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Summary of Administrative Review Board Proceedings for ISN 458

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 has traveled out of Afghanistan to Saudi Arabia twice and out of Pakistan once. The Detainee last traveled to Saudi Arabia was to complete the Haj around ten or twelve years ago (approximately 1990).

Detainee: When the war began in Afghanistan, with the rockets, the bombings, and the cannons, it made life hard on us. I decided to move my family to Miram Shah, Pakistan. I moved my entire family [my wife and children] to Pakistan because of the war going on in Afghanistan. I have only traveled one time to Saudi Arabia for the Haj. I have not been to Saudi Arabia twice. Haj is necessary to attend for Islam [if you can afford to go, you go].

Presiding Officer: Sir, at this time, for this portion of the Review Board, we only need to know if these allegations/statements are true or false. You will be given an opportunity to make a [long] personal statement in regards to these allegations/statements. If any of the allegations/statements are incorrect, please tell the Review Board and we will make corrections as necessary.

Detainee: You are asking me the question, have I been in Pakistan. I am trying to tell you I did leave Afghanistan. My family and I immigrated to Pakistan because of the war in Afghanistan.

Presiding Officer: So the statement is true, correct?

Detainee: I went to Saudi Arabia one time for the purpose of attending the Haj. I have not been to Saudi Arabia twice. I have only been one time.

Presiding Officer: That is what the Review Board needs to know. I have made a correction to the statement to reflect you [the Detainee] have only been to Saudi Arabia one time.

Designated Military Officer: (3.a.2) The Detainee indicated his involvement with Tabligh Jamaat was a religious group comprised of ten to fifteen people who prayed together. The Detainee stated he was in a Jamaat once and he traveled to different villages in his area and preached about Islam and the Koran.

Detainee: There is no Tabligh in my village. Tabligh means, "to spread the word". There is no Tabligh organization in my village. I prayed in Jamaat. Jamaat is a mosque. I prayed there [at Jamaat, the mosque] with other people, but those people were not members of the Tabligh organization and I am not a member of the Tabligh organization.

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Designated Military Officer: (3.a.3) Some al Qaida members have joined the al Dawa al Tabligh religious organization, identifiable with the Jama'at al Tabligh, which was well known for it's support to Jihadist causes.

Detainee: I do not know anyone who practices the Tabligh [spreading the word]. I don't know their [the Tabligh] organization. I do not know any of their [Tabligh] members. I just go to the mosque and pray.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee's relatives say that he and his family gave shelter to Jalaluddin Haqqani, the commander of Taliban forces in the southern provinces of Afghanistan, who was fleeing from Kabul.

Detainee: My family consists of ladies and children. My family does not get out [leave the home] very often. My family does not know Jalaluddin. I do not know Jalaluddin.

Presiding Officer: Have you ever seen Jalaluddin?

Detainee: No Sir.

Presiding Officer: Thank you. Please continue.

Detainee: Someone gave me the report [indicating my family made those statements about Jalaluddin], and that report is not correct. It is wrong.

Board Member: Why would your relatives [family] make a statement indicating that you [and your family] had given shelter to Jalaluddin?

Translator: The Detainee thinks when you say family, he thinks you mean his wife. Please let me explain what the word "family" means.

Detainee: My children do not know him [Jalaluddin]. My wife does not know him [Jalaluddin]. My relatives do not know him [Jalaluddin].

Presiding Officer: Are you saying that whomever made this statement [regarding the Detainee's family saying they gave shelter to Jalaluddin] was mistaken?

Detainee: Yes.

Designated Military Officer: (3.b.2) The Detainee was told about a report indicating that his son stated that Jalaluddin Haqqani and his bodyguards did come to his house and requested to stay.

Detainee: My son wrote me a letter. My son said in his letter that he knew I [detainee referring to himself] was innocent and that I had not done anything. How could he say that in his letter and also say that Jalaluddin and his bodyguards came to my house and requested shelter?

