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(Revised 8 Nov 05)

**Summary of Administrative Review Board Proceedings for ISN 975**

*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 an 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 ARB interview occurred on 04 November 2005 and lasted 32 minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he wanted to attend the ARB and would write down, for himself, notes he wished to address [to] the Board. A follow-up interview was scheduled for 05 November [2005] and lasted for 22 minutes. This interview was necessary to obtain one (1) document to present to the

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Board. The detainee was polite and civil during both the interviews. The detainee kept a copy of the Pashto translated Unclassified Summary of Evidence for his review.

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2, 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: During the Russian/Afghan war, while he was a refugee in Miram Shah, Pakistan, the detainee served with the Mujahideen based in Pakistan.

Detainee: I was a little boy [at] that time and hundreds [of] thousands [of] Afghans became refugees [at] that time so I was one of them. I haven't done jihad and I haven't helped any mujahideen.

Designated Military Officer: The detainee is said to be an Afghan al Qaida member residing in Khowst and the planner for their attacks in the region.

Detainee: That is not a fact. I don't know al Qaida. What is al Qaida? I am a poor man and my job was a shopkeeper.

Designated Military Officer: Prior to his arrest, the detainee traveled in Afghanistan and Pakistan to recruit for the Tablighi. On this trip the detainee claimed that he was the Amir of the Group of Tablighis.

Detainee: Yes, this is true that I am a Tablighi, but I have not made [a campaign] (Tablighi) against [the] Americans. Tablighi is a religious group that is free all over the world. Even in America there is a lot of Tablighi. We were having a gathering [as a] society in Khowst and the Taliban just destroyed it. The Taliban came [and] they broke our electricity, they destroyed our mud oven[s], they destroyed our society. They destroyed the wood that we [were] using for heating. They destroyed all our society. They broke our society. The Taliban was against us. They would not let us do the Tablighi. The Taliban didn't like us. So when the Taliban regime.... At all [of] the American camps they [gave] us permission for the Tablighi. They [gave] us [a] very big center or some place to do the job. Taliban would not let us, even for one night [do our

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job], now we can do our Tablighi job for years and years. Because they (Taliban) destroyed our Tablighi society the whole Khowst was kind of upset with the Taliban. People are now [happier] with [the] Americans because [the] Americans let them do their Tablighi [job]. You can ask [the] existing government about these things.

Designated Military Officer: The detainee claimed that he is shopkeeper and a Tablighi.

Detainee: Yes, this is a fact and I am a shopkeeper. I am a Tablighi, but I am not a scholar or very educated. I never [campaigned] (Tablighi) against the Americans.

Designated Military Officer: The detainee is said to have stored mines at his residence and to have had direct communication with Arab al Qaida members operating out of Peshawar.

Detainee: This word is not a fact. I haven't kept mines in my house. It was not even existing then. I don't know al Qaida and I have no connection with Arabs. I went to Peshawar to bring [back] merchandise for my shop. The shopkeeper I got merchandise from is named Momtaz and his shop is in Peshawar.

Designated Military Officer: The detainee is believed to be a leader of an Afghan al Qaida cell in Khowst, Province, Afghanistan.

Detainee: I definitely don't know al Qaida and I am a poor shopkeeper.

Designated Military Officer: A raid was conducted on the home of the detainee's associate. The raid netted several active anti-tank mines and empty mine shells with explosives removed.

Detainee: I don't have any associate. Seven months ago a man named Obaidullah was my partner in my shop. He was my partner, we had [a] connection regarding the trade or business then we lost money. He owed me 80,000 kaldar. He [gave] me 60,000 [kaldar] and the remaining 20,000 [kaldar] he refused [to give me]. That is why our conflict started. He is from another local government [and] I am from another local government. He is too far away from me. If anything has been found out from him I have nothing to do with it.

Designated Military Officer: An associate believes the detainee may have belonged to one of the warlord groups in Khowst.

Detainee: I'm not a commander and I don't belong to any warlord or commander. I don't have any connection. I don't know any and I am a poor shopkeeper.

Designated Military Officer: Another associate of the detainee described the detainee as a religious person, not a Taliban member but definitely a friend of the Taliban.

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Detainee: I reject this question. I am not a Talib and I am not a member of [the] Taliban. I am not a friend or associate. I am a poor shopkeeper. If you [have proof] in all [of] Afghanistan that anybody says that I have been [the] Taliban's friend or member you can punish me [however] you feel like. If anybody has worked for [the] Taliban it will not be [a] secret. I ask you what my position was in [the] Taliban?

