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Summary of Administrative Review Board Proceedings for ISN 277

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 asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee declined taking the (Muslim) oath.

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 Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 25 August 2005 and lasted 79 minutes. The Detainee remained polite and attentive throughout the interview. After a review of the Administrative Review Board purpose and procedures, the Uighur translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would attend the Administrative Review Board, the Detainee said that he chose not to attend. The Detainee said that since he had been in American custody he had been honest and forthright with the interrogators. He did not hide anything. He participated in the Combatant Status Review Tribunal, even providing additional information to the tribunal. He said that the Combatant Status Review Tribunal process gave the possibility of a

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release from detention, but it took five months for the result and now there is yet another board. Things move very slowly around here. The Detainee opted not to attend because the information he has provided during interrogation should be enough to make a decision in his case even without his presence. The Detainee retained a translated copy of the Unclassified Summary of Evidence. On 29 August 2005 the Detainee requested attendance at the board after thinking about his previous decision. The Detainee said that he was innocent of being an enemy of the United States and guarantees that he is not a threat to the U.S. or its allies. He said that he knows that someday justice will be obtained, and that he is waiting for the war to be over. The U.S. will release him someday. The only things that he is upset about are that he cannot get mail or see his parents until he gets independence. He emphasized that he is not complaining about his detention, but he would like to be released as soon as possible. The Detainee requested that he be moved to a cell adjacent to his brother for longer than a day or two, as has been the case in the past.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, other unclassified information to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Asstisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

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.

Designated Military Officer: The Detainee stayed in a Uighur guesthouse in Jalalabad, Afghanistan.

Detainee: Should I answer right now?

Presiding Officer: Yes.

Detainee: It's not a big guesthouse, just a little room...a little house. I stayed there one night and [the] second night I went to the mountains...other place. My understanding of a guesthouse is to lodge people coming here and [they] pay money, [to] stay a night or two and then [they] go somewhere else. We don't expect that in guesthouse.

Presiding Officer: I understand for the record, you said you stayed at a very small guesthouse, just one room and that was when you were in Jalalabad.

Detainee: Yes.

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Designated Military Officer: The Detainee, along with a group of Uighurs and Arabs, fled Afghanistan when the United States began bombing the Tora Bora Mountain area.

Detainee: I should explain this a little bit. We were staying at that place (*guesthouse*) peace[fully] [with] nothing going [on and everything] was quiet. One night, in the middle of the night, we were [a]sleep when the bombing started all over the place. [There was] fire [from] all the bombings [that were] going on. That night we [ran] away to try to survive [all the] bombing. We [ran] all over the place [on the] second day [we] came out from [our hiding] place[s] and [tried] to find each other. The people we [found are] right here in this camp. We stay[ed] there for a while...like a month, in the mountains. We stayed for a while; we decide[ed]...we figured out that we needed to leave this place because of [the] bombings going on all over the mountains. We saw a bunch of people passing through on the mountainside and we went to ask them, "Where are you guys going?" They said, "Pakistan, Pakistan!" We decide[ed] to follow [them] and then we were in Pakistan. During that time there was no safe place and then we found...like a place...like a bunker in the mountains. We stayed there and we found those Arabs and followed [them] into Pakistan.

Designated Military Officer: The Detainee received military training on the Kalashnikov rifle at a Uighur training camp in the Tora Bora Mountains of Afghanistan.

Detainee: I just learned how to use the Kalashnikov. When you say training it's a huge thing, but I didn't really train how to use. I just [learned] how to use the weapon, but I didn't exercise or do anything like that.

Designated Military Officer: The Detainee attended a camp run by the Eastern Turkistan Organization (ETO).

Detainee: The place we stayed is only for Eastern Turkistani people, that's why [there were] only [those] people I stayed [with] in that place.

Designated Military Officer: Hassan Mashum, the leader of the Eastern Turkistan Islamic Party, visited the Detainee's training camp in Afghanistan while the Detainee was there. While at the camp, Mashum led prayer and gave a speech about the condition of the Uighurs in China and the lack of funding at the training camp.

