Summary of Administrative Review Board Proceedings for ISN 975

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Good morning, sir.

Detainee (through translator): Good morning to you.

Presiding Officer: Do you pronounce your name Mr. Bostan Karim?

Detainee (through translator): Bostan Karim.

Presiding Officer: May I call you Mr. Karim?

Detainee (through translator): That's fine.

Presiding Officer: Thank you, sir. Well, welcome to this Administrative Review Board.

Detainee (through translator): Correct.

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.

Presiding Officer: Mr. Karim, I have been told that you do not want to make your statement under oath.

Detainee (through translator): I was sworn before.

Presiding Officer: So the answer is "no"?

Detainee (through translator): No, sir.

Presiding Officer: Thank you.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

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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 05 September 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he wished to attend, but did not wish for the AMO to present any information on his behalf. The Detainee was very cooperative and attentive throughout the interview. The Detainee received a copy of the Pashtu translated Unclassified Summary of Evidence. When asked if he wanted to submit any additional evidence to the board, the Detainee stated that he had a document from his parents that stated that his hand had been burned when he was a child and not in an explosion. He did not know what happened to the documents.

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 Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wished to wait until the entire Unclassified Summary has been presented before responding.

Detainee (through translator): Yes, I will answer.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary. We will provide you a chance to respond, so we will wait until the Designated Military Officer read the whole Unclassified Summary. The board members may ask questions based on your response.

Designated Military Officer: (3.a.1) The Detainee departed Khowst, Afghanistan during the Russian invasion. The Detainee lived at a Thbai refugee camp in Miram Shah, Pakistan for approximately 10 to13 years. While living in Miram Shah, Pakistan, the Detainee aided the Mujahedin against the Russians and their supporters.

Detainee (through translator): This is a fact that we stayed in Pakistan as refugees for 10 to 13 years and we fought against the Soviet Union at that time.

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Presiding Officer: Okay. Now, let's get these procedures correct. The DMO is going to read an allegation, the translator is going to translate, and then the Detainee is going to respond to each allegation, not wait until the end? We're not going to read them all and then the Detainee responds; the Detainee is going to respond to each one?

Translator: Yes, sir.

Presiding Officer: Okay. Thank you very much. Then we will ask questions after your response, if we have any.

Detainee (through translator): Yes, I will answer.

Presiding Officer: Okay. It mentions here that you provided aid to the Mujahedin against the Russians. What type of aid did you provide?

Detainee (through translator): At the time of the operation, I went as a refugee to Pakistan and stayed there. I fought against the Soviet Union.

Presiding Officer: How old were you?

Detainee (through translator): I was a young boy, 15 or 16 something.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The Detainee stated that, around November or December of 2001, he and other Tablighees went to an al Qaida run hospital and helped the wounded fighters. The Detainee indicated this was the only time he helped out al Qaida.

Detainee (through translator): This allegation is not true. When the Taliban were in power, the hospitals belonged to the Taliban government. When the Taliban got out, the hospitals belonged to the Karzai government. At that time, the Governor of Khowst was Bacha Khan. The Security Commander was Mustafa. It was very common that, at this hospital, Arab wounded were there. At that time, it was a Karzai hospital and everybody knew that these Arabs were at this hospital.

Presiding Officer: In November of 2001, it was a Karzai government? The Karzai government wasn't established yet.

Detainee (through translator): I don't know the exact date, but all I know is that Bacha Khan was the Governor of Khowst. The Taliban was finished.

Presiding Officer: Okay. Read the next allegation because it's associated with this one.

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Designated Military Officer: (3.a.3) The Detainee said that he helped 8 to 10 Arabs at a hospital in Proja near Khowst, Afghanistan. The Detainee went alone and fed fruit to the Arabs.

Detainee (through translator): The first question said that, "The Detainee went with other Tablighees." Now it says, "The Detainee went by himself and helped them." So I don't understand this question.

Presiding Officer: Did you help people in a hospital?

Detainee (through translator): It has nothing to do with me. The hospital had their administration, workers, and employees. They were the ones doing those things. I had nothing to do with it.

Presiding Officer: Okay. You were not involved with this hospital. You are denying this allegation?

Detainee (through translator): No.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.a.4) A source reported that the Detainee provided lodging for him and made arrangements for him to get to the Pakistan border.

Detainee (through translator): This never happened. This is not fact. I built my house for myself, not for Arabs. I lived there, not Arabs.

Presiding Officer: Thank you.

Designated Military Officer: (3.b) The Detainee said that while he was at the Sroobi Compound, near Tanai, Afghanistan, he participated in target practice.

