Summary of Administrative Review Board Proceedings for ISN 664

*[] Items identified with this symbol were not initially translated during the board proceedings. They were translated and added during a review of the audio recording of the board proceedings by the linguist and the reporter.

The Administrative Review Board was called to order.

The Designated Military Officer 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.

Detainee: Do you understand Arabic?

The Presiding Officer explains to the Detainee that the Board Members do not understand Arabic and were replying to the oath read by the Designated Military Officer and that the Linguist was repeating it in Arabic in order for the Detainee to understand what is being said.

The Assisting Military Officer was sworn.

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.

Detainee: How can you call me an Enemy Combatant and now you want to find out if I am a threat to the United States? Why are you calling me an Enemy Combatant? How can you decide [that] I am not going to pose a threat to the United States?

Presiding Officer: Rashid, the Enemy Combatant status was determined at your CSRT hearing and we are here now conducting an Administrative Review Board. If we can proceed, there will be a time for questions and at that time you may question your Enemy Combatant Status all you want.

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Detainee: I want to talk about it now. How do they consider me to be an Enemy Combatant?

Presiding Officer: Rashid, it was determined at your CSRT Hearing that you are an Enemy Combatant. We are not reviewing that status, which is why you are here to submit evidence or give your testimony as to why we should consider releasing, transferring, or detaining you further.

Detainee: I refuse that. That piece of paper (referring to Exhibit EC-A, The Enemy Combatant Notification form) originally ... they consider me an Enemy Combatant, but with [out] any evidence. I am not an Enemy Combatant; I have never been your enemy at anytime. They are accusing me of being an Enemy Combatant on that paper [without] any evidence. They just decided themselves. I want to discuss the Enemy Combatant [status] before we proceed.

Presiding Officer: I am sorry but we are going to discuss it a little later on in the proceedings. If I may, I am going to continue on and I will give you more opportunity then you...[you can] take as much time as you want to explain it to us in about five minutes. I understand you are claiming that you are not an Enemy Combatant and it was decided by another board, but please give us this opportunity to review your information, hear what you have to say, and then we will make a determination by the end of the day as to what we are going to recommend.

Detainee: How do you want me to continue with this hearing to consider if I pose a threat to the United States while you have already considered me an Enemy Combatant?

Presiding Officer: Again, we are here to review the information, hear what you have to say in regards to some of the charges or some of the information that the board has been presented with so that we can make a decision to release, transfer, or detain you. We have not made a decision and we will not make a decision until we hear what you have to say in regards to the Unclassified Summary, which I understand you were provided a copy of. We have not made a decision prior to coming in here. Please give us that opportunity. We only view you as an Enemy Combatant...that is the title they put on you. They have determined you to be one. Please bear with me as I get to your portion and you will be able to answer and deny any allegations that have been made.

Detainee: OK. I want to let you know that they just wrote there...those two words 'Enemy Combatant'...I don't have anything to do with it. They decided without [me] answering [any] questions or...I never talked with them. There was an argument between me and one of the officers and he [got] mad and that is why they considered me an Enemy Combatant. He said if you want to proceed he [would] come back to this point.

Presiding Officer: Thank you.

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

Detainee: Do not consider me an Enemy Combatant without my knowledge. The paper that the [Assisting Military Officer] handed to you is the paper that considers me an Enemy Combatant. Ask me questions and then let him (referring to the Assisting Military Officer) hand it to you.

Presiding Officer: We are going to stick to the procedure that we have. These are answers that you have already provided prior to coming in here and it explains some of the answers you have already given to the Unclassified Summary. We are going to proceed and I am going to get to your question period and you can ask us all of the questions you want.

Detaince: OK.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1 and DMO-2, the FBI Redaction Memorandum 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 and Detainee.

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.

Detainee: Is the interrogator going to read my answers?

Presiding Officer: Are you referring to the [Assisting Military Officer]?

Detainee: Yes. Who is going to answer me or [Assisting Military Officer]?

Presiding Officer: We are getting there... I am almost there.