Detainee: I want to explain to you more clear[ly] on Hassan Mashum. The Uighur people [have] lived under the Chinese oppression [for] almost 250 years. During those years, they tried so many times to kick the Chinese out of our motherland. The last 50 years, from 1900 -- 1950, there were three conflicts between [the] Uighurs and Chinese. During those times our people almost got [their] independence, but [the] Chinese [used] all their power and destroyed us [over and over] again. During all those fights [they were] being called Eastern Turkistan Independence Movement or Eastern Turkistan Freedom Movement or Independence for Eastern Turkistan, they've been named those names for all those wars. We use the same name[s] [now.] Our grandparents [have] used

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[these names] in the past [and] we still [use] Eastern Turkish and Freedom fighters. It's nothing different. The last time I had an interview with the Assisting Military Officer, I [misunderstood] the question. I [thought] he [asked] me to question [if] Hassan Mashum was the leader of Turkistan. That's why I told him, "Yes, he was the leader." My understanding is Hassan Mashum is not the leader of Eastern Turkistan Islamic Party. My understanding is Hassan Mashum [is the leader of] Freedom Movement Party or Freedom Organization. Even if Hassan Mashum wanted us to have [an] Islamic Party or Islamic Organization he cannot do that, because all the Uighur people [are] under the Chinese pressure of darkness. All the Uighur[s] want is freedom, independence, and to [live] free...like some European country or Kazakshstan...the democratic countries.

Presiding Officer: Did Hassan Mashum visit?

Detainee: When I was there, he [visited] once.

Designated Military Officer: Mashum aligned his organization with Usama Bin Laden (UBL) and it is now considered part of al Qaida. Since 2000, its core has been located at an al Qaida camp near Tora Bora. The fighters, under the authority of UBL, are considered a combat sub-unit of the Taliban.

Detainee: My answer for this question is, I believe Hassan Mashum never [would] have been associated with a person like Usama Bin Laden. Why...because the Uighurs are under the pressure [of a] power[ful] country, which is the Chinese people. [What] the Uighurs want...we need a country like U.S.... like a powerful country to help us. We want the whole world to support our movement. Without [the] whole world's help we [are] not [going to] get our independence. Like Usama Bin Laden [is] against the U.S. and [every] democratic country in the world, if we associate with [these] people then we [will lose] our independence. We [are] not going to get any help from anywhere. I believe Hassan Mashum understand[s] [the] kinds [of] situations [that] are good [or] bad. We know what our goal is, which is get our independence, but Usama Bin Laden...he has [his] own country, he has [his] own money. He can do whatever he wants to do. I don't even know what [there] goal is. Why they are fighting against you and your allies? I had no idea. What I'm trying to say is our goal and their goal doesn't [match], because we have ours and they have theirs.

Presiding Officer: We understand. Thank you.

Designated Military Officer: The Secretary of State has designated the Eastern Turkistan Islamic Movement (ETIM) as a Foreign Terrorist Organization (FTO). ETIM is a small Islamic extremist group based in China's western Xinjiang Province. ETIM is one of the most militant of the ethnic Uighur separatist groups pursuing an independent "Eastern Turkistan." ETIM is suspected of having received training and financial assistance from al Qaida.

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Detainee: I want to answer [the] first line. I don't think, Secretary of State thinks Uighur people [are] not extremist terrorist group. I believe that this accusation [is] coming from the Chinese Foreign Minister and the U.S. Secretary of State...they [got] together [and] exchange[d] information. Whatever [the] Chinese [gave] to the U.S....all the information... then the Americans believe that information [and] they think we are [an] extremist terrorist group.

Presiding Officer: We understand.

Detainee: My answer for that [last part], [is] we are suffering [from] the Chinese pressure, [the] only thing we look for is [to] get our independence. We [didn't] get any financial help from al Qaida, if we [did] [get] any financial [help] from al Qaida, [when] we were in the mountains...the food we ate, if you gave it to the chickens, they [wouldn't] eat [the] food as their meal. The people in the camp, they don't have money and when they have money, whenever they (inaudible) all the stuff they spend their own money. In the mountains their shoes [got] bad all the time, I know how it affects [their] shoes. I help[ed] fix other people's shoes. Turkistani people, the Uighur people, [have] been poor [a] long time and when we [got] there we [didn't] get help from anyone. We don't need help from anyone and we have nothing to do with those organizations.

Presiding Officer: Thank you.

Designated Military Officer: ETIM reportedly has financial support and direction from Usama Bin Laden, recruiting within Eastern China and shipping recruits to training camps in Afghanistan. These recruits then return to China to conduct terrorist activities and extend their influence. Training includes religious extremist theory, terrorism, explosives, and assassination. Some training camps also include the manufacturing of weapons, ammunitions, and explosive devices.

