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**Summary of Administrative Review Board Proceedings for ISN 562**

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

*The Detainee accepted taking the (Muslim) oath.*

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, 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.*

*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 primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was arrested in early February 2002 in the village of Kajacki in the Helmand Province.

Detainee: That is true. On this date in February 2002, I was in Helmand in Kajacki. I was helping the new government, the government that has the backing of the United States. I was trying to serve with that government. I was a clerk [and I would] write stuff. I was helping the people of the community, writing papers for them. This was my way of serving the new government against the Taliban. This is what I could do on my terms to help democracy. This was my district. I am allowed to serve the people of my district and of my province. I had not gone out of the country; this was my home district, my home province. Every Afghan should be allowed to help his people, to serve his people in his district or his own province. I think what I was doing was a positive thing. I was helping my people in my province. You are a wise man; think to yourself, this cannot be considered as an allegation. Why is it posed or brought up as an allegation against me? Does anybody have the right to tell you to not serve your country? Suppose that you are serving your country and I hold you by your hand and lead you...this will be my fault, not your fault because you are helping your country. I was helping the government that was against the Taliban. They had just destroyed the Taliban Empire. I was helping that kind of government. I am pro American. I support them because they have brought peace to Afghanistan. I liked them before, I like them now, and I will like them in the future because they are bringing peace to Afghanistan. I would be considered guilty if I [were] caught working with the Taliban. I was helping democracy. I came to the Kajacki district to help my people.

Presiding Officer: Let me interrupt before you continue. Could you please stick to answering the question and toward the end of the session you will have an opportunity to give a summary or statement.

Detainee: I apologize; I just got carried away. I have so much in my heart. I just want to get some things off my chest. Most of the allegations are baseless and it hurts. I just let it out by talking.

Presiding Officer: I appreciate that, I am not going to restrict you. At the end you can give us as long a statement as you want.

Designated Military Officer: (3.a.2) The detainee was identified as Taliban and turned over to Americans by two individuals for whom he worked.

Detainee: I have not had any relationship with the Taliban. I have not worked with them or for them. I was working for the new government. The Taliban hated me. They didn't

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want me to help the new government. They told me that they would kill me. They said it was legal to kill me because I was helping Americans. This is why, out of the hatred, they told on me and [told] you that I was [associated with the Taliban]. In Afghanistan there are many, many, parties and groups, with tribal animosities going on between people. These conflicts have been going on forever. Because I was supporting Americans, that is why they said I was with the Taliban. This allegation is baseless...a lie...this is not true. Two Taliban members that hated me have told this to you.

Designated Military Officer: (3.a.3) When captured, the detainee was in possession of pocket litter containing a list of known Taliban.

Detainee: Yes, I did [have the pocket litter]. I got that paper from a friend of mine. I was trying to learn to write. I was just writing the words that were on the letter. I didn't know it was the names of Taliban members. I was imprisoned in Iran for 9 years and 4 months. The guy that gave me this paper, he has the same name as I, he was with me in the jail in Iran. He was there for 10 years. He obtained that paper from the Taliban. Because he was my prison mate, I just got it from him to practice writing from it. It was in my pocket. I have not contacted the Taliban, so please don't consider me Taliban for that incident. Since it was not my paper, please don't consider me guilty for that particular charge.

Designated Military Officer: (3.a.4) Notebooks found on the detainee at the time of the capture contain codes know to be used by the Taliban.

Detainee: This book has letters and words. The combination of these different letters would signify something. For example if you put these letters in some order it will mean the name of Allah, but it will not read that way. People carry it around their neck or hang it in their home, so if there is a disease or some black magic, it will go away automatically. It is called Taweez. We rap it in a cloth and some people hang it around their neck. In that notebook [that was found] I had Taweez. It is not only in the notebook that I have. There are millions of other books full of these Taweez. It is not in any code. If you show it to any Afghani guy, he will recognize that it is not [written] in any code. It is not a complicated thing to do. It is very easy to show them to someone else and they will recognize it. If it was shown to someone else and it was proven to be some type of code then please kill me. This is a part of my religion, my Islamic religion. Why did it [become] an allegation against me? I have this disease [witchcraft]...things come to me...like [demons, bad spirits], I have the Taweez to keep them away from me.

Designated Military Officer: (3.a.5) The Detainee confirmed that he had two million Afghans in his possession when arrested. He claims 600,000 came from his brother, 1,000,000 from his father and 400,000 were his own.

