

Summary of Administrative Review Board Proceedings for ISN 103

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.

Presiding Officer: Assisting Military Officer, please read the comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 13 December 2005, and lasted 40 minutes. After reviewing the ARB's purpose and procedures, the Detainee stated he understood the difference between the CSRT and the ARB. The Detainee read the Uighur translated Unclassified Summary of Evidence. 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 stated would attend the ARB and that he did not have any written documentation to present to the board. The Detainee stated that he would respond to and answer questions in regards to the Unclassified Summary of Evidence after it had been read in its entirety. The Detainee was very courteous and

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attentive. The Detainee elected to take a copy of the Uighur translated Unclassified Summary of Evidence for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibits DMO-1, 2, 3, and 4 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 to the Unclassified Summary of Evidence after it had been read in its entirety.

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: (3) The following factors favor continued detention: (3.a) Connections/Associations. The Detainee claimed he was extremely surprised to find out his brother had gone to a training camp.

Designated Military Officer: (3.b) Detainee Actions and Statements (3.b.1) The Detainee departed from his village in China on 21 August 2001, after his brother had called home telling his family that the brother was traveling to Pakistan.

Designated Military Officer: (3.b.2) The Detainee traveled from China to Karachi, Pakistan. From Karachi, the Detainee made his way to Kabul, Afghanistan.

Designated Military Officer: (3.b.3) The Detainee stayed one and a half months in a guesthouse in Kabul.

Designated Military Officer: (3.b.4) The Detainee was told he had to leave the Kabul guesthouse. The Detainee traveled to a house in Konduz.

Designated Military Officer: (3.b.5) Shortly after the bombing started, the Detainee was informed he needed to travel to Kandahar.

Designated Military Officer: (3.b.6) The Detainee boarded a truck he thought was going to Kandahar with about 30 other occupants. However, instead of going to Kandahar, the truck drove to Mazar-e-Sharif, and all the occupants were imprisoned.

Designated Military Officer: (3.c) Other Relevant Data. The Detainee witnessed the Qual Jangi uprising.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated he does not have a bad opinion of the United States. The Detainee understands why he is here and thinks the United States is justified in

conducting the investigation. The Detainee understands the process of an investigation takes time and believes he will be found innocent.

Designated Military Officer: (4.b) The Detainee thinks he made a mistake by traveling to Afghanistan to find his brother. If he had the opportunity to change anything, he would have not traveled to Afghanistan.

Designated Military Officer: (4.c) When asked if he had plans to attack the United States, the Detainee laughed and stated, "No, of course not." The Detainee explained that he hoped to have the support of the United States if and when Turkistan separated from China.

Designated Military Officer: (4.d) The Detainee laments the deaths of so many innocent people in the terrorist attacks of 11 September 2001. The Detainee hates Usama bin Ladin and blames him for his imprisonment in Cuba. The Detainee understands why the United States invaded Afghanistan. The Detainee believes the United States has been just and fair.

Presiding Officer: Mr. Arkin Mahmud, now is your opportunity to respond to any or all of the allegations listed in the Unclassified Summary if you so wish.

Detainee: I have explained to them [interrogators, etc.] in the past the reasons as to why I went to Afghanistan. I don't really want to explain everything over again. I want you guys [referring to the Review Board] to explain to me why I have been grouped in with those terrorist people.

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.

Detainee: I would really like for you guys [referring to the Review Board] to explain to me. I want you to explain to me what kind of law fits my status. I want to know what the laws are in regards to my status that has kept me here [Guantanamo Bay] for the last four years. What laws have I broken?

Presiding Officer: That is not the purpose of the Administrative Review Board.

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 indicated he had some additional Detainee comments from the Enemy Combatant Election Form and that the Detainee would like to make an oral statement.

