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Summary of Administrative Review Board Proceedings for ISN 1165

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 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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 the FBI Redaction Memorandum, DMO-2, and DMO-3 to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer.

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

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The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee had plans to blow up the main Gardez bridge using explosives and a remote controlled improvised explosive device (IED).

Detainee: Do you have any proof or any kind of evidence about this allegation?

Presiding Officer: This is not an evidentiary hearing.

Board Member: Is the allegation true or false?

Presiding Officer: Do you admit to or deny the allegation? That is the purpose of this Review Board today.

Detainee: I don't know anything about it. It is a lie.

Designated Military Officer: (3.a.2) The Detainee was suspected of targeting the United States forces.

Detainee: I don't know anything about this.

Designated Military Officer: (3.a.3) The Detainee told American forces that he possessed a Kalashnikov rifle and Rocket Propelled Grenade (RPG) rounds at his home.

Detainee: Yes. Yes I did tell them [American Forces] I had one AK-47 that had belonged to my grandfather. My grandfather gave it [AK-47] to my father. The AK-47 was in our house and it [having the AK-47] was something very normal in Afghanistan. Every house had to have a weapon for security purposes. In regards to the RPG rounds, yes, I did have them. I was working for the current Government. With the permission of the current Government, I had those rounds in my house.

Presiding Officer: Which Government?

Detainee: Karzai's Government.

Presiding Officer: Continue.

Detainee: I do have receipts or papers for those RPG rounds. When I told the Americans I had receipts they did ask the [Karzai] Government. The Americans talked to the [Afghan] Security Commander and they [the Americans] know everything was fine, I was clear of those.

Presiding Officer: Assisting Military Officer, are those receipts exhibits this morning?

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Assisting Military Officer: No Sir.

Presiding Officer: You [the Detainee] need to obtain those receipts. Have you requested those receipts?

Detainee: Those receipts are in my house. You need to ask the current [Afghan] Government or the Security Commander of the city and they will get those receipts. I don't have the receipts here.

Presiding Officer: Have *you* made a request?

Detainee: During my interrogation I told the interrogator during the first court [CSRT] about the receipts and I requested them. The [Afghan] Government knows about it. They have those receipts. I was going to return the RPG rounds back to the Government.

Designated Military Officer: (3.a.4) The Detainee was responsible for the IED attack on United States Security Forces in Gardez, Afghanistan.

Detainee: Actually, my post where I used to work was far away from that bridge. There was a tree. The explosives were placed on top of the tree. There was a shopkeeper close to that tree. The shopkeeper reported to our [security] post that he saw something in the tree. One of our friends came and told us that the shopkeeper saw that there was something in the tree and he was afraid to touch it. We reported [the item in the tree] it to the Security Commander of the city. We told the Security Commander that our post knew about the item in the tree and we wanted to report it to the Security Commander.

Presiding Officer: Do you deny the allegation?

Detainee: Yes, I deny the allegation. I am not responsible for that incident. I am trying to explain to you the whole process.

Presiding Officer: We will get to that part of the Review Board session. For this portion of the Review Board, we would like for you [the Detainee] to admit or deny each allegation as they are presented.

Detainee: I deny this allegation. I don't know anything.

Designated Military Officer: (3.a.5) The Detainee took the jeep of a local merchant, named Bahauddeen, and never returned it. The jeep contained 5 AK assault rifles, 2 rockets, and 1 machine gun.

Detainee: It is a lie.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee stated that he was trained at his post on how to fire the AK-47 and Rocket Propelled Grenade (RPG) by other personnel at the check post.

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Detainee: That is not true.

Presiding Officer: You did not receive training [on the RPG] at this time?

Detainee: No I did not.

Designated Military Officer: (3.b.2) The Detainee admitted to firing an RPG only one time during training.

Detainee: I told the interrogators during my first interrogation that if someone were to shoot even one RPG, or if I even heard one shot of an RPG I probably wouldn't be able to sleep for two nights. That's how scared I am [of RPGs]. I never shot anything.

