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Summary of Administrative Review Board Proceedings for ISN 831

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the 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.

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 30 November 2005 and lasted 62 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and respond to each statement of information in the Unclassified Summary [of Evidence] after it was presented. The Detainee elected to submit six letters to the board. A follow up interview, to allow the Detainee to bring [in] the items was conducted on 01 December 2005 and lasted 42 minutes. The Detainee was cooperative and polite

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throughout both interviews. The Detainee was given a copy of the Pashto translated Unclassified Summary of Evidence.

Presiding Officer: At this time, I am going to ask you to just read the Detainee's comments, because it looks like once we go through the Unclassified Summary they may or may not apply. If we cover them now we can hear this and what he has to say as well.

Assistant Military Officer: The Detainee provided the following comments in response to the information in the Unclassified Summary of Evidence. In response to the allegations the Detainee stated that he would answer them at the ARB. The Detainee claims he never had a safe house. He stated that he only had his home, office, and shop. He stated he challenged them to show him the safe house four years ago, but they never have. He calls them baseless allegations. In response to the favorable factors the Detainee stated: 1) When American Forces entered the country, he was approached and worked with the Americans who said they worked for American Intelligence; and 2) The Americans stayed at his house for 15 days before moving to the airport, the Detainee stated the translators made an error. The Detainee stated that the Americans stayed in a technical college that they conquered and made a base. The Detainee also stated that he helped the Americans and stood guard over them. The Detainee claimed that he could have killed them all if he had really been their enemy. He further stated that he escorted the Americans all over the mountains. The Detainee said that he wanted to help with their security.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, CITF Redaction Memorandum, DMO-3, and the Terrorist Organization Reference Guide, DMO-4 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 for presentation to the Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of the information from the Unclassified Summary as it was presented.

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 to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Connections/Associations (3.a.1) The Detainee stated he support Hizb-e-Isalmi Gulbuddin and Gulbuddin Hikmatyar, as did the United States during the Soviet invasion. However, Hizb-e-Isalmi Gulbuddin is now considered the enemy.

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Detainee: Yes, I am not a member of the HIG, I was not their supporter. I am a nurse and the ICRC (Red Cross), sent me to the hospital to get my degree for two years and that's why I was there working for the hospital for two years. All of the welfare communities from other foreign countries like the ICRC, Red Cross, BHW, MSA, they wanted me to go out and help the people with their medications and health problems. That hospital belonged to Hizb-e-Isalmi. The hospital did not have anything to do with politics or war. These hospitals are [full of] miserable, poor and sick people that I was responsible for taking care of.

Presiding Officer: I thought I heard him say CRC.

Detainee: ICRC, does not have it's own hospitals in the refugee camps. They would hire personnel to help in the camps with the refugees. There were not any big shot doctors working there. Me, I am not a member of Hizb-e-Isalmi and I do not carry the identification of Hizb-e-Isalmi, I don't belong to the Hizb-e-Isalmi. [Around] that time, the assistance from the American side [almost] 70%, was to the Hizb-e-Isalmi, so that's why we were working with that organization. To support my work I have a note from a big book regarding these things. I will bring in the book and the notes that I have and I will show it to you and the whole world will know about it. Hizb-e-Isalmi was not against America at that time. We were getting financial help from America and they were fighting against the Soviet Union at that time. I have seen it with my own eyes, Americans were giving uniforms to Hizb-e-Isalmi and; the weapons that were being used against the Soviet Union had been given by Americans. Even now I have seen it with my own eyes what America has been giving to the people. I remember from 12 years [ago], those MRE or that food that they were eating and giving to them. I worked for the hospital to provide for my family and I was a refugee and I was desperate, I had to support my family. I don't care what I did but I worked anywhere to support my family. I am proud of the job as a nurse and I have performed it and I have done it. Because in my holy book Koran, if you kill one breathing thing it is like you have killed the whole world. If you give life to one person or if you give blood, it is like you give life to the whole world. Even if you give them a shot or some medication it is like you have given life to the whole world. I didn't know at that time that Hizb-e-Isalmi was against the Americans [because] I would have transferred myself to another hospital. Right now Americans are Hizb-e-Isalmi enemies and because of this I am against Hizb-e-Isalmi. My answer is over.

Presiding Officer: Number two is going to touch on the same subject so there is no need to repeat anything you have already said to answer the next one.

Designated Military Officer: (3.a.2) During the Russian Jihad, the Detainee was a nurse for Hizb-e-Isalmi Gulbuddin but has had no involvement with Hizb-e-Isalmi Gulbuddin since 1992.

Detainee: This is a fact. Yes, I have written documents and I have witnessed when the Soviet Union pulled out of Afghanistan. Then civil war started in Afghanistan and so I

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disconnected my relationship with Hizb-e-Islami. The refugee hospital was cut off because there were not any finances. [Therefore], I started my business as a Pharmacist and I have a Pharmacy store. I can provide you with the documents from my village, city, all of the tribe the [entire] people showing that I was busy with my business and I was doing my personal business, having a drug store. I am done.

Designated Military Officer: (3.b) Intent (3.b.1) The Detainee related that he owned a Kalashnikov and a pistol. The Detainee stated that he never used these weapons against the United States. The Detainee only has the weapons for protection. The Detainee said that it is common in his town to carry a Kalashnikov. His job requires that he carry a Kalashnikov.

