

UNCLASSIFIED // ~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 1035

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 an oath once in a prior tribunal and I will not take another oath. They gave me an oath and I took it last time.

Presiding Officer: That's fine, no is a sufficient answer for me.

The Detainee declined to take 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.

Detainee indicated he was cold and the air condition was shut off to accommodate his needs.

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 21 November 2005 and lasted 40 minutes. After reviewing the ARB's purpose and

ISN 1035
Enclosure (5)
Page 1 of 16

UNCLASSIFIED // ~~FOUO~~

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 wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he would like to attend, and would like to respond to the Unclassified Summary of Evidence after each point is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, 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.

Presiding Officer: The Designated Military Officer (DMO) is going to read the factors and once he gives them point by point you can respond with your answers. The board may ask you a question or two, or they made hold off until the end.

Detainee: Whatever comes to my mind I will answer.

Presiding Officer: I would ask that you be as honest as you can with us because we will make our determination from the information that is presented.

Detainee: I told them the truth regarding the allegations.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was a sub-commander during the Russian jihad.

Detainee: I was not a deputy commander.

Presiding Officer: We said sub-commander.

OL-24: Sub-commander when you translate is the same as deputy commander.

Detainee: I was not a sub-commander and I did not do anything.

ISN 1035
Enclosure (5)
Page 2 of 16

UNCLASSIFIED //~~FOUO~~

Board Member: What were you sir, a foot soldier?

Detainee: I do not believe in jihad. My brother was mujahedin and he was involved in jihad and he is dead. I feel sorry for him and my family.

Board Member: Thank You.

Presiding Officer: So you are saying you had nothing to do during the Russian jihad?

Detainee: I was not involved in that jihad and my brother was, he is dead.

Presiding Officer: Thank You.

Designated Military Officer: (3.a.2) The Detainee was a former Taliban Governor for the Village of Narang.

Detainee: Sir, you are very knowledgeable and all of you have some knowledge from Afghanistan. So you tell me does a village have a governor? The whole file is a lie like this one. A village does not have a governor. I hated the Taliban as well as I hated the Russians. For God's sake, why would they make me a governor?

Presiding Officer: Governor may be the wrong term that we are using here but it is the one they have given us so I have to deal with it. Lets see, were you some type of government official for the Taliban?

Detainee: I hated the Taliban. If I were in the Taliban I would be released right now. I am not a Taliban that is why I am here. I was working with the Karzai Government.

Presiding Officer: Anything else?

Detainee: No.

Designated Military Officer: (3.a.3) The Detainee was involved in the mob takeover of the Konar Province Governor's Office.

Detainee: When the Taliban was defeated and there was no one there we went with the people and took over the office of the government after the Taliban was defeated. It was good news for us.

Presiding Officer: When you say we, whom do you mean?

OL-24: He mentioned Jan Dad, Jan Dad was the commander.

Presiding Officer: Okay that is what I want to know. If he tells you [something], you need to tell us. [Presiding Officer to OL-24]

ISN 1035
Enclosure (5)
Page 3 of 16

UNCLASSIFIED //~~FOUO~~

OL-24: Okay.

Detainee: Jan Dad was the Chief of the Tribe and he became the Governor. It was the time of Karzai's Government nobody else.

Presiding Officer: So you were taking over the governor's office because it was the Taliban that was in charge not the current government.

Detainee: When the Taliban escaped we took over the governorship and we took everything under control. When we took it, it was Karzai's Government.

Designated Military Officer: (3.a.4) The Detainee attended a meeting to appoint senior government positions in Konar Province. The Detainee stated all appointed personnel were affiliated with the Hizb-I-Islami Gulbuddin terrorist organization.

Detainee: In that meeting all the Chiefs of the tribe was there. The interrogators asked me did Hizb-I-Islami members take part in the meeting and who was there. I told them that the Chief of Police of Konar Province was a member of Hizb-I-Islami Gulbuddin and the Administrative Chief was maybe apart of the Hizb-I-Islami group. I heard that from the people, not that I knew it. I told them the story I am telling you now and then they made this allegation against me in my interrogation. I gave this information in order to help them find the bad guys and then they made this allegation against me.

Presiding Officer: They said that you attended that meeting as well.