Detainee (through translator): That was a kind of compound for jihad at the time of the Russians. Yes, I went there and I practiced target.

Presiding Officer: What type of weapons did you practice with?

Detainee (through translator): Kalashnikov.

Designated Military Officer: (3.c.1) The Detainee was a member of the organization, Jamaat al Tabligh, for approximately seven years prior to his capture.

Detainee (through translator): Yes, this is a fact. Yes, I spent some time with Jamaat al Tabligh. So they sent me here in Cuba as a Tabligh Detainee, not al Qaida or Taliban.

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Designated Military Officer: (3.c.2) A source said that, on 1 January 2001, Jamaat al Tabligh members provided assistance to unarmed Taliban Arab fighters. The Jamaat al Tabligh members smuggled Taliban Arab fighters across the border from Zormat, Afghanistan to Lahore, Pakistan. They provided housing in Lahore, Pakistan to the source.

Detainee (through translator): Tablighees were against the Taliban; they had some conflict. They had a Tabligh society in Khowst. They took the tents and generators from us. That is not fact. The world is full of Tablighees. The whole world is full of Tablighees. You can ask this question with Abdul Wahab, who is the leader of the Tablighees in Pakistan. This question does not concern me. I'm not a leader of any Tabligh. I am an individual; I am a shopkeeper.

Member: So you want us to understand that you are with Jamaat al Tabligh, which is not part of the Taliban, and they don't like the Taliban?

Detainee (through translator): Yes.

Member: And that you were not a leader in Jamaat al Tabligh?

Detainee (through translator): No, sir.

Member: Okay. But the question was, "Have you heard of Tablighee members helping Arabs and others to get out of Afghanistan to Pakistan?"

Detainee (through translator): No, I am not aware.

Member: Okay.

Detainee (through translator): Zormat is in Paktika Province; that's another province from Khowst Province.

Presiding Officer: Let's read the next allegation because it is associated with this one.

Designated Military Officer: (3.c.3) A source said that it was common knowledge that Jamaat al Tabligh was responsible for assisting foreigners to flee Afghanistan.

Detainee (through translator): I am not aware of it.

Designated Military Officer: (3.c.4) The Detainee belonged to the Tanai tribe in Afghanistan. The Detainee served with the Mujahedin during the Russian-Afghan War while he was a refugee in Miram Shah, Pakistan. The Detainee's uncle is a very well

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known Mujahedin commander for a known leader in Hezb I Islami. The Detainee spent time at a Mujahedin command post known as Srobai.

Detainee (through translator): First of all, I don't have an uncle; that's an uncle from my mother's side. In English, they call it "uncle", but he's from my mother's side. My uncle is not an Islami commander. He is a small commander in Tanai. The big commander's name is Shaista Khan. My uncle belonged to him. He is one of his commanders. The big commander is Shaista Khan. Shaista Khan is connected to Maulawi Hales. Right now, my uncle is a small governor in Tanai. He is very closely associated with Hakim Tanai Wall. Hakim Tanai Wall was the governor of Khowst at that time. This question is not true. He is not an Islami commander.

Presiding Officer: So your uncle is now part of the Karzai government?

Detainee (through translator): Yes. You can ask about this.

Presiding Officer: So could your uncle provide some relevant information for you?

Detainee (through translator): It's possible that he had given information about me. He wrote me, too.

Presiding Officer: Were you provided any military training during the Russian occupation or during the jihad against the Soviet Union? Were you provided any military training?

Detainee (through translator): No. I learned how to shoot the Kalashnikov, that's all. This is very ordinary in Afghanistan.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.5) Gulbuddin Hikmatyar founded Hizb I Islami Gulbuddin, HIG, as a faction of the Hizb I Islami party in 1977, and it was one of the major Mujahedin groups in the war against the Soviets. HIG has long-established ties with Usama bin Laden. In the early 1990s, Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Usama bin Laden after the latter fled Sudan in 1996.

Detainee (through translator): This question has no relation with me. If you capture Hikmatyar, you can ask him this question.

Presiding Officer: What is your opinion of bin Laden?

Detainee (through translator): I haven't seen him.

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Presiding Officer: You know of him, right?

Detainee (through translator): I know only that he is Usama bin Laden and he is Arab. He broke down Afghanistan and made it fall apart. He put us in this situation.

Designated Military Officer: (3.c.6) On 21 July 2002, American Forces raided the Detainee's partner's Mulani Village compound in Khowst Province, Afghanistan. The raid netted 23 active Italian and Russian anti-tank mines and seven empty mine shells. The Detainee's partner was in possession of a notebook containing instructions on rigging command-detonated mines.