Detainee: I want to go statement by statement or by the whole clause, then I will answer.

Presiding Officer: When I get there I will work that out with the [Assisting Military Officer] and the linguist.

Detainee: Good,

The Designated Military Officer confirmed that he had no further unclassified information and the Detainee interrupted stating the following:

Detainee: I want members of the board to listen to my answers for every single...

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Presiding Officer: And we will. All I was asking the [board members] was if they needed more time to read what the Designated Military Officer read to us. You will have an opportunity to go through each one of those points and answer it either positively or negatively. That will be your choice. We know that some of your answers are here on the Enemy Combatant Election Form that you have already given to the Assisting Military Officer. We have his (referring to the Designated Military Officer) paperwork as well as your paperwork in front of us here. I understand that some of you answers contradict what he (referring to the Designated Military Officer) just said. So please, I am going to continue if you understand that.

Detainee: Why don't you let me answer or listen to me to answer all of these allegations right now?

Presiding Officer: I am getting real close now. Please bear with me.

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.

Detainee: Who wants a closed session?

Presiding Officer: The Designated Military Officer may have additional information to provide to the board and at that time we will entertain it. For now, the unclassified session is going to be your opportunity to speak.

Detainee: OK.

As the Presiding Officer is opening the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer the Detainee interrupts him.

Presiding Officer: Excuse me Rashid.

Detaince: Excuse me! Excuse me! Excuse me, you (referring to the Presiding Officer).

Presiding Officer: It's your hearing...

Detainee: Shut up!

Presiding Officer: Rashid, Rashid, please I do not want...

Detainee: Shut up! Shut up! Who wants the closed session?

Presiding Officer: I will at an appropriate time. I will [want the closed session].

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Detainee: Through this meeting you are going to decide if I pose [a threat] or not. Why are you looking for a closed session?

Presiding Officer: If he (referring to the Designated Military Officer) has any additional information to provide, he can provide it then.

Detainee: Why doesn't he (referring to the Designated Military Officer) present it now as it was written on the paper?

Presiding Officer: Rashid, let me repeat what I said earlier. 'You may examine all unclassified information. However, some documents you examine may be partially masked for security reasons.' For the same security reasons there may be information that the Designated Military Officer is not able to present during this open session.

Detainee: Why doesn't he (referring to the Designated Military Officer) present it right now to be clear for you and I?

Presiding Officer: Because it is classified information.

Detainee: You did not explain to me the way this procedure is taking place here. This officer reads something and the other officer answers...

The Assisting Military Officer informed the Board Members that the Detainee wanted him to make a statement on his behalf. The Detainee interrupted stating the following comments.

Detainee: I can read the same thing he (referring to the Assisting Military Officer) is going to read. If you want me to I will say it instead of the Assisting Military Officer. Do you want me to read it from the paper or [without] the paper?

Assistant Military Officer: May I interject sir?

Presiding Officer: I thought you said you worked this out prior?

Assistant Military Officer: Yes sir, we did work this out prior.

Presiding Officer: OK. Rashid, is [it] your request now to answer them one by one and if so, I can have the [Assistant Military Officer] go right through the Unclassified Summary and you can respond individually to each one?

Detainee: I changed my mind [and] I want to answer [for] myself now. The circumstances have changed now. I want to answer for myself.

Presiding Officer: That is fine.

Detainee: I promised you [that I would let the Assisting Military Officer answer for me] but I didn't know the real procedure. I want to answer.

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Presiding Officer: That is fine. Let me go over some simple ground rules. Are you going to respond to each one or are you going to pick out the items on the Unclassified Summary that you would like to respond to.

Detainee: [I want to respond to] the Unclassified Summary and the classified portion.

Presiding Officer: Let's start with the Unclassified Summary if you (referring to the Detainee) could.

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

Detainee: [I will take the] Islamic oath.

Presiding Officer: Designated Military Officer please administer the Muslim oath.

Detainee: Why do you want me to swear?

Presiding Officer: We do not require you to take the oath. You said that you would take the Muslim oath, so if you do we will administer it. If you do not that is fine with me.

