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Summary of Administrative Review Board Proceedings for ISN 1032

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

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

Assisting Military Officer: The Detainee's ARB interview occurred on 18 August 2005 and lasted fifty minutes. After a review of the ARB purpose and procedures, the Unclassified Summary of Evidence was read in Pashtu to the Detainee. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he wants to attend the ARB and speak on his own behalf. He also stated he would like to respond to each allegation or statement as it is presented. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence. The Detainee remained cooperative throughout the interview and was provided a copy of the Pashtu translation of the Unclassified Summary.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, DMO-2 to 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 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: Commitment, a road pass filed with the Consulate General of Pakistan gave Haji Abdul Ghafar permission to travel to Pakistan for multiple visits with Haji Abdul Satar.

Detainee: This is not true. I'm a farmer. I've never seen Pakistan...in [all of] my life I've never seen Pakistan.

Designated Military Officer: The Detainee is suspected of being Haji Satar's bodyguard and driver. It is believed that Haji Satar led a group of Taliban Forces and instructed them to kill westerners in Afghanistan.

Detainee: I haven't been a bodyguard or driver for anyone. I've never been with any group like Mujahiden or other groups.

Designated Military Officer: Mullah Satar was a leader on the ground of the group who killed the International Committee of the Red Cross worker. He was a top commander in Northern Afghanistan under the Taliban.

Detainee: I don't know Satar...I have no information about this.

Designated Military Officer: The Detainee claims he was sleeping when his wife and mother woke him to check on helicopters hovering overhead.

Detainee: I was having tomatoes, potatoes and other vegetables with my two sons. I was asleep when my mother woke me up about some noise. When I woke up there were some planes. I just walked from here to the door and I saw the plane. It was [causing] very [strong] winds. I sat down. I saw three people coming with guns to capture me...I didn't know their language...I couldn't explain to them what was going on and they captured me.

Designated Military Officer: The Detainee ran from U.S. Forces and was found hiding in a creek bed away from his home.

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Detainee: They were not that far...the helicopter was [causing] wind. I sat down. It was not a creek. It is like a flood in front of me house. I was sitting when they came and captured me.

Designated Military Officer: The Detainee claims the attack happened approximately six hours away from his village.

Detainee: The Red Cross person had been killed where? It was in Delahood (ph) village which is six hours away from my home.

Designated Military Officer: The Detainee claims that he heard about a Red Cross employee being killed and he heard that Satar was the killer.

Detainee: The interrogator told me that Satar killed the guy but I knew that the Red Cross guy had been killed. I didn't know that Satar had killed him. The interrogator told me.

Designated Military Officer: Connections and Associations, an American non-governmental worker obtained information stating that a group of sixty men attacked the International Committee for the Red Cross. The group's leaders included Abdul Hakim and Gut Mullah Satar.

Detainee: I don't know Abdul Hakim or Mullah Satar.

Designated Military Officer: Abdul Hakim issued fatwas calling for jihad against the U. S. presence in Afghanistan.

Detainee: I am not aware of that.

Designated Military Officer: Abdul Hakim delivered speeches in Shah Wali Kot in an attempt to rouse the people to action against the United States and the Islamic Transitional Government of Afghanistan (ITGA). He also hoarded weapons and ammunition.

Detainee: I am not aware of this.

Designated Military Officer: A Pashtu letter found in Afghanistan in May 2002 mentioned the Detainee's name and a person named Mullah Abdul Hakim Akhund as being connected with the International Committee of the Red Cross murder.

Detainee: I don't know Abdul Hakim and I am not aware of that story.

Designated Military Officer: Mullah Abdul Hakim Akhund is a Taliban facilitator and commander of approximately thirty people and is engaging in anti-United States and anti-Islamic Transitional Government of Afghanistan activities.

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Detainee: I don't know Abdul Hakim...who is he?

Designated Military Officer: Abdul Hakim may be a Hezbe Islami associate who traveled from Quetta, Pakistan to Kandahar, Afghanistan to recruit personnel to fight against U.S. forces.