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Presiding Officer: Was your son mistaken when he made the statement indicating Jalaluddin and his bodyguards came to your house and requested shelter?

Detainee: Whoever made the report saying my son had stated Jalaluddin and his bodyguards came to my home for shelter was mistaken. My son never said that Jalaluddin had been to my home.

Designated Military Officer: (3.b.3) Jalaluddin Haqqani was creating a Hezb-e Islami Gulbuddin base in Waziristan, Pakistan, near the border of Afghanistan.

Detainee: I do not know Jalaluddin. I do not know Gulbuddin. These are strangers to us [referring to his village and his family]. We are poor people. We have nothing to do with them [Jalaluddin or Gulbuddin].

Designated Military Officer: (3.c.) Other Relevant Data (3.c.1) The Detainee explained that in previous interviews he withheld information or provided false information, specifically saying that his house was not bombed.

Detainee: I have said [to the whole world] that my house had been bombed. Twelve members of my family [little boys and girls] were killed when my home was bombed. I keep telling everyone that my house had been destroyed.

Designated Military Officer: (3.c.2) The Detainee also stated that he went to the Governor of Khowst, Pacha Khan Zadran, to get money to help rebuild his house. In previous interviews the Detainee denied that he received money from anyone to rebuild his house.

Detainee: In the previous question, they [referring to whomever wrote the report] said that I lied. The report said I had stated that my house had never been bombed. In this question, it says that I went to Pacha Khan to get money to rebuild my house. Whoever wrote the report should fix that.

Presiding Officer: At this time, all the Review Board would like to know is if you received any money to rebuild your house.

Detainee: Yes. I told them that my house had been destroyed. Personally, I did not go to Pacha Khan and ask him for money.

Presiding Officer: Did Pacha Khan give you money to rebuild your house?

Detainee: Pacha Khan gave the money [to rebuild my house] to Haji Nazim and Haji Nazim gave the money to me. Pacha Khan did not give me the money directly. I personally do not know Pacha Khan.

Board Member: Was your house eventually rebuilt?

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Detainee: No. I became a prisoner.

Presiding Officer: How much money did you receive to rebuild your house?

Detainee: Through Haji Nazim, he [Pacha Khan] sent me 30,000 Rupees [Pakistani money].

Board Member: Who is Haji Nazim?

Detainee: Haji Nazim is the leader of my tribe.

Presiding Officer: Now, please go back and explain what you had wanted to say to the Review Board.

Detainee: I am going to say this very shortly. Whoever gave you [referring to the Review Board] the report connecting me to Jalaluddin gave you a wrong report. I am a poor man. I am far away from the Khowst bazaar. I belong to another district government.

Presiding Officer: You [referring to the Detainee] are making a personal statement at this time. The Review Board has not yet reached that portion of the session in which you [the Detainee] can make your personal statement. Once the Review Board has finished this portion of the session [reading of the statements/allegations] you may make a personal statement and tell the Review Board anything you would like.

Detainee: These people are very high-ranking people [referring to the individuals who arrested him]. Three people were captured with me. They [referring to the American Government] brought me here and put me in jail. If I do not cry for them, to whom do I cry for?

Presiding Officer: Please continue.

Designated Military Officer: (3.c.3) The Detainee was seized with three other individuals in an open area near a suspected Taliban facility on 20 January 2002. The Coalition Forces were fired upon during the seizure. The detainee's were in possession of an Icom Very High Frequency (VHF) transceiver.

Detainee: When I was captured, it was not during the time of the Taliban Government. I was captured during the time of the Karzai Government. When I was captured with the other individuals, who are these other people [asking the Review Board]?

Presiding Officer: Is it your statement then that this allegation is incorrect?

Detainee: When I was captured, I was captured at my house.

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Presiding Officer: Once again, I ask you, is it your statement that this allegation [referring to allegation 3.c.3] is incorrect?