Detainee: I [first] heard [about] Usama Bin Laden [about] five or six years...six years ago, but our fight [has been] happening [for the] last two to three centuries. The people under suppression try to get their independence. They're leaving the country by their choice. I am one of those people, [who left the country,] to get my freedom. We don't need him to help take us from our country to somewhere else. We know how to make money, work...earn some money and get some passports in legal [a] way...like our grandparents did in the past. We don't need a hand to help us leave the country, that's the reason we left the country legally. Our people when they [leave they] go to [a neighbor country]...Kazakhstan or Kyrgyzstan. They're doing business all the time. The new people, who have a side business...the new travelers [go] to Kazakhstan or Kyrgyzstan...those countries. When they come back they [get] stop[ped] [by] immigration, [who] interrogate[s] [them for] several days to 10 to 15 days...where did you go, what did you do...who did you talk [with]. Then they let them bring [things] into [the] country, [but] if people go to Pakistan and try to come back...they have problem[s]...they cannot come back into country. Even if people [go] to Pakistan and they [come] back [in] to [the] country, then they are [going] [to] put [them] in prison for

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awhile or those people are [going] [to] stay in a prison. They cannot ever come...crazy people, because they look at the Uighurs, whoever goes to Pakistan they assume[e] those Uighurs went to some other place [to do] something against the Chinese government. This is the reason why Uighurs don't go to Pakistan, [because] they are going to have a problem when they get back. [In] China, they say they are doing extremist activit[ies] and [they will] extend their influence. I [haven't] see[n] [any] Uighur people [do] crazy extremist terrorist activity in China. I don't think they are [going to] do those kind[s] of crazy stuff. The only problem we have is the Chinese government. We do not have a problem with the Chinese people. If we get our independence, they can live with us we don't have problem with them. Al Qaida...those people don't care if we go or not or anything [about] people. They just destroy everything and we're not crazy like those people. We're not going to get along with those kind[s] of people. The last part [of the statement], we have nothing to do with that.

Presiding Officer. Thank you, next please.

Designated Military Officer: Pakistani authorities apprehended the Detainee in late December 2001. At that time, he identified himself as an Afghan named Sadir Sabit, born in 1975 in Mazar-e Sharif. He was detained with a Kalishnikov and 1,000 Pakistani rupees. He was serving with the Taliban in Mazar-e Sharif until forced out by the Northern Alliance. He fled to Kabul, then Jalalabad, then Tora Bora, and finally Pakistan.

Detainee: I want to explain a little [about] Mazar-e Sharif to the court. When we went into Pakistan [and when] they took us, they split us...like 10, 10, 10, each group [were] put in a car, but during that time I [thought] to myself, "Thank god I just escaped from that bombing. I'm still alive." [When] they took us [in] the car, [they] drove [for awhile] and [brought] us to [a] big black door [in] some buildings. When they [brought us] into the building they started asking question[s]...interrogation and all this stuff. [We] had a hard time with what we [were going to] say to them. Then one of us, [said], we should tell [them we are] Uzbek...Afghani Uzbek, because Afghanistan has a lot of Uzbeks. The reason is if we [told them] we're from China, then [would] turn us back to the Chinese authority and [our] past experience...probably 1997, about 10, 12 Uighurs went to Pakistan. The Pakistani [authorities] arrest[ed] [them] and turn[ed] them over to the Chinese government. As soon as [they] pass[ed] through the Chinese border they [were] assassinate[d] on the border. We were afraid [that] if we tell them we're Chinese citizens they [would] turn us over to the Chinese government. That's the reason [why] we told them we're Afghani Uzbeks. [When] the Pakistan authorit[ies] turn[ed] us over to the U.S. authorit[ies], [during our] first interrogation, we told [them] we're Uighurs from China. [The interrogator] realized [we were] Turkistani [and] told us he was so happy. He said, "That's good you just told us the truth." Yes, I did have a 1,000 rupees but I didn't have a Kalishnikov with me. Like I said in the beginning, I said...I was staying in a guesthouse in Jalalabad one night, that's true...I stayed in guesthouse [in] Jalalabad one night and then I went to Tora Bora. When the bombing[s] started, I [ran] back to Pakistan. I did not go to Kabul or any other places. I don't know those places. The

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Pakistani[s] turn[ed] us [over] to the U.S. [The U.S.] took us to Kandahar and then to here. I didn't go through Mazar-e Sharif or Kabul or those places.

Designated Military Officer: The Detainee is wanted by the Chinese police.

