

~~UNCLASSIFIED//FOUO~~

Summary of Administrative Review Board Proceedings for ISN 956

*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.*

Detainee: Yes, I will take the oath to prove I am telling the truth.

Presiding Officer: Thank You!

*The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.*

Detainee: Yes, I understand but when can my Assisting Military Officer help me out?

Presiding Officer: He can help you anytime during the proceedings if you feel you don't understand something just ask the AMO or myself.

Presiding Officer: I understand you have some letters to present and your AMO can help you out in that matter and he has prepared for that. Any other way you need help he can assist you. Do you understand this process?

Detainee: Yes.

*The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.*

ISN 956  
Enclosure (6)  
Page 1 of 12

~~UNCLASSIFIED//FOUO~~

~~UNCLASSIFIED//FOUO~~

*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 14 October 2005 and lasted for 60 minutes. After a review of the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said he would respond to the Unclassified Summary of Evidence after each statement is read, and he will make an oral statement. The Detainee also elected to have the Assisting Military Officer (AMO) submit letters written on his behalf. A follow up interview was conducted on 15 October 2005 and lasted for 15 minutes. This interview was necessary for the Detainee to bring the letters he wished to have the AMO present to the board members. The Detainee was cooperative and polite during both interviews. He elected to keep a copy of the translated Summary of Evidence for his review.

Assisting Military Officer: Sir, I have an additional comment.

Presiding Officer: We will come to that later when I ask you for your additional comments.

Assisting Military Officer: Sir, that concludes my interview comments.

*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 officers in the 856<sup>th</sup> Brigade trained at an unknown location in Pakistan for three to four months.

Detainee: Should I answer?

Presiding Officer: Yes.

ISN 956  
Enclosure (6)  
Page 2 of 12

~~UNCLASSIFIED//FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: After the Russians left Afghanistan; there were some groups that needed training. Some of these groups did some of their training in Pakistan and for a [short] period of time I was a part of one these groups but I was never in Pakistan. I have never been outside of Afghanistan before, except for Cuba. Then when the Taliban took over, these other groups headed towards the north side of Afghanistan. There is one more thing I would like to mention, the leader of the 856<sup>th</sup> Brigade his name was Rahmatulla. When Mr. Karzai took over the government the 856<sup>th</sup> Brigade was given back to Rahmatulla. At this time I did not have any military duties. When I was serving for the military it was [around] thirteen years ago. I have no knowledge about the training in Afghanistan and I don't know if anyone was going there to [receive] training [because] I wasn't a part of it and I don't know anything.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) Once Soviet forces withdrew from Afghanistan, the Detainee was assigned as the Commanding Officer, 2<sup>nd</sup> Platoon, 2<sup>nd</sup> Company, 856<sup>th</sup> Battalion, Roy Sang Village, Bamian Province, Afghanistan.

Detainee: The 856<sup>th</sup> Brigade I mentioned earlier, when Bamian took control this Brigade was given to the city of Kamard in Bamian. I was the commander for a very short period of time and then when the Taliban came, I wasn't working there anymore. [Since] then I have never been in any military [affiliated groups].

Designated Military Officer: (3.b.2) The Detainee commanded sub-unit two of the 601<sup>st</sup> Battalion, which is part of the 856<sup>th</sup> Brigade.

Detainee: No, that is not correct because the commander of the 601<sup>st</sup> was Gullam Sediq and the commander of this Brigade was Rahmatulla not me. I wasn't a part of any military at that time.

Designated Military Officer: (3.b.3) The 856<sup>th</sup> Brigade is commanded by Rahmatulla.

Detainee: That is correct, yes.

Designated Military Officer: (3.b.4) Rahmatulla has very close ties to the Taliban.

Detainee: As far as I know Rahmatulla did not have any close ties with the Taliban he was part of this group that was with Mr. Rabani and Mr. Mozul. When Mr. Karzai took over he gave him a post in the military because of all the good deeds he did in the past. He was not part of the Taliban he was with Rabani and another group.

Designated Military Officer: (3.b.5) A letter was found in the Detainee's home in Roy Sang, Kamard District, Bamian Province, Afghanistan, prior to his detention. The content of the letter contained instructions for the Detainee and his forces to attack American troops, should they return to the area.

ISN 956  
Enclosure (6)  
Page 3 of 12

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: I wasn't in the military at that time so I could not take orders. This letter was sent from Gullam Sediq. His boss sent him the letter and he sent it to us. When I got the letter I had a meeting with Gullam Sediq. I asked him "What's going on?" and he said I don't know, this came from my boss to me and I sent it to you because you are the representative for the district so I am just doing my job. I told him even if your boss sent you this letter its not right because I have the responsibility of this district I am not going to [allow] you to do anything. The Americans come here to help us and we should not do anything bad to them. He agreed with me so I keep the letter just for [my own] records.

