

Summary of Administrative Review Board Proceedings for ISN 111

*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 Presiding Officer clarified with the Detainee that he understood English pretty well. He instructed the Detainee that if he felt like answering in English that was fine, but if the Detainee did not understand something and needed it translated to indicate that to the translator.*

Presiding Officer: Do you understand what I am saying?

Detainee: Yes.

*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 initial ARB interview occurred on 07 September 2005 and lasted 150 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of Evidence, provide a written statement, give an oral statement, or provide the Assisting Military Officer comments to present, the Detainee said he wanted the Assisting Military Officer to speak on his behalf. A follow-up interview was conducted on 08 September 2005 and lasted for 180 minutes. This interview was necessary to verify the Detainee's comments for accuracy. The Detainee was cooperative and very polite during both interviews. The Detainee elected to keep a copy of the Arabic translated copy of the Unclassified Summary of Evidence for his review. This concludes my comments.

Assisting Military Officer: Sir, Also in the interview prior to the ARB, the Detainee elected to answer the Unclassified Summary of Evidence openly and he would like to answer the statements as they are read one by one.

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, 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.*

Presiding Officer: I have one question about DMO-2. The FBI list three documents and I only notice two on the reference sheet.

Designated Military Officer: Sir, one was not referenced in any of the summaries. I do have it, but it was not used in any of the summaries.

Presiding Officer: Okay, I see. Since we cannot talk about it here we will talk about it during the classified session.

*The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee initially chose not to respond to each item of information from the Unclassified Summary as it was presented, but now, thru the Assisting Military Officer, the Detainee indicated that he did want 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: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was arrested due to civil unrest. He was jailed in Wusil City in north Iraq for over one year.

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Detainee: This is correct. They caught me in Wusil City in north Iraq and then they put me in jail. It was in 1996, the first of April, and the city was named Mosul, not Wusil.

Designated Military Officer: (3.a.2) While working with the Republican Guard in the al Suera Region, the Detainee went absent without leave (AWOL) twice from his unit. The Iraqi military found and arrested him. He was subsequently sent to the al Hara al Umy Prison, which is a prison for Iraqi military intelligence personnel.

Detainee: I was in the Iraqi Army, the Republican Guard. Iraq is my home. No one can say no [to joining the army] because you are forced to join the Iraqi Army. Then they took me to an Iraqi jail and that jail was called the Intelligence Jail, Division Five, cell number 17, located in Alkhtmeah City, in Baghdad City.

Designated Military Officer: (3.a.3) When the Detainee was released from this prison, he fled Iraq, contacting his sister (Entesar) in Tunisia for assistance.

Detainee: That is right I left my home, without following the rules. [I went] toward Jordan, but I did not have enough money to stay in a normal hotel and it was not safe. It was very dangerous to anyone who did not have any money in Jordan. They would take you back to Iraq. I [had to] contact my sister in Tunisia and have her send some money to me to give to the hotel.

Designated Military Officer: (3.a.4) The Detainee traveled through Egypt and Libya on the way to Tunisia.

Detainee: Yes. The first time it was safer to go to Libya than to Jordan.

Designated Military Officer: (3.a.5) The Detainee flew to Istanbul where he was arrested days after his arrival due to his use of false documents to enter the country. He was transported to a special prison called Banshee in Istanbul, Turkey.

Detainee: That is right and I want to say something [else]. [For each Iraqi] wanting to leave his country there are many ways. The first one is to take asylum by the United Nations office or by buying a visa, but it is so expensive and not everyone can afford to buy a visa; also by buying a cheap passport, any Arabic passport to help go to Europe or the United States. That is the goal of the Iraqi people. That is correct and you can ask a lot of Iraqi people and the homeless. If you are lucky you can go to Europe or America and take asylum, but if do not have good luck you will be in a jail or homeless and I was.

Designated Military Officer: (3.a.6) The Turkish government extradited the Detainee to Iraq. He was imprisoned in Baghdad. He spent a year there before escaping.

Detainee: This is not correct. The Turkish government did not return me to Baghdad. They turned me over to the Iraqi Kurdish area in north Iraq. I could not return back to Baghdad because they would put me in jail. With the Kurdish people there was more freedom there. I could not return back to the Turkish or somewhere...I have two files

with the ICRC and you can ask the ICRC. I was homeless in Turkey and that was not my choice. It was because I had no documents or money.

Designated Military Officer: (3.a.7) The Detainee joined the Taliban and resided in a Taliban guesthouse in Peshawar, Pakistan, while in transit to Afghanistan.