Presiding Officer: So this allegation/statement is incorrect?

Detainee: Yes, this is wrong. That's all I have to say. If someone were to shoot an RPG in my area, I probably would not be able to sleep for two nights.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee has ties to Anti-Coalition Militants, has conducted recruiting, and had planned on blowing up the bridge in Gardez, Afghanistan.

Detainee: I don't know anything about this. Actually, I only hear these allegations when I am here. In Afghanistan, when they arrested me, during my interrogation, no one ever asked me anything about these allegations. These things, they just made them up for the CSRT and for this [Review Board] process. Before, they never asked me anything about these allegations.

Presiding Officer: Who made up these allegations?

Detainee: I don't know.

Presiding Officer: Guess.

Detainee: Sir, I am a Detainee here. I am not aware of what is going on around me.

Presiding Officer: Do you have any enemies that would make up lies?

Detainee: Yes. It might be their work. I don't know.

Designated Military Officer: (3.c.2) The Detainee's brother was apprehended for suspected involvement in mortar attacks on United States forces. The Detainee's brother was found to be in the possession of a Hizb-I Islami Gulbuddin (HIG) identification card.

Detainee: You need to do some research about this. My brother is actually a poor man. He was working in Iran. In Iran, you must have some sort of identification card. You need to find out if it is a refugee card or if it is a HIG card. As far as I know, in Iran, if

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you don't have that HIG card they [Iran] will not let you be there. They will kick you out of their country. So, for any Afghan, when they go to Iran to work or to earn money, they have to have that card. They actually sell that card for about 10,000 Toman [Iranian currency]. Many Afghans they just purchase that card in order to be able to live there or work there.

About the mortar attacks or the suicide attacks. My brother does not have any kind of ties with the Government, nor with any other organizations. Everyone knows in his city that he is an ordinary worker and he is not the type of person who would commit suicide attacks. This is what I am talking about. This allegation about my brother being a suicide bomber, nobody has ever asked me about this, not even in my initial interview.

Presiding Officer: The allegation does not state that your brother is a suicide bomber. No one is accusing your brother of being a suicide bomber.

Detainee: Yes, I understand that. But nobody has ever talked about my brother this way. In my initial interview, the only thing the translator told me about my brother was about my brother carrying the [HIG] identification card.

Designated Military Officer: (3.c.3) Hizb-I Islami Gulbuddin (HIG) is a Terrorist organization.

Detainee: That's none of my business. I do not have anything to do with Gulbuddin and I don't know anything and don't want to know anything about them.

Designated Military Officer: (3.c.4) The Detainee and Bow Audin are cousins. Audin is known to have sold explosives and rockets.

Detainee: As I mentioned in the past, if you prove that Bow Audin is my far relative or my cousin...

Presiding Officer: Do you deny this allegation?

Detainee: What I am saying is, you need to research to find out if this guy [Bow Audin] is my relative or even from the same tribe.

Board Member: Do you know Bow Audin?

Detainee: I know that he is from Gardez, but he is not from my area and he is not my relative. I do not know him personally. I do not have any contact with him personally. I only know his name.

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee states that al Qaida are bad people and blames them for ruining his country.

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Detainee: They [al Qaida] are not only ruining my country they are ruining the whole world. They are bad people for everyone, not just the people of Afghanistan.

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 Assisting Military Officer presented exhibits marked ECC through ECC5.

Presiding Officer: Assisting Military Officer, please read your comments from the Assisting Military Officers comment block.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 3 October 2005, and lasted 35 minutes. The interview was started in Pashtu, but was switched when the Detainee indicated he spoke Farsi. After a review of the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee elected to submit letters from family and a photograph of his son, who was born while the Detainee has been here [Guantanamo Bay, Cuba]. A follow up interview was conducted on 4 October 2005, to allow the Detainee to bring these items and lasted for 20 minutes. The Farsi translated Unclassified Summary of Evidence was again read to the Detainee. The Detainee was cooperative and polite throughout both interviews. The Detainee was given a copy of the Pashto translated Unclassified Summary of Evidence after the initial interview and a copy of the Farsi translated Unclassified Summary of Evidence after the follow up interview.

