

Summary of Administrative Review Board Proceedings for ISN 1032

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 11 August 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 would attend the ARB. The detainee was cooperative and attentive during the interview. Both the English and Pashtu translated versions of the Unclassified Summary of Evidence were provided to the detainee who declined both.

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, the FBI Redaction Memorandum, DMO-2, the CITF Redaction Memorandum, DMO-3, to the Administrative Review Board.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment. (3.a.1) A source stated that the detainee operated out of the Farooqi mosque in Quetta, Pakistan and was responsible for providing logistical support to a group of Taliban fighters, including the provision of weapons and ammunition. The group used a small taxi and minibus to bring food and supplies from Pakistan.

Detainee (through translator): God is my witness that I have never been in Pakistan in my whole life. All these allegations are perfectly false and I swear by God that I am honestly answering these questions.

Designated Military Officer: (3.a.2) The Consulate General of Pakistan in Kandhar issued a national Road Permit valid up to 12 June 2001 for the purpose of multiple visits to Pakistan via Chaman, Afghanistan and back. The vehicle was owned by the detainee and Haji Abdul Sattar.

Detainee (through translator): It seems like a drama. This is not a fact. I have never been in a truck. I am not a driver. I do not know the person whose name is Haji Abdul Sattar. I have never seen Pakistan and I have never had a car or a truck in my possession.

Board Member: Did you ever provide any type of logistical support to any group of Taliban fighters?

Detainee (through translator): I have never seen the Taliban in my life. Once, they were recruiting in Afghanistan and like many other people, I was hiding in a garden. I have not worked for the Taliban. They could not recruit me because I was hiding from them.

Board Member: Thank you.

Designated Military Officer: (3.a.3) It is believed that Haji Satar led a group of Taliban Forces and instructed them to kill westerners in Afghanistan.

Detainee (through translator): I don't know Haji Satar. I do not have any connection with him. I don't know who he was or what he did. My name is Abdul Ghafaar. Ask about me not about Haji Satar.

Board Member: Do you know any men named Satar?

Detainee (through translator): I have seen three Haji Satars in my life.

ISN 1032
Enclosure (4)
Page 2 of 9

Board Member: Did any of them live near you?

Detainee (through translator): Two of the Haji Satars lived in a village named Nawa. It is far from Kulghayak, Safi Village where I lived.

Board Member: You say that the two Haji Satars lived in a village far from your village, where did the third one live?

Detainee (through translator): He lived in Landai Karaze.

Designated Military Officer: (3.a.4) The detainee talked about how he went to a bazaar in Kandahar City to get his tooth pulled. The detainee talked about how he left his home in a truck that was driven by a relative of the detainee's land owner. The detainee stayed at a hotel for free.

Detainee (through translator): It was during the time of the Rabani government. I have stated that I sold potatoes from the land and received some money. Part of the money I received was in the form of two bank notes for the amounts of 10,000 and 5,000. I was not sure whether people would take the bank notes from me because I had never seen a bank note for 10,000 before. The hotel was not free; I gave them the bank note for 10,000. Because I had my tooth pulled, I could not chew; I could only eat a little bit of spinach. I paid 25,000 for a little bit of spinach. I gave them two bank notes of 10,000 and 5,000. After I extracted my tooth, I went back to the hotel and sat outside in a veranda. And all of a sudden, I heard through a loud speaker that a convoy of trucks that belonged to the Red Cross was passing by for vaccination purposes. There were two people, Alahdad and Baran, from my village sitting next to me. They told me that the Red Cross trucks were there to vaccinate the children.

Board Member: It says that a truck was driven by a relative of the person who owned the land.

Detainee (through translator): It was a small Toyota truck; a four-wheel drive. Yes, the land owner's son was the driver.

Board Member: Was the land owner's son a friend of any of the Satars?

Detainee (through translator): I don't know any Abdul Sattar.

Board Member: I am not asking about Abdul Sattar. I am asking about the three Satars who lived in two different villages that you knew.

Detainee (through translator): The three Satars were my classmates when I was a child. I don't know whether they have any connection with the owner of the land.

Board Member: What was the name of the land owner?

ISN 1032
Enclosure (4)
Page 3 of 9

Detainee (through translator): Haji Borjan.

Board Member: Thank you.

Designated Military Officer: (3.a.5) The detainee stated that the truck acted like a taxi cab and drove around to other villages picking up and dropping off people before it made its final stop at the Wuliswal Hotel in Kandahar City, Afghanistan. The next morning the detainee went to the bazaar and visited a dentist. After the detainee had his tooth pulled, he went back to the hotel to have lunch. The detainee could not leave because the truck was supposedly getting fixed and was not drivable. The detainee was sitting outside in a veranda/pavilion like area where a group of between 30-40 people was eating lunch.

Detainee (through translator): I had my tooth extracted; I was not in a good mood. I came back and sat in a veranda with probably 30 to 50 people. Some were going in to order food; some were coming out. I ate a little bit of spinach and sat there.

Designated Military Officer: (3.a.6) The detainee stated that one of the group members stated that he noticed a Red Cross caravan entering the bazaar.

Detainee (through translator): As I stated before, I was sitting in that veranda and through the microphone I heard that a convoy of trucks was passing. The two people that were sitting next to me and whose names I already mentioned told me that the trucks belonged to the Red Cross for vaccination purposes. The Red Cross workers dropped the vaccines in the children's noses.

Board Member: When did the whole issue at the bazaar take place in relation to when you were arrested? You said it was at the time of the Rabani government.

Detainee (through translator): It could be 10 to 12 years. I am not really sure.

Board Member: 10 years before you were arrested?

Detainee (through translator): I am not sure. I am pretty sure it was during the Rabani government. I have been here three years, so you can deduct these three years from the time. I cannot remember if it was during the second or the third year of the Rabani government.

Board Member: Thank you.

Designated Military Officer: (3.a.7) The detainee remained at the hotel for another three to four hours. Once the truck was fixed, he returned home when it was dark.

Detainee (Through translator): Yes. The truck was fixed in the afternoon. It took seven to eight hours to go back to my village.

ISN 1032
Enclosure (4)
Page 4 of 9

Designated Military Officer: (3.a.8) Regarding the murder of the Red Cross worker, an Afghan official noted that one of the vehicles used by the Taliban, but left behind at the scene, belonged to the Second Corps. The official explained that, while the perpetrators arrived at the scene in the vehicle, they were unable to get it started when preparing to depart.

Detainee (through translator): I do not know anything about it. I had not seen the Taliban or a truck that would not start.

Designated Military Officer: (3.b) Training. (3.b.1) The detainee was questioned about his military service; he replied that he had none. The detainee stated that he was too young to enlist in the military when there was a proper government, and he did not serve in the military under the Taliban because he was the only male in his family.

Detainee (through translator): I have never been a member of Jihad. I have never been in the military, not with the government of Afghanistan, not with the Taliban. I am just a plain farmer, a poor man. My children do not have a house to live in. They stay a few days here, a few days there.

Designated Military Officer: (3.b.2) The group who conducted the Red Cross attack was made up of men exclusively from the Barakzai and Alokozai tribes. The group was trained for a one-month period in explosives, bomb-making, and techniques on how to assassinate.

Detainee (through translator): I do not know anything about these people. Half of the country is Alokozai and Barakzai. They are big tribes in the country.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The detainee is from the Barakzai tribe.

Detainee (through translator): Yes, I am from the Barakzai tribe.

Board Member: Are any of the three Satars and Haji Borjan from the Barakzai tribe?

Detainee (through translator): I do not know about the Satars because we were children at the time I knew them, but I know that Borjan is from the Barakzai tribe.

Board Member: Did you know any Barakzais that were involved with the Taliban or other militant groups?

Detainee (through translator): I am not in that position. I am a poor man. The Taliban was the government for many years. All I did was farm. I left early in the morning and came back home late in the evening, tired from working in my land. At the time I was captured, I had borrowed 20 mans of wheat. Each man is equal to ten pounds. When you

ISN 1032
Enclosure (4)

captured me, I had 600 Afghans in my pocket and you know it. I have one old mother, five children, and one wife. Through sympathy, people shelter them. They spend three months here and three months there because they do not have a house. Every time I receive a letter from a friend, I learn that my family is in a different place.

Designated Military Officer: (3.c.2) The detainee stated that he has spent three or four years farming land that belonged to a wealthy landowner from the next village.

Detainee (through translator): Yes, I was a farmer on a rich man's land. We lived in two different villages. He lived in Nawa and I lived in Safi.

Board Member: Was the land owner Haji Borjan?

Detainee (through translator): Yes.

Designated Military Officer: (3.c.3) According to a non-government organization worker, Gut Mullah Satar, who perhaps is missing a lower limb and walked with a limp, was the leader of a group of men in the attack on the International Committee of the Red Cross. The group stayed in caves in Takht Ghar mountains in Shah Wali Kot area, Afghanistan, while the main fighters stayed in the Kandahar province. Satar used satellite phones for communication.

Detainee (through translator): Like I said, I do not know this person; I do not know Mullah Satar. I have never been to the places you mentioned.

Designated Military Officer: (3.c.4) After the detainee was shown Gut Mullah Satar's photograph, he stated that he has never seen Satar before nor knew his name prior to the Americans telling him in Baghram.

Detainee (through translator): This is true.

Designated Military Officer: (3.c.5) Haji Satar had been killed by United States Forces, but he was implicated in the March 2003 murder of an International Committee of the Red Cross worker.

Detainee (through translator): I do not know anything about it. I had not seen him. I do not know him.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) When the detainee was asked if he was a driver for an important person before his capture, he denied the claim. The detainee stated he had never even been in the front seat of a vehicle, much less knew how to drive one.

Detainee (through translator): I swear that I had never touched a steering wheel and that I had never sat in the front seat of a car. How could I be a driver?

ISN 1032
Enclosure (4)
Page 6 of 9

Designated Military Officer: (4.b) When the detainee was asked if he was the man who killed the International Committee of the Red Cross worker, the detainee denied having shot a rifle more than three times in his life. The detainee was asked if he had attacked the Americans while they raided Mullah Satar's compound. The detainee replied that he had not.

Detainee (through translator): At the time of the Russian invasion of Afghanistan, I was a teenager. There was a marriage in my village, and as a custom, people fired in the air. I was surprised and wanted to try. I insisted and at last, someone gave me a gun and I shot three times in the air. I had never used a gun in my life before that. I did not use the gun three separate times; I fired three bullets at one time. When the American soldiers captured me, I was standing at my door wearing I have on now: shirt, trouser, sandals, and nothing else.

Board Member: Did you attack the American soldiers when they arrived at Satar's Camp?

Detainee (through translator): No. It was night time. The helicopters came and there was a lot of noise, so my mother woke me up to check on the goats that might have been scared and run away because of the noise from the helicopters. I went out to go after the goats and there was a strong wind blowing. All of the sudden, three American soldiers ordered me not to move. The whole day, I had worked hard and was very tired. Since I was very tired, I was in a deep sleep when my mother woke me up. When I came out, I saw winds blowing from these helicopters. The winds were so severe that I got sick and I had to sit down. That's the story.

Board Member: Who lived in the nearest area where the Americans came from?

Detainee (through translator): There were two houses, mine and Shabaran. I was standing in front of my house. Two brothers, Shah Mohammad and Shabaran lived in the same house. It was a small land. My house was on one side and the other house on the other side. The Americans came from between the two houses.

Board Member: Beyond Shabaran house, did anyone have a large area or a compound?

Detainee (through translator): It's a village and there are hundreds of houses. Behind Shabaran's house, there was another house, and behind that, another, and another.

Board Member: Thank you.

Designated Military Officer: (4.c) The detainee claimed that he is not a Taliban or al Qaida supporter and knows no one actively involved.

Detainee (through translator): I swear by God that I do not know anything about it. I do not have any connection with al Qaida. I had never heard of al Qaida until I came here.

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 stated that he had no additional comments.

The Detainee made the following statement:

Detainee (through translator): I forgot to say that the three Satars are farmers now. They are not with the Taliban. They have lands and are great farmers. They are poor people. I insist that I am not a driver. I have never touched a steering wheel. Why don't you ask your sources to prove that I am not a driver? I have never sat in the front seat of a car. I am accused of having connection with Pakistan going back and forth; I have never been to Pakistan. Please ask your sources. I have been a prisoner for three years. What kind of justice is this? In three years, you have not received any information on whether I am a driver or not. In the first board, there were five accusations against me. In the second one, the accusations went up to thirty-five. In the third one, they dropped to eight. I swear by God that neither one of them is right. When I was arrested, I had on sandals. Nobody can fight with sandals. I was standing in front of my house when I was captured. You Americans are famous for justice and democracy. Apply justice please. Why be cruel with me?

Presiding Officer: Is there anything else you wish to say?

Detainee (through translator): If you continue to be cruel with me, God will take care of me and you both. That's my last statement.

Presiding Officer: Thank you very much.

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

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

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.

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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.



ISN 1032
Enclosure (4)
Page 9 of 9

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Summary of Administrative Review Board Proceedings for ISN 1036

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the (Muslim) oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board Form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 28 June 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to attend the ARB and respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative and attentive throughout the entire interview. Copies of both the English and Pashtu translated Unclassified Summary of Evidence were offered to the detainee. He accepted the Pashtu translated version and the papers were provided to the escort staff at the completion of the interview.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-4, other unclass information) 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.a.1) The detainee was an Ittihad-e-Islami regimental commander and is suspected of involvement in a planned attack on the governor in Sayed Karam, Afghanistan.

Detainee: (through translator) Karam is not a province, it is a sub governor and the sub governor was also against it, the Karzai government. I was in prison there and then the Karzai government fought against the sub governor and then I was out from here and then I was released from prison.

Presiding Officer: So Sayed Karam is a person, not a place?

Detainee: (through translator) It is a place, but it is not a province, it is a small place the sub governor is there. It is like a district.

Presiding Officer: Okay, proceed.

Detainee: (through translator) I want to talk a little more. The sub governor of Sayed Karam belonged to the Talibans. He was a cruel man. He was killing people and he was fighting against the government of Karzai. Then the Karzai government eventually succeeded to oust him from the area.

Board Member: So, was he then involved in supporting the Karzai government in this take over attack?

Detainee: (through translator) No, at that time I was in prison.

Board Member: But he was still supporting the Karzai government?

Detainee: (through translator) Yes, I was. The sub governor of Sayed Karam, he put me in prison and because he told me I should not cooperate with the government of Karzai.

ISN 1036
Enclosure (5)
Page 2 of 16

You should be against the government of Karzai. Since I was with the government of Karzai, so he did not like me and put me in prison.

Designated Military Officer: (3.a.2) Ittihad-e-Islami is a fundamentalist Sunni Islamic organization whose aim is to attract Wahabi sources from the Middle East.

Assisting Military Officer: The detainee agreed. The detainee stated that the chief of their party is Sayyaf and he is in Afghanistan and is a high ranked member of the Karzai government, so why they don't go and arrest him.

Detainee: (through translator) The chief of Ittihad-e-Islami is Sayyaf. Sayyaf is now with the Karzai government and he is very powerful in Kabul. Most of the government in Afghanistan is from his party and there are some secretaries also that belong to Mr. Sayyaf. Sayyaf organization is recognized by the government of Mr. Karzai and he is now in the house of representative, the second powerful man. If it is a crime, if it is not a good organization then how come those ministers, which he mentions some names that I can not remember, if interested I will ask him again. The governors of his party and himself are very powerful men. I am a very poor man. How could it be a crime for me to be one member of his party?

Board Member: Did you want to clarify those names?

Detainee: (through translator) Ustad Akbar he is the minister of refugees. He belongs to the party Ittihad-e-Islami. Nazar Mohammad, deputy of minister of mines and industries. A general, Gull Zarak Zadran he is the deputy to the minister of defense which is Rahim Wardag. Shir Alam is the governor of Ghazni province. He is very close to Sayyaf he is very much his friend and very close to him. Engineer Omar is the governor of Baghlam. Assadullah Wafa is the governor of Kunar.

Board Member: Do you know any of these men personally?

Detainee: (through translator) These three names he mentioned, Nazar Mohammad, Gull Zarak Zadran, and Ustad Akbar they are from the same area I live in. I know them.

Board Member: So, they could vouch for you? They could attest to his character, they could vouch for him?

Detainee: (through translator) Yes sir, I am sure of that.

Board Member: Have you tried to contact these men since you have been here?

Detainee: (through translator) No, I did not have their address. Today I have written a letter for them.

ISN 1036
Enclosure (5)
Page 3 of 16

Board Member: Can you explain to the board your involvement with the Ittihad-e-Islami?

Detainee: (through translator) I am very much against the Hezb-e-Islami Gulbuddin. I have never had any relations with Hezb-e-Islami. Because you have documents that for 20 more years which I was in the Hezb-e-Islami.

Board Member: I'm sorry, I misspoke. I was thinking of Ittihad-e-Islami.

Detainee: (through translator) Ittihad-e-Islami, yes, I am a member of Ittihad-e-Islami. You have the records I have been there for 20 to 21 years.

Board Member: Could you explain the organization and your role in it?

Detainee: (through translator) Ittihad-e-Islami is simply a religious party which is working for Islam. It has not taken part in any civil wars. It is against the beliefs and philosophy. It was in Punjshir for some years which I was also there fighting against the Russians. It is a very good organization, which has not been killing people inside of Afghanistan. Almost five years we have fought against the Taliban and al Qaida because we were against them.

Designated Military Officer: (3.a.3) The detainee admitted to attending a meeting with known Hezb-e-Islami Gulbuddin members in the past.

Assisting Military Officer: The detainee disagreed. The detainee stated he never attended any such meeting.

Detainee: (through translator) I have never attended any of their meetings in the Hezb-e-Islami Gulbuddin. I was always against them. I have never been with them.

Presiding Officer: Could you explain the difference in philosophy between Hezb-e-Islami and Ittihad-e-Islami?

Detainee: (through translator) Hezb-e-Islami Gulbuddin is a hard-core party. They are very aggressive and killing people. They follow whatever comes in their way even if they are Muslims and not be able to kill them. The Ittihad-e-Islami is not like that, it is a moderate party. Their philosophy is moderate.

Board Member: To his knowledge have these two parties been in conflict, armed conflict with one another?

Detainee: (through translator) Yes sir, they have fought against each other. There is a large history and animosity between these two parties. The Hezb-e-Islami Gulbuddin has fought in many areas in Afghanistan against the Ittihad-e-Islami. Back in Wardak, even

ISN 1036
Enclosure (5)
Page 4 of 16

in Kandahar, Maidan, Jaji Paktia and they have killed a lot of our people and they have taken the weapons from us and our ammunitions.

Board Member: To your knowledge, the two parties have never worked together?

Detainee: (through translator) It was long ago, I don't remember the year, but there was a time that all of these organizations came together. They were united for only nine months and Mr. Sayyaf was at the top of all these organizations. Then they went back apart.

Designated Military Officer: (3.b.1) The detainee stated he worked with the Hezb-e-Islami Gulbuddin leader against the Soviets, when all of the Afghan warlords worked together to get rid of the Russians.

Detainee: (through translator) No, I was with the Ittihad-e-Islami not with the Gulbuddin.

Assisting Military Officer: The detainee disagreed. The detainee stated that this statement is perfectly wrong because he belonged to Ittihad-e-Islami, which was their rival group.

Detainee: (through translator) I have answered this question before in the interrogations that there are five districts which we have sub governors there. If you ask any of those five they will tell you I have never been with the Hezb-e-Islami Gulbuddin because those people know me.

Designated Military Officer: (3.b.2) Hezb-e-Islami Gulbuddin has staged small attacks in its attempt to force United States Forces to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state.

Detainee: (through translator) I am and I was against the Hezb-e-Islami Gulbuddin because I will be Karzai. I like this type of government. I will never be with the Hezb-e-Islami.

Assisting Military Officer: The detainee stated that he doesn't know anything about that.

Detainee: (through translator) Because I have never been with them that's why I don't know anything about it.

Designated Military Officer: (3.b.3) The Hezb-e-Islami Gulbuddin leader, the Taliban Supreme Leader and Usama bin Laden agreed to unite their forces.

Detainee: (through translator) Gulbuddin, Hezb-e-Islami, Taliban, and Usama bin Laden, all these three are very bad organizations. They were always against us and they always

killed us and they will do it. But you mentioned also some of these parties of Pakistan which is together with them.

Assisting Military Officer: The detainee stated that he doesn't know anything about that. The detainee stated that he was with the Karzai government at the time and that he doesn't like the Taliban.

Detainee: (through translator) I do not like them; I will never be with them.

Designated Military Officer: (3.b.4) The detainee admitted that he had a very close association with a member of the Hezb-e-Islami Gulbuddin, Inter-Services Intelligence Directorate, Taliban and supporter of al Qaida.

