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Summary of Administrative Review Board Proceedings for ISN 1010

*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 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 Muslim oath.*

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 15 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 he understood the difference between the CSRT and the ARB. When asked if he would like 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 to the Board Members. The Detainee was very 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.

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*The Detainee chose to respond to the Unclassified Summary of Evidence as each item of information was presented.*

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, DMO-2, and 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 Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Connections/Associations (3.a.1) Due to a financial dispute with an enemy of the family, the Detainee claims the individual made false accusations to military authorities claiming that he was in possession of weapons at his home.

Detainee: This allegation is correct. However, the dispute was not based on a financial issue. We had a fight between us a long time ago, but it was not about financial issues. When the United States Forces asked me if I had a dispute in the area with anyone I mentioned two things: (1) I told them about a dispute I had in the area with a soldier. I don't know if he [the soldier] gave that report about me.

Designated Military Officer: (3.a.2) The Detainee was identified as a Hizb-I-Islami Gulbuddin member who possibly held the rank of Deputy Commander. There were a large number of weapons in the compound in which he was captured.

Detainee: When they brought me to Bagaram, [detention facility] was the first time I had heard Gulbuddin's name. I do not belong to that party.

Presiding Officer: You are not a Deputy Commander [of Hizb-I-Islami].

Detainee: Who is the Commander?

Presiding Officer: That is not my question. My question is, are *you* a Deputy Commander of any group?

Detainee: I am not a Deputy Commander of any group and I do not know anyone who is a Deputy Commander.

Board Member: Are you associated with Hizb-I-Islami Gulbuddin in *any way*?

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Detainee: I am 30 years old. In my whole life, I have never heard Hizb-I-Islami Gulbuddin's name. I was a farmer. I did my farmer work.

Presiding Officer: What were all the weapons for [found in Detainee's home]?

Detainee: We had two Kalashnikovs [the Detainee and his family] because we had had disputes with other tribes. The other tribes were our enemies. They were killing us and we were killing them [the other tribes]. I had a BB gun. The other weapon was a hunting gun, a twelve-gauge shotgun. There was another gun that we had that had been given to us by our grandfather. The gun from our grandfather did not work.

There was chaos in Afghanistan. We [the Detainee and his family] have enemies. We had to protect ourselves. The weapons we had were for our own security. I notified the new government [Karzai] that my family and I had weapons in our home. I told the new government [Karzai] that at any time, if they wanted me to turn the weapons in I would do so.

A person by the name of Samad, who was from Kabul Province, I borrowed the two Kalashnikovs from him. Samad was killed so the Kalashnikovs remained in our [the Detainee and his family] possession. That is why when the new government [Karzai] came to power, I notified them that I had two Kalashnikovs. I told the new government that any time they wanted me to return the weapons I would.

Board Member: How well did you know Samad?

Detainee: My brother got these weapons from Samad. Samad was a friend of my brother. I did not know Samad directly [personally]. Because of the problems we were having with our enemies, they [the enemies] were strong and we were weak. We traveled to Jalalabad [to get the weapons]. When we got the weapons, we came back to our village. We were protecting ourselves with the weapons [Kalashnikovs].

Board Member: You did not know Samad, but he gave you two Kalashnikovs?

Detainee: [to the Translator] You are not doing a good translation!

Detainee: [to the Review Board] The weapons we got were given to my brother [by Samad]. My brother knew Samad.

Designated Military Officer: (3.a.3) The Detainee became angry when accused of having a connection with someone who was in the Hizb-I-Islami Gulbuddin or someone who was considered a terrorist.

Detainee: I don't know. I don't have any relationship to Gulbuddin.

Designated Military Officer: (3.b) Other Relevant Data (3.b.1) The Detainee's route of egress from Afghanistan is as follows: the Detainee traveled from Tagah to Kabul to

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Kandahar, and then to Quetta, Pakistan. From Quetta, the Detainee traveled to the Taftan area of the Iranian-Pakistani border region.