Detainee: There were big guy, leaders and tribal chief. My rank is not that high to be a part of that meeting.

Presiding Officer: So are you saying you were or were not there?

Detainee: No, I was not there. I was in the office where the yard is but I was not a part of that meeting and that was after the Taliban.

Presiding Officer: So let me get this straight it may have been a compound similar to this, so you are saying the meeting went on in one room and you were out in the corridor?

Detainee: I was Jan Dad's bodyguard and Jan Dad was a part of the meeting and I was waiting outside. Remember all this was during Karzai's government after the Taliban.

Designated Military Officer: (3.a.5) The Detainee was a bodyguard for Haji Jan Dad Khan, the Governor of Konar Province.

Detainee: You can call it bodyguard or soldier yes that's what I was.

Presiding Officer: You just previously said you were his bodyguard.

ISN 1035
Enclosure (5)
Page 4 of 16

UNCLASSIFIED // ~~FOUO~~

Detainee: Yes for us it is the same, bodyguard or soldier.

Presiding Officer: Okay, and was he the Governor of Konar Province, Haji Jan Dad?

Detainee: At the time of Karzai he became Governor of Konar Province.

Designated Military Officer: (3.a.6) The Detainee was Pashat District Manager. His office managed security for the District of Pashat. The transfer of weapons occurred within the Detainee's office. The security forces within his office had weapons including machine guns, anti-aircraft guns, rocket-propelled grenades, AK-47s and small radios.

Detainee: After the Taliban was defeated and they escaped for three months I was working with Jan Dad. After three months I became the District Manager of Pashat. I had one big machine gun, one rocket launcher, four Kalashnikovs and one radio, which were left from the Taliban in that district. That stuff belonged to the Chief of Police of the District and he was using that for security of the district. I was the Administrative Manager, which means District Chief. I went to Kabul and when I came back to the district the big machine gun was taken by the American Forces. The commander decided to hold the rocket launcher in his house and they did not take the Kalashnikovs.

Presiding Officer: The commander, what commander said [it]?

Detainee: I don't know the name of the person but he was the Chief of Police.

Presiding Officer: Okay, so the Chief of Police said it.

Detainee: It was still during Karzai's government.

Presiding Officer: Understand this, what they are saying is these weapons were generally kept in your office for the Chief of Police to use for security. That's my understanding, is that correct?

Detainee: These weapons belonged to the district and they were in control of the Chief of Police and he was responsible for the security.

Presiding Officer: So they were in the Chief's office not in your district office?

Detainee: It is in the whole district.

Presiding Officer: And you were out of town when these weapons were distributed and when you came back they were gone.

Detainee: When I went to Kabul and when I came back the machine guns were taken by the U.S. A rocket launcher, four Kalashnikovs and one radio were left with the Chief of Police. When I asked him where the rocket launcher was he said he kept it in his home. I

ISN 1035
Enclosure (5)
Page 5 of 16

UNCLASSIFIED //~~FOUO~~

don't know if it was in his home or if he hid it in the mountains. I don't know what he did.

Presiding Officer: So you don't know where the rocket launcher is but the Chief of Police has it somewhere?

Detainee: I don't know sir it was all in his control and he had that in his hand.

Presiding Officer: Thank You.

Designated Military Officer: (3.a.7) The Detainee was referred to as commander in a letter addressed to him, requesting a receipt for a transfer of weapons from his office to another.

Detainee: That is not true. Fifteen years ago, Jamiat Dawa was an organization and that [letter] was from them and the general is dead, so I don't know what is that.

Presiding Officer: You have just confused me can you please repeat that?

Detainee: There was an organization Jamiat Dawa, almost fifteen years ago. Then they changed their name to Emirate and Hizb-I-Islami Gulbuddin fought with them. In that fight the leader of Emirate Jamil Rochmon died. That organization is no longer active and is not there. I don't know. These are fifteen to twenty year old papers and if that was there, then I don't know [how].

Presiding Officer: What does that have to do with you being referred to as a commander in a letter requesting you receipt for weapons?

Detainee: That is what I am thinking, why did they make that allegation against me? My brother was in the jihad in fighting the Russians and I don't know anything else about this stuff.

