

Summary of Administrative Review Board Proceedings for ISN 034

*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).*

Detainee: I thought I have already [spoke] on this matter and I have already told you the truth.

Presiding Officer: I understand your customs but I do require you to either say yes or no, if you would like to. You are not required to take an oath I would just like a yes or no answer. I understand you are going to tell us the truth.

*The Detainee accepted taking the Muslim oath.*

*The Presiding Officer read the hearing instructions to the Detainee.*

Detainee: I do not understand.

Presiding Officer: Is there anything specific that you don't understand about the process?

Detainee: I don't understand anything that you are saying. You keep telling me that I am an enemy combatant and that I pose a threat. I don't understand [why]?

Presiding Officer: You have previously been determined to be an enemy combatant by a Combatant Status Review Tribunal (CSRT). You were previously notified of the CSRT's decision.

Detainee: Based on what?

Presiding Officer: Based on the information that was presented to the CSRT at that time.

Detainee: Who present[ed] this information?

Presiding Officer: The CSRT Team and I would have to check to see what that team would consist of but I do have those documents and I can reference them during the classified session. This is an administrative review board that is going to take a look at your information, talk to you, ask you some questions and listen to what you have to say. Then make a determination whether or not you still pose a threat to the United States.

Presiding Officer: Let me recap a little bit of each paragraph to see if he will be able to understand. You may be present at all open sessions of this administrative review board (ARB). The purpose of the administrative review board hearing is to gather and review information to make an assessment and this will be a new assessment, to see if you continue to pose a threat. The CSRT had already determined you to be an enemy combatant we will determine whether you continue to pose a threat.

Detainee: What is the reason [why] CSRT determine me to be an enemy combatant?

Presiding Officer: I don't have that in front of me right now. We will cover some of the things your AMO covered with you previously in regards to the Unclassified Summary. We will go through that today.

Detainee: You are telling me that I am an enemy combatant. How can you talk to me and judge me [by] telling me I am an enemy combatant?

Presiding Officer: We didn't determine you to be an enemy combatant. The CSRT did based on the information they were given. We today are going to review your Unclassified Summary and any input that you have to make a decision as to whether or not you continue to pose a threat. This session will be your opportunity to be heard and to present information, if you have any, to this administrative review board. You will be able to explain why you believe you are no longer a threat to the United States. The CSRT determined at that time that you were a threat. You will have an opportunity to explain why you believe you are no longer a threat to the United States and its allies. The AMO can help you in anyway he can if you need. You may present information to this administrative review board including written statements, an oral statement, or statements from persons you believe will support any of your relevant information you would like to provide. That's letters from home, letters from the Embassy and letters from your home country can all be presented today. Any unclassified information that we are given you have the right to view and your AMO and linguist have already gone through this with you earlier this week. Some of the information on the documents that you view that are unclassified may be masked for security reasons. You may not be compelled to testify or to provide a written statement to this administrative review board. We cannot make you provide anything in writing or orally. However, you are able to make a statement if you wish. You may choose to have the AMO provide a statement on your behalf if you

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prefer. Again this is a review of all unclassified information that you can give us and what we already have in front of us and it is used to determine whether or not you continue pose a threat to the United States and it's allies.

Presiding Officer: Have I cleared it up enough for you that you can understand this process?

Detainee: It depends, you are wasting your time with me and I don't understand anything. You determined that I am enemy combatant.

Presiding Officer: The process is what I am concerned with, if you understand the process of what we are going to do here today? As to how you were determined an enemy combatant, that was determined at a previous board. Your opportunity today here is to help clear up anything we misunderstand.

Detainee: This is what we talked about before (referring to what he discussed with the linguist and AMO).

OL-21: Yes (responding to Detainee).

Detainee: Very good, yes, yes.

Presiding Officer: If at anytime there is something you don't understand please ask your linguist or the AMO to have me [clarify].

Detainee: Very good.

*Detainee confirmed that he understood the 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-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 ARB interview occurred on 04 October 2005 and lasted for 40 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, the Detainee stated he wished to attend and to speak openly with the board members. The Detainee prefers to respond to the Unclassified Summary of Evidence after each allegation is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the AMO submit a written statement in his behalf. The Detainee was cooperative and very polite during the

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interview. The Detainee elected to receive the Arabic translated Unclassified Summary of Evidence for future 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.*

*The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary 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 seen in Tora Bora.

Detainee: How? I don't know where is Tora Bora.

Presiding Officer: Someone said they saw you in Tora Bora.

Detainee: This in not true, no.

Designated Military Officer: (3.a.2) The detainee was on the front line in Kabul, Afghanistan.

Detainee: No.

Designated Military Officer: (3.a.3) The Detainee fled Afghanistan in early December 2001, and was arrested when he crossed the border by Pakistani border guards.

Detainee: Can you clarify that for me please?

Presiding Officer: DMO please try to clarify for him.

Designated Military Officer: It states you left Afghanistan in 2001 and then you were arrested by Pakistani border guards.

Detainee: We left Afghanistan [on our own] and we delivered ourselves to the authorities.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee served two and a half years in the Yemeni Army.

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Detainee: This is an obligation. It is military service that you have to do. It is not an [option]. You have to go and do your two years and a half. Yes, I was forced, not by my own will, we have to do it.

