

Department of Defense
Office for the Administrative Review of Detained Enemy Combatants at U.S.
Naval Base at Guantanamo Bay, Cuba
October 7, 2005

To: Khairkhwa, Khirullah Said Wali

Subject: Unclassified Summary of Evidence for Administrative Review Board in the case of Khairkhwa, Khirullah Said Wali

- 1) An Administrative Review Board will be convened to review your case to determine if your continued detention is necessary.
- 2) The Administrative Review Board will conduct a comprehensive review of all reasonably available and relevant information regarding your case. At the conclusion of this review the Board will make a recommendation to: (1) release you to your home state or to a third state; (2) transfer you to your home state, or a third state, with conditions agreed upon by the United States and your home state, or the third state; or (3) continue your detention under United States control.
- 3) The following primary factors favor continued detention:
 - a. Commitment
 1. The detainee acted as the Pashto spokesman for the Taliban from 1994 to 1999.
 2. The Taliban chose the detainee to become their spokesperson for BBC and Voice of America. As Taliban spokesperson, the detainee traveled to Chaman, Pakistan; Kandahar, Charasia County of Kabul, and Mazar-e-Sharif.
 3. While serving as the Taliban spokesperson in Spin Buldak, Afghanistan, the detainee also served as county supervisor in that area.
 4. The detainee is a former Taliban Interior Minister and was the commander of Taliban forces that took Mazar-e-Sharif in 1996.
 5. The detainee worked as a Deputy Sheriff in Spin Buldak and knew of shipments of Taliban seized weapons from Mazar-e-Sharif to Khandahar.
 6. The detainee was trusted by the Taliban to keep order in Herat and to send taxes back to Mullah Omar.

b. Training

1. The detainee received military training for a short period of time at Camp Marof, near Kandahar, when the detainee was in his teens.

c. Connections/Associations

1. As Taliban spokesperson, the detainee met many influential Taliban leaders, such as Mullah Omar.
2. The detainee was known to have close ties to Usama bin Laden
3. In 1996, the detainee attended a meeting in Kandahar. Jihad fighters, Usama Bin Laden and his guest attended the meeting.
4. The detainee was appointed by the Taliban as Governor of Herat Province for a two-year period from about 1999 to 2001. The detainee's job was to improve relations between Iran and the Taliban government.
5. On 7 January 2000, the detainee and three other Taliban officials attended a meeting with Iranian and Hizbi Islami-Gulbuddin Hikmatyar faction officials. Present at the meeting were Afghan Hizbi Islami-Gulbuddin leader, Gulbuddin Hikmatyar and Ayman Al-Zawahiri. Topics of discussion included United States intervention in the region, restoration of peace in Afghanistan and strengthening the Taliban's ties with Iran government.
6. The detainee visited Mullah Omar for the funeral of Omar's brother, which was sometime in November 2000.
7. Mullah Omar approached the detainee prior to the 9/11/2001 attacks and voiced his distrust of Hamid Karzai and Omar's concern over the detainee's relationship with Karzai.
8. In the fall of 2001, the detainee met with Mullah Omar for about 10 minutes, outside of Omar's house, across from the Kharq-e-Sharif shrine.
9. In November 2001, the detainee met with an Iranian diplomatic delegation. The Iranian government was prepared to offer anti-aircraft weapons to the Taliban for use against the United States and coalition forces operating in Afghanistan.
10. On 20 December 2001, the detainee met with Taliban leader Mullah Omar in the Rais-Baghra House in Baghran, Helmand Province.
11. When the Taliban lost control of the government, the detainee called Hamid Karzai for advice. The detainee met with one of Karzai's

representatives and discussed the new government and the detainee's future safety.

12. In early 2002, the detainee stayed at the home of Haji Abdul Bari in Chaman, Pakistan. While staying at Bari's residence, the detainee met with Abdul Manan, the Governor of Kabul.

d. Intent

1. The detainee has encouraged other detainees to cause problems, including making noise, not eating, killing themselves, not showering, and pushing the door during a search.

e. Detainee Actions and Statements

1. In 1994, when the Taliban started their rise to power, the detainee traveled from Pakistan to Afghanistan and lived in Spin Boldak, Afghanistan.
2. In 1998, the detainee shipped weapons captured by the Taliban to Khandahar, Afghanistan.
3. After arriving in Herat as Governor, the detainee spent much of his time establishing himself as the premier narcotics trafficker in the region. The detainee purchased three walled compounds in Herat and transformed these compounds into large storage facilities for opium and vehicles that would be used in smuggling operations.
4. On 25 October 2001, the detainee provided money for troops and money for fuel purchases used to send 300 men from the Taliban 17th Army Division in Herat to Sabzak Pass in Badghis Province.
5. The detainee fought against the Northern Alliance in November 2001.
6. Just prior to the day of his arrest, the detainee and his cousin crossed the Afghanistan/Pakistan border during the day on a motorcycle in an effort to avoid Pakistani roadblocks checking for identification and obtaining tools.
7. When bombing of Afghanistan started, the detainee traveled in a convoy of 10 vehicles to Arghastan. The vehicles were full of weapons.
8. In February 2002, the detainee traveled to Chaman, Pakistan.
9. During the second day in Pakistan, the detainee went for lunch to the home of Abdul Manan Niazi, the former Taliban Governor of Kabul, Afghanistan.
10. Pakistani authorities arrested the detainee when they raided the house in a search for Niazi.

- 4) The following primary factors favor release or transfer:
- a. The detainee stated upon his return to Afghanistan, he will rest.
 - b. The detainee stated if the Government is stable, he intends on being part of the government. He will grow crops and work at the bazaar.
- 5) You will be afforded a meaningful opportunity to be heard and to present information to the Board; this includes an opportunity to be physically present at the proceeding. The Assisting Military Officer (AMO) will assist you in reviewing all relevant and reasonably available unclassified information regarding your case. The AMO is not an advocate for or against continued detention, nor may the AMO form a confidential relationship with you or represent you in any other matter.



Source:

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