

Summary of Administrative Review Board Proceedings for ISN 433

*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 and offered the Muslim oath.*

*The Detainee took 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: Ma'am, the Detainee's ARB interview was conducted on 11 September 2006. After reviewing the ARB's purpose and procedures, the Arabic 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 wanted to attend the ARB. The Detainee was very cooperative, attentive, and polite throughout the interview. Copies of both the English and Arabic translated Unclassified Summary were provided to the Detainee, who accepted the documents. The Detainee appeared at his interview wearing a tan uniform. When asked if he wanted to attend his ARB, 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 claimed that some of the letters he wanted to present as evidence had been taken from him. The Detainee requested the AMO to retrieve these letters because they came from people who really know him. On

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19 September 2006, a follow-up interview was conducted with the Detainee. It was explained to the detainee that there was some difficulty associated with obtaining the documents he requested. The Detainee was asked, if the documents were not available, would he consider attending his ARB without the documents. The Detainee stated, "Yes", he would still attend.

***The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to 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 of Evidence after it is 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: The following primary factors favor continued detention: (3.a.1) The Detainee said he fled to Iran after committing a crime in Iraq. The Detainee stayed in Iran for approximately 14 months. The Detainee met an Iraqi smuggler that helped him and his family to a border town near Quetta, Pakistan. Then over a period of three months, the Detainee lived in Karachi, Quetta, and Islamabad, Pakistan. While in Pakistan, the Detainee contacted the United Nations for the purpose of requesting political asylum in Pakistan.

Detainee (*through translator*): This is false information. I would like to say, in general, that most of these allegations/accusations are false. If you have any questions you want to ask me, I can explain that thoroughly.

Presiding Officer: Well, we will still proceed through these particular statements and, if you have specific things that you want to say on specific statements, this is your opportunity.

Detainee (*through translator*): Based on these accusations, I never said that I committed a crime. Saddam Hussein is the one that committed the crimes. It is not the Iraqi population. If the interrogators consider the people that fought Saddam criminals, then that means we are all criminals. One more thing, to this point where I went to Iran, I have a document from my family that the lawyer has written, from the court of the new government in Iraq, stating why I left Iraq. The interrogators took that document from me. I requested to get it back so I can show it to you, but nobody would give it back to me. I also asked the AMO if he could request it and get it and he was not successful to get it.

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Presiding Officer: There were a number of letters, which we did request from JTF, which we do believe to be the ones that you mean. The Board has received a number of these letters, but we are not at liberty to share them with you unfortunately because we got them from JTF and not from you.

Detainee (*through translator*): You requested last year and I got them. These letters belong to me. Why is it that, for some reason, you cannot share that with me?

Presiding Officer: I am not in charge of JTF policy, however, in order that this Board may proceed, to the best of your recollection, as these issues come up, please explain to the Board what is in the letters, who they are from, and we will compare them with those letters that we have received and try and put them together.

Detainee (*through translator*): That's good. Based on this that I stayed in Iran, I do have evidence of people that know that I stayed in Iran. And regarding Pakistan, I was no different than any other Iraqi that was looking for elsewhere to live. We asked for help. I did not ask for political asylum. This says political asylum but, actually, we did not ask for political asylum.

Presiding Officer: Okay. Certainly, we note the correction. Next, please.

Designated Military Officer: (3.a.2) A source said that the Detainee decided to create a fighting unit comprised predominantly of Iraqis and ethnic Arabs from within Afghanistan. The Detainee intended to sell the unit's services to the highest bidding warlord. The Detainee would promise them food, clothing, housing, transportation, and documentation if they would join his unit. If they refused, the Detainee turned them over to the Taliban as spies and subsequent imprisonment and torture.

Detainee (*through translator*): To be honest of you, the person that accused me of these things, this information has absolutely no truth to it. This person that accused me of doing so also wrote several statements stating that he lied during interrogation regarding this information. And regarding promising about food, and clothing, and housing, and all that, it has absolutely no truth to it. They probably just made up those things based on the things that that person accused me of. I was just like anybody else with my family living in the middle of the town over there. In fact, the Taliban offered me that house. Actually, the Taliban gave that house to someone else, but that someone else got arrested, so I ended up staying in that house and living in that house for the remainder of that time.

Member: I have a question. I understand you got to Pakistan; you were fleeing Iraq. I understand you were looking for assistance in Pakistan, but we missed a little bit here. You are now in Afghanistan. Can we find out how you can put that together for us? What caused you to go to Afghanistan versus staying in Pakistan? I mean, were there job

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opportunities? And all the way up to how you got involved with the Taliban and finding residence. Did you have a job with them?

Detainee (*through translator*): I thought that you have that information because I explained this whole thing last year.

Member: We are a different panel. We review this independently of what the other panel did last year. This is a fresh look.

