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Summary of Administrative Review Board Proceedings for ISN 762

*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.*

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 23 August 2005 and lasted for 40 minutes. After a review of the ARB'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 ARB, the Detainee stated he wishes to attend and speak openly with the board members. The Detainee prefers to respond to the Unclassified Summary of Evidence after each allegation or statement is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during the interview. The Detainee elected to keep the English version of the Unclassified Summary of Evidence for his review.

*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.*

ISN 762  
Enclosure (5)  
Page 1 of 12

UNCLASSIFIED//~~FOUO~~

*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.*

*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 attended a Madrassa in Dusarakuh, Afghanistan where he practiced militant Islam and was recruited by al Qaida.

Detainee: There is a Madrassa in Dusarakuh, but I have not attended it. There is another famous Madrassa...high school named Alfatah Alisa. I studied in that high school I have not been in the Madrassa. I studied in a modern school up to 11<sup>th</sup> grade.

Designated Military Officer: (3.a.2) During the time of the Taliban rule, the Detainee helped coordinate the movement and activities of various foreign al Qaida operating in the Khowst area.

Detainee: I was 19 years old and I had not heard the name al Qaida in Khowst. If I was 19 years old and I was arranging the whole operations and attacks that would be...that does not make sense.

Designated Military Officer: (3.a.3) After the beginning of the Allied Forces Campaign against al Qaida and the Taliban, the Detainee used his compound to hide and relocate about 18 Arab al Qaida members to Pakistan. Subsequent to the Shahi Kot Campaign, the Detainee hid six additional al Qaida Arab members in his house.

Detainee: I don't know where Shahi Kot is, but I know where Nada Shahi Kot is. It is one of the counties of Khowst. I don't know Shahi Kot. I have not brought any Arabs to my home and I don't know any Arabs. There were some linguists for Arabs to translate from Arabs to Afghans at that time and they are prisoners and you can ask them if they have seen me with Arabs. That is not possible that is a lie.

Designated Military Officer: (3.a.4) One month after the conclusion of the Shahi Kot fighting, the Detainee received orders to prepare command-detonated mines to use against United States forces in Khowst area.

ISN 762  
Enclosure (5)  
Page 2 of 12

UNCLASSIFIED//~~FOUO~~

Detainee: Nobody gave me an order and I did not belong to any party.

Designated Military Officer: (3.a.5) The Detainee placed two Soviet anti-tank mines on the road between Khowst and Miram Shah, Pakistan. He eventually removed the mines, because no United States forces passed by the road and a rain shower washed away the dirt that was covering the mines.

Detainee: When I was in Khowst there were no tanks with the Americans. There was no need for me to put a tank mine [in the road]. Besides that I have not done this. That sentence does not make sense because Americans did not have tanks at that time. I have not put any mines there.

Designated Military Officer: (3.a.6) The Detainee continued to experiment in order to devise a means to detonate the mines. In mid-July 2002, the Detainee had at least 18 anti-tank mines hidden in his compound.

Detainee: I did not have any hostility for anybody so what was the necessity for me to have a mine, learn about it, explode it, and carry or keep it? This is right that I had mines in my house, but later on I will explain that to you.

Designated Military Officer: (3.a.7) The Detainee was either given a vehicle or received funds to buy a vehicle that he used to scout a position from which he could attempt another mine attack.

Detainee: I was very young and nobody trusted me to give me money or a car. Nobody has given [these things] to me.

Designated Military Officer: (3.a.8) The Detainee received cash and additional explosives at his home and traveled to Peshawar, Pakistan to receive instructions or carry messages between Arab al Qaida and their Afghan subordinates still in Khowst Province.

Detainee: Americans searched my house and except for the mines that they found I did not have any other things. I had no connection with al Qaida.

Presiding Officer: Does he have anything else to say? I don't want to rush you. When you are done let the linguist know.

Detainee: In Pakistan I don't think there will be Arabs because the Pakistani government started capturing Arabs.

Designated Military Officer: (3.a.9) The Detainee was captured with over 20 anti-tank mines in his home and was personally carrying a notebook containing electronic and explosives schematics.

Detainee: I answered the question before that they found some mines in my house. Yes, they found a booklet with me too.

ISN 762  
Enclosure (5)  
Page 3 of 12

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (3.b) Training (3.b.1) The Detainee attended a mechanical high school in Khowst City, Afghanistan. Subjects relating to tanks, mines, and weapons were taught by the Taliban at the school. He attended the mine course, which covered the basics regarding Russian mines, approximately one month prior to 11 Sep 2001.

