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(Revised 7 Apr 06)

Summary of Administrative Review Board Proceedings for ISN 003

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer asked the Detainee if he wished 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.

Detainee (through translator): I will just say my statement. I am not here for the ARB. I will tell the Designated Military Officer when to speak.

Presiding Officer: There is a point in the hearing that you will be given an opportunity to make a statement; it will come toward the end. Meanwhile we will continue with this process.

Detainee (through translator): That is fine.

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 4 April 2006. After reviewing the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his

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behalf, the detainee stated he was willing to attend the ARB if provided a one-hour notice prior to the ARB. The detainee was very cooperative, attentive, and cordial throughout the interview. A copy of both the English and Farsi translated Unclassified Summary of Evidence was provided at the detainee's request. The Unclassified Summary and notepaper was given to the Camp Five NCOIC to give to the detainee.

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

Assisting Military Officer: The detainee was more concerned about when he was going to be transferred to his home country. I explained to the detainee that I was not privileged to that information and really did not know what he was talking about. The detainee said his interrogators told him that the DCO recommended transfer. I again explained that I was not privileged to that information, and that I was there to assist him in the preparation for his next ARB. The detainee wanted to know why he was having another ARB when President Karzai had made arrangements with President Bush for transfer of Afghanistan detainees to their home country. I explained to the detainee that everyone would receive an ARB as long as they are here. The detainee implied that he wanted to respond to the Unclassified Summary of statements in written form, and possibly attend his ARB, providing he was notified one hour in advance of the board.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-4 to the Administrative Review Board.

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

The Presiding Officer noted that the Enemy Combatant Election Form indicated the detainee wanted to wait until the entire Unclassified Summary was presented before responding.

Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Members of the Administrative Review Board were afforded an opportunity to further review the Unclassified Summary of Evidence.

The Presiding Officer granted the Designated Military Officer's request for a closed session at the appropriate time.

The Presiding Officer told the detainee that he could begin his statement.

The Detainee made the following statement:

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Detainee (*through translator*): I start with the name of God, the most merciful and gracious.

Translator: Sir, there are some verses from the Koran in Arabic that the detainee is reading I cannot translate. It's just the beginning, the way he starts his statement.

Presiding Officer: Okay, continue.

Detainee (*through translator*): I, Ruhani, was a shopkeeper in Ghazni. I am the son of Haji Gulan Guhani. I lived in the city of Ghazni. I was born in the year 1355, in the city of Ghazni. I began school at the age of eight; I went to school in very tough conditions during the communist regime in Afghanistan. Due to a lot of war and problems in that area, I was forced to seek refuge in Iran. I was there for about a year and a half to two years.

While I was in Iran, I worked at a wool factory. After the fall of the communist regime, I returned to Afghanistan to the city of Ghazni and worked in my father's shop again. I was also interested in learning English, so I enrolled in an English course which lasted for a few months. In addition to being interested in the English language, I needed to learn it for work so that I could communicate with other people. I got married in approximately 1373; right now I have two daughters. It was a long time after I returned back (to Afghanistan) that the Taliban emerged, within a few years they controlled about 95% of Afghanistan.

During the time of the Taliban regime, according to the rules and the regulations of the past in Afghanistan during the time of Zharsha, Dawood, and Rabani, the young people were obligated to join the military. The Taliban recruited the young people to the military and forced them to join. If someone disobeyed their order they were arrested. A lot of the young people who did not want to join the military left Afghanistan and sought refuge in Iran and Pakistan; I personally did not want to be a refugee in Iran or Pakistan. I was forced, in order to save my life, from having to go to the military and being in the front line. The front line was dangerous and I did not want to die. I enrolled in one of the security offices.

This office controlled a small area called Dayafghanan. At the same time, I could attend my shop and do my business things on the side. We have a saying in Farsi: Look busy, do nothing. I would still sometimes show my face in the office, but I wasn't forced to be there all the time. About a month and a half or two months before the fall of the Taliban I left my job at the government. Since I was a businessman, a shopkeeper, I went back to my business. I was busy now tending to my shop and doing the stuff that I was supposed to do. When I was captured, about a month and a half, maybe two months before that, I had already left my connections with the Taliban and I wasn't working with them anymore. I was doing honest work just to provide for my family.

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It was the end of 2001, when the Americans captured me, I was sent first to Bagram. Then I was transferred to Kandahar; after that, through very hard times and problems I got kidnapped from Kandahar and in a very problematic way that I did not expect from the Americans, I was brought here. I heard that the Americans followed human rights. They always spoke about it, but the way they brought me here and treated me kind of shocked me. They brought me to Cuba by plane.

From the time that I was kidnapped, I have been tortured. They have been cruel to me and they have disrespected me. During the first few days that I was captured they would tell me after one week that I would go home. Then so many times after that they told me that I was not against Americans or coalition forces and it was a mistake that I was brought to Cuba. They kept telling me that I would be free, but I am still here without any cause or proof. They told me in the year 2004, that I would go to attend a court like the ARB, and I was very happy. I thought now since there was law and order here, I would attend a court that was fair and just.

Since the ARB is a place for justification, I thought the first group would have released me. I attended the first ARB and they had two allegations on me. The first one was that I joined the military or they wanted me to join the military and that is why I took the office job with the Ministry of the Taliban. The second allegation was that I had a handgun. These were the only two allegations they had on me. I spoke calmly and respectfully. I explained to have a gun in Afghanistan was not a crime, and that everyone could have a handgun or some type of weapon. Using it in the wrong place however is a crime. I also told them that young people were forced to join the military; in the past there was no democracy in Afghanistan and I had nothing to say against that.

I was forced and did not have a choice. After a few days of the first ARB they told me that I was an Enemy Combatant. Now you make the judgment, how could I be an Enemy Combatant to the Americans? I was not on the battlefield. I was at home with my family. Did they capture me from the battlefield or did they capture me from home? I was busy with my life, I was busy with my job, and I was busy with my personal business. So I thought that this ARB made a mistake and announced me as an Enemy Combatant. I thought that the second ARB would pay attention to the mistake, justify it and free me. I attended the second ARB, spoke calmly and respectfully, but the second ARB, also like the first ARB, blindly made a decision and said that I am an Enemy Combatant and a threat to the United States.

After hearing this, I found it very funny a few days ago; the interrogator told me that last year the United States government made a decision to send me to Afghanistan. I don't know why I am still here in Cuba. Anyway, I want you to pay attention to the unjust decisions of the first and second ARB, and make a decision on how a shopkeeper can be a threat or enemy to America. To say that I am a threat or Enemy Combatant, a person like me, it's a disrespect to the government of America. This is a big government and I am a small person. I am a shopkeeper and they call me a threat or an enemy. That's shameful. Therefore, I am tired of these ARBs. During the time I was detained here, I

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have not seen any justice, equality, law, or manners. I have not seen these things. Now you can do whatever you want. If I am detained and I have nothing to defend myself, the God almighty, he is very strong and on the Day of Judgment, the truth will be revealed. Everyone will have to answer to God. If you decide that I shall return back to my country I will continue doing the shopkeeping work that I used to do and I will just work to make a living for my family. I will provide honest food for my family. I also have the answers for the charges. They did not give me much time to prepare my answers; I was brought here in a hurry.

Presiding Officer: Would you like to have each statement read again, or would you just like to make a general statement?

Detainee (*through translator*): I am trying to find my paperwork. I am missing one page. If you want, you can go ahead and read me the first charge.

At this point in the proceedings, the Presiding Officer directed The Designated Military Officer to once again give a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1

Designated Military Officer read the primary factors favoring continued detention of the detainee.

Designated Military Officer: (3.a.) When the Taliban captured Kabul, Afghanistan, they conscripted many people. The detainee did not want to go to war, so he took a job with the Ministry of Intelligence in Kabul.

Detainee (*through translator*): As I stated earlier, there was no democracy in Afghanistan and this agency they are talking about, I have never heard of it. I have not heard of an intelligence agency/ministry.

Presiding Officer: What we are going to do as we go through the Unclassified Summary again, is that you will respond to the allegations and we will ask questions.

Detainee (*through translator*): Let me finish my answers first, and if you have questions then you can ask them.

Board Member: First, I want to point out and make clear to you that this is your second ARB. You commented that you had two ARBs before and one was not an ARB. I understand what you meant, but I want to make sure that you understand, the first one was to determine your status, and the ARBs are to assess your future detention. Don't confuse the two; they are two different functions.

Detainee (*through translator*): I don't know that, but I do know this is my third.

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Board Member: Third meeting. The reason I want to make that clear is because I am also very curious as to why a shopkeeper would be here. I find it very puzzling. The questions we will ask can help bring some light to the statements that you are responding to.

Detainee (*through translator*): Just like I said earlier, I did not want to attend this ARB. I just wanted to come give my statement, answer the allegations, and that's about it.

Board Member: Okay, I just wanted to clarify the difference between the processes before I ask my question. My question is, you stated you never heard of the Ministry of Intelligence, but you did work for the government. Who did you work for in the government? What agency?

Detainee (*through translator*): It was a civil job, not a military job.

Board Member: What was the function of that job? Was there a title?

Detainee (*through translator*): I will come to that in a few minutes. Next allegation please.

Designated Military Officer read connections and associations of the detainee.

Designated Military Officer: (3.b.1.) A senior member of Civilian Intelligence offered the detainee a job because he needed the assistance.

Detainee (*through translator*): I did not take that job to help any Taliban or anybody in that nature. The only reason I joined that agency was because I did not want to go to war and I did not want to fight.

Board Member: What agency was it?

Detainee (*through translator*): It was a security agency. A civilian security agency.

Board Member: Like a policeman?

Detainee (*through translator*): I just enrolled in the agency but I was not doing anything for them.

Board Member: What was the agency? Was it a police office or organization?

Detainee (*through translator*): They were responsible for the security of the people.

Presiding Officer: At this time we are going to take a brief recess.

The Administrative Review Board reconvened and continued with the Unclassified Summary of Evidence.

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Designated Military Officer: (3.b.2.) A source identified a director of the Taliban Intelligence Service and the detainee as his deputy. They were responsible for counter-terrorism operations and terrorism believed to be connected to organized crime.

Detainee (*through translator*): I did not have any connections with that person or the people that used to work there. I don't have any information about their thoughts or what they were planning to do there.

Designated Military Officer: (3.b.3.) The detainee stated he was the officer in charge of the operations department in the Ministry of Intelligence. The detainee noted that the operations department had 15 associates.

Detainee (*through translator*): As I stated earlier, I did not work for that agency and I did not have anyone working for me. I was just working there to save myself. It actually wasn't an agency, it was a small agency like a police force.

Board Member: What were your duties at this civilian security agency? What exactly did you do when you went to work?

Detainee (*through translator*): I have already answered that question in the previous ARBs.

Presiding Officer: This is not the previous ARBs, so you have to answer the question again.

Detainee (*through translator*): As I mentioned earlier, I am not going to answer these questions. I am just going to read these answers and that's it. I did not want to attend the ARB, but in order to make your job easier I just wanted to come and read my statements.

Board Member: Actually, you are not making my job easier. You are making it harder by not helping us out. We are trying to make a recommendation. In order to make this easy on everyone, I am going to suggest that if we have a question and you do not desire to answer, you can respond with no comment. We can then move on to the next allegation or question.

Detainee (*through translator*): That's fine.

Presiding Officer: Remember that the previous ARB members are not here, this is a new ARB. It is to your benefit that you answer these questions.

Designated Military Officer: (3.b.4.) The detainee's sister is married to a Taliban Intelligence Officer.

Detainee (*through translator*): In the last ARB, I gave them detailed information about this charge. My sister is not married to the person that you are saying she is married to. My brother-in-law is an ordinary worker.

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Designated Military Officer: (3.b.5.) The detainee stated that he is very close with a senior leader in the Taliban Intelligence Service.

Detainee (*through translator*): I have never said that I am close with these people, or people that are higher ranking.

Designated Military Officer: (3.b.6.) The detainee stated that a director in the Ministry of Intelligence quickly promoted him. The detainee did not receive any formal training for his new position.

Detainee (*through translator*): I did this office work because I did not want to join the military and go to war. In there, I did not have a rank and I did not get promoted.

Designated Military Officer: (3.b.7.) The detainee spent the last four years before his capture working in the operations department of the Ministry of Intelligence in Kabul for the Taliban. The detainee was in charge of crime scenes and small case investigations.

Detainee (*through translator*): I did complete one and a half or even two years with the Taliban. The years that I have spent in jail in Cuba, they have counted it with the time that I worked in the office back there. Do you understand what I mean? In the second ARB, the allegation read from the year 1999 through 2000, at the time of my capture, I was with the Taliban. This was at the last ARB, now another year has passed and they added another year.

Designated Military Officer: (3.b.8.) The detainee left Kabul on the last day that the Taliban still had control. The detainee was able to get a ride from a person who worked for the Minister of Interior Criminal Division. This person was traveling in a Toyota pick-up truck with 14 associates who were armed with two rocket-propelled grenades (RPG-7s), 20 Kalashnikov rifles, and two PK machine guns.

Detainee (*through translator*): Yes, before the fall of the regime I went to Kabul to get supplies for my shop. There were no taxis available and I hitched a ride from one of the Taliban vehicles. I got a ride from Kabul to Ghazni with them, just to get myself safely to Ghazni. I had no interests with the occupants or the owner of the car.

Presiding Officer: Did it seem strange that you were getting into a vehicle with people that were armed?

Detainee (*through translator*): I will answer the next allegation now. No comments, Sir.

Designated Military Officer: (3.b.9.) The detainee couriered a letter between the Taliban Chief of Intelligence and a Taliban military commander.

Detainee (*through translator*): Wrong. I have never received any letters from anyone or given any letters to give to anyone.

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Designated Military Officer: (3.b.10.) The detainee attended a meeting with a military commander, a senior Taliban intelligence member, a couple of Americans, and the Americans' translator. Shortly after the meeting, the Taliban intelligence member and the detainee were arrested.

Detainee (through translator): Gulam Mohammad was working with the Americans. He was a former baker. He had a shop next to my shop. I was invited over and after a few questions without any proof or anything I was captured. I am still detained now without any solid proof.

Board Member: You stated that you were captured, who captured you?

Detainee (through translator): No comments, Sir.

Board Member: The reason that I ask, is because if you were visiting with friends as you say, and you were just picked up, I find it strange that you use the word captured rather than arrested.

Detainee (through translator): No comments, Sir.

Designated Military Officer read other relevant data pertaining to the disposition of the detainee.

Designated Military Officer: (3.c.1.) There was no specialized training given to civilian intelligence officers. It was assumed that the officers already knew how to use pistols.

Detainee (through translator): I have never taken any lessons to operate any weapons. I was not forced to carry any weapons but I had a small personal handgun in Ghazni.

Presiding Officer: Did you carry your handgun with you to your shop?

Detainee (through translator): Yes, it's a small handgun you can carry it anywhere.

Designated Military Officer: (3.c.2.) The detainee worked with 13 to 14 men. The detainee did not have an official title, wore ordinary civilian clothes, and carried a Russian made pistol.

Detainee: I was not there all the time and while I was there I did not carry any weapons that were issued by them (Taliban). I did not take any arms from them.

Designated Military Officer: (3.c.3.) The detainee was issued a concealed weapons permit and had the permit on his person at the time of his capture.

Detainee: In Afghanistan everyone has a weapon. Getting a permit for it is not hard and it is not against the law to carry arms.

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Board Member: What type of weapon did you have? What personal weapon did you carry?

Detainee (*through translator*): No comments, Sir.

Designated Military Officer: (3.c.4.) The detainee believes he was arrested because he had a pistol on his hip.

Detainee (*through translator*): I don't know the reason but I do know there has been a lot of cruelty toward me since I have been detained. For so many years without doing anything or saying anything against the Americans, I have spent many years in this detention camp without solid proof and in harsh conditions.

Board Member: The cruelty that you mention, when did all that start? Where did it take place? In Afghanistan? On the ships? In Cuba? Where have you been mistreated?

