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(Revised 17 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 1036

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.

Detainee: Sir, I took the oath twice, I will take it again. It is my Islamic duty to tell the truth and nothing but the truth.

Presiding Officer: That is fine. Thank you.

The Detainee accepted 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.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 6 December 2005 and lasted 40 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee said that he understood the difference between the CSRT and the ARB. When

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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 attend and answer the allegations after each point is read. The detainee did not have any written statements for the AMO to present to the board members. The detainee was very respectful, cordial and attentive. A copy of the Pashto 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, DMO-2 to DMO-4 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 and Detainee.

Presiding Officer: Before we continue any further we noticed that you have received an injury and your hand is bandaged. Are you on pain medication?

Detainee: I took it, sir.

Presiding Officer: Well if you have any problems, don't hesitate to ask for some time and we can take a recess.

Detainee: I don't have any problems, thank you very much. I appreciate it.

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.

Designated Military Officer: The detainee is a professed member of Ittihad-E-Islami (a.k.a. Islamic Union for the Liberation of Afghanistan)

Detainee: Yes, sir, I am going to tell you a little bit about my history leading me to being a member of this party. About 15 or 20 years ago when we fought against the Russians there were some parties, I was a member of this party mentioned here Ittihad-E-Islami. It was a better relationship and organized everybody knows everybody. Almost 25 years ago when I became a refugee and came to Pakistan, I joined the party for different reasons. One of the reasons was because, as a refugee in Pakistan, the Pakistani Police Authorities would not let you stay or walk around without a membership card. This was an ID for me as an Afghan.

Board Member: To be afforded the luxury of moving around freely you had to be a member of some party?

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Detainee: Yes, sir. One of the reasons that I had the card was to move freely inside Pakistan and to cross the border from Pakistan into Afghanistan. This way the Pakistani Police would not give us a hard time.

Board Member: What is the doctrine behind the party? What did they stand for? What was the goal of the party?

Detainee: The main purpose was to get rid of the Russians from Afghanistan. There were seven parties and this was one of them.

Board Member: The sole purpose of the parties was to remove the Russians from Afghanistan?

Detainee: My idea was to just get rid of the Russians whatever ideological agenda they had was none of my business.

Board Member: Do you know what that idea was?

Detainee: Once the Russians withdrew from Afghanistan or were defeated, the party was no longer active and I did not have any more relations with them. Once the Taliban came into power we then had another problem.

Board Member: Are you aware of any Islamic extremist organizations?

Detainee: I do not have any relationships with any of this kind of ideological ideas or Taliban, there are some other parties in Afghanistan and they are fundamentalists. I don't have any relationships with them.

Designated Military Officer: The detainee is a former Lieutenant Colonel or Colonel of the Mujahidin campaign against the Soviets and later against the Taliban.

Detainee: At the time of the Russians there were no ranks and positions. After the Russians were defeated and Afghanistan was free everyone got their ranks and positions. One of them was me, and that's the rank they gave me.

Board Member: Who was it that granted you this rank when Russia withdrew?

Detainee: The government of President Rabbani.

Designated Military Officer: The detainee admitted to attending a meeting with known Hezbi-E-Islami Gulbuddin members in the past.

Detainee: No, sir. I never had any relationship with any member of Hezbi-E-Islami Gulbuddin. Forget about the meeting I had with them because I never had such a thing and to tell you the truth we never had the same ideas.

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Designated Military Officer: The detainee stated he worked with Hikmatyar during the time of the Soviets, when all of the Afghani warlords worked together to get rid of the Russians.

Detainee: When we were fighting it was regional unity and the fight was necessary. We were working together to fight the Russians as a Tribal unity not based on a party unity.

Designated Military Officer: The detainee was conscripted into the military service for one year.

Detainee: Yes, sir. At the time of President Dahoud, prior to the communist taking over in Afghanistan about 30 years ago. Afghanistan had an Army and everyone had an obligation to serve two years. At that time, if you graduated high school you only had to serve in the Army for one year and I graduated high school.

Designated Military Officer: The detainee fought in the jihad against the Russians.

Detainee: Yes. I am proud of the fight against the Russians and we defeated the Russian Army. Those who love freedom, democracy and were against the occupation, especially the United States, helped us a lot in that fight and I am proud of that. I did my share in that war against the people in white.

Board Member: Would you explain jihad and what do you mean by it?

Detainee: When the Russians occupied Afghanistan and we were fighting the occupation of the Russians that's what they named the jihad.

Board Member: Are bombing and killing of innocent women and children also considered the jihad?

Detainee: That is cowardice and ruthlessness, that's not a jihad.

Board Member: The World Trade Center 9/11 was not a jihad?

Detainee: That's prohibited by God and that was a ruthless and cowardly act. In Islam it is prohibited to kill the innocent and commit suicide.

