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Summary of Administrative Review Board Proceedings for ISN 949

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 initial Administrative Review Board interview occurred on 26 August 2005 and lasted forty minutes. After a review of the Administrative Review Board's purpose and procedures, the Farsi Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the Administrative Review Board, the Detainee said yes and he would like to present his comments regarding the Unclassified Summary of Evidence after each allegation is read. The Detainee was very cooperative throughout the interview. At the conclusion of the interview, he was provided a Farsi translation of the Unclassified Summary of Evidence for review. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence and he stated that he can not read or write.

ISN 949
Enclosure (5)
Page 1 of 14

21338

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

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 had a girlfriend by the name of Layla. Layla is one of his wife's sisters.

Detainee: She wasn't one of my wife's sisters.

Designated Military Officer: Layla told the Detainee that her friends, Khalid and Hamed were possibly planning on bombing one of the buildings in Kabul.

Detainee: That's correct.

Designated Military Officer: The Detainee went to an American post and informed an American contact about the plot. The American told him to come back the next day at 11 AM; he did and the Detainee was promptly arrested.

Detainee: They came and picked me up, somebody by the name of Hamid. I told him that I ha[d] some problems with some people and I didn't want to create a problem for me in the future. The next day I went [to] talk to the Americans, I told them about this girl, Layla. She told me about this plot. He told me to come and report to [them] as soon as they bought the bomb or the mine. When I heard the report from the lady...from the girl, that they brought the bomb...the device. I went there, told them and after that I went home. They told me that whenever [I] came and give detailed information or stuff like that [they would] refund the money for your cab fare...if I use a cab to go there and go back. I forgot to pick up the cab fare for the first time. Two or Three days after that, I went back to pick up my cab fare money from them. When I [got] there I was arrested. I don't know if they got the cab driver or not. That I don't know. I don't have any other information [for] what happened because after that I got arrested.

Designated Military Officer: The Detainee was confused as to why he was arrested. He knew that the authorities had raided Khalid's house, but claims he did not know that they had found any bombs.

21339

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 2 of 14

UNCLASSIFIED//~~FOUO~~

Detainee: According to the report from the girl, I told the Americans that there's going to be a bomb in here then they went there. They told me in Bagram that they found the bomb in there. I don't have any information after that.

Designated Military Officer: After several questions, the Detainee mentioned that the bomb had been found on the roof of Khalid's house, inside of a duffel bag.

Detainee: I [didn't] know they found the bomb inside a bag or not. I got the information from the girl and passed the information onto the Americans. I told them that it's [their] responsibility whether [they] want[ed] to go find or not. I [didn't] want to go there because I [didn't] want to create enemies for myself. I [was] just passing on the information.

Designated Military Officer: The Detainee struggled to keep his story straight. He would tell multiple stories, sometimes in the same sentence and was deceptive about the real Layla. We believe the Detainee planted the bomb or knows who did.

Detainee: No, I have never changed my story. I told them that one thing. I received information that there [was] a bomb in this house. Layla gave me the report and when they went in the house she was there. They probably saw her too.

Designated Military Officer: Khalid was planning to attack either the United States or the United Kingdom Embassy in Kabul, Afghanistan. He has worked for the Hezb-e Islami Gulbuddin and Taliban members in the past, and could be acting for either organization.

Detainee: Correct.

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

Detainee: I don't know about this. I do not belong to any organization or anything like that. So I don't know.

Designated Military Officer: The Detainee has ties to Agha Shireen Salangi, an infamous Taliban commander from Charikar, Afghanistan. He admitted to having command of troops while under Agha Shireen Salangi's control.

Detainee: That's a lie. I did not have a weapon. I told my brothers not to fight, don't join the jihad, because it's just a name...they are using the name jihad to make an excuse [for] one killing another.

Presiding Officer: Do you know Agha Shireen Salangi?

21340

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 3 of 14

UNCLASSIFIED//~~FOUO~~

Detainee: No, I don't.

Presiding Officer: Have you heard of him?

Detainee: No, I have not. I was busy doing my own life. I had a shop; I was busy with my shop.

Presiding Officer: Thank you.

Detainee: Gulbuddin Hekmatyar killed my brothers. I did not like organizations or anything. So I would [rather] cut my tongue, you know, [then be a] part of any organization or anything like that.

