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Summary of Administrative Review Board Proceedings for ISN 1075

*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 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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and DMO-2, the FBI Redaction Memorandum 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 Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence to the Administrative Review Board.*

*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.*

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Detainee: Whatever he (*referring to the Assisting Military Officer*) says...this is my statement. If he wants to tell the board I am happy with that.

*The Assisting Military Officer made a statement on the Detainee's behalf. The Detainee concurred.*

Assisting Military Officer: The Detainee's initial interview occurred on 16 June 2005 and lasted for forty-nine minutes. After a review of the Administrative Review Board's purpose and procedures were explained, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee said he wanted to attend the Administrative Review Board, to speak to the board regarding the Unclassified Summary of Evidence, and have the Assisting Military Officer read additional comments. A follow-up interview occurred on 17 June 2005 and lasted twenty minutes. During this interview, the Detainee confirmed his comments made to the AMO. The Detainee was polite and cooperative throughout both interviews. The Detainee was provided a Pashtu translation of the Unclassified Summary of Evidence for additional review. The Detainee stated that his imprisonment is unjustified, and that he didn't do anything wrong. The Detainee said that he was not affiliated with the Taliban. The Detainee said that he is not an enemy of the Afghanistan Government or the American Forces in Afghanistan. The Detainee stated that he tells the truth...that they brought him here for no reason. The Detainee said if you want to keep him here, he doesn't mind, but he was brought here for no reason. The Detainee said, "If some witness said I have a gun or grenades and have used them, then I am responsible, but there is no witness to say that." The Detainee said "If they think having a gun in the house is a crime, and I did, then I am a criminal, but that is not a crime." The Detainee said that he brought two grenades and a gun for protection at Gardez, not Kabul. The Detainee said everything in the Unclassified Summary of Evidence is a lie. The Detainee stated that he respects an oath and he stands behind what he says, he wouldn't lie. The Detainee said that he never left his village and wants to go back there to return to a job as a farmer and keeper of lambs. He earlier fled his village when the communist came and went to Khowst for the safety of his family. The Detainee said he doesn't blame anyone. His circumstances are from God. He is grateful to the Americans that allow him to pray and provide his meals. The Detainee stated that he was angry with two people in Gardez and he told them before that he forgave them. He thinks they may have told lies about him.

Detainee: I don't think they (*referring to the two people the Detainee was angry with*) blame me for something I did, but I think like that because they didn't like me. They were my enemies.

Assisting Military Officer: The Detainee said that he told the Americans that four people were against him, but he thinks only two were serious and would talk against him. The Detainee said that he doesn't keep anything in his heart, that he forgives, and leaves everything to God and trust in God.

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

*The Detainee declined taking the oath.*

*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: What is your relationship with Mullah Ghani?

Detainee: I do not know him.

Board Member: Were you responsible for an attack on a firebase in Gardez?

Detainee: No.

Board Member: Why would you be associated with that attack?

Detainee: I don't know anything about it.

Board Member: Were you in the area when it happened?

Detainee: No. One time the Americans and the Taliban were fighting and I was close by watching.

Board Member: Where did you buy your weapons and ammunition? Was it in Kabul?

Detainee: I bought them from Gardez.

Board Member: Is Kabul and Gardez close together? How far apart are Kabul and Gardez?

Detainee: I can't... I don't know how to tell you because I have not measured it. 3 to 3½ hours journey by car.

Board Member: Do you know a Mr. Bow Auddin?

Detainee: Yes.

Board Member: What does he do for a living?

Detainee: He ran a store during the Taliban time, but during [President] Karzai time he was working with the commander of Gardez.

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Board Member: Is that a police operation commander?

Detainee: No, he is not a uniform person.

Board Member: What kind of store did he (*referring to Bow Auddin*) run? Dry goods, grocery...

Detainee: Grocery store.

Board Member: Did you ever see him selling explosives?

Detainee: No, I don't know.

Board Member: You are also accused of being involved in the explosion or some kind of bombing of two video stores and I know you deny that. Were you in the area of the bombing when they occurred? Why would people associate you with those two bombings?

Detainee: That is absolutely wrong! My residence is very far away from there. The next morning when I came to the area people were telling me there was a bomb in the store... the next day.

Board Member: Did you say anything about the bombing?

Detainee: Everybody knew about it...everybody...all Gardez people knew about that.

Board Member: Did you know the people that were talking to you the next day?

Detainee: No, I don't know them.

Board Member: In what year did you swear the Bayat to Zaher Sha?

Detainee: When Zaher Sha was King of Afghanistan, my father was an obedient and honest citizen of Afghanistan, and he told me Zaher Sha was a good man. And I felt the same way...so I like Zaher Sha. When Karzai came we were happy with him.

Board Member: What year was that?

Detainee: I don't know.

Board Member: How many years ago?

Detainee: He was President of Afghanistan. He was a communist President.

Board Member: There are four people that you had a concern about. Then you narrow it down to two people. Which two people, of the four, do you have a real concern about maybe turning you in?

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Detainee: Habibullah Jan.

Board Member: Was one of those the one you had the fight with over the dirty car?

Detainee: No. I did not fight with him over a dirty car or anything like that. I fought with him because of water on my land...in my agriculture.

Board Member: Was it over water or the land or both?

Detainee: The water.

Detainee: The shortage of water...some people take one day some people another day... they are fighting each other over it.

Presiding Officer: Was that one of the two?

Detainee: The second one is Ahmad Shah.

Board Member: And they were both water disputes?

Detainee: He (referring to Ahmad Shah) was a businessman and he was selling lamb. I was buying lamb from him and one time we disputed and we fought with each other. Also, his father was deceased and he asked me for money, ten thousand Afghanis. Ahmad Shah had a dispute with his family about the land and they were fighting in the court [over the land] for a long, long time. He came to me and I gave him ten thousand Afghanis to [fight his family in the court] with to get his land and he eventually got his land back. But, somehow he didn't return my money.

Board Member: Is the water for livestock or agriculture?

Detainee: I didn't fight physically, but we yell[ed] at each other and this and that about the lined water... agriculture.

Board Member: Is the water used for...

Detainee: Agriculture.

Presiding Officer: You said that Ahmad Shah settled the land dispute. Did he ever pay the money back?

Detainee: No, he didn't return [the money].

Presiding Officer: In your statement through the Assisting Military Officer you said that if we wanted to keep you here you didn't mind, but I am curious why you wouldn't mind staying here if you had an opportunity to be transferred or released?

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Detainee: Well, if you keep me here I will pray to God, I don't care. I pray to God, well God you did this to me.

Presiding Officer: Thank you.

Presiding Officer: What affiliation if any do you have with al Qaida? You mentioned you are not affiliated with the Taliban, what affiliation if any do you have with al Qaida?

Detainee: What is al Qaida?

Presiding Officer: Also, in the Unclassified Summary it says that you were taught to use bombs during Jihad, and it mentions [you were] between 12-15 (years old), and that you know about the construction of bombs that destroyed shops. Can you be more specific?

Detainee: This is absolutely [a] lie. I never threw a grenade anywhere, but I bought two grenades for my own use and somebody told me if a thief or somebody attacks your home you [could] use it. But, I never used it; I had it for a long, long time in my house.

Presiding Officer: Kakai, thank you.

Board Member: Did you fight against the Soviets in Afghanistan?

Detainee: No.

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, USMC  
Presiding Officer

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