

Summary of Administrative Review Board Proceedings for ISN 1037

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 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 ARB interview was conducted on 12 June 2006. After reviewing the ARB's purpose and procedures, the Pashto 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 stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative, attentive, and cordial throughout the interview. Copies of both the English and Pashto translated Unclassified Summary of Evidence were provided to the detainee who accepted the Pashto copy.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-4 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 description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Designated Military Officer: (3.a.1) The detainee was traveling in Pakistan with a friend when the friend pointed out the location of the Patkia, Afghanistan Province Leader's house to the detainee.

Detainee: *(through translator)* This is a lie, it is not true.

Designated Military Officer: (3.a.2) The Patkia, Afghanistan Province Leader has met with senior Taliban Leaders.

Detainee: This is not true.

Designated Military Officer: (3.a.3) The same friend of the detainee provided weapons to security guards at the fuel depot.

Detainee: *(through translator)* This is also not true. This is not the procedure, it is not the way you mentioned it or wrote it down.

Presiding Officer: Who provided the weapons?

Detainee: *(through translator)* We did not provide to anybody. There were only five to six people in the depot, we had our Kalashnikovs and that was it.

Designated Military Officer: (3.a.4) The detainee was captured in the home of a suspected Hezb-e-Islami Gulbuddin Commander.

Detainee: *(through translator)* This is not true.

Presiding Officer: Whose house was it?

Detainee: *(through translator)* The house belonged to somebody else. Ekhtiar Haji was the person that was captured with me. He rented the house from someone. That was a rental house, which belonged to someone else and was rented by Ekhtiar Haji. This is also not true; he is not a commander and does not belong to the Islami Gulbuddin.

Presiding Officer: Why was the house raided?

Detainee: *(through translator)* They raided it because Ekhtiar Haji was working for the current government the Karzai government that is why they raided his house.

Presiding Officer: They raided a house that was owned by someone who was working for the Karzai government?

Detainee: *(through translator)* They captured him and me. The moment they captured me, I told them I did not belong to any groups or anybody. I came here to work for the current government and this is the first time that I came to Afghanistan.

Presiding Officer: When you were captured, did they tell you why you were being arrested?

Detainee: *(through translator)* I told them if I worked for any other government or any other people, then they could punish me as they want. I told them that I was working for the current government. They did not say what was the reason for raiding the house. If you have any reason or are accusing me of any crime, just give me the date the reason and the evidence and you can punish me however you want to.

Board Member: How many other people, your friends or co-workers were in the house and at the location with you when you were captured?

Detainee: *(through translator)* It was two o'clock in the morning when the Americans came. There were two of us in the house.

Presiding Officer: Were any of them accused of being a part of the Gulbuddin organization, the HIG?

Detainee: *(through translator)* They did not mention any organization, not the Gulbuddin, not the Taliban, nothing. I did not commit any crime, the only crime I had was after 25 years I returned back to my own country. I was in Afghanistan not more than one month. If I am accused or I have been part of any organization they can punish me and make me sit here for the rest of my life. If you have any evidence from the one month that I worked in Afghanistan, if you find any documents or evidence that I worked with the Taliban, al Qaida, Gulbuddin or anybody, I will give you my thumb mark and tell you to put me in jail for the rest of my life. I never carried any guns with me, except for the last ten days before I was captured--I was working for the government. If anybody says that I was carrying anything before that, you can punish me however you want. These allegations are for someone else. What is my crime? What are my allegations? What have I done? What's my crime? The person I came with his name is Bakht Haji, I knew him for a few days and then I was captured. So what is my crime?

Presiding Officer: You will get a chance at the end to make an oral statement, right now let us read the unclassified summary.

Detainee: *(through translator)* Okay Sir.

Designated Military Officer: (3.a.5) Present at the capture location was an American made bolt-action-rifle with scope and high quality match grade ammunition.

Detainee: *(through translator)* This is not true. There was no rifle but there were bullets on the ground with a type of military belt. I did not know what type of bullets/ammunition or what kind of gun or rifle was used. That was not my house to question me about that rifle. I am only trying to tell you the things that I saw at the place.

Presiding Officer: Where there any weapons in the house?

Detainee: *(through translator)* Nothing. If there were any weapons there I will sign with my thumbprint so you can keep me here. I am more happy here than being at home because I am innocent. I am happy because I am innocent, if I was guilty then I would not be so upset because I was guilty for doing things. I am not guilty of doing anything.

