Summary of Administrative Review Board Proceedings for ISN 758

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.

Detainee: No, I don't understand.

Presiding Officer: You do not understand this process? I am going to recap it and see if we can get you to understand.

Presiding Officer: I am going to do it in single sentences. You may be present at all open sessions of this Administrative Review Board.

Detainee: Good.

Presiding Officer: You can be removed if you become disorderly.

Detainee: Good.

Presiding Officer: Okay you understand me so far?

Detainee: Yes, I do.
Presiding Officer: The purpose of this Administrative Review Board is to gather information to see whether you continue to pose a threat to the United States and it’s allies.

Detainee: Very good.

Presiding Officer: And if there are other factors that lead us to believe that you should continue to be detained by the United States.

Detainee: Very good.

Presiding Officer: This is your opportunity to present information to us in written form, oral form or any other statements from other people that may help us understand why you should not be detained any further.

Detainee: Good.

Presiding Officer: You understand that?

Detainee: Yes.

Presiding Officer: The Assisting Military Officer can provide any help you may need during this process.

Detainee: Good.

Presiding Officer: You can present to us any information you like including written statements, oral statements, or statements from persons who can provide relevant information such as the other Detainee that you are going to provide a written statement from. Do you understand me?

Detainee: Yes.

Presiding Officer: You may examine all the unclassified information that you wish. Understand that some of the documents may be partially masked for security reasons. Do you understand that?

Detainee: Yes.

Presiding Officer: I think he understands some of what I am saying. You know a little English it sounds?

Detainee: A little bit.

Presiding Officer: Okay, thank you. You may not be compelled to testify. In other words, we cannot force you to tell us anything. We can’t require you to provide a written statement but you can make a statement if you wish but you are not required to make one.
Detainee: Very good.

Presiding Officer: Your Assisting Military Officer can provide a statement for you if you like. Do you understand the process now?

Detainee: I understand now.

Presiding Officer: Thank You.

*Detainee confirmed that he understood the Administrative Review Board process.*

*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-8, 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 was conducted on 25 November 2005 and lasted 35 minutes. After reviewing the Arab’s purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee said that he understood the difference between the CSRT and the ARB. 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 said, he would like to attend and answer the allegations after each point is read. The Detainee did during the pre-ARB interview indicate that he had a letter he would like for the AMO to present on his behalf. The Detainee was very polite, and attentive. A copy of the Arabic translated Unclassified Summary of Evidence was given to the Detainee for his review.

*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 for presentation to the Detainee.*

*The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of the 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) An associate of the Detainee recommend that he should go to Afghanistan and join the Taliban in their struggle to establish an Islamic state. The Detainee was led to believe that if he established himself early with the Taliban he would be successful, rising quickly in the Taliban ranks. The Detainee left Iraq for Afghanistan in 1994.

Detainee: That is not true. I left Iraq in 1989 and I entered Afghanistan in 1994, before the existence of the Taliban. That's all for this allegation.

Designated Military Officer: (3.a.2) The Detainee claims to have fought in eastern Afghanistan.

Detainee: I have never fought. I have never fought with Taliban.

Presiding Officer: Have you ever fought in eastern Afghanistan?

Detainee: Never.

Presiding Officer: Not with any tribes or anybody else.

Detainee: I have never fought with anyone, any tribe, or anybody.

Designated Military Officer: (3.a.3) Originally, the Detainee explained that his decision to go to Afghanistan was made out of religious fervor and to fulfill his religious obligation to fight a jihad. Later, the Detainee admitted that he is not a religious man. The Detainee also cited his desire to become financially successful as a reason for traveling to Afghanistan, claiming he was told there would be good jobs there for an Arab.

Detainee: That is not true. I went to Turkistan and I was transferred to Afghanistan. I did not go to any other country.

Presiding Officer: Transferred by whom?

Detainee: It was the government.

Presiding Officer: Which government?

Detainee: Turkistan.

Presiding Officer: You were a government employee or military employee.

Detainee: I was a political refugee. We went in as political refugees.
Presiding Officer: And you are from Iraq, so why would Turkistan transfer you to Afghanistan if you were from Iraq?

