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Summary of Administrative Review Board Proceedings for ISN 966

*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 15 August 2005 and lasted one hour. After a review of the ARB's purpose and procedures, the Pashtu Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee emphatically said yes, he wants to attend the ARB. He then stood up and stated let's go. When asked how he would like to address the allegations or statements, he said 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 very cooperative throughout the interview. At the conclusion of the interview, he was provided a Pashtu translation of the Unclassified Summary of Evidence for someone

ISN 966

Enclosure (5)

Page 1 of 8

21418

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

to review with him because he cannot read or write. 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, the FBI Redaction Memorandum, DMO-2, and the Terrorist Organization Reference Guide, DMO-3, 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 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 (3.a.1) The Detainee is a combatant involved in the ambush of U.S. Special Forces (USSF) in Lejay, Afghanistan. He has knowledge of HIG and Taliban early warning systems and may have courier information.

Detainee: All of this is a lie. I had no food to eat and the Americans gave me some wheat. When America became king in Afghanistan I was so happy because they [gave] us some food and [I knew] they would [help] build our country. In our village there are no cars and in the whole village we do not have more than two donkeys. If we have more than that you can do whatever you want to me. I am that poor.

Designated Military Officer: (3.a.2) Hizb-l Islami Gulbuddin (HIG) has long established ties with Bin Ladin. In the early 1990s, Hikmatyar ran several tourist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Bin Ladin after the latter fled Sudan in 1996.

Detainee: Sir, I swear on the Koran that I do not know the names Gulbuddin and Bin Laden. I don't know if they are from Afghanistan or some other place.

Designated Military Officer: (3.a.3) The Baghran Valley region extends through Lejay. The region has provided a continuous safe-haven to hostile Taliban forces providing C2 nodes, supplies, guerrillas, training and staging areas. In time of attack all males pick up arms in defense of the valley against "invaders" (United States or coalition forces).

Detainee: Nobody was coming out of the house I was sick. Back home when you are very, very sick what we do is skin a goat and we wear the goatskin for two or three days to make you well. When we [wear] the goatskin for four or five days we get sores and things (*indicating sores on their skin*). I could not even go to the Mosque. I would come home and pray and then the people in the village said "The Kings People" are coming. I couldn't even go to the Mosque and it was about 8 feet away. It was during the festival of Ede and everyone was going to the bazaar. I was very sick and I was going to borrow

ISN 966  
Enclosure (5)  
Page 2 of 8

21419

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

someone's car or [get] transportation and go there. I was coming back and I was so cold I was just sitting [down] in the sunshine and that is when the Americans captured me.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee stated he had met Taliban member Abdul Wahid once a long time ago briefly in the Shinai Village.

Detainee: You [can ask] me whose servant you are or whose farmer you are, but I don't know this guy [named] Abdul Wahid. I have heard his name, but no one will let me go close to him. Just [ask] me whose farms are being planted or what farmer...I want to go there.

Designated Military Officer: (3.b.2) Abdul Rais Wahid is a Mullah and is very closely linked with the Taliban and HIG.

Detainee: If somebody [ask] me if I know the Presiding Officer if I would say yes, I will [have to] answer on judgment day. Why would I do that?

Designated Military Officer: (3.b.3) The Detainee was detained during the United States/coalition forces muster of suspected individuals involved in a series of defensive attacks against U.S. forces attempting to apprehend Abdul Rais Wahid.

Detainee: I just [completed] wudu, which means to wash yourself before prayer, I don't know [about] these things.

Designated Military Officer: (3.c.1) On 10 February 2003, USSF observed an enemy at the top of the mountain. They stopped, appeared to cache weapons, and then maneuvered down the mountain. There the enemy entered into taxis or mounted motorcycles. They then proceeded to the checkpoint.

Detainee: They say three is a proverb where the lawyer lies and the people tell the truth they will dispose of him. If you will allow I will tell you a little story.

Presiding Officer: Does it relate to this allegation?