Detainee (through translator): First, he is not my partner. He is my enemy. He is your enemy, too. You found those mines and those notebooks at his house. I agree with you, those things are not good things. I know those are not watermelons to eat. Those are very dangerous things. I am not going to refuse or deny him. I know this man. Seven months ago, he was with me in my shop. He owed me 80,000 Pakistani Rupees. We lost money and then we started having conflict with each other. So if they found those dangerous things at his house, this is a very bad thing. This is dangerous.

Presiding Officer: Did you loan him the money? Why did he owe you 80,000 Rupees?

Detainee (through translator): We had a business. I gave him that money and he bought Afghani Rupees and then the Afghani price went down, so we lost a lot of money.

Presiding Officer: So you were in business together? You were partners?

Detainee (through translator): Yes, we were partners, but he didn't ask me. He went by himself and bought Afghani Rupees, so we lost money. He accepted 50,000. I told him, "You owe me 80,000." That's why this conflict started. We started having arguments over the 50,000 and 80,000.

Presiding Officer: Okay. Let's read the next allegation because it's associated with this one.

Designated Military Officer: (3.c.7) A source said that a partner of the Detainee had been directed by unidentified al Qaida Arabs in Pakistan to carry out command-detonated mine attacks against American Forces operating in the area of Khowst, Afghanistan. The Detainee worked with a partner to plan their attacks.

Detainee (through translator): This is not fact. I mentioned earlier that he is my enemy. I didn't do this.

Presiding Officer: But this is the same person that we discussed in the previous paragraph?

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Detainee (through translator): Yes, this is the same person.

Presiding Officer: Okay.

Detainee (through translator): He was hiding from me. He couldn't face me because we had some arguments and fights. He is a very big, stupid man.

Presiding Officer: Were you ever involved in planning attacks against America Forces?

Detainee (through translator): No.

Presiding Officer: I'm not too interested in your disagreement with your partner. I'm interested in who owned the mines and planned attacks against American Forces.

Detainee (through translator): Well, he is in Cuba and he is here. I asked the interrogators to have him face me. I can tell them. These are nothing to do with me. He is the one. This is a very important thing. Even if we go back home, I will not let it go. He said to Americans that I am involved. When I came here, he is hiding from me. So those are the facts.

Presiding Officer: So your association with yours partner was business only, and it involved money transactions, and your partner is indebted to you, and that is why your partner accused you of certain allegations?

Detainee (through translator): That is his business. We had a personal business.

Presiding Officer: Do you have any knowledge that your partner was involved with mines or planned attacks against American Forces?

Detainee (through translator): No. He is living in another area and I lived in another area. I lived in my house and he lived in his house; different counties. Even his family or house members were not aware of what he was doing. Two more people were in jail with him in Baghran. Even those two people said, "We did not know what he was doing." If you found these things from him during the night, the day, whatever, you can ask him about the facts or you can ask him questions. I have nothing to do with it.

Presiding Officer: Okay. Thank you.

Member: What was your partner's name? What did you call him?

Detainee (through translator): Obaydullah. He is here in Cuba.

Member: How do you say his name?

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Detainee (through translator): Obaydullah. He was with me in Camp 4. When I asked him, "Why didn't you tell them you had mines, bombs, and everything at home," he just ran away from me and transferred himself from the same camp.

Presiding Officer: So you are here basically on the evidence provided by your partner, Obaydullah?

Detainee (through translator): Yes, I know that. I told him, "You're stupid. You don't know nothing. The people that gave you these things or these equipment are the ones Americans are after."

Presiding Officer: Do you have any idea who gave him the mines?

Detainee (through translator): He knows about it; I don't. I was not a guard around his house to know. Even his cousins were not aware.

Presiding Officer: Were you ever at his house?

Detainee (through translator): There is another county named Samahale. Our county is named Tarnay.

Presiding Officer: Were you ever at your partner's house?

Detainee (through translator): No.

Designated Military Officer: (3.d.1) The Detainee's partner said he became indebted to the Detainee after losing 50,000 Rupees. In return for the debt, the Detainee asked the partner to store some land mines at his home. Three days before the partner's arrest, the Detainee drew some schematics in a notebook on how to detonate the mines. The Detainee told the partner the purpose of the land mines was to kill people that the Detainee disliked.

Detainee (through translator): What kind of question is that? I gave him some bombs to kill people he dislikes? He accepted that he owed me 50,000 Rupees.

Presiding Officer: So the first sentence is correct?

Detainee (through translator): But mine is 70,000 Rupees.

Presiding Officer: Okay. So it's close to being correct.

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Detainee (*through translator*): That's a true thing. My family knows, my brother knows, his family knows that it's not 50,000. It was 80,000. He gave me 10,000 and he owes me 70,000.