Assisting Military Officer: The following are additional Detainee comments from the Enemy Combatant Election Form: *The Detainee asked how long it would take to get an answer on his status. The AMO explained to the Detainee that the Review Board will make a recommendation and that process will be explained to him at the Review Board. The Detainee was also told by the AMO that a decision will be made in Washington D.C and he will get an answer in the very near future.*

The Detainee made the following statement:

Detainee: I wanted to present my concerns. I wanted to ask you [the Review Board] some questions, but you just told me that is not what we are here for today. If I cannot ask any questions, then I really do not have anything to say or talk about.

Presiding Officer: Very well.

The Assisting Military Officer did not have any further information to submit.

The Assisting Military Officer did not have any questions for the Detainee.

The Designated Military Officer did not have any questions for the Detainee.

Administrative Review Board Member Questions:

Board Member: Sir, where you ever provided any military training?

Detainee: No.

Board Member: Where you ever involved in combat operations?

Detainee: I did not participate in any combat.

Board Member: Why did you travel from China to Afghanistan if you thought your brother was residing in Pakistan?

Detainee: I could not find my brother in Pakistan, so I traveled to Afghanistan [to find his brother].

Board Member: You left China on 21 August 2001. When did you arrive in Afghanistan?

Detainee: I am not sure. What I remember is arriving in Afghanistan around December, wait, no, 3 September, I think. It was at the beginning of September.

Board Member: This time frame just so happens to be the same time that al Qaida was calling for individuals to come to Afghanistan for Jihad, and in preparation for attacks on the United States.

Detainee: I don't know anything about that. I had never heard of al Qaida until I was brought here [Guantanamo Bay]. I have seen American people on the television before. I had never seen Arab people in my life. Because of where I live, where I am from, it is very restrictive to foreigners coming into my city.

Board Member: You stayed in a guesthouse in Kabul for one and a half months. What did you do while you were there?

Detainee: They would not let me go outside. The people who ran the house would not let me go out because I did not have a beard or anything like that. They told me that if I left the house that the Taliban would hurt me. They told me if I left the house the Taliban would create trouble for the host of the guesthouse.

Board Member: Why were you directed to leave Kabul and go to Konduz?

Detainee: When I was at the guesthouse in Kabul the bombing started. I requested to the people at the guesthouse that I wanted to leave. They told me all the borders were closed. They told me ok, that I could go, but that I should go to Konduz because it was a little bit safer there.

Board Member: When you boarded the truck with thirty other occupants, were the other occupants armed?

Detainee: I did not see any weapons. However, when I was arrested, they found some weapons.

Board Member: When you were arrested, did you have a weapon?

Detainee: No. I did not have any weapons.

Board Member: Sir, were you involved in the prison uprising?

Detainee: I have seen weapons on televisions, but I have never touched a weapon in my life [referring back to the previous Board Members question]. When I was arrested, they [*they* is never specified, Detainee is referring to the individuals who arrested him] brought all the weapons they found and put them into one place. When they put me on the truck it was nighttime and I could not see. I did not see any weapons.

Board Member: Sir, were you involved in the prison uprising?

Detainee: No. I don't know anything about it. If I had been involved in that, I would probably be dead. But, I was there. I remember it happening.

Board Member: How would you characterize your behavior while you have been detained here at Guantanamo Bay, Cuba?

Board Member: There is nothing for me to characterize. What do you want me to characterize? If you don't specifically explain to me what you are talking about and explain things to me clearly, I don't understand. I do not have a high education. I don't really understand what you are trying to say.

Board Member: Your *behavior* while here at Guantanamo Bay Cuba. [Had your behavior been good, bad, indifferent, etc.]

Detainee: If you are in a prison, sometimes you get mad. Sometimes you get mad and upset. Sometimes you are sad. When innocent people end up in prison, you begin to think about your family, you get frustrated. It's a prison, things happen. When a regular person is just doing his business and staying home, and who has no knowledge about anything, then all of a sudden ends up in the middle of some terrorist people, then ends up in prison, that is frustrating and sometimes you get mad. It's sad, because I don't know anything. Even in my home country, even politics, everything in my home country is bad. But, I did not do anything against anybody. I was just trying to survive.

Board Member: If the Review Board were to recommend you be transferred to another country, what country would you like to be transferred to?

