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Summarized Administrative Review Board Detainee Statement

The Presiding Officer called the Administrative Review Board to order and announced the purpose for the hearing noting that the Detainee elected to not attend proceedings.

The Designated Military Officer administered the oath to the members of the Administrative Review Board.

The Designated Military Officer administered the oath to the Assisting Military Officer.

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 noting that the Detainee had elected to not participate in Administrative Review Board proceeding.

The Presiding Officer confirmed that the Assisting Military Officer met with the Detainee and verified that the following conditions were met: The Detainee was informed of his rights in regard to the proceeding, the Detainee appeared to understand the process, the Unclassified Summary of the Evidence was read to the Detainee, a translator was used during the interview, and the translator spoke the same language as the Detainee.

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 stated that he had no further unclassified information to present to the Administrative Review Board and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer opened the board to the Assisting Military Officer to present information on behalf of the Detainee.

Presiding Officer: Assisting Military Officer, did the Detainee request that you present information to this Administrative Review Board?

Assisting Military Officer: Yes he did sir. I'm going to provide specifics now. In late December of 2004 I met with this Detainee who was not very forthcoming during that briefing. He appeared uncooperative and generally unresponsive and provided me the following comments:

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He stated at that meeting that everything in the Unclassified Summary was a big lie and that America had no choice but to keep him locked up since it would look bad if they released him after holding him for three years. Again he stated that everything is a big lie and that all the accusations were made up. However, he also stated, after we reviewed in detail the Unclassified Summary with him, that he lived in Yemen all his life until he left for Afghanistan and that he never returned to Yemen after leaving Afghanistan. Based on that interview sir, I had a doubt whether he was going to be a participant or not. He didn't give me any clue whether he was truly going to elect to attend this hearing or whether he was going to be in abstentia. Earlier this morning when we brought him to the interview room to do a last minute interview and see if he chose to attend or not to attend, he appeared to be more interested in the proceedings but still elected not to attend, however, asked me to review the Unclassified Summary with him and present his answers in absentia. During that interview as we were again going over the Unclassified Summary, he repeatedly and strenuously commented that his name was not Al Haj and that this Al Haj who was referenced in the Unclassified Summary must be another individual and although there were similarities possibly in their names, he was adamant that he was not the individual that the summary had been written about. For example, he said that when he was interrogated in Bagram they, being the interrogators that were doing these interviews with him, referred to him as Al Haj and he told them that he was not this Al Haj that they were referring to. During that interview they also told him that yes they arrested an Al Haj and they were relatively convinced that he may not be the Al Haj that they were referring to. He also stated that his Personal Representative during the CSRT interview also called him Al Haj and although he had never previously heard him referred to as this with the exception of this interrogation that occurred in Afghanistan, he elected not to attend the CSRT but also did not make a point of correcting his Personal Representative by using this name because he felt the entire summary was a body of lies and he elected to not attend and not say any more about it. After he made those comments, again I went down the Unclassified Summary of Evidence line by line to solicit his answers and I'm going to read those now sir.

3.a.1. Al Haj voluntarily traveled from Yemen to Afghanistan.

Assisting Military Officer: He said that he did in fact leave Yemen on his own to travel to Afghanistan. He didn't provide me a lot of detail regarding that specific comment.

3.a.2. When Al Haj arrived in Afghanistan, the Detainee was picked up in a car by a group of Taliban and driven in Kandahar.

Assisting Military Officer: The people that picked him up in Afghanistan, he was not aware they were Taliban. He did not know any of them personally and he had never met any of them prior to them picking him up to take him to his final destination.

3.a.3. Once in Kandahar, Al Haj stayed at a Taliban guesthouse for 2 to 3 weeks.

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Assisting Military Officer: He did stay at a guesthouse, he was not aware that it was operated by Taliban of any kind. He did not know anybody at this guesthouse and his purpose for being there was to teach children the Koran.

3.a.4. Upon arriving in Kabul, Al Haj stayed in another Taliban guesthouse, known as Kabul House for a week.

Assisting Military Officer: Yes he was in Kabul for about a week. Again, he did not know it was associated with the Taliban in any way. His only reason for being there was to rest and visit the city.

3.a.5. Al Haj admitted he agreed to serve the Taliban.

Assisting Military Officer: He never admitted he agreed to serve the Taliban; that is absolutely incorrect. The only thing he ever agreed to serve were the Afghanistan people by teaching them the Koran.

3.b. Al Haj participated in military operations against the coalition.

3.b.1. Al Haj was posted on the front line in Bagarah for a month, where he carried a Kalashnikov.

Assisting Military Officer: When he was interrogated previously, he told them he was at the back lines not the front lines and that he never carried a weapon of any type. His purpose for visiting the rear lines was that he had heard when he was staying in this guesthouse that there was some disagreement or possible argument occurring among the Afghanis' who were at that location and that he wanted to go visit it for his own reasons. He was basically curious about the disagreements and wanted to see if he could possibly provide assistance.

3.c. Al Haj is an al Qaida member.

3.c.1. Al Haj is a suspected courier and recruited for al Qaida. Al Haj went home to Yemen often (every 5 or 6 months).

Assisting Military Officer: He is definitely not al Qaida, has never been associated with al Qaida in any way. He says that we can check with the Yemeni government regarding his travels back and forth between these countries. He only traveled from Yemen once and that was the time that he left Yemen to travel to Afghanistan. He has never been back to Yemen since then and he had not previously left Yemen until that one trip. Again, he was strenuous in stating that this information could be easily verified by checking with the Yemeni government.

3.c.2. Al Haj's name was found on a document listing Arabic names recovered from an al Qaida safe house in Karachi, Pakistan.

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3.c.3. A foreign government listed Al Haj as an al Qaida member whom they believe to be in Afghanistan as of 15 December 2001.

Assisting Military Officer: He was not in Afghanistan in December 2001. He has no idea how his name could be on any document listing him as being associated with al Qaida and this again must be the Al Haj that he says he is not, the different Al Haj. Sir that concludes my comments regarding the interview with the Detainee.

Presiding Officer: Thank you. Does the Designated Military Officer have any other unclassified information to present to this Administrative Review Board?

Designated Military Officer: No Sir.

Presiding Officer: All unclassified information having been provided to this Administrative Review Board this concludes this unclassified Administrative Review Board session.

The Presiding Officer read the reminding instructions for the unclassified session of the Administrative Review Board and adjourned the hearing.

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