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Summary of Administrative Review Board Proceedings for ISN 961

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Mr. Wahab, welcome to this Administrative Review Board.

Detainee: (through translator) Yes, sir.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO), and Board Members were sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath and offered the Muslim oath.

Detainee: (through translator) Yes.

After the Designated Military Officer read the Muslim oath, the Detainee declined to take the Muslim oath.

Detainee: (through translator) In my religion, when we take the oath, it means that you should release me. But I don't trust that you will do that.

Presiding Officer: It's your choice.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board 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.

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Assisting Military Officer: The Detainee's ARB interview was conducted on 25 July 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When 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 he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The Detainee was cooperative and attentive throughout the interview. Copies of both the English and Pashtu translated Unclassified Summary were available to the Detainee, who declined to accept the documents.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4 to the Administrative Review Board.

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.

Designated Military Officer: (3.a.1) The Detainee was on a list of personnel who had a Casio watch in his possession on 1 May 2003.

Detainee: *(through translator)* Yes. I had the watch with me.

Presiding Officer: How did you obtain the watch?

Detainee: *(through translator)* I bought that watch from the market.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) Terrorism experts have said a Casio watch is a signature component of bombs made by militants trained in Saudi millionaire Usama bin Laden's terrorist camps in Afghanistan. Islamic militants are routinely trained by Usama bin Laden's operatives to wire Casio watches to explosives.

Detainee: *(through translator)* You have that watch on your hand also. I know it's just a watch and I bought it to use it as a watch. Many people wear Casio watches.

Presiding Officer: Did you ever receive military training?

Detainee: *(through translator)* No.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.1) The Detainee was captured on 10 February 2003 at a checkpoint north of Lejay, Baghran District, Helmand Province, Afghanistan based on

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suspicion that the Detainee was one of a number of men who had just engaged United States forces.

Detainee: (*through translator*) The allegation is not right. I was going somewhere from my home. I came out from my home, got in a taxi, and I went to the market; that's when the American Soldiers captured me.

Presiding Officer: How many people were in the taxi?

Detainee: (*through translator*) Including the driver, seven people.

Presiding Officer: What type of vehicle was it?

Detainee: (*through translator*) These taxi cars are called "Saracha". They are usually Toyota's.

Presiding Officer: Sounds like it was very crowded in the vehicle.

Detainee: (*through translator*) Yes. It was crowded because no more people could sit in there.

Presiding Officer: I don't understand why there were so many people in one vehicle.

Detainee: (*through translator*) To make more money, the taxi drivers would put too many people in their car.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.2) The Detainee fired from ambush positions and employed a high volume of small arms and rocket-propelled grenade fire in an effort to kill as many United States personnel as possible.

Detainee: (*through translator*) Sir, this is quite a lie. I said I came out from my home and I was going to the market. Now, I hear all these allegations. I don't know what my answer would be, except to say these are all lies.

Presiding Officer: The day you left your home to go to the market, did you hear any kind of gunfire?

Detainee: (*through translator*) No, sir. I didn't hear anything.

Presiding Officer: Thank you.

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Designated Military Officer: (3.b.3) The Detainee and all men captured at the checkpoint were wearing olive drab green jackets and all suffered from hearing loss due to their firing activity. United States Special Forces observed the enemy as they stopped at the top of the mountain, appeared to cache their weapons, and then maneuvered down the mountain.

Detainee: (*through translator*) How could it be possible for me to be the enemy with weapons fighting against the enemy, then put my weapons in a cache, and then walk barehanded and surrender to the enemy? If I was the enemy and I was fighting, then they would have captured me with the weapons.

Presiding Officer: Were you wearing the olive drab green jacket?

Detainee: (*through translator*) Yes, I was. Thousands of them were sold in the market. People would buy them. They were commercial stuff.

Presiding Officer: At this time, did you suffer from hearing loss?

Detainee: (*through translator*) No, I did not. Even here, they can look through my records. The doctors never examined my ears like if I had trouble with them. How can an enemy fight once and then come and surrender to be captured by the enemy? Because I was not an enemy, I did not have any weapons. I have not used any weapons against United States Soldiers.

Designated Military Officer: (3.b.4) An individual has repeatedly tasked the Detainee with transporting money from his village to Baghran.

Detainee: (*through translator*) No. There were Americans in Baghran. If I were to take money to Baghran, it's in their favor. So far, I understand that, in Baghran, there are only Americans. How could I take the money to the Americans? I have not taken any money to any person.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.5) The individual was a Taliban sub-commander.

Detainee: (*through translator*) I have never been with Taliban or the government. Not in my life.