Designated Military Officer: (3.b.6) Two people standing between American soldiers pointed to the Detainee and exclaimed that the Detainee was al Qaida.

Detainee: Yes, those two people had personal animosity with me. So when the American came to our district, they joined with the Americans and when they saw me, since we were enemies they pointed me out. I only went there to greet the Americans because it was the first time they [visited] our district and as the head of the district it was my duty to greet the Americans. They took me in for four hours, questioned me and then released me.

Designated Military Officer: (3.b.7) The Detainee is a commander for the Ittihad-E Islami. Ittihad E- Islami was recruiting for potential volunteers to receive training in conducting suicide bomb attacks against United States troops. The Detainee was supposed to command some of the recruits.

Detainee: That's totally false because Ittihad-E Islami does not operate in my district they are Pashtu speakers and we are Farsi speakers. Not even one member is in my district and I have never worked with them. Yes, there is such thing as Ittihad-E Islami but not in my district. All this time I have been detained here I have never been asked about Ittihad-E Islami. Thirteen years ago in Rabani's government, I was a commander of a small group but since then I haven't done anything else.

Designated Military Officer: (3.c) Detainee Actions and Statements (3.c.1) During the Taliban regime, the Detainee was nominated by his village to become it spokesman. He provided the names of the local villagers who could be called into military service with the Taliban.

Detainee: When the Taliban took control of Afghanistan they used to go to the villages and the districts to pick up young people, old people and anybody they could find. Since they were doing this the people of all the villages decided to sit down and talk with the Taliban. I was a part of this organization called the United Organization, which is a part of the Northern Alliance. They were fighting with the Taliban all over the country. This was a common thing in Afghanistan. In the districts they used to pick out a representative to be a spokes [person] for the district. In my district there were four tribes so they picked me to be their representative this was a common thing. This was a

ISN 956  
Enclosure (6)  
Page 4 of 12

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

common thing because there was no salary, no benefits I was just doing the village a favor [service].

Designated Military Officer: The Detainee received the order to attack the Americans if they entered his region approximately forty days before he was captured. He did not make any effort to follow up with the Americans and warn them that they could be targets of an attack plan.

Detainee: This was a part of the letter I received from Gullam Sediq; this was just a notification not a direct order. Like I said before I received that letter and I talked to Gullam Sediq. We discussed the Americans are here to help us, they are our guest and we shouldn't do anything to harm them. I personally wrote a letter to the government and I sent it through Abdul Satar. He was captured on the way and they took the letter from him. The second time, I sent it with Abdul Qudir and the last time with Mohammed Yaseen and I still had not [succeeded]. They detained them for about a month or two and the letter never got out. The only reason I kept that letter was for [my] records. I had the opportunity to burn it or tear it up but I never thought it would be used against me. The distance between our district and Bamain Province is one day and because there was a lot of fighting going on there, the area was not safe and people could not travel there safely. That is why every time that I tried to send somebody they were either captured or arrested.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee received weapons from Rahmatulla; however, the Detainee also indicated his weapons came from the Russian jihad.

Detainee: I personally myself have not taken any weapons from Rahmatulla. The weapons he had, yes there is a possibility those weapons are from the time of jihad from the Russians.

Designated Military Officer: The Detainee says that he is given access to his weapon any time he wants.

Detainee: During the time of jihad against the Russians, people used to go to Pakistan to get weapons. I personally have not [been] to Pakistan but I did [purchase] a Kalashnikov for myself for protection but I never used it.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The Detainee was receiving the military orders in his area at the time of his arrest because there was no military commander in the area and the military needed a point of contact in Roy Sang.

Detainee: Yes, I used to receive notifications but nothing military [related].

ISN 956  
Enclosure (6)  
Page 5 of 12

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (4.b) The Detainee insisted he has not been in the military since the Taliban took over, did not fight for the Taliban, and did not join the Afghan National Army when the Taliban fell.

Detainee: Correct.

Designated Military Officer: (4.c) A document found in the Detainee's house identified the Detainee as the Commander of the 2<sup>nd</sup> sub-unit. This document is actually 10 years old, and it was from the Detainee's days in the Afghan National Army, prior to the Taliban.

Detainee: Correct.

Designated Military Officer: (4.d) The Detainee thinks the Taliban are wild terrorists who come into a village and destroy things.

Detainee: Correct.

Designated Military Officer: (4.e.) The Detainee has heard of al Qaida. They were terrorists who destroyed people's homes. The Detainee heard of the attacks against the United States on September 11, 2001. He shares the sorrow and sadness with Americans.

