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Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the hearing instructions to the Detainee and confirmed that the Detainee understood the process.

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 Evidence to the Administrative Review Board.

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

The Designated Military Officer confirmed that he had no more additional unclassified information to present and requested a closed session to discuss 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.

Assisting Military Officer: Sir, there are two items that we wish to present before the hearing. First I have notes that I have taken during my interview with the Detainee, which I will present momentarily. The Detainee has prepared for himself a statement that he will read and we will translate after he reads.

Presiding Officer: Assisting Military Officer please continue with your comments.

Assisting Military Officer: Before I read his comments in regard to the Unclassified Summary of Evidence, I would like to point out two things. First, I would like to point out the Detainee's youthfulness when he was brought to Guantanamo he was 16 years old. I would like to also point out that his physical appearance is greatly different then three years ago since he is now almost a grown man and was much more youthful when he was captured. The Detainee provided the following comments in response to the information in the unclassified summary:

The Assisting Military Officer on behalf of the Detainee made the following comments:

Detainee: I am a Talib of the Koran and God and not a warrior Talib. I have not read any other Taliban related books except the Koran.

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Assisting Military Officer: He provided the following explanation regarding his capture and statements contained in the unclassified summary that he had previously made regarding his association with the Taliban and participation in jihad.

The Assisting Military Officer on behalf of the Detainee made the following comments:

Detainee: After staying overnight at a religious shrine in Afghanistan, where I visited annually and prayed, I was making the six hour walk toward my house along the route that was in the vicinity of Fort Mulgull (ph). Although there were three routes I could have taken to arrive home, I had been told that two of the routes were closed and therefore I took the path nearest Fort Mulgull (ph). Apparently the route near Fort Mulgull (ph) was under surveillance and Afghani forces arrested me and accused me of returning from a fight even though I was unarmed and had never been in any fight. They ordered me to admit that I had come from Shahi-Kwowt and not from the Shrine. I denied having come from that area two or three times and they started to beat me. After being beaten I admitted the things that were not true only to make them stop beating me. I heard my captors talk about receiving a bounty from American forces for people they captured. They placed a grenade near me so they could have an explanation for arresting me. I know nothing about how to operate a radio or use hand grenades. After being arrested I was beaten and suffered a head injury that my captors told the Americans I had received during the war. My head injury occurred as a result of being beaten by Afghani guards and not as a result of the war. When captured, the only items I had in my possession were a perfume bottle, 2,500 Rupees, and a letter from the Taliban Ministry of Finance. The perfume was simply body oil and the document advised me to keep studying the Koran, be a good Talib, and not to waste time being idle or walking around. I never agreed to join the Taliban military, participate in jihad, attack or maliciously engage U.S. or allied forces, and that statements suggesting that I did were obtained after my Afghani captors tortured me. I felt that if I admitted the things that weren't true I would receive better treatment. The Taliban demanded payment of 300, 000 Afghans (Afghani currency) from family members that were old enough to join the Taliban but did not do so. My family did not have enough money and my brother was forced to join the Taliban even though he did not want to. He had no choice. It was a proven matter that the Taliban was taking people to war by force. In spite of the fact that my brother died, I do not view my brother as a martyr. I was never a member of the Taliban. I did not have the facial hair that all members of the Taliban wear and if you look at my picture when I was captured it will be apparent. I never joined the war, never engaged in any military training, and never traveled to Shahi-Kwowt to join the Taliban Military. The only reason I ever admitted this to the Afghani soldiers was because I was being beaten.

Assisting Military Officer: Sir, that concludes my notes, statement and again I want to remind you that the Detainee also has a letter that he is going to read.

Presiding Officer: Assisting Military Officer, does that conclude your statements on behalf of Qari Esmhatulla?

Assisting Military Officer: It does sir.

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Presiding Officer: Did the Assisting Military Officer's statement provide the information you wanted us to hear?

Detainee: Thank you very much, he did yes.

Presiding Officer: Qari Esmhatulla, do you want to make your statement under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it. We do not require an oath.

Detainee: Yes, I will take oath for one reason.

Presiding Officer: Which oath? The oath or the one we prepared in Muslim?

Detainee: I want to say that I will do it under one condition.

Presiding Officer: What's that?

Detainee: Whatever I am presenting to the Administrative Review Board that is written here, I will swear on it.

Presiding Officer: Designated Military Officer, please administer the appropriate oath.

The Designated Military Officer administered the Muslim oath to the Detainee.

Detainee: I swear that everything I say here in front of everyone is all fact.

Presiding Officer: Thank you. You may proceed.

The Detainee began to read his written statement.

Detainee: The answer to question number one of category A.

3.a.1. The Detainee admitted he greed to join the Taliban and to participate in the jihad in Afghanistan.