Designated Military Officer: (3.b.6) The Detainee's brother fought for Jamaat-e-Islami in the jihad.

Detainee: (*through translator*) There were many years my brother was at home. One of his feet is amputated. He's a very poor guy. He cannot afford to pay for his family

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expenses. If he was with Jamaat-e-Islami, he's my brother; it does not concern me. First, he was not a member of the Jamaat-e-Islami. Even if you accept that he did it, it does not concern me. He's my brother. He's a separate man.

Designated Military Officer: (3.b.7) Jamaat-e-Islami is a political party in Pakistan made up of Islamic extremists. The party's leader has a relationship with Usama bin Laden.

Detainee: *(through translator)* It does not concern me. I have no information about Jamaat-e-Islami and their relationship with al Qaida and Usama bin Laden.

Presiding Officer: What are your feelings concerning Usama bin Laden?

Detainee: *(through translator)* I'm not a politician. I don't know about Usama bin Laden. I'm a poor man, busy with my work and farming as a peasant.

Designated Military Officer: (3.b.8) The Detainee was captured with a Taliban commander, who attended a meeting of senior Taliban officials to discuss military operations against the Afghan Interim Administration.

Detainee: *(through translator)* The allegation is not true. I didn't know anybody in that taxi, except one old man, who was from my village. If there was a commander or an important person, they can bring him here to look at me. I will look in his eyes. They probably cannot provide him because I don't know anything about these things. If there is such a commander, which you mentioned, if he's here, bring him here. Let him say in my presence that he was with us.

Designated Military Officer: (3.c.1) Based on photo comparisons and possible drug activity, the Detainee may have been a former general commander of Taliban forces in southwest Afghanistan and was possibly a Hezb-e-Islami Gulbuddin commander at one time.

Detainee: *(through translator)* Will you please explain about the photos a little bit? I don't know why you said that.

Presiding Officer: We can only read the allegations as it is in the Unclassified Summary. We cannot add anything.

Detainee: *(through translator)* I don't know whether you have pictures there and you're looking at the pictures. You said you have people that accused me of being with Taliban and this and that. What is the allegation? What is the basis of the allegation?

Presiding Officer: We can only read the allegation as it is written. You can deny it.

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Detainee: *(through translator)* I have not spent one night with Taliban; that's all I can say. Now, what I hear is that I'm with the Taliban and al Qaida.

Presiding Officer: Did that conclude your response?

Detainee: *(through translator)* Yes.

Designated Military Officer: (3.c.2) Hezb-e-Islami Gulbuddin has long-established ties with Usama Bin Laden. Hezb-e-Islami Gulbuddin has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee: *(through translator)* This is just information. It does not concern me.

Presiding Officer: Do you support the current Afghan government under President Karzi?

Detainee: *(through translator)* I'm not for the Karzi government. I just think of my own children and how to get some food for them. I'm not for President Karzi or any other government.

Presiding Officer: Would you like to see a fundamentalist state in Afghanistan?

Detainee: *(through translator)* No, sir. I'm not with the Hezb-e-Islami. I'm a poor man. I only want to get food for my children and make a living.

Designated Military Officer: (3.c.3) Initially, the Detainee thought he had been detained as a result of his involvement within the local narcotics trade.

Detainee: *(through translator)* I hope that you will do some judgment. I hope that the President will make a judgment on me. Once, I was accused of being with Usama bin Laden and with Gulbuddin. Now, I'm accused of drug trafficking. None of them are true. You said that I am with Gulbuddin and that I attacked United States Soldiers; I have not. This allegation that I'm a drug trafficker is not right. I was a poor man and I have never done such a thing.

Designated Military Officer: (4.a) The Detainee claimed he did not know any of the other men who were in his taxi when he was captured.

Detainee: *(through translator)* Yes. Among the people sitting in the taxi with me, I only recognized one person, which was an old, poor man. He lived close to our village. I didn't know any other persons.

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Designated Military Officer: (4.b) The Detainee stated that none of the people in the taxi possessed or disposed of weapons.

Detainee: (through translator) Yes.

Designated Military Officer: (4.c) The Detainee denied assisting anti-coalition forces against United States military personnel.

Detainee: (through translator) Yes.

Designated Military Officer: (4.d) The Detainee states he has never used a Kalashnikov rifle. The Detainee has seen people carrying Kalashnikov's, particularly the Karzi government Soldiers.

Detainee: (through translator) Yes.

Designated Military Officer: (4.e) The Detainee stated that he has not seen anyone in military combat. The Detainee stated that he does not know anyone who fought for the Taliban and claimed he was not aware of a conflict.

Detainee: (through translator) Yes.