Detainee: I will swear, but for what? Where is the Classified?

Presiding Officer: We are not going to go over the classified information.

Detainee: I am not foolish...*[you are foolish].

Presiding Officer: We are not going to ask you anything that has not already been presented to you and that you have answered. Again, you are not required to give an oath.

Detainee: I am ready to take the oath. I listened to the allegations, but you did not listen to my answers. What kind of ARB is this...*[tar] (the word 'tar' in Arabic is used to reflect discontentment)! *[What kind of law is this...tar]! What kind of...what right do you have to talk to me like this and listen just to the unclassified and not listen to the classified? I am ready to answer all of the questions in front of everybody here and the tape recorder. The people here...they are my witness[es]. I am ready to answer all of the allegations the Designated Military Officer read.

Presiding Officer: Rashid, I am going to take that as...since we are not going to present any classified information here I am going to take your answer as a 'NO' for taking the oath and then we can proceed to the section where you are going to be able to answer all the questions you'd like and give us all the information you'd like.

Detainee: Including the classified...

Presiding Officer: I am going to...

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Detainee: ...in front of the witnesses and the tape recorder.

Presiding Officer: Rashid, I am going to ask you to begin...

Detaince: Rashid! (The Detainee speaks in English stating the following sentence) Why you no can read good (referring to the pronunciation of his name)? I want my name to be read correctly.

Presiding Officer: Rashid, I am going to ask the Assisting Military Officer to read the Unclassified Summary starting with the commitment and hearing your responses to each of the allegations listed there and we will proceed from there.

Detainee: I don't want it this way. This is a [game] and you are the one who created the game and you are the one playing the game. You create the game and you suppose there are players playing the game. Don't take the game only by yourself and the court. What kind of [talk] is this? What kind of people are you? What kind of *[wild] hearts do you have?

Presiding Officer: Assisting Military Officer please begin...

Detainee: (The Detainee speaks in English stating the following) Wait, wait, you criminal! I want the Unclassified [Summary to be] read by the DMO and I will answer.

Presiding Officer: I am sorry Rashid, but you don't dictate how we do it and the Assisting Military Officer is the person here to assist you.

Detainee: *[I am not telling you how to do it...] I have rights and the right to talk at this time and I want to talk. It is not right that someone will read the allegations and someone else will answer them. I want to listen to the unclassified allegations and answer for each one of them. I want to listen to [the allegations] one by one and give my answer.

Presiding Officer: Rashid, I am giving you that opportunity right now and the Assisting Military Officer is going to read them one by one and that is how we are going to do it. If you would like to cooperate, fine, if not then we can proceed without you. I would like for that opportunity to happen with you present.

Detainee: That is what I wanted to know. You will read the allegation and then the Assisting Military Officer will read the answer, which is my answer.

Presiding Officer: I am sorry. I was confused. I thought you were going to answer each of the allegations.

Detainee: It is OK. I will answer.

Presiding Officer: The Assisting Military Officer is going to read them to you.

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Detainee: I want to listen to the allegations and I will answer.

Presiding Officer: Please read them.

Detainee: *[Listen, listen] do not treat me...don't deal with me like I am foolish or I don't know. This kind of talk is [as if] you are dealing with [someone who is] stupid.

Presiding Officer: Rashid, I have been very patient with you. I am sorry.

Detainee: *[Patient with me?] Give me allegation and I will answer *[with my on tongue].

Presiding Officer: Please proceed Assisting Military Officer.

Detainee: Wait! Wait! No, I won't [allow] that. Read the allegations one by one and I will answer [them]. I want the tape recorder to tape what I am saying in front of the witnesses. What is the problem if I talk?

Presiding Officer: Rashid, it was just brought to my attention...I am not sure that you know the Assisting Military Officer has each of these allegations that the Designated Military Officer read off. He is going to read the exact same things that the Designated Military Officer read earlier.

Detainee: I want to talk so my voice will be on the tape recorder.

