(Revised 22 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 890

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 asked the Detainee if he wishes to make a statement under oath. Muslim oath offered.

Detainee: Yes, I will take the oath and these allegations that are here (written) in the Unclassified, I will tell the truth about.

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.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 20 December 2005 and lasted 55 minutes. After reviewing the ARB's purpose and procedures, the detainee said that he understood the difference between the CSRT and the ARB. The detainee was read the Pashtu translated Unclassified Summary of Evidence. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee said, he would attend the board and present an oral statement. He stated that at the ARB he would answer any questions. The detainee was very polite, and attentive. He elected to take a copy of the Pashtu translated Unclassified Summary of Evidence for his review.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to 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 and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of 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.

Designated Military Officer: When the detainee was very young he joined the Mujahadeen to fight the Soviet Union.

Detainee: Yes, sir. I did fight against the Russians, because it was a necessary struggle against the Soviet Union. The whole world, especially the United States helped us in this fight against the Soviet Union.

Designated Military Officer: The detainee is trained in the use of hand grenades, rocket propelled grenades, the AK-47 and the Sakil machine gun.

Assisting Military Officer: The detainee stated he was not trained with hand grenades.

Detainee: I did not do any training on hand grenades and I have never used them before. I did learn how to use Kalishnikovs, rockets, and heavy weapon machinery. I did not do any training for these weapons. I practically learned how to use these weapons in the war.

Designated Military Officer: The detainee met with Muliah Mohammed Omar, the Supreme Leader of the Taliban, on only one occasion in Kandahar, Afghanistan.

Detainee: I saw Mullah Omar once. I saw him because I made a request to get a car for transportation. At this time everyone was coming to see him in his office.

Designated Military Officer: The detainee was listed as a member of the Senior Staff of Taliban Defense Ministry Personnel.

Assisting Military Officer: The detainee says he was not a member of the Senior Staff of the Taliban. He was the Deputy to Mullah Qauim.

Board Member: Who was Mullah Qauim? What was his title? What was his position?

Detainee: He (Muliah Qauim) was the head/commander of the Brigade.

Board Member: In your capacity as the deputy, what was your role and function?

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Detainee: I was with my soldiers, wherever the fighting was. Anywhere there was fighting I was there.

Board Member: You obtained directions from Mullah Qauim?

Detainee: Yes, I was under Mullah Qanim's command.

Board Member: Who did Mullah Qauim work for?

Detainee: The Defense Minister.

Board Member: What was the name of the individual that Mullah Qauim was subordinate to?

Detainee: Mullah Omar Abdullah.

Designated Military Officer: The detainee was identified as being assigned to a 40-man team of

fighters.

Detainee: No, I don't know that kind of group. I don't have any relationship with that group. I

don't know them and I don't have any association with them.

Board Member: As the Deputy to the head of the Brigade, did you have any knowledge of any

logistics, where your supplies, provisions and arms would come from?

Detainee: I don't know the sources of where they were coming from. When he got the supplies,

he would give us our share.

Board Member: You had no idea who would provide the means to get these supplies?

Detainee: I was always in the field fighting.

Board Member: Who were you fighting against?

Detainee: Anyone that brought insecurity.

Board Member: Were you fighting the Northern Alliance, Coalition Forces? Who were you

fighting?

Detainee: Yes, we did fight the Northern Alliance. Anyone who was disturbing peace we did

fight.

Board Member: During what year? What was the timeline?

Detainee: At the time the Taliban was in power.

Board Member: At the time of the Taliban when you were working with them as a Deputy Commander, was it peaceful? Would you consider that you were fighting for the peace of

Afghanistan?

Detainee: There was no peace. That's why we were fighting for peace.

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Board Member: At one point you were fighting with the Taliban against the Northern Alliance?

Detainee: We were fighting for the disarmament of the Northern Alliance and for peace. That's why I was involved.

Board Member: You were fighting with the Taliban in the hopes that the Taliban regime would bring peace?

Detaince: At the beginning, yes. We were fighting against the Northern Alliance to disarm them and bring peace to the country. While we were fighting against them (Northern Alliance), the Taliban later changed and we changed as well and turned against the Taliban.

Designated Military Officer: The 40-man team was funded primarily by Pakistani and Syrian Non-Government Organizations with some times to al Qaida.

Assisting Military Officer: The detainee stated no, he had no relationship with Pakistan, Syrian NGO or al Qaida.