Designated Military Officer: (4.f) The Detainee said he would not attack Americans.

Detainee: (through translator) Yes.

Designated Military Officer: (4.g) The Detainee denies that he was a member of the Taliban and insists he was nothing more than a farmer.

Detainee: (through translator) 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 Detainee was asked if he would like to make an oral statement to the Administrative Review Board.

The Detainee made the following statement:

Detainee: (through translator) Does the people who made these false allegations get any benefit from making such allegations? Do they make more money? Do they get a raise

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in their monthly payment? Is it a benefit to make an innocent man sit in this prison here away from his children?

Presiding Officer: We don't have an opinion on that.

Detainee: (*through translator*) You are the judge here, sir. Will you please judge? Do you believe that all these allegations about me are true, which I denied perfectly that they are not?

Presiding Officer: I am not a judge. I am the Presiding Officer of this Administrative Review Board.

Detainee: (*through translator*) One of the allegations against me is that I had a Casio watch. You have that kind of watch. Why don't you sit in the prison together with me? Different people in the world wear Casio watches.

Presiding Officer: We understand your argument concerning the watch.

Detainee: (*through translator*) The second thing I'm going to say is that you said I was an enemy, captured unarmed and without weapons. How can an enemy, who wants to kill somebody and accept that he may be killed, put his weapons somewhere to be captured and brought here? It's not logical.

Presiding Officer: We understand.

Detainee: (*through translator*) About the money to Baghran, I was a poor man. I did not have money to take to Baghran and give to somebody. In Baghran, as far as I know, there were only Americans. If somebody gave me money to take to somebody, it would mean that I'm taking it to the Americans. It would be for their benefit.

Presiding Officer: We understand.

Detainee: (*through translator*) I have not spent one night or one day of my life with any of the parties in our government. I'm a poor man. The last allegation was that I was a smuggler. I was a poor man. I didn't have enough food to eat. How can I be a smuggler? Smugglers are rich people.

Presiding Officer: Do you have anything else to say?

Detainee: (*through translator*) Yes, sir. If there is a benefit for you to accuse me, do it. But I'm a poor man. I'm sure it's not benefiting you. You speak to me like I'm a dangerous man. If you release me, I will go find food for my children and raise them.

Presiding Officer: Do you own land in Afghanistan?

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Detainee: *(through translator)* No. I do not have a farmland. I have a little piece of land and I built a small home for me. I worked on other people's land.

Presiding Officer: If you were transferred, would you be able to support your family?

Detainee: *(through translator)* I have to work hard. I don't know if they are still alive because I don't know where they are.

Presiding Officer: Are you in contact with your family?

Detainee: *(through translator)* No, sir. I had never received any letters since I've been here. My eldest son was seven years old. I don't have somebody to write me letters. If it helps you to get a raise by keeping me here, then do it. But I don't think it will. Please let me go and let me take care of my wife and children. Please read my file carefully and do some judgment about it. This is not the first board meeting in which I came, but my Assisting Military Officer told me that this is another board meeting and that you would come and present your reasons. So I got a little bit of hope. Otherwise, I was hopeless.

Presiding Officer: If someone offered you money to take up arms against the United States or coalition forces, how do we know that you won't do it?

Detainee: *(through translator)* I don't want to fight against American Soldiers. I will never fight against United States Soldiers. I will only work for my children.

Presiding Officer: Does that conclude your statement?

Detainee: *(through translator)* Yes, sir, I'm finished. If it's benefiting for you to keep me here, do it. Otherwise, I'm an innocent man.

Presiding Officer: I'm only concerned about threats against the United States or coalition forces in Afghanistan.

Detainee: *(through translator)* I swear I have never done it and I will never do it. I will never fight.

Presiding Officer: Does that conclude your statement?

Detainee: *(through translator)* Yes, sir.

Presiding Officer: Thank you.

Detainee: *(through translator)* I could not easily find food. I still have marks of hard work on me. But now, I'm accused that I was using weapons, but it's not true. Before I was arrested, I got a very old taxi with hope that it would be easier than hard work and that it would be more beneficial, but then I was captured.

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Presiding Officer: Are you done?

Detainee: (through translator) Yes.

The Assisting Military Officer did not have further exhibits or information to be presented on behalf of the Detainee to the Administrative Review Board.

The Assisting Military Officer had the following question:

Assisting Military Officer: If you are released or transferred back to your home country or the country of your choice, what are your intentions of doing?

Detainee: (through translator) I will work hard to find food for my children.

Assisting Military Officer: That's all, sir.

The Designated Military Officer had no further questions for the Detainee.

The Administrative Review Board members had no further questions for the Detainee.

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.



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