

Summary of Administrative Review Board Proceedings for ISN 015

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

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

The Detainee accepted taking the Muslim oath.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Certification, DMO-2, and The Terrorist Organization Reference Guide, DMO-3, 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.

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 Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee in answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (a.) Commitment: (3.a.1) After Eid 2000, the end of Ramadan, the Detainee traveled from Karachi to Quetta, Pakistan then to Kandahar and Kabul, Afghanistan, changing buses in each city.

Detainee: This allegation is wrong. I never traveled after Eid of Ramadan. I was staying home.

Designated Military Officer: (3.a.2) The Detainee says that he had four other brothers that were also drivers for the Taliban. He claims that these are actual brothers, not just Muslim brothers.

Detainee: This allegation is wrong. In total I have 5 brothers, 2 died in childhood, there are 3 left. One is not a driver, but he stays home. [Myself and another brother] are the only drivers. My older brother has never left Pakistan at all.

Designated Military Officer: (3.a.3) The Detainee transported personnel, weapons, food, and supplies.

Detainee: This is partially correct. I was not hired for this purpose. I would like to clarify how I worked for them. I went to Afghanistan looking for a job. When I got there I spent one night in Kabul and after that I traveled north to Konduz. Then, there was a vehicle parked. That vehicle was not in working order and belonged to the Soviet Union. The person responsible for it asked me if we fix this vehicle I would like you to transport some wood and some other stuff [for us] when we need you. I told him that I would never go to war and I came here to work-not for war. They hired me to transport this car and the car was not able to go into war anyway. Only a couple of times when they were transferring weapons to another vehicle and what ever was left over...they said to me it was an overburden for the vehicle...they [asked if] I could drive them there. It was only two times...not far...only two miles and then I didn't drive the truck. Somebody else drove my truck. I made an agreement with them that I would never go some place where there was a war. Since the vehicle was traveling to the war place I did not go. They used it and only those individuals were carrying weapons. I was not driving the car during the wartime, for war purposes, I was using it for other than war. Since they didn't have a regular army and they were just armed people they could ask any driver to take people anywhere. There were numerous people before me who had been working like this. This allegation is wrong. It happened just because something happened.

Designated Military Officer: (3.a.4) Additional materials the Detainee transported consisted of cooking oil, bullets, heavy coats and blankets.

ISN 015
Enclosure (5)
Page 2 of 10

UNCLASSIFIED//~~FOUO~~

Detainee: [The same response I gave above.]

Designated Military Officer: (3.a.5) The Detainee was identified as being a member of the Harakat Ul-Jihad-I-Islami.

Detainee: At the place where I was working there were people from Harakat Ul-Jihad-I-Islami, Jaish-e-Mohammed and a lot of other people. I never got off my truck. All the time there were 40-50 people sitting there from Harakat Ul-Jihad-I-Islami or other people and I never got off my truck. I always spent time in my truck and if I had to get off I would walk to the market. I never got myself involved with them.

Designated Military Officer: (3.a.6) The Detainee admits to interacting with possible Pakistani Inter Services Intelligence Directorate (ISID) spies working for Taliban and Harakat Ul-Jihad-I-Islami forces that reported to their leader Sajjad.

Detainee: Sajjad is just an ordinary person. That is what I know. I don't know about other things. It is wrong that he is a spy or something like that.

Designated Military Officer: (3.b) Connections / Associations: (3.b.1) Shams Afghani is a friend of the Detainee who sold irons in Karachi, Pakistan and told him that Afghanistan needed drivers.

Detainee: That is correct.

Designated Military Officer: (3.b.2) Shams Al Afghani is originally from the Tora Bora region and was identified as being in charge of military operations and various fighters located in the valley of the Tora Bora region.

Detainee: That is wrong.

Designated Military Officer: (3.b.3) The Detainee stated that while employed as a driver with the Taliban, he received his pay from either Kari Saleem or [Mugheera] Bhai.

Detainee: That is correct. The correct spelling is [Mugheera].

Designated Military Officer: (3.b.4) Quari Saleem is the head of a madrassa used by Harakat Ul-Jihad-I-Islami member Sajjad, who would frequently attend and hold meetings at the madrassa.

Detainee: It was a school, but not a regular madrassa. The walls were broken, the doors were broken, and there were some meetings, but not like it has been described here.

Designated Military Officer: (3.b.5) Sajjad is a member of the Taliban and a team leader in the Harakat Ul-Jihad-I-Islami. Sajjad held regular meetings in Qari Saleem's madrassa with about twenty or thirty people from the Harakat Ul-Jihad-I-Islami.

Detainee: This is correct.

Designated Military Officer: (3.b.6) The Harakat Ul-Jihad-I-Islami is a Sunni extremist group founded to fight in the jihad against the Soviets. It's made up primarily of Pakistanis and foreign Islamists.

Detainee: I only know that it was made to fight against Russia I don't know the rest of the details.

Designated Military Officer: (3.b.7) The Lashkar-e Tayibais the armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-wal-irshad, an anti-U.S. missionary organization formed in 1989. It was added to the U.S. Treasury Department's Officer of Foreign Asset Control's List, which includes organizations that are believed to support terrorist groups.

Detainee: This is an organization in Pakistan, but I don't know much detail about it.

Designated Military Officer: (3.b.8) The Detainee admits to hearing about Baba Shams, a local administrator of the Taliban.

Detainee: The first time I heard this name was in my previous interview only.

Designated Military Officer: (3.b.9) The Detainee provided additional information regarding other senior Taliban leaders. He described Juma Bahai, an Uzbek and the leader of the Taliban in Khawajghar. Juma was in charge of all Arabs and foreigners such as Pakistanis and Afghans.

Detainee: This is true, but I only heard that.

Designated Military Officer: (3.c) Other Relevant Data (3.c.1) Two of the Detainee's superiors were Qari Saleem and [Mugheera] Bhai.

Detainee: They were not my officers; they were just paying me.

Designated Military Officer: (3.c.2) Qari Saleem was commander of the Punjabi troops in the Konduz region. He coordinated troop and supply movements from the school to forward areas in Tangi, Bangi Taqar and Khawajaghaar. He also controlled all finances for the operation.

Detainee: I only know that he was some big shot in that madrassa, but I don't know the rest.

Designated Military Officer: (3.c.3) The Taliban forces used a school in Konduz as a headquarters and transition point for troops deployed in the Konduz region. Recruits, weapons, ammunition and food supplies were delivered from the school to forward areas north and east of Konduz.

UNCLASSIFIED//~~FOUO~~

Detainee: This is the same school I already described. Not a big school, the one with the broken wall and broken doors and they didn't have that many weapons there. The weapons...not as described [in the allegation].

Designated Military Officer: (3.c.4) The Detainee surrendered to the Northern Alliance in Konduz on the tenth day of Ramadan. He drove his truck to Mazar-e-Sharif to surrender.

Detainee: There is a mistake in this statement. I never traveled on the tenth of Ramadan. I left [on the] seventh or eighth of Ramadan. I did not go to surrender, they asked me to take these [other] people to surrender and then they said I could go home. I took them to surrender and dropped them off, and then I left. There were a lot of other drivers that they let go, but they arrested me because I was the only Pakistani.

Designated Military Officer: (3.c.5) The Detainee escaped his captors shortly after surrendering and hid in a warehouse in some nearby woods until he was recaptured.

Detainee: This is wrong. When I was told to take those people [to surrender] they dropped their weapons in my truck. When I was driving [later that day to Mazar-e-Sharif] a Russian truck drove by and some people...or Dostums' people...one on the left side [of my truck] and one on the right side [of my truck]...both groups started fighting over the truck and ammunition. While they were fighting with each other I got off the truck and stood on the other side. The group that [was more powerful] took the truck. It was the afternoon by now, so I went to say a prayer at one place and I was fasting. There was a guy named Massoud and he said sit down here and in a few minutes you can go. He put me in a room with a door on the side. He said sit down and eat your dinner. He asked me where I was from and I said Pakistan. He kept me there for 5 days. Then after 5 days, it was about the twelfth of Ramadan, and he came and tied up my hands in the back and took me to a [different] place. There was a guy named Raees. He turned me over to him and got some money for me. Raees took me to another place and he handed me over to another guy and got some more money for me. Then that person was beating me up everyday and we heard the Americans were coming, [my captor] told me I better tell this to Americans. Then when the Americans came everything was fine. I remember that the Americans beat me up a little bit also. Not like [my other captors] did. [The Americans] broke my nose...you can see that bone is fractured (*the Detainee points to his nose*). Then they took me to Kandhar. That was not the tenth of Ramadan it was the seventh of Ramadan and I did not go to surrender, those people that were fighting went to surrender, I just drove them there. I did not have any alliance with those fighters. I drove those people to surrender and the other drivers left as well. [Since they were Afghani, nobody asked them their nationality], when they asked me and I told them Pakistani, they kept me.

Designated Military Officer: (3.c.6) Besides the Harakat Ul-Jihad-I-Islami, the Detainee was able to identify other Islamic groups known to him, the Jaish-e Muhammed, Harakat-Ul-Mujahediin and Lashkar-e Tayyiba.

UNCLASSIFIED//~~FOUO~~

Detainee: When they asked me if I know of them or did you hear about them I said yes. I had been traveling in Karachi for a long time. These people have big banners hanging all over Karachi and in Pakistan. Of course I heard of them. When they asked I said yes and now I don't know what they are making up by saying that I know...what do you mean I know of them? Does [that mean I have a relationship with them?] Like I heard about Bush, do I know Mr. Bush very well?

Presiding Military Officer: Your explanation is fine if you know them by name because they are very famous groups then that is a good explanation.

Detainee: This question to me is wrong because according to this question '*knowing*' means I know them very well like his son, his brother, his history, I don't know that.

Designated Military Officer: (3.c.7) The Harakat ul Mujahidin is a Pakistan-based Islamic militant organization.

Detainee: Yes.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a.) The Detainee claims he was never introduced to anyone higher than Qari Saleem.

Detainee: What do you mean by introduced?

Presiding Officer: I am introduced to him. He knows me by my name because I tell him what it is and he tells me the same. We may just meet one time.

Detainee: Yes, that is correct.

Designated Military Officer: (4.b.) The Detainee denied ever receiving training from the Taliban and he claims he was not aware of any training camps for Taliban or al Qaida fighter nearby.

Detainee: Yes, that is correct.

Designated Military Officer: (4.c.) The Detainee states he has never met Usama Bin Laden and doesn't know where he's located.

Detainee: That is correct.

Detainee: I trusted the investigators. There are some questions that they asked me and I responded, but they exaggerated in the questions. [A little bit is true], but then they exaggerate a lot of things. Like the fourth question where they say I left on Ramadan ten. I didn't say I left on Ramadan ten. If I say I left my home that does not mean I left on the eighth day. They were interrogating me and I said I did not know, [but] they said tell [us] just a little bit. I did not know how many people would get together in the madrassa...30-40...they would say just tell them...and then they would just write [a

number] down. I don't know how many people they trapped like this. I knew I was not at fault and I wanted to tell them without any hesitation. Luckily I came in front of the board today and I am telling you all of these things, but the interrogators did this to a lot of people. In the beginning I did not like Americans at all. I had never seen Americans. In the beginning when I came here the interrogations were tough and I started hating them more, but then after the board and CSRT, and someone showed me pictures from 9/11. Then I realized that they have a right to be angry. Their brother, their sister, their daughter died there. They have a right to be angry. My hate toward Americans was gone. Then I met with other American people and I started liking them and there are good people among them. After I heard this today, it is all coming back. Why are they exaggerating all of this? When you capture an innocent person and you bring them here, you tell them you are going to help them. You just [told me] this and when someone responds to this and makes a big deal out of these allegations like the interrogators did...so what should I think? What kind of people are you? Will you do the same thing the interrogators did to me or the previous CSRT did? Should I consider [all people] the same or should I expect justice? Yes, they are going to be fair to me and do justice.

Presiding Officer: Well, I hope you would believe that we would do you justice after we review all of the information. We appreciate you being truthful and sincere with your answers. Do you have anything else to add?

Detainee: I have a problem. Can I explain it to you?

Presiding Officer: Sure.

Detainee: I was working in Afghanistan and what money I made...after I was captured [the money] was gone. I stayed a couple of years in Afghanistan and the four years here. I have a very old father...we are not rich people...I have a sister that we have to get wed. The system over there is not like this. To wed a female, the parents have to spend all of the money in our country. I have no money left. I don't know what to do when I go back. Can you find out if there is any place that I can apply after I leave here so that they can get me a job or something like that? I don't know [how to do] anything but drive a truck. Is there anything that you can help me...or is there anything that I can submit an application to an organization?

Presiding Officer: Not that we are aware of, but the government of Pakistan may have something if and when you are returned to the country that you can apply for but I don't have knowledge of anything. If and when you are transferred or released to the government of Pakistan you could explain to them at that time that you are willing to work, I am only are a truck driver and that's all you know how to do, and maybe they could train you.

Detainee: Pakistan never arrested me. You did.

Presiding Officer: It will addressed when you are released or transferred.

Detainee: Should I write an application or where should I write an application?

Presiding Officer: Again, the International Committee for Red Cross visits the Detainees and they can help you out with that kind of information.

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 Administrative Review Board took a brief recess to discuss the procedure of the board)

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

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

Administrative Review Board Member's questions:

Board Member: How long did you work for the Taliban?

Detainee: Six or seven months.

Board Member: What is the closest you came to fighting while you were driving your truck?

Detainee: When I went there people were not fighting. They were both sitting on both sides of the line. When I went there it was snowing over there so there was no fighting. When it is snowing there is no fighting.

Board Member: Did you carry a weapon in your truck?

Detainee: I was not allowed to.

Board Member: How long were you in Afghanistan?

Detainee: What ever I said in questions six or seven.

Board Member: No, how long were you in Afghanistan? You worked for the Taliban for six or seven months, how long were you in Afghanistan?

Detainee: I only spent one night in Kabul [before] I started working for them.

Board Member: I thought you had to be member of the Taliban to work for the Taliban.

Detainee: I have already explained that. I was working as a driver and there were a lot of other people working as drivers. Whoever was available they would grab and have them drive the truck. I was not a member of the Taliban. They only [catch you] if there was anything...the first priority was to drive for them, then I could drive for someone else.

Board Member: What did you do with the money your earned working for the Taliban?

Detainee: I was making one million Afghani per week and [whomever] else I drove for [on the side], also [paid me] that much. I kept all of the money in the truck.

Board Member: So what happened to that money when you were captured?

Detainee: It was in the truck when they took it.

Board Member: What nationality were the other drivers that they let go when you were captured?

Detainee: They were Afghanis.

Presiding Officer: The comment you made about escaping your captors and your captors beat you...but you were beaten by... is that correct?

Detainee: I already told you I did not escape from there. They beat me up because what they wanted me to say I was refusing to say. They wanted me to tell the interrogators that I had recently arrived. I said that I have been working with you for the last 2 months. They wanted me to say that I had come to fight only, [but I did not go there to fight, I went there to work], and I just came here as a driver and had been working there a long time. The next morning some people in civilian clothes came to ask [question me] and I was not telling them what they [wanted to hear] so they beat me up.

Presiding Officer: You mentioned that the Americans broke your nose was that uniformed Americans or people in civilian clothes?

Detainee: First, Massoud's people beat me up and made my nose bleed. The [next] morning an American came, he was wearing a camouflage uniform and he was a very hefty guy, and he beat me up and broke my nose. When they brought me to Kandahar, my hands were tied up in the back, they threw me on the floor, and I fell face down and four people were sitting on me and one guy was hitting me on my head. Then, I consulted the doctor over there and he asked [about my injuries]. He didn't give me any medicine or anything. After two years, he asked if he should do surgery and I told them no I didn't have any pain or anything.

Presiding Officer: Do you recall the year you were being questioned or interrogated by those Americans?

Detainee: Last year, the previous year...I just remember I left my home and went to...

Presiding Officer: Let me rephrase that question. When your nose was broken was that here or before you came to Cuba?

Detainee: First it was in Mazar-e-Sharif and then in Qatar.

Presiding Officer: Zia Ul Shah do you have anything else you would like to add?

Detainee: No sir. When will I hear about this decision?

Presiding Officer: I will cover that in just a second.


The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



✓ Colonel, USMC
Presiding Officer

Summary of Administrative Review Board Proceedings for ISN 026

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 27 September 2005 and lasted thirty-five minutes. After a review of the ARB purpose and procedures, the Arabic translation of the Unclassified Summary of Evidence was read to the Detainee, who followed along on an Arabic copy. The Detainee wanted to review the allegations on the Unclassified Summary of Evidence and prepare a statement to the board from his quarters, and the Detainee left the interview with both an English and Arabic translation of the Unclassified Summary of Evidence. The Detainee said that his polygraph results prior to the CSRT proved repeatedly that he was not associated with Usama bin Laden (UBL) but he was designated an enemy combatant nonetheless. This makes him skeptical of the ARB process. The Detainee did not request the AMO to present any

ISN 026
Enclosure (6)
Page 1 of 8

information on his behalf. A follow up interview occurred on 28 September and lasted fifteen minutes. The Detainee chose not to submit a written response to the board. The Detainee was attentive and polite throughout both interviews.

Detainee: When I took my polygraph test it was given to them, to the CSRT, what did they say about that?

Presiding Officer: That's not a part of the Unclassified Summary so I don't have a response for you.

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

The Detainee chose to respond to the Unclassified Summary of Evidence after it has been presented.

Detainee: Does that mean I have to respond to each allegation?

Presiding Officer: No you do not have to respond to each of them or any of them for that matter, but during your interview the AMO asked if you would like to respond, after each allegation or at the end and he checked off that you wanted to wait until the entire thing was read. You can change you mind now that's fine.

Detainee: I would like to read something to you that I have prepared before we start reading all of the allegations.

Presiding Officer: There is a portion set aside for you to give a statement after we read the allegations. If you could be patient and wait until then, I would like to do it that way.

Presiding Officer: And since you decided to reply after everything has been read, it would probably be appropriate if he gave us that statement after he has read all of the allegations.

Detainee: If you hear what I have to say then you will understand what I am trying to do.

Presiding Officer: Alright, that's fine go ahead and proceed with your statement. We will hold off reading the Unclassified Summary right now.

The Detainee made the following statement:

Detainee: In the name of Allah. I am not here to discuss the accusations against me nor to answer your questions. This is because I don't know the court rules and I have no

ISN 026
Enclosure (6)
Page 2 of 8

lawyer to help me. In the previous tribunal I discussed these very accusations against me and presented evidence to support my innocence but sadly this didn't work in my favor. However, now I would like to tell you some things about myself. I traveled from Yemen at a young age. I knew nothing about international laws and the state of the world. I was only seventeen years old at the time and I just completed my high school exams and [had] not yet received the results thereof. For this reason I intended to return to Yemen after one month so as to continue my education to university level. This way I develop and enlighten my mind. As well as acquire a job that will enable me to spend on myself and my family. That is my wife and my baby daughter whom I didn't see except for five days in a two month period. I then traveled when she was only two months old. It is clear to see why I miss them greatly and all I wish is to meet them and rejoin them in order to fulfill my duty as a father and husband. To take good care of them as they are in desperate need of me. The same applies to my mother and younger brothers do to the fact that my father passed away and he left them dependent upon me. My mother used to spend on and look after me, hoping one day I will complete my studies and get a job with a salary, which could support our life. I have been classified as an enemy combatant in the past months and sadly I don't know why. However, I am not concerned with the past what is important to me is the future. Hence I bear no inner grudge nor [animosity] towards America or anyone else. I have not and will not do anything that is against America or threatens its security. All I hope upon release is to see my wife and my daughter, my mother and brothers and to live an independent life with them. To complete my studies and get a decent job. It is possible to notice this from my conduct and behavior in the four years I have spent in detention. Be it with the guards, the interrogators, and the other Detainees. I have never been punished for causing problems and my record bear[s] witness to that. My file is free from problems and punishments. Thank you for listening and for having given me an opportunity to speak to you.

Presiding Officer: Does that complete your statement?

Detainee: That's all I have to say.

Presiding Officer: Thank You.

Presiding Officer: At this time I am going to ask the DMO to summarize the information on the Unclassified Summary. At that time you can reply after each one or wait until the end as you've marked on your sheet, to wait until he has read them all in it's entirety.

Detainee: I told you I came here not to respond to all these allegations, that is why I read my statement and I gave you everything I have.

Presiding Officer: Thank You, I am still required to have the DMO read the Unclassified Summary, so if you will bear with me we are going to go through that at this time.

Detainee: You may proceed if you want to.

Presiding Officer: DMO please summarize the information on the Unclassified Summary and give the linguist time after each one to read them.

Detainee: There is not need for the linguist to read it to him in Arabic, because I read it and I had the linguist read it to me.

Presiding Officer: I understand that but that was prior to the taped arbitration here and I ask you to bear with me and let him repeat it to you after it is read in English.

Detainee: That's fine.

The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was motivated to serve the Dawa and spread the word of the Koran as he believes that it is a Muslim obligation. (3.a.2) The Detainee claims he traveled to Sanaa, Yemen and met with Sheik Muqbil to discuss the validity of a Fatwa. Sheik Muqbil issued a Fatwa that stated Muslims had a right to train themselves for self-defense against enemies. (3.a.3) Sheik Muqbil and a few other "Brotherhood" movement supporters recognized UBL as their leader. Sheik Muqbil was responsible for the jihadist movement in the geographical region of Sa'dah, Yemen. (3.a.4) Sheik Muqbil advised the Detainee to go for training in Afghanistan. Since he did not have any money for the trip Sheik Muqbil gave the Detainee 500 to 600 United States dollars. (3.a.5) Sheik Muqbil instructed the Detainee to go to the Jama'ah al Tabligh Mosque in Sanaa where he could get a visa and a plane ticket to Pakistan. Since the Detainee was still in the twelfth grade, Sheik Muqbil told him to wait until after graduation to make travel arrangements. A year later the Detainee went to the mosque, left his passport and some money and later returned to obtain his passport, visa and a ticket. (3.a.6) The Detainee flew from Sanaa, Yemen through Dubai, United Arab Emirates, to Karachi, Pakistan. He spent one night in a hotel then traveled to Quetta, Pakistan where he stayed for two nights at the Lukanda Hotel. (3.a.7) The Detainee crossed the border into Afghanistan. He taught the children in the villages around Spin Buldak, Kandahar and Kabul, Afghanistan. (3.a.8) The Detainee went to Jalalabad, Afghanistan by bus where he taught in another village for about two weeks. From there he went to Khost, Afghanistan, where he stayed in various villages for about two months. (3.a.9) The Detainee met a man named Asadullah who arranged for a guide to take the Detainee back to Pakistan. The Detainee eventually joined a group of 27 to 30 other people headed for the Pakistan border. The Detainee paid the guide 200 to 300 rupees. (3.a.10) The Detainee claims he crossed the border back into Pakistan and surrendered to the authorities. The authorities accused him of being a terrorist trying to escape from Afghanistan. He did not have his passport or anything else when he crossed into Pakistan. All he took was his Koran and about 700 Pakistan rupees.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee trained at the al Farouq training camp for nine days before hearing the news about September 11th. (3.b.2) The Detainee was recognized as training at the al Farouq training camp on or around April 2001. He received training on how to shoot the Kalashnikov, the PK machine gun, the rocket propelled grenade launcher (RPG), and how to detonate explosives.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The Detainee spent four days at the Nabras guesthouse in Kandahar, Afghanistan where his passport and money were taken from him. (3.c.2) The Nabras guesthouse was used by fighters heading to the al Farouq training camp and by UBL. Arabs bound for training would gather at the guesthouse until about 25-30 were in the group and then they were transported to al Farouq. UBL would come to Nabras to greet the fighters before they went to training. At Nabras, passports, money, tickets and other important documents were taken from each person. (3.c.3) The Detainee stayed at the Azzam guesthouse in Kabul, Afghanistan for 35 days where he received additional training until the bombing started. (3.c.4) Hamza al Ghamdi ran the Azzam guesthouse in Kabul and in an intelligence agent who has been in Afghanistan for almost 15 years and has traveled to Bosnia and Chechnya for jihad. Hamza al Ghamdi is recognized as one of UBL's most trusted people and reported directly to him.

Designated Military Officer: (3.d.) Other relevant data. (3.d.1) The Detainee traveled to Tora Bora and stayed there for 27 days to one month. He went with a group of men that included Sabi' who is the group trainer from al Farouq and the only person with a Kalashnikov. (3.d.2) The Detainee was chosen to go to Tora Bora and become one of UBL's bodyguards. Individuals from al Farouq would either go to Tora Bora to be one of UBL's bodyguards or they went to Kabul to await further assignment. The Detainee was also recognized as a fighter in the KTAL region. (3.d.3) The Detainee was recognized as one of UBL's bodyguards and a member of his "dirty thirty" and a fighter in Tora Bora, Afghanistan. (3.d.4) The Detainee was seen at Tora Bora carrying a Kalashnikov.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) During the time he traveled in Yemen, Pakistan and Afghanistan, the Detainee says he had not heard anyone speak about recruiters for fighting in Afghanistan against the enemies of Islam. He also doesn't believe that there is currently a jihad. (4.b) An al Qaida operative and facilitator did not name the Detainee as a UBL bodyguard. (4.c) A chief al Qaida recruiter, planner and top strategist did not identify the Detainee.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

Presiding Officer: Do either of the members desire more time to review the Unclassified Summary?

Board Members: No, No sir.

ISN 026
Enclosure (6)
Page 5 of 8

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 Presiding Officer opened the Administrative Review Board to the Detainee to present additional information with the assistance of the Assisting Military Officer.

Detainee: If you would like, you can make a copy of my statement and I will keep the original.

Presiding Officer: It's up to you, you do not have to turn anything in. If you want to we'll make a copy of it but there is no need to.

Detainee: You can make a copy and I will get the original back.

The Assisting Military Officer presented the Detainee's statement as Exhibit EC-C and had no questions for the Detainee.

Presiding Officer: If you have anything additional you would like to present. I know you have already made a statement but if there is anything additional you would like to add after hearing the Unclassified Summary, this would be the time to do it. If not I will proceed.

Detainee: You can continue on.

The Designated Military Officer had no further information to present to the Detainee.

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

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

Administrative Review Board Member's questions:

Detainee did not want to answer any questions but the Presiding Officer did ask a few questions.

Detainee: I am sorry for not responding but you already know my story.

Presiding Officer: In 3.a.5 it mentions that you were told to wait until graduation to make your travel arrangements....then a year later you went to the Mosque. Where you seventeen or eighteen when you left?

Detainee: My birthday is May 2, 1984 you can figure that out.

Presiding Officer: You said your family is dependent on you when you go back, should you be released or transferred. What would you do when you go back home?

Detainee: All that information is in the letter I submitted. I wanted to get my education.

Presiding Officer: What, if any, contact have you had with UBL?

Detainee: The polygraph should answer that question for you.

Presiding Officer: One of the factors favoring your release or transfer, is the fact that you do not believe there is a current jihad. If there is a current jihad what would you do?

Detainee: The answer to that question is all in my files.

Presiding Officer: Other relevant data mentions recognized as a fighter in the KTL region and it also mentioned Kabul in that same sentence. KTL region, do you know where that region is that we are referring to?

Detainee: You need to [go] back to the CSRT and find out what was said there.

Presiding Officer: Did you answer it there because I can go back and find it in there?

Detainee: I just told you that in the letter I submitted. I just told you all the information I am going to give you and you have all the information.

Presiding Officer: Okay, thank you.

Board Member: Have you read the Koran?

Detainee: I can't respond to that question.

Board member: Have you seen the results of your polygraph?

Detainee: The interrogator and the polygraph person told him he was innocent and that he was truthful. And when I was at the tribunal they pulled the polygraph test and gave it to the president of the tribunal.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.

Detainee: Can I ask a question?

Presiding Officer: Certainly!

Detainee: How long does it take before we hear from the Designated Officer (DCO) in Washington, D.C, because there are so many people in the camp here? They attended the ARB and it has been almost a year and they haven't heard anything.

Presiding Officer: I understand your concern and we have asked that question and it is being tabled by the DCO as we speak. I just do not have an exact time I can give you.

Detainee: Do you receive any answers from Washington, D.C because it has been almost a year and other Detainees haven't hear[d] nothing. Do you receive any information from Washington, D.C.?

Presiding Officer: It hasn't been a complete year yet. It's the DCO decision on when to notify you and he is working on that.


Presiding Officer adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

UNCLASSIFIED

**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 026

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	9/30/2005	UNCLASSIFIED	Detainee Statement

UNCLASSIFIED

UNCLASSIFIED

GHAZI, FAHED ABDULLAH AHMAD. ISN# 026

I am not here to discuss the accusations against me nor to answer your questions. This is because I do not know the court rules and I have no lawyer to help me. In the previous tribunal I discussed these very accusations against me and presented evidence to support my innocence but sadly this did not work in my favour. However, now I would like to tell you some things about myself.

I travelled from Yemen at a young age. I knew nothing about international laws and the state of the world. I was only seventeen years old at the time. I had just completed my high school exams and had not yet received the results thereof. For this reason I intended to return to Yemen after one month so as to continue my education to university level. This way I would develop and enlighten my mind as well as acquire a job that would enable me to spend ~~of~~ on myself and my family. (That is; my wife and my baby daughter whom I did not see except for five days in a two month period.) I then travelled when she was only two months old.

It is clear to see why I miss them greatly and all I wish is to meet and rejoin them in order to fulfil my duty as a father and husband. To take good care of them as they are in desperate need of me. The same applies to my mother and my younger brothers due to the fact that my father passed away and left them dependent upon me. My mother used to spend on and look after me hoping that one day I would complete my studies and get a job with a salary which could support our life.

UNCLASSIFIED

I have been classified as an enemy combatant in the past months and sadly I do not know why. However, I am not concerned with the past. What is important to me is the future hence I bear no inner grudge nor enmity towards America or anyone else. I have not and will not do anything that is against America or threatens its security.

All I hope for upon release is to meet my wife and daughter, my mother and brothers and to live an independent life with them. To complete my studies and get a decent job.

It is possible to notice this from my conduct and behaviour in the four years I have spent in detention. Be it with the guards or the interrogators or other detainees. I have never been punished for causing problems and my record bears witness to that. My file is free from problems and punishments.

Thank you for listening and for having given me an opportunity to speak to you.

Said, Sep 30 2005

UNCLASSIFIED

Summary of Administrative Review Board Proceedings for ISN 029

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee declined taking the oath.

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

Detainee: I would like to have a copy of the file of the previous board [referring to the CSRT]. I would like to know the result [of the Detainee's CSRT].

Presiding Officer: I can answer that question for you Sir [referring to the outcome of the Detainee's previous CSRT]. The determination of your CSRT, that Board found you to be an Enemy Combatant.

Detainee: I know that. I want the file of that session. I want the file that states what happened [what was said] during that session [CSRT].

Presiding Officer: Your request has been noted. Your request is annotated on the record. If your request is appropriate and feasible, your request will be granted.

Detainee: How am I supposed to talk about the allegations here at this board if I don't even know what happened in the previous board [CSRT]?

Presiding Officer: Sir, you are aware of what happened during the last session [CSRT]. During the previous board [CSRT] it was determined that you [the Detainee] were an Enemy Combatant and were to be detained at Guantanamo Bay, Cuba. This board

ISN 029
Enclosure (5)
Page 1 of 14

[Administrative Review Board] is and can make the determination whether to recommend your continued detention, release, or transfer to another country. The Administrative Review Board does not have to abide by the decision of the previous CSRT to detain you. This Administrative Review Board can recommend to: 1) continue to detain you, 2) release you, or 3) transfer you to another country.

Detainee: I do not have any problem with what you [referring to the Presiding Officer] just said. However, I just want to have the files [the papers] of what was said during my CSRT, so I will be able to remember what happened during that board [CSRT].

Board Member: At this time, the Administrative Review Board cannot supply you with those documents.

Detainee: I requested this documentation [copy of the CSRT file] five days ago.

Presiding Officer: This Administrative Review Board is in recess at this time to resolve this issue [Detainee requesting a copy of the CSRT file].

Administrative Review Board Recess

Administrative Review Board Resumes

Presiding Officer: The files you have requested are classified documents and therefore cannot be released to you.

Detainee: I do not understand. Other Detainees [in the camp] have obtained their files. Why are they [my files] now secret? Why can I not get a copy of my files?

Presiding Officer: That is not the purpose of this Administrative Review Board here today. The Administrative Review Board will proceed.

The Presiding Officer continued to advise the Detainee of his right to have the assistance of the Assisting Military Officer, the right to testify, provide a written statement, to provide witnesses and information to the ARB, and the right to examine all unclassified information.

Board Member: [to the Detainee] Sir, are you ok, physically?

Detainee: What do you see?

Presiding Officer: Continue.

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.

ISN 029
Enclosure (5)
Page 2 of 14

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

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 Detainee chose to respond to the Unclassified Summary of Evidence at the end of the reading of the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Detainee: All the allegations he [referring to the Assisting Military Officer] presented to me are all lies.

Presiding Officer: That is not what I am asking you at this time. At this time, the Designated Military Officer is going to read through each statement/allegation listed on the Unclassified Summary of Evidence. What the Board would like to know from you is this--would you like to respond to each statement/allegation as it is presented? Or, would you like the Designated Military Officer to read through the entire Unclassified Summary of Evidence? Then, you may respond to the statements/allegations at the end by making one long personal statement.

Detainee: Read it all [the Unclassified Summary of Evidence].

Presiding Officer: Very well. Please proceed.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee learned of the Dawa from several Sheikhs he heard in Sanaa, Yemen, including Sheikh Muqbil al Wadi, whom he met at the al Khayr mosque in Sanaa.

Designated Military Officer: (3.a.2) The Detainee arranged with two fellow acquaintances to fly to Pakistan and make their way to Afghanistan to teach Islam.

Designated Military Officer: (3.a.3) One of the Detainee's friends who accompanied him to Afghanistan obtained 37,000 to 40,000 Riyals from Sheik Muqbil al Wadie.

Designated Military Officer: (3.a.4) The Detainee and his acquaintances flew to Dubai, then Karachi, Pakistan, and then to Quetta, Pakistan. The next day, the Detainee and his acquaintances crossed the border into Afghanistan.

Designated Military Officer: (3.a.5) The Detainee was identified as being present at the Khana Gulem Bechey guesthouse in Afghanistan.

Designated Military Officer: (3.a.6) Another individual said the Detainee was in Tora Bora for one month before he was captured.

Designated Military Officer: (3.b) Training (3.b.1) A senior al Qaida Commander said he recognized the Detainee as someone he had seen in either Kabul or one of the camps in Afghanistan, possibly the Farouq camp between 1998 and 2000.

Designated Military Officer: (3.b.2) A senior al Qaida operative provided information on al Qaida participants in a 1999 elite training course at Mes Aynak camp in Lowgar, Afghanistan. He said the Detainee was one of Usama Bin Ladin's bodyguards beginning in mid-2000. Two months before 11 September 2001, he took the Detainee and others to Karachi, Pakistan to teach them English and American behaviors. He stated that all of Usama Bin Ladin's bodyguards were arrested two weeks before the fall of Kabul.

Designated Military Officer: (3.b.3) The senior al Qaida operative identified the Detainee as one of the martyrs who had been readied for the al Qaida's Southeast Asia hijacking plan of 11 September 2001. He also said Usama Bin Ladin picked United States airlines, citizens, and military installations as targets.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) Abu Basir al Yemeni was a close friend with the Detainee in Yemen, as well as in Afghanistan. Abu Basir is known to be the personal secretary to Usama Bin Ladin and was a trusted guard.

Designated Military Officer: (3.c.2) The Detainee became a bodyguard for Usama Bin Ladin in late 1999 or early 2000. He remained in that position for approximately one year.

Designated Military Officer: (3.c.3) The Detainee was seen in July 2000 guarding Usama Bin Ladin at Kandahar airport. The Detainee shared a room with others in Kandahar. This house was known as the "gathering of six." Hamza al Qatari, a close associate of Usama Bin Ladin who dealt with finances, stayed at this compound.

Designated Military Officer: (3.c.4) A senior al Qaida Lieutenant says the Detainee was a guard for Usama Bin Ladin. The Lieutenant saw the Detainee at a guesthouse in 2001 when he went to visit Usama Bin Ladin. He is certain about seeing the Detainee.

Designated Military Officer: (3.c.5) The Detainee was a bodyguard for Usama Bin Ladin and was seen in Tora Bora with a handgun and a Beka.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee steadfastly denied any involvement in or knowledge of al Qaida activities while in Afghanistan or Pakistan.

Designated Military Officer: (4.b) The Detainee claimed he has never received any formal or informal military training and was never issued or carried a weapon while in Afghanistan or Pakistan. The Detainee also claimed he had no enmity towards the United States.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Assisting Military Officer had no exhibits to present.

Presiding Officer: Assisting Military Officer, please read your comments from the Assisting Military Officers comment block.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 28 October 2005, and lasted for 30 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of Evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said, "No." When asked to give a reason for not attending the ARB, the Detainee said, "I do not understand what you are saying [referring to the linguist, OL-21]; I do not understand academic Arabic. Can I have another interpreter? Please forgive me, I don't mean any disrespect. I do want this interview." The interview was terminated at that time. The Detainee was told that arrangements would be made to reschedule his interview and another linguist would be made available to him. The Detainee's interview was rescheduled and conducted with an alternate linguist (OL-7) on 29 October 2005, and lasted for 35 minutes. The ARB's purpose and procedures were again reviewed with the Detainee and the Unclassified Summary of Evidence was once again read to the Detainee. The AMO explained to the Detainee the importance of his ARB and how his participation, if he wished to partake, would help the Administrative Review Board with their decision regarding his future. In conclusion, the Detainee agreed to attend, and he would decide at the ARB whether he would speak openly to the Board Members, and if he wanted the allegations presented item by item or *en masse* prior to his response. The Detainee was cooperative and polite during both interviews. The Detainee elected to keep the English and Arabic translated copies of the Unclassified Summary of Evidence for his review.

The Detainee made the following statement:

Detainee: I would like to say two words. Excuse me, not two words. But, I would like to say a few things.

Presiding Officer: Please, this is your opportunity to make a personal statement to the Administrative Review Board. You may speak for as long as you wish.

Detainee: All the statements/allegations that I have heard and that have been presented to me, almost all of it is false. Not true. I request from the Administrative Review Board, to bring in [bring to the board] the people who wrote these statements/allegations against me. There is no proof whatsoever that I was [am] a bodyguard for Usama Bin Ladin and no proof that I have ever received any training. It is my right to request [confront] the people who said these things and made these allegations against me.

My good behavior here at the detention facility proves that I have no hostility against the United States or against anyone else. For four years, I have been here and have had good behavior. I have not had any hostility towards the military, interrogators, and not with anyone else. Nor have I had any hostility towards anyone in this session [referring to the ARB in process]. Everyone here knows that I have no hostility or hate in my heart against anyone.

All those allegations/statements against me are lies. Again, I request for the person who made the statements/allegations against me to be here [be brought to my ARB]. With all your experience with intelligence [referring to the members of the ARB] you cannot get to the person who said those lies? I do not have any other written or verbal statement to make. This is what I want to say. You may continue with your board process.

Presiding Officer: Mr. Al Ansi, does this conclude your statement?

Detainee: That is all I have to say.

The Assisting Military Officer did not have anything further to present to the Administrative Review Board.

The Assisting Military Officer had no questions for the Detainee.

Detainee: Again, I would like to request those files that documented my previous board [CSRT]. [This is] so I will know what was said and what happened during my CSRT. I do not understand why other Detainees were given their files of their CSRTs, but I cannot get mine. I don't understand why my file is now secret when it was not secret before.

Presiding Officer: Your request is noted. Your request is on the record. These proceedings are being tape-recorded. Your request has been made and your request has been preserved.

ISN 029
Enclosure (5)
Page 6 of 14

Detainee: I would like an answer back to this request through the Assisting Military Officer.

Presiding Officer: We are first going to finish conducting this Administrative Review Board.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Sir, how long were you in Afghanistan?

Detainee: You can go back to the computers in Yemen's airport and check when I left Yemen. Prove this [Detainee indicating to the board to prove that he was in Afghanistan]. It will be a factual statement then [if you, the ARB, can prove that I was in Afghanistan].

Board Member: So, it is your statement then that you have never been to Afghanistan.

Detainee: You can go to Yemen and get the report [from the airport]. You can check on their computers [referring to the Yemen airport] and get the dates and everything.

Board Member: What are your feelings concerning Usama Bin Ladin?

Detainee: He [UBL] is a Muslim man. Usama Bin Ladin is an ordinary Muslim man.

Board Members: You have no other feelings about Usama Bin Ladin, good, bad, or indifferent.

Detainee: I am not a political person. If there is a political problem between Usama Bin Ladin and the United States then that is between them. And, they can solve those problems themselves. I don't know what the problem is or what it has to do with me.

Board Member: Is he a tall man or a short man [referring to Usama Bin Ladin]?

Detainee: Ask me about someone I know. Don't ask me something about someone I do not know. I cannot answer a question about someone I do not know. Now this [referring to the ARB] has turned into an interrogation.

Board Member: No, this has not turned into an interrogation. I would like to ask you a few more questions. What are your views concerning the attack on the United States on 11 September 2001?

Detainee: As I have told the interrogators before, a lot of Muslims died in that attack as well. It [the attack] was not a good thing.

Board Member: What are your feelings concerning the United States intervention into Iraq?

Detainee: I am not informed about that issue, I cannot answer that question.

Board Member: Do you support a democratic form of Government in Iraq?

Detainee: Like I mentioned before, I am not a political analyst. I am just a regular student. I cannot answer that question. Maybe a reporter, someone in politics, a political analyst, or someone like that is more appropriate to answer questions like that.

Board Member: I am just wondering if you have an opinion in regards to a democratic Government in Iraq.

Detainee: I have no opinion on this matter. The purpose of me being here [attending the ARB] is to give an oral statement. I gave my oral statement.

Board Member: What are your feelings concerning Jihad against the United States?

Detainee: Ask this question of the Sheikhs. Ask the Sheikhs about Jihad. Ask the religious leaders these questions. I am just a regular student. I have no business or opinion about this.

Board Member: Thank you very much.