Detainee: Yes.

Designated Military Officer: The detainee was reported as being named the new Director of Hezb-E-Islami Gulbuddin cell operations in Kandahar, Afghanistan.

Assisting Military Officer: The detainee stated the statement is incorrect, he did not know Gulbuddin. The detainee fought against the HIG.

Detainee: That's not true, like the AMO said. I don't have any relationship with the Hezb-E-Islami Gulbuddin party. I fought against the HIGs. If I said I fought against them then how would I be associated with Hezb-E-Islami Gulbuddin.

Designated Military Officer: The detainee commanded over 500 Taliban soldiers in Kabul.

Assisting Military Officer: The detainee stated the Commander was Mullah Qauim, the Taliban Defense Minister.

Detainee: Yea. In that Brigade I had 40 people under my command. I was the commander of those 40 people.

Board Member: Can you tell us a little bit about Qauim? Did you know him well? What was your interaction with him?

Detainee: He was from Helmum province. His commander was Mullah Odud. I don't know him very well. Mullah Odud died and Mullah Qauim took his command.

Designated Military Officer: The detainee fought the Northern Alliance and the Taliban as the Supreme Commander in Kabul.

Detainee: I did fight the Northern Alliance and also the Taliban.

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Assisting Military Officer: The detainee stated he did fight against the Northern Alliance, but did not fight against the Taliban. In the end he did fight against the Taliban for the new government in the name of peace. The detainee also fought the Taliban because they dug-up the body of Asmat Khan, who was the tribal leader, which is against their belief and religion. The whole triba stood-up against the Taliban with the United States.

Detainee: After the collapse of the Communist regime in Afghanistan there was a civil war. There was no security the younger generations were not going to school. That reason forced me to work for peace, security and disarmament of these fighters. I wanted to reconstruct our education system and to bring more children to school. Then I joined the Taliban and fought the Northern Alliance. I didn't have any conflict with the Northern Alliance and I also don't have any conflict with anyone. I have always wanted peace in Afghanistan and that was the real reason I was with the Taliban. When the Taliban started inhumane actions against other people I decided along with my tribe to become anti-Taliban and we started to fight them. When the Karzai government took over we supported the Karzai government. I never joined the Taliban after that and never wanted to join them. My tribe is still supporting the current government in Afghanistan.

Board Member: When you made the shift from fighting with the Taliban to fighting against the Taliban, how did you form this resistance? Who were you fighting with? Where did you get the materials from to be able to forge a war against the Taliban?

Detainee: When the Taliban started to act against the people, we turned against them at this time the United States also came to Afghanistan. The new government was in the process of taking over. When Gul Agha and Pashtoon came we went and turned in whatever weapons we had to them in Kandahar.

Board Member: You specifically stated that you fought the Taliban. How did you do that?

Detainee: We were against their policies. No fighting.

Board Member: No physical fighting?

Detainee: No.

Board Member: Do you have a family?

Detainee: Yes, sir.

Board Member: Then you must have had a lot to risk by going up against the Taliban.

Detainee: There were many tribes and people that were against the Taliban. It was a dangerous situation, but we accepted it.

Designated Military Officer: The detainee survived approximately 18 bullet wounds that apparently occurred during the Russian Jihad and during his time as a Taliban Commander.

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Detainee: Yes. I did it because this was for the security of my people. Yes, I was injured fighting against the enemies. I did that serving my country.

Presiding Officer: That's impressive. Do you have any lingering effects from your injuries?

Detaince: Yes, sir. My legs and hands are weak.

Designated Military Officer: The detainee was told he would be turned over to the United States to provide information about enemies of the Afghanistan Government.

Detainee: Sir, you know about my whole file. I was not a big shot or an official to get involved in everything. Whatever information or knowledge I had I told them. I told Gul Agha and Khalid Pashtoon; they gave me directions and orders to help the Afghan Republic. That's what I did for Afghanistan. I have also helped Americans by being very truthful and honest; I will still like to help them. When I go back to my country and my village I would be glad to do the same and help the United States and the Afghan government. I will do my own daily job to provide food for my family.

Board Member: Who told you that you were being turned over to the United States for intelligence gathering?