Detainee: That is right. I was with the Pakistani people, and I had no idea before about the Arab people in Afghanistan. There was a very good chance to find food three times. I was homeless. That was before 11 September [2001] and I did not know if the Taliban would be an enemy or not. If I knew, I would not go to Afghanistan because I would not fight with anyone. I just wanted to stay safe and get asylum. I have never been an enemy to America and I never will be an enemy to America. I would live in America and I will be one person of the American people.

Designated Military Officer: (3.a.8) The Detainee was a political refugee from Iraq due to the fact he is a Shiite Muslim. He found work as a truck driver for the Taliban.

Detainee: This not true because I never was...I never had diplomatic asylum before. I was opposed to the Saddam government. Iraq is my home. How can I take asylum in my home?

Designated Military Officer: (3.a.9) The Detainee fought on the frontline. On the frontlines, the Detainee drove the truck used during the retreat.

Detainee: That is correct. I was not fighting I just drove.

Designated Military Officer: (3.b) Training: (3.b.1) The Detainee was a member of the Iraqi military for approximately three years.

Detainee: That is right. I was in the Iraqi army for three years. I spent one year in the army, one year in jail, and the last year between the jail and the army. That does not mean I am a bad person, but I do not like the Saddam regime. They put me in jail because I oppose him. I want freedom. I don't like Saddam and Saddam's people.

Designated Military Officer: (3.b.2) The Detainee went to basic training in Sinjar Iraq. After basic, he received heavy vehicle mechanic training at al Suera.

Detainee: That is not right. In Suera city, there is no such thing. There is no training for drivers. I never trained there. I did not take any training in Suera. Suera has so many camps. You should know which camp I was in.

Designated Military Officer: (3.b.3) The Detainee was a driver for the Palace Guards for one year. Then, he became the personal driver to General Hakay Shafir Saleh, a secretary of Saddam Hussein.

Detainee: This is not true. It is not true.

Designated Military Officer: (3.c) Connections/Associations: The Detainee denied any affiliation with Iraqi Intelligence Service (IIS) or the Special Republican Guard, even though he admits being the driver for a Special Republican Guard General.

Detainee: That is not correct. Some interrogators accused me of being with the Iraqi Intelligence and that is not right.

Designated Military Officer: (3.d) Intent: The Detainee has stated he feels that he would be an ideal spy for the U.S.

Detainee: Some interrogators asked me to [gather] information from other Detainees. They told me [if I did] it would help me get asylum. I never asked to be a spy before. After that happened some interrogators told the Detainees here about me and that I gave the interrogators information about them. *It was very hard and now my life is in danger.*

Presiding Officer: Okay, I was not sure that I heard what you were saying there. What was your last sentence? I just could not hear you real good.

Detainee: *Now I am in danger. Not just me, but me and my family.* The interrogators and the ICRC know. I have been in Eagle camp because most of the Detainees spit in my face and throw pee and shit because I gave the interrogators information. Rich Detainees told me they know my address and they told me they have no problem, but they will find me. [They said] if they have to spend \$100,000 they [said they will] to kill me. Not just me, but my friend ISN-252 too. You can check with the interrogators.

Designated Military Officer: (3.e) Other Relevant Data: (3.e.1) After fighting in Konduz, the detainee's unit surrendered to the Northern Alliance with the rest of the Taliban forces. They were taken to Mazar-e-Sharif.

Detainee: Yes, that is right.

Designated Military Officer: (3.e.2) While the Detainee was being held at Qala-I Junghi Prison, Mazar-e-Sharif, Afghanistan, he withdrew from a mortar position. During his withdrawal he encountered an American and interpreted for him. He said he was very close to the American when the American was killed.

*(The Detainee requested that the Administrative Review Board use the response that was recorded on Exhibit EC-B provided during his interview with the Assisting Military Officer. The Presiding Officer confirmed his request.)*

Detainee: In response to the allegation the Detainee stated the following on Exhibit EC-B (3.e.2): "This is not true. After the withdrawal of the Taliban from the north to Mazar-e-Sharif, with an agreement with the Dostum Army, they were responsible for Mazar-e-Sharif. Dostum agreed to take the Taliban weapons, a plane was taking pictures, and lots of media were there. They agreed to take the Taliban and put them in Qala-I Junghi. They put almost 700 people in an underground bunker until the following day. They

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brought us out from the back shackled. There were two men, one with a camera, and the other with recording equipment, asking questions. The recorder asked questions of the people ahead of me, and they were telling the recorder they were not Arabs. The recorder asked me, and I told him I was an Arab. The Dostum Army and the recorder took us about 15 meters away and the recorder introduced himself to me. I gave the recorder my full name. The recorder said his name was Mike and that he was with the American Intelligence. I gave information to [REDACTED] and I told [REDACTED] that the 150 Arabs with me were lying. [REDACTED] asked me about the blonde guy. I told [REDACTED] that the guy with the long hair claimed he was from Ireland. After that, the Dostum Army brought me back. [REDACTED] thanked me and said he will meet me again. On my way back, [REDACTED] was behind me, and every time I tried to turn around, someone from the Dostum Army hit me with a stick, along with some others. After that, there was some firing by the Dostum Army. They fired at the people that were shackled. Of the 700 people, only 70 were injured and all the others were dead. I escaped without any injuries."