Designated Military Officer: The detainee is said to have told several people that he was preparing to conduct command-detonated mine attacks against U.S. Forces. Shortly after this threat, U.S. Forces discovered and destroyed in place two apparently command-detonated, probably plastic shelled, anti-tank mines that had been placed in holes on a highway in Afghanistan.

Detainee: I am not aware of this and I don't understand this. I have not told anyone anything. It is not a fact; it is not real. I am a poor shopkeeper. These things are too far away from me. I hate these things.

Designated Military Officer: The detainee is said to have asked an associate to store some land mines at his home.

Detainee: I don't have any associate or any friend. I haven't told anyone about the mines. That is not true. This is [a] lie and I reject these things in [a] very hateful way.

Designated Military Officer: The detainee is said to have passed information to an associate on how to detonate mines.

Detainee: I don't know about these things and I haven't told [any]body [anything]. I don't have any associates. This is [a] lie and it is not true.

Designated Military Officer: The detainee promised to pay an associate if he planted mines.

Detainee: I am a poor man. I didn't promise [any] body [any] money. [At] the time when I was arrested or detained I had debts [totaling] 78,000 kaldar. I owe money to Mir Jamal, [who] is my cousin. This allegation is [a] lie and is not based on fact. If somebody is poor and has debts [then] how can he give or promise somebody else money? I received a letter [that said to] pay the debts now.

Designated Military Officer: The detainee was apprehended because he matched the description of an al Qaida bomb cell leader and had a Thuraya phone.

Detainee: No, no this word is lies. We [were] going to Peshawar and there was another guy [there] that kind of became my acquaintance or friend. His name was Abdullah Wazir. When we reach[ed] the checkpoint [and at] the time of the checkpoint [when] they [started to] search [us] he gave me his phone. I didn't know I just held it. Police saw us [and told us to] get down and get out of the bus. When we came out they started

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searching in detail and they found some dollars and the telephone with that man. I was not aware before about the telephone and these things. This question doesn't concern me. I didn't know about the satellite telephone before [then]. When the Pakistani police captured [us] I found out this was a satellite telephone. Even three minutes before the captured us I did not know. Wazir is still here.

Designated Military Officer: The detainee's palms were significantly scarred and the burn patterns were consistent with something bursting or exploding while being held.

Detainee: I was an infant, maybe one (1) year old. My mother was cooking bread on top of [the] stove in a pot called taboci. She was baking bread [and] I crawled and I put both of my hands on top of this and [there] was part of the knees, too. I start[ed] crying and my mother came and she picked me up from on top of the pot. My meat was stuck on the top of that pot. This was done about thirty years ago. This [allegation] is a lie. I have proof of it coming from my home later.

Designated Military Officer: An associate of the detainee said that he had no knowledge of the detainee being associated with the Taliban or al Qaida and he had no knowledge of the detainee being involved with explosives.

Detainee: Yes, it's true.

Designated Military Officer: A family member of the detainee claims the detainee has had scars on his hand since before the family member was born.

Detainee: Yes.

Designated Military Officer: The detainee claims an associate gave him the cell phone while going through a police checkpoint.

Detainee: Yes, it's correct.

Designated Military Officer: One of the detainee's accusers has recanted his story about the detainee giving him mines. The accuser now claims the detainee did not give him mines, but that the person who previously resided in the house left the mines at his residence. He also says the detainee did not pass him information on how to detonate mines.

Detainee: It's correct. I haven't given [any]body [any]thing in the front and I am not aware of it.

Designated Military Officer: An accuser of the detainee has since recanted his statement about the detainee's connections to anti-tank mines and now claims the detainee was not connected to setting anti-tank mines.

Detainee: I didn't have any connection before [or] now.

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Designated Military Officer: The detainee adamantly denied ever giving his associate anti-tank mines.

Detainee: It's correct.

Designated Military Officer: The detainee denied having any other associations to al Qaida or Taliban members or their whereabouts. The detainee stated that the al Qaida and Taliban are "lost."

Detainee: Yes, that's a fact.

Designated Military Officer: An associate of the detainee said the detainee was not associated with al Qaida.

Detainee: I said earlier that I don't have any associate.