Detainee (*through translator*): No comments, Sir.

The Designated Military Officer continued by reading the Factors favoring Release or Transfer of the detainee. Again, the detainee was given an opportunity to provide additional information to the Administrative Review Board.

Designated Military Officer: (4.a.) The detainee denies any prior knowledge of the attacks on 11 September 2001 and claims to have no personal knowledge of al Qaida or it's operatives.

Detainee (*through translator*): I do not have the other papers that I was supposed to bring. The guards did not give me enough time. I have nothing else to say.

Designated Military Officer: (4.b.) The detainee had never heard of al Qaida until the Americans started bombing in Afghanistan. The detainee thinks Usama bin Laden brought war to Afghanistan.

Detainee (*through translator*): No comments, Sir.

Designated Military Officer: (4.c.) The detainee claims to be no more than a simple shopkeeper who helped Americans.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.d.) The detainee stated that his only wish was to return to Afghanistan and assist his ailing father with operating the family appliance store in Kabul.

Detainee (*through translator*): No comments.

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Designated Military Officer: (4.e.) The detainee explained that when he identified the head of the Taliban Intelligence as his brother-in-law it was a lie to shut up the interrogator.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.f.) The detainee explained that his work in the security office was simply to perform manual labor and drive different people in the office to their destinations.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.g.) The detainee denied any intelligence collecting activities during his work with the Taliban.

Detainee (*through translator*): No comments.

Designated Military Officer: (4.h.) The detainee stated that he worked for the people, not the Taliban.

Detainee (*through translator*): I have already answered all these things in the previous ARBs. No comments.

Designated Military Officer: (4.i.) The detainee claims his involvement with the Taliban should not be viewed as synonymous to the Taliban's ideology. The detainee claims he has joined the Taliban because it was a matter of political and survival necessity.

Detainee (*through translator*): No comments.

Presiding Officer: (ISN 003), do you have anything else you would like to add?

Detainee: No, Sir. I do not have anything. Like I said before, I have nothing else to say.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

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

Administrative Review Board Member questions:

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Presiding Officer: You claimed you were abused and tortured at some point after you were captured. Can you explain that for us in further detail?

Detainee (*through translator*): No comments, Sir. I have already said this in the past.

Board Member: I have a question for the AMO. Was the detainee notified one hour in advance of the ARB, as he requested?

Assisting Military Officer: Yes, Sir.

Presiding Officer: Sir, (speaking to the detainee) how do you like the food here?

Detainee (*through translator*): No comments.

Presiding Officer: How is your back feeling?

Detainee (*through translator*): No comments.

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

Detainee (*through translator*): I hope that justice will be served.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 025

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Good morning, sir.

Detainee (*through translator*): Good morning to you.

Presiding Officer: Do you pronounce your name Majeed Abdullah?

Detainee (*through translator*): Yes.

Presiding Officer: Majeed Abdullah?

Detainee (*through translator*): Yes.

Presiding Officer: Well, welcome, sir.

Detainee (*through translator*): Thank you.

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

The Designated Military Officer (DMO) was sworn.

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

Translator: He asked if this is the Designated Officer. I said, "Yes." He asked, "Is he for me or for the Board." I said, "For the Board."

Designated Military Officer: That is correct.

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

The Detainee took the Muslim oath.

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

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The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board Form, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 15 November 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he did wish to attend the ARB and present an oral statement. The English and Arabic translated versions of the Unclassified Summary of Evidence were offered to the Detainee, who declined both. The Detainee wore a tan uniform and was smiling, very cooperative, and attentive throughout his interview. The Detainee corrected his first name from Majeed to Majid.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4 to the Administrative Review Board.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wished to respond to Unclassified Summary.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary. We will then provide you a chance to respond. The board members may ask questions based on your response.

Designated Military Officer: (3.a.1) The Detainee stated he was visited approximately one month before Ramadan in 2001 by a person who invited the Detainee to come to his office in Mecca, Saudi Arabia and talked about going to Afghanistan to help the humanitarian aid effort.

Detainee (*through translator*): Yes, that is true.

Presiding Officer: He visited you in October 2001?

Detainee (*through translator*): October is Ramadan. I do not know the months.

Presiding Officer: Ramadan started, I believe mid-November of 2001. So, if it is a month prior, it would be October.

Detainee (*through translator*): Yes, it was a month before Ramadan.

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Presiding Officer: Thank you.

Detainee (*through translator*): I do not know how the western months work.

Presiding Officer: It was after the September 11th, 2001 attacks.

Detainee (*through translator*): Yes, it was after that attack.

Designated Military Officer: (3.a.2) The Detainee stated he would travel to Afghanistan and work for al Wafa during the month of Ramadan in 2001. The Detainee stated the person told him to be ready to leave on 17 November 2001 and provided the Detainee with a plane ticket and 2,000 United States Dollars for the Detainee's travel.

Detainee (*through translator*): Yes.

Presiding Officer: Who was this person?

Detainee (*through translator*): It was a person by the name of Muhammed Abdullah. I do not know him, but I met him about two weeks before I left.

Presiding Officer: And you decided to go to Afghanistan in November 2001. Did you not realize that there was fighting going on there and that the U.S. and coalition forces were fighting against the Taliban?

Detainee (*through translator*): That is true. That statement is true. I knew there was fighting at that time, but I needed to go and help the poor and needy people.

Presiding Officer: How do we know you were not going there to support al Qaida or Taliban?

Detainee (*through translator*): How do you want me to prove to you that I did not go to be with al Qaida or Taliban? I took the oath to say the truth.

Presiding Officer: The timing is suspicious.

Detainee (*through translator*): I went at this time because the Afghani people were hurt so they needed some help.

Presiding Officer: Thank you.

Detainee (*through translator*): If I had anything to do with that and, if I wanted to be with al Qaida or Taliban, I would have gone way before that. You can ask me any

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2013

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question you would like and I will answer them truthfully because I want to show you my innocence. At this time, do you not think the Afghani people needs some help?

Presiding Officer: Thank you, sir.

Designated Military Officer: (3.a.3) The United States has designated al Wafa on the Terrorist Exclusion List. An organization placed on the list has been found to commit or incite to commit, prepare, plan, or provide material support to further terrorist activity.

Detainee (*through translator*): I did not know that al Wafa was one of those designated terrorist organizations at that time and place.

Presiding Officer: Thank you.

Detainee (*through translator*): I did not know that until I got here. And, if I knew the name "al Wafa" was that big, then I would not have left home.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.4) The Detainee stated he traveled from Mecca, Saudi Arabia to Jeddah, Saudi Arabia and flew from Jeddah to Bahrain. The Detainee then flew from Bahrain to Tehran, Iran. The Detainee took a taxi to the Iranian and Afghanistan border then onward to Kandahar, Afghanistan.

Detainee (*through translator*): That is true.

Presiding Officer: Did you see any fighting while you were traveling to Kandahar?

Translator: To where, sir?

Presiding Officer: On your travel to Kandahar, did you see any fighting?

Detainee (*through translator*): No.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.5) The Detainee stated he stayed at the al Wafa building in Kandahar, Afghanistan.

Detainee (*through translator*): Yes.

Designated Military Officer: (3.a.6) The Detainee stated he received his first assignments two days after reaching al Wafa. The Detainee stated he distributed sugar, flour, and

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2014

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other goods to villages on his first assignment and assisted in the delivery of food to another village seven days later.

Detainee (*through translator*): Yes.

Member: What did you do in your off time between assignments?

Detainee (*through translator*): I never left the building.

Member: So you had two assignments total for delivering food while you were there?

Detainee (*through translator*): That was not the only thing I did. It was more than that. I had an accident with my leg; that was why I stayed in that building for 15 days. For the first two days, I did my work; and the rest of the time, I stayed in the building during Ramadan and then I left to call my family. This statement had been said in my interrogation. When I left, I tried to call my family. I wanted to go and see what was going on in the market. A car drove by and hit me. I told the interrogators that that is what happened to my leg. It was not shrapnel or anything from a bullet. They even saw my leg.

Presiding Officer: Your accident is discussed later in the Unclassified Summary.

Member: My concern is that they spent 2,000 dollars to get you there for what seems like not a lot of work. It does not seem like efficient use of money.

Detainee (*through translator*): I really do not know. They gave me that money. I also paid for an airplane ticket with that money. They told me that, "If you have anything left, you can keep it with you."

Presiding Officer: And you were only planning on being in Afghanistan during Ramadan of 2001 for one month?

Detainee (*through translator*): The person asked me to stay longer, but I told him that I wanted to stay just for the month of Ramadan. I do have my business back in Saudi Arabia. I have two stores.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.7) The Detainee stated he worked distributing food and clothing for al Wafa in Kandahar, Afghanistan.

Detainee (*through translator*): Yes.

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2015

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Designated Military Officer: (3.b) Translation of documents found on the Detainee, when he was captured, suggests he was closely involved with al Qaida and that he was either a trainer or a trainee on an anti-surveillance course.

Detainee (*through translator*): That is not true.

Presiding Officer: Were there documents discovered at the hospital that belonged to you?

Translator: At the hospital?

Presiding Officer: That is what it said. Were there documents discovered?

Detainee (*through translator*): With me, no. They brought me those documents and I declined them. I told them that they were not mine.

Designated Military Officer: (3.c.1) The Detainee stated he was hit by a car and taken to a hospital that was taken over by al Qaida. The Detainee stated he told men from al Qaida he was volunteering with al Wafa. The Detainee stated the men initially thought he was Mujahedin and was in Afghanistan to fight with the Taliban.

Detainee (*through translator*): Yes, that is true. They suspected that I was with the Mujahedin.

Member: Why did they suspect you were with the Mujahedin?

Detainee (*through translator*): I really do not know. Actually, originally, they were from the Mujahedin. They thought that I came there to be a jihadist, but I told them that that was not why I came there for.

Member: How did you get from the accident to the hospital?

Detainee (*through translator*): I was unconscious, but I believe the person that carried me was the person that hit me with his car. I am not 100 percent sure, but I believe to God that it was him.

Designated Military Officer: (3.c.2) When the Detainee was captured, translation of documents he carried described three anti-surveillance exercises apparently conducted in the area of Qandahar, Afghanistan. The first page was titled "Jihad Group al Qaida Airport Security Course and Anti-Surveillance Program". Other pages consisted of poetry of a violent nature and a farewell note.

Detainee (*through translator*): That is not true.

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2016

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Presiding Officer: Can you explain how you were caught with these documents?

Detainee (*through translator*): I would like to ask you a question, sir. How did these documents come to me?

Presiding Officer: I asked you first.

Detainee (*through translator*): Okay. I will answer your question. I deny all of this. I did not have them on me.

Presiding Officer: So these documents did not exist, or were not near you, or belong to you?

Detainee (*through translator*): I do not know where they came from.

Presiding Officer: Do you know if they belong to someone else?

Detainee (*through translator*): Look, I do not know where they came from, but there are many, many things that could come out of this. I showed that and I told the interrogators that, possibly, they found these documents from somebody who had been killed. There were a lot of Mujahedin Arabs that were killed. I am just saying that for example, but I do not know where they came from. Personally, I decline all of this.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.3) The Detainee's name was on a list of names, aliases, and nationalities recovered from a raid of a suspected al Qaida safehouse.

Detainee (*through translator*): That is not true. I saw, during interrogation, that my name was found in this house. I asked the interrogators that I would like to see that list of names because I did not think my name was on that list. I would challenge them because that statement is not true. This is a false accusation.

Member: So you never stayed at an al Qaida safehouse?

Detainee (*through translator*): No.

Presiding Officer: The al Wafa house you stayed at in Kandahar, do you know if any al Qaida members stayed there?

Detainee (*through translator*): There was nobody there. I would like to tell you, sir, that I did not even know something called "al Wafa" or "al Qaida". I did not even know who the people of al Wafa or al Qaida were. I never knew until I came here.

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2017

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Presiding Officer: Well, in paragraph 3.a.5, you said that you did stay at the al Wafa building in Kandahar.

Detainee (*through translator*): That is true.

Presiding Officer: I was asking if you knew of other al Qaida that stayed in that building.

Detainee (*through translator*): No, sir.

Presiding Officer: Thank you.

Detainee (*through translator*): I just want to mention to you, sir, that I did not know that al Wafa was one of those organizations on the terrorist list. I just thought it was just an Islamic humanitarian organization; that was why I went there. I am a Muslim so I wanted to help the Muslim people.

Member: Was anybody else in the al Wafa house with you?

Detainee (*through translator*): Yes. There were two people.

Member: Thank you.

Designated Military Officer: (3.e) Handwritten documents found on the Detainee, when captured, discussed jihad, terrorism, and martyrdom.

Detainee (*through translator*): That is not true. That is false.

Designated Military Officer: (4.a) The Detainee stated he wants to go home to Makkah, Saudi Arabia, never leave, and have a family. The Detainee stated he has dreams of expanding the family business selling cloths and fabric.

Detainee (*through translator*): Yes, that is true.

Designated Military Officer: (4.b) The Detainee denied ownership of the al Qaida documents found in his possession.

Detainee (*through translator*): Yes.

Designated Military Officer: (4.c) The Detainee stated he would like to provide a statement so that the reviewers of his file will understand that he wants to change his life for the better.

Detainee (*through translator*): That is true.

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2018

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Presiding Officer: You will be given an opportunity to give an oral statement today before we conclude.

Detainee (*through translator*): Thank you.

Presiding Officer:

The members did not desire more time to review the Unclassified Summary.

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 did not have further exhibits to be presented on behalf of the Detainee, but stated that the Detainee would like to make an oral statement.

The Detainee made the following statement:

Detainee (*through translator*): This is regarding my future outside. I mentioned this in my interrogation and I wrote a big statement about my plans and my dreams on the outside world. I will repeat it here with you. With God's willing, if I do leave here, I will go back to Mecca. We have two fabric stores in Mecca. My dream is to build that business and expand it bigger and bigger. I would like to get involved with a wife. I am at an older age now and I am afraid that the time will pass me by. I would like to live a peaceful and quiet life that has nothing to do with the Americans or anybody else. I swear to God I am telling the truth. I am saying this statement from the bottom of my heart. I do not want to live outside of Mecca. But, if my age allows me, then I will go to Taif, another city. Just to summarize what I said, I would like to live a peaceful life.

Presiding Officer: Sir, does that conclude your statement?

Detainee (*through translator*): Yes.

Presiding Officer: Thank you.

The Assisting Military Officer did not have any questions for the Detainee.

The Designated Military Officer did not have any questions for the Detainee.

The Administrative Review Board Members had the following questions for the Detainee.

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2019

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Member: If you were transferred to your home in Saudi Arabia, how will your country accept you?

Detainee (*through translator*): I wish that they would open their arms for me.

Member: So you do not fear your safety?

Detainee (*through translator*): No. I do not have any issues about safety.

Member: Who is running your stores while you are here at Guantanamo?

Detainee (*through translator*): I would like to explain about the stores a little bit. There is just one store for my father and my uncle. My uncle is older than my father. After continuing, they expanded to two stores. They are both under my uncle's name. Everything is under my uncle's name, but they are both involved with the business. My father passed away and my uncle became in charge of both stores. I have an older brother and two younger brothers. We used to sit around one of the stores. At this time, my older brother is running one of the stores under the supervision of my uncle.

Presiding Officer: Thank you.

Member: Have you received any combat or military training at all?

Detainee (*through translator*): No.

Member: Have you ever worked for the Taliban or al Qaida in any capacity?

Detainee (*through translator*): No.

Presiding Officer: What do you feel about the Taliban form of government?

Detainee (*through translator*): Look, I cannot talk about Afghanistan because there are inside problems amongst themselves. But the Taliban is a Muslim government and Masud is also a Muslim. They are both Muslims, but I do not lean towards one or the other. We hear it in the news, but I hope that bloodshed stops because they are both Muslims and hopefully one of them will be in charge. But, if you are asking me how I feel about it, it is a Muslim government. That is the opinion of a lot of Saudi Arabia, including the scholars.