Detainee: That is true, I had that [amount] of money. I will explain this to you. At that time Afghan money did not have any value. One U.S. Dollar would be equivalent to

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80,000 Afghanis. Because of the inflation, there was too much money and people used to carry money on their backs in big bags. You could not put money in your pocket because of the [amount] of papers. If you wanted to buy a pair of cheap shoes, you would [pay] one million Afghanis. You couldn't buy anything for less than 100,000 Afghanis at that time. For example if you wanted to buy some tea and sugar. You could not buy it for less than 100,000 Afghanis. When Karzai took [over] in Afghanistan, the value of money increased a thousand fold compared to what it was. Those same two million Afghanis would be two thousand Afghanis due to the increase in our currency. Everyone should have two thousand on him if he is traveling from place to place. It shows like two million here and appears like too much, but it is not. That is the reason I am giving this long [explanation] to make you understand the change in the value of the money. My dad gave me part of this money, part by my brother, and I had 400,000 of it. I wanted to work with this democratic government and it is good to have some monetary support and I had that. Almost one million was spent when I went from my home to Kajacki to pay the rent, buy some food, and spend it in other ways.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee tried on at least two occasions to get a job with the Taliban government.

Detainee: I was outside the country for the most part. Then I came to Afghanistan and friends and relatives were coming to see me. I was busy with them, and then I came here. I [had] not been there [while the] Taliban was there. Not one time did I apply to work with them. The Taliban or enemies of the democracy [must] have told this to you.

Designated Military Officer: (3.b.2) The Detainee worked as a clerk for Haji Mullah Sharif Adin, who was the Governor of the Tangi of Kajaki District.

Detainee: [Haji Mullah Sharif Adin] was not a 'Governor'. He was more like a district manager because Kajaki was a district. Yes, I have worked for Sharif Adin. Let me tell you what kind of person he was. He was gone during the time the Taliban [was] in Afghanistan. When Karazi came to power, they found him and he came to Afghanistan and worked for Karazi. He was also supportive of democracy and I was working for him. Karazi sent some people to find [Sharif Adin] and he made [Sharif Adin] district manager of this Kajaki place. He was Karazi's person and not Taliban. [Sharif Adin] is still the district manager in Kajaki and he is still Karazi's man. He came there during a time of democracy. This guy is not an enemy. He is your friend and he is [Afghanistan's] friend. When I was there [Sharif Adin] had ten to twelve Americans working for him during this time.

Designated Military Officer: (3.b.3) Haji Sharif Adin worked for the Taliban Intelligence Chief, Qari Hamid Ghul, during the Taliban rule.

Detainee: I think we have covered this already and I have explained who Sharif Adin is. Let me [also] add that he fought the Taliban and he got wounded at the border of Pakistan and Afghanistan. And the other name Qari Hamid Ghul I don't know...this is the first

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time I have heard this name. This is a surprise question this is new. Not even in the prior interrogations was this name brought up to me. I told you about Haji Sharif Adin, but I don't know Qari Hamid Ghul.

Designated Military Officer: (3.b.4) Haji Sharif Adin was expected to attend a meeting at the home of Haji Ghul Agha. Agha is responsible for an explosion in front of the Kandahar Mayor's office in May 2002.

Detainee: Items #2, #3, #4 all refer to the same person, Haji Sharif Adin, and I explained it to you [already]. I worked 15 days for the new government before my enemies handed [me] to you and then you brought me here. But, Haji Ghul Agha, I do not know who he is and I don't know the story about this bomb. I don't know about this story, I have not heard the name Haji Ghul Agha, and I was not aware of this bombing. It doesn't relate to me.

Designated Military Officer: (3.b.5) Agha and the Hezbe Islami Gulbuddin are suspected of planning several of the recent bombings in Kandahar and are planning to target U.S. personnel in the near future.

Detainee: Hezbe Islami is my enemy. I don't know anything about that incident. I was here. I don't know when or how it happened. Let me tell you something about Hezbe Islami. Our family had some relations with the last king of Afghanistan, King Zahir Shah, and Hezbe Gulbuddin's guys were enemies of King Zahir and [they] didn't get along. At that time [Gulbuddin's guys] killed the Minister of Planning. We are enemies with Gulbuddin. Almost every Afghan knows Gulbuddin and King Zahir did not get along.

Designated Military Officer: (3.b.6) Hezbe Islami Gulbuddin (HIG) has long established ties with bin Laden. HIG has staged small attacks in it's attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee: I want Americans to be in Afghanistan. If they withdraw the peace will be destroyed. I like Americans, I am happy with them, and I want them in my country.

Designated Military Officer: (3.b.7) The Detainee had a working relationship with persons known by him to be associated with the Taliban.

Detainee: The Taliban and I don't get along and if they see me they will kill me. This is a lie, I have not worked with the Taliban, and I have not had any association with the Taliban.

Designated Military Officer: (3.c) Other relevant data (3.c.1) The Detainee spent 9 years and 4 months in various Iranian prisons for possession of hashish, which he had been trafficking.

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Detainee: I don't like Iranians and I don't like the Iranian government. I am their enemy and that statement is true. I could not hurt them by any other means; this is why I took hashish to them to make them crazy. That is true.