Designated Military Officer: (3.a.6) Hezb-e-Islami Gulbuddin has staged small attacks in its effort to force United States Troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee: *(through translator)* I swear, this is the first time here that I have heard these words. I have not heard it back home in Afghanistan. How did you make up these kinds of stories? None of these have anything to do with me--they do not belong to me. You are reading somebody else's folder to me. If I were a commander for Gulbuddin or any other organization, this would be mine. With this you are talking about someone else. In one month or 15 days in Afghanistan back at home, I became this big guy to fight in the government? I am kind of astonished and wondering about these statements.

Presiding Officer: Do you support the current democratic government in Afghanistan or would you prefer an Islamic Fundamentalist state? Do you prefer a Karzai government or a Taliban government?

Detainee: *(through translator)* I support the Karzai government. I came to Cuba in the name of the Karzai government and I will be released or detained by the name of that current government. If anybody tells you that I was carrying a gun against the government they can kill me, execute me or put me in the jail permanently if they find any evidence.

Board Member: I want to make sure that you understand the statement, which was read to you a moment ago. It stated that you were staying at a house of a commander in the Hezb-e-Gulbuddin. It did not say that you were a commander, but that you were staying at the house of a commander.

Detainee: *(through translator)* On the last trial, they made me a commander and said that my brother was in Jalalabad fighting against Americans. He is baking bread in Pakistan.

Designated Military Officer: (3.b.1) The detainee was captured on 5 May 2003 in a suspected Hezb-e-Islami Gulbuddin safe house.

Detainee: *(through translator)* This is not right, this is wrong. This is a very populated area, the buildings/houses all around it belong to the government, there are other houses around it as well, it is not a safe house.

Presiding Officer: This house was being rented by your friend is that correct?

Detainee: *(through translator)* Yes, I just spent one night there because I had a toothache. I went that evening and they told me to spend the night and tomorrow I would go to the center of the province. That is why I stayed the night, two o'clock in the morning when the Americans came and captured me. What is my crime? Tell me about it. What is your answer for a person who spent 25 years in Pakistan and came for the last month in Afghanistan?

Designated Military Officer: (3.b.2) In April 2003, the detainee moved from Pakistan to Gardez, Afghanistan, to work security at a fuel depot. The guards also manned vehicle checkpoints on the road from Khost, Afghanistan, to Gardez, Afghanistan.

Detainee: *(through translator)* This is true I came from Pakistan to Afghanistan and I was working at the fuel depot. We were protecting the American Campaign. We were guards and we were checking out the cars.

Board Member: You were protecting the American campaign?

Detainee: *(through translator)* Yes, we were guarding the Americans in a place. We were taking American security, I was protecting them when they brought me to this place. I don't have any other bad record or crime. If you have any documents bring it here.

Presiding Officer: The only document we'll discuss is this unclassified summary.

Detainee: *(through translator)* Yes, they have the information. They know that I came from Pakistan and came to work. I can't even read and write I am a very poor man who just came to work.

Presiding Officer: Who recruited you?

Detainee: *(through translator)* Bakht Haji knew people there and told me to come and work for him. I have never seen Gardez province before, if I have seen Gardez before I will sign and tell you to punish me.

Presiding Officer: Why did you cross the border?

Detainee: *(through translator)* People cannot come to their own country and work for their government?

Presiding Officer: How did you cross the border?

Detainee: *(through translator)* By bus.

Presiding Officer: Legally?

Detainee: *(through translator)* Yes, legally?

Board Member: What was the function of the fuel depot that you were guarding?

Detainee: *(through translator)* I was checking for the others and sometimes I would guard. Sometimes my turn was at night and other times it was during the day. We just took care of the security of the campaign and the American place.

Board Member: What was the job of the installation versus your job?

Detainee: *(through translator)* I was taking security of the Americans and cooking for friends that is all I would do. I did not know any place; I was not very oriented or knew the city. I did not know anything. It is like you coming from America to Cuba, if you do not know the area you cannot do anything because you don't know anything. The place that I worked, the American campaign was kind of far away from the city, it was an open area.

Designated Military Officer: (3.b.3) The fuel depot consisted of one building to store weapons and ammunition, the main center warehouse which was an old gas station, and four living quarters buildings. There was one rocket launcher with ten to twelve rockets and one heavy machine gun at the fuel depot.

Detainee: *(through translator)* What is the heavy machine gun? I do not know what is the heavy machine gun. What color or kind is it?

Presiding Officer: We can only discuss what is here.

Detainee: *(through translator)* What would be your opinion even if I did not see that kind of weapon? What can I say about it? Thank you very much for this news that you have brought me. Is this my folder, my case or is this someone else's case that you have pasted to my case? Thank you for your high education. You just pasted these things from other places to mine.

