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(Revised 2 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 460

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. Muslim oath offered.

Detainee: I took the oath the last time and it didn't help me. In our society when we take the oath it means that we are telling the truth. By me telling you the truth I should be able to be released, but I am still here. I will take an oath if you don't believe me but if it doesn't help me then I will not take the oath.

Presiding Officer: That's perfectly fine. We still accept your statements.

Detainee: When I take an oath it will be the truth. You guys do not accept the truth.

The Detainee declined 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.

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Assisting Military Officer: The detainee's ARB interview was conducted on 30 November 2005 and lasted 34 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary after it is presented. The detainee was cooperative, attentive, and cordial throughout the interview. A copy of the Pashto translated Unclassified Summary of Evidence was provided to the detainee upon his request. The detainee's follow-up interview was conducted on 01 December 2005 and lasted 25 minutes. The purpose of the follow-up interview was to review two letters the detainee wished to present to the ARB.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and DMO-2 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.

Presiding Officer: We understand that you just had your tooth pulled, so if you have any discomfort or need to take care of it just let us know and we will take care of it.

Detainee: Thank you very much and I will try to answer all of your questions.

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 stated he knew of Pacha Khan Zadran and that Zadran was a good man and the detainee's tribal leader.

Detainee: Tribal-wise, he is Zadran and I am Zanikhil. I know him and he is a Zadran tribe leader and I have no association with him.

Designated Military Officer: Pacha Khan Zadran, a field commander, initiated field operations against the coalition military forces in the Afghan provinces of Konar, Laghman, Nangarhar, Paktia and Paktika.

Detainee: Like I said I only know him as a different tribe leader, If he is fighting Karzai or Karzai is fighting him it is none of my business and I have nothing to do with that. We are from the same province, he is Afghan and I am Afghan. If one Afghan is with the

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United States and the others are against them do I get the same credit? If someone is bad is it up to me? It is not up to me, it is up to the United States forces to decide, not me.

Designated Military Officer: The detainee reported that the United States bombed his home after receiving some incorrect information about him.

Detainee: I do not know what the reason was for bombing my home. Bombing my home damaged a lot of property and people in my family were killed. I do not know who gave them that report, I do know about myself and that I am innocent. I know that we did not do anything wrong or against the United States.

Board Member: You mentioned incorrect information caused the bombing of your home. Do you know what that incorrect information was?

Detainee: I do not know, Sir. I wish I did know.

Board Member: Do you have any ill will/revenge towards the United States for what happened?

Detainee: I am a poor guy. Somebody might have given them the wrong information. It was a mistake and it happened.

Board Member: You have no revenge against the United States for what they did?

Detainee: No. I will not take revenge and that was not their fault. Someone just gave them the wrong information.

Designated Military Officer: A modified very high frequency transceiver was seized at the time the detainee and three others were captured.

Detainee: It is true that three people were arrested with me. One was my brother, one was from my village and the other was my nephew. My fellow villager and my nephew were released, but my brother and I are still here. They did not catch me with any radio, I did not see anything and I do not know anything about that.

Board Member: Whose residence were you captured in?

Detainee: When they bombed our homes we moved to another villager's home to live.

Board Member: Is it in this home the radio was found?

Detainee: The radio was not found at our home or the house that we lived in. The house we were staying in did not have a high frequency radio either.

Board Member: So the radio was not found with you?

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Detainee: The radio was not found with me, I didn't see it and I do not know.

Designated Military Officer: The radio was identified as the same type utilized by Taliban members.

Detainee: When I said I didn't have a radio and it wasn't captured with us, then what does that have to do with the Taliban and whether they use it or not, I don't care. I didn't have the radio and even if I did have the radio, it was distributed by the United States and if I had it I would have told him at that time that I had the radio.

Designated Military Officer: Coalition forces were fired upon during the detainee's capture.

Detainee: We did not fire on them, nobody fired on them and no one was hurt.

Designated Military Officer: The detainee said the United States should not imprison him for not doing anything wrong.

Detainee: It is Crystal clear to everyone, my village, and my home province that I did not do anything. Even the British papers declared that the United States forces mistakenly bombed people's homes and people were killed and no one fired on anyone.

Designated Military Officer: The detainee stated he never heard of Jamaat Tablighi and that he was not a member of that organization.

Detainee: I do not know him. I have not seen him and I do not have any relationship with him.

Designated Military Officer: The detainee claimed no knowledge of any very high frequency hand held radio.

Detainee: I told you, Sir, my friend did not have it and I did not have it.

Designated Military Officer: The detainee denied that his fingerprints would be found on the radio that was seized at the time of his capture.

