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Summary of Administrative Review Board Proceedings for ISN 923

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).

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 Administrative Review Board interview occurred on 12 August 2005 and lasted 65 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. The Detainee prefers to respond to the Summary of Evidence after each allegation is read during the Administrative Review Board. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during

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interviews. The Detainee elected not to have a copy of the Unclassified Summary of Evidence for future review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, other unclassified information 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: The Detainee fought against the Russians in the Jihad.

Detainee: No, I haven't fought jihad.

Presiding Officer: Not even against the Russians?

Detainee: No, I haven't seen a Russian. I haven't gone to jihad.

Designated Military Officer: The Detainee admitted to being a member of the Taliban.

Detainee: No, I'm not a member of Taliban.

Presiding Officer: You never admitted this at any time?

Detainee: I was not a member of Taliban, but I had a local dispute, a lawsuit over my residence. To gain some official support from a government officer, I was working as a cook for five months for a member of Taliban.

Designated Military Officer: The Detainee was apprehended by Afghan Security Forces at his bakery shop. Although no weapons were found, a letter describing the character of approximately 24 men and recommending they be admitted into the Taliban II Commando Corps was found. The letter signed by former Taliban supreme leader Mullah Omar.

Detainee: I don't know about any letter. I had this lawsuit, this dispute with this guy and he had more support so he won and he handed me to Afghan forces to arrest me. Probably they made up this list of Taliban members and he probably just throw it in my shop or just put it in my pocket, but I don't know. I have some paperwork that is strictly

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the bakery paperwork, the stuff that I buy and sell. I don't see very well, so I don't know about this particular letter. You can check my handwriting if it was written by me. I am being very honest with you. I'm not lying to you. It was not my letter and it does not match my handwriting.

Presiding Officer: Thank you, we will ask more questions about this.

Designated Military Officer: The Detainee and two other men are reported to have been plotting to attack United States personnel in Kandahar, Afghanistan, in late December 2002.

Detainee: I am disabled. I don't see very well. I am not able or not the kind of guy to be able to do that. You can ask your physician [of] my physical ability. He can tell you that I'm not...

Presiding Officer: We can see. Thank you. We'll have more questions.

Designated Military Officer: The group also planned to conduct mortar attacks on the Kandahar, Afghanistan airfield at a later undetermined date.

Detainee: I barely had time to follow or pursue my lawsuit that I had. When you look at me, do you think that I'm the kind of guy to be able to do that?

Presiding Officer: Thank you.

Designated Military Officer: The intent of the attacks was to gain support from the Sayyef Organization.

Detainee: I have a family I left there in the town. If I was that kind of guy to do attacks than I would probably not [be] living in the city. I would have run away a long time ago. I have a family. I want to support my family and make some cookies and some bread, just to support my family.

Designated Military Officer: Some Abu Sayyef Group leaders allegedly fought in Afghanistan during the Soviet war and are students and proponents of radical Islamic teachings.

Detainee: Please don't [tell me the] name[s of] these people. I don't know them and I don't need to know about them. I'm a poor man.

Presiding Officer: It's just a general statement about Abu Sayyef.

Designated Military Officer: An unknown individual from Pakistan, sent by, or associated with, Zabih Jalil, a Hezb-e-Islami Gulbuddin (HIG) commander in Quetta, Pakistan, provided radio-controlled detonators. The man also instructed the Detainee on the proper use of the devices.

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Detainee: Even if you bring those devices to me I do not know them. I'm being very honest with you. I swear that I don't [know] these things.

Designated Military Officer: The Hezb-e-Islami Gulbuddin has staged small attacks to force United States troops to leave Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee: I don't have these kinds of thoughts. I have never thought about these things. I don't know this line of thought. I'm a person of peace. I want peace. I don't know these people and I don't think these things. I always wanted peace, because I have [a] family I want to live peacefully with my family. I want to go to my work and then I go back home. I can accomplish that when there's peace. Once my bakery shop caught fire and I did not have money to repair it, I divided [my house] into two pieces. I built a wall in the house and half of this house I leased it to some people, so with that money I could continue my bakery business. I lived in half of the property and the other half...I leased it just to be able [to] continue my business, because I am a poor man.

Designated Military Officer: The Hezb-e-Islami was one of the major mujahedin groups in the war against the Soviets and has long-established ties with Bin Laden.

Detainee: Those people I don't know them. These words I cannot comprehend. This is up to you.