Presiding Officer: In an effort to help you [the Detainee] understand what is going on right now, I am going to explain something to you. I don't say this to everyone that comes before the Administrative Review Board. It appears to me that you are missing the point of what we [the Administrative Review Board] are trying to accomplish here today. You have stated that you had nothing to do with any of the allegations listed in the Unclassified Summary of Evidence. You have stated that you do not know Usama Bin Ladin. You have also stated that all of the allegations against you are lies. However, when the Board asks you questions, you do not give us an answer.

Translator: The Detainee is saying that the person [referring to the Assisting Military Officer] told him [the Detainee] that this session was not an interrogation. If this were an interrogation, I [the Detainee] would discuss these issues with you [the Board].

Detainee: This is not an interrogation, so I will not discuss these issues.

Board Member: The Administrative Review Board is trying to determine whether you [the Detainee] are still a threat to the United States. This is not an interrogation.

Detainee: If I had an opinion about those issues, I would discuss them with you. I really do not have any opinion about any of the issues you have asked me about. If you ask me

something that has to do with religion, I cannot answer that kind of question. I really do not know much about religion.

Board Member: When the Board Members ask a question, such as about a Jihad against the United States of America, that is an important question.

Detainee: I was not arrested for participating in a Jihad against the United States. That is why you cannot ask me questions in regards to this. If I had been arrested while I was declaring a Jihad, participating in a Jihad, had been seen declaring Jihad, or associated with Jihad, then you could ask me questions about this issue.

Board Member: When you were detained, were you given a reason as to why you were being detained/arrested? Why were you arrested?

Detainee: You have to understand; American Forces did not arrest me when I was first detained. I was actually arrested by the Pakistani authorities first. The Pakistani authorities speak Urdu and I do not understand Urdu. I do not know why they arrested me. I did not see any Americans until I got to the Kandahar prisons. I only saw Americans in the Kandahar prison. That was the only place. I tell you this for your [the Administrative Review Board] information. I believe you [the board] think I was arrested by American Forces [the first time I was arrested].

Board Member: Where were you arrested/captured?

Detainee: In Pakistan.

Presiding Officer: Were you ever in Tora Bora?

Detainee: Never. Being arrested in Pakistan proves that I have never been to nor was I ever in Tora Bora. If you asked the Pakistani Government when I was arrested [the date] that would prove that I have never been to, nor was I ever in Tora Bora.

Presiding Officer: Have you ever fired an AK-47 or a handgun?

Detainee: I have never in my life held or fired a weapon.

Presiding Officer: If the Administrative Review Board decides to release you, what are you going to do? Where are you going to go?

Detainee: I will go back to Yemen. My country.

Presiding Officer: Do you have family in Yemen?

Detainee: I have a family there [in Yemen]. I have my mother and father. The first thing I am going to do when I go back to Yemen is to start my own family. I would also

like to complete my education. I will return to my normal life as a normal citizen of Yemen. Just like my brothers and my family.

Presiding Officer: What kind of things are you interested in?

Detainee: I do not understand this question.

Presiding Officer: What are you interested in, Chemistry, Medicine, Business, etc.?

Detainee: I am interested in the Arabic Language and Islamic studies. I would possibly also like to learn the English language. I have two uncles who majored in English. My uncles graduated from English schools.

Presiding Officer: Where did your uncles go to school?

Detainee: English school in Yemen.

Presiding Officer: If the Administrative Review Boards determines that you should be released, and you go back to Yemen, you are in school, and starting a family, and someone came up to you and said, "come help me kill Americans," what would you say to them?

Detainee: I will not go back to prison again. I would not do anything like that. If someone would jump off a bridge, I would not do the same just because they ask me to. I will not let people use my brain for something bad or against someone.

Presiding Officer: Not going into any specific detail listed in the Unclassified Summary of Evidence, do you admit that you may have made some mistakes or bad choices to get yourself here [detained at Guantanamo Bay, Cuba] and into this situation you are now in?

Detainee: You mean in my life?

Presiding Officer: Yes.

Detainee: I am from a good Islam family. I would not do anything that would go against my religion or against my family. I would not do anything that was bad. I would not do anything that would go against my religion.

Presiding Officer: If you could go back and change something [speaking hypothetically], if you could go back in time and change something, what would you change?

Detainee: I would change my job. If I were capable of going back, I would change my job.

Board Member: Would you still have left Yemen and traveled to Pakistan?

Detainee: Never.

Board Member: Why did you travel to Pakistan the first time?

Presiding Officer: The Administrative Review Board is trying to understand what motivated you to go to Pakistan. Help the Board understand why.

Detainee: I traveled to Pakistan as a religious duty. I was only doing it [traveling to Pakistan] to help. I went to Pakistan to help people understand Islam. I went to teach people about Islam. Just like the Red Cross goes places to help people, I went to Pakistan to teach people about Islam and to understand Islam.

Presiding Officer: Is that what your mission turned out to be? Is that, in fact, what you ended up doing when you got to Pakistan?

Detainee: That is the main reason I went to Pakistan.

Presiding Officer: Ok, now that the Board understands *why* you went to Pakistan, please tell the Board what happened when you got to Pakistan.

Detainee: That is what happened. I went to the Pakistani authorities to talk to them.

Presiding Officer: So I understand correctly, you went to Pakistan to teach Islam and to help people. You then, at some point, went to talk to the Pakistani authorities, and then you were arrested?

Detainee: Yes.

Board Member: When did this occur?

Detainee: I went to the Pakistani authorities and told them I wanted to go to the Yemeni Embassy. I *went* to them [the authorities]. No one *took* me to the authorities.

Presiding Officer: Can you estimate a guess as to when this occurred? The Board is trying to determine if a mistake has possibly been made somewhere.

Detainee: I have been in Cuba for four years now. I do not remember when the incident occurred.

Presiding Officer: Was it cold?

Board Member: Were you captured near the Afghan border?

Detainee: The weather was medium. It was not hot, but it was not cold.

Presiding Officer: So it was not winter, correct?

Board Member: Were you near the border [of Afghanistan]?

Detainee: It was in Peshawar.

Presiding Officer: So, you just happened to be at the wrong place at the wrong time when all of these people [referring to Usama Bin Ladin and his entourage] were hanging around [in Pakistan], and those people just happen to be there at the same time you were there?

Detainee: I do not understand your question.

Presiding Officer: The Unclassified Summary of Evidence alleges that you [the Detainee] were a bodyguard for Usama Bin Ladin and that all these people [referring to Usama Bin Ladin's people] were at the same place and time [in Pakistan] that you were. What the Board is asking is, where you in the wrong place at the wrong time? Has there been a case of mistaken identity?

Detainee: Would you believe me right now if I told you that I was walking around with President Bush one day? I could not get close to someone who is a President, someone like President Bush, just like I could not get close to someone like Usama Bin Ladin. Even someone like you [referring to the Presiding Officer] personally could not get to someone like President Bush [unless you had business with him]. How could I get close to someone like President Bush or like Usama Bin Ladin if I have no business with him?

Presiding Officer: They [Usama Bin Ladin and his bodyguards, trusted agents] were there [in Pakistan], that is a fact.

Detainee: You can't ask me about people I don't know.

Presiding Officer: That is the point I am trying to make. The Board knows they [the bodyguards and Usama Bin Ladin, were in Pakistan] was it just a coincidence that you were there [in Pakistan] at the same time Usama Bin Ladin and his men were there?

Detainee: It is impossible that I was there.

Presiding Officer: You have stated that you were in Pakistan, is that correct?

Detainee: What is the problem with that?

Presiding Officer: On the surface, there is no problem with you being in Pakistan. You also stated that you went to the Pakistani authorities because you wanted to get to the Yemeni Embassy, correct?

Detainee: Yes. My files prove this. I tell you facts. I do not tell you lies.

Presiding Officer: Does it surprise you then to learn that there were all these other people [Usama Bin Ladin and his bodyguards, other trusted agents, etc.] in the exact same area you were in? Right where you were?

Detainee: I went to prison in Pakistan. There were 5,000 people there. I even saw a prison room that even had Christians there. I saw the cross hanging up. There was a mixture of prisoners there. There were black, white, etc., prisoners. Many different races were imprisoned in Pakistan. Are you saying that all these people, these 5,000 people, were all in the wrong place at the wrong time? Were all these 5,000 people with Usama Bin Ladin?

Presiding Officer: That is what the Board is asking. The Review Board would like to get *your story, from your mouth, your words*. If you have been a victim of misidentification, the Review Board would like to know that.

Detainee: I was not in the wrong place at the wrong time. I was not arrested. I voluntarily went to the Pakistani authorities because I thought I was doing the right thing. If I had been doing the wrong thing, do you think I would have turned myself into the Pakistani authorities? If I had been doing something wrong, I would not have turned myself into the Pakistani Government and I would not have gone to a Policeman. To my knowledge, I was going to go to the Yemeni Embassy, then to the airport, and then back to Yemen. I went to the Police authorities to get help to get back home to Yemen. If I had done something wrong, do you think I would have turned myself into the authorities, knowing that the Americans were at every airport? Would I go through all those Federal Buildings if I had done something wrong? [That is] Impossible.

Board Member: Did you have any money to get back to Yemen?

Detainee: I had a little money. Not much. I thought the Yemen Government would have paid for me to get back to Yemen and then I would pay them back.

Presiding Officer: Thank you for answering the Administrative Review Boards questions. The Board greatly appreciates your participation in this process.

Detainee: I deny all these allegations against me. I want to see proof that I committed these allegations I am accused of. All of the prisoners here [at Guantanamo Bay, Cuba] are trying to leave this place. All the prisoners are telling lies about other prisoners just to try and get out of here [Guantanamo]. The prisoners here would lie about anything or anyone and do anything just to get out of here. All these allegations are lies and I want the truth.

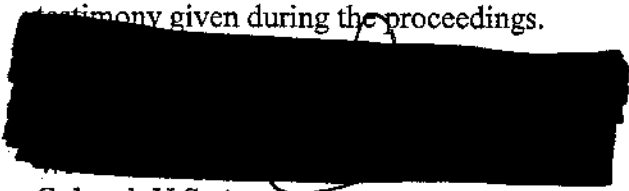
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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


Colonel, U.S. Army
Presiding Officer

Summary of Administrative Review Board Proceedings for ISN 032

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee declined taking the (Muslim) oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The detainee's initial ARB interview occurred on 19 October 2005 and lasted for one hour and five minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of Evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the detainee said, "Yes, I will attend." He indicated that he had no problem speaking openly to the board members and respond to the Unclassified Summary of Evidence after each statement is presented. He also would like to make an oral statement. The detainee was cooperative and very polite during the

ISN 032
Enclosure (5)
Page 1 of 17

interview. He elected to keep a copy of the translated Summary of Evidence for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1; and DMO-2, other unclassified information, 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 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.

Designated Military Officer: The detainee traveled from Tirez through Dubai, United Arab Emirates, to Karachi, Pakistan. He stayed at a hotel in Karachi before traveling to Quetta, Pakistan where he went to the Taliban office and met Abu Malak.

Detainee: This is true.

Designated Military Officer: Abu Malak took the detainee to Kabul, Afghanistan after a three-day stop in Kandahar, Afghanistan and introduced the detainee to Abdul Rahman at the Wazir Akbar Mosque in Kabul. The detainee claims he taught the Koran to children at the mosque from approximately May to August 2001.

Detainee: This is all true.

Designated Military Officer: The detainee stayed at a house in Kabul that was used by Taliban officials to live in while in Kabul on business.

Detainee: Yes, I attended a house. I was by myself in a single room. I was isolated, but I did not know if that place was Taliban or not.

Designated Military Officer: The detainee gave Abdul Rahman his passport for safekeeping while he stayed in Afghanistan and he did not retrieve it before departing for Pakistan.

Detainee: That is true. I did not return my passport from him. I did not get it back because in the first place I never met him. I never saw him later on. Yes I have seen him. I gave him my passport, but on the way out I did not have the chance to see him again.

Designated Military Officer: Abdul Rahman used to work for the Taliban.

Detainee: He could be. I am not certain. This is my own observation.

Designated Military Officer: The detainee was identified as a Yemeni mujahideen who was captured at Tora Bora.

Detainee: The first place, I did not go to Tora Bora. I left from Khost.

Designated Military Officer: The detainee was seen wearing camouflage and carrying an AK-47 at Usama Bin Laden's private airport in Kandahar, Afghanistan.

Detainee: In the first place, I've never seen any airport in Afghanistan.

Designated Military Officer: The detainee received no military training in Yemen because he paid a bribe to get out of his obligatory military service.

Detainee: I wouldn't call it a bribe. This is an exemption. I take the money in return for an exemption. I was the oldest in my family.

Designated Military Officer: An admitted al Qaida travel facilitator identified the detainee as a Yemeni who traveled to Afghanistan in April 2001 and attended the al Farouq training camp.

Detainee: In month number four (April) I was in Yemen. I did not travel to Afghanistan until month number five (May).

Designated Military Officer: On his way to the Pakistani border the detainee recognized some fellow Yemeni men in a group of refugees and joined them. The men he recognized were Abdul Malak, Osman, and Majed. The detainee remembered the men from their visits to his high school classes in Tirez, Yemen.

Detainee: I only met them when I was in prison. I only met them in Pakistan. In Yemen I only saw them taking classes in high school. They graduated and they left. When they graduated and left, I used to be very young, and then by the time they left I had to enter this school. Then I met them in the prison in Pakistan.

Presiding Officer: Do I understand that he didn't meet them again until the prison in Pakistan?

Detainee: Yes, Sir.

Presiding Officer: He did not meet them when he was traveling from Khost?

Detainee: No, I never met them.

Designated Military Officer: The Furqan Institute was a meeting and recruiting ground for jihadist in Yemen. Many Yemeni al Qaida members have links to the institute, specifically a number of the al Qaida members involved in the 12 October 2002 attack on the U.S.S. Cole.

Detainee: This institute is considered a high school, an ordinary high school. It has nothing to with anything.

Designated Military Officer: An admitted Usama Bin Laden bodyguard identified Abdul Malak as a bodyguard very close to Usama Bin Laden who introduced Usama Bin Laden to his fourth wife. He also identified Huthayfa Uthman as a Yemeni he heard was a Usama Bin Laden bodyguard for 20-30 days and fought on the front lines in Kabul. He also identified Majed as a bodyguard who was with Usama Bin Laden before he disappeared in Tora Bora as well as fought on the Kabul front lines in January 2001.

Detainee: These three persons, I met them in the prison in Pakistan; Abdul Malak, Uthman, and Majed. I had the chance to see them in prison and I asked them what they were doing in Afghanistan. They told me they were teaching the Koran. After that, I have never heard anything about them. If they were involved in anything, I have nothing to do with it.

Designated Military Officer: An admitted al Qaida travel facilitator identified the detainee's three friends as Usama Bin Laden bodyguards.

Detainee: I don't know about that. I have nothing to do with them.

Designated Military Officer: Another detainee identified Abdul Malak and Majed as Usama Bin Laden bodyguards. He also identified Uthman as a Yemeni mujahideen who was with him when he was captured at Tora Bora.

Detainee: I departed from Khost. Malak and Majed they said they departed from Khost, but I don't know anything about them. That's it. I don't know nothing about them.

Designated Military Officer: The detainee was identified as one of the 30 mujahideen who fled Tora Bora together after Usama Bin Laden left the area. The detainee was also seen many times at the Kandahar guesthouse.

Detainee: As far as this 30 persons, which I don't recall exactly how many there were, during the investigation they estimated that there were 30 of them, which I don't know for sure. I never went to Tora Bora. These 30 people I estimated them in prison during the investigation. I don't know what they did. I have nothing to do with them and I never went to Tora Bora. As far as this guesthouse, in the first place, I only stayed in the Afghani house for three days. That's all I stayed, three days in a room in an Afghani house for three days in Kandahar and I haven't seen anybody Arabic there.

Designated Military Officer: A document listing 324 Arabic names, aliases, and nationalities was recovered from safe house raids associated with suspected al Qaida in Karachi, Pakistan. This list contains the detainee's name, nationality Yemeni, and passport.

Detainee: First of all, there is no card if that is what you mean [by] nationality I left it back home.

Presiding Officer: I believe it means your name was on a list. The list had your name, the fact that you are Yemeni, and it had your passport.

Detainee: My nationality identification card, I left it back home.

Presiding Officer: It doesn't say there was a card. Your name was just on a list.

Detainee: Did they find a passport or a card in my name?

Presiding Officer: No card that I know of. I only know what is written here. They did find your passport and what's important here is there was a list of 324 people who are members of al Qaida. Your name and the fact that you are Yemeni is what were on the list.

Detainee: There are many people who have...it's a common name. Farouq is a common name. Many people they carry the same name and my name is Farouq. I don't have any aliases.

Presiding Officer: Your passport was there, too.

Detainee: Where is this safe house?

Presiding Officer: Karachi, Pakistan.

Detainee: I went into a hotel. I never went to...when I went to Pakistan I went into a hotel. After the hotel, I went to Kuwait. If you [would] like to verify this you can check at the hotel.

Designated Military Officer: A name matching the detainee's was listed on a radio brevity code sheet taken from suspected al Qaida members near Takhteh Pol, Afghanistan, on 24 November 2001.

Detainee: What do you mean by a name that will [match] my name? Can you please explain?

Presiding Officer: Your name was on a list that the al Qaida was using.

Detainee: How do they use my name? In the eleventh month (November) of the year I was in prison. Faruq is a common name.

Designated Military Officer: An admitted Usama Bin Laden bodyguard identified the detainee as someone who came to Afghanistan only two to three weeks before the bombing began. He said the detainee is not known as an al Qaida member and spent his time in Afghanistan memorizing the Koran.

Detainee: What do you mean by bombing, before bombing starts?

Presiding Officer: When the coalition forces bombed after the September 11th attacks in New York, there was US bombing in Afghanistan.

Detainee: I have been in Afghanistan since the fifth month (May). I came to Afghanistan to study the Koran for a whole year. After a year I wanted to go back. How could that person talk about me personally [when] he doesn't even know me?

Designated Military Officer: If released, the detainee would like to play soccer, get married, get his own house and find a job in Yemen. He does not feel any animosity towards the United States. He feels the people involved with the September 11, 2001 attacks should be held accountable for their actions. He would not want to harm any Americans.

Detainee: The first part is true. Everything that was stated before is true. I would like to play soccer, I would like to get married, and so on. The last statement that is made here whether they should be punished or not punished that's not for me to judge or to say anything. I have nothing to do with anything.

Designated Military Officer: The detainee denied he was a bodyguard for Usama Bin Laden. He has only seen Usama Bin Laden in pictures and believes he is a "bad" man deserving of punishment.

Detainee: I am not a bodyguard for Usama Bin Laden that is true. I have never seen him in person, only in pictures. As far as I say, he is a bad man and he deserves punishment I have nothing to do with that. It doesn't matter to me. I have no say in that.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Detainee made the following statement:

ISN 032
Enclosure (5)
Page 6 of 17

Detainee: If I go back to Yemen I [would] like to continue my education, and look for a house and find a wife, get married and live with my family. My own lawyer stated that he was going to send a statement and that is all I have.

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

Assisting Military Officer: "I have a lawyer. My lawyer said he sent a letter to the U.S. My lawyer said he would let me know the result and I am still waiting to see if the result was sent to you."

Presiding Officer: Does this conclude your statement?

Detainee: Yes, Sir.

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

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

Administrative Review Board Member's questions:

Board Member: You said you met a man at Quetta, Pakistan in the Taliban office by the name of Abdul Malak.

Detainee: That is true.

Board Member: Is this the same Abdul Malak you recognized from his high school in Yemen?

Detainee: That's not the same person.

Board Member: You indicated that you left Yemen to go to Afghanistan and lead or teach the Koran?

Detainee: To teach Koran.

Board Member: Is it common for a young man, at the time you would have been 17 or 18 years old, to travel from Yemen to teach children the Koran?

Detainee: That's no problem. We try to educate ourselves and people the Koran since we were seven years old. There are people that became experts in religion and they became priests when they are fifteen years old.

Board Member: Were there others with whom you associated with or knew in Yemen who went to Afghanistan also to teach the Koran?

Detainee: No, there was not.

Board Member: So you went by yourself?

Detainee: Yes, I did.

Board Member: You indicated that you had never been in Tora Bora; however, you left Khost, to go where?

Detainee: I went from Khost to Pakistan.

Presiding Officer: Were you traveling by yourself?

Detainee: I was with somebody; his name was Oubida Allah, the Afghani.

Board Member: Why did you leave Khost to go to Pakistan?

Detainee: I stayed in Khost. Oubida Allah told me that if ... found out you were here, they would kill you. Any Arabic person they would kill him, so he asked me to leave. My passport was with Abdul Malak. He told me there was no problem I would leave to Pakistan. I would go to the Yemeni Embassy and from there I would go to Yemen. There is no problem there.

Board Member: You indicated they would kill, who would kill you for being an Arab?

Detainee: He meant the Afghans.

Presiding Officer: You were afraid the Afghans were going to kill you, [so] that is why you went to Pakistan?

Detainee: Yes sir, because they don't like Arabs. Oubida Allah told me this, that they might kill me because they don't like Arabs.

Presiding Officer: You indicated that you got an exemption of military service by paying a fee, was that a common practice in your area, your region, and your family because you're the oldest son? Why did you do that?

Detainee: This is something ordinary [that] people would do. Anybody who would not want to participate in the Army, yes it could be done that way in my region. It is normal and ordinary.

Board Member: In past interviews you said that Usama Bin Laden was a bad man who needed to be punished [but] today you said that you have no say in judging Usama Bin Laden I'm curious what changed from when you were interviewed to today?

Detainee: It's just something normal that I really don't want to be involved. Even if I give my opinion I don't want to be involved. This is not a change. This is just me, I did not change. I don't like to talk about anybody.

Board Member: Of all the places to teach the Koran, how did you pick Afghanistan?

Detainee: The cost, because the person who came to me said he send me to Afghanistan and I went to Afghanistan. I wanted to go to Saudi Arabia and study religion and study in college, but I could not afford it. So, I made a wish that I would go to Afghanistan and it would help.

Board Member:

Detainee: Not because that person wanted me. He just suggested it and I went along with it. Not because he would want me to specifically go to Afghanistan.

Board Member: Tell me about the children you taught in Afghanistan.

Detainee: In what way?

Board Member: How many were there? What were they like?

Detainee: There were like 10-12 students. They were boys.

Board Member: Were they easy to make behave well?

Detainee: They were kids.

Board Member: You were not that much older than the kids. Was that difficult for you to keep them in good order?

Detainee: When I was their teacher and normally they would respect the teacher. They really would respect the teacher since I was the teacher.

Board Member: And they respected you?

Detainee: Yes they did. I [would] read the Koran for them and they [would] repeat after me.

Board Member: Just before you left for Pakistan to go to Afghanistan you said that you were afraid the Afghanis would kill you?

Detainee: Yes.

Board Member: If that were true, then why would they let you teach their children?

Detainee: Because things changed. Oubida Allah told me that things changed. When I was teaching the children it was different. I was told Oubida Allah that things changed and when the Taliban left things changed in that region. When there was no Taliban anymore some other government took over, I was told that they might kill the Arabs. They don't like Arabs.

Board Member: What did your family think when you told them that you were going to Afghanistan?

Detainee: They refused that.

Board Member: so you went even though they said [that] you may not go.

Detainee: Yes, I behaved- I was very stubborn.

Board Member: Have you heard from your family?

Detainee: In what way, letters? Yes, I received one letter.

Board Member: Have they forgiven you?

Detainee: Yes, I apologized and they [forgave] me.

Board Member: Your family consists of whom in Yemen?

Detainee: Twelve members and I have an older brother who has moved. He is married and has kids.

Board Member: Your father and mother are still alive?

Detainee: Yes, they are.

Board Member: When you were exempted from the service in the Army, where did you get the money?

Detainee: I used to teach [the] Koran and I saved some money.

Board Member: Your students paid you to teach the Koran?

Detainee: Yes, the students will save some amount of money from all them and they would pay me.

Board Member: Why did you pay for an exemption from the military?

Detainee: I don't like [the] military.

Board Member: Why don't you like [the] military?

Detainee: Everyone has their own opinion and I really don't like [the] military. I don't like [the] military. I don't hate them, but I don't like to be part of them.

Board Member: What did the people you recognized in Pakistan [that] you knew in high school do when they came to your class in school? How did you remember them?

Detainee: All I recall [is] that they used to be students and they all liked to memorize the Koran. All I saw them is one time and I really don't know what happened then.

Board Member: Was the man who suggested that you go to Afghanistan a friend of your fathers?

Detainee: No, he wasn't.

Board Member: Did he know your father?

Detainee: My father never knew him.

Board Member: What would your father do to the man for sending you so far away against his wishes?

Detainee: I don't know.

Board Member: What kind of job would you like to get when you go home?

Detainee: Accountant.

Board Member: Why [an] accountant?

Detainee: It is good.

Board Member: Good money?

Detainee: Yes, it is good money.

Board Member: Are you good with numbers?

Detainee: Yes I am, I am fairly good.

Board Member: Can you become an accountant right away or do you need school?

Detainee: I would like to attend college.

Board Member: Do they teach accounting in college in Yemen?

Detainee: Yes, my brother is an accountant.

Board Member: How will you pay for college?

Detainee: God is gracious.

Board Member: Why do you think you were sent to Guantanamo Bay?

Detainee: The Pakistani they fabricated an allegation against me and they sent me to America.

Board Member: What did the Pakistani's allege?

Detainee: It's all about money. They sold me for money.

Board Member: Where did the Pakistani's capture you?

Detainee: At the border.

Presiding Officer: Where? Which border?

Detainee: Near Peshawar.

Presiding Officer: How did you get to Peshawar after you left Khost?

Detainee: Peshawar is a long way.

Presiding Officer: Yes, how did you get there?

Detainee: Walking through the mountains.

Presiding Officer: So, you were in the mountains?

Detainee: It's not mountains. How do you get out?

Presiding Officer: We are asking how you got out. You told us you weren't with people, you never went to Tora Bora, you weren't there, yet you went from Khost to Peshawar. How?

Detainee: I would recommend try to go to Khost and see what's between Khost and Peshawar. It's all mountains and all valleys. I just went by walking.

Board Member: What did you eat when you walked?

Detainee: Bread.

Board Member: Where did you get the bread?

Detainee: Oubida Allah had bread.

Board Member: How long did it take you walk from Khost to the border where you were captured? How many days did it take you to go from Khost to Pakistan?

Detainee: Eight days.

Board Member: How far do you think it was? In kilometers?

Detainee: I don't know. I don't really know exactly how many kilometers, but we were taking a rest every now and then. We just walked.

Board Member: You've been here in detention for a long time. How do you feel about being locked up for this long time?

Detainee: I became accustomed to Cuba. It's been four years. I became accustomed to here.

Board Member: If we decide to release you, you will go back to Yemen. How will they treat you when you get back there?

Detainee: I have no idea. I have never been in prison before.

Board Member: If you go home your government may think, well the Americans had him in prison for four years; they must have had a reason. How will your government treat you?

Detainee: You mean in prison in Yemen?

Board Member: Is that something they might do?

Detainee: This is something normal to them. I am prepared for anything.

Board Member: Have you ever been in trouble back home, except with your father.

Detainee: I don't have problems with my father.

Board Member: Except for going to Afghanistan?

Detainee: Yes.

Presiding Officer: Do you speak English?

Detainee: A little bit.

Presiding Officer: You are here because you were associated with a group of people. These people are very closely related to Usama Bin Laden and I don't believe it is a mistake you were with them. You're teaching the Koran in Khost, you decide it is dangerous for you and you just walk to the border to Peshawar, your captured and you happen to end up with these other people who you knew from back home in Yemen.

Detainee: The Pakistani people gathered us in prison. I had no choice, they put me with them.

Presiding Officer: When you went through the mountains, who was with you?

Detainee: Oubida Allah.

Presiding Officer: Just one person?

Detainee: Yes.

Presiding Officer: You walked through the mountains with just one person? Other people here say different.

Detainee: I have nothing to do [with] what they are saying.

Presiding Officer: In an earlier interview you indicated that you met up with these fellow Yemenis that you recognized from high school. You said you met these men in the mountains, refugees on their way to Pakistan. Now you say you didn't meet them there, but you met them instead in prison in Pakistan. Which is true?

Detainee: That's not true. I said I met them in prison.

Presiding Officer: Did you ever carry a weapon anytime you were in Afghanistan?

Detainee: Where?

Presiding Officer: In Afghanistan.

Detainee: Never.

Presiding Officer: So even though other people saw you in a place called Al Farouq training camp, you never were there?

Detainee: Bring these people.

Presiding Officer: I cannot but people who helped al Qaida say you went to al Farouq in April 2001 and you were trained there to fight.

Detainee: They are liars. They are liars. I am telling the truth and if you don't think I am telling the truth, just kill me.

Presiding Officer: Your name is on many different lists [for] many different groups and you gave your passport to a man that was part of al Qaida, you stayed in a safe house that was part of al Qaida, your name is on the list with many people from al Qaida, but your just teaching and you happen to travel and get captured with a bunch of al Qaida.

Detainee: I don't know anybody from al Qaida, my passport was with Abdul Malak the Afghani, if anybody from al Qaida can verify me or identify me, bring them here and I am ready to face them. You just stated that I am young and how could the al Qaida hire somebody like me at this age?

Presiding Officer: You're behavior here in camp has been very good, we appreciate that. If we decide to send you home, it is very important that you don't go back to Afghanistan or choose to fight against the United States again.

Detainee: In the first place I have never fought and I never tried to do anything.

Presiding Officer: You have been associated or around a bunch of people who do.

Detainee: I have nothing to do with them. I don't know anybody who associated with al Qaida.

Presiding Officer: You must ensure that in the future you do not [get] involved with these activities.

Detainee: Do you have any proof that I was affiliated with these people?

Presiding Officer: I just said that there are many names here that your name is associated with.

Board Member: When did you start from Khost to go to Peshawar?

Detainee: In the afternoon.

Board Member: Before or after Ramadan?

Detainee: Through Ramadan.

Board Member: You stopped teaching in August

Detainee: The number eight of the month.

Board Member: From month eight to Ramadan was three months?

Detainee: Yes, I taught in August and after Rahmad came after three months he told me I can start teaching in Khost now through Ramadan.

Board Member: You were in Khost or you went to Khost during Ramadan?

Detainee: Yes I was in Khost through Ramadan.

Board Member: What did you do after you stopped teaching in month eight from that time what did you do until you got to Khost?

Detainee: I finished my teaching in Kabul in August. After Rahmad took me to Khost to one single room, so I can start teaching there. He introduced me to Oubida Allah. When I got there I did not really teach I started memorized the Koran for myself. I started studying for myself. So in the Ramadan month, Oubida Allah told me I have to leave.

Board Member: When did you trust Abdul Malak with your passport?

Detainee: There was a lot of stealing I was concerned that it might be stolen [that] somebody would steal it, so I decided to leave it behind with him.

Board Member: Was Abdul Malak Aghanan?

Detainee: Yes he is

Board Member: What tribe is your family?

Detainee: Saif.

Board Member: Many Yemeni al Qaida were associated with the Furqan institute?

Detainee: I didn't say that. All I said was that is was institute like high school and it is open for general public.

Board Member: Are you aware or familiar with the bombings on the U.S.S. Cole that was associated with [the] Yemens?

Detainee: All I heard [was that] there was an explosion and it happened in Adan, the city of Adan. Our Yemeni president he came on television and stated that this is an act of the moosad so they can create animosity between Yemen and the Americans. That is all I know about the ship of Cole.

Board Member: While you were in the institute, you did talk about the U.S.S. Cole with the other students in the institute?

Detainee: We heard about it from the video. I am from Taz. It is very far from Adan where it happened.

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.



Captain, USN
Presiding Officer

Summary of Administrative Review Board Proceedings for ISN 034

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

Detainee: I thought I have already [spoke] on this matter and I have already told you the truth.

Presiding Officer: I understand your customs but I do require you to either say yes or no, if you would like to. You are not required to take an oath I would just like a yes or no answer. I understand you are going to tell us the truth.

The Detainee accepted taking the Muslim oath.

The Presiding Officer read the hearing instructions to the Detainee.

Detainee: I do not understand.

Presiding Officer: Is there anything specific that you don't understand about the process?

Detainee: I don't understand anything that you are saying. You keep telling me that I am an enemy combatant and that I pose a threat. I don't understand [why]?

Presiding Officer: You have previously been determined to be an enemy combatant by a Combatant Status Review Tribunal (CSRT). You were previously notified of the CSRT's decision.

Detainee: Based on what?

Presiding Officer: Based on the information that was presented to the CSRT at that time.

Detainee: Who present[ed] this information?

Presiding Officer: The CSRT Team and I would have to check to see what that team would consist of but I do have those documents and I can reference them during the classified session. This is an administrative review board that is going to take a look at your information, talk to you, ask you some questions and listen to what you have to say. Then make a determination whether or not you still pose a threat to the United States.

Presiding Officer: Let me recap a little bit of each paragraph to see if he will be able to understand. You may be present at all open sessions of this administrative review board (ARB). The purpose of the administrative review board hearing is to gather and review information to make an assessment and this will be a new assessment, to see if you continue to pose a threat. The CSRT had already determined you to be an enemy combatant we will determine whether you continue to pose a threat.

Detainee: What is the reason [why] CSRT determine me to be an enemy combatant?

Presiding Officer: I don't have that in front of me right now. We will cover some of the things your AMO covered with you previously in regards to the Unclassified Summary. We will go through that today.

Detainee: You are telling me that I am an enemy combatant. How can you talk to me and judge me [by] telling me I am an enemy combatant?

Presiding Officer: We didn't determine you to be an enemy combatant. The CSRT did based on the information they were given. We today are going to review your Unclassified Summary and any input that you have to make a decision as to whether or not you continue to pose a threat. This session will be your opportunity to be heard and to present information, if you have any, to this administrative review board. You will be able to explain why you believe you are no longer a threat to the United States. The CSRT determined at that time that you were a threat. You will have an opportunity to explain why you believe you are no longer a threat to the United States and its allies. The AMO can help you in anyway he can if you need. You may present information to this administrative review board including written statements, an oral statement, or statements from persons you believe will support any of your relevant information you would like to provide. That's letters from home, letters from the Embassy and letters from your home country can all be presented today. Any unclassified information that we are given you have the right to view and your AMO and linguist have already gone through this with you earlier this week. Some of the information on the documents that you view that are unclassified may be masked for security reasons. You may not be compelled to testify or to provide a written statement to this administrative review board. We cannot make you provide anything in writing or orally. However, you are able to make a statement if you wish. You may choose to have the AMO provide a statement on your behalf if you

ISN 034
Enclosure (5)
Page 2 of 10

prefer. Again this is a review of all unclassified information that you can give us and what we already have in front of us and it is used to determine whether or not you continue pose a threat to the United States and it's allies.

Presiding Officer: Have I cleared it up enough for you that you can understand this process?

Detainee: It depends, you are wasting your time with me and I don't understand anything. You determined that I am enemy combatant.

Presiding Officer: The process is what I am concerned with, if you understand the process of what we are going to do here today? As to how you were determined an enemy combatant, that was determined at a previous board. Your opportunity today here is to help clear up anything we misunderstand.

Detainee: This is what we talked about before (referring to what he discussed with the linguist and AMO).

OL-21: Yes (responding to Detainee).

Detainee: Very good, yes, yes.

Presiding Officer: If at anytime there is something you don't understand please ask your linguist or the AMO to have me [clarify].

Detainee: Very good.

Detainee confirmed that he understood the process.

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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 04 October 2005 and lasted for 40 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, the Detainee stated he wished to attend and to speak openly with the board members. The Detainee prefers to respond to the Unclassified Summary of Evidence after each allegation is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the AMO submit a written statement in his behalf. The Detainee was cooperative and very polite during the

ISN 034
Enclosure (5)
Page 3 of 10

UNCLASSIFIED//~~FOUO~~

interview. The Detainee elected to receive the Arabic translated Unclassified Summary of Evidence for future review.

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

The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was seen in Tora Bora.

Detainee: How? I don't know where is Tora Bora.

Presiding Officer: Someone said they saw you in Tora Bora.

Detainee: This in not true, no.

Designated Military Officer: (3.a.2) The detainee was on the front line in Kabul, Afghanistan.

Detainee: No.

Designated Military Officer: (3.a.3) The Detainee fled Afghanistan in early December 2001, and was arrested when he crossed the border by Pakistani border guards.

Detainee: Can you clarify that for me please?

Presiding Officer: DMO please try to clarify for him.

Designated Military Officer: It states you left Afghanistan in 2001 and then you were arrested by Pakistani border guards.

Detainee: We left Afghanistan [on our own] and we delivered ourselves to the authorities.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee served two and a half years in the Yemeni Army.

ISN 034
Enclosure (5)
Page 4 of 10

UNCLASSIFIED//~~FOUO~~

Detainee: This is an obligation. It is military service that you have to do. It is not an [option]. You have to go and do your two years and a half. Yes, I was forced, not by my own will, we have to do it.

Designated Military Officer: (3.b.2) The Detainee studied for six months at the al Dimaj Institute.

Detainee: I don't know Dimaj and I never went to it.

Designated Military Officer: (3.b.3) The Dimaj Institute is a known terrorist training center.

Detainee: I don't know that.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) A senior al Qaida Lieutenant recalled possibly seeing the Detainee at the al Zubayr guesthouse prior to the 11 September 2001 attacks.

Detainee: I don't know that.

Designated Military Officer: (3.c.2) A senior al Qaida commander recalled seeing the Detainee in a Kabul, Afghanistan guest house.

Detainee: Didn't happen.

Designated Military Officer: (3.c.3) A bodyguard of Usama bin Laden saw the Detainee at an Arab compound in Kandahar, Afghanistan.

Detainee: No.

Designated Military Officer: (3.c.4) The Detainee's name was found in a document listing al Qaida members.

Detainee: How? What is my name [doing] on that list?

Designated Military Officer: (4) The following primary factors favor release or transfer: The Detainee stated he never fought against the Northern Alliance, has never met Usama bin Laden and never attended the Dimaj Institute.

Detainee: Yes, I said that.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

ISN 034
Enclosure (5)
Page 5 of 10

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Assisting Military Officer: Yes sir, the Detainee wishes to make an oral statement at this time.

Presiding Officer: You may begin your statement.

OL-21: I told him he [could] talk about whatever he wants to the administrative review board.

The Detainee made the following statement:

Detainee: I have nothing to tell, I am a normal person who works in agriculture. I have never killed anybody. I am a normal person; I live a normal life just taking care of my agriculture. That's the [life] I have and that's the life I was [living]. I don't want to hurt [anyone] and I don't want to be hurt by anybody. That's all I have and that's all I want to tell you.

Presiding Officer: Does that conclude your statement?

Detainee: Yes, what else do you want me to say?

Presiding Officer: I just need to know if you are finished.

Detainee: I don't have anything.

Presiding Officer: Thank You!

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had the following questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: What did you learn in the Yemeni Army, what skills did you acquire?

Detainee: I learned how to guard and to use the Kalashnikov.

Board Member: What did you do in Afghanistan?

Detainee: I went to teach the religion.

Board Member: How long were you in Afghanistan?

Detainee: Approximately two years.

Board Member: Have you read the Koran?

Detainee: Yes.

Board Member: What do you think you will do if you return back to Yemen?

Detainee: The only thing I will do is take care of agriculture, that's all I know and that's my job.

Board Member: What kind of agriculture do you do?

Detainee: Cultivate earth and plants seeds of fruits.

Board member: What kinds of products do you grow?

Detainee: I [grew] potatoes, tomatoes, onions, and raisins.

Board Member: Are you going to also teach the Koran, teach religion?

Detainee: In my country you mean? I will teach my family members, yes.

Board Member: Why were you trying to get out of Afghanistan?

Detainee: To leave the war, to leave the killing and the bombing.

Board Member: Did you have a passport when you went to Afghanistan?

Detainee: Yes.

Board Member: Did you have it when you left Afghanistan?

Detainee: I had [my] identification and some clothes.

Board Member: Where did you live in Afghanistan, what cities?

Detainee: Kandahar, Kabul and Jalalabad.

Board member: Did you convert a lot of people?

OL-21: When you mean convert, do you mean from another religion to Islam?

Board Member: Yes, is that what he was doing?

Detainee: They are already Muslim. What they need to learn is how to write in Arabic and learn about Islam.

Board Member: Do you teach adults, children or both?

Detainee: Only kids. I teach them how to read Arabic, write Arabic and how to read the Koran.

Board Member: Do you teach in the Mosque?

Detainee: Yes.

Presiding Officer: Do you know where the Tora Bora Mountains are?

Detainee: No.

Presiding Officer: Were you ever in Kabul or around Kabul?

Detainee: Yes.

Presiding Officer: When you were in Kabul did you have a weapon with you at anytime or carry one for protection?

Detainee: No.

Presiding Officer: Were you ever in Kandahar?

Detainee: Yes.

Presiding Officer: Have you heard about the al Dimaj Institute?

Detainee: I heard about it, it is a center for knowledge [on] religion. Not an organization.

Presiding Officer: It is a religious center?

Detainee: Yes, to have conversations about prophets and the Koran.

Presiding Officer: So you have heard about Dimaj Institute but you said you have never studied there?

Detainee: Yes.

Presiding Officer: Yes, meaning you have never studied there.

Detainee: Yes.

Presiding Officer: Thank you.

Presiding Officer: Have you heard about an al Zubayr guesthouse?

Detainee: No.

Presiding Officer: Are you a member of al Qaida?

Detainee: No.

Presiding Officer: Never been?

Detainee: No.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.

OL-21 and Presiding Officer had different versions of the post-Administrative Review Board instructions. The corrections were made and re-read to the Detainee.

Detainee: If they decide to detain me for what reason?

Presiding Officer: From the information we have read to you today that you gave answers to and from classified information that we will also review.

Detainee: For example, you decided to keep me and I didn't do anything.

Presiding Officer: I understand that. We appreciate your honesty today and for giving us your answers. We will take the information that you gave us and the information the DMO gave us and we will make a decision and give a recommendation to the Designated Civilian Official.

Detainee: Very good.

Presiding Officer 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.