Presiding Officer: Do you believe Afghanistan would be better off under an Islamic state with a democratic form of government under Karzai?

Detainee (*through translator*): Karzai is a Muslim person and, under a Muslim government, it will be better because the Muslim religion is not very complicated, but not under terrorist Islamic that kills people.

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2020

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Presiding Officer: So what is your opinion of bin Laden?

Detainee (*through translator*): I am one of those against Usama bin Laden here. I swear to God that is what I told the interrogators. Usama bin Laden has a lot of people against him. I am one of those people that are against Usama bin Laden's doings because his actions and doings do not represent the Muslim people.

Presiding Officer: Thank you. Are you in contact with your family and your uncle?

Detainee (*through translator*): Yes, I do send them letters.

Presiding Officer: Thank you very much. Thank you for your answers.

Detainee (*through translator*): Thank you very much, sir. I just want to say, sir, I hope that justice will be served in this. With God's willing, hopefully, I will not be here for another year.

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.



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2021

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بسم الرحمن الرحيم

رقم ~~الرجوع~~ ٤٣

تاريخ ١١/١٠/٢٠٠٦م

الى مكتب السيرة الادارية لمراجعة المحرز

أوراء أشكركم لسميح لتي بهذه الفرصة لكي أتكلم معكم بشؤون
امتحازي في عليح كوانتاهاو ، كويا

لقد قرأت العوامل التي أخذتموها في مجزي، وهذه العوامل
كم تعلمون غير صحيحة ، وليس لها أصل في الوجود
وكم تعلمون لا يوجد لدي أي كراهية للإمريكان ولا أعداؤه
ولا يريد أي نوع من المشاكل . ولم أفكر يوم من الأيام
بالأمريكان .

أنا إنسان مسؤول عن أسر، فقط أفكر أعيش وأصرف عن
أسرتي الكون ، مع أبدو أم كيران في السن وكذلك
مسؤول عن اخواني ونحواتي لا يوجد لدي هم غير
أسرتي الفقيرة .

هل من المعقول أن أفكر بالجهاد وتزهة عياني في ذلك ؟
هل هذا يعقل ؟

Detainee's Signature

Date

Enclosure (4)

EC-C

Page 1 of 6
2021A

إننا أذكر، إلا أبى العجز عن العمل و المتقاعد و أفكر
بأمن القالب على قلبى و أخوانى الصغار كيف أنفق عليهم المال
الجلال . . .

ذهبت الى أفغانستان للأُن صد يقى كذب عليّ و قال يوجد
أعمال فى أفغانستان ، و هو صد يقى منذ الطفولة ولم أعتقد
أنه يريد أن يخذ عنى ، و عندما وصلت الى أفغانستان
عرض عليّ أن أرتطم الى صفوف طالبان ؟
طبعاً لم أوافق ، و كانت صد مه قويه عليّ . . .
و مكنته فى كابول ، أحاول الهوده الى وطن الحبيب
« اليمن » و لم أجد مال لهوده .

وفى سنة ٢٠٠١ قرّرت الخروج الى باكستان فى الشهر التاسع
لسنة ٢٠٠١ تقرّيباً .

إنما صد السيّد الى دارية أن نبتهم بموضوع ، و أن نحاول
أن نتأكد صد هذه الإتهامات الغير مقننه و ليس لها أصل
فى الوجود .

أريد صد العبيد أن تتأكد صد مصدر الى اتهامات

وَأَنْ يَتَّعَبُوا الْكَلَامَ ؟

Detainee's Signature

Date

UNCLASSIFIED
OARDEC

Enclosure (4)

EC-C

Page 2 of 6
2021B

وَأَنْ يَكْفُرَ بِاللَّامِ ؟؟؟

هذا ملخص كلامي وحولت أن لا أطيل الكلام ، والمحققين
يؤمنون أنني متعاون معهم ، ولم يحدث أي شيء من التصرفات
الغير جيدة .

أتمنا أن تسرعوا بالتح .

لکم فالصن شکرے

ممبر نامہ .

()

۲۰۱۶ / ۱۰ / ۲۳

الموفق م شوال ۱۴۳۷ھ

Detainee's Signature

Date

UNCLASSIFIED

1st Page

In the Name of God the Merciful the Gracious

ISN # 43

DATE 10/23/2006

To the office of the administrative board to review detain
First thank you for giving me this opportunity to talk to you
Regarding my detention in Guantanamo, Cuba
I read the factors that you took in my detention, and as
you know those factors are not true, and it does not
have any origin that exist.

And as you know I don't ~~hate Americans~~ have any hate
towards Americans nor being enemy to them. I don't have any
type of problems, and I never thought about the American.
I'm a human responsible only about a family I think about
living and spend money on my family that ~~is~~ consist
of a father and mother that are older in age and responsible
about my brothers and sisters that don't have but my
poor family.

IS it reasonable ^{For me} to think about jihad and my life would
be gone in that? Do you think that ~~is~~ makes sense?

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2021D

EC-C
4 of 6

②

UNCLASSIFIED

Second Page

I don't think but only ^{about} ~~to~~ my father that can't work and retired and think about my valued mother to my heart and my younger brothers how I can support and spend money on them from ~~the~~ Halal money...

I went to Afghanistan because my friend lied to me and said there are jobs in Afghanistan, and he was my friend since childhood and I didn't believe he would trick me, ~~the~~ And when I arrived to Afghanistan he offered me to join the Taliban.

of course I refused, and it was a big shock on me ---

And I stayed in Kabul, trying to return to my beloved country ((The Yemen)) and I couldn't find me to return.

And in year (2001) I decided to leave to Pakistan about September of the year (2001).

I wish from the administrative board to give attention to my case, And to try to ^{make} ~~the~~ sure of those unconvincing accusations that doesn't have any origin to exist.

I want from the board to make sure of the accusations source and compare the talk

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2021E

Encl (4)

EC-C

5/16

③

UNCLASSIFIED

Third page

This is the summary of my talk and I tried not to make it long, And the interrogators know that I'm cooperative with them, and ~~it~~ never happened any bad behaviour.

I wish you speed up the search.

To you my honest thanks

Samir Najji

()

10/23/2006

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2021F
EM/ (4)
EC-c
6 of 6

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Summary of Administrative Review Board Proceedings for ISN 063

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer asked the Detainee if he 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 Notification of the Decision of the Administrative Review Board, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 12 October 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he did wish to attend and submit a statement, which he will read at his ARB. The English and Arabic translated versions of the Unclassified Summary of Evidence were provided to the detainee, who accepted both. Additional Comments. The detainee's follow up interview was conducted on 13 October 2006. The detainee provided the AMO with an English translated copy of the statement that he desires to read at his ARB. The detainee was cooperative and attentive throughout both his interviews.

Presiding Officer: Assisting Military Officer, do you also wish to present the detainee comments at this time or do you wish to present them later?

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Assisting Military Officer: I will present them later with the detainee's additional comments.

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee stated he first traveled to Afghanistan from Saudi Arabia around the beginning of 2001 in order to participate in jihad, which he deemed a religious obligation. Once in Afghanistan, the detainee attended training at the al Farouq Training Camp.

Detainee (through translator): I will respond after everything has been read.

Presiding Officer: That is consistent with the Enemy Combatant Election Form.

Designated Military Officer: (3.a.2) The detainee stated he completed his training approximately three months after he entered Afghanistan, and he was then compelled to swear bayat to Usama bin Laden. The detainee stated he did this in person with Usama bin Laden, without any witnesses, while at Usama bin Laden's residence in Kandahar, Afghanistan.

Designated Military Officer: (3.a.3) The detainee stated that sometime in the summer of 2001, after he swore bayat to Usama bin Laden, the detainee was approached and asked to conduct a martyr mission for Usama bin Laden.

Designated Military Officer: (3.a.4) The detainee was instructed by a senior al Qaida operative to obtain British and United States visas. The detainee was then provided airline tickets from Dubai, United Arab Emirates through London, England to Orlando, Florida.

Designated Military Officer: (3.a.5) The detainee stated that at the time he agreed to conduct the mission there was no specific plan in place. However, the detainee knew that

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per his bayat and obligation, he would be called upon at a later time to conduct a martyr mission.

Designated Military Officer: (3.a.6) The detainee stated he traveled to Orlando, Florida, on 4 August 2001. The detainee was unable to answer questions at airport customs and did not have a return ticket. After being denied entry into the United States, the detainee returned to Dubai, United Arab Emirates. The detainee applied for a second United States visa and after it was denied, he traveled to Afghanistan.

Designated Military Officer: (3.a.7) The detainee stated his decisions for agreeing to conduct a mission stemmed from three basic fatwas. First was a fatwa in which the detainee felt obligated to participate in jihad in Afghanistan. Second was a fatwa in which the detainee felt obligated to swear bayat to Usama bin Laden. The third was a fatwa in which the detainee felt obligated to do whatever Usama bin Laden asked of him including conducting a martyr mission, because he had given bayat to Usama bin Laden.

Designated Military Officer: (3.a.8) When asked whether he would have completed whatever mission he was assigned when going to the United States, the detainee nodded head indicating he would.

Designated Military Officer: (3.b) Training. (3.b.1) The detainee stated after the completion of his basic training at al Farouq, he attended a city tactics course in Kandahar, Afghanistan, which lasted approximately one and a half months.

Designated Military Officer: (3.b.2) The detainee attended al Farouq Training Camps for a total of five to six months; initial training lasted approximately two to three months and consisted of indoctrination, small arms (AK, handguns, grenades) and physical training. The second advanced segment of training also lasted approximately two to three months and consisted of small unit tactics and specialized weapons training.

Designated Military Officer: (3.c) Connections/ Associations. (3.c.1) The detainee identified two senior al Qaida members. The detainee admitted to knowing these two individuals and meeting them in a safe house in Kandahar, Afghanistan prior to 11 September 2001.

Designated Military Officer: (3.c.2) The detainee stated that on approximately 12 February 2001, he traveled from the Arab guest house in Kandahar, Afghanistan to Usama bin Laden's house in Kandahar, Afghanistan to give his allegiance to Usama bin Laden.

Designated Military Officer: (3.c.3) The detainee stated that on approximately 24 April 2001, after graduating from advanced training, he visited Usama bin Laden at his house to honor and praise him. The detainee told Usama bin Laden that he would continue to serve him as he would the prophet Mohammed. During this visit, Usama bin Laden instructed the detainee to contact a senior al Qaida official for instructions on how to serve his religion.

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Designated Military Officer: (3.c.4): The detainee stated that on approximately 22 June 2001, on his own initiative, he met with Usama bin Laden again at Usama bin Laden's house in Kandahar, Afghanistan to greet him and to tell him that he was ready for his mission to the United States. Usama bin Laden called a senior al Qaida operative and advised him that the detainee had returned from the front line and was ready to complete his mission to America.

Designated Military Officer: (3.c.5) The detainee stated that on approximately 27 August 2001, he met Usama bin Laden again at Usama bin Laden's house in Kandahar, Afghanistan after the detainee returned from his failed mission to the United States.

Designated Military Officer: (3.c.6) The detainee was detained while trying to cross into Pakistan from Afghanistan on 15 December 2001 with thirty suspected al Qaida members.

Designated Military Officer: (3.c.7) The detainee stated that when he returned to Afghanistan after his failed mission to America he saw a known suicide bomber at different guest houses on three separate occasions.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee denied having any knowledge of the attacks in the United States prior to their execution on September 11th, and also denied knowledge of any rumors or plans of future attacks on the United States or United States' interest.

Designated Military Officer: (4.b) The detainee insisted that he is a different person now than he was back in the summer of 2001. He then insisted that he would not have done a mission that involved killing women and children. The detainee said that he would have refused to participate in that type of operation and would have asked that he be allowed to return to Afghanistan.

Detainee (through translator): Sorry Sir. There is a mistake in this one. I said that I would have asked to return to Saudi Arabia not to Afghanistan.

Presiding Officer: That's noted and we will take that into consideration.

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 presented the Detainee's Comments, Exhibit EC-C, to the Administrative Review Board.

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Presiding Officer: Assisting Military Officer, does the detainee wish to read this statement to the Board?

Assisting Military Officer: Yes, Sir. I would like to read the detainee's comments from EC-B first.

Detainee (through translator): Are you going to read it in English?

Assisting Military Officer: Yes. The linguist will translate after that.

Detainee (through translator): Will you give me the opportunity to speak at a later time?

Presiding Officer: Yes.

Presiding Officer: Assisting Military Officer, please read the detainee comments.

Assisting Military Officer: In response to any of the statements in the Unclassified Summary of Evidence that mention he swore bayat to Usama bin Laden or that he wanted to be a martyr, the detainee disagreed stating they were not true. The detainee stated that he told those things to the interrogators when he was being tortured a few months after he arrived at Camp X-ray, Guantanamo Bay, Cuba.

Detainee (through translator): I have never said any of these things.

Presiding Officer: Do you agree with the detainee's comments?

Detainee (through translator): Yes.

Presiding Officer: Just so that we are very clear on this for the record. Do we understand correctly that you want to say that the statements you have made in this Unclassified Summary are all false?

Detainee (through translator): Which ones? The ones that favor my detention?

Presiding Officer: Let me state that a different way. Do I understand correctly that you are saying that the swearing of bayat and the idea that you wanted to be a martyr are false?

Detainee (through translator): That is false. I have never said that at all.

Presiding Officer: We understand and we will treat that accordingly.

Board Member: I am a little confused. The statement that was just read said that you told the interrogators these things about swearing bayat and wanting to be a martyr. Reading from the statement, "when he was being tortured a few months after he arrived at Camp X-ray, Guantanamo Bay, Cuba", the statement you just made, as translated, said that you never even said these things. Which one is it?

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Detainee (through translator): Since you asked about it, I will respond and I will make my statement later on. I said some of the stuff while I was under torture. I never said some of the other things that are written. Whether under torture or on my own, I have never said that I swore bayat to Usama bin Laden or that I wanted to be a martyr.

Board Member: Thank you.

Detainee: You are welcome.

Detainee (through translator): Even during the interrogations, they never heard that from me. There might be a confusion or a mix up that it was written that way.

Board Member: Did you ever meet with Usama bin Laden?

Detainee (through translator): Are we starting to have questions and answers? I thought I was going to speak about this later on and because of the time.

Presiding Officer: In that case we will wait to ask that question if we need to ask it later so you can make your statement.

Detainee (through translator): To answer your question, no.

Presiding Officer: Assisting Military Officer, does the detainee wish to make his statement at this time?

Assisting Military Officer: Yes, Sir.

Detainee (through translator): I am going to try. To be honest with you, it is going to be difficult with these handcuffs.

Presiding Officer: I understand, but the rules are laid on me that you must be restrained like this.

Detainee: I understand.

