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Summary of Administrative Review Board Proceedings for ISN 941

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 declined 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 02 September 2005 and lasted 41 minutes. After a review of the Administrative Review Board'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 Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, he said he would attend the Administrative Review Board and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee was very cooperative and polite throughout the interview. The Detainee declined to keep a copy of the Pashtu

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translated Unclassified Summary of Evidence for review and 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 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: As of mid-November 2002, the local commander for the Hezb-e Islami Gulbuddin, Haji Abdul Ghafour, had a bodyguard identified as the Detainee.

Detainee: Who is Haji Abdul Ghafour? I don't know him. I'm not in Hezb-e Islami Gulbuddin party or anything like that.

Presiding Officer: Could I clarify for the record? You never heard of Haji Abdul Ghafour?

Detainee: It comes to swearing. Right now, I swear that I don't know [anyone] by the name of Haji Abdul Ghafour. I don't see why they have related that guy to me.

Designated Military Officer: Hezb-e Islami Gulbuddin was one of the major mujahedin groups in the war against the Soviets. Hezb-e Islami Gulbuddin has long-established ties with Bin Laden. Hezb-e Islami Gulbuddin has staged small attacks in its attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration (Afghan Transitional Administration), and establish a fundamentalist state.

Detainee: What does it have to do with me?

Presiding Officer: Strictly referring to Hezb-e Islami Gulbuddin, it was mentioned that you were a bodyguard and it is just clarifying what Hezb-e Islami Gulbuddin is. We'll get to questions later.

Detainee: I swear and when you swear in Islam that means they forgive you. I'm swearing that I was not in the party of Hezb-e Islami Gulbuddin or member of his party

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or no Haji Abdul Ghafour or anyone else. If you believe these allegations... anyone who give you reports, these are false reports. Hundred percent of these allegations are lies and if there is any proof or evidence. You can put me in jail for a hundred years.

Presiding Officer: Thank you.

Designated Military Officer: Sir, may I just seek some clarification please?

Presiding Officer: Sure.

Designated Military Officer: I believe I heard the word bodyguard used at least four times and I never heard it in your translations.

Translator: Bodyguard?

Designated Military Officer: Yes, I'm just wondering what he's referring to when he says bodyguard.

Translator: He said, "I was not bodyguard."

Presiding Officer: Okay, you didn't translate that back to us.

Translator: I'm sorry.

Presiding Officer: You just said that he was not a member of the party.

Translator: Party and not a bodyguard.

Designated Military Officer: Thank you.

Designated Military Officer: In addition to his brothers, the Detainee was a main advisor to Ghafour in the Kantiwa.

Detainee: If I don't know Ghafour, how am I going to be his bodyguard? These are allegations. These are not true. These are lies. I don't know him.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee was trained on the AK-47.

Detainee: Detainee laughs. I never had Kalashnikov and I never had training. If I was not in party, why should I be trained in Kalashnikov? Did they found any Kalashnikov in my house?

Presiding Officer: We're just asking the question.

Detainee: Okay. I don't have Kalashnikov and I didn't get training.

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Presiding Officer: Thank you. We'll ask more questions later, thank you.

Designated Military Officer: The Detainee's brother-in-law has been identified as an al Qaida operative.

Detainee: I don't know his relationship, he's my brother-in-law, who he deals with I don't know.

Designated Military Officer: The Detainee lived with his sister and brother-in-law three months prior to the time of his capture.

Detainee: Yes, sir, I was living there. I was living with my sister. If that's a crime, yes, I did.

Presiding Officer: We are not saying these are crimes. These are not crimes. We are just asking for information on these items.

Detainee: *Detainee laughs.* Yes, I was poor. I didn't have money to live somewhere else. I looked in Pakistan. I was living in Pakistan and I couldn't afford to rent another house and I was living with my sister.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee was captured in the house associated with a known al Qaida operative.

Detainee: I was living with my sister. Is there any evidence? If there is please discuss it or show it.

Presiding Officer: Let me just clarify the question again. Was the house you were captured in your sister's house?

Detainee: Yes, sir.

Presiding Officer: Okay, thank you. I just wanted to make sure he answered the question. Thank you.