Detainee: Because they do not have an Embassy there. There was no Iraqi Embassy there in Turkistan.

Presiding Officer: They transferred you to which Embassy in Afghanistan. Do they have an Embassy in Afghanistan?

Detainee: No there was not an Embassy in Afghanistan.

Board Member: Were you expelled from Turkistan and then you went to Afghanistan?

Detainee: No, no they transferred me. I wanted to stay in Turkistan, they transferred me they would not let me stay. They transferred me to Afghanistan.

Presiding Officer: How about your religious obligation to fight a jihad, have you fulfilled that or is it yet to be fulfilled?

Detainee: No sir, I am not a religious person. I would not be involved in any tribe. I am not a religious person and would not like to be involved in any war.

Designated Military Officer: (3.a.4) The Detainee arrived at a guesthouse near Logar, Afghanistan and went to the front lines.

Detainee: I never went to the front line. I arrived to the guesthouse in Logar but I never got to the front lines.

Designated Military Officer: (3.a.5) The Detainee served as a fighter for the Taliban.

Detainee: I only served for one month.

Designated Military Officer: (3.b) Training (3.b.1) While in the Iraqi military the Detainee was trained on the rocket-propelled grenade and the mortar.

Detainee: I never had any training. The mortar was true. Yes, in Iraq I had some training on mortar and RPG.

Designated Military Officer: (3.b.2) The Detainee claims that he was at a guesthouse used by the mujahedin in Kashmir, Pakistan for more than a month. The Detainee’s training consisted of physical training, marching and exercising.

Detainee: That is true.
Designated Military Officer: (3.b.3) A high-ranking member of al Qaida claims that the Detainee trained at the al Farouq Camp in Kabul, Afghanistan.

Detainee: That is not true.

Presiding Officer: A high-ranking member of al Qaida claims the Detainee trained at the al Farouq Camp in Kabul. He said that is not true?

Detainee: In Kashmir I spent one month.

Presiding Officer: But you deny being at al Farouq?

Detainee: No, I never was in al Farouq Camp.

Presiding Officer: Well I beg to differ with you because this source we have is very reliable. I have no problem if you admit to it. I would just prefer if you tell me the truth. It's okay if you were there. I just want you to tell me the truth.

Detainee: No, I never went to Farouq. That Farouq Camp was in Kandahar it was not in Kabul.

Presiding Officer: So you went to the al Farouq Camp in Kandahar?

Detainee: No, I did not.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) Once in Afghanistan the Detainee met with Usama bin Laden and Mullah Omar, the leader of the Taliban. The Detainee pledged a bayat to Mullah Omar.

Detainee: That is not true.

Presiding Officer: Did you pledge bayat to anybody else?

Detainee: No.

Presiding Officer: Can you explain to me what bayat is?

Detainee: It means that you take an oath to fight.

Presiding Officer: You never took an oath to fight for anyone?

Detainee: No, no, never.

Presiding Officer: Just a refugee?
Detainee: Yes, I was a refugee only.

Designated Military Officer: (3.c.2) While traveling in Afghanistan, the Detainee said that he came into contact with Mullah Omar. The Detainee claims that he asked Omar for money to help assist him in getting back to his family in Iraq. The Detainee said Omar gave him 200,000 Afghani rupees and wrote a letter to the governor of Herat requesting that the governor also help with his situation.

Detainee: Very well, that's true. 200,000 Afghani rupees is only equal to $5.00.

Presiding Officer: And he wrote a letter for you as well asking for help?

Detainee: Yes, he did.

Presiding Officer: Going back to the previous question, it said you met Usama bin Laden and Mullah Omar.

Detainee: I never met them.

Presiding Officer: But you just said that this guy gave you 200,000 Afghani rupees, this Mullah Omar and he also wrote a letter for you to get you some help. So you must have met him.

Detainee: Only when he was with Usama bin Laden I did not meet him. I met him on a [separate occasion] not when he was with Usama bin Laden.

Designated Military Officer: (3.c.3) The detainee claims that on three separate occasions Usama bin Laden met with and tasked the Detainee to conduct missions in support of al Qaida.