Detainee: I don't really believe that any other country will take me. I have heard that many countries have refused to take us [detainees from Guantanamo]. What I want is, since no one will take us, I would like for the United States to take me to their soil. I would like for the United States to take me and I will stay there for the rest of my life in peace.

Board Member: What do you think would happen to you if you were transferred back to China?

Detainee: They would probably kill me. Even if they don't kill me they would keep me in a prison for the rest of my life. I believe they [China] would not kill me right away. This is an international problem, everyone knows about detainees here [at Guantanamo] and the Chinese would want to keep their face up. That is why they would not kill me right away. Eventually they would kill me.

Board Member: If you had to be transferred to another country, would you take up Jihad against the government of China?

Detainee: I don't really believe you guys [referring the to Review Board] are going to release me. But, even if you guys change your mind or change your heart, and you decide to release me somewhere, then I am going to stay away from the Jihad, Pihad, whatever the heck its called [laughing making fun of the word Jihad] and I will stay away from any fighting, or anything like that. I just want to go somewhere to do my own business, start a new life, and live a happy life, whatever I can do to stay in peace.

Board Member: Thank you very much.

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Detainee: I do not want you guys [referring to the Review Board] to send me back to China alive. I do not wish to go back to China. However, if I should die in here [Guantanamo] I would like for you to send my dead body back to my family. I will accept that, but I do not wish to go back to China. If your government could find a place for me to live in peace, by myself, I don't want to be involved in any movement, any organization, I don't want to be involved in anything. I just want to live by myself. If you could provide that kind of thing to me, then I would be very grateful to your President, George Bush. Then I would be able to live in peace and quite.

Board Member: Thank you very much.

Board Member: Mr. Arkin Mahmud, what is your business in your home country?

Detainee: When I lived at home [Turkistan] I repaired shoes. I learned that trade when I was sixteen years old. I was a shoe repairman. In my home country of Turkistan, most of the Uighur people just get training in jobs like shoe repair, carpentry, or some other kind of local business, those kinds of trades. Even if you go to school in my country, there are so many Chinese people there. It is really hard to get a job. You don't have much of an opportunity to get a good job. Most people get just a little education and then get training for a local business job to try and survive.

Board Member: Are you and your family devout Muslims?

Detainee: Yes, we do believe in the Muslim religion.

Board Member: What is your definition of a lesser Jihad?

Detainee: When I was in my home country I did not even know what a Jihad was. I had never heard of Jihad. No one ever talked about Jihad. I did not even pray when I lived in my own country. When I went to Afghanistan, the people around me pressured me and told me that I needed to start praying. Then I started praying. I actually learned to pray when I got here [Guantanamo]. Some people pray, some people don't.

Board Member: Have you ever held a weapon in your hand?

Detainee: No. I have seen a weapon, but I have never carried a weapon.

Board Member: How did you get from Karachi to Kabul?

Detainee: I traveled by bus. I went by bus from Karachi to Quetta. Then I traveled to Afghanistan. There was a bus from Karachi to Quetta. Then I took a taxi from Quetta to Kabul.

Board Member: How many people traveled with you?

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Detainee: There were so many Pakistani people traveling by bus. But, there was one other person, one other Uighur, who was traveling with me.

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

Detainee interrupts.

Detainee: Sir, if this is the conclusion of the board I would like to make one more request. You [referring to the Review Board] have read everything. You have read my file. I was an innocent person. I just went to Afghanistan to try and find my brother. Then I ended up in the middle of terrorist people and organizations. Then the United States picked me up and brought me here [to Guantanamo].

I want you guys [the Review Board] to make a better recommendation to send to the higher person in Washington D.C. I hope those people in Washington D.C are also good human beings and that they understand, and hopefully they will come up with a better judgment in my case. If they decide to keep me here forever, I don't really mind to die in this place.

The last four years of being here in this prison, I actually blame myself for winding up here [at Guantanamo]. Because I traveled to Afghanistan, I wound up here. If the U.S government changes their heart and tries to help me find a better place, I can live with peace and I would appreciate it. I would then probably forget my bad experience here.