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

ISN 034
Enclosure (5)
Page 10 of 10

Habeas Submission: ISN 061

Pages Not Released due to material being Classified – Secret:

- Pages 1-75

Pages Released due to material being Unclassified:

- Pages 76-118

SETON HALL UNIVERSITY SCHOOL OF LAW
CENTER FOR SOCIAL JUSTICE
CIVIL LITIGATION CLINIC
833 McCarter Highway
Newark, New Jersey 07102



Baher Azmy, Esq.
Associate Professor

(973) 642-8700
Fax (973) 642-5939

Commander Teresa McPalmer
JAGC, U.S. Navy
Legal Advisor
Office for the Administrative Review of the
Detention of Enemy Combatants at U.S.
Naval Base, Guantanamo Bay, Cuba
2000 Navy Pentagon, Room 4D45
Washington, DC 20350-2000

Re: Supplemental Submission of Detainee Murat Kurnaz
to the Administrative Review Board

(u) We respectfully offer United States District Judge Joyce Hens Green's Memorandum Opinion, issued January 31, 2005 as a supplement to Mr. Kurnaz's submission in this Administrative Review Board ("ARB") proceeding previously forwarded to you on February 1, 2005. Pursuant to your notice on December 28, 2004, we ask that you present a copy of this letter and the attached opinion to members of the ARB reviewing Mr. Murat's detention.

(u) As you are likely aware, Judge Green ruled that the Guantanamo Bay detainees have stated valid claims under the Fifth Amendment and the Third Geneva Convention and that the procedures utilized by United States to determine whether a detainee is an "enemy combatant" deprive the detainees of due process of law. We wish specifically to draw your attention to Judge Green's decision to devote a significant portion of her opinion to a discussion of Mr. Kurnaz's case. We of course understand that Judge Green's decision and even her reasoning is in no way legally binding on the Board. Nevertheless, we think it significant that an esteemed independent judgment such as Judge Green's,¹ upon review of the unclassified and classified

(u)¹ Judge Green, before her retirement, was a highly respected member of the judiciary, proven more so by the request from the D.C. District Court that she come out of retirement to handle consolidated issues in the Guantanamo habeas cases. No stranger to sensitive and complex issues related to our nation's security, she has served as Chief Judge of the United States Foreign Intelligence Surveillance Court and has been awarded the "Intelligence Under Law" Award from the National Security Agency (NSA) and the "Agency Seal Medallion" from the Central Intelligence Agency (CIA).

Classification derived from classified exhibits R-16, R-17 + R-18 to the Combatant Status Review Tribunal Decision Report and Memorandum Opinion by Judge Green dated 31 Jan 2005 (following DoD Classification Review).

Page 1 of 3

Future declassification based on source document marked X, 1.

20063

bases for his detention, came to much the same conclusion that we had respectfully urged upon you in our February 1, 2005 submission: that the evidence against Mr. Kurnaz does not provide a strong basis to conclude he is an enemy combatant. Therefore, we think her judicial opinion is relevant to your consideration of whether Mr. Kurnaz should continue to be regarded as "dangerous to the United States, its interests or its allies."

(U) Focusing on Mr. Kurnaz's case, Judge Green first concludes that the unclassified evidence supporting his detention provides an extremely attenuated – and constitutionally insufficient – basis for a conclusion that Mr. Kurnaz supports or is associated with terrorism. See Memorandum Opinion at 62 ("the unclassified evidence upon which the CSRT relied upon in determining Murat Kuraz's "enemy combatant" status consisted of findings that he was "associated" with an Islamic missionary group named Jama'at-Al-Tabliq, that he was an "associate of and planned to travel to Paksitan with an individual who later engaged in a suicide bombing, and that he accepted free food, lodging and schooling in Pakistan from an organization known to support terrorist acts.") (citing Kurnaz Factual Return, Enclosure (1) at 1). Specifically, she states:

(U) Nowhere does any unclassified evidence reveal that the detainee even had knowledge of his associate's planned suicide bombing,² let alone establish that the detainee assisted in the bombing in any way....In addition, although the detainee

(S/NF) → [REDACTED] there is no unclassified evidence to establish
(S/NF) → [REDACTED]

Memorandum Opinion at 62-63.

(S/NF) Regarding the classified basis for his detention, which she reviews in detail, Judge Green finds it similarly thin. Consistent with our February 1 submission to the ARB, Judge Green points out the numerous exculpatory statements of U.S. officials which demonstrate their belief that he has no connections to the Taliban, or Al Qaeda. See Memorandum Opinion at 50-51

[REDACTED]

² Judge Green was not aware of information we have provided to the ARB (see Exhibits 7 and 8), that Mr. Bilgin is alive, has never been under any suspicion by German authorities regarding a suicide bombing, and has been cleared by German authorities of suspicions related to terrorism.

³ As we described in detail in pages 11-16 of our letter to the ARB and accompanying expert letters, Jama'at al Tablighi is an enormous group that is both avowedly peaceful and anti-political and could not, for reasons related to structure, ideology and practice, support or be affiliated with terrorist groups in any significant way.

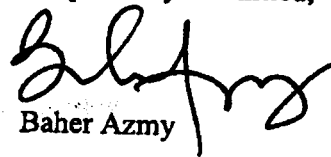
[REDACTED]

20064

(u) She thus discounts the conclusion in Exhibit R-19 of the return because it "fails to provide significant details to support its conclusory allegations, does not reveal the sources for its information, and is contradicted by other evidence in the record." Memorandum Opinion at 63 n. 36.

(u) Again, we understand that Judge Green's opinion has no binding effect on this Board's determinations and that it must undergo review by the Court of Appeals. Nevertheless, we think it significant that an independent and experienced jurist isolated Mr. Kurnaz's detention as one that appears particularly unjust and we will of course attempt to reinforce this appearance by focusing the Court of Appeals' attention on the same issues Judge Green raised. We thus respectfully submit that the Board give Judge Green's opinion due consideration in evaluating whether Mr. Kurnaz is still dangerous enough that he must be detained.

Respectfully submitted,


Baher Azmy

20065

Bremen, 01/24/05

Rabiya Kurnaz

Saiterweg 11

28309 Bremen

Ladies and gentlemen,

I, the mother who certainly knows her own son best, am writing not only in my name, but in the name of all the relatives and friends, affirm that my son Murat is a person who loves all people and also animals, and cannot hurt any living thing. Through his religion, which Murat lived only for himself, he found a special inner peace. I also affirm that he was never a militant person or was prejudiced against people who did not act according to the rules of Islam. He always believed only in the good in people.

We have been in Germany since 1970 and the whole family has never done anything wrong. His father has worked at the same firm for 30 years, his sister is happily married and has 2 children, his brother is in 10th grade in gymnasium, his other brother is in the 3rd grade of primary school, and I am a perfectly normal housewife. We are all slowly becoming depressed, especially me. We all want to see and have our dear boy with us again. Please believe him and us, that Murat is certainly innocent. At least believe a mother. Please have sympathy. I appeal to all ladies and gentlemen in charge, to your humanity.

In great hope and respectfully,

R. Kurnaz

Rabija Kurucz
Seidenweg 11
28309 Bremen

Bremen, den 24.01.05

Sehr verehrte Damen,
sehr geehrte Herren,

ich, die Mutter, die ihren Sohn sicher am besten
kennt, verleihe nicht nur in meinem Namen, sondern
auch im Namen der ganzen Verwandten und Bekannten,
versichere, daß mein Sohn Murat ein Mensch ist,
der alle Menschen und auch Tiere liebt und
keinem Lebewesen etwas zu Leide tun kann. Er
hat durch seine Religion, die Murat einzig und
allein für sich ausgelebt hat eine besondere
innere Ruhe gefunden. Ich versichere auch, daß
er niemals ein militärischer Mensch gewesen ist,
oder Vorurteile gegen Menschen gehabt hat,
die nicht nach den Regeln des Islams gehandelt
haben. Er hat immer nur an das Gute im
Menschen geglaubt.

Wir sind seit 1940 in Deutschland und die
ganze Familie hat sich nie etwas zu schulden
kommen lassen. Sein Vater arbeitet schon
seit 30 Jahren bei der gleichen Firma, seine
Schwester ist glücklich verheiratet und hat
2 Kinder, sein Bruder besucht die 10. Klasse
des Gymnasiums der andere Bruder in die
3. Klasse der Grundschule und ich bin eine
ganz normale Hausfrau. Wir bekommen
alle langsam aber sicher Depressionen, besonders
ich. Wir möchten alle wieder unseren lieben
Jungen zwischen uns sehen und haben. Bitte
glauben Sie ihm und uns, daß Murat sicher
unschuldig ist. Glauben Sie wenigstens einer
Mutter. Haben Sie bitte Verständnis.
Ich appelliere an alle zuständigen Damen und
Herren an ihre Menschlichkeit.

In voller Haftung und Nachachtungswill

R. Kurnoz

Maria Kurnoz

I hereby swear, with awareness of the punishability of false statements,

That Murat Kurnaz intended to attend a Koran school to get to know his religion better. I knew nothing of extremist-fundamentalist views. I knew Murat for years, we did a lot of things together. He got along with everyone very well. No one can say that he is a terrorist. I like him as much as all his other friends like him, whether Turks, Germans etc. That's why we want to see Murat with us again soon. We have all missed him very much. Please set Murat free!

Name, address, birthdate, date, signature

Saban Amil

Sebaldsbrücker Heerstr. 117

28309 Bremen

born 20 Dec. 1980 om Bremen

Bremen 01.23.2005

[signature]

“UNCLASSIFIED”

Hiermit versichere ich in Kenntnis der Strafbarkeit falscher Angaben an Eides statt:

Das Murat Kurmaz die Absicht hatte eine Koranschule zu besuchen um seine Religion besser kennen zu lernen. Von Extremistisch-Fundamentalistischen Absichten war mir nichts bekannt. Ich kannte Murat seit Jahren, wir haben viel miteinander unternommen. Er konnte sich mit allen sehr gut verstehen. Keiner kann sagen das Er ein Terrorist ist. Ich mag ihn genauso viel wie alle anderen seiner Freunde ihn mögen ob Türke Deutscher usw. Deswegen wünschen wir uns, Murat bald wieder unter uns zu sehen. Wir haben ihn alle sehr vermisst. Bitte lassen Sie Murat frei!

Name, Adresse, Geburtsdatum, Datum, Unterschrift

Saban Amir
Sebaldsbrücke Hebe str. 117
28309 Bremen

20. Dez. 1980 geb in Bremen

Bremen 23.01.2005



Sworn Affidavit

I, Ahmet Demirci, born on 12.20.1968 in Artvid, Turkey, declare under oath, with awareness of the punishability of false statements:

I have known the Kurnaz family for over 18 years. I ran a travel agency in Bremen. Murat Kurnaz was in my office several times. The last time was in summer 2001. He bought airline tickets for his vacation in Turkey. He told me about his upcoming wedding in Turkey and showed me pictures of his future wife. After his return I met him again. He informed me that he had applied for an entry visa for his wife. Murat made a totally relaxed, satisfied and happy impression.

I know that he had turned to Islam. We also talked about the terror attack of 9.11.2001. Murat condemned these acts by the terrorists, he agreed with me that these acts could not be justified by Islam in any way.

I have known the Kurnaz family as a peaceful and tolerant family. The father of the family, Metin Kurnaz, has worked in an automobile factory for 30 years. The four children of Metin and Rabiye grew up in a happy home. The family was open and friendly towards other people; different religions or attitudes towards life made no difference.

As Murat Kurnaz's parents told me, they are of course willing to take Murat Kurnaz into their home after his return from imprisonment. Murat Kurnaz's parents and siblings are longing for him to return home.

I have told the Bremen state prosecutor that Murat Kurnaz, in my experience, did not have fundamentalist tendencies, he condemned the terrorist attack on September 2001, and he looked forward to his wife coming to Bremen at the end of 2001.

Bremen, 1.25.2005

(Ahmet Demirci)
Osternadel 18
28309 Bremen

"UNCLASSIFIED"

Eidesstattliche Versicherung

Hiermit erkläre ich, Ahmet Demirci, geb. am 20.12.1968 in Artvin/Türkei in Kenntnis der Strafbarkeit falscher Angaben an Eides statt:

Ich kenne Familie Kurnaz schon seit über 18 Jahren. Ich habe in Bremen ein Reisebüro betrieben. Murat Kurnaz war mehrere Male in meinem Geschäft. Zuletzt im Sommer 2001. Er kaufte Flugtickets für seinen Türkeiurlaub. Er erzählte mir von der bevorstehenden Heirat in der Türkei und zeigte mir Bilder seiner zukünftigen Frau. Nach seiner Rückkehr habe ich ihn wieder getroffen. Er teilte mir mit, dass er für seine Frau ein Einreisevisum beantragt hatte. Murat machte einen total lockeren, zufriedenen und glücklichen Eindruck.


Mir ist bekannt, dass er sich dem Islam zuwandte. Wir haben auch über den Terroranschlag vom 11.09.2001 gesprochen. Murat verurteilte diese Aktion der Terroristen, er war mit mir einer Meinung, dass diese Aktion durch den Islam in keinster Weise zu rechtfertigen sei.

Ich habe die Familie Kurnaz als friedliche und tolerante Familie erlebt. Der Vater der Familie, Metin Kurnaz, arbeitet seit 30 Jahren in einer Automobilfabrik. Die vier Kinder des Metin und der Rabiye sind in einem glücklichen Zuhause aufgewachsen. Die Familie war anderen Menschen gegenüber offen und freundlich, unterschiedliche Religionen oder Lebenseinstellungen spielten keine Rolle.

Wie die Eltern von Murat Kurnaz mir mitteilten, sind sie selbstverständlich bereit, Murat Kurnaz nach seiner Rückkehr aus der Gefangenschaft in ihrem Hause wieder aufzunehmen. Die Eltern und die Geschwister von Murat Kurnaz warten sehnsüchtig auf seine Heimkehr.

Ich habe auch der Staatsanwaltschaft in Bremen mitgeteilt, dass Murat Kurnaz nach meinen Erfahrungen nicht fundamentalistisch eingestellt war, er den Terroranschlag vom September 2001 verurteilte und er sich darauf freute, dass seine Ehefrau Ende des Jahres 2001 nach Bremen kommen sollte.

Bremen, 25.01.2005


(Ahmet Demirci)

Osternadel 18
28309 Bremen

Fax: 2 pages

Ahmet Tekin
Kurt-Schumacher-Allee 46
28327 Bremen

I, Ahmet Tekin, born 07.18.1940, hereby declare under oath, in awareness of the punishability of false statements:

Statement:

I, Ahmet Tekin, and my family have known the Kurnaz family for over 30 years. During this time our families were in close contact and continued our good relations with the birth of the children and as they grew up. The children are like our own grandchildren, with whom we often spent our free time and celebrated their birthdays together. We knew the first child in the family, Murat K., the best. He was a very warmhearted, affectionate and nice boy. We very much value his special nature and his good character. As he grew up, he proved to be a respectful, polite, decent, family-oriented and domestic young man. He took great joy in life and spent most of his time at home and walking and playing with the dog.

According to our opinions and observations, Murat K. lost nothing of his good character and decent behavior in his childhood, youth and young adult years.

To this day, Murat K. is, in our eyes, a fair, helpful, social and just person on whom one can depend.

I myself in particular, and my family as well, miss him very much and hope to have him with us again soon, sound and healthy.

With these good wishes, I will end my words, which come from the depths of my soul.

Close family friend
Ahmet Tekin

Fax: 2 pages

Ahmet Tekin
Kurt-Schumacher-Allee 46
28327 Bremen

Fax: 2 seiten

Hiermit erkläre ich, Ahmet Tekin
geb. 18.07.1940 in Kenntnis der
Strafbarkeit falscher Angaben an
Eides statt.

Stellungnahme:

Ich, Ahmet Tekin und meine Familie
kennen die Familie Kurnaz über 30 Jahre.
Während dieser Zeiten hatten wir ein sehr
engen familiären Kontakt zueinander und pflegten
unsere guten Beziehungen auch mit den Geburten der
Kinder und deren Aufwuchs fort. Die Kinder sind
für uns wie unsere eigenen Enkelkinder, mit denen
wir öfters unsere freie Zeiten verbrachten und
deren Geburtsstage zusammen feierten. Besonders gut
kannten wir das erste Kind der Familie, den Murat K.
Er war ein sehr warmherziger, liebevoller und netter Junge.
Seine besondere Art und seinen guten Charakter schätzten
wir sehr. Mit zunehmendem Alter erwies er sich als eine
respektvolle, höfliche, anständigen, familiengebundenen und
häuslichen Heranwachsenden. Er fand viel Freude am
Leben und verbrachte seine meiste Zeit zu Hause
und beim Spazieren gehen und Spielen des Hundes.

Nach unseren Auffassungen und Betrachtungen hat sich Murat K. sowohl in der Kindheit, Jugend als auch im Heranwachsendenalter von seinem gutem Charakter und anständigen Verhalten nichts aufgegeben.

Bis heute ist Murat K. in unseren Augen ein fairer, hilfsbereiter, sozialer und gerechter Mensch, auf den man sich verlassen kann.

Ich ganz besonders und auch meine Familie vermisse ihn sehr und hoffen ihn bald unverehrt und gesund wieder bei uns zu haben. Mit diesen guten Wünschen beende ich meine aus der tiefsten Seele kommenden Worte.

Enger Familienfreund
Ahmed Teliar

-2-

I hereby declare under oath, in awareness of the punishability of false statements:

That I have known Murat Kurnaz since childhood. I can only say good things about him until I heard that he was arrested and is in America. He was always a well-behaved, friendly, even somewhat shy child and young person I never heard or saw anything violent from him I also don't believe that he went anywhere to fight a war in the recent past he was a young man who wanted to know more about his religion and that is all he wanted I hope that he is released soon and is back home.

Name, address, birthdate, date, signature

Tepe Nurtekin born 12.26.67
Heimelinger Heerstr. 3
28309 Bremen

01.26.05 [signature]

Hiermit versichere ich in Kenntnis der Strafbarkeit falscher Angaben an Eides statt:


Das ich den Murat Kurmaz seit kleinem auf keine
Ich kann über ihn nur gutes sagen bis ich gehört
habe das er festgenommen ist und in Anwalt ist.

Er war immer ein braves freundliches sogar etwas
schüchternes Kind und jugendliche ich habe von ihm
noch nie etwas gewalttätiges weder gehört noch
gesehen ich glaube auch nicht das er irgendwohin
gegangen ist um Krieg zu führen in der letzten Zeit war
er ein Junger Mann der über sein Religion mehr wissen
wollte und das ist alles was er wollte ich hoffe das er
bald freigelassen wird und wieder zu hause ist.

Name, Adresse, Geburtsdatum, Datum, Unterschrift

Tepe Nurtekin Geb. 26.12.67
Henelinger Heerstr. 3
28309 Bremen

26.01.05


Nurtekin Tepe

I am Ali Kurnaz, the brother of Murat Kurnaz. In this letter I would like to ask everyone in charge to set my brother free. Because I miss him and the time with him. Ever since I was born he was always there for me and did a lot together. Therefore of course I know him very well and can say I am quite certain that he could never have had anything terrorist in mind. I never even saw him kill an ant.

My little brother Alper who is in third grade also misses him a lot.

We all very much wish that we'll be able to embrace him again soon.

Yours truly

Ali Kurnaz

Attention Attorney Docke, Bernhard

Ich bin Ali Kurnaz, der Bruder von Murat Kurnaz. In diesem Brief möchte ich alle Zuständigen bitten, meinen Bruder freizulassen. Da ich ihn und die Zeit mit ihm vermisse. Schon seit meiner Geburt war er immer für mich da und haben zusammen auch vieles unternommen, daher kenne ich ihn natürlich auch sehr gut und kann mit ziemlicher Sicherheit sagen, dass er niemals etwas Terroristisches im Kopf gehabt haben könnte. Ich habe noch nicht einmal gesehen das er eine Ameise umgebracht hat. Mein kleiner Bruder Alper der in die dritte Klasse geht, vermisst ihn auch sehr. Wir alle wünschen uns sehr, ihn bald wieder in unsere Arme schließen zu können.

Mit freundlichen Grüßen

ZH. Rechtsanwalt
Döcke, Bernhard

Ali Kurnaz

Affidavit

Informed of the significance of an affidavit and the criminal nature of inaccurate information in such a declaration, I,

Selcuk Bilgin, born on 23 July 1976, married, living at 28309 Bremen, Hemelinger Heerstr. 7

declare the following under oath on the submission in the case against Murat Kurnaz, currently in Guantanamo in Cuba:

1. In autumn 2001 I was a friend of Murat Kurnaz, who also lived in Hemelingen at the time. We wanted to fly to Pakistan together on 3 October 2001 and spend several weeks there to study Islam more intensively. However, I was detained at the airport in Frankfurt because of an unpaid fine for negligent assault and had to remain in jail in Germany until my relatives paid the remaining fine for me. I did not travel later to Pakistan or Afghanistan. I have only been abroad once since October 2001, in Turkey recently for 15 days in September 2004 to visit my relatives.

I have had no personal contact with Murat Kurnaz since 3 October 2001. However, he did call me at home once, shortly after 3 October 2001, and spoke with my wife. He asked where I was.

2. I have not participated in the preparation or carrying out of Islamic suicide attacks, either before or after 3 October 2001. Nor do I have any contact to people who plan or carry out such things.

3. According to press reports in the Wall Street Journal of 21 October 2004, I have been connected by US authorities with an "Elalananutus suicide bomber"; it is even suggested that I am this "Elalananutus suicide bomber."

To this I can say only: I heard the term "Elalananutus" for the first time on 22 October 2004. It means absolutely nothing to me. Therefore I also know nothing about this unknown person.

4. I was the subject of an investigation starting on 3 October 2001 on suspicion of forming a criminal organization. The suspicion derived from the planned trip to Pakistan. The investigation was carried out by the state prosecutor in Bremen. This investigation was closed in October 2002.

Bremen, 4 November 2004

[signature]
(Selcuk Bilgin)

Number 312 my document role for 2004

The notary asked about prior involvement [??? Vorbefassung? Not sure of meaning] under section 3(1)(7), Federal Certification Law. This was answered in the negative by the subject.

I, the undersigned notary Reinhard Baucke, located in Bremen, hereby certify the signature, made before me with his own hand, of

Mr. Selcuk Bilgin, born 23 July 1976, living at 28309 Bremen, Hemelinger Heerstr. 7

-identified by presentation of his passport of the Turkish Republic, No. 151842, issued on 14 March 2000 by the Turkish General Consulate in Hanover.

Bremen, 4 November 2004

The notary:

[signature]
Baucke

[seal]

[list of costs]

Eidesstattliche Versicherung

Belehrt über die Bedeutung einer eidesstattlichen Versicherung und die Strafbarkeit unzutreffender Angaben in einer derartigen Erklärung erkläre ich

Selcuk Bilgin, geboren am 23. Juli 1976, verheiratet,
wohnhaft in 28309 Bremen, Hemelinger Heerstr. 7

nachfolgendes an Eides statt zur Vorlage im Verfahren gegen Murat Kurnaz, derzeit in Guantanamo auf Kuba:

1. Ich bin im Herbst 2001 befreundet gewesen mit Murat Kurnaz, der damals auch in Hemelingen wohnte. Wir wollten am 3. Oktober 2001 gemeinsam nach Pakistan fliegen und uns dort einige Wochen aufhalten, um intensiver den Islam zu studieren. Ich wurde jedoch am Flughafen in Frankfurt wegen einer nicht bezahlten Geldstrafe wegen fahrlässiger Körperverletzung aufgehalten und musste seinerzeit in der Bundesrepublik Deutschland in Haft bleiben, bis meine Angehörigen die restliche Geldstrafe für mich bezahlten. Ich bin dann aber nicht später nach Pakistan oder Afghanistan gereist. Im Ausland war ich seit Oktober 2001 nur einmal und zwar vor kurzem im September 2004 für 15 Tage in der Türkei, um meine Familienangehörigen dort zu besuchen.

Mit Murat Kurnaz hatte ich seit dem 3.10.2001 persönlich keinerlei Kontakt. Er hat allerdings kurz nach dem 3.10.2001 einmal bei mir zuhause angerufen und mit meiner Frau gesprochen. Er fragte, wo ich bliebe.

2. Ich habe mich weder vor noch nach dem 3.10.2001 an der Vorbereitung oder gar Durchführung von islamistischen Selbstmordattentaten beteiligt. Ich habe auch keinen Kontakt zu Menschen, die derartiges planen oder durchführen.

3. Nach Presseberichten im Wall Street Journal vom 21. Oktober 2004 werde ich von US-Behörden in Verbindung gebracht mit einem "Elalananutus suicid bomber"; es wird sogar vermutet, ich sei dieser "Elalananutus suicid bomber".

Hierzu kann ich nur sagen: den Begriff "Elalananutus" habe ich am 22.10.2004 zum erstenmal gehört. Er sagt mir überhaupt nichts. Ich weiß daher auch nichts über diesen Unbekannten.

4. Gegen mich lief ab 3.10.2001 ein Ermittlungsverfahren wegen Verdacht auf Bildung einer kriminellen Vereinigung. Der Verdacht wurde hergeleitet aus der geplanten Reise nach Pakistan. Die Ermittlungen führte die Staatsanwaltschaft in Bremen. Dieses Verfahren wurde im Oktober 2002 eingestellt.

^{Li 11.}
Bremen, den ~~26.10.~~ 2004


.....
(Selcuk Bilgin)

Nummer 312 meiner Urkundenrolle für 2004

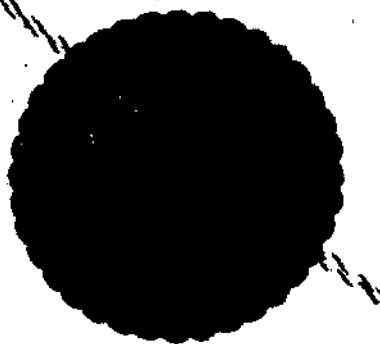
Der Notar fragte nach einer Vorbefassung im Sinne von § 3 Abs. 1 Nr. 7 BeurkG.
Sie wurde von dem Beteiligten verneint.

Ich, der unterzeichnete Notar Reinhard B a u c k e mit dem Amtssitz in Bremen,
beglaubige hiermit die vor mir eigenhändig vollzogene Namensunterschrift

des Herrn Selcuk Bilgin, geb. am 23. Juli 1976, wohnhaft in 28309 Bremen, Hemelinger
Heerstr. 7,

- ausgetauscht durch Vorlage seines Reisepasses der türkischen Republik Nr. 151842,
ausgestellt am 14.03.2000 durch das türkische Generalkonsulat in Hannover.

B r e m e n , den 04. November 2004



Der Notar:

Reinhard Baucke
- Baucke -

KOSTENBERECHNUNG GEM. § 154 KostO

WERT: EUR 3.000,00

Gebühr §§ 141, 32, 45 I KostO
Mehrwertsteuer gem. § 151 a KostO 18 %

10,00 EUR
1,60 EUR
11,60 EUR

Der Notar

Reinhard Baucke

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Bremen Prosecutor
Matter No. 22- Js 48610/01

Bremen, 25 October 2004

Attorney
Gerhard Baisch
Kreuzstrasse 33-35

28203 Bremen

Investigation of Murat Kurnaz, inter alia for forming a criminal association
Re: your fax letter of 22 October 2004 regarding your client Selcuk Bilgin

Dear Attorney Baisch,

I can answer the questions in the letter you addressed to me as follows:

- There is no investigation pending here against your client Bilgin. The procedure against your client under the above matter number was suspended for lack of sufficient cause under section 170 (2) of the criminal procedure code. I learned for the first time from a press inquiry on 22 October 2004 that your client is supposed to be an "Elalananutus suicide bomber"; in spite of myself, I can make nothing of the term "Elalananutus." My telephone queries to the criminal investigation department - state security - Bremen on the term "Elalananutus" indicated that it was unknown there as well.
- I have received no questions at all (either written or by telephone) from US authorities attempting to obtain confirmation that your client was involved in a suicide attack and/or lost his life in a suicide attack. I first learned on 22 October 2004, from the same press inquiry that I mentioned previously, that US authorities had made the claim, in the US-American "procedure" against Kurnaz, that your client is a suicide bomber and that he is supposed to belong to a group with the name of "Elalananutus."

With warm greetings,

Picard
State Prosecutor

"UNCLASSIFIED"

+49 421 36196727

Staatsanwaltschaft Bremen**Geschäfts-Nr.: 220 Js 48610/01**

(Bitte bei allen Schreiben angeben)

Bremen, 25.10.2004**Tel.: 0421 - 361-96748**

Herrn Rechtsanwalt
Gerhard Baisch
Kreuzstraße 33 - 35

28203 Bremen

Ermittlungsverfahren gegen Murat Kurnaz u.a. wegen Bildung einer kriminellen Vereinigung

hier: Ihr Fax-Brief vom 22.10.2004 bezüglich Ihres Mandanten Selcuk Bilgin

Sehr geehrter Herr Rechtsanwalt Baisch,

die in Ihrem Schreiben an mich gerichteten Fragen kann ich wie folgt beantworten:

- Ein Ermittlungsverfahren gegen Ihren Mandanten Bilgin ist hier nicht anhängig. Das Verfahren unter der o.g. Geschäftsnummer ist gegen Ihren Mandanten mangels hinreichenden Tatverdachts gemäß § 170 Absatz 2 StPO eingestellt. Ich habe erstmals durch eine Press-Anfrage am 22.10.2004 erfahren, dass Ihr Mandant ein „Elalananutus-suicide-bomber“ sein soll, wobei ich mit dem Begriff „Elalananutus“ beim besten Willen nichts anfangen kann. Meine telefonische Anfrage bei der Kriminalpolizei - Staatsschutz - Bremen zu diesem Begriff „Elalananutus“ hat ergeben, dass dieser auch dort nicht bekannt ist.
- Mich haben keinerlei Anfragen (weder schriftlich noch telefonisch) von US-Behörden erreicht, mit denen Bestätigungen dahingehend eingeholt werden sollten, dass Ihr Mandant in einen Selbstmordanschlag verwickelt gewesen und/oder bei einem Selbstmordanschlag ums Leben gekommen sei. Ich erhielt am 22.10.2004 durch dieselbe Presse-Anfrage, die ich zuvor erwähnte, erstmals Kenntnis davon, dass US-Behörden in dem US-amerikanischen „Verfahren“ gegen Kurnaz die Behauptung aufgestellt haben sollen, dass Ihr Mandant Selbstmord-Attentäter gewesen sein und einer Gruppierung mit dem Namen „Elalananutus“ angehören soll.

Mit freundlichen Grüßen



Picard
Staatsanwalt

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Gerhard Baisch
Attorney
Specialty Criminal Law
Specialist in labor law

[...]

Bremen Prosecutor
Ostertorstr. 10

28195 Bremen

Fax:
My reference:

Bremen, 22 October 2004

RE: Selcuk Bilgin

Dear Mr. Prosecutor Picard,

Pursuant to our telephone conversation, I am attaching the press articles mentioned.

Taking account of the aroused press and their questions, I would be very grateful if you could confirm briefly to me, as the defense attorney for Selcuk Bilgin, in writing that

- there is currently no investigation of Bilgin by the Bremen prosecutor's office.
- neither (again) for the earlier matter (supporting Al Qaeda)
- or for supposed activities as the "Elalananutus suicide bomber"
- there have been no requests from the US authorities to confirm that Bilgin was or had been involved in a suicide attack or that he had even been killed in such an attack.

I would be grateful for a rapid response.

With warm greetings,

Baisch
Attorney

"UNCLASSIFIED"

Anwältinnenbüro · Postfach 107405 · 28074 Bremen

Staatsanwaltschaft Bremen
Osterforstr. 10

28195 Bremen

FAX: 0421/496 96622

mein Zeichen 1156/04BA02

Betr: Selcuk Bilgin

Sehr geehrter Herr Staatsanwalt Picard,

bezugnehmend auf unser Telefongespräch übersende ich Ihnen in der Anlage die genannten Presseartikel.

Mit Rücksicht auf die aufgescheuchte Presse und Ihre Anfragen wäre ich sehr dankbar, wenn Sie mir als Verteidiger von Selcuk Bilgin kurz schriftlich bestätigen könnten, dass

- gegenwärtig gegen Bilgin von der StA Bremen nicht ermittelt wird
- weder (erneut) wegen der früheren Sache (Unterstützung El Kaida)
- noch wegen angeblicher Aktivitäten als "Elalananutue-suicide-bomber"
- auch keine Anfragen seitens der US-Behörden erfolgt sind zur Bestätigung dass Bilgin in einen Selbstmörderanschlag verwickelt sei oder gewesen wäre, oder gar durch einen solchen Anschlag ums Leben gekommen wäre.

Für eine rasche Antwort wäre ich dankbar.

Mit freundlichen Grüßen

- Baisch -
Rechtsanwalt

Gerhard Baisch

Rechtsanwalt
Tätigkeitsschwerpunkt Strafrecht
Fachanwalt für Arbeitsrecht

in Bürogemeinschaft mit:

Stefan Hoffmann
Fachanwalt für Strafrecht
Martin Stucke
Fachanwalt für Strafrecht
Christine Vollmer
Rechtsanwältin
Harst Wesemann
Fachanwalt für Strafrecht

Telefon 0421 - 277 14-0
Telefax 0421 - 742 19
e-mail: anwaetinnen@brainlift.de

Bankverbindung:
Sparkasse in Bremen
BLZ 290 501 01 · Kto. 1264 3447

Steuern-Nr. 72-110-09343

Bremen, den 22.10.2004
10110933

Postanschrift

Postfach 107405
28074 Bremen

Adresse

Kreuzstraße 33-35 · 28203 Bremen
(Anfahrt über Osterdeich und Reederstraße)
Parkplatz: Theatergarage

Bürozeiten

Montag bis Freitag
9 - 13 und 14 - 17 Uhr
(außer Fr. nachmittag)

20087/1 S. 1/48002

86 ANWAELTINNENBUERO

25. OKT. 2004 14:26

Affidavit

Informed of the significance of an affidavit and the criminal nature of inaccurate information in such a declaration, I,

Abdullah Bilgin, born on 12/12/1959 in Ankara, Turkey,

declare the following under oath to be submitted in the case against Murat Kurnaz, currently in Guantanamo in Cuba:

1. I am the brother of Selcuk Bilgin, born 23/07/1976 in Bremen. My brother Selcuk wanted to fly to Pakistan on 03/10/ 2001 together with Murat Kurnaz. Selcuk told me and the family that he wanted to spend a few weeks there studying Islam and getting to know it better. My father and I were against this trip. We thought the trip was too dangerous at that point in time. War was in the air.
2. Selcuk wanted to go nevertheless. On 03/10/2001 I got a call from the Federal Border Police in Frankfurt. They told me that my brother Selcuk had been arrested because of an unpaid fine and that he could not fly without paying the amount. They asked me if I would pay the fine for him. After talking to my father in Turkey I called the Federal Border Police back and told them that I could not pay the fine. At the same time, I conveyed my fear that my brother could go to or wind up in a possible war in Afghanistan. This was my fear—I had no positive knowledge of this. Selcuk himself had only ever mentioned Pakistan as the destination of his trip. From Murat Kurnaz, too, I only knew of the destination of Pakistan. Therefore, I cannot testify that Selcuk and Murat wanted to go to Afghanistan and fight.

Bremen, 16 December 2004

Abdullah Bilgin

“UNCLASSIFIED”

Number 362 my document role for 2004 .

The notary asked about prior involvement [??? Vorbefassung? Not sure of meaning] under section 3(1)(7), Federal Certification Law. This was answered in the negative by the subject.

I, the undersigned notary Reinhard Baucke, located in Bremen, hereby certify the signature, made before me with his own hand, of

Mr. Abdullah Bilgin, born 12/02/1959, living at Wehrheimer Str. 14, 28307 Bremen,

-identified by presentation of his passport of the Turkish Republic, No. TR N 861754, issued on 04/07/2003 by the Turkish General Consulate in Hanover.

Bremen, 16 December 2004

The notary:

[signature]
Baucke

[seal]

[list of costs]

Eidesstattliche Versicherung

Belehrt über die Bedeutung einer eidesstattlichen Versicherung und die Strafbarkeit unzutreffender Angaben in einer derartigen Erklärung erkläre ich,

Abdullah Bilgin, geb. am 12.12.1959 in Ankara/Türkei

Nachfolgendes an Eides statt zur Vorlage im Verfahren gegen Murat Kurnaz, derzeit in Guantanamo auf Kuba:

1. Ich bin der Bruder des Selcuk Bilgin, geb. am 23.07.1976 in Bremen. Mein Bruder Selcuk wollte am 03.10.2001 gemeinsam mit Murat Kurnaz nach Pakistan fliegen. Selcuk hatte mir und der Familie gegenüber angegeben, er wolle sich dort einige Wochen aufhalten, um den Islam zu studieren und näher kennen zu lernen. Mein Vater und ich waren gegen diese Reise. Wir empfanden die Reise zum damaligen Zeitpunkt als zu gefährlich. Krieg lag in der Luft.
2. Selcuk wollte trotzdem fahren. Am 03.10.2001 wurde ich dann vom Bundesgrenzschutz in Frankfurt angerufen. Man teilte mir mit, dass mein Bruder Selcuk wegen einer nicht bezahlten Geldstrafe festgenommen wurde und er ohne Zahlung des Betrages nicht fliegen könnte. Man fragte mich, ob ich die Geldstrafe für ihn bezahlen wolle. Nach Rücksprache mit meinem Vater in der Türkei habe ich den Bundesgrenzschutz dann zurückgerufen und mitgeteilt, dass ich den Geldbetrag nicht bezahlen könne. Gleichzeitig teilte ich meine Befürchtung mit, dass mein Bruder in einen etwaigen Krieg in Afghanistan gehen oder geraten könnte. Dies war meine Befürchtung - positives Wissen hierüber hatte ich nicht. Selcuk selbst hat immer nur Pakistan als Ziel seiner Reise angegeben. Auch von Murat Kurnaz kannte ich nur das Ziel Pakistan. Ich kann also nicht bezeugen, dass Selcuk und Murat nach Afghanistan und kämpfen wollten.

Bremen, 16. Dezember 2004

A. Bilgin
.....
(Abdullah Bilgin)

Nummer 362 meiner Urkundenrolle für 2004

Der Notar fragte nach einer Vorbefassung im Sinne von § 3 Abs. 1 Nr. 7 BeurkG.
Sie wurde von dem Beteiligten verneint.

Ich, der unterzeichnete Notar Reinhard B a u c k e mit dem Amtssitz in Bremen,
beglaubige hiermit die vor mir eigenhändig vollzogene Namensunterschrift

des Herrn Abdullah Bilgin, g. b. am 12.02.1959, wohnhaft Wehrheimer Str. 14,
28307 Bremen,

- ausgewiesen durch Vorlage seines gültigen türkischen Reisepasses Nr. TR N 861754,
ausgestellt am 04.07.2003 durch das türkische Generalkonsulat Hannover-

B r e m e n , den 16. Dezember 2004

Der Notar:

Baucke

KOSTENBERECHNUNG GEM. § 154 KostO

WERT: EUR 5.000,00

Gebühr §§ 141,32, 45 I KostO

10,00 EUR

Mehrwertsteuer gem. § 151 a KostO 10 %

1,60 EUR

11,60 EUR

Der Notar:

BOSTON COLLEGE

DEPARTMENT OF THEOLOGY
CHESTNUT HILL, MA 02467

January 7, 2005

Prof. Baher Azmy
Center for Social Justice
Seton Hall University School of Law
833 McCarter Highway
Newark, New Jersey 07102

Dear Prof. Azmy:

I am writing this letter in response to our discussion on the reformed religious movement in Pakistan called the *Jama'at al-Tablighi*. The knowledge I am supplying on the *Jama'at al-Tablighi* group is the combination of scholarly research, field-work research, and personal interviews in the reformed movement. This brief information will assist you and others in understanding the organization.

The *Jama'at al-Tablighi* ("The Party of Missionary Work") is approximately eighty years old and it originated in northern British India as a response to aggressive conversion campaigns by Hindu fundamentalist and Christian missionary groups. In midst of colonial rule by English rulers, the declining legitimacy of the religious authority, and communal violence between Hindus and Muslims, Indian Muslims were especially concerned with their survival and their ability to maintain their faith in a hostile environment. In the early 1900s throughout the Muslim world, there was an enormous development of Islamic revivalist movements: from Egypt, to Turkey, to Sudan, to South and Southeast Asia. The *Jama'at al-Tablighi* was one type of Islamic revivalist movement that stressed the importance of maintaining a religious identity, of adhering to Islamic ethical principles, and rediscovering the essence of religious self-understanding through texts, history, and rituals. Muhammad Ilyas (1885-1944) was the founder of the *Jama'at al-Tablighi*, and he asserted that the primary way for Muslims to defend themselves against Hindu and Christian conversion tactics was to ensure that the individual was firm in one's beliefs. The emergence of the *Jama'at al-Tablighi* as a movement in the early part of the 20th century is very much connected to the broader trend of Islamic revivalism or the reaffirmation of faith and Muslim cultural identity.

The northern India Muslim *Jama'at al-Tablighi* organization was primarily a response of survival from the aggressive attacks of Hindu proselytizing movements such as the Sangathan and Shuddhi ("Consolidation and Purification") groups. These Hindu conversion movements organized themselves to reconvert and reclaim the "lost Muslims" back to the original religious

"UNCLASSIFIED"

tradition of India. In 1927, Ilyas formally launched the *Jama 'at al-Tablighi* in order to protect the Muslim community by emphasizing the Islamic tradition had to be first understood and then practiced by Muslims. However, unlike other revivalist movements, the *Jama 'at al-Tablighi's* primary aim was to improve the religious knowledge of Muslims and to connect this knowledge with everyday living. It does not have any political aspirations, in fact, Ilyas and his successors, often criticize other Muslim organizations of becoming too closely connected with political institutions and losing sight of the goal of leading an ethical-religious life.