Designated Military Officer: The detainee obtained a job with the Rabbani government as a border patrol under the Ministry of Interior. The Ministry of Interior had various missions to include intelligence, policing, traffic control and border patrol.

Detainee: Yes.

Board Member: What were your duties?

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Detainee: I had an infantry unit about 80-100 people in Gardez and that was part of patrolling the border police. It was in Gardez not at the border.

Board Member: So it wasn't at the border it was in Gardez?

Detainee: Gardez province.

Board Member: So it was in Gardez province that you would patrol. Patrol for what?

Detainee: It was to keep them busy, gave them salary and nothing else.

Presiding Officer: In our terminology that would be a company commander?

Detainee: Yes, sir.

Board Member: What were your marching orders? What was your mission?

Detainee: It was created for the forest. In the South they have a forest that no one was allowed to cut down. They didn't give us that mission yet.

Designated Military Officer: Under the Ministry of Interior, the detainee was again given a leadership position. The detainee held the rank of colonel and was in control of a company of approximately 80-100 infantrymen.

Detainee: Yes. When the Taliban were defeated and the superior in al Qaida was defeated I came to work. When I got to my region in Gardez province to work with the Karzai government, al Qaida captured me. One of Mulawi Khaqani commanders Mulah Gilani arrested me in Said Karam district. Mulah Gilani had control in Said Karam district and was one of Mulawi Khaqani commanders and Jaladin Haqani was working with al Qaida. When they arrested me the tribal leader came and requested that they release me. They released me under one condition and that condition was that I not work with the Karzai government for nine months.

Board Member: Did you know Jaladin Haqani before you were captured by him?

Detainee: I saw Jaladin Haqani once in Gardez, but I don't know him. He's from the Zadran tribe and he was a very famous commander at the time of the Afghan war against the Russians. He then joined the Taliban.

Designated Military Officer: The detainee worked for the Ministry of Interior for approximately 18 months. Shortly after he left, the Taliban took control of his company and arrested many of his men.

Detainee: Yes, sir I did work there for 18 months. They paid me for ten months I worked for 18 months and they still owe me for eight months. The Taliban came to the area and Commander Jaladin Haqani was in the control of the area that the Taliban took

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over. They looted my home and everything I worked for my whole life they took away. I was forced to go back to Pakistan. In Pakistan they gave me a very hard time so I moved to Panjshir.

Designated Military Officer: In or about 1997, the detainee left Pakistan to fight with the Alliance in Panjshir. The detainee fought for approximately three years in many battles in which the alliance was defeated.

Detainee: I went to Panjshir but I did not have the power to fight. The reason I even went to Panjshir was because I did not have enough money to go to Germany, United States, London, Paris or anywhere, so I went to Panjshir to survive.

Designated Military Officer: The detainee and his cousin rented a place for six months in Gardez, until they ran out of money and moved into a tribal house.

Detainee: When I was released I couldn't go back to my own village because they were in control of Said Karam district, that's why I rented a place in Gardez. When I was detained by them at that time, the United States did a wonderful job by bombing them, causing them to escape from the area and I was released. I was happy.

Designated Military Officer: The detainee states he had only been in that tribal house for approximately two days prior to his arrest. The detainee was taken into custody by United States Forces.

Detainee: Yes. This house is located in the middle of Gardez town. It was a member of my tribe's home.

Designated Military Officer: The detainee was one of three local nationals detained on 4 May 2003 and identified as Hezbi-E-Islami Gulbuddin operatives trained in the Logar district for attacks against United States Forces.

Detainee: No, sir, First of all they did not arrest three guys with me there was only one and he was one of Karzai's government soldiers. In my whole life I never had any relationship with any Islamic group. The Gardez province became one of the best-secured provinces in Afghanistan because the United States were there. There was no possibility to even think about training anyone against the United States and it's allies.

Board Member: What was the name of the Karzai soldier you were arrested with?

Detainee: Nazar Gul.

Designated Military Officer: The detainee stated he was recruiting personnel for the Afghani Armed Forces at the time of his capture.

Detainee: Yes that was my job and obligation. The reason I say it was my obligation is because it was our government that's Karzai's government. The government needs

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professionals such as engineers, soldiers, officers and doctors just anyone. I was obliged to bring people into the government.

Board Member: I do understand that's the obligation of the country to do that, but what were you going to direct these individuals to do? Where were you directing these individuals to go to be a fighting force or part of a fighting force?

Detainee: In the Afghan government there are a lot of departments such as agriculture, health, universities and even ministry. We needed people for all these different departments and the first thing I knew to do was to build an army and bring people to the Army.

Board Member: When you got someone that would tell you they have an interest in the Army, where would you send them? Who would you tell them to go see?

Detainee: I would send them to the General of the division and they would give them an assignment in whatever they wanted to do.