The Detainee made the following statement:

Detainee: I used to be an ordinary worker in the markets in my city. You can ask anybody in my city or my village. I was an ordinary worker until the fall of the Taliban. When the Taliban fell, about six months after the current Government [Karzai Government] was established, they advertised through the radio that they had a lack of Security Forces and soldiers. The new Government invited people from all over the country to come and help the Government fill up those empty security positions.

From my area, they [local security forces] assigned me and another individual to a security post. They took me and the other individual to Commander Abdullah Mugahid, who was the city Security Commander. They took us to the Security Commander so he may either give us a security position or to use us at security posts. That Commander

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[Mugahid] sent us to that security post [somewhere in the proximity of the Gardez bridge]. There were eight people assigned to that post. The Security Commander gave us some clothing, dishes and pots. The Security Forces told us that of the eight people at our post, we needed to choose a leader within the eight of us. The other seven people at my post chose me to be the leader. I accepted their nomination to be the head officer. All of us at the post were illiterate. None of us could read or write. The Security Forces told us that our job was to maintain security, watch for our people, and maintain security of that area. The Security Forces Commanders told us not to harm anybody that we were there to serve the people of that area. I am trying to make this as short as possible because I don't want to take up your time.

Presiding Officer: Take as much time as you would like. This is your time.

Detainee: We [the eight individuals stationed at the security post] then traveled to another security post, called Pool-E-Khost, located within the city of Gardez. After working at that security post for a while, we were again transferred to another security post named Tera. We spent a few months at the Tera security post and then they sent us back to the city. I was then sent to a school named Bramkhile. My superiors told me I could go to the school to get some education. The school was a little bit far from where I lived so I asked if I could go and work with the Officers at the Coalition and International Forces. They had schooling there and they would help us in many ways. I was trying so hard to go there and start working with them [Coalition and International Forces].

The head of that security department told me that I had already been assigned to the Bramkhile school post. The head of the security department told me he would have to speak to the Security Commander to see if he could switch me from the Bramkhile School to the Coalition and International Forces School. In their office [Security Commanders officer], there was some furniture. I sat there and waited for the Security Commander to come back and make a decision as to whether or not I could switch schools. I had with me, in a vehicle, all the supplies they had given me, such as pots, pans, cooking supplies, and the clothing. I waited for a couple of hours. I was then told the Security Commander was not available so they were unable to make a decision right then about me switching schools. They told me to go back to the Bramkhile School because they could not change the decision right now.

Translator: I need to clarify what the Detainee is telling me about the Bramkhile School. The Bramkhile School is actually a school for children. There are two rooms in the school that are security posts. The Detainee's job was to maintain the security of that school and in the meantime the Detainee could get some education while he was there.

Detainee: It was getting dark, so I asked the head of the Security Forces what I should do because we could not travel to that security post [Bramkhile] in the dark. I told them we [the eight security guards] would travel to the security post in the morning. I asked the Security heads if they had any place to keep the supplies they had previously given to us. They told me they did not have any space in the office. They [my superiors] suggested

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that I take all the supplies to my house. We also had weapons with us. We had three AK-47s, one rocket, and RPG rounds. The Security head said they would take the weapons from us and they would keep them at the security post. As far as the clothing, pots, cooking supplies etc, they gave those supplies to me and said I could take those items to my house. I gave all the weapons to the Security heads. The only reason I still had the RPG rounds in my vehicle was because they were buried underneath all the other supplies. I would have given the rounds to the Security heads if they had been on top of all the other supplies. But the rounds stayed in the bottom and they told me to take the whole thing to my house. The Security heads then told me they would have a decision by the next morning as to whether or not I would go to the Bramkhile School post or the other security post I had requested.