Detainee (*through translator*): I went to Pakistan and I asked for help, not as political asylum, but just humanitarian help. They gave me a document that had a picture of myself and my family. That document was to protect me from the Pakistani government that I was just going to live there and trying to get some help. I saw this document and I believe the interrogators have that document. I asked for it and they would not give it to me. I stayed in Pakistan. After that, the United Nation did not help me money-wise or things of that regard. Myself and my wife and kids went three days without having any food to eat or anything, not even a piece of bread. And then I asked for some help from a relative that worked in New York for a charity institution. He sent me some help, approximately 350 dollars. What I received was in Pakistani money. In comparison, it was about 20,000 Pakistani money, which comes to be around 350 dollars. Some Iraqis told me that they could take me back to Iran if I wanted to. Principally, I wanted to go back because it was very difficult living in Pakistan. They told me that the way back from Pakistan to Iran is a very difficult way, but that they could take me through Afghanistan back to Iran. It was such a difficult road. My wife was pregnant at the time and she lost the baby because it was a very difficult road to go back. I was convinced with that idea, so we decided to go through Afghanistan. Also, when we got to Kabul, they left me and my family stranded out there. I went to get evidence for my family, but I could not get the evidence because the person that was going to bring the evidence ended up going to Europe, so I could not get a hold of the evidence. I went to the police station in Kabul and asked for some help. They gave me some help because they told me I was considered a migrant. That was what made me stay in Afghanistan. I ended up staying in Afghanistan. But even though I stayed in Afghanistan, I always felt I was in danger because I was an Iraqi Shiite. All this was during the year 1998. I wrote letters to my family through the Red Cross from Kabul, Afghanistan. I told them I was in danger here in this country. I sent letters to my family asking them for the address and contacts of my cousin that lived in Sweden. His name was Abd Fasil al Sahalani. I explained in the letter that I sent him that I wanted to get out of Afghanistan. It took about six months to get a letter from my cousin, with the information in that letter. I called him and asked for his help. Also, my cousin left Iraq, fleeing Saddam Hussein's government. He told me to be a little bit patient because he had his family as well in Sweden. I made two copies of the letter that I had and I gave it to the last Board that I attended. It was the original letter that he wrote himself. I brought that letter that my cousin wrote personally and made copies of it in 1998. That copy should be with the interrogators. I have verification of the letter that I wrote my cousin. He wrote back that that was true. My

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cousin is back in Iraq now and he is a member of the parliament in Iraq. He sent a letter stating, "The Detainee has contacted me when I was in Sweden. The Detainee tried to get my help to get out of Afghanistan."

Member: Okay. You answered my question. What I was trying to do was trying to figure out how you got there. My question now is how long did you stay and what type of work did you perform? Was your family still with you and did you support your family? How did you support your family?

Detainee (*through translator*): I did not do anything. There is a phone number that I believe you have of a person. Maybe you do not have it, but maybe the interrogators have it. I am sure they have a phone number for a person named Alzu Dani. This person is Shiite and he has nothing to do with the Taliban. I had asked for his help and he helped myself and my family. There is someone else by the name of Imam Mahmud that lived in Karachi. I also asked for his help. He is a very religious person and everybody knew this person and that I asked for help from him.

Member: Can you tell me how long you stayed in Afghanistan? Did you actually do anything for work or was it all charity that you received?

Detainee (*through translator*): Are you asking me about Pakistan or Afghanistan?

Member: Afghanistan.

Detainee (*through translator*): I stayed approximately three and half years in Afghanistan.

Member: With your family?

Detainee (*through translator*): Yes, with my family.

Member: And what about work? Did you work at all?

Detainee (*through translator*): In Kabul, I used to go to some immigration office that they had there. They supplied me with all the food that I needed. I used to ask the Ministry of Immigration for help and they used to supply me with food. I even have those letters to prove that I had asked for food and everything that I had asked for.

Member: That is a "no", you did not hold down a job in the three and half years?

Detainee (*through translator*): In Kabul, I did not work but, when I moved to Mazar-e-Sharif, I contacted a company, but I was still getting help from the Ministry of Immigration. That company did not offer me a salary, but they did offer me a

commission. They gave me products to sell and, when I sell products, in return, they would give me some commission.

Member: Can you give us a date or period when you did this? And where did you sell these products and what type of products did you sell?

Detainee (*through translator*): A store for satellite phones so that you could call outside of the country. And because I did not speak the language, I had hired an Afghani person to run the store for me, but that person stole money from the store, so that was why I could not make any living out of it.

Member: So you were actually managing a store in Mazar-e-Sharif?

Detainee (*through translator*): Yes. It was my own store, but I was not there a lot. I was the manager and I was basically managing the store, but there was an Afghani person that was working there because I needed him to communicate with people and explain to them about the products. The people that came there used to call abroad and talk to their family, or friends, or whatever, and there was no reason for me to be there.

Member: Okay. So you lived in a Taliban-provided home in Kabul, you took charity, your family stayed with you, but you would travel to Mazar-e-Sharif occasionally to oversee the operation of the store?

