

Summary of Administrative Review Board Proceedings for ISN 084

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.

Detainee: Who are the civilians?

Presiding Officer: The civilians are guests of mine. Some are military and the others are from the press.

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

Detainee: Is the date correct?

Presiding Officer: The date is the date that we were appointed as a board. It's not supposed to be today's date.

Detainee: Was it 05 November [2005](referring to appointment letter for board members)?

Presiding Officer: 05 October 2005, is when we were appointed.

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: Everyone in this room swears. The first time I was in this room I swore and there were no results. Everybody says they will tell the truth, my AMO said he would tell the truth but there are still no results. So there is no point in swearing.

Presiding Officer: If you could just please give me a yes or no answer and that will suffice.

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Detainee: No.

The Detainee declined taking the Muslim oath.

Presiding Officer: Thank You! I understand your customs but a yes or no makes it easier for me and we know you are going to tell us the truth today.

The Presiding Officer read the hearing instructions to the Detainee.

The 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 10 October 2005 and lasted for 45 minutes. After a review of the ARB purpose and procedures, the Russian 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. The Detainee stated "I am undecided at this time whether I would answer the Unclassified Summary of Evidence or how I want the questions to be presented. I will decide when I come to the ARB. I will also decide when I get there if I will make an oral statement". The Detainee firmly elected not to have the AMO submit a written statement or speak on his behalf. The Detainee was cooperative and very polite during the interview. He elected to receive the Russian translated Unclassified Summary of Evidence for his future review. Additional Comment, the Detainee stated that he has a lawyer and will probably be meeting with him in about a month.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and the Terrorist Organization Reference Guide, DMO-3, 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 after the DMO read 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) Men from an Islamic group wanted the Detainee to

ISN 084
Enclosure (5)
Page 2 of 7

join the group for jihad. The Detainee spent eight to ten days with three Islamic groups before being flown to Konduz, Afghanistan. (3.a.2) After staying in Konduz, Afghanistan for seven to eight months, the Detainee was taken to Mazir-e-Sharif to be surrendered to Dostum's troops. (3.a.3) The Detainee was caught smuggling \$600,000 in United States currency.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee received training on the Kalashnikov and gas mask during the ninth and tenth grade. (3.b.2) In June of 2000, the Detainee was part of a group of new recruits that was sent to Tajikistan for training. (3.b.3) A Foreign Government Service reported this group was transporting counterfeit United States dollars to an unidentified camp run by the Taliban when arrested in Tajikistan.

Designated Military Officer: (3.c) Connections and Associations (3.c.1) The Detainee is a suspected member of the Islamic Movement of Uzbekistan (IMU) because some of the information that he provided was nearly identical to information provided by a known member of the IMU. (3.c.2) A Foreign Government Service reported the Detainee as a member of the IMU. (3.c.3) IMU is a coalition of Islamic militants from Uzbekistan and other Central Asian states opposed to Uzbekistani President Islam Karimov's secular regime. Although the IMU's primary goal remains to overthrow Karimov and establish an Islamic state in Uzbekistan, it appears to have widened its targets to include all those perceived as fighting Islam. (3.c.4) The Detainee was an associate of Abduhalim Pakhrutdinov, a major supporter of Islamic extremist activities in Central Asia and a major financier of the IMU. The Detainee worked for Pakhrutdinov at his business Al Baraka. (3.c.5) The Detainee's position with AL Barakat was that of a "cashier" and he worked on site at the company building. As a "cashier", the Detainee was one of several people who received the cash money from those who sell Pakhrutdinov's products elsewhere. He then files the money away in a safe-like room. (3.c.6) The Detainee was identified as a person observed at Konduz, Afghanistan fighting: Al Janke, Shabraghan prison; and Kandahar, Afghanistan.

Designated Military Officer: (3.d) Other Relevant Data; The Detainee was at Maser-e-Sharif during the uprising. The Detainee was lined up in the courtyard with approximately 15-20 people when the shooting started. The Detainee recalled running towards the stairwell and hearing gunfire coming from it. A grenade exploded and he suffered leg and back injuries.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) While he was with the group of men in Tajikistan and during the several months that would follow in Konduz and Mazar-e-Sharif, he was never threatened with bodily harm, but always feared if he attempted to escape, he would be killed by these men. (4.b) The Detainee did not want to join with the Islamic group for jihad. (4.c) The Detainee has never had any problems with the police anywhere and has never been arrested. The Detainee has no knowledge of any counterfeiting to include money, passports and travel documents. (4.d) The Detainee stated all information regarding him being captured with

ISN 084

Enclosure (5)

Page 3 of 7

UNCLASSIFIED//~~FOUO~~

\$600,000 United States currency was false. This concludes the Unclassified Summary of Evidence.