Detainee: Yes, I had one Kalashnikov and one pistol. This guy who was talking about me is from Afghanistan. Seventy-five years ago especially in Khowst Province we had the permission from the government that the whole area was [approved] to carry gun. That was a very common thing to carry a gun on your shoulder and that was seventy-five years ago, not now. Because, I was an educated person instead of carrying a weapon I believed it was suitable for me to carry a pen. Before my job with the Karzai Government, I was carrying a gun for my job and for my own protection, but before that I was not carrying a gun I was carrying a pen. I was against that culture, [well] they call it a culture but carrying a gun is like a tradition. The tradition that the government gave to us, I am strongly against it, letting people carry a gun. I was against it and I am still against it because I have an education. The government should instead of giving out guns should give out pens [for people] to write; a saw to be a carpenter; a shovel to be a farmer. They should do these [things] not give them guns. The two weapons I would carry the Kalashnikov and pistol, I had a permit for them from the Karzai Government, I had permission to carry it. [It was] because my job was so dangerous it became necessary for me to carry a gun. I have an official permit and you have it. You didn't mention that there was [also] a little radio that was [found] with it too.

Presiding Officer: I have a quick question. You say your job requires it, if you are a nurse; I am confused why a nurse would have to carry a rifle. Not that it wasn't legal and you had a permit that's fine and we have the same thing in [our] country, if you have a permit to carry a weapon you can do that. I am just curious why your job required it?

Detainee: Before this government, the Taliban oppressed me and they had been brutal to me. In my village, my town, the Taliban was instead of letting people pray and go to Mosque they were trying to play God. They threatened me and they troubled me. When the new government came we didn't let the Mullahs have the guns. We told them go to the Mosque and do whatever you do and just let us take care of things. It is not like that here and all over the world. Doctor Abdul Rochmon was the Aviation Minister and he was an Engineer he is the boss of the Ministry of Health and he is in charge of everyone in the organization. I was interested in helping my country and that is why I joined with the Americans to help build up my country being on the American's side. Also the gun was not on my shoulder, I had a bodyguard it was on his shoulder he carried the gun.

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Presiding Officer: You didn't personally carry it? (Presiding Officer briefly reviews allegation 3.b.1). You are saying you didn't carry it you had a bodyguard who walked with you?

Detainee: The bodyguard was in the office in the car, going home and at home he was with me. I had an official permit and nobody attacked me and nobody attacked me in my house.

Presiding Officer: But you didn't physically have a person as a bodyguard the weapon was your bodyguard I guess?

Detainee: I had a soldier with me all the time. The gun was registered in my name and the carrying permit was with me and I had the number.

Presiding Officer: I guess I am curious now at what kind of job the government had you doing other than nursing or does a nurse require a bodyguard?

Detainee: My job was in National Security.

Presiding Officer: Okay, so you weren't a nurse for the government.

Detainee: I was not working for the hospital anymore. I was working in National Security.

Presiding Officer: Okay, that clears that up a little better. Can we go to the next one?

Detainee: Well this answer is over for this question.

Designated Military Officer: (3.b.2) The Detainee is suspected of running a safe house in Khowst. This safe house is believed to be his home or in close proximity.

Detainee: When the Americans captured my house they checked my house and they didn't find anything. Then they took me to the airport and they asked me how many places do you have, I said I have the keys in my pocket. I told them I have a Pharmacy in that area, I have a house and you have seen it, and I have an office and you can take the keys and look at all those places. I challenge if anybody has seen me in any other places besides these three. Do you have any documents or any proof of this to say I have been to any other place, rent another place, or do whatever? For the last four years I am challenging if you could find that place. I don't have a place in the sky close to the stars. There is no ocean in Afghanistan and there is no other facility for me to dig under the ground and make one. I am not a genie to disappear and [reappear] for people not to see me I am not that powerful to dig the ground and go under the ground.

Presiding Officer: Okay, I think we get the gist of it. It says suspected.

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Detainee: Right now you have the permission, even after 20 years to find that place. If those words were true this place would have been found. My enemies [have made these] allegations and accused me.

Designated Military Officer: (3.c) Other Relevant Data (3.c.1) The Detainee was captured in Khowst in his house on 19 September 2002. He had been on duty all week and came home on Friday. The Detainee claims his enemy had him arrested.

Detainee: Yes, on Thursday evening I signed into my office to show I was present there. Friday was our off day and I came home. My personal enemy captured me and they turned me in. Before being captured I heard a lot of threats from those people, who is known as Pasha Khan. He was fighting against the Americans and against the central government. He is a selfish warlord and a bad guy. He wanted to take over the Southern Provinces of Afghanistan to run his own government and his own kingdom. I can give you an example, to have personal power he has killed 45 people with rockets and I have seen them, right now in the Karzai government. In Khowst, he killed 25 people by rockets to just gain the power in that area and you can follow that in the newspapers during that time. Pasha Khan was my enemy and he was hostile with me because I was on the side of the Central Government and he didn't like it. He is from my own tribe and he had hostilities with me. There was a campaign from the Americans to build up a kind of soldiers base and his nephew is the commander of that and his name is Jan Baz, this will come out in the next question.

Presiding Officer: This Pasha Khan, does he work for the current government now?

Detainee: You can see it on the Internet and I have some proof of Karzai saying he will put Pasha Khan on trial.

Presiding Officer: My question is if you were to be released or transferred if he would cause that to be difficult for you?

Detainee: You cannot say we are with him. I have a personal animosity with him. Our differences were only that I was on the side of the Central Government and he was against the Central Government.

Presiding Officer: Okay.

Detainee: When I was in the hospital, 45 children and women were killed [and wounded] and Karzai came and met a little boy and Karzai asked him, "Who hit you?" and the little boy answered "Pasha Khan hit me" Karzai swore at that time that he would put Pasha Khan on trial. I read in the newspaper that there was an election and that Pasha Khan is now sitting in the Parliament, and this was a surprise. I don't have any other hostilities with him that is personal the only differences we had is I was on the side of Central Government and he was against [them].

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Designated Military Officer: (3.c.2) Various documents, allegedly from government officials, were found. They authorized unimpeded movements through checkpoints and security and offer vehicle clearance.

