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Summary of Administrative Review Board Proceedings for ISN 1001

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were 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 Notification of the Decision of the Administrative Review Board, 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 ARB interview was conducted on 26 June 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially noncommittal, however later stated he did want to attend the ARB. The detainee was very cooperative, attentive, and cordial throughout the interview. A copy of both the English and Pashtu translated Unclassified Summary of Evidence was provided to the detainee upon his request.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and the CITF Redaction placeholder, DMO-3, to the Administrative Review Board.

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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.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary; we will then provide you a chance to respond. The Board Members may ask you questions based on your response.

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: (3) The following factors favor continued detention: (3.a) Connections/Associations. (3.a.1) The detainee's brother was identified as a senior lieutenant for a former Taliban Commander.

Detainee (through translator): In the name of the most gracious God, I have spent three years in this jail and during that time, I keep hearing that my brother was a former Taliban commander. I keep saying no, yet I keep hearing yes. There is no document to prove it, but to respect your own law and government, you say there is no lie in this accusation and that your conscience doesn't allow you to lie. I have been here three years, and because of respect and human dignity, I am suffering, and I am not happy about it. You can send forty people to the area and ask around about my brother. If they tell you that he was a Taliban commander, you can keep me here for forty years; if thirty of them say yes, you can keep me here for thirty years; if ten say yes, keep me here for ten years. If nobody tells you that my brother was a member of the Taliban Empire, why are you keeping me here?

Presiding Officer: Was your brother a former Taliban commander?

Detainee (through translator): During the last three years I have said no, but you have said yes. My brother was not a Taliban commander. I was not a member of the Taliban. This statement is totally wrong. I do not accept it. I reject it and look at it as a lie.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The detainee's brother has a well known car dealership in Zormat, Afghanistan, where he also keeps an arsenal including Kalashnikov rifles, rocket-propelled grenades and improvised explosive devices.

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Detainee (through translator): My brother has a car dealership in the middle of the town. This accusation became a cause of my imprisonment. The informer, God bless him, could have also said that my brother has helicopters and some other things; he is still a good guy since he did not say that. I reject this accusation very strongly. I call it a lie. That spy gives a bad name to Americans who are doing this. Behind Americans' back, these spies are enemies of Americans. It's up to you whatever you want to believe.

Presiding Officer: Does your brother have weapons stored in his car dealership?

Detainee (through translator): If he did, why didn't you get the weapons from him? Why didn't you raid him? Why didn't the Afghan government capture him?

Presiding Officer: Thank you.

Designated Military Officer: (3.a.3) The detainee has been identified as an al Qaida/Taliban facilitator.

Detainee (through translator): How can someone who has not worked for the Taliban even for one day do this? If you prove that I worked for the Taliban or al Qaida, even for one day, you can keep me here for ten years. I do not know al Qaida. I haven't worked for the Taliban government. I have no connections with the Taliban. I am still against the Taliban. The Taliban looted my house and put me in jail for one month. My pharmacy is still in my home. Because I was afraid of them I could not open my pharmacy in the bazaar, the outside market. I already explained the whole thing in my dossier.

Presiding Officer: Why were you in jail for one month by the Taliban?

Detainee (through translator): I already mentioned in my dossier that I was jailed because I disobeyed them. I did not want to cooperate with them. The first problem I had with them was when they looted my house and my pharmacy. Now I am in trouble here. Both sides are hurting me.

Designated Military Officer: (3.a.4) The detainee's telephone number and name were associated with a Taliban cell.

Detainee (through translator): I did not have a telephone. I was a poor man. I had nothing to do with the Taliban. Maybe my brother had a telephone. If I had one, I would have the number in my mind.

Presiding Officer: Did you have a cell phone?

Detainee (through translator): No. I did not.

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Designated Military Officer: (3.b.) Detainee Actions and Statements. (3.b.1) In mid February 2002, al Qaida fighters in the Paktia Province of Afghanistan, were providing payments of \$3,000 U.S. dollars to the detainee. The payments were intended to ensure that the detainee provided support to al Qaida and facilitate the departure of al Qaida family members from Afghanistan.