Detainee: When I turned against the Taliban, right away I heard a statement from the government of the United States on the radio. I then went to my own district (which is Oruzgan) and turned to Gul Agha and Pashtoon. When I went there the governor of Kandahar told me do not give these weapons to anyone unless there was a commission coming from Kandahar or the United States forces came to Oruzgan, then they would take the weapons from me. When the commission came to our district, we surrendered our weapons to them and got a receipt. All the people and that piece of paper were witnesses that we surrendered our weapons. They told us to just stay at home and if anyone from outside or inside the district comes to disturb peace, attacks or has intentions of attacking, then right away we should inform the district (the actual government). I always did that. Then I started building my own house. I was working on my house and I was proud of the peace, the government, and the Americans being there. Pashtoon and Tajik were coming and working to help build my house.

Board Member: Approximately how much time went by since you left the Taliban, from the time you went anti-Taliban to the time you heard America supposedly sponsored this message asking if you had information to please provide it? How much time were you at home resisting the Taliban?

Detainee: It was about a year. Prior to Majad Masoud's assassination, I was injured and I left the Taliban. I was at home living in my district in my village. Someone brought a letter from Obidullah I took that person with the letter to the district manager.

Board Member: Was Obidullah part of the Taliban?

Detainee: He was the Defense Minister.

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Board Member: He was not Taliban?

Detainee: He was the Taliban Defense Minister.

Board Member: So at some point you left the Taliban and you were at home building your

house. You were anti-Taliban, why did the Taliban come back to visit you?

Detainee: They were trying to make me look like a bad guy to the Americans and the Afghan government.

Board Member: So when you left the Taliban, how much time passed? How much time went by since you were no longer with the Taliban? You were resisting the Taliban and then the Taliban Defense Minister shows up with a letter. What prompted that?

Detainee: It took a year. The reason my tribe and myself turned against the Taliban was because our tribe leader Asmat Khan died and we buried him. In the Afghan culture and the Muslim religion it is the worst crime you can commit if you dig someone up. They did that to insult the whole tribe, this was the reason we turned against the Taliban, we stopped fighting and supporting them. I went to my village and started building my house. If I was helping the Taliban I would have went directly from Kabul to Pakistan or to the mountains, instead I went home. The whole tribe turned against the Taliban and I supported the government and was happy that the United States forces came to bring peace. The Taliban took advantage of that and sent the letter; once they sent the letter all the people surrounded me to make me go to the Afghan officials. They (Taliban) wanted me to look bad in the face of the government.

Board Member: The letter you are referring to, what were the contents of this letter?

Detainee: The letter said "Hi, How are you? I am good. You are good?" At the bottom it said "Mr. Rahmatullah Sangaryar, please come to Pakistan."

Board Member: You stated several times that you were against the Taliban. What did you do or your group do besides go against the policies? Did you take any specific defensive actions? Were you just sitting at home?

Detainee: First of all, the weapons I had I gave to the Afghan government. The second and the most important thing is people. I stopped my whole tribe from supporting the Taliban.

Board Member: By speaking out?

Detainee: Yes and supporting the Afghan government. Those three things are the most important and best things I ever did.

Board Member: How were you sustaining yourself and your family for the year you were back at the village? Economically?

Detainee: We have a farm and a garden,

Board Member: You would sell the produce?

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Detainee: Yes.

Designated Military Officer: The detainee has a strong desire to return home to family and find work as a laborer.

Detainee: Yes.

Designated Military Officer: The detainee believes he is being treated fairly and holds no grudge against any Americans.

Detaince: Yes.

Designated Military Officer: The detainee believes he was handed over to the United States Government to provide intelligence information and not for suspicion of being a terrorist.

Detainee: Yes.

Designated Military Officer: The detainee claimed he is not against United States Forces and he supports the new Afghanistan Government.

Detainee: Yes.

Board Member: Prior to departing from the Taliban and being the Deputy Commander out in the field. Did you fight alongside al Qaida or have any association with any al Qaida members while you were fighting?

Detainee: No, sir, I was a small chicken. I was not big time.

Board Member: A small chicken. You had no opportunities to see the Arabs come and fight?

Detainee: In the city or town they would say these were Arabs and that was it. The Arabs were so special, very few high-ranking Talibans were trusted and allowed to know where they lived, ate and slept. I was not one of them. The reason I spent some time with the Taliban, was not because they were good or bad guys it was because I love peace, I did it for the peace and I wanted peace for my country.

Board Member: So you believed at that time that the Taliban would bring peace to Afghanistan?

Detainee: When the Taliban were collecting weapons from all over Afghanistan, it was clear that they were bringing peace. That's what I was for, the peace.

