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Summary of Administrative Review Board Proceedings for ISN 1015

The Administrative Review Board was called to order.

The Administrative Review Board was recessed in order to bring detainee into the room.

The Detainee entered the proceedings.

The Administrative Review Board was reconvened with the detainee present.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer asked the Detainee if he wished to make a statement under oath.

Detainee (through translator): Are you going to believe me if I swear or if I don't; if I take the oath or not? You don't believe us. If I swear or not, does it make a difference? It's the same system you use.

Presiding Officer: It's your choice, [ISN 1015]. Would you like to make an oath or not?

The Detainee declined taking the Muslim oath.

The Presiding Officer read the hearing instructions and purpose to the Detainee and confirmed that he understood.

Detainee (through translator): You kidnapped me from the street. How do I pose a threat to you? This is a question that I need an answer.

Presiding Officer: You cannot demand of us that we answer any questions, just as we are not demanding you to answer any questions. However, I'm happy to work with you during the course of this board as long as we keep our relations cordial.

Detainee (through translator): The respect is something I have to do, but you cannot answer any question.

Presiding Officer: You have the assistance of the Assisting Military Officer at the hearing. You may present information to this Administrative Review Board including a

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written statement, an oral statement, or the statements from persons who can provide relevant information.

Detainee (through translator): From where do I get this?

Presiding Officer: From your head.

Detainee (through translator): I have been here for five years. What do you want me to tell you?

Presiding Officer: We will come to that later in this session. You may examine all relevant unclassified information. However, some documents you examine may be partially masked for security reasons. You may not be compelled to testify or provide a written statement to this Administrative Review Board, however, you may make a statement if you wish. You may choose to have the Assisting Military Officer provide a statement on your behalf if you prefer.

Detainee (through translator): I want my lawyer. I need my lawyer. Can I see him?

Presiding Officer: This is not a judicial proceeding and we are not here to provide you a lawyer at this hearing. This is an administrative hearing. So I will provide you with a direct answer, and the direct answer is no. Do you understand this [Administrative Review Board] process?

Detainee (through translator): I understand this from three years ago.

The Assisting Military Officer presented the Notification of the Decision of an Administrative Review Board 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.

Detainee (through translator): I would like to understand what an "Enemy Combatant" is.

Presiding Officer: Do you want to know what an "Enemy Combatant" is or are you wondering what's on this form [EC-B]?

Detainee (through translator): Both of them. What an Enemy Combatant is and what's on the form.

Presiding Officer: The determination of Enemy Combatant status was a process that we previously went through during the Tribunal process, and you have been classified as an "Enemy Combatant." It is not the purpose of this board to address your Enemy Combatant status.

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Detainee (through translator): I want to know, what is the meaning of the word "Enemy Combatant?"

Presiding Officer: "Enemy Combatant" is somebody who supported al Qaida or supported organizations that helped al Qaida in the fight against the United States and its allies. That is not the dictionary definition, but that is good enough.

Detainee (through translator): This is a general meaning?

Presiding Officer: Yes.

Detainee (through translator): I am kidnapped. I am not an Enemy Combatant. You kidnapped me from my country. They don't have a stake.

Presiding Officer: We can talk about that later on. I understand the point you're making.

Detainee (through translator): When?

Presiding Officer: In a few minutes. Do you wish to look at this piece of paper (*holding AMO Exhibit EC-B, Enemy Combatant Election Form*).

Detainee (through translator): Read it for me.

Presiding Officer: I am going to ask the Assisting Military Officer to read the comments that are on the form.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 10 April 2006.

Detainee (through translator): Take out that word "detainee." I am not a detainee. I'm kidnapped.

Assisting Military Officer: After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee.

Detainee (through translator): Tell the AMO not to say detainee because I am kidnapped. I am not a detainee.

Presiding Officer: The AMO is reading comments that are written on the form. Those are his comments and I am not going to tell him to change the comments he makes. He is just reading the comments he placed on the form for your benefit. I am not going to ask him to change anything that he placed on the form. We can talk later about whether you

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were kidnapped or are a detainee, but at this point in time we are just going to read what the form says.

Detainee (*through translator*): He is wrong. Did he capture me in a war or [in] combat?

Presiding Officer: [ISN 1015], it is a privilege for you to be here at the board hearing and I really truly want to work with you to get us through the hearing.