Detainee (*through translator*): I did not go from Kabul to Mazar-e-Sharif. After I moved with my whole family to Mazar-e-Sharif, that was when I started doing this. I stayed in Kabul for about eight months.

Member: Okay. Did you also get assistance with residence in Mazar-e-Sharif from the government?

Detainee (*through translator*): It was the same person that used to work for the police department in Mazar-e-Sharif. After I moved to Mazar-e-Sharif, I did not have a place to live, so he offered me to live in his house with my family. Then he left and went to war. He got arrested and I ended up living in the house.

Member: How long did you live there?

Detainee (*through translator*): Just about two and a half years or probably a little less than two and a half years.

Member: Okay. Thank you. That is all.

Presiding Officer: Okay. Thank you. Next please.

Designated Military Officer: (3.a.3) A source said that the Detainee assembled a group of fighters that he had recruited from the village of Koshilibad, Afghanistan. The Detainee took his group of fighters to the front lines to fight against the Northern Alliance.

Detainee (*through translator*): The only difference between number 2 and number 3 is that they changed it to Koshilibad, Afghanistan. It is basically the same thing.

Member: So you are denying it like you did in 2 and basically saying that the source lied and gave false information?

Detainee (*through translator*): They are talking about the same people but they made two points instead of just the same point; that is what I would like to explain to you and make it clear to you that both points are the same. They just changed it to Koshilibad, Afghanistan, but it was the same town and same people on both paragraphs.

Designated Military Officer: Do you deny fighting against Northern Alliance?

Detainee (*through translator*): I never fought against the Northern Alliance.

Presiding Officer: Okay. Thank you.

Member: I just want to know if you are denying it.

Detainee (*through translator*): I personally was sitting with the commander of the Northern Alliance the same night after the Taliban fell. I personally transferred the people that were fighting with the Northern Alliance for the commander the night that the Taliban fell. I believe the Northern Alliance know me a lot better than this source that is talking about me because, after the Taliban went down, I was living with them.

Member: Okay. I just want to make one thing clear. I want you to know that we are a neutral Board. We are trying to get your word out to us because these are things that people are saying and I want to know what you have to say. So when we ask you questions, it is not like an interrogation. We are asking you to basically defend yourself and give us explanations that will dispute this.

Detainee (*through translator*): I just want to make it clear that I got all of those letters from the Northern Alliance and those letters are here. They prove that I was with them during that time.

Member: And we recovered a number of these items. We will review every one that we have.

Detainee (*through translator*): That is great. If you could point at a letter that I received from the people of Mazar-e-Sharif. When I got here, they sent a letter to the American Forces asking them if they could come out here and visit me. So how was I fighting against them?

Member: Well, we have no control over that, but you brought up an interesting point that I would like to explore. I am trying to make sure I understand what was going on in your life while you were in Afghanistan. Obviously, there are people that had said things that you do not agree with. So we kind of jumped there. I had you in Mazar-e-Sharif, and you were running a shop, and it sounds like things were starting to turn for you for the better, but now we jumped to the fact that you were actually transporting and helping the Northern Alliance.

Detainee (*through translator*): Yes. Well, that is the problem. It is one point connected to another point.

Member: Right. If you could connect that for me. How did you get involved with the forces of the Northern Alliance? Do you have names or a name of someone that we can research to find out and see if this is connected? Anything you can do or any information you can pass on that is going to help us.

Detainee (*through translator*): I was living in a place that used to be owned by the Taliban, but none of the people there were from Mazar-e-Sharif. The Mazar-e-Sharif people were with the Northern Alliance, but they could not announce that publicly because the Taliban used to own and governed that area in Mazar-e-Sharif. The commanders of small villages in Mazar-e-Sharif did send some letters as well while I was here in Guantanamo; young commanders, not big commanders from the Northern Alliance.

Member: Okay. I understand the Taliban governed the area and a lot of people were afraid of them but, at some point, you said you went and actually assisted the Northern Alliance.

Detainee (*through translator*): I used to live in Mazar-e-Sharif but, after the events that happened in Mazar-e-Sharif, and I saw those events on TV, right away, I took my family and we went to this town called Koshilibad, Afghanistan. I left the residence where I was living in that belonged to the Taliban, along with all the food and everything else in that house over there. I had a car that was more like a taxi or a rental car that I used to transfer people from the village to the city. When I went to Koshilibad, Afghanistan, I started helping the Northern Alliance by transferring some of their fighters from there to a city called Balkh.

Member: Okay. So this person, who is making this accusation, that said you were with a group of fighters in the Koshilibad, Afghanistan area, could this person be mistaken?

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Maybe what he thought he saw was you with other people that were not Taliban at all. Maybe they were the Northern Alliance.

