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Summary of Administrative Review Board Proceedings for ISN 928

*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 Detainee interrupts with the following questions:)*

Detainee: If I have some witnesses can you bring them [here]?

Presiding Officer: No witnesses, but if you had some statements from them that could be provided to us you could do that.

Detainee: [Statements] about what?

Presiding Officer: Anything that you feel is relevant. Any statement from other individuals that may be here or at home that you would like to present to us. Those are the kind of things that you probably went over with the AMO during your initial interview as the things you could present.

Detainee: I have some witnesses back home.

Presiding Officer: That is fine. They can't be brought here, but any letters they write to you can be submitted.

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**Detainee:** I have a letter from my family saying that I am not a mullah, a Talib, or anything and it [ask] what is my crime. I have a letter from my family.

**Presiding Officer:** Assisting Military Officer you went over this with the Detainee prior to coming in here correct?

**Assisting Military Officer:** Yes sir, that is all in our guidelines.

**Presiding Officer:** The AMO would have already covered this with you and anything that you have with you that you want to present is more than sufficient. Otherwise, you can present it at a later time. What ever you have with you today is all we are standing by for.

**Detainee:** Well, I did not understand it at that time, but now I understand.

**Presiding Officer:** Any letters that you want to get to the Assisting Military Officer in a timely manner, in the next day or so, the board can consider it and add it to the package. But we will continue on with this board here at this time.

**Detainee:** Okay.

*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 initial ARB interview occurred on 01 September 2005 and lasted 90 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated "Yes I will join the ARB, we are not happy with the last court. They told us they would release the innocent. We told the truth and they didn't let us go. So why do they call us Enemy Combatants?" The Detainee was again, told the difference between the CSRT and the ARB. Also the AMO explained to the Detainee that the ARB was not a judicial process. When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary of Evidence after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was polite and cooperative during the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, to the Administrative Review Board.*

*The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer.*

*The 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) Training: (3.a.1) The detainee is a former mujahedin soldier and fought in the jihad against the Russians from 1984-89.

Detainee: Yes, I have done jihad. In my province there were no Russians. There was a communist, our own communist, and I was fighting them. When the Russians/Soviet Union pulled out of Afghanistan I stopped being in touch with [any groups]. I had no connection with [any] other groups. When each party or each group started fighting each other, I had nothing to do with them.

Designated Military Officer: (3.b) Connections/Associations: (3.b.1) The Detainee was an intelligence chief during the Taliban regime.

Detainee: I don't accept this sentence. It is nonsense. I am an illiterate person. I cannot read or write and I am not even a mullah. How can I run the security or be a spying chief? I have to at least [be able to] read and write.

Designated Military Officer: (3.b.2) The detainee was a member of the Union of Mujahedin. This group detonated an explosive device in a Khowst bazaar.

Detainee: I am not a member of the Mujahedin and I am not aware of any explosion.

Designated Military Officer: (3.b.3) The Detainee was imprisoned for his affiliation with Jalaludin Haqqani.

Detainee: I was doing jihad for Sayaff and I had no connection with Jalaludin Haqqani. The commander of the Sayaff group was Islam Gul. I was a soldier with him. I have not fought beside Jalaludin and I don't have any connection [with him].

Designated Military Officer: (3.b.4) Jalaludin Haqqani is the former Taliban Minister of Frontiers and Tribal Affairs and conducted Anti-Coalition Militia (ACM) activities in the Khowst Province.

Detainee: I am not aware of that and I don't have any information about that.

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Designated Military Officer: (3.b.5) The Detainee worked with Abbas Khan.

Detainee: I have not worked for Abbas Khan. He was an employee of the Karzai government and I was an employee of the Karzai government. I [got to] know him during my duty. I did not know him before working for Karzai. He had a job and I had a job for the government of Karzai. There was an intelligence chief name Harzat Deem for the Karzai government. He was the chief during the time of Karzai. Abbas Khan was working there and I was working there. I started knowing him during that duty. One day I was sitting in the same car with Abbas Khan when they captured me. Why didn't they ask him [instead] of just asking me? When I was in the gas station and they came with the car and I jumped in they greeted him and let him go and they caught me.

Designated Military Officer: (3.b.6) Abbas Khan collaborated with Jalaludin Haqqani to conduct Anti-Coalition Militia activities.

Detainee: I am not aware of this and I have no information about this.

Designated Military Officer: (3.b.7) The Detainee reportedly met with Usama bin Laden in Khowst during the Mazar-i-Sharif bombing campaign.

Detainee: If I was with bin Laden I would be with him and I would be a big guy. Could you catch me? No!