Ilyas was a scholar of the Deobandi seminary, and a follower of the mystical order Naqshbandiya, which demonstrate a hybrid form of Islamic religious identity. After realizing the dismal state of Muslim's knowledge of Islam in his village of Mewat, he established several *madrastas* or religious learning centers. Realizing that these religious schools were not touching the masses of people, he designed a system of "door to door" missionary work (*tabligh*). He organized units of people (*jama 'at*) to go to remote villages or poor urban areas and invite them to the mosque to listen to an open lecture. Muhammad Ilyas message was concise and easily understandable for the layperson: the six essential points to *Jama 'at al-Tablighi* was not difficult to follow. First, each person needed to recite the testimony of faith (*shahada*) accurately and understand the various interpretations associated with the *shahadah*. Second, members needed to be able to perfect their ritual prayers by ensuring that they were correctly reciting it in Arabic. Third, according to Ilyas, Muslims needed to have a strong understanding of the essential beliefs and practices of Islam. This entailed reading collected essays and books on past prophets and the companions of Muhammad. Members of the *Jama 'at al-Tablighi* were able to advance in the group by demonstrating their knowledge of these texts, and also living a life of a dedicated missionary. Fourth, Ilyas advocated that Muslims living the legacy of the past prophets meant that they inherited a unique tradition which meant that their outer living needed to maintain proper codes of behavior. To be an ethical practicing Muslim, according to Ilyas, meant that proper moral behavior (*adab*) was crucial in all aspects of life. One needed to treat elders respectfully, treat young ones with love, treat one's spouse as a partner and companion, and all of your neighbors needed to be viewed as one community. Fifth, life is mainly about seeking God and inculcating a God-consciousness at all times. The *Jama 'at al-Tablighi* mission is to serve in God's cause, to help all of those in need, and to not seek worldly benefits. And Sixth, the critical component of the *Jama 'at al-Tablighi* work is to commit oneself to do missionary work or *da'wa* toward other fellow Muslims. One is asked to donate time to spread the word of God to Muslims- this may range from 40 days or 10 days per year. Those who can spare 40 days may commit to 40 one-day retreats throughout the year. It is required that each member must preach up to four months in one's lifetime. According to Ilyas, the act of preaching in unfamiliar areas allows one to reflect on faith, and it was an opportunity to articulate ones understanding of religious truths to a complete stranger. The combination of enduring hardship in missionary work and connecting with people outside their normal contacts strengthened their spiritual lives.

After the partition of India in 1947, the *Jama 'at al-Tablighi* established itself in each of the South Asian nations. In Pakistan, Raiwind, a small town outside of Lahore, became the headquarters for the *Jama 'at al-Tablighi*. Following Muhammad Ilyas' death, his son, Maulana Yusuf (1917-1965) took control of the Pakistani *Jama 'at al-Tablighi* group. His primary contributions were leading missionary groups all over South Asia, Africa, Asia, and Middle East. He established religious learning centers and his efforts in organizing the *Jama 'at al-Tablighi*

"UNCLASSIFIED"

ensured continuity of the movement. Following Yusuf, Maulana Inamul Haq has led the *Jama 'at al-Tablighi* and made the movement attractive for all ages around the Muslim world. He is credited to internationalizing the *Jama 'at al-Tablighi* beyond the South Asian context. From the very beginning the *Jama 'at al-Tablighi* has deliberately distant itself from politics, political activities, and political controversies. The mystical influence on the *Jama 'at al-Tablighi* has shaped it to view politics as an ugly form of human aspirations, where, according to them, politics brings out the worst type of behavior. In order to reform society, reforming the individual was more important than reforming political and social institutions. Their nonpolitical message is integral to their missionary work because for the *Jama 'at al-Tablighi* religious truths are not confined to any political agenda or political theory.

During my field work research I was able to interview many *Jama 'at al-Tablighi* members and also observe their annual meeting in Raiwind, Pakistan. The annual meeting attracts approximately one million people from 85 different nationalities. It is the second largest gathering of Muslims after the pilgrimage or *hajj* in Mecca. With guest speakers, plenary sessions, workshops, the *Jama 'at al-Tablighi* annual meeting brings mainly men together focus on their religious practices and beliefs. The attraction of westerners, Europeans, Middle Easterners, Africans, and Southeastern Asians, to the annual meeting is tied to the fact that the *Jama 'at al-Tablighi* is viewed as a successful group that influences internal change. Everyday laypersons meet one another and they themselves become empowered with religious authority by teaching each other. There are very little hierarchical positions in the organization, and most importantly, individuals instantaneously inherit a community of committed and friendly people. The stress on moral treatment of all people and obeying the proper code of conduct cultivates a warm friendly atmosphere. I've met people from Nepal, Turkey, Bosnia, Mali, and South Africa – all who reiterated the point that it is a non-judgmental movement that “truly wants us to reorient our lives toward good.” Another dimension to the success of the *Jama 'at al-Tablighi* is attributed to the failures of other political reformist movements who concentrated too much on political power and could not produce real changes to the lives of individuals or to society. For many in the *Jama 'at al-Tablighi*, what matters is how the individual can gain further control in his/her own life and with this new empowerment, how can they construct a world of fairness and justice. To the members, the *Jama 'at al-Tablighi*'s nonpolitical activities and emphasis on the six points has proven that missionary work directed at Muslims by Muslims is the only cure for their dismal affairs, and nothing less than hard work and face-to-face interaction can improve their community.

I hope this information will help you understand the *Jama 'at al-Tablighi* and its activities. If you need any further information, do not hesitate to contact me.

Sincerely Yours,
Qamar-ul Huda
Prof. of Islamic Studies & Comparative Religion
Email: hudaq@bc.edu

Baher Azmy, Esq.
Associate Professor
Seton Hall School of Law
833 McCarter Highway
Newark, NJ 07102

Dear Professor Azmy:

At your request, I am writing to provide an expert opinion on the philosophy and activities of the Tablighi Jamaat/Jamaat al Tablighi, in connection with an administrative military proceeding your client faces as part of his detention in Guantanamo Bay, Cuba. I am currently a Professor of History and Director of the Center for South Asian Studies at the University of Michigan and have been specifically studying the Tablighi Jamaat movement for about 15 years. I have written extensively on the group and a list of my publications is attached as part of my C.V. In this letter, I will attempt to describe the general philosophy and history of the Tablighis, which should be highly relevant to understanding the circumstances of your client's travel to and within Pakistan. I will also attempt to explain why it is implausible to believe that the Tablighis support terrorism or are in any way affiliated with other terrorist or "jihadi" movements such as the Taliban or Al Qaeda.

I might begin by noting that this movement originated in India in the 1920s but its participants now are found throughout the world. A collection of articles, *Travellers in Faith: Studies of the Tablighi Jamaat as a Transnational Islamic Movement for Faith Renewal* ed. Muhammad Khalid Masud (2000) would give you a good sense of the extent and characteristics of participants in what they themselves sometimes simply call "a faith movement." (I am among the contributors to that volume.)

Five brief points:

* There is no "organization" as such, in the sense of paid staff or formal hierarchy. There is no membership. Any Muslim, man or woman, who seeks to be a better Muslim can participate as a way of honing one's own faith through encouraging others to participate. Thus to speak of the Jamaat as a "front for" or "allied with" another organization does not make sense.

* The modus operandi of the movement is for males to join in small groups, 10-12, who travel together, perhaps in their own city, throughout a country, or internationally, ideally staying in a mosque, paying their own way, and gathering groups of Muslims (e.g. after prayers) to encourage them to correct performance of the prayer, fast, tithing, etc. In France, for example, critics refer to Tablighis as "praying machines." Women are

expected to operate within homes or joining public meetings in mosques or halls in a women's section (I, for example, have been to gatherings of women in homes in Pakistan and a huge hall in Toronto, where a women's section was curtained off from the men and loudspeakers conveyed the preaching.) For traveling men, the presence of the group is key because it is the experience of common correct practice and exhortation, taking them out of everyday activities, that teaches them the faith. Moving from city to city in a group should be understood as standard practice, not as something suspicious.

* Ideally a group includes both more experienced participants and novices. Since many European or Turkish muslims don't know Islam well, participation might be attractive to someone very serious about learning the religion.

* Tablighis are active in Europe and North America. The volume above, for example, includes articles on France, Germany, and Belgium, and Canada.

* Participants are scrupulously a-political. Their mission is transformation of individual lives, starting with their own. More practically, they need to be seen as wholly neutral because they need the benign support of government officials so that they can conduct their travels and their meetings. Tablighis periodically gather in large meetings, annually, for example, in Dewsbury, Raiwind, Bhopal, and Dhaka, when they need permits, water trucks, special buses, etc.

Barbara D. Metcalf
Director, Center for South Asian Studies
Alice Freeman Palmer Professor of History
Department of History, 1029 Tisch Hall
University of Michigan, Ann Arbor MI 48109-1003
(734) 647-5414; FAX (734) 647-4881
metcalf@umich.edu

BARBARA D. METCALF

Department of History
1029 Tisch Hall
University of Michigan 48103-1003
metcalf@umich.edu

(734) 647-5414
FAX: (734) 647-4881

Current Position

2004- Director, Center for South Asian Studies, University of Michigan
2003- Alice Freeman Palmer Professor of History, Department of History, Univ. of MI

Previous Employment

1986-03 Professor of History, University of California, Davis
1995-98 Dean, Division of Social Sciences, College of Letters & Science, UC Davis
1991-94 Chair, Department of History, University of California, Davis
1983-86 Acquiring Editor in Asian Studies, University of California Press
1975-82 Assistant Professor of History, University of Pennsylvania
1974-75 Lecturer, South Asian Studies, University of California, Berkeley, and Field Director, Berkeley Urdu Language Program in Pakistan

Education

1974 Ph.D. Department of South/Southeast Asian Studies, University of California, Berkeley
1966 M.A. Indian Studies, University of Wisconsin, Madison
1963 B.A. History (Honors), Swarthmore College

External Awards and Fellowships

1999 Resident Fellowship, Rockefeller Study Center, Bellagio
1998 American Institute of Pakistan Studies Senior Fellowship (in Pakistan)
1991 American Academy of Arts and Sciences Grant (in Britain and Pakistan)
1990 Fulbright Islamic Civilization Fellowship (in India)
1989-90 National Endowment for the Humanities Fellowship for University Teachers
1989-90 Fellow, National Humanities Center
1985 American Institute of Pakistan Studies (in Pakistan)
1984 American Philosophical Society
1983-84 John Simon Guggenheim Memorial Fellowship
1982-83 SSRC/ACLS Post-Doctoral Award
1981-82 Fulbright-Hays Faculty Research Abroad Fellowship (in India)
1978-81 NEH Translation Grant
1969-70 American Institute of Indian Studies Junior Fellowship (in India)
1966-70 NDFL Fellowships
1963-64 Woodrow Wilson Graduate Fellowship
1963 Phi Beta Kappa

Publications

Books:

2004. Islamic Contestations: Essays on Muslims in India and Pakistan. New Delhi: OUP.

2002 Islamic Revival in British India: Deoband, 1860-1900. 2nd edition New Delhi: OUP.

“UNCLASSIFIED”

- 2002 A Concise History of India, with Thomas R. Metcalf. Cambridge: Cambridge University Press. Translated as *Historia de la India* (2003); *Storia Dell'India* (2004)
- 1996 Making Muslim Space in North America and Europe. Berkeley: University of California Press. Editor and Contributor.
- 1990 Perfecting Women: Maujana Ashraf 'Ali Thanawi's Bihishti Zewar. Translation, annotation, and introduction. Berkeley: University of California Press.
- 1984 Moral Conduct and Authority: The Place of Adab in South Asian Islam: University of California Press. Editor and Contributor.
- 1982 Islamic Revival in British India: Deoband, 1860-1900. Princeton: Princeton University Press. Pakistani edition: Karachi: Royal Book Company, 1989.
- Selected Articles:
2004. "India, Islam and Everyday Jihad." Hayes Robinson Lecture Series No. 8. Egham: Royal Holloway College, University of London.
- 2004, "Introduction" to *Composite Nationalism and Islam* by Maulana Hussain Ahmad Madani (Delhi: Manohar), 23-54.
2003. "Urdu in India in the 21st Century: A Historian's Perspective." *Social Scientist* 31:5-6 (May-June 2003), 29-37. translated as "Ikiswin sadi ke hindustan main urdu: ek muwarikh ka nazariya" in Shab-khun (Allahabad) (December 2003) 69-73.
2003. "Travelers' Tales in the Tablighi Jama'at." *Annals of the American Academy of Political and Social Sciences*. Vol. 588, *Islam: Enduring Myths and Changing Realities* (Special Editor: Aslam Syed), July 2003 issue, pages 136-148.
- 2002a "Adab," "Ahl-e Hadis," "Deoband," "Khan, Reza of Bareilly," "Tablighi Jamaat." In Encyclopedia of Islam and the Muslim World. New York: Macmillan.
- 2002b. "Traditionalist" Islamic Activism: Deoband, Tablighis, and Talibs" in Understanding September 11, Craig Calhoun, Paul Price and Ashley Timmer (eds.) New York: The New Press, 2002, 53-66. Reprinted in The Empire and the Crescent, ed. Aftab Malik. U.K.: Amal Press 2003.
2001. "Pakistan: Islam, the Colonial Legacy and State Building" Review article of Islam's Political Culture: Religion and Politics in Predivided Pakistan. By Nasim Ahmad Jawed. (Austin: University of Texas Press, 1999) and Pakistan: A Modern History. By Ian Talbot. (London: Hurst & Company, 1998). The Historian 64:2 (2001)
- 2000 "Tablighi Jama'at and Women" In *Travellers In Faith: Studies of the Tablighi Jama'at as a Transnational Islamic Movement for Faith Renewal* ed., Muhammad Khalid Masud. Leiden: Brill, 44-58.
- 1999 (a). "Weber and Islamic Reform" in *Max Weber and Islam* ed. Toby Huff and Wolfgang Schluchter. (New Brunswick: Transaction Publishers), pp. 217- 30.
- 1999 (b) "Nationalism, Modernity and Muslim Identity before 1947" in *The Religious Morality of the Nation-State*, eds. Hartmut Lehmann and Peter van der Veer. Princeton: Princeton University Press, 149-23.
- 1998 "Women and Men in a Contemporary Pietist Movement: The Case of the

- Tablighi Jama'at," *Appropriating Gender: Women's Activism and Politicized Religion in South Asia*. Eds. Amrita Basu and Patricia Jeffery. New York: Routledge, 107-121. Reprinted in re-titled volume: *Resisting the Sacred and the Secular: Women's Activism and Politicised Religion in South Asia*. Delhi: Kali for Women, 1999.
- 1997 "Islam in Contemporary Southeast Asia: History, Community, Morality," in *Islam in an Era of Nation-States: Politics and Religious Renewal in Muslim Southeast Asia* eds. Robert W. Hefner and Patricia Horvatic. Honolulu: University of Hawaii Press, 309-320.
- 1996 "Two Fatwas on Hajj in British India." In *Islamic Legal Interpretation: Muftis and their Fatwas*. Ed. Muhammad Khalid Masud, Brinkley Messick and David S. Powers. Cambridge: Harvard University Press, 184-92.
- 1996 "Sacred Words, Sanctioned Practice, New Communities," *Making Muslim Space in North America and Europe* ed. Barbara Daly Metcalf. Berkeley: University of California Press, 1-27.
- 1996 "New Medinas: The Tablighi Jama'at in America and Europe". *Making Muslim Space in North America and Europe* ed. Barbara Daly Metcalf. Berkeley: University of California Press, 110-27.
1996. "Meandering Madrasas: Knowledge and Short term Itinerancy in the Tablighi Jama'at." *The Transmission of Knowledge in South Asia: Essays on Education, Religion, History, and Politics* ed. Nigel Crook. (Delhi: Oxford University Press), 49-61.
1995. "Islam and Women: The Case of the Tablighi Jama'at". *Stanford Humanities Review: Contested Politics, Religious Disciplines, & Structures of Modernity*. 5,1:51-9.
 HYPERLINK <http://www-lsdo.ucdavis.edu/Staff/metcalf.htm>
<http://shr.stanford.edu/Shreview/5.1/text/metcalf.htm>
- 1995 "Narrating Lives: A Mughal Empress, A French Nabob, A Nationalist Muslim Intellectual." *The Journal of Asian Studies* 54,2:474-80.
- 1995 "Presidential Address: Too Little and Too Much: Reflections on Muslims in the History of India." *The Journal of Asian Studies* 54,4:1-17.
- 1994 "Reading and Writing about Muslim Women in British India." *Forging Identities: Gender, Communities and the State* ed. Zoya Hasan. Delhi: Kali for Women, 1-21.
- 1994 "Remaking Ourselves: Islamic Self-Fashioning in a Global Movement of Spiritual Renewal." *Accounting for Fundamentalisms: The Dynamic Character of Movements* ed. Martin E. Marty and R. Scott Appleby. Chicago: University of Chicago Press, 706-25.
- 1993 "Living Hadith in the Tablighi Jama'at." *The Journal of Asian Studies* 52,3: 584-608.
- 1993 "What Happened in Mecca: Mumtaz Mufti's Labbaik." *The Culture of Autobiography: Constructions of Self-Representation* ed. Robert Folkenflik. Stanford: Stanford University Press, 149-67.
- 1992 "Imagining Community: Polemical Debates in Colonial India." *Religious Controversy in British India: Dialogues in South Asian Languages* ed. Kenneth W. Jones. Albany: SUNY Press, 229-40.
- 1992 "An Islamic Ironist: Mumtaz Mufti's Labbaik." *Times Literary Supplement* June 1-7, NB, 580-85.
- 1990 "The Pilgrimage Remembered: South Asian Accounts of the Hajj." *Muslim Travellers: Pilgrimage, Migration and the Religious Imagination*, ed. Dale Eickelman and James Piscatori. London: Routledge; and Berkeley: University of California Press, pp. 85-107.

"UNCLASSIFIED"

1989. "Maulana Ashraf 'Ali Thanavi and Urdu Literature." *Urdu and Muslim South Asia: Studies in Honour of Ralph Russell* ed. Christopher Schackle, London: SOAS, pp. 93-100.
- 1987 "Islamische Reformbewegung." *Max Webers Sicht des Islam: Interpretation und Kritik* ed. Wolfgang Schluchter. Frankfurt: Suhrkamp Verlag, 242-55.
- 1987 "Islamic Arguments in Contemporary Pakistan." *Islam and the Political Economy of Meaning: Comparative Studies of Muslim Discourse*, ed. William R. Roff. London: Croom, Helm; and Berkeley: University of California Press, 132-159.
- 1986 "Hakim Ajmal Khan: Ra'is of Delhi and Muslim Leader." *Delhi Through the Ages* ed. Robert E. Frykenberg. Delhi: Oxford University Press, 299-315.
- 1985 "Nationalist Muslims in British India: The Case of Hakim Ajmal Khan." *Modern Asian Studies*, 19,1: 1-28.
- 1984 "Government by Islam." *Worldview*, 27,9: September, 4-6.
- 1983 "The Making of a Muslim Lady: Maulana Thanawi's Bihishti Zewar." *Islamic Society and Culture: Essays in Honor of Professor Aziz Ahmad* eds. Milton Israel and N. K. Wagle. Delhi: Manohar, 17-38.
- 1982a "Islam and Custom in Nineteenth Century India." *Contributions to Asian Studies* ed. Richard Martin (Leiden): *Islam in Local Environments*, 17, 10: 62-78.
- 1982 "Religious Myth and Nationalism: The Case of Pakistan." *Religion and Politics in the Modern World* eds. Peter Merkl and Ninian Smart. New York: New York University Press, 1982 (paperback 1984), 170-90.
- 1979 "Iqbal: Ideology in Search of an Audience." *Iqbal, Jinnah and Pakistan: The Vision and the Reality* ed. C. M. Naim. Syracuse: Syracuse University Press, 133-44.
- 1978 "The Madrasa at Deoband: A Model for Religious Education in Modern India." *Modern Asian Studies*, 12,1: 111-34 and reprinted in *Modern India: An Interpretive Anthology* ed. Thomas R. Metcalf. Delhi: Sterling Publishers, 1990: 278-302.
- 1977 "Reflections on Iqbal's Mosque." *Journal of South Asian and Middle Eastern Studies*, 1,2: 68-74.

Selected Professional Activities

- 2002- Visiting Committee for the Humanities, MIT
- 1992- Advisory Board, Center for the Advanced Study of India (University of Pennsylvania)
- 1975- Advisory Committee, Berkeley Urdu Language Program in Pakistan
- 1999-02 Vice-President, Professional Division, American Historical Association. Member, Finance Committee
- 1986-97 General Editor of Series, *Comparative Studies on Muslim Societies*, UC Press
- 1998-00 Task Force, Institute of Islamic Civilizations, Aga Khan University (Karachi)
- 1993-97 President (1994-95), Vice President (1993-94) and Board of Trustees, Association for Asian Studies (AAS)
- 1992-96 Board of Trustees, Committee on the Int'l Exchange of Scholars (Fulbright); Chair, South Asia Panel
- 1985-91 Joint Committee on the Comparative Study of Muslim Societies, Social Science Research Council/American Council of Learned Societies (SSRC/ACLS); Chair 1985-88
- 1988-89 Executive Committee, American Pakistan Research Organization
- 1983-86 Editor, *Journal of Asian Studies*
- 1978-81 Board of Directors, AAS

"UNCLASSIFIED"

1984	U.S.-Pakistan Joint Sub-Commission on Education and Culture
1983	Consultant, USAID Pakistan (Women and Education)
1980-83	Book Review Editor for South Asia, Journal of Asian Studies
1977-82	Joint Committee on South Asia, SSRC/ACLS
1978-81	Executive Committee and Board of Trustees, American Institute of Pakistan Studies
1978-81	South Asia Committee, AAS

“UNCLASSIFIED”



AMHERST COLLEGE

Department of Religion

PROFESSOR JAMAL J. ELIAS

December 13, 2004

Baher Azmy, Esquire
Seton Hall School of Law
833 McCarter Highway
Newark, NJ 07102

Dear Professor Azmy:

At your request, I am writing to provide an expert opinion on the philosophy and activities of the Tablighi Jama'at movement, in connection with an administrative military proceeding your client faces as part of his detention in Guantanamo Bay, Cuba. I hold the position of Professor of Religion at Amherst College, with a specialization in Islamic thought. One of my books on Islam has been translated into five languages and I have written quite extensively on religion in contemporary Pakistan. My most recent research trip to the country was in December 2003 and was focused in large part on the Tablighi Jama'at, their emphasis on travel and their attitudes toward international and domestic Pakistani politics.

In this letter, I will attempt to describe the general philosophy and history of the Tablighis (the common term for the members of the Tablighi Jama'at movement), which should be highly relevant to understanding the circumstances of your client's travel to and within Pakistan. I will also attempt to explain why it is extremely implausible that the Tablighis support terrorism or are in any way affiliated with any terrorist or "jihadi" movements such as the Taliban or Al Qaeda, or even with extremist movements operating in Pakistan.

The formal beginnings of the organization date from the mid-1930s when the Tablighi Jama'at first emerged as a movement aimed at reforming Muslims through greater adherence to ritual, particularly to prayer. Since that time, their fundamental beliefs have consisted of Six Principles (*Chhe Usul*): (i) the Islamic credal formula (There is no god but Allah, and Muhammad is the messenger of Allah) is an individual covenant with God which has to be understood in its true meaning and with all its implications; (ii) prayer is the most important ritual obligation of a Muslim and should be performed in a congregation whenever possible; (iii) religious knowledge (*ilm*) and remembrance of God (*zikr*) are obligatory for every Muslim, and both derive from the study of the Qur'an; (iv) respect for all Muslims is imperative (kind treatment of all non-Muslims is actively encouraged but it is not an explicit principle); (v) sincerity of purpose (*ikhlas-e niyyat*) is obligatory, in the sense that all acts must have appropriate intentions since, in the absence of such intention, even good acts will not be rewarded by God; and (vi) members must donate time (*tafrigh-e waqt*) to the movement to engage in missionary activity.

The last principle refers to the obligation of members of the Tablighi Jama'at to take time from their regular lives to travel and actively engage in spreading the message of the movement in the Muslim community. The sixth principle is also referred to as

tabligh, emphasizing its centrality as a doctrine. Depending on the interpretation, a follower of the movement is required to spend between one day and four months a year traveling to call people to the movement (other teachings state that this obligation can be met by traveling as a missionary for four months cumulatively during the course of one's lifetime). Local, regional and international travel as *tabligh* has come to fulfill the Muslim obligation to 'strive in the path of God' (*jihad fi sabil Allah*) in Tablighi understanding.

I must emphasize this last point, that the Tablighis formally and actively believe that traveling to engage in missionary activity fully discharges any religious obligation to engage in Jihad. This is fully in keeping with others of the Six Principles which take a spiritual interpretation of rituals such as prayer and emphasize an almost mystical (Sufi) understanding of the nature of religious knowledge and remembrance of God. Followers of the Tablighi Jama'at are forbidden from actively participating in politics or extremist movements, a stand that has frequently put them in conflict with religious political parties in Pakistan.

Personal reform through prayer is one of the most identifiable features of the Tablighi Jama'at movement. At the same time, travel (including international travel) has become an essential characteristic of the movement through which followers not only call others to the 'true faith' (i.e. engage in *da'wa*), but also a means for self-improvement. As such, there is absolutely nothing out of the ordinary for a young man in Germany to associate with the Tablighi Jama'at movement in a personal spiritual attempt to discover (or rediscover) his faith. If he were to do so, it would be completely expected that he would end up traveling with a group of Tablighi men as a necessary requirement of their faith. Given that Pakistan forms the practical international center of this movement, it would be logical that his early travels would take him there where he would not only meet with other members of the movement but would be expected to travel from city to city as part of the sixth formal principle of their movement. I would also posit that it would be especially important to members of the movement to take new European converts around with them when they were traveling in Pakistan because it would help with missionary activity: "prize" converts - people from exotic or more economically developed backgrounds - are used by many religious movements the world over to show off the attractiveness or dynamism of their message, its "truth" as it were. It is a major part of the public rhetoric of the Tablighi Jama'at that their movement contains people from all over the world and that their annual gatherings at Raiwind in Pakistan and Tongi in Bangladesh have a wide international attendance. There is some circumstantial evidence to suggest that extremist groups have been trying to infiltrate the Tablighi Jama'at's annual gathering at Raiwind either to make trouble or else to win converts from the million-strong crowd that congregates there. However, it is important to note that these extremist groups are not condoned by the structure, leadership or teachings of the Tablighi Jama'at, that they would be using a very large crowd as cover as opposed to infiltrating the rank and file of the movement, and that they would be there to win converts AWAY from the Tablighis, not to share with them in any ideological or political sense. Furthermore, I gather that your client is not accused of attending the annual gathering at Raiwind; it is therefore highly unlikely that he would have had contact with any extremist or "jihadi" groups through his travels with the Tablighis.

In conclusion, I would like to state that, in light of the formal emphasis the Tablighi Jama'at places on encouraging personal spiritual reform through prayer and studying the Qur'an, it would be very natural for a young Muslim in Europe to get involved with them in order to become more religious. Given the importance placed on group travel for purposes of missionary activity and self-improvement in the teachings of the movement, it would follow that he would then join with other Tablighi men and journey to Pakistan, the functional center of their movement. While there, he would be expected to go from town to town with these and other members of the movement in order to fulfill his religious obligations and increase his sense of fellowship. There is absolutely nothing in these activities to suggest that he either started out with any desire to join a political or extremist group or that he would have had contact with them in Pakistan. On the contrary, affiliation with the Tablighi Jama'at would normally mean that one had made the conscious decision to distance oneself from politics and armed conflict.

Sincerely,



Jamal J. Elias
Professor of Religion
Amherst College
Amherst, MA 01002-5000

"UNCLASSIFIED"



Murat and Naqiharda Kunqz

UNCLASSIFIED

Summary of Administrative Review Board Proceedings for ISN 076

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 20 September 2005, and lasted for sixty-eight minutes. The Detainee was attentive, cooperative and polite throughout the interview. After a review of the ARBs purpose and procedures, the Farsi translation of the Unclassified Summary of Evidence was read to the Detainee. The spoken and written language of the Detainee, Tajik, presented a complication. The spoken language in Tajikistan is Farsi, but it is written using the Cyrillic alphabet. The Detainee indicated that he could also read Russian, so a Russian translation of the Unclassified Summary of Evidence was prepared by IOE. The Detainee was given a Russian translation of paragraphs one, two, and five of the Unclassified Summary of Evidence for his review during the initial interview; the

ISN 076
Enclosure (5)
Page 1 of 9

remainder of the Russian translation was presented to him on 22 September 2005. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence and chose to respond to each statement in the Unclassified Summary of Evidence as it is presented to the board.

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

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 Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee stated that his passport and money were taken when he arrived in Lajerg. The Detainee was told his things would be returned once his military job was completed.

Detainee: Yes.

Designated Military Officer: (3.a.2) The Detainee was given military clothing, received some weapons training, and stood guard duty.

Detainee: This is not true.

Designated Military Officer: (3.a.3) The Detainee traveled from Doshamba, Tajikistan to Mazar-e-Sharif via Taleel Dora, Lajerg and Konduz, Afghanistan.

Detainee: I was flown from Lajerg, Tajikistan to Konduz, Afghanistan and from there I went to Mazar-e-Sharif. There wasn't any Taleel Dora. I was not in Taleel Dora at all.

Designated Military Officer: (3.a.4) The Detainee, along with a group of men, stayed at a military compound in Mazar-e-Sharif.

Detainee: Yes, I was in Mazar-e-Sahrif, but it wasn't a military compound and I was not around military people. If there were any military people or compounds I am not aware of it.

Designated Military Officer: (3.a.5) The Detainee did admit to fighting in the mountains.

Detainee: In which mountains?

Presiding Officer: It does not specify here, but my guess would be Tora Bora.

Detainee: I never fought in my life, especially in the mountains. I have never fought anywhere.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.6) The Detainee was at the front lines for seven days in the Khawaja Ghal region of Afghanistan.

Detainee: Khawaja Ghal is the name of a village in Afghanistan. Yes, I did live in that village, but I am not aware if it is the front lines or something else. I am not sure if it is the front lines. I never said that.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee and other soldiers received military and physical training at the Mazar-e-Sharif, Afghanistan facility.

Detainee: That is not true.

Designated Military Officer: (3.b.2) The Detainee stated that he received three days of weapons training at Mazar-e-Sharif. The Detainee further stated that he never shot the weapons and the training lasted only about one half hour each day.

Detainee: That is not true. I never got any military training.

Designated Military Officer: (3.b.3) The Detainee stated that he knew about weapons prior to Camp Lajerg. He stated after attending school for ten years, he took the one-week mandatory weapons training in Tajikistan.

Detainee: It is not at the end when you finish the school. It is while you are still a student. In high school after the tenth grade they will take the boys for one week of training.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee was introduced to an individual who was in command of the soldiers at Lajerg, Tajikistan. The individual told the Detainee to go into the military to work.

Detainee: He was an unknown individual. I don't know if he was a commander or a military officer. I don't know anything about it. He was an unknown person that told us it was better if we went into the military.

Designated Military Officer: (3.c.2) The Detainee stated that this individual was a leader for the Islamic Movement of Uzbekistan (IMU). The Detainee also stated that there were only IMU leaders and followers at Camp Lajerg.

Detainee: There was an Uzbek party called Uzbek Unity. I don't know if it was an Islamic Party, Communist Party, or Democratic Party. All I know is there was a community of Uzbeks.

Designated Military Officer: (3.c.3) The Foreign Government Agency established that the Detainee was recruited by an Islamic Movement of Uzbekistan Emissary in Tajikistan and was sent to Afghanistan.

Detainee: I was in Lajerg and there was an Uzbek community over there. I was there and then they transferred me to Afghanistan and I was not even aware of where I was going. I was not aware that they were going to take me to Afghanistan.

Designated Military Officer: (3.c.4) The Detainee denied membership with the Taliban regime but did admit to being a member with the Islamic Movement of Uzbekistan.

Detainee: I never admitted or never said that I was a member of IMU, the Islamic Uzbek Party. When they captured me and interrogated me I told them the truth. I told them that I was with Uzbeks. I never said that there was an Uzbek Party or Islamic Party and that I was a member. All I said to the interrogators is there was an Uzbek community and I was with them.

Designated Military Officer: (3.c.5) The Detainee confirmed that he was a passenger on a truck that contained Taliban soldiers who had surrendered to Dostum's forces at the Khawaja Ghal compound.

Detainee: I was with Uzbeks when we surrendered.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee denied ever receiving a military uniform.

Detainee: Yes.

Designated Military Officer: (3.d.2) In Mazar-e-Sharif, Afghanistan, the Islamic Movement of Uzbekistan gave the Detainee new clothing which consisted of two long shirts with pants. They also gave him a black turban. The Detainee denied knowing that the Taliban wore these clothing items.

Detainee: Of course when I was in Afghanistan one will need clothing. You cannot walk [around] without wearing anything. They gave me Afghan type clothes and I was wearing those.

Designated Military Officer: (3.d.3) The Detainee stated he was captured, along with others, at Mazar-e-Sharif, Afghanistan.

Detainee: Yes, that is true. I was in Mazar-e-Sharif.

Designated Military Officer: (3.d.4) The Detainee believes he could be in trouble upon returning home to Tajikistan because he was with the Islamic Movement of Uzbekistan.

Detainee: When I was in Tajikistan I did not have a criminal record or anything like that. My record was clean. I have never been a member of the Islamic Movement of Uzbekistan, but when I found myself in Afghanistan and being with the Uzbek community I was afraid to go back to Tajikistan. I thought it might create a problem for me because I was with the Uzbek community. This is one thing the interrogators told me during the interrogations. The interrogator told me it would be a problem for me if I went back to Tajikistan since I was with the Uzbek community.

Designated Military Officer: (3.d.5) The Detainee stated that he is willing to return to Tajikistan, as long as he faces no charges upon his return.

Detainee: Of course if I get released from here I don't want to go back to prison.

Designated Military Officer: (3.d.6) The Detainee realized he was "tricked" by an individual upon arriving in Afghanistan.

Detainee: I was tricked from the beginning, even before I arrived in Afghanistan. I feel like I was tricked.

Designated Military Officer: (3.d.7) The detainee acknowledged that he has lied to previous investigators regarding training conducted at Camp Lajerg, Tajikistan.

Detainee: No! No! This is not true. During the interrogations one of the interrogators told me that in my previous interrogation, in the beginning, I told them about getting training in Camp Lajerg, Tajikistan. I told them that [information] was not true and I never said that. I don't know if the translator translated or what the translator translates back. But, I never admitted that I lied. They told me at some point I said that and I said that is not true. I never talked about getting training at Lajerg, Tajikistan. I don't know why you call that lying. What I mean is I did not lie. I told the interrogator that I never said such a thing. I never said that I have been in Lajerg, Tajikistan and I got military training.

Designated Military Officer: (3.d.8) The Detainee was at Mazar-e-Sharif during the uprising at Khawaja Ghal, Afghanistan.

Detainee: I am not sure what you are talking about. Where is Khawaja Ghal? Where is Mazar-e-Sharif? Which uprising are you talking about?

Board Member: The prison uprising at the fortress at Mazar-e-Sharif...outside of Mazar-e-Sharif. I think the name of it is Qala-I-Jangi.

Detainee: Yes, I was at Qala-I-Jangi, but I was not participating in that uprising. Yes, I was in Mazar-e-Sharif.

Designated Military Officer: (3.d.9) According to the Detainee, the leader of the Islamic Movement of Uzbekistan (IMU) ordered all IMU soldiers to surrender to Northern Alliance Forces.

Detainee: Yes.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a.) When asked about weapons training at Camp Lajerg, the Detainee stated that he does not like to shoot and that he never received any weapons training at Camp Lajerg. He collected wood for the fire.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee stated that before arriving in Afghanistan he had never heard of the Islamic Movement of Uzbekistan.

Detainee: I never heard about it until now. I don't know if it is a Communist Party, Islamic Party, or Democratic Party. All I know is that it was like an Uzbek community or Uzbek union.

Designated Military Officer: (4.c) The Detainee stated that he is not an enemy of the United States.

Detainee: That is true.

Designated Military Officer: (4.d) The Detainee stated that he likes Cuba. The Detainee said that he would not fight against America, adding that he did not want to fight against anyone.

Detainee: I never fought before and I am not going to fight after this. I have never fought in my life.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Presiding Officer: Assisting Military Officer please read the Detainee comments on the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: They are essentially the same as the Detainee comments.

Presiding Officer: You made some comments during your interview with the Assisting Military Officer. Do you wish for us to go over them? You pretty much answered them today in regard to the line-by-line comments.

Detainee: It does not matter to me.

Presiding Officer: Thank you. I will also ask you one more time if you have any additional comments you would like to make to the board?

The Detainee made the following statement:

Detainee: I just want to add that this is how I have been tricked. They told me that I was going to serve for the Army of Tajikistan's government and that is why they took me into Lajerg, Tajikistan. I was thinking that I would be a soldier for the Tajikistan government. It was very cold over there and they said they were going to move me into a warmer climate, but I did not know it was going to be in Afghanistan. That is how I have been tricked. To tell the truth, the purpose of me going into Lajerg was not serving as much as it was about money. I wanted to earn some money. That is why I went there. When I left my home I actually wanted to do some business to earn some money. That is why when I heard the words serving and money and that they would give you money if you served, I agreed to go there. When I was in Afghanistan I did not have a passport. I didn't have family, relatives, or friends. I could not find my way around. That is why I couldn't return back to Tajikistan. That is all.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: How old are you?

Detainee: I am 24 years old. My birthday is 15 September 1981.

Board Member: Did you have any kind of employment in Tajikistan before you went to Afghanistan?

Detainee: No.

Board Member: Did you have a passport when you left Tajikistan?

Detainee: I did have a passport when I was in Tajikistan, but when I came to Lajerg they took my passport away from me and transferred me to Afghanistan. I did not have my passport with me there.

Board Member: Who took your passport?

Detainee: In Lajerg there was a person responsible for us and he took it.

Board Member: When you went to Mazar-e-Sharif were you there during the uprising?

Detainee: Yes, I was there in Qala-I-Jangi.

Board Member: Where were you in Qala-I-Jangi?

Detainee: It was like a yard over there. We were there and our hands were tied behind our backs. We were sitting there when this thing got started and we heard explosions.

Board Member: Is that where you were for the full time of the uprising or did you go somewhere else in the prison?

Detainee: They would make us sit in a line. We were not sure if they were going to shoot us, kill us, or what they were going to do. We heard the explosion and immediately after that people started shooting at us from behind the wall of Qala-I-Jangi. I saw that people were being killed right and left so I ran. I ran and I got injured on my leg. I ran and there was like this underground [area]. I ran over there and I was hiding there until the thing was over.

Board Member: Were you in the basement when they flooded the basement?

Detainee: Yes.

Board Member: Was there any way for you to...were your hands tied all of this time?

Detainee: Once I got underground some other people opened my hands. They opened my hands and since I was injured they put something around my injury.

Board Member: Who tied your hands?

Detainee: Afghans. I think it was Dostum's soldiers. You mean the first time when we got arrested?

Board Member: Yes.

Detainee: Dostum's soldiers.

Board Member: If you go back to Tajikistan what do you think you will do? If there are no charges and you can go back to your civilian life what will you do?

Detainee: My parents are in Tajikistan and I am an only child. I will take care of my parents and I will continue my life over there.

Board Member: Do you have any kind of work in mind?

Detainee: I don't know about that. I have been here for four years. I am away from education and I don't have much skill or anything. I am not sure what I am going to do?

Board Member: Is there another country that you would like to go to if there are charges pending in your home country?

Detainee: In that case, I would like to go to a third country, but I don't have in mind which one, but whichever country will accept me.

Presiding Officer: The unknown individual that was in command of the soldiers in Lajerg, Tajikistan, you said that you were not sure if he was a commander, do you know his name now? After having met him, do you know his name?

Detainee: The person who tricked us?

Presiding Officer: It says you were introduced to an individual who was in command and that is whom I was referring to.

Detainee: His name is Rostam.

Presiding Officer: Is Rostam the individual that tricked you in the beginning?

Detainee: Yes.


The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

Summary of Administrative Review Board Proceedings for ISN 084

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

Detainee: Who are the civilians?

Presiding Officer: The civilians are guests of mine. Some are military and the others are from the press.

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

Detainee: Is the date correct?

Presiding Officer: The date is the date that we were appointed as a board. It's not supposed to be today's date.

Detainee: Was it 05 November [2005](referring to appointment letter for board members)?

Presiding Officer: 05 October 2005, is when we were appointed.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

Detainee: Everyone in this room swears. The first time I was in this room I swore and there were no results. Everybody says they will tell the truth, my AMO said he would tell the truth but there are still no results. So there is no point in swearing.

Presiding Officer: If you could just please give me a yes or no answer and that will suffice.

UNCLASSIFIED//~~FOUO~~

Detainee: No.

The Detainee declined taking the Muslim oath.

Presiding Officer: Thank You! I understand your customs but a yes or no makes it easier for me and we know you are going to tell us the truth today.

The Presiding Officer read the hearing instructions to the Detainee.

The Detainee confirmed that he understood the process.

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.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview occurred on 10 October 2005 and lasted for 45 minutes. After a review of the ARB purpose and procedures, the Russian translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB the Detainee stated he wished to attend. The Detainee stated "I am undecided at this time whether I would answer the Unclassified Summary of Evidence or how I want the questions to be presented. I will decide when I come to the ARB. I will also decide when I get there if I will make an oral statement". The Detainee firmly elected not to have the AMO submit a written statement or speak on his behalf. The Detainee was cooperative and very polite during the interview. He elected to receive the Russian translated Unclassified Summary of Evidence for his future review. Additional Comment, the Detainee stated that he has a lawyer and will probably be meeting with him in about a month.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and the Terrorist Organization Reference Guide, DMO-3, 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.

The Detainee chose to respond after the DMO read the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) Men from an Islamic group wanted the Detainee to

ISN 084
Enclosure (5)
Page 2 of 7

join the group for jihad. The Detainee spent eight to ten days with three Islamic groups before being flown to Konduz, Afghanistan. (3.a.2) After staying in Konduz, Afghanistan for seven to eight months, the Detainee was taken to Mazir-e-Sharif to be surrendered to Dostum's troops. (3.a.3) The Detainee was caught smuggling \$600,000 in United States currency.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee received training on the Kalashnikov and gas mask during the ninth and tenth grade. (3.b.2) In June of 2000, the Detainee was part of a group of new recruits that was sent to Tajikistan for training. (3.b.3) A Foreign Government Service reported this group was transporting counterfeit United States dollars to an unidentified camp run by the Taliban when arrested in Tajikistan.