Detainee (through translator): It would be nice to have this money. I did not work for al Qaida or the Taliban government, how can I facilitate people to leave Afghanistan? I strongly reject this statement. I do not know al Qaida. I do not know his fighters. This statement is a lie.

Board Member: Was there any other reason why you may have been helping families to leave?

Detainee (through translator): I am against the Taliban. I wanted to get out of Afghanistan. I worked for the Karzai government. How can I work for and against the Karzai government? I was in charge of the county administration in the time of Karzai. If al Qaida members were getting killed in Afghanistan, I would be very happy.

Designated Military Officer: (3.b.2) The detainee was identified as a military commander that led a 12-man unit of former Taliban and al Qaida members who were planning to attack United States and Afghan Transitional Administration facilities using guerilla warfare techniques in September 2002.

Detainee (through translator): I am a pharmacist. I was not a commander and I did not have any group with me. I do not know al Qaida or the Taliban members. I have not done any actions against my own government or Americans. I welcome the Karzai government and the Americans in Afghanistan. In the time of Karzai and upon the people's request, I became the city's administrator. Based on the people's request, Governor Taj Mohammad Wordak appointed a letter to the Ministry of Interior and another one to Zormat City. I performed my duty as an administrator of that city for five months. I was cooperating with my own government, which I served honestly and sincerely because I am a bright man. I, along with the people in the area, was very happy about Karzai coming to power. That was our government and we had the responsibility to build our country. During this administration, I met with the campaign leaders on three different occasions in Zormat. On the day of the festival, I went to greet Taj Mohammad Wordak. There are two different festivals. I am talking about the one that happens after the fasting month; it's a three-day event. The name of the festival is Eid or Loyakhtar. Leaders for the American campaign were there also. Americans took pictures of me and Taj Mohammad Wordak. They took the pictures with them. The American campaign leaders' names were Tony and Mike. I met with them three times. The rest is up to you. Whatever you believe, whatever you think.

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Presiding Officer: I know you say you were the governor of Zormat, and you are a bright man. I just can't believe you did not know any Taliban or al Qaida members. As the administrator of the city, you have to have known different Taliban or al Qaida people in the city.

Detainee (through translator): If I do not work with them, I will not know them. It's like this room, if I did not come to this room, how could I know how many people would be in this room? In the time of the Taliban government, I did not go to the administrative office, not even once. They came to my house, captured me and put me in jail. The rest is up to you.

Board Member: When did the Taliban put you in jail in relation to the time you were city administrator?

Detainee (through translator): I am not sure because I have spent three years here. My mind is not accurate, but it was between the first and the second year of the Taliban power.

Designated Military Officer: (3.b.3) The detainee admitted he did fight against the Russians. The detainee also stated that he participated in several fights under the command of a village elected commander.

Detainee (through translator): Because Peer Sahib Gailani was the leader of our organization, I worked in two battles as a pharmacist and a doctor, patching wounds. I did not fight. They gave me one rifle, and when I stopped treating people, they took that rifle back from me. Our commander, Peer Sahib, was in Peshawar with another commander named Momen. Niaz Gul was elected by our tribe as a commander. In the winter these commanders went to Peshawar; in the summer they went back to Afghanistan. People went with them to Afghanistan; mostly they stayed with them in Peshawar. They kept moving around back and forth. Because I had an identification card from the Peer Sahib organization, they made me go to war to care for the wounded.

Presiding Officer: You were the medical person in the fight against the Russians?

Detainee (through translator): I was away from the battlefield. They brought the wounded to the compound I stayed in. I did not fight. I do not know how to fight. Only twice that I cared for the wounded.

Board Member: You say they gave you a rifle and took it back after the fight was over. Did you know how to use it?

Detainee (through translator): I did not use it.

Presiding Officer: Did you know how to use it?

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Detainee (through translator): Yes.

Presiding Officer: How did you learn how to use it?

Detainee (through translator): They showed me.