Assisting Military Officer: The detainee disagreed. The detainee inquired as to who this person is.

Detainee: (through translator) What is the name of that person which I was in contact with, because this is only a conspiracy against me. The conspiracy of the enemies because I have never been with the Hezb-e-Islami Gulbuddin and I never cooperated with them.

Designated Military Officer: (3.c.1) The detainee was conscripted into military service for one year.

Assisting Military Officer: The detainee agreed. The detainee stated he was in the Afghan Army back in 1978.

Detainee: (through translator) It was twenty-six years ago at the time when Dawood was in power. At that time it was convincing that each Afghan had to do military service.

Designated Military Officer: (3.c.2) The detainee fought in the jihad against the Russians.

Detainee: (through translator) Yes, I did.

Assisting Military Officer: The detainee agreed. The detainee stated that this is true.

Designated Military Officer: (3.c.3) The detainee fled to Peshawar, Pakistan due to the failure of the initial jihadist efforts. The detainee stayed there from 1979 to 1981.

Detainee: (through translator) Yes.

Assisting Military Officer: The detainee agreed. The detainee stated that is true.

Board Member: Why did you go to Pakistan vice stay somewhere else in Afghanistan? Was it safer in Pakistan?

Detainee: (through translator) Yes sir, it was not safe in Afghanistan after the Russian invasion in Afghanistan. There was fighting and killing. About three million of Afghans got refugee to Pakistan, three million to Iran, and about a million and a half went to western countries, because it was not safe to live in Afghanistan.

Designated Military Officer: (3.c.4) The detainee rejoined the jihadist efforts against the Russians in Afghanistan. The detainee along with other Mujahedin would depart the camp in the spring to fight the Soviets and return to Duaba, Pakistan in the winter.

Assisting Military Officer: The detainee agreed. The detainee clarified that this is where he was living at the time and that the tribe would make the available fighters go out to fight the Soviets. The detainee did not do it on his own volition and was imposed upon him by the tribe.

Detainee: (through translator) It was the camp decision that we should go and fight.

Presiding Officer: Does that mean that you did not want to fight the Soviets or that you did want to fight, did you agree?

Detainee: (through translator) It was compulsory that if we wouldn't go to fight, they wouldn't give us rations. They wouldn't help us, or our children to walk to school. They wouldn't give us food or assistance, we had to. This was the decision of the whole camp people.

Board Member: How did he personally feel about it?

Detainee: (through translator) Yes sir, it was my country. Besides we were not certain that Pakistan would leave us all the time. We had to fight to get rid of the Russians and go back to our homeland.

Designated Military Officer: (3.c.5) During in-fighting within the Mujahedin, the detainee fought within the Ittihad-e-Islami directing his efforts within the Gardez, Afghanistan district.

Assisting Military Officer: The detainee agreed.

Detainee: (through translator) Yes, I was with the Ittihad-e-Islami not with the Hezb-e-Islami Gulbuddin, which in several places you said that I was with the Hezb-e-Islami and I never been with them.

Designated Military Officer: (3.c.6) In 1986, the detainee began taking over operational control of field elements. The detainee had approximately 80 to 100 Mujahedin under his control.

Detainee: (through translator) It was not at time of the Russians. It was at the time of Rabani, after the Russians had left and Rabani took the power. Most people were working with the government and I was working also.

Assisting Military Officer: The detainee agreed. The detainee stated that this is true; the Afghan government gave him those soldiers.

Designated Military Officer: (3.c.7) In or about 1997, the detainee left Pakistan to fight with the Alliance in the Punjshir Providence of Afghanistan. The detainee fought for approximately three years in many battles that the Alliance was defeated.

Assisting Military Officer: The detainee agreed. The detainee stated that he did fight for the alliance against the Taliban.

Detainee: (through translator) When al Qaida and Hezb-e-Islami Gulbuddin and Taliban came to Afghanistan I went to Punjshir because Sayyaf the chief of the party, was there and I told him I did not have the power to fight.

Designated Military Officer: (3.c.8) The detainee obtained a job with the Afghan government in the Border Patrol under the Ministry of Interior where he held the United States equivalent rank of Colonel and was in control of a company of approximately 80 to 100 infantrymen.

Detainee: (through translator) It relates to the previous question that was at the time of Rabani government. It is the exactly the same.

Assisting Military Officer: The detainee agreed. The detainee stated that this is true and was working for the Karzai government at the time, but that he was still in the planning stage for recruiting these troops to work along the Afghan-Pakistani border.

Detainee: (through translator) It was not at the time of the Karzai army, it was at the time of Rabani government.

Designated Military Officer: (3.c.9) The Corps Commander for Paktia, Khowst, Lowgar, Paktika and Ghazni, Afghanistan agreed to give the detainee a command if he could recruit 300 men to serve under him.

Detainee: (through translator) This is at the time of Karzai.

Assisting Military Officer: The detainee agreed. The detainee stated that he promised me this command.

Designated Military Officer: (3.c.10) While the detainee was recruiting, the detainee was arrested. The detainee spent one month in jail.

Detainee: (through translator) It was at the time of Karzai government that the sub governor of Sayed Karam, which was one of the Taliban members, put me in prison that time. I was gathering those 300 people then they put me in prison and he took a gun and told me I would never work for the government of Karzai. Then the United States military fought against that sub governor and he escaped and I was released from the prison. That one month, which I was in prison, the Taliban government put me in prison.

Board Member: So, you were put in prison for one month and there was a battle and you were released. Is that how you were released from prison?

Detainee: (through translator) No, there was still a fight there. Before the fight was over the commander, this commander releases me from the prison. The commander, which had told him that if you gather 300 people, then we would give you the job to be the commander.

Board Member: How did he release you from prison?

Detainee: (through translator) He forced the government and said if you do not release him I am going to take you. People send a lot of influential people from the area and told the government and then he released me.

Board Member: You mentioned before something about a promise that you would never work for Karzai government again? He said something about that he was release and wouldn't have to work again for Karzai?

Detainee: (through translator) Yes sir, that for nine months he said that they need me to write, but I would not work for nine months for Karzai government.

Board Member: Who said that?

Detainee: (through translator) Mullah Jalani

Board Member: I have a question that might clarify at least one item. When he initially was taken prisoner by the Taliban commander, they wanted him to pledge that he would not work for the Karzai government however; he was negotiated out of prison and did not have to uphold that, he did not have to do that. Apparently, it was a member of the Karzai government that affected his release. Is that where we are going with this?

Detainee: (through translator) At the time of Karzai government, the Sayed Karam district fell two years under the Taliban. There was Karzai in Afghanistan, they had power, but he didn't have power in Sayed Karam. For two more years it was under the Taliban. So, they make me write this letter that I will not work for Karzai anymore.

Board Member: He signed the letter out of duress, he was forced to sign?

Detainee: (through translator) He said it was not I to sign the letter but the people, the influential people. They decided that I should not work for nine months with the Karzai government and then I signed it.

Board Member: You know what this sounds like to me. It sounds like he was sent in an area to recruit border patrolmen in an area that was not under the government control. Is this correct?

Detainee: (through translator) Sayed Karam is where I live. They were going to make me the commander of Gardez, not at Sayed Karam. Since I live there, I am from Sayed Karam. I was to collect my people over there and then with those 300 people; I will go to Gardez and put them at the patrol of the borders.

Board Member: This sounds a little dangerous.

Detainee: (through translator) He said that twice the Taliban took over the power and were defeated and came back again.

Board Member: I think I understand. One quick last question, you said nine months. What is the significance of nine months of not supporting Karzai?

Detainee: (through translator) Because the thought in nine months, Karzai will not be there anymore. This was the general concept and idea. Once the government of Karzai defeated them and took over the place after 12 days, they came back and fought again. They defeated the Karzai government this time.

Assisting Military Officer: The detainee agreed. He stated that the Taliban put him in prison because the Taliban had influence in that area and arrested him for his activities working for the new Karzai government. The detainee stated that he was eventually released by the governor of Paktia province.

Designated Military Officer: (3.c.11) The detainee was identified as someone who performed duties as a guard at the Gardez fuel depot as well as the vehicle checkpoints on the road from Khowst, Afghanistan to Gardez, Afghanistan.

Assisting Military Officer: The detainee disagreed. The detainee stated that this duty was not given to him.

ISN 1036
Enclosure (5)
Page 10 of 16

Detainee: (through translator) He said exactly that this duty was not given to him.

Designated Military Officer: (4.a) The detainee states that he has not fought against, or assisted anyone else who fought against, any United States Forces.

Detainee: (through translator) No, I am very much against this idea. I have never fought against the Americans. I am not against them.

Assisting Military Officer: The detainee agreed. The detainee stated that this is true.

Designated Military Officer: (4.b) The detainee states that he is not a member of the Taliban or al Qaida.

Detainee: (through translator) It is certain because I am against them. I am the enemy of them.

Assisting Military Officer: The detainee agreed with this statement. The detainee stated that he is an enemy to both of them and that he had fought with the Northern Alliance against both the Taliban and al Qaida in the Punjshir province.

Detainee: (through translator) This is for sure.

Board Member: Why do you think that you were arrested and turned over to U.S. forces?

Detainee: (through translator) I have had two enemies, both of them belonging to Russian KGB. I was with the government of Karzai, there with my enemies. They made the conspiracy, made a file for me, arrested me, and gave me to the United States forces, gave me to them. Otherwise, I am against them. He mentioned two names, if you please let me ask those names. Akhtar Gul, he was the chief of the KGB at the time of president Karmal and after him the Najibullah government, he is still in power in Afghanistan. Mohammad Rafi, he is the relative of the governor of Sayed Karam, at the time of the government of Taliban. He is one of his relatives and he is very much against me. He was the translator with the Americans there, in their company.

Board Member: So, he feels that this is a personal vendetta against him that his name was used and given over so that he would be arrested?

Detainee: (through translator) After I was arrested, because that translator which was working with the military of the United States. This is who gave the wrong information about me. He was the translator for the Americans.

Board Member: Did he have the opportunity to explain this in detail to the American interrogators while he was still in Afghanistan?

Detainee: (through translator) When I was arrested in Gardez there was no investigation. Absolutely, they did not ask any questions, but when they brought me to Bagram, of course I did tell them all this and also here at Guantanamo.

Board Member: What would you do? Where would you go if you were released? And would you have any more problems if you were to go back to Afghanistan?

Detainee: (through translator) If I go back to my country, I have no problem. At the time of Dawood I was a government official. Working with the government and with the Karzai government, which I am sure now that the conditions are pretty safe. I would work for the government.

Board Member: So, you would like to get another job with the government?

Detainee: (through translator) Yes sir.

Board Member: Where is your family?

Detainee: (through translator) Family members are in Pakistan. They are still refugees in Pakistan, because we don't have a home there in Pakistan.

Board Member: You mentioned that you were in Gardez when you were arrested. What were you doing there?

Detainee: (through translator) I came to Gardez, I was about to bring my family. I was going to find a house for them, for my children, which I was arrested at the time. Only one month was left, which I had written during the time that I would not be working with Karzai government at the time.

Board Member: So, you found a job to support your family and you were going to bring them back?

Detainee: (through translator) Yes sir, I was trying to find a job and then go and bring my family back.

Board Member: So, you haven't found a job yet?

Detainee: (through translator) I was still under the guaranteed having signed that letter. Some people had promised me that they would give me a job, but I had figured that I did not get the job.

Board Member: What promise was that? Who promised you a job?

Detainee: (through translator) I mentioned three names. The governor of Gardez, Gul Zarak and in the defense department, the deputy minister, and Engineer Nazar, they had promised me. Nazar Mohammad was the deputy minister of the mines and industries and had promised him that since you were working for a year, you come here and we will give you your job back.

Board Member: So, at that point the men you listed as your enemies conspired against you to have you arrested. What was their gain for you to be arrested and removed?

Detainee: (through translator) The Taliban are very bad people, severely bad people. They will give trouble to any person there and it was the force of many people, influential people otherwise they wouldn't release me. The Taliban will take money from people and confiscate things especially their cars, if they had any. They are very bad people.

Board Member: Because you say that you are a government Karzai supporter, you fought in the alliance. Now that you are here, have you had problems with other detainees? Do other detainees know your feelings and that you were pro Karzai and if so what kind of problems do you have?

Detainee: (through translator) Yes, three times have broken my head, they have beaten me and nobody talks to me because most of them are Taliban here and they know that I am against them. Nobody will talk to me, they hate me. In this lot there is only one man that talks to me. He is like me, he is Karzai government. He and I have complained before that we have very hard time with these people here, if they will transfer me to another place.

Board Member: Who is this other person that he is referring to that is also Karzai?

Detainee: (through translator) His name is Nazargul.

Presiding Officer: We will certainly check on this issue.

Board Member: Thank you and I appreciate him being here.

Detainee: (through translator) We are very much in danger here especially with the Arabs. We are afraid that some day they will kill us here. He thanks all of you.

Presiding Officer: We will certainly bring this issue up with the authorities.

Detainee: (through translator) Thanks a lot.

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.

ISN 1036
Enclosure (5)
Page 13 of 16

The Presiding Officer acknowledged the request.

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

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

The Detainee made the following statement:

Detainee: (through translator) The only one question I have is the problem we have here in the detention area. Most of the people here are now nervous and should be treated like sick people. If you kindly tell the soldiers not to be harsh on them because they are not in good temper and I am afraid that some day that maybe they will kill us even, because they have lost their nerves. To them you should treat like sick people but the soldiers are very hard on them and if they make a mistake and say something wrong they punish them hard. Like he said, he brought an example if you want to talk to them then you choose the good one among them, a representative. Like if Zaeef, then that representative will talk to you and whatever the questions are he will answer them.

Presiding Officer: Why are people nervous, other detainees?

Detainee: (through translator) Most of them are Arab people and I do not know what their philosophy is, but to me they seem like they are crazy now. They are finished, their minds don't work. They are in the dangerous stages.

Board Member: Is he essentially seeking protective custody, where he is protective from some of these other people?

Detainee: (through translator) I am protected here. They cannot threaten me here, where we look out for each other. Where I am not looking like an enemy.

Board Member: He feels safe where he is? He doesn't feel threatened where is?

Detainee: (through translator) He feels safe because the military has the control now.

Board Member: Because he had mentioned earlier something about a transfer. So, he is happy where he is? He doesn't want to transfer to another camp?

Detainee: (through translator) He said he would not like to go anywhere else on Guantanamo, but if you want to chain me to where I have some friends, with the friendly people, I would be very glad because I am with the other type people. In Camp Four I have some friends.

Board Member: What camp is he in now?

Detainee: (through translator) Lima block, Camp Two.

Board Member: We have no control over any of that but I am sure we will pass it along.

Presiding Officer: It is an issue that will be discussed.

Detainee: (through translator) In camp four there are people from my own area, from my own country.

Presiding Officer: If you have a personal oral statement that you would like to make, this would be the appropriate time to make that.

Detainee: (through translator) My first question is, when will I get the result of this session?

Presiding Officer: I do not have that answer.

Detainee: (through translator) Can you give me a little information about those people that still have the second ARB, it has been a long time they haven't heard about their results yet.

Presiding Officer: That information, I also do not have.

Detainee: (through translator) Thanks a lot.

Presiding Officer: Is there anything else you would like to add, any statement that you would like to make?

Detainee: (through translator) After all these years I been investigations, I am hopeful that now you are sure that I am an innocent man. I was with the government. My small baby children are there in Pakistan. If it takes six years or more years and then at last you tell me that I am an innocent man. That would be a treasury of my life.

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

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

Administrative Review Board Member's questions: no further questions

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

The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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



ISN 1036
Enclosure (5)
Page 16 of 16

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Summary of Administrative Review Board Proceedings for ISN 1037

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 12 June 2006. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative, attentive, and cordial throughout the interview. Copies of both the English and Pashto translated Unclassified Summary of Evidence were provided to the detainee who accepted the Pashto copy.

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

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

The Designated Military Officer gave a description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

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

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

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

Detainee: This is not true.

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

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

Presiding Officer: Who provided the weapons?

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

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

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

Presiding Officer: Whose house was it?

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

Presiding Officer: Why was the house raided?

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

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

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

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

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

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

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

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

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

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

Detainee: *(through translator)* Okay Sir.

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

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

Presiding Officer: Where there any weapons in the house?

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

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

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

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

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

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

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

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

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

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

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

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

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

Board Member: You were protecting the American campaign?

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

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

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

Presiding Officer: Who recruited you?

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

Presiding Officer: Why did you cross the border?

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

Presiding Officer: How did you cross the border?

Detainee: *(through translator)* By bus.

Presiding Officer: Legally?

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

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

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

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

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

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

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

Presiding Officer: We can only discuss what is here.

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

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

ISN 1037
Enclosure (5)
Page 6 of 12

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

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

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

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

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

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

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

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

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

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

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

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

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

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

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

The Detainee made the following statement:

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

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

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

ISN 1037
Enclosure (5)
Page 8 of 12

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

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

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

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

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

The Assisting Military Officer had the following questions:

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

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

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

ISN 1037
Enclosure (5)
Page 9 of 12

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

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

Presiding Officer: Thank you.

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

Administrative Review Board Member's questions:

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

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

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

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

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

ISN 1037
Enclosure (5)
Page 10 of 12

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

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

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

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

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

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

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

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

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

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

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

AUTHENTICATION

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



ISN 1037
Enclosure (5)
Page 12 of 12

Summary of Administrative Review Board Proceedings for ISN 1043

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the (Muslim) oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board Form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 27 July 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 that he did not want to make any written comments to the Unclassified Summary of Evidence, but that he did want to attend the ARB and address his comments directly to the board. The detainee was attentive throughout the interview. Both the English and Pashtu translated Unclassified Summary of Evidence were offered to the detainee, who accepted the Pashtu version.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclass information) 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 present.

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.a.1) The detainee claimed that he fought against the Russian-backed Afghanistan governments in the Kandahar, Afghanistan area beginning in the late 1970s.

Detainee: *(through translator)* Thank you very much for this opportunity that you have given me. I am representing myself in this situation. I pray to God to help you to do the right justice. I have fought in Afghanistan only against two communist supported governments of Russia and supported governments of Noor Mohammad and Hafizullah Amin but at the time Babrak came into power he was also supported by the Russians, I did not fight anymore. That is the answer.

Designated Military Officer: (3.a.2) The detainee said that by the time of Afghanistan President Najibullah, he had stopped fighting and began to work in commerce. When the Taliban later gained control, the detainee was asked to join the Taliban.

Detainee: *(through translator)* No sir, I did not fight until the Najibullah government. From the time when Babrak came into power I start fighting. The reason is because the United Nation and Pakistan were helping and they did not need our money or help anymore. So, I stopped fighting at the time of Babrak not Najibullah which was many years before Najib. Before the Russian invasion, at the time of the communists' government, since the United Nations and other countries of the world had not started to give help to the Afghan people they would make us feel compelled either to go out and fight or to give some money to help them. After that when the United Nation and the countries of the world give assistance there was no more need, I stopped fighting. Whoever had a gun in Afghanistan, he was compelled to go out and fight against the communists. I had a type of gun that was used for hunting. I said this is a hunting gun not a fighting gun. They said ok then you will sit at the rear. After the invasion of the Russians I stopped fighting. When the Russians ruled us again in Afghanistan then I stopped fighting because assistance started and they did not need anymore assistance.

Even against the Russians I have no experience and I have not fought the Russians. I was fighting before the Russians against the communists' government.

Designated Military Officer: (3.a.3) During ARB 1 proceedings, the detainee said that as the Taliban Minister of Commerce, he oversaw a fleet of only 70 to 80 vehicles, since most were looted.

Detainee: (*through translator*) At the time when Dawood was the president he signed a contract with the Russians that Afghanistan would pay 51% and Russians 49% and they started like a giant transportation. A giant transportation company, that transportation company had around 1,700 trucks, only for transportation purposes. Out of those 1,700 all of this is gone because of the wars. Only 70 or 80 are probably still there transporting from Iran to Afghanistan.

Designated Military Officer: (3.a.4) The detainee was identified as one of the three Taliban commanders responsible for the murder of an International Committee of the Red Cross worker on 27 March 2003.