*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 presented additional documents on behalf of the detainee marked as Exhibit EC-c and stated that he had no additional comments.*

*The Detainee made the following statement:*

Detainee: I was waiting for this time for a long time here. I am very happy to join this Review Board. It is my very, very joy and happiness. I have been accused wrongly. This is the fourth year I have been detained. My nephew is in jail and he became lame. He is in Cuba. I had a brother who was in Bagram. He has been released. I was not a Talib and I was not al Qaida. At the time of [the] Taliban I never had any job or was involved. I am a shopkeeper and I have done Tablighi. I haven't done any [campaigning] (Tablighi) against Americans. Seven months ago Obaidullah was my partner in my shop. He was working with me in the shop. Our connection was business with each other. This is not a crime, I believe. Seven months ago there was a conflict between Obaidullah and [myself]. He went home. After seven months the bombs had been found in Obaidullah's house. I know that [the] things that had been found in his house were not good things. It's not [a] melon or watermelon. It is [a] very bad thing. It kills people. It kills me, too. You cannot construct a country through these. If anybody gave it to Obaidullah [then] he is a criminal. I make decision about myself. If I have anything of this nature then I am a criminal. Obaidullah is existing [and] he is here. You

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can ask the facts from him. If anybody has given [anything] to him it was his house they found [it in]. He will know the fact about where he got it. Secondly, Obaidullah has a car. I know him. He doesn't even have enough money to buy a donkey. I will tell him in front of his face. I tell the truth. I am not afraid of telling the truth. He had 10,000 kaldar and because he owed me I took it from him. He had no money. I start[ed] asking questions myself. Like where did he get the car? You can ask him this question. With Obaidullah there is a paper and that is very dangerous. I don't know what this is. It is not a land title, a certificate or a degree. If they ask from Obaidullah where he got the paper, they will find out where the training camp is and where everything that they want to know is. Obaidullah has done cruel things against me. He sent [an] American to my house. It was about personal hostility and they brought it to you guys. I am very happy I made it here alive and I didn't get killed. Now the truth will not be hidden. I want Obaidullah to be made to sit in front of me and talk to me. The time of Obaidullahs' lies is over. He better not say any more lies. He had the chance to say lies when I was not here, [but] when I came [here] he [could not] say lies anymore. I have been wrongly accused. Deep down in my dossier you can find out the facts. I would like to say [the following] about Abdullah Wazir. He had the dollars and satellite phone. Three minutes before the capture and arrest I didn't know anything about it. If Abdullah says that this is my money and satellite [phone] then you can put me in jail for twenty or thirty years. I should not be captured because somebody else did wrong. Why am I in jail because he did wrong? America has no proof [against] me. My home only had one gun, a rifle. This is a home rifle. I just had that rifle for my own protection. I request this from you and please pay attention. The person is available here. I am a shopkeeper and I would like to say that you can find gold or anything in a store, but you cannot find a bomb store. I am so surprised and I don't know where he gets those things [from].

***The Assisting Military Officer had the following statement for the Detainee.***

Assisting Military Officer: Show the Board Members your hands. (At this time the detainee placed his hands out in front of him, palms up.)

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

***Administrative Review Board Member's questions:***

Board Member: What kind of activities did you engage in as Tablighi?

Detainee: Tablighi is like this. We tell people [to] pray five times, read [the] Quran and don't hurt anybody. Have a good ethic...Muslim... From the Tablighi hand is peace to [the] whole world. They don't hurt anybody. The Tablighi is free all over the world. If only the Tablighi were free in the time of [the] Taliban. The Taliban didn't like us.

Board Member: Why would the Taliban be against the Tablighi?

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Detainee: Taliban were a little bit [of] hardliners. These people (Tablighi) are middle and easy with people. Also, they were telling us that we were not going with them to jihad. They have a rule that says #6, #7. They told us you are #6 you just completed good things but why don't you Tablighi for jihad....

Board Member: Have you ever served in any military either in your home country or another country?

Detainee: No, I was a refugee in Pakistan. I haven't done any military service.

Board Member: While driving to Peshawar you met up with the man who gave you the money and phone, Wazir?

Detainee: Wazir didn't give [it to] me in Peshawar. [At] the bus stop we became friends.

Board Member: Do you know what he was up to? Why he was traveling?

Detainee: He has a store in Khowst, too. He was going for merchandise to bring back to his store. When we became friends, I was in the front seat and he was in the middle. They told us to sit down [at] the checkpoint and he gave me the phone at the time of the search.

Board Member: Do you know why he gave you the phone?

Detainee: Because the Pakistani police found out these things were with us and found out we were refugees...money...I got mad at him [because] he didn't do a good thing. He said he was sorry he made a mistake.

Board Member: Do you know why your brother was detained in Bagram?

Detainee: I was in jail in Pakistan when they captured him. The Americans came to my home [and] detained my brother and Shamsullah. The [one] named Shamsullah is here.

Board Member: But they released your brother?

Detainee: Yes, we [were] three people. I am here and two were released, my brother and [his] son.

Board Member: Is Shamsullah your nephew?

Detainee: Yes.

Board Member: Does he live with you?

Detainee: Where?

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Board Member: In Afghanistan.

Detainee: Yes.

Board Member: How is he lame?