Designated Military Officer: (3.c) Connections and Associations (3.c.1) The Detainee is a suspected member of the Islamic Movement of Uzbekistan (IMU) because some of the information that he provided was nearly identical to information provided by a known member of the IMU. (3.c.2) A Foreign Government Service reported the Detainee as a member of the IMU. (3.c.3) IMU is a coalition of Islamic militants from Uzbekistan and other Central Asian states opposed to Uzbekistani President Islam Karimov's secular regime. Although the IMU's primary goal remains to overthrow Karimov and establish an Islamic state in Uzbekistan, it appears to have widened its targets to include all those perceived as fighting Islam. (3.c.4) The Detainee was an associate of Abduhalim Pakhrutdinov, a major supporter of Islamic extremist activities in Central Asia and a major financier of the IMU. The Detainee worked for Pakhrutdinov at his business Al Baraka. (3.c.5) The Detainee's position with AL Barakat was that of a "cashier" and he worked on site at the company building. As a "cashier", the Detainee was one of several people who received the cash money from those who sell Pakhrutdinov's products elsewhere. He then files the money away in a safe-like room. (3.c.6) The Detainee was identified as a person observed at Konduz, Afghanistan fighting: Al Janke, Shabraghan prison; and Kandahar, Afghanistan.

Designated Military Officer: (3.d) Other Relevant Data; The Detainee was at Maser-e-Sharif during the uprising. The Detainee was lined up in the courtyard with approximately 15-20 people when the shooting started. The Detainee recalled running towards the stairwell and hearing gunfire coming from it. A grenade exploded and he suffered leg and back injuries.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) While he was with the group of men in Tajikistan and during the several months that would follow in Konduz and Mazar-e-Sharif, he was never threatened with bodily harm, but always feared if he attempted to escape, he would be killed by these men. (4.b) The Detainee did not want to join with the Islamic group for jihad. (4.c) The Detainee has never had any problems with the police anywhere and has never been arrested. The Detainee has no knowledge of any counterfeiting to include money, passports and travel documents. (4.d) The Detainee stated all information regarding him being captured with

ISN 084

Enclosure (5)

Page 3 of 7

UNCLASSIFIED//~~FOUO~~

\$600,000 United States currency was false. This concludes the Unclassified Summary of Evidence.

Presiding Officer: At this time you if you would like to comment on the Unclassified Summary you may.

Detainee: Those accusations were not right, they were wrong.

Detainee: [I] have a lawyer, [who] I trust and whom I believe in. I told him everything and gave him all the information and [I] believe in him. I was advised by my lawyer that if I attend an ARB or another hearing and there are accusations against me, not to say anything during the hearing. I have the lawyer's card and he asked for you to call him if there are any questions.

Presiding Officer: You understand a little English.

Detainee: I have been here for four years I understand a few languages.

Presiding Officer: Thank you for your honesty.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Assisting Military Officer: Sir no written documents, however during the interview he indicated he would decide at the ARB whether he would make an oral statement.

Detainee: I would not like to make a statement because I have [a] lawyer.

Presiding Officer: Thank you very much. AMO could you please read the Detainee's additional comments that you read earlier.

Assisting Military Officer: The Detainee stated he has a lawyer and will probably be meeting with him in about a month.

Presiding Officer: You have already decided you do not wish to make a statement therefore I am going to continue forward, if you agree with that, unless you have something you would like to add.

Detainee: You may continue.

ISN 084
Enclosure (5)
Page 4 of 7

UNCLASSIFIED//~~FOUO~~

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Are you of the Islamic faith?

Detainee: Please forgive me, but I am not going to answer any questions, due to the fact my lawyer told me not to answer any questions.

Presiding Officer: That's fine, bear with us we are going to still proceed to ask you questions you can just refuse to answer if that is your desire.

Board Member: What did you have [in your possession] the first time you were captured?

Detainee: I have been detained and interrogated here for over four years. You guys have all the documents. Last month I spoke with my lawyer and he has all that information also.

Board Member: You said you didn't want to join the Army group, so why did you?

Detainee: I will not answer any questions, I am very sorry.

Board Member: Who is your lawyer?

Detainee: His name is John (Detainee had business card in his pocket).

Board Member: What was Abduhalim's business that you worked in? What were the products he made?

Detainee: I won't answer that.

Board Member: When did you decide you didn't want to be in Afghanistan?

Detainee: I will not talk.

Board Member: Good luck with your lawyer.

Detainee: Thank you very much!

Board Member: While you have been hear have you heard from your family?

Detainee: I will not answer.

ISN 084
Enclosure (5)
Page 5 of 7

Presiding Officer: They alleged in the Unclassified Summary, that you had some U.S. currency; did you have any U.S. currency on you when you turned yourself in or were captured?

Detainee: Please talk to my lawyer.

Presiding Officer: Have you ever been to Konduz, Afghanistan?

Detainee: I will not talk.

Presiding Officer: Have you been to Al Janke prison?

Detainee: All the questions that you are asking the lawyer and the interrogators have in [my] file.

Presiding Officer: Have you recovered from the injuries you received at Mazar-e-Sharif? How are your legs and your back?

Detainee: [They] are normal, it's fine.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.

Detainee: Before we end, I would like to say a few words. In the past I have never met Americans, never dealt with Americans but I have heard from other people that in America you have a Democracy. Without knowing the language [spoken] in America I heard that America was a fair country that did not kill people and actually goes to help other countries that are unfair to their people (other countries unfair to their own). I have been here for four years now and I have not seen an ounce of Democracy and I am wondering if all the things I have heard about America was a lie. The American government before was an example for other countries. You would go in and set regime for people of other countries who did not have their own rights. I am from Kazakhstan a country where the sun rises and [the United States] is a country where the sun sets. I have never had anything against the U.S. and cannot understand the allegations brought against me. I have never killed anyone, I have never done anything against Americans and I have never been to America so, how can America do this against me? Maybe Americans are angry because from what I have heard is someone flew an airplane into a building and maybe killed a child or someone's father or someone's brother but I didn't do that. I was never against America. I am very sad for what happened but I also have a mother and a father.

Presiding Officer: We appreciated your comments, concern and sincerity. Thank You!

Detainee: Thank you very much.

Presiding Officer: We appreciated your honesty and the answers you did provide.

ISN 084
Enclosure (5)
Page 6 of 7

Detainee: You are welcome, sir.


Presiding Officer adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

ISN 084
Enclosure (5)
Page 7 of 7

Summary of Administrative Review Board Proceedings for ISN 103

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee declined taking the Muslim oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

Presiding Officer: Assisting Military Officer, please read the comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 13 December 2005, and lasted 40 minutes. After reviewing the ARB's purpose and procedures, the Detainee stated he understood the difference between the CSRT and the ARB. The Detainee read the Uighur translated Unclassified Summary of Evidence. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated would attend the ARB and that he did not have any written documentation to present to the board. The Detainee stated that he would respond to and answer questions in regards to the Unclassified Summary of Evidence after it had been read in its entirety. The Detainee was very courteous and

ISN 103
Enclosure (5)
Page 1 of 11

attentive. The Detainee elected to take a copy of the Uighur translated Unclassified Summary of Evidence for his review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibits DMO-1, 2, 3, and 4 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.

The Detainee chose to respond to the Unclassified Summary of Evidence after it had been read in its entirety.

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 factors favor continued detention: (3.a) Connections/Associations. The Detainee claimed he was extremely surprised to find out his brother had gone to a training camp.

Designated Military Officer: (3.b) Detainee Actions and Statements (3.b.1) The Detainee departed from his village in China on 21 August 2001, after his brother had called home telling his family that the brother was traveling to Pakistan.

Designated Military Officer: (3.b.2) The Detainee traveled from China to Karachi, Pakistan. From Karachi, the Detainee made his way to Kabul, Afghanistan.

Designated Military Officer: (3.b.3) The Detainee stayed one and a half months in a guesthouse in Kabul.

Designated Military Officer: (3.b.4) The Detainee was told he had to leave the Kabul guesthouse. The Detainee traveled to a house in Konduz.

Designated Military Officer: (3.b.5) Shortly after the bombing started, the Detainee was informed he needed to travel to Kandahar.

Designated Military Officer: (3.b.6) The Detainee boarded a truck he thought was going to Kandahar with about 30 other occupants. However, instead of going to Kandahar, the truck drove to Mazar-e-Sharif, and all the occupants were imprisoned.

Designated Military Officer: (3.c) Other Relevant Data. The Detainee witnessed the Qual Jangi uprising.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee stated he does not have a bad opinion of the United States. The Detainee understands why he is here and thinks the United States is justified in

ISN 103
Enclosure (5)
Page 2 of 11

conducting the investigation. The Detainee understands the process of an investigation takes time and believes he will be found innocent.

Designated Military Officer: (4.b) The Detainee thinks he made a mistake by traveling to Afghanistan to find his brother. If he had the opportunity to change anything, he would have not traveled to Afghanistan.

Designated Military Officer: (4.c) When asked if he had plans to attack the United States, the Detainee laughed and stated, "No, of course not." The Detainee explained that he hoped to have the support of the United States if and when Turkistan separated from China.

Designated Military Officer: (4.d) The Detainee laments the deaths of so many innocent people in the terrorist attacks of 11 September 2001. The Detainee hates Usama bin Ladin and blames him for his imprisonment in Cuba. The Detainee understands why the United States invaded Afghanistan. The Detainee believes the United States has been just and fair.

Presiding Officer: Mr. Arkin Mahmud, now is your opportunity to respond to any or all of the allegations listed in the Unclassified Summary if you so wish.

Detainee: I have explained to them [interrogators, etc.] in the past the reasons as to why I went to Afghanistan. I don't really want to explain everything over again. I want you guys [referring to the Review Board] to explain to me why I have been grouped in with those terrorist people.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

Detainee: I would really like for you guys [referring to the Review Board] to explain to me. I want you to explain to me what kind of law fits my status. I want to know what the laws are in regards to my status that has kept me here [Guantanamo Bay] for the last four years. What laws have I broken?

Presiding Officer: That is not the purpose of the Administrative Review Board.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Assisting Military Officer indicated he had some additional Detainee comments from the Enemy Combatant Election Form and that the Detainee would like to make an oral statement.

Assisting Military Officer: The following are additional Detainee comments from the Enemy Combatant Election Form: *The Detainee asked how long it would take to get an answer on his status. The AMO explained to the Detainee that the Review Board will make a recommendation and that process will be explained to him at the Review Board. The Detainee was also told by the AMO that a decision will be made in Washington D.C and he will get an answer in the very near future.*

The Detainee made the following statement:

Detainee: I wanted to present my concerns. I wanted to ask you [the Review Board] some questions, but you just told me that is not what we are here for today. If I cannot ask any questions, then I really do not have anything to say or talk about.

Presiding Officer: Very well.

The Assisting Military Officer did not have any further information to submit.

The Assisting Military Officer did not have any questions for the Detainee.

The Designated Military Officer did not have any questions for the Detainee.

Administrative Review Board Member Questions:

Board Member: Sir, where you ever provided any military training?

Detainee: No.

Board Member: Where you ever involved in combat operations?

Detainee: I did not participate in any combat.

Board Member: Why did you travel from China to Afghanistan if you thought your brother was residing in Pakistan?

Detainee: I could not find my brother in Pakistan, so I traveled to Afghanistan [to find his brother].

Board Member: You left China on 21 August 2001. When did you arrive in Afghanistan?

Detainee: I am not sure. What I remember is arriving in Afghanistan around December, wait, no, 3 September, I think. It was at the beginning of September.

Board Member: This time frame just so happens to be the same time that al Qaida was calling for individuals to come to Afghanistan for Jihad, and in preparation for attacks on the United States.

Detainee: I don't know anything about that. I had never heard of al Qaida until I was brought here [Guantanamo Bay]. I have seen American people on the television before. I had never seen Arab people in my life. Because of where I live, where I am from, it is very restrictive to foreigners coming into my city.

Board Member: You stayed in a guesthouse in Kabul for one and a half months. What did you do while you were there?

Detainee: They would not let me go outside. The people who ran the house would not let me go out because I did not have a beard or anything like that. They told me that if I left the house that the Taliban would hurt me. They told me if I left the house the Taliban would create trouble for the host of the guesthouse.

Board Member: Why were you directed to leave Kabul and go to Konduz?

Detainee: When I was at the guesthouse in Kabul the bombing started. I requested to the people at the guesthouse that I wanted to leave. They told me all the borders were closed. They told me ok, that I could go, but that I should go to Konduz because it was a little bit safer there.

Board Member: When you boarded the truck with thirty other occupants, were the other occupants armed?

Detainee: I did not see any weapons. However, when I was arrested, they found some weapons.

Board Member: When you were arrested, did you have a weapon?

Detainee: No. I did not have any weapons.

Board Member: Sir, were you involved in the prison uprising?

Detainee: I have seen weapons on televisions, but I have never touched a weapon in my life [referring back to the previous Board Members question]. When I was arrested, they [*they* is never specified, Detainee is referring to the individuals who arrested him] brought all the weapons they found and put them into one place. When they put me on the truck it was nighttime and I could not see. I did not see any weapons.

Board Member: Sir, were you involved in the prison uprising?

Detainee: No. I don't know anything about it. If I had been involved in that, I would probably be dead. But, I was there. I remember it happening.

Board Member: How would you characterize your behavior while you have been detained here at Guantanamo Bay, Cuba?

Board Member: There is nothing for me to characterize. What do you want me to characterize? If you don't specifically explain to me what you are talking about and explain things to me clearly, I don't understand. I do not have a high education. I don't really understand what you are trying to say.

Board Member: Your *behavior* while here at Guantanamo Bay Cuba. [Had your behavior been good, bad, indifferent, etc.]

Detainee: If you are in a prison, sometimes you get mad. Sometimes you get mad and upset. Sometimes you are sad. When innocent people end up in prison, you begin to think about your family, you get frustrated. It's a prison, things happen. When a regular person is just doing his business and staying home, and who has no knowledge about anything, then all of a sudden ends up in the middle of some terrorist people, then ends up in prison, that is frustrating and sometimes you get mad. It's sad, because I don't know anything. Even in my home country, even politics, everything in my home country is bad. But, I did not do anything against anybody. I was just trying to survive.

Board Member: If the Review Board were to recommend you be transferred to another country, what country would you like to be transferred to?

Detainee: I don't really believe that any other country will take me. I have heard that many countries have refused to take us [detainees from Guantanamo]. What I want is, since no one will take us, I would like for the United States to take me to their soil. I would like for the United States to take me and I will stay there for the rest of my life in peace.

Board Member: What do you think would happen to you if you were transferred back to China?

Detainee: They would probably kill me. Even if they don't kill me they would keep me in a prison for the rest of my life. I believe they [China] would not kill me right away. This is an international problem, everyone knows about detainees here [at Guantanamo] and the Chinese would want to keep their face up. That is why they would not kill me right away. Eventually they would kill me.

Board Member: If you had to be transferred to another country, would you take up Jihad against the government of China?

Detainee: I don't really believe you guys [referring the to Review Board] are going to release me. But, even if you guys change your mind or change your heart, and you decide to release me somewhere, then I am going to stay away from the Jihad, Pihad, whatever the heck its called [laughing making fun of the word Jihad] and I will stay away from any fighting, or anything like that. I just want to go somewhere to do my own business, start a new life, and live a happy life, whatever I can do to stay in peace.

Board Member: Thank you very much.

UNCLASSIFIED//~~FOUO~~

Detainee: I do not want you guys [referring to the Review Board] to send me back to China alive. I do not wish to go back to China. However, if I should die in here [Guantanamo] I would like for you to send my dead body back to my family. I will accept that, but I do not wish to go back to China. If your government could find a place for me to live in peace, by myself, I don't want to be involved in any movement, any organization, I don't want to be involved in anything. I just want to live by myself. If you could provide that kind of thing to me, then I would be very grateful to your President, George Bush. Then I would be able to live in peace and quite.

Board Member: Thank you very much.

Board Member: Mr. Arkin Mahmud, what is your business in your home country?

Detainee: When I lived at home [Turkistan] I repaired shoes. I learned that trade when I was sixteen years old. I was a shoe repairman. In my home country of Turkistan, most of the Uighur people just get training in jobs like shoe repair, carpentry, or some other kind of local business, those kinds of trades. Even if you go to school in my country, there are so many Chinese people there. It is really hard to get a job. You don't have much of an opportunity to get a good job. Most people get just a little education and then get training for a local business job to try and survive.

Board Member: Are you and your family devout Muslims?

Detainee: Yes, we do believe in the Muslim religion.

Board Member: What is your definition of a lesser Jihad?

Detainee: When I was in my home country I did not even know what a Jihad was. I had never heard of Jihad. No one ever talked about Jihad. I did not even pray when I lived in my own country. When I went to Afghanistan, the people around me pressured me and told me that I needed to start praying. Then I started praying. I actually learned to pray when I got here [Guantanamo]. Some people pray, some people don't.

Board Member: Have you ever held a weapon in your hand?

Detainee: No. I have seen a weapon, but I have never carried a weapon.

Board Member: How did you get from Karachi to Kabul?

Detainee: I traveled by bus. I went by bus from Karachi to Quetta. Then I traveled to Afghanistan. There was a bus from Karachi to Quetta. Then I took a taxi from Quetta to Kabul.

Board Member: How many people traveled with you?

ISN 103
Enclosure (5)
Page 7 of 11

Detainee: There were so many Pakistani people traveling by bus. But, there was one other person, one other Uighur, who was traveling with me.

The Presiding Officer read the post-Administrative Review Board instructions and adjourned the open session of the Administrative Review Board.

Detainee interrupts.

Detainee: Sir, if this is the conclusion of the board I would like to make one more request. You [referring to the Review Board] have read everything. You have read my file. I was an innocent person. I just went to Afghanistan to try and find my brother. Then I ended up in the middle of terrorist people and organizations. Then the United States picked me up and brought me here [to Guantanamo].

I want you guys [the Review Board] to make a better recommendation to send to the higher person in Washington D.C. I hope those people in Washington D.C are also good human beings and that they understand, and hopefully they will come up with a better judgment in my case. If they decide to keep me here forever, I don't really mind to die in this place.

The last four years of being here in this prison, I actually blame myself for winding up here [at Guantanamo]. Because I traveled to Afghanistan, I wound up here. If the U.S government changes their heart and tries to help me find a better place, I can live with peace and I would appreciate it. I would then probably forget my bad experience here.

Presiding Officer: Arkin Mahmud, this Review Board will be forwarding a recommendation to Washington D.C. A very small number of the recommendations get overturned. The decision that the Review Board makes will very likely be upheld by the official in Washington D.C. Do you understand that?

Detainee: Yes.

Presiding Officer: It is the Review Board that you need to convince, not someone up in Washington D.C.

Detainee: How am I going to convince you? Everything I had and anything I knew, I have already told the truth.

Presiding Officer: The Review Board just wants you to know that there has only been one case where the Washington D.C official did not approve the recommendation of the Administrative Review Board. This is your last chance. Is there something else you think the Review Board should know or something you think the Review Board should hear?

Detainee: I don't have anything else to say. All I can talk about is *myself*. I can only tell you things about myself, there is nothing else.

ISN 103
Enclosure (5)
Page 8 of 11

Presiding Officer: Since you brought that topic up. I am appalled at your behavior here [while detained at Guantanamo]. Are you ashamed of the things you have done while you have been detained here [at Guantanamo]?

Detainee: I am not shamed when I am here. There are lots of people here in prison. But, if I leave here, if I am released from here and I go out into the world, probably people are going to make fun of me and say things about me. Then I will be ashamed.

Presiding Officer: You have made anti-American statements while you have been detained here. Have you not?

Detainee: When? What kind of statement are you talking about?

Presiding Officer: The guard staff reported that you made anti-American statements.

Detainee: No, I have never said that. But, maybe, when you are in a prison for four years, sometimes you get frustrated and upset and you say things you don't really mean.

Presiding Officer: That is my question then. Do you really *mean it* when you made anti-American statements?

Detainee: No, I did not mean those statements. For example, sometimes you get upset and angry, say for example towards your family. You curse your parents, your family member, or even your children. You might say to your kids, "you should behave or I am going to kill you." You say things like that, but you don't really mean it. That's just frustration.

Presiding Officer: I look at your file and the one thing that stands out is the behavior you have displayed while you have been detained here [at Guantanamo]. So I understand what you are saying, you regret that you did not behave better. Is that correct?

Detainee: Sometimes I get upset, frustrated, and angry. Sometimes we [detainees] curse the MPs and say something bad. Later on, the MPs come back and we [the detainees] are in a good mood, we start talking to the MPs again and sometimes we apologize to the MPs, and say I am sorry.

Presiding Officer: Now, as you sit in this room, do you regret that you did those things?

Detainee: Yes Sir.

Presiding Officer: Thank you.

Detainee: Yes, I do regret what I have done in here [Guantanamo]. I wish if you were to release me, you would send me somewhere on United States soil so I can be with the Uighur people or just live by myself. Or you could send me to another area, some other country, anywhere I could live in peace. If I ever said any anti-American statements or if

I have said anything bad against America, then you can put me in prison for the rest of my life. I do regret if I said something bad against American.

The Presiding Office began once again to read the post-Administrative Review Board instructions and adjourned the open session of the Administrative Review Board.

Detainee interrupts

Detainee: I used to have a home country. I used to live in Turkistan. The Chinese took my home and my country from us [the people of Turkistan]. I have suffered in here [Guantanamo] for four years. I do not want to return to China and suffer in a Chinese prison. Even if I were to say I belong to the country of Turkistan, they would cut my tongue out. I do not want to return to China. If you decided to release me or transfer me, I would appreciate it if you would send me to a different country.

The Presiding Officer resumes the post-Administrative Review Board instructions.

Detainee interrupts again.

Detainee: If they [the official in Washington D.C] decide to keep me in here for one more year and I have another hearing a year from now, I will not attend. I will just request that I be kept in prison forever.

The Presiding Officer adjourned the unclassified portion of the Administrative Review Board session.

The Presiding Officer opened the classified portion of the session.

The Designated Military Officer offered the classified exhibits to the Administrative Review Board.

The Administrative Review Board examined all classified material.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, USA
Presiding Officer

Summary of Administrative Review Board Proceedings for ISN 111

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Presiding Officer clarified with the Detainee that he understood English pretty well. He instructed the Detainee that if he felt like answering in English that was fine, but if the Detainee did not understand something and needed it translated to indicate that to the translator.

Presiding Officer: Do you understand what I am saying?

Detainee: Yes.

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 07 September 2005 and lasted 150 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of Evidence, provide a written statement, give an oral statement, or provide the Assisting Military Officer comments to present, the Detainee said he wanted the Assisting Military Officer to speak on his behalf. A follow-up interview was conducted on 08 September 2005 and lasted for 180 minutes. This interview was necessary to verify the Detainee's comments for accuracy. The Detainee was cooperative and very polite during both interviews. The Detainee elected to keep a copy of the Arabic translated copy of the Unclassified Summary of Evidence for his review. This concludes my comments.

Assisting Military Officer: Sir, Also in the interview prior to the ARB, the Detainee elected to answer the Unclassified Summary of Evidence openly and he would like to answer the statements as they are read one by one.

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

Presiding Officer: I have one question about DMO-2. The FBI list three documents and I only notice two on the reference sheet.

Designated Military Officer: Sir, one was not referenced in any of the summaries. I do have it, but it was not used in any of the summaries.

Presiding Officer: Okay, I see. Since we cannot talk about it here we will talk about it during the classified session.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee initially chose not to respond to each item of information from the Unclassified Summary as it was presented, but now, thru the Assisting Military Officer, the Detainee indicated that he did want 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: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was arrested due to civil unrest. He was jailed in Wusil City in north Iraq for over one year.

ISN 111
Enclosure (5)
Page 2 of 12

UNCLASSIFIED//~~FOUO~~

Detainee: This is correct. They caught me in Wusil City in north Iraq and then they put me in jail. It was in 1996, the first of April, and the city was named Mosul, not Wusil.

Designated Military Officer: (3.a.2) While working with the Republican Guard in the al Suera Region, the Detainee went absent without leave (AWOL) twice from his unit. The Iraqi military found and arrested him. He was subsequently sent to the al Hara al Umy Prison, which is a prison for Iraqi military intelligence personnel.

Detainee: I was in the Iraqi Army, the Republican Guard. Iraq is my home. No one can say no [to joining the army] because you are forced to join the Iraqi Army. Then they took me to an Iraqi jail and that jail was called the Intelligence Jail, Division Five, cell number 17, located in Alkhtmeah City, in Baghdad City.

Designated Military Officer: (3.a.3) When the Detainee was released from this prison, he fled Iraq, contacting his sister (Entesar) in Tunisia for assistance.

Detainee: That is right I left my home, without following the rules. [I went] toward Jordan, but I did not have enough money to stay in a normal hotel and it was not safe. It was very dangerous to anyone who did not have any money in Jordan. They would take you back to Iraq. I [had to] contact my sister in Tunisia and have her send some money to me to give to the hotel.

Designated Military Officer: (3.a.4) The Detainee traveled through Egypt and Libya on the way to Tunisia.

Detainee: Yes. The first time it was safer to go to Libya than to Jordan.

Designated Military Officer: (3.a.5) The Detainee flew to Istanbul where he was arrested days after his arrival due to his use of false documents to enter the country. He was transported to a special prison called Banshee in Istanbul, Turkey.

Detainee: That is right and I want to say something [else]. [For each Iraqi] wanting to leave his country there are many ways. The first one is to take asylum by the United Nations office or by buying a visa, but it is so expensive and not everyone can afford to buy a visa; also by buying a cheap passport, any Arabic passport to help go to Europe or the United States. That is the goal of the Iraqi people. That is correct and you can ask a lot of Iraqi people and the homeless. If you are lucky you can go to Europe or America and take asylum, but if do not have good luck you will be in a jail or homeless and I was.

Designated Military Officer: (3.a.6) The Turkish government extradited the Detainee to Iraq. He was imprisoned in Baghdad. He spent a year there before escaping.

Detainee: This is not correct. The Turkish government did not return me to Baghdad. They turned me over to the Iraqi Kurdish area in north Iraq. I could not return back to Baghdad because they would put me in jail. With the Kurdish people there was more freedom there. I could not return back to the Turkish or somewhere...I have two files

ISN 111
Enclosure (5)
Page 3 of 12

UNCLASSIFIED//~~FOUO~~

with the ICRC and you can ask the ICRC. I was homeless in Turkey and that was not my choice. It was because I had no documents or money.

Designated Military Officer: (3.a.7) The Detainee joined the Taliban and resided in a Taliban guesthouse in Peshawar, Pakistan, while in transit to Afghanistan.

Detainee: That is right. I was with the Pakistani people, and I had no idea before about the Arab people in Afghanistan. There was a very good chance to find food three times. I was homeless. That was before 11 September [2001] and I did not know if the Taliban would be an enemy or not. If I knew, I would not go to Afghanistan because I would not fight with anyone. I just wanted to stay safe and get asylum. I have never been an enemy to America and I never will be an enemy to America. I would live in America and I will be one person of the American people.

Designated Military Officer: (3.a.8) The Detainee was a political refugee from Iraq due to the fact he is a Shiite Muslim. He found work as a truck driver for the Taliban.

Detainee: This not true because I never was...I never had diplomatic asylum before. I was opposed to the Saddam government. Iraq is my home. How can I take asylum in my home?

Designated Military Officer: (3.a.9) The Detainee fought on the frontline. On the frontlines, the Detainee drove the truck used during the retreat.

Detainee: That is correct. I was not fighting I just drove.

Designated Military Officer: (3.b) Training: (3.b.1) The Detainee was a member of the Iraqi military for approximately three years.

Detainee: That is right. I was in the Iraqi army for three years. I spent one year in the army, one year in jail, and the last year between the jail and the army. That does not mean I am a bad person, but I do not like the Saddam regime. They put me in jail because I oppose him. I want freedom. I don't like Saddam and Saddam's people.

Designated Military Officer: (3.b.2) The Detainee went to basic training in Sinjar Iraq. After basic, he received heavy vehicle mechanic training at al Suera.

Detainee: That is not right. In Suera city, there is no such thing. There is no training for drivers. I never trained there. I did not take any training in Suera. Suera has so many camps. You should know which camp I was in.

Designated Military Officer: (3.b.3) The Detainee was a driver for the Palace Guards for one year. Then, he became the personal driver to General Hakay Shafir Saleh, a secretary of Saddam Hussein.

Detainee: This is not true. It is not true.

ISN 111
Enclosure (5)
Page 4 of 12

Designated Military Officer: (3.c) Connections/Associations: The Detainee denied any affiliation with Iraqi Intelligence Service (IIS) or the Special Republican Guard, even though he admits being the driver for a Special Republican Guard General.

Detainee: That is not correct. Some interrogators accused me of being with the Iraqi Intelligence and that is not right.

Designated Military Officer: (3.d) Intent: The Detainee has stated he feels that he would be an ideal spy for the U.S.

Detainee: Some interrogators asked me to [gather] information from other Detainees. They told me [if I did] it would help me get asylum. I never asked to be a spy before. After that happened some interrogators told the Detainees here about me and that I gave the interrogators information about them. *It was very hard and now my life is in danger.*

Presiding Officer: Okay, I was not sure that I heard what you were saying there. What was your last sentence? I just could not hear you real good.

Detainee: *Now I am in danger. Not just me, but me and my family.* The interrogators and the ICRC know. I have been in Eagle camp because most of the Detainees spit in my face and throw pee and shit because I gave the interrogators information. Rich Detainees told me they know my address and they told me they have no problem, but they will find me. [They said] if they have to spend \$100,000 they [said they will] to kill me. Not just me, but my friend ISN-252 too. You can check with the interrogators.

Designated Military Officer: (3.e) Other Relevant Data: (3.e.1) After fighting in Konduz, the detainee's unit surrendered to the Northern Alliance with the rest of the Taliban forces. They were taken to Mazar-e-Sharif.

Detainee: Yes, that is right.

Designated Military Officer: (3.e.2) While the Detainee was being held at Qala-I Junghi Prison, Mazar-e-Sharif, Afghanistan, he withdrew from a mortar position. During his withdrawal he encountered an American and interpreted for him. He said he was very close to the American when the American was killed.

(The Detainee requested that the Administrative Review Board use the response that was recorded on Exhibit EC-B provided during his interview with the Assisting Military Officer. The Presiding Officer confirmed his request.)

Detainee: In response to the allegation the Detainee stated the following on Exhibit EC-B (3.e.2): "This is not true. After the withdrawal of the Taliban from the north to Mazar-e-Sharif, with an agreement with the Dostum Army, they were responsible for Mazar-e-Sharif. Dostum agreed to take the Taliban weapons, a plane was taking pictures, and lots of media were there. They agreed to take the Taliban and put them in Qala-I Junghi. They put almost 700 people in an underground bunker until the following day. They

ISN 111
Enclosure (5)
Page 5 of 12

~~UNCLASSIFIED//FOUO~~

brought us out from the back shackled. There were two men, one with a camera, and the other with recording equipment, asking questions. The recorder asked questions of the people ahead of me, and they were telling the recorder they were not Arabs. The recorder asked me, and I told him I was an Arab. The Dostum Army and the recorder took us about 15 meters away and the recorder introduced himself to me. I gave the recorder my full name. The recorder said his name was Mike and that he was with the American Intelligence. I gave information to [REDACTED] and I told [REDACTED] that the 150 Arabs with me were lying. [REDACTED] asked me about the blonde guy. I told [REDACTED] that the guy with the long hair claimed he was from Ireland. After that, the Dostum Army brought me back. [REDACTED] thanked me and said he will meet me again. On my way back, [REDACTED] was behind me, and every time I tried to turn around, someone from the Dostum Army hit me with a stick, along with some others. After that, there was some firing by the Dostum Army. They fired at the people that were shackled. Of the 700 people, only 70 were injured and all the others were dead. I escaped without any injuries."

Designated Military Officer: (3.e.3) The Detainee negotiated the release after the uprising at Qala-I Junghi. He talked other Arabs into surrendering.

(The Detainee requested that the Administrative Review Board use the response that was recorded on Exhibit EC-B provided during his interview with the Assisting Military Officer. The Presiding Officer confirmed his request.)

Detainee: In response to the allegation the Detainee stated the following on Exhibit EC-B (3.e.3): "These are all claims. For the negotiation of release, someone came out and said, 'Why don't you all come out. We will not kill you'. So we did. When I came out, I told the Red Cross I did not talk people into surrendering. I told them I'm not American. I'm an Iraqi. I told them that because I did not want to be killed."

Designated Military Officer: (3.e.4) The Detainee stated that he lied to previous interrogators, and his cover story was untrue. The Detainee said he lied to all previous interrogators to make himself appear more important.

Detainee: That is right sir, but I did not lie to all of the interrogators about everything that happened. I was scared the interrogators were going to give me back to Iraq. I gave information about everything that I did know to get asylum.

Designated Military Officer: (4.) The following factors primary factors favor release or transfer: (4.a) The Detainee strenuously denied any ties to the Iraqi Intelligence Service (IIS) and stated that Saddam Hussein's government had executed his uncle and there is no way he would ever be involved with the Saddam Hussein regime.

Detainee: That is right.

Designated Military Officer: (4.b) The Detainee stated that he is grateful for America and all they have done for the Iraqis.

ISN 111
Enclosure (5)
Page 6 of 12

20138

~~UNCLASSIFIED//FOUO~~

Detainee: Yes sir, that is right.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Presiding Officer: Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board including a written statement, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

Assisting Military Officer: No sir. No written statement, but the Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement now.

The Detainee made the following statement:

Detainee: With all respect to all of the gentlemen here and the American government and the American people. I want the American government to understand me and I am sure they will respect human life because I believe and I trust the American government. I thank the American government for helping the Iraqi people and for giving me the chance to return back to freedom. I am sorry about everything that happened, but I want to explain to you that I was homeless and an ordinary person. I was never an enemy to America or Americans. In the future I want to be an American because I want to be safe. Thank you to the American government and thank you for the people that are here. I am sorry again about the time...I want to just have one chance in my life to be human because my past life was very, very hard. Thank you.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank you.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: What was the nature of the civil unrest when you were arrested in 1996?

ISN 111
Enclosure (5)
Page 7 of 12

Detainee: In 1996 I was in my home in the Iraq military. I tried to leave my home because I did not want to stay in the army. They force you to stay, they don't give you money, and it is very hard to put down the Saddam government. I tried with another friend...he told me that maybe we could have a good life in northern Iraq. We did not know where northern Iraq was, but we heard from a generation of people that if you go to northern Iraq that you could find the U.N. Office and you could get asylum to go to Europe. I tried with my friends. We did not have enough money and we did not know exactly which way to go to get to northern Iraq. The Iraqi police captured me without documents and they took me back to Mosul police and they beat me many times. Then they took me back to the military. They found an important piece of paper that was about my uncle that the Saddam government killed. They took the paper and punished me so much and sent me to the Intelligence Jail because they thought I was an enemy.

Board Member: So you were in the Army already and you were trying to escape to the Kurdish portion of northern Iraq?

Detainee: Yes. I did not want to be with the Kurdish people, I just wanted to find the U.N. Office. The people inside Baghdad said that if you go to the U.N. Office they would give you asylum. That was the reason I took that paper to show them that Saddam killed my uncle and I did not want to stay in the army, but I had bad luck.

Board Member: When you were a truck driver for the Taliban near the frontlines did you carry a weapon?

Detainee: No sir, I just drove. They asked me the first time if I wanted to go to the line and fight for jihad. I said no I am just a mechanic and I drive. I don't want to go and I don't want to have a gun.

Board Member: How did you travel to Afghanistan? What was your route of travel?

Detainee: I was in Pakistan for five months and I was homeless. In Pakistan before 11 September [2001] you could find an Islamic office everywhere without a problem from the Pakistani Government. I could not always ask the Pakistani Government to give me food. I tried to find a job, but Pakistan is very poor and I had no idea about Pakistan before [going there]. I found the Islamic office and it was a very good chance to get food and find a job.

Board Member: Did the Islamic office ship you to Afghanistan?

Detainee: Yes, the Pakistani people. I swear to God if I knew the Arabic people in Afghanistan or what the Taliban meant or that they were an enemy of America I would have never went to Afghanistan.

Board Member: Is ISN-252 an Iraqi?

Detainee: No, he is from Yemen. I know him from the camp here. Other Detainees were talking bad about him and cursing him.

Board Member: Does he speak English?

Detainee: No. He is my neighbor in "E" block.

Board Member: Does he speak Farsi?

Detainee: No, he speaks Arabic.

Board Member: How do you communicate with him?

Detainee: I am Arabic and he is Arabic. We speak the same language.

Board Member: You both speak Arabic.

Detainee: Yes, sure.

Presiding Officer: You said he was from Yemen.

Detainee: Yes. And he is very cooperative with the interrogators. We have the same interrogators.

Board Member: You said you were concerned about your family's welfare. Do you have parents?

Detainee: Yes, I have parents, two sisters, and one brother.

Board Member: Where is your brother?

Detainee: He is in Iraq. He is younger than me. I think he is twenty-four years old.

Board Member: Why didn't you go back to your parents to get money instead of from your sister the first time you tried to get out of Iraq?

Detainee: My parents could not save money for me. My father is very poor. My father can't buy a house. We live on the second floor of my grandfather's house. It is just two rooms and they are very poor. My father cannot save anything for me so I must find money to send to them.

Board Member: Does your father work?

Detainee: Yes.

Board Member: Where does he work at?

Detainee: He is a driver of the Iraqi Oil Ministry. He is just a driver.

Board Member: If we transfer you back to Iraq what will you do in Iraq?

Detainee: *Sir, please, I don't want to go back to Iraq.*

Board Member: Where do you want to be returned [to]?

Detainee: I want to go to Europe or America. I want to find a new life. I don't want to go back to any Arabic home. Please. This has been my goal for 8 years since [the time] I left my home. Please, I want the American government to give me that chance. I want to be a new human. I have no problem with any religion. I have no problem with anyone. We are all brothers. I want to be safe.

Board Member: Is there some reason specifically that you do not want to go back to Iraq?

Detainee: *Yes sir, because most of the Detainees have sworn to kill me and they will do it. Some of the Detainees are going back are Pakistani or Arabic and with their friends they will look for me and it will not be easy. I don't want to give my family a hard time. If I am with my family they and I will have a very hard time. Please don't return me back to Iraq or any Arabic country. Just let me find a new life. I want to go to school and find a job. I want freedom.*

Board Member: When you were at the Qala-I Junghi Prison, why did you tell them you were not an American? How was that going to protect you?

Detainee: In Qala-I Junghi if you say you are Arabic or Pakistani they will shoot you. So, I said I was American because I did not want anyone to kill me. When I got outside and I got in front of the camera and they asked if I was American I said no that I was Iraqi.

Board Member: So you just switched.

Detainee: Just because I wanted to be safe.

Board Member: Thank you that is all of my questions.

Presiding Officer: In 3.b.2 there was a question about you going to basic training in Sinjar Iraq and you said that it was not true. What kind of training is there?

Detainee: Sir, there is normal training there. Each Iraqi, when they join the military, is given training based on what they will do in the army camp. Not all Iraqi people use the Kalashnikov. My job in the army was to drive and I didn't worry about the guns. I had normal training just to learn how to salute the flag, the officers, and the army rules. That is it.

Presiding Officer: Is that what goes on in Sinjar?

Detainee: No [that] is in the Majueen region toward the south. It is 80 kilometers from Baghdad.

Presiding Officer: But, you said there are many camps in al Suera, but are there any training camps in Sinjar? That is where they say you had your training.

Detainee: There are camps everywhere in Iraq. When I told them that before, it was because I did not want to go back to Iraq. I just wanted to make myself big. I [know] nothing. In Suera there are many camps that train the Iraqi military, but I have only been in normal camps. Not where they train people.

Presiding Officer: In the next question (3.c) they mention that you were affiliated with the Intelligence Service. Where would they get this from or why would they say this if you said that it was not true and you were not with the intelligence service?

Detainee: The first time before the Americans came to Iraq. I had some information about Baghdad. Each person that lives in Baghdad will know what a building is, but will not know what is inside the building. Baghdad is so small. When I did give this information to the interrogators they did ask how I knew that information. I could not say that this was normal and each person knew that information, so I said I have this information from some higher people. I just wanted to make myself seem [important] to get asylum. *I did not want to say anything that would make me get returned back to Iraq. I am scared of returning back to Iraq.* But, I did not say that I had been working in the Iraqi Intelligence Office or nothing like that. I am sorry about doing that.

Presiding Officer: Is that all you would like to present?

Detainee: Yes sir.

Presiding Officer: Thank you.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

Summary of Administrative Review Board Proceedings for ISN 129

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Certification, DMO-2, 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 Detainee interrupts and makes the following statement.)

Detainee: I would like to say something about this summary.

Presiding Officer: You will have an opportunity a little later, if you can be patient and wait please.

Detainee: OK.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Assisting Military Officer made a statement on the Detainee's behalf.

Assisting Military Officer: The initial Administrative Review Board interview took place on 11 Jul 05 and lasted 60 minutes. After a review of the Administrative Review Board purpose and procedures, the Arabic translation of the unclassified Summary of Evidence was read to the Detainee. The Detainee said he would attend the Administrative Review Board, but that he had little confidence that the process would lead to his release.

(The Detainee interrupts with the following statement)

Detainee: I don't agree [with that statement]...this board will release me.

Presiding Officer: *(Reading back from the Unclassified Summary of Evidence)* 'The Detainee said that he would attend the Administrative Review Board, but he had little confidence that the process would lead to his release' and you disagree with that?

Detainee: Yes, I agree...I agree [that] this Administrative [Review Board] will help release...may lead to [my] release.

Presiding Officer: OK. Thank you.

Assisting Military Officer: He retained both the Arabic and English copy of the Unclassified Summary of Evidence in order to work on a written statement. A follow up interview was conducted on 13 Jul 05 for about 30 minutes to translate the Detainee's written statement. However, the Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence. Throughout both interviews the Detainee was cooperative and respectful.

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

The Detainee declined taking the (Muslim) oath.

The Detainee made the following statement:

Detainee: Concerning the point...yes I went to Afghanistan [in anticipation of]...I went to Afghanistan to immigrate [there] and to participate in the jihad too. When I left Yemen it was just for me to immigrate to Afghanistan. When I reached Afghanistan they pulled my leg and they said there is a jihad. I said there is no problem...yes I will go and participate with the jihad, but when I was in Afghanistan I did not do anything. They pulled my leg and laughed at me and they [asked], "are you going to participate with the jihad and I said no." Yes, Sheik Abdel al-Majid al-Zindani convinced me to go to Afghanistan but he said that there [are] a lot of problems there...don't participate in them. I stayed at the Said Taliban center and I was a cook there and I stayed there four months. I went one time to the front [lines] but when I saw something I didn't like I was afraid and turned back to the Omar Saif center. I mentioned before I lost my passport in Al Jenke. I want[ed] to return back to Yemen from the north but I lost my passport...and my passport...I am the only one that used it...nobody [had] it. Yes that's true, 'Other Relevant Data'...the Detainee surrendered to Dotsum's forces...the whole statement is true.

