

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 964

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 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.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 22 August 2005 and lasted 50 minutes. After a review of the Administrative Review Board'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 Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "Yes, I want to attend and address the allegations." When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his

ISN 964
Enclosure (5)
Page 1 of 9

21400

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

record. The Detainee was 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 DMO-2, other unclassified information 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: The Detainee was traveling home to celebrate the Eid holiday and caught a ride in a taxi with seven other people.

Detainee: Yes.

Designated Military Officer: While in the taxi traveling from Saychow to his home in Lerak, the taxi passed through the town of Lejay. The Detainee advised that outside of Lejay, he heard explosions and saw airplanes and helicopters flying overhead.

Detainee: Yes, at the time [we] w[ere] like at the top of the hill, like a short distance [away], so this was not to far. We saw the helicopters, the choppers, and the planes [were] running...flying around, and we [came] down in the taxi. We [were] riding [in] the taxi and [came] down, and then there [was this] American, [on] foot, walking and [he] captured me. There was a fire, I heard it [and] I said, "What is it?" When I look[ed] up there [were] planes flying around. We [could see] from [where we were] that [they were] setting [up a] checkpoint there, but we [went there anyway]. We thought that [it had] nothing [to do] with us and we [didn't] count them as our enemies so why [shouldn't] we go that way. We had the news before that the Americans [have] nothing to do with the average people. [They] are looking for their own enemy like al Qaida or these kind of people.

Presiding Officer: Thank you.

Designated Military Officer: As U.S. elements approached the village of Lejay (Wahid stronghold) at approximately 0200Z the morning of 10 February 2003; they were ambushed from the high ground on both sides of the road. The enemy fired from well-

ISN 964
Enclosure (5)
Page 2 of 9

21401

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

prepared ambush positions, and employed a high volume of RPK, PKM, AK, and RPG fire.

Detainee: The time that we came to them in the taxi was 11 o'clock in the daytime.

Presiding Officer: Be advised, 0200 zulu is what's here. The local time at that time would be minus nine, which would be close to 10 am, to between 10 and 11 am.

Detainee: We had [a] watch. They captured me [at] 11 in the daytime. They took me to a house or something. First when they captured me, they handcuffed me and [made] me sit there for a while. Then they took me, [to the] place they [were] staying.

Presiding Officer: Okay, we'll get to more of that in a second. Next question deals with that.

Designated Military Officer: U.S. forces seized and conducted cordon and search of Wahid compound and took 70 personnel into custody initially in/around town. All personnel were screened and 11 were recommended for detention.

Detainee: I don't know [if I] was qualified to be [held] or not, but if I was their enemy or doing something...I would not [have gone] directly to them. No way.

Designated Military Officer: The 11 individuals were apprehended returning from the ambush sites or in fighting positions in/around Lejay. They were deaf, had powder burns, and had blood on their clothes.

Detainee: I was [going] to my home by taxi. My clothes [were] not burned with [any] gunpowder. I didn't have any bloodstain in my clothes.

Presiding Officer: Thank you.

Designated Military Officer: Personnel were observed standing in a group where the ambush positions were located. The personnel got into a white car or onto motorcycles and proceeded down the road to the traffic control point. The personnel, including the Detainee, were questioned and detained.

Detainee: Those cars [were] a kind of a carriage for the customers, [it] was white. They [were] standing in the line...so [when] [some]body's turn comes they [get on]. That was, I was [in] that car, which was white.

Presiding Officer: Thank you

Designated Military Officer: All occupants of the vehicle were wearing olive drab green jackets. The Detainee was assessed to be suffering hearing loss when captured, caused by firing weapons.

ISN 964
Enclosure (5)
Page 3 of 9

21402

UNCLASSIFIED//~~FOUO~~

~~UNCLASSIFIED//FOUO~~

Detainee: The green jacket is kind of popular in our area. Everybody wants to have it. It's a kind of...and that was, my brother bought it and then later on he gave it to me. My ears [were] okay and still okay. If they have any proof that they [gave] me some medicine for my hearing or anything. I can say yes, but my ear[s] [were] okay [at] that time and my ear[s] [are] okay now.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee claimed to not know the difference between al Qaida and Taliban. He had only had heard of Abdul Wahid, thinking that he had disappeared.

Detainee: Yes, I told them that.

Designated Military Officer: The Detainee states that he does not know any of the travelers in the vehicle when he was captured. He professes to be a poor farmer.

Detainee: Yes.

Designated Military Officer: The Detainee denied traveling to any location outside Afghanistan and no farther than Kandahar.

Detainee: Yes.

Designated Military Officer: The Detainee denied being part of the Taliban or any other militia group.

Detainee: Yes.

Designated Military Officer: The Detainee likes the U.S. presence in Afghanistan, because he believes the U.S. is there to help rebuild the country.

Detainee: Yes.

Designated Military Officer: The Detainee advised that his brother bought the jacket at a bazaar and later gave it to him.

Detainee: Yes.

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.

ISN 964
Enclosure (5)
Page 4 of 9

21403

~~UNCLASSIFIED//FOUO~~

UNCLASSIFIED//~~FOUO~~

The Detainee made the following statement:

Detainee: My statement is that just I am asking you please help me. I'm the only one provider in my family. I'm a labor worker and very, very hard worker and I'm responsible for my family, please help me.

Presiding Officer: Thank you.

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: There were seven other people in the taxi with you.

Detainee: Yes.

Board Member: Did you know any of them?

Detainee: No.

Presiding Officer: How big is your hometown?

Detainee: That was not my hometown. I was going to my village.

Presiding Officer: You didn't know any of these people at all? You've never seen them before?

Detainee: No, I haven't seen them. It's kind of like a line up [for] the cars and then everybody jump[s] in it and I jumped in it too.

