

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 455

*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.*

Presiding Officer: [To the Translator] Can you please translate the Detainee's question.

Translator: The Detainee is asking what the word "disorderly" means. I am trying to explain to the Detainee the meaning of the word.

Presiding Officer: Mr. Ali Sher, do you have any questions [about the process] before we begin?

Detainee: About the process?

Presiding Officer: Yes. Do you have any questions as to how the process works?

Translator: The Detainee was a little confused. The Detainee thought that the reading of the Unclassified Summary of Evidence had begun. I am trying to explain to him we have not yet begun to read the Unclassified Summary of Evidence. I am trying to explain to him and ask him if he has any questions about how the [ARB] process works.

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

ISN 455  
Enclosure (5)  
Page 1 of 8

20445

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Translator: The Detainee wants to know what Exhibit EC-A is.

Presiding Officer: Exhibit EC-A is the document that states you [the Detainee] were found to be an Enemy Combatant. Do you remember a hearing that was conducted prior to this hearing?

Detainee: I did not attend that hearing.

Presiding Officer: You were told about the hearing [CSRT], but you chose not to attend. Is that correct?

Detainee: Yes. That is correct.

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

Presiding Officer: Assisting Military Officer, please read the comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 4 November 2005, and lasted twenty-six minutes. After reviewing the ARBs purpose and procedures, the Russian translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend the ARB and provide an oral statement at the completion of the reading of the Unclassified Summary of Evidence. The Detainee was very cooperative, attentive, and cordial throughout the interview. A copy of the Russian translated Unclassified Summary of Evidence was provided to the Detainee upon his request.

Presiding Officer: [To the Detainee, referring to the AMOs comments] Is that what you recall?

Detainee: Yes.

*The Detainee chose to respond to the Unclassified Summary of Evidence at the end of the reading of the Unclassified Summary.*

Presiding Officer: [To the Detainee] I would like to point out that most people like to make a statement after each allegation/statement is presented. The Administrative Review Board is completely willing to go through the Unclassified Summary of Evidence in that manner if you wish.

Detainee: Please read the entire Unclassified Summary of Evidence and I will respond at the end.

ISN 455  
Enclosure (5)  
Page 2 of 8

20446

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

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

*The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

*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: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee traveled to Afghanistan through Mashhad, Iran.

Designated Military Officer: (3.a.2) The Detainee bribed or paid a Taliban official to enter Afghanistan.

Designated Military Officer: (3.a.3) The Taliban provided the Detainee with room, board, and a job.

Designated military Officer: (3.a.4) The Detainee fought in Chechnya.

Designated Military Officer: (3.b) Training (3.b) The Detainee received terrorist training in Chechnya.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee met an Azerbaijani named Elchin while in Russia and the two talked about traveling to Afghanistan.

Designated Military Officer: (3.d) Detainee Actions and Statements (3.d.1) The Detainee denied that he had fought in Chechnya.

Designated Military Officer: (3.d.2) The Detainee admitted to providing United States military debriefers with a fake name and withholding his true identity.

Designated Military Officer: (3.e) Other Relevant Data (3.e.1) The Detainee states that he has no personal opinion of the Taliban but says he never witnessed the Taliban doing anything wrong.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee states that he would like to return to a Turkish speaking country, but if he is not released to Turkey, the Detainee would consider returning to Azerbaijan.

ISN 455  
Enclosure (5)  
Page 3 of 8

20447

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (4.b) If released, the Detainee states that he would attempt to find work as a chef or a liquor store owner, which he has done in the past.

Designated Military Officer: (4.c) The Detainee states he has no animosity to the United States and considers Americans to be good people.

Designated Military Officer: (4.d) The Detainee has no prior knowledge of the September 11th attacks.

Designated Military Officer: (4.e) The Detainee claimed that the Taliban never asked him to fight, nor did they offer him training.

Presiding Officer: Mr. Ali Sher, now is your opportunity to make a personal statement in regards to the allegations/statements listed in the Unclassified Summary of Evidence. Please take as much time as you need.

Translator: Before the Detainee begins to make his statement he would like to see the second paragraph listed in the Unclassified Summary of Evidence. [Referring to paragraph 2, which indicates the Review Board will make a decision to release, transfer, or continue to detain. The Detainee would like me to read him that paragraph in Russian.

Presiding Officer: Please proceed.

Detainee: I do not want to go back to Uzbekistan. I would like to go to another country.

Board Member: Why do you not want to return to Uzbekistan?

Detainee: Several months ago something happened in Uzbekistan. That is the reason I do not want to return. You [referring to the Review Board] would know better than me what happened in Uzbekistan several months ago. In addition, I would like to add that when the Representative from Uzbekistan came here [to Guantanamo]...

Presiding Officer: When was this? When did a Representative from Uzbekistan visit here?

Detainee: Three years ago.

Presiding Officer: Please proceed.

*Translator read paragraph two of the Unclassified Summary of Evidence to the Detainee in Russian.*

Detainee: If I go back to Uzbekistan they told me there would be no questions. They told me that the only thing that waits for me in Uzbekistan is a bullet in my head. This should be enough for you [the Review Board] to know.

ISN 455  
Enclosure (5)  
Page 4 of 8

20448

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: You fear that you will be put to death if you were to return to your home country.

Detainee: Some Turkish guys [Uighurs] asked me if I would rather go back to Turkistan or to China. I told them I would rather go to China. Uzbekistan is going to give me a lot of problems if I go back. They are going to give me a lot of problems and problems with my family and it is not going to be pretty for me.

Board Member: Do you still have family in Uzbekistan?

Detainee: Yes. My mother.

Presiding Officer: What countries do you think it would be possible for you to live if you were released?

Detainee: Any country that speaks Uzbek. Something close to the Turkish language.

