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Summary of Administrative Review Board Proceedings for ISN 1051

*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 (AMO) was sworn.*

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

Detainee: In Islam I have sworn one time and that is good enough.

Presiding Officer: Could you just give me a yes or no answer?

Detainee: No.

Presiding Officer: I understand your customs and I appreciate your honesty.

*The Detainee declined 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.*

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 16 September 2005 and lasted sixty-four minutes. A follow-up interview occurred on 19

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September 2005 and lasted for fifteen minutes. The Detainee was polite and attentive throughout both interviews. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee accepted a translation of the Unclassified Summary of Evidence. He said that he had asked to be included in the Pashto literacy classes in camp but is not yet attending classes and does not know why. The Detainee also mentioned that he had filed a *habeas* petition and did not know why it is taking so long to have any action in the case. The Detainee submitted a letter from his brother, who was detained at Bagram in connection with the same incident, indicating that his brother has been released to their home. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

***The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, 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.***

***The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to the Unclassified Summary after all of the information was presented.***

Detainee: Any question you do [ask] I will answer.

Presiding Officer: We are going to read the entire Unclassified Summary to you.

Detainee: Okay.

Presiding Officer: Designated Military Officer please summarize the information. If you desire to comment on something we will allow you to interject since you seemed unclear on that.

***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 to assist the Detainee with answering the statements.***

Designated Military Officer: (3) The following primary factors favor continued detention: Commitment (3.a) On 27 May 2003, in Khairo Village, Khost, at 11:00 local time, the Detainee was arrested within 500 meters of an Improvised Explosive Device (IED) attack on Coalition Forces, on the backside of a hill where his brother Qader was found running from Afghani Military Forces.

Detainee: Can I answer?

Presiding Officer: Sure.

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**Detainee:** This explosion happened and my brother was sitting on the top of the hill watching his goats. Then, the soldiers took him and I ran after him. He had five goats missing and he was looking for them. They came and took him and I went after him and they [covered] my eyes and that was it.

**Designated Military Officer:** (3.b) When questioned about whether he knew Qader the subject denied that he knew Qader or any knowledge of the blast. The Detainee stated he didn't hear the explosion or see the dust plume. He only later admitted knowing Qader after his brother identified the Detainee.

**Detainee:** I never denied that he was my brother and that is it.

**Designated Military Officer:** (3.c) During questioning in December of 2003, the Detainee stated he never heard an explosion, but later changed his story stating the explosion was far away.

**Detainee:** I have not changed any story. I told them the truth.

**Designated Military Officer:** (3.d) The Detainee has provided varying stories about his circumstances of capture. He stated he was watching his goats through binoculars when he was detained. Alternatively, his brother was looking through the binoculars when they were detained. Finally he stated he witnessed his brother being arrested and ran over to inquire about his brother and was arrested as well.

**Detainee:** My brother was looking through the binoculars for the five goats and they captured him and I ran after him.

**Designated Military Officer:** (4) The following primary factors favor release or transfer: (4.a) The Detainee stated he had always told interrogators his brother was a good man. The Detainee stated he never denied being related to his brother, or even knowing him when they were first detained.

**Detainee:** I never denied him and I told them that is my brother.

**Designated Military Officer:** (4.b) He stated he always told interrogators he knew Qader and that they were both detained because of lies.

**Detainee:** I never lied that he was my brother and I told [the interrogators].

**Designated Military Officer:** (4.c) The Detainee said he did not have any dealings with the government and did not understand if the new Karzai government made any changes.

**Detainee:** We are illiterate people and we are nomad people. We do not know about those things.

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Designated Military Officer: (4.d) The Detainee's name and photograph were shown to several detained al Qaida members, none of whom recognized the Detainee.

Detainee: This is correct.

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

*The Presiding Officer acknowledged the request.*

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

Presiding Officer: Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board including written statements, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

Assisting Military Officer: Yes sir. The Detainee would like me to present two letters from home.

*The Assisting Military Officer presented two family member letters, Exhibit EC-C, identified herein as enclosure (4), to the Administrative Review Board.*

Presiding Officer: [Assisting Military Officer] does the Detainee wish to make any comments in addition to [submitting the letters]?

*(The Detainee interrupts with the following statement:) Yes, I have one question.*

Presiding Officer: I was talking to the AMO, but you will be able to respond. That answers my question. Assisting Military Officer please read the Detainee Comments on the Enemy Combatant Election Form.

