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Summary of Administrative Review Board Proceedings for ISN 845

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

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

Detainee: If you tell me to [take] an oath I will take the oath. Going under oath in our religion is a very serious issue even for a [situation] where the person is right, it is not very easy because of the seriousness of the oath. If you tell me to go under oath I will [take the oath].

Presiding Officer: I cannot require you to take the oath, you are not required to. It is up to you. If you decide to say no, that is fine with us.

Detainee: I will leave it up to you. I don't want to go under the suspicion that I am not going under oath because I am hiding the truth or things like that. I don't want to give you that impression. If you want me to go under oath I will.

Presiding Officer: In our culture you take an oath and when you say something under oath we consider you to be as honest and forthright with us as you can. Again, the only

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emphasis is it is your decision. You're not required to, but if you like we can administer the Muslim oath.

Detainee: In our culture when a person has to go under oath it has to be [a] very serious matter. Once he goes under oath, he swears to god, and then the Islamic court will forgive him. I went under oath in the previous tribunal, but still they did not release me. I am still here although I went under oath.

Presiding Military Officer: Designated Military Officer please administer the Muslim oath.

The Detainee accepted taking the (Muslim) oath.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and The Terrorist Organization Reference Guide, DMO-3, 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 primary factors favor continued detention: (3.a) Connections / Associations (3.a.1) the Detainee worked for Nasim, the leader of the Behsood Security Post, and Gul Karim, the head of the security forces in Jalalabad.

Detainee: Nasim is the brother-in-law of Gul Karim and Gul Karim is the security force in Jalalabad. Right now he is the security officer in Jalalabad. He was a good friend of mine and he is working in the current government and I don't think that is a crime or a sin.

Designated Military Officer: (3.a.2) The Detainee identified a Hizb-I Islami Gulbuddin (HIG) compound.

Detainee: We have a small community there and people who live...especially famous people...for example Americans that live somewhere...if you ask anyone where they live anyone will tell you, Americans live in this compound. Everybody will tell you who lived in the compound. It has been thirteen years since I have lived in that area. I lived

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in a different district, but I have not lived there, I have not gone there, but I just know it from a distance that this was the compound of them and so does everybody else.

Designated Military Officer: (3.a.3) The Hizb-l Islami Gulbuddin (HIG) is a faction of the Hizb-l Islami party and was one of the major mujahedin groups in the war against the Soviets. HIG has long established ties with Bin Laden. In early 1990s, the HIG ran several terrorist training camps in Afghanistan and was pioneer in sending mercenary fighters to other Islamic conflicts. The HIG offered to shelter Bin Laden after he fled Sudan in 1996.

Detainee: How [does] this relate to me? For example right now Karzai has relations with different leaders and countries of the world, the United States, and European countries. How does it relate to me? I am just living my life. [Karzai] might have ties with Bin Laden and Sudan or whatever, but that does not relate to me. It does not concern me.

Presiding Officer: Just remind him this section covers his connections or associations.

Detainee: I am not a president or a leader or anything, but however you want to set it up or go over it it's up to you. For example Karzai is the current president of Afghanistan, tomorrow if some other guy becomes president and he is asked if he was a president once, it does not relate to me. [Karzai] is a big guy doing big things, I am a poor guy doing my life. So, whatever high office, government officials do, it is not my business.

Designated Military Officer: (3.b) Intent (3.b.1) Akta Mohammad, of Marah Warah, was the operations sub commander for the 21 September 2002 rocket attack on the United States forces in Asasabad.

Detainee: Asasabad is a different province it is part of Konar Province. At that time I was living in Jalalabad, I was not in Konar on that particular date. If you can find out, somehow or another, or anyone can tell you I was in Konar at that time then I am guilty.

Designated Military Officer: (3.b.2) The Detainee was identified as a heavy machine gun operator for the Taliban and from the Konar Province.

Detainee: I have not done any military work for any military operation at that time. I have not worked with the Taliban at all. I had a different profession. I was a merchant and I was doing my business.

Designated Military Officer: (3.b.3) the Detainee worked near Jalalabad at the Beshood Bridge security post. His job was to protect the bridge and be visible to protect the roads.

Detainee: I was just a regular soldier, I was not a leader or officer of any kind. At the time of Karzai I was a soldier working at that [area].

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Designated Military Officer: (3.c) Other relevant data: The Detainee stated that it was probably his tribal enemies who gave false information to the Americans accusing him of being a Taliban commander.

Detainee: Whatever the enemies have told you, Taliban or whatever they have branded me, I don't know, but I know my enemies have told it to you.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee stated he did not support or work for the Taliban.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee said he did not want the United States to leave Afghanistan.

Detainee: I did not want the Americans to leave Afghanistan.

Designated Military Officer: The Detainee stated ordinary people are happy with the Americans and are not happy with the warlords.

Detainee: Yes, that is true.

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 wishes to present his oral statement and I have some comments to provide as well.