Detainee: I have told you three and four times there is no radio. All these questions are related to the radio. I said I didn't have the radio, I don't know about the radio and none of my friends or anyone else.

Designated Military Officer: The detainee denied having any knowledge of the attacks in the United States prior to their execution on September 11, 2001 and also denied knowledge of any rumors or plans of future attacks on the United States or the United States interests.

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Detainee: Look at me, I am a farmer and I work in a store. Fate brought me here; look at me as a farmer and working in a store and it brought me here. I don't have any marks; I only have marks on my hands from cutting grass, weeds and farming. I don't know anything about the attacks on the United States. I am very surprised at the United States. They are very smart, and I am disappointed that they do not know who their enemies and friends are. They look to their enemies and friends with the same eyes. Why is it like that?

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

The Presiding Officer acknowledged the request.

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

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

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

Assisting Military Officer: The detainee stated that in the CSRT, he swore an oath, told the truth, and he is still here. However, he will take the oath again, tell the truth, and the ARB will have to release him. The detainee stated that as detainees, their future is in the American hands. The detainee also stated that at the CSRT, he was informed that if someone wrote about him and his innocence, it would help his case. The detainee stated he has only one letter to present to the ARB from his nephew, and that the letter mentions another letter that was sent to three-to-four times; however, they have still yet to be received. The detainee opined these letters were confiscated and not made available to him.

The Detainee made the following statement:

Detainee: In the whole world there is a rule if someone is arrested or someone sues someone they have to present evidence, witnesses or take an oath. I took an oath, I presented my evidence and they didn't believe me. I beg you, Sir, I won the case, and by swearing the last time I told you the truth. This time I am telling you the truth also. I am innocent, in our society and in the whole world this is the rule if someone takes an oath that means they are telling the truth. When he tells the truth you should believe that, please make a difference between the enemies and the friends, don't make enemies, make friends. My question to you, when they arrest me they could have found the truth by asking my villagers, my district manager, my governor and they will tell you about me and my family. You can find the truth very easily and that would be a wonderful thing for

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you guys. That is the rules to telling you to find the truth. Here's my story they arrested us and brought us here, at home they began collecting signatures and fingerprints from tribal leaders, the influential people in my village, the district manager and the governor where is the justice they haven't even showed us those letters? The letter that you have in front of you from my nephew and my brother states they have sent the letters that we asked them to send. During the CSRT they told us if we got letters from home providing evidence with signatures from influential people in the province/government stating that I am innocent, I am not a bad guy, I am not a criminal, and I am not against the government or the United States, then that will help me. Here my nephew and my brother state in the letter that they have sent these documents to me three/four times already and they have not given these letters to us. Isn't that injustice, ruthlessness, and carelessness that they have not given us these letters to help us?

Board Member: May I interrupt you very quickly? The three or four letters that they claimed to have sent you, who were they coming from?

Detainee: They are from my nephew and my brother back home. They are letters that can help us and were documented with signatures and fingerprints from the district manager and the governor.

Board Member: That's what I am trying to get straight. Is that the letter that you have not received that would provide information for you?

Detainee: No, Sir. I did not receive that letter.

Board Member: Okay, we got the letter from your nephew right?

Detainee: Yes.

Board Member: So this other letter that was sent three or four times was that sent from a government official?

Detainee: The letter you see there is from the Tribal leaders and the district managers and the government.

Board Member: Okay so those are the ones that have not been received?

Detainee: Yes.

Board Member: Okay.

Detainee: By providing these letters and documents I am innocent and they don't have any evidence against me to put in with the detainees. The surprisingly important thing for me is that there were three of us here from the same family, my two brothers and my nephew. They sent my nephew back home, and he went through the CSRT and they gave him a letter stating you are released, you are not an Enemy Combatant and here my

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brother and I are Enemy Combatants. I have never fought nor done anything wrong. They woke me up in the middle of the night and brought me here to Cuba and I'm begging you to take into consideration the justices and injustices and the right and wrong thing. This is not the way it should be done with us. If we are criminals where's the charges and if we are criminals then we did the same things with my nephew and my nephew was given the release form and we were given the detainee form. Here you can see the injustice based on that, it is one file, one people, one family and two different kinds of decision made.

Board Member: Does that conclude your statement?

