

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 933

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 his statements 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 ARB took a brief administrative break for the DMO to retrieve the Unclassified Summary).

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 occurred on 15 August 2005 and lasted 52 minutes. The Detainee stated his name is "Swat Khan" instead of "Swar Khan". 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, he said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee was very

ISN 933
Enclosure (5)
Page 1 of 11

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

cooperative and polite throughout the interview. The Detainee kept a copy of the Pashtu translated Unclassified Summary of Evidence for review. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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 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 factors favor continued detention: (3.a) Training (3.a.1) The Detainee received three months of police training, where he was taught drill and ceremony, AK-47 and RPG operations, and general police and security tactics. He also received a 30-minute lesson on how to use a GPS.

Detainee: I took police behavior training for 3 months. There were no weapons training. They just give you one Kalashnikov, which is an AK 47, and people back home call it Kalikov. The government gave it to me because of security purposes. I don't know how to operate an RPG. The GPS was given to Mustafa from the Americans. That GPS was only for people that were working for the Americans. I don't know [anything about] the half hour of teaching or what it means.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) It has been reported that the detainee use to meet daily with Mulem Jan and Pacha Khan Zadran.

Detainee: I know Pacha Khan Zadran, but I have only seen him one time. When he became governor of Khowst and people were going to congratulate him I went too. I have seen Mulem Jan and at that time he was working for Americans. I want to explain to you who Pacha Khan Zadran is. Pacha Khan Zadran is the guy in the southern province of Afghanistan, Khowst, Paktia, and Paktika, who was very close to Americans and after the fall of the Taliban he was the governor of Khowst. He was trying to control all three provinces instead of [just] one. His younger brother Kamal Khan Zadran was the commander of a division in Khowst, another brother was the president of the Customs Department, and another brother was the Minister of Border and a member of the Karzai government. Janbaz was his nephew and he was working for Americans and for the campaign. Before my capture, instead of him, Habib Muhr had been appointed to his job. These people were all appointed to their position during the Karzai and American time.

ISN 933
Enclosure (5)
Page 2 of 11

21223

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

[Working] campaigns and patrolling the roads that the Americans worked were the only [positions] that Americans gave to Afghan soldiers. All the uniforms, food, and \$200 a month was being paid for each [Afghan soldier] from the Americans. [During this] same time another campaign was being built up in Khowst Province. The commander of that campaign was Ghaffar Tanrdhai and his salary was \$150 and Mulem Jan was the leader of this campaign.

Designated Military Officer: (3.b.2) Pacha Khan Zadran maintains a checkpoint on the Kabul-Gardez road where his forces charge tolls and arrest personnel who are disloyal to him.

Detainee: I introduced Pacha Khan as I knew [him]. The rest of the information about Pacha Khan has nothing to do with me. I already explained the power of Pacha Khan and his brothers. All of them have very high positions.

Designated Military Officer: (3.b.3) In addition to his illegal checkpoints, Pacha Khan Zadran has raided houses to raise money and supplies, recruited soldiers, and made statements on the radio saying that he does not accept the Karzai government.

Detainee: Pacha Khan Zadran was raiding houses everyday. I am not responsible for this.

Designated Military Officer: (3.b.4) The Detainee believes that Pacha Khan Zadran want to regain Khowst, Paktia, and Pakita provinces in order to control the entire eastern portion of Afghanistan.

Detainee: I don't know the real thing, but as far as I know Pacha Khan was trying to control three provinces, which are Paktia, Paktika, and Khowst. He was trying to control all of them. Even [with] that, there were a lot of people from Gardez trying to fight him. There is this guy named Abdullah, he is here with me at the camp, and he can tell you he fought Pacha Khan.

Designated Military Officer: (3.b.5) The Detainee admits that he knows Mulem Jan because he was the commander of his division in Khowst, and that he used to be a soldier under Mulem Jan. The Detainee claims he has not seen Mulem Jan for over six months prior to his arrest, and denies any knowledge of the crimes that Mulem Jan has reportedly committed.

Detainee: Mulem Jan is the guy that was working for the Americans and that is how I know him. I know he came on a helicopter to Khowst province with the Americans. In Taktabeg there is a military base and Americans landed there with their chopper and the security responsible [for them] was Mulem Jan's soldiers. Even Mulem Jan and Hakim Khan were guarding Americans. They would not let the police officers talk to the Americans. Then the chopper flew away and the Americans, Northern Alliance people, and Mulem Jan stayed there. People knew him as followers of Zakim Khan. Mulem Jan was not that famous. The Americans and Northern Alliance stayed at this technical

ISN 933

Enclosure (5)

Page 3 of 11

21224

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

school. The commander of the division was Kamal Khan, Bacha Khan's brother, not Mulem Jan. I was not a Mulem Jan soldier I was a policeman. I belonged to the Minister of the Interior and my commander was Mustafa. Mulem Jan did not belong to the government he [was working for] Americans. The division belonged to the Ministry of Defense.