Detainee (*through translator*): It was public in the whole world that this person was a commander working for the Northern Alliance but was pretending to be with the Taliban. This person was a big commander. He was a well-known commander. He fled when the Taliban found out that he was working with the Northern Commander. The area was surrounded by the Taliban so some of the people in the village came to my house and stayed with me for about three days. There was a person by the name of Shaha Biden Alaqi. We found a place for them in a different town that was also controlled by the Taliban, but they did not know that these people left. These people ran away from the Taliban so all I did was transfer them from Mazar-e-Sharif to a town called Samangan.

Member: Okay. And these people were Northern Alliance?

Detainee (*through translator*): Yes. They were discovered by the Taliban. The Taliban was looking for these people.

Member: Okay. Got it. And were these people armed?

Detainee (*through translator*): They did have weapons from the Northern Alliance but, when I transferred them, they did not have those weapons with them. When I transferred them, I came back in the car with somebody named Faheem.

Member: Okay. I am just trying to piece this together. You were helping the Northern Alliance to basically evade the Taliban, you were using your automobile, and the Northern Alliance fighters did not have any weapons; am I understanding this right?

Detainee (*through translator*): When I transferred them, they did not have any weapons. After they were transferred, they were given weapons by the Taliban. But in actuality, they were with the Northern Alliance. They worked for about a month or two with the Taliban in this new town called Samangan. The person that took these people, Shaha Biden, is the one that brought them back. This event took place months before September 11th. This town, Koshilibad, was the only town that did not fight against the Americans or the Northern Alliance because they were with the Northern Alliance from the beginning.

Member: Okay. Can you pinpoint a date for us a little better as to when this occurred?

Detainee (*through translator*): I do not know the exact date, but I can tell you that it was approximately towards the end of 2000 and the beginning of 2001.

Member: Okay. Thank you. That answered my question.

Presiding Officer: Thank you. Next, please.

Designated Military Officer: (3.b.1) A source said that the Detainee was a low ranking member of the Iraqi Interior Ministry Police from approximately 1982 to 1986. In 1986, the Detainee transferred to the Fourth Corps of the Iraqi Army and was a simple soldier who fought in the war against Iran.

Detainee (*through translator*): This thing is impossible because how does the source know where I was in 1982? And on top of that, in 1982, I was only 14 years old. A 14-year-old person cannot even be an employee in a company so how can a 14-year-old be in the military or the police in Iraq? I worked in Basra with the Basra Security in 1985. On February 22, 1987, they transferred us from Basra Security into the Army. I tried to flee the Army and they caught me and put me in jail.

Member: And this was in 1987?

Detainee (*through translator*): In 1988, they put me in jail because I tried to run away from the military. I went to court and they ended up putting me in jail. There were a lot of things that came out from the Ministry of the Interior in 1989 that all the police can either transfer to the military or resign from the police department, but they were not going to take them back into the police department. They had to either resign or stay in the military. After the war against Iran, they wanted to lower the number of the military. I resigned in June of 1989. I have a copy of my resignation from the new government of Iraq. I have it here. They have it somewhere here. You want to believe the source, but I have brought official documents and evidence that proves what I am talking about. If I fought against Iran, I will tell you I fought against Iran because I was defending my country if I did that, but I believe that, during interrogation, they added that point to those statements. I have never said that I fought against Iran. The people of Iraq were forced to go and fight against Iran; it was not by choice. That is not a crime.

Presiding Officer: Yes. Next, please.

Designated Military Officer: (3.b.2) The Detainee said that, from 1985 to 1991, he served in the Iraqi military's 702nd Brigade, a light infantry brigade, which utilized the Kalashnikov rifle and the Russian PK machine gun.

Detainee (*through translator*): This is the exact same subject that we just talked about. This is contradictory to what was said in the point before that I was in the police department in 1986. Here, it says I was in the Army in 1985.

Member: Okay. So we clarified this. You were never in a police department or never a member of a police department?

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Detainee (*through translator*): I was in the Security Department of Basra, which belonged to the police department of Iraq.

Member: Okay. And what year was this?

Detainee (*through translator*): 1985 and 1986 only. On February 22, 1987, they moved them to the Army.

Member: Okay. Got it. We know when he got out of the Army. Just to clarify, what exactly did you do in the Army?

Detainee (*through translator*): Just a soldier.

Designated Military Officer: What rank did you hold? What is the Arabic word for your rank?

Detainee (*through translator*): Nalbailes.

Member: Nalbailes?

Detainee (*through translator*): Yes. It is lieutenant-sergeant.

Designated Military Officer: Thank you.

Presiding Officer: Okay. Next, please.

Designated Military Officer: (3.b.3) The Detainee admits to knowing how to interrogate in Arabic.

Detainee (*through translator*): That is not true, but I am an Arabic person. I do not have a different tongue. I only speak Arabic.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.1) A source said the Detainee was a member of the Amin Emergency Response Group while in Iraq. This group was responsible for tracking down people opposed to Saddam Hussein and then torturing or killing them.

Detainee (*through translator*): That is not true. That is false. Is that enough or would you like me to speak more about it?

Presiding Officer: It is up to you.

