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Summary of Administrative Review Board Proceedings for ISN 1037

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 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 initial Administrative Review Board interview occurred on 22 September 2005 and lasted 58 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "Yes, I will attend. These allegations against me are lies. These are allegations and I strongly deny them. I was only in Afghanistan 18 days. In 18 days I came to Afghanistan and I became a big shot? I will talk there and answer each question." When

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asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or station in the Unclassified Summary after its presented. The Detainee also stated "I am going to ask for my salary for how long I have been here." The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was polite and cooperative during the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, other unclassified information 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.

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 was captured with an identified long-time Hezb-e Islami Gulbuddin (HG) member.

Detainee: That's not true.

Designated Military Officer: Gulbuddin Hekmatyar founded Hezb-e Islami Gulbuddin (HIG) as a faction of the Hezb-e Islami Gulbuddin party in 1977. It was one of the major mujahedin groups fighting the Soviets. Hezb-e Islami Gulbuddin has long-established ties with Bin Laden. In the early 1990s, Hekmatyar ran several terrorist training camps in Afghanistan. He pioneered sending mercenary fighters to other Islamic conflicts.

Detainee: I just heard the name Gulbuddin. I don't know how many camps he had in Afghanistan or how many camps he was running.

Designated Military Officer: In April 2003, the Detainee moved from Pakistan to Gardez, Afghanistan, to work as a security guard at a fuel depot. The guards also manned vehicle checkpoints on the road from Khost, Afghanistan, to Gardez, Afghanistan.

Detainee: It's true. I came to work for the government of Karzai.

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Designated Military Officer: The Detainee was captured 5 May 2003 in a suspected Hezb-e Islami Gulbuddin safe house.

Detainee: That's lie.

Designated Military Officer: The Detainee denied any association with Taliban, Hezb-e Islami Gulbuddin, or any other terrorist groups. He also denied being contacted for recruitment to any type of organization.

Detainee: That's true. If in a hundred years that was true then I would be responsible.

Designated Military Officer: The Detainee stated his only reason for coming to Afghanistan was to work for the Karzai government.

Detainee: That's 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.

The Detainee made the following statement:

Detainee: I just came to Afghanistan to work for the government of Karzai and in the 18 days I was there they captured me. I don't have any enemies. The United States is not my enemy and I am not their enemy, and I hope I should not be their enemy, too. I came to Afghanistan with my father's advice to go there to work for the government of Karzai. I don't have any enemies and I came there and I don't know why. For two and half years I have been here in Cuba and nothing has happened. One day they tell me one thing and the next day they tell me things are not fair and it should not be like that. They brought me here and I don't know my fate. I worked for the government of Karzai and you guys arrested me. In this government people should be free and they should do whatever they want. In eighteen days how [could] I be a big guy. I am not a commander of Gulbuddin Hekmatyar and I can give you my brother's number in Pakistan and you can call him and you can find out from him. Is there any evidence? I don't lie and if I lie I don't benefit. If there is any proof and evidence, if I fired one single shot in Afghanistan, then you guys can hold me here. If a soldier comes here to this camp in 18 days and doesn't know anything he will ask how to operate things and how to do things. He doesn't even know how to get to these camps. My situation was the same in 18 days, I didn't know anything. Even if I was two months there you would say I was Gulbuddin's commander and I wasn't working with al Qaeda or the Taliban. The allegation is that my brother and

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I are working against the United States forces in Jalalabad. How can you judge this on my 18 days? I am not able to read and write. How am I a commander? If there is a witness, then bring that witness to this court. If he is a witness and I am criminal he should not be afraid of being here in front of me to say that I did this and here is the proof and here is the evidence. Then you can punish me and you can do anything to me that you want. When I came to Afghanistan, I got a job with the government. They start[ed] my salary. Now I am here, I have family and I don't have any income. I have to get my money back for the time I have been here. If I am guilty and I am a bad guy then you guys can do anything you want, but I am innocent. In the same camp I told them I work for the government of Karzai, I don't have any enemies and you are not my enemy. Why don't you ask in my village of twenty people if I am a commander then you can get much more information.