Designated Military Officer: (3.b.4) The detainee released three suspected al Qaida without an investigation.

Detainee laughs.

Presiding Officer: Why do you laugh?

Detainee (through translator): I laughed because I was against those people; how could I have helped them? This statement does not have any truth to it. I strongly reject it and call it a lie. This is wrong. We have a proverb back home: If there is a river and thirsty men go there, nobody knows which one is too thirsty. They destroyed our country, our buildings, and our civilization. They brought hostility and hate among us. I do not agree with them.

Board Member: During your time as administrator of the city of Zormat, did you ever release anyone without any investigation and that later someone might have thought they may have been al Qaida?

Detainee (through translator): No. I did not release anybody. If someone informed you that I released anybody from al Qaida, they should have some documents or proof.

Designated Military Officer: (3.b.5) The detainee held a meeting at his residence in Zormat, Afghanistan, with an extremist cell leader.

Detainee (through translator): My home in Zormat is in a village named Menzo. I was in charge of the county. I did not conduct any meetings in my home. This statement is a lie. I strongly reject it. I was a hard worker who provided for my family and raised my children right. I ate and used all the profits I gained from the pharmacy.

Designated Military Officer: (3.b.6) The detainee distributed arms for an ambush against his replacement. The detainee also gave out money to those who agreed to fight on his behalf. The detainee issued weapons to volunteers including rocket-propelled grenades, Kalashnikov rifles and at least one anti-aircraft gun.

Detainee (through translator): This is not a true statement. I did not do this. I did not have any negative reaction against my appointed replacement, Mohalem Janbaz. He was my countryman; he was from Zormat. He also was a teacher. I surrendered everything to him without any argument. Your honorable can ask Janbaz and get information from him. I

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left my job with sincerity and honesty to him. Janbaz was my friend. I recognized him as an administrator. I am very sorry for this, but honorable, the people who gave you this information are enemies of both of the Afghan government and the American people. When Mohalem Janbaz replaced me, I just went home. I was doing my pharmacy and my land work. After a while, Taj Mohammad Wordak was transferred and Raz Mohammad Dalili became governor of Paktia. Raz Mohammad Dalili offered me to work for the government. I had no other choice but to accept his request. He appointed me as a counsel leader. There were fourteen other leaders with me. Official letters were given to us by the government of Paktia with official copies to the county. One day before I was captured, the representative of the Italian Embassy, the representative of the Ministry of Interior, and the representative of the Ministry of Justice came to our county. The representative of the Italian Embassy told us that they brought supplies for the people and that the next day all the elders had to go to the governor's office in Garbaze to receive those supplies. We gave very beautiful turbans to the representatives.

Presiding Officer: How does this have anything to do with you issuing weapons to volunteers?

Detainee (through translator): I did not have any volunteers. I did not give any weapons to them. I did not do those things. This statement is useless and I strongly reject it. I was trying to explain to you how I got captured. The Italian Embassy's representative asked me to go to Garbaze. The next day, all the tribal counsels, the county judge, and the county administrator went to the governor's office to receive instructions on what to do with the supplies. When we got there, the governor was not present. He had gone to Kabul. We were watching each other so that neither of us would take the supplies. We were sitting in the governor's office and the police officers came and captured me. I was framed. I was brought here based on a conspiracy. I already mentioned everything in my dossier. The commander of Garbaze Province appointed another commander for Zormat County; he was once captured because he was stealing. At the time I was the head counsel, people came from Sherboze area, which is between Ghazni and Zormat County's borderline.

Presiding Officer: Do you have the name of the person that was caught stealing?

Detainee (through translator): Khial Mohammad. Merchants from Zormat were going from Ghazni to Kandahar and to Herat carrying money.

Board Member: How much money?

Detainee (through translator): One of the merchants was carrying 200,000 in his pocket and 200,000 in each arm. Those people crossed Zormat and reached Sherboze area. The local police went to the merchants who were sitting on their car.

Presiding Officer: How does this tie into you issuing weapons to volunteers?