Detainee: Yes, when I was a kid the Taliban came to my house and said that I had to go with them to fight. I was too young so they said I had to learn something and they put me in that school. I did not stay there more than 2 days. I [left] and then I hid. Several times a day the Taliban came to my house to take me again, but I hid. I only went to that school for 2 days and it was by force.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee joined Jama'at al-Tabligh in approximately 2000.

Detainee: Not the Americans and not the Afghan government say bad things about Jama'at al-Tabligh. They are very good people and I am a Muslim and I have been there with them a few days. I had not heard any bad things about Jama'at al-Tabligh. They are still in Afghanistan and they have centers there...have some bases and they talk. It was not a danger for me to join them.

Designated Military Officer: (3.c.2) The Jama'at al-Tabligh is a legitimate Islamic Missionary organization based in Pakistan and is believed to be used as a cover for action by Islamic extremists.

Detainee: The Afghan government told them that they were good people and they have not hurt them or done anything to them. They are still in Afghanistan and they are doing their mission. When you announce democracy people have the right to go wherever they want to. When the government permits, people will do whatever they want.

Designated Military Officer: (3.c.3) The Detainee said Karim was a member of the Jama'at al-Tabligh and a shopkeeper who he partnered with in business. The Detainee became indebted to Karim after losing 50,000 Rupees. In return for the debt, Karim asked him to store some land mines at his home.

Detainee: Yes, I was his partner and I lost money and I was in debt to him, but he did not tell me to take these mines and keep them in my home.

Designated Military Officer: Sir, if I could make a clarification. The linguist translated 50,000 Pakistani Rupees and it should actually be 50, 000 Rupees. I don't know if it is Pakistani or Afghani Rupees.

Linguist: Rupees are like...

Presiding Officer: Sir, just say what he is saying. You don't have to put Afghanistan or Pakistan in there just what he is saying. You may understand the distinction but that is not what it says.

ISN 762  
Enclosure (5)  
Page 4 of 12

20973

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: During that time the Karzai government was in power so Pakistani money was [being used]. It was 50,000 Pakistani Rupees.

Designated Military Officer: (3.c.4) Bostan Qadeem, a.k.a Karim, is a suspected al Qaida cell leader and bomb maker. He and another man were detained. The two did not have identity papers. In their possession they had a Thuraya satellite telephone, \$2,700 USD, 3,600 Pakistani Rupees and 70,000 Afghan Rupees.

Detainee: I have no idea if Karim is an al Qaida member or if he can make explosive devices or explosive things.

Designated Military Officer: (3.c.5) Three days before the detainee's arrest, Karim drew some schematics on how to detonate the mines in a notebook that the detainee kept under his mattress.

Detainee: Karim did not give me any notebook or anything. The booklet that I had I learned it in mechanical school during the time of the Taliban. I knew how to make it because they taught me there. I cannot make them, but they taught us and that is why I had the notebook.

Designated Military Officer: (3.c.6) The Detainee said that Karim told him the purpose of the land mines was to kill people that Karim did not like.

Detainee: Karim did not give this mine to me and he never told me to use it against people. The mine that was found in my house, we were immigrating to Pakistan during the time of Nagib...he was a president at one time...there was a commander of the Nagib government and he was living in our house and the mines belonged to him. There were a lot of checkpoints that he was responsible for and he dug out places...when the mujahideen and them ran away a lot of things were buried in my house. These mines have been there since that time. Karim did not give me anything.

Designated Military Officer: (3.c.7) Karim asked the Detainee to take a truck full of wood, lumber and a bomb to Kabul, Afghanistan for the purpose of driving it close to where the Americans are.

Detainee: I was very young and Karim did not tell me this. I was not a driver and I couldn't take a truck there. In Bagram the investigators made me accept a lot of things. They kept telling me that I had done this, so finally I said yes. I had no other choice. When I came to Cuba and I saw that no one was bothering me I told them the whole story.

Designated Military Officer: (3.c.8) The Detainee says that Karim is thought to be a Taliban commander who was getting funding from the Taliban or the Arabs.

Detainee: I accepted this by force in Bagram. They told me in Bagram that Karim is one of the Taliban commanders and they forced me to say yes. I am not aware if he is a

ISN 762  
Enclosure (5)  
Page 5 of 12

UNCLASSIFIED//~~FOUO~~

Taliban commander. I am not aware of it and Karim has not told me if he is a Taliban commander.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee was arrested during a raid on Miland Village, Ismail Khel District, Khowst Province, Afghanistan.

Detainee: Yes, they caught me there.

Designated Military Officer: (3.d.2) The Detainee was captured on 20 July 2002.

Detainee: I don't remember the date that they captured me.