Detainee: (*through translator*) I would like to talk about very precisely and very clearly and I hope that you will pay attention because I am accused of killing and killing is a very bad crime. I am going to defend myself. My God save me from doing such a bad thing because killing is really a grave crime. I have never killed any person in my life. At the time when this happened I was in prison and I heard it from the soldiers where they heard it from the radio. I did not know anything about it because I was in prison with the government of Afghanistan. He said when they took me before the governor of Kandahar which is Gul Agha Shirzai he asked me about this person who has killed and who killed him. I said whoever did it was very bad. I don't know who do it but whoever did, it was a very bad crime. Later, the governor of Kandahar put me in a truck with many other detainees and took us to a mountain, far away. I asked the soldiers what are we doing here and they said we had besieged someone here in this mountain and we want to capture him who has killed the person we mentioned here. His name is Mullah Satar. The name of the person which was in the mountain and he was accused that he has killed the man working for the Red Cross, his name is Mullah Satar. This is the information the soldier gave me because I was a detainee. After around three hours they looked on the mountain they did not capture anybody, they did not find that man. They brought us back to the city of Kandahar. He said there are two ways to going to the Orozgan capital, Shawali Kot one form the east and one from the west. I am at the east and the way the west those people would go to. There is a difference of 70 miles in between. I was 70 miles away from that place, the killing place. The person that was killed I was at least 70 to 80 miles away from that place and I swear by God that I had have never gone that way in my life. If I were to kill somebody from the United Nation or Red Cross, the road is very close to where I live and a lot of the Americans and like those people is going to and from. I could have chosen to kill somebody over there. Now I am accused where I have never been, I have never seen that way in my life. The way which where my house was,

ISN 1043
Enclosure (4)
Page 3 of 11

it was safe because there were many villages. That is why all the Americans and the rest of the people choose this way instead of going the other way which was west and it was all in the desert where there are no villages. If I were to kill somebody then I would kill them before my own home. Why go all the way out to that distance.

Presiding Officer: Why do you think they accused you of this crime?

Detainee: *(through translator)* I do not know why I was accused. I was 80 miles away from there. They came and captured me in my own home. Did I hear a helicopter or something? How could I kill one body or one person, someone 80 miles away and in two or three hours I'll be back at home, which after a few hours they captured me at home and took me to prison. He is speaking about ethnic problems and I belong to the tribe of Noor Mohammad Taraki. His tribe is called Taraki and Gul Agha Shirzai, the governor of Kandahar and one of his colleagues by the name of Khalid Pashtun which they are Barikzai pretty much against Tarakis. When he knew I was a Taraki then they probably accused me. The person who killed the man that was working with the Red Cross he was killed by one of the tribe men of the governor and Khalid Pashtun. Both of them are in the same tribe, Barikzai. They took me to one of their villages and all of those people did not believe it. They did not think I was involved in the killing because they knew me and I know how far away I am from the place where the man was killed. I assure you and I swear by God that I have never killed a person in my life and I will never do that and I hope that you believe my story.

Designated Military Officer: (3.a.5) An Afghan official stated that the detainee had been arrested for orchestrating the murder of the International Committee of the Red Cross worker on 27 March 2003.

Detainee: *(through translator)* This is true, I believe they should accuse me because with this circumstance there were three very important people involved which was the Minister of Public Works, Minister of Justice, minister means Secretary of Justice, Minister of Military or Defense. We call it military and here they call it defense. Those three people involved, because they had the power and the money and because they were from the same tribe. They needed to put the responsibility on somebody and that somebody was me, they choose me. As I said they gave the wrong information to the Americans. They released those people and then caught an innocent man. I was not living on the border of Pakistan I was out visiting in my own home. If I was a bad man how could I stay home all of the time? I should not have been home or I should have been very close to Pakistan border which I was not. I was at home all the time and they captured me at home because they wanted to release the others and they needed somebody to show him as a responsible person. They released those people and put their responsibility on me.

Board Member: I do have one question.

ISN 1043
Enclosure (4)
Page 4 of 11

Detainee: *(through translator)* I will never accept what the Afghan official said something about him, he was accused this is not true, 100 percent. Either this man, we did not mention his name, either this is the government or maybe Khalid Pashtun which is one of his chiefs, assistance. He said excuse me that before you asked me a question I started to speak so now if you have any questions it seems like you already answered the question.

Designated Military Officer: (3.b.1) Mullah Omar called a meeting in Kandahar. During this meeting, the detainee argued for a single tax option that would be fairer for businessmen. The detainee stated that Omar ended up using his suggestions.

Detainee: *(through translator)* Yes, this is true. Doesn't mean that I was very powerful or very grand with Mullah Omar because I said something that was reasonable that all of the goods coming to Afghanistan were coming through different customs. Once they paid in Iraq then they make them pay in Kandahar again. The business people and the traders where not happy with it. I told Mullah Omar why do you make them pay twice for the customs, pay for the custom duty, he accepted that. At the time I was the president of custom in Kandahar. My objection was reasonable, that was why he accepted that. Not because he had a lot of honor for me.

Designated Military Officer: (3.b.2) In 1999, Omar asked the detainee to be the Taliban Minister of Commerce.

Detainee: *(through translator)* At the time I was in Pakistan for three months when somebody told me they had appointed me as the Minister of Commerce. I did not accept it at first because I said it is too heavy on me and I did not have the knowledge to be responsible to take that job but they said it would be temporary. Take the job and we will go find somebody else. When I got the job on the temporary bases but they did not find another person so I was there between two and two and a half years as the Minister of Commerce.

Designated Military Officer: (3.b.3) The former Taliban Kabul Corps Commander, who had served as advisor to the former Taliban Defense Minister, was named military leader by Mullah Omar.

Detainee: *(through translator)* What time? What period was that? What year?

Designated Military Officer: I do not have that information.

Detainee: *(through translator)* This question was asked me in the previous ARB. At that time I said I do not know about it. If I was the Minister of Commerce how could I be appointed to another job? I do not know anything about it. I had not been at that job.

Board Member: It was in the 2003 time frame.

Detainee: *(through translator)* In 2003 there were no Taliban in Afghanistan.

ISN 1043
Enclosure (4)
Page 5 of 11

Presiding Officer: In other words this is not meeting common sense here.

Detainee: *(through translator)* After the Taliban, people escaped and I was sitting in my own home, I didn't do anything wrong. I hoped somebody should have asked was this man at home? Was he in Afghanistan the whole time? Was he at home? I did not do anything wrong against any person. If it is not acceptable to what I say, you can ask other people where he was living all these years, all this time. I did not have a telephone and I did not have any communication with these people. I spent all of my time at home; it is a village with no connection. I do not know about this because if you say it is 2003 there were no Taliban.

Designated Military Officer: (3.b.4) The detainee, who was the former Taliban Minister of Commerce, was appointed as one of the military leader's deputies.

Detainee: *(through translator)* It is the same question. The same answer.

Designated Military Officer: (3.c.1) Afghan Military Forces captured the detainee in April 2003 during an encounter between Afghan Military Forces and anti-Afghan government forces. The detainee was turned over to United States Forces on 24 May 2003.

Detainee: *(through translator)* I was not fighting at all. Some people had come to one of our schools and then we took them away from there. We fought against them. We do not allow you to use our village to fight here and then to destroy us all. I did not participate in the fight against U.S. soldiers but we did move those people who were still fighting and using our village. If I was going to fight then why did I remove or fight against Peer Mohammad. He is a man, the commandant that was fighting against American soldiers. If I was a combatant a number of people should have been with me. If I was a combatant and if I had a weapon with me by the time they captured me I should have at least shot somebody. I was afraid that anytime the military force would come, the people that were fighting against the Taliban. It made me afraid if I left my home otherwise I would never be captured. I was afraid because I thought they would fight here and maybe I would be accused or maybe I would be killed by these people so I left home that this is dangerous. At the time this looked dangerous to me.

Designated Military Officer: (3.c.2) The detainee stated that when he was detained by Afghan military forces, he provided them with his brother's name instead of his real name. The detainee stated that after his arrest, the soldiers took him to see the local mayor.

Detainee: *(through translator)* This is true because I was afraid. When I was first captured the soldier asked me my name and I did not introduce myself. I gave them the wrong name. They took me to the mayor and to the mayor of course I introduced myself. I said my name is this and this. The mayor did not know me because I was not a famous person there. I introduced myself and said this is my name.

ISN 1043
Enclosure (4)
Page 6 of 11

Designated Military Officer: (3.c.3) The detainee stated that his uncle gave him a Kalashnikov rifle and assisted him to avoid being captured. The detainee stated that four or five military members caught the detainee and insisted that because he had a weapon he had to meet with the commander.

Detainee: *(through translator)* That Kalashnikov was not given by my uncle. It was my own Kalashnikov. Yes, I did have it the Kalashnikov gun with me. Since I was going and it was a dark night and I was afraid of some of the animals which are out there, some wild animals. I had the Kalashnikov to protect myself. There were no soldiers the night that I was going that way. It happened incidentally that at that time I was crossing that desert I faced the soldiers they were going somewhere. If I would fight, if I was somebody to fight three or four soldiers then I should have shot one of them but I didn't do it. I had the gun with me to protect myself against the animals.

Designated Military Officer: (4.a) The detainee stated that he does not want to go back to being the Minister of Commerce in Kandahar, Afghanistan. The detainee said he wanted to go back to what he was doing before he was appointed to that position, which was private finance, such as trading of oil or fruit.

Detainee: *(through translator)* Reason why I worked with the Taliban, Taliban had no experience at work but I was not an experienced person either. I did have a little bit of knowledge and because I was doing some businesses and I had learned a little bit about it. Now there are a lot of learned people from all over the world have gone to work for the government they don't need me. I am not really; I do not have that knowledge anymore. I am not qualified to work with the government. That if I go back I will work on my own. The business before I was captured. Now I have lost everything and now I won't get much money to do the business. I will probably sell a little bit of food.

Designated Military Officer: (4.b) During ARB I proceedings, when questioned about the International Committee Red Cross worker's murder, the detainee stated he was in the custody of the governor of Kandahar, 60 or 70 miles away. The detainee stated the governor of Kandahar, Afghanistan told him Mullah Satar killed the worker and was hiding in the mountains.

Detainee: *(through translator)* The governor, when asked me he told me that somebody which was working with the Red Cross was killed. What do you think is this good or bad? I told him that this was very bad. The soldiers told me that a man has been killed by Mullah Satar and he had escaped to the mountains. The governor did not tell me that. The soldiers told me the name of the person that killed the person was Mullah Satar.

Designated Military Officer: (4.c) During ARB 1 proceedings, when questioned why the detainee was arrested and sent to Cuba and the other officials weren't, the detainee stated that he was not from their tribe. The detainee stated that Defense Minister, Public Works

ISN 1043
Enclosure (4)
Page 7 of 11

Minister and former governor of Kandahar, Afghanistan were arrested, among others, but were released because of their tribal affiliations.

Detainee: (through translator) Like I said before, the Ministers of Public Works and Minister of Justice they were captured and it was announced on the radio that I heard. That these people, not the governor was not among them, the governor of Kandahar. It was the Minister of Defense, Minister of Public Works, and the Minister of Justice. It was announced on the radio that these people yielded to the government. I can not say if any other person was captured because I do not know. If they are in Bagram or somewhere in the prison, because I do not have any information about them. The people that were released because of their ethnic relations. If it was not the ethnic relations then they were much more important people than I am. They imprisoned me and released them because I did not belong to their tribe.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

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

The Detainee made the following statement:

Detainee: (through translator) If any of the members are going to ask me any questions I will answer, otherwise I have something to say.

Presiding Officer: Abdul Razak, you may begin your statement at this time.

Detainee: (through translator) In the first session I was told I was a combatant against the United States forces. Now I am accused that I'm a source of danger. If I had been dangerous then I could not have stayed in my home, it is a very safe place it's not close to the border of Pakistan. The dangerous people have all left Afghanistan. They have gone either to Iran or Pakistan. One and a half year I was at home, I was in a safe place. I am not against the United States; of course I would never be against it. I am not against the government of Afghanistan and I would not be. I have small baby children. I have a wife all I want is to go sit by my wife and children and work for them. I would take care of my children's education and their other needs. By nature I am not a fighting man, this is not my nature. I have never fought and I will never fight. I request you, with great respect, do not call me a dangerous man, I don't like this. In case you still think of me as a dangerous man send me to Afghanistan and keep me there under your supervision and let me take care of my children and guard me there. If you send me to Afghanistan a lot of people would guarantee me that I am a good man not a bad man to fight or make any

ISN 1043
Enclosure (4)
Page 8 of 11

problems. I live in the city of Kandahar right now. I am inside the city so I can be easily controlled or watched. My own tribe is not around me there in Kandahar. If they find that I am a dangerous man then contact those kinds of people. There will be people against the government, it doesn't concern me, and I am not one of them. I am very happy with the present situation at home. With the assistance that the Afghan government is getting this country will progress and prosper and I pray for that. I am sorry that I talk much and wasted your time.

Presiding Officer: It is not a waste. Abdul Razak, does that conclude your statement?

Detainee: *(through translator)* Yes.

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

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

Administrative Review Board Member's questions:

Board Member: When you were speaking about being in the mountains with the soldiers when they were looking for the man who had killed the Red Cross member. You said they took you with them. Why did they take you with them?

Detainee: *(through translator)* That is a very good question. I was not alone. There were many other detainees also with us, a number of them. The reason, probably they didn't want us to escape, so when they were busy they were keeping us that way. It was not me alone, there was about six or seven of us. We were under the supervision of one of the commandants and the commandant was supposed to take us to Kandahar to put us in the prison. It was before we go to Kandahar that happened. He could not make us sit somewhere why they go. He had to go himself so he kept all of us. It took two days of searching for Mullah Satar in the mountains and they were keeping guard on us also.

Board Member: At one point you said you were captured at home? You were not actually at home when you were captured, correct?

Detainee: *(through translator)* No, I was not at home. If I was at home I wouldn't have been captured. That once he said I remember that unfortunately I was not at home. Otherwise they would not have captured me. At the time we did not have any information that there were soldiers fighting and when I had my Kalashnikov with me I was crossing the desert and incidentally it happened that we came across each other and they captured me. I told those people when I was captured that this was my home. You can search it but they said no we do not search your home.

Board Member: He had his Kalashnikov so that is why they captured him? Is that basically what he is saying?

Detainee: *(through translator)* Probably, I don't know, maybe it was the reason because I had a Kalashnikov. Most people have Kalashnikov in Afghanistan. Probably, because I don't know what went wrong. I had the gun with me maybe because of that. I had two Kalashnikovs with me. One they took from me and one they left with me. According to Mr. Karzi, the president he signed the decree that to the high level of officials of the Taliban that you leave one car and two Kalashnikovs. The governor, I mean the sub-governor of where he is living. Later on he took the gun from me and also the car from me and left one Kalashnikov. By the time the sub-governor took one Kalashnikov and the car from me and left one with me. He originally gave me that which is why he left me the Kalashnikov. He gave me a document. It was actually only against the thieves and self protection that is why they leave us one Kalashnikov.

Presiding Officer: If you were not at home when you were captured, where were you going? What were you doing?

Detainee: *(through translator)* My niece was living in another village and somebody advised me that it would be better for me to go to my niece's home because the Taliban is coming here and I had worked for the Taliban and maybe be captured because of previous cooperation with Taliban. Then I was going to my niece home. I went to my niece home and somebody took me away from there. Then in the middle of the way he got confused and he said let us go back there because where the people are fighting it is far away from there. He said this will probably not affect us so we came back there. Then later on I was captured.

Board Member: If you are released from our custody where would you go? Where would you live?

Detainee: *(through translator)* I would go directly to my home.

Board Member: And that is where?

Detainee: *(through translator)* City of Kandahar.

Board Member: That is where his family is?

Detainee: *(through translator)* Yes, not very far from Yemeni. Yes. I receive letters from them. They are still in the city of Kandahar. My brother had written to me that there is no rain where they are living in there village, no water, no rain. So, we moved to Kandahar city. Now they are in Kandahar. My brother and my nephew both of them are mechanics, they are working there in the city. They take care of my family also.

Board Member: Because you used to work for the Taliban government. Do you feel that you would have any problems returning to live with anyone?

Detainee: *(through translator)* Unless I get a certificate from the Americans from here, probably I would have some trouble over there because of my previous works for the Taliban. But if you give me a certificate here that would take care of that.

Board Member: Ok that is all I have. Thank you, I appreciate you coming.

Detainee: *(through translator)* Thank you very much. Thank you for giving me enough time. Thank you for giving me time to present myself. I hope a good time for all of 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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Summary of Administrative Review Board Proceedings for ISN 1094

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 Translator, Board Reporter, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer asked the Detainee if he wished to make a statement under oath.

Muslim oath offered.

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 Enemy Combatant Notification 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 04 Dec 2006. After reviewing the ARB's purpose and procedures, the Urdu and English 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. A copy of the English translated Unclassified Summary was provided to the detainee upon his request. The detainee requested the mail container which contained an envelope marked ARB to be returned to him so he could prepare for his ARB. The AMO routed the detainee's request to have the envelope marked ARB returned to him. The AMO was informed that the container contents included hundreds of documents and the envelope could not be located. The AMO was requested to obtain from the detainee the subject and content of the requested documents. On 05 December 2006, a follow-up interview was conducted

ISN 1094
Enclosure (5)
Page 1 of 23

UNCLASSIFIED//~~FOUO~~

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with the detainee. The detainee was asked to provide more specific information on the documents he needed. The AMO explained the difficulty of trying to locate the envelope marked "ARB". The detainee could not provide a specific subject or content of the documents he wanted. The detainee requested a copy of his information he submitted last year to make notes from. These documents were furnished to him. 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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-3 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 the 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.

The Designated Military Officer read the following primary factors favoring continued detention of the detainee.

Presiding Officer: Designated Military Officer, please summarize the Unclassified Summary of Evidence.

Designated Military Officer: (3.a.1) In approximately 1999, the detainee traveled to Kandahar, Afghanistan to meet with Osama bin Laden and to offer al Qaeda the services of his media company.

Detainee: I have given a written answer in reference to your notice, 3.a.1. I would kindly request that the AMO read it.

Assisting Military Officer [for EC]: Honorable Members and Presiding Officer, OARDEC, Department of Defense, U.S. Naval Base Guantanamo Bay, Cuba. Reference, your notice, dated November 29, 2006. Subject: ARB Session 2006. Honorable sirs and madams, with reference to your above notice, I would like to submit my humble submission as follows: I am a businessman, a citizen of Pakistan. I was born on August 17, 1947, in Pakistan. I have been operating my businesses from Karachi, Pakistan since 1986. Details are as follows: International Merchandise, Private, Limited, chairman, board of directors, partnership with Charles Anteby, an American, white Jewish, a 50% commission agent, buying house, garments from Pakistan for U.S. buyers. Executed about 100,000,000 Dollars from 1993 to 2003. Contributed to U.S. Federal Exchequer of

ISN 1094
Enclosure (5)
Page 2 of 23

UNCLASSIFIED//~~FOUO~~

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UNCLASSIFIED//~~FOUO~~

approximately 20,000,000 Dollars in duty. Universal Broadcasting, Private, Limited, chairman, board of directors. Television programs, productions, owner of a modern well-equipped studio. I produced more than five hundred programs: religious, current affairs, and entertainment. One hundred percent shareholding by me and my family members. S.S.A. Associates, Private, Limited. Cliftonia chairman, board of director, real estate developer. Three hundred thirty-two apartments at the beach, multi-million dollars. Absom Industries, Limited, (public company quoted in stock exchange), chairman, board of director, major shareholder and underwriter. Industrial unit, manufacturer of bags, worth over 200,000,000 Rupees. Council of Welfare Organization, chairman, board of trustees. Charitable for poor in the field of health, education, justice, and food. These businesses had hundred of employees in Pakistan, where unemployment was quoted 65%, literacy rate 27% (read and write), Gross National Product, 600 Dollars. Collectively, all four businesses, together, were no less than one of the U.S. Fortune 500 Companies in Pakistan with Pakistan standard. My education: primary school, small, remote village. No electricity, no civic facilities, no classrooms, no furniture, no paper, books, or notebooks. Open air, jute mats on earthy floor. Wooden and metallic slates with bamboo pen ink and lime white stick for black slate. High school, college, and up to university in Karachi University. System Design and System Analyst-New York Institute of Technology. Business career started from New York when Pakistan community was rapidly growing. Pan Am and Pakistan Air had weekly flights from JFK to Karachi. So I started with a travel agency as an ethnic business. I opened other branches in Chicago, San Francisco, and Washington, D.C. In 1980, another business, I called Third World Broadcasting, 90 minutes weekly. T.V. programming, recording in local studio in Manhattan and telecasting on Channel 47, WNJU, New Jersey, covering Greater Metropolitan Tri-States (New York, New Jersey, Connecticut) area. Airline (Pakistan), banks, restaurants, were advertisers. A real estate property of 29 garden homes, purchased in Queens, New York. Dawn, weekly newspaper in English for Pakistanis, widely circulated by U.S. posts throughout U. S. A. and Canada. With this background, I would reply now with reference to 3.a.1. Pakistan and Afghanistan had diplomatic relationship during Taliban government and there is no restriction to visit Afghanistan. Pakistan Rice Exporters Association requested me to lend a business delegation. There were many Pakistanis from all over Pakistan in this delegation and most of them were not even known to me. Since I was leading this delegation, I was introduced to all members and there was a well-known religious leader from Karachi. His name was Maulana Mazhar. He was scheduled to meet Osama with his followers.