Designated Military Officer: (3.b.4) The detainee was identified as having knowledge of a grenade attack against a United States military vehicle in Kabul City, Afghanistan.

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Detainee: *(through translator)* How can I know that? I have not been in Afghanistan before in my life and then now I know about the bomb, the attack and all these things. You make me a real big guy. You make me feel like I am very educated and you make me like a big educated guy. Forget about Afghanistan, I have not even seen Kabul in my life.

Designated Military Officer: (4.a) The detainee said he came to Afghanistan because he wanted a better life for himself and his family.

Detainee: *(through translator)* On the advice of my parents, I came to Afghanistan and started working for the current government. If anyone says anything bad about the current government, I would be against them. Even If someone cut off my head, I would still be on the side of the Karzai government.

Presiding Officer: What did you do for a living in Pakistan?

Detainee: *(through translator)* I sold vegetables. My brother is a baker, he cooked bread and I had a vegetable shop. My brother made me sell my shop and I walked and fooled around for two months. My father, my brother and my friends told me to go to Afghanistan because I could find a very good job over there.

Presiding Officer: Did you go to Afghanistan because of Haji Bakht or your parents?

Detainee: *(through translator)* On the advice of my parents. There were three of us, who spoke and decided to go to work there. Bakht Haji was in Gardez, he lived there and he knew around so we went with him. Bakht Haji knew Ekhtiar Haji, he is his tribe member or his cousin or something. He rented another house, but the owner of the other house wanted the house, so he rented another house. When I went there I had a toothache and stayed the night in the new rented house, which Ekhtiar Haji rented. I did not know Ekhtiar Haji, but I knew Bakht Haji. Because of him we were introduced to Ekhtiar Haji.

Presiding Officer: Did Ekhtiar Haji have anything to do with the Gulbuddin organization?

Detainee: *(through translator)* I did not ask him anything. I did not ask him if he was a commander or if he belonged to Hezb-e-Gulbuddin or any other organization.

Designated Military Officer: (4.b) The detainee denied any association with the Taliban, Hezb-e-Gulbuddin, or any other terror groups. He also denied ever being contacted for recruitment to any type of organization.

Detainee: *(through translator)* Forget about the Gulbuddin and other organizations. If I were in Afghanistan more than a month, then I would give my thumbprint and tell you to keep me here for the rest of my life. I received a letter from my family stating that they have moved from Pakistan to Afghanistan, there house was destroyed, they rebuilt it and

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are now living in Afghanistan. The whole family has now moved back to Afghanistan. You have brought someone else's case on me and you have wasted your time and mine. I was only in Gardez for one month, you made me a detainee then someone should have an eyewitness saying that I was in Afghanistan for more than one month. You wasted my three years, thank you very much.

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 Presiding Officer had the Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form, Exhibit EC-B.

The Assisting Military Officer stated that he had no additional comments.

The Detainee made the following statement:

Detainee: Before I waste any more time too much talking is not good. The case, the folder that you have, take it away it is not my case. What I am talking about right now, write it down and keep it with you, this is my case. If I say anything wrong or misinformed you, you can put me in jail for the rest of my life. Don't go through the trouble and send that to Washington, this is not my case. My case is what I am going to explain, this will be my case. If you don't want that, then write whatever you want, be happy and do whatever you want I have no problem.

The mighty God brought me here and he will release me. What kind of case is that? You show me this case, what is my crime? If I walk around in America and stay with you for a night, you then get captured and tell them that I was your guest, that I was not aware of anything and I have no information. How would you answer? Why are you spending time here on me? Why did you bring me here? I am not a big guy to be here for three years.

You released the big Taliban guys from here to go home, I haven't even been in Afghanistan long. You sent the big and rich guys home, but kept the poor guys here. Is that what you are doing here? I saw it with my own eyes, I saw the Americans interrogating them, they were released and you keep the poor guy here. I came from Pakistan and didn't even spend one month in my own country when you brought me here. Is that sympathy for you? You put me here for three years? You keep doing all these trials and telling me that it will be over, why?

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Take me to the place that you captured me; if anybody knows me then you can do whatever you want. They will say that I was in Pakistan, I was selling vegetables and I had a vegetable shop. I don't see it very right, I see it very wrong that you will bring a very poor guy here and keep putting him to trial. It is not right.

Presiding Officer: Mr. Gul, does that conclude your statement?

Detainee: *(through translator)* I will tell you five words and you keep these five words and send them to America, England, Japan or anywhere. If any of them are wrong, then you can say whatever you want. The first thing is that I spent 25 years in Pakistan. I was selling vegetables over there. I was jobless there for a month or two months. On the advice of my parents I came to this current government.

