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Summary of Administrative Review Board Proceedings for ISN 533

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 Administrative Review Board took a recess so the Detainee could be brought into the proceedings.

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.

Presiding Officer attempted to confirm as to how the Detainee would like to respond to the Unclassified Summary of Evidence.

Detainee: Sir, I cannot talk and respond to those points [referring to the Unclassified Summary of Evidence]. My lawyer told me not to respond [to the allegations in the Unclassified Summary of Evidence]. However, I wanted to tell you myself that I am not a threat to the United States, any country, or any person. If my Assisting Military Office would like to speak on my behalf and reply to the allegations for me, he may do so. However, I personally cannot reply to some of the points [in the Unclassified Summary].

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Presiding Officer: Very well. The Administrative Review Board will proceed in the ordinary course of events.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibits DMO-1, 2, 3, and 4 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.

Designated Military Officer: [To the Presiding Officer] Sir, just so I am clear, the Detainee will not be responding to the allegations listed in the Unclassified Summary of Evidence as they are presented. Is that correct?

Presiding Officer: Yes, that is correct.

Board Member: I would suggest that you begin to read each allegation and then pause to see if the Detainee would like to respond.

Detainee: Sir, I will not reply to the allegations.

Presiding Officer: For the record, since we are proceeding somewhat out of order, the Administrative Review Board will deviate from the reading of the Enemy Combatant Election Form at this time. Mr. Hassan Zumiri had previously indicated in writing on the Enemy Combatant Election Form that he would like to respond to the Unclassified Summary of Evidence as each point is presented. However, at the hearing this afternoon, Mr. Zumiri has indicated that he *does not wish to respond* to the Unclassified Summary of Evidence.

The Presiding Officer confirmed that the Assisting Military Officer, Designated Military Officer, and Board Members all concurred that the Detainee elected not to respond to the Unclassified Summary of Evidence.

The Presiding Officer directed that the entire Unclassified Summary of Evidence first be read and at the conclusion of the reading, the translator would then translate the Unclassified Summary of Evidence in its entirety for the Detainee.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Islamic Salvation Front Vice President lived very close to the Detainee's home in Algiers.

Designated Military Officer: (3.a.2) An Islamic extremist group, the Armed Islamic Group, aims to overthrow the secular Algerian regime and replace it with an Islamic

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state. The Armed Islamic Group began its violent activity in 1992 after Algiers voided the victory of the Islamic Salvation Front in the first round of legislative elections in December 1991.

Designated Military Officer: (3.a.3) The Detainee stated that he traveled to Spain several times in the early 1990's. At this time, the Detainee was assisting his brother in the acquisition and sale of electronics.

Designated Military Officer: (3.a.4) The Detainee traveled from Afghanistan to France via Italy.

Designated Military Officer: (3.a.5) The Detainee traveled to Italy in the summer of 1991 and stayed for six months in Verona, Italy. The Detainee then traveled to Paris, Bordeaux and Marseilles in France.

Designated Military Officer: (3.a.6) The Detainee left France with a forged passport, which cost 3,000 francs (approximately \$550.00 U.S. dollars) and went to Canada.

Designated Military Officer: (3.a.7) The Detainee entered Canada in October 1994 and left Canada in June.

Designated Military Officer: (3.a.8) The Detainee was known to be an active member of a network supporting subversion in Algeria. The Detainee held the status of political refugee in Canada since 1994.

Designated Military Officer: (3.a.9) The Detainee's name was placed in appropriate U.S. Government agency watch lists at the Unclassified/For Official Use Only level on a non-attributable basis.

Designated Military Officer: (3.a.10) The Detainee attended six mosques while living in Canada. One of the mosques was the al Sunnah Mosque, and extremist mosque that shows videos to members portraying the Jihad in Algeria.

Designated Military Officer: (3.a.11) The Detainee traveled to Vancouver, Canada in 1996 in order to file his immigration papers. The Detainee's reasoning was that the Vancouver immigration department expedited immigration papers faster than any other Canadian province.