Designated Military Officer: Agha Shireen was once aligned with the Taliban and specialized in assassinations and other terrorist operations.

Detainee: I don't know anything about that.

Designated Military Officer: Agha Shireen was also identified as being a famous Hezb-e Islami Gulbuddin commander supported by the Afghan Ministry of the Interior police chief for Kabul.

Detainee: I don't know about that either.

Designated Military Officer: While Agha Shireen was in Kabul, Afghanistan, the Detainee came to visit him. The Detainee was Agha's assistant commander during the time of the Taliban and was a Talib himself.

Detainee: No, that's not correct. I don't know him, Agha Shireen.... I've never met him and I haven't heard from him. I did not go to see him. The story is, when I saw there were a lot of problems in Afghanistan with the Taliban being there...a lot of fighting going on. I and my family packed our things and went to Pakistan. Right on the borderline...on one side was the Taliban on the other side was Massoud's forces. They got me in that area.

Presiding Officer: Massoud's forces or the Taliban?

Detainee: I was arrested by Massoud's forces first. When I [was] released from their jail. I saw the problems in Afghanistan with the Taliban. I pack[ed] up my things, my family and my belongings and [left] Afghanistan to go to Pakistan. I was captured by the Taliban at the checkpoint between the borderline of [the Taliban] and Massoud's forces. My family continued on towards Pakistan. [When] I was released after 15 days, I went to Pakistan and contacted [the] Red Cross. They told me it [was] now safe to go back [to] Afghanistan and we all [went] back.

21341

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 4 of 14

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: During the reign of the Taliban, Agha Shireen was imprisoned by Ahmad Shah Massoud, the Northern Alliance Commander. He was jailed for working with the Taliban.

Detainee: I got arrested yes, but it wasn't because I was for the Taliban. I don't have any connections with them. I got arrested because of a personal vendetta. The people who killed my brothers, [they] later surrendered themselves to Massoud's forces. Since they knew they [had] killed my brothers, they [would have] a problem. So they told lies about me and got me arrested.

Presiding Officer: Was that the Gulbuddin Hekmatyar?

Detainee: Yes.

Designated Military Officer: The Detainee was imprisoned, for approximately five years, by Mr. Massoud. One of the Detainee's brothers was a commander for Massoud's group, a group called Shura-e-Nazar.

Detainee: My brother wasn't a commander, but he was with them. He was fighting [with] the jihad against the Russians. He was doing the jihad against the Russian. At that time you couldn't ask anybody "What are you doing?" or what you are not doing, because it was difficult and scary.

Designated Military Officer: The Shura-e-Nazar group was another of the many Afghan groups formed to fight against other Afghan groups.

Detainee: I don't know anything about that. Like I said earlier, I did not belong to any groups or organizations...so I wasn't paying attention [to] who was doing what or anything like that. If I did maybe I would have some recollection but [I do] not. Since I did not, I don't know anything about it.

Designated Military Officer: Shura-e-Nazar is a leadership council formed by the late Ahmad Shah Massoud in 1985. It is the consultative body within the United Islamic Front for the Salvation of Afghanistan.

Detainee: I don't know anything about this either.

Designated Military Officer: A foreign government service said that Iranian officials had trained a group of commandos belonging to Shura-e-Nazar. These commandos have allegedly been tasked to attack the United States and its allies in Afghanistan so that the Taliban and al Qaida members will be blamed for the attack.

Detainee: I don't know anything about this either.

ISN 949
Enclosure (5)
Page 5 of 14

21342

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: Documentation was found in the Detainee's possession addressing him as Commander Zahoor Khan.

Detainee: My name is Abdul Zaboor so sometimes they write as Mr. Zahoor; it's the same thing.

Presiding Officer: As commander?

Detainee: No, I never been a commander.

Designated Military Officer: The Detainee had documentation that listed personalities identified as his troops. He also had documentation that discussed Blowpipe and Stinger Surface to Air Missiles.

Detainee: Somebody from the United Nations, by the name of Shawgha. He asked me to see if I could buy these rockets from people. I told him I don't know the price for these rockets, so he gave me a list of the names of rockets and prices. I had that with me when I [was] captured, therefore, they [thought] that list belonged to me or had something to do with me, but in reality I was suppose to purchase those things for the U.N. employee.