Detainee: When he was sixteen he was working with me in the store and he got a mental problem. He was making trouble fighting [with] other people.

Board Member: Did you say his leg was hurt?

Detainee: When [the] American[s] came to our house there was a Kalashnikov in our house and he knew that [the] Americans would take this gun. So, he took the gun and went to the mosque. The American[s] asked him to stop and he didn't stop, so they shot him [and] he became lame.

Board Member: What kind of shop do you have?

Detainee: Flowers. I sell flowers, pots, [and] chairs, and these kinds of things.

Board Member: What kind of store did Wazir have?

Detainee: He had a tire store.

Board Member: Did you know Wazir in Khowst?

Detainee: Yes, he [would] come to the mosque and pray.

Board Member: You attended the same mosque?

Detainee: Yes.

Board Member: Were you part of the same tribe?

Detainee: No, different tribes.

Board Member: What was the name of your partner at your shop?

Detainee: Obaidullah.

Board Member: Is he a member of the same tribe as you?

Detainee: No, they are different.

Board Member: Do you speak English?

Detainee: No.

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Board Member: When did you leave Afghanistan for Pakistan?

Detainee: [At] the time of the Taliban.

Board Member: Was the Taliban in power when you left Afghanistan?

Detainee: No.

Board Member: Did you attend madrassas in Pakistan?

Detainee: No.

Board Member: Can you read and write?

Detainee: I can read Pashto but I learned how to write a little bit here.

Board Member: What hand do you write with?

Detainee: Right.

Board Member: When did you come back to Afghanistan from Pakistan?

Detainee: [At] the time of [the] Taliban.

Board Member: Why would you come back if you didn't like the Taliban?

Detainee: They destroyed our society but they did not tell us not to come. We had permission to come work and do things, but the society....

Board Member: Did you spend time in Lahore, Pakistan?

Detainee: Yes, that is the center of Tablighi.

Board Member: Where did you get your Kalashnikov?

Detainee: My brother had it.

Board Member: Where did he get it?

Detainee: He bought it before.

Board Member: Did you ever shoot it?

Detainee: No.

Board Member: Who all lived in your house in Afghanistan?

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Detainee: My brothers.

Board Member: How many?

Detainee: Two.

Board Member: You don't know any al Qaida?

Detainee: No.

Board Member: You've never heard of them before?

Detainee: When the trouble came out then I start[ed] hearing about al Qaida. When [the] Americans went to Afghanistan then I heard the name of al Qaida.

Board Member: You had never heard of that before?

Detainee: No.

Board Member: Did you ever see any al Qaida in Lahore, Pakistan?

Detainee: No.

Board Member: Do you know any Jama'at-al-Tablighi that are al Qaida?

Detainee: No.

Board Member: Do you know any Jama'at-al-Tablighi that are Taliban?

Detainee: No.

Board Member: Why do you describe the Taliban and al Qaida as "lost"?

Detainee: When the Americans came to Afghanistan the al Qaida and Taliban were lost [because of the] new administration [and] new government.

Presiding Officer: How's your family?

Detainee: Right now I do not know.

Presiding Officer: How many children do you have?

Detainee: I have four boys and two daughters.

Presiding Officer: Who hates you? You say you had nothing to do with al Qaida, nothing to do with the Taliban, nothing to do with mines, you don't own the cell phone, and the burn patterns happened when you were a child.

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**Detainee:** Yeah that's true. The one that really has punished me is Obaidullah.

**Presiding Officer:** Why does Obaidullah hate you?

**Detainee:** We had money problems and that conflict started because of money.

**Presiding Officer:** Jama'at-al-Tablighi has good things, but many people who answered to Jama'at-al-Tablighi have also become involved against the United States. Are you that at all?

**Detainee:** That is a lie.

**Presiding Officer:** How do you feel about the United States?

**Detainee:** I have heard Americans are building roads, schools, hospitals, [etc].

**Presiding Officer:** Those roads can't have land mines. Land mines on the roads are very bad. People think you put mines on roads. Mines kill people.

**Detainee:** That is [a] very bad thing. I reject this. If there is a mine in my house then I am a criminal. If I gave somebody any mines then I am [a] criminal. They capture[d] mines and everything from Obdaidullah. If I have anything to do with [it] then they can kill me. If I am a criminal they can punish me. I am not crazy. I don't have any mental problem. You are recording my conversation. I am telling the truth.

**Presiding Officer:** What kind of flowers did you sell in your flower shop?

**Detainee:** You put on your neck and on cars.

**Presiding Officer:** Very popular in Khowst?

**Detainee:** [The] Taliban destroyed our job. It is getting better.

***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.***

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AUTHENTICATION

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



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