

Sample Nomination Questionnaire



Department of Defense
Office for the Administrative Review of the Detention
of Enemy Combatants at
U.S. Naval Base Guantanamo Bay, Cuba

As a candidate to become an Administrative Review Board Member, Designated Military Officer or Assisting Military Officer, please complete the following questionnaire and provide it to the Director of the Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Because of the sensitive personal information requested, no copy will be retained on file outside of the OARDEC.

1. Name (Last, First MI) _____
2. Rank/Grade _____
3. Date of Rank _____
4. Service _____
5. Active Duty Service Date _____
6. Designator/MOS _____
7. Date Current Tour Began _____
8. Security Clearance Level _____
9. Date of clearance _____
10. Military Awards / Decorations: _____

11. Current Duty Position _____
12. Unit: _____
13. Date of Birth _____
14. Civilian Education. College/Vocational/Civilian Professional School: _____
15. Date graduated or dates attended (and number of years), school, location, degree/major: _____

16. Military Education. Dates attended, school/course title. _____

17. Duty Assignments. Last four assignments, units, and dates of assignments. _____

18. Have you had any close relative or friend killed or wounded in Afghanistan or Iraq? _____
Explain. _____

19. Have you had any close relative or friend killed, wounded, or impacted by the events of September 11, 2001? ____ Explain. _____

20. Have you ever been in an assignment related to enemy prisoners of war or enemy combatants?

____ Explain. _____

21. Do you believe you may be disqualified to serve as an ARB member, DMO or AMO for any reason?

Explain. _____

22. Could the inadvertent release of your name as a participant in an ARB affect your ability to objectively recommend the continued detention of an enemy combatant?

Y/N _____ Explain. _____

SIGNATURE OF OFFICER: _____ DATE: _____

Recommended Action: Approve _____ Disapprove _____ Director, OARDEC

Approved ____ Disapproved _____ DCO

Sample Administrative Review Board Designation Letter



**Department of Defense
Designated Civilian Official
Administrative Review of the Detention of Enemy Combatants
at U.S. Naval Base Guantanamo Bay, Cuba**

Ser

MEMORANDUM FOR (RANK, NAME, SERVICE OF BOARD MEMBER)

SUBJECT: Appointment to the Administrative Review Board (ARB) for the Detention of
Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba

References: (a) Deputy Secretary of Defense Order OSD 06942-04 of 11 May 2004
(b) Implementing Directive

In accordance with reference (a), you are hereby appointed as a member of an Administrative Review Board (ARB) to determine the disposition of enemy combatants detained at U.S. Naval Base Guantanamo Bay, Cuba. Your appointment is effective immediately and you are directed to report for temporary assignment to the Department of Defense, Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC) until such time as determined by the Designated Civilian Official (DCO).

General procedural instructions are contained in reference (b). You are to familiarize yourself with references (a), (b) and other pertinent information prior to convening of the board.

You are directed not to discuss the details of any ARB proceedings with anyone not directly involved with board proceedings and preparation.

Your appointment to the ARB is a very important matter, and your selection to the board was based upon your training, education, experience, length of service, temperament and objectivity.

Encl (6)

Sample Designated Military Officer Designation Letter



Department of Defense
Designated Civilian Official
Administrative Review of the Detention of Enemy Combatants
at U.S. Naval Base Guantanamo Bay, Cuba

Ser

MEMORANDUM FOR (RANK, NAME, SERVICE OF DMO)

SUBJECT: Appointment as Designated Military Officer (DMO) for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba

References: (a) Deputy Secretary of Defense Order OSD 06942-04 of 11 May 2004
(b) Implementing Directive

In accordance with reference (a), you are appointed as a Designated Military Officer (DMO) of an Administrative Review Board (ARB) to determine the disposition of enemy combatants detained at U.S. Naval Base Guantanamo Bay, Cuba. Your appointment is effective immediately and you are directed to report for temporary assignment to the Department of Defense, Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC) until such time as determined by the Designated Civilian Official (DCO).

General procedural instructions are contained in reference (b). You are to familiarize yourself with references (a), (b) and other pertinent information prior to convening of the board.

You are directed not to discuss the details of any ARB proceedings with anyone not directly involved with board proceedings and preparation.

Your appointment as a DMO is a very important matter, and your selection to the board was based upon your training, education, experience, length of service, temperament and objectivity.