Detainee: Whatever I have admitted to in response to question number one... when I was captured in the hands of the Afghani soldiers I was searched and they found nothing. Except for a bottle of perfume, 2, 500 Rupees and one letter. The letter stated, read your Koran and do not just walk around and waste your time. You can see the letter for yourself. Then they asked where I had come from and I told them I came from Rhoaniesha (ph) the shrine. They replied with rage and force and ordered me to say that I had come from Shahi-Kwowl. I don't know it nor did I come from there. When I repeated that two or three times, the beatings started and after receiving a few hard kicks and punches I told them it was fine. When the first group put me in the hands of the second group of Afghani soldiers, and the second group heard about Shahi-Kwowl, they delivered

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me a couple of butt strokes and demanded that I say that I carried this and that (the grenade and radio)

3.d.2. The Detainee admitted he was carrying a radio and grenades while he was traveling to Taliban forces to support them.

Assisting Military Officer: Sir, I'd like interject one thing. The term butt stroke means that 'he was hit by the butt of a rifle.'

Detainee: Thank you so much. When I saw my head cracked and I started to faint, I could not tolerate a beating for a second time so I admitted to all they asked. You have my fingerprints please look at them and see if I ever touched them.

Assisting Military Officer: Sir, I would also like to interject, touching them refers to the grenades and the radio.

Presiding Officer: Okay.

Detainee: Thank you so much.

3.a.2. The Detainee was aware that he would be joining with and supporting the Taliban forces, albeit for both religious reasons and in responding to a challenge as to why the Detainee was remaining at home while others were fighting the United States and the Northern Alliance forces.

Detainee: The answer to question number two. I am saying this, ask anybody anywhere, has the Taliban ever let beardless people join them? Everybody whether they were civilians or government people knew that the Taliban would not allow beardless people with them. When I was first captured I did not have a beard. About this matter, you have my first pictures please look at them and see if I had a beard or not. If you think I joined them because it was a big shame if I did not, I would have joined them a long time ago. You can also inquire about this, if I was ever a member of them or not. It is impossible that I am isolated here with my condition and if what they are asking does not match my condition how could I be a part of it? In category B, the answer to question number one:

3.b.1. The Detainee admitted he traveled to Shahi-Kwout to join the Taliban military.

Detainee: This is not true at all. I never did any training and during war no one has time to train, there is no time.

3.d.1. The Detainee demonstrated his intent to attack or maliciously engage the United States or its allied interests by admitting he went to help the Taliban in their fight against the Northern Alliance.

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Detainee: Whoever participates in war, must have prior association in military training. They have to have the training. I never did anything like that and did not have any association with any senior officers. The answer to question number two:

3.d.2. The Detainee admitted he was carrying a radio and grenades while he was traveling to the Taliban forces to support them.

Detainee: This does not hold any legitimacy. I have never seen them before or had any training in it so what would I do with a communication radio or a grenade? When I admitted to them what I answered it was because I was forced to by the beatings.

The following Detainee comments relate to allegations of his involvement with and support for the Taliban.

Detainee: It is a proven matter that the Taliban was taking people to war by force. If they are taking you by force how could you have a relationship and association with them? The mind does not believe. I am done.

Presiding Officer: Qari Esmhatulla, does that conclude your statement?

Detainee: Yes.

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

Assisting Military Officer's questions

- Q. If you were returned to your homeland how would you employ yourself with an occupation?
- A. I have completed my Koran. I want to go join my father, I do not have another brother and I want to help him with getting things done. It is a very noble thing if when I went there and the kids wanted to read the Koran and I could teach them.

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

Designated Military Officer's questions

- Q. Qari Esmhatulla, were you ever mistreated by interrogators here at Guantanamo?
- A. In Cuba?
- Q. Here.
- A. I have been shackled for long periods of time once in awhile but I have not been beaten here.

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- Q. The charges presented here are based upon statements you made to American interrogators, not Afghans.
- A. When I was taken from Gurdes (ph), the initial stop after I was captured, I was taken to Bagram. There, it was an American interrogator; the Afghani translator told me that they had my statement so make sure that I did not change my mind. Even when I was taken to Kandahar from Bagram, I continued because I was told to.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Administrative Review Board members' questions

- Q. Qari, in previous testimony you made before the Enemy Combatant Tribunal, you indicated that you found the grenade and the radio. Now you say that you didn't find it and that they planted the grenade on you.
- A. Yes, I admitted to the Afghan soldiers. I had to make a story. They say where did you get these and I said I found them. They put it on me anyway.
- Q. At one time you said that you were going to go home to help your father on the farm. Do you have a farm in Afghanistan?
- A. I have not said anything about having a farm. We do not have a farm or any land.
- Q. I must have misunderstood him as well (*Presiding Officer is now speaking*), because I thought he was going to return home, since he finished the Koran, to help his father and possibly teach the Koran. Help his father, I thought he had said...
- A. I said help my father with things to do around the house. I can go get things for him and go get groceries for him. That is what I said earlier. We do not have any land.
- Q. You mentioned that you have a head injury. How does that affect you now?
- A. When it is really hot I feel it a little bit. I read the Koran for a continuous time I feel the effects of it.
- Q. What are those effects?
- A. I get dizzy and the room starts spinning once in awhile. When I read the Koran a lot or when it is too hot. It really bled a lot at that time. I lost a lot of blood.
- Q. Qari Esmhatulla, if what you said was not true to the Afghani soldiers; why not tell the truth once you were with the Americans?
- A. In Zarmout (ph) where I was captured?
- Q. The two groups that beat you up. The two different groups of soldiers.
- A. When they took me there it took about five minutes until I saw the Americans. I was really afraid because the Afghan were right there and the Americans right there as well and I was so scared that something bad might happen again.