The Detainee made the following statement:

Detainee (through translator): I, Maad Al Qahtani, ISN 063, am from Saudi Arabia. To the Administrative Review Board. Thank you for the opportunity to address you. After almost five years of illegal imprisonment by the United States, this is the first statement I am making of my own will and without coercion or under threat of torture. I am speaking with my complete thinking. I understand that this ARB will make the decision about my future and I understand everything that was said about me in the past about my case. I understood that I would talk about who I am going to be in the future and not speak about my past. I am unfamiliar with the laws of the United States and the regulations for the ARB. Obviously I wish my lawyer was here to help me with my case,

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but because this is not allowed I must speak for myself. I have been told that I have been classified as an enemy combatant and I do not know how this came to be. With all my respect to the Board, a mistake was made. Because all of the information extracted from me was done under torture. I can say without hesitation that I am not a threat to the United States, its allies, or anyone else. I have not harmed the United States, its allies, or anyone else in the past. I will not harm the United States in the future. I know nothing about acts of hostility against the United States and I do not belong to any organization that wants to harm the United States and it is certain that I have no intention whatsoever to kill people in general or innocents in particular of any country or any religion, especially Americans. I was kidnapped as a civilian and was eventually handed over to U.S. military authorities. The United States transferred me to Guantanamo. I have always explained to interrogators that I am a businessman and have a company that was registered with the Saudi government. I have also been engaged in the trade business and have assisted other businessmen to obtain official documents from the Saudi government. Beginning in August 2002 through 2003, I was subjected to physical and psychological methods during interrogation that amounted to torture; cruel, inhuman and degrading treatment; and outrages upon my personal dignity. These methods included: severe sleep deprivation combined with 20-hour interrogations for months at a time; severe isolation; threatened with rendition to countries that torture more; religious and sexual humiliation; threats made against my family; strip searching, body searches, and forced nudity, including in the presence of female personnel; denial of the right to practice my religion, including prohibiting me from praying for prolonged times and during Ramadan; threatening to desecrate the Koran in front of me; placing me in stress positions for prolonged times; restrained me for many months for days and nights and the restraints were very tight; threats and attacks by dogs; beatings; exposure to low temperature for prolonged time, exposure to loud music for prolonged times; forcibly given frequent IVs many times a day by medical personnel during interrogation, which felt like repetitive stabs and this happened on a daily basis. Medical personnel were involved in carrying out these methods used in interrogations. As a result of the intense physical and psychological stress from these methods, I went from approximately 160 pounds to 100 pounds and was sent to the hospital twice when I was close to death during interrogation. This list does not include everything that happened to me and many other methods were used against me.

Presiding Officer: Is the room too cold right now?

Detainee: Yes, because I am fasting.

The Assisting Military Officer and the Designated Military Officer turned off the AC units in the ARB room.

Detainee: I thank you.

Presiding Officer: Please go ahead.

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Detainee (through translator): A human being needs four main things in life that were taken from me at Guantanamo. First, to honor religion and freedom to practice religion and respect it. Two, honoring his personal dignity by refraining from humiliating a human being through beating or cursing him and bad treatment in general. Three, respect for his honor, which means not dishonoring him through sexual humiliation or abuse. Four, respect for human rights, by allowing a human being to sleep in be comfortable where he is; to be in a warm shelter; to have security for his life; to have sufficient food and beverage; to have means to relieve himself and clean his body; to have humane medical treatment; and to know that his family is safe from threats or harm. Again, all of these rights were taken from me. A human being needs four main things in life that were taken from me at Guantanamo. It was only during this period of physical and psychological torture and inhuman treatment that I was forced to make false statements and fabricate a story. Interrogators provided me with this information and details and under pressure and coercion forced me to adopt the story that the interrogators wanted to hear. The information that I provided during interrogation was information I only got from them during interrogation sessions. The information I gave them was not valuable and did not help to protect lives or property. I was unable to give them any different or new information about anything in the past or in the future. I just repeated the information given to me during interrogations. Any information that other prisoners have given about me must have also been extracted through torture or coercion; lies by prisoners for privileges; or lying to cooperate with interrogators to get promises for release or other things. Once this torture stopped, I explained over and over that none of what I said was true. I am a businessman, a peaceful man. I have no connection to terrorism, violence, or fighters. In the past, I have worked and socialized with Americans and could never have imagined that anything like Guantanamo would ever happen to me. My past experience with Americans, sitting across the table with them, and so on, has been positive in the past. I viewed them as people and, even now, I still look at Americans as human beings. To this day, I have been unable to show the United States military that a mistake has been made, that I was tortured, and that I am a peaceful, businessman. This was because I have been cut off at Guantanamo from the outside world with no ability to gather witnesses, collect official documents, or other evidence, to defend myself. I was denied access to any lawyer who could have assisted me in defending myself and prevented interrogators from obtaining false statements from me using torture and abuse. But what is past is past, and I refuse to be vindictive about this. Even if you have any concerns about transferring me, my country can offer sufficient guarantees to American authorities to keep me in the Kingdom of Saudi Arabia and my country has enough authority to assure the United States that I will not present a danger. I swear to God that I did not know anything about what happened to the United States in the past. On September 11th or any other operation that happened in the past; anything that happened to you or anything that will happen to you in the future. I am a man and I have no intent to kill innocent people or anything like that. I prove to you that what I am saying is true because it comes from human feelings and religious feelings. I don't favor killing innocents or doing so. Regarding death, I want to die like a normal person and what was said about me in the past is false. I would like to thank you for giving me the opportunity to come here and speak to you. I apologize if I cannot answer any of your

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questions because if you want to address any questions to me, I do have a lawyer that can answer those questions. The main reason is not that I am hiding anything from you, but I do not know the law. Regarding the Board that is convened today that will recommend whether I still pose a danger to the United States, I promise that I do not pose any danger to the United States or anyone else, but I just want to go back and live in society like a normal person.

Detainee: Thank you.

Presiding Officer: You are welcome. There were a couple of paragraphs towards the end that were not translated. I am not sure whether you read them.

Detainee (through translator): Which one?

Presiding Officer: On page 6.

Detainee (through translator): I did mention it.

Presiding Officer: Most of the statements that are on page 6 you mentioned on your last statement.

Detainee (through translator): That's what I meant.

Presiding Officer: However the next to last paragraph started in English with "I request the United States" and next to the last paragraph includes some statements that were not in your closing statement. We need to know if you need to make these statements also.

Detainee (through translator): Whatever is written there is my statement. I probably made a mistake because of my situation that I am tied up. I don't have to read them. That's enough.

Presiding Officer: This is your hearing. We want you to have the opportunity to say what you want us to hear.

Detainee (through translator): Is my way of talking and writing the same for you?

Presiding Officer: Let me try this. Let me read the paragraph and just see if this is correct. "I request that the United States and the Kingdom of Saudi Arabia work together to return me home. As a Saudi citizen, I ask the kingdom of Saudi Arabia to honor the statement by Prince al-Faisal and to use all diplomatic efforts to return me to my family and my home".

Detainee: Yes. Thank you.

Presiding Officer: You are welcome.

Detainee: If you want, I can read it.

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Presiding Officer: There is no problem. I just want to make sure the writing is what you want on the record.

Detainee: Yes. I thank you. I understand.

Presiding Officer: I understand that this is the first time that you have come to an Administrative Review Board and I want to thank you for coming today.

Detainee: You are welcome.

Presiding Officer: You have behaved very respectfully toward the Board today, which shows that you take this process seriously and for that I am very appreciative. We also have paid close attention to you and have shown you the respect of listening carefully to what you had to say. I hope that attitude has been obvious to you as well.

Detainee: I thank you for that.

Presiding Officer: I understand about your lawyer not being present. I wanted to see if we might ask you some questions and have you decide whether or not they were questions that needed your lawyer.

Detainee (through translator): I wish you would excuse me from that.

Presiding Officer: I understand that wish.

Detainee (through translator): You have the freedom to ask, but I do not know if I will be able to answer.

Presiding Officer: I understand. In that case, do any of the Board members have questions for the detainee?

Board Member: I believe we ask questions and he may or may not decide to answer. Is that correct?

Presiding Officer: Yes. He always can do that.

Detainee (through translator): I mentioned at the beginning that if you would excuse me because I will not be able to answer these questions because this is an official Board. Excuse my ignorance that I cannot answer these questions.

Presiding Officer: We understand.

Detainee (through translator): To be honest with you, these were orders from my lawyer.

Presiding Officer: I understand completely. This Board member asked me whether he could ask questions. My understanding of your wishes is that you do not want to answer questions from us at this time.

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Detainee (through translator): Yes. That is not what I want to do. These are orders from my lawyer.

Presiding Officer: I hope that you will tell your fellows about this experience here today and encourage them to come to the Board. We believe this is better for you if you do.

Detainee: Sure.

Detainee (through translator): I have total respect for the Board from I have seen today, but the results are the most important thing. And hopefully they will be favorable results.

Presiding Officer: I understand. I want to give you a little information also. The statements that you have made concerning abuse and torture by Americans are very serious. The Board is required to take any statement such as that as part of our deliberation. It is important for you to understand that there may be other evidence that is classified that may bear on your case.

Detainee (through translator): Obviously you will take into consideration what I have mentioned.

Presiding Officer: Does that conclude your statement?

Detainee (through translator): Yes.

Presiding Officer: Has the Assisting Military Officer provided us all the information you wish us to hear?

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.

The Administrative Review Board Members had the following questions for the Detainee:

Board Member: Is it clear that we now have all the information that you wish to give us and that we do not have the opportunity to hear you clarify our questions?

Detainee (through translator): Information regarding what?

Board Member: My understanding is that you do not want us to ask questions per your lawyer's request. Because of that, we are limited to what you may have been able to provide.

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Detainee (through translator): To be honest with you, I just want to summarize the most important things to you. I just want to mention to you that there are other things that happened like torture and abuse. I do not want to put the image of the United States down. To be honest with you, I have been here five years and I have never mentioned any of these things to the outside because I do not want to ruin the reputation of the United States military. That's not proper. Let's be more serious and more practical. I just want to mention to you about the torture and the things that happened to me. I just want to talk about what was said regarding me in the past and also prove to you that in the future I will not pose any threat to you or the United States.

Presiding Officer: We understand this to be your statement and we will take that into our deliberation.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



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Mohammed al Qahtani, ISN 063

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To the Administrative Review Board:

Thank you for the opportunity to address you.

After almost five years of illegal imprisonment by the United States, this is the first ~~statement~~^{statement} I am making of my own will and without coercion or under the threat of torture.

I am unfamiliar with the laws of the United States and the regulations for the A.R.B. Obviously, I wish my lawyer was here to help me put on my case, but because this is not allowed, I must speak for myself.

I have been told that I have been classified as an enemy combatant and I do not know how this came to be. With all my respect to this board, a mistake was made, **B**ecause all of the information extracted from me was done under torture.

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EC-C
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I can say without hesitation that I am not a threat to the United States, its allies, or anyone else. I have not harmed the United States, its allies, or anyone else in the past. I will not harm the United States in the future. I know

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nothing about acts of hostility against the United States and I do not belong to any organization that wants to harm the United States and I want to return to my mother and father in Riyadh and start my business again.

Note
2
attached

I was kidnapped as a civilian and was eventually handed over to U.S. military authorities. The United States transferred me to Guantánamo.

I have always explained to interrogators that I am a businessman and have a company that was registered with Saudi government. I have also been engaged in the trade business and have assisted other businessmen to obtain official documents from the Saudi government.

Beginning in August 2002 through 2003, I was subjected to physical and psychological methods during interrogation that amounted to torture; cruel, inhuman and degrading treatment; and outrages upon my personal dignity.

These methods included:

- severe sleep deprivation combined with 20-hour interrogations for months at a time;
- severe isolation;
- threatend with rendition to countries that

Note 2

it is certain that I have no intention whatsoever to kill people in general or innocents in particular of any country or any religion, especially Americans.

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- torture more;
- religious and sexual humiliation;
- ~~the~~ threats made against my family;
- strip searching, body searches, and forced nudity, including in the presence of female personnel;
- denial of the right to practice my religion, including prohibiting me from praying for prolonged times and during Ramadan;
- threatening to desecrate the Koran in front of me;
- ~~the~~ placing me in stress positions for prolonged times;
- ~~restrained me for many months~~ ^{for} days and nights and ~~the restraints were very tight;~~
- threats ^{by dogs;} and attacks;
- beatings;
- exposure to low temperatures for prolonged times;
- exposure to loud music for prolonged times;
- forcibly given frequent IV's ^{many times a day} by medical personnel during interrogation, which felt like repetitive stabs and this happened on a daily basis.

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Medical personnel were involved in carrying out these methods used in interrogations. As a result of the intense physical and psychological stress from

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these methods, I went from approximately 160 pounds to 100 pounds and was sent to the hospital twice when I was close to death during interrogation. This list does not include everything that happened to me and many other methods were used against me.

A human being needs four main things in life that were taken from me at Guantánamo. First, to honor religion and freedom to practice religion and respect it. Two, honoring his ~~personal~~ personal dignity by refraining from humiliating a human being through beating or cursing him and bad treatment in general. Three, respect for his honor, which means not dishonoring him through sexual humiliation or abuse. Four, respect for human rights, by allowing a human being to sleep and be comfortable where he is; to be in a warm shelter; to have security for his life; to have sufficient food and beverage; to have means to relieve himself and clean his body; to have humane medical treatment; and to know that his family is safe from threats or harm. ~~Again~~ Again, all of these ~~rights~~ rights were taken from me.

EC-C

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It was only during this period of physical and psychological torture and inhuman treatment, that

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I was forced to make false statements and fabricate a story. * I would have said anything to stop the torture at Guantánamo.

add note
① attached

Once this torture stopped, I explained over and over that none of what I said was true. I am a businessman, a peaceful man. I have no connection to terrorism, violence or fighters.

In the past, I have worked and socialized with Americans and could never have imagined that anything like Guantánamo would ever happen to me. My past experience with Americans, sitting across the table with them, and so on, has been positive in the past. I viewed them as people and, even now, I still look at Americans as human beings.

To this day, I have been unable to show the United States military that a mistake has been made, that I was tortured, and that I am a peaceful, businessman. This was because I have been cut off at Guantánamo from the outside world with no ability to gather witnesses, collect official documents or other evidence, to defend myself. I was denied access to any lawyer who could have assisted me in defending myself and prevented interrogators

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Note 1

Interrogators provided me with this information and details and under pressure and coercion forced me to adopt the story that the interrogators wanted to hear.

The ~~info~~ information that I provided during interrogation was information I only got from them during interrogation sessions. The information I gave them was not valuable ~~or helpful~~ and did not help to protect lives or property. I was unable to give them any different or new information about anything in the past or in the future. I just repeated the information given to me during interrogations. Any information that other prisoners have given about me must have also been extracted through torture or coercion; lies by prisoners for privileges; or lying to cooperate with interrogators to get promises for release ~~or~~ or other things.

(6)

from obtaining false statements from me using torture and abuse. But what is past is past, and I refuse to be vindictive about this.

Even after being subjected to the torture and inhuman treatment authorized by U.S. government officials, I only want to return home to my mother and father and rebuild my life. I want to help my brothers and sisters care for my aging parents. I want to get married and have children and return to my business and community.

I request that the United States and the Kingdom of Saudi Arabia work together to return me home. As a Saudi citizen, I ask the Kingdom of Saudi Arabia to honor the statement by Prince al-Faisal and to use all diplomatic efforts to return me to my family and my home. * Note 3 attached

There is so much to say but my lawyer has advised me only to read out this statement. I apologize that I cannot answer any questions.

EC-C

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Note 3

Even if you have any concerns about transferring me, ~~showing that~~ my country can offer sufficient guarantees to American authorities to keep me in the Kingdom of Saudi Arabia and my country has enough authority to assure the United States that I will not present a danger.

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Summary of Administrative Review Board Proceedings for ISN 067

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer asked the Detainee if he 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.

Detainee (through translator): I tried to bring the letters, but they did not give them to me. They took all the letters that I had with me. I wanted to present these letters to the Board. I tried through the Assisting Military Officer and through the cell, but I was not able to get the letters.

Presiding Officer: I can tell you why you are not able to see those letters right now. Those letters were part of the containers for the detainees in Alpha block. They were taken by the Naval Criminal Investigative Service as part of their investigation. Their investigation was into the suicide of three detainees on the nights of June 9th and 10th 2006. Since we do not have those letters, I will enter into the record your statement of what was in those letters as if they had been presented to us here at this Board.

Detainee (through translator): I wanted to get those letters. They are from my family stating that I had nothing to do with the allegations against me and also to prove my age that I was very young and not capable of doing all that is against me.

Presiding Officer: I understand what you wanted the letters to show. Would you like to tell me who sent you the letters or how many they were so that the Board will have as much information as we can about the letters.

Detainee (through translator): I received about six letters here in Cuba. I received the last one a year ago. The letters stated that my family has sent me more letters, but they have not given me all the letters that my family has sent.

