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**Summary of Administrative Review Board Proceedings for ISN 1021**

*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 Muslim oath.*

Detainee: I will swear I am not against my country.

Presiding Officer: He said he would?

OL-24: Yes.

*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 17 October 2005 and lasted for 90 minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of

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Evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said he would like for the AMO to take his answers to the allegations for backup in the event he forgot an answer, however, he will speak openly and respond [to] the Unclassified Summary of Evidence after each statement is presented, and he will make an oral statement. The Detainee was cooperative and very polite during [the] interview. He elected to keep a copy of the translated [Unclassified] Summary of Evidence for his review.

***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 for presentation to the Detainee.***

***The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of the 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) While in the Badaber Refugee camp the Detainee joined the Islamic religious party of Mulawe Mohammed Nabi.

Detainee: Yes sir.

Designated Military Officer: (3.a.2) The Detainee fought as a member of the Mulawe Mohammed Nabi party all through the Russian occupation. For the first few years of the fighting, the Detainee was a simple soldier, but after a few years he became a commander of about 15 fighters.

Detainee: Yes sir.

Designated Military Officer: (3.a.3) The Detainee joined Hezbi Islami Gulbuddin for six months as a commander in mid 1990 when Hezbi Islami Gulbuddin was fighting Ahmmad Shah Massoud and the Northern Alliance.

Detainee: Yes. That was twelve years ago. I was with Gulbuddin for six months. There was fighting between Gulbuddin and Ahmmad Shah Massoud and I left Gulbuddin and joined Ahmmad Shah Massoud.

Board Member: Is that right after he left the Gulbuddin, he joined Massoud?

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Detainee: Yes sir.

Designated Military Officer: (3.a.4) The Detainee is a Hezbi Gulbuddin field general.

Detainee: If you guys are Generals because you go to school, how am I a General when I am illiterate? I am not a General and was not a General. I didn't go to school and I don't understand. In Afghanistan there is a lot of animosity between the families toward each other and they gave me the name "General" (nickname). I am a very small guy and not the guy you all think.

Designated Military Officer: (3.b) Training: The Detainee traveled with other men to the Trareemanqat area of Afghanistan near the Pakistan border and learned to shoot a bolt-action five shot rifle.

Detainee: When we were refugees the Taliban were crossing the border between Pakistan and Afghanistan and everybody knew how to fire a gun and I did not go for training.

Designated Military Officer: (3.c.) Connections/Associations (3.c.1) The Detainee was a personal friend of Heckmatyr Gulbuddin and last met with Gulbuddin in Kabul, Afghanistan when Gulbuddin was Afghanistan's vice president.

Detainee: At that time there were two parties Rabani's Party and Gulbuddin Party. Rabani and Massoud Party were the same party and people were divided between Massoud and Gulbuddin. When I was with Gulbuddin for six months I left and went to Massoud. I was with Massoud for one month or two months. Right after that I went back to my village and saw my house was destroyed by the Russians then I started working on fixing the house. When the Taliban movement started [they] captured Logar and then they started coming to Azrah, which is my district. The Taliban collected ten guys by the name of Chaman's People (Detainee's people) and killed and executed them right on the spot. I was there and they did not capture me.

Presiding Officer: You mentioned ten people [who were they]?

OL-24: Ten of his own people were killed.

Detainee: My cousins and my day laborers. There is a custom between the Afghans when a person dies they take them to the cemetery but the Taliban would not allow me to take the dead bodies and bury them in the cemetery. I begged the Chief of the tribe to ask the Taliban if I could bury them and they said no. They came over and put all ten people together [in the same grave]. After that I came back to fight and after that I went to my house and I was working in my store. When the Taliban was over thrown by the United States and the Northern Alliance took over Kabul, I went back to [unbury] the dead bodies and [give them a proper burial] but the Mullahs (religious people) told me it was a

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sin to take them and rebury them, just leave them in the one grave. After that I was against the Taliban. I did not fight but I tried my best to fight them through propaganda.

Designated Military Officer: (3.c.2) The Detainee is the assistant of Kashmir Khan who is subordinate only to Gulbuddin Hekmatyr in the HIG.

Detainee: Kashmir is a very big shot in Gulbuddin Hekmatyr's Party and I am illiterate and I am not that big of a guy to be his Deputy. I am not a big guy and I am not his Deputy and I don't have any relationship with him.