Detainee (*through translator*): I'd do the same. The way you know about cooperating; you working, you and him, against me. That's the way you understand the cooperation. If you tell the truth, I was at home and you kidnapped me from a country like there is no law there.

Presiding Officer: [ISN 1015], we will give you an opportunity to talk later in the proceeding. Let's just get to that point in the proceedings.

Assisting Military Officer: 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 attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it was presented. The detainee was very disruptive throughout the interview. Copies of both the English and Arabic translated Unclassified Summary of Evidence were presented to the detainee upon his request.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and DMO-3 to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had previously been distributed to both the Assisting Military Officer and the Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

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 to assist the Detainee with answering the statements.

Designated Military Officer: The detainee wanted to leave Yemen and go to Europe because he sought a western society where there would be more opportunity and tolerance. He did not have an exact destination in mind.

Detainee (*through translator*): True.

Designated Military Officer: The detainee hope to be granted political asylum when he arrived in Europe.

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Detainee (*through translator*): Not political asylum, but a human asylum, and I asked the AMO to change it and he did not.

Presiding Officer: By human asylum, do you mean you were just looking for a better life in Europe then you had in Yemen?

Detainee (*through translator*): Yes. When you say political asylum, that means I have problems in Yemen, but I do not have problems.

Presiding Officer: I understand.

Designated Military Officer: The detainee planned to go to Europe via Pakistan because it would be easier to get a visa in Pakistan rather than Yemen.

Detainee (*through translator*): This is not complete information; I had a better opportunity in Pakistan than in Yemen.

Presiding Officer: Would it have been easier for you to get your visa to go to Europe in Pakistan than in Yemen?

Detainee (*through translator*): True.

Designated Military Officer: The detainee says he did not join the Tabligh, but had planned to claim Tabligh membership in order to receive the same discounts they received.

Detainee (*through translator*): It's good.

Presiding Officer: What I understand that to mean is that you were looking for travel discounts with the Tabligh, is that true?

Detainee (*through translator*): Of course.

Designated Military Officer: Jama'at al Tablighi is a Pakistan-based Islamic missionary organization used as a cover to mask travel and activities of terrorist, including members of al Qaida.

Detainee (*through translator*): Are they my kids or the rest of my family? I'm not in charge of them.

Presiding Officer: I understand the point you are making.

Detainee (*through translator*): The whole statement is strong. You are the one who ... information. I am not a member with them. I am not one of their kids. Why do you ask me if they are missionaries or if they are terrorists? I don't get their ideology or their thoughts. I don't follow them.

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Presiding Officer: You do not have to confirm or deny that statement. We are just letting you know that the statement is there.

Designated Military Officer: The detainee traveled to Sanaa, Yemen, bribed a guard at the embassy, and got a visa to Pakistan. The detainee told them he was Tabligh. The detainee also got a passport while he was there. While in Sanaa, the detainee went to a travel agency and bought a round trip ticket, again claiming that he was Tabligh.

Detainee (*through translator*): I got my passport in Aden, not Sanaa.

Presiding Officer: So what we're saying is that you bribed a guard to get the visa, is that really true? Did the guard get you the visa or did you bribe the guard to get the access to somebody else who was going to get you a visa?

Detainee (*through translator*): Just to get me the visa.

Presiding Officer: I am ignorant of this process, but could you have bribed the guard to also get you a visa to a European country instead of Pakistan?

Detainee (*through translator*): I went to the Pakistani embassy not to a European embassy so there is no relation.

Presiding Officer: I understand. It is cleared up for me now.

Designated Military Officer: The detainee traveled from Sanaa, Yemen to Karachi, Pakistan, by himself. He spent four days in Karachi, and then took a train from Karachi to Lahore, Pakistan to get to the Tabligh headquarters.

Detainee (*through translator*): True.

Designated Military Officer: At the Tabligh center, the detainee met a facilitator who recommended that the detainee stay in Pakistan and travel to Europe with the Tabligh on a missionary journey because it would be cheaper.

Detainee (*through translator*): I'm not feeling good, that's why I can't ... When I went to Pakistan to the Tabligh headquarters, I met this guy that I'd never met before, and

Translator: I have to translate every single word he says but he says they know I don't have to. He's going fast and I told him, "Let me catch what you're saying," and he said, "They know these things, you don't have to translate it."