Presiding Officer: Okay. We have established that he owes you money. We've established that. Now, the last part of this is what we want to discuss.

Detainee (through translator): That's important talking. No, I have not given him nothing to keep. I'm going to talk very clear about one thing as an Afghani. When one guy does something wrong, the other people will get punished. Americans are smarter than Russians. The Russians, when they capture somebody, without interrogations, they just kill them. Everything is quiet and nobody knows nothing. But the Americans are smarter; they bring us alive and they keep asking questions in trying to find out what's going on.

Presiding Officer: Okay. So the part about you providing landmines and providing schematics on how to use landmines, is that true or false?

Detainee (*through translator*): No. If you prove that on me, I will accept 10 years here. I know that they captured Obaydullah with the mines, and bombs, and booklets, and everything. I haven't been involved with him. So this allegation is not true on me.

Presiding Officer: How did you know about the books? Just based on the allegations?

Detainee (through translator): Yes.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.d.2) Pakistani Police apprehended the Detainee at the checkpoint in Khurgi, Pakistan on 13 August 2002. The Detainee was apprehended along with another person and did not have identity papers. The pair had in their possession a Thuraya Satellite Telephone, 2,700 American Dollars, 3,600 Pakistani Rupees, and 70,000 Afghan Rupees.

Detainee (through translator): This is true that I got caught by Pakistani Police at a Khurgi checkpoint, but about money, three minutes before being captured, I didn't know about the money. When the Pakistani Police found out about the money, then I found out. This man exists here. He is here in Cuba. He is a prisoner. If they can prove that, three minutes before my capture, the Satellite Telephone and these monies were mine, I would know that they recorded my voice and it would be documented, then they can put me in jail for 10 years. I am saying this because I feel, one day, you will find out the facts and truth.

Presiding Officer: What was your association with this other person?

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Detainee (through translator): He is a shopkeeper in Khowst. I became acquainted with him at the bus station.

Presiding Officer: So why were you in Pakistan?

Detainee (through translator): Bringing merchandise for the shop.

Presiding Officer: So were you buying merchandise in Pakistan?

Detainee (through translator): Yes.

Presiding Officer: So if you had already purchased what you were going to purchase, why were all this money still on this other person or on you? Why did you still have this money if you had already purchased your merchandise?

Detainee (through translator): I only had 3,600 Rupees. The rest of the money was with the other guy.

Member: So you were on your way to buy supplies in Pakistan?

Detainee (through translator): Yes.

Member: Okay. So you had not already purchased them?

Detainee (through translator): I was going to buy.

Member: Okay. Help the Board understand why you didn't have any identification papers. Is it common to travel to Pakistan without identification papers?

Detainee (through translator): Are you aware that there were over 100,000 refugees in Pakistan? The border was kind of in a mess, so there was no need for any document going back and forth.

Member: So if they were to check every individual on the bus, they wouldn't have had identification papers either?

Detainee (through translator): The papers were not with me. I didn't have the papers.

Member: No. I mean, what I'm trying to ask you, Mr. Karim, is that, in our country, it's common to carry some kind of identification. You're saying it's common in your country not to carry any identification?

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Detainee (through translator): We didn't have a country. There was a war and the country was falling apart. Afghanistan is Afghanistan now. Before that, there was no Afghanistan.

Member: So you were never concerned whether you would get arrested or not? It seems to me you would have to have identification to prove who you are, or else, you could get arrested, and that's what happened to you.

Detainee (through translator): I didn't know about these things in between Afghanistan. Now, they started having them.

Presiding Officer: Do you travel to Afghanistan often?

Detainee (through translator): Once I got my merchandise or if the stuff were gone, I was going to go back to Pakistan.

Presiding Officer: So this one time, they apprehended you and found all this money and a Satellite Phone?

Detainee (through translator): Yes.

Presiding Officer: So you are now associated with two people here at Guantanamo Bay?

Detainee (through translator): Yes, one was the partner with my store and this guy from Khowst I met at the bus station.

Presiding Officer: So this person that you were apprehended with, you had only known him this one time?

Detainee (through translator): Yes. He had a store in Khowst and we had a common Mosque together to pray. When Muslims pray together in the Mosque, they see each other.

Presiding Officer: So you had traveled with him before to Pakistan?

Detainee (through translator): No. I don't know about this. You can ask him.

Presiding Officer: No. Do you travel often with this other individual to Pakistan?

Detainee (through translator): No, I haven't traveled with him before. We just got together at the bus station.