Designated Military Officer: (3.c.3) The Detainee, Qalam, and Zardad are three Hezbi Islami Gulbuddin members that worked as intelligence collectors with direct communication with Hekmatyr.

Detainee: If you look at the statement ten years ago Zardad, Qalam and I were together for six months in Gulbuddin. Ten years ago when the Taliban took over, Zardad escaped to Pakistan and moved to London. He has lived there ten – twelve years. He is there and I don't have any relationship with him.

Designated Military Officer: (3.c.4) The Detainee, Almas, Qalam, and Salangi are all well known associates that are heavily involved in the drug trade and other illegal activities in Kabul. A source stated that Commander Almas is responsible for over 1,000 murders as a Hezbi Islami Gulbuddin leader.

Detainee: I never heard Almas name at all and I don't know him. Bashir Salangi, Salangi is his nickname he is the Commanding Chief of Kabul Police Forces. I just know he is the Chief of Police in Kabul and I do not have any relationship with him. I know him as a commander [not personally]. Qalam lives in Afghanistan and the United States can catch him. I do not have a relationship with him.

Designated Military Officer: (3.c.5) The Chief of Police in Kabul, AF has strong ties with weapons and drug smuggling activities. The Detainee and Qalam are major players in these operations.

Detainee: It's not clear, I know Bashir Salangi who was the Chief of Police forces in Kabul. I know him as a Police Commander but I don't have any relationship with him. I [also] know Qalam but I am not involved with him. When I was there (Kabul), Bashir Salangi was the Chief Police Officer of Kabul police forces.

Designated Military Officer: (3.c.6) In the beginning of 1991 the Detainee was accepted into the Northern Alliance and instructed to remain in Hezbi Islami Gulbuddin and remain in Surubay in order to report Hezbi Islami Gulbuddin activities, movements and operations.

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Detainee: That's not true. I stayed six months with Gulbuddin [but] no one ever gave me direction of what to do.

Designated Military Officer: (3.c.7) The Detainee was given money in exchange for information on Hekmatyr.

Detainee: I was with Gulbuddin for six months ten years ago and I don't know anything about this stuff.

Designated Military Officer: (3.c.8) The Detainee attended a meeting between members of al Qaida, Taliban and the Hezbi Islami Gulbuddin in Peshawar, Pakistan.

Detainee: I was against, why would they let me come to their meeting. I was never attended that meeting. I was against the Taliban why would I be there?

Designated Military Officer: (3.c.9) The Detainee visited Mayor Mast Gul in Muzaferabad, PK on numerous occasions.

Detainee: When Karzai became the President of Afghanistan, his Intelligence Chief Afiree sent his Deputy with him as a delegation to Pakistan. The fourth guy in the Intelligence Department was there Hajhi Shagha was with him too. Mayor Mast Gul was Shagha's friend and I went there with him as a delegate. I went there against the Taliban to find out [what to do].

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee, Qalam, and Zardad were operating in Kabul and collecting information about the Afghan government and possibly the United States forces.

Detainee: I told you that I saw Zardad ten years ago and he is not in Kabul right now he is in London, ten years ago he went to London. Qalam lives in Afghanistan and you can't find out about him through me, I am not a blind guy to work against my own [people].

Designated Military Officer: (3.d.2) The Detainee, Qalam, and Zardad set up checkpoints on the main road between Jalalabad and Kabul. At the checkpoints they would stop and search cars, steal items of merchandise they wanted and demand money from the drivers. If the drivers did not have money or refused to pay they were beaten. One of the checkpoints was called "Chaman Hotel" because it was near a hotel owned by the Detainee.

Detainee: The hotel is a place to eat. It's built from mud and on a cobble road and people stopped cars and eat there. Ten/eleven years ago I was there and I never had a checkpoint. People made up this stuff against me.

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Designated Military Officer: (3.d.3) The Detainee and Qalam were given explosives along with instructions for placing them along a route on 16 February 2003 by an important Hezbi Islami Gulbuddin member. They planned to organize the attacks on vehicles used by foreigners on the road from Kabul to Jalalabad, Afghanistan.

Detainee: Ten years ago I was with Gulbuddin's Party and I didn't do that kind of stuff. I don't know how to do this kind of stuff.