Detainee (*through translator*): I worked in the Ministry of the Interior and in security in Basra. This department that is talked about here, I have never heard of it, not even in Amin or outside of Amin.

Presiding Officer: Okay.

Detainee (*through translator*): The source says that these people that were against Saddam Hussein, they used to follow them or watch them. Saddam Hussein was in Bagdad; I worked in Basra. The people that this source is talking about, they are the people that burned movie theaters, or burned stores that sells liqueur or alcohol, or whatever, these are just bad people in the country. These people that go and kill members of the Red Cross, what do they have to do with that? They are saying that they are infidels or crusaders, but what do they have to do with that? It has nothing to do with them going out and killing members of Red Cross. The people that used to go and rob stores and take stuff from stores and all that, we used to watch these people. That is a normal thing. That is part of our job in the Amin department.

Presiding Officer: Next, please.

Designated Military Officer: (3.c.2) A source said that the Detainee was an important military commander with the Taliban in Mazar-e-Sharif and, because of his prominence, a bodyguard frequently accompanied the Detainee.

Detainee (*through translator*): They are talking about the same people that lived in that town from Mazar-e-Sharif. I believe the source is talking one of the commanders that came and visited me for those three days. I believe those are his bodyguards. Why cannot the source say that those are my friends or something? I am being accused that the people that stayed at my house were my personal bodyguards. So that is not true. These people were with the Northern Alliance but obviously living in a Taliban area. They only had nine weapons before, but the Northern Alliance offered them 30 or 40 weapons.

Presiding Officer: Okay. Next, please.

Designated Military Officer: (3.c.3) A source said that the Detainee worked as a recruiter for the Taliban and was an interrogator for the Taliban Police in Mazar-e-Sharif, Afghanistan. The Detainee's boss reported directly to Usama bin Laden and the next person under his boss in the chain of command was the Detainee.

Detainee (*through translator*): That is not true. They are talking about the same town that was talked about earlier. They are accusing me of being an interrogator. I would like to see one document or one paper that shows that I did interrogation or anything of that regard.

Member: I have a question. Obviously, there are people saying things about you. We already know because you told us that you did get involved, to some extent at least, taxiing some of these people back and forth. Explain to us and tell us in your own way exactly what you were doing and what your involvement was so that we can get a picture of this because these people are painting a picture that you are someone of great importance.

Detainee (*through translator*): Yes, I can explain that to you. I am going to tell you the truth and whatever you hear from my tongue will be nothing but the truth. I used to go to the police department about three times a day, morning, afternoon, and at night. I used to go to bring food for my family and kids. I used to take a plate with me. All my neighbors used to see me doing that. If they are accusing me because I was wearing one of those traditional dresses for the Taliban, everybody there wears the same thing.

Member: Okay. All right. So what I am hearing now is you went almost every day, three times a day, to the police station, which I am assuming is a Taliban-controlled police station.

Detainee (*through translator*): Yes. The higher people in the police department were from the Taliban.

Member: So maybe some of the people that are saying this misunderstood by virtue of going there? Maybe they thought he was more involved than what he really was?

Detainee (*through translator*): You do have some statements from the people that accused me of these things saying that they lied about what they said about me. Plus, I cannot go and explain my situation to every person that walk in the neighborhood saying that, "I am just getting food for my family."

Member: Now, why would you go to the police station to get food?

Detainee (*through translator*): Just charity help.

Member: You were giving food?

Detainee (*through translator*): No. I was getting food from the kitchen that was in police department.

Member: So you were receiving charity?

Detainee (*through translator*): Correct, as help to feed my family.

Member: Okay. That answered my question. Thank you.

Presiding Officer: Next, please.

Detainee (*through translator*): Sorry. I am sorry, but I would like to speak about this thing about reporting directly to Usama bin Laden. Regarding us, the Shiite, we do not consider bin Laden nothing but like bacteria; that is what we consider him as in the Shiite religion. This is a false accusation because, supposedly, my boss reported directly to Usama bin Laden; that is not true. It is false. It did not exist.

Presiding Officer: Okay. Thank you. Next, please.

Designated Military Officer: (3.c.4) A source said that the Detainee worked with the Taliban Estakbarat and operated as a conduit between the Taliban Estakbarat in Mazar-e-Sharif and the former president of Iraq. The Detainee traveled via a secret vehicular route between Iraq and Mazar-e-Sharif, Afghanistan. The Detainee made a trip to get supplies from Iraq. Upon his return, the Detainee distributed the supplies to members of the Taliban.

Detainee (*through translator*): That is false as well. The source mentioned earlier that I had committed a crime in Iraq, so how am I going to go back to Saddam Hussein? I am accused of committing a crime in Iraq. How could I go back to Iraq and face Saddam Hussein? Regarding this story about secret way between Iraq and Mazar-e-Sharif, the source probably read the Harry Potter story. If this source knows the secret way, he should probably let the American Forces know about that secret way.

Presiding Officer: Okay. I take the point as false. Next, please.