Detainee: The whole accusation is wrong.

Presiding Officer: That is what the Review Board wants to know. We [the Review Board] want to know what is true and what is false. Again, you are saying this accusation is false? You [referring to the Detainee] are making this more difficult than necessary. The Review Board would like to know if the allegations/statements presented here today are true or false. The Review Board is very interested in your explanation regarding these allegations/statements. However, before we [the Review Board] get to your explanation, we [the Review Board] need to know if these allegations/statements are true or false.

Detainee: I was captured in my home.

Board Member: Did you state that you were captured with two other individuals?

Detainee: They [American forces] captured four of us in my house.

Presiding Officer: Did any of those people shoot at the forces when they were trying to arrest [capture] you and the other individuals?

Detainee: How could we shoot? I do not know how to [I cannot] shoot.

Board Member: Did anyone [referring to the four individuals] have a weapon?

Detainee: No, no one had a weapon.

Presiding Officer: I want you [the Detainee] to be very clear about this allegation [3.c.3]. This particular allegation is one of the only reasons you were made an Enemy Combatant.

Detainee: Sir, three people, four people including myself, were captured, arrested. I was in a small village. There were only six or seven houses in this village. We [referring to himself and the other three individuals] did not shoot at the forces.

Presiding Officer: Did you hear any shooting?

Detainee: No.

Presiding Officer: You did not hear shooting from anybody?

Detainee: No, no.

Board Member: [To the Translator] Does he [the Detainee] have any information regarding the transceiver [the radio]?

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Detainee: No. I do not have any information about the radio. That radio was not mine. The radio was not even inside my house.

Presiding Officer: Did you ever see the radio [transceiver]?

Detainee: No. I saw a picture of it.

Presiding Officer: Whom did the radio belong to [of the four individuals]?

Detainee: I have never seen it. I do not know who had it.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a.) The Detainee stated that he has never provided shelter (support) to Jalaluddin Haqqani.

Detainee: No. I never gave him [Jalaluddin] shelter or a place to stay. I do not even know Jalaluddin.

Designated Military Officer: (4.b) The Detainee claims that he does not know of any al Qaida members or training camps within his village of Zani Khel.

Detainee: There are no al Qaida organizations and there are no al Qaida members in my village. I do not know any al Qaida members.

Designated Military Officer: (4.c) The Detainee stated he was still glad the Americans came to Afghanistan. The Detainee felt that for the last 20 years the Afghans only knew war, but now that the Americans were there they had a chance for peace. The Detainee did not harbor any resentment toward Americans for bombing his house and killing members of his family.

Detainee: That is true. I am glad the Americans came to Afghanistan. I am not complaining about the Americans. I do not blame them [for bombing my home]. I have hostility and animosity toward the person who gave them [the American forces] the wrong report [the report indicating the Detainee's house should be bombed, attacked, etc.]

Board Member: So you [the Detainee] consider the intervention of the American Government into Afghanistan a good thing?

Detainee: I am not a high-ranking person to discuss matters like that. However, as far as I know they [the Americans] came to give us [Afghan people] peace and everyone was happy about it.

Presiding Officer: Sir, you have the Review Boards deepest sympathy for the loss of your family.

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Detainee: I have no grudge against you [referring to the Presiding Officer] and I thank you for your sympathy. I tried to work with the Americans. I tried to collect some people [in my village] to fight against the Taliban. In Afghanistan, we [the Afghan people] have a personal hostility and animosity toward the people who gave you [the Review Board] the wrong report [bad information]. My complaint is against the person who gave the wrong report and then the Americans killed many innocent people and gave trouble to many innocent people because the guy [who ever gave the intelligence report] gave a wrong report. When the report said I was captured near a suspected Taliban facility, this is incorrect. I was captured in my house with three other people. Of those three other people [four people including myself] they [the American forces] let two of those people go and told them they were innocent. I was innocent as well, but they did not let me go.

