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(Revised 10 Aug 06)

Summary of Administrative Review Board Proceedings for ISN 972

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 (AMO) 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 detainee's initial Administrative Review Board (ARB) interview occurred on 01 September 2005, and lasted for one hour and 35 minutes. After a review of the ARB purpose and procedures, the Pashto translation of the Unclassified Summary of Evidence was read to the detainee. The detainee declined a copy of the Pashto translated Unclassified Summary of Evidence as he does not read Pashto. The detainee was polite and cooperative throughout the interview. At the close of the interview, the detainee said, that, during his transfer in Bagram, he fell on the stairs and caused the loss of one tooth and six of his front teeth to be loosened. He requests that the United States repair this condition.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, Exhibit DMO-2, and Exhibit 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 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 to assist the Detainee with answering the statements.

Designated Military Officer: The detainee was inducted in the Militia about 22 years ago. He used an RPG, Kalashnikov, and machine gun, to fight as a Mujahadin for over two months before he escaped.

Detainee: It is not true.

Designated Military Officer: After escaping from the Militia, the detainee met and worked with Mullah Nasim as a mujahadin for about two and a half months. The detainee and the other individuals in his group went from house to house collecting Kalashnikovs and ammunition.

Detainee: It is not true.

Designated Military Officer: Mullah Nasim was the former Director of Transportation for the Bamian Province, Afghanistan during the Taliban Regime.

Detainee: It is not true.

Designated Military Officer: Mullah Nasim was employed by the commander (Ramatullah) of the Afghan National Army 865th Brigade. He was also a member of the Taliban and Gulbuddin Hekmatyar's Hizb-I Islami (HIG).

Detainee: I don't know them.

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Designated Military Officer: Hizb-I Islami Gulbuddin (HIG) was founded by Gulbuddin Hikmatyar as a faction of the Hizb-I Islamic party in 1977, and it was one of the major Mujahideen groups in the war against the Soviets. In the early 1990s, Hikmatyar ran several terrorist training camps in Afghanistan and sent mercenary fighters to other Islamic conflicts. HIG has long established ties with Bin Laden. Hikmatyar offered to shelter Bin Laden after he fled Sudan in 1996.

Detainee: I do know Gulbuddin.

Designated Military Officer: The detainee left Mullah Nasim's group and returned to Baghram to fight as a Mujahideen for eight years. He had an RPG and four individuals under him.

Detainee: I was working for Nasim.

Designated Military Officer: The detainee then spent two years working with Mullah Karim Akhond as a Mujahideen.

Detainee: Yes.

Designated Military Officer: The detainee was trained by the Militia, for about two and one half months, during which time, he was taught to use a Kalashnikov.

Detainee: I was not.

Designated Military Officer: The detainee confirmed that he fought against the Russians in jihad for ten years.

Detainee: Yes.

Designated Military Officer: The detainee was assessed to have been the Military/Security Commander or Chief for the Wahid Compound. The detainee indicated extensive knowledge of the compound and local Taliban leadership.

Detainee: That is not true.

Designated Military Officer: Abdul Wahid was identified as the district chief of Baghram during the Taliban reign.

Detainee: That is not true.

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Designated Military Officer: Abdul Rais Wahid is a Mullah who dominates the Baghran Valley region. He is closely linked to the governor of Helmand Province, Shir Mohammed. Abdul Wahid supports, and is supported by the Taliban HIG and foreign Al-Qaeda.

Detainee: I do not know.

Designated Military Officer: Abdul Wahid planned to hold a meeting for Taliban leaders at his compound. The meeting was planned to held under cover of darkness. Attendees were to arrive in inconspicuous vehicles and there were to be at least 100 security personnel operating around the meeting location.

Detainee: I do not know.

Designated Military Officer: Shir Mohammed is a member of the insurgent leadership infrastructure. The intent of the insurgents is to conduct assaults on U.S. and coalition forces.

Detainee: Yes, he is a bad guy.

Designated Military Officer: On the morning of 10 February 2003, U.S. elements approached the Wahid stronghold of Lejay Village and were ambused from the high ground on both sides of the road. The U.S. Forces also received fire from positions in and around Lejay.

Detainee: We repected them.

Designated Military Officer: The detainee was captured on 10 February 2003, on the Wahid Compound in Lejay, AF.

Detainee: Yes.

Designated Military Officer: The detainee was found hiding in a culvert on the Wahid Compound. The detainee had a freshly fired AK in his possession, three loaded magazines and a vest. He was wearing an OD green jacket like those worn by individuals captured on the north side of Lejay that morning.

Detainee: No.

Designated Military Officer: The detainee had 3,000 rupees in his possession when he was captured.

Detainee: Non responsive.

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Designated Military Officer: It is believed that the detainee received a telephone call alert and orchestrated the ambush on U.S. Forces.

Detainee: It is not true.

Designated Military Officer: The enemy insurgent's families had departed the villages around Lejay and moved to the south, prior to the U.S. arrival. Nearly all male fighters remained to delay/disrupt the U.S. Forces' advance toward Baghran.

Detainee: That is not true.