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Presiding Officer: I understand that you may have other mail that you believe you had not received and we take note of that for the record.

Detainee (through translator): Good.

Presiding Officer: Do you wish to tell us anything more about the letters now or would you prefer to wait until later in the proceeding?

Detainee (through translator): I did not want to say anything about the letters until I had them because it is better to have something in my hand and read it and you can see it with your own eyes.

Presiding Officer: I want you to know that we have tried to get your letters and those for other detainees as well that were taken in that investigation, but we were not able to get them.

Detainee (through translator): No problem.

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 14 September 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB and requested AMO assistance in obtaining letters from his family so the letters could be admitted to the ARB. The detainee was very cooperative, polite and cordial during the entire interview.

The detainee's follow-up interview was conducted on 19 September 2006. The letters the detainee referred to were not presentable because they were part of the detainee's original effects box that was secured by NCIS. When asked if he would still attend the ARB, the detainee said that he would attend the ARB and respond to each statement in the Unclassified Summary. The detainee stated that if he had any other letters in his current box, he would bring those with him to the ARB. The detainee was extremely cooperative, attentive and cordial throughout the follow-up interview. Copies of the English and Arabic translated Unclassified Summary of Evidence were provided to the detainee upon his request.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, the CITF Redaction Memorandum, 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 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: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee claims he would not sacrifice anything in support of Usama bin Laden, but the detainee stated he would go on jihad and martyr himself if ordered to do so by a decree.

Detainee (through translator): That is not true. I did mention that I would not sacrifice anything for Usama bin Laden, but I never said that I would go on jihad and martyr myself. I never said that. From day one that I have been in Cuba and up to this day I have been saying that my going to Afghanistan was a mistake. I have been saying this the whole time. I will not go anywhere on jihad.

Designated Military Officer: (3.a.2) The detainee stated that about two months after the USS Cole attack, he wanted to leave for Chechnya in order to become a martyr like his brother.

Detainee (through translator): Yes, that is true.

Presiding Officer: This statement that you say is true seems to contradict the first statement that you said was false.

Detainee (through translator): Which statement?

Presiding Officer: The statement that you would go to jihad and martyr yourself if ordered to do so by a decree.

Detainee (through translator): There is no contradiction. I decided this after my brother was killed. When I went there I felt sorry and did not want to do it anymore. Where is the contradiction?

Presiding Officer: When did you decide that you did not want to be a martyr?

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Detainee (through translator): After I was detained here. I was young and enthusiastic. I was 17 years old. Now I am older, more mature, and I know what I am doing. I feel sorry for the mistakes I have made. It is like being hit in the head and wake up all of a sudden. That's what happened to me.

Presiding Officer: Just to make sure I understand completely. Since you have been here in Cuba you have decided that it would not be appropriate to be a martyr at any time?

Detainee (through translator): Yes.

Presiding Officer: Thank you. We take note of that and enter it into the record.

Designated Military Officer: (3.a.3) The detainee's brother's name is cataloged in the translated list of killed and wounded al Qaida martyrs. The document states the deceased came from a Mujahedin family and the family sent three brothers for jihad.

Detainee (through translator): That is not true. This statement is not true.

Presiding Officer: Is it true that your brother was killed while in Jihad?

Detainee (through translator): Yes he was killed in Chechnya, but it is not true that his name was cataloged in the list of al Qaida martyrs. He was not an al Qaida member. That is what I know about my brother. I have said that in the interrogation sessions. He was killed, but he was not an al Qaida member. The interrogators asked me for a proof that he was not an al Qaida member, so I told them that my brother had good manners and he respected the elders. Because of the respect he had for the elders, the interrogators thought that was a characteristic of an al Qaida member. That is not true. My brother had a lot of respect for the elders, but that did not make him an al Qaida member.

Presiding Officer: The point about this list is that someone in al Qaida thinks that he was an al Qaida member.

Detainee (through translator): That's what I said against that point.

Presiding Officer: That they might have thought he was an al Qaida member because he was respectful to the elders.

Detainee (through translator): That's right. Let me give you an example. Let say that one of the detainees made a list of the other detainees. Someone else found this list and decided that everyone on that list is an al Qaida member. That would not be true.

Board Member: How many brothers do you have?

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Detainee (through translator): Jihad is a duty for everyone. No one questions this duty to go on jihad. It is an obligation. In Chechnya they were killing children and innocent people. So he went to fight and defend these people. Yes, at the same time he had a lot of respect for my parents, but it was not enough to stop him from going to jihad.

Presiding Officer: I understand. Thank you.

Designated Military Officer: (3.a.4) The detainee stated that during his time on the front lines there was gunfire and he did fire his weapon.

Detainee (through translator): Yes.

Board Member: What type of weapon did you have?

Detainee (through translator): Kalashnikov. I just want to clarify something. I fired in the air against the Northern Alliance. I did not aim at any target. I did not kill any creature.

Presiding Officer: Did you have that much ammunition to waste?

Detainee (through translator): The ammunition was mine that I purchased with my own money.

Presiding Officer: Thank you.

Designated Military Officer: (3.b) Training. (3.b.1) The detainee explained he was at the al Farouq Training Camp for about two months where he spent the first month learning weapons and the second month actually practicing with them.

Detainee (through translator): Yes. It was two months. The first month I trained on weapons. The second month I continued to train on weapons, but I also trained on how to walk on the mountains.

Presiding Officer: Did you train on how to walk on the mountains with other people as a group or unit?

Detainee (through translator): It was as a group.

Board Member: Did you train on other types of weapons?

Detainee (through translator): In al Farouq I trained on Kalashnikov, Makarov, PK, and RPG.

Board Member: Did you use these weapons in combat?

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Detainee (through translator): No, I specialized on Kalashnikov.

Board Member: Thank you.

Designated Military Officer: (3.b.2) The detainee and his brother received specialized instruction on conducting attacks from motorcycles and cars from a former Khaldan instructor.

Detainee (through translator): This statement is not true. When I was training on the Kalashnikov I did not have my brother or anyone else with me. I had never heard of this trainer, Khaldan, until now.

Board Member: Did you receive any training on motorcycles, cars, or any other vehicles?

Detainee (through translator): I did not receive any official training. To be honest with you, we were young, two teenagers, so we jumped on and off the tank when the tank was moving. We were teenagers who were not thinking right. We were doing it just for fun. It was not on base. I mentioned this before.

Board Member: Did anybody show you techniques for doing this?

Detainee (through translator): No. I had seen it in the movies.

Board Member: Thank you.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The detainee stated he would often visit with an al Qaida facilitator who was a close friend of Usama bin Laden.

Detainee (through translator): Who is this facilitator?

Presiding Officer: This facilitator is a person not named in the Unclassified Summary. We are not allowed to tell you that name.

Detainee (through translator): Ok, then it's not true.

Presiding Officer: We make note of that for the record.

Detainee (through translator): Good job.

Board Member: Do you have any friends that were friends with Usama bin Laden?

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Detainee (through translator): No. My brother knew people who met with Usama bin Laden. Through my brother, I saw them. I did not have a close friend who was friend with Usama bin Laden.

Board Member: A minute ago when you talked about specialized instruction on conducting attacks from vehicles, you said that your brother was not with you. Can you tell me when you met Usama bin Laden's men through your brother?

Detainee (through translator): I saw my brother in guesthouses. I would be with him visiting friends. He would visit me on the front lines. At the beginning I was training at the camp, but later on I was in guesthouses where I saw my brother. I would have my brother with me while going from one guesthouse to another.

Board Member: Is this the brother who died in Afghanistan?

Detainee (through translator): Yes.

Board Member: Thank you.

Detainee: You are welcome.

Designated Military Officer: (3.c.2) A safe house facilitator within Afghanistan made travel arrangements for the detainee to go to the front lines.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.3) The detainee attended a speech given by Usama bin Laden while at the al Farouq Training Camp.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.4) The detainee shook Usama bin Laden's hand and knew him to be a respected Islamic figurehead.

Detainee (through translator): Yes I did shake his hand, but he is not a big Islamic figurehead. He is a figurehead for the Mujahedin not for the whole Islamic nation.

Presiding Officer: I understand. Thank you.

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Designated Military Officer: (3.c.5) The detainee's name was found on a document listing suspected al Qaida members.

Detainee (through translator): The example that I mentioned before about one prisoner who took the names of other prisoners, that's the case here. People who came from Karachi stated that they saw my name on a computer somewhere. When I came here in Cuba I heard that my name was on a computer in Karachi. It happened because one person took all the prisoners' names to see if they were listed as being missing. It doesn't mean that I am with or against them.

Presiding Officer: We note that for the record also.

Designated Military Officer: (3.c.6) A senior al Qaida operative stated the detainee and his brothers had ties to jihad.

Detainee (through translator): What do you mean? Please explain this statement.

Presiding Officer: It means that a senior person in al Qaida said that you and your brother or brothers were associated with al Qaida.

Detainee (through translator): Association with Jihad because we went to Afghanistan?

Presiding Officer: That's what we think. That's what the statement means.

Detainee (through translator): I went to Afghanistan only to train to go to Chechnya. But after knowing that Chechnya was dangerous, I decided not to go and I stayed in the front lines. This was the association that I had.

Presiding Officer: So it was more dangerous in Chechnya than in the front lines?

Detainee (through translator): It was very, very dangerous.

Presiding Officer: Thank you.

Board Member: The fight that you were joining in the front lines that you trained for and then decided to stay in Afghanistan and fight in the front lines, would you consider that your Jihad duty?

Detainee (through translator): Yes.

Board Member: Thank you.

The Board took a brief recess at 1430 and reconvened at 1433.

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Presiding Officer: I apologized for the interruption.

Detainee (through translator): It is ok. Take your time. Relax.

Designated Military Officer: (3.d) Intent. (3.d.1) The detainee stated he left Saudi Arabia in order to become a martyr like his brother.

Detainee (through translator): Yes.

Designated Military Officer: (3.d.2) The detainee repetitively requested to be taken to the front lines.

Detainee (through translator): Yes.

Presiding Officer: Why were you so eager to get to the front lines if you thought Chechnya was too dangerous?

Detainee (through translator): Only when they refused to take me that I wanted to go so badly because I was so young.

Presiding Officer: To take you to Chechnya.

Detainee (through translator): No. You asked me why I wanted to go to the front lines. They called it the front lines, but there were houses, places to live. It was not just the front lines. I was not in the front lines. I was in the back lines. In Chechnya, there were bombings and they moved from one place to another.

Presiding Officer: Thank you.

Designated Military Officer: (3.d.3) The detainee was taken to an administrative office where he gave up his passport, papers and currency.

Detainee (through translator): Yes. That's what you called the guesthouse.

Board Member: You said that you bought your own Kalashnikov ammunition. Did you do that before or after you gave up your money at the guesthouse?

Detainee (through translator): In Kandahar before going to the training camp I stored my belongings, my passport, and my money. The guesthouse was also a storage facility. When I went to Kabul I took my money with me.

Board Member: So when did you buy the Kalashnikov?

Detainee (through translator): When I went to Kabul on the lines.

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Board Member: So you did not have it when you trained at al Farouq?

Detainee (through translator): No. I did not have it.

Board Member: Thank you.

Designated Military Officer: (3.e) Other Relevant Data. (3.e.1) A source has stated the detainee and his brother received specialized training on SAM-7A and B missiles.

Detainee (through translator): That is not true. When I was on the lines, I was moving from one station to another. One of the stations had missiles. The commander of that station gave me a little bit of background of that weapon. I did not shoot it. I did not train on it. That statement with my brother is not true.

Presiding Officer: We note that.

Board Member: Did you brother receive the same briefing on the weapon?

Detainee (through translator): No, he did not. My brother and I did not train on that SAM-7A weapon. They used psychological torture to find out if I had trained on this weapon. I told the interrogators that their source was lying to them because this statement is not true. I am honest. I am telling the truth. If I had trained on this weapon, I would have told you that I trained on it. I am not scared of anything.

Presiding Officer: You just mentioned that you were psychologically tortured?

Detainee (through translator): Yes. To tell you the truth, yes.

Presiding Officer: That's the first time that you ever mentioned that in any record. That is completely new information to us.

Detainee (through translator): Because when you talked about SAM-7, I wanted to clarify why I had said this statement. This is not the first board I have attended. I attended three other boards. For each Board, I get a new interrogator. Each new interrogator made the allegation that I had trained on SAM-7. Three years ago I was at Camp III and they interrogated me for a month. The air conditioning temperature was 54 degrees. It was very cold. They let me sit there for long hours and they brought big speakers with loud noises. They tortured me while standing up and they insulted me and my religion. They have done many things to me. They have done worse to my brother. While I was being tortured, they asked me whether I had trained on SAM-7 and I told them no. Up to this point, they still ask me and this allegation is still in my folder. If I wanted to lie and say yes, I would have told them when I was being tortured. Please excuse me for what I just said, but this is what happened.

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Presiding Officer: Have you ever told the International Committee of the Red Cross about the cold air conditioning, the insult to your religion, being made to stand up, or any of the other things that you just said?

Detainee (through translator): I tried the Red Cross when I was in Kandahar. Together, all the torture that has happened in Cuba is nothing compared to all the torture that I went through in Kandahar. Honestly, talking to the Red Cross would make matters worse. It doesn't do anything.

Presiding Officer: We have a procedure for allegation of abuse or torture over here. This will be investigated after we report it today.

Detainee (through translator): I thank you.

Board Member: You said that your brother was treated worse than you.

Detainee (through translator): Yes.

Board Member: Is he the same brother that died in Afghanistan?

Detainee (through translator): No. The one in Afghanistan was killed. I am talking about my third brother.

Board Member: Thank you.

Board Member: The third brother that you are talking about, did he go to Afghanistan?

Detainee (through translator): Yes.

Board Member: So just to make sure that I understand correctly. Four brothers went to Jihad. One went to Chechnya and died. Three went to Afghanistan and out of those three, one died, and then you are here.

Detainee (through translator): My fourth brother and I are here.

Board Member: Thank you.

Detainee: You are welcome.

Presiding Officer: I have one more question about your statement about the abuse. Why did you not tell your Board last year about the abuse?

Detainee (through translator): Because when I attended, even today before I attended, I did not have any intent to tell you. But it was a clarification to the question concerning

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SAM-7. I told the interrogators at Camp V about the torture that happened before. They wrote it down but did not change anything. I would tell them it was cold and request to go back to my cellblock. I am sorry there was no use in telling them. When I told them and they did not do anything about it, I decided to keep quiet and not say anymore.

Presiding Officer: We will go back and look at those interrogation reports and will check on your statements.

Detainee: Good.

Presiding Officer: Is this room too cold for you right now?

Detainee: No, I am good. Thank you, Sir.

Designated Military Officer: (3.e.2) The detainee was apprehended with a group of thirty individuals who attempted to cross the Pakistan border. Several of these individuals are thought to have been bodyguards for Usama bin Laden.

Detainee (through translator): I heard that statement from the interrogators. I do not know those people.

Designated Military Officer: (3.e.3) A source recalled the detainee and stated he saw the detainee training in the Khotal-e-Morcha mountain pass terrorist camp near Kandahar, Afghanistan.

Detainee (through translator): This is the first time in my life that I am hearing about this mountain. I even took the Unclassified with me to my cell and asked around about this mountain, but no other detainee has heard about this mountain either.

Presiding Officer: We note that for the record also.

Board Member: Did you attend any other training camp that might have been in any mountain near Kandahar?

Detainee (through translator): Al Farouq Camp was by a mountain.

Board Member: Any others?

Detainee (through translator): No, only al Farouq Camp. Some areas there consist of mountains.

Board Member: Thank you.

Detainee: You are welcome.

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Designated Military Officer: (4) The following primary factors favor release or transfer.
(4.a) The detainee denied traveling to Afghanistan to receive any type of training.

Detainee (through translator): Yes.

Presiding Officer: In other words at one point you were saying you did not go to Afghanistan in order to receive combat training?

Detainee (through translator): I have been saying that I went to Afghanistan for training.

