

# UNCLASSIFIED//FOUO

## Summary of Administrative Review Board Proceedings for ISN 193

*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 read the hearing instructions to the Detainee and confirmed that he understood.*

*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.*

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and the FBI Redaction Certification, Exhibit 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 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 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.*

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***The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.***

Presiding Officer: At this point in the hearing the Detainee will be able to present information to the Administrative Review Board. Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board, including written statements, oral statements or witness statements prepared on his behalf?

Assisting Military Officer: Sir, the Detainee has asked me to read his comments regarding the unclassified summary of evidence and he may wish to add additional oral comments.

***The Presiding Officer asked the Detainee if he wished to make a statement under oath. (Muslim oath offered).***

***The Detainee accepted taking the Muslim oath.***

Presiding Officer: Assisting Military Officer please read the Assisting Military Officer's comments and [the] Detainee comments from the Enemy Combatant Election Form. If he wishes to add to that, that will be fine.

***The Assisting Military Officer made a statement on the Detainee's behalf. The Detainee concurred.***

Presiding Officer: Muhsin Muhammad Musheen Moqbill did the Assisting Military Officer's statement provide the information [that] you wanted us to hear?

Detainee: He did not add or take [away] anything. Whatever I said he represented perfectly.

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

***The Designated Military Officer requested clarification of a comment made by the Assisting Military Officer.***

Designated Military Officer: You (referring to the Assisting Military Officer) said he may have a statement to make?

Assisting Military Officer: No, I said he may wish to add comments to what I [present].

Designated Military Officer: Oh, okay. I just want to be clear that his (referring to the Detainee) comment that he (referring to the Assisting Military Officer) just said was the only oral statement he (referring to the Detainee) wanted to make.

Assisting Military Officer: That is everything unless he has something he would like to add now about those comments.

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Detainee: I have nothing further to add.

*The Designated Military Officer had the following question:*

Designated Military Officer: Can you explain a little bit [about] your relationship with Ibrihim Baalawi?

Detainee: I first met him at [a] mosque and my relationship with him was about religion. After I met him at the mosque, he started talking to me about fatwa and about me going to Afghanistan. He started explaining to me [that] this is an Islamic country [and] if [I had] any means of help[ing] [I] can go to Afghanistan and help the people there. Fatwa means [from my] understanding [to give] anything that you can give from your knowledge, money [or] anything [that] you can [give to] help. Any kind [or] means of help [or] by going to Afghanistan that's what [I] mean by fatwa and jihad.

Designated Military Officer: Thank you.

Presiding Officer: Mr. Moqbill, thank you for appearing before this board today. Your appearance here is a sign to us that you are as interested in your own freedom as we are in finding out whether or not you still pose a threat to the United States. We are not going to interrogate you but we do have some questions that need to be answered.

Detainee: Very good.

Presiding Officer: The overriding factor here is the truth and when you leave here we want to know that you told us the truth.

Detainee: I have given you the truth and I will give you the truth, nothing else.

Presiding Officer: Okay.

*Administrative Review Board Member's questions:*

Board Member: Based on your comments to the Assisting Military Officer, I understand that while you were at Al Farouq, you were not trained by the head of the camp [but] instead you were trained by the head trainer. Were you personally trained by the head trainer?

Detainee: All I know [is that] he is an ordinary person who trains people. I have no idea or I had no idea [that] he was [the] head of [the] training camp or anything else for that matter. All I know [is that] he is somebody that trains people. [He trains] who ever gets into that camp.

Board Member: So it was standard for the head trainer to personally train individuals?

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Detainee: I was told by him that [he was] an ordinary person, a regular person, [and he] train[ed] people. [He trained] whoever [came to the camp].

*The Linguist stated that the head trainer personally told this to the Detainee.*

Board Member: Okay. All right. Mr. Moqbill, one of the options that we are going to consider is to potentially release you to your home country or a third country. Okay, let's assume that you are released and upon your release you are approached by a recruiter for a terrorist organization, how are you going to handle that?

Detainee: As far as I am concerned, if I found out that this person is related to any terrorism organization or any other organization I would not talk to him. I would not have any connection with him. I [have] already made [a] mistake and I [have] already [served] my time here. I would never get involved with anybody like that.