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

Assisting Military Officer: The detainees initial Administrative Review Board interview occurred on 02 August 2005 and lasted for 45 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the Administrative Review Board, the Detainee stated he wishes to attend and speak openly with the board members. A follow up interview was conducted on 04 August 2005 and lasted 10 minutes. The purpose of this interview was to assist the Detainee with any additional questions he had before attending the Administrative Review Board. The Detainee prefers to respond to the Summary of Evidence after each

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

Presiding Officer: Thank you. Akhtar Mohammed I understand you may have a statement for us. If you do at this time you may make any additional comments you wish to make.

Detainee: Most of the issues that I was going to address were brought up in the questions that you asked and I answered. The main question remains to [he] answered and that question is when I go back to Afghanistan will I pose a threat to the United States and it's partners or not? I will start my relations with Americans from when I was here in the camp. I treated everyone, all the Americans, that were working with me with respect and I never disrespected them and it shows [in] my record. When I go to Afghanistan I will have a respectable and mutual respectable relationship with Americans. I will treat them with a lot of respect because I like Americans. It has been thirteen years since I could live in my district because of the warlords. I was living in a district far from my home. Right now there is peace in my country and with the peace progress will come to the country. The streets will be built, the schools will be built, and the country altogether will be rebuilt. That is what I want and that is my hope and my wish. When there is peace people can go back to their home districts, their hometowns, and they can live in peace and harmony. When I was there for a year and a half ago normal people, the public, were very happy with Americans because they brought peace to Afghanistan. I don't like violence and when I go there I will promote peace and I will help peace. I will not create any problems and I will have good relations with Americans, with you. I have never worked for the government except for the few months that I worked for Gul Karim. He is working for the Karzi government right now. Otherwise I was working for myself, I was [self employed], but now I am here detained. How can I be a productive member of the country if I am here? I cannot take part or participate in keeping peace and progress in Afghanistan while I am here. If I were a bad guy, Gul Karim would not hire me and let me work for him. Since I was a nice guy he gave me a job working for him and it was during the time [the U.S. Government] was there.

Presiding Officer: Akhtar Mohammed does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank you for your sincere and honest answers.

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

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

Administrative Review Board Member's questions:

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Board Member: When you worked at the Behsood Bridge security post did you carry a weapon?

Detainee: Yes, I had Kalashnikov.

Board Member: Where did you receive the training on the Kalashnikov?

Detainee: The brother-in-law of Gul Karim taught me a little bit. It is not a big machine gun. The Kalashnikov is a small machine gun and it is easy to learn.

Board Member: Were you ever taught to operate a heavy machine gun?

Detainee: No never.

Board Member: Akhtar, the Hizb-I Islami Gulbuddin HIG compound that you identified, was that in the city of Jalalabad?

Detainee: No, it is in Konar, my hometown. That compound is a very known compound. That compound has been there since the time of King Zaher Shah.

Board Member: Is Konar your home district?

Detainee: Yes, it is a province.

Board Member: Do you know specifically which enemies may have given us the false information about you?

Detainee: Malek (meaning chief) Zareen was the commander of a brigade of about 800 people. He was the commander of this force that was working for the Americans, but he was my enemy. He had those government cars and stuff that he was driving, but he did not like me.

Board Member: Anybody else?

Detainee: We had tribal animosities with [Malek Zareen].

Board Member: How were you arrested or captured?

Detainee: It has been three years and I don't know why I was arrested.

Board Member: Where were you when you were captured? What were the circumstances?

Detainee: I was in my home. I went from Jalalabad early in the evening to my home, someone knocked on the door and I went out to answer it and they arrested me.

Board Member: Who arrested you?

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Detainee: The Americans arrested me and Zareen's people were with them.

Presiding Officer: You mentioned that you were a merchant, what kind of business did you have?

Detainee: I...our country we have this wood business. The large trees, they cut them down, and sell them. They ship them from one place to another and they make things out of the wood. I was in that business.

Presiding Officer: When you return to Afghanistan, will you go back to work for Gul Karim, for the merchant business, or what? What are your intentions?

Detainee: I am not sure when I go back if Gul Karim will be there. If the government needs my help I will help them. However, with the government jobs, you don't make as much money as you do with your own business. Although, some people that work for the government, they still do their own business in order to support their family and have a better life. I want to have my own business too, but if there is a government job for me to do besides my own business, I will do it too.

Presiding Officer: Thank you for your answers and honesty.

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

(The Detainee interrupts with the following question:)

Detainee: How long will it take?

Presiding Officer: I have to be honest with you, I don't know.

Detainee: You can't tell me approximately a month, a year, a real rough estimate?

Presiding Officer: I could say approximately a month or a year and I wouldn't know. It could take two weeks or it may take a year. I don't know.

Detainee: Although, it is up to you or in your power to send me back home or keep me here, it is not going to change the fact that I like Americans because they have brought peace to Afghanistan. I am happy with the peace that is in Afghanistan. My intentions are not going to change about that.

Presiding Officer: Again, we thank you for your honesty.

The Presiding Officer adjourned the open session of the Administrative Review Board.

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, USMC
Presiding Officer

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