Presiding Officer: We'll get back to more questions about some of these people. We'll just try to clarify in a few minutes.

Designated Military Officer: Zabit Jalil was reportedly involved in planning to lay remote control detonated explosives along the route to a U.S. military installation in Kandahar, Afghanistan.

Detainee: I don't know Zabit Jalil. I don't know about these things. Whoever made these allegations they are my enemies and they want to ruin me.

Designated Military Officer: HIG Commander Gulbuddin Hekmatyar, Zabit Jalil, and Mullah Ghaffor were providing funding for planned attacks against United States military personnel.

Detainee: I'll be glad if I could support my family. I could barely support my family. I'm not thinking about those things. I don't know these people. Why is it relating to me?

Designated Military Officer: The Detainee reportedly purchased 100 bars of wet gun powder; twelve 82 millimeter mortar rounds; 25 to 30 rocket propelled grenades; two or three Enfield rifles; and four anti-tank mines.

Detainee: These things are way above my level. I don't have that kind of ability. I can barely support my family and my business and I have trouble doing that. I don't know

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about all these things and none of these things have ever been caught with me. So I don't know.

Designated Military Officer: The Detainee received some military and hands-on training while fighting against the Russians in the jihad, but denied any formal training at a formal camp.

Detainee: I swore to you earlier and I'm still under oath. I don't know. I'm not that kind of person. I was living in the center of the town [and] by the paved road was my business. I couldn't do those things. You are also honest people; because you went under oath...you better believe me that I'm not lying to you...I'm being honest with you.

Designated Military Officer: The Detainee can fire AK-47s, pistols and shoulder-fired rockets.

Detainee: Do you believe that? You bring a physician. You people are of science and technology. Tell a physician to examine my eyes. I'm blind in one eye and I partially see [through] the other one. I can't do these things. How can I fire a rocket? I can't do this. I'm not able to. If you are seeking the truth at least this one item can be brought to light, if you bring a physician here...an optometrist... When I use the bathroom at night a child has to lead me. Has to take my hand and take me outside.

Presiding Officer: We have it confirmed in your medical records. We will have a few questions about this in a few moments.

Designated Military Officer: The Detainee worked for about one year for Mullah Abdul Ali, a member of the Taliban. The Detainee would pick up groceries and personal items for his employer.

Detainee: I'm not a man of politics. I am not a man, who can use ammunitions or any kind of weapons. I was working with him. I was just his servant. I work with him for two or three months just to make some money and support my family. That's all I was doing.

Designated Military Officer: The Detainee admitted knowing Zabit Jalil, but only during the time of the Russians.

Detainee: I don't know Zabit Jalil. I haven't seen him. I don't...I never said that I know him. I never said that I know him.

Designated Military Officer: The Detainee admitted involvement with the Sayyef Group during the Russian jihad.

Detainee: I [did] not admit that. I have not said that. I'm not a man of jihad. I've never done jihad. I've never seen him. I am being very honest to you.

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Designated Military Officer: The Detainee denied knowing Mullah Omar and having any knowledge of a letter reportedly discovered in his residence.

Detainee: I wanted to say something...a few words I have. *Translator informed the Detainee that he would have an opportunity later to say a few words.*

Designated Military Officer: The Detainee denied any association with the HIG, Taliban, and involvement in the planning of attacks on U.S. or Afghan forces.

Detainee: That's good.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Detainee made the following statement:

First I want to talk to you about this lawsuit. Locally, I had a lawsuit involving the house, my property...I want to talk to you about that. Everything happened to me because of that lawsuit that I had that was the originating point of the problems for me. I built this house, some people...the fighters, [and] the gun owners they turned on me. This was before the Taliban. Those people were the warlords and they were strong...by force they took this piece of land from me; the piece of land that I wanted to build property on, the warlords [took] it from me by force. When the Taliban came to power, there was some justice, I went to Taliban officials and told them about my problem. With the help of this guy, for whom I was cooking his food, with his help I won the lawsuit. I built a house on that property, the house that I own right now. I left that cooking job and started my own bakery. I was doing my bakery business. When this government (Karzai) came to power those people had power. They went to this government and they [were awarded] 1.2 million Afghan[is]; the old currency, which had less value. They got [they're] money from me. It was one year we were involved with this lawsuit...very busy with the lawsuit before they [got] this money from me. Once they got [their] money from me, they handed me [over] to [the] Americans. They made these allegations...that this guy is this; this guy is that kind of guy. I don't know what has happened to my shop and what happened to my house and my family...I don't know. That lawsuit is not over. When I go back, I will go back to Americans and will tell them that this is the truth and these are the people, for whom I was involved in the lawsuit, and they got my money and justice should prevail somehow. This Administrative Review Board should seek the truth and make a just call and justice should prevail, because I feel that my rights have been abolished. I have a family, the support of my family is very important. I can not have

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any animosity with the present government or with any government. My main purpose is to support my family. That is my goal that is my purpose.