Presiding Officer: But the letter was addressed to you not your brother.

Detainee: It was a long time ago, I don't remember. I don't have any weapons and a letter is not a weapon.

Presiding Officer: Thank You.

Designated Military Officer: (3.a.8) The Detainee was involved in transporting missiles and had knowledge of attacks on the Asadabad Mission Support Site.

Detainee: I was a District Manager and I don't have knowledge of it.

ISN 1035
Enclosure (5)
Page 6 of 16

UNCLASSIFIED // ~~FOUO~~

Designated Military Officer: (3.a.9) The Detainee was responsible for rocket attacks on the Asadabad Mission Support Site.

Detainee: I am not crazy and stupid! I was the Chief of District and I was in my office and I was doing security for other people. There was no fighting in my district there was security for everybody in the Konar Province and I have never heard of this stuff.

Presiding Officer: You never heard of what kind of stuff, rocket attacks on the MSS Asadabad?

Detainee: I swear I have never heard anything.

Designated Military Officer: (3.a.10) The Detainee reportedly took rockets into the house of a Taliban Commander.

Detainee: I don't have any rockets and there were not any Taliban commanders because they escaped from the area.

Presiding Officer: The Taliban escaped from the area, is that what you mean?

Detainee: There was no Taliban there this was Karzai's Government. There is Karzai's Government in Afghanistan.

Designated Military Officer: (3.a.11) At the time of the Detainee's capture, numerous documents were found in his house that implicated him as being Taliban. Other items found in the Detainee's house included document making items, items for making improvised explosives, Arabic instructional materials, Taliban cards and documents, Taliban hand stamps and affiliated documents and a report with information about military posts.

Detainee: That's a lie. We were distributing cards for Karzai and the ex-king of Afghanistan.

Board Member: Why bomb making supplies, sir?

Detainee: I swear there are no bomb [making supplies] in my house and nothing else. When they captured me the U.S Forces did not find this stuff in my house and if someone gave that report, they made it up.

Board Member: Did they find pagers, cell phones, timers and that kind of stuff?

Detainee: I swear nothing was there with me.

Board Member: How about batteries, small batteries?

ISN 1035
Enclosure (5)
Page 7 of 16

UNCLASSIFIED // ~~FOUO~~

Detainee: Some for the flashlight and nothing else. If the batteries for the flashlight are for the bomb then yes, I had them.

Designated Military Officer: (3.a.12) The Detainee had a Jamiat-e-Dawa al Quran Wasounah/Islamic Emirate passport for security officers with his name on it. He also had multiple blank copies of passports.

Detainee: I told you before that organization is no longer active and that was fifteen years ago. If I had it, it could not work and we could not use it. Now it is the government of Karzai and it is not usable.

Presiding Officer: So it is possible that they did find the passport?

Detainee: I swear I don't know and that was fifteen years ago when we had that stuff. Even if I had it, it was not usable, I did not use it, and I did not go into any country with that document.

Presiding Officer: How about the portion here that said you had multiple copies of blank passports is that true, even if they were not usable?

Detainee: I don't remember and I swear I don't know if we had that in our house, it was fifteen years ago when we had that stuff. I don't need to use it.

Presiding Officer: If it was good fifteen years ago why do you have blank copies around your house?

Detainee: We kept these copies so when the next government came to power we would show it to them. We were working very hard and they told us the ex-king would be good for Afghanistan and they said to keep these cards.

Presiding Officer: So you had some type of administrative roll that would allow you to fill out blank copies for other people?

Detainee: I swear I did not have any power.

Presiding Officer: So again I ask why would you have blank copies in your possession from fifteen years ago.

Detainee: I swear I don't have any power and fifteen years ago they had it and it is still in my house and I don't know why it is still in my house.

Presiding Officer: Thank You.

ISN 1035
Enclosure (5)
Page 8 of 16

UNCLASSIFIED //~~FOUO~~

Designated Military Officer: (3.a.13) At the time of the Detainee's capture, two documents were found in the Detainee's house listing the Detainee as a camp commander.

Detainee: It's not true. We don't have any camps in our village.

Designated Military Officer: (3.a.14) At the time of the Detainee's capture, signed promotion orders were found in the Detainee's house that promoted him to the rank of Colonel.