Presiding Officer: Just for clarification, when you said he was scheduled to meet with Osama, you mean Osama bin Laden?

Detainee: Yes, sir.

Assisting Military Officer [for EC]: He extended me an invitation to join him in the meeting. I accepted and I was among about 18 people to meet Osama; and it was not an exclusive meeting, but I was among audience in Kandahar. I introduced him to my organization, Universal Broadcasting, and I proposed him to record programs in English

ISN 1094
Enclosure (5)
Page 3 of 23

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based on Koranic verses. For example, what does Koran say about Christ (peace be upon him), about Mary, Abraham, Moses? These are common holy personalities between Christians and Muslims. His reply was he will think about it. All major networks like CBS, ABC, NBC, BBC, and CNN, they had been doing with Osama and all kinds people around the world. That is in reference to 3.a.1, sir.

Presiding Officer: Do you wish to add anything to that statement?

Detainee: No, sir.

Designated Military Officer: (3.a.2) The detainee traveled to Afghanistan in 2000, with a group of men, which included a terrorist facilitator.

Assisting Military Officer [for EC]: As I have stated above, I did not know members in the delegation nor did I select people to travel to Afghanistan. I do not know any terrorist facilitator.

Presiding Officer: Do you wish to add anything to that statement?

Detainee: To my recollection, there were about 98 people all together at that delegation. Most of them were not known to me. If the name is indicated to me as to whom the terrorist facilitator was, I can probably add more to it, but I do not know the names of the delegates.

Presiding Officer: For security reasons, we are not allowed to reveal that.

Detainee: I understand that, sir. I am just mentioning that I do not know anybody who was a terrorist facilitator.

Presiding Officer: We note that and we will take that under consideration.

Detainee: Thank you, sir.

Presiding Officer: You are welcome. DMO, please continue.

Designated Military Officer: (3.a.3) A senior al Qaeda operative stated the detainee agreed to a plan to use the detainee's textile business to smuggle explosives into the United States. The plan was to place the explosives in the containers that the detainee used to ship women and children's clothes.

Assisting Military Officer [for EC]: International Merchandise, IMG, is a buying house, garments from Pakistan. U.S.A. buys textile garments around the world, and to every country, U.S.A. allocates textile quota. That country auctions quota to garments factories. Then that factory makes that shipment. IMG never manufacture garments, never acquire quota from Government of Pakistan, never exported garments. We were only conducting business on the commission. I have been extensively interrogated and

ISN 1094
Enclosure (5)
Page 4 of 23

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investigated around the world by [REDACTED] and their associates. They also had meeting with [REDACTED] on the detail activities of IMG. It will confirm my statement.

Presiding Officer: Do you wish to add to that?

Detainee: Sir, I would like to explain further. The United States government has quotas of all the countries in the world where they had textile productions and man-made fiber. Those countries, in return, the government give that textile quota to various factories that manufacture garments. Those factories, along with the visa, issued by U.S.A., make the shipment. We only facilitate American buyers to place orders with the factories, money for quality, money to the shipment. We have never shipped any goods; we have no quota with us. This allegation is absolutely baseless.

Presiding Officer: Do you have an idea why the senior al Qaeda operatives would say such a thing about you?

Detainee: Sir, my feeling is that they, I was told, are with the person that is doing the interrogation. They are in U.S. custody. They were out of U.S.A. boundaries and even GTMO. There were some in other third world countries. I do not know under what conditions they have stated that, what difficulties of interrogations they went through, and they said those things. I do not know. I have two statements from those gentlemen who are in U.S.A. custody taken by the U.S.A. government. From their statements regarding my son, which is also I was unable to meet, I wanted enclosed with my write-up.

Presiding Officer: We will enclose that information in the record. We will consider it.

Detainee: Thank you, sir.

Presiding Officer: To make sure I am clear about this, you are saying that you never had a plan or participated in a plan to smuggle explosives into the United States, and you never had any sort of plan to place explosives in a shipping container?

Detainee: No, sir. We are not in a business of export. We do not export containers; we do not export garments at all. IMG handles over 100,000,000 Dollars and not a single garment that we export ourselves. We are not in the position to do that. This is what I am trying to tell you. On the other hand, the garments or the containers are not received by us. They are received by the customer in the States like K-Mart, Wal-Mart, and J.C. Penny. The goods are shipped out to them directly.

Presiding Officer: We will take the information under consideration when we make our decision.

Detainee: Thank you.

Presiding Officer: You are welcome. Does either board member have any questions?

ISN 1094
Enclosure (5)
Page 5 of 23

UNCLASSIFIED//~~FOUO~~

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Member: You said, in that instance, you were only a broker of goods and services, not a warehouse?

Detainee: Exactly. Yes, sir.

Presiding Officer: DMO proceed.

Detainee: Excuse me. We are getting five percent commission on all shipment sent to the United States.

Presiding Officer: Is that a typical commission? Is that a normal commission?

Detainee: It is an agreeable, normal commission between the parties.

Presiding Officer: DMO proceed.

Designated Military Officer: (3.a.4) The detainee assisted a senior al Qaeda operative in choosing homes in Karachi, Pakistan to use as safe houses and residences for al Qaeda families.

Assisting Military Officer [for EC]: Enclosed, please find Attachment 1 and Attachment 2. These statements were submitted by the U.S. government to U.S. District Court, Southern District of New York. Attachment Number 1 is the statement by Ammar al-Baluchi, who is in American custody. He must have been thoroughly investigated under very difficult situation, which clearly says I did not know real identity of Ammar al-Baluchi. I have always denied to all interrogators for the past 41 months any information about Ammar al-Baluchi affiliation with al Qaeda or Taliban. This statement also confirms that I did not know Khalid Sheikh Mohammad's real identity or his affiliation with al Qaeda or Taliban. Attachment Number 2 is the statement of Majeed Khan, who is in the custody of U.S.A. He must have been extensively interrogated under very difficulty circumstances. He had clearly stated myself and my son, Uzair, had no information about al Qaeda affiliation of Majeed Khan, or Ammar al-Baluchi, and Khalid Sheikh Mohammad. Khalid Sheikh Mohammad introduced himself to me as Mir, with identification card issued by Pakistan government. He claimed to be an agriculturalist, with large land holding in Nawar Shah Country, about 500 miles away from Karachi. His dress was Pakistani, spoke fluently Urdu, which is Pakistani's national language, ate regular Pakistani food, used to offer regular Muslim prayer. There was no reason not to believe him. He wanted to buy a house in Karachi in my neighborhood where I lived. One day, in his car, I showed him an area where my house is. It is a very common courtesy to help strangers in this kind of need. Similarly, Ammar al-Baluchi claimed to be an agriculturalist from Baluchistan, a province of Pakistan. I also have his identification card of different name issued by Pakistan government. Similarly, he spoke Pakistan language, wearing Pakistani dress, eating manners like Pakistani, and was regularly offering his prayers. I had every reason to believe him. I provided him local

ISN 1094
Enclosure (5)
Page 6 of 23

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newspaper to select a house to rent in the area where my office was located. To the best of my information, neither Khalid bought any house nor did Ammar rent any place. And I have no knowledge of any al Qaeda family or a safe house.

Presiding Officer: Do you wish to add to that statement?

Detainee: Both those two gentlemen were hiding their real, true identity and their connections with al Qaeda. I never knew about it at all. I would like to go to that attachment, which I have already enclosed. That will indicate it also.

Presiding Officer: Do you wish the Assisting Military Officer to read the entire statement or portions of it?

Detainee: Sir, I would like the entire statement to be read. They were also clean-shaven. They had no beard. That also shows that they are not affiliated with al Qaeda.

Presiding Officer: In Pakistan, is it normal for only al Qaeda people to wear a beard?

Detainee: I do not know, sir. It is what I have been seeing on television and reports. The people had labeled al Qaeda the "all-beard man."

Presiding Officer: I mean, when you met them the first time, not now.

Detainee: I did not get your question, sir.

Presiding Officer: When you met Khalid Sheikh Mohammad, at that time, was it normal for only al Qaeda people to wear a beard in Pakistan?

Detainee: I do know, sir. I am just saying that they had no beard.

Presiding Officer: We do understand the significance of them shaving.

Detainee: What I feel is, in order to hide true identity, sometimes people will do that. This is what I am trying to imply.

Presiding Officer: We understand that and we will consider that when we look at the case.

Detainee: These two statements were taken by the U.S. government. I request they should be as a witness in this session.

Presiding Officer: These documents will be entered as part of the documentary record for this session. They will become a part of your official ARB file.

ISN 1094
Enclosure (5)
Page 7 of 23

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Detainee: As a witness?

Presiding Officer: As documents presented by these people on your behalf. That is how we are going to consider them.

Detainee: Okay, sir.

Presiding Officer: They will be a part of the official record. We will give them an official identifying label for it. Your request is granted.

Detainee: Thank you, sir.

Presiding Officer: You are welcome.

Assisting Military Officer [for EC]: Attachment Number 1, statement of Ammar al-Baluchi: the person known to Uzair Paracha as "Mustafa" is reported to have stated as follows: Mustafa met with Saifulla Paracha's son, Uzair Paracha, a total of four times, all while visiting Saifulla Paracha at Saifullah Paracha's house.

Presiding Officer: Just for clarification, Uzair Paracha is your son?

Detainee: My son.

Presiding Officer: The person that your son knew as Mustafa is reported to have said the following things?

Detainee: Right. Mustafa is Ammar al-Baluchi. They have a tendency among the people in the Muslim world to have many names, which you must have observed it here also. He was named as Mustafa.

Presiding Officer: We understand.

Assisting Military Officer [for EC]: Mustafa met with Saifulla Paracha's son, Uzair Paracha, a total of four times, all while visiting Saifulla Paracha at Saifullah Paracha's house. Uzair Paracha was totally unwitting of Mustafa's al Qaeda affiliation or of Mustafa's intention to use Saifullah Paracha for the broader operational plan involving Majid Khan. Uzair Paracha knows nothing about operations. Neither Mustafa nor Majid Khan indicated to Uzair Paracha at any time that they were mujahedin or al Qaeda. Uzair Paracha did not complete the tank involving Majid Khan.

Detainee: I would like to give a little background of Majid Khan. Majid Khan is 26 years old. I met him in Karachi. He claimed that he was in Baltimore for many years, almost 15, 20 years. He and his mother, with his family, they migrated into Pakistan. They have taken a political asylum there. He was educated in Baltimore, he studied in Baltimore and he worked in Baltimore. He went to Pakistan. He reapplied to the U.S.

ISN 1094
Enclosure (5)
Page 8 of 23

UNCLASSIFIED//~~FOUO~~

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immigration, in which he wanted my son to collect it and send it to him for his reentry. That was the task given to my son.

Assisting Military Officer [for EC]: Saifullah Paracha was unwittingly being used to assist in Mustafa's broader plan with al Qaeda operative, Majid Khan. Saifullah Paracha was someone Mustafa used for information, but from whom he kept his al Qaeda connections hidden.

Detainee: This is precisely what I was telling you, sir. It was his own statement that he was hiding his personality. The U.S.A. has investigated and they put it in writing.

Presiding Officer: We understand that this statement says what al-Baluchi said.

Detainee: Exactly, sir.

Presiding Officer: All of this is al-Baluchi's statement?

Detainee: Yes, sir.

Presiding Officer: Not a U.S. government statement?

Detainee: No, it was taken by U. S. government. It is a true statement from al- Baluchi, taken by U.S. government in that respect. I did not make it up.

Presiding Officer: I understand that. The statement is al-Baluchi's statement?

Detainee: Exactly, sir.

Assisting Military Officer [for EC]: There were no operations discussions between Mustafa and Saifullah Paracha. Mustafa intentionally used cover stories and distorted truths to mask his particular interests with Saifullah Paracha during their discussions, although Saifullah Paracha had a long-standing relationship with Uzair.

Detainee: Uzair is referred to Khalid Sheikh.

Presiding Officer: He is not your son?

Detainee: He is not my son.

Assisting Military Officer [for EC]: Saifullah Paracha did not know Uzair's true identity or any other name for Uzair. Mustafa did not believe that Saifullah Paracha was aware that he and Uzair was al Qaeda, but Mustafa believed that Saifullah Paracha likely knew that Mustafa and Uzair were associated with mujahedin and could be associated with the Taliban or al Qaeda. Saifullah Paracha did not know that Uzair was affiliated with al Qaeda until the worldwide publicity of Uzair's arrest. Mustafa showed Saifullah Paracha a famous picture of Uzair after Uzair's capture and Saifullah Paracha was surprised to

ISN 1094
Enclosure (5)
Page 9 of 23

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learn that Uzair was as important a man as he was. At the time of Uzair's arrest, Saifullah Paracha probably knew of Mustafa's al Qaeda affiliation.

Detainee: Excuse me, sir. At that time, I wrote a letter to Miss Nancy Ball, an ambassador in Pakistan in Islam-abaad. I requested to her for an interview, which was later sent to New York to FBI. They advised the ambassador in Pakistan to avoid any meeting with me in Pakistan. That was already submitted of our meeting in 2005.

Presiding Officer: We have those documents.

Detainee: Thank you, sir.

Assisting Military Officer [for EC]: Because Saifullah Paracha had never been properly vetted, he was never tasked by al Qaeda, i.e., Uzair or Mustafa, to do anything for them. Saifullah Paracha was only a businessman, who was sympathetic to the mujahedin. Saifullah Paracha has no relation to this business, i.e., al Qaeda. Mustafa was not aware how Uzair knew Saifullah Paracha or if Saifullah Paracha had ever met UBL.

Presiding Officer: Just so that I understand, this statement of al-Baluchi says you likely did know that these people were mujahidin; that is what it says outright in this statement.

Detainee: He said that I possibly knew that they were mujahedin.

Presiding Officer: He said "likely", actually. Did you?

Detainee: I would like to give a little historically background. In the 70's, when the Russians invaded Afghanistan, a lot of resistance came from Pakistan. Pakistan had a military regime at the time headed by General Zia-ul-Haq. He resisted, and while in the States, President Carter was president at the White House. The only thing that U.S.A. responded at that time by his security advisor, Mr. Brzezinski, that they did take the blame, but then again, he stepped against them. Pakistan was the only country, at that time, fighting against Russians. They started organizing mujahedin and declared as a holy war. It was then after President Carter, President Reagan, and President Bush, Sr. were elected. They took it seriously. They assisted Pakistan and Muslim countries. It was widely publicized among the Muslim countries as a holy war. A lot of Muslims all around the world joined Pakistan and Afghanistan to fight that war. After the withdrawal of Russia, they were all not accepted into their countries. They became homeless and familyless. I do have sympathy for them. They were in Pakistan and Afghanistan. Pakistan and Afghanistan has a very large border. It is almost 1,000 miles opened and regulated. The Pakistanis and Afghans are very similar to each other. We are the same people. The language is almost the same. There is no restriction. There is a regular transportation system without any visa or passport that traveled between the two countries. I have sympathy for those mujahedins, not as a terrorist mujahedin.

Presiding Officer: So that we are clear about the context of this document, about what time would this be that you were meeting with al-Baluchi?

ISN 1094
Enclosure (5)
Page 10 of 23

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Detainee: The best of my recollection, it was 2001 and 2002.

Presiding Officer: Thank you. Is that all you wish to say regarding this document?

Detainee: Yes, sir.

Assisting Military Officer [for EC]: Attachment Number 1: Statement of Majeed Khan. Majid Khan is reported to have stated as follows: He did not know of any funding or investment Mustafa gave to Saifullah Paracha. He had no knowledge of Saifullah Paracha's company, the plan to smuggle chemicals or explosive via the Parachas, or other resources that might be attractive to al Qaeda. No compensation was given to Saifullah Paracha in return for Saifullah Paracha arranging for Uzair Paracha to assist Majid Khan with Majid Khan's immigration matters. He had no al Qaeda contacts in the United States. None of the contacts were aware of his gas station attack plan or any other actions he might have taken on behalf of al Qaeda. He assessed Uzair Paracha was willing to help a fellow Muslim at his father's request and that Majid Khan knew of no other motivation for Uzair Paracha's assistance. He did not assess Uzair Paracha as being suitable for any other assistance to al Qaeda besides helping with Majid Khan's documents at the time. Uzair Paracha volunteered that he wanted to spread Islam through media. He thought Uzair Paracha was a good person, who was willing to help and that Majid Khan might have been interested in recruiting Uzair Paracha once Majid Khan returned to the U.S. and had time to assess Uzair Paracha. He would only give Uzair Paracha a five to ten percent suitability assessment, citing the fact that Uzair Paracha had no extremist views and was not really a practicing Muslim.

Detainee: This is about my son, sir.

Presiding Officer: We understand.

Assisting Military Officer [for EC]: Uzair Paracha was to go to the post office, pretend that he, Uzair Paracha, was Majid Khan, and give the post office a change of address for Khan. Uzair Paracha was to deposit money in Majid Khan's account and, later, call the INS to inquire about the travel document. All of this was to be done to lead U.S. authorities to believe that Majid Khan was in the U.S. when he was actually in Pakistan. To his knowledge, Uzair Paracha did none of these things. If Uzair Paracha claimed that Majid Khan sent something to Uzair Paracha, Uzair Paracha would be lying in making a statement. Mustafa was known either as Habib or Moin to the Parachas. It has been reported that the person known to Uzair Paracha as Uzair was shown a photograph of Saifulla Paracha, which was taken in the early 1970s. Uzair claimed not to recognize the individual in the photo.

Presiding Officer: Do you wish to add to this statement?

Detainee: No, sir.

ISN 1094
Enclosure (5)
Page 11 of 23

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Presiding Officer: If I understand this statement correctly, Saifullah, most of it is about your son.

Detainee: Yes, sir. Most of it is about my son, but it is also about me from time to time.

Presiding Officer: It says that Majid Khan did not know anything about a plan involving your company to smuggle chemicals or explosives.

Detainee: Exactly, sir.

Presiding Officer: It is saying that, as far as Majid Khan knows, there was no compensation given to you for the help that your son was giving to Majid Khan.

Detainee: Exactly, sir. Thank you.

Presiding Officer: You are welcome. Does that conclude that point on 3.a.4?

Detainee: Yes, sir.

Designated Military Officer: (3.a.5) The detainee provided shipping regulations regarding the United States to a senior al Qaeda operative. The detainee was sympathetic to the extremist cause.

Assisting Military Officer [for EC]: In IMG, I was chairman, living in Pakistan and also conducting other businesses. I am not aware of any shipping regulation of United States at all. The only thing I remember was that, after 9/11, ships were taking two extra days because of U.S. authority's inspection. This information was given to our office in Karachi by Charles Anteby from New York, which we conveyed to all concerned factories. I do not even know who had this information from me or our staff in Pakistan. With reference to extremist cause, I do not know what extremist cause is, but I am very sympathetic to poor, helpless, and to just cause.

Presiding Officer: Do you wish to add to that statement?

Detainee: I have been in Pakistan for quite some time. I have been in the hospitals. I have been to the schools for the poor and helped people in justice and food support. I feel that I am fighting against terrorism in another way to give education to people and providing health facilities to the healthy society.

Presiding Officer: We do understand that the commitment to help the poor is as much a part of your society as it is of ours. We do understand that.

Detainee: I did not get your question, sir.

ISN 1094
Enclosure (5)
Page 12 of 23

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Presiding Officer: It was not a question. It was a statement saying that we do understand that what you have done has been charitable work to help the poor. We understand that it is a very important thing for your society at large as well.

Designated Military Officer: (3.b.1) The detainee claimed he put 200,000 United States Dollars into a falsified bank account for a senior al Qaeda operative for investment purposes.

Assisting Military Officer [for EC]: Pakistan got its independence in 1947, has 140,000,000 population. It is a developing country. Its position is similar to Israel among Arab countries with India.

Detainee: What I am trying to explain to you, sir, is that Pakistan is not accepted by India. They feel that it was a holy cause, the whole country. Pakistani, of the Indian Muslims, is divided into two. They have not accepted us until now as an independent country. The U.S.A. has been supporting Pakistan on that account. Pakistan's security has been secured with the help of the United States in that region. Pakistan has been supported with the United States also on that.

Assisting Military Officer [for EC]: I have some more for that also, sir. Since '47, Pakistan and India had three major wars. Infrastructure is not developed properly. It is a cash-culture country. Banks were nationalized in early 1970s. Denaturalization process has started. Private banks are allowed to operate. Corporate banking is popular. Consumer banking has also started, but public do not have money to deposit. Our companies' accounts are with a new bank near our office called Metropolitan Bank. All our employees' accounts are already in this bank. We have 10,000,000 Rupees running credit line with bank. Bank always tries to oblige us. In return, we have been promoting this bank among relatives, friends, and business associates. Khalid Sheikh wanted to open an account in this bank. All formalities were duly fulfilled and he established an account under his name, to the best of my information. There was no false motive about his account. As I remember, he deposited about 20,000 U.S. Dollars in his account. I am not aware of any investment of 20,000 U.S. Dollars.

