

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 963

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.

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

Assisting Military Officer: The Detainee's ARB interview occurred on 24 August 2005 and lasted 90 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated, "OK I will do it". When asked how he wanted to address the allegations or statements, the Detainee indicated that he would like to respond to each allegation or statement of information in the Unclassified Summary of Evidence after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was

ISN 963
Enclosure (5)
Page 1 of 7

21393

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

polite and cooperative during the interview. 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 Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment: The Detainee admitted to being part of the attacks (ambush) on United States Forces in the vicinity of Lejay, Afghanistan.

Detainee: I have not attacked...I am not aware of an attack. I was coming from my home and they captured me. I never admitted to that before.

Designated Military Officer: (3.b.) Connections/Associations (3.b.1) A known Taliban member identified the Detainee as Taliban.

Detainee: My father and mother are dead and they left me small children...I am serving them. I have not served the Taliban or anybody else. I have not spent any night going for the party or as a guest or anything. I have been home every night taking care of my brother and sister.

Designated Military Officer: (3.b.2) As U.S. elements approached the village of Lejay (Abdul Rais Wahid stronghold) on the morning of 10 February 2003, they were viciously ambushed from the high ground on both sides of the road. The enemy fired from well-prepared ambush positions, and employed a high volume of RPK, PKM, AK, and RPG fire in an effort to kill as many U.S. personnel as possible.

Detainee: I heard that there was a war or fighting and this [sort of] thing. I was at my home. I ate and then I came out[side] and was walking to get some filters for a tractor for my uncle. My uncle was driving a tractor for somebody else. I am also a shepherd and they surrounded the city and said we could not take our sheep to the high ground or mountains. We did not take our sheep outside for [grazing]. When I came out to get those things...it was for Ede...something to buy for Ede for celebration...then the Americans captured me and they could not even find a small knife [on] me.

ISN 963
Enclosure (5)
Page 2 of 7

21394

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (3.b.3) Haji Raes Adbul Wahed, is the Supreme Commander of a forty-man guerrilla unit. He was identified as teaching hand grenade techniques, plastic explosives with detonator cord, and how to blow up cars.

Detainee: Abdul Wahed's name...I have heard that he was working for the Taliban, but I don't know about the forty people he had or what he has done. I have no ideas about that. I am a farmer and I just do my farming. He is not from our village. We are from different villages.

Designated Military Officer: (3.b.4) Detainee was captured on 10 February 2003 in a dugout hole 100 meters from the compound.

Detainee: Yes, I got out of my home and walked a little bit and an American soldier captured me and [up to] now I have been here. I have no idea about any other things.

Designated Military Officer: (3.b.5) The Detainee was apprehended wearing an Olive Drab (OD) green jacket consistent with the eyewitness accounts of the individual responsible for the attacks.

Detainee: I have...in our area it is cold and there is a lot of snow and a lot of people have green jackets. They are very warm for the winter. I came out of my home and they captured me. I [was] not fighting Americans. The green jackets are in the shops, hundreds of them, everybody can buy them and wear them. The soldier saw me come out of my home...it's like I [came out] and he captured me.

Designated Military Officer: (3.b.6) OD jackets were worn by several men captured, on the same day as the Detainee, at a checkpoint on the north side of town in a taxi and on motorcycles. The men all suffered from hearing loss assessed to be from firing activity.

Detainee: They captured me in front of my house. They didn't capture me on a motorcycle and they didn't capture me in a taxi. Maybe those people had green jackets...our house is on the side of the main road. A thousand taxis and motorcycles go back and forth [because] there is a bazaar there. When you get out of town the road there has big rocks. You cannot walk [and] the cars cannot drive over those rocks toward the mountains or the highland. If someone attacks Americans and then he gets in a taxi or motorcycle and comes to them and says 'here I am I attacked you capture me'. Anybody they captured...they [did] not capture the fighters. They captured the people going back and forth in the main street. There is a bazaar so a lot of taxis and motorcycles go back and forth. They did not capture the fighters. They captured everyone from the road. Nobody fired, nobody fought, and nobody did anything.

Designated Military Officer: (3.b.7) During the Combatant Status Review Tribunal, the Detainee called two witnesses other than his uncle, Alif Mohammed and Baridad, that testified for him.

ISN 963
Enclosure (5)
Page 3 of 7

21395

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: When they captured me that named me an Enemy Combatant and I told them that I had witnesses [and they are] my uncle, and two other guys that are here named Alif Mohammed and Baridad. I brought them [to the CSRT] and they testified for me. During my [CSRT] they told me that my parents were dead. I am a poor guy taking care of my parents' orphans. That was the trial and I don't know what they did with it.

Designated Military Officer: (3.b.8) Alif Mohammed is assessed as a security/military commander of Lejay/Wahid compound and it is believed he orchestrated the attack on American Forces.

Detainee: Alif Mohammed is a drug addict and he is a very poor guy. He is a blacksmith and people give him 5, 50, or 100 Afghanis to provide for his family. He is not a commander. This is the same guy that was my witness. The Taliban beat [Alif Mohammed] too much because he is a drug addict and [the Taliban] was close to killing him. How could he become their commander?

Designated Military Officer: (3.b.9) Baridad was captured on the same day as the Detainee. He suffered from hearing loss assessed due to firing activity.