Presiding Officer: So, 3 'Charlie' is true. OK.

Detainee: Yes, I regret going to Afghanistan and I was willing to go back to Yemen and I mentioned that I never [fought against the] allied forces...and I mentioned that before too...I don't want to fight. I want to say it now in front of you, I will say it now and many times after that I regret going to Afghanistan. I went to Afghanistan...because of the people they laugh at me, they pull my leg...when I reached Afghanistan I found out that there [were] a lot of problems there. I wish I would [have] gone back right away, but [with] what was going on there I could not go back to Yemen. I want to go back to Yemen to build a new life for myself. I will never do what I did before. I was so young [and] I didn't know things right...now I know. Now I understand everything is about peace...peace with all nations of the world and God willing I will go back to Yemen. I wish that my cooperation with you would help [in] releasing me. I will sign [that] if I go to Yemen I will never go with those people...the ones that laugh at people and make them do things they don't like. I don't want to be an enemy of anybody.

Presiding Officer: Toufiq, does that conclude your statement?

Detainee: Yes.

Presiding Officer: If you have anything else you would like to add, now is the time.

Detainee: When Sheik Abdel al-Majid al Zindani asked me to go to Afghanistan...I met him in a mosque and I met him one time. He said if I went to Afghanistan do not go with the Arabs and do not fight. He said there are a lot of problems...don't go close to them because maybe you will die. When I found those problems myself, I was scared [for] my life. I [didn't] want to die. I tried to get back to Yemen, but [with] the problems in Afghanistan, I couldn't do it. Also, when I worked as a cook [for] the Taliban I didn't

know I was working for the Taliban. I was with people, Afghani people, but later on I found out they were working [for] the Taliban and I left them.

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

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

Administrative Review Board Member's questions:

Board Member: Toufiq, what did the Sheik tell you to do in Afghanistan? If he told you not to fight or participate in the fight, what did he tell you to do?

Detainee: I made the decision to leave...when I showed him (*referring to Sheik Abdel al-Majid al Zindani*) that I was insisting on leaving Yemen...I did not want to go to Afghanistan, he said go but don't do anything there. Don't do any troubles there. I had money...I wanted to go like a tourist and he advised me to go to Afghanistan.

Board Member: What did you plan to do in Afghanistan?

Detainee: I was tired of Yemen. Just to change he asked me to go to Afghanistan.

Board Member: Do you remember how many days you were in the Al Jenke prison?

Detainee: Seven days.

Board Member: Could you have left earlier after two days or three days in the prison? Did you have an opportunity to leave the prison?

Detainee: No, I could not. When the problems start[ed] on the first day I went down [to the basement]. I did not want to go outside because I did not want to die. I stayed down [in the basement]. I did not know what happened up there.

Board Member: What do you plan to do when you return to Yemen...if you return to Yemen?

Detainee: [If it is] God's will, I will go to Yemen because I don't have any problems and I will never create any problems. I [have] never hurt anybody. If it's from Northern Alliance or in Yemen...if I am going back to Yemen I will build a new life, get married, find a job, and I [will not] go with some people I do not know.

Board Member: What kind of job will you look for?

Detainee: I don't know what the situation is [like] in Yemen now. I will go and look for a job and when I find one that suits me...a good job...a clean job...I will work.

Board Member: Do the Detainees at Camp Delta laugh at you?

Detainee: What do you mean?

Board Member: You said they laughed at you in Afghanistan; do they laugh at you here?

Detainee: Yes, they said I am doing something wrong. They advised me to cooperate. Don't [make] any problems here and if I go back to Yemen look at myself and [stay] away from problems. My answer was 'that is a good thing to tell [me] and that is what I am going to do'. Because I have been here for four years, three years, I don't know how long. This time I [have spent] here is enough time to be away from my family. I don't want to [get trapped] in those problems again.

Board Member: When you visited the front lines in Afghanistan, how long did you stay there?

Detainee: I didn't stay there. I went there just for [a few] hours. I went by car and when I saw shooting up there I was scared and I went back right away. I stayed just for [a few] hours. I didn't go to the front lines...when I saw what I saw...shooting I escaped. That was the only visit. I didn't stay more than that.

Board Member: Did you carry a weapon during your visit?

Detainee: No, sir. I [didn't] have any weapons on me.

Board Member: When you were a cook at the Saif house did you ever have the opportunity to leave?

Detainee: Yes, [I did], but at the time I went to Afghanistan...first I didn't know the problems [it] would create later on and I thought things would be OK and I decided to stay five months or six months and then I would go back to Yemen but when I stayed four months, [the] problems started. I wanted to go back to Yemen, but when problems started I could not.

Presiding Officer: As a follow-up to that question, the Sheik told you to go, but told you not to go with Arabs and don't fight. You said in [response] to 3.b.4 you visited the front lines and saw something you didn't like. What did you see that made you want to go back to Yemen?

Detainee: I found out that there were [different] groups [of Muslims] and those groups [would] say [things] like this group is unbelievers and other people are unbelievers, plus there was a lot of killing going on. I knew all of the people were Muslims, but [they were] from different denominations. I decided that I would like to get away from those people and it [was] better for me to go back to Yemen.

Presiding Officer: You mentioned that you were very young when you went to Afghanistan, how old were you when you went?

Detainee: Maybe twenty.

Presiding Officer: You also said you regret going to Afghanistan; you never fought against the coalition or the U.S. Forces. Apparently you were relatively safe cooking at this Taliban center. You say you didn't carry a weapon, why put yourself in harms way by going to the front?

Detainee: Somebody told me...we went to buy some stuff from the city and on our way back he mentioned to me let's go to the front line. I asked him what is that [the front line]? When I went there and I saw what I saw I came back right away. If I knew in advance that there were such kinds of problems I would not [have] gone. This is what makes me make the decision to go back to Yemen. I don't like these things...to see people dying...I don't like criminals. I like to see peace among people.

Presiding Officer: Your desire is to go back to Yemen and we have already asked you what you would do if you went there and we understand that you want to get married, find work, and not return to this kind of situation, but like yourself being influenced, we would not want you to go back and influence others to go and do this similar thing.

Detainee: If I see somebody and he wants to do so...or go create problems, I will advise him not to do that and I will remind him of the three years that I spent here. I want to live by myself and I don't want to go...I need to take care of myself; I don't want to be in the same [situation] again.

Presiding Officer: You said that you did know you were working for the Taliban.

Detainee: Yes, I did know.

Presiding Officer: Thank you.

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.

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

ISN 129
Enclosure (5)
Page 7 of 7

20151

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 131

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.

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 stated that he would read the Assisting Military Officer comments and the Detainee comments from the Detainee comments on the Enemy Combatants Election form.

Assisting Military Officer: The tan-uniformed Detainee was polite and cooperative throughout the Administrative Review Board interview, which lasted approximately fifty minutes. He was provided an Arabic translation of the Unclassified Summary of Evidence for additional review. The Detainee seemed to have some difficulty understanding the difference between the CSRT (Combatant Status Review Tribunal) proceeding and the Administrative Review Board (ARB), and although this difference was explained at least twice, he declined to attend the ARB. The Detainee declined writing material on which to make a statement to the ARB. At the end of the interview, the Detainee asked how long before a decision would be reached. The Assisting Military Officer explained that the Board recommendations would be forwarded to the civilian authority and that the time to a decision was not known. The Detainee provided the following comments in response to the Unclassified Summary of Evidence: For paragraph 3.A.1, in response to the allegation that the Detainee traveled from Yemen to Karachi and finally to Kabul, the Detainee responded that this was true. Paragraph 3.A.2, in response to the allegation that the Detainee was at guesthouses in Kandahar, Konduz and Kabul, where he was directed to the frontlines, the Detainee responded that this was true. 3.A.3, in response to the allegation that the Detainee was recruited to fight the Jihad by Sheik Mohammad Athdhar, the Detainee responded that this person is not a Sheik, or religious leader, as we understood it. 3.A.4, in response to the allegation that the Detainee spent three months on the front line before he and his group was sent north to an area near Konduz to fight the Northern Alliance, the Detainee responded that this was true. 3.A.5, in response to the allegation that the Detainee was fighting the Northern Alliance because they were regarded as oppressors, not infidels, the Detainee asked, what did we mean by 'oppressor', he affirmed that they did not consider the Northern Alliance as infidels. 3.A.6, in response to the allegation that the Detainee fought with the Taliban in Kabul and in Kandahar from July 2001 to December 2001, the Detainee responded that he did not fight in Kandahar, although he was in the area. He said that he was 'shocked' to see this allegation. 3.A.7, in response to the allegation that the Detainee traveled towards Mazar-e-Sharif and before entering this area, he and the retreating forces were ordered to surrender their weapons, the Detainee responded that this was true. 3.A.8, in response to the allegation that the Detainee had been present during the Taliban prison uprising at Qala-l-Jangi, the Detainee responded that his was true. The Detainees responses in the section of training: 3.B.1, in response to the allegation that the Detainee did not need training from the Taliban because

ISN 131
Enclosure (5)
Page 2 of 5

he learned to use small arms growing up in Yemen, the Detainee responded that 'learned' is a dangerous word. On further questioning about this, he implied that he was trained to use the AK, but not by the Taliban. 3.B.2, in response to the allegation that the Detainee was identified as having trained at the al-Farouq training camp, the Detainee asked what 'identified' meant. He stated that he had not been training at the al-Farouq camp since he already knew how to use the AK. Connections and associations: 3.C.1, in response to the allegation that the Detainee was identified at the Northern frontlines with Abdul Hadi Al-Iraqi, the Detainee again asked what 'identified' meant. He affirms that he never met this individual. 3.C.2, in response to the allegations that Abdul Hadi-Al-Iraqi was a senior al Qaida member, the Detainee responded that he could not comment on this, as he was not acquainted with this individual. Other relevant data: 3.D.1, in response to the allegation that the Detainee received his weapon one day before being sent forward, the Detainee responded that this was true. 3.D.2, in response to the allegation that the Detainee traveled to Karachi with the intent of purchasing honey and selling it back in Yemen, the Detainee responded that this was true. Factors favoring release or transfer: 4.A, in response to the allegation that the Detainee did not assume a leadership position when a leader was injured on the front lines, the Detainee responded that this was true. 4.B, in response to the allegation that the Detainee had no knowledge of the attacks on the U.S., nor of rumors or plans of future attacks on the U.S. or on U.S. interests, the Detainee responded this was true. 4.C, in response to the allegation that the Detainee was queried with negative results regarding knowledge of internal uprisings at the Guantanamo detention facility, the Detainee responded that this was true. 4.D, in response to the allegation that the Detainee does not know Abd Hadi Al-Iraqi, the Detainee responded that this was true.

Questions for the Board Members:

Board Member: I have a question for the Assisting Military Officer. In 4D, his response to the allegation, the Detainee was queried with negative results regarding knowledge of internal uprising at the Guantanamo detention facility, the Detainee responded that this was true; could you clarify that a little bit?

Assistant Military Officer: This is kind of difficult construction, basically to simplify it, the Detainee had no knowledge of any uprising planned or otherwise.

Board Member: And that's what he told you during the interview?

Assistant Military Officer: That's what he said.

Board Member: Thank you.

Presiding Officer: Did he really understand the question as it was asked of him?

Assistant Military Officer: He appeared to [understand].

Board Member: I have a question for the Assistant Military Officer, was the Detainee asked or did he volunteer any information about harboring any ill feelings towards the United States?

Assistant Military Officer: He did not volunteer any such information.

Board Member: Okay, he probably wasn't asked because he was responding to the Unclassified Summary. That kind of a question was not in the Unclassified Summary so, I was just curious if the question ever came up; I guess the answer is no. Thank you.

Presiding Officer: What were you able to find out from the Detainee? What is the difference between fighting the infidels or oppressors?

Assistant Military Officer: Fighting against an oppressor would be like a government that imposes unfair taxes; so when they are fighting the Northern Alliance, they are just fighting a dispute over who is going to control the government of Afghanistan. As I understood it, fighting against an infidel is a religious duty that they should be carrying out at any time and any place.

Presiding Officer: It is still fighting though, right?

Assistant Military Officer: It is still fighting; the fighting against a taxing authority is not a religious duty.

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.



Captain, USN
Presiding Officer

ISN 131
Enclosure (5)
Page 5 of 5

Summary of Administrative Review Board Proceedings for ISN 132

The Administrative Review Board (ARB) was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the (Muslim) oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The detainee's Administrative Review Board (ARB) interview occurred on 30 September 2005 and lasted thirty minutes. After review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the Assisting Military Officer speak on his behalf he said he would attend the ARB and address statements from the Unclassified Summary of Evidence after it is read. The detainee elected to submit eight photographs of family. The detainee was cooperative and polite throughout the interview. At the time

of the interview a copy of the Arabic translated Unclassified Summary of Evidence was unavailable because it was delivered to the detainee on 1 October 2005 at 0852.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-X, other unclass information) 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 Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to wait until the entire Unclassified Summary was presented before responding.

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 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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Presiding Officer had the Assisting Military Officer submitted documents on behalf of the Detainee marked as Exhibits EC-C1 thru EC-C6.

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: I plan to go back and live peacefully and help my father with his job. I was not in any organization and I have no intentions to go back and support any organizations. I do not have any hatred for America or any other country. You can ask the soldiers here. I have no hatred for them. I treat them just like my friends.

The Detainee made the following statement:

Detainee: There are some comments that are not true on the Unclassified Summary. On point one, the detainee traveled at the end of summer. You say traveled from Saudi Arabia to Pakistan. The reason was to go find my cousin for surgery and from Pakistan to Afghanistan the intention was to visit, not to fight. On number two, my cousin and I were caught by Taliban fighter[s]. Numbers two and three contradict number four because number four says that I went there just for visit. The doctor was out for a month

ISN 132
Enclosure (6)
Page 2 of 9

and a half. We went to Pakistan and the doctor was on vacation. They said after a month to a month and a half, the doctor will come back from his vacation. We took advantage of this time to go to any country. The person who was taking care of us in the souk, in the market, he suggested that we go to Afghanistan. We said we would go to Afghanistan for a month and then come back for the surgery. [On] number five, the detainee stayed in Arabic house in Kandahar. That is true because everybody that goes there is afraid of espionage. They have to stay in guesthouse. Number six is true. The Arab house was run by [the] Taliban. The house was for the Arab mudjahedin, but I got [to stay in] it. It was for mudjahedin or for visitors. Concerning the Yemeni citizen, of course when we went there the person that was in charge was asking us where we were from or where did we come from. Also, he asked us [for the] number of our family so [that] he can contact them to confirm what we were saying was true. We didn't expect that all the questioning would happen. Number seven is not true because I was not there. I stayed in Afghanistan and I went back to the border of Pakistan. While at the border the attack on 11 September happened and all the airports in Pakistan were closed. A Pakistani came and told us that any Arab there had to surrender to the Pakistani authorities. When we asked him why, he said they were going to take us back to Afghanistan until things calmed down and then they would send us back for one month. So our return to Afghanistan was not inten [ded] to fight. [Concerning] number eight [and] the place where I was stay[ing]; I stayed there until things calmed down so I could go back. Number nine of course [when] we were in Kandahar every person was obliged to carry a weapon, even in the cities and in the market they were carrying a weapon. When they asked us to surround General Dostum's troops, I gave my weapon [up] and surrounded [them] hoping that I would go back to Saudi Arabia and I gave my weapon [back] on the border. Of course I took my weapon from the same city in Konduz after we went with it to Mazar-e-Sharif.

Presiding Officer: You gave the weapon to Dostum's forces?

Detainee: Yes. Of course when I was there [in Afghanistan] it was a room like this one and they sat down and trained us orally. Of course I didn't have any other place to stay, I was staying there with them. I stayed with them and they were training and I was watching it. My intention going with them was not to train. (Connections/Associations): Number one is true because they taught me where the place to sleep and eat [was], knowledge of the area. Also, the commander, Gharib, introduced himself and explained to us that he was in charge of that place. Number two is correct. I am confused about number three. Does this mean that I am [a] member of al Qaida?

Presiding Officer: That means that a senior al Qaida member has your name on his hard drive as a member of al Qaida.

Detainee: I was in Afghanistan a little bit over three months and what they are saying is not true. How can they have my name on there? When I went to Afghanistan from the first time they questioned me and interrogated [me] and took all my information. [Under the primary factors for release or transfer] letter "a" is true because I told my father that I

ISN 132
Enclosure (6)
Page 3 of 9

was going with my cousin to assist him with his surgery. My cousin had [a] little briefcase that had all [of] our documents. When we were in the line...we couldn't go back to the line to take that briefcase and we were supposed to deliver [it] to the Northern Alliance. We believe it was delivered to the Americans. It had the paper of the doctors, the hospital, passports, [etc]. Also my case has my passport and everything [in it]. Letter "b" is true, it is the first time I [got] out of Saudi Arabia and I don't have any relatives in the United States. Also, I [have] never met or saw Usama Bin Laden. Letter "c" is correct. I do not have any hatred between [myself] and the United States. Letter "d" everything is true except the part where they forced me to be a fighter. I was not [a] fighter, I never fought and I am not militant. Letter "e" is true. I was only there for three months and I did not fight anybody. I never had any intention to fight.

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

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

Administrative Review Board Member's questions:

Board Member: When you first arrived in Afghanistan, how did you get involved with the Taliban?

Detainee: When I arrived we went to [the] place where they rent taxis or taxi station. Of course the driver was surprised to see how elegant we were and he saw me smoking and Arab's don't smoke. Also he asked where we came from. We came here only for visit and [were] trying to find [a] hotel. He told me there was a house for the Arabs and we could go and stay there. He said we should try this place.

Presiding Officer: This was in Pakistan?

Detainee: No, Afghanistan.

Board Member: At some point did someone talk to you about fighting jihad?

Detainee: No, of course. When we were in Pakistan we were going to the market away from [the] hotel, coming from the hotel to the market, we found an Arab guy in the market. Of course there is a way you can distinguish between Arab and Afghan. We asked him about some places like restaurant[s] and other places. He asked us why we were here and why did we come here. We told him why were in Pakistan and he told us that he came from Afghanistan and he had a shotgun in his hand. He came to Pakistan to seek some medical attention. He started talking about Afghanistan and he said we should try to go visit it. My cousin chose to go visit Afghanistan and that was his choice.

Board Member: You said that in Afghanistan everyone carried a weapon?

Detainee: When we were there, they said don't trust Afghan people. They can attack you and take stuff from you. It is like a war over there, you have to carry [a] weapon to defend yourself.

Board Member: Who gave you your weapon?

Detainee: Responsible of the house in Konduz.

Presiding Officer: What do you mean responsible?

Detainee: The manager.

Board Member: Is that the place where you received your training?

Detainee: No, on the line. On the second line I got training.

Board Member: I thought you said earlier that you got the training at the same place where you were living.

Detainee: No, in the second line. It is called Sa'id Center.

Board Member: When you say on the line, was that the Taliban center where you were originally staying.

Detainee: Yes, this center include[d] Arab, Pakistani, Uzbek. I mean different nationalities.

Board Member: What did you do while you were there? Did you do anything with your AK-47? Did you have any kind of work that you had to do?

Detainee: Of course we had [a] sign in the side of the hill and whoever wanted to shoot that sign could shoot it.

Presiding Officer: I don't understand that.

Detainee: In every center there [are] places that you can train. [They] have target practice.

Board Member: How long did you stay there?

Detainee: Approximately a month and a half to two months.

Board Member: Is that all you did was hang out and shoot a sign if you wanted to?

Detainee: We stayed there only for security. There [are] no other places. Everybody that entered Afghanistan [was] there. Everybody who go[es] to Pakistan, [the] Pakistani government captured them and give them to the United States.

Board Member: While you were there at the camp, could you leave whenever you wanted to?

Detainee: Yes.

Board Member: You speak English, right?

Detainee: I can't carry [a] conversation, but with the guards here I can communicate.

Board Member: For a young man you have been in a lot of trouble, haven't you?

Detainee: It wasn't my intention. I did not have the intention to get in trouble, trouble got to me. I don't desire any problems.

Board Member: You're in Pakistan, a man comes to you, with a head wound and he tells you to go visit Afghanistan where he was injured in the head. If that were me, that would be the last place I would go, is some place where someone got a head injury.

Detainee: Not all the regions had fighting going on. The cities were secure. They didn't have any fighting.

Board Member: That is not what you said. You said that when you go there, you have to stay in a safe house because of all the espionage. I want you to be honest.

Detainee: I am honest. I swear to God that I am honest with you. If I fought, I would say it to you because there are some people who left this prison who were fighters.

Board Member: You went there knowing full well you were going to fight.

Detainee: No. I did not go with the intention to fight. I told you why I went.

Board Member: Why would you go on the word of somebody that you didn't know, who was talking to you with shrapnel in his head?

Detainee: He told me [a] story about Afghanistan. He told me that [the] cities is real popular and is close to Pakistan.

Board Member: Why was it you that went with your cousin to Pakistan? Why didn't he take someone closer to him?

Detainee: I was on summer vacation and we didn't have school. I was a companion and there is nothing wrong with that, he is my cousin.

Board Member: Was this the first time that you had ever traveled outside of Saudi Arabia?

Detainee: Yes.

Board Member: Were you scared?

Detainee: Scared of what?

Board Member: The idea of traveling alone to a strange country.

Detainee: The opposite way. I look at [it] like tourists.

Board Member: Did you talk to anybody before you left for Pakistan to ask what it was like?

Detainee: Not at all.

Board Member: You go on a trip to a foreign country, you never left Saudi Arabia before, you didn't go to your friends or people you know and ask what's it like to go to a foreign country, what do I need, what will happen, do I need a passport?

Detainee: I did not go with the intention of going out and drinking to ask those questions. I had the objective of going to the hospital and back to the house. Why should I ask those questions?

Board Member: Where did you lose your passport? Did you lose your passport in Afghanistan or Pakistan?

Detainee: Afghanistan.

Board Member: Did you ever fight?

Detainee: No. I never [fought]. I wasn't in the age of fighting. I left Saudi Arabia and my age was almost 17 years.

Presiding Officer: Not even the Mazar-e-Sharif? You didn't fight there at the Jenki prison?

Detainee: When [at] the castle they sent us down stairs. How am I going to fight? With my fingers? I didn't have [a] weapon. When they took us to the court for second time, when the conflict started, they took us down to the cave where we were. Everybody that was upstairs stayed upstairs. To prove that I wasn't fighting [you can see that] I don't have any scars. I wasn't hurt because I was downstairs. From the first time I got there.

Board Member: When you were in Saudi Arabia before you left, had you ever heard of Usama Bin Laden?

Detainee: Newspaper only, I was watching cartoons mostly. I wasn't in that position to follow Usama Bin Laden.

Board Member: Did you ever think when you were in Pakistan, what did I get into?

Detainee: Pakistan for medical help.

Board Member: Did you ever think why don't we just go home and come back some other time?

Detainee: Go back home? Just to stay for this short period and then go back home, no.

Presiding Officer: How long is your summer vacation in Saudi Arabia?

Detainee: Two months.

Presiding Officer: That is one heck of a summer vacation. Do you see why we don't believe you?

Detainee: When I went to Afghanistan it wasn't in my hands?

Presiding Officer: I believe you went to join the fight when you left Saudi Arabia. I believe that you and your cousin left Saudi Arabia to join the fight right then.

Detainee: There is paper and a prescription for medical treatment.

Presiding Officer: There is also an AK-47 in your hands.

Detainee: I didn't fight.

Presiding Officer: But you had an AK-47 in your hands and you shot that AK-47. If you had the opportunity, would you have fought with the AK-47?

Detainee: My impression wasn't to fight and I [wasn't] to fight and I didn't fight.

Presiding Officer: Where is your cousin now?

Detainee: Of course he was killed when we were leaving.

Presiding Officer: When you were leaving where?

Detainee: Khaja Gar to Konduz.

Presiding Officer: He was killed there by whom?

Detainee: A mine.

Presiding Officer: He stepped on a mine?

Detainee: We were [a] big group and he was all the way at the end.

Presiding Officer: That is when you are trying to get back to Pakistan?

Detainee: Yes. After going to Konduz so we can surround General Dostum.

Presiding Officer: I would believe that you never had an intention to fight if you had never had an AK-47.

Detainee: I swear by God that I did not go there with an intention to fight.

Presiding Officer: Have any of your family members been to Afghanistan?

Detainee: No, never. I have the cell phone number of my father and the number of the house. You are more than welcome to call them and find out why I left.

Presiding Officer: What will you do if we send you back to your home country?

Detainee: I swear [the] first thing [I believe] if a person gets in trouble once he will not get in trouble second time. My intention with the help of God is to go back and live [a] peaceful life and help my father work in his store because I am the oldest son now in the house. One of my brothers is in the Saudi Army and lives out of the house on his own.


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.


Captain, USN
Presiding Officer

ISN 132
Enclosure (6)
Page 9 of 9

UNCLASSIFIED

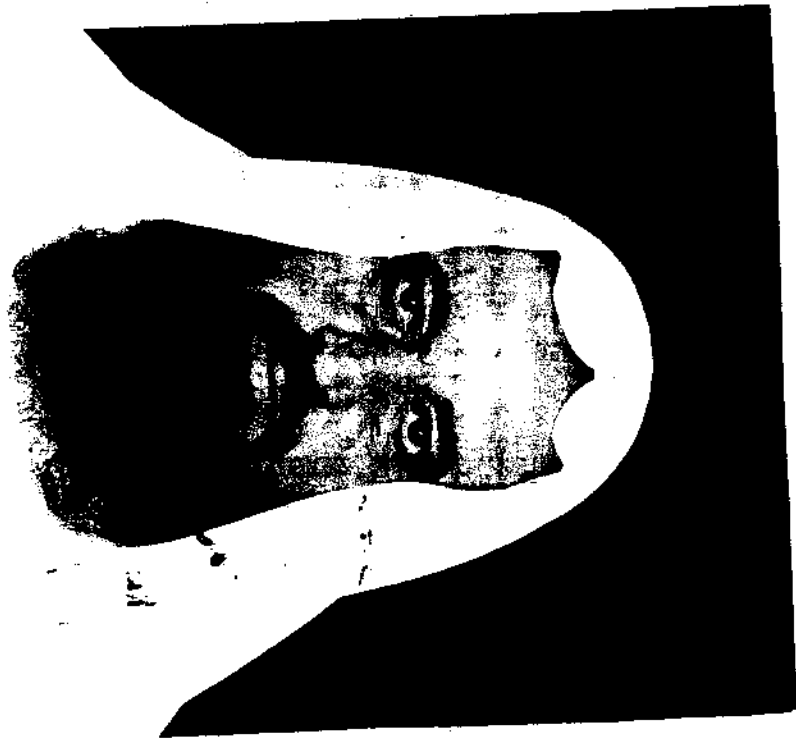
CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 132

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	Not Dated	UNCLASSIFIED	N/A
EC-C2	Not Dated	UNCLASSIFIED	N/A
EC-C3	Not Dated	UNCLASSIFIED	N/A
EC-C4	Not Dated	UNCLASSIFIED	N/A
EC-C5	Not Dated	UNCLASSIFIED	N/A
EC-C6	Not Dated	UNCLASSIFIED	N/A

UNCLASSIFIED

عيسى بن محمد بن عيسى بن
عيسى بن محمد بن عيسى بن



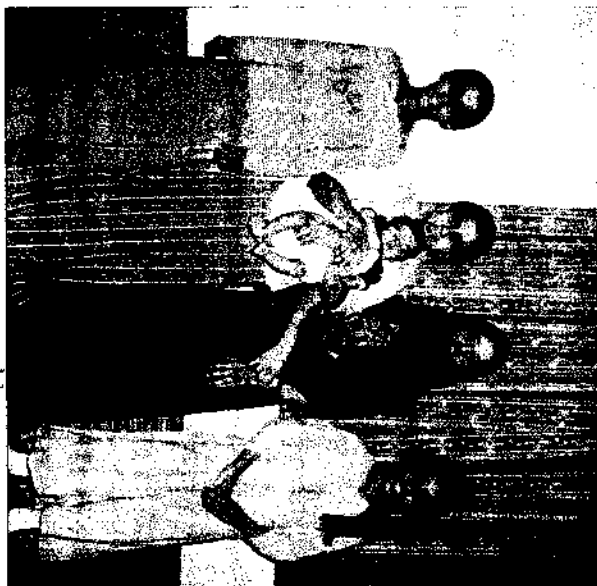
EC-C1

Description: Photograph of detainee's father

Translation: GHAITHAN ACHAHRI

عبدالله بن عبدالمطلب
الدمقي
مستورات
٤٤ الالام
صورتها من كسبيات
للأستاذ
أخو الرسول صلى الله عليه وسلم

عبدالحكيم أبو
الرحمن بن الأمام
٤٤ الحجير



Handwritten notes in Arabic script, partially obscured and difficult to read.

EC-C2

Description: Photographs of detainee's sisters and brothers

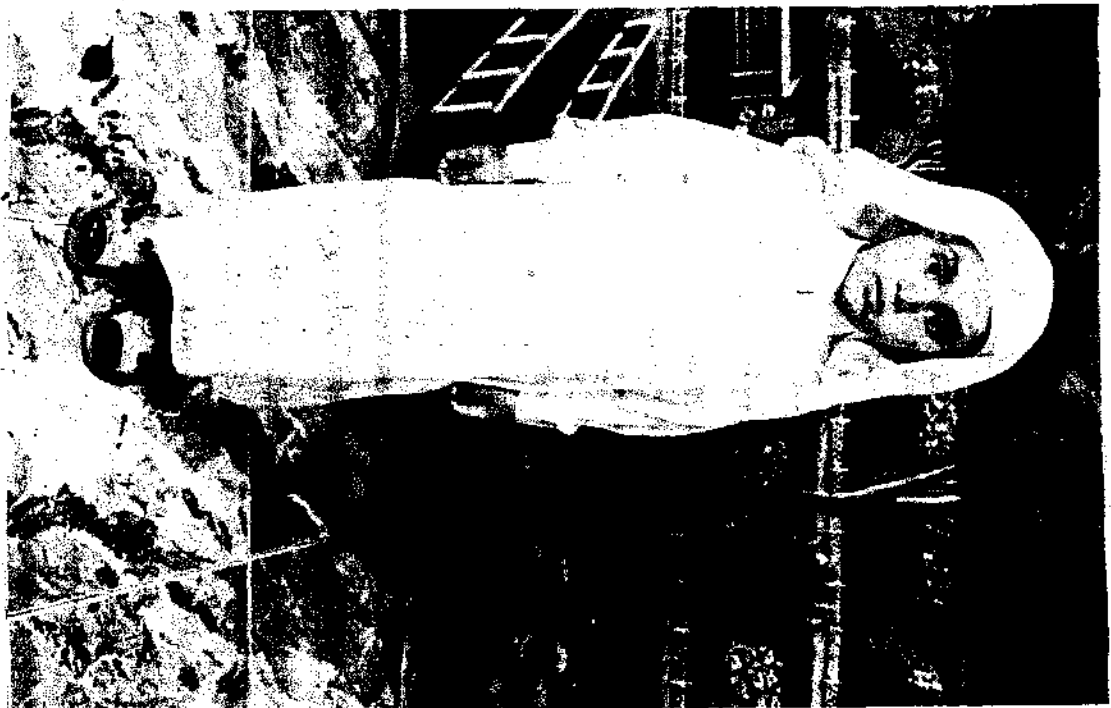
Translation Upper Left: ABDULELAH ACHARI, your brother, 7 years, his picture
when he registered for school

Translation Upper Right: ABDELMOJID brother of ALASSIR ABDESSULAM

Translation Lower: Not legible

ABDUMASSID
BROTHER

QUAN-2005-1-01022



EC-C3

Description: Photograph of detainee's brother

Translation: ABDULELAH ACHAHRI

Shojaa

ع
ش
ج
ا
ا

ش
ج
ا
ا

ش
ج
ا
ا



EC-C4

Description: Photograph of detainee's nephew

Translation: SHOJAA ACHAHRI, age 9 years

ياسر المشوي
فهد سالم

GROUP OF 4

1310 M L 33

8566



EC-C5

Description: Photograph of detainee and his uncle

Translation: FAHD SALEM, YASSER ALHAHRI



محسن

سليم

عبدالله

عبدالجبار

سليم

موتسني

فهد بن سليمان

عبدالمجيد

(Brockman)

F 5000

EC-C6

Description: Photograph of detainee's brothers

Translation: SALEEM, MOHSEN, ABDULELAH, ABDELMOJID

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 157

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee's initial ARB interview occurred on 9 September 2005, and lasted 60 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. The detainee asked if there was an agreement between his country and the US to release the detainees. The AMO told the detainee that he was not aware of any decision to release the detainees. The detainee stated, "I have a lawyer; I have not met with my lawyer. I was supposed to meet with my lawyer three days ago and he didn't show up." When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee said, "The decision has already been made." The AMO explained to the detainee that a decision has

ISN 157
Enclosure 5
Page 1 of 15

not been made. The detainee stated, "If I know that they will listen to the facts, I will attend." Followed by, "I was planning to come, but after this, no." The AMO explained further to the detainee the potential opportunity the ARB represented. When asked why he did not want to attend the ARB, the detainee stated, "I have been there once and nothing happened." A follow-up interview occurred on 12 September 2005, and lasted one hour and 30 minutes. The detainee was given a copy of the English and translated Unclassified Summary of Evidence for his records. The detainee was polite and sometimes cooperative during the interview. A lot of additional time was expended during the follow-up interview explaining which decisions in the interview and ARB process he was allowed to make and which decisions he was not allowed and were not in his control to make. The detainee elected not to submit written comments regarding the Unclassified Summary of Evidence, indicated that he did not wish to provide any verbal statements at this time, and that he will speak to the Board to respond to the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and Exhibit DMO-2, 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 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 following primary factors favor continued detention: The detainee worked as a security officer for a firm called the Hajj Mawsem where he earned 4,600 Saudi Riyals per month.

Detainee: Yes. First, it's not a company. It belongs to the police, and the real name is the Army of Pilgrimage and Ceremonies. It is military police officers.

Designated Military Officer: The detainee agreed to help distribute aid, (food, clothing, etc.) in Afghanistan at the request of Sheik Al-Shaykh. Sheik Al-Shaykh was the senior sheik of the Masjid Al Harem Mosque, which is a large mosque near Kaba, Saudi Arabia.

Detainee: I didn't ask the Sheik Al-Shaykh, but I asked if the distributing of the food was something good to do and he said yes. That's why I joined.

Presiding Officer: I just need to know if the statement is true or false and if it is false, please correct it.

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: Sheik al Shaykh suggested that the detainee work for the Al Birr Foundation. A man named Hassan Al Nashiri, a fellow student with the detainee, asked him to help distribute goods to poor Muslims.

Detainee: True.

Designated Military Officer: The purpose of the Al Birr organization was the help poor Muslims in Saudi Arabia and other countries.

Detainee: True.

Designated Military Officer: The detainee left Saudi Arabia sometime around January 2001.

Detainee: I don't know the exact date.

Designated Military Officer: The detainee and Nashiri flew Saudi airlines from Jiddah, Saudi Arabia, to Damascus, Syria, then a Syrian airline to Mashhad, Iran, where they stayed for two months.

Detainee: This is not true. I was by myself and I met Hassan Al Nashiri in Iran.

Board Member: Is the route correct?

Detainee: Yes.

Designated Military Officer: The detainee and Nashiri spent two months in Herat, Afghanistan, and in addition to food and clothing, they also bought books and tapes regarding Islam. Traveling through Afghanistan, the men stayed in various mosques, but provided no details on the mosques, sheiks, guides, or names of villages.

Detainee: Right.

Designated Military Officer: The detainee and Nashiri also traveled to Spin Buldak, Afghanistan, then to Quetta, Pakistan. They said they traveled to Pakistan to obtain better quality of goods to distribute. Several trips were made between Spin Buldak and Quetta.

Detainee: True.

Designated Military Officer: The detainee claims he traveled for approximately eight months distributing supplies with Al Nashiri, whom he referred to as the "money man."

Detainee: True.

Designated Military Officer: The detainee was arrested in Pakistan around December 12-17, 2001, while on his way to reenter Afghanistan with aid supplies.

ISN 157
Enclosure 5
Page 3 of 15

Detainee: This is not true.

Presiding Officer: Which part is not true?

Detainee: It's not true that they arrested me on this date inside Pakistan.

Presiding Officer: What is the truth?

Detainee: They arrested me in Pakistan, but I was not going to Afghanistan. I was going to Peshawar, a city in Pakistan.

Board Member: You were arrested in Pakistan?

Detainee: Yes.

Designated Military Officer: Training: The detainee attended a mountain tactics class.

Detainee: Not true.

Presiding Officer: Did you attend any advanced military training at any time?

Detainee: In Afghanistan, no.

Presiding Officer: Anywhere else?

Detainee: I was with the military police.

Presiding Officer: That would be with your employment with paragraph 1?

Detainee: Yes.

Designated Military Officer: The mountain tactics course was a seven-week course held at the Faruq training camp, which covered guerilla warfare in mountainous terrain.

Detainee: I don't know anything about that.

Designated Military Officer: The Al Faruq camp provided a general program that consisted of a fundamental or basic course lasting 40 days. The course provided trainees with fundamental military skills in light and heavy weaponry, field guns, warheads, topography and explosives.

Detainee: I don't know anything about that.

Designated Military Officer: Other relevant data: The detainee was unable to provide any names of individuals who were connected to the Al Birr Foundation. He stated there was no need for him to register with the foundation because he was not going to receive a salary.

UNCLASSIFIED//~~FOUO~~

Detainee: That's true. When I was asked to distribute food, and after I asked the sheik about the good things to do, then I decided to join. I wasn't looking for any benefit to know those people in that organization or to get any salary.

Designated Military Officer: The detainee has always maintained that he was in possession of a letter for the Al Birr Foundation that explained the purpose of his work in Afghanistan. However, he was unable to explain how he obtained the letter from the foundation if he never registered there.

Detainee: This is not true. That piece of paper was with Hassan. The information in that letter was about distributing food. I didn't need to look at that letter because I am not a member of that organization.

Designated Military Officer: The detainee had his passport and other documents stolen. After hearing about the detainee's loss, an unknown guide gave him 1,000 Rupees and took him to a bus headed to Peshawar, Pakistan.

Detainee: Right.

Designated Military Officer: The detainee has provided four different versions of his personal history and how he came to be detained. During initial screening, he first stated the non-governmental organization was Yemeni based, and then later said it was Saudi based.

Detainee: That is not true. I didn't say that.

Designated Military Officer: The detainee told agents he was divorced four or five years ago. However, he could not, or would not, explain how his divorce, five years previous, seemed to contradict the ages of his children.

Detainee: I do not know why you need this information.

Presiding Officer: Is it true or false?

Detainee: I don't know exactly when I divorced my wife, but it is true that I divorced my wife.

Designated Military Officer: The detainee told agents, after his divorce, he got a job selling cars. He said he sold only one car for his uncle, but he did not know how much it sold for because his uncle set up the deal.

Detainee: If you mean my mother's brother, this is right. I bought the car for myself to resell it.

Presiding Officer: What kind of car was it?

ISN 157
Enclosure 5
Page 5 of 15

UNCLASSIFIED//~~FOUO~~

Detainee: Toyota Hylux.

Designated Military Officer: A passport from Iraq, with one of the detainee's aliases, Ahmad Muhammad Salih, was recovered from the master bedroom of a suspected al Qaida operative's residence.

Detainee: I do not have an alias under this name. The name I use and the one I mentioned to the Pakistani Police is Muhammed Ahmad Abdullah Salih.

Designated Military Officer: The detainee may have been involved in a November 1995 bomb attack on the Egyptian Embassy in Islamabad. He then escaped to the Shamshad and Deruntah camps in Afghanistan the day of the attack.

Detainee: Not true.

Designated Military Officer: The Deruntah training camp has a poisons course that lasts approximately two weeks and teaches students how to poison food and drinks.

Detainee: I don't know anything about this.

Designated Military Officer: The following primary factors favor release or transfer: The detainee claims he had no association with Taliban or al Qaida forces and he denies having any knowledge of the attacks in the United States prior to their execution on September 11th. Additionally, he denies any knowledge of any rumors or plans of future attacks on the United States or its interests.

Detainee: This is true.

Designated Military Officer: The detainee had no concern about the doings or whereabouts of al Qaida or the Taliban, and stated that he doesn't feel members of those organizations are Muslim at all due to their actions against others.

Detainee: This is true.

Designated Military Officer: The detainee stated that although he feels that a great injustice has been done and is being done to him by his detainment here at GTMO, he would still never take up arms against anyone, and would never want to leave Saudi Arabia to try and help others out of his country.

Detainee: This is true.

Administrative Review Board Member's questions:

Board Member: What is your education level?

Detainee: I cannot defend myself. I want those questions to go direct to my lawyer.

ISN 157
Enclosure 5
Page 6 of 15

Board Member: You cannot say how much schooling you've had?

Detainee: Yes, I can.

The Presiding Officer explained purpose of the Administrative Review Board proceedings to the Detainee, and confirmed that he understood.

Presiding Officer: How much school do you have?

Detainee: I did finish the 10th.

Board Member: You quit your job as a police officer with a salary to do charitable work in Afghanistan?

Detainee: I did not leave because of that.

Board Member: Were you being paid to do charitable work in Afghanistan?

Detainee: No.

Board Member: Did you ever do any charitable work in any other country besides Afghanistan?

Detainee: Pakistan.

Board Member: Why didn't you travel directly to Afghanistan? Why did you travel to Syria, Iran, and several other countries? Why didn't you go directly to Afghanistan from Saudi Arabia?

Detainee: I think there is not a direct flight to Afghanistan.

Board Member: What did you do in Iran for two months?

Detainee: I was buying goods and sending them to Afghanistan.

Board Member: Where did you stay in Iran?

Detainee: I don't remember exactly where I was in Iran.

Board Member: Did you stay in a house or a hotel?

Detainee: I don't remember.

Board Member: Did you ever carry a weapon while traveling in Afghanistan or Pakistan?

Detainee: No.

UNCLASSIFIED//~~FOUO~~

Board Member: Have you ever heard of the Al Faruq training camp?

Detainee: Here.

Board Member: What are your views concerning Usama Bin Laden?