Designated Military Officer: The Detainee was arrested with \$400 USD.

Detainee: I swear I didn't have any U.S. dollars. I didn't have money in the house. I don't know this.

Designated Military Officer: The Detainee was never interested in the Taliban. He would like to return to his home country of Afghanistan someday.

Detainee: Yes. Not only the Taliban but [also] I was not a member of any party. Someone gave report. I don't have any animosity towards anybody. That's a (inaudible).

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God's will brought me here...I'll always work for myself to survive. I made money to buy food for my children.

Designated Military Officer: When asked about al Qaida the Detainee denied any knowledge.

Detainee: Yes, sir. I don't have any relationship with anybody. I don't know anybody. I don't know al Qaida.

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 Assisting Military Officer stated that he had no additional comments.

The Detainee did not make a statement to the Administrative Review Board.

The Assisting Military Officer had no questions for the Detainee.

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

Administrative Review Board Member's questions:

Board Member: Were you aware that your brother-in-law was also known as Abu Nasim al-Tunisi?

Detainee: My brother-in-law's name is Isail al-Tunisi. I don't know that other name that you are mentioning. Is that his second name or other name, I don't know?

Board Member: You lived with your brother-in-law for about three months. Did you know anything about his affiliation with al Qaida?

Detainee: I didn't see anybody. No one came to his house. I don't know. Besides that family relationship that comes to go to his house and he comes to mine. I don't know anything else about that. He didn't discuss with me his party stuff.

Board Member: During the time that you lived there, who else lived in that house?

Detainee: No, sir. Nobody was living inside but me. Besides my brother-in-law, nobody.

Board Member: Where were your wife and children?

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Translator: That's what he said, str. He and his family and his sister ...

Presiding Officer: Just to clarify. You're talking about him, his wife, his children, his brother-in-law and his sister. That was all?

Detainee: My family and my sister and him were living there.

Board Member: Was there anybody else there that was employed?

Detainee: There was no one. No. In this house there was nobody else working?

Board Member: What kind of work were you doing?

Detainee: Taxi driver.

Board Member: How much money did you make during that three months you were there?

Detainee: 100 to 200 rupees.

Board Member: Per day?

Detainee: 300 to 400 rupees total and then the owner of the taxi would take 100 to 200 rupees.

Board Member: Who was paying for the rent of the house?

Detainee: That was his house, my sister's house, they were paying.

Board Member: Did they also pay for the food?

Detainee: That was his house. My sister and her husband paid the rent. I was paying for my own food. By example, if you and I [were] brothers and we lived together you'd pay for your own expenses and I'd pay for my own expenses.

Presiding Officer: Thank you.

Board Member: Did you ever wonder where your brother-in-law got the money? Where he got the money to pay for the rent, since nobody else had a job in the house?

Detainee: I never asked.

Board Member: In the statement that you had 400 dollars in U.S. currency...you deny having that money?

Detainee: I never had 400 U.S. dollars; probably that was a mistake in translation. I never had 400 rupees, how am I going to have \$400?

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Board Member: How old are you?

Detainee: Over 30.

Board Member: Over 30?

Detainee: Maybe more.

Board Member: How long have you known your brother-in-law?

Detainee: After the marriage...when he married my sister.

Board Member: How long was that?

Detainee: Five years, three years, god knows I don't remember.

Presiding Officer: You never met him before the wedding?

Detainee: No.

Board Member: I don't want you to talk until I'm done.

Presiding Officer: Let him finish the question.

Board Member: You knew your brother-in-law maybe three to five years and during that time, you're saying that you didn't know anything about his activities? I don't believe you, because you spent that much time and you didn't know what he did. I think you know all about al Qaida. I think you know all about the Hezb-e Islami Gulbuddin. You sit here today and you tell us you don't know?

Detainee: If you have proof that I was with al Qaida. If you have any proof that I'm Hezb-e Islami Gulbuddin. Show it to me. Prove it to me.

Board Member: You spent three to five years with your brother-in-law and you have no idea what he did?

Detainee: I've been here for three years and two years I was that government and I don't know anything about his activities.

Board Member: You never asked him any questions about what he did?

Detainee: No.