Designated Military Officer: (3.a.12) In the summer of 1998 the Canadian Police arrested the Detainee with two friends in Niagara Falls.

Designated Military Officer: (3.a.13) The Detainee claims he went to Afghanistan because of the mounted pressure put on him by the Canadian Secret Service. The Detainee wanted to live in peace and be left alone.

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Designated Military Officer: (3.a.14) The Detainee traveled between 15 and 25 June 2001, from Montreal, Canada to Afghanistan via Zurich, Dubai, Karachi, Quetta, Kabul, and Jalalabad.

Designated Military Officer: (3.a.15) The Detainee said he was in a group of approximately 60 people in the Tora Bora Mountains and that American bombers spotted his group. The Detainee's group was bombed and the majority died.

Designated Military Officer: (3.a.16) The Detainee said that all the Arabs in his group, including himself, were armed. The Detainee said that his pistol was only for his protection.

Designated Military Officer: (3.a.17) The Detainee said his purpose for going to Afghanistan was to immigrate and for Jihad. The Detainee said that he simply wanted to immigrate, live and retire peacefully in Afghanistan.

Designated Military Officer: (3.b) Training (3.b.1) While the Detainee stayed at the Toran Camp, he received instruction in the use of small firearms. The Detainee claims that he learned how to use these firearms for fun.

Designated Military Officer: (3.b.2) Small arms training occurred near the Toran Camp to prepare for impending attack by Northern Alliance Forces. A cave system used for billeting was located above the Toran Camp.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The Detainee admitted that he left Canada with a false Canadian passport that he stole from a friend of his, named Najib. When questions about the present whereabouts of this passport, the Detainee said that it is now in the hands of the Afghans.

Designated Military Officer: (3.c.2) In 2001, a Canadian passport was in the possession of an al Qaida facilitator in Afghanistan used by the Detainee. The last recorded use of this passport in Canada was by the Detainee on 14 June 2001, when he left Canada with his wife.

Designated Military Officer: (3.c.3) A Canadian Algerian involved with document forgery networks and terrorists says the Detainee may have prepared a passport for him.

Designated Military Officer: (3.c.4) A suspected al Qaida attack planner said the Detainee was planning on doing Jihad in Algeria and wanted to fight with the Jama'ah in Algeria.

Designated Military Officer: (3.c.5) A suspected al Qaida attack planner confirmed that he received a \$3,500.00 Canadian dollar loan from the Detainee just before he left for Vancouver. The Detainee also gave him a video camera. The suspected al Qaida attack planner said that the Detainee was a personal friend and that the Detainee trusted him.

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Designated Military Officer: (3.c.6) The Detainee knows an Islamic extremist who is in Sudanese custody.

Designated Military Officer: (3.c.7) The Detainee is a friend of a suspected Algerian operative.

Designated Military Officer: (3.d) Other Relevant Data. (3.d.1) The Detainee confirmed that when he left Canada, he brought his portable cellular telephone with him, but it was never used.

Designated Military Officer: (3.d.2) The Detainee was in the Tora Bora region of Afghanistan when the Northern Alliance Forces captured him in December 2001.

Designated Military Officer: (3.d.3) The Detainee had three \$100.00 U.S. dollar bills and two 1000 Rupee notes on him when he was captured.

Designated Military Officer: (3.d.4) The Detainee claims to have no knowledge why his wife was arrested with \$13,000.00 U.S. dollars. The Detainee claims he left Canada with \$7,000.00 or \$8,000.00 U.S. dollars with him. The Detainee does not know where his wife got the money.

Designated Military Officer: (3.d.5) The Detainee was once arrested in Canada for attempting to steal a computer from a tourist. The Detainee would steal and shoplift by him and with others.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee expressed that in the future he will no longer have friends like the ones he had before. The Detainee has learned his lesson.