Encl (7)

Sample Assisting Military Officer Designation Letter



Department of Defense
Designated Civilian Official
Administrative Review of the Detention of Enemy Combatants
at U.S. Naval Base Guantanamo Bay, Cuba

Ser

MEMORANDUM FOR (RANK, NAME, SERVICE OF AMO)

SUBJECT: Appointment as Assisting Military Officer (AMO) for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba

References: (a) Deputy Secretary of Defense Order OSD 06942-04 of 11 May 2004
(b) Implementing Directive

In accordance with reference (a), you are appointed as an Assisting Military Officer (AMO) of an Administrative Review Board (ARB) to determine the disposition of enemy combatants detained at U.S. Naval Base Guantanamo Bay, Cuba. Your appointment is effective immediately and you are directed to report for temporary assignment to the Department of Defense, Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC) until such time as determined by the Designated Civilian Official (DCO).

General procedural instructions are contained in reference (b). You are to familiarize yourself with references (a), (b) and other pertinent information prior to convening of the board.

You are directed not to discuss the details of any ARB proceedings with anyone not directly involved with board proceedings and preparation.

Your appointment as an AMO is a very important matter, and your selection to the board was based upon your training, education, experience, length of service, temperament and objectivity.

Encl (8)

Designated Military Officer Qualifications, Roles, and Responsibilities

1. The role and duties of the Designated Military Officer (DMO) are described in reference (a). Further guidance is provided below.

a. Qualifications of the DMO

(1) For each case, the DCO shall select a DMO from nominations by the Director of OARDEC. Military officers assigned to serve as DMOs shall be those who are, in the DCO's view, qualified for the duty by reason of education, training, experience, length of service, temperament, and objectivity.

(2) DMOs shall carry a service grade of O-4 or higher, and shall be selected from among all the military services.

(3) DMOs must have a minimum security clearance of TOP SECRET.

(4) DMOs shall not be Judge Advocates or Chaplains.

(5) DMOs shall not be involved in cases in which they previously had a principal role in the Combatant Status Review Tribunal (CSRT) process (i.e., Tribunal member, Personal Representative, or Recorder) or any role in a military commission for the same enemy combatant.

(6) In the review of an enemy combatant, the AMO and the DMO shall not be the same person.

b. Role of the DMO

(1) The DMO is not an advocate for or against the continued detention of the enemy combatant under review.

(2) The DMO has a duty to present to the ARB all relevant and reasonably available information in the possession of DoD or provided by other government agencies with regard to the existence or absence of any threat posed by the enemy combatant under review, or with regard to the continued detention of the enemy combatant.

(3) The DMO shall have due regard for classified information and safeguard it in accordance with applicable instructions and regulations. The DMO shall coordinate with an Information Security Officer (ISO) in the safeguarding of classified material during the ARB process.

c. Responsibilities of the DMO

(1) For each assigned enemy combatant case under review, the DMO will obtain and examine all reasonably available classified information in the possession of DoD and all

information submitted by other U.S. agencies and the enemy combatant's home State. This information will be assembled and may, at the PO's discretion, be summarized in a classified summary. A sample classified summary is included at page 4 of this enclosure.

(2) The DMO will permit the assigned Assisting Military Officer (AMO) access to all information and documentation in the possession of the DMO.

(3) The DMO will ensure that coordination is maintained with Joint Task Force-Guantanamo Bay and the Criminal Investigative Task Force to deconflict any other ongoing activities and arrange for detainee movements and security.

(4) The DMO will also ensure an unclassified written summary of the factors favoring release or transfer (with conditions as applicable) and the factors favoring continued detention is prepared. A sample summary is included at page 5 of this enclosure. In preparing such a summary, the DMO may use and modify, as necessary, the unclassified summary used in the Combatant Status Review Tribunal. Also, the DMO will note the source of information for each item in the summary if the information originated in a U.S. government agency other than DoD and such information can be provided in unclassified form. The DMO will request permission from the non-DoD agency to share the information with the enemy combatant. In the event that the DMO is unable to obtain permission to share the non-DoD originated information, the DMO will obtain a comparable substitute for the information or certification that none of the withheld information is relevant to the determination as to whether the enemy combatant should continue to be detained because he is a threat to the United States or its allies. The DMO will then prepare a revised unclassified written summary so that it does not contain information derived from the non-consenting agency.

