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**Summary of Administrative Review Board Proceedings (with Detainee present)**

***The Administrative Review Board (ARB) was called to order.***

***The Designated Military Officer 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 ARB 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 Information, Exhibit DMO-1, and DMO-2, the FBI Redaction Certification to the Administrative Review Board.***

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

***The Presiding Officer confirmed that a copy had been previously distributed.***

***The Designated Military Officer read the first allegation annotated on the Unclassified Summary of Information and the Detainee made the following comment:***

***Detainee: Did I do it?***

***The linguist explained to the Detainee that he would have time to speak.***

***Detainee: Should I do it right now?***

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Presiding Officer: No, we will give you the opportunity a little bit later.

Detainee: Okay.

*The Designated Military Officer continued to give a brief description of the contents of Exhibit DMO-1, the Unclassified Summary of Information to the Administrative Review Board.*

*The Detainee made the following statement upon the conclusion of the Designated Military Officer reading the Unclassified Summary of Information.*

Detainee: I don't know what should I say. Everything [that was] mentioned was [a] lie.

*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.*

Assisting Military Officer: Sir, the Detainee provided some comments to the Unclassified Summary of Evidence that he will want me to read to the Board.

*The Assisting Military Officer provided comments on behalf of the Detainee from Exhibit EC-B, the Enemy Combatant Election Form.*

*The Presiding Officer asked the Detainee if he wishes to make a statement and whether he opts to take a Muslim oath.*

Detainee: In our religion, in our belief, [by a person] taking [the] oath it means that is the end of it and [the person] will be free.

Presiding Officer: You mean be released?

*The linguist gave confirmation that the Presiding Officer interpreted the Detainee correctly.*

Presiding Officer: That is not the intent of the oath here. By taking the oath you are telling us that you are going to tell the truth about everything you say. Again, we do not require an oath. You do not have to take one.

Detainee: Yes, I promise [to tell the truth] and I [will] take [the] oath. I [have] never lied in any of my statements.

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Presiding Officer: I am going to ask the Designated Military Officer to administer the appropriate Muslim oath.

*The Detainee accepted taking the Muslim oath.*

Detainee: Everything they said against me, everything is [a] lie. They didn't say a word of truth.

Presiding Officer: Okay. Abdul Wahab, you may begin your statement.

Detainee: Everything they said about me is [a] lie. The first one is [that] they accused me of not accepting the law and principle and things in the detention. Everything is lie. I didn't do anything wrong.

Presiding Officer: Do you want to be more specific on some of the things? I know we are going to ask some questions; but if [you would] like to be more specific on certain things in the Unclassified Summary then that's fine with us.

*The detainee made the following statement:*

Detainee: I am a poor man. The second lie is that [when] I was going to [the] market, I was in [a] car [when] they stopped me. [When] they stopped me, there was no Usama, there [were] no Usama people, there was no Commander, [there was no] Chief of Commander or anybody with me. I don't know anybody. I was going to the market. I never touched [a] Kalashnikov. I never hit anybody with [a] Kalashnikov. Again this is a lie. There was a person, he was a very poor man, and he borrowed money from [somebody in] the market. He sold his donkeys and gave me the money to give it to that person. I just took his money from the village. I took it to [the] person [that] he owed money. That's all I did. My brother is a poor man and he cannot earn his daily expenses. He never did anything [such as a] Jihad or anything against the people. He never [has] been a member of [an] Islamic group. I am not aware of it. I was a very poor man. I was a farmer. I don't know anything about these accusations. I was busy earn[ing] my livelihood for my children. I [would] appreciate if you [would] consider me as a poor man. I [am] not [a] threat to America or America's allies. I am not anybody's enemy. Just send me home to help my children and my family. They said [that] I was in the car or [on] a bus or whatever with [some] people and [that] they belong[ed] to the Taliban. [That] there were Commanders [and that] there were Chiefs, but I don't know anything about it. I paid [a] fare [for me] to [be] take[n] to the market. I don't know about other passengers. I was one of the passengers [and] I paid my fare, so they took me to the market. I don't know anything about [the] other people. The other thing is [about] the polygraph test. When I passed [the test] the guy told me, "You [have passed the test by one] hundred percent and you are going home." I don't know [if] the machine is lying or [if] the guy who told me [that] I passed everything [is] lying to me; I don't know. I have nothing [more] to say. I am a poor man. I am innocent. I have nothing to do with [the] Taliban [and] I have nothing to do with the al Qaida. I don't know those people. I have

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no relationship [and] I have no affiliation with those people. I need your help to send me home. I want to help my children, my family and I want to earn the livelihood of my family. Everything is said and done. I [am] finished. I have nothing [more] to say.