The translator read the Unclassified Summary of Evidence for the Detainee.

The Presiding Officer instructed the Assisting Military Officer to read the Assisting Military Officer comments from the Enemy Combatant Election Form into the record.

Assisting Military Officer: The Detainee's ARB interview was conducted on 16 December 2005, and lasted one hour. When asked by the AMO, the Detainee stated he understood the difference between the CSRT and the ARB. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would like to attend the ARB and respond to each statement point-by-point in the Unclassified Summary of Evidence. Additionally, the Detainee chose to present as evidence, a written statement as well as letters from his wife and a friend. The Detainee was responsive, attentive, but very reserved during the interview. At the conclusion of the interview, the Detainee was provided both the Arabic translated and the English translated copies of the Unclassified Summary of Evidence, via his guards.

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Presiding Officer inquired of the Assisting Military Officer if there was any further evidence he would like to present on behalf of the Detainee.

The Assisting Military Officer presented Exhibits EC-C1 through EC-D2 as evidence on behalf of the Detainee. These Exhibits had been previously provided to the Designated Military Officer for presentation in advance of the hearing. In addition, the AMO stated the Detainee would like to present a general oral statement.

Presiding Officer: The record should reflect that the Assisting Military Officer provided the Administrative Review Board with copies of these documents in advance of the hearing.

The Presiding Officer addressed the Detainee and informed him at this time he could make a personal statement, long or short, whichever he may prefer.

Detainee: The only thing I want to say is that I do not have any problems with anyone. I have spoke to my lawyer and I have told him the same thing.

Presiding Officer: Very well. Thank you very much.

Presiding Officer confirmed that the Board Members did not need any additional time to review the exhibits submitted by the Detainee or to review the Unclassified Summary of Evidence.

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 any additional information with the assistance of the Assisting Military Officer.

Assisting Military Officer indicated he had some additional Detainee comments from the Enemy Combatant Election Form.

Assisting Military Officer: The following are additional Detainee comments from the Enemy Combatant Election Form: *After the AMO inquired if the Detainee wanted to attend the ARB, the Detainee replied, "God knows...who knows the future? I may be sick or otherwise unable to attend." When the AMO asked if he wanted to attend the ARB if neither sick nor otherwise unable to attend, the Detainee stated, "If God is willing." When the AMO inquired if the Detainee wanted to speak at his ARB, the Detainee replied, "If God is willing." The AMO then explained he could attend the ARB and then decide not to speak, however, these questions would be asked again at the ARB. The Detainee then stated, "Well, probably...about 70%... I will speak." After the AMO explained that he would be provided an optional Islamic oath at the ARB, the Detainee*

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opined, "What does it matter if I take the oath? They (the ARB members) still will not believe me." When the AMO inquired if this meant he felt prejudged, the Detainee simply replied, "Yes." The AMO then explained he would also be given an opportunity to make a general statement. The Detainee then stated, "If God is willing." At the conclusion of the interview, the Detainee stated he had no other questions nor would he make any further statement.

Presiding Officer: [Addressing the Detainee] Sir, I would like to point out to you that this process is not a court of law. This is an Administrative Review Hearing where the three Board Members make a recommendation to the officials in Washington D.C as to whether you should remain detained, be released, or transferred. The Review Board is trying to send people home. The Review process has allowed for many recommendations to release individuals or to transfer individuals back to their home countries or other countries. What the Review Board would like to do here today, but it is totally up to you, is: 1) To hear a personal statement from you, if you so wish, and 2) The Review Board would like to ask you a few questions and visit with you for awhile if we could.

Detainee: The first statement I made [referring to the written statement], I have already presented it to you and my lawyer. However, concerning the allegations in the Unclassified Summary of Evidence, my lawyer advised me not to answer any of the allegations and/or questions concerning the Unclassified Summary of Evidence. My lawyer told me to be present here today at the Review Board, but that I should not speak.