Presiding Officer: If Turkey is unwilling to take you into their country, do you have another suggestion [as to which country you could possibly go to]?

Detainee: Another country preferably.

Presiding Officer: You do not have a preference.

Detainee: Right now I do not have any preference.

Presiding Officer: Please understand that the Review Board can make a recommendation [if release or transfer is appropriate] as to a particular country. If you help us [the Review Board] in listing some other potential countries it would be feasible for you to go to, it may possibly work out to your advantage.

Detainee: Perhaps some country in Europe.

Presiding Officer: A European country?

Detainee: Yes.

Board Member: Do you have any relatives in any European country? Were you born in Uzbekistan? How long did you live there?

Detainee: I lived in Uzbekistan for twenty-five years. My question is in regards to the second paragraph of the Unclassified Summary of Evidence which states, "At the conclusion of this review, the Board will make a recommendation to: (1) release you to your home state; (2) transfer you to your home state, with conditions agree upon by the United States and your home state; or (3) continue your detention under United States control" why is there not a third county [or other country] listed in this paragraph as to were I could possibly go?

ISN 455  
Enclosure (5)  
Page 5 of 8

20449

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Please understand that it is very difficult for the United States to guess as to which countries would be willing to take you. Do you have another suggestion?

Detainee: No Sir.

Presiding Officer: [To the Translator] Please read paragraph two of the Unclassified Summary of Evidence to the Detainee in Russian. Or did you already translate it to the Detainee?

Translator: The Detainee understands it now.

Presiding Officer: He understands the paragraph. Is it all right to then proceed with the Board? Do you have any other questions?

Detainee: I have no other questions.

Board Member: Do you have a statement of any kind?

Detainee: I have a few questions about the Unclassified Summary of Evidence in the Commitment section.

Presiding Officer: [To the Translator] Let the Review Board proceed through the script so we are able to make you knowledgeable of everything that is appropriate. Once that is complete, we will come to that portion of the Review Board session.

*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.*

*Assisting Military Officer indicated the Detainee would like to make an oral statement.*

Presiding Officer: [to the Detainee] You may proceed with your oral statement.

Translator: The Detainee is requesting to look at the copy of the Russian translated Unclassified Summary of Evidence.

Presiding Officer: That would be fine. Sir, are you able to read the document you have in front of you?

Detainee: Yes.

*The Detainee made the following statement:*

ISN 455  
Enclosure (5)  
Page 6 of 8

20450

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

**Detainee:** The Detainee traveled to Afghanistan through Mashhad, Iran.

**Presiding Officer:** What are we doing here [referring as to why the Detainee is beginning to re-read the Unclassified Summary of Evidence]?

**Translator:** The Detainee is reading the first allegation/statement under Commitment. I asked him why was he reading the Unclassified Summary of Evidence. I told him he did not have to read it again because he already knew [what was going on].

**Detainee:** I did not bribe anyone to enter Afghanistan. I paid money [to the Taliban] to enter Afghanistan. I paid money for a [Afghan] visa. The Taliban gave me a place to sleep, food to eat, and a job. Those things are a necessity in life. I had no choice but to stay over there [in Afghanistan] to live. I did not fight in Chechnya. I did not receive any [terrorist] training in Chechnya. None of this [referring to allegation 3.a.4 and 3.b.1] is true. Uzbekistan probably gave you that information and it is not true.

**Presiding Officer:** What type of training did you receive?

**Detainee:** I did not have any kind of training. I do not want to answer any more of your questions. I just want to finish my statement.

**Presiding Officer:** That is not how this Administrative Review Board session works. If the Review Board has questions, you need to answer those questions. Does that make sense? This Review Board session is a dialogue between you [the Detainee] and the Administrative Review Board. The Administrative Review Board is going to determine if it is appropriate for you to either; (1) Be released; (2) transferred; or (3) continue your detention. The questions the Review Board is asking are to help aid in our decision as to whether you should be released and where you should be released to.

**Detainee:** I am very sorry, but I cannot answer your questions. I only came here [to the ARB] to go over the Unclassified Summary of Evidence.

**Presiding Officer:** The Administrative Review Board has already completed that portion of the session [responding to the allegations/statements in the Unclassified Summary of Evidence]. Earlier in the session, the Review Board asked you to respond to the allegations/statements in the Unclassified Summary of Evidence. Would you like for the Review Board to go back to the allegations/statements in the Unclassified Summary of Evidence? We can go through each allegation/statement one at a time. The Review Board would be more than happy to do that for you.

**Detainee:** I am very sorry. I request to leave this Administrative Review Board session.

**Presiding Officer:** Your request is granted.

*The Administrative Review Board took a brief recess so that the Detainee could be removed from the proceedings.*

ISN 455  
Enclosure (5)  
Page 7 of 8

20451

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: I note that we are now back on the record after a brief recess when the Detainee requested to be removed from the session. The Detainee's request was immediately granted.

*Presiding Officer determined that the Assisting Military Officer and the Designated Military Officer were prepared to continue the Administrative Review Board session in abstention.*

*The Designated Military Officer, Assisting Military Officer, and Board Members did not have any comments or information they wished to put on the record in reference to the Detainee's request to exit the Review Board session.*

*The Administrative Review Board took a brief recess to ensure all procedures were being followed and that all parties were ready to continue.*

*Administrative Review Board resumes.*

Presiding Officer: For the record, I am going to pick-up the script at the middle of page five. Beginning with the "closing statement".

*The Presiding Officer read the post-Administrative Review Board instructions 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.*

#### AUTHENTICATION

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

  
Colonel, USA  
Presiding Officer

ISN 455  
Enclosure (5)  
Page 8 of 8

UNCLASSIFIED//~~FOUO~~