Presiding Officer: I promise you, I don't understand what you're saying.

Translator: He said, "You know."

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Detainee (through translator): When I went to the headquarters, at the gate, I started asking, and nobody knows Arabic there. I found this guy and I asked him if he spoke Arabic. I asked him where's a place I can go and sit. He showed me where the bathroom was, where to sit, and where the restaurant was. I told him that I wanted to go to Europe and he started explaining to me. After a while, he told me that there is a problem between the U.S. and the Arabs. You can't travel. I asked him what's the solution for this. He told me that if I wanted him to, he would smuggle me. So I agreed to let him smuggle me.

Presiding Officer: Your answer probably relates to the next several things we're going to be reading to so if you want to amplify that after we read them, fine and if not, that's okay also.

Designated Military Officer: The detainee stayed at the Tabligh Center for two and a half months waiting for the Tabligh to go to Europe, but did not go on any missionary journeys with the Tabligh.

Detainee (through translator): True.

Presiding Officer: Did you start to lose faith in your friend after waiting all of this time to go to Europe?

Detainee (through translator): I lost it in the traveling, not with the guy. I know him but he is not my friend.

Designated Military Officer: The facilitator told the detainee that Arabs had been blocked from travel to Europe following the 11 September 2001 attacks, but that he could smuggle people to Europe. The facilitator said they would travel through Iran to Turkey and then to Greece.

Detainee (through translator): True

Designated Military Officer: The facilitator took the detainee to the Pakistan/Iran border. Once there, the facilitator arranged the detainee's travel into Iran.

Detainee (through translator): True

Designated Military Officer: The detainee and the facilitator crossed the Pakistan/Iran border and traveled into Iran. They ultimately arrived in Mashhad, Iran, stopping in Tehran, Iran, along the way.

Detainee (through translator): True

Designated Military Officer: The facilitator rented a house in Mashhad, Iran, where he and the detainee stayed for approximately one and a half months. The detainee felt that the facilitator might be fooling him after the detainee paid him to travel to Europe.

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Designated Military Officer (cont.): The detainee told the facilitator that he was going to go back to Pakistan and then Yemen. The facilitator then said they would leave the next day for Europe by going to Tehran first.

Detainee (*through translator*): True.

Designated Military Officer: The facilitator took the detainee to Tehran. While there, two Iranian policemen approached them. The facilitator told the police that he was Iranian but the detainee did not speak Farsi, so the facilitator had to tell him that the policemen wanted to see his passport. The detainee was arrested and taken to a police station in Tehran.

Detainee (*through translator*): True

Presiding Officer: Do you think the facilitator betrayed you, or was it just coincidence?

Detainee (*through translator*): By the name of God, if he betrayed me or not, that's the story.

Designated Military Officer: The detainee was eventually turned over to American custody in Kabul, Afghanistan.

Detainee (*through translator*): Yes. How am I an Enemy Combatant? How do I pose a threat to the United States? Why am I here in prison for almost 5 years?

Presiding Officer: [ISN 1015], it is not the purpose of this board to determine if you are an Enemy Combatant. I can't control that much as you can't control it. The purpose of this ...

Detainee (*through translator*): Is this fair or unfair?

Presiding Officer: It is the way it is. The purpose of this board is to assess whether you continue to be a threat to the United States or its allies, whether you have any intelligence value, and really, most importantly for you, is we are going to recommend whether you should stay here another year, whether we should transfer you to another country, or whether you should just be outright released. So any discussion about whether or not you are an Enemy Combatant is just immaterial to us. We are just focused on threat assessment, intelligence value assessment, and what we should do with you.

Detainee (*through translator*): Who can assess that I still pose a threat to the United States when you kidnapped me ... is there a competition to just show the world that you've captured a lot of people?

Presiding Officer: I'm not exactly sure what point you're making, but you'll have an opportunity to make a statement again in a few minutes.

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Designated Military Officer: The detainee met some Tabligh members who told him to come to the Tabligh headquarters in Pakistan

Detainee (*through translator*): Who said this?

Presiding Officer: It doesn't make any difference. Actually, to be honest, if some Tabligh members took you to the Tabligh Center in Pakistan, I could certainly understand that.

Detainee (*through translator*): My question is who said this? Do you bring it from your head?

Presiding Officer: Read the question again.