Designated Military Officer: (3.c.2) The Detainee is extremely evasive and uses multiple resistances techniques. He was likely recruited by the Islamic Revolutionary Guards Corps (IRGC) or the Iranian Ministry of Intelligence and Security (MOIS), trained and returned to Afghanistan as a collector and for operational use.

Detainee: When I was in detention for 9 years and 4 months it was not like here. They were very cruel and a lot of beatings and physical punishments were [taking place] in their jails. I was [so] far from being trained by them as an intelligence agent. For example, I am detained here, do you think that you would train me to work for some intelligence agency or be your intelligence agent. I am just a detainee. It wouldn't work. Who would trust a detainee and make him an intelligence agent. This is just your thought and beliefs and I cannot believe this. This is too far from reality. I was in jail and I was beat up and punished by them and I was their enemy. I don't like them and I have bad memories of them, now you think they have trained me? It does not sound right. You were probably told this by Hezbe Islami or Taliban because they are both my enemies and they will kill me any day or anytime they see me.

Designated Military Officer: (3.c.3) Contacts with al Qaida were said to have been established through the Iranian Ministry Intelligence and Security (MOIS). All Iranian Intelligence Chiefs had contact with al Qaida as of the mid 1990's.

Detainee: You might be right. The Iranian Intelligence Chiefs and al Qaida may have had some sort of relations[hip] [since] the 1990's with each other, but it does not have anything to do with me. Why did you bring this up to me? [Iranians] are my enemies and I am not even allowed to go back to Iran. I can't go there again. They have written my name down and have given it to all of the borders, customs and securities so that I cannot go to Iran again. I am not allowed to go to Iran again, I can't. Al Qaida are very crude people and they kill people everywhere and that is against human rights. But, democracy is for safe guarding human rights and that is why I am supporting democracy. I am enemy of al Qaida because they are crude and that is not right. I don't participate in those cruel acts and there is no solid evidence of me being associated with them.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee denies having any knowledge of the attacks in the U.S. prior to their execution and denies having any knowledge of any rumors or plans of future attacks on the U.S. or U.S. interests.

Detainee: I was in jail for a very long time, 9 years and 4 months, and then for a year and a half I was held captive, and then I was brought here. I don't know many of the events that happened. Here in the jail I found out that these attacks had taken place. I did not know that.

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Designated Military Officer: (4.b) The Detainee states that Usama bin Laden is responsible for his current incarceration and he would like to kill him if he could get his hands on him.

Detainee: Here, I am detained while I am innocent, and I think there are many other people that are innocent that are detained here. Everybody is here because of what Usama did and he is not an Afghan he is an Arab. There is a four to five hour flight [between] our countries. He is not Afghani and Afghans don't do that. Just because one Arab did what he did, all of these Afghans are suffering as a result of his actions. This is why [America] is his enemy. An Arab did that, the bombing, and you brought me here. We have different cultures, different languages, different customs, and different countries. There is a big difference and we are suffering because of [Arab] actions.

Designated Military Officer: (4.c) The Detainee stated that the current idea of jihad is wrong. He believes that jihad is the spreading of Islam or preaching. Jihad is not brutality and killing.

Detainee: I don't know about Arabs, but in my religion, jihad is not taking your sword and cutting the heads off of people. This is not jihad to me. And to me it is not necessarily jihad, [jihad] is the preaching of Islam. I said jihad could be saying a few good words to someone to make a person happy, saying the word of peace, calming a person down by the means of talking, that is what I meant by jihad. I don't know about Arabs, but in our religion, killing is wrong.

*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.*

Assisting Military Officer: The detainee chose to speak openly and give his oral statement and I would like to read the AMO Comments on the Enemy Combatant Election Form.

Presiding Officer: Assisting Military Officer please read the AMO Comments on the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 3 August 2005 and lasted for 60 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the Administrative Review Board, the Detainee stated he wished to attend the Administrative Review Board and speak openly with the board members. The

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Detainee prefers to respond to the Summary of Evidence after each allegation is read during the Administrative Review Board. He also wishes to give his oral statement. A translated copy of the Unclassified Summary of Evidence was provided to the Detainee. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during interviews.

Presiding Officer: Qari Hasan Ulla you may begin your statement.