Detainee: Baridad, from childhood, we would call him from one side and he would answer from the other side, he had this problem from the beginning. He is a very good farmer for my uncle. My uncle is...fell out of a tree and lost [the control of his legs] from that fall. [Baridad] is a very poor guy.

Designated Military Officer: (4) The following factors favor release or transfer: (4.a) The detainee does not know any Taliban members.

Detainee: I was not a Taliban member and I was not serving the Taliban. All I have served is my younger brothers.

Designated Military Officer: (4.b) Detainee believes the Americans have come to bring peace and stability to the people. He feels it is good, the Americans help rebuild roads and water systems and help establish education for the people, he is happy with that.

Detainee: Yes, America was helping a lot of farmers to work on their own irrigation water that was coming from the spring. They would make us work on the spring and pay us for it and the water was coming...we were all happy because we are farmers. [The entire] city was happy because they were building the roads and giving wheat to the people. These are things that the entire village was happy about.

Designated Military Officer: (4.c) Detainee denied any knowledge/involvement in the attacks on United States Forces.

Detainee: I [was] not aware of it. I just [came] out of my house when they captured me.

ISN 963
Enclosure (5)
Page 4 of 7

21396

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (4.d) Detainee claims to never having owned or fired any kind of weapon.

Detainee: I [have] never had a weapon in my life. I never fired a weapon. I was doing my own things helping my brothers and farming.

Designated Military Officer: (4.e) The Detainee admitted growing poppies, however, agreed it was a good thing the American forces and Afghanistan government was stopping farmers from growing poppies.

Detainee: In the time of the Taliban, yes, I was planting poppies. When the Taliban said stop it we stopped. When the new government came and said not to do it...I have not planted [poppies] since. Now I am planting wheat, corn, and these types of things.

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.

Presiding Officer: At this point in the hearing the Detainee will be able to present information to the Administrative Review Board. Assistant Military Officer does the Detainee want to submit any information to this Administrative Review Board? Including written statements, oral statements, or witness statements prepared on his behalf.

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement at this time. If there is anything you wish to tell us or reemphasize you can do it now.

Detainee: I just want to say that I am a very, very poor guy and I am serving my younger brothers. Please, if you [could] help me be released I [could] go back to my brothers and family and take care of them and do my own farming. In the last three years...they brought me here and there has not been justice with me. If they brought me by mistake or somebody informed them or anything...I have been here three years...please do justice with me. My village is about 10 minutes, [by] car, to the county or the mayor's office. [You] can ask the mayor or the elders in my village what kind of person I am. If they say I worked with the Taliban, I am a Taliban member, or that I had a gun in my hand or on my shoulder then you can put me...whatever you want to. I had no beard when my father died and I was the elder in the family. I had a piece of land and I was planting that piece of land to just provide food for my orphan brothers. Even my younger brother...I cannot leave them. The moment I leave them someone will jump on them or do something [to him]. I have to take care of my young brother's children. [I] even cooked bread in the oven for them. I was doing it by myself. I did not [have] a woman in my house and

ISN 963
Enclosure (5)
Page 5 of 7

21397

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

when I would come from farming the land I would do the cooking for the children. When they got bigger I got married and [now] I am here.

Presiding Officer: Does that conclude your statement?

Detainee: I don't have anything else to say.

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: Speaking to many of the Detainees here we found that everyone in Afghanistan owns an AK-47 and knows how to fire it. How is it that you don't?

Detainee: All of the Afghans don't know how to fire a weapon. The farmer shows his children how to irrigate and how to make [the land] ready for farming. The one that knows how to use the Kalashnikov he [teaches] his children how to use a gun and fire it and these things. If you are a shopkeeper you teach your son how to do the business.

Board Member: I understand. That is all I got.

Board Member: What village do you live in? What is the name of your village?

Detainee: Lejay.

Board Member: Have you written to the elders of that village and asked them to write letters of reference for you indicating that you are a good guy and should be released?

Detainee: I have not written any letters, but they can ask those people to give a recommendation about me or...

Board Member: Who are they?

Detainee: I am talking about the Americans.

Board Member: You can too.

Detainee: Sometimes when I write them and when the response comes I cannot see two words. The rest of them are censored out.

Board Member: What village does Wahed live in?

Detainee: His place or village name is Shna.

Board Member: How far is Lejay from Shna?

ISN 963
Enclosure (5)
Page 6 of 7

21398

UNCLASSIFIED//~~FOUO~~

~~UNCLASSIFIED//FOUO~~

Detainee: [They] are 200 meters apart. He did not stay in his home much. He stayed in Kandahar and would come home in the night.

Board Member: How far away from your house were you when you were captured?

Detainee: I was only one hundred steps away from the house.

Board Member: Was it hard going from poppies to wheat and corn?

Detainee: When the government says plant poppies we will plant poppies. If they say plant wheat or corn, we will do that. It does not make a difference.

Presiding Officer: Is Baridad a farmer for your uncle?

Detainee: Yes. He works for my uncle.

Presiding Officer: I know you had three witnesses for the CSRT. Are any of those detainees housed around you here at GTMO?

Detainee: No.

Presiding Officer: I know you said that Baridad testified at your CSRT, did you testify at his?

Detainee: No.

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

ISN 963
Enclosure (5)
Page 7 of 7

21399

~~UNCLASSIFIED//FOUO~~