Designated Military Officer: (3.d.4) The Detainee worked as an intelligence informant for the Afghanistan Information Ministry. The Detainee was offered a job collecting information due to his personal relationships with Hezbi Islami Gulbuddin and Taliban commanders.

Detainee: Three or four times I went with Shagha to Pakistan and I did give some information about Gulbuddin and Taliban.

Designated Military Officer: (3.d.5) While employed with the Information Ministry, the Detainee was tasked with collecting information about Hezbi Islami Gulbuddin commanders in various Afghanistan districts.

Detainee: I didn't collect information on every district. I just went three times to Pakistan with the Intelligence Service.

Presiding Officer: You went three times?

Detainee: Two times in Pakistan and one time in Logar Province.

Presiding Officer: Two times to Pakistan with the Deputy and one time to Afghanistan.

Detainee: Yes, I was doing work against the Taliban.

Designated Military Officer: (3.d.6) A three-month campaign was fought against the Taliban/al Qaida forces in the Shaheekut, Gardiz area of Afghanistan during the spring of 2002. The Detainee commanded a unit of approximately 40 soldiers and held the rank of Brigade General.

Detainee: I went to that war with Gulhider as a soldier not as a General and I did fight there against the Taliban. Gulhider was the General.

Designated Military Officer: (3.d.7) The Detainee claims to have earned a famous reputation from experience gained fighting in the Soviet/Afghanistan jihad. He boasted 20 total years of experience, 12 years against the Soviets, five years against the Taliban and one year against the Hezbi Islami Gulbuddin.

Detainee: I am not famous and I have never claimed that type of status.

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Designated Military Officer: (3.d.8) The Detainee was hired by an American contractor through a sub-contractor (Esko) to guard shipments of equipment on a route between Herat and Kabul.

Detainee: The American Esko Company did not give me a job, they [had] a linguist who needed trucks and I helped find trucks for him. I rented trucks for him and found drivers for him, but I didn't work for the company.

Designated Military Officer: (3.d.9) In December 2002 an American contractor corporation employee provided the Detainee with a list of named Afghan security element personnel. The list included weapon serial numbers.

Detainee: That guy is in the camp right now (GTMO Camp) and that guy is lying and he didn't give me anything. He is in your custody here you can ask him if I took anything from him.

Designated Military Officer: (3.d.10) The Detainee intended to place a bomb at Camp Serenity at Pol-e-Charkhi during the upcoming grand opening ceremony for the radio network station at Camp Serenity. The main target for this attack was President Karzai, United States Ambassador to Afghanistan and other high-ranking Afghani officials.

Detainee: If I was doing that kind of stuff I would not bring my children and my family to Kabul and my children and my family were in Kabul [with me] [so] that is not true. I don't do that kind of stuff someone made it up. The result of twenty years of war in Afghanistan has caused much animosity between the families and the tribes and someone gave my name.

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee is thankful the United States went to Afghanistan because different tribes and Arabs had taken over the country. He hopes the United States stays long enough to stop the tribal wars.

Detainee: I don't know about this statement but I do want peace for my country.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

*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.*

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Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement and he gave me some additional comments to make on his behalf.

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: I am innocent. That guy that turned me in was arrested. He is here. I am a farmer. I work on my own farm to send my kids to school. If only God would make these wars disappear and bring peace. Sir, that concludes his additional comments.

Presiding Officer: Thank You!

Presiding Officer: You may begin your statement.

*The Detainee made the following statement:*

Detainee: I don't have any more statements I just want to mention the following. I am a poor guy a farmer. I work on my farm to raise my kids and send them to school and pray to God to bring peace to my country and my people. I am not against the Government of Karzai in Afghanistan and I am not against the United States. Please believe me I will go back to my family and my kids and do what needs to be done.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, that's it.

Presiding Officer: Thank You!

Detainee: Thank you sir, too.

*The Assisting Military Officer had a question for the Detainee.*

Assisting Military Officer: I have one question, sir for the Detainee. Just for clarification, you stated that they cannot see the truth, what country were you referring to?

Detainee: [What] I mean is that I am not blind to fight against my own country. At least there is peace and why should I fight against my own government. In our country the Taliban brought a very bad situation. Right now there is peace and I am not stupid to fight against my own country.

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

*Administrative Review Board Member's questions:*

Board Member: How long did you live in Pakistan?