Designated Military Officer: (3.b.6) In early September 2003, Mulem Jan coordinated the movement of 75 men for a planned attack on a border guard checkpoint.

Detainee: What am I supposed to do? I have been here for 31 months and I don't know what is going on in my home.

Presiding Officer: If you have no comment to add that is fine.

Detainee: Number 6, 7, and 8 have nothing to do with me.

Designated Military Officer: (3.b.7) As of 10 June 2003, up to 13 people have been trained for suicide bombing operations. Mulem Jan, who is affiliated with Jalaluddin Haqqani, has been responsible for the specific training.

Detainee: I have no response.

Presiding Officer: That is fine. I am required to read these to you and if you have no response just say I have no response or I previously answered that. We have to read each of these to you.

Detainee: Thank you.

Designated Military Officer: (3.b.8) In mid-April 2005, it was reported that several Anti-Coalition militant (ACM) commanders, including Mulem Jan, met to discuss attacks on Khowst in order to build morale amongst the declining Taliban fighters. Mulem Jan has been reported to be one of the two commanders responsible for the attacks on a Border Check Point on 22 March 2005.

Detainee: This happened 5 months ago and I had no idea about them. [I was here in GTMO].

Designated Military Officer: (3.b.9) Three Union of Mujahidin documents were captured at Little Taktabeg, Afghanistan. The Detainee is listed as a "Commander" on the first document. On the second document, the Detainee is listed as receiving payments on at least two occasions from this group. On the third document, the Detainee is listed as having 30 personnel assigned to him.

Detainee: Taktabeg is the 25th Division, 19th Brigade, and Taktabeg is where the central commander is. Taktabeg is where the new administrator, Mulem Jan, was living. Regarding my writing...at that time we were not receiving food and other equipment or

ISN 933
Enclosure (5)
Page 4 of 11

21225

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

requirements. Americans were paying dollars to Mulem Jan because of his reputation he gave us two American dollars. I was a representative of the administration and I divided the money among the checkpoints. If they called me "Commander" that is good, but I [it] was a police squad...over 5 or 6 people...but if they call me "Commander" I will be happy to be one. I was responsible for the checkpoint where I was captured too.

Designated Military Officer: (3.b.10) As of 12 August 2005, Union of the Mujahidin of Afghanistan operatives had met to discuss operations targeting United States forces and Afghan leaders.

Detainee: I thought about it a lot and I don't remember anything. I have no idea about this.

Designated Military Officer: (3.b.11) According to the Detainee, the "Union of Mujahidin" is an informal attempt on the part of Mustafa, Pacha Khan Zadran, and Zakhim Khan to get money from United States forces in exchange for cooperation. As far as the Detainee knows, the three men never met. They came together to fill the political vacuum in Khowst Province.

Detainee: I never said that these people are an official Mujahidin Union. I [did not say] that I have not seen these people. Yes, I saw them and I had to talk to them. Mustafa is the Commander of the Police and I was a policeman, so we had to see [each other] and talk. [Why] would I say I have not seen them? It is a possibility there has been a mistake from the translator or investigators. Also, I never said that the three of them came to Khowst at the same time. Mustafa is a Khowst resident, Pacha Khan is a Paktia resident, and Zakhim Khan is a Paktika resident. How can they come together?

Designated Military Officer: (3.b.12) United States forces apparently paid the three leaders who then coordinated with their followers, such as the Detainee. The Detainee explained that this is why he had a document outlining his responsibilities and privileges in Khowst province.

Detainee: The Americans were paying these three leaders, Zakim Khan, Pacha Khan, and Mustafa. I had some documents with me and they are currently with the investigators and those documents were about my job.

Designated Military Officer: (3.b.13) The Detainee admits to receiving money from the Union of Mujahidin, but denies membership in the organization.

Detainee: I already said I took money two times from Zakim Khan. As I mentioned before these three leaders were working for Americans and I took the money that they gave me. I divided it between my personnel, which were 6 or 7 other people. The two times that they gave me money it was in the name for uniforms, food, or other things. I never took money from a Mujahidin group or any other group for myself. I only belong to the police administration. I don't belong to any political or any other groups. I was a police officer and not a political person. My job was to serve and protect the people.

ISN 933
Enclosure (5)
Page 5 of 11

21226

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (3.c) Other Relevant Data (3.c.1) The Detainee is reported as selling weapons and ammunition illegally from his security post to be used against coalition forces.