Detainee: I don't know Abdul Hakim.

Designated Military Officer: The Hezbe Islami Gulbuddin has staged small attacks in its attempt to force U.S. troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state.

Detainee: I haven't seen the Gulbuddin and I don't know him. I've heard his name but I haven't seen him.

Designated Military Officer: Haji Satar had been killed by U.S. forces, but he was implicated in the March 2003 murder of an International Committee of the Red Cross worker.

Detainee: I don't know him.

Designated Military Officer: The group of International Committee of the Red Cross attackers consisted of Taliban and Hezbe Islami Gulbuddin personnel.

Detainee: I have no idea about this.

Designated Military Officer: The leaders of the International Committee of the Red Cross attackers stayed in caves in Takht Ghar, which are in the mountains in the Shah Wali Kot district.

Detainee: I don't have any information about this.

Designated Military Officer: The Detainee resides in the Shah Wali Kot district.

Detainee: Yes, I live in Shah Wali Kot.

Designated Military Officer: Other relevant data, the Detainee may have hidden a satellite phone belonging to Satar just before detainment. The phone was never found despite extensive searches.

Detainee: If I don't know him...how could I find the telephone?

Designated Military Officer: The Detainee had a Thuraaya satellite phone.

Detainee: I haven't seen [this] telephone yet so how could I have it?

Designated Military Officer: The Detainee has a history of harassing guards.

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Detainee: I'm a prisoner...I'm in my room sometimes and I throw water which is...they think that I throw water on them...that's why they think that I harass them. If I spit on him or I throw water on them (inaudible)...maybe I talk or something.

Designated Military Officer: The following factors favor release or transfer, the Detainee claimed he didn't know any details about the murder. The Detainee claims his innocence and that he doesn't know Satar. The Detainee claims that he's not a Taliban or al Qaida supporter and doesn't know anyone actively involved.

Detainee: Yes.

Designated Military Officer: The Detainee claims that he was not aware of any other incidents regarding U.S. Forces being fired upon by anyone in the area.

Detainee: Yes.

Designated Military Officer: The Detainee swears to God that he has never fired a weapon.

Detainee: I'm not going to lie to you...when I was a little boy...when I was [at a wedding] and I fired [a gun] three times. It was someone else's gun. He told me to pull the trigger. I did that. It was a long time ago when the Soviet Union invaded Afghanistan...that why there was a wedding. I was a little boy...they told me to pull the trigger three times. I cannot swear on that...other than that I swear that I have not touched a gun.

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: I haven't been with the Taliban or the Mujahedin. My father died when I was a little boy and I was responsible for my little sister and my mother. Then my mother married had my sister get married [and I married her husbands' sister]. My mother did that for me. When I was married I was serving my mother and my family. I had nothing to do with the government. Right now I farmed for Ad-gi Bur-jhan (ph) before that I Ad-gi Ad-bu-llah's (ph) farmer and before [I farmed for] Ad-gi Mo-ha-mmed A-seem (ph)...that's my life...not the Taliban. I have not been with this government or any other government or the Taliban. I'm a farmer. I'm very, very poor. I don't know anyone and they accused me of many things. I have no idea.

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Presiding Officer: Does this conclude your statement?

Detainee: My statement is 'why are you so brutal to me?'

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: Have you ever used a satellite phone?

Detainee: I haven't seen [one].

Board Member: What are your feelings concerning jihad against the US?

Detainee: Nobody got me involved in jihad now. In the time of the Soviet Union I heard that people talked about jihad.

Board Member: Do you consider the US as an invader of Afghanistan?

Detainee: I'm not even aware of what you did...I have no idea.

Board Member: Do you support the current government under Karzai?

Detainee: I have nothing to do with government. I'm a very poor guy. I do my business. I don't care.

Board Member: You said that after your father died you had to take care of your family.

Detainee: Yes, there was no [one else].

Board Member: How did your father die?

Detainee: He died of [an illness]...naturally.

Board Member: How did you protect your family? Afghanistan is a very dangerous place. How did you protect your family?