Presiding Officer: We did not say that you were a commander. It said you were captured with a Hezb-e Islami Gulbuddin commander.

Detainee: I was a guest of Haji Ehtyar. He invited me.

Presiding Officer: I was trying to tell you to make sure you understood that nowhere here did we say that you were a commander.

Detainee: At the previous Combatant Status Review Tribunal I was accused of being a commander of Hezb-e Islami Gulbuddin and my brother was fighting the United States forces in Jalalabad. Then why don't you sit down and make the allegation?

Presiding Officer: We are here today to talk about these items. I just want to make sure that the statement you are making is relevant. Nowhere in here did we say you were a commander. We strictly said you were with Hezb-e Islami Gulbuddin. I just want to make sure your statement you were talking about things in which we did not discuss.

Detainee: I was a member of the Karzai government when they captured me.

Presiding Officer: Thank you very much. We will ask you some questions.

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:

Presiding Officer: Tell about the house you were arrested in.

Detainee: The house belonged to Haji Ehtyar and he rented that house.

Board Member: I want to ask you some questions about you and your family. How old is your mother?

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Detainee: I don't know. She is old, but I don't know.

Board Member: Is she still alive?

Detainee: Yes.

Board Member: Where does she live?

Detainee: In Pakistan.

Board Member: How about your father? How old is he?

Detainee: He has gray hair, maybe 60.

Board Member: Is he still alive?

Detainee: Yes.

Board Member: Where does he live?

Detainee: In Pakistan.

Board Member: How many children do they have?

Detainee: Twelve. Seven sons and five daughters all from one wife.

Board Member: What is the oldest and youngest of their children?

Detainee: Oldest is 40 or 50 and the youngest is 10 years old.

Board Member: It is the same mother?

Detainee: Yes.

Board Member: Are you married?

Detainee: No.

Board Member: Do you have any children?

Detainee: No. If I didn't marry, then I have no children.

Board Member: The place where you were captured. What kind of place was that?

Detainee: It's a bazaar. I rented it.

Board Member: Do you know who owned it?

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Detainee: I don't know the landlord's name, but Haji Ehtyar rented it.

Board Member: Why were you there?

Detainee: Where I worked at the fuel depot, I went to the doctor there and stayed there for the night.

Board Member: Who else was there at the place where you were captured?

Detainee: Haji Ehtyar and Haji Baht.

Board Member: Just two?

Detainee: Yes.

Board Member: What was your relationship to him?

Detainee: My friend Haji Baht knew Haji Ehtyar and through him I became acquainted.

Board Member: How did you know Haji Baht?

Detainee: I had a bakery shop in Pakistan and I was selling vegetables and Haji Baht was coming there and I became friends with him.

Board Member: You knew him in Pakistan and he also moved to Afghanistan?

Detainee: We came to Afghanistan together to work.

Board Member: And he knew Haji Ehtyar?

Detainee: Yes.

Board Member: How many people were arrested at that house?

Detainee: Two.

Board Member: Do you know how old was the other man that was arrested?

Detainee: I don't know the age. Fifty. He is here.

Board Member: Did you know that he was a member of the HIG?

Detainee: I didn't ask him and he didn't tell me.

Board Member: Did you know anybody who was a member?

Detainee: I don't know.

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Board Member: What name do you go by?

Detainee: *Detainee provided his name.* Not a family name, but a nickname.

Board Member: I have a whole bunch of questions. Do you speak English? A little bit of English?

Detainee: I listen to the guards and learned a little bit.

Board Member: HIG? Did you ever hear about them in Pakistan?

Detainee: I just heard the name, but don't know where they have bases in Afghanistan.

Board Member: You heard of this group in Pakistan?