Detainee (*through translator*): This is all it said, this lie? All of what you put in their are lies.

Presiding Officer: Okay, that's fair. He's saying it is not true. I understand. We can move on.

Detainee (*through translator*): Yes. You are liars and these are all lies.

Designated Military Officer: A senior al Qaida operative recalled seeing the detainee once in Afghanistan during 2000 or 2001.

Detainee (*through translator*): Are you saying 2000 and 2001?

Presiding Officer: 2000 or 2001 - around that time period

Detainee (*through translator*): In 2001, I was in Yemen. I was working for a company. Is the American prison in Afghanistan a guest house for al Qaida or Taliban? You brought me from Iran, my hands and my legs shackled, and you threw me in prison for one year and two months. Now, you're telling me ... Is this prison ... was it in Taliban's time? Yes, you can say that.

Presiding Officer: Stop. Just so I do not misunderstand what you're saying. It sounds like you are saying you were in a prison in Afghanistan during the time that the Taliban ruled Afghanistan. Is that what you're trying to tell me?

Detainee (*through translator*): No, American time. I was in Afghanistan after the Americans got there.

Presiding Officer: I understand. You are going beyond what the question is actually referring to. Based on what you have told me so far, I think you are going to say it's not true or it's not possible that somebody saw you in Afghanistan during 2000 or 2001, except after you were transferred to the custody of the U.S.

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Detainee (*through translator*): I didn't know anything about Afghanistan until the Americans came and they put me in Afghanistan. One minute, excuse me. I am in Cuba, right? Can you tell me why I'm in Cuba?

Presiding Officer: That's not the purpose of this board. Remember [ISN 1015], focus on what the purpose of the board is. We are making the threat and intelligence assessments and we are also going to recommend whether you stay, whether you are transferred, or whether you are released. That is really all we are here to do today.

Detainee (*through translator*): Listen to me. If you interrogated me and you ask me, "Why are you in Cuba?" You brought me to Cuba. You are senior officer and you bring me to a prison and you put me inside and then you ask me, "Why are you here?"

Presiding Officer: That's not what we are doing here. One thing [ISN 1015], we are not interrogators.

Detainee (*through translator*): It's just an example. You brought me here to this meeting, this session. You brought me here, it's not that I want to come.

Presiding Officer: [ISN 1015], are you referring to "here" meaning the prison or "here" meaning this ARB session? Actually [ISN 1015], I disagree with you. It was your choice to come to this session. We could have held this session without you and in fact, we hold plenty of these sessions without folks in attendance. In fact, I'm glad you are here, we are happy that you are here.

Detainee (*through translator*): Thank you because you're happy. Why are you here? Why did you come here?

Presiding Officer: I'll answer for all the military people in the room. We came here because these were our orders. We were told to come here.

Detainee (*through translator*): So then somebody asked you to come here?

Presiding Officer: Well actually, in the military they told us to come here.

Detainee (*through translator*): Now if you leave, someone from the military would ask you why you're here.

Presiding Officer: I think most people in the military understand why we're here.

Detainee (*through translator*): I want your answer.

Presiding Officer: Why I'm here?

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Detainee (*through translator*): After you have an order, you came over here, and somebody ... will ask you, "Why are you here?" Why do you have an order to come here.

Presiding Officer: I came here because I was ordered to come here to do my duty.

Detainee (*through translator*): Then somebody will tell you to do so. You didn't volunteer.

Presiding Officer: No. I did not volunteer to come here.

Detainee (*through translator*): So then somebody asked you to come here?

Presiding Officer: No, somebody told me to come here.

Detainee (*through translator*): You kidnapped me and you took me to Afghanistan and now you're telling me I was in Afghanistan

Presiding Officer: We're not telling you that you were in Afghanistan. We are just asking you to tell us whether it's true or not that you were in Afghanistan.

Detainee (*through translator*): It's not true. I said all that I have. I want you to tell the truth.

Presiding Officer: [ISN 1015], we're going to be reading several other items now, and you have read this before. I understand your comments will probably be very similar. This will show you some of the other information we have and why we brought you here to Guantanamo. Just like the previous statement, these will tell you why we brought you here. Understand, I am not saying you did or did not do these things. I am just asking you to tell us whether you did these things.

Designated Military Officer: A senior al Qaida operative recalled giving someone who looked like the detainee approximately 2,000 United States Dollars in early 2001.