Detainee: When I'm in my country I didn't do anything against [the] Chinese government. I didn't [participate in] any activity. The only [thing] I did [was]...we have a cultural...we have a tradition...people get together dancing, drinking...have a party, picnic and stuff. The Chinese government band [the] Uighur people [from doing] this. Then all the Uighurs, female, male, old, young...everybody! They did [a] demonstration against the government policy and I participate[d] [in] that demonstration. That's the only thing I did. Probably when I left the country they assume[ed] I joined some groups [to] do something against the government [and] they declared I [was] a wanted person in China. God help me [from] be[ing] captured by the Chinese.

Presiding Officer: We understand.

Designated Military Officer: The Detainee has requested political asylum in the United States, and is certain that if returned to China, or any country influenced by China, he will be tortured and most likely executed.

Detainee: Not only me, all the Uighurs, they do not want to [re]turn to China or some other country [that] has too much Chinese influence in it. We [would] like to go to Canada or some other country...Chinese does not have a[n] influence on. You can delete that part...the torture. You cannot live there [you would] be executed.

Designated Military Officer: The Detainee stated he never fired a weapon at any person or aircraft while at the Tora Bora training camp.

Detainee: That's true.

Designated Military Officer: According to the Detainee, the Uighurs consider themselves an Ally of the United States, and would not associate with terrorist organizations, especially those that target the United States.

Detainee: That's really clear. I don't have to explain [that] to you guys.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee asserted that ETO has no financial, logistical, operational, or philosophical connection to al Qaida, the Taliban, or any other Muslim extremist group.

Detainee: That's true.

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Designated Military Officer: The Detainee stated that he had never heard of al Qaida until he heard of it from the Americans.

Detainee: Yes, I told them [that] at [the] interrogation.

Designated Military Officer: The Detainee has no plans to return to Afghanistan or China to reunite with groups involved in fighting or to commit terrorist acts. He added that he has never fought against the United States and has no plans to fight against the United States in the future.

Detainee: That's true. Those are really clear. I don't really have to explain [to] you guys.

Presiding Officer: We understand. These are in support of...

Detainee: Thank you very much.

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.

The Detainee made no statement.

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

The Designated Military Officer had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: When did you travel to Afghanistan?

Detainee: I traveled to Afghanistan approximately end of June 2001. End of June.

Board Member: What was your purpose for going there?

Detainee: In the beginning, I [didn't] have any plan[s] to go to Afghanistan. When I was in country, the pressure [was] getting really heavy. If you want I can explain...I can tell you one or two...it might be enough for you to understand those pressure[s] from [the] government. Then I decide[d] I [didn't] want to waste my youth under the pressure [and] I was hoping to go to some country like U.S. or Canada or some other country to go find a better life...get my freedom. When I traveled to Pakistan, I didn't really have enough money to travel. The people in Pakistan they told me there [was] a place in Afghanistan

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[that I could] go [and] stay there. [I could] do some...try to make more money in Afghani...Pakistan, as soon as [I could] get more money [I could] come back here and then [I could] come (inaudible) travel...[I could] go some other places.

Board Member: Did you know what the Taliban was when you went to Afghanistan?

Detainee: I heard about Taliban, but I didn't know what exactly they do.

Board Member: What did you know about al Qaida?

Detainee: I never heard [of] al Qaida. I heard of al Qaida by the American interrogators when I was in [an] interrogation room.

Board Member: Did you ever hear of al Qaida when you were at Tora Bora?

Detainee: I'm still hearing from you, but I don't really understand what al Qaida is? My understanding is...I believe [they] are some of Bin Laden's people [and] they [are] doing all those extremist terrorist activities. Now, I understand it.

Board Member: Did you know Hassan Mashum?

Detainee: I met him at the training camp then I knew that person.

Board Member: Had you heard of him before?

Detainee: I never heard of him, but when I was there when they came to camp then I found out he was the leader of Turkistani people.

Board Member: How old are you?

Detainee: I was born in 1976. Very soon I will be 30 years old. I [have] lost half of my lifetime.

Board Member: Did you engage in any fighting anywhere in Afghanistan or Pakistan?

Detainee: No.

Board Member: Do you speak English?

Detainee: When I was trying to learn [to] write English...as soon as they saw they [took all the stuff] away from [me]. I learned a little bit of some things, some words that's it.

Board Member: How many Uighurs do you think are in Afghanistan?