Presiding Officer: When you say "Khalid Sheikh", you mean Khalid Sheikh Mohammad?

Detainee: Yes, sir. It was known to me as "Mir" at that time. Khalid Sheikh Mohammad is now known by that name here.

Presiding Officer: At the time, you still did not know that name?

Detainee: I did not know it.

Presiding Officer: You still just knew him as "Mir"? Detainee: Yes, sir.

Presiding Officer: Do any of the members have a question?

ISN 1094
Enclosure (5)
Page 13 of 23

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Member: I understand you remembered a deposit of 20,000 Dollars into the account?

Detainee: Khalid Sheikh Mohammad deposited 20,000 Dollars.

Member: You write that, "I am not aware of any investment of 20,000 Dollar"?

Detainee: Yes. I do not know if he made any investments or not. I do not know.

Board Member: So he just put money in, but you do not know if any money went out?

Detainee: No, I do not.

Board Member: Thank you.

Presiding Officer: Is that all that you wish to say on that point?

Detainee: Yes, sir. What I tried to emphasize is that our country is a developing country. There is a parallel economy of cash and a bank documented economy. The cash economy is quite effectively working. The banks are not used. The consumer banking has not been there; now, it is coming up slowly, but it is still very far away. The banks like to have account holders. For example, in Pakistan, internet banking is not known for opening an account through internet. Usually, accounts are opened through offices in Pakistan. In reference to us, he opened an account in the bank.

Presiding Officer: How did he come to you to ask for the reference?

Detainee: Initially, when I met Osama bin Laden in Afghanistan, I proposed to him to record some of the TV programs. I gave him my card. That card was sent to Khalid Sheikh in Pakistan. He came to see me on that account and inquired about me and my organization. We discussed about the equipment and how to record. It was the first of doing that and then 9/11 happened. Ammar al-Baluchi was introduced to me by Khalid Sheikh Mohammed. Majid Khan was introduced to me by Ammar al-Baluchi.

Designated Military Officer: (3.b.2) The detainee's production studio produced al Qaeda videos. The detainee had a large network of contacts that was given to him by Osama bin Laden to acquire videos from al Qaeda.

Assisting Military Officer [for EC]: Our studio is well equipped. We make our programs. We rent out the studio on 8-hour shift basis. We rent out cameras and other equipment for outdoor recording. Once Ammar al-Baluchi wanted to test and try our studio and equipment recorded some discussion program, which we allowed. I have no knowledge of any video of al Qaeda or I do not have any network, nor did Osama give me any information on videos.

ISN 1094
Enclosure (5)
Page 14 of 23

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Presiding Officer: Do you wish to comment further on that point?

Detainee: No, sir. The only thing I want to mention is that, this thing that I started in New York as Third World Broadcasting, we had a studio in Manhattan that we rented to record our programs. It is the same basis that I started a studio in Pakistan. We were making our own programs in the studio and we were renting shifts and equipments. It is a part of the business. It is very common in the States, but very unique in Pakistan. In Pakistan, it is controlled by the government. The T.V. production, the telecasting, and the cable network are starting all around the world. The private companies are coming up. Our company is probably one of the first to enter into the production and making T.V. programs in Pakistan.

Presiding Officer: At the time that al-Baluchi asked about using your studio, at that time, did you know of any affiliation that he had with al Qaeda?

Detainee: No, sir.

Presiding Officer: You knew, in general, by that time, about al Qaeda. Is that a fair statement?

Detainee: The first time I heard of al Qaeda was by President Bush after 9/11. I never heard it before.

Designated Military Officer: (3.b.3) The detainee's son is in the custody of the United States being held in New York.

Assisting Military Officer [for EC]: My son has been sentenced by U.S. District Court for 30 years. I have no comments on this issue until the appeal's judgment.

Presiding Officer: We will respect that. We have no questions for you on that point.

Designated Military Officer: (3.c.1) During discussions with a senior al Qaeda operative about the pending war in Iraq, the detainee displayed strong anti-United States sentiment. The detainee commented that nuclear weapons should be used against the United States troops because thousands could be killed at once. The detainee suggested the weapons could be acquired from other countries, such as China.

Assisting Military Officer [for EC]: After my first visit to Afghanistan, I diagnosed the problem and thought of a solution. I prepared a detailed letter addressed to all U.S. congressmen, senators, cabinet members, President, and senior President Bush. My request was to pay attention to Pakistan and Afghanistan in economic and political assistance. And I also proposed to use Pakistan army in the Middle East as peace-keeping force. In the past, it was done in Somalia. In this proposal, I was thinking for American army's safety and putting Pakistan army at risk. I have already submitted this letter. On the nuclear issue, a polygraph test was taken on me in about March 2004 in Afghanistan and I was told I cleared that test. On the contrary, an interrogator from the

ISN 1094
Enclosure (5)
Page 15 of 23

UNCLASSIFIED//~~FOUO~~

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FBI, I was told his name [REDACTED] in April, May, June 2004 in Afghanistan. He told me that U.S.A. should use nuclear weapon in bordering city of Afghanistan called Quetta, Pakistan, to destroy where mujahedin are coming. My reply to him was that U.S. is a responsible country. It does not worry me, but the problem of India and Pakistan is very serious, but these countries are nuclear power. I cannot think any human soul suffer that agony of nuclear death. I deny that statement.

Presiding Officer: Do you have further comment on this statement?

Detainee: At several times, I requested to the AMO two days ago that the letter I sent to all congressmen, senators, Presidents, and the cabinet members, already submitted in the ARB session in 2005, if I could have a copy of that. We can go through that letter as we did for Ammar al-Baluchi and Majeed Khan. In conclusion, I proposed to the U.S. government and the lawmakers to pay attention to Pakistan and Afghanistan and that they needed immediate attention, it was before 9/11. One of the proposals was if Pakistan army can be utilized for peace-keeping in the Middle Eastern countries in place of the U.S. army; I was trying to save Americans' lives in that process. My proposal was in writing and it is all documented. In contrary, if somebody says that I was wishing or using a statement against United States army or personnel, that is wrong; I deny that statement. A similar thing happened in Somalia, during President Bill Clinton, where U.S. forces were replaced by Pakistan army. They did peace-keeping there. I was not proposing something out of the air. The President and Pakistan always walked together with U.S.A. in this kind of affair.

Member: Do you remember the date of the letter that you sent to the members and the President of the United States?

Detainee: I do not remember the exact date, but it was quite earlier than 9/11, about almost a year, right after President Bush took his oath.

Member: Around January 2001?

Detainee: Sir, I would not comment that date, but you have a copy of that letter in your record. There is a date that is already on there. It is a very detailed letter. It is four pages. I went through the old process of mujahedin and the American assistance in Afghanistan. I mentioned the whole affair in a positive way.

Presiding Officer: We will take that letter, along with all the other documents that you have submitted, for our consideration.

Detainee: Thank you.

Presiding Officer: You are welcome.

ISN 1094
Enclosure (5)
Page 16 of 23

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Designated Military Officer: (3.c.2) Sources identified with the detainee as a high-ranking member of anti-coalition forces. The detainee was captured with documents that contained significant intelligence information.

Assisting Military Officer [for EC]: As I had already indicated, that I am a businessman, do business and trying to help my country in schools, hospitals, justice, and food support. In this connection after extensive interrogation by Mr. Thomas Fitzgerald, Miss Janelle Miller and DOD representatives met me on December 20, 2004, and told me that I never funded Taliban or al Qaeda and I am not a threat to American and American interest in the world. Last year in ARB session, I wanted to see those significant intelligence documents. Still, I am waiting. The only thing I can think of is my Casio electronic diary, which was, many times, investigated by various agents. If there are any questions, I am ready to reply.

Detainee: I have an electronic diary. I have about 3,000 names and various information regarding India in it. Pakistan has nuclear weapons and military and aircrafts. I kept it for my immediate references. If that day, according to the allegation, which has been put on me that I was carrying, cannot be classified, it is all unclassified. I was never shown any of those documents and asked any questions in this session or the session before this. I do not know what the significant documents actually mean unless it is shown to me. I was visiting Bangkok when I was arrested. I was on government business visiting a K-Mart. I was a light traveler. I only had a hand bag with me and walked out of the airport; I was captured from there. I did not have many documents with me either.

Presiding Officer: Can you tell us what you had on that Casio?

Detainee: Sir, I had 3,000 names and addresses of all my friends and relatives around the world. I even have vital phone numbers: Pakistan President, Pakistan Prime Minister, who was known to me in Pakistan. The ministers and the mayors were my friends. They visited me in my home. I had all their numbers. I do not know what significance of those documents. The documents of the diary do not click with me at all. My feeling is that, the only thing which extensively one-by-one, is that I was asked by the interrogator for each entry. I replied to every one of them and they were satisfied.

Presiding Officer: Were there any other sorts of records besides names and phone numbers in this Casio?

Detainee: Only the information that I read in the newspaper or magazine that I would enter into it. It was for my memory. Nothing was specific.

Designated Military Officer: (4.a) The detainee claimed that he only wanted to use Osama bin Laden as a voice for his company to help Christians and Muslims understand each other better. The detainee stated he had no intention of letting Osama bin Laden use his media company as a voice for terrorism.

ISN 1094
Enclosure (5)
Page 17 of 23

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Assisting Military Officer [for EC]: One of our specialties in T.V. program production is religious programs. We have been trying to make it interesting with a positive message. A well-known scholar from Washington, D.C., Mr. Yousef Estals, visited Karachi, Pakistan. We recorded 26 programs in English. These programs were telecasted in Europe and North America. They were very popular among the Muslim community. I conducted this program. One CD was submitted to the ARB board during 2005 session, specifically on the issue of terrorism. I requested the Board to view this CD for their own judgment. Another scholar from Britain, Mr. Kat Steven, now known as Mr. Yousef Islam, we were in the planning stage to record programs in London or New York with British or American audiences. All our programs were non-controversial and non-comparative to other religions. Furthermore, a Pakistan delegation from a government visited me here and stated Pakistan government is ready to accept me, so I have no problems to go back to Pakistan and join my family and restart my businesses and do charitable work. I further state that, if I am released, I will never take up arms against U.S. or its allied forces anywhere in the world nor I will associate myself to any individual or group of people in arms conflicts with U.S. and allied forces. I hope and pray for positive recommendation and my release from there to Pakistan. Thank you for this opportunity for this session. Signed, Saifullah Paracha.

Presiding Officer: Do you wish to add anything to that comment?

Detainee: No, sir.

Designated Military Officer: (4.b) A primary reason for one of the detainee's trips to Afghanistan was to contribute to the establishment of a school for girls.

Detainee: I have one of the organizations that I mentioned in my write-up, Council of Welfare Organization (CWO). We have 70 schools in the poor area of the undeveloped area where we are giving a family an education to their children. We have classrooms, furniture, fans, electricity, and a library as good as any developed country's school. I was deprived when I was a child for a good education. I have done almost 70 schools in that area where I was educated. In 1956, my mother died. She was an unknown diabetic. She went into a coma. It took us seven days to get a doctor from town to our village. By the time the doctor reached us, she expired. With the help of our communities, we are a business community in Pakistan. We have already established a hospital in our village where we have 24-hour doctors in emergency rooms, a few operation tables, a gurney ward, and male and female wards. The live-in doctors are there. This is what I have done. In our area, there is a common eye disease because of the bare nutrition. Before I was captured, we had an opening ceremony set up of an eye hospital in our area. I reacquired the land by one of the family members in our project community. One hundred thousand Pounds were contributed from London for one of our project communities. It was reported by my wife that the hospital had been completed. Several patients were visiting every day for the eye disease. I have done the contribution in society as much as I had the sources and time to do that.

ISN 1094
Enclosure (5)
Page 18 of 23

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Presiding Officer: We do understand that and understand that you have made very large contributions to your society because of your business success.

Member question: Regarding your trip to Afghanistan and the establishment of a girls' school, was it during the Taliban regime or afterwards?

Detainee: It was during Taliban. When I went to Afghanistan, we went to look for schools. We saw the Madrassa system in Afghanistan; it was very popular. Are you familiar with the Madrassa system?

Member: No, sir.

Detainee: Madrassa system is in a section of a mosque. The children would come and they there taught how to read Koran, basically; that is called Madrassa. The former school system was destroyed. It did not exist in Afghanistan during the war of Russia and the Civil War. I proposed it to the Taliban. When we went to the hospital, there was the shortage of nurses and female doctors. I convinced them that the Mohammad's, peace be upon them, in Mecca and Medina. His wife used to teach females in the mosque. They understood and allowed me to build a school in Afghanistan on the basis of that convincing statement. We were in the process of building a school. They said, "We would like you to build 28 schools in each province we have." I said, "We do not have the sources at the moment." Then we agreed to five: four in East Garden and one in Kabul. The Taliban was not organized at all. They had no bureaucracy working at all; no documentations. The first meeting, we discussed. The second meeting, I said, "We need official permission to do all that work. We need a piece of land where we can build a school." This is what we discussed that last time. That was a very frustrated thing. We were trying to help them. It did not materialize. I visited the Northern Alliance Government and the present governor, Hamid Karzai, after the Taliban. I went to Afghanistan. I wanted to make an investment in the industrialization in Afghanistan. When I took the delegation, I saw there was potential in basic industries like assembling bicycles. It is a very popular thing in Afghanistan because of the poverty. People liked to have bicycles as a convenience to move around. They were imported from China. I had a visa. I went to China and grabbed imported bicycles and imported parts. There were a lot of industries that were closed down in Afghanistan. It had a civil infrastructure, but they had equipment. You hardly need any equipment to assemble cycles. So if we have put 50 or 70 units in any premises of industrial, I had discussed this with the president of the regime and they were willing to give us those industries that were shut down on a five or 10-year pay-back. They said they were working on a procedure. They did not have any set of procedures to disinvest their existing unit to give away. It was not materialized.

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.

ISN 1094
Enclosure (5)
Page 19 of 23

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The Presiding Officer acknowledged the request.

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

The Assisting Military Officer presented Exhibit EC-1 to the Administrative Review Board on behalf of the Detainee. The Assisting Military Officer noted that he had previously provided the exhibit to the Designated Military Officer.

The Presiding Officer noted for the record that Exhibit EC-1 was the same document that the Assisting Military Officer read to the Administrative Review Board previously.

The Detainee stated that he would like to ask a few questions. The Detainee's questions follow:

Detainee: One of my questions is that I am a citizen of Pakistan. I was visiting Bangkok. Previously, I asked at a CSRT meeting, "Why have I been captured and why am I in this condition?" They told me that I was not in the right forum. There will be a forum where I would be able to ask these questions. Can I have an answer to these questions, sir?

Presiding Officer: The purpose of this Board is to assess two things: one is what your level of threat to the United States or its allies. The other is your intelligence value. So that question is outside the limits of what this Board is permitted to consider.

Detainee: Another question is my attorney is in Washington, Mr. G. T. Hunt. He sent me the Secretary of Defense write-up on the ARB session. In that ARB session, I have seen the specimen of the Unclassified Summary, which was given to me. In the end, it says, the hearing will be conducted on such a date. When the Summary was given to me, no date was mentioned at all. It is a deviation from your own in terms of Defense Secretary's directives and documents given to me.

Presiding Officer: We will go back and take a look at that document and see what the originally document says. I do not have it in front of me now so I cannot compare them.

Detainee: Another thing in the documents of the Unclassified Summary, which was given to me, it says that a comprehensive time would be given to me to pursue my case. One of the things that I requested from the AMO was the documents that were taken from me from my cell on June 10 by the authorities. I wanted to go through some of the documents and prepare the answer. I requested to the AMO I need more days to write the answer properly to give answer to all charges because it is very important to me. It was not given to me at that time.

Presiding Officer: Those documents were taken. You were on Cell Block Alpha at that time, I believe; is that correct?

Detainee: I do not know, sir, but somebody took it on the 10th after the suicidal attempts.

ISN 1094
Enclosure (5)
Page 20 of 23

UNCLASSIFIED//~~FOUO~~

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Presiding Officer: Exactly. That was my point. The day following the suicides, which was June 10th, the entire cell block was evacuated. As a crime scene, it was sealed off. The entire contents of those boxes were taken by the Naval Criminal Investigative Service as evidence of the crime scene. We are aware that they got the documents and we cannot get them back for this hearing. What I would like to offer to you is that you tell this board what those documents said and we will accept that statement as if you had handed me the document and the document says exactly what you say to me now.

Detainee: The two things I have mentioned already: one is that letter that I have indicated. I do not remember the date, but it is a four or five-page letter. Then there is a letter that I had addressed to the ambassador, Nancy Ball, in Pakistan. I had requested a time for an interview with her or any appropriate official in Pakistan and to tell my position. These are the things that are important in this session.

Presiding Officer: Is that the letter to Ambassador Ball that you mentioned earlier?

Detainee: Yes, sir.

Presiding Officer: We understand what you want us to understand about those letters. When we consider your case, we will take it as if the letters are exactly as you say they are if we had them in front of us.

Detainee: When I went through the Secretary of Defense's procedures and the ARB session, it said that, after the session for 14 days, I should be determined of the outcome of the session. Would that be possible?

Presiding Officer: At this time, we do not have any information about how long it would take for the determination on your case. As you know from last year, there was a period of time that elapsed. I can tell you that you will be informed in a timely manner and that we certainly will not hold that information back once we get it. We will let you know when we know.

Detainee: Another key of your decision: one is to release me and one is to handle Pakistan some conditions. Will those conditions be given to me beforehand? What are those conditions?

Presiding Officer: In fact, the entire Department of Defense does not negotiate those conditions. That is not a part of our job. That is something in the U.S. State Department.

Detainee: I know, sir. I am not a commodity, I am a human being.

Presiding Officer: I understand.

Detainee: It is about me. I should be given some detail of what conditions are there. Why should I be treated as a commodity and handed over to somebody of conditions without my knowledge.

ISN 1094
Enclosure (5)
Page 21 of 23

UNCLASSIFIED//~~FOUO~~

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Presiding Officer: You can appreciate the security question that is in there. The question what to become of you is a question if you were to be transferred. That is a question to be worked out between the Department of State and your government in Pakistan. That is not something that I can speak to.

Detainee: Sir, I am not saying for you to say anything. What I am saying is that, while the conditions are being negotiated and agreed, will I be given details of it?

Presiding Officer: You will be given the details after the transfer.

Detainee: That is like a commodity, sir.

Presiding Officer: I would say it is not like a commodity. There is no purchase involved. It is a matter of transfer of custody. You can see very well how that would happen often among governments.

Detainee: Another question, sir, there are many detainees released. They have not attended ARB sessions and there were recommendations against their release. They are release. What is the significance of ARB then?

Presiding Officer: Regarding ARB recommendations, one way or the other, that is not information that they know. They may say they know it, but they do not know that.

Detainee: Sir, they have been given a letter that Washington has determined for them to stay here and they will be here next year. When will they be transferred to their countries?

Presiding Officer: Again, that is something that is beyond the scope of this Board. We are doing the assessment for the designated civilian official. He makes his decision and that is completely beyond our hands. We are the recommending Board, but that decision goes among our superiors. I know you understand enough to know about militaries in any country that decisions made by superiors are made on their own. What they do is not something we know about.

Detainee: I know, sir, but your decision is not a military decision. Your decision is a criminal decision, a decision that you have taken an oath.

Presiding Officer: This is an Administrative Board. This is not a criminal proceeding. This is not a court. This is simply an administrative hearing. It does not function as a court of law.

Detainee: Sir, this is very confusing to my mind.

Presiding Officer: I regret the confusion.

Detainee: Thank you.

ISN 1094
Enclosure (5)
Page 22 of 23

UNCLASSIFIED//~~FOUO~~

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Presiding Officer: You are welcome. I will state that it is clear from your attendance that you take this seriously. From your preparation, you have put a lot of work into preparing these documents for us. Your behavior today has been very respectful. It is clear that you take this seriously and we appreciate that.

Detainee: Thank you, sir. I requested the AMO for a journal for me to write properly, but I was told that would not be possible.

Presiding Officer: That is correct.

Detainee: Thank you, sir.

The Detainee had no further questions.

The Assisting Military Officer had no addition information to present for the Detainee.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

The Administrative Review Board had no questions for the Detainee.