Detainee (*through translator*): There are forty people inside the camp here saying ... some people here call me another person's name. We are all the same. They are calling me a name of anybody else.

Presiding Officer: I understand the point you are making; that it's possible that somebody with the same name as you, these charges could apply, but what you're saying is that you didn't do this. This does not apply to you personally.

Detainee (*through translator*): I've never been in Afghanistan.

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Designated Military Officer: The detainee was seen at al Qaida guest houses in Afghanistan. The detainee was described as an old junior al Qaida member who had been around for some time but was not a senior al Qaida leader.

Detainee (*through translator*): In ARB 1, they said I was senior in al Qaida, and I mentioned at that time that I'm older than Usama bin Laden in al Qaida and now you're making it different.

Presiding Officer: Just to be clear. Are you being tongue in cheek now when you're talking? Are you being a little sarcastic when you're making this statement, because I don't think you want to tell us that. Are you telling us you are al Qaida, or are you being sarcastic right now?

Detainee (*through translator*): I said it the first time, I was a senior because this ... is a lie. Because before you said that I'm senior and now I'm not.

Presiding Officer: Okay, but I think for our purposes, I think you're telling us that it's not true; you're not an al Qaida member. I don't want to put words in your mouth.

Detainee (*through translator*): Not true.

Presiding Officer: Not true that you are not an al Qaida member.

Designated Military Officer: The detainee's name appeared on a list of 254 Arab nationals who were deported or were repatriated from Iran as suspected al Qaida or Taliban members in roughly the December 2001 to February 2002 timeframe.

Detainee (*through translator*): We were just 10 people; 6 Arabs. I want to divide 254 over 6 and from that, you would have 80 percent. We were just 10. We were just 10, 6 that were Arabic and 4 that were not. How'd they come up with 254? Why didn't you bring them here, the 254?

Presiding Officer: Actually [ISN 1015], the next statement that is going to be read will probably tell you why all 254 of those Arab nationals are not here.

Detainee (*through translator*): Do you really believe that? Are they innocent?

Presiding Officer: I'll just go ahead and read the statement.

Designated Military Officer: The detainee was among ten al Qaida and Taliban-associated individuals that Iran transferred to Afghanistan in 2002. All of them lived in Afghanistan during the Taliban era. Iran returned some of them to their country of origin. However, the detainee remained in Afghan custody.

Detainee (*through translator*): They sent all of them back to their original country?

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Presiding Officer: Obviously, not all of them because you are here.

Detainee (*through translator*): 6 Arabs ... One guy was released because he was Shiah from Iraq and the rest came here? Myself ... one Yemeni, 5 of them. Do you have their names?

Presiding Officer: You do not have to tell us names. What's important for us is just to understand that the Iranians turned you over to the Afghans, and that's how you ended up in U.S. custody.

Detainee (*through translator*): Yes, to your allies, the Afghans. They didn't send anyone to their country.

Designated Military Officer: The detainee assisted the son of a senior al Qaida in acquiring a falsified Yemeni passport.

Detainee (*through translator*): When did that happen?

Presiding Officer: It does not make any difference when. I would assume that if that did not happen, you can just tell us, "it's not true."

Detainee (*through translator*): Not true. Is it ... that you collect words to make a lie.

Designated Military Officer: The detainee was unable to provide any plausible explanation for why he was in possession of over 1,000 United States Dollars.

Detainee (*through translator*): 1,000 dollars? Where's the rest? Do you steal it? Where's the rest of it? You took my money, and then you're telling me 1,000 dollars when I had 1,500 dollars. On top of that, I had 15,000 Pakistani and 2,000 Yemeni currency; and when you took me, I had 2,491 American Dollars.

Presiding Officer: I'm kind of surprised that after being in Iranian custody for however long you were in custody, they allowed you to keep all of this cash on you.

Detainee (*through translator*): I gave them my passport, but I kept the money. I hid it.

Presiding Officer: The statement says that you have not given us a good answer as to why you had the money.

Detainee (*through translator*): I was working at a company in Yemen and I had the money. I earned it as a salary. How long have you been in the Army?

Presiding Officer: I do not want to answer the question. We're just trying to get an answer to the question here. You were able to hold on to all of this money for the time you were in Pakistan, and then going into Iran and then when the Iranians took you into custody?

