

Summary of Administrative Review Board Proceedings for ISN 176

The Administrative Review Board was called to order.

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

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

The Presiding Officer stated that the Detainee declined to participate in the Administrative Review Board.

The Assisting Military Officer stated that the Detainee was advised of his right to be present during all open sessions of the hearing; the Detainee appeared to understand the process; the Unclassified Summary of Information was read to the Detainee; a translator was used; and confirmation of same language was made.

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

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: (3) The following primary factors favor continued detention. (3.a) Commitment. (3.a.1) The detainee stated that approximately one week after 11 September 2001 he left Saudi Arabia to fight in Afghanistan.

Designated Military Officer: (3.a.2) The detainee stated that he traveled by airplane from Saudi Arabia to Bahrain and then went to Qatar. From there the detainee went to Tehran,

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Iran then crossed the border into Kandahar, Afghanistan and then to Kabul, Afghanistan. The detainee stated that he was assigned to the second line just north of Kabul.

Designated Military Officer: (3.a.3) The detainee stated that he was assigned as a guard at a watch center.

Designated Military Officer: (3.a.4) The detainee stated that after approximately two and one half months on the second line, fighting in Kabul intensified, and he was ordered to retreat. The detainee stated that he was apprehended in December 2001 crossing the Pakistani border.

Designated Military Officer: (3.b) Training. (3.b.1) The detainee stated that during the Gulf War he volunteered for the military and received training with pistols, rifles and grenades, but his reserve unit was never activated.

Designated Military Officer: (3.b.2) The detainee stated that he received training on the Kalashnikov rifle at a watch center in Afghanistan.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The detainee stated that one week prior to the attacks on 11 September 2001, he telephoned a prominent Saudi sheikh to discuss going to jihad in Afghanistan.

Designated Military Officer: (3.c.2) The detainee's name is on a list of Arab names recovered from safe house raids associated with suspected al Qaida in Pakistan.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee stated that he has never owned a Casio watch.

Designated Military Officer: (4.b) The detainee stated that he has never been in an al Qaida guest house and has no ties to al Qaida at all.

Designated Military Officer: (4.c) The detainee denied an affiliation with Usama bin Laden or al Qaida, and states that he did not have any prior knowledge of the attacks on 11 September 2001.

Designated Military Officer: (4.d) The detainee stated that if he was returned home he would go to his family and get his previous job back.

The Assisting Military Officer had the following comments on the Unclassified Summary of Evidence, Exhibit DMO-1.

Assisting Military Officer: A paragraph was removed from the Unclassified Summary of Evidence under the factors favoring continued detention. After presentation to the detainee, the statement was identified as not adequately supported. I would like to read

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the paragraph that was removed. "The detainee is on a list of detainees with a Casio model F-91W watch. This model watch has been used in bombings that have been linked to al Qaida and radical Islamic terrorists improvised explosive devices." Like I said, Sir, this paragraph was removed.

Presiding Officer: This explained why the detainee stated that he never owned a Casio watch. We are going to leave that statement on the record because it has some potential exculpatory value.

Assisting Military Officer: Yes, Sir.

Presiding Officer: I would also like to comment that there is a typo in 4.c. "The detainee denied an affiliation with Usama bin Laden". The original source actually said "any affiliation" and that changes the sense of the statement. So I would like that to be corrected and entered into the record.

The hearing did not pause for the Administrative Review Board Members to read through 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 Assisting Military Officer stated that he had no additional information to submit on behalf of the detainee and read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB was conducted on 12 July 2006. After reviewing 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 did not wish to attend, nor have the AMO present any written information on his behalf. The detainee was inattentive throughout the interview. At the conclusion of the interview, the detainee was offered both an English and Arabic translated Unclassified Summary of Evidence, but declined them.

Assisting Military Officer: Additional Comments: The detainee appeared at his interview wearing a tan uniform. When questioning the detainee why he did not wish to attend or participate in the ARB, the detainee was unresponsive.

The Board Members had no questions for the Assisting Military Officer or the Designated Military Officer.

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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.



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