Detainee: Yes, I had a card to carry weapons from higher authorities. I had the Security Police ID card, I had the Division Security ID card, I had the Mission Security ID card, and I had the host Governor ID card. My card was written as police, you have the documents. It is regular in Afghanistan, it is the law where higher authority can go without being checked back and forth and I believe it is like that all over the world. Anytime they suspected me I would bring the card. In the area most of the people were my own people so they knew me. If I went to another Province then I would show my card and give them the papers for my vehicle too.

Designated Military Officer: (3.c.3) The Detainee was authorized to carry a weapon.

Detainee: Yes, you have the card for carrying the weapons.

Presiding Officer: Okay.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee claimed he has never attended any military schools or received any military training.

Detainee: Totally right, if after 20 years someone can prove I have been there then I am a criminal. I will give you a written statement about it.

Presiding Officer: Okay.

Designated Military Officer: (4.b) The Detainee was very forthcoming during the interview. The Detainee is of above average intelligence and cooperated throughout. The Detainee strongly believes that he has been wrongfully imprisoned, because an individual threatened to have the Detainee arrested by the Americans.

Detainee: Totally right, because I was forthcoming because any question they were asking me I was answering without thinking. When people think they try to make up stories and I wasn't, I was telling them the truth. I am ready from the first day until now to give the answers the same way. Those Americans I took them home, I showed him my barber, and I showed him my common bathrooms in which a lot of people go together to wash themselves. They were my friends. During these four years in all of my interrogations if you find out I have lied on one question you can keep me here and blame me for it. I can give you a written statement regarding that. I am not like the others who said they [can't] read and write. I told them about my education and the way of talking and reasoning with them and I can answer whatever they want. Education is not a bad thing, I am glad I have an education. I have seen a lot of people who are Engineers and then in their interrogations they say, "I am a Shepherd." Education is not a crime and it is

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not shame. That's why through my knowledge they can get more information from me because I am knowledgeable and they know that and I can help them more regarding the interrogations of others. The interrogators put the map of Khowst in front of me and they asked where is this and I showed them, this and this (Detainee motions as if he was pointing at a map of Khowst). If I was telling them that I was a Shepherd and I know nothing then, who was going to help [them]? My enemy has framed me, even by word of mouth I have not said anything bad about America and this was my enemy's plan against me. Still I believe strongly that there is some misunderstanding or some error. Everyone in my village [was saying] he was working with, he was faithful, and he was so cooperative with the Americans what happened this is puzzling. There is no one in the world who can say he has made a mistake. If I had done any mistake the first day I would have come to you and said I made this mistake, but you do your justice. I was sure if I had done a mistake and I have come to you guys and said I have made this mistake I would not be in jail for up to four years, but humans make mistakes and maybe they misunderstood. I am an average Joe but even Presidents and Kings make mistakes. I read books and I use my [common] sense and nobody is stupid but those people who make a mistake and don't admit it. Anybody defending or saying the wrong thing about the mistake or say I have not done the mistake that will hurt them more than help them. In the world the smartest people are the ones who admit their mistakes.

Presiding Officer: Shall we move on, I think we got the jist of that one?

Designated Military Officer: (4.c) The Detainee related that he has never been a member of any terrorist organization. The only terrorist organization that he has knowledge of is the Taliban.

Detainee: Totally, I don't know any other terrorist organization in all of Afghanistan. The only terrorist organization I know is the Taliban and their friends and supporters. I mentioned that earlier and still I am saying [it]. I am against the terrorist, I am a Muslim, and I am against the terrorist. Before Americans came I was against them and I did not like [them] (referring to terrorist). Before September 11th (Detainee interrupted the translation to correct OL-23).

Presiding Officer: It's almost like he can read your mind when you just forgot there (referring to the Detainee correcting OL-23).

Detainee: That was a tragic event on September 11th, and I was against those people who planned it. When anybody in that event who lost a wife, I felt like my wife was killed. Children were orphaned and I feel like my children were orphaned. I damned them and I am against those activities. The carriers of the September 11th are criminals, until my last breath; I will call them criminals.

Designated Military Officer: (4.d.) The Detainee stated that he is against the Taliban because they do not build or help his community by building roads, schools, lighting, etc. The Taliban terrorizes the people and have destroyed schools.

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Detainee: Yes, this is true. I was against the Taliban and it was before the Americans came, when the Taliban was in power, I was against them. I had no idea that one day the Americans would [also] be against the Taliban. I was against the Taliban in the beginning because they were selfish, extremist and destroying everything. They wanted to take things way behind, kind of [like] in medieval times. They wanted to back up Afghanistan's advancement. They destroyed schools and education. They were not building the country, they were not building roads, and they were not building hospitals. They were forcing people and some charities to pay taxes and using it on war. Collecting blood from shopkeepers, businessmen, and even the children were giving their blood and then using it on their own injured soldiers. When we were in the Mosque praying, they would come in there armed and collecting the blood from people by force. They dropped Afghans way back; they destroyed Afghanistan history, monuments and statues. They destroyed the whole history of Afghanistan. The Taliban was against the television, the journalism, pictures and those things. They wanted to make Afghanistan as dark as they could to make it a nest for terrorism. They would not even let the charity companies build schools, bridges or some facilities for the poor people. Based on this, I was against them because my son will be uneducated because of lack of facilities. In the hospital maybe my son will lose his life because there is no modern hospital. Because there is a bad road, my car may be in an accident and I would be injured or die. The whole world put sanctions on the Taliban but I was the one suffering. They cut off relationships with other countries and I was the one who was suffering. I could not make business with foreign countries my economy had gone down, I was the one who was going hungry.

Presiding Officer: Okay, can we go to the next one. I appreciate your answers but once I see we are starting to repeat, I am going to go to the next one. By no means do I mean to cut you off, if you want to continue please emphasize.

Designated Military Officer: (4.e) The Detainee was asked about the Usama bin Laden tape found in his house. The Detainee claimed it was not a tape but only a cover from a tape. The Detainee claimed that his enemy Pasha Khan left the tape cover at his house.