Presiding Officer: How many items were on that list?

Detainee: One of them was a stinger missile and there were some other things but I didn't know how to read and write...so I don't know.

Designated Military Officer: The Detainee has a history of harming himself and harassing guards.

Detainee: In here?

Presiding Officer: Yes.

Detainee: No.

Designated Military Officer: The Detainee said, "If I am guilty of this, then I would want to be hanged right now."

Detainee: Yes, that's right. If I am guilty you can hang me right now. I haven't done anything wrong.

Presiding Officer: Thank you for that offer.

Detainee: All I was trying to do was help. [On] the radio they kept announcing...if you see al Qaida or Taliban please report them. I did my duty as an Afghani. If Afghan[s]

21343

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 6 of 14

UNCLASSIFIED//~~FOUO~~

[didn't] [do] this how would they (Americans) find out about these things. All I did was try to help and maybe make some money on the side.

Presiding Officer: We understand your story. We understand what you were saying.

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:

Detainee: I [don't] have much to say. I just want to know...I want to know why I'm being detained here. I was trying to do something good. Why? Five years I was in jail, in a private jail and now I've been here detained for many years. I want to know why? In my opinion I did something good. If I did something bad please, show me proof that I did [something] wrong. I will accept my punishment. If I haven't done anything wrong...I don't know why I'm here? If I [didn't] [do] this [for] [the] Americans they probably would not [have] [found] the bomb. If I would have told this to one of the other organizations they would have given me medals or decorated me with rankings or something like that.

Presiding: I will answer your questions in one moment. Do you have any further statements to make?

Detainee: What else should I say? I just want to know for how long I will be here detained.

Presiding Officer: I have three choices today. I can recommend...I can only recommend that you be released, transferred or detained. I will make that recommendation...we as a group will make that recommendation today and you will find out in a short period of time.

Detainee: I am stuck in the middle of all this (inaudible) al Qaida organization...in different organizations. Part of my family was killed in some Afghan organizations and part of them [were] killed by [the] Taliban and I'm not with either side. I'm stuck in the beat. So I don't [know] what to do.

Presiding Officer: We will determine that today. We understand what you are saying. We have to look at...in the past another board determined that you had some involvement with fighting against the United States. We will take a look going forward, if we think you still pose a threat. If not, you will be either released or transferred.

ISN 949
Enclosure (5)
Page 7 of 14

21344

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: I'm afraid to go back. I don't care if they need me to report a bomb that will kill 500 people or 5,000 people I will not [tell] [anybody] from now [on].

Presiding Officer: Thank you. We will have an opportunity to talk more in a few moments. We'll ask some questions. Did he say more than that? Is there anymore than that?

Detainee: We are so happy that Taliban regime was toppled and a new regime was in power. My family they were getting up in the middle of the night to pray for being happy. They were praising the new regime, but I don't know why I got myself into this mess, you know. If I would go back there...I would go back and continue working my land. I have a lot of land. [On] some land I grow grapes and other fruits. [I would] just go there and I will work my land.

Presiding Officer: Thank you. We'll get to more questions in a moment.

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: Is that the first time you contacted the Americans, when you went to them and tell them about the bomb?

Detainee: [It was the] first time I went and met with them. About a couple of days later, it was the third day of Eid. [On] the third day of Eid, they came and picked me up. [The] linguist came to pick me up...he came to my house. He told me he needed to talk to me some more and that I needed to come with him. When I went there they did not want to have that linguist present in [the] room they brought another linguist instead. They told me when I [leave] not to go with the linguist, who brought me there. They told me to come on my own next time. I told them I couldn't afford [to] because of the work that I do. I cannot afford to pay for the cab fares. If you have to take a cab to come here again, then we'll pay you for the cab fare. I used [a] cab and they [took] me. I don't know what happened to the cab driver. I talked to them about the incident and after we were finished I went back to Charikar. I came back after a few days, two three days after that, and I [was] captured by the Americans. At that time, the current government or the Americans did not have too much information or too much power to go and do something...like capture somebody or take somebody. They were allies with Massoud's group. They were helping the Americans and the Afghani force. Now because of them, that group, Massoud's group, the people from his group I'm here because they arrested me for five years. When I [was released], they apparently had some animosity against me. They gave false reports to the Americans and the Americans (inaudible)

Presiding Officer: Do you know what Massoud's group has against you?