Board Member: Thank you. No further questions.

Board Member: I have some questions. First like my colleague, the Presiding Officer, I truly appreciate you being here today with us. I understand that this is a stressful situation for you and perhaps my questions won't upset you too much. What is your current age?

Detainee: Twenty-four years old.

Board Member: What is the highest education level you've completed?

Detainee: High school.

Board Member: High school?

Detainee: My highest education is high school.

Board Member: Prior to leaving for Afghanistan did you live at home with your parents?

Detainee: Yes, I resided with my family.

Board Member: Is your father...what is the occupation of your father?

Detainee: My father works in [a] general construction company. [A] construction and development [company].

Board Member: Do you respect the religious beliefs of other people and nationalities?

Detainee: Yes, I do.

Board Member: You were in Yemen when you heard about the fatwa issued by Baalawi encouraging people to participate in jihad, is that correct?

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**Detainee:** Yes, I was in Yemen.

**Board Member:** You were living with your father and your family at that time?

**Detainee:** Yes, sir.

**Board Member:** Did you discuss your intentions to travel to Afghanistan for jihad with your father prior to leaving Yemen?

**Detainee:** Never. I never told anybody anything.

**Board Member:** You were nineteen at this time, nineteen [or] twenty?

**Detainee:** Yes, sir.

**Board Member:** Your father is a Muslim also?

**Detainee:** Yes, sir.

**Board Member:** Your father is a wise man and an intelligent and educated man?

**Detainee:** He was an ordinary man. He's not the smartest.

**Board Member:** But you respect your father.

**Detainee:** Yes, I do.

**Board Member:** Why would you not speak to him regarding a decision that is so profound, to travel [and] leave your homeland and participate in jihad in a foreign country? Why would you not talk to your father about that, seek his guidance and his opinion?

**Detainee:** I know [that] if I [had] discuss[ed] this matter with him [about] me going to Afghanistan he [would] not have allow[ed] me to go, so I did not discuss it with him.

**Board Member:** Perhaps in hindsight that was not a very good decision.

**Detainee:** That's true.

**Board Member:** A moment ago you stated that obeying a fatwa or jihad means only giving what you can. If that's so, why did you immediately attend training at Al Farouq as soon as you got into Afghanistan? Why did you seek training as a warrior instead of trying to give what you could as an intellectual or as a charitable person?

**Detainee:** I never said I wanted to help intellectually, the fatwa stated so. Fatwa will tell people, if you want to go to Afghanistan....when somebody issue[s] [a] fatwa, [it] means

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[that] you can go and help in any means [that] you want. I did not say I want[ed] to go help intellectually.

Board Member: I understand; therefore, your intention was to become a fighter all along?

Detainee: Yes, I went to fight for a while and then go back to my country.

Board Member: Fight for a while? What is the definition "of a while"? I don't understand.

Detainee: Yeah, my intention was to just go and fight for a few months and then go back to my country, eleven to twelve months.

Board Member: I'm confused. The fatwa called for jihad - and your friend, Abu Khloud, explained to you that this jihad was intended to form a true Muslim state, and moments ago you said you respect the beliefs of other people and their religious beliefs. And you said that you intended to go fight as a warrior as soon as you traveled to Afghanistan. What has changed to make you no longer think that is appropriate?

Detainee: First of all, the fatwa for [my] understanding calls for [a] jihad. A jihad means in [my] understanding, in fatwa's understanding, that either you can help if you have money [or] you [can] help within yourself. [You can help] with yourself like sacrificing yourself for fatwa or anything else you have. So [I] decided to go to the front line to fight. Money, I don't have, so I decided to go and fight.

Board Member: When did you become remorseful regarding your choice to participate in jihad?

Detainee: After I finished my high school graduation and I talked to Abu Khloud. He discussed fatwa with me and then I decided to go.

Board Member: No, my question was when did [you] start regretting [your] decision to participate in jihad?

Detainee: First, I was thrown in jail and as human nature, it's just normal human nature [for] you [to] get enthusiastic at first. After I was thrown in jail I started regretting it...like why did I do this?

Board Member: Thank you very much. I have no other questions, sir.