Detainee: Bin Laden does not have a company of tapes. It was not a Bin Laden tape. It was a Sanyo or Phillips. It was not written as a Usama bin Laden tape. You see that white empty cover over there (referring to the recorder's empty cassette tape cover). This is the kind of thing [they found] and it has no tape in it. I haven't seen that and I don't know about it. I believe Pasha Khan's people had that and they threw it in my house. Inside the tape they heard it was all music drums, trumpets and these things which Usama bin Laden is against. In Pakistan they build up these tapes and put a picture in the cover and when they showed it to me and said 'Who is the singer?' 'Who is the drummer?' 'Who is the guitar player?' 'Who is the trumpet player?' It was all a music tape. There was not cassette inside of it. It was only the cover. They were going to frame me for only a picture.

Presiding Officer: So it was a picture of possibly Usama bin Laden that could possibly be folded inside as the cover of the tape?

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Detainee: Pakistan is a very bastard country! They issued and print Usama bin Laden T-shirt. If you go there you can see thousands of them. They put Usama bin Laden pictures on their shoes, clothes and everything.

Presiding Officer: Okay, we are just concerned about the tape. All that is nice but we don't need to know that.

Detainee: It is like when you see a box of hair coloring, on the box they put Usama bin Laden's picture on it on many other things they put Usama bin Laden's picture on it. Restaurants and everywhere they put his picture.

Presiding Officer: Okay, let's get back to the cover and you saying your enemy left it in the house that is sufficient to us.

Detainee: I just want to make it very, very clear.

Presiding Officer: You have.

Detainee: Because, the Americans put out flyers in our area with Usama bin Laden's picture on it and it was [offering] a price if you [see him]. My own policemen because of lack of knowledge, found this picture and they captured him saying, "You have a picture of Bin Laden". My police brought this and he said he found the picture of Bin Laden, which the Americans threw from the plane. Written on the back it [stated], "If anybody can give us information to capture Bin Laden you will get this much money as a prize." My policeman was uneducated and stupid. He didn't know, so I let the guy go.

Presiding Officer: Okay.

Designated Military Officer: (4.f) The Detainee related he worked with Americans before his detainment. The Detainee identified a journalist/reporter whom later stated he worked for American Intelligence.

Detainee: I was not working directly with the Americans but if any journalist or reporter were coming I was told to take care of them. I was taking care of security and taking them all over providing security, because they were coming in the name of Washington Post and I wanted to get some information. He came with me and I gave him my own car. I took care of the security and wherever he wanted to go I would send guards with him. I was providing them with security. I was not officially working with the journalist, my job was with my own government but I was cooperating with the journalist. He gave me his address too. *The information on the journalist is mentioned during the Administrative Review Board however; it has been left out of the transcript for security reasons. (The original document redacted the information Detainee said at this point).* He told me he came to collect information. He was that close with me and he took me and my friends to Kabul. He offered to pay for my meal and I said, "No, you are my guest and I am an Afghan. The Afghan way is not to [allow the guest to pay for the host].

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I was not his friend for material or money. I had money he was a personal friend in that way. The answer is over.

Presiding Officer: Okay, it also says that he later stated he worked for American Intelligence. It says here that you identified him as a journalist but later stated he worked for American Intelligence.

Detainee: Yes, but he told me personally. Privately, he told me yes, I came in the name of Washington Post but actually I am working for American Intelligence. I made a joke with him if you are a journalist you would do some things. But he wanted to go to the mountains and the hideout of Taliban.

Presiding Officer: Hideout with Taliban?

Detainee: No, hideout of Taliban. Later, he told me he wanted to collect intelligence information.

Board Member: How long [was it] between the time he identified himself as a newsman and the time he told you he worked for intelligence, how many days?

Detainee: One time he came and gave me his card with the name of the Washington Post and said I am a journalist. When all the journalist were coming to Kabul they sent us a letter asking us to take care of them and give them some security. First he gave me the Washington Post card and said I am working for the Washington Post.

Board Member: When you helped him did he pay you?

Detainee: No, he didn't even put gas in my car. I put the gas in my car. In my private car with four to five guards I let him go and I told the guard any place he eats you pay for it, anything he needs you pay for it. I put 40-50 kilometers [on the car] and I paid for my gas. I even told them don't talk too much and don't smoke because they don't like smoke. I would gas up my car myself. That was our code of honor or hospitality.

Designated Military Officer: (4.g) The Detainee stated, when American Forces entered the country, he was approached and worked with Americans who said they worked for American Intelligence. The Americans stayed at his house for 15 days before moving to the airport.

Presiding Officer: I realize you clarified that earlier in some Detainee comments read by the AMO.

Detainee: I never worked directly with American Intelligence. I was working for my own government's security. Because Afghanistan was friends with the American government and they were both fighting against the terrorism, as the United One Front. I answered this question with the same answer. The translator or interrogator made an

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error or something. Just like my home, they said the Americans stayed in my home, it was a technical school that we made to a base and that was where the Americans were. For 15 days they did not have any equipment, no helicopter, choppers and no vehicles with them. They were using our vehicles. Our boss Zakim Khan was the one who brought the Americans to Khowst and I was his friend.

Designated Military Officer: (4.h) When asked his thoughts on Afghanistan's future, the Detainee replied his goal was to assist in the development of Afghanistan. The Detainee wants better resources, schools, roads and broad-based, established democratic government. Additionally, the Detainee would also like to see Afghanistan develop relationships with foreign countries.

Detainee: Yes, I am for that. The reason for this statement is because of my letters from my family and they said right now the government you wanted is running in Afghanistan. That is the support of my argument. Those friends that wrote these letters have spent 6-10 years together and they know my ideas, my activities, and my wishes. You can read my letters all of you. My answer is over and that's the thing I want it and I got it. I don't want to explain it more than that because you will get tired.

Presiding Officer: Thank You!