Presiding Officer: The Review Board is very interested in your experience and we will get to that part of the session. The Review Board must first get through the allegations and then you will be able to make a personal statement.

Detainee: Read.

Designated Military Officer: (4.d) The Detainee stated that he was involved with recruiting people in his village to fight against the Taliban. The Detainee's recruiting efforts involved going door to door to request volunteers to fight against the Taliban.

Detainee: Is there another question or is this it?

Presiding Officer: This is the final statement. Once you [the Detainee] respond to this statement [referring to 4.d] the Review Board will then hear your personal statement.

Board Member: Did you recruit people to fight against the Taliban?

Detainee: Yes, I cooperated with the Americans and tried to get people in my village to fight against the Taliban.

Board Member: During what time frame did you recruit people from your village to fight against the Taliban?

Detainee: My tribe decided to rise up and fight against the Taliban.

Board Member: Was this time frame before or after the fall of the Taliban Government?

Detainee: It was during the time of the Taliban Government. [Before the Taliban Government fell out of power].

Board Member: Did your recruiting efforts to fight the Taliban occur before 11 September 2001?

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Detainee: After 11 September 2001. After 11 September 2001, we started collecting people to fight against the Taliban.

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 exhibit marked ECC.

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 17 October 2005, and lasted one hour and forty-four minutes. After a review of the ARBs 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 ARB, present a written or oral statement, or have the Assisting Military Officer (AMO) speak on his behalf, the Detainee said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point was presented. The Detainee was cooperative and polite throughout the interview. The Detainee was given a copy of the Pashto translated Unclassified Summary of Evidence.

The Detainee made the following statement:

Detainee: My statement is this: The report given to the Review Board is a wrong [incorrect] report. Regarding the Tabligh [the spreading of the word, preaching] I do not know anything about this. That is a wrong statement. There is no [Tabligh] center, organization, or training camp in my village.

Regarding Jalaluddin, I do not know him. I am a poor man. He [Jalaluddin] has a house and a mosque [for praying], but they [the house and the mosque] have been bombed. The mosque that belonged to Jalaluddin was along a paved road. People have been killed and buried there [near the mosque that belonged to Jalaluddin]. I have been told that my son has been accused of saying that Jalaluddin had come to my house and requested shelter. My son wrote me a letter and told me that he knew I was innocent and that I had not done anything.

When we [Afghan people] refer to innocent people, we mean people who have not done anything wrong. I have asked for that letter [from my son] to be translated and brought here.

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Presiding Officer: The Review Board has the letter.

Detainee: I don't know what my son had told anyone. However, in the letter my son says that I have been taken [arrested] by mistake and that I am innocent. During the last CSRT, they [the board] showed me some newspaper clippings and said that my house had been bombed by mistake and they told me that I was innocent. I asked if I am innocent, why are you keeping me here [Guantanamo Bay, Cuba]. I am a poor guy. I have never been a commander during the time Mujahadeen. I have not done anything wrong. I immigrated to Pakistan with my family because of the war in Afghanistan. I was in the Maches Camp.

Board Member: The Maches Camp, is that a refugee camp? What kind of camp is it?

Detainee: Yes. It was a Refugee Camp. They gave me rations.

Board Member: [To the Translator] Whenever the Detainee mentions the word *camp*, the Review Board has to clarify what kind of *camp* the Detainee may be referring to. There are several different types of camps, such as training camps, etc.

Detainee: I have not done anything. I was living an ordinary life. I was making fire in my house, and they [the Americans] bombed my house by mistake.

Presiding Officer: Do you have any other statements, written or oral etc, which you have not already mentioned that you would like to bring to the attention of the Review Board? The Review Board has some questions to ask you if you have completed your statement.

Detainee: The people from my village signed a paper [like a petition] stating that I was innocent. I want to know if the Review Board has received that paper.

Presiding Officer: The Review Board has not received that paper.