Detainee: If they found these document, I am also insisting that is fifteen years ago and this organization no longer exist. They gave me that rank and it is not usable anyway.

Presiding Officer: So you are saying they did give you the rank of Colonel, they did promote you?

Detainee: My brother brought that letter, I don't know. There was no rank at that time I don't know why they gave me that letter.

Presiding Officer: When you refer to your brother, you mean your deceased brother?

Detainee: Yes sir.

Presiding Officer: Pardon me but I failed to express my condolences for the loss of your brother.

Detainee: When the Emirates was made by the leader of the organization we were going to be a free Afghanistan and once we are going to be in control of Afghanistan this rank would be good. But when Rabbani took over and we showed it to them, they said these are worthless ranks. An official committee came to Konar Province to study the documents and ranks and they concluded the ranks were worthless. At the time of Rabbani's Government they gave me the rank of Colonel.

Designated Military Officer: (3.a.15) At the time of the Detainee's capture, a letter was found in the Detainee's house stating the Detainee had 28 people with weapons that he wanted to send to Jan Dad Khan.

Detainee: Jan Dad was my boss and commander, I was not his commander. If it is at the time of jihad I don't know.

Presiding Officer: Did you send 28 people to Jan Dad at anytime?

Detainee: I swear I don't remember. You guys were supporting us at the time of jihad and I don't remember anything.

ISN 1035
Enclosure (5)
Page 9 of 16

UNCLASSIFIED // ~~FOUO~~

Board Member: Sir, 28 people would suggest that you have a rank of some size, perhaps a high rank, and you deny that and say the rank is invalid.

Detainee: At the time of jihad, I swear there were no ranks and stuff like that. We were just regular guys. At the time of Karzai I was a District Manager and you guys brought me here and now I am a Detainee.

Board Member: Okay, but you held no rank?

Detainee: There were no ranks at that time.

OL-24: Do you still want to ask the question sir, if he was a foot soldier?

Board Member: Tell him I am still confused how 28 people could be sent from one place to another unless, it was done by someone of rank or authority?

Detainee: I swear I don't remember anything. That was the time of jihad and my brother was involved and the letter was for him written in my name.

Presiding Officer: So it is possible you just don't remember.

Detainee: You can ask the people in my village. You guys know everything about me but the people in my village don't know about me.

Designated Military Officer: (3.a.16) At the time of the Detainee's capture, a list of 36 names was found in the Detainee's house stating the Detainee was their commander. The list had the Detainee's personal seal at the bottom.

Detainee: No sir.

Designated Military Officer: (3.a.17) The Detainee signed a document stating he had 120 former Khalis individuals plus weapons.

Detainee: That's not true sir. I don't know it is from the time of my brother and I don't know anything about it.

Designated Military Officer: (3.a.18) The Detainee stated that he had a shoulder-fired rocket and several other weapons in his house along with loaded magazines for each weapon. The Detainee stated that he hid the rocket in the foothills near his house.

Detainee: I told you before sir [about] the weapons, the machine gun, rocket launcher and Kalashnikovs. They [all] belonged to the district and it was not in my house.

Designated Military Officer: (3.a.19) The Detainee was a member of Jamiat-e-Dawa al Quran Wasounah and had several related pamphlets and books.

ISN 1035
Enclosure (5)
Page 10 of 16

UNCLASSIFIED // ~~FOUO~~

Detainee: This organizations leader is dead and the organization is no longer active. Jan Dad was the commander of that organization and he is currently working for he Karzai Government and I don't know anything right now [on] why they have that allegation against me.

Presiding Officer: It is not an allegation it is just that they found several related documents and pamphlets in your home.

Detainee: These are schoolbooks and it was a religious school and they did find it there. They could have found any paper in the street and put that in my file.

Designated Military Officer: (3.a.20) The Detainee knows details of the chain of command for a branch of Hizb-I-Islami Gulbuddin terrorist organization.

Detainee: I did not see Gulbuddin Hekhmaytr and to me he is a killer, ruthless and a criminal. I hate him the same way I hate the Russians and I don't have anything to do with him and I will never have anything to do with him.

Presiding Officer: No details on the chain of command?