Detainee (*through translator*): This source is very dangerous. You should put him in jail.

Presiding Officer: Thank you. Next, please.

Designated Military Officer: (3.c.5) A source said that the Detainee was the chief of the Taliban's interrogation office at Mazar, Afghanistan. The Detainee was responsible for overseeing and conducting interrogations. The Detainee had approximately 10 to 15 interrogators working for him. Afghans that were interrogated were mostly just questioned and sometimes beaten. Uzbeks were often beaten or tortured. Shiites were almost always tortured.

Detainee (*through translator*): That is false as well. The person who was in charge of interrogations for the Taliban was Mula Abdul Salaam. They kicked him out because he was taking bribes. Everybody knows that story that he was let go because he was taking bribes. The interrogators that used to work with the Taliban are the same ones that are working in the government over there right now. All of them are now working with the Northern Alliance. They are the same people that worked for the Taliban. Now, they are

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working for the Northern Alliance. There were only two Uzbeks that were there, but I did not see them getting beaten or tortured. I believe they were thieves. The only dealings between them were just for commercial or business deals. It says that Shiites used to be tortured. That means it is to my benefit because I am a Shiite. Regarding the person that accused me, and probably putting me in jail, all the things that were said about me, I do have a written statement from him saying that it was not true and that it was a lie. This accusation with me being with the Taliban and all that, I have nothing to do with the Taliban.

Designated Military Officer: Madam President, may I recommend that the Board take a break or go into recess to attend to some administrative issues?

Presiding Officer: Very well. The Board will take a recess. DMO, note the date and time.

Designated Military Officer: Ma'am, the time is 1510 hours. The date is 26 September 2006.

***The Administrative Review Board recessed at 1510 hours, 26 September 2006.***

***The Administrative Review Board reconvened at 1515 hours, 26 September 2006.***

Presiding Officer: The Administrative Review Board is now reconvened. Designated Military Officer, please note the current time and date.

Designated Military Officer: Ma'am, the time is 1515 hours. The date is 27 September 2006.

Presiding Officer: Thank you. Next, please.

Designated Military Officer: (3.c.6) A source said that the Detainee was the Director of Intelligence for the Taliban at Mazar-e-Sharif, Afghanistan.

Detainee (*through translator*): That is false. The interrogator herself mentioned to me that, "We know that you are not the Chief of the Mohakh Barakh for the Taliban." The Chief of the Mohakh Barakh for the Taliban is here.

Member: Did you work for the intelligence?

Detainee (*through translator*): No.

Presiding Officer: Okay. Thank you. Next, please.

Designated Military Officer: (3.c.7) A source said that, a few months prior to 11 September 2001, the Detainee sent an associate to Usama bin Laden's house in Khandahar, Afghanistan for money. At the meeting with Usama bin Laden, the associate received 11,000 United States Dollars. The Detainee used this money to dig wells in the Mazar, Afghanistan. The associate also received 100,000 United States Dollars from al Wafa for the Detainee to build a bridge, repair roads, and buy a car.

Detainee (*through translator*): That is not true. This is imaginative talk. This is all imagination because I never took any money or never did anything like that. If I had 50 Dollars with me, I would not have reached Cuba.

Presiding Officer: Okay. Thank you. Next, please.

Designated Military Officer: (3.c.8) Al Wafa is under sanction by United States Executive Order 13224 to block property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism.

Detainee (*through translator*): I do know that. The one that accused me of this is here. He has a written statement saying what he said about me was not true. We had differences; that was why he wrote all these things about me. And on digging wells in the city, the interrogators had mentioned to me that I had nothing to do with that. She supposedly found out from the person, who was in charge of these things. He is here and he had already admitted to these things. They are accusing me of these things that somebody else had done.

Presiding Officer: Okay. Thank you. Next, please.

Designated Military Officer: (3.d.1) The Detainee recalled that the Governor of Mazar-e-Sharif provided him with a permit to get his telephone turned on. The Detainee explained that satellite telephone service require a permit and a setup fee of 300 United States Dollars. The Detainee said he asked and received assistance from the Taliban because he had to feed his family.

Detainee (*through translator*): I would like to speak about his point. This point has some truth, but the sequence is not correct. So if I could speak to you about it. Regarding asking for help, I did ask for help in 1998, but the permit for the phone was in the year 2000. Regarding the 300 American dollars, every satellite phone stores over there do have to pay 300 Dollars monthly as taxes or whatever they call it over there. I could not pay this amount because my business was very slow and it was going down hills, so I could not afford paying it. I never paid for this until after I sold the store; that was when I paid this 300 Dollars. The money and receipts that I paid are all there in Mazar-e-Sharif. They were all documented and they are all there. Regarding the phone permit from the government of Mazar-e-Sharif, that is true, but he was the one who gave me the permit because I was considered a migrant from Iraq and I had a family. And if

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we are talking about somebody who was in the Mohakh Barakh intelligence, that person does not need a permit to get a satellite phone. They are in the government. They do not need a satellite phone.

