

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Summary of Administrative Review Board Proceedings for ISN 965

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.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclass 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.

ISN 965
Enclosure (6)
Page 1 of 9

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 16 August 2005 and lasted forty-four minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. Since the Detainee seemed to have trouble comprehending the ARB process, the AMO and linguist reiterated the ARB process explanation. 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, he said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point is presented. A follow-up interview was scheduled on 16 August 2005 for the Detainee to provide copies of letter for submittal to the ARB, but the Detainee did not bring them. A final interview occurred on 17 August 2005 to obtain the letters. This interview lasted ten minutes. The Detainee was cooperative and polite throughout all of the interviews. The Detainee initially kept a copy of the Pashto translated Unclassified Summary of Evidence for review but returned it during the third interview and said that he didn't need it. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence. This concludes my comments.

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 following primary factors favor continued detention; Commitment, the Bagram valley region has provided a continuous safe-haven to hostile Taliban forces. In time of attack all males pick up arms in defense of the valley against "invaders" (U.S. or coalition forces).

Presiding Officer: Sir, first I would ask, is this statement true or false?

Detainee: Sir, this is working and I am not aware of these things. I am a farmer and I don't know [about] weapons.

Designated Military Officer: In the early morning hours of 10 February 2003, a United States Special Forces (USSF) convoy approached the village of Lejay in the Bagram valley. Shortly thereafter, the USSF were ambushed with small arms fire to include AK, PKM, and RPGs.

Detainee: I am not aware of that.

Designated Military Officer: At conclusion of the conflict, USSF seized and conducted cordon and search of the area. Eleven personnel were apprehended returning from the ambush sites or in fighting positions in/around Lejay. Those returning from the ambush sites were deaf and had powder burns, with blood on their clothes.

ISN 965
Enclosure (6)
Page 2 of 9

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Detainee: Who is this?

Designated Military Officer: The Detainee was one of the eleven personnel detained after the ambush of Lejay.

Detainee: I am not aware of this. They caught me walking on the road.

Designated Military Officer: The Detainee was arrested at a checkpoint established north of the town. USSF observed several individuals descending the mountain. They cached their weapons and tried to leave by taxi, but were detained at the checkpoint.

Detainee: I am not aware [of this].

Designated Military Officer: all of the men who were stopped and arrested at the checkpoint were wearing green jackets and suffered from hearing loss. The hearing loss was assessed to be the result of their firing activity.

Detainee: I don't know [about] firing. I still don't know what this is.

Designated Military Officer: Connections and associations, two of the individuals arrested at the checkpoint along with the Detainee included Rahmatullah and Bari Dad. Both were wearing green jackets and were suffering from hearing loss.

Detainee: Well you caught them...why don't you ask them? I already told you this.

Designated Military Officer: Mullah Rahmatullah attended a meeting in May 2002, led by an Iranian and senior Taliban officials in Helmand Province, to discuss military operations against the Afghan Interim Administration and plans to derail the Loya Jirga Process.

Detainee: You can talk to them...where are they? You can talk to them.

Designated Military Officer: Mullah Bari Dad was one of the operators of the intelligence collection network in Deh Rawud for the former Taliban Chief of Intelligence in Qalat, Afghanistan.

Detainee: You should ask them where they came from. Who are they? Why are you asking me?

Designated Military Officer: A meeting of Taliban leaders was held on 18 October 2002 to discuss the upcoming jihad against the Coalition and the Afghan Transitional Authority. A second meeting of the Taliban leaders, to include Bari Dad Khan, was planned for 23 October 2002.

ISN 965
Enclosure (6)
Page 3 of 9

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Detainee: If you have that much information, why don't you bring them? Why did you bring me? I am a farmer...I don't know...God knows how many years [I have] been sitting here...I have no idea.

Designated Military Officer: The following primary factors favor release or transfer; the Detainee has continually professed that he is only a farmer and wants only to go home and back to farming and caring for his family.

Detainee: I'm a farmer. If you have any proof on me, just [leave here]...I don't care if you leave me here for the rest of my life...but if you don't have [anything]...what kind of talking is this? True.

Designated Military Officer: The Detainee denied any knowledge of using or possessing firearms.

Detainee: That's true. I am not aware.

Designated Military Officer: The Detainee has continually denied any involvement in shooting at Americans.

Detainee: I told you before; I have nothing to do with Americans...I have nothing to do with Muslims. I just want to go home to my children and my wife.

Designated Military Officer: The Detainee has continually denied any Taliban associations.

Detainee: The interrogator asked me the same questions. I don't even know what Talibs look like.

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.

The Assisting Military Officer presented a copy of the Detainee's correspondence, Exhibit EC-C, to the Administrative Review Board.

The Detainee made the following statement:

Detainee: I am a farmer...the only statement that I have [is] that I am a poor guy. I have little children...why am I sitting here?

ISN 965
Enclosure (6)
Page 4 of 9

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Presiding Officer: Does this conclude your statement?

Detainee: If [you] let me talk I will keep talking.

Presiding Officer: Please state whatever you want to state. This is your time.

Detainee: You are looking for the people that hurt you...I have not hurt you. I am not beneficial to you. I have done nothing to you. I am a poor guy. You guys know about me...when you put me in jail...what am I responsible for? People put people in jail based on some documents...some witnesses...what witnesses, what documents do you have against me? If you go to my village and you ask people where I was going and what I was doing...you can ask everybody. I am very poor...and you bring people like me here. The only thing I know is about cows...I can tie them up by the neck...that is all I can say...that is all I know. So when the letters that I have received from my mother's side...everyone who knows me [sends me] a hello. Is that in your law to bring poor people and put them in jail? They captured me when I was going to the bazaar and they brought me here and put me in jail. I am still [wondering] what crime [I committed] that you brought me here. Because of human love or human rights...think about it...what have I done? If you have information that I have done [something]...anybody who knows me will tell you that I (inaudible). Bring me some witnesses or something...or some proof...