Detainee: Yes sir. There is a story of two brothers and both were very poor. One brother found a way to have a connection with the government and the other brother's wife said look at your brother he is going to reach the King and talk to the king, why don't you go and bring some food or something for us too. So, he went to the king to get some food. He told the king he wanted to tell a story and [asked for his safety]. [He started to tell the story] and said there was a dog barking in the sky. The king said to catch him and hang him because there was no dog barking in the sky. His other brother came to the king and the king was getting ready to hang his brother. He told the king that his brother was being honest and that [the king] did not understand. He told the king a big hawk or eagle picked up a little puppy and when he was up in the sky the puppy

ISN 966  
Enclosure (5)  
Page 3 of 8

21420

UNCLASSIFIED//~~FOUO~~

1  
~~UNCLASSIFIED//FOUO~~

started barking. So, the king let him go and did not kill him. His brother told him when I lie, I can get away with it, but you can't. Do not go to the king again. I am sick guy and the top of the mountain is a three-hour walk up and a three-hour walk down. If they caught me, why did they not catch me with my weapon? Why did they keep watching me? All of this is just accusations. I have not hurt Americans. America can spend 20 years in Afghanistan and if anyone says anything bad about Americans I will stop them.

Designated Military Officer: (3.c.2) Capture data indicates the detainee was apprehended at a checkpoint in a taxi.

Detainee: I have not been in a taxi. I was sitting in the front of my house in the sunshine because I was cold. The Americans had been there for three hours and the translator came and said they were searching and they searched me. All I had was a chewing tobacco box and they found some thousand-dollar bills. During the time of Burhanuddin Rabbani it was about forty thousand Afghani. I also had some money that people had given me from begging. I am not that guy and even in a thousand years I will not hurt Americans.

Designated Military Officer: (3.c.3) The Detainee was wearing clothing that matched that of the attackers.

Detainee: They didn't catch anyone fighting. They caught me going to the bazaar. I had very old cloths that people gave me for free. The material I am [currently] wearing, this good material, I have never worn [anything like] this in my whole life.

Designated Military Officer: (3.c.4) Detainee suffered from hearing loss (assessed due to firing activity).

Detainee: When I was born I had hearing problem in my right ear. During that time I went to a soldier and asked if he could wash it out. He put some water in it, but did not wash it good. I had pain for one month. This is my life and I have not been released from this investigation or interrogation in three years.

Designated Military Officer: (3.c.5) The Detainee said that USSF arrived in Lejay that morning, surprising everyone. This directly contradicts his previous statement that USSF had arrived in Lejay two days prior to the detainee's arrest.

Detainee: Yes, I woke up early in the morning and they were there. All I know is when they came early in the morning to catch me; I don't know what happened or what they did after that.

Designated Military Officer: (3.c.6) The Baghran Valley provides a ready financial source to hostile Taliban forces courtesy of a robust poppy growth with subsequent opium and heroin production.

ISN 966  
Enclosure (5)  
Page 4 of 8

21421

~~UNCLASSIFIED//FOUO~~

UNCLASSIFIED//~~FOUO~~

**Detainee:** Before that, when we were very desperate, we were planting poppy on our land, but just enough to survive. Once Karzai and these people came we quit [doing] that. Since Karzai arrived nobody has planted poppy.

**Designated Military Officer:** (3.c.7) The Detainee is thin and feels weak. He requested a serum shot be given to him intravenously. The Detainee received three of these from a doctor while living in Afghanistan. He does not know what these shots contained.

**Detainee:** That was before the Taliban kingdom. Before that I had some serum given to me. The serum was like water.

**Designated Military Officer:** (3.c.8) The Detainee said that on the day of his capture when he awoke he felt ill. He then had his wife give him a shot of penicillin.

**Detainee:** [During the] time that the Americans said that they caught me coming from the mountain I was ill. I was not able to go outside so my wife gave me a penicillin injection.

**Designated Military Officer:** (4) The following primary factors favor release or transfer: The Detainee stated he prays for American people because they provided wheat to him and other people in his village. He does not pray for the Taliban, because they have never done anything to help the people.

**Detainee:** I will not lie to you and I am not going to hide anything. Yes, Americans gave us food. I like those people that don't look at your wife; they don't try to do anything to you dignity, or your wife. They are building buildings in Afghanistan how can I be mad?