*The Detainee made the following statement:*

Detainee: I have been detained here for almost three and half years. I am innocent, but I am detained. You guys are big people, big bosses, please help me because I am innocent. Please get me out of this problem. I wonder why you don't know the difference between the Taliban and innocent people. Big bosses of the Taliban, or big government officials, including a secretary (we call it a minister), who were here with me [at Guantánamo], all of those big Taliban commanders left and went home. I am still here and I don't think this is justice. While [at Guantánamo], the Taliban was telling me that I was [in Afghanistan] supporting the democratic government and working for democracy and against the Taliban, but [the Taliban] were being released. With this kind of talk they made me crazy. Most Taliban will lie to you. Just by the means of telling lies they left, but I tell the truth and I am still here. I was working with this new government. I was working with your government, but why am I still here. I would never hurt a human being, any human, American, Afghan, except for the Iranians [I don't like them]. I have not hurt anyone physically or emotionally. Now, use your fair judgment since I am innocent, let me go. I have been here three and a half years and I am innocent. I don't blame you because you wanted to discover the facts, the truth about me. Now that you know that I am innocent, use your fairness and judgment and let me go. I believe in mutual respect. One of the reasons that I like you is because you treat people with respect and whoever treats me with respect, gains my respect mutually. The reason I like you and I am happy with you is because you have respect for humans and you treat everyone with respect. I come from a rich family. My parents and my grandparents have close ties with King Zahir. At that time Afghanistan was enjoying freedom, freedom of speech, freedom of religion, nobody could force anyone to perform [religious] duties. I am coming from that kind of society. I don't get along with the Taliban and at that time I was supporting democracy at the time of the King and now I will be supporting democracy here, but I don't support the Taliban. When I go home I will serve my people, I will serve my country, and I will support my government as much as I can. Democracy in the country and having a democratic government is what I favor. That is what I like and that is what I want to support. I have always wanted it and I will want it in the future too. I have a very clear conscience and I have a very clear heart, but it is very difficult for you to see my heart. If you could see my heart, you would have treated me very differently from the beginning. You would have probably treated me something like a celebrity or something similar. This government has a lot of enemies too. The Taliban and all other extremist are the enemy of [the U.S. and Afghan Government] because they are the enemies of democracy.

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I don't support those people, I don't like those people, and I don't associate with those people. Whoever respects humanity and human rights, that person is respectable, but whoever hurts another human and whoever abolishes human rights, that person is my enemy. One of the reasons I like [the U.S.] is because you stand for human rights and human rights has a relative freedom with limits that are already set for them and you don't interfere in everybody's business or what they do. This is what human rights do. I am an innocent person and I don't have bad intentions for you guys. I have good intentions and I went under oath and I am telling you the truth. Here in this detention [facility] we have Taliban, we have al Qaida, and a bunch of innocent people too. Some Taliban [members] went home. I know that there are still some innocent people here. Most of these innocent people were working for the new government and then they were brought here. So, use your fairness and good judgment to solve our problems so we can return back to our country and rebuild those...and take part in rebuilding our country. Our country has been through a long war. Thirty years of civil war and other war and our country has been destroyed. Many people are handicapped and paralyzed. Our country needs to be rebuilt. There is work; the country needs to be rebuilt. If I am here I am missing that process. Most people in Afghanistan are illiterate. Some of them can read and write, but most just graduated from fifth grade. That country needs some work done. I am just an innocent guy and you should know my innocence. This was my story that I told you and I trust your good judgment. I know that you also care for human beings and human rights and I leave this to you now. Now use your good judgment, your fairness, release me and I will go home and together, with the [U.S.], we will work in that country.

Presiding Officer: Oari Hasan Ulla does that conclude your statement?

Detainee: Yes, thank you.

*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: Do you know whom the two individuals were that you worked for that turned you over to the Americans?

Detainee: I was not working for those two people. Those two people are Taliban and they told lies on [me] and handed me to the Americans.

Board Member: Do you know the names of the two Taliban?

Detainee: Yes, Abdul Kahliq and Sayed Saha.

Board Member: What is the name of the friend that gave you that piece of paper with the Taliban names on it that you were using to learn how to write from?

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Detainee: He has the same name as mine, Qari Hasa Ulla Khalozai.

Board Member: He is not a member of the Taliban is he?

Detainee: He applied for a job there during the Taliban, but he could not get a job with them because [he] spent 10 years in jail and they thought he lost his mind while in prison.

Presiding Officer: That last description was about [Qari Hasa Ulla Khalozai] not you?

Detainee: Correct. I was in jail for 9 years and 4 month and he was in jail for 10 years. I hope my friendship with him does not signify I am like him, just a jail mate and that's all.

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

*(The Detainee interrupts with the following questions:)*

Detainee: Those people in Washington D.C., they don't know me, they did not listen to me, I talked to you. You have a better understanding of my situation now and it is better if you make a decision on it not them. They are far from here and they don't know what is going on. If you let Washington D.C. decide on this, it will happen again just like it happened sometime ago. It is better that you make a decision.

Presiding Officer: Qari Hasan we will make a recommendation to the Designated Civilian Official and he will act on that.

Detainee: I hope your recommendation will be in my favor because I am innocent.

Presiding Officer: We appreciate you being honest with us and we will take all of your comments into consideration.

*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, USMC  
Presiding Officer

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