Presiding Officer: You've said this already. Would you like to conclude?

Detainee: I have nothing else to say...when you people say you are loving human beings and you are good...why do you bring people like me here?

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: Were you walking or taking a taxi when you were captured?

Detainee: I was in the taxi.

Board Member: Did you hear gunfire that day?

Detainee: No, I did not.

Board Member: Do you consider the United States as an invader of Afghanistan?

Detainee: Ask a person whose mind will understand...I am a farmer.

Board Member: What are your feelings concerning jihad against the United States?

ISN 965
Enclosure (6)
Page 5 of 9

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Detainee: I don't know what a jihad is.

Board Member: Do you support the current Afghanistan government under President Karzai?

Detainee: I don't know about government things...I love my children and my wife...that's all I know.

Board Member: Do you owe any royalty to an Afghan warlord?

Detainee: What is a warlord?

Board Member: How would you describe your behavior here at Guantanamo?

Detainee: What am I supposed to say? I am a prisoner...I am sitting in a jail.

Board Member: You say that you are a poor farmer. How much does a poor farmer make in a years time?

Detainee: I am not a farmer for others...I farm in my own land.

Board Member: So, you make no money?

Detainee: I just [live of my land]. I buy shoes...I buy clothes...I don't know how much it would be.

Board Member: So, when you buy clothes...you have no money to buy clothes?

Detainee: Yes, I buy with money.

Board Member: Where does the money come from?

Detainee: I grow wheat and corn. I have a lot of land...I sell the crop.

Board Member: So, you do sell?

Detainee: I have two wives and children...

Board Member: My question is again...how much money do you make selling [your crop]?

Detainee: I don't know how much but it would be wheat and corn...we are not like you people using pens. We don't use pens.

Board Member: My question is not about using a pen. My question is very simple. Do you get money for selling your crops? If so, how much?

ISN 965
Enclosure (6)
Page 6 of 9

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Detainee: Yes, I get money when I sell wheat and corn.

Board Member: So, now back to my original question, how much money do you make?

Detainee: I don't remember. I forget my daughter's name...they wrote [it down for me].

Board Member: So, let's talk about the letter. Your family says they are not suffering, right?

Detainee: Thank God...God will provide.

Board Member: It doesn't sound like your poor.

Detainee: I didn't say I was a beggar...that I had nothing.

Board Member: Would you agree that the place you live in is somewhat dangerous with gangs, warlords and Taliban there?

Detainee: I don't know about danger or anything else...it's a mountain area.

Board Member: So you don't worry about protecting your family.

Detainee: I am not aware that they are there...I don't know...

Presiding Officer: Do you live near a mosque?

Detainee: Yes.

Presiding Officer: How far away?

Detainee: I don't know how far but it is very close to my house.

Presiding Officer: Is there a Mullah?

Detainee: Any mosque is definitely not without Mullah. At that time there was no Mullah.

Presiding Officer: How long has it been since there was no Mullah?

Detainee: I cannot figure it out but I am even not aware of what will happen tomorrow?

Presiding Officer: Did you attend the mosque regularly?

Detainee: I am a Muslim...yes, I do.

Presiding Officer: Did you ever meet any strangers at the mosque?

ISN 965
Enclosure (6)
Page 7 of 9

21415

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Detainee: No, I haven't.

Presiding Officer: Did any of the other brothers at the mosque ever speak badly about the United States?

Detainee: Which brothers?

Presiding Officer: Anyone.

Detainee: That place has nothing to do with America or the Afghan government. They just pray or work or whatever.

Presiding Officer: Are you aware that your land, your territory is claimed to be controlled by a warlord.

Detainee: I don't know those things. That land was given to me by my grandfather and father.

Presiding Officer: Do you know anyone who has participated in the jihad against America?

Detainee: No, I don't know [anyone].

Presiding Officer: Have you ever heard sounds of battle around your house?

Detainee: I don't know about war.

Presiding Officer: Have you ever heard sounds of battle...guns...bombs?

Detainee: What is this?

Presiding Officer: Does it matter to you what we think of you?

Detainee: You'll think about me whatever you want to think...I don't know what you are thinking...I have my own thinking.

Presiding Officer: Do you understand that we will make a decision on whether you stay here or leave here?

Detainee: I don't know who are they decision makers...

Presiding Officer: We have that decision-making authority...whether you are to be released or retained.

Detainee: I know that you have the power to release or give me to the Afghan government...all these things.

ISN 965
Enclosure (6)
Page 8 of 9

21416

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(Revised 10 Aug 05)

Presiding Officer: Would you like to try to answer the questions again?

Detainee: I know you have the power...you brought me to America.

Presiding Officer: Would you like to try to answer the questions one more time?

Detainee: You can keep asking me questions for five days.

Presiding Officer: If you don't want to answer the questions, we are not going to make you.

Board Member: How many people were in the taxi when you were captured?

Detainee: Six.

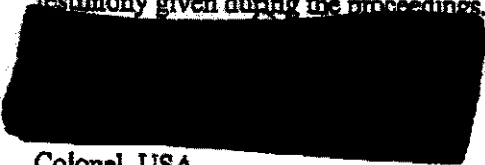
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

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, USA
Presiding Officer

ISN 965
Enclosure (6)
Page 9 of 9

21417

UNCLASSIFIED//~~FOUO~~