Presiding Officer: That is true. That is what you have told us and you have been very straightforward about going to Afghanistan for training, but that is not the story that you told the interrogators at one point.

Detainee (through translator): When I was in Kandahar, I was scared, I feared the interrogators, and I told them those stories. They tortured people every day there. I was 19 years old at that time. I was scared and I told them this statement. But I came here, I felt safe, and I told them the truth.

Designated Military Officer: (4.b) The detainee stated he felt good about telling the truth and said he would continue to cooperate.

Detainee (through translator): That's what you are seeing with your own eyes.

Presiding Officer: Thank you.

Detainee: You are welcome.

Designated Military Officer: (4.c) The detainee advised he had no knowledge of planned SA-7 attacks on United States aircraft at Prince Sultan Air Base, Saudi Arabia.

Detainee (through translator): No knowledge.

Presiding Officer: Thank you.

Designated Military Officer: (4.d) The detainee has stated that he does not know of anyone who had received surface-to-air missile training.

Detainee (through translator): No.

Presiding Officer: Thank you.

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Designated Military Officer: (4.e) When questioned about the 30 individuals apprehended with the detainee, the detainee replied that he did not know any of the individuals and that his first contact with them occurred subsequent to his arrest.

Detainee (through translator): That is what I have said.

Presiding Officer: Today you have, yes.

Designated Military Officer: (4.f) The detainee said that there was talk after 11 September 2001 of the United States entering Afghanistan but the detainee never thought about actually fighting the United States.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

Designated Military Officer: (4.g) The detainee advised that he had no knowledge of any al Qaida members or operations in the United States. The detainee claims that he fought for the Taliban; however, he does not consider himself as a member of the al Qaida organization.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

Designated Military Officer: (4.h) The detainee stated he had no loyalty or significant respect toward either al Qaida or the Taliban. The detainee stated he never felt any desire to belong to either group.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

Designated Military Officer: (4.i) The detainee claims he never swore bayat to either Usama bin Laden or al Qaida because it would violate the teachings of his Imam in Saudi Arabia.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

Designated Military Officer: (4.j) The detainee claimed the he would not allow himself to be recruited for al Qaida. Additionally, the detainee stated he would not advise other individuals to join al Qaida or jihad.

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Detainee: Yes.

Presiding Officer: Thank you.

Designated Military Officer: (4.k) The detainee stated that he now feels it is his duty to help prevent future acts of terrorism. The detainee stated that in order to stop terrorism, Muslim youths should learn of tolerance and peace through respected Islamic scholars.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

The Designated Military Officer confirmed that she 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: The information that the detainee had to present was in the letters that we were not able to obtain from NCIS.

Presiding Officer: We have noted that we will take that information the way that you describe it as if you had presented those letters to us.

Detainee (through translator): I mentioned it at the beginning of this session.

The Assisting Military Officer stated that he had no additional comments.

The Detainee made the following statement:

Detainee (through translator): Before you mentioned the factors that support release or transfer, you mentioned the factors that favor my continued detention. Let these factors be investigated so that I can be released and leave this place.

Presiding Officer: The Board does look at the factors for your release also.

Detainee (through translator): I mentioned before that the factors that favor my continued detention were mistakes. I feel guilty for doing them. I feel sorry for doing them, and I will not continue to do that. As I said before, I will not continue to do this again.

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Presiding Officer: I understand. Thank you for coming today and telling us these things. You behaved very respectfully in this hearing, which is very important, and I hope you will encourage your fellow detainees to come also to these hearings.

Detainee (through translator): I want to present my good behavior, the way I acted here, to show how my behavior will be outside the base. I made my mistakes. Now, I want to start a new life. I want to have a new future. My brother does not speak to anyone anymore after what happened. The only thing that I can do is talk to him.

Presiding Officer: I understand. Thank you.

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

Assisting Military Officer: If you were released or transferred to your home country what are your intentions?

Detainee (through translator): I only want three simple things. My parents are seniors and I want to take care of them. The second thing is to start my own family. The third thing is to have some trading business to take care of my family. My government will have my complete respect. I will do whatever my government wants from me.

Presiding Officer: I understand and that will be entered into the record.

The Designated Military Officer had no questions for the Detainee.

The Administrative Review Board Members 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.

Detainee (through translator): Is it finished?

Presiding Officer: Please go ahead.

Detainee (through translator): I know that the session is finished. You said that there will be another board within a year?

Presiding Officer: If the Designated Civilian Officer determines you should be detained for another year.

Detainee (through translator): I do not want to be questioned again about SAM-7 missile. From day one since I have been in this place, I have been saying that I never train on that weapon. Please write down that I did not train on that weapon.

Presiding Officer: I will personally make sure that the interrogators know that you said this.

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Detainee: Thank you, Sir.

Presiding Officer: You are welcome.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 081

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer asked the Detainee if he wished to make a statement under oath. (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 Notification of the Decision of an Administrative Review Board Form, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 27 February 2006 and lasted 175 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he understood the summary of evidence, had questions, wanted to attend the ARB, present a written or oral statements, or have the AMO speak on his behalf, the detainee said he wanted to pray before answering whether he would attend the ARB. The detainee was extremely cooperative, asked for clarification on 3b3 and 4f. The EC was offered the unclassified summary, in Arabic and English, and accepted the documents. A follow up interview is scheduled to determine his participation in the ARB.

The detainee provided written responses to the Unclassified Summary of Evidence, and plans on attending the ARB. The detainee was once again, very cooperative and

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responsive in his reply to questions. The detainee was not comfortable with signing his written statement and I did not force the issue.

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

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee did not elect how he would respond but that the AMO would read the detainee's written response after each allegation was read.

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 left Sudan in 1997 to work in Saudi Arabia. The detainee worked from job to job for four and one half years. Soon, he felt he was being called upon to spread the message of Islam to other countries. He obtained a visa in Riyadh, Saudi Arabia in order to go to Pakistan.

Assisting Military Officer (*for detainee*): Is leaving for spreading the message of Islam an accusation? And it's something very normal and I don't see it as prohibited internationally. In Sudan there are a lot of churches and a lot of Christian missionaries spreading Christianity in Sudan and elsewhere. And is what I did by spreading the Islam message considered an accusation that for it I stay four years and two months until now in Cuba, so I don't consider [it] an accusation.

Designated Military Officer: The detainee traveled from Saudi Arabia to Pakistan in February or March of 2001.

Assisting Military Officer (*for detainee*): Is traveling from one country to another considered to be an international felony/crime knowing that it's a Muslim country and I'm a Muslim? If I was American and I traveled to Guantanamo Bay without permission, in this case the American government considers it an accusation but I'm not American and I didn't travel to Guantanamo therefore it's not considered to be an accusation that made me stay four years in Cuba.

Presiding Officer: I accept and understand what you're saying. This is just helping us understand the timeline of your travels. Walid Mohammed do you have anything to add? (*The detainee shook his head no.*)

Designated Military Officer: The detainee drove to Quetta, Pakistan and stayed there for about 30 days in a house located next to a mosque. Many Afghans in this house had

broken arms, legs, and other wounds. The detainee understood that this was a recovery house for the Taliban.

Assisting Military Officer (*for detainee*): I didn't understand that they were Taliban at the beginning of the matter but after entering Afghanistan I understood. Judge, in your opinion, is this considered to be an accusation that I stayed in a house knowing that this house has no connection with hostility toward American or activity (action) against America. So it's not considered to be an accusation that for it I stay four years in Cuba.

Designated Military Officer: The detainee and an operative traveled to a guesthouse in Konduz, Afghanistan where they stayed for one day. Many fighters of different nationalities stayed at the guesthouse. Vans transported fighters back and forth between the guesthouses and the front lines.

Assisting Military Officer (*for detainee*): That's why I said in accusation number three that I didn't understand that they were Taliban at the beginning of the matter and after I entered Afghanistan and stay[ed] at the second house I understood it after that, knowing that in this house I didn't see anything against America or activity against America, so it's not considered to be an accusation that for it I stay four years in Cuba.

Designated Military Officer: While at Konduz, Afghanistan, the operative gave the detainee two choices: either stay in Konduz, Afghanistan for da'wa or join the operative and his followers to fight in the front line against the Northern Alliance. The detainee chose to fight.

Assisting Military Officer (*for detainee*): You are replying/answering to yourselves in this accusation that you stated fighting against the Northern Alliance. So what does that have to do with America because the Northern Alliance at that time were not alliance/coalition to America but they were alliance/coalition to Russia, so I was going to fight Russian alliance/coalition and not America's alliance/coalition and after a year American entered Afghanistan and later after that the Northern Alliance became an ally to America. So this is not an accusation and America doesn't have the right to detain me for four years for that reason and ban my freedom.

Presiding Officer: Walid Mohammed, I understand that the Taliban and the United States were not engaged in hostility during this timeframe. Remember these factors speak to your level of commitment. Do you have anything you wish to add? (*The detainee shook his head "no."*)

Designated Military Officer: The detainee fought on the Khvej Ghar front lines outside of Konduz, Afghanistan. The detainee received training on the Kalashnikov at Khvej Ghar.

Assisting Military Officer (*for detainee*): So what about it, as long as I agreed to fight against Russian alliance. It's normal learning shooting the Kalashnikov weapon and I'm

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not making fun of you. But have you seen on a battlefield a man guarding or fighting with a glass of water in his hand using it [to] throw water at the enemy or rocks in his hands throwing them at the enemy if they attack him. Knowing that in America there are clubs to teach and train on a weapon and it's allowed every place, why is it forbidden for me to do that and be detained four years till now?

Presiding Officer: I understand the point that you make. I just want to remind you that this factor and the next two speak to the level of training you've received. Do you have anything else you would like to add? *(The detainee shook his head "no.")*

Designated Military Officer: The detainee received about a half-hour of training on the Kalashnikov. He became guard of the bunker area, which was about two or three kilometers from the front line.

Assisting Military Officer *(for detainee)*: As long as I agreed to fighting against the Northern Alliance the coalition of Russia so it's something normal that I guard but there weren't any bunkers there and I didn't guard bunkers and as long as I didn't guard or fight against America does America have the right to detain me for four years and ban me my freedom.

Presiding Officer: I understand what you're saying and actually I have a question for you. Did you think it was crazy that you were given a gun after only one half hour of training?

Detainee: I told you at the beginning that they would ask this kind of question. It was given so the weapon would stay with me. So he just showed me how to take apart the weapon, to clean the weapon, and to put it together and the weapon was supposed to be with me twenty-four hours a day and that's it. So he didn't need to sit everyday and show me how to take it apart and put it together, it only took him thirty minutes to show me. It didn't need to be done everyday.

Presiding Officer: Had you seen Kalashnikovs in Sudan?

Detainee: I've seen it in the television and the Army.

Presiding Officer: I understand.

Designated Military Officer: The detainee was able to visually identify the 7.62mm Kalashnikov, 7.62mm PK, 7.62 RP-46, RPG-7 (rocket-propelled grenade launcher), and the 7.62 SKS/Type 56. He said that he had seen them in Afghanistan.

Assisting Military Officer *(for detainee)*: This statement is not true. I said that I trained on the Kalashnikov only and I didn't say that I was able to identify types of weapons and their serial numbers. True that I saw a Kalashnikov and the RPG only, but I don't know

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their serial numbers as you stated now. So just by my knowledge of small weapons it makes me an enemy to America and be detained [for] four years and ban my freedom until now for that reason. Just because you recognize something on TV does not mean you know how it works or how to use it. They gave me instructions for 30 minutes only how to take apart the Kalashnikov, that's all.

Designated Military Officer: The detainee identified an individual whom he saw on two different occasions while in Afghanistan. The first sighting of the individual was when he came to the front lines to deliver food. Afterwards, he gave the detainee a pistol to fight, but no ammunition. The detainee did not have any previous weapons training. He also saw this individual handcuffed at Mazar-e-Sharif.

Assisting Military Officer (*for detainee*): I don't know what you are talking about and about which individual/person are you talking about, and secondly no one gave me a pistol as I was in Afghanistan I have never seen a pistol and I have never held a pistol in my hand and the only place I have seen a pistol is in the movies. Where did you come up with this statement? And if this statement was true as you stated, so just by me possessing a pistol, I get imprisoned for four years and ban my freedom until now.

Presiding Officer: I understand what you're saying. The important part of that is the association with the individual. Do you have anything further you'd like to add?

Detainee: What association to that person? Who is this person?

Presiding Officer: The next factor will address that; if you'd like to add anymore information now, fine. If you'd like to wait until we read the next factor, that's fine too.

Detainee: I don't have anything.

Designated Military Officer: The individual was an associate of an al Qaida leader. The al Qaida leader also instructed at the al Farouq training camp.

Assisting Military Officer (*for detainee*): Believe what I'm saying that I don't know this person which has association with al Qaida or as a trainee in the al Farouq camp. You stated that I saw him twice in the north of Afghanistan and I don't know myself if he is from al Qaida, and if he is from al Qaida as you stated, so just by seeing one of the members of al Qaida as you stated twice only for the first time, I was imprisoned four years until now and does that make sense?

Presiding Officer: I understand what you're saying. Do you have anything you wish to add?

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Detainee: How? I didn't understand the question. (*The Translator repeats the question for clarification*). When you started talking to me, you said Afghanistan used the spreading of Islam more over there...and used the da'wa, the spreading of Islam more...that's how we spoke.

Designated Military Officer: The detainee was with Arabs and guarded underground trenches that were used for sleeping and storing weapons.

Assisting Military Officer (*for detainee*): I was guarding against the Northern Alliance the ally of Russia and America doesn't have anything to do with this so why do I get imprisoned four years and ban [my] freedom.

Presiding Officer: Do you have anything to add? I have another short question for you. The men that you were with, were they Afghanis or Arabs or Pakistanis?

Detainee: There were Arabs, there were Pakistanis and there were Afghans. All the mujahideen were over there.

Presiding Officer: The men that you were working with, specifically to guard the bunkers, it was a mix or was it just Arabs or just Afghans?

Detainee: Guarding what?

Presiding Officer: When you were guarding the trenches and the bunkers, were you eating and sleeping and living with Arabs or a mixture of people from all countries?

Detainee: There were Arabs and there were Afghan and Pakistanis too.

Designated Military Officer: The detainee remained a guard until the American bombing started. The Taliban people there said that it was time to withdraw. The detainee withdrew to Konduz, Afghanistan, where the Taliban gave him and the others a house to stay in.

Assisting Military Officer (*for detainee*): I was guarding and when I knew that the Americans entered Afghanistan, I took my bag/suitcase to travel to Sudan and get married, because I didn't come to fight Americans. As I was on my way to my country, I was told that I wouldn't be able to travel to my country and not to fight the Americans is considered an accusation, so if I fought, I would've been accused and if I didn't fight I would be accused also, so where do we go?

Presiding Officer: Do you have anything to add? One question from me. Your commanders, the men that you reported to, they just let you pack up a suitcase and walk away?

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Detainee: How? I didn't understand the question. (*The Translator repeats the question for clarification*). When you started talking to me, you said Afghanistan used the spreading of Islam more over there...and used the da'wa, the spreading of Islam more...that's how we spoke.

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Detainee: It wasn't like an organized military. I was just a mujahid, a volunteer. We didn't have leaders. We didn't have commanders over us. We weren't part of an Army. We were just there as mujahideen, fighting as mujahideen. We weren't part of any military; we didn't have commanders.

Designated Military Officer: Konduz, Afghanistan, became surrounded and the Taliban said they reached an agreement with General Dostum's forces allowing the Pakistanis and Arabs to withdraw through Mazar-e-Sharif, Afghanistan.

Assisting Military Officer (*for detainee*): Oh Judge, do you know who General Dostum is? He's from the Northern Alliance forces an ally of Russia and after the Americans entered, he became against the Americans and entered in battles against them and became wanted by the Americans, and he was the ones we were fighting and this proves he wasn't an ally of America, this means the one we were fighting was an enemy of ours and an enemy of America so why/how am I imprisoned four years for that reason.