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Detainee (through translator): I am explaining the reason why I was captured. The thief took the 200,000 the merchant had in his pocket. The merchants went to the county administrative office and filed a complaint. We, the county leaders, had already promised the government that robberies would be dealt with. Other county administrators called us about the robbery. We decided to go to the area where the robbery took place. A shop owner in the area told us that the robbers had brought oranges and peanuts from him. We knew the area and we knew that the robbers were wearing uniforms. Our investigation took us to the county judge, the administrator in charge of the county, and the investigator; we told them that they were the ones that robbed the merchants. Then we went to the police department; there were peanuts, peanuts shells and oranges in the robbers' car. We proved that the car was used in the robbery. We went to the commander and demanded the stolen money back. We told him that we either get the money back or we report him to the governor. They gave us 150,000 back and a receipt for 50,000. When I went back to Garbaze, because of that commander, I was captured. Justice is now in your hands.

Board Member: You say that you served as the city administrator for five months before being replaced by your friend who was a teacher. Is five months a normal term or did you leave early? If so, why?

Detainee (through translator): My replacement had more connection with the administration. As I mentioned earlier, the governor of Paktia, Raz Mohammad Dalili, was not in his office; he had gone to Kabul. That night, the governor came back from the campaign and promised to help me get released. If I were an enemy of the country, why would the governor come in the middle of the night and offer to help me be released? If you do not believe me, you can ask your own campaign why Raz Mohammad Dalili came in the middle of the night to try to help me.

Presiding Officer: Why was he not successful in getting you released?

Detainee (through translator): When Americans say one thing, you cannot change it.

Presiding Officer: Because we had already made a decision, the governor was not able to reverse it?

Detainee (through translator): No, he could not do anything.

Presiding Officer: Have you been in communication with this individual that he may be able to talk to the current government and get you released.

Detainee (through translator): I have written several letters to Raz Mohammad Dalili, but I haven't received any answer. Those people are so scared of you guys; they are afraid that if they took the courage to do this, you would bring them here too.

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Presiding Officer: Have you had the opportunity to meet with any Afghan delegations that have come here?

Detainee (through translator): Yes.

Presiding Officer: Have they visited you recently?

Detainee (through translator): About six months ago.

Presiding Officer: Have they met with you more recently?

Detainee (through translator): One month ago.

Presiding Officer: What did you get from that meeting?

Detainee (through translator): We have a proverb: When it's cloudy, I can see it and when it's clear I can see it. If you want to give Afghan prisoners to Afghan government, you will. If you do not want to, these delegations cannot change anything. I have heard that Americans obey and apply the law. They apply justice. They are good people with compassion.

Presiding Officer: Thank you.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee stated he does not know why the Americans detained him and that he had helped them in the past by giving them information about al Qaida.

Detainee (through translator): I do not know why they captured me. I have not given them any information about al Qaida.

Designated Military Officer: (4.b) The detainee denied having any military training and he claims he has never served in the military.

Detainee (through translator): In Afghanistan, in the time of Zahir Shah or when you become 22, it was mandatory to join the military. Even though it was mandatory, I did not do it. I made a petition stating that my father was old; therefore, I was not qualified to enter the military. Anybody who had an old or disabled father would be excused from military service. I do not have any military training; I am telling the truth.

Board Member: I understand you were not in a formal military structure; however, you also talked about fighting the Russians under a commander, what type of structure are you talking about.

Detainee (through translator): There was no discipline, no organization and no structure.

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Board Member: You say that the commander was elected and his name was Momen?

Detainee (through translator): Momen was the high-ranking commander.

Board Member: Was he a military commander?