Designated Military Officer: (3.e.3) The Detainee negotiated the release after the uprising at Qala-I Junghi. He talked other Arabs into surrendering.

*(The Detainee requested that the Administrative Review Board use the response that was recorded on Exhibit EC-B provided during his interview with the Assisting Military Officer. The Presiding Officer confirmed his request.)*

Detainee: In response to the allegation the Detainee stated the following on Exhibit EC-B (3.e.3): "These are all claims. For the negotiation of release, someone came out and said, 'Why don't you all come out. We will not kill you'. So we did. When I came out, I told the Red Cross I did not talk people into surrendering. I told them I'm not American. I'm an Iraqi. I told them that because I did not want to be killed."

Designated Military Officer: (3.e.4) The Detainee stated that he lied to previous interrogators, and his cover story was untrue. The Detainee said he lied to all previous interrogators to make himself appear more important.

Detainee: That is right sir, but I did not lie to all of the interrogators about everything that happened. I was scared the interrogators were going to give me back to Iraq. I gave information about everything that I did know to get asylum.

Designated Military Officer: (4.) The following factors primary factors favor release or transfer: (4.a) The Detainee strenuously denied any ties to the Iraqi Intelligence Service (IIS) and stated that Saddam Hussein's government had executed his uncle and there is no way he would ever be involved with the Saddam Hussein regime.

Detainee: That is right.

Designated Military Officer: (4.b) The Detainee stated that he is grateful for America and all they have done for the Iraqis.

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Detainee: Yes sir, that is right.

*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.*

Presiding Officer: Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board including a written statement, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

Assisting Military Officer: No sir. No written statement, but the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement now.

*The Detainee made the following statement:*

Detainee: With all respect to all of the gentlemen here and the American government and the American people. I want the American government to understand me and I am sure they will respect human life because I believe and I trust the American government. I thank the American government for helping the Iraqi people and for giving me the chance to return back to freedom. I am sorry about everything that happened, but I want to explain to you that I was homeless and an ordinary person. I was never an enemy to America or Americans. In the future I want to be an American because I want to be safe. Thank you to the American government and thank you for the people that are here. I am sorry again about the time...I want to just have one chance in my life to be human because my past life was very, very hard. Thank you.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank you.

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

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

*Administrative Review Board Member's questions:*

Board Member: What was the nature of the civil unrest when you were arrested in 1996?

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Detainee: In 1996 I was in my home in the Iraq military. I tried to leave my home because I did not want to stay in the army. They force you to stay, they don't give you money, and it is very hard to put down the Saddam government. I tried with another friend...he told me that maybe we could have a good life in northern Iraq. We did not know where northern Iraq was, but we heard from a generation of people that if you go to northern Iraq that you could find the U.N. Office and you could get asylum to go to Europe. I tried with my friends. We did not have enough money and we did not know exactly which way to go to get to northern Iraq. The Iraqi police captured me without documents and they took me back to Mosul police and they beat me many times. Then they took me back to the military. They found an important piece of paper that was about my uncle that the Saddam government killed. They took the paper and punished me so much and sent me to the Intelligence Jail because they thought I was an enemy.

Board Member: So you were in the Army already and you were trying to escape to the Kurdish portion of northern Iraq?

Detainee: Yes. I did not want to be with the Kurdish people, I just wanted to find the U.N. Office. The people inside Baghdad said that if you go to the U.N. Office they would give you asylum. That was the reason I took that paper to show them that Saddam killed my uncle and I did not want to stay in the army, but I had bad luck.

Board Member: When you were a truck driver for the Taliban near the frontlines did you carry a weapon?

Detainee: No sir, I just drove. They asked me the first time if I wanted to go to the line and fight for jihad. I said no I am just a mechanic and I drive. I don't want to go and I don't want to have a gun.

Board Member: How did you travel to Afghanistan? What was your route of travel?

Detainee: I was in Pakistan for five months and I was homeless. In Pakistan before 11 September [2001] you could find an Islamic office everywhere without a problem from the Pakistani Government. I could not always ask the Pakistani Government to give me food. I tried to find a job, but Pakistan is very poor and I had no idea about Pakistan before [going there]. I found the Islamic office and it was a very good chance to get food and find a job.

Board Member: Did the Islamic office ship you to Afghanistan?

Detainee: Yes, the Pakistani people. I swear to God if I knew the Arabic people in Afghanistan or what the Taliban meant or that they were an enemy of America I would have never went to Afghanistan.