Designated Military Officer: (4.i) The Detainee seems to not like the Taliban, al Qaida, or the Jama'at Tablighi. The Detainee volunteered to work with Americans against these groups if he could return to Afghanistan.

Detainee: Yes, not only in 2002, which is when the war happened between America and the Taliban, it was six years before that I was against the Taliban. I was against al Qaida too. I was against these people Jama'at Tablighi too. I am Muslim I know the Mosque. If I want to I can go to the Mosque to pray, if I want I can go to watch movie, if I want to I go and play, if I want to I can go and watch television. If I want to I can cut my beard a little bit shorter and cut my hair like a soldiers. Here [in GTMO] I cannot shorten my beard because they will issue a fatwa against me and I will be seen as an infidel. If you see my old pictures my beards were shorter. I don't call them infidels the people who shave their beards. I don't call the people who talk to women bad people. Koran does not say to us to just go and pray and don't do anything else. The Koran says go pray but spread out the work. Go work and do other things too. In another verse of the Koran God said, "I am the one that gives to the human brain wisdom," That is why one person can make a car, another can make a television, and one is involved in technology, God gave us these gifts. In the television you can see a lot of knowledgeable programs. [Also] if you have a television you can learn a lot about the Koran. There is no need to read the book if you can see it on the television. My brother wrote me and said he has a television dish.

Presiding Officer: Can we move to "j", are you through?

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Detainee: Yes.

Designated Military Officer: (4.j) The Detainee is not upset with the United States, but is frustrated with the methods used to capture people. The Detainee claims other Afghans who have a grudge against someone else are just accusing people because of personal rivalries and are making up stories about people who are actually innocent. The Detainee claims that a person by the name of Jan Baz turned him in to United States Forces for a reward.

Detainee: Yes, I am very happy that America came to Afghanistan. They got the terrorists out of Afghanistan. America got rid of the barbaric people in Afghanistan and they brought daylight instead of [darkness]. Afghanistan fell from mountains down and for over 100 years they were not able to stand up. If the Americans did not go there after a few years [Afghans] would have had no doctors, no teachers, no engineers, and those people would live in the very, very dark ages. One thing that really bothers me is America claims they are the fathers of human rights and they are the only ones in charge of human rights and they are such loving people. But when they started bothering and hurting innocent people that will break my heart.

Presiding Officer: Let me ask you this, to get back on the statement they made in "j". [It states] the Detainee claims a person named Jan Baz turned him in, is that correct?

Detainee: This is the Jan Baz, he is the nephew of Pasha Khan.

Presiding Officer: Okay, I thought you said Pasha Khan your enemy had turned you in.

Detainee: This is his nephew, Jan Baz, is his nephew. The hurting of innocent people has broken my heart. The Afghans, I know them and you don't know Afghans. Afghan people are very poor. They need food, they need knowledge, they need schools, and they need treatment for their wounds. They are very poor and when you hurt them and bother them that will break my heart. For fourteen years the Russians oppressed them. For six years the Taliban brutalized them and because of them there were sanctions from all over the world on those poor people. Taliban did not have any problem because they were receiving cars, gas, food, clothing and whatever they wanted. The poor guy, the average Afghan didn't have food or clothes to wear. My children and some of the poor children, because of lack of medication were losing their lives. The Taliban high officials were receiving treatment in Pakistan or some other countries flying out on special planes. They had money, if one piece of bread was \$100 they could afford it and I couldn't. Those are the [types] of things that bother me. Still when innocent people get bothered or hurt that just breaks my heart, it's my nature. Not only in my country in any corner of the world, if any oppressed people or poor people get bothered or hurt or died because of lack of food and these things it will bother me. Like for example, in Iraq there was a dictator like Saddam and the people started standing against [him] and they are still standing. I have seen the pictures of the children with my own eyes, children with lack of

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nutrition who have lost their eyesight. Yes, my answer is over, but Jan Baz is the nephew of Pasha Khan.

Designated Military Officer: (4.k) The Detainee claimed to be a Jama'at Islami member. The Detainee explained that the group opposes the Taliban Forces. The Jama'at Islami used to pass out anti-al Qaida posters offering monetary rewards in exchange for information to the schools in the area.

Detainee: Yes, I did have a relationship with Jama'at Islami, whose leader was Ahmed Char Mosoud, who was assassinated by al Qaida. He was blown up a few days before September 11th. I was with him because he was against the Taliban. That group was the only group until the end of the Taliban who was fighting against them. Don't be so proud that you came to Afghanistan and took over because if there were no other groups against the Taliban in Afghanistan you would not have been so successful. Before you arrive to Afghanistan the Taliban was already [being pushed] out. I was the one who put the prize money on the fliers and the Bin Laden/al Qaida cartoon on the Mosque and schools. I was the one that installed them and telling people that they are offering money for some information on these groups. I was the one that took pictures of those things and took videos and gave it to the Americans. I was the one supplying information to the Americans. My own government asked me for the videos and then my government gave it to the Americans and they are aware of that. If you see the movies of Khowst Province, I was the one who took those pictures. Also, I forgot I was the one who made speech against al Qaida and Taliban everywhere and they do have my tape. My answer is over.

Designated Military Officer: (4.l) In the spring of 2002, the Detainee stated he was offered a job with the new Afghanistan government of Karzai. The Detainee also stated that he was made the director of the 7th Division of the Afghanistan National Security Office in Khowst, Afghanistan. The Detainee claims a letter of appointment to this post is among his belongings held by United States Forces. His responsibilities included monitoring media, hospitals, schools and tracking narcotics trafficking.

