

**Summary of Administrative Review Board Proceedings for ISN 1165**

*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 16 August 2006. After reviewing the ARB's purpose and procedures, the Farsi 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. The detainee was polite, cooperative and cordial during the entire interview. A copy of the Farsi 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, the CITF Redaction Memorandum, DMO-3, and the Terrorist Organization Reference Guide, 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 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) Commitment. (3.a) Training. The detainee was shown how to fire the AK-47 and RPG at the police check post where he worked.

Assisting Military Officer (for detainee): In response to the statement that the detainee was shown how to fire the AK-47 and RPG at the police check post where he worked, the detainee disagreed. The detainee stated that this statement is not true. (3.a)

Detainee (through translator): That's my response.

Designated Military Officer: (3.b) Connections/Associations. (3.b.1) On 30 August 2003, the detainee's brother was apprehended at the detainee's home for suspected involvement in attacks on United States Forces. Found on the detainee's brother was a Thuraya satellite phone number associated with the detainee's name. A mortar and rifles were found in the detainee's compound. The brother also had in his possession an identification card from the Hezb-e Islami.

Assisting Military Officer (for detainee): In response to the statement that the detainee's brother was apprehended at the detainee's home for suspected involvement in the attacks on United States Forces, the detainee agreed. The detainee stated that his brother was a refugee and was arrested after the detainee was picked up. He stated that his brother was eventually released because he was not involved in any attacks. (3.b.1)

Detainee (through translator): My brother was arrested at my house. I returned the RPG and rockets. I only had bullets at home. Actually I gave the government that information when the interrogators asked me whether I had anything at home. I told them that I did have the bullets for the RPG. I gave them the address where to find the bullets. I also told them that I had the receipts to prove that I was holding government property.

Assisting Military Officer (for detainee): In response to the statement that his brother also had in his possession an identification card from the Hezb-e Islami, the detainee agreed. The detainee stated that the reason his brother had this card was for personal identification and not as an indication that his brother was a member of the Hezb-e

Islami. The detainee said that several groups would sell cards to people not because they were members, but so that the cards could be used as identification and the organizations would make money. (3.b.1)

Detainee (through translator): Yes, it was mainly because of money. Several groups would sell these cards between 10,000 and 20,000 tuman, Iranian currency. My brother is much younger than I am. He was about 16 or 17 years old when he went to Iran. He was too young to be recruited into a political or an Islamic party. The reason he went to Iran is because we were poor people. He went to find a job and make money there.

Assisting Military Officer (for detainee): In response to the statement that a mortar and rifles were found in the detainee's compound, the detainee disagreed. The detainee stated that there was not a mortar and rifle, just bullets. (3.b.1)

Detainee (through translator): Yes, just the bullets.

Board Member: Did you ever go to Iran?

Detainee (through translator): No.

Board Member: The I.D. card that your brother bought from Hezb-e Islami, did he buy it in Iran or in Afghanistan?

Detainee (through translator): I think that he bought it in Iran.

Board Member: Thank you.

Designated Military Officer: (3.b.2) Hezb-e-Islami Gulbuddin is a Terrorist Organization founded by Gulbuddin Hikmatyar, as a faction of the Hizb-I Islami party in 1977. Hizb-I Islami Gulbuddin was one of the major Mujahedin groups in the war against the Soviets. Hizb-I Islami Gulbuddin has long-established ties with Usama bin Laden. In the early 1990s, Hikmatyar ran several training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Usama bin Laden after he fled Sudan in 1996. Hizb-I Islami Gulbuddin has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan.

Detainee (through translator): If you question anybody about my family in my village, you will know that we were not Mujahedin which means that we never fought against the Russians or anybody. We were not members of any Islamic or political party. We never left our town. Since we have never been members of any of these organizations, I personally have nothing to do with Gulbuddin, Usama bin Laden, or al Qaida. I swear to God that I heard the names al Qaida and Usama bin Laden for the first time here in the camp. We were poor people, we were busy with our own lives, and we didn't have any ties with any Islamic groups.

Designated Military Officer: (3.b.3) The detainee advised that his boss was the commander of all police forces in Gardez, Afghanistan.

Detainee (through translator): I worked for my government. I served my people. I did not work for a particular commander. I served my country and my government. I was not close to this man. I had nothing else to do with him other than work; I didn't care about his personal activities. He was my commander and I had to obey his orders. Other than that, I didn't have any personal contact with him.

Board Member: What was your commander's name?

Detainee (through translator): Abdullah. He was transferred and replaced by Haya-Gul. I was arrested during the time of Commander Haya-Gul.

Board member: You say you were not close to your commander. Did you mean Abdullah, Haya-Gul, or both?