21345

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 8 of 14

UNCLASSIFIED//~~FOUO~~

Detainee: They killed three of my brothers, they beat me up...what else can they be? They...

Presiding Officer: Massoud's troops killed all three of your brothers?

Detainee: Hekmatyar's people.

Presiding Officer: Hekmatyar, but why is Massoud's...your brothers fought for Massoud. Why is Massoud turning you in?

Detainee: He was killed.

Presiding Officer: When Massoud was killed.

Translator: No his brother was killed. You know that person that was working for that group. He was killed also.

Detainee: They killed my brothers, people from Gulbuddin's [forces], and they beat me up. After they beat me [and killed my brothers] they (Gulbuddin's forces) went and [became a part of] Massoud's group.

Presiding Officer: Okay, I understand.

Board Member: When were you in jail?

Detainee: In where?

Board Member: For the five years?

Detainee: During Rabbani's government, I was jail[ed] in Panjshir.

Board Member: What was your involvement with Khalid?

Detainee: His wife had a far relationship with my wife...maybe second or third cousins. I don't have any problem[s] with him.

Board Member: How did you know that the authorities had found a bomb in Khalid's house?

Detainee: In Bagram, they told me they found a bomb. I gave the report, like I said before; you know [the report] Layla told me. I told [the] Americans they went and searched the house, they found it and in Bagram they told me they found the bomb.

Board Member: After he was already in prison or in jail they told you?

Detainee: Yes.

21346

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 9 of 14

UNCLASSIFIED//~~FOUO~~

Board Member: How did you know where the bomb was located?

Detainee: That girl told me that it was inside of the entrance of the gate inside the house. In Afghanistan and other countries they have a yard, you enter through the gate first to get into [the] yard and then you go in the house. She told me as we enter[ed] the gate that the bomb was on the roof of the guesthouse on the right side. That's what I told the Americans, but I don't know where they found it exactly. I'm assuming that they found it around there.

Board Member: What was the girl's name [that] told you this?

Detainee: Layla.

Board Member: Was Layla your fiancée?

Detainee: No. They wanted to give her hand to me but my father did not accept.

Board Member: When you were arrested you had some paperwork in your possession [which] referred to you as commander Zahoor?

Detainee: That's false.

Board Member: Did you have any documents with you?

Detainee: I only had one identification card and it was from National Caravan 3991.
Karzai government identification.

Board Member: You didn't have any paperwork talking about missiles?

Detainee: That document [was given] to me [by] that person.

Board Member: Who gave that to you?

Detainee: Shawgha

Board Member: Who is that?

Detainee: He was working for the United Nations and he was instructed by [the] United Nations to collect as [many] rockets as he [could].

Presiding Officer: So, let me get this straight. You were trying to buy those rockets or get those rockets to turn them in?

Detainee: Yes, he was instructed by [the] United Nations to buy as much as he can to get it out of the people's hands.

Presiding Officer: I understand.

21347

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 10 of 14

UNCLASSIFIED//~~FOUO~~

Board Member: Why did the person from United Nations come to you?

Detainee: First of all he was from the same village I was [from]. Secondly, I was a shopkeeper. I had a lot of contact with people.

Presiding Officer: I thought you were a farmer?

Detainee: I do working. I have a shop even right now I currently have a shop and I do have land too so I work...

Presiding Officer: Is it hard to be a shopkeeper when you can't read or write?

Detainee: I would bring the goods in the shop and my nephews run the shop. They're like 23, 24 years old. They can read and write, but I would go and buy the stuff and bring it to them to sell. I couldn't be in the shop long, since I had a problem with my leg, my leg would hurt. While they were in school I [would] be in the shop.

Board Member: How did you hurt your leg?

Detainee: When I got beaten by the group, that group, you know Gulbuddin's group. They killed my brother and they beat me up. It hurt my leg.

Board Member: What tribe are you from?

Detainee: I'm Tajik.

Board Member: Do you know people in the Taliban?

Detainee: No I don't know them. I don't speak Pashtu. I only speak Farsi, even in here some people don't speak Farsi with me.