Detainee: Correct.

Designated Military Officer: (4.f) The Detainee claims he is not Taliban or al Qaida, and has never killed anyone or witnessed any killings.

Detainee: Correct.

Designated Military Officer: (4.g) The Detainee claimed he did not prepare for an attack on the Americans. He claimed that he likes the Americans and thinks the American presence is a positive development for the country.

Detainee: Correct.

Designated Military Officer: (4.h) The Detainee is the sub-Governor of Kamard District. One of President Karzai's Vice President's specifically requested the Detainee to be appointed to this post.

Detainee: Yes, I was appointed. That is correct.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

Presiding Officer: We will take a brief recess for five minutes.

*Board recessed at 1451 hours and reconvened at 1456 hours 17 October 2005.*

ISN 956  
Enclosure (6)  
Page 6 of 12

UNCLASSIFIED//~~FOUO~~

~~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: Yes sir.

Presiding Officer: Assisting Military Officer please read the additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee was very willing to attend the ARB and stated he did not need the Assisting Military Officer to take any notes on his behalf regarding the Unclassified Summary of Evidence. He said he had no problem speaking openly on his own. In addition he would like to make an oral statement as well have the AMO present letters from his family members regarding his defense.

Presiding Officer: Go ahead and present those additional exhibits.

Assisting Military Officer: I am handing the ARB the following Unclassified Exhibits marked as EC-C1 and EC-C3. Copies of these exhibits have been previously provided to the DMO. Sir, that concludes my portion of the review.

Presiding Officer: For the record we will refer to these three exhibits as exhibit EC-C and sub exhibits one, two, and three [EC-C1, EC-C2, and EC-C3].

Presiding Officer: You may begin your statement.

*The Detainee made the following statement*

After the Taliban took over Afghanistan they had almost all of the control of the country. About five years after them being in power people in Afghanistan were very uncomfortable and they were willing to help anyone to topple the Taliban Regime. When we heard the Americans were coming to help Afghans, I personally was very happy because we needed someone to come help the people of Afghanistan get rid of the Taliban Regime. Since there was a lot of fighting going on there were no schools and people were not safe, we were happy to see the Americans come to Afghanistan to bring peace and stability and maybe help out the people there. And after awhile we started building school, new roads were being made and the reconstruction started slowly. Everyone including myself was very happy. Unfortunately, I was captured and I did not have the opportunity to see these good things that are happening in Afghanistan right now. My only hope is for Afghanistan to a peaceful country and a safe place. It doesn't

ISN 956  
Enclosure (6)  
Page 7 of 12

~~UNCLASSIFIED//FOUO~~

~~UNCLASSIFIED//FOUO~~

matter if I am detained here, the Americans are in Afghanistan and Afghanistan is safe and doing good, then I am happy. I have had a very good experience the past three years I have been here with the soldiers, interrogators and the guards. I have never had any problems or anything with anybody and I am grateful. I am hoping the Americans will stay in Afghanistan and help to rebuild Afghanistan and maintain peace and stability. That concludes my statement.

*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: Do you know where Gullam Sediq is right now?

Detainee: Yes, he was the commander of the 601<sup>st</sup> three years ago when I was there but right now I don't know his whereabouts.

Board Member: Why would he write you a letter telling you to attack the Americans?

Detainee: He did not order me to do it. I want to make this clear, the order was given to him from his boss to Gullam Sediq and Gullam Sediq passed it to me since I am the head of the district.

Board Member: When you tried to send the letters, were they going to the Afghan government or to the Americans?

Detainee: I sent them to the Governor of Bamain. It was one day away, since he was near the capital of Bamian and he was one hour away from his district, I sent the letter to him so he could take appropriate actions from there.

Board Member: You tried to do that three times and all three times the person was captured?

Detainee: I tried two times, one time with Abdul Satur and one time with Abdul Qudir and Mohammed Yasen.

Board Member: So if they were captured how did you get the letter back to resend it?

Detainee: This was not the original letter. I wrote a letter to the Governor explaining that I received a letter with these kinds of things and [wanted] to know what he wanted to do. I explained my point of view to the Governor.

Board Member: What was the Governor's name?

Detainee: Mohammad Rahim Aliyar.

ISN 956  
Enclosure (6)  
Page 8 of 12

~~UNCLASSIFIED//FOUO~~



~~UNCLASSIFIED//FOUO~~

Board Member: Did you know the two men who identified you as al Qaida?

Detainee: Yes, they are from my village.

Board Member: Do they belong to any certain organization or any group?

Detainee: Yes, they have been with different organizations and last time they were with Taliban.

Board Member: Do they speak Farsi?

Detainee: Yes.

