

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

The Presiding Officer addresses the Detainee by stating his name, Habib Rasool, and asked if that was correct.

Detainee: Can I speak?

Presiding Officer: Not yet, you will have ample opportunity to speak later.

Detainee: Okay.

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented Exhibit EC-A, the Enemy Combatant Notification Form to the Administrative Review Board.

The Assisting Military Officer presented Exhibit EC-B, the Enemy Combatant Election Form to the Administrative Review Board.

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Information and DMO-2, the FBI Redaction Certification to the Administrative Review Board.

The Designated Military Officer began giving the brief description of the contents of Exhibit DMO-1, the Unclassified Summary of Information to the Administrative Review Board. He read 3.a.1. The detainee voluntarily traveled from Pakistan to Afghanistan in October 2001. The Detainee interrupted.

Detainee: Can I tell you something, which will make it better?

Presiding Officer: You'll have ample opportunity, let us get through The Designated Military Officer's presentation of the Unclassified Material and then you'll have the opportunity to respond to every one of these statements.

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

The Presiding Officer asked if The Designated Military Officer had any additional unclassified information to present and the Detainee interjected a question.

Detainee: Can I talk?

Presiding Officer: Not yet, we're getting there.

ISN 120
Enclosure (5)
Page 1 of 10

UNCLASSIFIED//~~FOUO~~

000881

UNCLASSIFIED//~~FOUO~~

The Designated Military Officer confirmed that he had no additional unclassified information to present and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Presiding Officer: At this point in the hearing, Habib will be able to present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board, including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes sir, I would like to report the information that I received from the Detainee during my initial interview. I believe the Detainee is also anxious to speak to the Board when I finish. The Detainee, Sir, provided the following comments and response of information in the unclassified summary. The Detainee stated he is not a threat to America and that nothing in the evidence states that he ever fought against the Americans, not even for one day. In response to his travel between Pakistan and Afghanistan, he responded that his house was in Khost, Afghanistan and that he frequently traveled between Afghanistan and Pakistan because his family was in the logging business. He stated that he does not know anything about New York City and was unaware of what occurred there in September 2001. In response to being conscripted by the Taliban, he responded that the Taliban came to his house in Khost and told him that he was being called to duty (conscripted). He did not volunteer for the Taliban and did not want to travel with them, but had no choice. He stated that when he arrived in Konduz, Taliban members guarded the house he stayed in but that he and other conscripts were not armed and that he never performed guard duty or carried a weapon of any kind, ever. Regarding his capture, he stated that when the Russians came to Afghanistan, the United States helped the Afghani people and he had a positive view of Americans. When the Taliban leaders decided they should not fight the Americans because of their positive opinions of Americans, they willingly turned themselves into General Dustum. After turning themselves in, they expected to be turned over to the Americans in Kandahar, but instead they were taken to the jail in Sherberghan. In regards to the incident with the military policeman, he stated the guards provided him water, food, and takes him from place to place; he has no animosity towards the guards. However, over a year and a half ago there was an occasions where he had not been fed for a long time and he asked for food and was punished. He was forced to stand for a lengthy time and when he tried to sit down and rest he was forcibly drew to his feet. He did not resist because he was being pulled up from behind and could not have resisted in any event. He has no idea how the guard's arm might have become bruised. He stated that if he were released, although he is much weaker than when he was a logger, he would like to go back to the logging business as a machine operator. Also if he were released, he simply wanted to go home to his house and family. Sir, those conclude the notes I took during our initial interview.

Presiding Officer: Habib, before we begin, I'll allow you to speak, would you like to make your statement under oath or not.

ISN 120
Enclosure (5)
Page 2 of 10

UNCLASSIFIED//~~FOUO~~

000882

UNCLASSIFIED//FOUO

Detainee: If you tell me to take it under oath, I will do it.

Presiding Officer: It's purely voluntary; it's up to you. Otherwise we will continue.

Detainee: If you tell me to take it under oath, I will do it. If you tell me don't do it under oath, I won't.

Presiding Officer: Okay, we will continue. Habib, you may begin presenting any information that you would like to this Board.

Detainee: Yes.

Presiding Officer: Okay, continue....proceed.