The next morning, the Security heads told me they could not change my security post assignment and that I would have to go to the Bramkhile School security post. The Security heads gave me a list of all the items that were with me and that I was to take all the supplies with me to the security post.

At the time, my father was very sick and dying. I told the Security Officer to take the supplies to the new security post and that I would meet him there later. Since I was in a hurry, I forgot to give the Security Officer the RPG rounds. The rounds would not have fit in the car anyway with all the other supplies we already had. When I found out that we still had the RPG rounds in the vehicle, I told the Security Officer I would bring the RPG rounds with me later after I take my father to the hospital.

I told the remaining seven Security Guards to go with the Security Officers to the Bramkhile security post. I told them once I had taken care of my father I would meet them at the security post. When I took my father to the hospital he was very sick. The doctors told me they did not have the equipment needed to treat him. The doctors told me my father was dying. The doctors told me that I would probably have to take my father to Kabul, Afghanistan. However, another doctor told me that Kabul was too far and that my father would not make it. I decided to take my father home but he died in the car on the way back home.

By the time I buried my father, with the funeral, and all the things I needed to do for his funeral, it took a while. During this time, when I was taking care of my father's funeral arrangements, every once in a while I would go out to the Bramkhile School security post. Eventually they assigned someone else to the post instead of me because I was taking care of my father's funeral arrangements. It took a long time for me to get over everything that had happened with my father. Finally, when everything was over [with my father] I went to my security post and stayed for two nights. After two days, an officer came and said that all eight of the security guards at the Bramkhile School post had been transferred to yet another post. The new security post was called Redar. The officers who came to inform us we were now moving to a new post would be taking our place at the Bramkhile security post.

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We said that was fine. We then traveled to the new post [Redar]. We spent two nights at the Redar post. I personally spent two nights at the Redar post before I was arrested. The rest of my Security team was still at the security post, even after my arrest. When we arrived at our new security post [Redar] the other seven members of my security team told me there was not enough food. The other seven members of my team wanted me to talk to the Security Commander to see if our food supply could be increased. They also wanted me to bring some food back with me. We knew the Security Commander would not be able to issue us more food supplies quickly, so I took a driver and a soldier, a vehicle, and we went to the market to purchase some food. We bought some potatoes, spinach, and onions. I gave the food to the driver and the soldier and told them to return with the food back to the security post because the guys were hungry. I told the driver and the soldier I was going to go to see the Security Commander to ask him to increase our food supply or give us money to buy more food.

I sent the driver with the food to my security post and then I went to see the Security Commander. The Security Commander was not in his office when I got there. I talked to the Security Commander's assistant. The assistant's name was Waseeq. I talked to the Assistant Security Commander and I told him to please ask the Government to increase our food supply. I told him that the food they were giving us was not enough for eight people. The Assistant Security Commander told me that he could not make the decision right away. However, he told me he would give us some food to hold us over for right now and that it would take a couple of hours for him [Assistant Security Commander] to talk to his boss to make a final decision about increasing the food supply.

I told him that would be ok. We got into the car and wanted to head back towards the city but the road was closed. Some translators, Afghans, and some Americans approached us and asked my driver what his name was. The driver said his name was Farooq. They [Americans, translators, Afghans] then pointed at me and asked my driver what my name was. The driver told them that my name was Musa. They told the driver to exit the car. They told him they just wanted to search the vehicle but that it was not a big deal. I told the driver to be calm, that it was not a big deal because we are police officers and we have to obey the law. I told the driver they were probably just suspicious of something. Let them search the car.

Presiding Officer: Are you wearing a uniform at this time?

Detainee: No Sir.

Board Member: Who is conducting the search?