Detainee: There were thousands of people like me...nobody touched me...nobody did anything to me.

Board Member: How did you protect your family?

Detainee: Nobody had business with me. In the morning I went to the farm and work and in the evening I went home.

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Board Member: You had no concerns about criminals coming in or warlords coming in to hurt your family?

Detainee: Those people are after people with money...I don't have money. I was not scared of anybody.

Board Member: They only bother people with money?

Detainee: In the desert I have only one house with nothing in it. They bother the people they have hostility with. The people that have money...they bother or hurt them. I have nothing...there was a guy whose name was Ab-du Ha-lek (ph). He was a thief but he was working with the government. He told me 'your was making a hundred Afghanis a day...I will give you five hundred Afghanis...why don't you come with me?' I [told him] I cannot go with you to steal. If I make less money I will. I want nothing to do with you.

Board Member: You made a hundred Afghani's a day?

Detainee: In the beginning when there was a lot of work like buildings or mixing [concrete]. When those jobs were [available] they gave me a hundred...but now the [work finished] and I got fifty a day. I'm a farmer...when I don't have anything in the farm I go work for somebody mixing [concrete] or those kinds of jobs. I am very busy in my house. I haven't joined any government [or] any group and I was brought here. I had fifty kilograms of wheat. I just ground it in flour and left it at home. And I had about six hundred Afghanis in my pocket. That is all I had at home when they captured me. I sold potatoes to a shopkeeper. He had around two hundred Pakistani rupees and some Afghani rupees. That's what I got from him. Then the Americans captured me.

Board Member: You've been in prison for a while and you say that you never heard about jihad or no one has spoken to you about jihad or what Americans have done in Afghanistan. You're not aware of this kind of thing?

Detainee: I cannot tie people's mouth. They talk...I have heard people say things. People say there is war in Afghanistan...war in Afghanistan...they keep saying that.

Board Member: So your opinion of Usama bin Laden and al Qaida...these groups...do you think they are good people or bad people?

Detainee: I have heard on the radio Usama bin Laden's name...but I don't know what Arabs look like. I haven't seen any Arabs in Afghanistan.

Board Member: My question is what do you think about Usama bin Laden and about al Qaida, in your opinion?

Detainee: I haven't seen him how can I judge him? How can I say if he is good or bad?

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Board Member: So from what you've heard, you have no opinion?

Detainee: I haven't seen him...

Board Member: I'm not asking if you've seen him. I'm asking about what you've heard of him.

Detainee: Anyone who is brutal is bad no matter who [he is].

Board Member: I'm not talking about anybody. Do you think Usama bin Laden is a bad man from what you've heard?

Detainee: People say he is a bad guy. He has done very cruel things.

Presiding Officer: Is there a mosque near your house?

Detainee: It's like from Tango block to the hospital...that far.

Presiding Officer: Do you attend it regularly?

Detainee: Some times I go...not regularly.

Presiding Officer: When you go do you see strangers?

Detainee: No I haven't seen any.

Presiding Officer: You've never seen someone you don't know personally at the mosque?

Detainee: No, I haven't seen any...I'm too tired to go. There are maybe some strangers that come and go but I don't know them.

Presiding Officer: Do you ever hear political conversations before you pray or after you pray when you go to your mosque?

Detainee: When I pray, I just pray and come home. I don't sit down there.

Presiding Officer: I understand that you don't participate in conversation but do you ever hear other conversations?

Detainee: All the conversations are about sheep and their land. Nobody discusses with me what (inaudible) has done there.

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.

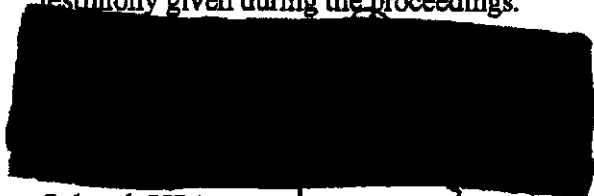
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The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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

A large black rectangular redaction box covering the signature of the Presiding Officer.

Colonel, USA
Presiding Officer

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