

Summary of Administrative Review Board Proceedings for ISN 131

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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 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.

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

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

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.

The Presiding Officer asked the Designated Military Officer for any further unclassified information.

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.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he would read the Assisting Military Officer comments and the Detainee comments from the Detainee comments on the Enemy Combatants Election form.

Assisting Military Officer: The tan-uniformed Detainee was polite and cooperative throughout the Administrative Review Board interview, which lasted approximately fifty minutes. He was provided an Arabic translation of the Unclassified Summary of Evidence for additional review. The Detainee seemed to have some difficulty understanding the difference between the CSRT (Combatant Status Review Tribunal) proceeding and the Administrative Review Board (ARB), and although this difference was explained at least twice, he declined to attend the ARB. The Detainee declined writing material on which to make a statement to the ARB. At the end of the interview, the Detainee asked how long before a decision would be reached. The Assisting Military Officer explained that the Board recommendations would be forwarded to the civilian authority and that the time to a decision was not known. The Detainee provided the following comments in response to the Unclassified Summary of Evidence: For paragraph 3.A.1, in response to the allegation that the Detainee traveled from Yemen to Karachi and finally to Kabul, the Detainee responded that this was true. Paragraph 3.A.2, in response to the allegation that the Detainee was at guesthouses in Kandahar, Konduz and Kabul, where he was directed to the frontlines, the Detainee responded that this was true. 3.A.3, in response to the allegation that the Detainee was recruited to fight the Jihad by Sheik Mohammad Athdhar, the Detainee responded that this person is not a Sheik, or religious leader, as we understood it. 3.A.4, in response to the allegation that the Detainee spent three months on the front line before he and his group was sent north to an area near Konduz to fight the Northern Alliance, the Detainee responded that this was true. 3.A.5, in response to the allegation that the Detainee was fighting the Northern Alliance because they were regarded as oppressors, not infidels, the Detainee asked, what did we mean by 'oppressor', he affirmed that they did not consider the Northern Alliance as infidels. 3.A.6, in response to the allegation that the Detainee fought with the Taliban in Kabul and in Kandahar from July 2001 to December 2001, the Detainee responded that he did not fight in Kandahar, although he was in the area. He said that he was 'shocked' to see this allegation. 3.A.7, in response to the allegation that the Detainee traveled towards Mazar-e-Sharif and before entering this area, he and the retreating forces were ordered to surrender their weapons, the Detainee responded that this was true. 3.A.8, in response to the allegation that the Detainee had been present during the Taliban prison uprising at Qala-l-Jangi, the Detainee responded that his was true. The Detainees responses in the section of training: 3.B.1, in response to the allegation that the Detainee did not need training from the Taliban because

he learned to use small arms growing up in Yemen, the Detainee responded that 'learned' is a dangerous word. On further questioning about this, he implied that he was trained to use the AK, but not by the Taliban. 3.B.2, in response to the allegation that the Detainee was identified as having trained at the al-Farouq training camp, the Detainee asked what 'identified' meant. He stated that he had not been training at the al-Farouq camp since he already knew how to use the AK. Connections and associations: 3.C.1, in response to the allegation that the Detainee was identified at the Northern frontlines with Abdul Hadi Al-Iraqi, the Detainee again asked what 'identified' meant. He affirms that he never met this individual. 3.C.2, in response to the allegations that Abdul Hadi-Al-Iraqi was a senior al Qaida member, the Detainee responded that he could not comment on this, as he was not acquainted with this individual. Other relevant data: 3.D.1, in response to the allegation that the Detainee received his weapon one day before being sent forward, the Detainee responded that this was true. 3.D.2, in response to the allegation that the Detainee traveled to Karachi with the intent of purchasing honey and selling it back in Yemen, the Detainee responded that this was true. Factors favoring release or transfer: 4.A, in response to the allegation that the Detainee did not assume a leadership position when a leader was injured on the front lines, the Detainee responded that this was true. 4.B, in response to the allegation that the Detainee had no knowledge of the attacks on the U.S., nor of rumors or plans of future attacks on the U.S. or on U.S. interests, the Detainee responded this was true. 4.C, in response to the allegation that the Detainee was queried with negative results regarding knowledge of internal uprisings at the Guantanamo detention facility, the Detainee responded that this was true. 4.D, in response to the allegation that the Detainee does not know Abd Hadi Al-Iraqi, the Detainee responded that this was true.

Questions for the Board Members:

Board Member: I have a question for the Assisting Military Officer. In 4D, his response to the allegation, the Detainee was queried with negative results regarding knowledge of internal uprising at the Guantanamo detention facility, the Detainee responded that this was true; could you clarify that a little bit?

Assistant Military Officer: This is kind of difficult construction, basically to simplify it, the Detainee had no knowledge of any uprising planned or otherwise.

Board Member: And that's what he told you during the interview?

Assistant Military Officer: That's what he said.

Board Member: Thank you.

Presiding Officer: Did he really understand the question as it was asked of him?

Assistant Military Officer: He appeared to [understand].

Board Member: I have a question for the Assistant Military Officer, was the Detainee asked or did he volunteer any information about harboring any ill feelings towards the United States?

Assistant Military Officer: He did not volunteer any such information.

Board Member: Okay, he probably wasn't asked because he was responding to the Unclassified Summary. That kind of a question was not in the Unclassified Summary so, I was just curious if the question ever came up; I guess the answer is no. Thank you.

Presiding Officer: What were you able to find out from the Detainee? What is the difference between fighting the infidels or oppressors?

Assistant Military Officer: Fighting against an oppressor would be like a government that imposes unfair taxes; so when they are fighting the Northern Alliance, they are just fighting a dispute over who is going to control the government of Afghanistan. As I understood it, fighting against an infidel is a religious duty that they should be carrying out at any time and any place.

Presiding Officer: It is still fighting though, right?

Assistant Military Officer: It is still fighting; the fighting against a taxing authority is not a religious duty.

The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

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 Administrative Review Board proceedings.



Captain, USN
Presiding Officer

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