Presiding Officer: Abdul Wahab, does that conclude your statement?

Detainee: Yes.

Presiding Officer: Did the Assisting Military Officer.....

Detainee: Whoever said [that] I used [a] Kalashnikov, I want him to come here and tell me how did I use [the] Kalashnikov. I never touched [a] Kalashnikov. Do you believe that? If somebody [is] fight[ing] with [the] Americans, then [why would they] come to [the] Americans and ask for help? What do you want to say about this?

Presiding Officer: I don't want to say anything. I am not here to answer your questions. We'll ask you some in a few minutes.

Detainee: Well, I have only one point to make. They say I am an enemy of America. If somebody were [an] enemy of somebody would they go [to them] by a car or a bus? No. I am not your enemy.

Presiding Officer: Abdul, does that conclude your statement?

Detainee: Yes, I wish [that] you [would] help me go home. I am not an enemy of America. I am not [a] threat to Americans or American's allies. I am a poor man. I was a farmer. There is nobody to feed my children. They are dying from hunger. I am done with my statement.

Presiding Officer: Did the Assisting Military Officer's statement provide the information that you wanted us to hear?

Detainee: Yes.

*The AMO had no further questions for the Detainee.*

*The DMO had the following questions:*

Designated Military Officer: Abdul, were you driving the taxi or were you a passenger in the taxi?

Detainee: No, I was a passenger.

Designated Military Officer: If you were going to go back to your village, what would you be doing as far as work?

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Detainee: It was the night of [a] Muslim religious [meal] and I was going to the market to buy some things for my family.

Designated Military Officer: No, I mean what would [you] do, if [you] would go back to the village? Will [you] be a farmer or what will [you] do?

Detainee: When I go home I will make some money to buy food for my children if they are alive. If they [have not] died already.

Designated Military Officer: Okay, one last question...

Detainee: I have no animosity. I have nothing with anybody.

Designated Military Officer: One last question, you made mention [that] you received some money for some donkeys, how much money was that?

Detainee: Fifty thousand Pakistani Rupee[s].

Designated Military Officer: That's all the questions I have sir.

***Administrative Review Board Member's questions:***

Board Member: Abdul, you have indicated that there are a lot of people in Afghanistan that sell poor people like you to the United States, who sold you to the United States?

Detainee: I don't have that information, but there were so many Afghanis with Americans. Americans were paying money for the people to show [them] who is al Qaida and who is [the] Taliban. They paid money. I don't want to accuse anybody but I know somebody from that crowd [sold me].

Board Member: Okay. You also indicated that you went to the Americans. You couldn't be an enemy of America because you went to the Americans. Explain to us how you voluntarily went to the Americans?

Detainee: At the checkpoint there were Americans. If I was a threat to Americans [or] if I [were] guilty I would [have] never go[ne] to the checkpoint [where] the Americans [were located].

Board Members: How many people were in the car when you entered the checkpoint?

Detainee: Seven.

Board Member: Seven. How long had you been in the taxi before you got to the checkpoint?

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**Detainee:** I don't have that [time], but I think it [was] twenty minutes or something like that. Initially when we [were in] the taxi, it was six people but we [picked up] one [person] along the way.

**Board Member:** Where did you enter the taxi?

**Detainee:** It was a line taxi [going] from one place to another place.

**Presiding Officer:** It accepted people along the way?

*The linguist confirmed that is what the Detainee said.*

**Board Member:** Where did you get in the taxi?

**Presiding Officer:** At Lejay or where?

**Detainee:** Clanji (ph).

**Board Member:** Is that a city?

**Detainee:** No, that is a village.

**Board Member:** It's a village.

*The linguist confirmed that it was a village.*

**Board Member:** How do you spell it?

*The linguist stated C-L-A-N-J-I (ph).*

**Board Member:** What did you have in your possession when you were captured?

**Detainee:** Nothing, [I had] nothing with me.

**Board Member:** You didn't have the fifty thousand Pakistani Rupees on you when you were captured?

**Detainee:** Yes, if you ask me like that, yes I had approximately ten thousand rupees of my own too. I had my clothing and I [had] my shoes and everything on me.