Presiding Officer: Thank you. Mr. Razzaq, does this conclude your statement?

Detainee: Why should I be detained here for three years? This has been cruel. My continued detention here is pointless. I should be sent home.

Presiding Officer: We will take all that into consideration in a few minutes.

Detainee: While I was detained I have treated everyone with respect; none of the military personnel have had any problems. I have always treated them nicely.

Presiding Officer: Does this conclude your statement, Mr. Razzaq.

Detainee: Yes.

Presiding Officer: Thank you very much.

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: Mr. Razzaq, did you ever fight against the Russians?

Detainee: No, I haven't fought. I haven't seen Kabul.

Presiding Officer: You didn't fight at all against the Russians?

Detainee: No, not ever. Never, I'm being honest with you.

Presiding Officer: How did you feel about the Russian invasion of Afghanistan?

Detainee: We were very poor people and we were busy with our business, plus I was very young at that time...very young.

Board Member: When did your eye become injured?

Detainee: About 18 to 20 years ago.

Presiding Officer: How?

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Detainee: We were poor people. We were collecting pieces of metal to sell it. People could sell those pieces of metal to make different things from it. At that time something exploded and I lost my sight.

Presiding Officer: So that means that you were near where fighting was going on?

Detainee: At that time they had explosives everywhere...like mines and stuff. A lot of people lost their lives or their body parts, including some animals also when they stepped on those bombs or mines...they either died. That was the case at that time.

Board Member: Who did you know that was in the Taliban?

Detainee: I didn't know as a friend any particular person in Taliban. I swear to God, I'm telling you these three things truthfully. My eyes that I don't see and this lawsuit that I had and about involvement, that I don't have any involvement with Taliban.

Board Member: What can you tell me about the Sayyef organization?

Detainee: I cannot tell you anything. I don't have any information.

Board Member: When you leased your property, whom did you lease it to?

Detainee: Hajji Gulan. This person lives there.

Board Member: The munitions that were found on your property, did you know about those?

Detainee: Nothing was found on my property. These allegations are baseless. Whoever had told you [this] is not honest.

Board Member: How do you feel about the government of Afghanistan now, President Karzai?

Detainee: All I'm thinking is going back and working. Doing some labor to support my family. That's my main purpose. I don't know about politics. I don't know...I don't have any involvement with politics. My bad eyes, my poverty and my lawsuit are three major witnesses on what I [have said]. So when I go back I will hold Americans by the hand to help me with my lawsuit. I'm glad that you judges listen to me and you heard the facts through my own words. I'm happy for that.

Board Member: Tell me about your childhood, where'd you grow up?

Detainee: We don't have a lot of property. We live in [the vicinity] of Kandahar.

Board Member: Did you attend school?

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Detainee: No. I was a child when the Russians invaded Afghanistan. We all moved to Pakistan. We were living there.

Board Member: You lived in a refugee camp or where did you live in Pakistan?

Detainee: I was in a camp where they give help with food or money.

Board Member: How did you return...what sort of jobs did you have when you returned to Afghanistan?

Detainee: At the time of [the] Taliban, for a short time I was a farmer. I planted on somebody else's land...some wheat. Then I was baking these cookies.

Board Member: Where did you learn to become a baker?

Detainee: I learned in Afghanistan. It is not difficult to learn. A friend of mine he was making these cookies. He taught me how to [make cookies].

Board Member: You have been in captivity for three years?

Detainee: Where?

Board Member: Here?

Detainee: I think its about three years now.

Board Member: What do you think of Americans?

Detainee: They're trying very hard to maintain peace in Afghanistan. That is what we've always wanted. So for that reason I'm real happy with them.

Board Member: What do you think of Usama bin Laden?

Detainee: I'm a poor laborer. I don't know about politics. That question was way beyond my level of understanding.