Designated Military Officer: (3.b.2) The Detainee studied for six months at the al Dimaj Institute.

Detainee: I don't know Dimaj and I never went to it.

Designated Military Officer: (3.b.3) The Dimaj Institute is a known terrorist training center.

Detainee: I don't know that.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) A senior al Qaida Lieutenant recalled possibly seeing the Detainee at the al Zubayr guesthouse prior to the 11 September 2001 attacks.

Detainee: I don't know that.

Designated Military Officer: (3.c.2) A senior al Qaida commander recalled seeing the Detainee in a Kabul, Afghanistan guest house.

Detainee: Didn't happen.

Designated Military Officer: (3.c.3) A bodyguard of Usama bin Laden saw the Detainee at an Arab compound in Kandahar, Afghanistan.

Detainee: No.

Designated Military Officer: (3.c.4) The Detainee's name was found in a document listing al Qaida members.

Detainee: How? What is my name [doing] on that list?

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee stated he never fought against the Northern Alliance, has never met Usama bin Laden and never attended the Dimaj Institute.

Detainee: Yes, I said that.

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

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*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 at this time.

Presiding Officer: You may begin your statement.

OL-21: I told him he [could] talk about whatever he wants to the administrative review board.

*The Detainee made the following statement:*

Detainee: I have nothing to tell, I am a normal person who works in agriculture. I have never killed anybody. I am a normal person; I live a normal life just taking care of my agriculture. That's the [life] I have and that's the life I was [living]. I don't want to hurt [anyone] and I don't want to be hurt by anybody. That's all I have and that's all I want to tell you.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, what else do you want me to say?

Presiding Officer: I just need to know if you are finished.

Detainee: I don't have anything.

Presiding Officer: Thank You!

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

*The Designated Military Officer had the following questions for the Detainee.*

*Administrative Review Board Member's questions:*

Board Member: What did you learn in the Yemeni Army, what skills did you acquire?

Detainee: I learned how to guard and to use the Kalashnikov.

Board Member: What did you do in Afghanistan?

Detainee: I went to teach the religion.

Board Member: How long were you in Afghanistan?

Detainee: Approximately two years.

Board Member: Have you read the Koran?

Detainee: Yes.

Board Member: What do you think you will do if you return back to Yemen?

Detainee: The only thing I will do is take care of agriculture, that's all I know and that's my job.

Board Member: What kind of agriculture do you do?

Detainee: Cultivate earth and plants seeds of fruits.

Board member: What kinds of products do you grow?

Detainee: I [grew] potatoes, tomatoes, onions, and raisins.

Board Member: Are you going to also teach the Koran, teach religion?

Detainee: In my country you mean? I will teach my family members, yes.

Board Member: Why were you trying to get out of Afghanistan?

Detainee: To leave the war, to leave the killing and the bombing.

Board Member: Did you have a passport when you went to Afghanistan?

Detainee: Yes.

Board Member: Did you have it when you left Afghanistan?

Detainee: I had [my] identification and some clothes.

Board Member: Where did you live in Afghanistan, what cities?

Detainee: Kandahar, Kabul and Jalalabad.

Board member: Did you convert a lot of people?

OL-21: When you mean convert, do you mean from another religion to Islam?



Board Member: Yes, is that what he was doing?

Detainee: They are already Muslim. What they need to learn is how to write in Arabic and learn about Islam.

Board Member: Do you teach adults, children or both?

Detainee: Only kids. I teach them how to read Arabic, write Arabic and how to read the Koran.

Board Member: Do you teach in the Mosque?

Detainee: Yes.

Presiding Officer: Do you know where the Tora Bora Mountains are?

Detainee: No.

Presiding Officer: Were you ever in Kabul or around Kabul?

Detainee: Yes.

Presiding Officer: When you were in Kabul did you have a weapon with you at anytime or carry one for protection?

Detainee: No.

Presiding Officer: Were you ever in Kandahar?

Detainee: Yes.

Presiding Officer: Have you heard about the al Dimaj Institute?

Detainee: I heard about it, it is a center for knowledge [on] religion. Not an organization.

Presiding Officer: It is a religious center?

Detainee: Yes, to have conversations about prophets and the Koran.

Presiding Officer: So you have heard about Dimaj Institute but you said you have never studied there?

Detainee: Yes.

Presiding Officer: Yes, meaning you have never studied there.



Detainee: Yes.

Presiding Officer: Thank you.

Presiding Officer: Have you heard about an al Zubayr guesthouse?

Detainee: No.

Presiding Officer: Are you a member of al Qaida?

Detainee: No.

Presiding Officer: Never been?

Detainee: No.

***The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.***

OL-21 and Presiding Officer had different versions of the post-Administrative Review Board instructions. The corrections were made and re-read to the Detainee.

Detainee: If they decide to detain me for what reason?

Presiding Officer: From the information we have read to you today that you gave answers to and from classified information that we will also review.

Detainee: For example, you decided to keep me and I didn't do anything.

Presiding Officer: I understand that. We appreciate your honesty today and for giving us your answers. We will take the information that you gave us and the information the DMO gave us and we will make a decision and give a recommendation to the Designated Civilian Official.

Detainee: Very good.

***Presiding Officer adjourned the open session of the Administrative Review Board.***

***The Presiding Officer opened the classified portion of the session.***

***The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.***

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, USMC  
Presiding Officer

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