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Detainee (*through translator*): My money is ... They didn't do like you Americans. They didn't take my clothes and tear up my clothes.

Presiding Officer: The real answer to the question is that the money was the money that you took with you when you went from Yemen.

Detainee (*through translator*): I worked at the Hyundai company in Yemen and I was paid 112 dollars per month plus overtime while I was studying. I finished school in 1996-1997. I was working and I've said this many times, but I'm sorry the last days when I was leaving. I was working at the company and you can ask the company. I was working at; I was working in the silos. I've been working since I was 3 years old. This is not right to ask me why I have 1,000 dollars. I don't know how much you pay for drinks or how much money you throw on a dancer. You can do that and have that money. I don't, and this money is nothing.

Designated Military Officer: The detainee stated that he considers the U.S.S. COLE bombing a crime because there were innocent people in that place who should have not been killed.

Detainee (*through translator*): That's right and every regular person would say that.

Designated Military Officer: The detainee stated that he has never been involved with anything criminal and this could be verified with his government. The detainee denied being involved with al Qaida in any way.

Detainee (*through translator*): True. I don't know about al Qaida; I know it from you. I also know it from when I was in the prison.

Presiding Officer: You'd never heard of al Qaida when you lived in Yemen?

Detainee (*through translator*): Not at all.

Designated Military Officer: The detainee called Usama bin Laden a big problem.

Detainee (*through translator*): Double that problem.

Designated Military Officer: The detainee claimed that he hated al Qaida more than the interrogator does.

Detainee (*through translator*): We are here because of them, because of the interrogators. It doesn't matter for me whether it's true or not. I cannot take advantage of this.

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.

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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.

Presiding Officer: [ISN 1015], at this point in the proceeding we will give you an opportunity to say anything you want to say. We call this making an oral statement. After you make your oral statement, we'll probably take a short break so if you want some water, you can get a drink of water and then we will convene again shortly thereafter; and then, if we have any additional questions, we will ask them.

The Detainee made the following statement:

I am innocent, if you believe me. I cannot force you to believe me.

Presiding Officer: Is that your oral statement?

Detainee (through translator): That's all. I'm just innocent. Why don't you let my lawyer come to the meeting? Why do you open all of my lawyer's letters and read them? Plus you want to speak to the media.

Presiding Officer: The only way I can answer that is this is not a legal proceeding, so there are no lawyers in the room.

Detainee (through translator): Why? Why are there no lawyers?

Presiding Officer: I'll tell you a story about the U.S. Military. There are plenty of times in the U.S. Military when our men and women get in trouble. They come before the commanding officer and the commanding officer has an administrative procedure similar to this and there are no lawyers present. It's just military officers and the young men and women who get in trouble. So when we say this is an administrative proceeding, this is what we mean by administrative; no lawyers are present and it's not a legal proceeding.

Detainee (through translator): Is this media, military, or civilian? (referring to three individuals sitting in the room observing the proceedings)

Presiding Officer: They are not wearing uniforms.

Detainee (through translator): I recognize I am a civilian because ... What I'm asking is, is this committee civilian or military?

Presiding Officer: They are observers. We call them observers. Who they are, or what represent, really is not relevant to the board.

Detainee (through translator): My question is that if you understand the question, it is the half of the answer and I ask you, are they military people or civilian?

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Presiding Officer: I do not have to tell you who these people are, and I do not really think it makes a difference whether they are military or civilian because it's this board, the three people sitting in front of you, who are the only ones that are going to be making any decisions and recommendations.

Detainee (*through translator*): You're right. You're correct. I'm not discussing if they have anything to do with your decision or recommendation, but I will know they are civilian and I want to talk about my case with them.

Presiding Officer: We're not going to give you an opportunity to talk with them about your case

Detainee (*through translator*): Why?

Presiding Officer: Because that's not the purpose of them being here.

Detainee (*through translator*): What's the purpose of these ...

Presiding Officer: Their purpose is to observe the ARB process.

Detainee (*through translator*): Why are they here? I'm tired and it's warm here.

Presiding Officer: If their presence disturbs you, I can ask them to leave. I'm okay with that.

Detainee (*through translator*): No. I want to talk to them.

Presiding Officer: Unfortunately, you can't talk with them other than the statements that you are making right now.