Presiding Officer: That is fine. It should be understood by individuals viewing the ARB that the information we are going to read is the same information that the Designated Military Officer read. So the people...

Detainee: When I came here...the thing (referring to the ARB process) is different for me when I came to this room in this case I want to talk.

Presiding Officer: Trust me I want you to be able to talk. I just...the only thing is the Assisting Military Officer is going to read the 'primary factors for continued detention and those that favor your release' and you will respond to every one of them. The witnesses that are here will be able to attest to that.

Detainee: Listen, listen what are you going to lose if I talk? I want to leave right now. Deal with me. Listen to me. (The Detainee speaks in English stating the following sentence) Listen to me, from me, understand? Listen to me then listen to the Assisting Military Officer. Listen from me and from him (referring to the Assisting Military Officer) not only from me or you (referring to the Presiding Officer)...understand?

Presiding Officer: No, I am sorry maybe I don't understand because we are going to listen to you. You are going to give us the answers to the...your response to these questions that you disagree with.

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Detainee: (The Detainee speaks in English stating the following) What is the problem if

you listen to me?

Presiding Officer: We want to listen [to] you.

Detainee: (The Detainee speaks in English stating the following) When?

Presiding Officer: Right now. We are going to read the primary factors here on the Unclassified Summary and then you can respond immediately after each one. Maybe there is just a misunderstanding between us, but the Assisting Military Officer is going to read the Unclassified Summary and you are going to be able to respond immediately. If you think we can't hear you then speak up or...the [microphones] pick up everything you say. Trust me...they hear everything I say. Rashid, I'd really like to continue because I think we understand each other...he (referring to the Assisting Military Officer) is not going to read his responses that you gave us earlier...you are going to respond to the questions and if you want him to read your responses from earlier that are also listed on [Exhibit] EC-B, that's fine. I will let him read them as well but this is your opportunity to answer and to respond personally to all of these and then to allow us to ask questions if we have any or for you to ask questions of us. The immediate concern would be to get through this Unclassified Summary so you can voice your concerns against anything that might not be correct.

Detainee: I want to talk first and then the Assisting Military Officer translates.

Presiding Officer: He won't be able to translate. Your translator/interpreter is here.

Detainee: (The Detainee speaks in English stating the following) OK. No problem.

Presiding Officer: He would have to translate because...no problem?

Detainee: No problem.

Presiding Officer: OK, [instead of going into the] Unclassified Summary let me go into...Rashid, you may begin with your statement.

Detainee: *[Shut up dog! You're worthless...you're at the top of American ignorants...with that face...by what right do you want to listen to me?] You listen from me! Why do you want me to swear when I didn't say anything? I am ready to swear after I say what I need to say. How do I know [that] what is in that paper is right? Your accusing me [of being an] Enemy Combatant and I am not. Let me talk...I trust what he has in his hands...I know [the] same information he knows...but I want to say it myself so that the tape recorder will record my voice. Why do you want me to swear and you don't want to hear it from me? Why don't you want my responses [to the] allegations but you want to hear me swear? I am ready to swear after I say what I want to say. [I will] answer all of these allegations. If you want me to swear you have to let me answer the allegations.

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Presiding Officer: I am prepared to go through the Unclassified Summary right now. We are not worried about the swearing right now. If you'd like to swear at the end, that would be fine with me but again you are not required to swear.

Detainee: I am not going to swear *[at the beginning] until I talk and finish. Give me the classified and I will respond, then I will swear.

Presiding Officer: Are you prepared to continue and answer the unclassified information that the Assisting Military Officer is ready to proceed with? If not, then I will take that as a 'no' and I will ask you another question and we will proceed.

Detainee: I am ready. After I answer...we will have the same answers. He will read it and you will know [if] I am telling the truth or not from what I am going to read from the paper in front of me. There is not going to be any difference between what I am going to say and what is on the paper but I want to talk.

Presiding Officer: What paper are you referring to?

Detainee: Just let me answer and I can respond to you and listen...the paper I am talking about is [the one with] the answers [to the] unclassified in Arabic.