Designated Military Officer: The detainee and the others got on a truck unarmed and went on their way to Herat, Afghanistan, being led by vehicles from General Dostum's forces.

Assisting Military Officer (*for detainee*): Yes, to travel to my country and the proof is that the truck didn't have weapons in it and we didn't want to fight, but Dostum tricked us and entered us in a big castle and fired bullets at us and killed more than 350 brothers while they were handcuffed/tied with ropes and I was hit with a bullet while I was cuffed/tied up and after that the Americans came and took us to Kandahar and later to Cuba. And you have two movies about Al-Janki castle and Dostum's men firing at us and those two movies are here in Cuba and I have seen one of the movies myself. The movie is about two hours long. The bullet is in my stomach until now, I suffer pain until now, and I have been asking for clinic help for three years and I haven't had any answer from them. So what are the harms that I caused America to be imprisoned for four years?

Presiding Officer: Are you saying that you have been asking for medical treatment and you have not been given medical treatment for the bullet that's in your body?

Detainee: Three years I've been asking for the doctor to tell me are they going to be able to take the bullet [out] or are they not able to take the bullet? Or tell me an answer about my case or my bullet but [after] three years they haven't given me any answers back.

Presiding Officer: I understand. DMO, just please make note of that and pass that information on.

Assisting Military Officer (*for detainee*): That issue, when it surfaced in the interview, was run up through our chain of command and they're working on it.

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Presiding Officer: They're working on it? So that has already been passed on?

Designated Military Officer: Sir, I'll raise that again to add the force of numbers and try and get a response.

Presiding Officer: Do you have anything further to add?

Detainee: I don't want the issue about the bullet to be ignored. Please, I just wanted to know why they haven't taken the bullet out, why it's still there. I just want to know. I want an answer so I won't be asking this over and over again.

Designated Military Officer: The detainee arrived at a castle called Al-Janki, where they were searched and their valuables were taken by Dostum's forces. The detainee was taken to the basement of the castle where he spent the night. The following morning, the detainee was taken out into the yard when an explosion took place in the building. The guards at the castle started randomly shooting and many prisoners were killed. The detainee ran away from the building, but was eventually shot in the back.

Assisting Military Officer (*for detainee*): I didn't say I ran/fled from the building and I didn't get shot in the back while I was running/fleeing. This statement is not true. I was shot while I was handcuffed/tied with ropes. What is the harm that I have caused America from my injury; knowing that when I entered the castle there weren't any Americans there and I didn't fight Americans so why I'm imprisoned for four years and my freedom banned?

Designated Military Officer: The detainee was wounded during the uprisings at the detention facility at Mazar-e-Sharif, Afghanistan.

Assisting Military Officer (*for detainee*): Yes, I was shot with a bullet, which is inside my stomach between my kidney and my liver, and I suffer from severe pains since that time. And I ask from the clinic every week to look into my issue/matter but there isn't any reply/answer from them. And I always tell them, if you can't help me let me go to my country to get treated. So I didn't find the treatment and I didn't find my freedom in this life.

Designated Military Officer: The detainee began providing guidance on Islam approximately five years prior to his capture and traveled to Pakistan to guide Pakistani Muslims on how to pray, to fast, and to pray at a cemetery.

Detainee: There was a mistake with what the interrogators have printed about me. I didn't say I went to teach in a cemetery. I said I went there to teach. I didn't say I was teaching in a cemetery.

Designated Military Officer: The detainee believes that Islam is not a religion of fighting.

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Assisting Military Officer: The detainee provided no written response.

Designated Military Officer: The detainee never met Usama Bin Laden or any high-ranking members of the Taliban or al Qaida. The detainee never heard of any fatwa against America. The detainee does not know of anyone that trained for or was asked to participate in a martyrdom mission.

Assisting Military Officer: The detainee provided no written response.

Designated Military Officer: The detainee denied having any knowledge of attacks in the United States prior to their execution on 11 September 2001, and also denied knowledge of any rumors or plans of future attacks on the United States or United States interests.

Assisting Military Officer: The detainee provided no written response.

Designated Military Officer: The detainee denied having knowledge or planning of internal uprisings at the Guantanamo detention facility.

Assisting Military Officer: The detainee provided no written response.

Detainee: The word denied has a different meaning here. Because the word deny sometimes means you must have known it and then denied it, but they should have written down, "Does Not Know," instead of denied.

Presiding Officer: I understand the point you make.

Designated Military Officer: In August 2005, the detainee advised he felt like he was being punished for being honest. The detainee advised he told the first Administrative Review Board that he would kill Americans if they invaded his country. He stated he believes this statement is what is keeping him incarcerated at Guantanamo Bay. The detainee stated if released, he would not go to Iraq to kill Americans and his only desire is to return to Sudan, marry, and start a family. After his experience in Afghanistan, he stated he would never return there.

Assisting Military Officer (*for detainee*): That is why I don't talk to interrogators anymore. They twist what you say to conform to their ideas about you. I was asked by interrogators, would you kill Americans? I said, "No." [The interrogators asked] if Americans invaded your country would you kill them? I said, "No." [The interrogators asked] if Americans invaded your house would you kill them? I stated, "I would kill anyone trying to harm my family."

I attended the first court session and I replied on the accusations like these and I was told *that the result will appear in a few months and the court result appeared after a complete year* and I was told that I pose a threat on America. I don't know what threat I pose to America. And you now brought me accusations and I replied to all of them and all of

them don't pose a threat and after a year you will tell me that you pose a threat on America so I don't know what is our understanding of a threat. What do you mean by a threat? What is a threat to America so I don't get imprisoned 100 years for misunderstanding? My question to the Judge: If I were from a wealthy country with a super power or a European country, would I have been released?

Presiding Officer: Since you asked me a direct question, I will give you a direct answer. I don't know. I cannot determine your release, transfer, or detention. I can only make recommendations as to what the Board believes is the best way to proceed.

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 stated that he had no additional comments.

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:

Presiding Officer: I have a few questions. ISN 081, I'm glad you came here today. We're not interrogators. We're here to make recommendations as to your future here and your presence helps us make these recommendations. How old were you when you left Sudan?

Detainee: Twenty-two years.

Presiding Officer: Do you have brothers?

Detainee: Yes.

Presiding Officer: Are you the oldest?

Detainee: I'm the middle.

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Presiding Officer: If you return to Sudan, would you return back to your family?

Detainee: I would go and get married.

Presiding Officer: Has your family worked to find you a wife?

Detainee: I do not know.

Presiding Officer: What would you do for work if you return to Sudan?

Detainee: I do not know. I would go there and find a job. I don't know what the situation is right now in Sudan.

Presiding Officer: Are you concerned that the Sudanese government might not like to have you back there after being in Afghanistan?

Detainee: I don't have any problems with the Sudanese government.

Presiding Officer: Earlier in the unclassified evidence, you mentioned about going into Afghanistan to instruct Islam. Did you enter into Afghanistan with the intention to teach Islam? Is that correct?

Detainee: Yes.

Presiding Officer: What made you change your mind and decide to fight the Northern Alliance Forces?

Detainee: It's all part of Islam. The jihad, the teaching, the haj, and the fasting; it's all part of Islam.

Presiding Officer: I understand what you're saying. I'm curious about, at what point did you decide that you have finished your obligation to fight, and you would then return back to either to teaching Islam or back to your family in Sudan?

Detainee: I don't understand.

Presiding Officer: To fight an enemy is part of your obligation for jihad, how do you decide when to stop fighting? Because there's fighting going on all the time.

Detainee: I didn't understand the question. In the Qúran, it says first, try to make peace and then if peace doesn't come, then fight until things go back to normal to where there was peace before. That's when the fighting stops. When there is peace. First, you try to do it peacefully, to have peace, but if they refuse, if people refuse to have peace, then you fight until the peace comes backs. That's what is says in the Qúran.

Presiding Officer: If you go back to Sudan, I understand your experience here in Guantanamo may make you bitter toward Americans. What are you going to say about Americans when you return to Sudan or if you return to Sudan?

Detainee: How? I didn't understand the question.

Presiding Officer: I'm assuming that you're bitter because of your experiences here at Guantanamo Bay about Americans. I'm curious about how much of that bitterness you are going to carry with you back to Sudan if you are transferred or released to Sudan. What would you say about Americans when you return home?

Detainee: It's no use. I'm not needed to say anything about Americans. The newspapers, the media, people in other countries are talking about Americans. They know what Americans are doing, are saying. People who visit Guantanamo know about Americans, [they] know about the injustice that has been done here. So there is no use, no need for me to say anything. They already know what's happened over here, what the Americans do, what the Americans say. Everyone already knows, so I'm not going to say anything because everyone else knows whatever I know. They see more than I see. They have seen more than I [have] seen. So by reading the newspapers or the media, people know more than what we know here. For example, if someone who asked about the torture, if someone was tortured by Americans and he's out, he already has spread the news here. I mean, the news has already been out, been in the newspaper, so people outside know more than what we know already about America. Even if I leave and I say anything, there is no value, no benefit to what I'm saying because everyone knows more than I do.

Presiding Officer: I apologize because you misunderstood my question and it's probably because I didn't ask the question very well. Even in America, everybody has the right to criticize or applaud American policies, [but] I'm not talking about American policies. I assume you have not had much contact with Americans until you came to Guantanamo Bay so I'm interested in your feelings about the individual Americans you've met here. What [would] you say about American men and women that you have met here at the Camp in Guantanamo.

Detainee: Very normal feelings. All fingers are different. I've seen good soldiers, I've seen bad soldiers. I've seen good interrogators, bad interrogators, and this is the nature of human beings.

Presiding Officer: That is a very fair answer.

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.

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Due to an oversight, the Unclassified Exhibit EC-C, Enemy Combatant's Written Statements, was conveyed to the Presiding Officer during the Classified portion of the Administrative Review Board proceedings. However, the Presiding Officer noted that the AMO read the EC-C verbatim during the unclassified portion of the proceedings.

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

AUTHENTICATION

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



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٤ العوامل الرئيسية التالية تعود اسمها الى الاجاز

الدين على التوا

١) تهدد -

٢) ومن المخرج من أجل الدعوة ونشر رساله الإسلام قهرا . وهذا شيء طبيعي جدا . ولا ادري بأنه ممنوع . ولما نفي السودان بعد كثير من الكنائس وكثير من التبشيرية النصارى ينشرون الدين النضدي في السودان ونجد السودان وهل ما فعلته في نشر رساله الإسلام يعتبر قهرا من أجله أمكث في السجن اربع سنوات وشهران و الى الان فانا لا اعتبرها قهرا .

٣) هل يعتبر إجرام وولي السفر من دولة الى دولة علما بانها دول اسلامية وانا مسلم . اذا كنت امريكي وسافرت الى خليج غواتانامو من غير إذن الحكومة الامريكية في هذه الحالة تعتبر تهمة ولكن ليس امريكي ولم أسافر الى غواتانامو اذا لا تعتبر تهمة امكث من أجلها اربع سنوات في كوربا الى الان .

٤) انا لم آت افهم بانهم طالبان في بداية الامر ولكن بعد ذوري افغانستان فهمت . في رايك ايها القاضي هل هذه تعتبر تهمة بأني جيسلت في بيت علماء بان هذا البيت ليس له علاقة بالسودان على امريكا او نشاط ضد امريكا . اذا لا تعتبر تهمة امكث من أجلها اربع سنوات في كوربا .

٥) لذلك قلت في الالهة رقم ثلاثه ٣ بايني لم افهم بانهم طالبان في بداية الامر وبعد ذوري الى افغانستان وجيسلت في البيت الثاني فهمت بعد ذلك علماء بان هذا البيت لم اري فيه شيء ضد امريكا او نشاط ضد امريكا اذا لا تعتبر تهمة امكث من أجلها اربع سنوات و الى الان في كوربا .

٦) انتم تدعون على انفسكم في هذه التهمة بأن قلتم الرطان ضد التحالف الشمالي . اذا ماذا يخص امريكا في ذلك لأن التحالف الشمالي في ذلك الوقت لم يكن حليف لا امريكا بل كانت حليفه لروسيا . اذا انا كنت معو اعامل حليف روسيا وليس حليف امريكا وبعد سنة وقلت امريكا الى افغانستان وبعد ذلك حارت التحالف الشمالي حليفه لا امريكا . اذا هذه ليست تهمة ولا يحق لا امريكا بان تحبسني اربع سنوات من اجل ذلك وتمنعني من حريتي

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والطلاقه موجوده في بطنى إلى الآن واعانى من الالام شديده اى الان
ولي ثلاثه سننات اطلب من الرباه مساعدتهم ولكن لم أجد اجابه
فما هو الضرب الذى جاء لأمريكا حتى اسجن اربع سننات .

④ أنا لم اقل هربت من المبنى ولم اهرب من ظهري وأنا هارب هذا كلام
غير صحيح أنا اصبحت وأنا متقيد بالحبس . وما هو الضرب الذى جاء لأمريكا
من إهابتى عمداً حين دخلت القوله لا يوجد امريكان ولم اتصل امريكا
فلماذا اسجن اربع سننات وامنق من حريتى .

⑤ نعم اصبحت والطلاقه موجوده داخل بطنى بين الكليه والكليه واعانى من
الالام شديده منذ ذلك الوقت . واطلب من الرباه كل اسبوع النظر من
أمرى ولكن لا يوجد اجابه منهم وأنا اقول لهم دائماً اذا لا تستطيروا
مساعدتى انكوتى اذهب إلى بلدى لكن اتصلج فلم أجد العلاج ولم أجد
حريتى فما هذه الحياه .

* ملحوظة :-

انا حضرت الجلسه الاولى للمحكمه وكان ردي للدهم مثل هذا وقيل
لي سوف يظهر النتيجة فلان اشهد توليد وظهرت نتيجته المحكمه
بعد سنه كامله وقيل لي انت تشكل خطر على امريكا فانا لا أدرك
اى خطر اشكله على امريكا . وانتم الان احضرتهم لي تهم
واجبت عليها وكلها لا تشكل خطر وبعد سنه سوف تقول لي
انت تشكل خطر على امريكا فانا لا اعرف ماهو صفره الخطر على
الامريكان حتى لا اسجن بعد الفهم . . . سنه .

* سؤال إلى القاضى ؟ هل اذا كنت أمن دوله غنيه ذات قوه دوله
أو دوله اوروبية هل كان سوف يتم اطلاق سراحى .

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٤) وأنا لم أقل سعودي إنما قلت يتكلم الله العربية جيداً لئلا يكون
رجل من أي دولة ويتكلم الله العربية جيداً كما يوجد هنا أمريكيان
يتكلمون الله العربية جيداً بدرية أنك تقول عليه أنه عربي هل هذا
يعتبر أنهم من نترك أرباب القوافل حين يقول لي شخص اذهب إلى
افغانستان لتوليد الإسلام . من أجلها أسجنت أربع سنوات وأمنح
من حريتي .

٥) كنت أحرس ضد التحالف الشمالي حليف روسيا وأمريكا ليس له
دول في ذلك فلماذا أسجنت أربع سنوات وتمنعني من حريتي
والى الآن .

