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Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the hearing instructions to the Detainee and asked if he understood the process.

Detainee did not fully understand the process.

Detainee: Some of it I do, some of it I don't.

Presiding Officer: Can you ask him which portion he does not understand?

Detainee: Some of it I really understood, some of it I didn't, but I don't have the experience to comprehend everything we've said in terms of the procedures.

Presiding Officer: Simply tell him that he can provide a written statement, he can give an oral statement by speaking to us right now today, or he can have statements provided through written letters from someone at home...such things.

Detainee: Very good.

Presiding Officer: Is that better? Okay, thank you.

The Presiding Officer confirmed that the Detainee understood the process.

The Assisting Military Officer presented Exhibit EC-A, the Enemy Combatant Notification Form to the Administrative Review Board.

The Assisting Military Officer presented Exhibit EC-B, the Enemy Combatant Election Form to the Administrative Review Board.

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Evidence to the Administrative Review Board.

The Designated Military Officer gave a brief description of the contents of Exhibit DMO-1 the Unclassified Summary of Evidence to the Administrative Review Board.

The Designated Military Officer confirmed that he had no more additional unclassified information to present and requested a closed session to discuss classified information relevant to the disposition of the Detainee.

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, the Detainee has not brought with him any written statements, but he may elect to provide you an oral statement in a few moments. But first I

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would like to present to the Board the comments the Detainee provided to me during our initial interview, Sir. Sir, these comments are in direct response to the information that was read to him from the unclassified summary. Sir, the Detainee stated he went on his own to Afghanistan but had nothing to do whatsoever with the Taliban. He stated that he went to Afghanistan only to help provide medical assistance to the poor and the public. He stated his lawyer is attempting to obtain documents from Yemen that prove he has received medical training, but his lawyer hasn't provided them as of yet. The Detainee also stated he studied medical procedures at a clinic in Hajjah, (ph) Yemen. The Detainee stated that he traveled from Yemen to Pakistan and then to Afghanistan. He stated that the plane he was traveling on landed in Dubai to refuel but that he never left the plane. He stated that he has never seen Dubai and does know where you got this information.

The Assisting Military Officer clarified Detainees statement as such, "By stating he has never seen Dubai, it meant to me Sir, that he was expressing he had never traveled inside the city and remained on the plane."

Assisting Military Officer: Detainee stated he did not make any statement about "being the first to sign up for a jihad against Israel and would consider a jihad against America if the reasons were right". He did not make that statement. He also said he knew nothing about where this statement came from. The Detainee admitted, Sir that he did travel to Khoja Khar, Afghanistan, that he had an AK-47 for one week, but that he never went to the front lines to fight against the Northern Alliance. He said that he carried the rifle only for self-defense and that he had been provided the rifle as a gift from a Doctor he used to work with at the clinic in Afghanistan. Sir, the Detainee admitted he provided first aid at the Al-Ansar Clinic in Konduz, Afghanistan, but not for the Taliban. He stated he provided first aid to women, children and people of all types, no one specific. He stated that he did not provide first aid to wounded soldiers. Sir, the Detainee also denied he ever stated he went to Afghanistan to fight with the Taliban against the mistaken people, i.e., the Northern Alliance. He also stated that he denied he ever stated that America was not a good country and their support of Israel over the Palestinians was proof of that. Sir he denied he ever stated he had an opinion that the only solution to the Israeli/Palestinian conflict was "through the blood shed of the Jews." Stated he never knew any Jewish people, never sat with them and is neutral and has nothing against them. He has no problem with Americans and has no real opinion of them. And finally Sir, he stated that if released he wanted to go back to his home country, live his life, get married, work in the clinic and continue his education. He wants to work with his brothers who are doctors in a clinic they own in Taiz. Sir, that concludes my briefing from the notes during my interview.

Presiding Officer: Ask the Detainee does he wish to make a statement.

Detainee: Yes, I do Sir.

Presiding Officer: Do you want to make your statement under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it, we do not require an oath.

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Detainee: Could you repeat what you just said?