(5) The DMO will provide the classified (if any) and unclassified summaries to the AMO. The AMO will share only the unclassified version with the enemy combatant.

(6) Upon request of the ARB, the DMO will present information orally to the ARB. The DMO shall also answer questions, if any, asked by the ARB.

(7) The DMO will record the ARB's findings and prepare a record of proceedings, the ARB's recommendations and assessment and, if applicable, the minority assessment and recommendation. The record of proceedings should include:

- (a) The ARB's conclusion regarding the threat posed by the enemy combatant;
- (b) The supporting reasons for the threat conclusion, including but not limited to a summary of information relied upon in reaching that conclusion;
- (c) Any other reasons that the continued detention of the enemy combatant does or does not remain in the interest of the United States and its allies; and
- (d) The ARB's recommendation and the supporting reasons for the recommendation.

(8) The DMO will forward the record of proceedings to the ARB panel, which will review the record, sign it, and submit it to the DCO, via OARDEC, following the conclusion of the ARB's session(s). The record of proceedings may be classified or unclassified, depending upon the nature and classification of the information contained therein.

Sample Classified Summary to the Administrative Review Board

ISN:

Name:

Aliases:

Country of Origin:

Brief Summary: A synopsis of relevant information to include how and under what circumstances the enemy combatant was captured and the basis for his detention.

Military Commission Potential: An assessment regarding whether the enemy combatant could potentially be subject to the President's Military Order of November 13, 2001, for possible trial by military commission.

DoD Recommendation: Recommendation by OSD Detainee Affairs to release, transfer, or continue detaining the enemy combatant.

CDR, USSOUTHCOM Assessment: Includes threat assessment, enemy combatant's intelligence value, and a recommendation to the Department of Defense to release, transfer, or continue detaining the enemy combatant. CDR, JTF GTMO's assessment of the enemy combatant's intelligence value is an enclosure to CDR, USSOUTHCOM's assessment and recommendation.

Threat Assessment Criminal Investigation Task Force (CITF): A characterization of the enemy combatant's potential to do harm to the U.S. and its allies.

Home State information: [provided by DoS]

Information from other relevant U.S. government agencies: [letter is sent from OARDEC and tracked by the DMO for response]

Sample Unclassified Summary
(For Assisting Military Officer and Enemy Combatant)

Name:

Aliases:

Country of Origin:

Summary:

Includes, but is not limited to, the following facts:

- Where was the enemy combatant captured?
- Who does the enemy combatant associate with (or not) that potentially makes him a continued threat (or not a continued threat)?
- What organizations or movements does the enemy combatant participate in (or not) that make him a continued threat?
- Information from the enemy combatant's relatives.
- Other relevant data.

Notification:

You are hereby notified an Administrative Review Board session will occur on [date] to make a recommendation on whether you should continue to be detained, transferred, or released. You are invited to present any relevant information to the Administrative Review Board. The Assisting Military Officer is assigned to help you prepare your information for the board, if desired. The Assisting Military Officer may also make a presentation to the ARB on your behalf, if desired.

Assisting Military Officer Qualifications, Roles, and Responsibilities

1. The role and duties of the Assisting Military Officer (AMO) are described in reference (a). Further guidance is provided below:

a. Qualifications of AMO.

(1) For each case, the ARB shall select an AMO from a pool of military officers designated by the DCO in writing. Individuals assigned to serve as AMOs shall be those who are, in the DCO's view, qualified for the duty by reason of education, training, experience, length of service, temperament, and objectivity.

(2) AMOs shall carry a service grade of O-4 or higher, and shall be selected from among all the military services.

(3) AMOs must have a minimum security clearance of TOP SECRET.

(4) AMOs shall not be Judge Advocates or Chaplains. AMOs shall not be involved in cases in which they previously had a principal role in the CSRT process (i.e., Tribunal member, Personal Representative, or Recorder) or any role in a military commission for the same enemy combatant.

b. Role of the AMO.

(1) The AMO shall assist the enemy combatant in reviewing all relevant and reasonably available unclassified information, preparing for and presenting information to the ARB. The AMO is not an advocate for or against the continued detention of the enemy combatant under review.

(2) The AMO has a duty to present to the ARB all relevant and reasonably available information in the AMO's possession with regard to the existence or absence of any potential threat posed by the enemy combatant under review.