**Board Member:** Do you remember what kind of clothing you had on you?

**Detainee:** Two years has gone [by], but it was Kaki (ph) pajamas.

**Board Member:** What color were the pajamas?

**Detainee:** Three years [have] past and I don't remember.

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Board Member: You don't remember the color.

*The linguist confirmed that he didn't remember the color.*

Board Member: Specifically what do you plan to do if you go back to Afghanistan? What will be your job [or] your employment? I know you want to make money for your family. What will you do to get [the] money for your family?

Detainee: I was a farmer and I am going to be a farmer.

Board Member: You are going back to be a farmer. How many children to you have?

Detainee: I have a mother. I have a wife [and] five children. There are four boys and one girl.

Board Member: Okay. Sir that's all I have.

Board Member: Abdul, I have a few questions for you. What was your taxicab fare?

Detainee: Fifty Rupees. In the middle of [the] way we paid fifty. Some paid fifty, [for those] that [went] a shorter distance [they] pay ten [or] twenty [rupees].

Board Member: Okay, thank you. In your statement to the Assisting Military Officer, you said [that] you didn't know anything about the Taliban.

Detainee: Yes.

Board Member: Isn't the Taliban the people that were running your country?

Detainee: Yes. The government included [the] Taliban, but we [were] living in a mountainous area, a very remote area. There were approximately ten people running the government.

Board Member: Okay. Thank you. You also stated that you haven't seen the war. Wasn't there shooting going on around the country or wasn't the country being bombed. You didn't feel it [or] you didn't see it?

Detainee: No one threw [a] bomb in our area and no one [was] fight[ing] in our area. The day [that] I was arrested, I heard some noise, but I [didn't] know what [it] was. I don't know if it was a bomb. The day [that] the airplane came I didn't see anything.

Board Member: Were you aware that Americans were attacking your country?

Detainee: No.

Board Member: Okay. Also in your statement to the Assisting Military Officer, you stated either the machine was lying or the interrogator was lying, this is in reference to

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***Detainee: Should I do it right now?***



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the polygraph test, what did you mean by this? [That] the machine was lying or the interrogator was lying?

Detainee: I told everything [as] the truth. The interrogator told me, "You passed the test." So if the machine or the polygraph machine is not lying [then] I passed the test according to him or maybe I didn't passed the test [and] he's lying. This is my point.

Board Member: Did you tell the truth?

Detainee: Yes.

Board Member: Okay, thank you. I have no further questions.

Presiding Officer: There are a couple of individuals in the unclassified summary that are referenced as being captured during the sweep of Lejay and that was a check point just north of where you were captured. Did you know these individuals, are they friends of yours?

Detainee: What's their name? I don't know it.

Presiding Officer: I don't have their names here.

Detainee: They arrested approximately [one] hundred people. There were people coming from [the] north, from [the] south [and] from [every]where. They [would] stop them and they arrested them. I don't know if they are the (inaudible) people. I didn't know any of them.

Presiding Officer: One of the individuals that was captured with you is an intelligence supporter of the former Taliban Chief of Intelligence. Do you know his name? It was one of the individuals with you.

Detainee: Well I [have] told you several times repeatedly [that] I don't know anybody, except one person, he was a poor man [just] like me. His name was Jamadar (ph). He was a very poor man. That's all [and] I don't know any [of the other] passengers.

Presiding Officer: And the other individual that was captured with you was a Taliban Commander who was attending a meeting with other senior Taliban officials. What was that individual's relation to you?

Detainee: I don't know them.

Presiding Officer: A friend, an acquaintance or just another passenger?

Detainee: No, I [didn't have any] acquaintances [or] nothing with them. They are just passengers.

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**Presiding Officer:** It is also mentioned your brother fought for Jamaat-I-Islami in a Jihad. Was your brother ever hurt injured?