Board Member: What is your occupation?

Detainee: Where?

Board Member: In Afghanistan.

Detainee: In here I am a Detainee.

Board Member: In Afghanistan, what was your occupation?

Detainee: I was a teacher.

Board Member: Of what?

Detainee: I used to teach Farsi and lower grade math.

Board member: Is that what you were doing when you were captured?

Detainee: No, when I was captured I was the head of the district for my village.

Board Member: You said when you were captured the first time they talked to you for four hours and [then] you were released. Can you tell us about the second time you were captured and kept?

Detainee: The first time they took me they questioned me for four hours and released me. The only reason why they took me in was for false accusations and I was free for almost a week. The next time I went to the office to see them, the Americans told me they were going to arrest me and send me to Cuba. I asked them why what have I done wrong and they didn't say anything after that. That's how I got captured.

Presiding Officer: The letter from your wife she mentions Fida Muhammad, shopkeeper.

Detainee: He is a brother in law.

ISN 956  
Enclosure (6)  
Page 9 of 12

~~UNCLASSIFIED//FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Is he here too, because you received two letters from him.

Detainee: No, he is home back in Afghanistan.

Board Member: What do you think you will do if you go back to Afghanistan?

Detainee: My occupation was a teacher prior this, so if I can, if my health permits me because my eyes are getting weak I will go back and continue teaching.

Presiding Officer: I see here on the letter from your cousin and other family members, they mentioned here in your defense during the Taliban government you did not serve as District Officer or Commander and [they] question why you are being kept from your family.

Detainee: Yes, that's true.

Presiding Officer: In regards to the Unclassified Summary is there any other training other than the Afghan military service that you did?

Detainee: No.

Presiding Officer: Not even a little.

Detainee: No.

Presiding Officer: In regards to this unknown location in Pakistan, they obviously have you mistaken with someone else.

Detainee: Now, like I said before I have never been out of Afghanistan. The only time I left Afghanistan was to come here.

Presiding Officer: If you were not in charge of sub unit two of the 601<sup>st</sup> which sub unit did you command?

Detainee: The 601<sup>st</sup> was during the time of Rahmatulla, I was not in the military.

Presiding Officer: Do you have any family members associated with the Taliban?

Detainee: No.

Presiding Officer: Do you know the names of the persons who identified you to the American soldiers?

Detainee: Ziauden and Hafeez.

Presiding Officer: I know the [other] member asked you this, but is there a certain group they belong to?

ISN 956  
Enclosure (6)  
Page 10 of 12

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

**Detainee:** The last group they were with was the Taliban. They were Taliban commanders. Prior to that they were with Rabani and the group name was Jamial a Tabushi. They were some other group prior to that.

**Presiding Officer:** Do you know if they are associated now with the Karzai Government in any official capacity?

**Detainee:** I haven't seen them from that day on and I don't know any thing more about them.

**Presiding Officer:** Can you tell me anything about Ittihad-E Islami?

**Detainee:** It was one of the first main groups formed in Pakistan to do the jihad against the Russians and Mr. Sayuf is the leader of that group. They are not operating from my village or from my district. I haven't worked with them and I don't know about their operations.

**Presiding Officer:** The letter you received with the order to attack the Americans, you had it forty days before you were captured. During the forty days you had no contact with the Americans so you could mention this to them?

**Detainee:** I did not have contact with the Americans in the forty days. In the forty days time period I manage to send two people but I failed, I tried and it didn't [work].

**Presiding Officer:** If the Americans did come and go in your area would you [interact] and correspond with them?

**Detainee:** Prior to that, they would come [and go] a few times. They were spending the night; there for a while. In that forty-day time period, they did not.

**Presiding Officer:** You never killed or saw anyone killed? With all the fighting going on, you never saw anyone get killed?

**Detainee:** Yes, I have not personally witness any killing. I have seen dead bodies but never witnessed any killings.

**Presiding Officer:** President Karzai's Vice President, the individual who elected you to be appointed as a sub-governor for your district, have you corresponded with him in the time you have been here?

**Detainee:** No, I don't know how to get in contact with him.

**Presiding Officer:** You could probably get a hold of him through the ICRC.

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

ISN 956  
Enclosure (6)  
Page 11 of 12

UNCLASSIFIED//~~FOUO~~

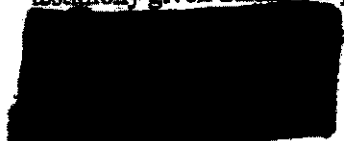
UNCLASSIFIED//~~FOUO~~

*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, U.S. Marine Corps  
Presiding Officer

ISN 956  
Enclosure (6)  
Page 12 of 12

UNCLASSIFIED//~~FOUO~~