Detainee: He is a terrorist that says he's a Muslim, but is not a Muslim. That's what I think. I'm not deep in religion to tell you exactly, but that's my idea.

Board Member: Why did you use an alias?

Detainee: It's not an alias, but when I was arrested in Pakistan, I was scared and I gave them any name.

Board Member: Who arrested you in Pakistan?

Detainee: The police.

Board Member: What was the purpose of the arrest?

Detainee: They didn't speak to me.

Board Member: You don't know why you were arrested?

Detainee: They said I was Arabic and I was a good value.

Board Member: What does good value mean?

Detainee: That means I'm expensive.

Board Member: What are your views concerning jihad against the United States?

Detainee: I don't know that much. I heard about a lot of it here.

Board Member: What are your views?

Detainee: I don't have any knowledge to tell you about.

Board Member: Does your family know you're here?

Detainee: Yes. I got some letters from them.

Board Member: If released, what will you do to support yourself and your children?

Detainee: I will go and look for a job. And I will get married. Maybe I will go back to my divorced wife.

ISN 157
Enclosure 5
Page 8 of 15

Board Member: You obtained a passport to go from Syria to Iran and then on to Pakistan?

Detainee: Yes, but it was stolen in Pakistan.

Board Member: Where?

Detainee: In one of the villages, but I don't remember the name.

Board Member: Did you report it?

Detainee: Yes.

Board Member: To whom?

Detainee: I didn't have the time and opportunity to go to report it.

Board Member: So, the only thing stolen was your passport?

Detainee: The whole briefcase, documents, money and passport.

Board Member: Someone stole your money, documents and passport, and you didn't have the time to report it?

Detainee: It was stolen from me in a mosque in a little village. All of these things were in my briefcase. Then I was going to Peshawar, but I couldn't get there because I was arrested.

Board Member: You lost money, documents and a passport and didn't have time to report it. Since you are a former policeman, why didn't you report it or ask about it in the mosque?

Detainee: There was no time. I am telling you the truth. I was going to Peshawar to report it, and I was arrested before I got to Peshawar.

Board Member: So, you were going to report it?

Detainee: Definitely. I was in a small village mosque with no police station, and I was going to the closest city, Peshawar, so that I can report it. I was arrested in the middle of the way.

Board Member: When you were in the mosque, did you ask people questions about the briefcase, typical questions a police officer would ask?

Detainee: I was sitting in the mosque and then I left. When I came back, I couldn't find it, and started asking people around me. After I started asking, I thought maybe I put it somewhere else and I went to look, but it was gone.

Board Member: Who invited you to stay in the mosque?

Detainee: I chose that mosque. There was an agreement between Hassan and me that I could stay.

Board Member: So there was an agreement that you could stay?

Detainee: Yes, that's right.

Board Member: What is the name of the mosque?

Detainee: It is a very small mosque; maybe 15 people would be there. It was very small. There was no sign, and I don't remember the name of it.

Board Member: Can you tell me some of the names of the guides and sheiks that you met while traveling in Afghanistan and Pakistan?

Detainee: I don't remember exactly the names.

Board Member: What is your former wife's name?

Detainee: Noora.

Board Member: And your mother's brother's name?

Detainee: Ghbaish.

Board Member: Have any of these people given testimony of some sort, or made a written statement for you?

Detainee: Only regular letters.

Board Member: Have you been able to write back home to them?

Detainee: Yes, I sent some, but I don't know if they received it or not.

Board Member: What do you say in the letters?

Detainee: To be patient for what I'm going through until I come back to you. I asked them to send me information about my kids and how they're doing.

Board Member: What type of information are you requesting?

Detainee: What they are doing in school. My third son has glaucoma from birth because of German Fever.

UNCLASSIFIED//~~FOUO~~

Board Member: I'm very sorry about your son's illness, but I want to know about the allegations, things from individuals that would substantiate and corroborate your denial of these comments?

Detainee: I think when I first got here, maybe I wrote something like this, but I don't remember exactly what I wrote.

Presiding Officer: Your case is interesting. You have an education; you have a family that needs you; you had a job that was paying a very good salary at 4,600 Saudi Riyal per month?

Detainee: Yes.

Presiding Officer: I'm surprised you would leave all that and go to a third world country like Afghanistan. We are tasked to determine whether you will take up the fight again if you are released.

Detainee: Basically, I wasn't fighting.

Presiding Officer: I want to help you. I am not your enemy; none of us are your enemy. Your story sounds like about 500 others. Everybody has their passport stolen; everybody is in Afghanistan and Pakistan doing charity work; Karzai soldiers are getting shot, American Soldiers are dying, but nobody is killing them? Nobody is in the fight, yet all of our soldiers are still dying? I have had people sitting in that very chair who've had the identical story that you have, who have told this board that they made a mistake, they shouldn't have taken up the jihad, and they were sorry; we sent them home. If you're out of the fight, you go home. But your story doesn't ring true. Help us help you.

Detainee: What kind of help do you want to know? This is my true story if you want to believe it or not. I never used weapons against the United States or any allies.

Presiding Officer: I believe that you didn't have a weapon, but selling sugar and material to the enemy, aiding and abetting the enemy, is just as bad.

Detainee: I sold it to the Muslim people who live in the villages. Are those people your enemy?

Presiding Officer: Logistics people are just as important to the waging of war as people who shoot bullets.

Detainee: Do you mean the poor people, the women and children, and the people in the village?

Presiding Officer: Did you hear about the jets that flew into the World Trade Center?

Detainee: Why don't you listen to me as I am listening to you?

ISN 157
Enclosure 5
Page 11 of 15

Presiding Officer: Did you hear about it?

Detainee: Yes.

Presiding Officer: Most of them came from Saudi Arabia; one month after that, you decide to go to Afghanistan.

Detainee: That's not right. I went before.

Board Member: He went to Afghanistan in January 2001.

Presiding Officer: My mistake.

Detainee: Just listen to me as I am listening to you and don't go deep into false things.

Presiding Officer: I misspoke. It was January 2001.

Detainee: I left my family and salary and I expected the journey to be months.

Presiding Officer: Did you have some kind of wonder lust? I've been to Saudi Arabia; it's a beautiful country. Afghanistan and Pakistan are not places that would be on most people's travel list.

Detainee: I didn't go like a tourist for good views; I went just to help.

Presiding Officer: Did you know that we're fighting a war?

Detainee: I don't know and there wasn't any fight between the United States and Afghanistan or Pakistan. All the countries I went through, there was no fighting with the United States.

Presiding Officer: When you went to the mosque was it prayer time?

Detainee: I decided to go to the mosque to stay.

Presiding Officer: You put your briefcase down?

Detainee: Yes, in the mosque.

Presiding Officer: How much money was in it?

Detainee: I don't remember exactly.

Presiding Officer: Take a wild guess.

Detainee: I don't remember exactly, but about 1000 to 1200 Saudi Riyal.

Presiding Officer: Your life is in this briefcase; it would be very bad to lose the briefcase?

Detainee: Yes, that's right that it's bad to lose the briefcase, but my life was not in there.

Presiding Officer: It's your passport and your money?

Detainee: It's something important to lose.

Presiding Officer: If you had your passport, you and I would never have met?

Detainee: That's true. You are right.

Presiding Officer: So, it's pretty important, isn't it?

Detainee: Yes, it's very important, but not my life.

Presiding Officer: We know what the enemy does with a passport. They give good money for passports and use them to fight the war. It's very suspicious that you lose your passport.

Detainee: I wasn't thinking about it the way you put it. I didn't put that much importance on my passport. But when the Saudi delegation came over, the first thing I talked about was my passport.

Presiding Officer: Why should we let you go?

Detainee: To tell you the truth, I've never been against the United States. I want to go back to my family.

Presiding Officer: Do you understand that the people that you were hanging around with and working with in Afghanistan and Pakistan are not good people?

Detainee: I didn't know.

Presiding Officer: A person needs to be very careful about whom they associate with, don't they?

Detainee: That's very true.

Presiding Officer: Do you promise to be more careful about with whom you associate?

Detainee: When I go back to Saudi Arabia, I will never be in touch with any people that I have any doubt about, because I am myself being looked at by you with doubt.

Board Member: I want to clarify if you sold materials or gave materials?

Detainee: No selling; just giving.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Detainee made the following statement: Something happened with the AMO in the interview. You accused me like my story is like 500 other stories, and maybe you are right, but this is my true story by the name of God. I would never carry any weapon against any American, and I never thought about fighting. I learned a lesson from this and it will never happen again.

Presiding Officer: What was the lesson?

Detainee: Mistrust of other people to take care of my personal business. My family comes first over anybody else.

Presiding Officer: That's a good lesson; a family should come first.

Detainee: Those are my family, definitely. I want the Board to give me the justice as you've sworn.

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

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

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, USA
Presiding Officer

UNCLASSIFIED

CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT

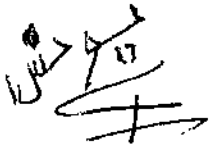
ISN 197

Exhibit#	Date	Classification	Guantanamo#
EC-C1	11/28/05	UNCLASSIFIED	NONE

UNCLASSIFIED

I am the signed below, Yunis Abdulrahman. I've lived a happy life in my country, and I've learned from my father to love, do good, do charity work, and to give to the people. I grew up on this thought, and I traveled to Pakistan and participated in charity work in a real, true way through several charity organizations. I have felt the emotion and compassion for the needy and the poor. I was happy to do so, and I still truly feel that way, so every victim, wherever he is, he is in need of aid, help and care. My job in this life is to love people and help them, and offer everything and put all my effort I can to it. This is my joy. I thank God in spite of these years I spent in this great distressed and oppressed, unjust place that I have lived. This matter has only made me love good and feel what the oppressed, the poor, and the needy feel in the whole world, especially victims of the terrorists, who do not have any fault. The woman who lost her husband, the son who became an orphan with no fault, and the mother who lost her husband. People of love, caring, and kindness. This is my duty in life.

أنا الموقع أسأله باسمي يونس عبد الرحمن عشت سعيدا في
بلدي و تعلمت من والدي حب الخير والامسان إلى الناس و كبرت
على ذلك ثم سافرت إلى باكستان و شاركت في العمل الخيري بشكل
حقيقي من خلال عدة منظمات خيرية و كنت أشعر بإحسان
المحتاجين و المساكين و كنت سعيدا بذلك و ما زال هذا هو إحساسي
الحقيقي بكل متضرر أي من كان فهو يحتاج إلى المساعدة و المواصلة
فوضيقتي في هذه الحياة هي حب الناس و مساعدتهم و بزل كل ما أستطيع
في ذلك و هي هذا سعادتي و أجد الله ربي أنه رغم هذه السنوات التي
قضيتهما في هذا الأتلاف العظيم و الظلم الذي عشته و هذا الأمر
لم يزدني إلا حبا للخير و الشعور بمشاعر المظلومين و الفقراء و المساكين
في كل العالم خاصة فيحيا الأرواح الذين ليس لهم رأي ذنب فالمرأة التي
تتخذ زوجها و الابن الذي يصبح يتيما بغير ذنب و الأم التي تتخذ زوجها
أهل للحب و المواصلة و الرحمة و هذا واجبي في الحياة

يونس


Summary of Administrative Review Board Proceedings for ISN 215

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The detainee's ARB initial interview was conducted on 28 November 2005 and lasted one hour and ten minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. The detainee stated he understood the difference between the CSRT and the ARB. 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 was non-committal, opined he was already prejudged, but requested more time to decide. After the ARB process was thoroughly explained, the detainee stated he would attend and would likely provide both oral and written statements, point-by-point, to the Unclassified Summary of Evidence.

ISN 215
Enclosure (6)
Page 1 of 19

The detainee was cordial, attentive, initially reserved and skeptical of the ARB, but he became more interactive as the interview continued. At the conclusion of the interview, the Arabic translated copy of the Unclassified Summary of Evidence, as well as the detainee writing templates, were provided to the detainee, via his guards. The detainee's follow-up interview was scheduled for 29 November 2005 and lasted 25 minutes. The detainee provided his written statement, which was then read by the translator to ensure it would be correctly translated to English. The detainee stated he would likely supplement this with oral statements at the ARB. The detainee was cooperative, attentive, and very cordial during the follow-up interview. At the conclusion of the interview, the detainee requested a copy of his written response to the Unclassified Summary of Evidence. This was provided, via his guards.

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

Designated Military Officer: The detainee told others that he was going to Afghanistan for the purpose of jihad, specifically to fight with the Taliban against the Northern Alliance.

Detainee: Yes.

Designated Military Officer: The detainee stated, the reasons for joining jihad were: his high interests in military training, his desire to serve God and to remove foreigners from his country and other countries in the Middle East.

Detainee: Will the officer read my comments?

Presiding Officer: If you wish.

Detainee: Can he (AMO) please read my comments?

Presiding Officer: AMO please read his comments.

AMO read comments the detainee previously stated.

Detainee: As for training and preparing us as Muslims, we are directed to prepare whether if there is a fight or if there isn't a fight. Every Muslim has to be ready to defend his religion, his country, and his family. The whole world trains and gets ready to protect what it has to protect. As for removing foreigners from my country and the Middle East, that is absolutely not true.

Designated Military Officer: The detainee traveled to Afghanistan in late 2000 for the purpose of fighting jihad.

Board Member: Do you want the AMO to respond to each point?

Detainee: Is there a problem if I answer sometimes and I let him answer at other times?

Presiding Officer: No, that is not a problem. It is up to you.

Detainee: Yes, I traveled to Afghanistan, but it was almost approximately at the beginning of 2000.

Designated Military Officer: The detainee voluntarily joined the Taliban to participate in jihad.

Detainee: Let the AMO complete reading everything.

AMO read comments the detainee previously stated.

Detainee: Yes, I participated in the fight with the Taliban, but only against the Northern Alliance.

Designated Military Officer: The detainee advised that infantry training was his favorite training evolution because those infantry would be on the front lines where the possibility of dying is greater. Dying on the battlefield would make him a martyr.

AMO read comments the detainee previously stated.

Detainee: Yes, this is true and I wish to be a martyr, but the right way. I don't want to be a martyr in the wrong way, like the one who throws himself in a perilous situation (jeopardy).

Designated Military Officer: The detainee trained at the Khaladan Camp.

AMO read comments the detainee previously stated

Detainee: Yes, I trained at the Khaladan Camp.

Designated Military Officer: The Khaladan Camp was a six-month course consisting of light weapons training, heavy weapons training, explosives training, topography and tactics.

AMO read comments the detainee previously stated.

Detainee: I was at the Khaladan Camp for four months and it wasn't six months. I was asked about the training at the Camp, so I told the investigators that there were light weapons, heavy artillery, topography, explosives, and tactics. I didn't train on them; I only trained on basic (initial) training and artillery at Khaladan.

Board Member: What type of Artillery were you trained on?

Detainee: Mortars.

Designated Military Officer: The detainee acknowledged that he was sent to the training camp and that he knew whom it was that sent him there.

AMO read comments the detainee previously stated.

Detainee: Yes, I was sent to the Khaladan Camp and I know who sent me.

Board Member: Who sent you?

Detainee: His name is Majid. His nickname is Sareya.

Board Member: Did he have a position with the Taliban?

Detainee: He had knowledge of Afghanistan, he knew the most about the Arabs in Afghanistan. He would go to Saudi Arabia and tell people about Afghanistan. People who wanted to go he would tell them how and where to go.

Board Member: So this person was a recruiter to bring people from Saudi to Afghanistan?

Detainee: He would not go to people and tell them to go. Usually people that wanted to go would go to him and tell them they wanted to go to Afghanistan he would then tell them what to expect.

Board Member: He was a contact in Jeddah that people would go to and he would send them forward.

Detainee: Mecca not Jeddah.

Designated Military Officer: The detainee received training at al Farouq.

AMO read comments the detainee previously stated

Detainee: Yes, I trained and was trained at the al Farouq Camp. I only received a session in Infantry Tactics.

Designated Military Officer: The training at al Farouq was conducted in four phases: small arms, physical training, map reading, topography and explosive device training.

AMO read comments the detainee previously stated

Detainee: The training at al Farouq, like I mentioned to the interrogators, they have cycles or sessions like the rest of the Camps...from basic training, to artillery, topography of maps, and other sessions. But I did not train on these at al Farouq; I only trained on Infantry tactics.

Designated Military Officer: During an interview, the detainee verbally confirmed the types of weapons that he used, possessed or trained on, while he was in Afghanistan.

AMO read comments the detainee previously stated.

Detainee: Yes, I verbally confirmed the types of weapons I trained on and used when I was in Afghanistan. But I only used the Kalashnikov.

Designated Military Officer: While the detainee was in Afghanistan, he was at the front lines. He fought at Mowtin, Gharband.

AMO read comments the detainee previously stated.

Detainee: Yes, when I was in Afghanistan, I was in the line next to the mountains Gharband.

Board Member: How did you get there? You trained at a camp, how were groups organized to go to certain locations and fight whomever you were fighting?

Detainee: You mean the front line.

Board Member: Yes, to move from training to the front. How were you selected to go forward?

Detainee: No one was selected to go to those places. After you finished training if you wanted to go to the front lines then you went to the front lines; if you did not want to go then you do not go. No one ordered or selected us to go there.

Board Member: You just raise your hand and go forward?

Detainee: No, there is a guesthouse you have to go to. When you go to the guesthouse you tell them that you want to go to the line and they provide you with a weapon and tell you where to go.

Board Member: Did you understand why you were fighting? You went forward knowing what the fight was about and whom you were shooting at?

Detainee: Yes.

Designated Military Officer: The detainee fought on the front line for approximately nine months and fired his weapon at the Northern Alliance Forces.

AMO read comments the detainee previously stated.

Detainee: Yes, I stayed in the line for two years, but I don't ever remember myself firing at the Northern Alliance.

Board Member: Could you tell me the month and the year that you arrived on the front lines?

Detainee: My problem is I do not remember the times really well.

Board Member: Approximately? Was it cold? Was it warm?

Detainee: Summer and winter passed

Board Member: Was it before September 11, 2001?

Detainee: Before. A long time before.

Board Member: Approximately how long before?

Detainee: Approximately one year and eight months before.

Board Member: Were you doing your training in August of 2000?

Detainee: I do not remember very well; as soon as I came there I went.

Board Member: You do understand our interests in talking to you about September 11th. Can you tell us prior to September 11th who were you fighting and for what?

Detainee: The Northern Alliance. Sareya, Rabani and Sherik.

Board Member: You were fighting them from achieving what?

Detainee: Taliban state is an Islamic state, it is recognized by our government Saudi Arabia. The scholars and scientists told us to fight with the Taliban against those people it was a legitimate fight. It was a just fight.

Board Member: You were fighting to sustain the government that was in place at the time? The Taliban?

Detainee: Yes.

Board Member: You were on the front line after the United States intervened in Afghanistan?

Detainee: We never fought them (United States). Our goal our target was the Northern Alliance. We never saw American soldiers. Every one in front of us was Afghan.

Designated Military Officer: The detainee manned anti-aircraft weaponry during combat.

AMO read comments the detainee previously stated.

Detainee: This is absolutely not true...about using weapons against airplanes.

Designated Military Officer: The detainee said that when the United States planes flew overhead, his group would not shoot at them. The aircraft flew too fast and too high. The detainee said that the group did fire at United States helicopters and airplanes with the Kalashnikov rifles; however, the aircraft flew too fast and too high.

AMO read comments the detainee previously stated.

Detainee: This is absolutely not true. We did not fire any weapons against the American airplanes.

Designated Military Officer: The detainee stated that the most important thing is that he fired his weapon at the enemy during jihad and for that, Allah now looks favorably upon him. The detainee now feels that his duty for fulfilling jihad is complete.

AMO read comments the detainee previously stated.

Detainee: I did not fire at anyone and the statement is not true.

Designated Military Officer: The detainee and his unit fought against only the Northern Alliance. His group was Mujahadeen fighters, who were aligned with the Taliban. The detainee said that his unit supported the Taliban, but that he was not a member of the Taliban.

AMO read comments the detainee previously stated.

Detainee: Yes, I fought with the Taliban against the Northern Alliance, only. I wasn't a member of the Taliban.

Designated Military Officer: The detainee met with and received money from Usama bin Laden.

AMO read comments the detainee previously stated.

Detainee: This is absolutely not true. I did not meet Usama bin Laden nor get money from him.

Designated Military Officer: The detainee's name was on a list of probable al Qaida operatives.

AMO read comments the detainee previously stated.

Detainee: First, I don't know what's this list, but what I know and what I'm sure of is that I'm absolutely not a member of al Qaida... whether an operative or just a member.

Designated Military Officer: The detainee was present at Tora Bora during the United States Air Campaign.

AMO read comments the detainee previously stated.

Detainee: Yes, I was in Tora Bora during the United States air campaign, but I never fired at the American airplanes.

Board Member: While you were In Tora Bora and didn't fire at an American airship, did anyone to the left or right of you fire and if so why did you not fire?

Detainee: There were only five or six of us there. The weapons we had were Kalashnikov and BK. We did not have any anti-aircraft weapons in our possession. The situation/attacks at the time forced us to go to Tora Bora. Our duty was not to shoot at airplanes; we weren't there to shoot anybody. We even had people there who were resistance. They were against Usama bin Laden, because of the situation we were all forced to be there at the same time.

Board Member: Did you receive instructions to move towards Tora Bora and wait in the position with the five or six individuals or did it just seem like a safe place to go at the time?

Detainee: We didn't receive any directions to go there or anything like that, but that was the safest place to be at the time, if you wanted to save your life that's where you went.

Designated Military Officer: The detainee's name was found on a computer that was associated with al Qaida and was seized during raids with other foreign agency services.

AMO read comments the detainee previously stated.

Detainee: I don't know anything about this subject, but be sure that I'm not from al Qaida or any other group. I don't know how my name got to the computers, if this statement is true.

Board Member: Is Al Sharif a common name or uncommon name?

Detainee: Yes, it is a very common name. It is a family name, a tribal name.

Board Member: I understand.

Designated Military Officer: A senior al Qaida operative recognized the detainee as someone who provided administrative assistance at the guesthouse in Kandahar.

AMO read comments the detainee previously stated.

Detainee: Absolutely not true. I did not give (provide) any administrative assistance in the Kandahar guesthouse.

Designated Military Officer: The detainee acknowledged the hierarchy at the guesthouse that he visited.

AMO read comments the detainee previously stated.

Detainee: Yes, I did visit some of the guesthouses, but I did not ever have any authority.

Designated Military Officer: The detainee worked for two years as a police officer in Mecca, Saudi Arabia and for one year in Jeddah, Saudi Arabia.

AMO read comments the detainee previously stated.

Detainee: Yes, I worked for the Saudi government in the Hajj forces and holidays. I'm proud of my service to my country and I worked for four years as a soldier, not as an officer.

Board Member: Before you went to Afghanistan were you a police officer? Was there a break where you were unemployed or you went from your position as a police officer straight to Afghanistan?

Detainee: First of all I am not an officer, I'm just enlisted, a soldier.

Board Member: No as a police officer, not a military officer but you were with the police correct?

Detainee: Police yes.

Board Member: As a policeman were you with the police department/agency then left and went straight to Afghanistan or did you leave the police force at sometime and became unemployed? What was the timeline between you being a policeman and going to Afghanistan?

Detainee: I wasn't. I didn't have a job.

Board Member: What were you doing at the time?

Detainee: I had a car and used it as a taxi.

Board Member: Did you have family? Do you have a family?

Detainee: Yes.

Board Member: You were working to provide for your family with a taxi? What were there thoughts about you just leaving and going to Afghanistan to fight?

Detainee: I told them I wanted to go to Pakistan. I didn't tell them jihad or anything because I did not want any problems.

Board Member: Did they not wonder how they were going to support themselves, after you left a paying job to go to a job that did not pay?

Detainee: My father, my brothers all work, they have jobs. My wife, I gave her some money and left her with her family.

Board Member: That was okay.

Detainee: Yeah.

Designated Military Officer: The detainee confirmed that he was a police officer in Saudi Arabia.

AMO read comments the detainee previously stated.

Detainee: Not true, I was a soldier not an officer.

Presiding Officer: I think we need to clarify this.

Translator explains the difference to the detainee between a police officer and a policeman.

Detainee: In the Middle East an officer, a police officer has to have a star or has to be an officer. Then we have enlisted police, it's just like being in the Army.

Presiding Officer: Then it's a translation error. What we mean is a policeman not officer. Not military.

Detainee: Yes.

Designated Military Officer: The detainee and two friends were traveling in Afghanistan, going from village to village teaching Islam, when they were pressed into service by the Taliban.

AMO read comments the detainee previously stated.

Detainee: Not true, I left Saudi alone for the purpose of jihad with the Taliban government.

Designated Military Officer: The detainee was with a large group of Taliban that surrendered to Northern Alliance Forces.

AMO read comments the detainee previously stated.

Detainee: Not true. The Pakistani military arrested me on the Pakistan border.

Designated Military Officer: The detainee's pocket litter included a Casio Watch, Model F-91W.

AMO read comments the detainee previously stated.

Detainee: Yes, I had a watch but I don't know it's name or it's make. All I know is that it's a watch that tells me the time.

Board Member: Where did you obtain this watch?

Detainee: I bought it, I purchased it.

Board Member: Is it a watch you had with you when you left Afghanistan or Saudi Arabia or did you get it while you were in Afghanistan?

Detainee: I had a watch just like yours, it was not numbered. I lost that watch when I was in Afghanistan so I had to buy another watch.

Designated Military Officer: The Casio Watch, Model F-91W, has been used in bombings that have been linked to al Qaida and radical Islamic terrorist improvised explosive devices.

AMO read comments the detainee previously stated.

Detainee: If someone other than me might have used this watch to explode, I did not use it for that and it never came to my mind to use it for that purpose. All I know is that it's a watch like all the watches, it tells time.

Detainee made an additional comment.

Detainee: It is a watch like any other watch.

Board Member: During your training, did you ever see this watch at the training camps?

Detainee: Everyone had a different kind of watch.

Board Member: Did you ever see this watch used as a training tool with explosives?

Detainee: I didn't take that session to know what they used.

Board Member: So you know what I am talking about?

Detainee: I don't know if it's used in any other way but everyone had a different kind of watch, no one has the same.

Designated Military Officer: The detainee was described as a well-respected and competent fighter. Other fighters looked up to him because he attended the tactical training.

AMO read comments the detainee previously stated.

Detainee: I took a tactics session... whether if people looked up to me, that is not true.

Designated Military Officer: The detainee said that "the Mujhadeen destroyed Russia and Russia is bigger, stronger than the Americans." The detainee continued by saying "the Muslims would still hate Americans even if there was no fighting, because Allah and Mohammed said it should be so and that Americans have business with Christians and Jews."

AMO read comments the detainee previously stated.

Detainee: I did not say that Muslims hate Americans and Russia is stronger than you. You are stronger than Russia. This does not matter to me and it doesn't mean anything to me.

Designated Military Officer: The detainee reported that he had no connection with the al Qaida.

AMO states he has no further comments from the detainee for these points.

Detainee: I wrote the answers for that as well on the last sheet of paper, they were altogether. If you would like me to answer I can answer right now.

DMO restated point 4a.

Detainee: Yes.

Designated Military Officer: The detainee admitted that he said he was a member of al Qaida because he thought that was what they wanted to hear.

Detainee: I am not from al Qaida.

Designated Military Officer: The detainee said that he heard of the al Farouq Training Camp near Kandahar, Afghanistan, but he never entered Kandahar itself.

Detainee: Yes, I went to Kandahar.

Designated Military Officer: The detainee denied having any knowledge of the attacks in the United States prior to their execution on September 11th.

Detainee: Yes, I do not know anything about it.

Designated Military Officer: The detainee denied knowledge of any rumors or plans of future attacks on the United States or the United States interests.

Detainee: Do not have any ideas or anything about it.

Designated Military Officer: The detainee was queried regarding any knowledge or planning of internal uprisings at the Guantanamo Detention Facility, with negative results.

Detainee: I don't understand the question; please clarify.

Presiding Officer: You were asked if you heard of any planning of uprisings here in Guantanamo and you said you did not know of any plans.

Detainee: Yes, the interrogator is correct.

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

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

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election form.

Assisting Military Officer: During the initial interview, the detainee at first declined to attend his ARB and stated the problem was his experience with the CSRT, "I attended (the CSRT), but they said I was an EC (Enemy Combatant)... it doesn't matter." The detainee then opined on the ARB, "It's a play. There are no positive results, so it doesn't matter if I attend or don't attend." After the AMO again explained the differences between the CSRT and the ARB, as well as the positive results from previous ARBs, the detainee acknowledged by stating, "Yes, I will try." During the follow-up interview, the AMO asked if he finished the written statement. The detainee replied, "Yes.... Thank God, I was able to finish it" and then commented, "I stayed up to one o'clock." The detainee had no further comments nor asked any questions.

Detainee: You even recorded that?

Presiding Officer: We all have late nights preparing for things at times, so yes we understand. Does that conclude your statement?

Detainee: Up to now I have not spoken about everything.

Presiding Officer: Do you wish to make an oral statement?

Detainee: What do you mean by statement?

Board Member: Anything you want to say.

Detainee: I want to clarify to you why I do not pose a threat, in addition to the statement.

Presiding Officer: Do you wish to add anything to that?

Detainee: Can the AMO read it or do you want me to?

AMO: There was another statement that he prepared.

Presiding Officer: My apologies, please read it.

The Assisting Military Officer made a statement on the Detainee's behalf. The Detainee concurred.

I lived and experienced in my life, I was convinced about things and for being deeply enthusiastic and ignorance (lack of knowledge) to help me understand correctly. I found myself mistaken, incorrect, wrong, and my mistakes were clear to me in which I did not

UNCLASSIFIED//~~FOUO~~

(Revised 30 Nov 05)

know that the jihad I was in is wrong and that me going to Afghanistan needed patience and the correct understanding. I didn't know my actions were wrong, but after coming here and reading some religious books, I took a long period of time thinking about what happened and what I had done. After thinking for long, my wrongful doing was apparent to me and now I'm determined not to make this mistake again. All I hope for is to return to my country and to start a new life and a new future. I will forget the past and leave it behind my back. What was in the past has ended. I live a new life with my daughter my wife, and my family. I will build a new future and I will look for a job and start my life from now. I assure you that I don't pose a threat on the American government or the American people. I was never at any time a member of al Qaida and I don't have any association (connction) to them from distance or from near. I don't know about attacks or their plans, not in the past nor in the present. I'm careful about my country's interest and all humanities.

Detainee additionally added comments.

Detainee: I just want to say something very simple. Like I mentioned in my statement before, back then my family was all the encouragement that I had. I never thought that I was going to be wrong nor did I think what I was doing was wrong. I never thoroughly thought through the whole thing I never thought of it as being wrong. I did not have the right knowledge concerning this subject all the knowledge I received came from watching videos about jihad and that's where my encouragement came from. After coming here and reading all these books from the Egyptian sheiks or scholars about jihad I found out a lot of the jihad is not correct every time. Not every jihad is correct. The jihad is supposed to distance the problems from the Muslims not to put them in problems and hurt them, it is supposed to do the opposite. They are supposed to help the Muslims not put them in bad situations. Jihad is a duty like any other duty, but it's a religious duty. If the jihad brings problems to Muslims in this case the jihad is not allowed because he is bringing problems to the Muslims. Due to the mistakes people in Afghanistan have done they put the Muslim country in danger and millions of people's lives were put in jeopardy because of their mistakes. If I knew the consequences what the results would have been from my actions of me going to Afghanistan I would not have done it. You all know all human beings/people make mistakes. We have a saying a proverb in Arabic if you make a mistake and learn from it, it is okay, but if you make a mistake and you continue to make that mistake there is something wrong with that. After reading those scholarly books I know now for sure that I will not bring any harm to any person, any Muslims way and I will think about my actions, I will not bring any hurt, or pain, or problems to any person, or to any Muslims. As for my life here in prison I have been here for four years and I thanks be to God the four years I have been here I have never caused any problems. I have never thrown number one or number two at the soldiers. Thanks be to God I have never brought any harm or done anything wrong towards the soldiers. My female interrogator, her name is [REDACTED] every time I ask for anything, I always ask respectfully using please and thank you. I always get the same respect back and the same with the military. I promise you and I assure you that I do not

ISN 215
Enclosure (6)
Page 15 of 19

20211

UNCLASSIFIED//~~FOUO~~

pose a threat to you or to anybody. My goal/plan is to build a new life with my family. I have nothing else.

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

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

Administrative Review Board Member's questions:

Board Member: In your statement did you state that you still wanted to be a martyr?

Detainee: That was in the past. I do not want to be a martyr. Why would I want to be martyr based on a mistake? If someone wants to be a martyr it should be for the right reason.

Board Member: Explain the difference between the right way and the wrong way to be a martyr.

Detainee: The right way of doing it is when an enemy invades or attacks your country, attacks your family, your people and your citizens.

Board Member: Do you consider the United States to be an invader by them going into Iraq and Afghanistan?

Detainee: Pertaining to the United States that has to do with them and the al Qaida not us. The United States did not enter Afghanistan without a reason. The United States had to defend themselves after what happened with the attacks. That's why they went there to defend themselves they had to do what they did.

Board Member: Do you consider the United States an invader nation by going into Iraq?

Detainee: I don't have anything to do with the politics or the political issues.

Board Member: We are just trying to get something straight. You said that jihad is justified if the country invades. I am not sure whether you meant a Muslim country. The United States did intervene in Iraq do you consider the United States an invader of a Muslim country?

Detainee: When I first heard the United States entered Iraq, this is what I wished for. I wished the United States would go into Iraq and finish Saddam because you know what he did. He doesn't care. Honestly he deserved what he got; he hurt people.

Board Member: What are your views concerning the individuals that flew the aircraft into the World Trade Center and the Pentagon on September 11, 2001.

Detainee: Honestly I say this is 100% wrong. We have a book here called Al Qaida Strategic Explosion, Explosion of Al Qaida and it clarifies all the negative things those attacks have caused. Killing children and women, causing destruction of property and lives, it explains everything.

Board Member: How many training camps were you trained in?

Detainee: In three. I trained in two and the third one I only entered and I left.

Board Member: So you attended three camps? How many months of training did you receive?

Detainee: The Khaladan camp was for four months. In al Farouq an entire month and Darwanda I entered one day and the second day I had typhoid and malaria so I left right away.

Board Member: What were you going to train on at that last camp?

Detainee: Poison.

Board Member: What was the purpose of that training? Why did you want to learn about poison?

Detainee: I was a very uneducated person so when someone told me there was a training and this was the type of training they were giving, let's go do it. I said okay let's go do it, so I did it because of my lack of education.

Board Member: Do you know what they would have used you for? A poison attack where? Who?

Detainee: No one has authority over another. Any person entering that kind of training did it on their own. I personally entered training. No one forced me to enter, I did it myself.

Board Member: What are your views on Usama bin Laden?

Detainee: In what way?

Board Member: Is he a good man a bad man? What he has done is right or wrong?

Detainee: I can just say that this person is Muslim; no one can say that he is not. He is Muslim but that does not mean he does not make mistakes. He is a Muslim person that worships God but his actions I believe are wrong. The proof is, 47 Muslim scholars or scientists said again that what he did was wrong. We do not follow Usama bin Laden, we follow our scholars. All our religious scientists and scholars said that Usama bin Laden's actions were wrong. Those 47 scientists/scholars' statements are in that book about al

Qaida tactics, al Qaida explosions. I have read the statements myself. I support what our scholars and scientists say when they say the actions of this person were wrong.

Board Member: Do you know what you will do to support yourself and your family if you are released?

Detainee: Yes.

Board Member: What's your plan?

Detainee: I divorced my wife. The most important thing to me is to be married and support my daughter and go to my country to find a job.

Board Member: From the time you were in Saudi Arabia and you knew you were going to be going to Afghanistan via Pakistan to fight, how were you able to sustain yourself? Who paid you to move from point A to point B and going to Afghanistan to attend these camps? Who coordinates that?

Detainee: Myself.

Board Member: You paid your own way?

Detainee: Yes, through Sareya. The money was my own.

Presiding Officer: What do you believe about jihad? You mentioned in your statement that you think your obligation to jihad is over. I want to make sure I understand what you meant by that.

Detainee: Jihad at anytime any place can be correct or incorrect. At any situation or any place, anywhere or anytime is correct, that was how I thought in the past. Now the situation is clear to me I know now that sometimes the jihad could be wrong. Not just wrong but it can be taboo. The proof is in the same book that I mentioned, the sheik that wrote this book says that the jihad is a duty an obligation like a Hajj and Ramadan. If a person wants to go to Hajj and become a Haji if he knows that someone at the Hajj will kill him or steal his money, he then has the right to stay home and not go to Hajj. At Ramadan if the person is traveling from one place to another he does not have to fast for Ramadan because traveling makes the person tired, it's hard work. Jihad just like Ramadan and Hajj is causing a lot of problems and hurting a lot of people. If this is hurting someone or bringing problems to people it should not be allowed in that case. Right now my views on jihad has completely changed from my views in the past, I now know the right way, the right path.

Board Member: Thank you for electing to show today. For me your responses to the questions have been honest. I appreciate your final statement on what you believed then about the jihad and being a martyr to what you think now. I am curious to the titles for

some of the scholarly works you have read since you have been here for my personal information.

Detainee: You are welcome. You are very welcome. The names of the books are Strategy of al Qaida and its Explosions. There are four books on the Correction of the Knowledgeable or Correction of the Uniformed on mistakes made by the jihad.

Board Member: Where did these books come from?

Detainee: From the library.

Board Member: Here?

Detainee: Yes. The second book is called the River of Memories; it talks a lot about Usama bin Laden. All these books clarify a lot of things we thought were right.

Board Member: Who are the authors? Just to clarify. Were the authors from Saudi Arabia or is he from Morocco?

Detainee: Egypt. The publisher is from Saudi Arabia El Elbrichan.

Presiding Officer: This is informative for us as well.

Detainee: Thanks be to God. Thank you.