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Detainee: When the Russians invaded Afghanistan, I went to Pakistan. And when the Russians left, I went back to Afghanistan. When the Taliban took over I went again back to Pakistan but when Kazai took over as President of Afghanistan I moved back to Afghanistan.

Board Member: I thought you fought the Russians?

Detainee: All Afghans fought against the Russians and I did the same.

Board Member: When you were in Pakistan you were a refugee?

Detainee: Yes sir. When Russia withdrew I went back to Afghanistan.

Board Member: Was Zardad a good guy when you knew him?

Detainee: I don't know him that well. I know him the way he mentioned me that's how I know him. Twelve years ago I saw [him].

Board Member: Is that the Koran you have with you?

Detainee: Yes sir. That's our holy book.

Board Member: Is it written in Arabic?

Detainee: Yes, all Korans are written in Arabic.

Board Member: Can you read the Koran in Arabic?

Detainee: Before I didn't know how to read it but I have learned in here.

Board Member: You learned how to read it here?

Detainee: Yes, in Camp Four all Afghans are living together, that's where I learned how to read. I learned how to read it there in the camp but now they have sent me to Camp Five.

Board Member: So you can read it in Arabic now?

Detainee: Yes, [a] little. When I was with Afghans I was able to learn how to read. But now I am with the Arabs I cannot [learn].

Board Member: Tell us about your family. How many children?

Detainee: I have two wives and twelve children.

Board Member: How big of a farm do you have?

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Detainee: 28 Jereeb (14 acres), it's enough to survive.

Board Member: Is that in Kabul?

Detainee: Azrah District.

Board Member: Do you know how to fire a Kalashnikov?

Detainee: No, I used the five shot. It's a gun that shoots five times.

Board Member: When you were a guard on that road, what kind of weapon did you carry?

Detainee: I did not guard. I was on the road and people were coming to me asking for help to find a truck and I was helping them find a truck.

Board Member: Have you heard from your family since you have been here?

Detainee: Yes sir, they have sent me letters.

Presiding Officer: When we asked you about Kashmir Khan, whether you were an assistant, you answered you are not his Deputy but we did not say you were his Deputy. Why did you use that term?

OL-24: I translated assistant to Deputy.

Detainee: No I am not his assistant and I am not his Deputy.

Presiding Officer: Have you ever worked as an Intelligence Collector when you fought against the Soviets?

Detainee: I never worked as an Intelligence Collector, I just worked with the government against the Taliban and at that time I worked as an Intelligence Collector for the government. I don't like to be a spy. Before I never done [such a thing] but the Taliban was very bad.

Presiding Officer: When you collected information against the Taliban you would call that spying?

Detainee: I don't know what you [are] talking about with the word "spy". What do you mean by spy.

Presiding Officer: You used the word spy I am only repeating what he said.

OL-24: In our language Intelligence Service is considered [as] "spy", so I used the word spy.

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Presiding Officer: Okay. You collected information against the Taliban?

Detainee: I did that to get my revenge against the Taliban.

Presiding Officer: Another question 3.c.6, it stated in 1991 you were accepted into the Northern Alliance and instructed to remain with HIG, that's a group not a person and when you answered you spoke as if you were staying with a person, Mr. Gulbuddin.

Detainee: It's a party and I left the party and I went to the Northern Alliance.

Presiding Officer: You never worked at checkpoints as a guard between Jalalabad and Kabul?

Detainee: Never in my life.

Presiding Officer: Did you own a hotel?

Detainee: Before the Russian invasion I owned that hotel and I [purchased] it with 70,000 rupees.

Presiding Officer: This hotel is a place where you eat, not a place where you can eat and sleep?

Detainee: People just stop in to eat then they leave. They sit and eat on the floor.

Presiding Officer: Have you received instructions on explosives?

Detainee: I don't know a bomb and I have never had instructions.

Presiding Officer: The list mentioned in 3.d.9 that an employee from an American contracting company provided a list to you. You said the guy was in the camp here but then you also said you don't know him.

Detainee: The investigator here in the camp brought him face to face with me and that is how I know he is here. They asked him if he gave me the [list] and he said he didn't give me anything. He said he was pressured to give a name. He said [since] I was working for the Karzai government [so] I mentioned your name. He said he didn't know they would arrest me but they did arrest me.

*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.*

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AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Presiding Officer

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