Presiding Officer: Very well. The Review Board does respect your decision not to speak here today.

Detainee: Thank you.

Presiding Officer confirmed that the Assisting Military Officer did not have any further information to present on behalf of the Detainee.

The Detainee chose not to make an oral statement.

Presiding Officer: Mr. Zumiri, at this time, the Board Members would like to ask you a few questions. If you would just permit the Board to read you the questions, for the record, you do not have to answer if you so wish.

Detainee: I cannot answer your questions.

Presiding Officer: The Review Board understands that and respects your decision.

Board Member: There is no reason to ask questions if the Detainee is not going to answer.

Detainee: Thank you.

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Presiding Officer: I do have one question and I may possibly think of another. Sir, if the Review Board were to recommend your release or transfer, where would you like to go?

Detainee: You [referring to the Review Board] decide.

Presiding Officer: So, either Algeria or Canada, it does not make a difference to you. Is that correct?

Detainee: I have trust in you [referring to the Review Board]. I trust in you to make that decision.

Presiding Officer: Do you feel that you would be in danger if you were sent back to Algeria? Just for your information, it is the policy of the United States to *never* send anyone back to a country where they fear they may be killed or tortured. It would be helpful to the Review Board in making a recommendation to send you to a country of your preference.

Detainee: Like I mentioned before, I trust in you to make that decision. I do not have a problem with any country.

Presiding Officer: Thank you.

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

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

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Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	6/15/2005	UNCLASSIFIED	NONE / NONE
EC-D1	6/23/2005	UNCLASSIFIED	NONE / NONE
EC-D2	7/19/2005	UNCLASSIFIED	NONE / NONE

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Written Statement by Detainee to the Administrative Review Board,
in the case of ZUMIRI, HASSAN

[Translation of Déclaration par écrit sous serment d'Ahcene Zemiri]

Affidavit of Ahcene Zemiri

1. My name is Ahcene Zemiri. I am a prisoner in Camp Delta, at Guantanamo Bay, Cuba. I arrived here during spring 2002.
2. I make this affidavit to demonstrate to the ARB (Administrative Review Board) that I am not a threat to the United States or its allies.
3. I have spent over three years in Guantanamo. During this time, I have greatly missed my wife, Karina. I have greatly missed my family. I have never seen my son, who was born in June, 2002. I greatly miss my son.
4. I have taken every opportunity to write to Karina. Karina and her parents write me often, and tell me about my son.
5. I want to be a husband to my wife, and a father to my son.
6. During the last three years, I have learned patience. I have taken the opportunity to study, learn, and reflect.
7. I am not a threat to the United States. I like the United States. I think Americans are a good people.
8. I want to spend the rest of my life in peace with my family.

/s/ Ahcene Zemiri

Ahcene Zemiri

June 15, 2005

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Déclaration par écrit sous serment
d'Ahcene Zemiri

1. Je m'appelle Ahcene Zemiri. Je suis prisonnier au Camp Delta, à Guantanamo Bay, Cuba. J'y suis arrivé pendant le printemps 2002.
2. Je fais cette déclaration pour démontrer à l'ARB (Administrative Review Board) que je ne suis pas une menace pour les États-Unis ou leurs alliés.
3. Je suis passé plus de trois ans à Guantanamo. Pendant ce temps, ma femme, Karina, me manque beaucoup. Ma famille me manque beaucoup. Je n'ai jamais vu mon fils. ~~UNCLASSIFIED~~ Il est né le juin

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2002. Mon fils me manque beaucoup.

4. Je profite de toutes les occasions pour écrire à Karina. Karina et ses parents m'écrivent souvent, et me racontent des nouvelles de mon fils.
5. Je veux vivre comme le mari de ma femme et le père de mon fils.
6. Pendant les dernières trois années, j'ai appris la patience. J'ai profité de l'occasion pour étudier, apprendre, et réfléchir.
7. Je ne suis pas une menace pour les États-Unis. J'aime les États-Unis. Je crois que les américains sont un bon peuple.