Presiding Officer: Let me understand this; we are going to read from the unclassified and he (referring to the Assisting Military Officer) is going to read your answer from what you provided earlier?

Detainee: Yes.

Presiding Officer: Assistant Military Officer could you please begin with the commitment... there is one comment under factors that favor continued detention and then commitment and we will proceed. Thank you for your patience.

Detainee: I want to talk and after that the Assisting Military Officer or I [will talk].

Presiding Officer: Rashid...

Detainee: (The Detainee speaks in English stating the following) Him has the same answer from me in Arabic and English. Can if me liar...understand...him has answer...my talk about allegations...and answer from me in language Arabic and English...he can talk with me...understand?

Presiding Officer: Please proceed with your statement. You may begin.

Detainee: I want him to read the allegation first then I will respond.

Presiding Officer: We will deviate so that we may break the [language] gap here.

The Designated Military Officer read the Unclassified Summary of the Evidence.

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Designated Military Officer: The Detainee voluntarily traveled from Saudi Arabia to Pakistan in June or July 2001.

Detainee: Yes, I traveled from Saudi Arabia to Pakistan, but I don't know the date.

Designated Military Officer: Connections/Associations: A list containing the Detainee's name was found on a floppy disk recovered from the raid of an al Qaida residence in Pakistan.

Detainee: I was asked this question before by an interrogator and I responded I lost my passport. I made arrangements with some people to buy some drugs and they came and threatened me with weapons, took my money, personal papers, passport and wallet. They probably got my name from the passport and sold it to al Oaida.

Designated Military Officer: The Detainee's name is on a list of 'trust' accounts of al Qaida Mujahideen found during raids against al Qaida safehouses in Pakistan.

Detainee: Same answer as the previous statement. Maybe the people that stole the passport provided my name to al Qaida.

Designated Military Officer: The Detainee's name is on a list of names, aliases and nationalities recovered during raids of suspected al Qaida safehouses in Pakistan.

Detainee: The person who stole my passport and put the name he wanted to on the list...there is a possibility that they took my name from the stolen passport. That is what counterfeiters do when they put the alias name on a list.

Designated Military Officer: Other Relevant Data. 1. The Detainee traveled to Pakistan to escape possible arrest by Saudi authorities for drug dealing. In Pakistan, he attempted to acquire drugs for resale in Saudi Arabia.

Detainee: Yes.

Designated Military Officer: 2. The Detainee was arrested in Islamabad, Pakistan with several Libyans who were helping Arabs get out of Pakistan.

Detainee: Yes. I was not working for that group, but I asked them for help. That group is an official Libyan group and the son of Ghidaffi, named-Saif Al-Islam, and the FBI is aware of this.

Designated Military Officer: 3. The Detainee stated he is not a terrorist; however he believes Americans are enemies of God. The Detainee explained that because the Koran states Americans are infidels, all fighting against them is justified.

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Detainee: This is a misunderstanding. What I said [was those] who fight the servants of Allah and who fight the religion of Islam are infidels. There is nothing in the Koran that says Americans are infidels.

Designated Military Officer: The following primary factors favor release or transfer: A. The Detainee was identified by a delegation from his country of origin as being of low intelligence or law enforcement value to the U.S. and unlikely to pose a terrorist threat to the U.S. or its interests. Further, the delegation indicated the government it represented would be willing to take custody of the Detainee for possible prosecution.

Detainee: They said that because I don't have any knowledge of the terrorist, government, and organizations. I was never and enemy of Americans. I don't have any problem... I want to be under Saudi Arabia custody and I want to go live there in peace. I know they are going to put me on trial.

Designated Military Officer: B. The Detainee said he had never been in Afghanistan until the Americans put him in prison there.

Detainee: Yes. I agree with that statement.

Designated Military Officer: C. The Detainee denied having any affiliation with al Qaida or the Taliban.

Detainee: Yes.

Designated Military Officer: D. The Detainee denied having any knowledge of the attacks in the U.S. prior to their execution on September 11th and also denied knowledge of any rumors or plans of future attacks on the U.S. or U.S. interests.