Detainee: Oh, and I am not a Taliban and if there is any proof of a single day that I work with the Taliban or even less than one percent proof that I am even sympathetic to al Qaida, then I will not be unhappy because I deserve to be here for what I did. The reason I am upset is because I was not a Taliban, or an al Qaida, and I am not for nor do I support the al Qaida. I am just a poor guy that ended up in Cuba and that's why I am upset. , Sir, the one thing that I request of you is to find the documents they have sent to us and based on that decide what you want to do. My statement starts here again, they bombed our homes, killed our people and they brought me here, yet I still do not have any animosity or unhappiness against the United States. They did it with the wrong information, the bad guy gave them or the good guy gave them, I do not know that. Let by gone's be by gone's. Take into consideration my brother and I am here and we have families to support, our families live there. We were so happy for the Americans to come help us, everyone else came to Afghanistan and destroyed it invaded it, killed people, looted it and destroyed our resources. When the United States came they helped build and brought peace and security. Mistakes happen; they bombed my home, killed our people and brought me here. This is a mistake. One thing has made me think, I heard the United States is very strong, they are very fair, the justice is wonderful and they take everything into consideration. In my case it was a mistake; it's okay. I hope from now on they think twice not only about me, but other things and other people not to repeat the same mistake as what has happened. My request to you is that you take my case up to your boss and commanders tell them about my case and that would be a beautiful thing. Thank you very much for listening to my statement.

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

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

Administrative Review Board Member's questions:

Board Member: You have family at home to return to?

Detainee: Yes, Sir.

Board Member: How do you plan to support your family?

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Detainee: I will be a farmer like I used to be.

Board Member: Do you own property?

Detainee: Yes, Sir.

Translator forgot to mention the following in the detainee's oral statement:

Translator: The detainee stated if I did not like the Americans then when they bombed our home, they did not capture me for two or three and half months. Why didn't I take arms and go and fight the Americans.

Board Member: The circumstances surrounding your arrest. Who arrested you? Did the American troops come in and gather the individuals up in your home? Was there a translator explaining the process? Or did they just take you up in the middle of the night and take you to prison?

Detainee: The American airplanes always flew over our home. We lived in a room in the family's home. We moved into the friend's house after the bombing. One night the airplanes landed and we thought they were there to help us or give assistance because they bombed our home. The soldiers came in, woke us up and tied our hands behind our backs. We thought they would take us to the host province to give some assistance but we ended up in Kandahar.

Board Member: Was there any resistance during the arrest?

Detainee: When someone is sleeping and they are empty handed, no one can fight. If they arrested/captured us with weapons in our hand then it would be true that we had intention and we fired at them. We had enough time to prepare if we wanted to fight. Three and a half months is a lot of time and we didn't have any intention to fight. If you don't have any intention to fight someone that you like then it would not be a good thing. We didn't like to fight and we did not want to fight. Light weapons have been permitted since 1930, when Zahir Shah came to power, he came to power because of these people. He entered through the British India to Afghanistan. He gave us three things. The first thing was anyone 22 years old or turning 22 years old in Afghanistan must go to the service for two years. The second thing, we did not pay taxes on our property. The third thing was light weapons were allowed in each home and we did not have weapons other than light weapons. We did not have any intention to fight back.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.

Detainee: How long will that take, Sir?

Presiding Officer: We do not know.

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The Presiding Officer 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, USAF
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 460

Exhibit#	Date	Classification	Guantanamo#
EC-C1	09/22/05	UNCLASSIFIED	GUAN-2005-A02337
EC-C2	12/01/05	UNCLASSIFIED	NONE

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Sarajodin #458
Khan Zaman #460

Dear Administrative Commission, I give all my respect to you.

I, Sarajodin, hereby state the following:

My son and my brother have sent three or four letters from Afghanistan to my brother Khan Zaman, which states, "we prepared and signed those letters as evidence by the tribal leaders, District Manager, and Governor. These letters clearly stated that both of you are poor and innocent. They never committed any crime. It will be very nice if these people were released, because they are innocent." Would you please find out about these letters?

With much respect

Fingerprint of the Khan Zaman

کشته شود اداری محسن مشور الزنه ضل اصراط کدی اندی لوم

نمه صراج الین بی لانی دول عرض لوم
مدور در غفل زمان نه ل اعوانان قه غمار ریحی دی ایدر هیه خطه الفی در ایادی ادر
درور به طر نه درین لیکن شوی دی چه روز دری قمار شاعر نای رجوت در ای ادر سور
در لیکن ادر رجوت در تلو قوی مشور الزنه در خطه حوز تا سو در لژی دی ایدر دی خطه
کشی دای لیکن شوی دی چه خطه دیو عریب اوی قلب گنده خطه دی ادر لوم جودم نه لری -
ایدر خطه دای لیکن شوی دی چه خطه دیو عریب اوی قلب گنده دی ادر تا سو کترم اولای بخش چه دای خطه
پیر الین چه در نای

در زمان خان گونا