Detainee: This allegation is not true. I only had one Kalashnikov and the government gave it to me.

Designated Military Officer: (3.c.2) Habi Noor is a former general during the Afghan/Soviet war who worked with the Americans to conduct patrols of the Khowst region in order to confiscate illegal weapons.

Detainee: I don't believe that Habi Noor was with the Americans. He was a communist general when Afghanistan had a Communist Government.

Designated Military Officer: (3.c.3) The Detainee claims that for approximately two months he worked a checkpoint at Zary Tarkha in Khowst.

Detainee: Yes, I have done this.

Designated Military Officer: (3.c.4) On 12 January 2003, Habib Noor came through the Detainee's checkpoint and asked why he was charging people money to cross. The Detainee showed Noor a letter that he had from the government instructing him to collect ten Pakistani rupees from each vehicle passing through the checkpoint. Noor then detained him and took him to the security center in Khowst where he stayed until he was handed over to the Americans.

Detainee: I don't remember what day it was, but Habib Noor came to the checkpoint between Khowst and Gardez that had security people there. That check point is on the highway between Khowst and Gardez. It is a very big checkpoint and it has its own security people. During this time there was a Ministry of Transportation worker available to...[he] was present. Which, according to the regulation of the government, he was charging each vehicle and he was depositing it in the bank for the government. Habib Noor asked me why I was taking money from the vehicles. When I showed him a letter from the governor, he told me [the] Americans want to talk to me. No soldier from Khowst has [ever] seen me. I have not been to Khowst central command or Khowst base. Only the workers of that checkpoint have seen me. Habib Noor took me directly to the Americans. This statement is not true. Habib Noor never took me to the security center in Khowst. He sold me directly to the Americans. He took me to the airport for 1-hour and then he gave me to the Americans.

Designated Military Officer: (3.c.5) Habib Noor has been accused of being a member of the Watan Gund (translated as "Country Party"). Their goal is to unite former Mujahidin to destabilize Afghanistan and defeat the United States' efforts in their country. They have possible ties to Hezb-e Islami Gulbuddin (HIG).

21227

UNCLASSIFIED//~~FOUO~~

ISN 933
Enclosure (5)
Page 6 of 11

UNCLASSIFIED//~~FOUO~~

Detainee: This question has nothing to do with me, but I will say something anyway. Habib Noor was working with the Americans for his own personal benefit. He worked with the Americans because his two sons were linguist for the Americans. He was working for three reasons. One was to take money from the Americans; two was because he was trying to give a bad name or reputation to the Americans because he was communist, and the third reason was because if he hated anyone he would get them or get revenge [against them]. This is just my opinion and I have no proof of this.

Designated Military Officer: (4) The following factors favor release or transfer: (4.a) The detainee feels that Noor had him arrested because he has a vendetta against the Detainee. Previously, the Detainee had arrested one of Noor's commanders for auto theft, and the Detainee felt that his arrest was in retaliation.

Detainee: This is not my opinion this is reality. Yes, he did that. This is one of the purposes in his life.

Designated Military Officer: (4.b) The Detainee stated that he had never been associated with and anti-coalition organization nor had he sold weapons to anyone.

Detainee: I have not...I said before [that] I have not sold any weapons and I can prove that I was not against Americans because I was working for the Karzai government. I had the uniform of Karzai when they took me to Bagram Air Base.

Designated Military Officer: (4.c) The Detainee denies knowing any Taliban members.

Detainee: Yes, I told them that because I did not have any connections with them.

Designated Military Officer: (4.d) The Detainee denied having any knowledge of the attacks on the United States prior to their execution on September 11th.

Detainee: I did not have any information or idea about this attack, but I [consider] this attack a criminal action against human being[s].

Designated Military Officer: (4.e) The Detainee's behavior during detention includes only minor infractions.

Detainee: I have been around a lot of [soldiers/guards] and I have been in a good place. You can ask any soldier. I have not [spoken] bad to them or done anything wrong to make them sad or unhappy. Because of my good behavior [I] have made my life better. I am a prisoner and anything that I have said that might make [the board members] mad or sad, I ask you to forgive me.

Presiding Officer: Thank you.

21228

UNCLASSIFIED//~~FOUO~~

ISN 933
Enclosure (5)
Page 7 of 11

UNCLASSIFIED//~~FOUO~~

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: The Detainee would like to make an oral statement and he also provided a few statements for me to speak on his behalf. The Detainee made the following additional comments: I am a police officer and police are not political. They, the Americans, have my card and uniform showing I was a police officer. I was officially at a checkpoint, doing my job when I was picked up. Habib Noor said the Americans wanted to talk to me and respectfully picked me up and took me to the airport and gave me to the Americans. The translators used were Noor's sons. Noor had his own prison and if you didn't want to give him 60,000 or 70,000 Pakistani money, he would sell you to the Americans.