Detainee began making his statement and the Presiding Officer interjected by requesting that the Detainee slow down so that the translator could translate what he was saying.

Detainee: Between the tenth month, I came from Pakistan to Afghanistan, but I was conscripted by the Taliban. You want to listen to my statement or listen to the people who talk about me.

Presiding Officer: You can give me your statement. We are here to listen.

Detainee: Well, I don't know what....

Presiding Officer: Habib, please allow the linguist to translate to me every couple of sentences.

Detainee:you are fair people, I know you are fair people, you are sitting here to bring the fairness, so I wanted to know if people said something about me, you wanted to listen to them or whatever I say? If I say something and you are going to listen to them; what good will it do for me?

Presiding Officer: Well, what was presented to us is in this unclassified summary everything you've seen and this is your chance to support the statements that were made here or to support the ones that you feel aren't true or the ones that you feel are true.

Detainee: There is a discrepancy between tenth month, October month and my calendar, we say in seventh month...

Presiding Officer: Okay

Detainee: We start from March, March is the first month, so that's the seventh month.

ISN 120
Enclosure (5)
Page 3 of 10

UNCLASSIFIED//FOUO

000883

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: May I interject one thing, Sir? I believe what he is referring to is the day of the travel in October of 2001. He is disputing that October....

Presiding Officer: Okay

Assisting Military Officer: is the date that he traveled, he is saying that perhaps it might have been July, he did not mention that to me.

Detainee: October is the seventh month of our calendar. According to my calendar, my country calendar, it is the seventh month because the New Year started in March.

Presiding Officer: Understand. We'll take that into consideration, thank you.

Detainee: I came from Pakistan to Afghanistan according to our calendar on the seventh month. I built my house and then I went back to Pakistan for logging business and then I came back on the tenth month, which is not October, maybe December. I came back the tenth month and I spent three days in my house and then I was conscripted by Taliban.

Presiding Officer: Okay

Detainee: You understand?

Presiding Officer: I understand, yes.

Detainee: I selected to say my name was Habib Rasool in Yerghanek, because I know that the Uzbek military people are not our allies, they do not like Pakistanis. If they understand that I am a Pakistani, they would kill me because they did it before. They killed a lot of Pakistanis there.

Presiding Officer: I used that name. What is your name?

Detainee: I'm coming on that.

Presiding Officer: Okay.

Detainee: I had a Pakistani I.D. card with me, so when I realized they are killing Pakistanis, I just dropped that one and I started to call myself Habib Rasool.

Presiding Officer: Okay

Detainee: When I heard they are taking me to Cuba, I was very happy. I realized, I am in the hands of Americans now, so I have no problem with Americans, so then I put my name....when I came to America, I told them my name is Rabel Kahn and my father's name is Mohammad Yosuf.

Presiding Officer: Okay.

ISN 120
Enclosure (5)
Page 4 of 10

UNCLASSIFIED//~~FOUO~~

000884

UNCLASSIFIED//FOUO

Detainee: For the last three years nobody changed anything, I called the same name that I am calling right now. If you ask people from Pakistan, I served there, I was in service in Pakistan, they know my real name and everything.

Presiding Officer: Okay

Detainee: Did you, did they inquire about my name, about my identity or anything for the last three years. I told them, my name is Rabel Kahn, my father's name, I told them everything.

Presiding Officer: Okay. We'll look at that information.

Detainee: For the last three years nobody changed my name.

Presiding Officer: Okay.

Detainee: I am not worried about the Americans, that's why I told them my real name. I was worried about the Afghanis. So for the last three years they didn't bother to change my name.

Presiding Officer: That's fine, I mean just, I....Okay, I accept that, what you're saying about your name. So I mean....if you just want to...you can also tell me why you're....why we shouldn't consider you a threat and let you go. I mean....

Detainee: Well, I'm asking you, what is the evidence against me?

Presiding Officer: The evidence that I can discuss with you is presented to you in the unclassified summary. That's what I have here.

Detainee: I heard this is a law, when somebody surrenders, nobody will arrest them. But for the last...I surrendered myself, but for the last three years I've been in jail. Why?