Presiding Officer: Okay. Thank you. Next, please.

Designated Military Officer: (3.d.2) The Detainee said that, several times between 1988 and 1990, he was absent without leave during his military service. As a result, the Detainee was imprisoned at a military prison for a one year and nine months in Amara, Iraq and then discharged.

Detainee (*through translator*): We already discussed this point. I mentioned to you that I left in 1989. There are official documents that prove I left in 1989. I do not believe this is a crime.

Presiding Officer: Okay. Thank you. Next, please.

Designated Military Officer: The following primary factors favor release or transfer: (4.a) The Detainee said that he never worked for the Taliban, but that members of the Taliban provided food and shelter for him and his family.

Detainee (*through translator*): That is true.

Presiding Officer: Next, please.

Designated Military Officer: (4.b) The Detainee said that he was not the Director of Intelligence for the Taliban and other Detainees are saying he is because they do not like him.

Detainee (*through translator*): Those people had admitted that they had lied. They lied regarding me.

Presiding Officer: Next, please.

Designated Military Officer: (4.c) The Detainee said he is a Shiite Muslim and that the Taliban disliked his religion, so why would they place him in charge.

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

Translator: I am sorry. Let me clarify this with him because I think he misunderstood.

Detainee (*through translator*): This is not true because the Taliban did not know that I am a Shiite Muslim. I knew that I am a Shiite Muslim, but the Taliban did not know that. If they knew that, they would have most likely placed me in jail.

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Member: Well, what did they think you were?

Detainee (*through translator*): Of course, they thought that I was Sunni. They did not know that I was Shiite.

Member: All right. Thank you.

Presiding Officer: Next, please.

Designated Military Officer: (4.d) The Detainee said that he was arrested at his home. The Detainee stated that a commander in the Northern Alliance asked him for a bribe to avoid turning him over to the American Forces.

Detainee (*through translator*): Yes, that is true. I was arrested in my house in the village. Thank God I did not have any weapons. The young commanders from the Northern Alliance told the American Forces that I did not have anything, and that I got my family with me, and that I was a migrant from elsewhere. When they caught me and tried to arrest me, one of those young commanders did ask me for a bribe and I told him I did not have any money.

Member: I have a question. You told us that you were assisting the Northern Alliance. So why do you think the Northern Alliance arrested you?

Detainee (*through translator*): The Northern Alliance is like parties; they have groups. The group that I was involved in was one of the weakest groups of the Northern Alliance. There were all kinds of differences and issues amongst themselves with the Northern Alliance. The Northern Alliance had arrested the young commander of the town where I was living. They confiscated about 5,000 weapons from him. Everybody knew who the commandant was; his name was Amir Jon. He was put in jail for three days, but he was with the Northern Alliance, so they let him go after three days, but they did confiscate about 5,000 weapons from him. Right now, he is still working with the Northern Alliance. When I got here, there were differences amongst themselves.

Member: So Jowad, you are saying, even though he was Northern Alliance, he was arrested and his weapons were confiscated?

Detainee (*through translator*): Yes, that is true because there were differences. One group was working with Hamacha Masud and the other group was working with Duston. They had problems amongst themselves.

Presiding Officer: Okay. Thank you. Next, please.

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Designated Military Officer: (4.e) The Detainee said that he helped the Northern Alliance against the Taliban.

Detainee (*through translator*): Yes. I did mention to you that I had helped them by transferring some of the Northern Alliance people that were working against the Taliban.

Presiding Officer: Yes. Next, please.

Designated Military Officer: (4.f) The Detainee said that he knew nothing about the planned attack on the United States before 11 September 2001.

Detainee (*through translator*): Of course. This news was too much for me. This is just not my level. This is a way higher level than me. So who am I to tell about these things? I am nobody.

Presiding Officer: Next, please.

Designated Military Officer: (4.g) The Detainee stated that he had never used a weapon against the United States or the Northern Alliance.

Detainee (*through translator*): Yes, that is true. In the year 2000, I had an official passport from the Northern Alliance that was issued by the Northern Alliance. I had an extension visa from the Embassy of Uzbek. It was not from the Taliban. I got so frustrated because I did not have any money to leave. I had the visa, but I did not have the money to leave.

Member: So when you were arrested by the Northern Alliance, I am sure you explained all these things to these people about you supporting and helping them. You say all these things to them. So after you explained all this, you are saying that they just held you because they wanted you to pay them money. And because you did not pay them money, that was when they turned you over to the American Forces?

Detainee (*through translator*): The person that asked me regarding the money was on December 20, 2001. I know that date because it was Thursday at night. His name was Akh Bakh Khan. Even the people from the village went and told him that I did not have any money, but he was not convinced with that. They caught me on January 3, 2002. The people that caught me told the American Forces that they did not have any problems with me and that I immigrated from somewhere else.

Member: All right. Thank you.