Designated Military Officer: Lejay is part of a region which has provided a continuous safe-haven to hostile Taliban Forces which provide Command and Control (C2) nodes, supplies, guerrillas, training and staging areas. It is also a financial source through its opium and heroin production.

Detainee: We did not allow Taliban to come in.

Designated Military Officer: Insurgents in and around Lejay are intent on the preemptive destruction of U.S. Forces in order to resist the reduction of the Taliban-based power structure.

Detainee: It is not true.

Designated Military Officer: According to the detainee, he was captured after bathing in the river/spring near his house. He said he only had some hashish, matches, and a bar of soap with him at the time.

Detainee: Yes, it is true.

Designated Military Officer: The detainee was not captured with a cell phone.

Detainee: Yes, it is true.

Designated Military Officer: The detainee does not know how to use a phone and said that phones did not work in the area due to the terrain.

Detainee: We do not have cell phones.

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Designated Military Officer: The detainee claims not to know any Al Qaeda or Taliban senior leaders and has not knowledge of terrorist activities in the area since the Russians left.

Detainee: It is true.

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 Detainee: made the following statement:

Thank you for this hearing. Although I am a detainee, I am very happy. If I committed any crime, please, present evidence, and I will pay for my crime. You should not listen to people who give you wrong and false reports. I am begging you to help me go home, so I may farm my land. I owe money that my son borrowed in my name. I am a Muslim and I know God. I do not have any bad feelings.

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: Are you a member of the Zihir group?

Detainee: Yes.

Board Member: What position did you hold?

Detainee: I was similar to a local sheriff.

Board Member: In para 3.a.2, you mentioned, that, you were collecting weapons and ammunition to you. Why were you collecting these weapons and ammunition?

Detainee: People bring me weapons, and I give them to the prison guards.

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Board Member: You worked for Mullah Acqmul?

Detainee: Yes. I was with Mullah Nasim for two and a half months. I was with Shir for eight years.

Board Member: But you said you didn't know any Taliban leaders.

Detainee: There is a misunderstanding. There are two Mullah Nasim.

Board Member: Was the person he worked for a Taliban leader?

Detainee: Mullah Nasim is a Taliban. I worked for Mullah Honzada; the other person died 10 years ago.

Board Member: In your interview you mentioned that you were jailed. What were you jailed for?

Detainee: The Taliban jailed me for hashish.

Board Member: Where were you captured?

Detainee: I was taking a bath. Someone knocked on the door.

Board Member: Were you wearing a green jacket?

Detainee: I purchased the jacket.

Board Member: Weren't you concerned that the jacket could associate you with those who ambushed the U.S. forces that day?

Detainee: I purchased the jacket for 800 rupees. An enemy accused me.

Board Member: A personal enemy accused you? Who is this enemy?

Detainee: A dispute over land.

Board Member: An ambush did occur on U.S. forces near Lejay, on 10 February 2003. Do you know who planned it, or participated in it?

Detainee: I was taking a bath.

Board Member: Is it common in your province for men, for males to take up arms in defense of their village if outside military forces approach?

Linguist request member to repeat the question.

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Detainee: Some have weapons.

Board Member: If you return to Afghanistan, and the local leaders of the province ask you to take up arms, against the U.S. coalition forces, you will not do that?

Detainee: No. The U.S. respects the law.

Board Member: Are you in contact with your family?

Detainee: Non responsive.

Board Member: If released, will you be able to support your family?

Detainee: I will do something.

Board Member: Thank you very much.

Board Member: General inaudible . . . Do you think he was a good man?

Detainee: He is not good.

Board Member: What didn't you like about him?

Detainee: He's a communist. A pro-Russian.

Board Member: What tribe are your enemies from?

Detainee: Inaudible

Board Member: Are those tribes often in conflict?

Detainee: We kill each other.

Board Member: Were you involved in fighting with these people?

Detainee: The other man killed his cousin for land.

Board Member: You have any weapons?

Detainee: I had a gun with one bullet.

Board Member: But your enemy has a Kalashnikov?

Detainee: They have two.

Board Member: You are a very brave man to go with one shot against two Kalashnikov.

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Detainee: I was not afraid of them.

Board Member: As a local sheriff, did this position allow you to go around and do judgments?

Detainee: No, I am not a sheriff.

Board Member: But you did solve problems and make decisions?

Detainee: Important decisions, religious wise.

Board Member: You said, that when you were captured, that, someone came and knocked on the door?

Detainee: I was at a spring.

Board Member: So, let me understand. There is a waterway; and in the middle of the waterway, there is a walkway?

Detainee: I was in the culvert.

Board Member: You were taking a shower?

Detainee: Yes. I bathed and got dressed, and the Taliban came.

Board Member: You mention several folks, Mohammed Mamazai?

Detainee: For 800 rupees, I purchased the coat from him.

Board Member: These people can provide evidence. You said that you received a letter from your son. Did you reply to your son's letters, requesting documents be sent to us?

Detainee: I could, but it takes a long time.

Board Member: Why haven't you already asked for documentations to be sent to us?

Detainee: Mail will not reach my place.

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.

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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, USA
Presiding Officer

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