Detainee (through translator): Both of them. I worked for the government. I served my country and my people. I did not care about what kind of commander was in charge because I wasn't working for a particular commander. My goal was to help the government.

Designated Military Officer: (3.b.4) Reporting indicated that former Gardeyz, Afghanistan police chief held a party at his compound in Gardeyz, Afghanistan during which a private meeting was held to establish an agreement to assist al Qaida operatives in Shahi Khowt, Afghanistan and the surrounding area.

Detainee (through translator): I was not aware of any party or any meeting that the commander held in his house in the past three years. Nobody ever asked me about this. This is a new allegation and has nothing to do with me. I would like to ask you what kind of connection that has with my file. Why should I be held responsible for a meeting that my commander had in his house?

Presiding Officer: Thank you for that response.

Designated Military Officer: (3.c) Intent. (3.c.1) According to reporting, the detainee was directly responsible for an improvised explosive device attack on 4 June 2003.

Assisting Military Officer (for detainee): In response to the statement that the detainee was directly responsible for an improvised explosive device attack on 4 June 2003, the detainee disagreed. The detainee stated that he was not responsible for the attack. He said that he was working as a police officer and that the attack was reported to the station where he was working. (3.c.1)

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Detainee (through translator): The interrogators questioned me and the government knew that I was not responsible for that. The bomb was on top of a tree. They took fingerprints of the people who planted the bomb on that tree to match them with mine. They took my fingerprints and background, but could not match them with the ones taken from the tree. I was not responsible for that. If the fingerprints taken from that tree matched mine, then you can hold me responsible and I would be a sinner or a criminal. Other than that, they shouldn't bother me. It was not our fault. As soon as we received the report, we sent one of our officers to inform the Americans about the explosion. Our officer was standing there, waving and trying to stop the American convoy, but they ignored him. The fault lies with the Americans. They ignored us, they didn't listen to us, and later they held us responsible. When the Americans questioned me, I told them that there were two security officers in the office at that time and I sent one of them to inform them. The Americans questioned the two security officers who told them it was the Americans fault because the Americans steered their vehicle toward the security officer who was trying to stop them. The security officers said that the Americans did not stop the vehicle and that the security officers only wanted to warn the Americans about the explosive device on the tree. The security officers also said that they were glad the Americans did not get hurt; otherwise, they would have thought that the security officers had planted the bomb. The Americans apologized for misunderstanding us. They actually gave gifts such as radios and a box of something to the security officers as a reward. The Americans dropped the two security officers back to the office. We could not find out anything about who might have planted the bomb. If you can show me a proof and explain to me why you linked this explosion to me, you can keep me here for as long as you want and I would not complain. But I know that you do not have any proof because I did not do that. I was arrested four months after this incident. Within these four months, maybe I had some personal enemies who wanted to use this incident against me and they gave wrong intelligence to Americans just to make some money.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.2) On 4 June 2003, a Coalition Forces convoy was the target of an improvised explosive device attack. The improvised explosive device detonated near a Coalition Forces convoy traveling southeast along the Gardez-Khowst highway in Afghanistan. The only person injured was a small local boy who received shrapnel wounds and was admitted to the Gardeyz, Afghanistan hospital.

Detainee (through translator): I already gave you the details of that explosion. This is the first time I am hearing about a little boy. Nobody ever mentioned anything about it during the interrogations for the past three years. Back home I was not aware of that either.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee advised the first time he heard about al Qaida was after being taken

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into custody. The detainee states that al Qaida are bad people and blames them for ruining his country.

Detainee (through translator): That's correct.

Designated Military Officer: (4.b) The detainee stated that if released, he would like to return to his family in Gardez, Afghanistan.

Detainee (through translator): Yes.

Designated Military Officer: (4.c) The detainee related he is glad the Americans entered Afghanistan. The detainee stated the American presence has been extremely beneficial to his country.

Detainee (through translator): I had never worked for any kind of government in Afghanistan, but as soon as I heard that the Americans were coming, I was so happy and I hoped for a better future. That's why, for the first time, I decided to work in the government. I was helping Americans and instead of rewarding me, you are punishing me here.

Designated Military Officer: (4.d) The detainee denied possessing prior knowledge of the improvised explosive device attack near the bridge in Khowst, Afghanistan.

Detainee (through translator): That's correct.

Designated Military Officer: (4.e) The detainee further denies any intention of selling or providing either the rocket-propelled grenades rounds or miscellaneous ammunition to anti-Coalition Forces.