Detainee: Yes. It was not the 7th Division, it was National Security Branch 7. But for the rest of it, I have an appointment letter and the Americans took it and it states I was given the post. The Americans have these documents [as well as] the Afghans. Because they called me a doctor, they said they would let me control the hospitals. From all over our neighbors like Russia, China, Iran, and Pakistan they delivered us some fake medication and we didn't have a lab to check the medication and provide people with the proper dosage. They were using my experience regarding the medication and when I looked at the medication I saw the difference. I could tell the difference between the original and a fake. I was controlling the media, magazines, and radio making sure they did not say anything [mean] against the Americans. In the 7th Branch my job was security. In National Security they have 12 Branches and there are different jobs for each branch. My job at the 7th Branch was number seven and I was the director of that branch.

Presiding Officer: One question on that, in Khowst alone there are 12 Branches?

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Detainee: The General from the Ministry in Kabul, have twelve departments and each Province has twelve branches. And even in Kabul, my relationship was with the 7th department.

Designated Military Officer: (4.m) The Detainee fought against the Taliban. The Detainee was jailed three times by the Taliban, twice for political reasons and once for being late to mosque.

Detainee: Yes, that is totally right. I did fight against the Taliban. One time Zakim Khan and myself went and kicked them out of Khowst but they were supported by Pakistan and it was too much pressure for us, so they came again. The volume of their soldiers was too much pressure. So one time I was jailed for that and after 15 days they let me go. The second time, they put me in jail because they were collecting taxes by force from the storekeepers and then I caused an up rise with the other shopkeepers and we told them we are not going to give any taxes to the Taliban. The Taliban was using their tax money to fight. Yes, we want to give taxes but to build schools and hospitals, not for the war, so they put me in jail again. Then one more time I was late for the Mosque and my beard was too short, so they put me in the jail for three days. Those are the times I was jailed. I was not against the Americans before and I cooperated with them and I am not against the Americans now or [will I] be in the future. I can give you a document to show you the evidence I have earlier fighting against the Taliban. The American's [fight] against the Taliban was since 2002 and my fight was since 1996. I could do nothing but you had the facilities and the weapons and you could have kept them out of our house and then these things [probably] would not have happened on September 11th. Regarding me, if I get released and my government needs me to help with these poor people according to my age, knowledge and energy. I will defend my country if they need me with my country friends. I am not a danger to anyone and I have never been a danger to anyone. My memory is not that good, but I wanted to complete my education and become a real doctor and work in the [Pharmaceutical business]. I don't blame you because somebody gave you the wrong information. I want you to think about it, use the reasoning and the information and just think about it. I am sorry that someone called me an Enemy Combatant. But when they captured Taliban in the field with a gun and they let them go but [yet] they keep me for four years. I am really, really sorry for those Arabs who are fighting and they brought them here and those Pakistanis that they captured in Afghanistan with the weapons in the war are now at home. But they brought in Afghans who have been fighting side by side with the Americans. It is a pity that people come from Britain, Australia, Kuwait and America who got captured in Afghanistan are freed now and I am still here. Is that justice? I was waiting for the first trial and I wonder why did they call me an Enemy Combatant?

Presiding Officer: Okay, we can cover that a little later but this here is your chance to be represented and you did give us a lot of information to go on so, we will hope for a better outcome.

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Detainee: Secondly, the letters that come from my friends and my family, you can read them and find out who I am. They know my ideas and my way of life.

Presiding Officer: I am going to get to that in a moment, please let me finish with the DMO.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

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: Yes, sir! The Detainee would like to make an oral statement and submit six letters that were written on his behalf. I am handing the Administrative Review Board what has been previously marked as Exhibits EC-C thru EC-C6. Copies of these exhibits have been previously provided to the Designated Military Officer.

The Presiding Officer had a brief discussion with the AMO regarding exhibits EC-C thru EC-C6.

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form and after that if the Detainee has additional comments he would like to make, he can do that.

Assisting Military Officer: Two of the Detainee's six letters, enclosures EC-C1 and EC-C2, were not submitted with copies of the original Pashto letters. The Detainee was no longer in possession of the originals and asked that the Joint Detention Group (JDG) English translation be submitted. Due to JDG policy, the original Red Cross Pashto copies could not be supplied.

Detainee: I have three pictures.

Presiding Officer: Does he want us to look at them?

Detainee: Those are of my children going to school.

Presiding Officer: These have GUAN Number on them so I guess they must have come with the letters.

Detainee: Yes, they kept the originals and they gave me a dark copy.

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Presiding Officer: Do you have any additional comments? I know you made a brief statement at the end of the Unclassified Summary of Evidence. Do you have any additional comments you would like to make, please take this time.

The Detainee made the following statement:

Detainee: I don't know what to say more, but if you have questions I am ready. I got tired from talking a lot. It is not appropriate for me to talk more than that, I leave the justice or the decision for you. I was doing the same job you were doing; I was capturing Detainees. I don't blame you it is fine with me. I wish they would send me a notice or summoned me to tell me why I was placed under arrest. Coming in my home and taking [caused] my wife and my children to cry. I wish the government or the Americans would have talked to my tribe leader and told him that I have done this and this and he had a problem. You fix it or I'll fix it for you. They because of arrogance have come to me and I am just a government employee and they captured me and look at my government like it is nothing. They took my cars and my identification, which was like insulting my own government's documents. It is international law that you should not attack their honor. I want my children to be educated in the future, I want the economy to be better, and I want the sick people to receive treatment so we can have a better life. I am very happy my daughter is going to school and that is the most pleasure I get now. Every human being in their right mine wants a better life. Even animals want a better place if they feel some danger (looking for safety). You people should not think that all Muslims are extremist because they are not. There are a lot of Muslims who want a better life and better technology. Some Muslims are extremists that misuse the Koran and religion. I have studied the Koran with an interpreter and they translated it very wrong. Islam is a peace religion, it is the humanity religion, and it is the help, the good and so on. It is not for the brutality and killing. I will give you an example, I copied a verse of the Koran and I will read it to you, if you give me the permission.

Presiding Officer: Certainly, I will give you permission. Is this something you are going to submit or read from?

Detainee: I want to read it.

Presiding Officer: Continue.