**Designated Military Officer:** This concludes the Unclassified Summary of Evidence.

*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:** Yes sir, the Detainee would like to make some oral comments.

**Presiding Officer:** Mr. Baridad you may begin your statement.

*The Detainee made the following statement:*

ISN 966  
Enclosure (5)  
Page 5 of 8

21422

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Detainee: Presiding Officer peace be with you.

Presiding Officer: Peace be with you also.

Detainee: I beg you... back home I have no food to eat. Please help me and please review my information. If all seven people [in the room] go back with me to my village and ask everybody and they will tell you who I am and [whatever] information you want to hear. I live in a place, that if you see it, even an animal would not live there. This is my life. The ceiling is hanging with very thin wood and I am so afraid that today or tomorrow it will fall on my children. I cannot afford to bring bigger wood or lumber there to save my family from disaster. Even in the winter when it snows and makes it heavy I am so afraid it will fall on my children. This is my life. All night I don't sleep because I [worry] the ceiling will fall on my family. When I came here there were two [pairs of] slippers for me and two blankets for me. I have never seen [anything like this] in my whole life. I am that poor. If you come and see my life then you will find out who I am. Presiding Officer I have been wrong[ly] and unjustly [accused]. Maybe if the higher office finds out about the people that captured me, they will be punished too. When I first came here they had nothing and then the third year they told me I had a cache of weapons and ammunition and it was my responsibility. The next interrogation they asked me if I was innocent, then why did I come out of my house. They told me I was in the taxi and fighting and this and [that]. If you come back home and see my life, I bet you will cry. You will come back and ask why [they] pick up this poor innocent guy. When they were recording my [statement] I told them that I wanted to talk to some high ranking people and see if they had some money to help my family because they need it. I am a farmer and I work for a guy whose legs are numb from [the knee] down. In one year he gave me one kharwar all year. Then sometimes we would go to the valley to work for other people cleaning corn or do some other labor jobs just to feed our family. I could not afford to rent a machine to do the irrigation so the water would reach my vegetables. I didn't even have water for my irrigation. This is my life.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, but my heart is heavy. These guys have no right to put me in jail for one night, let alone the three years.

*The Assisting Military Officer had no questions for the Detainee.*

*The Designated Military Officer had the following questions for the Detainee.*

Designated Military Officer: Mr. Baridad what kind of crops were you growing at the time of your detention?

Detainee: I was growing wheat and corn. I was working for another guy planting his [crops] and at the end of the year he would give me some of his crops too. In the wintertime all Afghans slaughter a sheep and they pick the wool from it and they make a fire and brown the outside of the sheep and then dry it out. My family was telling me

ISN 966

Enclosure (5)

Page 6 of 8

21423

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

[other people] had meat and we did not. There is a type of meat that we boil and put a piece of bread with it. We would be happy to have [that]. When I am very lucky I would find a piece of meat, but most of the time we boil potatoes and put salt and pepper in it.

Designated Military Officer: You said you were too sick to even get out of the bed the day you were arrested. You said you were sitting outside the day you were arrested. You said that you were going to a bazaar the day you were arrested. Which one is true? Were you too sick to get out of bed, were you sitting outside, or were you going to the bazaar?

Detainee: When I went to the bazaar it was two or three months [prior]. When the Americans came I was sitting and watching their cars and what they were doing.

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

Board Member: When you were captured did you have your goatskin coat on?

Detainee: I had [it on the day prior to them] picking me up. After we take the skin off we don't go to the Mosque or any other place. We [stay] home and get well. We don't go to work, the bazaar, or anywhere.

Presiding Officer: Can you please explain the hearing loss you suffered? They claimed that when they picked you up you had some hearing loss.

Detainee: The day I was born I had a problem with that ear. When I went to Bagram Air Base and I told them about my ear they washed it. It was hurting a lot.

Presiding Officer: Thank you that clears it up. Thank you again for your answers and your cooperation.

Detainee: I cooperated and now I want you to...actually god has released me.

***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.***

UNCLASSIFIED//~~FOUO~~

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

21425

UNCLASSIFIED//~~FOUO~~

ISN 966  
Enclosure (5)  
Page 8 of 8