Detainee (through translator): The government knew that I had the bullets. I had several government items in my possession to include cooking pots, mattresses, and other things. During that time, my father became sick. I was busy taking care of him, and he eventually died. With everything that I was going through, I did not have a chance to return the two boxes of bullets and other items. I was not holding on to them illegally. If you think logically, the rockets were inside the office; I only had the rounds for the RPG. It would not make sense for me to keep the rounds without the RPG. Since the government knew that I had these bullets, I knew that someday someone would ask me about them. There was no use for me to hide something like that. The government had no reason to believe that I would steal these items.

Board Member: Why did you have government items at your house?

Detainee (through translator): They were transferring our police post to a school; they were using that school as a police post. It was late in the evening. I was arguing with

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them since I wanted another post close to the market and the city. They told me that it was too late in the evening and that I needed to go home with the equipment that was in the previous post, and that the next they will decide which place to choose for the new police post. There was a pick up full of government items from house keeping items to cooking pots, mattresses, and weapons. I told them that I would unload the truck and the next day we would decide what to do with them. They said it would not make sense to unload the truck since there was no place to store all the items. So they told me to take the whole thing home and bring it back the next day. I did not have enough space in my house either so I did not take the weapons with me. I only took the rounds and gave them the weapons and RPG. One of the reasons I did not return these bullets was because they were under the other stuff. The office we were supposed to go was on the second floor with only two or three rooms; there was not enough space for us to move in the equipment. It was in a busy market. Actually, that was the main office, not the one for the commander, but the one we used to get our groceries and supplies. This office didn't have enough space either. This office probably still exists and you can enquire about it. It was located inside the market, a crowded area, and our job was to provide security to the city. The night I took the government items home, early in the morning the next day, my brother woke me up and told me that my father was sick and that I needed to take him to the hospital. Of course, I was very nervous and I asked my brother to return the items to the office. When I took my dad to the hospital, I went back to the office and asked the commander what he had decided about the new police post we were going to move into. He said that I should go to the school and use it as a police office and later he might try to put me where I wanted to be.

Board Member: Which commander are you referring to?

Detainee (through translator): I do not know the name of that officer. He was not one of these two commanders that I mentioned earlier. He was a sub commander, assisting these other two officers. We used to call him sir or sub commander. He was not a very important person; his job was to distribute weapons, ammunitions, and supplies to the other small police forces around the city.

Board Member: Which commander did the sub commander work for at this time? Who was the big commander at the time that this happened? Was it Abdullah or Haya-Gul?

Detainee (through translator): It does not matter. He worked for the government like I did. It does not matter whether he worked for Commander Abdullah or Haya-Gul. He worked for the government, not for a particular individual. For instance, when there is a regime change in the country, all the workers in that regime do not disappear.

Board Member: Let me change the focus of my question. When you took the government property to your house because there was no room to store it, was it during the time of Abdullah or during the time of Haya-Gul?

Detainee (through translator): Commander Haya-Gul.

Board Member: Thank you.

Detainee (through translator): The reason I kept those bullets for so long was because my dad passed away and I was busy with his funeral. Otherwise, I would have never ever kept them. A few times, my mom and my wife asked me why I kept the bullets and that the kids might touch them while playing around and might create an explosion inside the house. I told them that I would return the bullets to the office as soon as I got a chance after the funeral.

Board Member: How long did you have the property at your house?

Detainee (through translator): About 10 to 15 days, as soon as we finish our father's funeral ceremony.

Board Member: 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 Detainee made the following statement:***

Detainee (through translator): I am very happy to be here today. I am glad that by asking questions you can clarify some details. I would like to thank you for giving me the opportunity to come here today and present my case. When you make your decision, I would like you to do your job honestly and apply justice. If it's possible, I would like you to have my house searched and ask anybody who knows me in my city, in my village, to see if you find any proof about me being guilty. I am an innocent man, a poor man, and a harmless man. I certainly hope that you will serve justice and decide that I am an innocent man. So far I am happy with the way I am being treated and the way you run this meeting. I can tell that you are serving justice here and hopefully in the end your decision will be positive. I have nothing else to say. I would like to thank all of you.

Presiding Officer: Does that conclude your statement?

Detainee (through translator): Yes.

Presiding Officer: Thank you.



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

Assisting Military Officer: If you were released or transferred back to your home country, what are your intentions?

Detainee (through translator): I am a family man. I love my wife very much. I love my mother and I have a little boy. My only wish is to be able to see them again and to spend the rest of my life with them. As a father, I worry about my son's future. I want him to have an education. I want him to have a bright future and I don't want him to be raised as a bad man. I want him to be a good man. When my son grows up, I don't want him to think of me as a bad and irresponsible father who wasn't there for him when he needed me.

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

Detainee (through translator): Before I worked for the government, I worked for a private company and they liked me. I would like to go and work there.

*The Administrative Review Board Members had no further questions for the Detainee.*

*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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