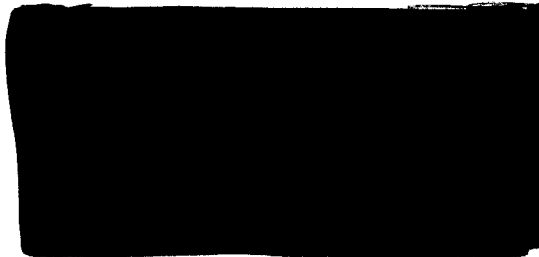
The Presiding Officer read the post-Administrative Review Board instructions to the detainee and adjourned the open session of the Administration Review Board

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.



ISN 1094
Enclosure (5)
Page 23 of 23

UNCLASSIFIED//~~FOUO~~

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Honourable Members and Presiding Officer

OARDEC, Department of Defence,

US Naval Base Guantanamo Bay, Cuba

REFERENCE: YOUR NOTICE DATED NOVEMBER 29, 2006.

SUBJECT: ARB SESSION 2006.

Honourable Sirs/Madams

With reference to your above notice, I would like to submit my humble submission as follows:-

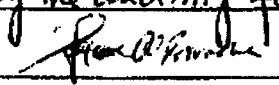
I am a businessman, citizen of Pakistan, was born on August 17, 1947 in Pakistan. I have been operating my businesses from Karachi - Pakistan, since 1986, details are as follows:-

International Merchandise (Pvt) Ltd, Chairman, Board of Directors
Partnership with CHARLES ANTEBY, American, White, Jewish, 50%
Commission Agent - Buying House - Garments from Pakistan for US Buyers
Executed about US\$ 100,000,000 (Hundred Million) from 1993 - 2003

Contributed to US Federal Exchequer approximately US\$ 20,000,000 in duty.

Universal Broadcasting (Pvt) Ltd, Chairman, Board of Directors
Television programs production, owner of a modern well equipped studio.

Produced more than (500) five hundred programs (Religion, Current affairs and Entertainment). 100% share holding by me and my family members.


Detainee's Signature

Dec 07, 2006
Date

UNCLASSIFIED

EC-C 3
Page 1 of 11

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S.S.A. Associates (Pvt) Ltd. "CLIFTONIA". Chairman. B.O.D.
Real Estate developer (332 Apartment at the Beach), Multi-Million \$.
Abscon Industries Ltd (Public Company quoted in Stock Exchange)
Chairman, Board of Director, major share holder & underwriter.
Industrial Unit, Manufacturer of Bags, Worth over Pak. Rs 200,000,000-00
Council of Welfare Organisation, Chairman, Board of Trustees.
Charitable for poor in the field of HEALTH, EDUCATION, JUSTICE & Food.


These businesses had hundreds of employees in Pakistan, where unemployment was quoted 65%, Literacy rate 27% (read & write), GNP \$ 600. Collectively all four business together were no less than one of the US fortune 500 companies, in Pakistan, with Pakistani standard.

My Education: Primary school, small, remote village, no electricity, no civic facilities at all. No class rooms, no furniture, no paper books or note books. Open air jute mats on earthy floor. Wooden & Metalic slates with bambo-pen ink & lime white stick for blackslab.

High School, College & upto University in Karachi University.

SYSTEM DESIGN & SYSTEM ANALYST - New York Institute of Technology.

Business career started from New York, when Pakistani community was rapidly growing. Pan Am and Pakistan Air had weekly flights from JFK to Karachi. So I started with a


Detainee's Signature

Dec 07, 2006
Date

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EC-C 3
Page 2 of 11

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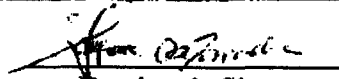
Travel Agency as an ethnic business, I opened other branches in Chicago, San Francisco and Washington D.C.

In 1980, another business I started called Third World Broadcasting, 90 minutes weekly - TV program, recording in local studio in Manhattan and Telecasting on Channel 47 WNTU, NJ covering Greater Metropolitan Tri-State (N.Y, NJ, Connecticut) area. Airline (Pakistan), Banks, restaurants were advertisers.

A Real Estate property of 29 Garden Homes, purchased in Queens, New York.

DAWN - weekly newspaper in English for Pakistanis widely circulated by US ports through out USA & Canada.

With this background, I would reply now with reference to 3(a)1. Pakistan and Afghanistan had diplomatic relationship during TALBAN Government and there are no restriction to visit Afghanistan. Pakistan Rice Exporters Association requested me to lead a business Delegation, there were many Pakistanis from all over Pakistan in this Delegation and most of them were not even known to me. Since I was leading this Delegation I was introduced to all member and there was a well known religious leader from Karachi, his name was Maulana MAZHAR, he was scheduled to ^{meet} USAMA with his followers,


Detainee's Signature

Dec 07, 2001
Date

UNCLASSIFIED

EC-C 3
Page 32 of 11

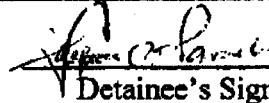
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he extended me an invitation to join him in the meeting, I accepted and I was among about 18 people to meet USAMA and it was not an exclusive meeting but I was among audience in Kandhar. I introduced him my organization Universal Broadcasting and I proposed him to record programs in English based on Quranic verses, for example what does Quran say about CHRIST (PBUH), about MARY, Abraham, Moses. These are common holy personalities between Christians and Muslim. His reply was he will think about it. All major network like CBS, ABC, NBC, BBC and CNN, they have been doing with USAMA and all kind people around the world.

With reference to 3(a)2. As I have stated above I did not know members in the Delegation, nor I selected people to travel to Afghanistan, I don't know any terrorist facilitator.

With reference to 3(a)3. International Merchandise (IMG) is a buying house, Garments from Pakistan - USA buys textile Garments around the world, and every country ^{USA} allocates Textile Quota. That ^{Country} auctions Quota to Garment factories. Then that factory makes that shipment. IMG never manufactured Garment, never acquired Quota from Government of Pakistan, never exported Garments. We were


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Dec 07, 2006
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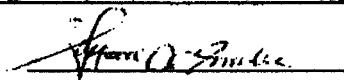
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Page 4 of 11

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only conducting business on the commission. I have been extensively interrogated and investigated around the world by Mr. Thomas Fitzgerald, Miss Janella Miller and their associates, they also had meeting with Charles Anteby on the detail activities of IMG, it will confirm my statement.

With reference to 3(a)4. Enclosed please find Attachment #1 and Attachment #2. These statements were submitted by US Govt. to US District Court, Southern District of New York. Attachment #1 is the statement by AMMAR AL BALUCHI, who is in American custody, he must have been thoroughly investigation, under very difficult situation, which clearly says I did not know real identity of Ammar Al Baluchi. I have always denied to all interrogator for last 41 month any information about Ammar al Baluchi affiliation with Al-Qaida or Taliban. This statement also confirms that I did not know KHALID SHAIKH MOHAMMAD real identity or his affiliation with Al-Qaida or Taliban. Attachment #2 is the statement of MAJED KHAN, who is in the custody of USA. He must have been extensively interrogated under very difficult circumstances. He had clearly stated myself and my son Uzair had no information about Al-Qaida affiliation of MAJED KHAN or Ammar Al-Baluchi and Khalid Shaikh Mohammad.


Detainee's Signature

Dec 17, 2006
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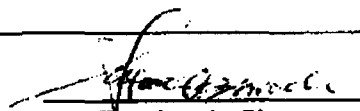
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EC-C 3
Page 5 of 11

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Khalid Mohammad Shaikh introduced himself to me as Mir with identification card issued by Pakistan Government, he claimed to be an agriculturist with large land holding in Nawaz Shah up-country about 500 miles away from Karachi. His dress was Pakistani, spoke fluently Urdu (Pakistan's national language), ate regular Pakistani food, used to offer regular muslim prayer, there was no reason not to believe him, he wanted to buy a house in Karachi in my neighborhood where I live, one day in his car I showed him area where my house is. It is a very common courtesy to help stranger in his kind of need. Similarly Ammar Al-Baluchi claimed to be a agriculturist from Baluchistan (A province of Pakistan), I also have his identification card of different name issued by Pakistan Government, similarly he spoke Pakistan language wearing Pakistan dress, eating manners like Pakistani and was regularly offering his prayers. I had every reason to believe him, I provided him local newspaper to select a house to rent in the area where my office was located. To the best of my information neither Khalid bought any house nor Ammar rented any place. And I have no knowledge of any Al-Qaida family or a safe house.


Detainee's Signature

Dec 07, 2006
Date

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EC-C 3
Page 6 of 11

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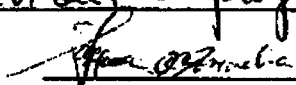
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With reference to 3(a)5. In IMG I was Chairman, living in Pakistan and also conducting other businesses. I am not aware of any shipping regulation of United States at all. The only thing I remember that after 9/11, ships were taking two extra days, because US authority's inspection, this information was given to our office in Karachi by Charles Anteby from New York, which we conveyed to all concern factories. I even don't know who had this information from me or our staff in Pakistan.

With refer to extremist cause, I do not know what extremist cause is, but I am very sympathetic to poor, helpless and to just cause.

With reference to 3(b)1. Pakistan got its independence in 1947, has 140,000,000 population, it is a developing country, its position is similar to ISRAEL among Arab countries with India. Since 47 Pakistan and India had 3 major wars, infra structure is not developed properly. It is a CASH culture country. Banks were nationalised in early 1970's. De-Nationalisation process has started, private bank are allowed to operate. Corporate banking is popular, consumer banking has ^{also} started, but public don't ^{have} money to deposit. Our Companies accounts are with a new bank near our office called Metropolitan Bank, all our employees accounts are


Detainee's Signature

Dec 2, 2006
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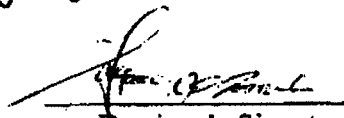
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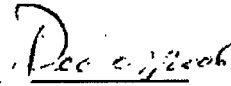
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already in this bank. We have ^{US} 10,000,000 running credit line with bank, bank always tries to oblige us, in return we have been promoting this bank among relatives, friends and business associates. Khalid Shaikh wanted to open an account in this bank, all formalities were duly fulfilled and he established an account under his name, to the best of my information there was no false motive about this account, as I remember he deposited about U.S. \$ 20,000.00. in his account. I am not aware of any investment of US 20,000.00.

With reference to 3(b)2. Our studio is well equipped, we make our programs, we rent out studio on 8 hour shift basis, we rent out ^{Cameras} cameras and other equipment for out door recording. Once Ammar Al Baluchi wanted to test and try our studio and equipment, recorded some discussion program, which we allowed. I have no knowledge of any video of Al. Baida or I don't have any network nor Usama gave me any information on videos.

With reference to 3(b)3. My son has been sentenced by US District court for 30 (Thirty) year, I have no comments on this issue until appeal's judgement.


Detainee's Signature


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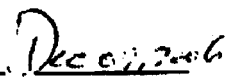
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Page 8 of 11
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^c
With reference to 3151. After my first visit to Afghanistan, I diagnosed the problem and thought of a solution. I prepared a detail letter addressed to all US Congressman, Senators, Cabinet members, President and Senior President Bush. My request was to pay attention to Pakistan and Afghanistan, in economic and political assistance. And I also proposed to use Pakistan Army in the middle east as peace keeping force. In the past it was done in Somalia. In this proposal I was thinking for American Army safety and putting Pakistan Army at risk, I have already submitted this letter. On this issue a ^{Nuclear} Poly GRAPH test was taken on me in about March 2004 in Afghanistan, and I was told I cleared that test. On the contrary an interrogator from FBI, I was told his name [redacted] in April-May-June 2004 in Afghanistan, he told me that USA should use nuclear weapon in bordering city of Afghanistan called Quetta, ^{Pakistan} to destroy, where mujahideen are coming, my reply to him was that US is a responsible country, it does not worry me, but problem of India and Pakistan is very serious, but these countries are nuclear power. I cannot think any human soul


Detainee's Signature


Date

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Page 9 of 11

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Suffer that agony of nuclear death, I deny that statement.

With reference to 3(C)2. As I have already indicated that I am a businessman, do business and trying to help my country in Schools, Hospital, Justice and food support. In this connection, after extensive interrogation by Mr. Thomas Fitzgerald, Miss Janelle Miller and DOD representative met me on Dec 20, 2004 and told me, that I never funded TALBAN or Al-Qaida and I am not a threat to American and American interest in the world. Last year in ARB session I wanted to see those significant intelligence documents, still I am waiting. The only thing I can think of is my radio electronic diary, which was many time investigated by various agents, if there are any question, I am ready to reply.

With reference to 4(a). One of our speciality in T.V. program production is RELIGIOUS programs, we have trying to make it interesting with positive message. A well known scholar from Washington D.C. Mr. Yusuf Estes visited Karachi - Pakistan, we recorded 26 programs in English, these programs were telecasted in Europe and North America, they were very popular among

[Signature]
Detainee's Signature

Dec 27, 2006
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BC-C 3
Page 10 of 11

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muslim community. I conducted this program, one C.D. was submitted to ARB board during 2005 session, specially on the issue of terrorism. I request board to view this C.D. for their own judgement. An other scholar from Britain Mr. Katzstein now known as Mr. Yusuf Islam, we were in the in the planing stage to record programs in London or New York with British or American audience. All our programs were non-controversial and non-comparative to other religion. Furthermore a Pakistani delegation from Government visited me here and stated Pakistan Government is ready to accept me, so I have no problem to go back to Pakistan and join my family and re-start my businesses, and do charity work.

I further state that if I am released, I will never take up arms against US or its allied forces any where in the world, nor I will associate myself to any individual or group of people in arms conflicts with US and allied forces.

I hope and pray for positive recommendation and my release from here to Pakistan.

Thank you for this opportunity for this session.


Detainee's Signature

Dec 03, 2006
Date

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EC-C-3
Page 11 of 11
00002882

Statement of Ammar Al Baluchi

Attachment #1

08/15/2008 14:13 FAX 212 964 3320

LAW OFFICES

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The person known to Uzair Paracha as "Mustafa" is reported to have stated as follows:

- "Mustafa" met with Saifullah Paracha's son, Uzair Paracha, a total of four times, all while visiting Saifullah Paracha at Saifullah Paracha's house.
- Uzair Paracha was totally unwitting of "Mustafa's" Al Qaeda affiliation, or of "Mustafa's" intention to use Saifullah Paracha for the broader operational plan involving Majid Khan. Uzair Paracha knows nothing about operations. Neither "Mustafa" nor Majid Khan indicated to Uzair Paracha at any time that they were mujahidin or Al Qaeda. Uzair Paracha did not complete the task involving Majid Khan.
- Saifullah Paracha was unwittingly being used to assist in "Mustafa's" broader plan with Al Qaeda against Majid Khan. Saifullah Paracha was someone "Mustafa" used for information, but from whom he kept his Al Qaeda connections hidden. There was an operational discussion between "Mustafa" and Saifullah Paracha. "Mustafa" intentionally used cover stories and distorted truths to mask his particular interest with Saifullah Paracha during their discussions.
- Although Saifullah Paracha had a long-standing relationship with "Uzair," Saifullah Paracha did not know "Uzair's" true identity, or any other name for "Uzair." "Mustafa" did not believe that Saifullah Paracha was aware that he and "Uzair" were Al Qaeda, but "Mustafa" believed that Saifullah Paracha likely knew that "Mustafa" and "Uzair" were associated with mujahidin and could be associated with the Taliban or Al Qaeda. Saifullah Paracha did not know that "Uzair" was affiliated with Al Qaeda until the worldwide publicity of "Uzair's" arrest. Mustafa showed Saifullah Paracha the famous picture of "Uzair" after "Uzair's" capture and Saifullah Paracha was surprised to learn that "Uzair" was as important a man as he was. At the time of "Uzair's" arrest, Saifullah Paracha probably knew of "Mustafa's" Al Qaeda affiliation.
- Because Saifullah Paracha had never been properly vetted, he was never tasked by Al Qaeda (i.e. "Uzair" or "Mustafa") to do anything for them. Saifullah Paracha was only a businessman who was sympathetic to the mujahidin. Saifullah Paracha has no relation to this business, i.e. Al Qaeda.
- "Mustafa" was not aware how "Uzair" knew Saifullah Paracha, or if Saifullah Paracha had ever met UBL.

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STATEMENT OF MAJEED KHAN

Attachment #2

08/19/2008 14:13 FAX 212 904 2886

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Majeed Khan is reported to have stated as follows:

- He did not know of any funding or investment "Mustafa" gave to Saifullah Paracha.
- He had no knowledge of Saifullah Paracha's company, the plan to smuggle chemicals or explosives via the Parachas, or other resources that might be attractive to Al Qaeda.
- No compensation was given to Saifullah Paracha in return for Saifullah Paracha arranging for Uzair Paracha to assist Majeed Khan with Majeed Khan's immigration matter.
- He had no Al Qaeda contacts in the United States.
- None of his contacts were aware of his gun station attack plan or any other actions he might have taken on behalf of Al Qaeda.
- He assessed Uzair Paracha was willing to help a fellow muslim at his father's request, and that Majeed Khan knew of no other motivation for Uzair Paracha's assistance. He did not assess Uzair Paracha as being suitable for any other assistance to Al Qaeda besides helping with Majeed Khan's documents at the time. Uzair Paracha volunteered that he wanted to spread Islam through media.
- He thought Uzair Paracha was a good person who was willing to help and that Majeed Khan might have been interested in recruiting Uzair Paracha once Majeed Khan returned to the US and had time to assess Uzair Paracha. He would only give Uzair Paracha a 5-10% suitability assessment, citing the fact that Uzair Paracha had no extremist views and was not really a practicing muslim.
- Uzair Paracha was to go to the post office, pretend that he (Uzair Paracha) was Majeed Khan, and give the post office a change of address for Khan. Uzair Paracha was to deposit money in Majeed Khan's account, and later call the IRS to inquire about the travel document. All of this was to be done to lead US authorities to believe that Majeed Khan was in the US when he was actually in Pakistan. To his knowledge, Uzair Paracha did none of these things.
- If Uzair Paracha claimed that Majeed Khan sent something to Uzair Paracha, Uzair Paracha would be lying in making that statement.
- "Mustafa" was known either as Habib or Moiz to the Parachas.

It has been reported that the person known to Uzair Paracha as "Uzair" was shown a photograph of Saifullah Paracha, which was taken in the early 1970s. "Uzair" claimed not to recognize the individual in the photo.

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Summary of Administrative Review Board Proceedings for ISN 1103

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 Translator, Board Reporter, Assisting Military Officer (AMO) and Members of the Administrative Review Board were sworn.

The Presiding Officer asked the Detainee if he would like to make a statement under oath. (Muslim oath offered)

The Detainee declined taking the oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification 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 02 March 2006 and lasted 40 minutes. 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 would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it was presented. The detainee was very cooperative, attentive and cordial throughout the interview. Copies of both the English and Pashtu translated Unclassified Summary were provided to the detainee upon his request.

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

ISN 1103
Enclosure (4)
Page 1 of 11

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The Designated Military Officer stated that a copy of these exhibits had previously been made available to the Assisting Military Officer and the 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 allowing time for the detainee to provide a response after each statement.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee provided handwritten lists of names of people involved in Taliban/Anti-Coalition Movement activities and provided descriptions, locations and types of activity information on these people.

Detainee (through translator): There was a meeting in Ghazni Province. They were represented by the American campaign and I gave them these names. They said that they wanted the names of the Taliban. They wanted me to be cooperative with them so I gave them the names. The American and the governor of Ghazni said to tell the others that they used to be the Taliban, but now we want them to stay in their homes. We are not going to hurt them we just want them to be cooperative. The governor said that and I am a Muslim. I don't lie. I don't know who these people were. We were schoolteachers and we heard this from the governor.

Designated Military Officer: (3.a.2) The detainee worked in the Division of Logistics building under senior Taliban members. The detainee was originally given a job as a clerk and later he was demoted to working in the office kitchen and cleaning up around the office.

Detainee (through translator): The Taliban was governing the public by force. The organization was asking for individuals to work for them. They said either give us a person or 10 or 20 million Afghani dollars. I was a poor man and didn't have that kind of money. I had no other choice so I started to work for them. It was mandatory to spend six months working for them. They said because I was an old man I could not actively fight so you will work in the kitchen. I worked there, but I didn't know what kind of activity or administration it was. They told me, don't talk to the others and don't let people talk to you. Just keep busy with your job. Once someone asked me something and when I answered a guy came over and slapped me.

Presiding Officer: Who slapped you, a Taliban member?

Detainee (through translator): Yes. I don't know his name, but he was the boss. He said that I don't have the right to answer any questions.

ISN 1103
Enclosure (4)
Page 2 of 11

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Presiding Officer: Just for clarification, this was when you worked for the Taliban, correct?

Detainee (through translator): Yes, after they forced me to work there.

Board Member: This statement says that you were a clerk, is that true?

