

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 709

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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 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.

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

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.

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.

The Presiding Officer asked the Designated Military Officer for any further unclassified information.

ISN 709
Enclosure (6)
Page 1 of 5

UNCLASSIFIED//~~FOUO~~

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 read the Detainees' verbal comments pertaining to the Unclassified Summary of Evidence (Exhibit EC-B).

Assisting Military Officer: The Detainee requested that I read his verbal comments pertaining to the Unclassified Summary of Evidence that are contained on [Exhibit] EC-B and I also have some comments on that exhibit pertaining to the interview. The Detainee's Administrative Review Board interview occurred on 31 May 2005 and lasted for sixty minutes. The Detainee was cooperative throughout the interview. After an Arabic translation of the Unclassified Summary of Evidence was read to him, the Detainee stated that he did not want to attend the review Board, but did want to make a written statement in response to the Unclassified Summary. He said he did not want to attend the Review Board because he did not feel comfortable in the courtroom-like setting. At the conclusion of the interview, the Detainee was provided a copy of the Arabic translation of the Unclassified Summary and was told that a follow-up interview would be scheduled to review his written statement. That interview occurred on 1 June 2005 and lasted for sixty minutes. During the interview the Detainee submitted his written statement, and also provided a few additional verbal comments (Listed below) regarding the Unclassified Summary and asked the Assisting Military Officer to read those comments to the Review Board on his behalf. At the end of the interview the Detainee also asked that the Assisting Military Officer tell the Review Board that he is afraid of returning to Libya. He said he does not want to go to Libya because he feels he cannot trust them and because they put people in prison for no reason. He said he feels that if he returns to Libya, even after being released by the United States, he would be sent back to prison. However, he added that a Libyan delegation visited him last year and told him they would take care of him. He said the delegation also told him that they knew he was with the Libyan Islamic Fighting Group only by name, and that he was obligated to be with them. The Detainee provided the following verbal comments during the follow-up interview in response to information in the Unclassified Summary of Evidence: In response to the allegation that he was recruited and became a member of the Libyan Islamic Fighting Group at the Quetta, Pakistan University, the Detainee said he did not belong to this group, but was with them. In response to the statement that he served in the Libyan military from 1983 to 1990 and received training on electronics, AK-47s, Belgium pistols, the PK machine gun and UZIs, the Detainee said he did train on those items. In response to the allegation that during the time he was in Afghanistan he trained in two Libyan training camps, and received training on AK-47s, pistols, a Siminoff sniper rifle, 82 mm mortars, and anti-aircraft weapons such as Doshka, the Detainee said he trained on these items because he was obligated to since he was living at the camps. The Detainee agreed with all of the following statements: he

ISN 709
Enclosure (6)
Page 2 of 5

20878

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

did not believe in violence; he joined the Libyan Islamic Fighting Group out of desperation – he was broke, had no place to go, was hungry, unemployed and had no way to support himself; and his family did not receive monetary support from the Libyan Islamic Fighting Group but he received food, shelter, and an allowance for clothes. The Detainee also agreed with these statements: he denies ever having had any association with al Qaida or any other terrorist or extremist group; he angrily defined its leadership and members as “savages” who twist the meaning of Islam, thereby hurting all Muslims; he expressed equally negative views of the Taliban, stating he steered clear of them and lived a quiet life after getting married in 1999; and he did not reveal anything to suggest that he is linked to the Libyan Islamic Fighting Group. Finally, the Detainee said if he were released he would prefer to work on a farm, with just his family, because he does not like to be around a lot of people. Sir, I mentioned the Detainee also submitted a written statement. I am handing to the Administrative Review Board the following unclassified exhibit marked as (Exhibit EC-C), a copy of this exhibit has been previously provided to the Designated Military Officer.

Presiding Officer: Assistant Military Officer you may begin by reading [Exhibit] EC-C.

The Assisting Military Officer read the comments from Exhibit EC-C, identified herein as Enclosure (4).

Questions from the Administrative Review Members:

Board Member: Yes, sir. For the Assisting Military Officer, did he seem schizo-typical to you?

Assisting Military Officer: Well sir, he was definitely anxious in both the first interview and the follow-up.

Presiding Officer: Anxious meaning nervous?

Assisting Military Officer: Nervous...agitated, certainly not in a violent manner. You could tell he was under a lot of stress. Even when we asked him a question, he literally said it is hard for me to respond immediately that's why he preferred to write a written statement and he wanted to go back by himself to do it. There is no question that he was under some stress.

Presiding Officer: In EC-B, the comment about 'he's afraid of returning to Libya'...he said he feels that if he were sent to Libya he would be sent back to prison. Is there anything indicating that there are any charges against him?

Assisting Military Officer: No, sir that was the extent of what he said.

Presiding Officer: He just said that.

ISN 709
Enclosure (6)
Page 3 of 5

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: He brought that up toward the end of the follow-up interview. He asked about the idea of a transfer. That is when he really became very nervous and said I do not wish to go back to Libya under [any] conditions.

Presiding Officer: OK, then this last sentence, he said the allegation also told him that he knew he was with the Libyan Islamic Fighting Group only by name and he was obligated to be with them. I am not sure if that has some kind of meaning that they are not concerned about that, or we're going to get you. I am not sure what is meant by that sentence.

Assisting Military Officer: He did add that the same delegation had talked to some other individuals at the camp that had basically told him the same thing that they had returned to Libya and had done OK and were not harmed. That was my impression of what [the Detainee] was saying.

Presiding Officer: But he is concerned?

Assisting Military Officer: He is definitely concerned about returning to Libya.

Presiding Officer: For the record make sure that we put in our report that the Detainee is afraid of returning to Libya.

Assisting Military Officer: I am sorry sir, I should say that the Detainee said if he were released in the United States and able to return to Libya as an individual that he would feel some what safe in that respect but, being transferred back government to government is what made him nervous.

Presiding Officer: Now you are saying if he were released in the United States.

Assisting Military Officer: And able to travel back on his own to Libya.

Presiding Officer: OK, but that's not what this says here.

Assisting Military Officer: Yes, sir. I know that just came back into my mind.

Presiding Officer: Alright, for the record what [the Detainee] is saying is if he were released in the United States, he would feel better about that so he could go back on his own, but if he was transferred back that is a different story and he would be afraid of going back to Libya.

Assisting Military Officer: Yes, sir.

Presiding Officer: OK, so lets make sure that we reflect in our report those two comments and we will capture it in the transcript. Thank you.

ISN 709
Enclosure (6)
Page 4 of 5

20880

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Any other questions?

Board Members: No sir.

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 Administrative Review Board proceedings.



Colonel, USMC
Presiding Officer

ISN 709
Enclosure (6)
Page 5 of 5

20881

UNCLASSIFIED//~~FOUO~~