Detainee: I do not know [any] Uighurs beside those Uighurs, [who are] in here, but [during the] 1950s when the Uighurs [fought] against the Chinese at the time of their (Uighurs) retreat they fled into, ... those fighters fled into Afghanistan. They became

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Afghani, Uzbeks Uighurs, then they became Afghani people. I do not know those people, but when I was in the camp...the mountains, [there] were some 30 Uighurs, that's the Uighurs I know. I don't know [the] rest...any others, besides I read the Turkistani history books, which [said] those people [who] fled to Afghanistan [sought] political asylum from Turkey or Saudi [and] left Afghanistan...they went somewhere else.

Board Member: When you were at the camp were there any Arabs that would visit there?

Detainee: I never [saw] any Arabs.

Board Member: Just Uighurs?

Detainee: Yes.

Board Member: You said your brother. You mentioned your brother. Did he travel with you?

Detainee: No, I did not travel with my brother. When I was in Kandahar, I saw my brother there, but I couldn't speak with him. Then when I was...when they brought me over here...later on they [made] arrangements [for] us [to meet] together then I [found] out he went to Afghanistan to try and find me.

Board Member: Where did you get the money to leave Turkistan to begin with?

Detainee: I [had] my own business. I [sold] clothing, female or male clothing. I had my own business. I took the clothing to the villages, [sold to] those villagers and [came] back [to] buy other stuff. Just a general small business.

Presiding Officer: Thank you for your responses. How much education do you have?

Detainee: Nine years of education.

Presiding Officer: Thank you, did your brother go to the camps? Did he train at all in camps?

Detainee: No, he never [has] been there.

Presiding Officer: He got captured too?

Detainee: Yes, he did and he is here too.

Presiding Officer: The 1,000 rupees you had when you were in Pakistan. Where did you get [those] 1,000 rupees?

Detainee: It was my money.

Presiding Officer: You had changed into Pakistani rupees before?

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Detainee: Yes, when [I] first arrived [in] Pakistan, [I] exchanged.

Presiding Officer: Okay. Thank you.

Detainee: Your welcome.

Presiding Officer: The Arabs you traveled with from Tora Bora to Pakistan, do you know if they were fighters?

Detainee: We only stayed together with those Arabs.

Presiding Officer: You just saw them in the Tora Bora Mountains...you didn't travel with them?

Detainee: We saw those people. We asked them where they [were] going. We said, "Where you guys going?" They said, "Pakistan." Then we just followed behind those people.

Presiding Officer: But you all were captured together.

Detainee: Yes.

Presiding Officer: Did you talk to them at all?

Detainee: [I] don't know how to speak Arabic at that time.

Presiding Officer: So there was no communication?

Detainee: Yes, [I] could not communicate with them, because [I am] not Arabic.

Presiding Officer: Are any of them here in this camp?

Detainee: During that time I believe nobody [spoke] Arabic.

Presiding Officer: You're in an orange suit, which indicates you have not always been good while you have been here. If you want asylum, your behavior is very important.

Detainee: Yes, I understand that. I stayed in the camp for more than two years. I missed my brother so much [that] I request [they]...[put] me [in] camp two.

Presiding Officer: Okay, thank you. Any further questions?

Board Member: What would you do if you are released?

Detainee: If I get released. I'll try to do my business, probably find work [with] someone, find a job to do or start my own business again, then get married...start my own life.

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Board Member: Thank you.

Presiding Officer: Thank you very much for all your answers today. You've been very helpful for us to make a decision.

Detainee: Thank you. I have a little more to say.

Presiding Officer: Okay.

The Detainee makes the following statement:

Detainee: I participate[d] in every single interrogation and participate[d] in Combatant Status Review Board (CSRB), during that tribunal they told [me] I would get [the] result in the next 15 days [as to whether I would be] released or [you] were going to keep [me] in this prison still. I waited more than five months. I want you guys to make a decision sooner [and] try to solve our cases faster. I also don't want you to go and listen to [the] Chinese information [to much], because [the] Chinese worr[y] to much about the U.S. government help[ing] the Uighurs. They try to make us look bad. All the al Qaida members...they are extremist. They did that, they did this...all this kind of misinformation they (*Chinese*) are [going to] mislead you guys. When I want you to really look carefully and this thing should end sooner.

Presiding Officer: We will make a decision today, but we will only make a recommendations. The decision, the final decision comes from Washington D.C. You will know fairly quickly. I can't tell you how many days, but it will be fairly quick. The decision may take a while because the U.S. government is very aware of the Uighur situation and they are trying to do what's best for you and for America. We want to ensure that what ever happens that your safety is ensured and that's what may take a while.

Detainee: It has been four years...maybe a little more.

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

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



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