Board Member: Have you ever heard of any Fatwas against the U.S.?

Detainee: No.

Presiding Officer: You never heard of Usama bin Laden?

Detainee: People talk about it, but I didn't show much interest.

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Presiding Officer: Not even here in the camp?

Detainee: Here the interrogators talk about it. They say, Usama this, Usama that, but I don't know much in that.

Presiding Officer: What do you like to cook Mr. Razzaq?

Detainee: I like to cook cookies and cakes...things like that.

Presiding Officer: Could you support your family as a cook?

Detainee: Yes of course I can. For a few people I can cook.

Presiding Officer: How big is your family?

Detainee: I have four children.

Presiding Officer: Four children! Have you heard from them at all since you've been here?

Detainee: Yes, they sent us the news that they're fine. Never tell us that they're dead or they're sick.

Presiding Officer: Have you ever in your life fired weapons...even hunting or anything at all?

Detainee: It's been 10 years that I'm blind like this. I've never used a gun. I'm not a person of hunting. If a person doesn't have eyes, how can he hunt?

Presiding Officer: Perhaps, you did it before you lost your eyesight. Did you ever fire a weapon before your eyesight started to go?

Detainee: No, before that I was in Pakistan. I was getting some assistance from the government as a refugee. I have never used a weapon.

Presiding Officer: Does the letter that was found in your bakery that listed 24 Taliban members, can you tell me again how you thought it got there?

Detainee: I have kids they are very young. My oldest kid is a daughter, 7 years old. They help me around the shop a little bit. I don't see very well. There are a bunch of paperwork in my shop and that is more business related. Anybody could put something...in [that] paperwork...in my pocket, just to make a case [against] me. Probably that is the case.

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Presiding Officer: That was a very damaging letter and it was handwritten. That is a surprising a letter to find in your pocket? Who do you think put that in your pocket?

Detainee: Anyone who could arrest me could do that too...seeing this guy's letter. They could just throw it in the shop or they could throw it in my wallet...anyone could do it.

Presiding Officer: What troops arrested you?

Detainee: They were Afghans that arrested me, because I don't see very well I couldn't recognize their faces or anything.

Presiding Officer: What is your plan Mr. Razzaq if you go back to Afghanistan?

Detainee: I want to do some labor just to support my family. I have a family. I have to support them.

Presiding Officer: I'm very happy to see you are in a tan suit, which means that your behavior here is good. If you go back home, we need to be sure that you will not be aggressive to Americans, who are still in your country?

Detainee: Please don't joke with me...you must be kidding. I can't see.

Presiding Officer: There have been people in infirmaries with problems before, who've attacked the United States or who have influenced others or who have trained others. We want to make sure that you will not do something like that when you get back?

Detainee: I've always wanted peace. Peace is good for me, for my family, for my business. I can run my family, my business only if there is peace. I'm a poor man. I want to work hard and support my family. How can a person, who is poor, and all day he is standing there in an oily environment...my hands [had] oil [on them]. How can I do any harm or fight or anything like that? We are still suffering emotionally from the wars that happened before in Afghanistan, let alone the future wars...future violence. We don't want that...future violence. I can always work...even at the time of Taliban, I had my business, [and] I was working. I was not in a position to go and fight somewhere. I was first a farmer and then I was working there...a baker or a cook. I am not a man, [who will] fight. There are some influential people...rich people; they can do a lot of damage. They should be arrested and spend time here. They could play some roles in those conflicts. I am a poor man. I've been here [for] three years for no reason and I want you to make justice prevail.

Presiding Officer: Mr. Razzaq thank you very much for your forthrightness and your discussion today will be very helpful for us to make a decision.

Detainee: Thank you very much for looking at the truth and seeking the truth. I appreciate that. I appreciate if you take into consideration that this problem has been

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made for me from a local lawsuit and the name of the guy was Ghawsudin, with whom I have an involvement...[with this] lawsuit. He put me in trouble. He took me to three local courts before he handed me to Americans. When I go back to Afghanistan, I will go to Americans and ask them [to] further follow this lawsuit, because I want my rights to be protected.

Presiding Officer: Thank you.

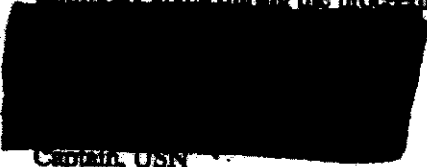
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

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.


Captain, USN
Presiding Officer

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