Detainee: Americans were standing there watching and observing. The Afghans that were working with them [the Americans] in their campaign were conducting the search. They searched the driver and they asked him to put his hands up. They proceeded to then search me and asked me to put my hands up. During the search they could not find anything. They could not find anything in the car and not with us. The Afghans told us

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that it was their law when they search someone to ask them to put up their hands and to be handcuffed and that it was not a big deal and not to get upset. I told them don't worry, if they wanted to put handcuffs on me that was fine. I told them we were not going to be upset because we were police officers and we understood. They tied down our hands, put us into their car and took us to their compound. They put us in an area where they kept detainees and prisoners. Afghani Forces guarded the prison/detention area.

Presiding Officer: Do you have any statements you would like to make concerning why this Review Board should release you or transfer you? Why you are not dangerous.

Detainee: I am about to finish Sir.

Presiding Officer: This Review Board is familiar with the historical background concerning your case. What this Review Board would like to hear from you are statements and/or reasons as to why you feel you should be released. The Review Board would like for you to spend your time on issues and statements that are going to be beneficial to you.

Detainee: If you give me two minutes I will finish my story and then I will answer your questions.

Presiding Officer: Proceed.

Detainee: An hour after arriving at the compound, they [American and Afghan Forces] took me to interrogation. They asked me if I had any weapons. I told them that I did have a weapon [AK-47] at home. I told them the weapon I had at home had belonged to my family for a long time. I also told them about the RPG rounds I had. I told them that the RPG rounds belonged to the [Afghani] Government. I relayed to them that the Government knew that I had the rounds. The translator was speaking to me in Pashtu. I told them I could not speak Pashtu, that I was a Farsi speaker. The translator then cursed me and cursed my wife using the *F* word, saying to me, "What kind of Afghan are you if you cannot speak Pashtu". He continued to curse my wife. I then told the translator, "Everything you just said to me, same back to you". Since the translator cursed at my wife and me I cursed him back.

I told the translator that it was I who was in the prison, not my wife. That he should not be saying anything bad about my mother or my wife. I told the translator that if he was going to curse my mother and my wife, that I would do the same back to him. The translator then said something to the American and the American became very upset. The American kicked me two or three time.

Presiding Officer: Who kicked you?

Detainee: The American interrogator. Whatever the translator told him must have upset the American very much. The American kicked me. I told the translator I had no idea what he had said to the American interrogator, but I cannot speak Pashtu. Please bring a

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Farsi translator. I told the Farsi translator what had happened and that I was not going to lie. I cursed back to the Pashtu translator. I answered the Pashtu translator's questions, but I did not say anything bad to the American. I don't know what the Pashtu translator said to the American interrogator.

Presiding Officer: Who is the American?

Detainee: The individual who arrested me was American. The individual who interrogated me was an American.

Presiding Officer: Was the individual in a uniform?

Detainee: No. The individual was in civilian clothing.

Presiding Officer: Why do you believe that this individual was an American?

Detainee: Because of the way he spoke. He appeared to be a boss or in charge of everyone over there. He was running the whole thing.

Presiding Officer: Do you speak English?

Detainee: No I do not speak English. When the individual was speaking, he sounded just like you [referring to the Presiding Officer] when you speak.

Presiding Officer: Did he hurt you?

Detainee: No, he did not hurt me real bad. He kicked me two or three times. He was very angry. I do not know what that translator told him.

Presiding Officer: I am going to report your allegation of abuse through the proper authorities. That type of behavior is not tolerated by the United States. There will be an investigation into this allegation of abuse.

Detainee: It is not that I am complaining, but I swear to my God that I am not lying. During the interrogation they asked me about the explosives in the tree. I told them I did not know anything about it. At the time of my interrogation, four months had already passed since the incident [the bombing of the bridge] had occurred. I kept telling the Farsi translator to tell the American that I did not say anything bad to him or about him. The American officer/man, showed me his card and said that he was an important man. The American asked me if I had ever heard of Guantanamo Bay, Cuba. The American told me he was going to send me over there [Guantanamo Bay, Cuba].