Detainee: God, peace upon him says it is not only for Muslims it is for all human race. The name of God and the rest are Arabic verses of the Koran, which I am going to read. God never compel you to have hostilities with another nation. Even if any nation of any people stop you from going to the Mosque do not fight them. Even if someone won't let you pray you are still not supposed to fight him or her, be patient and don't hurt anybody. I never think about revenge or hostiles or grudge. Make sure your actions will not make you excited to join the actions. Help each other and have good behavior. Don't hurt each other over sin, over fights, and over bad things. You be afraid of your God and without doubt God will punish those who are not obeying God's commands. You will be

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punished. Islam is very seldom. Your hostility or your feelings will not get out of control. Based on this, Islam is a religion full of peace, justice, humanity, and love. There is another verse; all those people who believe in God, I say stand up for the justice and peace. For God's sake stand up against the brutality and the injustice. Be the witness of justice and peace. The animosity should not cause you to go out of control and do wrong. Justice and peace are very close to God. God does not like brutal people. He sees your actions and knows what you are doing. Obey the God and the commands of God and you just apply it. God has the right because he created humans and he gives the right to the people. These are the rules, they say God is right and human being is right when he takes care of them. God rights are made equal to the human rights. Even the Koran said if somebody cursed the Koran, God would forgive him. If human beings curse each other and the other side that has been curse does not forgive the other side then God will not forgive him. Islam is not the religion of meanness; Koran is not a book of atrocities. The people who are misusing the Koran will end up punished in this world and they will be isolated in the world. It is in the Koran to teach us humanity, manners, and values. I see here some people spit on each and claim they are Muslim they are not Muslim. Islam does not say to curse and say bad things to other human beings. In Islam religion black and white is equal it is not different. Women and men have no privileges on each other. Somebody is misusing the [words] and saying women don't have too much rights and that is not from Islam.

Presiding Officer: Does that complete your statement?

Detainee: Yes, my statement is finished now I am waiting for your questions.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: You are an educated man in the medical sciences, correct?

Detainee: Up to a limit.

Board Member: Do you know human anatomy very well?

Detainee: Yes.

Board Member: Okay, I just want to ask you a few questions. We will go from easy to hard. Where is the carotid artery?

OL-23: Sir, I don't know those words.

Board Member: Okay, it may not translate. I'll change.

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Presiding Officer: Keep it simple.

Detainee: My job was pharmacy and nursing. I have not studied at a higher level. I have studied anatomy a little bit. I studied pharmacology, I studied nursing, I studied surgery, and some other things.

Board Member: I will ask you some pharmacy questions. If a small child swallows a poison, what medication would you give him?

Detainee: They would insert a nasal gastric tube and suction the stomach out and another way to cleanse the human body is to administer an enema. Normally, when you purge a person's body like that you have to give them an IV because they leak out potassium and other essential human elements. We give them serum.

Presiding Officer: I think you two understood each other and we will go on from here.

Board Member: What does a diabetic take to stay alive?

Detainee: There are two kinds of diabetics. One is from genetics from father to son and the second one is from physical conditions.

Board Member: You are giving me a complex answer to a simple question. What medication does a diabetic take?

Detainee: There are different medications the name is Glucophage and insulin.

Board Member: He has answered the question adequately.

Presiding Officer: He has passed the test.

Board Member: One more question and I'll give you a hard one. I have eaten bad meat and I have intestinal parasites, what type of medication [would I need]?

Detainee: Food poisoning is what you are talking about?

Board Member: No, I have a parasite, worms.

Detainee: I would give them anti acid thing and something for the digestive system. If the parasite touched the inside of the intestine it would cause some blockage. If the person does not pass gas or have a bowel [movement] then they would have to operate or there would be an infection.

Board Member: Good.

Presiding Officer: Mine will be a little simpler. I see two capture dates but here we have 19 September, do you recall if it was 19 September 2002, your capture date?

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Detainee: They showed me in the first trial and I know about the Afghan history, [so] I know the Afghan date. I was living in Kabul for my administrative works. On September 11, Rumsfeld came to Bagram and I was watching that on the television. So when I went to Kabul, it was one week later when I got caught.

Presiding Officer: That's fine.

Detainee: It should be 19 September.

Presiding Officer: That's what I am going to go with thank you.

Detainee: If it were a good day for me I would have written it in my notebook.

Presiding Officer: These pictures you want them back, is that correct?

Detainee: If you want a copy that is fine with me.

Presiding Officer: If you want to submit them I will make a copy, because this looks like the only copy you have.

Detainee: You can take a copy from the photographic machine.

Presiding Officer: I am just asking if you want to submit them I need to know so I can get the AMO to make copies.

Detainee: Yes.

The board pauses briefly while the AMO copies the Detainee's pictures.

Presiding Officer: The AMO has returned with the photos the Detainee wanted to submit and he will submit those as Enclosure 5, EC-D-1 and there will be five pages. Okay.

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

Presiding Officer: I would like to thank you for your answers and your cooperation with us and the board will consider the letters you have presented as well as the answers you gave us today.

Detainee: I appreciate you guys. I wish and hope you use justice in my case. If you don't settle my case through justice and peace, in resurrection my hand will be on your collar. I know myself more than you know me. I don't blame you guys for nothing regarding this.

Presiding Officer: Thank you!