Detainee (through translator): No.

Board Member: If they told you to remain busy and not talk to anyone, then how were you able to produce a list describing what each of the individuals did?

Detainee (through translator): What list?

Board Member: The one that we previously talked about.

Detainee (through translator): The list was during the time of Karzai. The Taliban was gone. The governor of Ghanzi and the Americans were in place.

Board Member: How were you able to know enough to make the list?

Detainee (through translator): Yes, I worked and took notes. They told me that because I was a teacher, I needed to cooperate.

Designated Military Officer: (3.a.3) During the Ramadan period of 2001, the detainee traveled back to Iran to work in construction. The detainee worked in Iran for about six months before returning to Afghanistan. When the detainee returned from Iran, he went back to work at the Ghazni Police Department.

Detainee (through translator): The Taliban forced me to work. I told you this was all [by] force. I ran away from them and went to Iran and when I came back they were gone. When I came back from Iran it was a Karzai government.

Presiding Officer: How long did you work for the Taliban? Here it states that you were only gone for six months.

Detainee (through translator): Three months and then I ran away.

Presiding Officer: Three months, then you ran to Iran for six months and came back and they were gone?

Detainee (through translator): Yes.

Board Member: Where in Iran were you working?

ISN 1103
Enclosure (4)
Page 3 of 11

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Detainee (through translator): Sharaz Construction Company. We carried mud on our shoulders to the buildings.

Presiding Officer: Can you spell the name of the construction company?

Translator explained that the name of the company is the Pashtu word for construction.

Detainee (through translator): It was not a real company. If someone was building a house they would take laborers for the day to help.

Board Member: What kind of building did you help construct?

Detainee (through translator): A house.

Board Member: Did you take your family with you when you ran away?

Detainee (through translator): I couldn't afford, it I had a big family. They needed rent money and money for the bus.

Board Member: Would the Taliban threaten your family since you ran away?

Detainee (through translator): Yes. They went to my children and asked for ten million Afghani dollars or give us the guy; or give us someone else. They just needed a person.

Presiding Officer: So your family had to produce someone in your absence?

Detainee (through translator): They couldn't find anyone. They came to my family and said that we know who he is. He is a British teacher.

Presiding Officer: Who took care of your family while you were in Iran?

Detainee (through translator): Nobody. I have two wives and I was sending money from Iran.

Designated Military Officer: (3.b) Training. The detainee indicated that he had fired a Kalashnikov and a shotgun and fought five to six years in the Mujahedin.

Detainee (through translator): My two brothers were murdered during the time of the Mujahedin. They came to me and told me to give them ten million Afghani dollars or work with us. I ran away from them. My brothers did not work for them either. The Russians in my house killed my brothers.

Presiding Officer: I appreciate your cooperation with us today. The information we are making known to you in this unclassified summary is coming from reliable sources. I would just appreciate your honesty in telling us what you know. At some point you gave an interrogator or someone the impression that you had fired a Kalashnikov and a

ISN 1103
Enclosure (4)
Page 4 of 11

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shotgun and that you fought with the Mujahedin for five to six years. I would appreciate your honesty and you being upfront with us when answering these questions.

Detainee (through translator): No, I was never with them. They captured me by force once and I ran away from them. I gave them ten thousand Afghani dollars. They fined me ten thousand Afghani dollars even though I was not with them; they took it from my brother. Instead of me, they captured my brother and released him.

Presiding Officer: They released him after you paid the ten thousand dollars?

Detainee (through translator): Yes.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The detainee admitted he worked for the Taliban Minister of Intelligence.

Detainee (through translator): I have heard the name of the Intelligence Minister, but I have never seen him. I don't know if he is young, old, ugly or good-looking. I haven't worked for him and I am not going to work for him.

Presiding Officer: You never worked for the Ministry of Intelligence?

Detainee (through translator): No.

Board Member: Not as a clerk or a cook?

Detainee (through translator): Yes, I was a cook. I didn't know that it was for the Ministry of Intelligence. They took me by force and I worked as a cook, but I don't know which department it was.

Presiding Officer: So it's possible that you worked for them but you didn't know.

Detainee (through translator): No, it was not the Ministry of Intelligence. I never saw him.

Presiding Officer: We are not saying that you saw him; it just says that you worked for that department.

Detainee (through translator): No, I didn't work for them.

Presiding Officer: What department did you work for those three months?

Detainee (through translator): Security. I don't know anything else, but it was for security.

Presiding Officer: I know that you are a very educated man, so it is hard to believe that you don't know what department it was.

ISN 1103
Enclosure (4)
Page 5 of 11

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Detainee (through translator): It was security. It was a very old building with no name on it. Everything was all mixed up. It was broken and destroyed.

Board Member: Where was this building?

Detainee (through translator): Ghazni Province.

Designated Military Officer: (3.c.2) The detainee was captured with a fax from a newspaper in Iran. The fax was requesting that Qari (Ahdmedullah) interview Usama bin Laden and included a list of questions related to 11 September 2001.

Detainee (through translator): I am not aware of the fax. I am not aware of Qari Ahdmedullah. I admitted to these things because in Bagram they beat us with a cable until we admitted to them. I was beaten. I am not aware of anything. I was a teacher and they brought me to this job.

Presiding Officer: This statement does not refer to something you said, it refers to something that was found on you.

Detainee (through translator): No, they didn't find any paper in my house. Maybe my enemies brought it to my house. When the Taliban was running away I was in Iran. They came to my house and left weapons and papers. They said they would come back. When they were running away it was raining and there was a lot of mud in front of my house. Their car or jeep got stuck and their papers got wet. So they brought it to my house and said if you don't keep this we will kill you. We will come back for it. Yes, that is what was at my house. I am not aware, but I was in Iran. I have a document that shows that I gave the weapons to the government. I told the government that the Taliban left some papers in my house and he said the Taliban are gone. The papers are useless. I am not going to lie to you. I am a Muslim. So if you found a paper that was probably it.

Presiding Officer: Earlier you mentioned something about being beaten with a cable, who did that?

Detainee (through translator): There was a tribe in central Afghanistan we call them the Hazari. They look oriental [Asian]. They covered their faces and beat me. I heard the language they spoke and it was Hazari. Maybe they were soldiers, but I don't know if they were Americans or Afghans or soldiers. They also spoke English and Farsi. I still have pain in my back that I take medicine for. I have had x-rays taken three or four times. I still get dizzy. They put a very large bag or sack of mud on me. They were not ashamed of my grey beard.

Presiding Officer: Was this before or after you were captured?

Detainee (through translator): When they captured me, why did they beat my wives?

ISN 1103
Enclosure (4)
Page 6 of 11

UNCLASSIFIED//~~FOUO~~

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2888

UNCLASSIFIED//~~FOUO~~

Presiding Officer: We are trying to find out about you. With regard to this cable, I am guessing you were beaten on your back. Who's possession were you in when this happened?

Detainee (through translator): When they captured me from home, they took me to Gardaz and then from Gardaz to Bagram. In both places they beat me.

Presiding Officer: Do you know what kind of troops they were?

Detainee (through translator): The soldiers came ten times a day. There were all kinds of people. How would I know which ones they were?

Presiding Officer: Did you tell your ARB this last year?

Detainee (through translator): Yes, I told them. I had a small tape recorder and they took that. I pawned my land to pay them. I know the American people don't take money so it must be someone else. I am an old man, [a] poor man. I was a teacher in Karzai. I was not against them. The American people came and brought religious things trying to get us to convert to Christianity. The Taliban found out and said they would kill us if we converted.

Board Member: Do you understand that the fax was found on you when you were captured?

Detainee (through translator): What is a fax, is that a weapon?

Presiding Officer: No, the newspaper [article] that was on you.

Detainee (through translator): No, I swear it was not on me. I am not aware of the fax. The things that I have seen and heard, I have already explained to you.

Presiding Officer: The only time you were beaten was when you were in Gardaz and Bagram?

Detainee (through translator): Yes, they beat me with a cable and brought a dog. They beat me until I said yes to their questions.

Presiding Officer: After Bagram, there was no more abuse?

Detainee (through translator): No, I was not beaten but I spent 18 months at Camp V. They made me sit in cold weather for eight to twelve hours. I worked for the Taliban government and the Karzai government. You captured me because I am an Afghan or a Muslim, but I haven't done anything. I was teaching the children under the tree. The Americans came and helped build a school and brought medicine. I took pictures and cooperated with the new government.

ISN 1103
Enclosure (4)
Page 7 of 11

UNCLASSIFIED//~~FOUO~~

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2889

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The detainee has made several trips to Iran using three different routes.

Detainee (through translator): One time during the time of the Mujahedin I ran away and went to Iran, and once during the time of the Taliban. Is that a crime?

Presiding Officer: Each time did you go a different way?

Detainee (through translator): Yes, I went from Iran and once Nimrose because I was traveling illegally. Is that a crime?

Designated Military Officer: (3.d.2) The detainee was captured in July 2003. A search of his property turned up two Kalashnikov magazines, two grenades, a high frequency radio, small amounts of ammunition, a canister with Cyrillic writing on it suspected to be uranium and an electronic organizer.

Detainee (through translator): I only had one shotgun. The other things were not in my house. I just had one shotgun.

Board Member: You mentioned that some men got stuck in a jeep and left some things at your house, what were they?

Detainee (through translator): I haven't seen the things. The things that were in the jeep we gave to the government. There were two Kalashnikov rifles and the receipt is in the papers. I told them I was a teacher not a fighter, I teach children.

Presiding Officer: Was that when you returned from Iran after six months?

Detainee (through translator): Yes.

Board Member: Was the electronic organizer yours?

Detainee (through translator): My old associate was with the school. I don't know what that is.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The detainee stated he has not been associated with the Taliban since his conscription first ended.

Detainee (through translator): Yes, they made me work for them for three months. I ran away after three months.

Designated Military Officer: (4.b) The detainee stated he never plotted against Coalition forces or the new government in Afghanistan.

ISN 1103
Enclosure (4)
Page 8 of 11

UNCLASSIFIED//~~FOUO~~

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2890

UNCLASSIFIED//~~FOUO~~

Detainee (through translator): You have a lot of doctors. Ask them how many nerves are in the human body. Not one of my nerves was thinking about being against the Americans or the new government. I was working for the government and the Americans helped me.

Designated Military Officer: (4.c) The detainee's surviving brother lived in the same house as the detainee and works as a clerk at the Khowgazni Electrical Cooperative for the new government.

Detainee (through translator): Yes, my brother works for the government. I do too. But I haven't been in contact with him in the last 25 years. His house is far away from my house. We both worked for the government. If you release me I will stay at home. I will have my wives beg for food. I will tell my children not to go to school. I went to school and I was put in jail. So if you don't go to school you will not be put in jail.

Board Member: Is your brother taking care of your family?

Detainee (through translator): No.

Board Member: When you ran away to Iran did he take care of your family?

Detainee (through translator): No he didn't help me. He pawned my land for me and gave the money to my family. That is all he did for me. It was my own land. I don't know if my wife is begging or if she has anything to eat. Americans don't step on human rights. Why did they beat up my wife?

Presiding Officer: Have you received any correspondence from your family while you have been here?

Detainee (through translator): Only once.

Presiding Officer: How long ago?

Detainee (through translator): Eight months ago.

Board Member: Was that from one of your wives or your brother?

Detainee (through translator): My brother sent it to me.

Presiding Officer: Did he tell you about your family to reassure you things were okay with your family?

Detainee (through translator): No.

Presiding Officer: Have you corresponded with them?

ISN 1103
Enclosure (4)
Page 9 of 11

UNCLASSIFIED//~~FOUO~~

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2891

UNCLASSIFIED//~~FOUO~~

Detainee (through translator): Yes, I have written a lot.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

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

The Detainee made the following statement (through translator):

I am a very poor man. I am a teacher. In the camp, the doctor orders special food for me because of my teeth. They didn't bring it, so for six days I barely ate anything. I never had any conflict with any soldiers in the camp. I have been a very good man. I have my high school diploma and proof that I have higher education. The Taliban captured me and said that I was a son of an American. The Americans captured me and said that I am Taliban. I don't understand. You know what you are going to do. I was not coming because I knew that you would make whatever decision you wanted. I came just to express my statements and let you know what I think.

The Assisting Military Officer had the following questions:

Assisting Military Officer: What record of behavior have you exhibited while you were here as a detainee?

Detainee (through translator): You can ask the soldiers and the people that have been in touch with me. All I have is my bed, bathroom and my book.

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

Detainee (through translator): If I am released I will go home and stay with my children. If the Karzai government will give me a teaching job, I will teach. Otherwise, I will be a farmer.

Assisting Military Officer: Explain why you are not a threat to the United States or its allies.

Detainee (through translator): If someone helps you and doesn't hurt you, why would you want to be a threat to them? The Americans helped build up the roads and the country. The interrogators tell us that they are developing the country. I would not be against them.

ISN 1103
Enclosure (4)
Page 10 of 11

UNCLASSIFIED//~~FOUO~~

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2892

UNCLASSIFIED//~~FOUO~~

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

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

Presiding Officer: Do you have anything else you would like to present or add?

Detainee (through translator): I have been brutalized and oppressed. I swear, they brought me here but I am innocent. If I had anything to do with these things I would not be unhappy. I am innocent. They tortured me a lot. I have small children.

Presiding Officer: Since Bagram, have you been brutalized or tortured?

Detainee (through translator): No, not since Bagram I haven't been tortured or brutalized.

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



ISN 1103
Enclosure (4)
Page 11 of 11

UNCLASSIFIED//~~FOUO~~

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2893

Summary of Administrative Review Board Proceedings for ISN 1119

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 wished 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 Enemy Combatant Notification 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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee's ARB interview was conducted on 4 April 2006 and lasted 60 minutes. After reviewing the ARB's purpose and procedures, the Pashtu translated version of the Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative and attentive throughout the interview. At the conclusion of the interview, a copy of the Pashtu translated Unclassified Summary of Evidence was provided to the detainee upon his request.

ISN 1119
Enclosure (5)
Page 1 of 16

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 Terrorists 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 the 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.1) The detainee was a member of the Hezb-I-Islami Gulbuddin for 10 years.

Detainee (through translator): That is a mistake; sometimes the Americans say 15 and sometimes they say 10. During the time of war America was giving assistance and help. They made people join different organizations if we wanted to get the rations from Pakistan. That is why you had to have identification from an organization to get the rations. They gave the rations directly to the leadership. We were compelled to have identification cards from one of the organizations because if we did not, no one would help us. Americans were giving help to the Afghan refugees and the groups delivered it, but you had to have identification. They gave us cooking oil or flour. The card I had, almost two million refugees had it; so if that is a crime, two million other people are criminals. The biggest organization was Hezb-I-Islami and they got the most assistance from America. We did not have a membership, but we had to have identification so we could get rations.

Board Member: So, you say we have wrong information regarding how long you were a member of the Hezb-I-Islami. Please be honest and set the record straight and tell us how long you were in the organization.

Detainee (through translator): I was a very young boy when the Taliban came. I did not join them. The elders collected rations for us. I had the same ration card from when I was a young boy. I don't know the time because Afghans don't keep time, not even our birthdays. Before the Taliban came, I collected rations with the identification card.

Board Member: Did you have the identification card when you were captured?

Detainee (through translator): No that was a very long time ago. The card was so the

ISN 1119
Enclosure (5)
Page 2 of 16

Pakistani police would not bother us. When we moved back home from refugee status, we destroyed the cards.

Designated Military Officer: (3.a.2) In November 2001, the detainee attempted to recruit and organize supporters for the Shah and Mahaz-e Melli in Kabul. The Northern Alliance arrested the detainee because of these efforts; however, the detainee escaped.

Detainee (through translator): Yes, there was no security. Nothing was in order so the international support was for the King. We were trying to bring unity and a national government. So we tried to recruit people that would support the Shah who was the ex-King. We were trying to bring order in the international community and the Americans were supporting Zahir Shah. The Northern Alliance told us not to do this because they are westerners. They captured me and I ran away from them.

Board Member: How did you escape?

Detainee (through translator): They did not put me in jail for more than an hour. They asked me why I was supporting Zahir Shah. I told them that Zahir Shah was a national figure. I don't work in the name of Hezb-I-Islami or Taliban. I just want the nation to come together. If you say I am Mujahedin then the country will be in conflict again. I told them I wanted national security and a national government. They asked me to come and work for them. This lasted for an hour.

Board Member: How did you escape?

Detainee (through translator): Would you like me to tell you the same story again?

Presiding Officer: So that is your explanation for your escape, after an hour you decided to work for them?

Detainee (through translator): No, I ran away from them.

Board Member: Did anyone help you?

Detainee (through translator): The high-ranking people brought me there [to a military area] and said I was their guest and they wanted to talk to me. The rest of the group did not know they were going to put me in jail. After an hour, they asked me to work for them. I told them no, and they said I was under arrest. I told them that we should all work for one person, a national person so the whole country can join together. I work for the security of the country and not for you. They told me that if I did not listen to them the Minister of Defense, Faheem, would arrest me. They brought me to a room that had another room behind it. My two friends were sitting in the doorway of the other room. I told them I needed to talk to my friends. I wanted to tell them I was under arrest so that they could let my family know not to worry. They allowed me to talk to my friends and the people that were asking me questions

ISN 1119
Enclosure (5)
Page 3 of 16

moved to another room. The soldier thought I was still a guest. He did not realize I was under arrest. He [the officer] excused himself to go to the bathroom and told me to go talk to my friends. When he left the room, I went outside. There was a taxi outside and I jumped in and ran away. When the guard came back they arrested my friend and asked where I had gone. They explained to my friend that I was not under arrest, but I actually was. I went to the Zahir Shah and told them what happened. The Zahir Shah told me to stay out of the way because the others would be out of power slowly. I lived in Kabul in a house and that was [in] the area of the Zahir Shah. I was not in any danger. They started propoganda against me accusing me of working for al Qaida and Hezb-I-Islami and not Zahir Shah. The Americans came and they told them that I worked for the same [al Qaida and Hezb-I-Islami] and they captured me. When I was arrested, I asked them if they had documents to prove the allegations or if it was based on what they said about me? If it was based on what the people said, they only said these things because they are my enemies. If you have documents against me, please show them to me. Even the statements that you are reading to me are contradictory. In one statement you say that I have been with Hezb-I-Islami and then you say that I am with the Taliban. If you work for one group you are not accepted into the other. If I were with the Taliban, Zahir Shah would not accept me. You then say I work for al Qaida. How can I work for al Qaida if I work for the Taliban? How do you think one person can go all over and work for all these groups? It appears that any group the Americans don't like, I am accused of being a part of that group. Iran is America's enemy and now they accuse me of that, too. Taliban is an American enemy and now I am accused of being a member. Hezb-I-Islami and the Americans were friends at one point. The Americans provided assistance so I was there and received help.

Presiding Officer: We understand the Americans provided help at one point.

Detainee (through translator): You were helping to build that organization. Another statement claims that I was assisting the Taliban, but they are the ones that put me in jail. How can I cooperate with my enemies?

Board Member: Don't the Taliban and al Qaida work together?

Detainee (through translator): I can't give you definite information because I was not with the Taliban or al Qaida. During the time of the Taliban, Usama bin Laden was in Afghanistan and they were together. So it looks as though they were together. Everyone in Afghanistan knows that the Arabs and the Taliban are together.

Designated Military Officer: (3.a.3) The detainee was arrested by the Taliban and placed in jail due to his affiliation with the Hezb-I-Islami Gulbuddin. He spent 23 months in jail before escaping to Pakistan.

Detainee (through translator): I spent 18 months in jail. It is possible the translator made a mistake. Yes, this accusation is true. Someone told the Taliban that I worked for Hezb-I-Islami and the Taliban put me in jail for 18 months.

ISN 1119
Enclosure (5)
Page 4 of 16

Board Member: How did you escape this time?

Detainee (through translator): I dug a hole in the jail. If you want, I will tell you the whole story.

Board Member: Did anyone help you escape this time?

Detainee (through translator): I was staying in a room with three of my friends. We noticed the security of the Taliban was not very good and so we took advantage of the situation. We dug a hole from the room and ran away during the night.

Designated Military Officer: (3.a.4) The detainee secretly recruited and organized members of the Mahaz-e Melli group. Consequently, rumors were spread throughout Kabul accusing the detainee of being involved with the Taliban and al Qaida.

Detainee (through translator): The Northern Alliance spread that rumor. They said I worked for Hezb-I-Islami and al Qaida.

Presiding Officer: Did you recruit and organize members of the Hezb-I-Islami?

Detainee (through translator): I was just spreading the word. Abdul Raheem Wardak is the Minister of Defense for Afghanistan right now. He gave me money and telephones, then told me to go to the Northern Alliance and tell them to join us. I was just a messenger. I was working for the Zahir Shah. I wanted to have a good national and international government in Afghanistan.