The American took my picture, did whatever he needed to do, put me on an airplane, and then hit me [patted me] on the knee. I did not know what this hit on my knee meant. I was flown to Baghram and from there I ended up here [Guantanamo Bay, Cuba].

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Presiding Officer: What did that mean?

Detainee: Maybe he meant, I don't know. Maybe whatever he promised me he would do to me he did [sending me to Guantanamo Bay, Cuba].

Presiding Officer: When the American hit you on the knee, did it hurt?

Detainee: No. He did not hit to hurt me.

Presiding Officer: Does that conclude your statement?

Detainee: Yes Sir.

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: Mr. Musa, do you have any idea who might want to blow up the bridge in Gardez?

Detainee: This is not good human behavior to destroy a bridge that your own people use. Whoever could commit such a crime would be guilty or a sinner, not only in the eyes of the Government but in the eyes of God as well.

Board Member: You have no idea who may want to blow up the bridge in Gardez?

Detainee: I swear to my God, if I knew who had blown up the bridge I would have arrested them myself. I would have turned them over to the Government myself. It is very unfortunate that I do not know who blew up the bridge and I ended up here [Guantanamo Bay, Cuba].

Board Member: Do you know of anyone where you lived, from your city or village who might have been against the United States presence in your country?

Detainee: No.

Board Member: The shopkeeper told you about the explosives that were located in the tree. Were those explosives targeted against the bridge [in Gardez] and United States Forces?

Detainee: First of all, the shopkeeper did not say for sure there were explosives in the tree. The shopkeeper only said was that he saw *something* in the tree. That he [the shopkeeper] saw something in the tree and that he was afraid to go near it.

Board Member: What was in the tree?

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Detainee: When our post found out there was something in the tree, they closed the roads and stopped all the cars so they could find out what was in the tree. American cars were passing by. They were trying to stop the American cars by hand from passing by shaking hands, but they did not stop. American cars continued through and passed the tree and the bridge. When the American cars left, the explosions occurred. Yes, there were explosives, but at that point we were unsure that the items in the tree we actually explosives.

Board Member: Were you in charge of security of the team of eight men during that period of time?

Detainee: Yes. I was the leader of that group of eight people, but the tree was too far from our location.

Board Member: Is it possible that someone could have set up an improvised explosive device (IED) in your area of responsibility without you or your security team knowledge?

Detainee: Sir, it would be hard for us to find out if we do not know if someone is doing something. If we don't know, there is nothing we can do about it.

Board Member: Why did you allow the American convoy to proceed past the point where you thought explosives might be present? Why didn't you notify the Americans about the possible danger?

Detainee: The whole process between when the shopkeeper notified us that there was something in the tree and the actual explosion occurring was just a matter of five to ten minutes. We did not have enough time to go to the Americans and warn them. In regards to the convoy, I don't know if it actually belonged to the Americans or to some other Coalition Forces. We did try to stop the convoy. We tried to stop all the civilian traffic and tried to stop the convoy.

Board Member: During the four months between the explosion and your arrest, were there other acts against American Forces that you are aware of?

Detainee: No.

Board Member: What are your feelings concerning the United States intervention into Afghanistan?

Detainee: My feeling is, that Americans brought freedom to our country and I am very happy about that. I am a poor man, I am an illiterate man, and never had the chance to go to school. I would like for my son and my younger brother to get the chance for an education and a better life. I am happy with the American presence in Afghanistan. They gave us hope.

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Board Member: Why did you volunteer the information concerning the fact that you had weapons at your home when they were searching your vehicle?

Detainee: I did not tell them [about the weapons] Sir when they were searching my car. During the interrogation they asked me if I had any weapons at home. I told them yes, I do have a weapon(s) at home.

Board Member: When you were arrested, did they give you a reason as to why you were being arrested?

Detainee: No, I did not ask them for a reason and they did not give me a reason for my arrest. However, they asked me about the weapons and I told them. I thought that the procedure [being searched by the American and Afghan Forces without cause] was normal and routine. I thought I didn't have anything to worry about. I thought it was a matter of formality. I thought they were going to arrest me, question me, and then release me.