Board Member: You mentioned earlier that there was a change, at what point did you see that change?

Detainee: The reason we turned against them was because they started doing bad things. They decided to go all the way with fighting and not negotiating.

Designated Military Officer: The detainee reported a Taliban recruitment request to the legitimate regional governor as he was instructed.

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Detainee: Yes.

Board Member: Was that the letter that you mentioned earlier?

Detainee: That letter and anything that happened I would report it.

Board Member: So other things happened, such as what?

Detainee: When someone had weapons I would report it to the government and collect the

weapons from them.

Board Member: What happened to those individuals?

Detainee: The weapons were just collected from them. When the United States forces came to our district and had information about people that have weapons, I would tell them if they had weapons, what kind, how many and where. Then they would collect them.

Board Member: This information would go to the local governor or did you actually have interaction with the Americans at that time?

Detainee: The Americans were not stationed in our district and the local government/the district manager would be....

Board Member: Your liaison?

Detaince: Yes. I always supported the local government. Especially with them rebuilding our school and rebuilding the girls school, which I thought was very important. I helped out a lot with that kind of work.

Designated Military Officer: The detainee claimed to have fought the Taliban when the Taliban threatened Kabul's interests.

Detainee: Yes.

Designated Military Officer: The detained collected weapons from his tribesmen and turned over six small cars, one truck, two mounted anti-aircraft weapons, 39 Kalashnikovs, two RPG-7s, four PKs, two 82 series machine guns and six handheld radios to the regional Governor.

Detaince: Yes.

Board Member: Who assisted you? How were you able to obtain this much equipment and weapons at one time?

Detaince: We had some weapons left from the fight against the Russians with a member of the tribe. We also had some from the Talibans (which we hated all the time) for the security of the region. That's why we had these weapons in our possession.

Board Member: The question was, were there anyone within the tribe that assisted you with this movement? Where was all of this stuff kept? Were they stationery in a building?

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Detainee: There was a huge amount in the building that we took it from.

Designated Military Officer: When the United States captured Kabul, the detainee dissolved his forces and turned over his weapons and communication equipment to the new Afghanistan Government.

Detainee: Yes.

Designated Military Officer: The detainee refused a Taliban request and dissolved his forces.

Detainee: Yes.

The Designated Military Officer confirmed that he had no further unclassified information.

Detainee: I am requesting that you call my district manager and the district people. This way you can find out about me and if I am a good guy or a bad guy.

Board Member: I am curious. I am having trouble understanding the timeline. You stood out against the Taliban in your tribe and community. You turned in individuals that were holding weapons; you turned in caches of weapons to the regional government. At the time you were arrested, why was your local government not there to back you up or support you?

Detaince: It's not clear to me, why they brought me here.

Board Member: That's very interesting. Thank you.

The Designated Military Officer 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 Presiding Officer had the Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form, Exhibit EC-B.

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee would like for the board to call Jan Muhammad, the Governor of Oruzgan Province, he will tell them he is good and did not harm anyone. He likes Americans and is happy they brought peace to his people. The AMO explained to the detainee that the board will make a recommendation and that the process will be explained to him at the ARB. He was also told that a decision will be made in Washington, D.C. and he will get an answer in the very near future.

The Detainee made the following statement:

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Detainee: I don't have too many things to say, but I would like to say one thing. I am glad and very happy that the Americans are there even if it cost me to stay here. I love peace and disarmament; I don't want anyone to have weapons in there home. I hope the Americans collect these weapons from them. They are there to bring peace and security to Afghanistan and to the Afghan people. All the service of fighting I did in my country against the Russians, it was for peace. Right now I am for the peace and education for the people. The children should be educated; it's good for peace. One of the reasons that we don't have peace is because of lack of education. Disarmament brings peace and education, education and peace bow together. Again, I am insisting on the United States forces to be there. These parties and warlords will not and cannot bring peace. If you have any questions, sir, I am here to answer anything. I am sorry if I said something disrespectfully. I hope I didn't.

Presiding Officer: Thank you very much. Does that conclude your statement?

Detainee: I just request that you take one thing into consideration. I have been here almost three years. You can look at me, at my uniform and you can study my behavior for the whole three years of being here. I did not bother a single soldier or do anything to bother them or make me look bad or to look to them with disrespect. I never did that and I would not do that.

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

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

Administrative Review Board Member's questions:

Board Member: Thank you for participating. The information you have provided has been very helpful to this board.