Presiding Officer: Arkin Mahmud, this Review Board will be forwarding a recommendation to Washington D.C. A very small number of the recommendations get overturned. The decision that the Review Board makes will very likely be upheld by the official in Washington D.C. Do you understand that?

Detainee: Yes.

Presiding Officer: It is the Review Board that you need to convince, not someone up in Washington D.C.

Detainee: How am I going to convince you? Everything I had and anything I knew, I have already told the truth.

Presiding Officer: The Review Board just wants you to know that there has only been one case where the Washington D.C official did not approve the recommendation of the Administrative Review Board. This is your last chance. Is there something else you think the Review Board should know or something you think the Review Board should hear?

Detainee: I don't have anything else to say. All I can talk about is *myself*. I can only tell you things about myself, there is nothing else.

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Presiding Officer: Since you brought that topic up. I am appalled at your behavior here [while detained at Guantanamo]. Are you ashamed of the things you have done while you have been detained here [at Guantanamo]?

Detainee: I am not shamed when I am here. There are lots of people here in prison. But, if I leave here, if I am released from here and I go out into the world, probably people are going to make fun of me and say things about me. Then I will be ashamed.

Presiding Officer: You have made anti-American statements while you have been detained here. Have you not?

Detainee: When? What kind of statement are you talking about?

Presiding Officer: The guard staff reported that you made anti-American statements.

Detainee: No, I have never said that. But, maybe, when you are in a prison for four years, sometimes you get frustrated and upset and you say things you don't really mean.

Presiding Officer: That is my question then. Do you really *mean it* when you made anti-American statements?

Detainee: No, I did not mean those statements. For example, sometimes you get upset and angry, say for example towards your family. You curse your parents, your family member, or even your children. You might say to your kids, "you should behave or I am going to kill you." You say things like that, but you don't really mean it. That's just frustration.

Presiding Officer: I look at your file and the one thing that stands out is the behavior you have displayed while you have been detained here [at Guantanamo]. So I understand what you are saying, you regret that you did not behave better. Is that correct?

Detainee: Sometimes I get upset, frustrated, and angry. Sometimes we [detainees] curse the MPs and say something bad. Later on, the MPs come back and we [the detainees] are in a good mood, we start talking to the MPs again and sometimes we apologize to the MPs, and say I am sorry.

Presiding Officer: Now, as you sit in this room, do you regret that you did those things?

Detainee: Yes Sir.

Presiding Officer: Thank you.

Detainee: Yes, I do regret what I have done in here [Guantanamo]. I wish if you were to release me, you would send me somewhere on United States soil so I can be with the Uighur people or just live by myself. Or you could send me to another area, some other country, anywhere I could live in peace. If I ever said any anti-American statements or if

I have said anything bad against America, then you can put me in prison for the rest of my life. I do regret if I said something bad against American.

The Presiding Office began once again to read the post-Administrative Review Board instructions and adjourned the open session of the Administrative Review Board.

Detainee interrupts

Detainee: I used to have a home country. I used to live in Turkistan. The Chinese took my home and my country from us [the people of Turkistan]. I have suffered in here [Guantanamo] for four years. I do not want to return to China and suffer in a Chinese prison. Even if I were to say I belong to the country of Turkistan, they would cut my tongue out. I do not want to return to China. If you decided to release me or transfer me, I would appreciate it if you would send me to a different country.

The Presiding Officer resumes the post-Administrative Review Board instructions.

Detainee interrupts again.

Detainee: If they [the official in Washington D.C] decide to keep me in here for one more year and I have another hearing a year from now, I will not attend. I will just request that I be kept in prison forever.

The Presiding Officer adjourned the unclassified portion of the Administrative Review Board session.

The Presiding Officer opened the classified portion of the session.

The Designated Military Officer offered the classified exhibits to the Administrative Review Board.

The Administrative Review Board examined all classified material.

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

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