Detainee: That's not true.

Presiding Officer: Never assigned to conduct missions in support of al Qaida?

Detainee: No, no never.

Presiding Officer: Once again, the source who gave us this information is very reliable.

Detainee: Yes, I have never met Usama bin Laden.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee served as an infantry corporal in the Iraqi military from 1 May 1987 through November 1988.

Detainee: That's true.
Designated Military Officer: (3.d.2) The Detainee was transferred and served as a border guard in November 1988.

Detainee: Yes, it's true.

Designated Military Officer: (3.d.3) The Detainee claims to have been put back in the Iraqi Army for the first Gulf War. American Forces captured the Detainee during the first Gulf War.

Detainee: Yes, that is true.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee claims he met with Usama bin Laden and Mullah Mohamed Omar in May 2001. The purpose of this meeting was for the Detainee to tell Omar that his soldiers were committing war crimes and because of these atrocities, he could no longer support the Taliban. Omar told the Detainee to leave Afghanistan or risk being thrown in prison.

Detainee: That is not true.

Presiding Officer: None of this statement is true?

Detainee: It's not true. If it [were] true I would tell you.

Presiding Officer: Was Omar’s soldiers committing war crimes?

Detainee: Yes, they were committing very bad war crimes.

Presiding Officer: Did you sometime say, even if it wasn't to Omar or Usama bin Laden, did you say that you could no longer support the Taliban? At sometime did you think even if you didn't say this to Usama bin Laden; did you think you couldn’t support the Taliban?

Detainee: I never supported Taliban. They just supported me with some money.

Presiding Officer: So the Taliban supported you but you never did anything for them?

Detainee: Just some financial aide, that's all that they gave me. I never did anything for them.

Presiding Officer: Why would they do that, why would they give you financial aide? I don't understand that.
Detainee: Because I was not an Afghan and I had no means of living for food or anything so I needed help. They helped me with minor things and gave me money. I wasn’t the only one a lot of Iraqi people were there.

Presiding Officer: What were the other Iraqi people doing there?

Detainee: They were all refugees.

Presiding Officer: So what did they do as refugees, just hang out in the camp?

Detainee: They took aid from the Taliban and they [would] go to Pakistan.

Designated Military Officer: (4.b) A person known to the Detainee claims that the Detainee was recruited to join groups of fighters and [he] refused.

Detainee: That did not happen.

Board Member: The recruitment did not happen or your refusal?

Detainee: Nobody came to me; nobody had approached me.

Designated Military Officer: (4.c) The Detainee advised that he was basically a beggar while in Afghanistan. The Detainee went from charity to charity and frequently visited Taliban officials asking for money.

Detainee: That’s true.

Designated Military Officer: (4.d) The Detainee claims that he never committed any acts of aggression against the Coalition Forces. The Detainee stated that he was never armed with any type of weapons while in Afghanistan and his only military training was the time he served in the Iraqi Army.

Detainee: That is true.

Designated Military Officer: (4.e) The Detainee acknowledged that his first story about being a close associate of Usama bin Laden was not true. The Detainee said the truth is that he never personally met Usama bin Laden.

Detainee: Yes, that’s true.

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

Detainee: I have something to say.
Presiding Officer: I will give you your chance in a couple of minutes. Can you wait a couple of minutes?

Detainee: 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 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 wishes to make an oral statement as well as have me present a written statement on his behalf. I am handing the Administrative Review Board the following Unclassified Exhibit marked as EC-C. A copy of this exhibit has been previously provided to the Designated Military Officer.

Presiding Officer: Since there are no other additional comments on the Enemy Combatant Election Form, I am going to ask the linguist to summarize the letter that has been presented to us so that we all have an understanding of the contents of the letter. OL-13 will translate the letter in its entirety after the board for its review. The board will consider the letter in its deliberation. Take your time and briefly give us an idea of what ISN 433 [wrote], and I understand ISN 433 wrote this, is that correct?

OL-13: Yes, sir. Another Detainee here wrote that stating ISN 758 pose no threat to United States and its allies. Should I read it?