The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, USAF
Presiding Officer

UNCLASSIFIED

**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 215

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C	11/29/2005	UNCLASSIFIED	NONE

UNCLASSIFIED

UNCLASSIFIED

Detainee Written Responses to the Unclassified Summary of Evidence for the Administrative Review Board, in the case of AL SHARIF, FAHD UMR ABD AL MAJID

**The detainee provided the following statements in response to information in the
Unclassified Summary of Evidence:**

- *In response to the allegation that the detainee told others that he was going to Afghanistan for the purpose of Jihad, specifically to fight with the Taliban against the Northern Alliance, the detainee wrote:*

“Yes, I was fighting with the Taliban government to help thousands of millions of Afghan Muslims to return their hopes, their countries, and their lives. The Saudi government and their scientists recognize (acknowledge) Taliban legitimacy and tell to offer or sacrifice everything from money and help our scientists (scholars) say that fighting with the Taliban is right (just) and legitimate fight.” 3.a.1

- *In response to the allegation that the detainee stated, the reasons for joining Jihad were: his high interests in military training, his desire to serve God and to remove foreigners from his county and other countries in the Middle East, the detainee wrote:*

“As for training and preparing us as Muslims, we are directed to prepare whether if there is a fight or if there isn't a fight. Every Muslim has to be ready to defend his religion, his country, and his family. The whole world trains and gets ready to protect what it has to protect. As for removing foreigners from my country and the Middle East, that is absolutely not true.” 3.a.2

- *In response to the allegation that the detainee traveled to Afghanistan in late 2000 for the purpose of fighting Jihad, the detainee wrote:*

“Yes, I traveled to Afghanistan in year 2000, but at the beginning of that year.” 3.a.3

- *In response to the allegation that the detainee voluntarily joined the Taliban to participate in Jihad, the detainee wrote:*

“Yes, I participated in the fight with the Taliban, but only against the Northern Alliance.” 3.a.4

UNCLASSIFIED

UNCLASSIFIED

- *In response to the allegations that: 1) the detainee advised that infantry training was his favorite training evolution because those in infantry would be on the front lines where the possibility of dying is greater; and 2) dying on the battlefield would make him a martyr, the detainee wrote:*

"Yes, this is true and I wish to be a martyr, but the right way. I don't want to be a martyr in the wrong way, like the one who throws himself in perilous situation (jeopardy)."
3.a.5

- *In response to the allegation that the detainee trained at the Khaldan Camp, the detainee wrote:*

"Yes, I trained in the Khaldan Camp." 3.b.1

- *In response to the allegation that the Khaldan Camp was a six-month course consisting of light weapons training, heavy weapons training, explosives training, topography and tactics, the detainee wrote:*

"I was at the Khaldan Camp for four months and it wasn't six months. I was asked about the training at the Camp, so I told the investigators that there were light weapons and heavy artillery, topography, explosives, and tactics. But I didn't train on them, I only trained on basic (initial) training and artillery at Khaldan." 3.b.2

- *In response to the allegations that the detainee acknowledged that he was sent to the training camp and that he knew whom it was that sent him there, the detainee wrote:*

"Yes, I was sent to the Khaldan Camp and I know who sent me." 3.b.3

- *In response to the allegations that the detainee received training at al Farouq, the detainee wrote:*

"Yes, I trained and was trained at the al Farouq Camp. I only received a session in Infantry Tactics." 3.b.4

- *In response to the allegation that the training at al Farouq was conducted in four phases: small arms, physical training, map reading and topography and explosive device training, the detainee wrote:*

UNCLASSIFIED

UNCLASSIFIED

"The training at the al Farouq, like I mentioned to the interrogators, they have cycles or sessions like the rest of the Camps ...from basic training, to artillery, topography of maps, and other sessions. But I did not train on these at al Farouq, I only trained on Infantry Tactics." 3.b.5

- *In response to the allegations that during an interview, the detainee verbally confirmed the types of weapons that he used, possessed or trained on, while he was in Afghanistan, the detainee wrote:*

"Yes, I verbally confirmed the types of weapons I trained on and used when I was in Afghanistan. But I only used the Kalashnikov." 3.b.6

- *In response to the allegations that: 1) while the detainee was in Afghanistan, he was at the front lines; and 2) he fought at Mowtin Gharband, the detainee wrote:*

"Yes, when I was in Afghanistan, I was in the line next to the mountains Gharband." 3.c.1

- *In response to the allegation that the detainee fought on the front line for approximately nine months and fired his weapon at Northern Alliance Forces, the detainee wrote:*

"Yes, I stayed in the line for two years, but I don't ever remember myself firing at the Northern Alliance." 3.c.2

- *In response to the allegation that the detainee manned anti-aircraft weaponry during combat, the detainee wrote:*

"This is absolutely not true ...about using weapons against airplanes." 3.c.3

- *In response to the allegations that: 1) the detainee said that when United States planes flew overhead, his group would not shoot at them; 2) the aircraft flew too fast and too high; and 3) the detainee said that the group did fire at United States helicopters and airplanes with the Kalashnikov rifles; however, the aircraft flew too fast and too high, the detainee wrote:*

"This is absolutely not true. We did not fire any weapons against the American airplanes." 3.c.4

UNCLASSIFIED

UNCLASSIFIED

- *In response to the allegations that: 1) the detainee stated that the most important thing is that he fired his weapon at the enemy during Jihad and for that, Allah now looks favorably upon him; and 2) the detainee now feels that his duty for fulfilling Jihad is complete, the detainee wrote:*

"I did not fire at anyone and the statement is not true." 3.c.5

- *In response to the allegations that: 1) the detainee and his unit fought against only the Northern Alliance; 2) his group was Mujahideen fighters, who were aligned with the Taliban; and 3) the detainee said that his unit supported the Taliban, but that he was not a member of the Taliban, the detainee wrote:*

"Yes, I fought with the Taliban against the Northern Alliance, only. I wasn't a member of the Taliban." 3.c.6

- *In response to the allegation that the detainee met with and received money from Usama bin Laden, the detainee wrote:*

"This is absolutely not true. I did not meet Usama bin Laden nor get money from him." 3.d.1

- *In response to the allegation that the detainee's name was on a list of probable al Qaida operatives, the detainee wrote:*

"First, I don't know what's this list, but what I know and what I'm sure of is that I'm absolutely not a member of al Qaida ...whether an operative or just a member." 3.d.2

- *In response to the allegation that detainee was present at Tora Bora during the United States Air Campaign, the detainee wrote:*

"Yes, I was in Tora Bora during the United States air campaign, but I never fired at the American airplanes." 3.d.3

- *In response to the allegation that the detainee's name was found on a computer that was associated with al Qaida and was seized during joint raids with other foreign agency services, the detainee wrote:*

UNCLASSIFIED

UNCLASSIFIED

"I don't know anything about this subject, but be sure that I'm not from al Qaida or any other group. I don't know how my name got to the computers, if this statement is true."
3.d.4

- *In response to the allegation that a senior al Qaida operative recognized the detainee as someone who provided administrative assistance at the guesthouse in Kandahar, the detainee wrote:*

"Absolutely not true. I did not give (provide) any administrative assistance in the Kandahar guesthouse." 3.d.5

- *In response to the allegation that the detainee acknowledged the hierarchy at the guesthouses that he visited, the detainee wrote:*

"Yes, I did visit some of the guesthouses, but I did not ever have any authority." 3.d.6

- *In response to the allegation that the detainee worked for two years as a police officer in Mecca, Saudi Arabia and for one year in Jeddah, Saudi Arabia, the detainee wrote:*

"Yes, I worked for the Saudi government in the Haj forces and holidays. I'm proud of my service to my country and I worked four years as a soldier, not as an officer." 3.e.1

- *In response to the allegation that the detainee confirmed that he was a police officer in Saudi Arabia, the detainee wrote:*

"Not true, I was a soldier not an officer." 3.e.2

- *In response to the allegation that the detainee and two friends were traveling in Afghanistan, going from village to village teaching Islam, when they were pressed into service by the Taliban, the detainee wrote:*

"Not true. I left Saudi alone for the purpose of jihad with the Taliban government."
3.e.3

- *In response to the allegation that the detainee was with a large group of Taliban that surrendered to Northern Alliance Forces, the detainee wrote:*

"Not true. The Pakistani military arrested me on the Pakistan border." 3.e.4

UNCLASSIFIED

UNCLASSIFIED

- *In response to the allegation that the detainee's pocket litter included a Casio Watch, Model F-91W, the detainee wrote:*

"Yes, I had a watch but I don't know its name or its make. All I know is that it's a watch that tells me time." 3.e.5

- *In response to the statement that the Casio Watch, Model F-91W, has been used in bombings that have been linked to al Qaida and radical Islamic terrorist improvised explosive devices, the detainee wrote:*

"If someone other than me might have used this watch to explode, I did not use it for that and it never came to my mind to use it for that purpose. All I know is that it's a watch like all the watches, it tells time." 3.e.6

- *In response to the allegations that: 1) the detainee was described as a well-respected and competent fighter; and 2) other fighters looked up to him because he attended the tactical training, the detainee wrote:*

"I took a tactic session ...whether if people looked up to me, that is not true." 3.e.7

- *In response to the allegations that: 1) the detainee said that the Mujahideen destroyed Russia and Russia is bigger, stronger than the Americans; and 2) the detainee continued by saying the Muslims would still hate Americans even if there was no fighting, because Allah and Mohammed said it should be so and that Americans have business with Christians and Jews, the detainee wrote:*

"I did not say that Muslims hate Americans and Russia is stronger than you. You are stronger than Russia. This does not matter to me and it doesn't mean anything to me." 3.e.8

The detainee also provided the following statement:

"I lived and experienced in my life. I was convinced about things and for being deeply enthusiastic and ignorance (lack of knowledge) to help me understand correctly.

I found myself mistaken, incorrect, wrong, and my mistakes were clear to me in which I did not know that the jihad I was in is wrong and that me going to Afghanistan needed

UNCLASSIFIED

UNCLASSIFIED

patience and the correct understanding. I didn't know my actions were wrong, but after coming here and reading some religious books, I took a long period of time thinking about what happened and what I have done. After thinking for long, my wrongful doing was apparent to me and now I'm determined not to make this mistake again.

All I hope for is to return to my country and to start a new life and a new future. I will forget the past and leave it behind my back and what was in the past has ended. I will live a new life with my daughter and my wife, and my family. I will build a new future and I will look for a job and start my life from now.

I assure you that I don't pose a threat on the American government or the American people. I was never at any time a member of al Qaida and I don't have any association (connection) to them from distance or from near. I don't know about attacks or their plans, not in the past nor in the present. I'm careful about my country's interest and all humanities."

Signed. Dated: 2005 / 11 / 29

UNCLASSIFIED

UNCLASSIFIED

٣-أ-١= نعم أنا كنت أقاتل مع حكومة طالبان لمساعدة آلاف وملايين المسلمين الأفغان في إعادة أعمالهم وأوطانهم وهياكلهم وأن الحكومة باستجوديه وعلماءهم يقرون بمشروع طالبان وسيرون بزل كل شيء من أموال ومساعدات وأن علماءنا يقولون أن القتال مع طالبان قتال صحيح ومشروع.

٣-أ-٢= بالنسبة للتدريب والأعداد فإننا كمسلمين وأموريين بالأعداد سواء كان هناك قتال أو لم يكن فيه قتال ويجب على كل مسلم أن يكون مستعداً لحماية دينه وبلده وأهله ولعلماء كاه يتدرب ويستعد ليحمي ما يجب عليه حمايته وأما إزالة الأجانب من بلادي ومن الشرق الأوسط فليس صحيح بتاتاً.

٢-أ-٣= نعم سافرت إلى أفغانستان في عام ٢٠٠٢م ولكن في أوله تقريباً.

٣-أ-٢= نعم شاركت في القتال مع طالبان ضد التحالف الشمالي فقط.

٣-أ-٥= نعم هذا صحيح وأنتم من أن تكون شهيداً ولكن بالطريقة الصحيحة ولا تريد أن تكون شهيداً بالطريقة الغير صحيحة مثل الذي يرمي نفسه في التهلكة.

٢-ب-١= نعم تدربت في معسكر خاند.

٢-ب-٢= كنت في معسكر خاند أربعة أشهر ولم تكن ستة أشهر وقد سئلت عن التدريبات الموجودة في المعسكر فأخبرتني بالتحقيق أنها الأسلحة الثقيلة والمدفعية والطبوغرافيا والمخبرات والتكبير ولكن لم أتدرب عليها ولم أتدرب إلا على دورة التأسيسية والمدفعية في خاند.

٣-ب-٣= نعم تم إرسالني إلى معسكر خاند وأعرف الذي أرسلني.

٢-ب-٤= نعم تدربت في معسكر الفاروق وأخذت فيه دورة التكبير المشاه فقط.

2005/11/29

Detainee's Signature

Date

Enclosure (4)
EC-C
Page 9 of 12

UNCLASSIFIED

٣-٦-٥٠ = تدريبات الفاروق كما عقلت للمحققين يوجد فيه دورات مثل بقتية المعسكرات من شامسي وهدفية والطبوغرافيا والخرائط وغيرها من الدورات ولكنني لم أتدرب في الفاروق إلا على تكبير المشاه فقط.

٣-٦-٦٠ = نعم لقد أثبتت شفهيًا أصناف الأسلحة التي تدربت عليها والتي استعملتها حينها كنت في أفغانستان ولم أستعمل إلا الأكلشن كوف.

٣-٦-١٠ = نعم حينها كنت في أفغانستان كنت في الخط بجانب جبال غر بنز.

٣-٦-٥٠ = نعم بقيت في الخط لمدة سنتين ولأشني لا أذكر أبدأ أشني أطلق النار على التحالف الشمالي.

٣-٦-٣٠ = هذا ليس صحيح بتاتا استعمال سلاح ضد الطائفة.

٣-٦-٤٠ = هذا ليس صحيح بتاتا ولم نطلق بأي سلاح ضد الطائفة الأمريكية.

٣-٦-٥٠ = لم أطلق على أحد بالنار والالام غير صحيح.

٣-٦-٧٠ = نعم قاتلت مع الطلاب ضد التحالف الشمالي فقط ولم أكن عضو في طالبان.

٣-٦-١٠ = غير صحيح بتاتا ولم أقاتل أسامة بن لادن لا أخذ بقوده.

٣-٦-٥٠ = أولاً أنا لا أعرف ما هذه القائمة ولكن الذي أعرفه وموتاً كدمه أشني است عضو في القاعدة بتاتا سواءً عضو بسيطاً أو صلاباً.

٣-٦-٣٠ = نعم كنت في تورابورا أثناء الغارة الجوية الأمريكية ولكنني لم أطلق النار على الطائفة الأمريكية أبداً.

٣-٦-٥٠ = أنا لا أعرف أي شيء عن هذا الموضوع ولكنني موتاً كدمه أشني است من القاعدة أو أي جماعة أخرى ولا أعرف كيف وصل اسمي إلى الكمبيوتر إن كان هذا الكلام صحيح.

٢٩/١١/٢٠٠٥ ق ٥٥٥
Detainee's Signature Date

Enclosure (4)
EC-C
Page 10 of 12

UNCLASSIFIED

٢-٣-٥= غير صحيح ابداً ولم أقدم أي مساعدة إدارية في مضافة قدرها

٢-٣-٦= نعم زرت بعض المضافات ولكن لم تكن لي أي سلطة قطعياً

٢-٣-١= نعم أنا عملت في الحكومة السعودية في قوات الحج والمواسم وأقتر بخدمة لوطي

وقدر عملت أربع سنوات وكنت جندي وليس ضابطاً

٢-٣-٢= غير صحيح أنا جندي وليس ضابطاً

٢-٣-٣= غير صحيح خربت من السعودية وجرى لغرض الجهاد مع حكومة طالبان

٢-٣-٤= غير صحيح وقد مسكني الجيش الباكستاني في حدود باكستان

٢-٣-٥= نعم كان عندي ساعة ولكن لا أعرف أسمها ولا جنسها ولا عرفتها غيرها

أثناء ساعة تدرلي على الوقت

٢-٣-٦= إذا كان غير عموماً استخدم هذه الساعة للتفجير فأنا لم أستخدمها ولم يخطر في بالي أن أستخدمها


لهذا الغرض أبداً ولا أعرف أسمها تستخدم للتفجير أبداً ولا ما أعرفه أسمى ساعة مثلك

الساعات وتدر على الوقت

٢-٣-٧= أنا أخذت دورة التكتيك وأما كون الناس يخشونني وينظرون إلي نظرة طهوع فهذا غير صحيح

٢-٣-٨= أنا لم أقل أن المسلمين يكرهون الأمريكيان وكون روسيا أقوى منكم أو أنتم

أقوى من روسيا فهذا لا يعني ولا يبرهن

 7/11/19
Detainee's Signature Date

Enclosure (4)
EC-C
Page 11 of 12

UNCLASSIFIED

لقد عشتُ تجربةً في حياتي وقد كنت ممتنجاً بأشياء وأشدة الحماس والجدل وعدم وجود العلم الشرعي الذي يساعدني على الفهم الصحيح وحدث أنني مخطئ وقد تمنع لي خطأي حيث أنني لم أعلم أن المراد الذي كنت فيه خطأً وذهابي إلى أفضل الناس كان يحتاج من الصبر والفهم الصحيح ولم أكن أعلم أن فعلتي هذا خطأً ولكن بعد أن أتيت إليها وقرأت بعض الكتب الدينية أخذت فترة طويلة وأنا أذكر فيما حصل وفيما فعلت وبعد هذا التفكير الطويل أتجمل لي خطأً فعلتي وأنا الآن عازم على عدم العودة في هذا الخطأ مرة أخرى وكل ما أتمناه هو عودتي إلى بلادي لأبدأ حياةً جديدةً ومستقبل جدير وسأناضل المأثم وسأترك خلفي ضمني وما كان في المأثم فخراً لثمة سأعيش حياةً جديرة مع إبنتي ومع زوجتي وأهلي وسأبني مستقبل جدير وسأبذل عن وظيفتي وأبدأ حياتي من جديد وأؤكد لكم أنني لا أشكل أي خطر على الحكومة الأمريكية أو الشعب الأمريكي وأنا أعلم أنني لم أكن في أي وقت من الأوقات عضواً في القاعدة وليس لي أي ارتباط بهم لامن قريب ولا من بعيد ولا أعلم عن هجماتهم أو تخطيطاتهم لا في الماضي ولا في الحاضر وأنا حريص على مصلحة بلادي وكل الإنسانيه.

«ولكم شكرى وحياتي»



Detainee's Signature

PC-0/11/09

Date

Enclosure (4)
EC-C
Page 12 of 12

~~SECRET//NOFORN~~

Dorsey & Whitney
250 Park Avenue
New York, NY 10177
(212) 415-9200

Joshua Colangelo-Bryan
(212) 415-9234

January 19, 2005

VIA FACSIMILE

CDR [REDACTED] JAGC
US Navy Legal Advisor
Office for the Administrative Review (OARDEC)
2000 Navy Pentagon, RM 4D545
Washington, DC 20350-2000

Re: Administrative Review Board; Salman Bin Ibrahim Bin Mohammed Bin Ali Al-Kalifa,
ISN #246 (u)

Dear CDR [REDACTED]

- (u) We are the attorneys for Salman Bin Ibrahim Bin Mohammed Bin Ali Al-Kalifa (ISN #246). We make this submission to the Administrative Review Board ("ARB") pursuant to directions provided by you and [REDACTED], senior trial counsel, United States Department of Justice. We request that you forward this document to the ARB that will review the detention of Mr. Al-Kalifa.
 - (u) Mr. Al-Kalifa's release must be recommended because there is simply no evidence that Mr. Al-Kalifa has ever threatened the United States or its allies in any ongoing conflict with al Qaida (or al Qaida supporters), and there is no reliable evidence that Mr. Al-Kalifa is of intelligence value. See Department of Defense Memorandum dated September 14, 2004 Regarding Implementation of Administrative Review Procedures ("Memorandum") at p. 2, Encl (3) at p. 3 (addressing standards of review).
 - (u) To date, no agency of the United States government has even alleged that Mr. Al-Kalifa was involved - peripherally or otherwise - in any violent or non-violent activities against the United States, its allies or its interests in any context. Indeed, the unclassified summary of the evidence against Mr. Al-Kalifa found in the Combatant Status Review Tribunal ("CSRT") file makes absolutely no mention of any such activities. Therefore, even assuming, for argument's sake, that the allegations in the unclassified summary are true,¹ Mr. Al-Kalifa would have done little more than travel to Afghanistan to study with a scholar prior to the onset of hostilities between the
- (u) ¹Neither Mr. Al-Kalifa nor his counsel accept the veracity of the conclusory statements contained in the unclassified summary.

Classification derived from classified exhibit R-13, attached to the memorandum for Director, CSRT, entitled: Review of Combatant Status Review Tribunal for detainee ISN#246, dated 9 December 2004

~~SECRET//NOFORN~~

Declassify on: SOURCE
CITF, State document
is to be declassified
10 Jan 2028.

ISN 246
Submission

~~SECRET//NOFORN~~

United States and the Taliban. By no reasonable or logical standard can it be considered a legitimate threat to the United States or its allies for a person to travel to a country that is not at war with the United States for purposes of theological study.

(S/NF)

[REDACTED]

(S/NF)

[REDACTED]

- (u) In sum, the government has never alleged that Mr. Al-Kalifa did anything that made him a threat to the United States or of intelligence interest. As such, there is no basis to find that Mr. Al-Kalifa is a threat or should be held for any other reason. Therefore, his release must be recommended.
- (u) In making this submission, we do not waive, and expressly reserve, our right to challenge the ARB proceedings and any final determination on constitutional, statutory and other grounds before any court of competent jurisdiction. Due to restrictions on attorney-client communication imposed by the government, we have been unable to speak with Mr. Al-Kalifa regarding this submission.

Sincerely,


Joshua Colangelo-Bryan

~~SECRET//NOFORN~~

Summary of Administrative Review Board Proceedings for ISN 251

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 the FBI Redaction Certification, Exhibit DMO-2 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.

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 stated that he previously submitted a summary of the interview.

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 testimony given during the proceedings.



Captain, USN
Presiding Officer

ISN 251
Enclosure (5)
Page 2 of 2

Summary of Administrative Review Board Proceedings for ISN 252

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 05 November 2005 and lasted 45 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. 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 said he definitely would like to attend and speak openly to the board members. The Detainee was very polite, attentive, and would like to respond to the Unclassified Summary of Evidence after each point is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

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

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

Presiding Officer: I am going to instruct the DMO to give the Detainee time to respond after each item. If he does not want to comment, simply say no comment and go to the next question.

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: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee answered a fatwa issued by Sheikh Hamud al Uqqla and traveled to Afghanistan for the Jihad.

Detainee: Correct, I did go to Afghanistan but not to answer Sheikh Hamud. I heard about this fatwa in Afghanistan from a couple of people I met there.

Designated Military Officer: (3.a.2) The Detainee served on the front lines at Taloqan where he was injured.

Detainee: Correct.

Designated Military Officer: (3.a.3) The Detainee stayed at the Nebras Arab guesthouse, which was used by fighters headed to training at al Farouq and by Usama bin Laden.

Detainee: Correct, I was sent there by force because that was the only place that would receive Arabs.

Designated Military Officer: (3.a.4) The Detainee was recruited by Jamaat Tablighi, a group that recruits young men for Jihad in Afghanistan. Many of these young men are poor and on drugs. The Detainee attended meetings sponsored by Jamaat Tablighi for two months.

Detainee: They were a Jihad group not a Tablighi group. Because there is a connection between Tablighi and Jihad groups and if you need clarification I can clarify it for you. The Tablighi group say that their job is for God only, to notify people about God not to

fight. The Jihad groups say it is about fighting the infidels who enter the Muslim countries.

Board Member: And he attended the Jihad?

Detainee: Yes, I came in just for the money. It was very influential and I was a very poor person at the time. When you are there your family will receive 500 Riyadhs per month while you are there. I gave a complete statement to the interrogators on how they recruited me and everything about it.

Presiding Officer: It mentions here that many of the young men are poor and/or on drugs. Do you have any drug involvement?

Detainee: Before, yes I was.

Presiding Officer: Before you went on this Jihad group, when?

Detainee: Before Jihad, before all this. After I got married I left drugs and I left Saudi Arabia and I moved to Yemen.

Presiding Officer: How old were you when you were involved with drugs, approximately?

Detainee: I was about 21-22 years old.

Designated Military Officer: (3.a.5) The Detainee attended the Institute of Islamic Studies in Kandahar that supported the fatwa issued by Sheikh Abu Hamoud al Uqqla that called for the brothers to fight in Afghanistan against General Massoud and the Northern Alliance.

Detainee: I did not attend that building. Before I was cooperative with everyone here, I made up a story about this building but I have never entered this building, I have never been in that building.

Presiding Officer: So this statement you made at that time is not true?

Detainee: No, it is not true.

Designated Military Officer: (3.b) Training: The Detainee attended the al Qaida run al Farouq training camp in Afghanistan.

Detainee: Correct, for 21 days.

Presiding Officer: Can I ask you about the al Farouq Training Camp? How long does someone normally stay there if you were there for only 21 days?

Detainee: About a month and 10 days to [receive] the complete training.

Designated Military Officer: (3.c) Connections and Associations: (3.c.1) The Detainee received \$100 U.S. dollars from the son of a senior al Qaida operative who came to visit him and other Arabs in a prison near Parachinar, Pakistan.

Detainee: This person was a Detainee with us in prison. He was the guy managing all of the fighters in Tora Bora. He was the second man for Usama bin Laden in that region. His name is Hamid Salid Ali and he was the son of Bashir.

Presiding Officer: And he was here?

Detainee: He is with American authorities but I don't where he is being detained.

Designated Military Officer: (3.c.2) The Detainee met Usama bin Laden and listened to him speak words of encouragement and enthusiasm to the fighters who stayed at the Nebras Guesthouse.

Detainee: Correct.

Designated Military Officer: (3.d.) Intent (3.d.1) The Detainee traveled from Yemen to the United Arab Emirates, through Pakistan and then on to Afghanistan.

Detainee: Correct.

Designated Military Officer: (3.d.2) While in prison near Parachinar, Pakistan, the Detainee conspired to lie about fighting in Afghanistan and to develop a cover story about teaching the Koran, teaching orphans, finding a wife and helping the poor.

Detainee: I did not say this I said something else. I was working as a cook on the front lines in Bagram with a group of Afghans. I never had any connections to the Arabs; I never said anything about Arabs to them.

Presiding Officer: This does not mention Arabs in it. It talks about you conspiring to lie about fighting in Afghanistan and developed a cover story.

Detainee: Yes, I did make up a story but I did not tell them I went to look for a wife or teach Koran. I was already married and I wasn't there to teach Koran I told them another story because if they ask me about Islam, what would I say; I know nothing about the Koran.

Presiding Officer: You told us you were married, not out there looking for a wife.

Detainee: I am married and I have son.

Presiding Officer: So what was the other story that you made up?

Detainee: My cover story was, that I was on the front lines and I was a cook for the Taliban. So when the line was destroyed I went towards Jalalabad and I stayed in a house. Then I ran away and that's when I met the Arabs.

Presiding Officer: Where did you meet the Arabs?

Detainee: I was with them six months in Taloqan and al Farouq I was with the Arabs the whole time. That was my cover up story before.

Designated Military Officer: (3.e) Detainee Actions and Statements (3.e.1) After two weeks of recovery at a guesthouse, the Detainee went to Kabul for further treatment [for] an injury, and then returned to the front lines at Taloqan.

Detainee: I returned to a house in Taloqan.

Presiding Officer: What was your injury?

Detainee: A burn to upper torso (Detainee pointed to the area) and on my thigh. There are some pictures of the car that I was in and it was burned, the interrogators know about it.

Designated Military Officer: (3.e.2) The Detainee obeyed the order from Usama bin Laden that all Arab fighters should go to Tora Bora.

Detainee: The orders came from people who worked for Usama bin Laden, and those people were telling us to go to Tora Bora. Tora Bora was the only place to enter at that time.

Designated Military Officer: (3.f) Other Relevant Data: The Detainee is cooperative and states that he is being honest to his interviewers because he realizes that only by being truthful can he hope to go home.

Detainee: I am cooperative to the point where my cooperation with everyone has led to many people threatening my life. I have put my life in danger and therefore I cannot go back to my own country, I refuse to go back to my own country. Last Friday the person [issued] a fatwa for me to be killed and this person has been released, he is at home right now.

Presiding Officer: Do you recall that person's ISN?

Detainee: His name is Saad and he is a Kuwaiti. He is well known here from all the fatwas that he gives. He gives a lot of fatwas.

ISN 252
Enclosure (6)
Page 5 of 12

Presiding Officer: Do you know his [ISN] number?

Detainee: No, I do not.

Designated Military Officer: (4) The following primary factors favor release or transfer
(4.a) The Detainee states that he surrendered to the Pakistani Army after crossing over the border.

Detainee: Correct.

Designated Military Officer: (4.b) The Detainee states that he had no knowledge of plans to kill General Massoud of the Northern Alliance just before the 11 September attacks.

Detainee: Correct, I know nothing about it. This was a secret for Usama bin Laden. After those things happened then we knew about them, people knew about them.

Designated Military Officer: (4.c) The Detainee states he had no prior knowledge of plans to attack the USS Cole, New York City on 11 September 2001, or of any current or future plans for attack on the United States.

Detainee: I do not know anything about that.

Designated Military Officer: (4.d) If released, the Detainee states that he would return to his wife in Yemen and would not fight Jihad because he has already fulfilled his one time obligation.

Detainee: I went there for the money and I have been here four years already paying for that.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

Detainee: The village in Pakistan was called Parashihar.

Presiding Officer: Is that where you surrendered to the Pakistani Army?

Detainee: Yes.

Presiding Officer: That's in response to 4.a.

Reporter: That was 4.a sir?

Presiding Officer: Yes, that is the village name he is giving in response to 4.a. How is it said again?

Detainee: Parashihar.

Presiding Officer: Could you try to spell it for [us]?

OL-7: P-A-R-A-S-H-I-N-H-A-R

Presiding Officer: In that last comment it says that if released you would return to your wife in Yemen.

Detainee: No, I have never said that. I have asked to be a refugee somewhere.

Presiding Officer: That's why I am asking because it stated that if you were release you would return to your wife in Yemen and would not fight Jihad.

Detainee: I told them I will apply as a refugee or immigrant somewhere and I will retrieve my wife. Yemen is an open country and they have already issued a fatwa here and as soon as I get to Yemen they will kill me in the airport.

Presiding Officer: And that is why I want to clarify it because it states that here. You have also stated through the AMO that some threats were made against you in a fatwa.

Detainee: They have caused me a lot of problems and spit at me all the time.

Presiding Officer: Thank You!

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 Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Detainee: Yes, I have some statements to make.

Assisting Military Officer: Yes sir, the Detainee wishes to make an oral statement and he gave me some comments to present on his behalf.

Presiding Officer: Could you please explain to the Detainee that I am going to have the AMO read his comments and then we will come to him?

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: If I am released, I do not want to go to any Arabic country. A Detainee named Saad, from Kuwait, said he would kill me if I return. He left this past

UNCLASSIFIED // ~~FOUO~~

Friday (04 November 2005). He was in camp Echo with me. I am separated from the other Detainee[s] in Camp Echo. I was threatened by another Detainee named Kalid al Canada. He was released on Friday also. Kalid al Canada ['s] case appeared before the court, and his story was associated with me. I do not know this person. Only the lawyers can explain this case. The documents about me being associated with him can be retrieved from an interrogator name[d] [REDACTED]. She is well known here at the prison. My friend and me ISN 111, would like to go [to] the United States and join the United States [A]rmy. My friend has been threatened also (ISN 111). I have no problems with the United States. When I was a kid I've always wanted to live in the U.S. or Europe. Sir, that concludes his statement from me.

Detainee: Kalid al Canada was presented to the court and he associated his case with me and I do not know that man. This person is considered one of the closest friends to Usama bin Laden and he has spoken against me in the media a lot also.

Presiding Officer: You may begin your statement.

Detainee: It is the same statement I gave [to the AMO] but I have it handwritten.

Presiding Officer: Do you want to provide the handwritten statement?

Detainee: I want to provide it as a written statement.

Assisting Military Officer: Sir, just to clarify, when asked if he had any written documents during the interview he did not. However, when he came in this afternoon he had something so that's what he wants to present.

Detainee: I only clarify about some points in here.

Presiding Officer: So you have a written statement you would like to provide. If you could please give that to the AMO and he will present it. I am going to mark these as exhibits EC-C as a written statement from the Detainee.

Presiding Officer pauses briefly to go over the Detainee's written statement.

The Detainee made the following statement:

Some of the things that happened here was because of the interrogators. The interrogators would speak to me and I would tell them, then they would go to a different Detainee and tell them that I told them about the other Detainee. Sometimes I would walk through the cellblock and they would spit at me and throw urine at me. A lot of mistakes have happened because of the translation also, a lot of mistakes in the translation. I told the interrogator, the female interrogator that I was the Sheikh's guard and after a week when she came back she said Chalbi. Chalbi is in Iraq, what does that have to do with my file. So finally the linguist corrected it and said the Sheikh's guard. I know nothing about what happened to my wife [because] her life is in danger also. Every

ISN 252
Enclosure (6)
Page 8 of 12

20239

UNCLASSIFIED//~~FOUO~~

time I ask the interrogators for a lawyer they tell me I don't have a right or they don't have a right to get me a lawyer or provide me with the information about the lawyer. I know for a fact that people who are here and are poor, that don't have a lot of money have lawyers. Now I am thinking a lot about my future and I will stay completely away from all the Arab countries.

Presiding Officer: Does that conclude your statement?

Detainee: If you want clarification or [have] any questions I am ready.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: We want to make sure we have your name correct.

Detainee: I go by two names (the Detainee gave his true name and his alias).

Board Member: How is your injury?

Detainee: I have scars it was bad but its well now.

Board Member: Have you heard from your wife?

Detainee: The last thing I heard from the Red Cross is that she was still in Yemen.

Board Member: You have talked about some confusion and mistakes of what your plans were.

Detainee: I will build a new future for myself I will stay away from groups completely. Anyone who has a beard I will stay away from. Four years I have stayed here for their games and when I got to Cuba I have finally learned the truth about these people. They are killing Muslims and they are killing innocent people and they will never stop. So anyone who is a Shiites to them is an infidel. Now everyone in the cellblock knows about me even the people outside the cellblock know about me, Usama bin Laden's people know about me. They will not hesitate to kill me or anyone in my family. If they cannot kill me they will kill at least one person from my family to get their revenge. Saad, who was released, said that if you live on top of the moon we will get you, if you live under the moon we will get you. The Kuwaitis were telling me the Americans will do nothing for you ask our lawyers, they have released us and we are going home. Some of them are saying they will pay \$100,000 to the mafia and they will find me wherever I am and kill me.

Board Member: When you went to Afghanistan did you have a beard?

Detainee: That was the first thing they told me to do, get a beard.

Board Member: When did you shave it off?

Detainee: Two years, I have been shaving. Now we are like gas and fire, me and bearded people. If I was sitting here and any of them passed by they would say "There is the enemy of God sitting there."

Board Member: That may be the reason they don't like you.

Detainee: The problem is they have asked, "Why did you give information about us?" that's why they don't like me. They ask "Why are you talking about people who gave you money and who brought you to Afghanistan, why are you talking about that?" When I used to hear them talk about things in the cellblock I would always tell the interrogators about what they were saying. Some of them were high-level Usama bin Laden people.

Board Member: So are you sorry you went to Afghanistan?

Detainee: The biggest mistake of my life, all because of money. I only received \$100 and \$200. Then 1000 Saudi Riyadh and 26 Rupees.

Board Member: Do you have any idea what you would like to do with your life?

Detainee: Have a new future and raise my child that's it. I think about going to the United States and join the United States Military or join the European Military. For 25 years Afghans have been living in poverty and [they are] uneducated and the United States have done them a favor. Even in Iraq they have done them a favor, they have saved them from Saddam Hussein. So when they went there they wanted to help the people not hurt them. There is nothing in Islam that says hate the Christian or hate the Europeans because they are Christians, there is no such thing in Islam.

Presiding Officer: I have one question in regards to your 21 days training in al Farouq, can you explain to us some of the training that took place.

Detainee: I went there 21 days and the first day I was only in the receiving place of the guesthouse. Then we moved inside the camp. The time I spent training it was only on the Kalashnikov. I had problems with the trainers there because they would tell me to do this exercise to get on the floor and I didn't do it and they didn't like that and they didn't like me.

Presiding Officer: That's not going to go over to good in the military if you want to join the military.

Detainee: Your Army is different they give you food, benefits, and salary. This place they give you food and in five minutes they say run before we could finish or they would

tell us to go. The food was very little and they forced you to pray, watch Koran and read Koran. When I was thinking about going to Afghanistan I thought it was a very modern country but when I went there they had mud houses, mud streets and everything was made of mud. When they used to see an Arab walking on the street, to them it was like seeing a one hundred dollar bill or like they came from the world of science.

Presiding Officer: I want to get back to the training I am more interested in that. You said the Kalashnikov and what other kind of training.

Detainee: Only Kalashnikov, do you want to know what else they trained there?

Presiding Officer: What you trained on only?

Detainee: The Kalashnikov I already knew about it when I was back in Yemen. When you go to Yemen you see people carrying a weapon like it's normal. Any house in Yemen will have at least four pieces of weapons.

Board Member: Sounds like the United States.

Detainee: Yeah, but in the United States the government has control over its people. In Yemen the people fight the government. In Yemen some of the Sheikhs even own artillery, tanks and heavy weapons.

Board Member: Wild, Wild, East.

Detainee: Pakistan is the same way, they are rich and they buy weapons.

Presiding Officer: Thank You!

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

Detainee: I refuse to go back to my country please. I have been threatened to be killed. I will be killed.

Presiding Officer: I understand your concerns and we will put that in our report as well.

Detainee: Please, I have even spoken to the Red Cross about it (referring to his concern for his life).

Presiding Officer: It will be in our report and we will make sure it is well known to the Designated Civilian Official (DCO).

Detainee: And can you explain to me how I can get a lawyer and why I do not have one?

Presiding Officer: Weren't they issued information on Habeas Cases?

Board Member: They should have been.

Presiding Officer: Weren't they supposed to be notified about the Habeas process?

Detainee: I want a lawyer I want to talk to him about becoming a refugee or immigrating to another country. I don't have anything with the interrogators, I have nothing, and I just want a lawyer to talk about immigration or migrating to another country.

Presiding Officer: We will make sure that is brought to the attention of the DCO in our report and if there is something for us to get back to you with we will (Presiding Officer referred him to EC-A, Enemy Combatant Notification Form).

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED

CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 252

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	08/11/2005	UNCLASSIFIED	NONE

UNCLASSIFIED

08 Nov. 05

From: Basardah, Yasim Muhammed

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Basardah, Yasim Muhammed, ISN #252, on 08 Nov 05 by OARDEC Linguist OL-7.

The detainee submitted the following statement to the Unclassified Summary of Evidence:

Responding to the primary factors.

a. Commitment

1. Negative – And no knowledge of this matter.
2. Yes.
3. Yes
4. Negative
5. Negative

b. Training

1. Yes

c. Connections/Association

1. Yes- but the person who gave me the money was Mohammad Salih Albyah who is known as Abin Alsheik (son of Sheik) one of the prisoners present with me at that prison.

In the Village (Bershi Naher) Pakistan

2. Yes- But the talk was centralized on previous war on the Russians in Afghanistan.

d. Intent

1. Yes
2. Yes- because I feared the death penalty

e. Detainee Action and Statements

1. Yes- but after getting well I went to Kabul to receive additional treatment and after that I returned to the house in Taloqan city.
2. Yes- but this matter I did not receive it from Bin Laden personally but the official there and I was just of the average people there and not an official or a manager of anyone else but only me.

20245

EC-C1
Page 1 of 7

UNCLASSIFIED

UNCLASSIFIED

4. The following primary factors favor release or transfer
- a. Yes- and that was in Bershi Naher village.
 - b. Yes
 - c. Yes
 - d. Yes- As I mentioned to your Excellency previously that my situation concerning returning to Yemen is a big danger for that I request the right to immigrate / refugee status for my wife and concerning the Jihad issue this is something I will never think of in the future, and I will not even mention it to myself, and I will not serve it, never never.

(The unnumbered pages)

e. Other Relevant Data

1. Yes- I trust the United States government for that I dealt with all the interrogators with the whole truth. But I decline going back to my country or to any Arab country for fearing the safety of life and the safety of my family from Bin Laden individuals whereas my family and I are threatened to be killed by them, and this threat happened here in the prison for many times and the interrogators and the Red Cross have knowledge of this matter, and for that reason I was finally transferred to Camp Echo approximately before about 8 months ago with my neighbor (111) for critically for my safety from other detainees, before about my neighbor and I received the last threat from the Kuwaiti detainee named Saad who said that burning money not important but killing you two is and we will do that wherever you are. Some of the detainees issued a fatwa to that we are infidels, and to kill us and our families to revenge, and according to what they call from the Islamic Laws. And you have previous knowledge that Bin Laden and his friends are very dangerous people and there are in every place according to what the detainees said, the ones who issued the fatwa that assures to do this matter.

EC-C1
Page 2 of 7

UNCLASSIFIED

الجواب على العوامل الرئيسية -

١- تعهد التزام

١- نفي - وعدم المعرفة بهذا الأمر

٢- نعم -

٣- نعم

٤- نفي

٥- نفي

ب - تدريب

١- نعم

ت - أرتباطات أو أنظمة

١- نعم - ولا كنت المتخصص الذي أعطاني المال كان
 هو - محمد صالح البيار الامهرو فر ابي الشيخ
 أخذ السجاء الموجودين معي في ذلك السجاء

في قرية (بريشي نهر) باكستان

UNCLASSIFIED

UNCLASSIFIED

ج - نعم - ولا كنت محور الكلام كان على حرب الروس
السابقة في أفغانستان

ت - النية

ا - نعم

ج - نعم - وذلك لخوفني من عقوبة الموت

ب - أقوال وأعمال المحترق

ا - نعم - ولا كنت بعد الشفاء ذهبتُ إلى كابل لتلقي

علاج أظفاني وبعدها عدتُ للبيت في مدينة

جولقان

ج - نعم - ولا كنت هذا الأمر لم أذلقاه من بيت لادن شخصياً

وأنا من المسئول ~~هناك~~ هناك فيانا واحد من الأصدقاء
عليه

التي أريدتُ هناك ولستُ مسئول عن أي شخص ممن كان تقديري

UNCLASSIFIED

٤- العوامك الرئيسية التي تفعلك أملاً أو حراج أو النقل

٢- نعم . وذلك كان يقريه مرشحي نهر

ب- نعم

ت- نعم

ث- نعم . وأنا كما ذكرت لسيادتكم مسبقاً بينت

حالة رجوعنا إلى البيت هو نهر كبير ولهذا فبينا أطلب

حق البعوض وزوجتي ونحويها موفوع الجهاد فهذا خشي كنت

أعكر به أبدأ في المهنتيك ولنت أفعلة ولا حتأ أدكره

مع نفسي ولنت أهدقة أبدأ أبدأ

UNCLASSIFIED

ح - معلومات أخرى ذات صلة

١- نعم - فيما أتق في الحكومة للولايات المتحدة الأمريكية
ولهذا تعاملت مع كل المحققين بكل صدق . ولأنك أنا وغير
الرجوع إلى بلادي أو أي بلد عربي وذلك حرصاً على سلامة حياتي
وأهلي من أفراد بيتي لأنني حيث أتت الآن مهدد بقتل و
عائتي من قبلهم وحدث هذا التهديد هنا في السجن ولعدة
مرات والمحققين والمليين الأمر لهم علم بهذا الأمر ولهذا
فقلتموا أخيراً إلى كميت أيكو قبلك ما يقارب ٨ أشهر مع جاري
(١١١) وذلك حرصاً على سلامتي من باقي السجناء وقبل
ما يقارب أسبوع تلقينا أناء جاري آخر تهديد من قبلك المبيح
الكويتي المدعو مسعد حيث قال أن حرف المالك ليست مهم ولا
لنا قتلكما هو المبرم ومسرت نفدت هذا أيضاً كنتم
لكن بعض السجناء قد أهدروا فتوى بتكفيرنا وقتلنا وأهلنا

UNCLASSIFIED

أعتقنا بأنهم وحسب ما يدعوه من قوانين الأعداء كما

UNCLASSIFIED

لديكم علم مسبقاً ببيت بنت لادن وأصحابه أشتحاهم فمطريه
جداً مرجوح بيت في كل مكان حسب قول الله سبحانه والذين
أظهروا البغية والفتوى التي يتكلمت فيها على فعل هذا الأمر

UNCLASSIFIED

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 259

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, DMO-2, the FBI Redaction Memorandum and DMO-3, JDIMS entry 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 259
Enclosure (5)
Page 1 of 3

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 stated that he previously submitted a summary of the interview.

Assisting Military Officer: The detainee's initial Administrative Review Board interview occurred on 1 June 2005 and lasted for one hour. After a review of the Administrative Review Board purpose and procedures, the Arabic translation of the Unclassified Summary of Evidence was read to the Detainee. Afterwards, he stated he would like to have a follow-up interview to prepare a written statement and to think about his decision on whether he will attend the Administrative Review Board. At the conclusion of the initial interview, he was provided an Arabic translation of the Unclassified Summary for further review and notepaper for his comments. The follow-up interview occurred on 3 June 2005 and lasted fifteen minutes. During the follow-up interview, the Detainee asked the Assisting Military Officer who would be attending on the board. After the explanation was presented to the Detainee, he stated that he wants to personally appear before the Administrative Review Board and provide oral comments to the Unclassified Summary of Evidence. The Detainee was polite and well behaved during both interviews. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence. This concludes my comments, sir.

Presiding Officer: For the record, on Enemy Combatant Election Form, EC-B, indicating that he would show up...both times he met with the Assisting Military Officer... this morning [the EC] decided again not to come, so he is not present.

Administrative Review Board Member's questions:

Board Member: For the Assisting Military Officer, what did you tell the Detainee when he asked you who would be attending this board?

Assisting Military Officer: Sir, I told him that there were no lawyers involved...and that the officers from...

Board Member: You didn't give him a number count of any kind?

Assisting Military Officer: No, sir.

Board Member: Good.

UNCLASSIFIED//~~FOUO~~

Board Member: There's a name in item number seven of the Unclassified Summary, it's Abu Kaloud and there's a similar name in [number] eight, Abu Kalood al Yemeni, spelled slightly different with Kaloud spelled with an 'O' instead of a 'U'; is that the same person?

Designated Military Officer: I'll have to check that but I believe that it is. I can double-check that for you sir.

Presiding Officer: Yes, both of those guesthouses are in Kandahar and we would need to know that.

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 259
Enclosure (5)
Page 3 of 3