Detainee: I am not their brother or member or anything.

Designated Military Officer: (3.a.21) The Detainee knows complicated details about opium and lumber smuggling operations from the Konar Province, Afghanistan to Pakistan.

Detainee: No sir, I don't know. It is the work of those who do this kind of work and I am not involved in this kind of work.

Presiding Officer: Opium smuggling is a common thing is it not?

Detainee: I don't have land and I don't do that kind of stuff and I don't know who does. I don't have my own land.

Designated Military Officer: (3.b) Training: The Detainee knows how to fire an AK-47 and a shoulder-fired rocket. The Detainee fired these types of weapons during the Russian jihad.

Detainee: I did not use them and I never fired a rocket.

Designated Military Officer: (3.c) Connections/Associations: The Detainee was given his job of Pashat District Manager because of his close relationship with his former commander.

ISN 1035
Enclosure (5)
Page 11 of 16

UNCLASSIFIED // ~~FOUO~~

Detainee: They did give me that job and it was the worst mistake in my life to accept that responsibility. I worked for the Karzai Government.

Presiding Officer: The worst mistake you made was working for the Karzai Government?

Detainee: If it was not a mistake I would not be here. I supported the Karzai Government and you brought me here. We struggled 25 years to bring this type of situation to Afghanistan and I was part of that, now I am here, why? Fifteen to twenty years ago we had some information on these kinds of organizations and other parties. They are ignoring the official work I was doing for the Karzai Government and the work I was doing for my ex-king also, trying to help bring peace. They are just looking back at twenty to fifteen years ago at these papers and they are not looking for the new official documents and letters.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee served as a lieutenant in the Northern Alliance military when Rabbanni was President.

Detainee: I don't know about Northern Alliance but I was a Colonel in Konar Province. I was a Lieutenant at the time of Rabbanni's Government for three months.

Designated Military Officer: (4.b) The Detainee stated that he hates the Taliban and was loyal to the current Karzai government.

Detainee: Yes sir. I was pro-Karzai that is why I am here.

Designated Military Officer: (4.c) If released, the Detainee wants to return to his job with the government.

Detainee: I am waiting for that and I am very happy to do so.

Designated Military Officer: (4.d) The Detainee stated he used to work for the Afghani government and he approves of the American involvement in Afghanistan.

Detainee: I approved and I am for the Americans [coming] to Afghanistan. I am glad. I did that before, I am doing that now and I will do it in the future. Unfortunately, what I did was, I was for the Karzai Government and the American Forces and now I am here at Guantanamo Bay.

Designated Military Officer: (4.e) The Detainee stated he knows the Americans are helping Afghanistan.

Detainee: Yes sir. When I was free and I was working there, they were building roads and doing a lot of construction. It was very good work.

ISN 1035
Enclosure (5)
Page 12 of 16

UNCLASSIFIED // ~~FOUO~~

Designated Military Officer: (4.f) The Detainee stated he is pleased with American involvement in Afghanistan.

Detainee: Yes sir.

Designated Military Officer: (4.g) The Detainee considers the Taliban to be oppressors who have contributed to a poor situation in Afghanistan.

Detainee: Yes sir, they were ruthless and oppressors. Now they are releasing the Taliban to their homes and I am here.

Designated Military Officer: (4.h) The Detainee stated Usama bin Laden is not from Afghanistan and he does not believe what he says.

Detainee: Yes sir, I don't see, I don't know him and he is a bad guy.

Presiding Officer: He is a bad guy, is that what he said?

OL-24: Yes sir.

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.

Assisting Military Officer: Sir, the Detainee only wishes to make an oral statement at this time.

Presiding Officer: I understand you wish to make an oral statement and you may begin your statement.