Detainee: At the time of the Taliban, two years prior to Karzai coming to power, I traveled to Kabul, then to Kandahar, and then to Quetta. From Quetta I traveled to the Iranian border. I was then arrested at the Iranian border. The reason I traveled to all these places is because there was no work in my area [village]. I was looking for work. There were economic problems in my area. The total trip took twenty-five days.

Designated Military Officer: (3.b.2) Joint Military personnel entered the Detainee's home and began a search for contraband items. The Detainee was told that weapons had been found in his house but he countered that they were actually found at his brother's house.

Detainee: My brother and I live in the same house. The weapons they are talking about [in the Unclassified Summary] there were five weapons. Two Kalashnikovs, one BB-gun, one hunting gun [shotgun], and the gun our grandfather gave us. Those weapons were for our own protection and personal security.

Designated Military Officer: (3.b.3) After the Detainee was seized, he recanted his original story regarding ownership of the weapons found at his house. The Detainee admitted that only two of the weapons were found at his house. One weapon was a Kalashnikov and the other was a British weapon.

Presiding Officer: You have already answered that question.

Detainee: The question refers to one Kalashnikov. I had two Kalashnikovs. These weapons hung on the wall [in the Detainee's home]. I took the weapons out and gave them to the Military personnel. These allegations [the Detainee having weapons and recanting his story] came about when I was at Bagaram and here in Cuba. I have no idea what they are talking about. What ever I had [weapons] I told them. Again, I had these weapons for my own protection.

Designated Military Officer: (3.b.4) During this later recant, the Detainee stated that the two weapons were used for bird hunting and went on to say that any additional weapons may be the property of his brother and that if there were any weapons, there were acquired from a Mujahadeen that was associated with his brother.

Presiding Officer: I believe the Review Board has heard sufficient information in regards to the weapons. If the next statement you [the Detainee] are going to make is basically the same as your other references to the weapons, you have already made those facts clear. Is there anything different that you would like to add?

Translator: The Detainee is relaying the same story.

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Presiding Officer: I believe the Review Board is clear on the issues regarding the weapons. You do not need to relay the information again. Please proceed.

Designated Military Officer: (4) The following primary factors favor release or transfer:  
(4.a) The Detainee insisted that he had been wrongly accused and implicated with the weapons.

Detainee: Yes Sir.

Presiding Officer: Would you like to give the Review Board some additional background in regards to this allegation? Or does this allegation reflect back to the statements you have already made?

*Detainee begins to speak*

Presiding Officer: Excuse me. Does this statement reflect back to allegation 3.a.1 in regards to the dispute, where an enemy of yours turned you in?

Detainee: I told my investigator and my interrogator in Bagaram to please ask about me, ask the people of my village questions about me. I am a farmer.

Presiding Officer: The Review Board understands that [the Detainee was a farmer]. Once we have read through the Unclassified Summary of Evidence, you will have a chance to make a personal statement.

Designated Military Officer: (4.b) The Detainee has denied ever being associated with the Hizb-I-Islami Gulbuddin or knowing somebody who was.

Detainee: That is true.

*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 indicated the Detainee would like to make an oral statement.*

*The Detainee made the following statement:*

Detainee: I was a farmer and I am a very poor man. When the United States came to Afghanistan, why did they bother these poor people? Poor people like me. At the time I was captured I was working on the road [road construction, paving roads]. I am not

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against the present government [Karzai government] and I will not be against the government. I am a farmer. I will work on my land and farm.

Presiding Officer: To answer your questions [referring to why the United States *bothered and captured* poor people like the Detainee], the reason why you and many other farmers were brought to Guantanamo Bay, Cuba is this....

Detainee: You are strong and you have the power. That is why.

Presiding Officer: That is not exactly correct. The Taliban and al Qaida's headquarters of operations were in Afghanistan. That is a fact. Many farmers chose to take up arms against the United States even though the Taliban and al Qaida attacked the United States. The United States did not attack Afghanistan unprovoked. The United States has great respect for the country of Afghanistan and its people. The United States is spending billions of dollars to bring officers and interpreters to talk to you as well as other detainees. The United States is spending money in an effort to determine what it actually was that you or other individuals were doing and whether or not you should go home.