(3) The AMO shall have due regard for classified information and safeguard it in accordance with applicable instructions and regulations. The AMO shall coordinate with an Information Security Officer (ISO) in the safeguarding of classified material during the ARB process.

c. Responsibilities of the AMO.

(1) The AMO is responsible for explaining the nature of the ARB process to the enemy combatant. Upon first contact with the enemy combatant, the AMO will explain to the enemy combatant that no confidential relationship exists or may be formed between the enemy combatant and the AMO. The AMO will explain the enemy combatant's opportunity to make a personal appearance before the ARB with the AMO. The AMO shall request a translator, if needed, to aid the enemy combatant in making such appearance and in preparing his

presentation. The AMO will explain to the enemy combatant that if he elects to make a personal appearance, then he may be subject to questioning by the ARB members, but he cannot be compelled to make any statement or answer any questions. If the enemy combatant waives a personal appearance, then the AMO will note that fact on an "Enemy Combatant Election Form," a sample of which is provided at page 4 of this enclosure. Paragraph 2, below, provides guidelines for the AMO meeting(s) with the enemy combatant prior to his appearance before the ARB.

(2) The AMO will review information and documentation that the DMO provides the AMO.

(3) The AMO will ensure that the enemy combatant has been provided the unclassified written summary prepared by the DMO and that the summary is in a language the enemy combatant understands.

(4) Using the guidelines set forth in Paragraph 2, below, the AMO will meet with the enemy combatant, using a translator if necessary, in advance of the ARB. Under no circumstance will the AMO disclose classified information to the enemy combatant.

(5) The AMO will ensure that coordination is maintained with Joint Task Force-Guantanamo Bay and the CITF with respect to contact with the enemy combatant.

(6) If the enemy combatant elects, the AMO will present information to the ARB on the enemy combatant's behalf. The enemy combatant may elect AMO assistance in addition to or in lieu of the enemy combatant's personal appearance at the ARB proceeding. The AMO may, outside the presence of the enemy combatant, comment upon classified information submitted by the DMO that bears upon the enemy combatant's presentation, if it would aid the ARB's deliberations.

(7) The AMO shall answer questions, if any, asked by the ARB.

2. AMO Guidelines for Assisting the Enemy Combatant. The AMO will use these guidelines to assist the enemy combatant in preparing for the ARB:

AMO: An administrative review process has been established by our government to annually review the detention of all the enemy combatants here.

A board of military officers will review your case in "x" number of days. I have been assigned to ensure you understand this process. The board will review your case file, offer you an opportunity to speak on your own behalf if you desire, and ask questions. We have asked your country and your family to provide statements. Following the ARB proceeding, the panel will recommend whether you should continue to be held, transferred, or released.

I am to ensure you have seen or heard the summary of your case and understand it, and assist your preparation of an oral or written presentation to the panel should you desire to do so. I am also available to speak on your behalf at the ARB if you wish.

I am neither a lawyer nor your advocate, but have been given the responsibility of assisting your preparation for the ARB. None of the information we discuss will be held in confidence and I will discuss our meeting at the ARB.

Do you understand the process or have any questions about it?

Here is the summary of the information the board is using to determine your case.

(AMO either reads the unclassified summary, lets the enemy combatant read it, or has the translator read it to the enemy combatant.)

Do you understand or have any questions about the summary?

Do you wish to present information to the board or participate in any way?

(If the enemy combatant says no, state the following.)

I ask that you formally decline your participation in the ARB process. Please write a statement declining participation and sign it.

This meeting is concluded.

(If the enemy combatant says yes, continue with the following)

Here are some things you may want to consider for your statement to the ARB:

1. Aspects of your capture.
2. Your record of behavior since you have been here.
3. Any plans or goals for the future you may have should you be released.
4. Explain why you are not a threat to the United States or its allies, and your willingness to make a statement to that effect
5. Explain any other reasons why you believe you should no longer be detained here.
6. Questions you have for the board.

I will meet with you shortly before the ARB to discuss any further issues, and will be present with you at the meeting.

Do you have any further questions?