Detainee: The paper signed by the people of my village stating that I was innocent should be with you [the Review Board] because it was not given to me.

Presiding Officer: The Review Board will look for this letter. The Board Members have some questions for you. Have you completed your personal statement?

Detainee: Yes, I have completed my statement. All I can say is that I have been wrongly accused and that I am innocent. Please, please, please, help me.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had one question for the Detainee.

Designated Military Officer: What was your occupation when you were living in Afghanistan?

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Detainee: I was a farmer. I planted the land.

Administrative Review Board Member's questions:

Board Member: Sir, do you have any formal education?

Detainee: No.

Board Member: Did they [the American Government] tell you why you were being detained?

Detainee: No.

Board Member: Can you tell the Review Board anything about this Taliban facility that is mentioned in the Unclassified Summary of Evidence?

Detainee: I was captured at home. There was no Taliban [facility] when I was captured.

Board Member: There was no Taliban facility that you were aware of?

Detainee: When I was captured, it was during the time of the Karzai Government, not during the time of the Taliban Government.

Board Member: You say that you were in your home when you were arrested. However, earlier you stated that your home had been bombed and had not been rebuilt. I am confused about this statement. Can you clarify?

Detainee: My house was destroyed. I was living in my neighbor's house.

Board Member: Who were the other individuals you were detained with? Why did they [the American Government] release two of the individuals and keep two individuals?

Detainee: That is what I want to know. I was captured with other people, but they were let go and I was not. The individuals were my son, my brother, and one other individual from my village.

Board Member: Whom were you detained with and who was let go?

Detainee: My son and my brother were let go.

Board Member: Do you support the current government under President Karzai?

Detainee: Yes. I was supporting the current government when I was captured.

Board Member: What are your feelings concerning Osama Bin Laden and al Qaida?

Detainee: Those people make trouble. Who would like those people?

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Board Member: If you are released, will you return to your village?

Detainee: Yes. Where else would I go? I have land.

Board Member: Do you have people at home who are able to support you? Could you support yourself?

Detainee: Like whom?

Board Member: Will you be able to support yourself and your family if you are released?

Detainee: I am old now. I have a grey beard. I can no longer work. My brother and my children are there [back home in my village]. Together they will work, and we will eat. In our system [Afghan people] many family members live together. One family member will go do business, one family member will go and bring the profit into the house and then all the family members share in that profit.

Board Member: Is Pacha Khan a great leader?

Detainee: I have not seen him personally.

Board Member: In years before, did Pacha Khan stand up for the Mujahadeen? Did Pacha Khan support the Mujahadeen?

Detainee: He was far from us. I don't know.

Board Member: Have any members of your family served in the military?

Detainee: No. [Responding to the Board Member] During what time, when? [Referring again to the question of family members in the military].

Board Member: At any time.

Detainee: No Sir. No members of my family have served in the military. We are poor people. People of Khwost do not serve in the military.

Board Member: What about member's of your brother's family? Have any of them served in the military?

Detainee: We all live [me and my family] together. None of us serve in the military.

Board Member: Again, do you know if Pacha Khan supported Mujahadeen?

Detainee: I do not know him personally. I do not know if Pacah Khan was a support of the Mujahadeen or not. There are a lot of people there. I don't know.

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Board Member: To clarify, no members of your family [the Detainee] or your brother's family have ever taken up arms against anyone?

Detainee: No. My family and I have never taken up weapons [arms] against anyone.

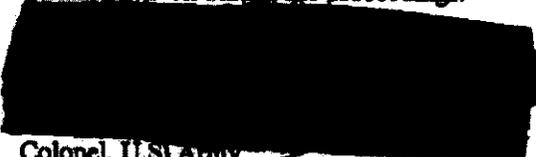
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, U.S. Army
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

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Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C/1	5/29/2005	UNCLASSIFIED	GUAN-2005-A 01409 ICRC #8582

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