Presiding Officer: Mr. Gul you are starting to repeat yourself.

Detainee: *(through translator)* The five words are I am not a big guy and I am not very famous, write it down. This is my case write it down, that is not my case. You can keep me here for 50 years that is my word and it will not be changed. That is my real case. I am not against Americans, I am not against the current government, and I am a very poor guy. Thank you very much for giving me a chance to talk to you and thank you very much for reading someone else's folder to me. You read some strange person's case to me, thank you very much. You will remember that when you talk to someone else and tell them that you spoke to a prisoner in Cuba.

The Assisting Military Officer had the following questions:

Assisting Military Officer: Explain to the board your record of behavior while you have been detained here.

Detainee: *(through translator)* In the last three years, I did not have and still do not have any problems with any of the soldiers. The last five days they started giving me a hard time and punishing me. The last three years I never refused searching. I told them I haven't refused and I don't want to refuse, but the soldier went to the higher officer and told them that I was refusing. They brought ten people. I am not scared of dying I will be happy to die. Why are they giving me a hard time? Why are they treating me bad? I have not done anything. There are detainees that throw number one, cocktails or whatever. I have not done any of these things. Why are they doing this? If I have done anything wrong, just let me know. I was isolated and tied so tight. I don't know why are they doing this. I asked them why. If I have done anything wrong let me know. I told them to check their computers for the last three years. The computer does not lie. I have not created any problems for you guys. I have not done it. If you treat me that bad, I don't care. I will be happy to die, I will kill myself. If you create that problem for me and treat me like this, I will kill myself.

Assisting Military Officer: What are your plans and goals for the future?

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Detainee: *(through translator)* I will open a store in my country. If someone let's me have a job in the Karzai government I will do that. I am just ready to serve Afghanistan. I will serve and protect Afghanistan. I was working for the current government and the last three years I was in jail for nothing. Is this not cruel? My own government, I was on the side of the Americans they captured me and put me here. Is that not cruel? I have not done anything to them. Why are they giving me a hard time? They knock the door, they create problems for me, they don't leave me to pray or do anything.

For ten days now they lied and wrote down that I cursed the guard and was refusing search, so they wrote me down for 20 days. I said in the last three years I have not refused anything to anybody. If I have, you can punish me. Thank you very much for asking me that question. Check the computer check my behavior and everything, you can see others and mine. Check with the SOG and ask him of my good behavior. Today they transferred me from another block, they shaved my head and they treat me bad. I came from another camp, there was a sink or something that someone else broke. I did not know it was broke and as I touched it I told them it was broke, they told me I did it. Since I came to Cuba, if I have done anything wrong such as breaking a pipe or any of these things. That was a lie and if I am telling a lie that means the whole case was true.

Presiding Officer: Thank you.

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

Administrative Review Board Member's questions:

Board Member: Mr. Gul, I would like to say thank you for coming to the board today. Please understand you made a statement earlier about what our decision is in reference to crimes. You think that we are here because of crimes that you have committed, which is not the case. As the Presiding Officer stated earlier we are here to determine whether you are still a danger to the United States and it's Allies.

Detainee: *(through translator)* 100% I am not here and not in there. I will put my thumb.

Board Member: The information you have provided to the board has been helpful in the decision process that we have to make at the end of the hearing. You have been very helpful and we thank you for doing that.

Detainee: *(through translator)* The people here do something wrong and they don't get punished they get away with it, but they keep punishing me. You can ask if I am lying the whole thing that I have said is a lie.

Board Member: The board has three choices to make. The first one is to keep you here at Guantanamo, the second would be to release you back to your home country and the third would be to send you back to your home country and let them decide what they are

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going to do. In this board you have said that you are a man of two countries, Afghanistan and Pakistan.

Detainee: *(through translator)* My own country is Afghanistan, I was born in Afghanistan, but I immigrated to Pakistan.

Board Member: If the board's decision is to transfer you back to your home country you would want to go to Afghanistan, is that correct?

Detainee: *(through translator)* Yes, that is my country. I was born there and my ancestors are there. Like here, I came to America and work and work but they will not let me go to my own country.

Board Member: Thank you for answering the questions. I appreciate you coming to the board today.

Presiding Officer: I just have one question. If you were working for the Karzai government, why hasn't someone from the Karzai government, a Karzai representative or someone from your local province written on your behalf or provided you with some kind of help?

Detainee: *(through translator)* I was not a big guy to be known by these people except my relatives, which were in Pakistan.

Presiding Officer: I want to thank you also for attending the board today.

Detainee: *(through translator)* The big commanders everybody knew them, I am so poor, their maybe 15 people that know me. I am just a little guy.

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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