Detainee: I might have heard. People were talking about it.

Board Member: Did you ever see Gulbuddin?

Detainee: In Pakistan everywhere you go you can see Gulbuddin in pictures. I have never seen him and I don't know him.

Board Member: What tribe are you a part of?

Detainee: Logar Province, Charasyab District, Mussai Village. Hussin Khil tribe.

Board Member: When did you leave that village and go to Pakistan?

Detainee: When Russia came to Afghanistan. When I was almost three years old.

Board Member: You don't remember leaving Afghanistan?

Detainee: I remember a bomb and then we moved to Pakistan.

Board Member: Which eye can you see out of?

Detainee: I can see in one eye.

Board Member: Which eye?

Detainee: Right eye.

Board Member: When you went to Pakistan, did you attend any madrassas?

Detainee: No, I was doing my own job. There was a small mosque where I studied.

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Board Member: Prior to going to Afghanistan when you got arrested, did you ever return to Afghanistan when you were growing up in Pakistan?

Detainee: One time I came to Afghanistan with my father and worked.

Board Member: Was that during the Taliban government?

Detainee: No.

Board Member: Was that before the Taliban or after the Taliban?

Detainee: Before the Taliban.

Board Member: You were born in Afghanistan and you only returned once?

Detainee: Yes.

Board Member: So in Pakistan you had a bakery and fruit stand?

Detainee: Yes and my brothers were there and they worked the same.

Board Member: Were you doing well? Did your fruit stand and bakery make money?

Detainee: We were making enough to survive.

Board Member: Did you know anybody in Afghanistan?

Detainee: No, I didn't know anybody.

Board Member: This doesn't make sense to me. You don't know anybody in Afghanistan, you live in Pakistan and you end up going to Afghanistan and getting a good job in the Karzai government. Explain that to me.

Detainee: I don't know anybody but Haji Baht and he has a relationship and by his help I got the job.

Board Member: What were you doing at the fuel depot?

Detainee: Security.

Board Member: For security reasons what did you do at the fuel depot?

Detainee: Security was the main reason of my job.

Board Member: Did you carry a gun?

Detainee: Yes.

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Board Member: What kind?

Detainee: Kalashnikov (AK 47).

Board Member: Did you ever fire it?

Detainee: No.

Board Member: It doesn't make sense to me. You are a baker, you work at a food stand, what experience do you have to get a job in security?

Detainee: I have to service my country. Why do you service your country?

Board Member: But you lived in Pakistan?

Detainee: But Afghanistan is my country. I shouldn't [go] to my country? If you work in other governments and you live in another country...you come back to this country.

Board Member: You didn't answer my question. What experience did you have in security to get a job guarding a fuel depot?

Detainee: For a couple of days when I had the gun, they were giving me training.

Board Member: You mentioned in your statement something about Jalalabad.

Detainee: He is in Pakistan and the allegation is that my brother is fighting United States forces in Jalalabad.

Board Member: But your brother is in Pakistan?

Detainee: He is living in Pakistan.

Board Member: The village in Pakistan you say only had twenty people?

Detainee: The village in Afghanistan.

Board Member: But he only lived there when he was three years old. They don't know you.

Detainee: It's a town, a district of some sort. There is about twenty or thirty. There are even relatives that don't know me.

Board Member: Whom are you protecting the fuel depot from?

Detainee: Anyone opposed to the government that [may] want to destroy it.

Board Member: What kind of fuel was there?

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Detainee: There was no fuel, just storage of metals.

Board Member: Did you ever get your tooth fixed?

Detainee: Yes. They fixed my teeth.

Board Member: When did you get your tooth fixed?

Detainee: The day I got arrested. Anything you ask me you can find out about me and if you have any evidence or any proof, then based on that I am here two and a half years and I am a fall guy. I am not against anybody and that is it.

Board Member: Did you carry your weapon the entire 18 days you were there?

Detainee: Maybe three to five days.