Translator: The Detainee does not understand what "*billions of dollars*" means.

Presiding Officer: This Review Board is not a mockery. The civilian officials in Washington D.C. take our opinions [the Review Board] very seriously. These Review Boards have resulted in the release and transfer of numerous people. People have been sent home and are now with their families. Not all of these people [those who have been transferred or released] were completely innocent. However, these others told us the *truth*. The Review Board believed these individuals when they said they were not going to take up arms again. One thing troubles the Review Board about your case. Please know that the Review Board is very happy you chose to attend the Review Board so we may ask you this question.

Your brother has some very bad friends. What the Review Board is trying to understand is this: are those bad friends associated with your brother associated with you as well? Statements concerning those issues, so the Review Board can determine to: (1) detain you, (2) transfer you, or (3) release you is what the Review Board would like for you to talk about. Help the Review Board understand who *you* are.

Detainee: Neither my brother or I have bad friends or acquaintances. My brother and I are farmers and farmers do not do bad things. Where I live [Detainee's village] no one fought against the government or United States Forces. We [the Detainee and the people of his village] did not have any knowledge about things like this [fighting]. Without any reason or evidence, I did not commit any crime. No one has any proof or evidence that I committed a crime. I am innocent. I don't understand why I was brought here [Guantanamo Bay, Cuba].

In response to your statement [Presiding Officer] in which you said the United States invaded Afghanistan to go after the Taliban and al Qaida. I don't understand why I have

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In response to your statement [Presiding Officer] in which you said the United States invaded Afghanistan to go after the Taliban and al Qaida. I don't understand why I have been brought here because I am not part of the Taliban and I am not a member of al Qaida. I am one of the people of Afghanistan.

Presiding Officer: Many people who possessed AK-47s were killing Americans and members of the Northern Alliance. The Review Board is here this morning to try to figure out if the AK-47s in your possession were only for peaceful and defensive purposes [personal security and defense] or for something else [fighting].

Detainee: The worst thing in Afghan culture is when someone invades your home. When this happens (happened) I should have started shooting when someone invaded my home. However, I did not shoot at anyone. I told you that I had enemies. Its not a secret and it is very open that people have weapons in their homes [in Afghanistan]. The weapons we had were not just there [in the Detainee's home] when the American Forces arrived. We had had those weapons for over ten years. We had those weapons ten years prior to the United States coming to Afghanistan. At one time, there was no government and there was no security. Every family took security of themselves into their own hands. It was common for families to have weapons in their home.

Presiding Officer: You never shot at any member of the Northern Alliance or United States Forces?

Detainee: One simple reason I will give you. Anyone who fought had a mark on them-- a bullet mark. Thank God I am ok and that I never fought against anyone. The weapons I had were for my own protection.

Presiding Officer: The Board Members have some questions for you.

*Administrative Review Board Member Questions:*

Board Member: Mohammad, when did your brother receive the Kalashnikovs?

Detainee: Ten years prior to when I was arrested. Because we did not have enough money, the guy gave us the Kalashnikovs. Ten year prior to my arrest.

Board Member: What are your feelings toward Usama Bin Ladin?

Detainee: I never heard his name. I never even heard his name mentioned when I was at Bagaram. I had only heard of Usama Bin Ladin when I arrived here [Guantanamo Bay, Cuba]. I heard about Usama Bin Ladin from the interrogator.

Presiding Officer: What do you think about what Usama Bin Ladin did [the destruction of the World Trade Center]?

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Detainee: What Usama Bin Ladin did was completely wrong. I heard about it when I was at Bagaram. No one should kill anybody. Killing is wrong.

Board Member: What are your feelings about the Karzai government?

Detainee: We [the people of Afghanistan] were very happy. We are still very happy. It was very good news and it was very good for the Afghan people when Karzai came to power. The Karzai government gave us fertilizer, seeds, wheat, blankets, and stuff like that. They were paving roads and helping us. The government was working on building an irrigation system and things like that. We were very happy. However, since I have been here [at Guantanamo], it has been bad luck for me.