The Detainee requested that the linguist repeat the interpretation of what the Presiding Officer stated.

Presiding Officer: Okay, do you need me to repeat it?

The linguist gave a negative reply.

Presiding Officer: Okay and when you do clarify if he says yes to which oath, the Muslim or the other.

The linguist gave a positive response and repeated the translation.

Detainee: I don't understand, I don't know how is the oath, is here, so I...I don't know for sure if the Islamic oath is legal here in this country, so I don't know what to say. I will check on it and I will think about it.

The linguist stated, "but, it doesn't look like he wants to take it, but he wants to tell you something."

Presiding Officer: Okay. We'll dispense with administering the oath. You may proceed.

Detainee: Sir, I would like you to make sure of all the allegations that is pointed against me today. Most of it is not true and it has a big difference between the allegations that was presented before with the CSRT and with the ARBs here. There are big differences between the allegations that is presented today and the allegations that was presented in the CSRT. So, I really pledge that you make sure these are true allegations and are... I mean there are big differences and they are not true.

Presiding Officer: Anything else?

Detainee: When my lawyer came and...

The linguist stated that the Detainee's statement must be rephrased.

Detainee: ...two, Sir, two, three months ago his lawyer came to Echo 5 and he brought him a copy of the first allegations with the CSRT, Enemy Combatant Review Board and it was different then the allegations that were brought on today. He would like you to make sure of that.

Presiding Officer: Okay. Muktar Yahya does that conclude your statement?

Detainee: That's all I want to tell you Sir.

Presiding Officer: Did the AMO statement provide the information you wanted us to hear?

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Detainee: Yes, Sir.

Presiding Officer: Assisting Military Officer do you have any questions for the Detainee?

Assisting Military Officer: No, I do not, Sir.

Presiding Officer: Designated Military Officer do you have any questions for the Detainee?

Designated Military Officer: No, Sir.

Presiding Officer: Do any Administrative Review Board Members have any questions for the Detainee?

Administrative Review Board members' questions

Q. What kind of medical clinic do your brother's operate in Yemen?

A. It's a medical lab and part of it is to treat children.

Q. Does the medical lab make drugs?

A. No they don't do...they don't do drugs. They analyze test, blood test, they analyze cardiac test. Analysts....they analyze.

Q. How many doctors work at the clinic?

A. His brother and two others.

Q. Do you still have no opinion of Americans?

A. Yes, I don't have any opinion of them.

Q. What test...what did you do at the clinic? What specifically did you do at the clinic?

A. Yemen?

The Board Member confirmed Detainees reference to Yemen.

A. I use to give IV's for nutrition. That's all I did, I really gave the IV and make sure that they get enough nutrition and sugar and then whatever is need and that's it.

Q. How many people would you do that for on a typical day?

A. A lot, they used to come a lot, about fourteen to fifteen people in a day.

Presiding Officer: You have a lawyer. Is he Yemen or US?

Detainee: He is an American.

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Presiding Officer: One of the allegations, would you consider a jihad against the US if the reasons were right?

The linguist asked the Presiding Officer, "What is the question, Sir, I mean..?"

Presiding Officer: Would he consider a jihad against the US if the reasons were right?

Detainee: I never said this Sir, it wasn't myuh....

Presiding Officer: Okay, I'll take that as a "No".

Detainee: Please make sure from the first accusations, Sir, and that it was pointed at me as an Enemy Combatant and compare it with these two allegations and then you'll see. And I would like you Sir to make sure of that by yourself.

Presiding Officer: We will look at the previous CSRT. I believe he said that he had not completed his medical training.

Detainee: Some of them I was done with, some of them I'm not finished. I wanted to finish my education and I didn't.

Presiding Officer: Is he studying to be a certified nurse or a doctor or a nurse practitioner?

Detainee: Planning on finishing to be a certified nurse and practitioner nurse.

Presiding Officer: Okay, thank you. Assisting Military Officer do you have any additional information that the Detainee wants to present?

Assisting Military Officer: I do not Sir.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer explained the reminder of the Administrative Review Board process to the Detainee and adjourned the open session.

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

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