Detainee (through translator): No. He was the administrator of the county in the time of Zahir Shah. They still call him Administrator Momen. They still call Niaz Gul administrator also even though he cannot read and write. Honorable people, I present my respect to all of you. Please allow me to make you understand this conduct. In the time of my government job during the five months, I, along with forty other people, met with my honorable leader, Hamid Karzai, three times. Our area leader received instructions from him regarding building our county. One time we met Sebghatullah Mojadidi. They call him Harzat Sahib. Including these forty people, we met Sebghatullah Mojadidi. Once we also met with Zahir Shah and Sardar Wali who is the son in law and cousin of Zahir Shah. We also met with Peer Sahib Said Ahmad Gailani, and border minister Amanullah Khan Zadran. During my five months assignment, I met a lot of high and low ranking government officials. I met Paktia Province local campaign leaders. I met Ziauddin Logaray and Ghulam Rasul. I also met the American campaign leaders three times. One named Mike, and another Tony.

Presiding Officer: When you say American campaign leaders, do you mean military leaders?

Detainee (through translator): Yes, of course. Fifteen days before I was captured, I met another American leader named Mike. We talked to him regarding the county and security. The county administrator and the leaders were there when we talked to him. They promised us a lot of assistance and cooperation. The people who informed you cannot get any evidence or picture or any other document, which would be acceptable to you and would make you believe. You would be sure and you would not feel guilty with your conscience. I do not want to teach you anything, but that would be your success key. In Afghanistan, Jihad had passed. People have hostility with each other. Pashtuns are against Farsi speakers. Sunni religion against Shiat religion. Tribes against tribes. I was brought here because of language and tribal conspiracies. If I were against Karzai and American people, I would not have cooperated with the government and Americans. I would be sitting in my home or running away to another country. I did not work for the Taliban government. I was against them. I did not work for the government of Mujahedin. You can ask about me from Taj Mohammad Wordak and Raz Mohammad Dalili. Both of them used to be governors of Paktia. You can ask the interior campaign leader, Haji Wali Mohammad, about me. You can ask Paktika campaign leader, Engineer Amin. During the interrogation, I gave a lot of names from Zormat. They can ask them too. I was the administrator of Zormat County during the Anaconda operation. I cooperated with Americans. American troops were in Zormat. During that time, if there were any fire toward American troops, I would be responsible. If you have any proof, you can keep me

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here for ten years. I ask you to apply justice and use compassion. If Afghanistan was close by I could have documents and prove my innocence. Thank you very much.

Board Member: Is there any reason why you did not join the Northern Alliance to fight the Taliban government?

Detainee (through translator): I only wanted to provide for my family.

Board Member: During Operation Anaconda, what support did you provide to U.S. forces?

Detainee (through translator): We did not have any army troops to join them, but we spread the word and informed the population that the American troops were there to help us, bring security, and build up our country.

Presiding Officer: Normally, at this time, I would ask you if you had any statement to make, but obviously you have already made that statement.

Detainee (through translator): Thank you very much.

Presiding Officer: Is there anything additional you would like to add?

Detainee (through translator): No. I do not. What are the Afghan and American decisions about the prisoners?

Presiding Officer: We are not privy to that information. You probably hear more than we do. I just know that there was a delegation here recently that met with the Afghan detainees. That is why I inquired about it.

Detainee (through translator): They just asked us for identification like what is your father's name, and where is your hometown?

Presiding Officer: Thank you.

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 had the following question for the Detainee.

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Assisting Military Officer: You had mentioned that you had not had the opportunity to present information to the prior board; do you feel like you had ample time to provide responses to the Unclassified Summary today?

Detainee (through translator): I am very happy with this meeting. I do not want to gossip or say anything against them, but in the last meeting I was only saying yes or no.

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

Administrative Review Board Member's questions:

Presiding Officer: If released or transferred back to your country, what do you plan on doing?

Detainee (through translator): I belong to that country. If my service is needed, I would serve my country. If not, I would stay home and run my pharmacy. That would be very good news. I would go back and bring out my pharmacy from my home to the market.

Presiding Officer: I, and probably the board members, am concerned about some of the allegations that were read in favor of your continued detention; whether they are true or not, should you be transferred that you would provide harm against U.S. servicemen currently in your country or the Northern Alliance.

Detainee (through detainee): I did not do it. How can I do it now that I am so scared?

Presiding Officer: Thank you.

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.

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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