Presiding Officer: At this time you if you would like to comment on the Unclassified Summary you may.

Detainee: Those accusations were not right, they were wrong.

Detainee: [I] have a lawyer, [who] I trust and whom I believe in. I told him everything and gave him all the information and [I] believe in him. I was advised by my lawyer that if I attend an ARB or another hearing and there are accusations against me, not to say anything during the hearing. I have the lawyer's card and he asked for you to call him if there are any questions.

Presiding Officer: You understand a little English.

Detainee: I have been here for four years I understand a few languages.

Presiding Officer: Thank you for your honesty.

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: Sir no written documents, however during the interview he indicated he would decide at the ARB whether he would make an oral statement.

Detainee: I would not like to make a statement because I have [a] lawyer.

Presiding Officer: Thank you very much. AMO could you please read the Detainee's additional comments that you read earlier.

Assisting Military Officer: The Detainee stated he has a lawyer and will probably be meeting with him in about a month.

Presiding Officer: You have already decided you do not wish to make a statement therefore I am going to continue forward, if you agree with that, unless you have something you would like to add.

Detainee: You may continue.

ISN 084
Enclosure (5)
Page 4 of 7

UNCLASSIFIED//~~FOUO~~

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: Are you of the Islamic faith?

Detainee: Please forgive me, but I am not going to answer any questions, due to the fact my lawyer told me not to answer any questions.

Presiding Officer: That's fine, bear with us we are going to still proceed to ask you questions you can just refuse to answer if that is your desire.

Board Member: What did you have [in your possession] the first time you were captured?

Detainee: I have been detained and interrogated here for over four years. You guys have all the documents. Last month I spoke with my lawyer and he has all that information also.

Board Member: You said you didn't want to join the Army group, so why did you?

Detainee: I will not answer any questions, I am very sorry.

Board Member: Who is your lawyer?

Detainee: His name is John (Detainee had business card in his pocket).

Board Member: What was Abduhalim's business that you worked in? What were the products he made?

Detainee: I won't answer that.

Board Member: When did you decide you didn't want to be in Afghanistan?

Detainee: I will not talk.

Board Member: Good luck with your lawyer.

Detainee: Thank you very much!

Board Member: While you have been hear have you heard from your family?

Detainee: I will not answer.

ISN 084
Enclosure (5)
Page 5 of 7

Presiding Officer: They alleged in the Unclassified Summary, that you had some U.S. currency; did you have any U.S. currency on you when you turned yourself in or were captured?

Detainee: Please talk to my lawyer.

Presiding Officer: Have you ever been to Konduz, Afghanistan?

Detainee: I will not talk.

Presiding Officer: Have you been to Al Janke prison?

Detainee: All the questions that you are asking the lawyer and the interrogators have in [my] file.

Presiding Officer: Have you recovered from the injuries you received at Mazar-e-Sharif? How are your legs and your back?

Detainee: [They] are normal, it's fine.

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

Detainee: Before we end, I would like to say a few words. In the past I have never met Americans, never dealt with Americans but I have heard from other people that in America you have a Democracy. Without knowing the language [spoken] in America I heard that America was a fair country that did not kill people and actually goes to help other countries that are unfair to their people (other countries unfair to their own). I have been here for four years now and I have not seen an ounce of Democracy and I am wondering if all the things I have heard about America was a lie. The American government before was an example for other countries. You would go in and set regime for people of other countries who did not have their own rights. I am from Kazakhstan a country where the sun rises and [the United States] is a country where the sun sets. I have never had anything against the U.S. and cannot understand the allegations brought against me. I have never killed anyone, I have never done anything against Americans and I have never been to America so, how can America do this against me? Maybe Americans are angry because from what I have heard is someone flew an airplane into a building and maybe killed a child or someone's father or someone's brother but I didn't do that. I was never against America. I am very sad for what happened but I also have a mother and a father.

Presiding Officer: We appreciated your comments, concern and sincerity. Thank You!

Detainee: Thank you very much.

Presiding Officer: We appreciated your honesty and the answers you did provide.

ISN 084
Enclosure (5)
Page 6 of 7

Detainee: You are welcome, sir.


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.

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

ISN 084
Enclosure (5)
Page 7 of 7