

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 493

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 (AMO) was sworn.

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

Detainee: Of course I do not speak. I only speak the truth and I will speak the truth and I have nothing but the truth. Do you have anything else to say?

Presiding Officer: I understand your customs and I respect you for that. Can you just please give me a yes or no answer as to whether you wish to take the oath.

Detainee: I just have two things to say before everything else. I was hoping for this to convene and that I would have the chance to speak in front of you. It is a great day that you called me today. Honesty is something great and you have all of my respect. I will summarize it in two words, no more or no less. I understand...I am a Muslim and you are Christians. Christians and Muslims or anyone on this planet does not like injustice. The words I want to say to you, with all of my respect to you, are thank you very much for calling me here. The second thing I will talk about is my situation simple and short, summarized. So, you have it in my file from "A, all the way to Z". I was in a Taliban prison.

Presiding Officer: Could I ask you to...all I am asking at this time is if you want to take the oath or not. That is it. You will have your opportunity to give us this statement in a short time.

Detainee: I only have two things to say and that is it.

Presiding Officer: I appreciate that and I want to give you that opportunity. At this point I just want to get your answer on whether you would like to take the oath. If it is a "no"

ISN 493

Enclosure (5)

Page 1 of 6

20479

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

that is fine and we will continue on and you will have an opportunity to give us those two points.

Detainee: I did not complete my statement. Before I take an oath if you can give me a small...

Presiding Officer: Go ahead.

Detainee: Thank you. The American Forces took me from the Taliban prison and I am here right now. They interrogated me more than 20 thousand times and that is one of the injustices. I don't have [anything] else to say or to do and thank you very much. I am not from damn al Qaida and your government and officials know that. I am a person of faith. I have [a lot] of faith. I believe that my release...that this is punishment from God for me and I will be released by God and I know that this is unjust. I was detained before and [I am] now. I was beat[en] up and tortured [by] one of the Saudis in prison here. I just want to thank you very much for all of this. Thank you, with all of my respect to you, and now I want to go back to my [cell].

Designated Military Officer: [Presiding Officer] if I may just make a comment about that.

Detainee: I do not want to hear anything from you.

Designated Military Officer: The allegation that the Detainee is making with regard to a Saudi prisoner or detainee abusing him is something that the Assisting Military Officer has already referred to [the proper channels]. It is not in the package. It is information that is available and it has already been reported to the proper channels.

Detainee: Thank you very much I don't want anything else and I don't want to [listen].

Presiding Officer: Do you wish to go on with your Administrative Review Board at this time or do you want to be excused from the room?

Detainee: Thank you very much. I want to leave you. I am so sorry. I want to go back. Thank you. The punishment is coming from God. I don't have any problem with you...I mean with the United States. Also, you know that as I told you and she (*referring to the linguist*) told you, the Americans took me from the bloody Taliban prison. Before the war I was there and they tortured me very bad, even the Karzai people. Even here I get [tortured]. Thank you very much. I respect you, all of you. You are very nice, very good. Treatment is nice [and the] MPs are good.

Presiding Officer: I appreciate your honesty and if you would like I can cover a couple of the Post Administrative Review Board Comments.

Detainee: No.

ISN 493
Enclosure (5)
Page 2 of 6

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Okay. Thank you and we will take a brief recess while the Detainee is escorted out of the room.

Detainee: Thank you very much, all of you.

The Detainee is escorted out of the room.

Presiding Officer: The Administrative Review Board is now reconvened. Designated Military Officer please note the current time and date.

Designated Military Officer: The time is 1419 hours and the date is 22 September 2005. Sir, this board adjourned previously at 1411 hours.

Presiding Officer: Thank you. This Administrative Review Board recessed at 1411 hours on 22 September 2005, while the Detainee was removed from the room at his request and the board will continue from this point forward in absentia of the Detainee.

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.

Presiding Officer: I note from the Enemy Combatant Election Form, EC-B, that the Detainee chose to be present and respond to each statement after it is presented, but he has elected to leave the Administrative Review Board and it is going to continue in absentia. Does everybody agree that the Detainee did acknowledge that he wanted to be excused from the Administrative Review Board?

Assisting Military Officer: Yes sir.

Designated Military Officer: Yes sir.

Presiding Officer: The Assisting Military Officer and Designated Military Officer acknowledged. Thank you.

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.

Presiding Officer: It should also be noted that the Detainee did understand English and he addressed the board prior to his departure in English and did appear to understand

ISN 493
Enclosure (5)
Page 3 of 6

20481

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

what the board was about and was very emotional. For some reason he decided not to stay.

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

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 Enemy Combatant Election form, Exhibit EC- B.

Administrative Review Board Member's questions:

Board Member: In paragraph 3a items 10 and 11 it list Turhum, Afghanistan and he went there in 1992. Is that the same place as the Towr Kham Center guesthouse?

Designated Military Officer: I am not sure sir. I saw that also and I could not find Towr Kham. I am not sure if it is just the name of a guesthouse or if it is a guesthouse within the town or Turhum.

Board Member: Okay, because number 11 says 'Detainee again went to the Towr Kham Center guesthouse' which leads [me] to believe that he had been there before and that may have been the same place listed in number 10. Not a big deal though.

Designated Military Officer: It could be, but I am not sure.

Board Member: This guy has quite a timeline. Sometimes...this guy has a classic situation where sometimes we should eliminate anything out of all of this information that had to do with the previous war. We should focus in on 2001. That is just an observation. Who was this guy a spy for? Who was he working for when the Taliban arrested him as a spy? Was he working for us? Any ideas?

ISN 493
Enclosure (5)
Page 4 of 6

20482

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: He is not very clear on why the Taliban arrested him. If you look at the Unclassified Summary his response to the question about the Taliban arresting him was that he was never told anything, not even why he was arrested and they never even asked him his name. He doesn't know why the Taliban arrested him.

Presiding Officer: Yes, that is what it says.

Designated Military Officer: He said he was not even asked his name.

Board Member: On page 2 of 5 on the Unclassified Summary in item 12, what year was that? Does that start the...is that the recent stuff in item 12? In other words, do we move from 1992 to 2001 between numbers 11 and 12? Did he go do the Jihad for the Taliban? Are we still back in 1992 with items 12-15?

Designated Military Officer: Being that the Taliban was not in charge in 1992, I would say probably not.

Board Member: So, was all of that in 2001?

Presiding Officer: [It is] sometime between then. It could be the beginning of the Soviet time. It does not really say.

Designated Military Officer: I am just not sure.

Presiding Officer: That could be when the Taliban declared Jihad against the Soviets. It is not specific.

Board Member: I think that when we get to the classified side we can put it all together.

Presiding Officer: Okay. I don't remember, but you are right, it might.

Board Member: He is well connected that is for sure. The foxhole incident was probably in the Soviet time.

Designated Military Officer: I don't think so because that was when he was at the training camp. It was during the time he was at the training camp.

Board Member: Okay.

Presiding Officer: Assisting Military Officer this is for you. In the EC-B you read that he has no friends or relatives living in the United States and the Detainee stated that this was true.

Designated Military Officer: That was his comment sir.

Presiding Officer: His comments were that he does not have any relatives [in the United States].

ISN 493
Enclosure (5)
Page 5 of 6

20483

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: Yes sir.

Presiding Officer: Okay.

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 testimony given during the proceedings.



Colonel, U.S. Marine Corps
Presiding Officer

ISN 493
Enclosure (5)
Page 6 of 6

UNCLASSIFIED//~~FOUO~~

20484