Designated Military Officer: Sir, I have one more question when you think it is appropriate.

Presiding Officer: Why don't you go ahead.

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Designated Military Officer: Okay. This Board Member asked you if you were released how you would react if you were approached by a member of a terrorist organization. If you are in that situation and a new Sheikh or religious leader called for a fatwa, how are you going to react to that? Is it going to be differently than you did previous[ly]?

Detainee: I will never go along or agree with any other fatwa anymore. There are so many Sheiks now from Saudi Arabia and they recalled all their fatwas.

*The Linguist explained that the Detainee meant that all of the Sheiks have changed their opinions about the rules of fatwa, it's obsolete [and] it doesn't work anymore.*

Detainee: If you want [to have] proof of that, there is a video right now, [a] videotape on the island [and I] can provide it for you and [you can] listen to it. [I am] not going to answer to a fatwa anymore.

Presiding Officer: [You] can provide us a video?

*The Linguist stated, "A videotape, it's here on the island [presented] by all the Sheikhs, Saudi Sheikhs, they [have] recalled all fatwas, [stating] that [it] was wrong to do".*

Designated Military Officer: Okay, but that's not my question. Let's say a year from now [that] they decide they [could] issue fatwa's again. So now a fatwa is issued, calling for people to go on jihad, now what are you going to do?

Detainee: Well, I speak for myself, I will not answer any fatwa. I don't care what fatwa comes up, when [or] where, I will not answer any fatwa anymore. I've had [a] bad experience and that is the lesson. My being here in prison, that is the lesson [that] I [have] learned. I will not answer to any fatwa whatsoever.

Designated Military Officer: Thank you sir...thank you.

Presiding Officer: Mr. Moqbill, thanks for being patient with us. Your situation is different now then it was five years ago when you answered the first call to jihad. You are older and wiser, but you are also highly trained in weapons of war and have been in a situation of conflict, that makes you one to be reckoned with...

*The Linguist wanted the statement "one to be reckoned with" explained to her.*

Presiding Officer: ...that gives you elevated status.

*The Linguist requested the Presiding Officer to repeat his statement.*

Presiding Officer: [You are] older and wiser. [You are] now highly trained on weapons of war. [You have] been to a conflict; a war [and] others are going to come to [you] for advice. What advice would you give?

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**Detainee:** [For] my advice to them, I would say stay in your country, stay with your family [and] stick with the right thing[s]. Because I have tried so, I've been through it and there's a saying, it says, [don't] ask a doctor [but] ask somebody who [has] been through it [by] experience. Don't go for a doctor [it is] like if you have a pain and I went through the same pain, I [have] walked through [that] same path. The saying says, okay, you can come and ask this patient and don't ask the doctor because the patient knows...he knows more than the doctor as far as this is here. So my advice to them [would be to] stick with your parents, stick with your country and do the normal thing[s].

**Presiding Officer:** Do you have any advice for other detainees here regarding their future or freedom?

**Detainee:** Normally we chat amongst each other, we see each other in the camp and we chat. Everybody has something different on his mind, but according to the fatwa that [was] issued lately, the recall, some of them regretted [their actions] and some of them, they said, okay, well they are the ones that issued the fatwa, so we went by what the fatwa said. It's up to every individual, but my advice to them is not to answer [any] fatwa.

**Presiding Officer:** Here's the last question. Can you assure this Administrative Review Board that you are no longer a threat to the United States and its allies?

**Detainee:** I have been in this prison for the last three and a half years. I have good conduct with everybody, all [of the] soldiers, all [of] the interrogators [and] all [of] the investigators. I have never carried a weapon against any American or any other human being and I have no problems whatsoever with anybody here or anywhere else. That's all I have to say.

**Board Member:** Sir, I've got one more question.

**Presiding Officer:** Okay.

**Board Member:** You said you would never answer [to] a fatwa again but in your mind is there anything worth fighting for?

**Detainee:** I realize that there is nothing whatsoever that would call for fighting.

**Board Member:** Not even protecting your family or defending your family?

**Detainee:** This is a different story, when somebody is going to intrude on you, you have to defend yourself. This is a different, totally different cause.

**Board Member:** Thank you.

***The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.***

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*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. Army  
Presiding Officer

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