Sample Enemy Combatant Election Form

Date/Time: _____

ISN#: _____

Assisting Military Officer: _____
[Name/Rank]

Translator Required? _____ Language? _____

ARB Procedures Read to Enemy Combatant or Written Copy Read by Enemy
Combatant? _____

Enemy Combatant Election:

- ☐ Wants to Appear Personally in ARB Proceedings
- ☐ Wants Assistance of Assisting Military Officer
- ☐ Affirmatively Declines to appear personally in ARB Proceedings (if possible, have Enemy Combatant sign a statement indicating his desire not to appear and append that statement, and its English translation, to this form).
- ☐ Uncooperative or Unresponsive

Assisting Military Officer Comments:

Assisting Military Officer

Administrative Review Board Transcript Guide

DMO: All rise. (The ARB enters)

[In ARB sessions where the Enemy Combatant (EC) has waived appearing before the ARB, the ARB can generally omit the *italicized* portions.]

Presiding Officer (PO): This ARB session shall come to order.

DMO: This Administrative Review Board is being conducted at [Time/Date] U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:

_____, Presiding Officer

_____, Member

_____, Member

_____, Assisting Military Officer

_____, *Translator*

_____, Board Reporter/Paralegal

_____, Designated Military Officer

[Rank/Name] is the member of the ARB experienced in the field of intelligence.

PO: The DMO will be sworn. Do you, (Rank/Name of the DMO), swear (or affirm) that you will faithfully perform the duties of a Designated Military Officer in this Administrative Review Board proceeding (so help you God)?

DMO: I do.

PO: The board reporter/paralegal will now be sworn.

DMO: Do you, (Rank/Name of board reporter/paralegal), swear (or affirm) that you will faithfully perform the duties of a reporter/paralegal in this Administrative Review Board proceeding (so help you God)?

BOARD REPORTER/PARALEGAL: I do.

PO: *The translator will now be sworn.*

DMO: *Do you, (Name of the translator); swear (or affirm) that you will faithfully perform the duties of translator in this Administrative Review Board proceeding (so help you God)?*

TRANSLATOR: *I do.*

PO: *We will take a brief recess while the enemy combatant is brought into the room.*

DMO: *All rise.*

[ARB members depart, followed by the DMO, AMO, Translator, and Board Reporter. The enemy combatant is brought into the room. All participants except the ARB members return to the ARB room.]

DMO: All rise. [The ARB members enter the room.]

TRANSLATOR: *(TRANSLATION OF ABOVE).*

PO: This ARB session will come to order. You may be seated.

TRANSLATOR: *(TRANSLATION OF ABOVE).*

PO: *(Name of enemy combatant), this Administrative Review Board proceeding is convened by the Designated Civilian Official under the provisions of his Order xx of August xx, 2004. It will determine whether you should continue to be detained, transferred, or released from custody of the United States.*

TRANSLATOR: *(TRANSLATION OF ABOVE).*

PO: This ARB shall now be sworn. All rise.

TRANSLATOR: *(TRANSLATION OF ABOVE).*

[All persons in the room stand while DMO administers the oath. Each voting member raises his or her right hand as the DMO administers the following oath:]

DMO: Do you swear (or affirm) that you will faithfully perform your duties as a member of this Administrative Review Board; that you will impartially examine and inquire into the matter now before you according to the orders, rules and regulations provided; that you will make such assessments and recommendations as are supported by the information presented; that in making your assessments and recommendations, you will use your professional knowledge, best judgment, and common sense; and that you will make such assessments and recommendations as are appropriate according to the best of your understanding of the orders, rules and regulations governing this proceeding (so help you God)?

TRANSLATOR: *(TRANSLATION OF ABOVE).*

MEMBERS OF ARB: I do.

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: The DMO will now administer the oath to the AMO.

TRANSLATOR: (TRANSLATION OF ABOVE).

[The ARB members lower their hands but remain standing while the following oath is administered to the AMO:]

DMO: Do you swear (or affirm) that you will faithfully perform the duties of Assisting Military Officer in this Administrative Review Board (so help you God)?

TRANSLATOR: (TRANSLATION OF ABOVE).

AMO: I do.

PO: Please be seated. The Designated Military Officer, Board reporter/paralegal, and Translator have previously been sworn. This Administrative Review Board session shall come to order.

[All personnel resume their seats.]