Board Member: You never asked him, who [were] the people he was with?

Detainee: I don't know. I didn't ask him. I didn't see people.

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Board Member: You never wondered what he was doing?

Detainee: I don't know.

Presiding Officer: What did your brother-in-law do for a job?

Detainee: He was sitting around.

Presiding Officer: He just sat at home? Did he come from a wealthy family?

Detainee: His father or brothers or someone was probably sending money.

Presiding Officer: You never heard the name Haji Abdul Ghafour?

Detainee: No.

Presiding Officer: What kind of work did you do, just taxi driving, that's all you've done?

Detainee: Yes, sir.

Presiding Officer: You never served as a bodyguard?

Detainee: No.

Presiding Officer: Have you ever fired an AK-47?

Detainee: No.

Presiding Officer: What are your plans if you go back to Afghanistan?

Detainee: Before I came to Pakistan I had a drill and worked for the people, making money and feeding my children.

Presiding Officer: A minute ago you told me the only job you ever had is taxi driver. So you use to have a drill. Is that correct?

Detainee: In Pakistan I was just driving a taxi around. In Afghanistan I was just doing drill work.

Presiding Officer: Have you ever heard of Hazb-e Islami Gulbuddin? Have you ever heard of that organization?

Detainee: I heard all over Pakistan, but I didn't see them. I was not in his party and I swear that I was...

Presiding Officer: I didn't ask if you were a member of it. I asked if you heard of it.

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Detainee: Yes, yes all over Pakistan.

Presiding Officer: Let's just get a clarification. Have you heard of the party Hezb-e Islami Gulbuddin?

Detainee: Yes, they are party. I'm not in that party.

Presiding Officer: I just want to clarify, because everything else you've never heard of. Everything we've mentioned you've never heard of...I just want to make sure you've heard of Hezb-e Islami Gulbuddin.

Detainee: Yes, I've heard of Hezb-e Islami Gulbuddin.

Presiding Officer: How many brothers do you have?

Detainee: Two.

Presiding Officer: Do you know what they do for jobs? What do they do?

Detainee: They were students going to school.

Presiding Officer: Where, what school?

Detainee: In Pakistan.

Presiding Officer: What school?

Detainee: I don't remember the school name.

Presiding Officer: Were they ever in the town of Kantiwa?

Detainee: Kantiwa is a village in Khonar and I'm from Laghman. It takes days to drive.

Presiding Officer: Do you know if either of them spent time in Kantiwa.

Detainee: No.

Presiding Officer: Never?

Detainee: I swear they never went there.

Presiding Officer: How many children do you have?

Detainee: Five.

Presiding Officer: How many wives do you have?

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Detainee: One.

Presiding Officer: So you had your five children, your wife and you lived with your brother-in-law and your sister?

Detainee: I, my father and my mother, my brothers and my children together. That's a one family. We are not separated. No one moves from our family. When we say family that means my father...

Presiding Officer: Earlier you gave us a different number, who lived in the house. I just want to know who lived in the house when you lived with your sister and brother-in-law?

Detainee: Our family is one, the same, no one is separated. My mother was in the hospital and my father would somewhere in Afghanistan and come back. We lived together. If this is kind of a question that is not logical...

Presiding Officer: Earlier you said you; your wife and your children lived with your sister and brother-in-law. I'm just asking to find out how many people? It seems unlikely to us that you would never discuss anything about your brother-in-law. I'm just trying to figure out if there are lots of people you don't see him much?

Detainee: I swear I never asked him where this money comes from and what he does.

Presiding Officer: Did you like him?

Detainee: He was my sister's husband. If I like him, if I didn't like him...he was my sister's husband. I was working for myself to survive. I didn't have anything...

Presiding Officer: What do you think of Haji Abdul Ghafour? What do you think of him?

Detainee: I didn't see him. I don't know.

Presiding Officer: The 400 U.S. dollars, have you ever seen that kind of money?

Detainee: No, I never saw that.

Presiding Officer: Did you ever see your brother-in-law with U.S. dollars?

Detainee: No, I didn't see him [with U.S. dollars].

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.

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

AUTHENTICATION

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

[REDACTED]

Captain, USN
Presiding Officer

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