Board Member: What are your feelings toward President George Bush?

Detainee: Who is George Bush?

Board Member: How will you support yourself if you are released?

Detainee: Would you please give me a job in Afghanistan Sir [laughing]? My feet are swollen and I cannot work. Maybe you could give me a letter and introduce me to someone who could give me a job. If I could get a good job I would be happy. I have arthritis and I have pain in my legs. If I were able to work [farm] I would do that.

Board Member: Did you fight against or did you support the Taliban when they were in power?

Detainee: When the Taliban took over, my family and I were living in Jalalabad. I was doing farm work. There was no rain and no water. I didn't like the Taliban, but I didn't hate the Taliban either. I did not have anything to do with the Taliban government in the area I was living in. In the area I lived in, there was no fighting with or against the Taliban. I did not work with the Taliban. After living and working in Jalalabad for a while I moved back to my own village, Shanki.

Board Member: Whose land do you farm [in Afghanistan]?

Detainee: I have two acres of my own land. The rest of the land we farm, we farm other people's lands. We are like farmers for lease [rent]. We provide farming [services] for other people.

Board Member: Do you grow enough to sell for profit or just enough to support your family?

Detainee: I grow onions and pomegranates to sell. I grow corn and wheat for my family. It's for survival, but we are able to work on other people's land because it is not enough.

Board Member: How many people lived in your home?

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Detainee: There are six brothers in my family. There was also my mother and father. Each brother is married and they have their own kids. If you want an exact number it will take me a while.

Board Member: Do you think two Kalashnikovs and one shotgun is sufficient to defend that many people?

Detainee: There was chaos [in Afghanistan]. When there is chaos, we [the Afghan people] need Kalashnikovs. When there is no government there is chaos and we have to protect ourselves. When there is a government and a system [for protection etc.] then there is no need for Kalashnikov.

Board Member: Of all the people who lived in your house, who would be the ones to defend the home with the Kalashnikovs if need be?

Detainee: We never actually used the weapons [Kalashnikov]. The weapons were just hanging on the wall. No one actually used them. Our enemies knew we had Kalashnikovs, so they never bothered us. The BB gun was for hunting [birds]. There is no market or bazaar near my village. We have to go outside and hunt birds for food.

Presiding Officer: What kind of birds?

Detainee: Ducks, doves, and some other kind of small bird. I don't know what they are.

Board Member: Do you have electricity in your home?

Detainee: No Sir.

Board Member: Be very very truthful with me now.

Detainee: Sir, I have been telling you the truth.

Board Member: Other than the five weapons you have already described, were there any other weapons or explosives collected at your home at the time you were detained?

Detainee: No Sir. When they came to my house, I went through each room with them. If I had a weapon, I handed it to them.

Board Member: Where did you get your ammunition?

Detainee: For the Kalashnikov, the bullets were in the magazine. The magazine was full [in both weapons]. We did not fight in combat. We just needed it [the weapons and the ammunition] for show. Our enemies knew that we had Kalashnikovs and they knew we had bullets for the weapons.

Board Member: So, you had no other ammunition other than what was already in the magazine [with the weapon]?

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Detainee: Yes Sir.

Board Member: Did you ever practice firing the weapon?

Detainee: No Sir. It was not a secret that I had weapons. Everybody knew we had weapons. Everybody had weapons. We did not have to fire the weapons because people left us alone.

Board Member: Did you have a phone? How were you able to communicate with people who lived outside of your home/family?

Presiding Officer: Have you ever called anyone?

Detainee: I did not have a phone. The only time I saw a phone was when I was at Bagaram. The U.S. Army soldiers had phones. One soldier here in Cuba showed me a phone.

Presiding Officer: Do you have anything further for the Review Board this morning?

Detainee: I am a Detainee, what should I say? Thank you very much.

Presiding Officer: Thank you.

*The Presiding Officer read the post-Administrative Review Board instructions 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, USA  
Presiding Officer

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