Board Member: How much were you getting paid?

Detainee: 1800 Pakistani rupees.

Board Member: Per month?

Detainee: Yes.

Board Member: That is more than a lot of people were paid?

Detainee: Some were getting more than I.

Board Member: You haven't been in Afghanistan in a long time and you get a good job making more money than a lot of people that have been there and were supporting the Karzai government. I don't understand that.

Detainee: Because of Haji Baht and he knew Haji Ehtyar and that is how it worked. I got the job through him.

Board Member: Why were you so close? Was he your best friend in Pakistan?

Detainee: Yes, he was close to me and he was my friend.

Board Member: While in Pakistan did you see people come across the border from Afghanistan?

Detainee: I didn't see any people and I swear I don't know.

Board Member: After the Russian invasion was over, why didn't your family move back to Afghanistan?

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Detainee: When the Russians came into the village they destroyed our homes and we didn't have any home in Afghanistan to live in.

Presiding Officer: I am still kind of confused. Haji Baht, good friend?

Detainee: Yes.

Presiding Officer: What did he do for a living?

Detainee: Taxi driver.

Presiding Officer: How much did you make for a month in Pakistan?

Detainee: 1500 to 2000 Pakistani rupees.

Presiding Officer: So you got paid more to go to Afghanistan?

Detainee: If I was working in Pakistan, I was making the same money so why not work in my home country.

Presiding Officer: Why did you think that you would get a job so easily that you would leave a job in Pakistan? There were a lot of men in Afghanistan. Why would you get a job with the Karzai government?

Detainee: I was living in Pakistan and I went to Afghanistan to get that job because of my relationship with Haji Baht.

Presiding Officer: How did Haji Baht know Haji Ehtyar?

Detainee: They were cousins.

Presiding Officer: You knew Haji Baht in Pakistan?

Detainee: Yes.

Presiding Officer: He said let's go to my cousin's house in Pakistan and we will get jobs with the Karzai government?

Detainee: Yes.

Presiding Officer: I don't believe you. I think you went there because Haji Ehtyar was an HIG and he needed fighters and you came to be a fighter for HIG with Ehtyar. That's what I think.

Detainee: If that's true, you can put me here.

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Presiding Officer: We understand. We know we can do that.

Detainee: I didn't know Haji Ehtyar and Haji Ehtyar knew Haji Baht. I knew Haji Baht and through him I went there.

Presiding Officer: I understand that, but I think you knew where you were going. I think you knew what you were going to do and I think Ehtyar needed people to help him out as part of HIG and you went to help him.

Detainee: Why should I go over there just to kill myself?

Presiding Officer: I don't know why. Many people do. I don't know why you all do it. Maybe you thought you would make money, maybe you thought you would get a better house, I don't know why; but I think you went to fight.

Detainee: You are [an] officer and you are getting money...to kill yourself here by the government?

Presiding Officer: That is irrelevant. Did any of your brothers belong to HIG or do any of them know about HIG?

Detainee: No.

Presiding Officer: What is your plan if we send you back to Afghanistan?

Detainee: If I go back to Afghanistan and the government lets me stay with them, then I will stay with them and [do] whatever they ask of me [and] I will fight their enemies. If they don't give me a job in the government then I will have my own business.

Presiding Officer: I don't believe you can't read and write. I believe you can read and write.

Detainee: I swear I don't know how to read and write.

Presiding Officer: How did you study the Koran?

Detainee: The Koran taught me how to learn alphabet and then we stud[ied].

Presiding Officer: That is reading.

Detainee: People taught me and I don't know.

Presiding Officer: Thank you very much for all of your information today, it has been very helpful.

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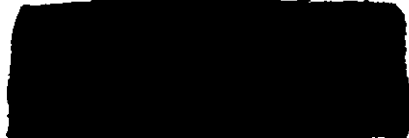
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

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.



Captain, USN
Presiding Officer

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