Board Member: Who paid you?

Detainee: The government.

Board Member: The Karzai government?

Detainee: Yes, sir, the Karzai government and now it's the Karzai government in Afghanistan.

Board Member: Were there any Hezbi-E-Islami Gulbuddin soldiers recruited into the Karzai government or military?

Detainee: I didn't see any of the Islami people to come to the Army but in the election there were Islamic Gulbuddin people that won the election. One of them is Marmor which means clerk but we call him Marmor Fazal, he was elected by his people and he won the election to the nation assembly based on his not to have a relationship with Gulbuddin, he denounced Gulbuddin. They all joined the government of Karzai and they were working there.

Designated Military Officer: The detainee advised that in approximately a month he would have been reportedly promoted to Toran General. President Hamid Karzai reportedly approved of this promotion.

Detainee: Yes, sir. It was nine months and after nine months I would have been promoted to general but I was short one month. This was based on the agreement I had with Jalaladin Haqani that I would not work with the government for nine months.

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Designated Military Officer: The detainee stated he was not a Hezbi-E-Islami Gulbuddin Commander and he didn't have a Hezbi-E-Islami Gulbuddin identification card on his person when he was arrested.

Detainee: Yes, sir.

Designated Military Officer: The detainee denied knowing about documents on Taliban and Hezbi-E-Islami letterhead, which were retrieved from the housing compound in which he was captured.

Detainee: There were no such documents of Islami in my possession, in my home, or in my room. I repeatedly requested these documents that they have in their possession. Please provide me with some evidence. When they captured me all I had in possession were two magazines. One was Newbahar, the other was Kelid, a blank notebook which was IRC, a passport, a medical book and my ID card.

Designated Military Officer: The detainee told interviewers where he would get information for the United States, how he would convey it to the Americans and how the Americans could task him with assignments.

Detainee: Yes. In any condition if there is a task or a job or work to do I will do it honestly and faithful. I will help the United States.

Designated Military Officer: The detainee states he has not fought against or assisted anyone else who fought against any United States Forces.

Detainee: Yes. The United States helped us twice in a very bad situation. One is that we defeated the Russians together, which they helped us with a lot. And the second one is that they helped free us from the al Qaida and the Taliban. It would be a big betrayal to damage that relationship and to forget about their help.

Designated Military Officer: The detainee states he is not a member of the Taliban or al Qaida.

Detainee: Yes. The Taliban and al Qaida are our enemies and I hate them.

Designated Military Officer: The detainee states he is glad the United States is helping the Afghanis, and believes that if the United States occupation ends then the Taliban and al Qaida will return.

Detainee: Yes. This is true.

Designated Military Officer: When asked his feelings about 9/11, the detainee stated it is against Islamic belief to kill innocent people and to commit suicide.

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Detainee: We can't even call those people human. They are animals. It is prohibited in Islam, that was a cowardly and ruthless act.

Designated Military Officer: If released, the detainee wants to work for his country in any job with the government, such as working as a police officer. He would like to return to Kabul, Afghanistan because security is good and there are good educational opportunities for his children.

Detainee: Yes. Right now there are a lot of opportunities in Afghanistan. When I am released, I would like to work with the government in any department, such as the police, mining, public health, anywhere and there are a lot of opportunities for education for children which is very important. Unfortunately, sir, I would like to say that it has been three years and my kids are living in Pakistan. They are not going to school, which is a very bad thing for the future of my children.

Designated Military Officer: The detainee denied working with a foreign government agency, stating it would shame him and his country.

Detainee: Yes, sir. To be a traitor to your own country and work for al Qaida, Taliban or ISI which is an intelligence service in Pakistan. That would be a shame for me and a traitor for my people and my country. I don't want to do that and I would not want to do that in the future.

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.

The Presiding Officer had the Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form, Exhibit EC-B.

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee asked, "If they have these Hezbi-I-Islami documents, where are they? What kind of documents are they? They do have my Ittihad-E-Islami (membership card)." I (AMO) explained to the detainee that the board might not be able to answer all of his questions...the reason would be given if that being the case. It was explained to the detainee that he should use this time to address issues that can help the board in their decision-making regarding his detention. He indicated that he understood and was eager to attend the ARB and answer the allegations openly on

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his own. The detainee asked to be given some note taking paper...he may need to write some of his answers to the allegation to use at the ARB.

The Detainee made the following statement:

Detainee: When I was captured by these cowards (the al Qaida and Taliban) even after the Karzie government took over, for one year they had control in the Said Karam district. Said Karam is where I lived, my brothers and my family lived there at that time. I requested assistance from the government and they (al Qaida) arrested me. When they arrested me after I was released Mohammed Rafi one of Mulah Gilani's who is the commander of Jaladin Haqani was working with the United States forces in Gardez and Aazar Gul another who worked for the intelligence service Khad (KGB) for the communist regime. He made a plot against me; they plotted my arrest by the United States forces.