Presiding Officer: Yes just summarize.

_OL-13 summarized the written letter from ISN 433._

OL-13: I have to read it in Arabic so I can read [it back to you].

Presiding Officer: That’s fine so he can understand it too.

OL-13: It is stating here that, I present this letter as an aid to Detainee ISN 758. I would like to state that he does not pose a threat to United States or its allies. Therefore, because I know this man from Afghanistan when he visited me in my own home begging me for some help. I did not have anything to offer [him]. But when I looked at his overall look and his dirty clothing he had on, he looked so miserable. So I went to another friend of mine and asked him for money. That person gave me about $3.00 and I gave it to ISN 758. I have invited him to stay at my house for that particular night, but he refused. This person came back to me again (meaning ISN 758) asking me for more money that I didn’t have to give him. I also learned from other people that this person

ISN 758
Enclosure (6)
was addicted to Hash, he smokes grass. This was a reason that made me decide not to help him because every time I would help him he would spend it on Hash. To me he was not a political person, a religious, or a military person. I have never heard once that he hated America or its allies. I never heard that he really served with the Taliban. He received some help from the Taliban like other Iraqi refugees, and I am one of them. I am one of them and I have received help from the Taliban. They only gave me food for my family and me. They gave me a house to stay with my family. In regards to 758, they did not give him a house because he was not married. They only gave [one] to me. He is a peaceful man and he does not pose a threat on nobody and he has parents that need him. Anything that happened between him and me, like some kind of animosity was a result of the investigators here on this facility. So they can create animosity between the two of you. I was exposed to a lot of abuse, psychological abuse from the investigators and God only knows what happened. This person ISN 758 is innocent from any allegations and God knows everything. This is what I have and peace be upon [you].

Presiding Officer: Okay thank you. We will ensure EC-C is presented as evidence in your defense.

Detainee: Yes.

Presiding Officer: As I said before, OL-13 will read it and translate for our decision.

Detainee: Very good, sir.

Presiding Officer: You may begin your statement.

The Detainee made the following statement:

Detainee: I was a prisoner in the Taliban prison in 2001. The Taliban gave me a piece of paper to give it to the Red Cross stating to allow this person to get out of Afghanistan. This statement should be in my file.

Presiding Officer: That's it?

Detainee: That's it!

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 one question for the Detainee.
Designated Military Officer: You said you left Iraq in 1989 but you did not get to Afghanistan until 1994. Where did you go?

Detainee: I stayed in Iran.

Designated Military Officer: Where at in Iran?

Detainee: At the refugee camp.

Board Member: American Forces captured you during the Gulf War from Iran or from Iraq?

Detainee: During the Gulf War I was in Iran. I went from Iran to Iraq and I was captured.

Administrative Review Board Member's questions:

Board Member: If you were returned to Iraq what would you do.

Detainee: I would like to start my life all over again.

Board Member: What type of business would you get involved in?

Detainee: I am a driver.

Board Member: Thank you.

Presiding Officer: You brought up a lot of questions, when you said you left Iraq in 1989, went to Afghanistan in 1994. You went back from Iran to Iraq just to fight in the war?

Detainee: We were forced to leave Iran. I was forced to go back to Iraq from Iran. They made me leave.

Presiding Officer: Since you were not in the military why did you fight in the war?

OL-13: Which military sir?

Presiding Officer: You have fulfilled your military obligation by then correct?

Detainee: Iran forced me to go back.

Presiding Officer: I understand Iran made you go back, but you have fulfilled your military obligation in November of 1989.

Detainee: No, I did not finish my obligation in 1989.
Presiding Officer: Okay did you desert in November of 1989? This statement here says you served as an infantry corporal in the Iraqi Military from May 1987 through November 1989.

Detainee: No, I did not desert. I stayed in the Iraqi military until I fled to Iran.

Presiding Officer: In 1989 you fled to Iran?

Detainee: Yes, in 1989 I fled to Iran.

Presiding Officer: At that point were you out of the military?

Detainee: No, I was not finished from the military.