Detainee (*through translator*): Can I tell my story now and they will write it down?

Presiding Officer: You have an opportunity to make an oral statement. I'll give you that opportunity. You can make your statement to us. You're not talking to the observers, you're talking to us. However, if what you say veers off track and ceases to become relevant, then in my judgment I may think you're just saying what you're saying so they can hear it and I'll cut it off.

Detainee (*through translator*): How can you determine if what I'm going to say is related to my case or not?

Presiding Officer: It's not easy and that's the reason why my government sent me here to make these kinds of determinations. Let's have a short recess.

The Administrative Review Board took a brief recess at 1553 hours.

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The Administrative Review Board reconvened at 1603 hours.

Presiding Officer: I assume you are finished with your oral statement, but we are pleased to hear you say anything else you want to say before we start asking our questions. You may have noticed our observers are no longer here. They actually had another meeting they had to go to. So we are back; do you want to make any more oral statements, or are you ready of us to start asking questions.

Detainee (*through translator*): I want to say something. I am sick. I'm sorry that they don't take care of my health. How long is it going to stay like this? You won't give me the little things I need for my health. You are sitting across from me and I cannot see you. Is that a nice treatment?

Presiding Officer: Is that a question for us?

Detainee (*through translator*): Yes.

Presiding Officer: If I understand what you are saying, you're speaking in literal terms and not tongue-in-cheek?

Detainee (*through translator*): It was just one question. I am sick. They are not treating me well. You are sitting across from me and I can't see you. Do you tell me this is a good treatment I am getting? I need a lot of things. I need medical shoes and bandages. I need someone to check me out because I cannot eat, I throw up whatever I eat, and when I go to the bathroom, there is always blood there. I want to know why the cold bothers me so much, in my bones. I need olive oil to rub my toes. If you ask me, I can give you my ... but when I need something, they don't give it to me.

Presiding Officer: Okay. [ISN 1015], we're not doctors, but the only we can do is, I will turn to the DMO and direct the DMO that you are ill and not feeling well, and the DMO will bring that to the attention of the guard force. If you are feeling sick right now, let us know and we can very much shorten the Board. So just let us know if you are feeling sick right now and can't participate in the board.

Detainee (*through translator*): So, you're not talking about my health problem right now, but you need to hear what you want to hear.

Presiding Officer: I don't quite follow what you're saying.

Detainee (*through translator*): You don't want to hear about my health situation. You don't want to hear from me. What do you want to hear, the reason why I said this because you want to shorten the time.

Presiding Officer: I will shorten the time because if you're not feeling well, I'm happy to shorten the time you are here so you can go back to your room.

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Presiding Officer (cont.): Remember [ISN 1015], we are just here to make the threat and intelligence assessments and make a recommendation for your detention. We are not here to engage you in philosophy.

Detainee (*through translator*): This is not a philosophy. Do you call that philosophy when I am asking you about or I'm telling you that I am sick and I need care?

Designated Military Officer: I have taken the details so I can pass it on to the guard force, and they should pass it on to medical.

Presiding Officer: [ISN 1015], we are doing what we can for you as far as your medical complaints.

Detainee (*through translator*): Okay, thank you very much. Can I go now?

Presiding Officer: Go to speak or go to leave the board?

Detainee (*through translator*): I want to leave. I did not benefit anything out of this session, just you benefited but still I thank you.

Presiding Officer: I thank you for choosing to attend. The board will recess so that we have an opportunity to have the detainee escorted out of the room.

The Administrative Review Board took a brief recess at 1611 hours. The detainee was escorted out of the room.

Presiding Officer: The detainee asked to leave the room and so therefore, there are obviously no questions from either the AMO, DMO, or Board Members for the detainee at this time.

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.

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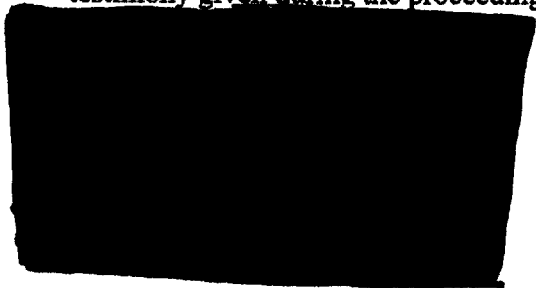
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AUTHENTICATION

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



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