Board Member: Is ISN-252 an Iraqi?



Detainee: No, he is from Yemen. I know him from the camp here. Other Detainees were talking bad about him and cursing him.

Board Member: Does he speak English?

Detainee: No. He is my neighbor in "E" block.

Board Member: Does he speak Farsi?

Detainee: No, he speaks Arabic.

Board Member: How do you communicate with him?

Detainee: I am Arabic and he is Arabic. We speak the same language.

Board Member: You both speak Arabic.

Detainee: Yes, sure.

Presiding Officer: You said he was from Yemen.

Detainee: Yes. And he is very cooperative with the interrogators. We have the same interrogators.

Board Member: You said you were concerned about your family's welfare. Do you have parents?

Detainee: Yes, I have parents, two sisters, and one brother.

Board Member: Where is your brother?

Detainee: He is in Iraq. He is younger than me. I think he is twenty-four years old.

Board Member: Why didn't you go back to your parents to get money instead of from your sister the first time you tried to get out of Iraq?

Detainee: My parents could not save money for me. My father is very poor. My father can't buy a house. We live on the second floor of my grandfather's house. It is just two rooms and they are very poor. My father cannot save anything for me so I must find money to send to them.

Board Member: Does your father work?

Detainee: Yes.

Board Member: Where does he work at?

Detainee: He is a driver of the Iraqi Oil Ministry. He is just a driver.

Board Member: If we transfer you back to Iraq what will you do in Iraq?

Detainee: *Sir, please, I don't want to go back to Iraq.*

Board Member: Where do you want to be returned [to]?

Detainee: I want to go to Europe or America. I want to find a new life. I don't want to go back to any Arabic home. Please. This has been my goal for 8 years since [the time] I left my home. Please, I want the American government to give me that chance. I want to be a new human. I have no problem with any religion. I have no problem with anyone. We are all brothers. I want to be safe.

Board Member: Is there some reason specifically that you do not want to go back to Iraq?

Detainee: *Yes sir, because most of the Detainees have sworn to kill me and they will do it. Some of the Detainees are going back are Pakistani or Arabic and with their friends they will look for me and it will not be easy. I don't want to give my family a hard time. If I am with my family they and I will have a very hard time. Please don't return me back to Iraq or any Arabic country. Just let me find a new life. I want to go to school and find a job. I want freedom.*

Board Member: When you were at the Qala-I Junghi Prison, why did you tell them you were not an American? How was that going to protect you?

Detainee: In Qala-I Junghi if you say you are Arabic or Pakistani they will shoot you. So, I said I was American because I did not want anyone to kill me. When I got outside and I got in front of the camera and they asked if I was American I said no that I was Iraqi.

Board Member: So you just switched.

Detainee: Just because I wanted to be safe.

Board Member: Thank you that is all of my questions.

Presiding Officer: In 3.b.2 there was a question about you going to basic training in Sinjar Iraq and you said that it was not true. What kind of training is there?

Detainee: Sir, there is normal training there. Each Iraqi, when they join the military, is given training based on what they will do in the army camp. Not all Iraqi people use the Kalashnikov. My job in the army was to drive and I didn't worry about the guns. I had normal training just to learn how to salute the flag, the officers, and the army rules. That is it.

Presiding Officer: Is that what goes on in Sinjar?

Detainee: No [that] is in the Majueen region toward the south. It is 80 kilometers from Baghdad.

Presiding Officer: But, you said there are many camps in al Suera, but are there any training camps in Sinjar? That is where they say you had your training.

Detainee: There are camps everywhere in Iraq. When I told them that before, it was because I did not want to go back to Iraq. I just wanted to make myself big. I [know] nothing. In Suera there are many camps that train the Iraqi military, but I have only been in normal camps. Not where they train people.

Presiding Officer: In the next question (3.c) they mention that you were affiliated with the Intelligence Service. Where would they get this from or why would they say this if you said that it was not true and you were not with the intelligence service?

Detainee: The first time before the Americans came to Iraq. I had some information about Baghdad. Each person that lives in Baghdad will know what a building is, but will not know what is inside the building. Baghdad is so small. When I did give this information to the interrogators they did ask how I knew that information. I could not say that this was normal and each person knew that information, so I said I have this information from some higher people. I just wanted to make myself seem [important] to get asylum. *I did not want to say anything that would make me get returned back to Iraq. I am scared of returning back to Iraq.* But, I did not say that I had been working in the Iraqi Intelligence Office or nothing like that. I am sorry about doing that.

Presiding Officer: Is that all you would like to present?

Detainee: Yes sir.

Presiding Officer: Thank you.

*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, U.S. Marine Corps  
Presiding Officer