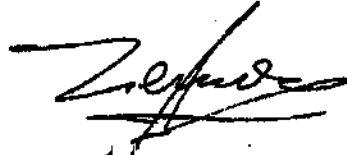
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8. Je voudrais passer le reste de ma
vie en paix avec ma famille.



Ancene Zemiri

le 15 juin, 2005

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Written Statement by Detainee's Wife to the Administrative Review Board, in the case of ZUMIRI, HASSAN

CANADA
Province of Quebec
City of Montreal
Consulate General of the
United States of America

UNITED STATES NAVY BASE
GUANTANAMO BAY, CUBA

ADMINISTRATIVE REVIEW BOARD

In re Ahcene Zemiri, #533

Detainee.

AFFIDAVIT OF
KARINA DERESHTEANU

Karina Dereshiteanu, on oath, states as follows:

1. I am the wife of Ahcene Zemiri, an Algerian citizen, who is currently being held in Guantanamo Bay under the control and custody of the United States. I make this affidavit in Canada, where I reside and am a citizen.
2. Ahcene and I were married in 1996, and we lived together as husband and wife until November 2001.
3. We have a son, Karim Zemiri, whom my husband has never seen due to his detention in Guantanamo.
4. Ahcene and I write to each other as often as we can. I send Ahcene photos and news about our son. Ahcene misses his son and wants to be a father to him. I want Karim to grow up with his father.
5. My parents also miss Ahcene and write to him.
6. Ahcene is a peaceful man. He has no ill will towards the United States or its allies, and is not a threat. I miss Ahcene very much, and want our family to be reunited.


Karina Dereshiteanu

Subscribed to and sworn before me
this 23rd day of June, 2005.


Neil G. Krost

#31351471

Neil G. Krost
Vice Consul of the United States of America

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Written Statement by Detainee's Friend

7-19-05

Dear Mr. Dorsey,

This letter comes in response to the letter forwarded to me by you and your constituents dated 7-12-05. I am more than happy to assist you in defending Mr. Zemiri. I knew Mr. Zemiri for 5 yrs. prior to my arrest. We were good friends who engaged in sports and other recreational activities together. I know Mr. Zemiri's wife as well.

As for the allegations leveled against Mr. Zemiri by Ressaam well I know they are false. Mr. Zemiri and I were close friends unlike Ressaam who was not either of our friend. I never ; in 5 yrs. of knowing Mr. Zemiri; heard him speak of Jihad, Anti-American feelings or So-called Terrorist activities. Nor have I seen him hanging out with Ressaam or any other suspicious people. He's never been a threat to America or any other country.

Ressaam is trying to use Mr. Zemiri like he used myself and others to decrease his prison term. The government doesn't care if his accusations are true or false as long as it brings about a conviction.

Mr. Zemiri informed me upon seeing Ressaam's arrest on the news that he knew him but hadn't spoke with him for at least a year. Mr. Zemiri UNCLASSIFIED Suprised

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to see Ressam arrested as many other
of us Algerians.

We had no idea Ressam
was involved with a plot bomb anything.
Mr. Zemiri & I had our own lives
in no way connected to any so-called
terrorist activities. We were good hard
working people. In fact Mr. Zemiri
was waiting for his papers to visit
his parents with his wife and return to
Canada to buy a house and start a
business.

In closing you can contact
me via mail, attorney, or visit for further
information. I'm happy to do whatever to
assist Mr. Zemiri. Please when you speak
with him give him and his wife my regards.
I wish him the best and pray he is
victorious. Tell them to have faith & trust
in Allah. Write back or call my attorney
to let me know you received this letter.

c.c Joyce London

Sincerely

Mohammed Haouari

No. 44949-054

[Signature]

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Inmate Name: Mohr, Aron
Register Number: 44949-054
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17037



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