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: (Name of enemy combatant), you are hereby advised that the following applies during this session:

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: The purpose of this Administrative Review Board proceeding is to gather and review information so as to make an assessment of whether you continue to pose a threat to the United States or its allies in the ongoing armed conflict against al Qaida and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: This session is your opportunity to be heard and to present information to the Administrative Review Board favoring why you are no longer a threat to the United States and its allies, why it is otherwise appropriate for you to be released, and any other relevant information you wish us to consider.

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: You may have the assistance of an Assisting Military Officer (also referred to as an AMO) at the session. Your assigned AMO is present.

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *Prior to this session, you should have been provided notice of this ARB session and provided a written summary of the primary factors favoring your continued detention and the primary factors favoring your release or transfer. Were you provided notice and a written summary from the AMO?*

TRANSLATOR: (TRANSLATION OF ABOVE).

EC: (Responds)

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *You may be present at this open session of the Administrative Review Board. However, if you become disorderly, you will be removed from the session, and the Administrative Review Board will continue in your absence.*

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *You may not be compelled to make a statement at this ARB. However, you may provide information if you wish to do so. Your statement can be under oath or you can provide an unsworn statement. You may also choose to have the AMO provide a statement on your behalf.*

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *Members of the Review Board may question you during this session but you are not required to answer their or my questions.*

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *Do you understand this process?*

TRANSLATOR: (TRANSLATION OF ABOVE).

EC: (Responds)

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *Do you have any questions concerning the Administrative Review Board proceedings?*

TRANSLATOR: (TRANSLATION OF ABOVE).

EC: (Responds)

TRANSLATOR: (TRANSLATION OF ABOVE).

[In ARB sessions where the enemy combatant has waived participation substitute:

PO: [Rank/Name of AMO], you have advised the ARB that [Name of enemy combatant] has elected to not participate in this ARB proceeding. Is that still the situation?

AMO: Yes/No. [Explain].

PO: Please provide the ARB with the Enemy Combatant Election Form marked as Exhibit EC-a.

[Presentation of Unclassified Information by DMO and the enemy combatant or his AMO. DMO information shall be marked in sequence DMO-1, DMO-2, etc. while information presented for the enemy combatant shall be marked in sequence EC-a, EC-b, etc.]

[The Translator shall translate as necessary during this portion of the ARB.]

PO: DMO, please provide the ARB with the unclassified information.

DMO: I am handing the ARB what has previously been marked as Exhibit DMO-1, the unclassified summary of the primary factors favoring continued detention of the enemy combatant and of the primary factors favoring his release or transfer. A translated copy of this exhibit was provided to the AMO in advance of this session for presentation to the enemy combatant. In addition, I am handing to the ARB the following unclassified exhibits, marked as Exhibit DMO-2 through DMO-x. Copies of these Exhibits have previously been provided to the AMO.

DMO: Mr./Madam Presiding Officer, I have no further unclassified information for the ARB but request a closed ARB session at an appropriate time to present classified information relevant to the determination as to whether this enemy combatant should be detained, transferred, or released.

PO: *[Name of enemy combatant] (or AMO), do you (or does the enemy combatant) want to present information to this ARB?*

TRANSLATOR: *(TRANSLATION OF ABOVE).*

[If enemy combatant is not present, AMO may present information to the ARB.]

[If the enemy combatant elects to make an oral statement:]

PO: *[Name of enemy combatant] would you like to make your statement under oath?*

TRANSLATOR: *(TRANSLATION OF ABOVE).*

EC: *(Responds)*

TRANSLATOR: (TRANSLATION OF ABOVE).

Form of Oath for a Muslim

Do you [Name], in the Name of Allah, the Most Compassionate, the Most Merciful, swear that your testimony before this ARB will be the truth?

Form of Oath or Affirmation for Others

Do you (swear) (affirm) that the statements you are about to make shall be the truth, the whole truth, and nothing but the truth (so help you God)?

TRANSLATOR: (TRANSLATION AS NECESSARY).

[After statement is completed:]

PO: *[Name of enemy combatant], does that conclude your statement?*

TRANSLATOR: (TRANSLATION OF ABOVE).

EC: (Responds)

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *[Determines whether ARB members, DMO, or AMO have any questions for enemy combatant.]*

PO: *[Name of enemy combatant] do you have any other information to present to this ARB?*

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: All unclassified information having been provided to the ARB, this concludes this ARB open session.

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: (Name of enemy combatant), you shall be notified of the determination on your continued detention upon completion of these review proceedings and a decision by the Designated Civilian Official in Washington, D.C.