Designated Military Officer: (3.c) Detainee Actions and Statements: (3.c.1) The Detainee was one of the commanders of the Gorbaz Medani Regiment.

Detainee: I was a soldier [in] the regiment. That regiment belonged to the Karzai government and we built it up during the Karzai government time. The commander was Haji Khayal. I was a soldier [in] the regiment.

Designated Military Officer: (3.c.2) The Detainee was involved in the planning of a rocket attack on a U.S. base. The planning meeting was held at his house.

Detainee: I was working with Karzai all the time once he started. This is nonsense. I have not done those things. You can check my attendance from the place that I was working at. I was there everyday.

Designated Military Officer: (3.d) Other Relevant Data: (3.d.1) The Detainee was part of the Taliban assassination team.

Detainee: When you have no connection with that group, how can you be their member? If anybody tells me or saw me for one night working with the Taliban then I don't deserve to be released from here.

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Designated Military Officer: (3.d.2) The Detainee was captured on 23 December 2002 while riding in a minibus to the Khowst bazaar at an Afghan Military Forces checkpoint.

Detainee: They did not capture me exactly at the checkpoint. I passed by the checkpoint a little bit then they stopped me and took me.

Presiding Officer: Were you in the minibus?

Detainee: Yes, we call it a flying couch.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated he had no animosity towards U.S. Forces and had no desire for jihad or revenge.

Detainee: I have nothing against America and I was not their enemy from the beginning and I am not their enemy. When it comes to animosity or hostility, they didn't capture me. My own people captured me and gave me to them. I beg you to help me regarding my family and these things.

Designated Military Officer: (4.b) The Detainee plans to return to Afghanistan, re-unite with his family, and work on a farm.

Detainee: I was the head of the house. My three other brothers are outside of the country in Arab countries. One brother is a diesel gas station worker and the other one is a driver. I am the head of the house and if somebody gets sick I am responsible for the land and the farming and everything. I am responsible for the housework and when my brother is at the diesel station I will work with him.

*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.*

Presiding Officer: Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board including a written statement, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement at this time.

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

Detainee: I will bring the letter from my family to you.

Presiding Officer: I was going to ask you to cover what is written in the letter so that the board has an idea in case it does not get to us in a timely fashion over the next few days. You can cover that information now if you would please.

Detainee: After the greeting they wrote to me that I was not a mullah, I do not belong to any group, and Americans are very kind and good people. [They also wrote] when they find out that [you] are innocent they will let [you] go. The rest of the letter just has my family talking. If it is useful for me I can bring the letter for [the board].

Presiding Officer: That is up to you if you want to present it. It is entirely up to you.

Detainee: That is the only words in the letter. If I bring it or not, that is what it says.

Presiding Officer: You can continue.

Detainee: If America proves that I have done anything against America I don't want to go because I have already been a prisoner. In our area there is a different kind of people and they have a different kind of hostility over everything. They frame you and then they turn you in. America does not have less money or less wisdom and they understand everything. I just ask that you don't go for the personal hostility. When the allegations say that I was a very big guy and I was there how could I get along with people there. If I was a big guy I could not come to the forts or come to the city and I could not get along with them. When Americans came by chopper to Khowsi I was defending them. I was working with the current government. In Tora Bora I was with Americans. If I was a big guy and Americans were my enemies and others were my enemies I could not get along with them and I could not be there. If they found out that I have done anything against them and I am a criminal that is fine. But if they find out that this is a personal vendetta or a personal hostility between our people...

Presiding Officer: Does that conclude your statement?

Detainee: Yes, God willing this is over.

***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: When you fought jihad against the communist what was your position?

Detainee: I was a soldier.

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Board Member: A leader or a follower?

Detainee: When we started rioting against the communist our family went to Pakistan and they started getting rations from the United Nations. With our commander, like every three months or twenty days, we were going with our commander to fight jihad.

Board Member: When you were in prison for your affiliation with Jalaludin, you said that you were not affiliated with him, why were you in prison?

Detainee: No, he never put me in jail.

Board Member: You were never in prison?

Detainee: I was in jail during the time of the communist. I did not understand the thing that Jalaludin put me in jail. I thought they told me that I had been put in jail for assassinating somebody. Jalaludin has not jailed me. During the time of the communist I was in jail.

Presiding Officer: I think the clarification on that is that Jalaludin did not put you in jail. He was put in jail because of his affiliation with Jalaludin.

Detainee: Where have I been put in jail?

Presiding Officer: It does not tell us that.