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

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Exhibit #	Date	Classification	Guantanamo#
EC-C1	UNKNOWN	UNCLASSIFIED	GUAN 2005-A 00365
EC-C2	UNKNOWN	UNCLASSIFIED	GUAN 2005-A 01462
EC-C3	15 JUN 2005	UNCLASSIFIED	GUAN 2005-A 02436
EC-C4	26 JUL 2005	UNCLASSIFIED	GUAN 2005-A 02437
EC-C5	26 JUL 2005	UNCLASSIFIED	GUAN 2005-A 02438
EC-C6	25 SEP 2005	UNCLASSIFIED	GUAN 2005-A 02938

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CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

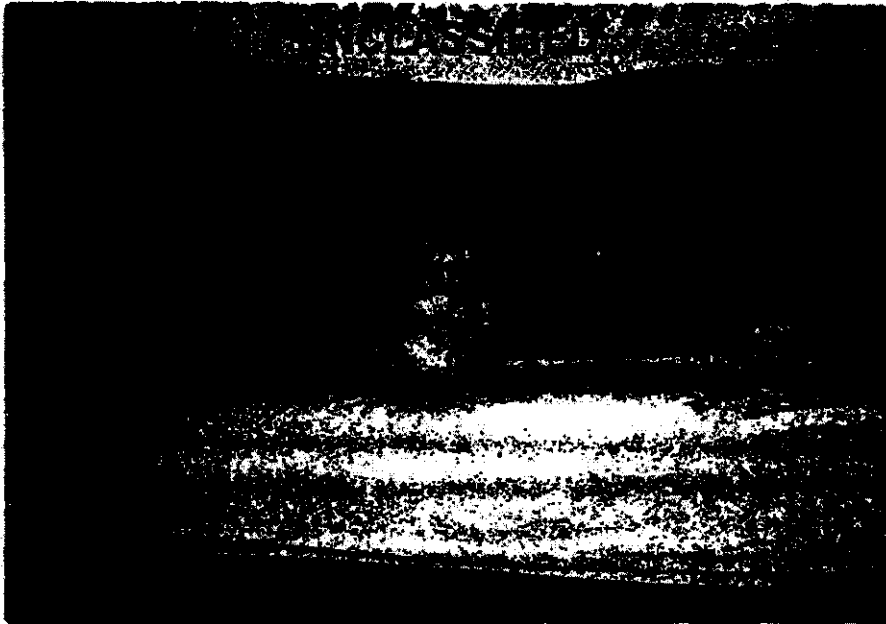
ISN 831

Exhibit #	Date	Classification	Guantanamo#
EC-D1	UNKNOWN	UNCLASSIFIED	GUAN-2003-I 00154
EC-D2	UNKNOWN	UNCLASSIFIED	GUAN-2003-I 00236

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GUAN 2003I 00154

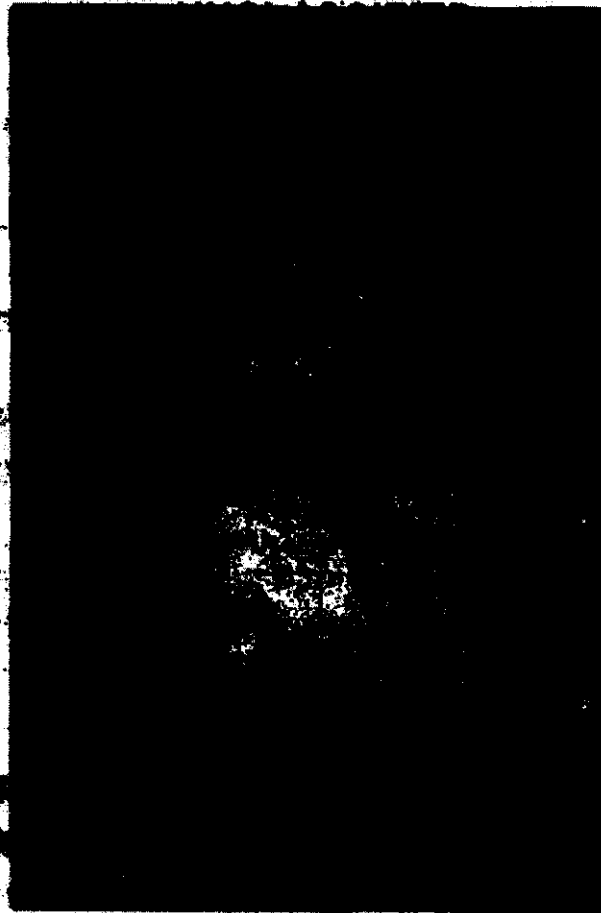


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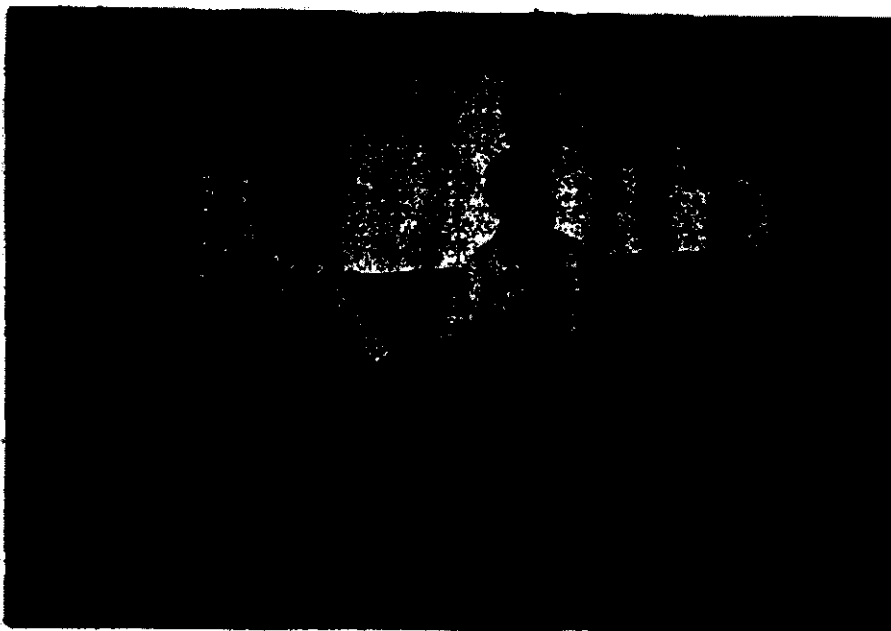
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