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: If the Designated Civilian Official determines that you should no longer be detained by the United States, you will be released or transferred to your home country or another country as soon as arrangements can be made.

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: *If the Designated Civilian Official determines that you should continue to be detained, you shall be eligible for another Administrative Review Board in one year.*

TRANSLATOR: (TRANSLATION OF ABOVE).

PO: This ARB open session is adjourned.

DMO: All rise. [If moving into ARB session in which classified material will be discussed add:] This ARB is commencing a closed session. Everyone but the ARB members, the AMO, the board reporter/paralegal and myself will leave the ARB room.

PO: [When ARB room is ready for closed session.] You may be seated. The ARB for [Name of enemy combatant] is now reconvened without the enemy combatant being present to prevent a potential compromise of national security due to the classified nature of the information to be considered. The DMO will note the date and time of this session for the record.

[The closed ARB session commences, as necessary, with only properly cleared personnel present. Presentation of classified information by DMO and, when appropriate, AMO. All information will be properly marked with an appropriate security classification.]

PO: This ARB session is adjourned and the ARB is closed for deliberations and voting.

DMO: [Notes time and date when ARB adjourns.]

Sample Assessment and Recommendation Letter



Department of Defense
Office for the Administrative Review of the Detention
of Enemy Combatants at
U.S. Naval Base Guantanamo Bay, Cuba

Ser

[CLASSIFICATION]

From: (Presiding Officer of the Administrative Review Board)

To: Designated Civilian Official

Via: Director, OARDEC

Subj: RECORD OF PROCEEDINGS FOR THE ADMINISTRATIVE REVIEW OF
THE DETENTION OF ENEMY COMBATANT (ISN#)

Ref: (a) (Implementation Order)
(b) Deputy Secretary of Defense Order OSD 06942-04 of May 11, 2004
(c) Deputy Secretary of Defense Memo of June 4, 2004

Encl: (1) U.S. Army; CITF Assessment
(2) CDR, USSOUTHCOM Assessment (includes CDR, JTF GTMO's assessment)
(3) Other Government Exhibits
(4) Record of proceedings of ARB Session with Enemy Combatant (ISN#)
(5) Enemy Combatant Election Form
(6) Information provided to the ARB by another federal agency or State or enemy combatant and not considered relevant to the proceedings (if applicable)
(7) ARB minority assessment and recommendation (if applicable)

1. Per references (a) through (c), an Administrative Review Board (ARB) was conducted in the case of [Name], [ISN #] on (date).

2. The members of the ARB for (ISN #) were:

Presiding Officer (PO) (name)

Member (name)

Member (name)

Designated Military Officer (name)

Assisting Military Officer (name)

Translator (name)

[CLASSIFICATION]

[CLASSIFICATION]

Encl (12)

[CLASSIFICATION]

3. DoD recommendation (insert text). CDR, USSOUTHCOM assessed (ISN#) as (high/medium/low threat) due to (insert text), assessed detainee's intelligence value as (insert text), and recommended (insert text). The U.S. Army (i.e., CITF) assessed (ISN#) as (high/medium/low threat) due to (insert text). Other government agency assessments are as follows:

- a. DoJ: _____
- b. DoS: _____
- c. DHS: _____
- d. CIA: _____
- e. *(Note: If an agency does not provide a response it should be noted as: "No Formal Assessment")*

4. Based on the above, the ARB assessed (EC name/ISN) to be high/medium/low threat due to _____ (include a concise basis for the decision to include all relevant factors considered).

5. In addition to, or in spite of, the threat assessment, the ARB considered the following factors to weigh in favor of the further detention of the enemy combatant (list factors, e.g., the fact that the enemy combatant is being considered for trial by Military Commission, continuing intelligence value, etc.).

6. The recommendation of the ARB is to release/ transfer (with the following suggested conditions: _____[if applicable])/continue to detain, on an x to y vote of the ARB. Enclosures (1) through (7) pertain.

(Note: If the vote is not unanimous, include paragraph 7 to provide the minority assessment and recommendation)

7. As presented in enclosure (7), the dissenting board member's recommendation is to release/ transfer (with the following conditions: _____[if applicable])/continue to detain due to _____.

//s/
Name
Rank, Component
Presiding Officer

[CLASSIFICATION]