Detainee: Just one time I spent one night in jail because the Taliban people caught me because I did not pray. They caught me and put me in jail for one night.

Board Member: When you worked for Karzai and you knew Abbas Khan what department did you work in?

Detainee: Hazratdeen brought me in and during the time I worked there I started to know Abbas Khan.

Board Member: What department was it? Was it intelligence?

Detainee: Tanay Wall and Pacha Khan were two big guys having a war between each other and we were the people guarding the city. I was written as an officer, but I could not read and write so I was not performing the officer job. I was kind of a guard in the office.

Board Member: Whom would your witnesses be back home if you could bring witnesses here?

Detainee: That would be my whole tribe. You can call them and they will say that I am innocent.

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Board Member: Have you met with Usama bin Laden?

Detainee: If I was that big of a guy they could not catch me.

Board Member: Have you met with Usama bin Laden?

Detainee: No.

Board Member: How much family land do you have back home to farm?

Detainee: We have not measured it yet but it should be about 10-12 *giri*b (one acre is 1 ½ *giri*b).

Board Member: Did someone frame you?

Detainee: Yes of course because of a personal hostility.

Board Member: Do you know who this person is?

Detainee: No I don't.

Board Member: Which army unit were you with in Tora Bora?

Detainee: I was one of the...there was a commander for Rubani and he was from our area so I went with him to Kabul.

Board Member: Which U.S. Army unit were you with in Tora Bora?

Detainee: That commander and I went [to Kabul] and he had another commander and that guy was a friend or representative of Americans. His name was Dr. Abdullah and he was from Laghman. We went with this doctor to Tora Bora? It was very cold in the mountains and we were going here and there with the Americans and we were eating and walking...I did not know Dr. Abdullah directly, but I knew my own commander. The commander we had was named Woshoul and he knew Dr. Abdullah. When we came to Zazai the Americans were sleeping there and we were guarding them. If I were their enemy I had the Kalashnikov on my shoulder and they were asleep. If I were their enemy I would have killed them all. If I were against them I would do that?

Board Member: So, what U.S. Army unit was it that you were guarding? What patch? (Referring to the patch on the shoulder of the U.S. Army Uniform.)

Detainee: I don't know, but Dr Abdullah was their representative and he was famous. There was another commander and his name was Dausad and he invited Americans for a meal and we ate with them in the same place.

Board Member: Just one other comment. In the United States when you tell the truth you are not necessarily innocent. If the truth incriminates you and indicates that you are

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an Enemy Combatant then you will be declared an Enemy Combatant regardless if it is the truth or not. You think that you tell the truth and you should be innocent but it does not work that way in the United States.

**Detainee:** If I tell you that the plane that hit the Americans and you were one of them what will you do? Nobody accepts this word.

**Board Member:** I am just saying that in your interview you said you told the truth to the Tribunal and you were still found...declared an Enemy Combatant. Just because you tell the truth does not mean that you are going to be found innocent. If what you say incriminates you and indicates that you are an Enemy Combatant then you will be declared an Enemy Combatant.

**Detainee:** These people are very wise people and they have authority. If you find out that I have done anything against Americans then don't let me go. In my country there were personal vendettas and personal hostilities and people were trying to frame each other. Try to get some real information. I have my brother's telephone number and I will give it to you. You can call and tell them to bring the whole tribe and ask them about me. The whole tribe will come and tell you if I am innocent or guilty.

**Board Member:** Can anyone in the Karzai government be a witness for you or write a letter for you saying that you are innocent?

**Detainee:** I don't know a lot of people, but there is one person and he was working in the government during the Karzai time. His name is Islam Guhl.

**Board Member:** That would be good too.

**Detainee:** He had a job in the government, but I don't know which job he has now. I did jihad with Islam Guhl during the communist time and he knows everything about me.

**Board Member:** That would be good.

**Detainee:** Besides that my whole tribe knows me. I am innocent, but you don't believe me so find out in my country. How long will it take for the results of my court?

**Presiding Officer:** It is not a court it is an Administrative Review Board. Just one question and you may have already answered it. In regards to this Taliban assassination team, I know you said that it is not true, where would that have come from for us to see it? Who would have made that up?

**Detainee:** Whatever I say you do not accept it. In my country if you kill our family, like a small boy, we will kill the bigger boy. That is the way we are. Then you have to leave the area. If you stay there they will kill you. My brothers were working hard and we were working hard. If I were doing these things how could I get along with people? When I was going from my house toward the government office and they caught me I did

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not have any weapons with me. You should find out about our traditions and culture. When you kill somebody you cannot walk around.

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.

  
Colonel, USMC  
Presiding Officer