Assisting Military Officer: In response to the allegation that on 27 May 03, in Khairo Village, Khost, at 11:00 local time, the Detainee was arrested within 500 meters of the site of an Improvised Explosive Device (IED) attack on Coalition Forces, on the back side of a hill where his brother Qader was found running from Afghani Military Forces, the Detainee said that he was captured while he and his brother were looking for lost goats. The soldiers caught his brother and when the Detainee went to see his brother the Detainee was also detained.

*(The Presiding Officer interrupts the AMO and asks the translator if he was getting all of the information read by the AMO because he was not translating it to the Detainee.)*

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Presiding Officer: [Assisting Military Officer] I would ask you to break [up the response] because it does not seem like the linguist has this information written down. Let's start from the beginning so that the translator can follow you.

*(The AMO reread the information so the translator could translate the information sentence by sentence to the Detainee.)*

Detainee: Yes.

Assisting Military Officer: In response to the allegation that when questioned about whether he knew Qader the subject denied that he knew Qader or any knowledge of the blast. The Detainee stated he didn't hear the explosion or see the dust plume. He only later admitted knowing Qader after his brother identified the Detainee. The Detainee said he did not hear the bomb go off. The Detainee said that he was near the main road through the village with vehicles going back and forth, so he may not have heard and explosion on the other side of the hill over the noise of the vehicles.

Detainee: There were some cars going back and forth and we did not know about the explosion.

Assisting Military Officer: In response to the statements that he stated he always told interrogators he knew Qader and that they were both detained because of lies the Detainee said that he thought the interrogators made up this story.

Detainee: Yes.

Assisting Military Officer: In response to the statement that the Detainee said he did not have any dealings with the government and did not understand if the new Karzai government made any changes, the Detainee agreed that he had no dealing with the government. He said that he had not voted in the last election and did not seem to know there were any elections.

Detainee: We are illiterate people we do not know these things. Please bring stability and security to Afghanistan. That will make me happy.

Assisting Military Officer: Additional Comments: The Detainee said that the interrogations and this interview were frustrating for him. He could not answer anything except about goats and grass.

Detainee: We are involved with animals and we don't know politics.

Presiding Officer: Thank you.

Detainee: Can I say something?

Presiding Officer: In a moment. You may begin your statement at this point. Thank you.

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*The Detainee made the following statement:*

Detainee: I have a question. We are very poor people and we don't know anything. We have heard that America is...we are happy with them and they came and brought some security with them. We have no idea about these things. If you let me go I will be very happy and we want your cooperation. I have been here two years.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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

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

*Administrative Review Board Member's questions:*

Board Member: From where you were located could you see where the explosion occurred?

Detainee: No.

Board Member: Was there a hill in the way?

Detainee: Mountains and mountains.

Board Member: Why do you think that you were arrested?

Detainee: Yes, I was thinking, what have I done to be captured?

Board Member: Who captured or arrested you?

Detainee: Afghani soldiers.

Board Member: Were there any American soldiers in the area?

Detainee: They [covered] my eyes. I did not see anything.

Board Member: Before they [covered] your eyes did you see any other people in the area that could have put that explosive device by the road?

Detainee: No. I just saw soldiers. They took my brother and I went after them and they captured me and [covered] my eyes too.

Board Member: Were you in prison in Bagram with your brother?

Detainee: Yes, he was on one side and I was on the other side.

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Board Member: Why do think they released him and sent you here?

Detainee: I don't know. They captured us together and now I don't know what he has done to be released.

Presiding Officer: At two different times in the Unclassified Summary you were questioned whether you knew your brother and you told the interrogators that you always knew him. Is it possible you misled the interrogators because you were initially in fear for you life or afraid that if you told them the truth that you knew him (Qader) that something might happen?

Detainee: I never denied him.

Presiding Officer: How were you captured? I know Afghani soldiers captured you, but how?

Detainee: My brother was watching his goats with binoculars. They captured him and took him and I went after him and they captured me too.

Presiding Officer: When you say the explosion was far away, could you give me an idea of how far away it was.

Detainee: I can't lie; I did not see any explosion.

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.*

#### AUTHENTICATION

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

  
Colonel, U.S. Marine Corps  
Presiding Officer

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