Presiding Officer: Okay, thank you. We understand.

Detainee: So, I haven't been in their village or in their places that I [would] know them. So that's why [it's] the first time.

Board Member: Did you think it was unusual that they all had on the same jacket?

Detainee: Forget about this, if you go to the bazaar a 100 people are wearing the same jacket. Our country, our area is cold. So it's very good for the cold.

Board Member: My understanding [is] that you were outside of the taxicab waiting to get in, in the taxi?

Detainee: No, we [were] in the taxi...taxi. We saw him (*American*) from [far] and we went there. They stopped us and said, "Get out of the taxi." Then they arrest[ed] us.

ISN 964
Enclosure (5)
Page 5 of 9

21404

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Board Member: Did you realize that you were real close to the ambush location?

Detainee: No, I didn't know about the battle or about the ambush. I heard the fire...fire [came] from the guns, we [were] already close to them. When they arrest[ed] me they tied [me] up...tied my hands, and we still saw the plane fire on [the] other side of [the] hill.

Board Member: Have you always lived in Afghanistan?

Detainee: Yes.

Board Member: Did you know what the Taliban was?

Detainee: We have nothing to do with government things. We are just going...

Presiding Officer: You must have dealt some with the government? How did the Taliban government treat you?

Detainee: They have nothing to do with me. I have nothing to do with them. I am very...I was a poor guy doing my own job.

Board Member: Did you know what the al Qaida was?

Detainee: No.

Board Member: Do you now know that there is a difference between al Qaida and Taliban?

Detainee: They didn't tell me what the [difference is between] Taliban or al Qaida or these things. I [still] don't know.

Board Member: Thank you.

Board Member: How old are you?

Detainee: In our country, we don't have a record or anybody...and most people cannot read and write...write it down for me. But when they captured me...they asked me, "How old are you?" I said, "Well around 22."

Board Member: Do you know anybody from Tarbak village?

Detainee: I haven't heard the name of Tarbak.

Board Member: You had gone to Saychow?

Detainee: From Saychow [I was] going to Lerak, my home.

ISN 964
Enclosure (5)
Page 6 of 9

21405

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Board Member: What were you doing in Saychow?

Detainee: I was a laborer, driving a tractor.

Board Member: You were driving a tractor in Saychow?

Detainee: Yes.

Board Member: For who?

Detainee: The owner of [the] tractor...[the] tractor belong to Haji Manahn and I was [drove] it.

Board Member: Why were you driving a tractor, were you working?

Detainee: Yes. I was doing labor to provide for my family.

Board Member: How far away is Saychow from Lerak?

Detainee: I am not sure about this. It's a two-hour ride or three-hour [ride]. I don't have an[y] idea.

Board Member: Why do you think the planes were above you?

Detainee: I don't know what [they] were doing. They were not a[round] my head. It was [around] the area, so I [went] there.

Board Member: Why...did you see planes before?

Detainee: It's possible that I s[aw] the[m] passing through the sky.

Board Member: Were you ever scared to live in that area?

Detainee: No.

Board Member: Was it dangerous where you lived?

Detainee: No, [there] is no danger in my area.

Board Member: Why do you think the U.S. and coalition forces were in that village?

Detainee: We have heard of the Wahid name, when we saw the planes we knew that they [had] come for him.

Board Member: Did you ever fight against the Russians?

Detainee: No, I was a little boy.

ISN 964
Enclosure (5)
Page 7 of 9

21406

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Board Member: Anybody in your family fight against the Russians?

Detainee: No, they were very, very poor people. They can...they didn't fight.

Board Member: What kind of crops were you growing?

Detainee: There [has been] no water irrigation for the last five years. It's bad. Before that we w[ere] planting poppy and wheat.

Board Member: Did you pick anybody else when you got into the taxi in Saychow? Did you pick anybody else up before you reached Lejay village?

Translator needed the question rephrased.

Board Member: Did you get into the taxi in Saychow?

Detainee: Yes.

Board Member: After the taxi left Saychow did you pick anybody up before you got to Lejay?

Detainee: Yes. This a car when anybody flag[s] [it] down they pick him up.

Board Member: Thank you.

Presiding Officer: Have you ever fired any weapons at all?

Detainee: No.

Presiding Officer: Did you ever hear of other people in that area firing weapons at U.S. soldiers?

Detainee: No.

Presiding Officer: You never heard of anyone at all shooting at U.S. soldiers?

Detainee: No, I haven't seen any.

Presiding Officer: How many people in your family?

Detainee: The whole family or just father, brother and sister and these...

Presiding Officer: Are you married?

Detainee: Yes.

Presiding Officer: Do you have children?

ISN 964
Enclosure (5)
Page 8 of 9

21407

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: No. Just (inaudible) I married.

Presiding Officer: What do you think of the United States?

Detainee: I don't know. I don't understand.

Presiding Officer: When you go back, if you go back to Afghanistan, what do you plan to do?

Detainee: I will [work] and I will provide for my family. I don't know how much money they borrowed from others. So when I g[et] there I have to pay their debts.

Presiding Officer: Do you know of...Does anyone else in that taxi, do you think there's [a] chance that anyone else in that taxi might have been involved with shooting at the United States?

Detainee: If he was doing that, he would not come in front of them.

Presiding Officer: What's that?

Detainee: If (inaudible) taxi, nobody I knew...nobody was fighting or firing against American, because if they w[ere] doing that. [Why would] they com[e] straight [to]ward [the] American[s].

Presiding Officer: Thank you.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee 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.


Captain, USN
Presiding Officer

ISN 964
Enclosure (5)
Page 9 of 9

21408

UNCLASSIFIED//~~FOUO~~