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Q. Once you came to Guantanamo, why didn't you start telling the truth?
A. That fear and those difficulties echoed in my head at all times. I stayed with the same story.

Q. If you are killed during jihad, are you a martyr in your belief?
A. I have read the Koran by heart. I know I can read it and say it but truthfully I do not know what the Koran says about this because I do not know the meaning of it, it's in Arabic. I just read it by heart and I do not know what the Koran says about that.

Q. Are you interested in being a martyr?
A. I do not have the knowledge of this question at all. Somebody has to explain to me what the Koran says and then I can answer according to that. If the translation of that question is such as this, then I have not seen it yet, I have not read it yet, I have not understood that question yet so I do not know right now.

Presiding Officer: The board would also like to express our condolences on the loss of your brother.

Detainee: Death is something that is given to us but hurts so much because he was taken away by force.

Presiding Officer: Assisting Military Officer, do you have any other information that the Detainee would like to present?

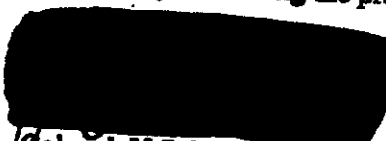
Assisting Military Officer: I do not sir.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer explained the reminder of the Administrative Review Board process to the Detainee and adjourned the open session.

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. Marine Corps
Presiding Officer

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۱۔ سوال جواب :- ماچي پڻ اول سوال کي کو ۱۴ قرار کري ٿو پر هي وجه جي ڪلهه افغانستان عسڪر و گير کره
لاشي ٿي وکر هينج ٿي پيدانه کره بغير هو روتون او ۲۵۳ ڪلداري او يو حط جي
کيني ليکل ٿو ج خاها آخيه بيادنگ

۱. بیسی وچی خیل قرآن وایه بیخایه مه گرځه وخت مه ضائع کوه او تاسو هم کولای شئ چي
دئي گوري. بياني پوښتنه وکړه چي له کوم ځايه راغلي ما ويل چي له روحاني صله څخه دوي سر
راغلي يم. ما چي دا خبره دوه دري ځلي تکرار کړه دوهلو شروع وشوه څو لگتي او سوکه ئي ووهلم
دوهمي چي چي د شاهي کوټ خبره واوریده دوه کداغه ئي ووهلم و ئي ويل چي ضرور به وایي
بي زما سره دا او د اشیان و. کله چي مي سر مات شو او بيخوده شوم نو د دوه هم ځل لپاره
اته دوهلو زغمل گران و نو اقرار مي وکړه کله زياد لاس عکسونه خوستاسو سر شته و ئي گوري
ي آيا زما لاس پري لگيد لي.

۱۰ سوال جواب :- د اوائيم چي تاسو ڪولاي شئي چي عموماً هي ڄاي او هي ڇانه چي وي پوئين تنه وڪري
جي طالبانو بي بي نيري خلك له ڄانه سره پر پيشودل. پدي خو ٻول خلك كه د حكومت وي او كه عوام
انده كي تاسو ڪولاي شئي چي زما اولني عكسونه چي ستاسو سرودي وگوري چي زما پيرونه هته وخت كي وه
او ڪنه. او ڪه د پيڻور خبره وي نو ما بايد پڇوا هم شركت ڪري واي. او ددي خبري پوئين تنه ڪولاي شو
مي ما پڇوا شركت ڪري و او ڪنه. او داسي يو په يوه خو علاقه نه ورسره پيدا ڪري.

آه سوال جواب : « دا خبر هينج حقيقت نلري خلكه چي زده كپو او تعليم مي نه دي كپري. او د جنگد حالت هينج
زده كپري وخت نه دي او نه زده كپي كپري. »

۱. سوال جواب :- ڇوڪري جي جنم کي شرڪت کي هغه به ضرور سابقه تعلقات لري او نظامي
 ۲. سوال جواب :- ڇوڪري جي جنم کي شرڪت کي هغه به ضرور سابقه تعلقات لري او نظامي
 ۳. سوال جواب :- ڇوڪري جي جنم کي شرڪت کي هغه به ضرور سابقه تعلقات لري او نظامي

۱. سوال جواب ۽ دا خوڻا ٻڌڻ خبر ۽ ده چي طالبانو ۾ زور ڇڏڻ جنڪ ۽ بيول. نوڻنگ ۽ دا
دليل ڪيڏا ئي شي چي رابطو او تعلقات ورسو لري ۽ عقل نه مني.

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قاری عصمت اللہ ولایت گردیز ولسوالی روستہ قریہ دولت زای نظر خیل مسجد بنو صاحب
افغانستان (د)

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