Board Member: Why?

Detainee: I was for the government of Karzai and against the Taliban. That's why they made the plot to arrest me. They looted my home, took away my car, my tractor and they beat up my brother almost killing him, they put him on his deathbed but he did not die. When I was released and the nine month time was up for the contract, the Taliban and al Qaida forced me to sign it was time to go back to work with the Karzai government but they arrested me. When they (United States forces) arrested me Mohammed Rafi left the job at the camp with the United States forces.

Board Member: It is a little confusing for me; please clear up for us why the United States forces arrested you?

Detainee: That is what I am trying to do, tell you the whole story, sir. Mohammed Rafi's brother in law is Mulah Gilani. Aazar Gul is the president of KGB, Mulah Gilani and these other two mentioned they all had a meeting and fabricated that plot.

Board Member: So your arrest by the United States forces goes back to the Soviet occupation, when you were against the Soviets?

Detainee: Yes, sir. These Afghan communist will not hold back; they take revenge at any time they can. Against the United States I don't even have the tiniest grudge.

Board Member: Is that the only reason that you know of why the United States forces arrested you?

Detainee: I don't know what was in the plot or what they made up, but that's my complete understanding of these two people.

Board Member: Do you have any other enemies that are still in Afghanistan?

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Detainee: Yes. There are communist for Russians. When the American forces realized and understood the truth, they bombed the district and freed them from these people. I'm an independent Afghan and I love freedom, democracy, education and women's rights. I don't have any relationship with these terrorist organizations, I don't know any of them and I don't have any type of relationship with them. Based on that, I'm not against the United States I never was and I never will be, there are opportunities for me and the Afghan people and we should take advantage of them. If the United States did not come to our help, my life was 100% in danger. Al Qaida and KGB are my enemies, to save my life I moved to Panjshir. The first thing I did, after Afghanistan was freed from these evil people, I came to Pakistan. I sat with Karzai like I am sitting with you; I sat with his top officials his cabinet members like you guys are sitting here. I love my country and my people I would love to do some work to rebuild my country. I will remind you again the day or the time the United States leaves Afghanistan it will go back to the same way it was. The ISI of Pakistan will take over, the Taliban and al Qaida will be there and it will be a bad day for Afghanistan. I don't have any bad feelings towards the United States for me being arrested and brought here. It was my fate and God brought me here, but I wish that the United States would realize who the bad guys are and who the good guys are. Based on that, they will make friends and they will know who their enemies are. I am one of their friends not their enemies. I am old enough; I may or may not survive. Afghanistan is the country of my children and I wish that we leave something for the Afghan [people], for my children so they can go freely, be educated and have the opportunities to live peacefully. We never had that chance because of the al Qaida, the Taliban and this bad situation that came upon us. That's my dream for my children and others to rebuild Afghanistan, serve the country and do something, make it something that it should be. I want it for peace and for the good life of the people. I would like to say thank you very much for listening to me, I hope and wish that you study my file and my documents. I did not commit any crime or do anything bad to hurt the United States or it's allies. I am happy that I spoke with you and again I wish and I hope that you find the truth and send me home. Thank you very much. If you have any questions, sir, this is your turn.

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

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

Administrative Review Board Member's questions:

Board Member: Since you were arrested and brought to Guantanamo Bay, have you ever tried to contact anyone in the Karzai government to vouch for you?

Detainee: No, sir. I haven't even got my family's letter.

Board Member: So you have had no correspondence back and forth?

Detainee: I sent letters but someone else sends me answers or letters back.

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Board Member: Someone else? Meaning they never make it back to your family?

Detainee: My family gets the letters but they are too small. They are babies and they cannot write back.

Board Member: So who is this someone else that writes back?

Detainee: The ICRC.

Board Member: Have you had any family members in the military wounded or injured in fighting?

Detainee: No, sir. Which war, sir?

Board Member: We will start with the Russian war?

Detainee: No.

Board Member: The Taliban?

Detainee: My brother was beaten by the Taliban.

Board Member: Is he still alive?

Detainee: There is no treatment for him, they beat him up and he is now paralyzed.

Board Member: The Taliban did that?

Detainee: Yes, sir.

Board Member: Do you own a weapon? A Kalishnakov?

Detainee: No.

Board Member: Have you ever owned one?

Detainee: At the time of the jihad when we were fighting the Russians I had an American made 11 gauge shot gun.

Board Member: How did you injure your hand?

Detainee: Playing football. It is nice in Camp 4 that they allow us to play volleyball, basketball and stuff like that.

Presiding Officer: Sports injuries happen, we all get them.

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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.

A large black rectangular redaction box covering the signature of the Presiding Officer.

Colonel, USAF
Presiding Officer

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