Assisting Military Officer: Sir, that concludes my comments.

Presiding Officer: Swat Khan you may begin your statement.

The Detainee made the following statement:

Detainee: My statement is as follows. The first thing is I am in jail in Cuba and no one talks to me because [other prisoners] call me a Karzai and American [supporter]. In the last two and a half years Americans are saying...you people didn't even ask me what was going on. The last time I talked to the interrogators I gave them two telephone numbers. One is for the governor of Khowst province...they said they could not find it in my uniform. Besides that they called me an Enemy Combatant. The last time I swore to them that I am not one of the guys against Americans or Karzai. I have another...[the following] information is from the Detainees that have been here before me. [Habi Noor] built a personal jail and Americans were not aware of that jail. He was collecting money from people, but he was giving the guys to Americans. We have about 2 million people in the wintertime and they [go to a] warm place and they just keep moving around. They captured this poor guy and a few days later his little son went to the Americans and said that they captured his father and [asked that they] let him go because they did not have anything to eat. The Americans told the boy that his father was not with them he was with Habi Noor. When the Americans went to [Habib Noor's] jail, they found other people still there. They fired Habib Noor, but I don't know if they put him in jail too. Right now Karzai is the president of the government of Afghanistan. Tomorrow if he turns against America, will America bring the whole government here and put them in jail? For example, Pacha Jan was the government and I was a policeman and you blame

21229

UNCLASSIFIED//~~FOUO~~

ISN 933
Enclosure (5)
Page 8 of 11

UNCLASSIFIED//~~FOUO~~

me for what Pacha Jan [has done]. It is the same thing. I have no other comments. I am just asking you very politely, please do just [by] me.

Presiding Officer: Thank you for your comments.

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 were [a] police officer was the weapon you were issued an AK-47?

Detainee: Yes.

Board Member: You also said that you have not received any weapons training.

Detainee: If you walk into any home in Afghanistan there is a Kalashnikov. I didn't need any training. I have the training of a police officer's behavior not the weapon.

Board Member: But, you do know how to operate the AK-47?

Detainee: Yes. It was in my hand.

Board Member: But, you did not know how to operate the RPG.

Detainee: No.

Board Member: That is a fairly common weapon in Afghanistan also.

Detainee: My responsibility was not the RPG. My responsibility was to keep security in the regions I was responsible for. In Khowst province there are 500 policemen and another 500 civilians walking [around armed]. All of the Americans knew this. In Khowst, Pakita, and Paktika everyone is armed. The police were not supposed to carry weapons, but with the conditions of the area we had to carry weapons.

Board Member: Do Mustafa and Habib Noor know each other?

Detainee: They know each other, but they are not in the same party or on the same side.

Board Member: Have you attempted to write Mustafa and ask him to send you a letter on your behalf saying what a good policeman you are?

Detainee: Two months ago I sent a letter to Mustafa and told him to go to Karzai or some other authority and tell them about me. But, I have not received a letter yet or they have not given it to me. I have tried.

ISN 933
Enclosure (5)
Page 9 of 11

21230

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Board Member: Who was the commander that you arrested for auto theft?

Detainee: His name was Nasib and he was one of the group leaders.

Board Member: How many were in his group?

Detainee: Habib Noor was the leader and he had about 5, 6, maybe 7 groups and he was the leader of one of the groups.

Board Member: When you arrested him, did he go to jail or pay a fine?

Detainee: Yes, we put him in jail for 15 days and he gave the car back to the owner and the owner was satisfied, so they [released him].

Presiding Officer: We mentioned that you were listed as a "Commander" for the Union of Mudjahidin...the document that listed you as a "Commander" and received payments.

Detainee: I was a policeman. That was not a new thing. When Burhan-ud-din Rabani was the president if you were coming from Pakistan, as a refugee, there was a form that was used to identify yourself. When you came from the other side of the border they called you Mujahid and when you came from the communist side they would call you soldier. That is why...that belonged there a long time [ago]. Anybody who was going to cross the border was a Mujahid. Anyone going to Pakistan and Iran, even if you were born there and were coming back, you were called Mujahid.

Presiding Officer: What can you tell us about al Qaida in your area?

Detainee: During the time I was there I did not see any al Qaida in that whole area. I don't know if they are there now. During the time I was there even the Taliban could not come to our area. It was hard to get past the checkpoint.

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.

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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

[REDACTED]

/Colonel, USMC
Presiding Officer

21232

UNCLASSIFIED//~~FOUO~~

ISN 933
Enclosure (5)
Page 11 of 11