Detainee: Yes. I agree with that statement.

Presiding Officer: Rashid, does that conclude your statement?

Detainee: I don't know about the classified...when I get mad I cannot control myself and I would like to apologize. The situation I am in is very hard and the place where I am in detention and the circumstances I am going through makes me be like this. I don't want to be like this. But, what I said before...I was very mad...when someone gets mad and divorces his wife they don't consider it because they are angry. I was very angry.

Presiding Officer: There is no need to apologize. I did want to give you an opportunity to speak.

Detainee: This is for my behavior. I am not apologizing to you because I am scared of you. That was my behavior this way. I am not scared of this place.

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Presiding Officer: Thank you and I understand. Did the Assisting Military Officer's statement he gave earlier provide us with the information you wanted us to hear.

Detainee: I am finished with the allegations. What does the Assisting Military Officer have to say?

Presiding Officer: He does not have anything to say, but the information he presented earlier in the way of your comments, which you repeated, was that sufficient?

Detainee: For this unclassified [session]. Yes, if you want to ask me questions about this I am ready.

Presiding Officer: Thank you. We will get there. Does the Assisting Military Officer have any information to present?

Assisting Military Officer: Sir, I would just like to add during my interview with the Detainee he was very cooperative and polite through both interviews.

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

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

Administrative Review Board Member's questions:

Board Member: Rashid, why did you choose Pakistan when you left Saudi Arabia?

Detainee: There was a soldier citizen named Yosif Shaban, he is from Syria. He told me goods are cheaper in Pakistan. He asked me to go [to Pakistan] and he gave me his name and telephone number and I went there [Pakistan].

Board Member: Where did you get the money to leave Saudi Arabia?

Detainee: I saved some of the money, some from my family, but they did not know I was leaving/traveling.

Board Member: Rashid, did you ever hear any Fatwa's to join the jihad in Afghanistan?

Detainee: No.

Board Member: Where did you learn to speak English?

Detainee: I don't know how to speak [English]. Simple things I can say in English, but [not the whole language]. I had some classes in school.

Board Member: Rashid, how did you meet the Libyans in Pakistan?

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Detainee: After my passport was stolen someone came to me and told me [they could take me to get my passport back from them] and on the way to get the passport, some people in a village [forced me] to get inside. They said someone...someone took us to Peshawar. I escaped because I was scared [of them]. I went to a building and saw some people there and asked them if they know any Arab people. They said yes and led me to the Libyan group.

Presiding Officer: In the unclassified Summary, 3.B.3, did you stay at this suspected safehouse in Pakistan?

Detainee: What do you mean by a safehouse?

Presiding Officer: In the Unclassified Summary it mentions some safe houses in Pakistan that these list of names you are suspected of being on. Your name appeared on.

Detainee: All of the people I met in Pakistan they [all] deal with drugs. I never stayed with people that have a computer.

Presiding Officer: I take that as a 'no' that you did not stay at the safehouse in Pakistan that they are referring to.

Detainee: I do not know those houses. I have never been with [any] people that have any relation [ship] with terrorist or Mujahideen. I was sitting with people that deal with drugs and sell them.

Presiding Officer: Rashid, what will you do when you return to your home country?

Detainee: I will help my brothers on the farm, start family, and live with my family in peace.

Presiding Officer: One last question. Do you have any other skills other than farming?

Detainee: I don't have any knowledge in agriculture, but I will work with my brothers.

Presiding Officer: Thank you.

The Presiding Officer began to read the post-Administrative Review Board instructions to the Detainee and was interrupted by the Detainee with the following question:

Detainee: What is the problem if I stay and comment [on] the classified [information]?

Presiding Officer: Let me finish the Unclassified first.

Detainee: You said you were going to talk about the classified, why don't you want to talk about it now? You promised and you are breaking your promise.

Presiding Officer: No I am sorry, I never promised we would keep you for the classified.

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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.

AUTHENTICATION

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

Colonel, USMC Presiding Officer

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