Presiding Officer: Okay. 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 Assisting Military Officer presented exhibits EC-C1 through EC-C2 to the Administrative Review Board on behalf of the Detainee.*

*The Detainee was asked if he would like to make an oral statement to the Administrative Review Board.*

*The Detainee made the following statement:*

Detainee (through translator): I will be very honest with you. The people that lived in Mazar-e-Sharif used to send me letters. My relationship with them was a very good relationship. The people here that complained and accused me of these things, our differences had become a lot bigger. They had opened new files in November of 2003, in Mazar-e-Sharif, on those people that lied about these accusations. These Detainees had made it such a big deal, but the American Forces had gone and talked to several people that lived in the town that I lived in. Those people stopped sending me letters because they did not want to be in danger sending these letters to me and having a relationship with me because of these big accusations against me. I am not against the United States. I never thought I would, one day, be against the United States. Before I left Iraq, we had American Forces that were in Basra in the southern part of Iraq. They were there with us. They were almost part of our lives. I never had any problems with the Americans, but I was in a place where the Taliban used to live. To me, I was kind of fooled to be there. Basically, what I am trying to say is that, I had a rental car that I used to transfer people, whether they were Taliban or Northern Alliance. They probably would have looked at people that did have a taxi or something to be transferred. So it was just part of the business that I transferred people, whether they were Taliban or other factions. The people from the village had weapons and all that. They were from the Northern Alliance. Now, they have even more weapons. So I have nothing to do with them. President Bush had announced, after all these events took place, that, "Either you are with us or you are against us." I am happy that, after all these events, I have nothing to do with the Taliban or anything like that. I even left the food and supply that I used to get from them. I stopped getting food from them. I was forced to do these things because I was living there. I had no other way of getting it. I heard some of those people are the ones who are killing some our people because they are the enemy of Shiite. Even here, they tried to kill me. I thought someone wanted to kill me because I was walking and he walked with me. They were saying, "Halarh", to "kill him". There is an animosity amongst ourselves. This is an old thing; it is not a new thing. If I walked with the Taliban or I associated with the Taliban, it was nothing but to supply food for my family. I never had anything in my mind that was political or religious. I would like to ask you if I could please be left alone because my wife, my kids, and my mom and dad, who are old people,

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are in need of me. To start with, we ran away from the regime of Saddam Hussein; that was the reason why we left Iraq. A lot of my relatives are in the new government of Iraq. They are part of the government in Iraq. I do not have anything more than that. That is all I can say. I cannot defend myself more than that.

Presiding Officer: Thank you. Jowad Jabar, does that conclude your statement?

Detainee (*through translator*): I am sorry but, if I have freedom, I will get you 1,000 evidence or people that lived in Mazar-e-Sharif to be here. There were one or two people that hated me. There were thousands of people that loved me.

Presiding Officer: Okay. Thank you.

***The Assisting Military Officer did not have further information to be presented on behalf of the Detainee.***

Detainee (*through translator*): I am sorry. If I could make one more comment. I forgot about it.

Presiding Officer: Okay.

Detainee (*through translator*): Regarding what they talked about that I was recruiting people, and some of them were Iraqis, there were three Iraqi people that went to the Red Cross in Mazar-e-Sharif. The Red Cross in Mazar-e-Sharif supplied them with clothes and other things and gave each person 30 Dollars. These accusations are that I recruited them, but they have their documents with the Red Cross stating that they were there and they lied. You probably have the statements from the person that said I used to recruit them in front of you. He is the one that said I used to recruit them. He wrote a statement that that was not true. After the Taliban fell, I had written documents from the Northern Alliance that nobody can touch me or nobody can mess with me or my family. Thank very much.

Presiding Officer: Okay. Thank you.

***The Assisting Military Officer had the following question for the Detainee:***

Assisting Military Officer: What are your goals or plans for the future if you are released or transferred?

Detainee (*through translator*): To be honest with you, I would like to go back and take care of my family. Also, my family has told me that I have a job there. My cousin is the Deputy Secretary of the Iraqi Democratic Party in Iraq and he can probably give me a job as a bodyguard with him. I would like to serve my country and also serve myself.

Assisting Military Officer: Why do you consider yourself no longer a threat to the U.S. or its allies?

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Detainee (*through translator*): First of all, I want to say that I do not have anything against the United States because they were the ones that saved my life in 1992 in one of the American hospitals in our area. Also, my family told me that they have better lives, better jobs. Obviously, the Americans have saved their lives as well. That, itself, forced me to love the Americans. Why would I want to hate them?

Assisting Military Officer: That is all, ma'am.

Detainee (*through translator*): When I was in Afghanistan, I used to have paper saying that nobody can approach me and bother me because I could not speak the language. In Afghanistan, with 1 Dollar, you can buy a lot of those papers that says, "You cannot bother this person," or whatever; basically, like a protection type of thing. If you would please review all the evidence and statements that the interrogators have as proof of what I am saying.

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

*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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