Detainee: I am very glad and happy. Thank you very much.

Board Member: My question is very simple. Based on what you have shared with us why could you possibly be here? What led up to you being arrested and sent to Cuba?

Detainee: When there's peace in Afghanistan, I am proud to be here and I will be proud to be here. It doesn't matter; it doesn't make any difference for me. Why I am here? I do not know.

Board Member: You don't know why you are here? You can't even fathom an idea as to why?

Detainee: One thing that I can say is that the Taliban put me in a position. They tried and they probably succeeded to put me in a position to make me a bad guy against the government. That was not true. I gave up the weapons that I had and I did not support them. I did take actions against those that were against the present government. One of the reasons I am here is probably that, which is the only thing I can think about.

Board Member: You're past association with the Taliban?

Detainee: Yes and the letter that they sent.

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Board Member: So the letter implicated you in possibly still being aligned with the Taliban?

Detainee: Yes. Probably what Obidullah wrote.

Board Member: Even after you turned in weapons and individuals that were still pro-Taliban?

Detainee: No, sir.

Board Member: To your knowledge do you know what happened to Mullah Qauim?

Detainee: No, sir, I don't know. When I was in Kabul he was in the North.

Board Member: Thank you.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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

Colonel, USAF Presiding Officer

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الف: - بلى ما دروسانو پر فهر جائره کښې برخه اخيستې ده-
دا هُكَم چې هغه جُلره يو ملي قيام وور او د تول نه که لو په تېرو بيا د منصه ايالانۍ له ځوا زمون د دغې ملي قيام ملاتړکېده .
يه تبرو بيأ د متصده المالانق له خوا زمون د دي ملي قيام ملا تهكيده .
ب: - لا سي بمونه مي بالكل ندي زيد او نه مي هېڅكل
استعال لري دي ، أمّا د كلا شنكوف راكع أو تقير ما شيدار
يه صطربايد ووليم چې هېڅ ډول زده کړه او تمرين هې
دِم مَكْرِبِالْدِرُولَ يُوم چِي هِ جَ دُول زُده كَرِه او تَمَرِينَ هِي سُدى بِرِي مُو يِول مُن بِهِ استَعال يَ يُوهِ بِرَم —
ت: - ١٠ بلي : ما د طالبان مشر ملا هرعمرته يوكيك ليكلي وو او
له هغه قرمي ديوعلاه موتر غو المتنه كري وه ، چي دهفه
مو ټر په و اسطرمې له طالبانو سره د امنيت او دخلکود
خلع سلاح كولي لياره مرستم كولم ، اوزما دا ليدنم له ملاعر
سرد يواځې د ليک په واسط وه اوهېڅ ډول خيرې مې نړي
وريسره كري . او دا چه داسې حال كېنى دو چې ملاق عمر قم
كندهار عام خلك مرخوك د ليدو الأمرستي اخيستلو لياره
ورتال او ورتادی شوای
ا زهٔ هین وضت ددهای پیروزارت کسی نور رتبه غړی نه بیم پای شوی
Detaince's Signature Date

Enclosure (4)
EC-C
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Detainee's	Signature	Dat	

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ا: _ () بلي ا زهٔ په خيل وجود باندې ځينې ټپونه لرم ، چې دامې
وطن ته د سولې او امنيت د راوستلو په لاز کښې د سولې د
دوسمنان بدلاسون به خيل هَان مُعْملي دي او دا تيبونه زياجم نه
دو بنهان به لاندو بل به خیل هٔ ان مُعملي دي او دا تبویم زیاجم نه بلک و طن ته د خربت به لارکښې زیا قرباني او مفلما نرمدیت
ئا بتري .
آ ککرخرنگم چې تاسونه هم معلوم ده چېزه ده لو پرتيم سري نريم
او ندوم و دبر بعلومات درم خو هغم اندانه معلومات مهجه درل
هغممى دكل آغا شيرني لوخالد بيشتون لم هدليت سره سم
هم دافقا ستان د جمهريت مكومتي طواكرته الهم د متمده الإلاتي
چارواکو ته مکمل به اخلاص او صداقت سو ورکری دی،
le lew is the proposition of the said of the said
کورنۍ ته ستون نشم ، او خیلې کورنۍ ته دې د نفقې برابرولو پهلارکښې ځپل کار او مزدوري وکړې
Detainee's Signature Date

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