Presiding Officer: Well the...you had a tribunal and I don't know the exact date but you had a tribunal that determined you to be an enemy combatant. Now we're going to have a board to determine whether you should be released or not and whether you're a threat to the United States.

Detainee: Well for the last three years, I told them my name is Rabel, nobody bothered to change my name and nobody bothered to ask about my identity, about my past, about my record in Pakistan. So anyway, I don't know what's going to happen right now.

Presiding Officer: This Board will....

Detainee: Why should I be enemy of the Americans?

ISN 120
Enclosure (5)
Page 5 of 10

UNCLASSIFIED//FOUO

000885

UNCLASSIFIED//~~FOUO~~

Presiding Officer: That's a good question and this Board will...

Detainee: There's no reason.

Presiding Officer: Okay, well this Board will consider that. We'll consider your statement and consider the facts in the unclassified summary.

Detainee: Well, you're telling me you're considering if I'm an enemy combatant, but what proof America have against me. I never fight about or against America, I never do anything against America. I just surrender myself to America. That's all I did.

Presiding Officer: Okay. Again, we need to continue with this, but...and your Assisting Military Officer presented all these facts in the Unclassified Summary. And there is a classified portion of this but I cannot discuss that with you because of the national security requirements. But....

Detainee: Well, if you don't tell me what is the classified, I cannot tell you if it is right or wrong.

Presiding Officer: Okay. It's national security. I am not allowed to discuss classified information with anybody outside, who is not cleared. I mean that's the facts, and so we need to continue. I just...I can't do it. Is there anything else you'll like to say? I mean we have some questions for you? But...is there anything else?

Detainee: Well, if I don't know anything, how should I answer? If you tell me what is written or what they said about me before, I can answer that, if it is right or wrong. But if I don't know you talking about classified, so I cannot answer it.

Presiding Officer: Well, there'll be an opportunity for us to ask you questions later on and hopefully you'll answer those to the best of your ability and as truthful as you wish. That's all I can say. Well anyway, is there anything else you wish to say?

Detainee: Okay when Americans came to Afghanistan, the Taliban leaders, they came together and they said well, when the Russians attacked Afghanistan, Americans helped us, so we have no reason to fight against American and we should surrender ourselves to America because they are very peaceful people.

Presiding Officer: Okay. Habib, does that conclude your statement? And did your Assistant Military Officer provide the information in his statement that he read, did he provide the information that you wanted us to hear in that statement?

Detainee: Oh yes, yes.

Presiding Officer: Okay. Assisting Military Officer do you have any questions for the Detainee?

UNCLASSIFIED//~~FOUO~~

ISN 120
Enclosure (5)
Page 6 of 10

000886

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: No, Sir.

Presiding Officer: Designated Military Officer, do you have any questions?

Designated Military Officer: No, Sir.

Presiding Officer: Do any Administrative Review Board Members have any questions for Habib?

Administrative Review Board members' questions

Q: I have one question. Habib, you referred to your time in Afghanistan as being afraid of Afghans. Are you referring specifically to the Taliban or any Afghani?

A: I was conscripted by Taliban, no I don't have anything against Taliban. But, I was worried about Uzbeks. If they find out that I am Pakistani, they will kill me immediately.

Q: A few questions. The timeline, I am still a little confused about Habib, you traveled in the seventh month to Afghanistan, returned to Pakistan and traveled in the tenth month. Is that correct?

A: No. I was going back and forth to Pakistan. I came on the seventh month to Afghanistan, I start building my house. When my house was finished, I built it back. So when I came back on the tenth month to Afghanistan, the third day, the Taliban conscripted me.

Q: Okay. Throughout the travels back and forth, were you not aware that the United States was involved in this conflict?

A: On the seventh month, I don't believe the Americans were in Afghanistan.

Q: Okay, okay and after?

A: I was in my house in Khost, so I didn't do anything I had no business.

Q: Okay. Next question, how has your opinion of the United States changed since your incarceration here?

A: You mean since I came here?

A: Yes.

A: Well, I didn't know anything about Americans appearing in Afghanistan, until Taliban conscripted me. When I went with the Taliban, we surrendered and then they brought me to Sheberghan and then to here. I don't know.