Designated Military Officer: (3.d.3) The Detainee says that he never would have placed or detonated the mines that Karim had given him. He only promised to help Karim because he had been promised money, and he needed the money to help support his family.

Detainee: I mentioned earlier that Karim did not give me the mines. They forced me to accept this in Bagram. Karim did not give me those things.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee never saw Jama'at al-Tabligh members who were associated with al Qaida or who were recruited on behalf of al Qaida.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee stated he never attended training camps related to Jama'at al-Tabligh, jihadist or the military.

Detainee: Yes.

Designated Military Officer: (4.c) The Detainee denied having any knowledge of the attacks in the United States prior to September 11<sup>th</sup>, and he also denies knowledge of any rumors or plans of future attacks on the United States or its interests.

Detainee: Yes..

Designated Military Officer: (4.d) The Detainee claims not to have had any knowledge of or affiliation with al Qaida or Taliban forces. He says he made a mistake and regrets his actions.

Detainee: That is a strange thing. One time you say the Detainee does not have any connection with al Qaida or the Taliban and then you say I made a mistake and I am sorry for it. I never had any connection with them. I have not done any bad things and that is what I am sorry for. I have not done anything against America. Why should I be sorry? I

ISN 762  
Enclosure (5)  
Page 6 of 12

20975

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

would like to say something about why I have [made] a mistake. This is right that there were mines in my home. During the communist time there was a commander living in our house. When the mujahideen took over the mines were in my house. There is a well-known person named Ali Jhan in the village and everybody knows him. My uncle dug out the mines from the house so we would not get hurt. He buried them in the land that we plant [crops] on. Americans have made a mistake and brought me [here] because of that. In Afghanistan there are a lot of people that have hostility. I know the person that turned me in and he is my enemy. He is my personal enemy and he gave the wrong information. The Taliban took me when I was very young and they said they were going to take me to fight. I was too young and they said I had to learn something and that is why they put me in that school and gave me that book. I was forced...I don't have a father...my mother told me to hide from them and go to a relatives house. I hid myself and several times the Taliban came to my house to catch me. For those two things the Americans brought me here. The school that the Taliban took me to said they were going to put a mine under Masoud tanks and not the allies and that is why they taught us. I don't know how many months the course lasted, but I just went for two days. There is another allegation against me but I cannot remember it because they are just lies. I don't have any answers for it because they are all lies. America made a mistake and brought me here. Before that, I had not done anything against the Americans and I will not. I was in a modern school and when the Taliban came they closed the schools and I had no other choice but to go to their school. They stopped paying the teachers and that was why the schools closed. There were no good lessons in the school and I did not like the Taliban, but I had no choice. For two days they forced me to go there and learn about the mines.

***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 Detainee made the following statement:***

Detainee: Again, Americans made a mistake. I had the mines and I explained it to them, I had the book and I explained it to them and someone gave them wrong information. It was not like the mines we had in our home we were going to use against Americans. We were so scared of the government. During the time of the Taliban when you present them with your weapons they would start beating you and ask you where are the other [weapons]? When the Taliban catches someone or if someone would give the Taliban weapons they would beat them. That is why we were scared of them and we were not going to give them the mines. When Karzai came into government they were very organized for us to give them [the mines]. It was not organized and different groups were

ISN 762  
Enclosure (5)  
Page 7 of 12

UNCLASSIFIED//~~FOUO~~

in Khowst. Anything that I have told to interrogators please try to look at it and see. I have not done anything against America and I am not going to do anything against Americans.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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

*The Designated Military Officer had the following questions for the Detainee.*

Designated Military Officer: I am a little confused and I am hoping you can clarify it for me. You said that you did not attend the Madrassa in Dusarakuh is that correct?

Detainee: No, I have not been in that Madrassa.

Designated Military Officer: You attended another school through the 11<sup>th</sup> grade is that correct?

Detainee: Yes, I studied in a modern school.

Designated Military Officer: Then the Taliban came to your house and took you to a technical school is that correct?

Detainee: Yes, by force.

Designated Military Officer: You went to that school for two days is that correct?

Detainee: The school was long but I only went for two days.

Designated Military Officer: In those two days you filled up a notebook with mine detonating notes?

Detainee: The Taliban said that they did not have books but they would give us notes and later on they would explain it to us.

Designated Military Officer: So, for the two days you copied notes into a notebook and filled a notebook with notes on detonating mines?

Detainee: It is not full, just a few pages.

*Administrative Review Board Member's questions:*

Board Member: Why would you keep that notebook with the mine detonating notes in it?