**Detainee:** Yeah eighteen years ago he was hurt.

**Presiding Officer:** How?

**Detainee:** One day I was with him in the village and he was running away from me and he was hit by a mine.

**Presiding Officer:** Did he step on a mine?

**Detainee:** Yeah, his leg detached. (the detainee demonstrated a cutting motion by taking his finger and sliding it across his leg just below the knee).

**Presiding Officer:** Did he lose the leg or just hurt it?

**Detainee:** Yes, it was cut from here (the detainee showed where his brother's leg was cut).

**Presiding Officer:** Was it from the knee down?

**Detainee:** Yes. Sixteen or Eighteen years ago [this] happened. [Now] he is in his house and he is helping his children.

**Presiding Officer:** Left or right, was it his right leg or was it his left leg and how old was he?

**Detainee:** [It was his] left [leg].

**Presiding Officer:** How old was he? About how old was he?

**Detainee:** He was eight years old.

**Presiding Officer:** Eight years old.

*The linguist confirmed the correct age.*

**Detainee:** Illiterate people, we don't take much note[s] or record[s] of everything.

**Presiding Officer:** Just approximately.

**Detainee:** I don't know my age.

**Presiding Officer:** That's fine, thank you. I [would] just like to clarify [an] intent comment. The Detainee stated he used klash-n-krovs against US personnel. Is that word suppose to mean Kalashnikov?

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*The linguist stated that it was in fact Kalashnikov.*

Presiding Officer: I want you (referring to the linguist) to ask him (referring to the Detainee).

Detainee: I have nothing to do with the Kalashnikov. I never had one.

Presiding Officer: In the Unclassified Summary there's a portion in here that its (referring to klash-n-krors) spelled differently then the spelling of Kalashnikov. I just want to clarify that's what they are referring to and he understands that.

Detainee: Kalashnikov (the Detainee gave a positive response).

Presiding Officer: Okay.

Board Member: I have one other questions sir.

Presiding Officer: Well, and again here it says...it states that he used the Kalashnikov against the U.S. Can he explain to me why at one time an interrogator said he said that? Now he's saying [that] he [has] never touched one or used one.

Detainee: I never said that.

*The Presiding Officer conversed with a Board Member.*

Presiding Officer: Thank you. I just asked the other board member if he had asked you about what crops you grew as a farmer. He said no, so what crops do you farm as a farmer?

Detainee: Wheat and corn.

Presiding Officer: Wheat and corn?

*The linguist gave confirmation of the wheat and corn.*

Presiding Officer: Thank you. I think he (referring to the Board Member) has one more question.

Board Member: Just one more question, Abdul. You are in the taxi for twenty minutes with six other men, was there a conversation in the taxi for that twenty minutes?

Detainee: No, we had nothing to do with each other. The taxi was so old and was making so much noise, we couldn't hear each other. I didn't know any of them. If you don't know anybody, how [could] you open a conversation with [him or her]? The only thing [that] I said [was when] the driver asked me, "Where [are] you going?" I said I was going to [the] market. He said I need [some] money. I want to charge you money. I said, "Okay, I'll pay you money." That's all I said.

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Board Member: Okay. Thank you. That's all I have sir.

Presiding Officer: Thanks for your comments and coming today. We do appreciate you coming. We will do our best to grant you your request to reunite you with your family.

Detainee: When I go home my main purpose is to arrange some food, some livelihood for my children, that's all.

Presiding Officer: Thank you. Assisting Military Officer is there any other information that the Detainee wants to present?

Assisting Military Officer: No sir.

Presiding Officer: Do you (referring to the Detainee) have any final comments [be]cause I am getting ready to wrap it up.

Detainee: I am ready to answer any of your questions because [in] the first tribunal they called me an enemy combatant. I don't want to repeat it again so if you have any questions to clarify this is the time you [can] ask me any questions [that] you [may] have. I don't have anything [more to say].

Presiding Officer: Thank you.

Detainee: I am a poor man. Whenever I eat here in the detention center, I am thinking about my children, what they have to eat. I wish you consider me as a normal person and send me home, please.

Presiding Officer: Thank you.

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

*The Administrative Review Board Members stood to exit the room and the Detainee made a comment.*

Detainee: If you keep me for another year, my children, I believe they will die and I am an innocent person [so] why should I stay for another year?

Presiding Officer: Thank you.

*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.

  
Colonel, USMC  
(b)(6) Presiding Officer

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