Q: I'll ask again, because of...because we've held...the United States has held you here for three years, does he have bad feelings for the United States now?

A: No, I have no problems with Americans because they helped me, help us against the Russians and now I know America is building my country. So I have no problem with America.

UNCLASSIFIED//~~FOUO~~

ISN 120
Enclosure (5)
Page 7 of 10

000887

UNCLASSIFIED//FOUO

Board Member: Thank you. I have nothing further.

Presiding Officer: So if you were to be released back to your home country, you wouldn't take up arms against the United States and it's allies over there?

Detainee: (laughs)...No. I never fought against American. They should prove it.

Presiding Officer: You say you want to go back into the logging business when you get home. Did you process the trees for lumber or what exactly do you mean by the logging business?

Detainee: I do two different things. One, I do work for the people, they bring their logging to my company, I process them and charge them money. The other one, I do it for myself and bring it and sell it to the market.

Presiding Officer: Okay.

Detainee: Currently, I am not workable because all of my body is...trouble, trouble

Presiding Officer: Bad knees.

Detainee: I have trouble with my knees and my everything so I am not workable right now.

Presiding Officer: But you said you wanted to go back to the logging business if released.

Detainee: I'm going to supervise my family, my children and my brother. I just watch them, I just supervise them.

Presiding Officer: What did you think of the Taliban when they were in power or when they were the government in Afghanistan?

Detainee: I don't know much about them but they conscripted me forcefully.

Presiding Officer: What do you know about al Qaida?

Detainee: Nothing. I have no information about them.

Presiding Officer: Did you know who Osama bin Laden was prior to 9-11?

Detainee: No. I don't know.

Presiding Officer: Okay, thank you, I have no further questions. Do any board members have any further questions?

Board Members: No.

UNCLASSIFIED//FOUO

ISN 120
Enclosure (5)
Page 8 of 10

000888

UNCLASSIFIED//FOUO

All unclassified information having been provided to the Administrative Review Board, this concludes this unclassified Administrative Review Board sessions.

Detainee: Can I say another thing?

Presiding Officer: Yes.

Detainee: Well, I just wanted to know if I go back to Afghanistan, so I lost my business and everything, so I want to know if America help me for some return because when I go there I don't think I will get any help for anyone but I just want to know if there is any help.

Presiding Officer: I don't have an answer for you on that. All this Board does is make a recommendation to the folks in Washington D.C. on your disposition and that's all we can do. We don't any involvement in...on what goes on after that. I'm sorry, I just can't answer that, I don't have a crystal ball.

Detainee: Well, my brother wrote me a letter and he said that the Karzi and my people want me back. So if I go back what should I do there?

Presiding Officer: I don't know. Again, I guess you need to contact the Karzi government if you were to get back there.

Detainee: Well, I don't think that the Karzi care about the poor people like me and you people, command them, if you want to help me with something.

Presiding Officer: I am not authorized to do that, this Board is not, that's not the purpose of this Board. This Board is to determine whether you are a threat or not and whether you should be released or transferred as I previously said. You know, I can't help you with that. It is just outside my responsibility and even my ability.

Detainee: You're the Command; you can command this kind of things for me.

Presiding Officer: I can't help you, I'm sorry. So anyway, we'll continue here. I'll read the following statement over again.

With all unclassified information having been provided to the Administrative Review Board, this concludes this unclassified Administrative Review Board sessions.

Presiding Officer: Habib, you shall be notified of whether you'll be detained further, transferred or released upon completion of the review of these proceedings and a decision by the Designated Civilian Official in Washington, D.C. If the Designated Civilian Official determines that you should no longer be detained by the United States, you will be released or transferred to your home country or another country as soon as arrangements can be made. If the Designated Civilian Official determines in Washington D.C.,

ISN 120
Enclosure (5)
Page 9 of 10

UNCLASSIFIED//FOUO

000889

UNCLASSIFIED//~~FOUO~~

determines that you should be continued to be detained you may be eligible for another Administrative Review Board in one year.

The open session of this Administrative Review Board Hearing is adjourned.

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 120
Enclosure (5)
Page 10 of 10

000890