: Yes.

Presiding Officer: When we asked you about Gulbuddin Hekmatyar and you said you saw him was that from a distance or on a video teleconference? You said you saw him at some type of seminar.

Detainee: It was around 20 years ago there was a leader of Islamic...there were a lot of people and...

Presiding Officer: So you saw him, but you did not meet him face to face?

Detainee: Everyone was speaking in turn and I asked who he was and people told me Gulbuddin.

Presiding Officer: When you are transferred back and released to you home government, what are your plans when you return?

Detainee: I am not able to...I cannot do good and I cannot do bad, I am a nobody.

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Presiding Officer: Thank you for your answers.

Detainee: I will pray for you guys.

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

*(The Detainee interrupts with the following questions:)*

Detainee: What is your opinion on when a date will be set?

Presiding Officer: No date has been set at this point and once the Designated Civilian Official makes a decision you will be notified.

Detainee: Actually the [Designated Civilian Official] does not see me, you guys see me.

Presiding Officer: Yes, we will make a recommendation to the Designated Civilian Official.

Detainee: God will do good [things] to you.

Presiding Officer: Thank you.

Detainee: I pray for you and I have not [said] a bad thing about America and I will not in the future. If I have another chance [to meet a board in one year] God will not leave me alive. I don't know about your decision, but I will not be alive for the next chance.

*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, USMC  
Presiding Officer

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