Board Member: Did they have any reason to suspect you of a crime or any reason to suspect that you were involved in the bombing of the bridge in Gardez or attacking United States Forces?

Detainee: I don't know.

Board Member: Your brother that was mentioned in the Unclassified Summary of Evidence, where is he now?

Detainee: He is at home in Gardez?

Board Member: Is that where you son is also, in Gardez?

Detainee: Yes.

Board Member: If released, is Gardez where you would return?

Detainee: Yes.

Board Member: What would you do to support yourself and your family if you were released?

Detainee: I probably would go back to working in the local market as a shopkeeper. That is probably the best thing for me. In regards to the bridge and the explosions, a few other people were arrested. When these other people were asked why did you not try and stop people from crossing the bridge or going past a certain point, those other arrested individual said they did try and stop people from passing. They told the individuals trying to pass that they needed to obey the rules, but they would not stop. It was not our fault [referring to the other individuals arrested] if they did not stop. People confirmed

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that we were trying to stop people by shaking hands, but those individuals who were trying to pass were not paying attention and kept going. About a half an hour or an hour later, the other individuals who were arrested at that time were released. The Americans even helped my friends that were arrested. The Americans gave them a radio and some food.

Board Member: Mr. Yakubi, were you born in Afghanistan?

Detainee: Yes.

Board Member: Did your grandfather fight against the Russians with the family AK-47? What was the history behind the AK-47?

Detainee: No Sir. I don't know. All I know is that AK-47 belonged to our family. It was for security reasons. My own father was not a fighter. He worked for a bank for over 25 years. My father was a cashier at the local bank.

Board Member: Was the tree where the explosive were located and where the explosion occurred, was that in your patrol area?

Detainee: No Sir. That tree was not located in my patrol area. It's even farther from the bridge [the tree]. The tree was too far from the bridge. It was nowhere close to the bridge.

Board Member: With regards to the explosives and the RPG rounds [the rocket], you stated you had a receipt for those items. Can you tell me exactly what was written [printed] on that receipt?

Detainee: It was a list of all the weapons and the rounds. The receipt stated that these items belonged to the Government, but they [the weapons and rounds] were in the possession of [care of] Mr. Musa.

Board Member: Can you tell me what was on the list exactly?

Detainee: There was cooking pots, a few beds with mattress, blankets, and cooking supplies.

Translator: I need to make a correction. On the list, the items noted were the cooking supplies, cooking pots, beds, and blankets. However, the weapons were not written on the list because I had already given the weapons back to the post.

Detainee: The Government says you are not allowed to take Government issued weapons to your home. I was only allowed to take the supplies such as the pots, pans, and other cooking supplies to my house.

Board Member: The weapons were not annotated on the list, is that correct?

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Detainee: When I talk about the receipt, I am talking about all non-weapon supplies. The rest of the weapons were left at the post and I took the other supplies. I got a receipt to state that I had turned in all the supplies and given the supplies back. Except for the RPG rounds. I was going to take back the RPG rounds when I realized I had forgot them in the car. What am I going to do with them anyway? I can't use them.

Board Member: When was the last time you saw a security supervisor prior to the explosion?

Detainee: Which supervisor?

Board Member: Your Police Commander.

Detainee: I have only seen that commander [the commander to assigned me to that post] one time. The second time I never saw him.

Board Member: Whom did you report to?

Detainee: I was reporting to the Assistant Security Commander. The last time I saw him was on the day of the explosion.

Board Member: Did you know Bow Audin?

Detainee: I just know that he is from Gardez. He is not my relative and he is not my friend. Everyone once in a while we might say hello.

Board Member: Did the Assistant Security Commander know Bow Audin?

Detainee: I don't know.

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.

[REDACTED]
Colonel, U.S. Army
Presiding Officer [REDACTED]

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