Presiding Officer: So what do you call that? Were you on extended leave?

Detainee: I don’t understand the question.

OL-13: I am going to try to rephrase it to him.

Detainee: I fled the Iraqi Army on foot.

Presiding Officer: So he fled Iraq to Iran and he still had the military obligation and left anyway?

Detainee: Yes, I did desert my obligation to the Iraqi Military.

Presiding Officer: Now I understand. I understand why Iran sent you back to Iraqi, and why you had to serve in the military for the Gulf War.

Detainee: Yes.

Presiding Officer: So we captured you in the first Gulf War.

Detainee: Yes, the first Gulf War.

Presiding Officer: Then you ended up here because and it doesn’t tell me how you got capture, but you were apparently picked up in Afghanistan. Why were you captured again by the U.S?

Detainee: American Forces captured me as a prisoner and they took us somewhere in Saudi Arabia.

Presiding Officer: You’re telling me that the U.S Forces picked you up in Afghanistan somewhere and took you to Saudi Arabia.

Detainee: That was in the first war.
Board Member: Okay forget the first war, we are talking Afghanistan in 2001 or 2002. I am not sure when you were captured. When you were captured the second time why [did they capture you]?

Detainee: I was captured in Pakistan. And the Pakistani authorities delivered me to the Americans. They told us that every Arab person has to go to the Americans for an investigation.

Presiding Officer: Is 433 an Iraqi as well?

Detainee: Yes.

Presiding Officer: And it mentioned that your family needs you? Explain what he meant by that?

Detainee: We have to stick to our families because we need each other. I am missing.

Presiding Officer: Have you been communicating with them?

Detainee: Yes, in writing.

Presiding Officer: They didn’t miss you when you went to Iran?

Detainee: Yes, they missed me.

Presiding Officer: The letter mentions that you had a drug problem with Hash.

Detainee: Yes I was addict.

Presiding Officer: If released or transferred to Iran, is Hash going to be trouble again?

Detainee: No, I am done with it. I stopped this habit three years ago.

_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.

[Redacted]
Colonel, U.S. Marine Corps
Presiding Officer
CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 758

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<th>Guantanamo#/ICRC Letter #</th>
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<td>09/12/2005</td>
<td>UNCLASSIFIED</td>
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From: Abbas Abd Rumi Al Naely

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted By Abbas Abd Rumi Al Naely, ISN #758, on 09 December 2002 by OARDEC Linguist OL-13.

The detainee submitted the following statement:

To the respected members of the board;
After greeting and salutation:

Statement:

I am called, Abu Fatima, case #433, present to you my statement as an act of charity to the so called shaker, case # 758... that he does not pose a threat to United States and its allies because of the fact that I knew him from Afghanistan... where he came to my house asking me for assistance, and I did not have anything to offer him. But, after I took a look at his appearance and the poor clothing condition, which proved to me clear starvation. I went to some friends and borrowed some money... approximately three dollars and gave it to him, and invited him to stay as a guest over night. But, he refused, and he left and came back after a while. Also, he was in need and did not have what I can help him with, but I found out from him, and from people that he is a hashish addict, and he could not be stable in one particular place because he does not have money and he is in need of clothes, food, and in need of money also, for the Hashisha. And of course the last reason was the hashisha that made me not to attempt to help him for another time. And, also he is not a political or a religious person or military and I did not hear that he hated America or it's Allies. And also, I did not hear that he conducted any job for Taliban, and he also received some help from the Taliban just like the rest of the Iraqi refugees, and I myself is one of them. I used to receive some help from Taliban and only gave me in return no more than enough food for my family and me, and provide a house because I have a family. But as far as # 758, they did not give him a house, because he is not married... and also he is a peaceful man and does not pose threat to anybody... and he has his family which they are in need for him, and anything that appeared from me towards him or against him, it was a result of some investigators, so they can pit us against each other. And also, I was exposed for psychological abuse from before... from the investigators and nobody knows this but God. And this # 758 is innocent from any allegation.

This is it, peace be upon you.
Abu Fatima Al Iraqi (9/12/2005)
لا أستطيع القراءة العربية.