ISN 762  
Enclosure (5)  
Page 8 of 12

20977

UNCLASSIFIED//~~FOUO~~



UNCLASSIFIED//~~FOUO~~

Detainee: [The mine information] were not the only notes in the book. It had my shop account and a lot of account numbers in it. I never thought that book would put me in danger. I had some people that owed me money and I wrote it down [in the book].

Board Member: How many years were the mines in you house?

Detainee: They were not in our house they were [buried] on our land. [The mines were buried] for maybe five years more or less.

Board Member: You said they were originally in your home and then you moved them to your land.

Detainee: We have no idea when they were buried in our house it had been left from other people.

Board Member: How much is 50,000 Rupees worth?

Detainee: When I was in Pakistan 60 Pakistani Rupees were worth \$1 USD.

Board Member: They are worth a little less than \$1000 USD. You said when you were captured you were taken to a facility and you were forced to say things. Who forced you to say things?

Detainee: Americans.

Board Member: How did they force you?

Detainee: The first time when they captured me and brought me to Khowst they put a knife to my throat and said if you don't tell us the truth and you lie to us we are going to slaughter you.

Board Member: Were they wearing uniforms?

Detainee: Yes.

Board Member: They threatened you, but did they harm you?

Detainee: They did not hurt me, but I was thinking that they would slaughter me. They tied my hands and put a heavy bag of sand on my hands and made me walk all night in the Khowst airport. I became very tired and [let the sand] rest on my belly. In Bagram they gave me more trouble and would not let me sleep. They were standing me on the wall and my hands were hanging above my head. There were a lot of things that they made me say.

Board Member: Did the Americans or the Afghanis arrest you?

Detainee: They were both there, but Americans captured me.

ISN 762  
Enclosure (5)  
Page 9 of 12

20978

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Board Member: How did those Americans find the mines if they were buried?

Detainee: I don't know, but in Bagram I told them we had the mines.

Board Member: Was this your house or your parent's house?

Detainee: I was living in my father and mother's house, but the mines were in the farming land. [The mines] were not in the road or on someone else's land, they were on our land.

Board Member: Was you father arrested also?

Detainee: No. They captured my two cousins.

Board Member: Were they living in your house?

Detainee: No, they had their own house and it is close to our house. They got released in Bagram.

Board Member: How old are you?

Detainee: I am 23 or maybe a little [older].

Board Member: If we return you to Afghanistan as a free man what will you do?

Detainee: I want to go to school. I have heard there are very good schools open in Khowst.

Board Member: How did you get in debt to Karim for 50,000 Rupees?

Detainee: Karim was my partner in the shop and he was partner with the money. When Karzai came the volume of Afghan money went up and I bought Afghanis. Then after a while the volume went down and that is how I lost money and became in debt.

Board Member: Who is the person that turned you in? Do you have his name?

Detainee: Anwhar and Midwis. They are personally my enemies.

Board Member: How do you know them?

Detainee: They live in the same village.

Board Member: Are they related to you in anyway?

Detainee: They were just [my fellow] villagers.

Presiding Officer: Were you at your home when you were arrested?

ISN 762  
Enclosure (5)  
Page 10 of 12

20979

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

**Detainee:** We have a guesthouse and that is where I was. I came out of the guesthouse and was on the way to my uncle's house and an American went to my uncle's house and they searched me and captured me. Americans went to my uncle's house and I went there to see what was going on and they captured me and made me a prisoner.

**Presiding Officer:** Is that the same uncle's house that your two cousins were arrested?

**Detainee:** I have two uncles living in the same house. Each one of their sons was captured.

**Presiding Officer:** The three of you were in your uncle's house and that is where you were captured.

**Detainee:** Yes.

**Presiding Officer:** You said you would not attack the United States, but you did say the bombs were to be used against the Northern Alliance.

**Detainee:** That was the teaching that the Taliban was giving us. It was for the mines to be used against Masoud. The mines were on our land and we did not use them 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 Detainee interrupts with the following statement.)***

**Detainee:** One American General told a Detainee that they were going to send all Afghan Detainees back to Afghanistan. Is that correct? And if it is correct, why is the board seeing us or talking to us?

**Presiding Officer:** You have the right to an Administrative Review Board session and that is what you were just given and we will provide a recommendation to the Designated Civilian Official. As far as the rumor that you heard from another Detainee I cannot comment on that. If it was from an American General, I don't know what he told you and I cannot comment on that. Our recommendation will be going to the individual in Washington D.C. and he will make a decision one way or another.

***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.

ISN 762  
Enclosure (5)  
Page 11 of 12

UNCLASSIFIED//~~FOUO~~

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

ISN 762  
Enclosure (5)  
Page 12 of 12