The Detainee made the following statement:

Detainee: My first statement is that I have been here almost two years and the interrogators [have] treated me very well. They [haven't] tortured me, they did not insult me and they [have] behaved well. The soldiers and guards, I am very pleased [with] because they treat me [like] a human being. They behave very well and I have behaved myself and I am proud of it. I am very happy from the American side. If I am released, and I am waiting for that happy moment, I will go to Afghanistan and I will be happy to

ISN 1035
Enclosure (5)
Page 13 of 16

UNCLASSIFIED // ~~FOUO~~

have my job back with the government. If it is not possible and they are down sizing and they don't need me then I will do my own personal private work [like] day laboring or whatever is possible. I will think about that when I am there. Two other things I would like to mention is the construction or the building of Afghanistan, the Americans are doing a wonderful job. Making road, paving roads, and building for our schools and office buildings, I am proud and happy the Americans are there. They have [brought] peace and security and things that we never dreamed [of]. There will be peace and the Americans will get involved in that. And the second part [is] I hope that the Americans stay there until Afghanistan can stand up against these bad people that is my wish [and] I hope it comes true. The last thing I wish is that I am innocent and for the last two to three years I have been here and I am economically a poor guy and I don't know how my family is doing and how they [are surviving]. If you could please send me home and find out the truth I would be more than happy.

Presiding Officer: Does that conclude your statement?

Detainee: No sir, thank you very much for listening to my statement and I am glad you gave me the opportunity.

Presiding Officer: Now you said no sir did you mean to say yes sir?

O1-24: Yes sir.

Presiding Officer: I thought you said no. Thank you.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: I have one question, you said that you are very pleased with the progress that Afghanistan has had with the assistance of the United States. When do you personally think the United States should leave Afghanistan?

Detainee: When there is peace and security. As long as there is no peace and security, the United States should get involved.

Board Member: Have you heard from your family at all while you have been here?

Detainee: Yes sir, I got a letter from my family.

Board Member: Very good, thank you.

ISN 1035
Enclosure (5)
Page 14 of 16

UNCLASSIFIED //~~FOUO~~

Presiding Officer: You mentioned if released and you didn't get a job back with the government, what kind of private work would you do? You said something about private work.

Detainee: I will be a day laborer or [work] in construction. Anything that I am able to do I will do.

Presiding Officer: So construction or like carpenter's work, that's what you are trained in?

Detainee: I am a carpenter.

Presiding Officer: Earlier you mentioned you are not stupid and I think you are a smart guy personally. I also think some of the answers you gave us today do not necessarily jive up with the information we have from previous interviews that you have given previous information on. Just so you are aware of it, your detention probably based on (not knowing exactly how they determined you an Enemy Combatant) being involved with the shoulder-fired rockets possibly at American troops at MSS Asadabad. For you to say you have never heard of this [well] I tend to disbelieve that.

Detainee: I swear what I told you is the truth. My district is too far away from where the mission site is and I have never heard any rockets fire or anything else. What I said is true. You are with the government of the United States and are you prepared to fire a rocket on your government's side?

Presiding Officer: If I have to.

Detainee: Even if I wanted to I don't have a rocket, so how can I fire? I was an Administrator for Karzai's Government and I would never do that. Someone gave this report and they made up these fabrications. You guys have paid a lot of money for that report and the guy who spied on me.

Presiding Officer: The comment says that you stated you had a shoulder fire rocket in your house and other weapons. You did deny that, [however] one of the interviewers said you stated that.

Detainee: Sir the office of the district is not my house. The translator made a mistake and couldn't differentiate between the office and the house. Go to Afghanistan and see most administrative offices do have weapons. The Taliban had the government for five years [so] there would be documents from the Taliban in these offices. The Taliban spokes person, ministers, and other bad guys were here but now they are released to go back and participate in an election, what does that have to do with me. You are a freedom lover and a champion of human rights so do what you have to and decide based on my evidence and statements. The American Forces came to my house, checked everywhere and they didn't find anything.

ISN 1035
Enclosure (5)
Page 15 of 16

UNCLASSIFIED // ~~FOUO~~

Presiding Officer: We will deliberate over the information and give you a fair judgment.

Detainee: When will I get that news?

Presiding Officer: I am sorry I cannot give you an exact answer on that. We are trying to get an answer for that as well. Our decision, our recommendation will be forwarded today or within a couple of days to the Designated Civilian Official, who will make a final determination within a few months. I do not know when that information will get back to you. We understand your concern.

Detainee: Thank you very much sir. I didn't commit any crimes. Even if you keep me for one thousand years, I didn't commit any crimes and if you send me home I didn't commit any crimes.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

ISN 1035
Enclosure (5)
Page 16 of 16