Designated Military Officer: (3.d.3) The Detainee said that approximately 15 years prior to his capture, he attended the Sorbai compound near Tanai, Afghanistan. The Detainee

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was there for guard duty and did not participate in any fighting. The Detainee attended this compound approximately four or five times and for approximately 10 days to two weeks at a time. After attending the compound each time, the Detainee returned to his home in Pakistan.

Detainee (through translator): Yes, that was my uncle's compound and this is true.

Designated Military Officer: (3.d.4) The Detainee's palms were significantly scarred. A doctor's examination of the Detainee's hands determined that the scars would be consistent with a blast injury that occurred when something burst or exploded while held by the hands.

Detainee (through translator): It's not only in my one hand; it's both hands and my knee. When I was a baby, I was crawling and there was a big pot. It was hot and I crawled over that. That was 38 years ago. Now, it's a crime for me.

Presiding Officer: Do you remember how old you were when you were a baby?

Detainee (through translator): I was crawling.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (4.a) The Detainee stated that he had never been to a terrorist training camp, trained on weapons, participated in any fighting in Afghanistan, or knew anyone that was affiliated with al Qaida or Taliban.

Detainee (through translator): Yes, that's true.

Presiding Officer: Did you participate in fighting against the Russians in Afghanistan?

Detainee (through translator): Yes. I went to the compound, but I had not fought them face to face.

Designated Military Officer: (4.b) The Detainee denied having ever worked with explosives while at Sroobi compound near Tanai, Afghanistan.

Detainee (through translator): Correct.

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.

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The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Assisting Military Officer did not have further exhibits or information to be presented on behalf of the Detainee to the Administrative Review Board.

The Detainee made the following statement:

Detainee (through translator): I only want to talk about Obaydullah and let you know that he damaged me; he has been cruel to me. I want Obaydullah to tell the truth and the facts. Whether he does it today, tomorrow, 10 days later, I just want to face him. He had the bombs, the booklets, the vehicle, and he should say where he got them from. I know that, when we got back home, he will tell everybody where he got the bombs, the booklets, and everything, but it will be useless at that time. So I want him to tell the truth now because it will help me out.

Presiding Officer: Sir, does that conclude your statement?

Detainee (through translator): I want to face Obaydullah face to face.

Presiding Officer: The Board understands.

The Assisting Military Officer did not have any questions for the Detainee.

The Designated Military Officer did not have any questions for the Detainee.

The Administrative Review Board Members had the following questions for the Detainee.

Member: Mr. Karim, I do want to say, "Thank you," for attending the Board today. Not a lot of people come to the Board and we do appreciate you taking the time to come. I do want to state, so that you will know and are aware, that the Board has a choice of making a recommendation to detain you here, release you, or transfer you back to your home country.

Detainee (through translator): Yes, I know.

Member: And if the Board and the Designated Civilian Official chooses to transfer you or return you back to your home country, what will your plans be for the future?

Detainee (through translator): Afghanistan is my home. I will do my business. I will do my shop. I will keep the shop. If the government want us to work for them, we will do that.

Member: Thank you very much.

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Presiding Officer: Anything else?

Member: Mr. Karim, can I see the scar on your hand that everybody is talking about?

Detainee (through translator): The more you see it, the more happy I will be.

The Board Member walked over to the Detainee and examined his hands.

Detainee (through translator): When I was a baby, I crawled over a hot pot. The other side is okay. When a bomb explodes, it would take the fingers off. Everything is okay, except this part. You cannot find this kind of hand in the world. Nobody has this kind of hand.

Member: Thank you very much. I still have some more questions. You said that your uncle is the governor of Tanai and that you received a letter from him. What did that letter say?

Detainee (*through translator*): Just to say hello, not to worry, and that everything would be fine.

Member: Okay. So then I'm a little confused. If he's part of the Karzai government, why hasn't he spoken out for you and made a plea to bring you back to Afghanistan?

Detainee (through translator): Maybe he has tried. I don't know. A lot of Afghans are still here.

Member: That is true. Thank you very much.

Presiding Officer: What is your education level?

Detainee (through translator): Three years.

Presiding Officer: Your shop is still in Afghanistan?

Detainee (through translator): Yes.

Presiding Officer: Is your family running it?

Detainee (through translator): Yes.

Presiding Officer: The U.S. intervention in Afghanistan, do you consider them liberators or invaders?

Detainee (through translator): To free Afghanistan and to buildup Afghanistan, that's what it means to me.

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Presiding Officer: How do you think you would be received by the Afghan government if you were transferred home?

Detainee (through translator): There was a delegation that came down a few times earlier. These Afghans wanted to take us back to our own people.

Presiding Officer: Okay. Thank you.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



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