Board Member: Are you influential in your community, because you own a shop and a farm? Are you important in your community or your village?

Detainee: No, I'm not that kind of person. Like I said earlier, I have land [and] a shop, but I hire people sometimes [to] work the land. They [would] take their share and I [would] take my share. So their happy and I'm happy.

Board Member: Are you rich?

Detainee: No, I am not rich. Even the poor people have some, some small stuff. When I [said] that I have land that doesn't mean that I have lots of land. I just have a small portion [where] I grew some grapes and other fruits that I would sell.

Board Member: Thank you.

Presiding Officer: Did Layla turn you in? Is Layla your friend or is she your enemy?

ISN 949
Enclosure (5)
Page 11 of 14

21348

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: Layla, her parents and my parents were all having lunch or dinner. The question came [up] that I want to get married and my mom told my dad, "What about Layla?" She asked for Layla's hand for me; my father said, "No, I already have a relationship with this family. I took one daughter for somebody else and that's enough for one family...one daughter is enough. I'm not going to [have] another relationship with this family."

Presiding Officer: Did Layla turn you in?

Detainee: I don't know if she turned [me in] or if somebody else [did], but I know this somebody from Panjshir maybe...

Presiding Officer: Who ran the prison that you were in for five years?

Detainee: Massoud.

Presiding Officer: It was Massoud's prison? Now, Massoud was fighting the Taliban. Does that make you...do you hate Massoud?

Detainee: Massoud was a very busy man. He was always [in] the battlefield, you know sometimes in the north, sometimes in the south, sometimes here, sometimes there, so it was so hard to get a hold of them, so he could sign my release papers. So I [could] be released from that jail, you know from that jail I was belonged to (inaudible)...

Presiding Officer: But your brothers fought for Massoud and yet you were imprisoned by Massoud? I just want to make sure I have this correct.

Detainee: They were [dead] at the time.

Presiding Officer: You were in Massoud's prison after your brothers had been killed?

Detainee: No, my brothers [were] killed, I got beat up and then I was jail[ed] by them (*Gulbuddin's forces*). They (*Gulbuddin's forces*) surrendered to Massoud's group after the fall of the Taliban.

Presiding Officer: Did you like the Taliban?

Detainee: No, they killed four of [my] brother-in-laws, they burned our houses. So why would I like them?

Presiding Officer: Because they weren't Massoud?

Detainee: I personally don't like anybody, who's armed. It doesn't matter if he is Massoud or Talib. It doesn't matter what organization. I don't like people being armed.

Presiding Officer: What town were you born in?

21349

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 12 of 14

UNCLASSIFIED//~~FOUO~~

Detainee: Durana and Charikar.

Presiding Officer: How many wives and children do you have?

Detainee: I have one wife, who was my older brother's wife, after he was killed they gave her to me. I have kids, two sons and one daughter.

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

Detainee: I would just go and work. I don't want to have anything to do with anyone.

Presiding Officer: You're in a white suit but you have made many threats to yourself while you have been here in the camp. You need to continue to behave well. It is important.

Detainee: I was about to lose my mind you know. I was in prison [for] five years over there and now I'm in prison here. I keep thinking to myself, "what have I done wrong?" "Why am I being in jail all this time?" So this all makes a person kind of...

Presiding Officer: It's important though that you behave well here.

Detainee: I tried to be good, but I'm with some people that I don't speak their language they don't speak my language. They're sitting in their corner and I'm sitting in my corner so we just sometimes stare at each other. That would make you moot. For how long can you sit quiet, you know and don't say anything.

Presiding Officer: Have you heard from your parents, how are they doing?

Detainee: I got one letter from my parents, which [told me] they are living in a rented house or something and [I] got me really upset. The translator read the letter for me.

Presiding Officer: Are you sure you can't read or write...even a little bit?

Detainee: No, I can't read or write my name.

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.

21350

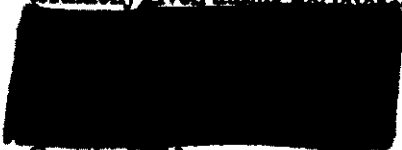
UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 13 of 14

UNCLASSIFIED//~~FOUO~~

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

21351

UNCLASSIFIED//~~FOUO~~

ISN 949
Enclosure (5)
Page 14 of 14