Designated Military Officer: (3.b) Connections/Associations. (3.b.1) The Hezb-I-Islami Gulbuddin was founded by Gulbuddin Hekmatyar as a faction of the Hezb-I-Islami party in 1977. It was one of the major Mujahedin groups in the war against the Soviets and has long established ties with Usama bin Laden.

Detainee (through translator): What does this have to do with me? That has nothing to do with me. The whole world knows that Gulbuddin was the leader of Hezb-I-Islami once during the time of the Mujahedin. He is with Usama [bin Laden]. What does this have to do with me?

Presiding Officer: We understand. This is a statement more about HIG than it is about you. However, because we previously mentioned you worked for the HIG for ten years, we are trying to show a connection between you, the HIG, and what it stands for.

Detainee (through translator): During that time it was different. The people were used to working for Gulbuddin during the time of Mujahedin. Now they are ministers for the current government, the big knowledgeable minister. When he changed his direction and did a lot [of] bad things, everyone became upset with him.

ISN 1119
Enclosure (5)
Page 5 of 16

Presiding Officer: We understand that as well.

Detainee (through translator): He did very wrong things.

Board Member: When you were arrested was the HIG supporting the new government?

Detainee (through translator): Which time when I was arrested; the second time or during the time of the Taliban?

Board Member: The time that you were brought here.

Detainee (through translator): I have no idea. I was not in Kabul. I was in Iran. No one said anything about Gulbuddin coming and trying to cooperate with the government.

Designated Military Officer: (3.b.2) The detainee was captured in August 2003, in Kabul, in a home owned by an al Qaida financier.

Detainee (through translator): I keep shouting and telling them the house I was living in belonged to a person very high up in the current government. He was a representative for the people of Parwan Province. He was a commander once and now he is a big shot there. Why do they keep saying it belongs to an al Qaida financier? I could lie and say that Afghanistan was in the kind of condition that when one group leaves another comes in and occupies their houses. I could tell you the house belongs to al Qaida and they took it over by force, but it would be a lie. I could say that I rented it from somebody . . .

Presiding Officer: What is the name of the individual you are referring to?

Detainee (through translator): His name is Mullah Ezat. He was my friend and he gave me help. I was staying there and not even paying rent.

Presiding Officer: Is this the same person that you say is now a current member of the Afghan national government?

Detainee (through translator): Yes. He was against the Taliban and fought them. Before I left he was a Colonel, but I don't know what position he had. He was a commander in the Northern Alliance. He nominated himself for the election because he was a big guy. He gave me the house when I came from Pakistan. I told him I did not have anywhere to live and he let me stay there. When I brought my family from Pakistan he helped me. When they say it [the house] was al Qaida, I tell them I know the guy that gave me the house.

Board Member: Who arrested you?

Detainee (through translator): The Northern Alliance captured me first and kept me for half a day and then turned me over to the Americans.

ISN 1119
Enclosure (5)
Page 6 of 16

Board Member: Was there anyone else with you when you were arrested?

Detainee (through translator): There were other people in my house like my uncles and other family [members], but they only captured me. We had guests in our home because someone in the family [had] passed away and they came for the funeral.

Board Member: Was anyone hurt when you were arrested?

Detainee (through translator): They came at night and started shooting. I thought they were my enemies so I jumped from the window and they shot at me. Later, they told me that my son had been shot in the leg. I had a lot of enemies from the Northern Alliance and I thought they had come for me because it was nighttime. If they had come during the daytime it would have been no problem because I was at home.

Board Member: Did you know Ezat before you went to Pakistan?

Detainee (through translator): Yes. I knew him for a very long time. He was my childhood friend.

Board Member: If he is in the new government, why did he not come to your defense when you were arrested?

Detainee (through translator): He was a very big man but it is very bad when someone is captured by the Americans. Maybe he was scared because he was already nominated to represent the people and it [my capture] may hurt him and give him a bad name. Maybe he did defend me but he wasn't big enough to just release me himself. He is a big guy.

Presiding Officer: He is a big guy now?

Detainee (through translator): I have no idea now but I heard he won the election.

Presiding Officer: Have you communicated with him via mail to request his support?

Detainee (through translator): I did not write to him. He should write to me because I am in trouble. My pride won't allow me to ask him for help. He should just do [it] for me because he was my childhood friend.

Presiding Officer: Does he know you are here?

Detainee (through translator): I don't know, maybe. He should know because when I was in the Afghanistan government he came and took care of me. So if he is still coming and I am not there he should know.

Presiding Officer: In the event that he doesn't know you are here, my pride wouldn't allow me to contact him first either. However, the least you could do is tell him that you

ISN 1119
Enclosure (5)
Page 7 of 16

are here and then if he wants to help you he could. If you don't let him know, how would he know that you are here?

Detainee (through translator): Perhaps he knows and perhaps he doesn't. I cannot think straight. I am in a very, very bad situation because I have been arrested in the name of al Qaida. I have lost my mind.

Presiding Officer: We understand. However, with the situation you are in, support from somebody like your friend who is an elected official may help you. It may clear up some of the things you say are not true and support your statements to us.

Detainee (through translator): Maybe he has talked to Afghan officials but I don't know. At that time information was very bad. It was hard to realize who was wrong and who was right; who is doing good or not, but now things are getting straightened out and organized for the better. Maybe now they will start talking. When the Americans first came it was difficult to get any information because if anyone was identified as al Qaida they were captured. Now things will be different.

Presiding Officer: Now that things have settled down you may want to communicate with him and let him know that you are here and then let him take it from there.

Detainee (through translator): My case is with the Americans. I am asking you your basis for my capture. If you have any documents, records, or papers please let me know. Don't just tell me that someone told you. My case is with you. Why are you making me contact him? If you captured weapons with me and then said that I was using it against you, then that would be a correct statement. If you have any documented telephone conversations indicating that I had done certain things please show me. Even if you capture someone or arrest someone and they confess that I am a bad guy and have done anything against the Americans, let me know. I am surprised because you have asked me questions and I have answered them. It is a verbal thing. You say I am al Qaida and I say I am not. Do you have proof of anything? It is up to you to show me the proof. When the Americans come they keep telling people that if you bring us al Qaida, we will give you money. So they keep telling people the others are al Qaida.

Board Member: Was your son captured?

Detainee (through translator): I haven't seen him. They sent me a picture and told me that he is okay now.

Designated Military Officer: (3.b.3) The detainee was identified as an Iranian intelligence officer. The reliability of the source is not determined.

Detainee (through translator): Well you already answered that statement when you said, "the reliability has not been determined," so nobody knows. I am an Afghan. I am not

ISN 1119
Enclosure (5)
Page 8 of 16

Iranian. Yes, I went to Iran because I had no other choice. I went there and worked as a laborer to provide [for my family]. I stayed there for four months and when the Taliban got kicked out I came back. I don't think that any country would make an illiterate person an officer. I cannot read and write, how can they make me an officer? It doesn't sound right. I am a proud Afghan. In our country there are a lot of different kinds of people. The worst kinds are those that spy on their own country. When we talk to someone using bad words they ask if the person is a spy. I am a detainee here in American hands, but I am asking you to please don't insult me. If you don't have any documents about this statement and you keep asking me about it I will be very sad and it is a shame. If you have a small document regarding this statement I will not refuse. I know this hasn't come from the Afghan government.

Presiding Officer: Please let me remind you, it does state the reliability of this source has not been determined. You should realize that we understand this.

Detainee (through translator): But mentioning it makes it seem that I am a Pashtun or an Afghan because it is kind of an insult. I am an Afghan and even if the Americans paid me a lot of money, I would not sell my country's secrets to the Americans. If the Russians, Iranians or even the Pakistanis [asked] I would not sell my secrets. I am a very proud Afghan and I love my country. I work for my country.

Presiding Officer: In your response from the AMO's interview the other day, you mentioned you couldn't stay in Afghanistan because of the Taliban. You stated, "I couldn't stay in Pakistan because I dug a hole and escaped from them." Who did you escape from? It did not indicate that you were ever in jail in Pakistan?

Detainee (through translator): When I ran away from the Taliban jail I went to Pakistan. The Taliban's relationship was very good with Pakistan. They told the Pakistanis that I insulted them by digging a hole and running away. Give him back. The Pakistanis raided my home and searched everything. Fortunately, I wasn't home so I went to Iran.

Presiding Officer: Okay.

Detainee (through translator): Even for the Taliban I wouldn't do these things.

Presiding Officer: At this point, just understand we do not have any reliability from the source that gave us this information.

Detainee (through translator): That is not a good thing to say.

Board Member: Were there many Afghans with you in Iran?

Detainee (through translator): Yes. In Iran, during the time of the Soviet Union a lot of Afghans went to Pakistan and Iran. Approximately three to four hundred Afghans are in Iran.

ISN 1119
Enclosure (5)
Page 9 of 16

Board Member: You mentioned that Hekmatyar Gulbuddin is in Iran now.

Detainee (through translator): Yes. It was a rumor because his relationship with Pakistan soured. His relationship was not good with the Taliban, so it was rumored that he was in Iran. Rabanni and other leaders were living in Iran. These were only rumors from other people.

Board Member: Do the leaders that you mentioned as living in Iran follow fundamentalist Islam?

Detainee (through translator): I don't know if they were praying our way or their own way. I haven't seen them.

Board Member: During your CSRT you mentioned setting up a government in Afghanistan that the United States and the United Nations were trying to put in place. The individuals in Iran were trying to assemble a more radical Islamic state.

Detainee (through translator): I mentioned during the jihad of the Mujahedin that Mr. Bush had a policy and everyone knows his policy. That is what I said during the CSRT. They were talking on the radio, among people, and in the newspaper. We listened so we knew that they were very hard going guys.

Designated Military Officer: (3.c) Intent. A source named the detainee as the commander of 30 men, with ties to the Taliban, planning an attack on an Afghan National Directorate of Security Unit near Kabul.

Detainee (through translator): Again, only a verbal accusation. Do you have any documentation for this statement?

Presiding Officer: We have a source that provided this statement.

Detainee (through translator): If you capture a member of the group that is saying this or a weapon or something that would be very nice. There may be a source. How do you know if the source is right or wrong? During the time the Taliban was in power I did not work for them. Now they have fallen apart [and you say] I am helping them now? That is not right because the Taliban is my enemy and they put me in jail. How would I work with the Taliban during this critical situation? People that mentioned their names are bad. Those words may be intelligence but do you have any documents from me because that would be better.

Board Member: Let's forget about the Taliban for a minute. Were you ever a commander?

Detainee (through translator): I haven't been with the Taliban or spent anytime with the Taliban. No, my cousin was a commander during the time of the Russians. I went with him financing things such as teas and sugar; I prepared these things after I brought them from the center of the city. I was smoking hashish so they kicked me out. I don't do these things now but I was.

ISN 1119
Enclosure (5)
Page 10 of 16

Board Member: I see from your previous testimony and from today that you supported the HIG and then you did not. At times you supported the Afghan government and then at times you have not. Have you ever supported the Taliban or believed in what they believe in?

Detainee (through translator): No, I have never been a supporter of the Taliban, 100 percent.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The detainee states that the only reason he worked for the Hezb-I-Islami Gulbuddin was that they would provide food and money for the member and their families.

Detainee (through translator): No, I only collected rations. They did not give us money. That was our right as refugees because they were receiving help from all over. Working means being a clerk or going to jihad with them. I did not do anything because I cannot read and write. I showed my ration card to receive help. Someone wrote down money but I never mentioned money. They were thieves. How can thieves give money to us? When they received money they did not give it out for 10 days, how can they give us money?

Presiding Officer: Earlier you stated you were a card-carrying member of the HIG so you could receive rations in the refugee camps. Do you disagree with this because you deny ever having worked for the HIG; you only joined to receive rations?

Detainee (through translator): I received rations and police [protection from being harassed by the police].

Presiding Officer: No money?

Detainee (through translator): No.

[The detainee spoke to the translator and asked him if he knew about those people. You should be aware that they don't give anything to people.]

Detainee (through translator): Even for the rations we had to wait for up to 20 days because it was hard for us to get them. We would come and then they would say "Not today, come back later, it is not your turn." Finally we got something [rations]. It was very hard. I was a laborer in Pakistan [and this is what I did while waiting for the rations and it was not enough].

Board Member: You said that you were young. During the CSRT process you mentioned that the adults contacted the HIG. Who in your family contacted them?

Detainee (through translator): My father was responsible for our decisions and he is now around 90 years old. The commander is my cousin and his sister is my wife, so he is my brother-in-law. These were our leaders or our elders. When I became a refugee I was 15 years old. In our culture you have no decision making abilities or authority until you are 20 years old.

ISN 1119

Enclosure (5)

Page 11 of 16

Board Member: What else did your father do for them [HIG]? Was anything else expected in return?

Detainee (through translator): My father did not go there to get a job; he is a religious cleric. He is very knowledgeable. All Afghan people respect my father. He doesn't belong to any organization. Even American political figures in Pakistan and around the world know him. He is a very old and wise man. The rations that we received were given to us out of respect for him. The other organizations helped us; such as Jamat-al-Tabligh in Pakistan. My father was a knowledgeable wise man and even Karzai knew him. I cannot say too much about my father but I can say he is a religious and knowledgeable figure. He is independent and has his own agenda. He doesn't belong to any other groups.

Board Member: He is 90 years old. Do you know where he is?

Detainee (through translator): When I was there he was in Kabul.

Board Member: Have you written to him?

Detainee (through translator): Yes, letters come from Kabul to me.

Board Member: You said that Jamat-al-Tabligh helped you in Pakistan; did you have to study with them to get that help?

Detainee (through translator): No, Jamat Islami belongs to Rabani. There were several groups Rabani, Mohammed Nabi, Sayaf, Afandi, Galani, Mojaddidi; these were the people [the heads of the organizations].

Board Member: Did you have to study Islam with them?

Detainee (through translator): Unfortunately, my father is a very knowledgeable man. I cannot read and write. I was just smoking hashish and doing things on the street. I am not a good guy. I believe in Islam and I am a Muslim and I respect it a lot.

Presiding Officer: So the reason for your illiteracy is that you did not go to school because you were goofing off?

Detainee (through translator): I made a mistake, that is my crime and I have admitted it.

Presiding Officer: Okay, because you said your father was knowledgeable and I was wondering why you said that you are not.

Detainee (through translator): I have committed a big crime and I am sorry now.

Designated Military Officer: (4.b) The detainee claimed he is friendly to the United

ISN 1119
Enclosure (5)
Page 12 of 16

States and turned to the Islamic faith as being a reason not to kill.

Detainee (through translator): I have to tell you that Muslims shouldn't hurt anyone. America came to Afghanistan because the whole country was destroyed and the system was bad. They were in Afghanistan and were going to hurt America. That is their right because America was attacked and their buildings were hit. So they had to attack and stay there. My father used to tell me about Islam. It doesn't say go and kill the infidels. It says go and spread the word to them. If they accept it and become Muslim, that is fine. If not the rest of them have to decide what they have to do. My father told me that the war is okay if someone attacks you like the Russians did and that war was okay. Any religion that attacks the Americans, it is okay for them to fight back. It was a big tragedy, so they have the right to defend and strike back. Their [al Qaida] main office was in Afghanistan. They did not come to Afghanistan and immediately start doing something. They gave us information and told us to give up the enemy and we will not hurt you. But they did not do it. The leaders are very wise and came to Mullah Omar and the Taliban said, "Give these people up to the Americans." They did not listen to the elders. Even my father told them that it was not okay to keep these people [al Qaida]. He told them if they did not want to turn them over to the Americans, at least give them to another country. Just get them out of the country [Afghanistan]. They did not listen. So they did not get out and they did not give them up and the Americans came and had no other choice but to come and get their enemy or just kick their enemy out of Afghanistan. I think America did the wise thing by bringing the whole world with them to establish a national government in Afghanistan. There was so much misery in Afghanistan. The people did not even have a piece of bread to eat. America and their allies created a situation by bringing food to the people and began establishing a kind of government. They are not going to hurt anybody because [of] their religion, they have nothing to do with religion. Besides helping, they built mosques for us. What kind of human being or ignorant person can bring a sack of flour to your front door, and then take the sack and start beating them or using a stick to beat him? Does that make sense? If he takes the sack and doesn't fight back is that the Muslim way? No way. Even if the person that assists you if they have any religion, an infidel or anything, if he helps you, you don't have the right to fight someone if they help you. I am not saying these words for you to give me a break or let me go. This is my belief. Even back home in Afghanistan I spoke with my elders and I said the same things and here with the detainees I say the same thing. They are not guilty; we are the ones that are guilty. They are not the ones to blame we are. In Afghanistan if they do not stay with their allies and the government of Afghanistan is not stable, if they leave now, much blood would run through our streams and rivers in Afghanistan. If they get out it means Hekmatyar, Gulbuddin, Rabbani, Dostum will all say they are the one, it will be a war that was worse than the time of the past.

Presiding Officer: [ISN 1119], we are starting to drift. It's nice hearing your words, but if you are finished with that comment we are going to continue.

Detainee (through translator): I want you to know I am not very ignorant. I want

ISN 1119
Enclosure (5)
Page 13 of 16

Afghanistan to be built up. These people, the leaders like Mullah Omar are very ignorant people. I don't agree with them, I won't follow and I don't believe in them. I just want my country to be built up and security and safety to be established. We are desperate for work, before we were poor [and had no work]. So instead of working for Iranians and Pakistanis, why not work for the Americans, it would be a lot better. This is my belief; the rest is up to you.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer did not read the Detainee Comments from the Enemy Combatant Election Form, Exhibit EC-B. The detainee chose to respond after each item was presented.

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

The Detainee made the following statement:

Detainee (through translator): I have already said everything. My last word that I will say is I want America and their allies to stay in Afghanistan until there is a strong national government established in Afghanistan. If I am free I will help support the government. If I am in jail I will pray for my country to be built up. This world has proved that America is a super power. They can do whatever they want and they came to my country to help us. I am backing up America and I want you [to] stay there until the country stands up on their own feet. There is a proverb in Afghan that says, "Where did you learn the wisdom? From the stupid people." I learned it the hard way from all those Mujahedin leaders. They cannot run a government. They are stupid people and they cannot do anything. I don't have anything more.

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

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

Administrative Review Board Member's questions:

Board Member: When you escaped to Pakistan or went to hide in Iran did you need or have travel or identification documents?

Detainee (through translator): No, I smuggled myself illegally. In Pakistan I couldn't get

ISN 1119
Enclosure (5)
Page 14 of 16

any documents and [in] Iran I went illegally. There are a lot of Afghans walking around in Pakistan and Iran without any documents so there is no pressure on us to get them.

Board Member: Before you were arrested and transferred to the U.S., what was your relationship to Mr. Wardock?

Detainee (through translator): It was a good relationship with him.

Board Member: Did you see him often?

Detainee (through translator): He came to Kabul once a month and I went to visit him.

Board Member: Before working with Mr. Wardock, you mentioned you had enemies with the Taliban. Why was the Taliban your enemy when they were in control of the government?

Detainee (through translator): There is a very old time ethnic hostility, a tribal vendetta. During the time of communism, most of them stayed with the communist and the rest became refugees. At the time of the organization the groups were separated. We stayed with Hekmatyar and they went with Masoud. It's kind of the whole tribe that has some hostility at the time of the Taliban. They were with the Taliban at the time of the [Northern]Alliance. This is the kind of people they are. They tried to get rid of me because I know a little bit. I know how to organize the people, take care of them, and help them out. Those sorts of things, so they just wanted [to] get rid of me. They were trying to kill one of us, our leaders, our family; it's been kind of personal it makes them feel good to kill one of us. It's a personal hostility, vendetta, and an animosity.

Presiding Officer: If you were released to Afghanistan from here, what would you do?

Detainee (through translator): If I go back to Afghanistan and see that the government has some security and things are running very good, I cannot read and write so I cannot work for the government. I will do business like buy cars, buy and sell land, and sell houses. In Kabul, business is very good right now. Everything is being built. If I were not captured [and detained] here I would make one and a half to two million dollars. I lost big money. I had a lot of land that was invaluable and worth a lot of money. Now the Americans took it. There is a lot of money in that business. It was very good.

Presiding Officer: Thank you.

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

The Presiding Officer opened the classified portion of the session.

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

ISN 1119
Enclosure (5)
Page 15 of 16

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AUTHENTICATION

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



ISN 1119
Enclosure (5)
Page 16 of 16

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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

ISN 1165
Enclosure (4)
Page 2 of 9

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)

ISN 1165
Enclosure (4)
Page 4 of 9

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

ISN 1165
Enclosure (4)
Page 5 of 9

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

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.

ISN 1165
Enclosure (4)
Page 8 of 9

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.