٦) النية :-
لا يوجد

٧) معلومات أخرى ذات صلة :-

١) كنت أحرس وحين عزمت أن أترك أمريكا ودخلت أفغانستان أخذت حقيقتي
من أجل السفر إلى السودان واتزوج لئلا أجد قتال الأمريكيان وأنا
في الطريق إلى بلدي حين لم تستطع السفر لنا أمريكا تحطمت كل الطرق
خرجت إلى مكاني . فعملت حين أقرر السفر إلى بلدي وعدم قتال الأمريكيان
يعتبر أنهم إذا قاتلتهم وإذا لم اقاتلهم أيضاً فأين نذهب

٢) هل تعرف من هو الجنرال دستم أيضا القافل هو من قوات التحالف الشمالي
حليف روسيا ويريد دخول الأمريكيان هناك حليف الأمريكيان ويريد فترة
توليد هناك ضد الأمريكيان ودخل معهم في معارك وكان مطلوب القيد
عليه من الأمريكيان. هذا الذي كنا نقاتله وهذا دليل بأنه ليس حليف أمريكا
يريد الذي كنا نقاتله عدونا ولا أمريكا فكيف أسجنت أربع سنوات من أجل ذلك

٣) نعم لكي أسافر إلى بلدي والدليل الحافله ليست فيها سلاح ولا نريد القتال
ولكن دستم خدعنا وأدقنا في قلعه كبيره ورعى علينا الدماء وقتل
من آثاره من ٣٥٠ أخ . وهم مقيدون بالحياك وأنا أهدت بطلقه وأنا
مقيد 2005هـ جاء الأمريكيان واخذوني إلى قندهار ثم إلى كوربا .

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٥ تدريب :-

١) وماذا نفي ذلك مادام وافقت القتل ضد حليف روسيا من البريطانيين
أن اتعلم الضرب على سلاح الكلاشنكوف وأنا لا اسفر منكم ولكن هل
رأيتم في أرفق صهركه رول يجرس أو يقاقل ويبدن كاس ما يدشن بها على
العدو أو بيده حبات يدسها بها على العدو إذا هجم عليه . علماً بأنه
يوجد في أمريكا و أوروبا زفادي لتعليم و التدريب على السلاح و مسرع في كل
مكان لماذا أنا اضع من ذلك و اسجن اربع سنوات و الى الان .

٢) مادام وافقت القتل ضد التحالف الشمالي حليفه روسيا فهذا شيء
طبيعي أن احرس و لكن لم يكن يوجد مستودعات ولم احرس مستودعات
و مادام لم احرس او اقاتل ضد أمريكا هل يحق لأمريكا أن تحبسني
اربع سنوات و تمنعني من حريتي .

٣) هذا كلام غيد صحيح أنا قلت بأني تدريت على الكلاشنكوف فقط ولم أقل
بأني قادر على أن اتعرف على انواع الاسلحة و أرقام الاسلحة صحيح
مشاهدة الكلاشن و اراجبي فقط و لكن لا أعرف الرقم التسلسلي له
كما تقولون الآن . و هل بمجرد معرفتي للاسلحة الريفية أكون عدو
لأمريكا و اسجن اربع سنوات و امنع من حريتي من أجل ذلك الى ان .

٥ ارتباطات ، انضمامات .

١) لا ادري عن ماذا تتكلمون و عن اي شخص تتكلمون ثم ثانياً لم يعطيني
أي أحد مهندس فانا في افغانستان لم اري مهندساً ابدأ ولم امسك
مهندس بيدي ابدأ و لم اري المهندس الا في الأفلام من أين أتيتهم
بهذا الكلام . و اذا كان الكلام صحيح كما تقولون فهل بمجرد ذيارتي لمسعر
اسجن اربع سنوات و امنع من حريتي و الى الان .

٢) احدكم القول بأني لا أعرف هذا الشخص الذي له ارتباط بالقاعد او مدرب في معسكر
الفاوق و أنتم تقولون بأني شهادته حريتي في شجان افغانستان . و أنا لا أعرف
انه من القاعدة و ان كان من القاعدة كما تقولون فهل بمجرد مشاهدتي
لأحد من أفراد القاعدة كما تقولون مرتين فقط لأول مرة اسجن اربع
سنوات 2005 الى الان فهل هذا يعقل .

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Statement of Mr. Walid Mohammad Haj Mohammad Ali

3. Replying to the primary factors that favor continued detention.

a. Commitment

1. The detainee left Sudan in 1997 to work in Saudi Arabia. The detainee worked from job to job for four and one half years. Soon, he felt he was being called upon to spread the message of Islam to other countries. He obtained a visa in Riyadh, Saudi Arabia in order to go to Pakistan.

Replying to above: Is leaving for spreading the message of Islam an accusation. And it's something very normal and I don't see it as prohibited internationally. In Sudan there are a lot of churches and a lot of Christians missionaries spreading Christianity in Sudan and elsewhere. And is what I did by spreading the Islam message, is it considered to be an accusation that for it I stay four years and two months until now in Cuba, so I don't considered an accusation.

2. The detainee traveled from Saudi Arabia to Pakistan in February or March of 2001.

Replying to the above: Is traveling from one country to another considered to be an international felony/crime knowing that it's a Muslim country and I'm a Muslim. If I was American and I traveled to Guantanamo Bay without permission, in this case the American government considers it an accusation but I'm not American and I didn't travel to Guantanamo therefore it's not considered to be an accusation that made me stay four years in Cuba.

3. The detainee drove to Quetta, Pakistan and stayed there for about 30 days in a house located next to a mosque. Many Afghans in this house had broken arms, legs, and other wounds. The detainee understood that this was a recovery house for the Taliban.

Replying to the above: I didn't understand that they were Taliban at the beginning of the matter but after entering Afghanistan I understood. Judge, in your opinion, is this considered to be an accusation that I stayed in a house knowing that this house has no connection with hostility toward America or activity (action) against America. So it's not considered to be an accusation that for it I stay four years in Cuba.

4. The detainee and an operative traveled to guesthouse in Konduz, Afghanistan where they stayed for one day. Many fighters of different nationalities stayed at the guesthouse. Vans transported fighters back and fourth between the guesthouse and the front lines.

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Replying to above: That's why I said in accusation # 3 number three that I didn't understand that they were Taliban at the beginning of the matter and after I entered Afghanistan and staying at the second house I understood it after that, knowing that in this house I didn't see anything against America or activity against America, so it's not considered to be an accusation that for it I stay four years in Cuba.

5. While at Konduz, Afghanistan, the operative gave the detainee two choices: either stay in Konduz, Afghanistan for da'wa or join the operative and his followers to fight in the front line against the Northern Alliance. The detainee chose to fight.

Replying to above: You are replying/answering to yourselves in this accusation that you stated fighting against the Northern Alliance. So what does that have to do with America because the Northern Alliance at that time were not alliance/coalition to America but they were alliance/coalition to Russia, so I was going to fight the Russian alliance/coalition and not Americas' alliance/coalition and after a year America entered Afghanistan and later after that the Northern Alliance became an ally to America. So this is not an accusation and America doesn't have the right to detain me four years for that reason and ban my freedom.

b. Training

1. The detainee fought on the Khvej Ghar front lines outside of Konduz, Afghanistan. The detainee received training on the Kalashnikov at Khvej Ghar.

Replying to above: So what about it, as long as I agreed to fight against the Russian alliance so it's normal learning shooting the Kalashnikov weapon and I'm not making fun of you. But have you seen on a battlefield a man guarding or fighting with a glass of water in his hand using it throw water at the enemy or rocks in his hands throwing it at the enemy if they attack him. Knowing that in America there are clubs to teach and train on a weapon and it's allowed at every place, why is it forbidden for me to do that and be detained four years till now?

2. The detainee received about a half hour of training on the Kalashnikov. He became a guard of the bunker area, which was about two or three kilometers from the front line.

Replying to above: As long as I agree fighting against the Northern Alliance the coalition of Russia so it's something normal that I guard but there weren't bunkers there and I didn't guard bunkers and as long as I didn't guard or fight against America does America have the right to detain me for four years and ban me my freedom.

3. The detainee was able to visually identify the 7.62mm Kalashnikov, 7.62mm PK, 7.62 RP-46, RPG-7 (rocket-propelled grenade launcher), and the 7.62 SKS /Type 56. He said that he had seen them in Afghanistan.

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Replying to above: This statement is not true, I said that I trained on the Kalashnikov only and I didn't say that I was able to identify types of weapons and their serial numbers. True that I saw a Kalashnikov and the R P G only but I don't know their serial numbers as you stated now. So just by my knowledge of small weapons it makes me an enemy to America and be detained four years and ban my freedom until now for that reason.

c. Connections/Associations

1. The detainee identified an individual whom he saw on tow different occasions while in Afghanistan. The first sighting of the individual was when he came to the front lines to deliver food. Afterwards, he gave the detainee a pistol to fight, but no ammuniton. The detainee did not have any previous weapons training. He also saw this individual handcuffed at Mazar-e-Sharif.

Replying to above: I don't know what you are talking about and about which individual/ person are you talking about, and secondly no one gave me a pistol as I was in Afghanistan I have never seen a pistol and I have never held a pistol in my hand and the only place I have seen a pistol is in the movies. Where did you come up with this statement? And if this statement was true as you stated, so just by me possessing a pistol I get imprisoned for four years and ban my freedom until now.

2. The individual was an associate of an al Qaida leader. The al Qaida leader also instructed at the al Farouq training camp.

Replying to above: Believe what I'm saying that I don't know this person which has association with al Qaida or as a trainee in the Al Farouq camp, you stated that I saw him twice in the north of Afghanistan and I don't know myself if he is from al Qaida, and if he is from Al Qaida as you stated, so just by seeing one of the members of al Qaida as you stated twice only for the first time, I was imprisoned four years until now and does that make since?

3. While in Pakistan, the detainee met a Saudi Arabian man. He tried to convince the detainee to go to Afghanistan to teach Islam.

Replying to above: And I did not say Saudi but I said that he spoke good Arabic language, it's possible for that man to be from any country and speaks good Arabic language like there are here Americans who speak Arabic language well to the level that you say that they are Arab, and Oh, Judge in your opinion is this considered an accusation when a person tells me to go to Afghanistan to teach Islam. For that I was imprisoned for four years and ban my freedom.

4. The detainee was with Arabs and guarded underground trenches that were used for sleeping and storing weapons.

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Replying to above: I was guarding against the Northern Alliance the ally of Russia and America doesn't have anything to do with this so why do I get imprisoned four years and ban freedom.

d. Intent

N/A

e. Other Relevant Data

1. The detainee remained a guard until the America bombing started. The Taliban people there said that it was time to withdraw. The detainee withdrew to Konduz, Afghanistan, where the Taliban gave him and the others a house to stay in.

Replying to above: I was guarding and when I knew that the Americans entered Afghanistan, I took my bag/suitcase to travel to Sudan and get married, because I didn't come to fight Americans. As I was on my way to my country I was told that I wouldn't be able to travel because America closed all the roads so I returned to my place. So when I decide to travel to my country and not to fight the Americans is considered an accusation, so if I fought, I would've been accused and if I didn't fight I would be accused also, so where do we go?

2. Konduz, Afghanistan, became surrounded and the Taliban said they reached an agreement with General Dostum's Forces allowing the Pakistanis and Arabs to withdraw through Mazar-e-Sharif, Afghanistan.

Replying to above: Oh Judge, Do you know who General Dostum is? He's from the Northern Alliance forces an ally of Russia and after the Americans entered, he became an ally of the Americans and after a short period of time he became against the Americans and entered in battles against them and became wanted by the Americans, and he was the one we were fighting and this proves that he wasn't an ally of America, this means the one we were fighting was an enemy of ours and an enemy of America so why/how I'm imprisoned four years for that reason.

3. The detainee and the others got on a truck unarmed and went on their way to Heart, Afghanistan, being led by vehicles from General Dostum's forces.

Replying to above: Yes, to travel to my country and the proof is that the truck didn't have weapons in it and we didn't want to fight but Dustum tricked us and entered us in a big castle and fired bullets at us and killed more than 350 brothers while they were hand cuffed/ tied with robes and I was hit with a bullet while I was cuffed/tied up and after that the Americans came and took us to Kandahar and later to Cuba. And you have two movies about Al-Janki castle and Dustum's men firing at us and those two movies are here in Cuba and I have seen one of the movies myself. The movie is about two hours long. The bullet is in my stomach until now, I suffer severe pains until now, and I have

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been asking for clinic help for three years and I haven't had any answer back from them so what are the harms that I caused America to be imprisoned for four years.

4. The detainee arrived at a castle called Al-Janki, where they were searched and their valuables were taken by Dostum's forces. The detainee was taken to the basement of the castle where he spent the night. The following morning, the detainee was taken out into the yard when an explosion took place in the building. The guards at the castle started randomly shooting and many prisoners were killed. The detainee ran away from the building, but was eventually shot in the back.

Replying to above: I didn't say I ran/flee from the building and I didn't get shot in back while I was running/fleeing, this statement is not true, I was shot while I was handcuffed/tied up with ropes. What is the harm that I have caused America from my injury knowing that when I entered the castle there weren't any Americans there and I didn't fight Americans so why I'm imprisoned for four years and my freedom banned.

5. The detainee began providing was wounded during the uprisings at the detention facility at Mazar-e-Sharif, Afghanistan.

Replying to above: Yes, I was shot with a bullet, which is inside my stomach between my kidney and my liver, and I suffer from severe pains since that time. And I ask from the clinic every week to look into my issue/matter but there isn't any reply/answer from them. And I always tell them if you can't help me let me go to my country to get treated so I didn't find the treatment and I didn't find my freedom in this life.

4. The following primary factors favor release or transfer:
 - a. The detainee began providing guidance on Islam approximately five years prior to his capture and traveled to Pakistan to guide Pakistani Muslims on how to pray, to fast, and to pray at a cemetery.

Note:

I attended the first court session and I replied on the accusations like these and I was told that the result will appear in few months and the court result appeared after a complete year and I was told that I pose a threat on America. I don't know what threat I pose to America. And you now brought me accusations and I replied to all of them and all of them don't pose a threat and after a year you will tell me that you pose a threat on America so I don't know what is your understanding of a threat/ What do you mean by a threat/what is a threat to America so I don't get imprisoned 100 years for misunderstanding.

* My question to the Judge? If I was from a wealthy country with super power or a European country, would I have been released?

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ADMINISTRATIVE REVIEW BOARD HEARING FOR ISN 112 (IN ABSENTIA)

Presiding Officer: This hearing shall come to order. Please be seated.

Designated Military Officer: This Administrative Review Board is being commenced at 1036 hours on 25 May 2006 onboard U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:



 is the member of the Administrative Review Board experienced in the field of intelligence.

Presiding Officer: This Administrative Review Board is convened by order of the Director, Office for the Administrative Review of the Detention of Enemy Combatants under the provisions of his order dated 27 April 2006. These proceedings are to determine whether Abd Al Aziz Sad Muhammad Awshan Al Khalidi, also known by Internment Serial Number (ISN) 112, should continue to be detained, transferred, or released from custody of the United States.

OATH SESSION

Presiding Officer: The Designated Military Officer will now be sworn. All rise. Do you swear or affirm that you will faithfully perform your duties of Designated Military Officer assigned in this Administrative Review Board, now and hearin, so help you God?

Designated Military Officer: I do.

Presiding Officer: The Board Reporter, Assisting Military Officer, and Members of this Administrative Review Board shall now be sworn. The Designated Military Officer will administer the oath.

Designated Military Officer: Do you swear or affirm that you will faithfully perform your duties in support of this Administrative Review Board, now and hearin, so help you God?

Board Reporter, Assisting Military Officer, and Board Members: I do.

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Presiding Officer: Please be seated. **Assisting Military Officer,** please provide the Administrative Review Board with the Notification of the Decision of an Administrative Review Board Form.

Assisting Military Officer: I am handing to the Administrative Review Board the Notification of the Decision of an Administrative Review Board Form, previously marked as Exhibit EC-A.

Presiding Officer: The document is received and entered into the record. **Assisting Military Officer,** please provide the Administrative Review Board with the Enemy Combatant Election Form.

Assisting Military Officer: I am handing to the Administrative Review Board the Enemy Combatant Election Form, previously marked as Exhibit EC-B.

Presiding Officer: The document is received and entered in to the record. I note from the Enemy Combatant Election Form that the detainee chose not to be present at this hearing. **Assisting Military Officer,** did you meet with the detainee and inform him of his rights in regards to these proceedings?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Did the detainee appear to understand the process?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Was the Unclassified Summary of information read to the detainee?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Was a translator used during your interview?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Did you confirm that the translator spoke the same language as the detainee?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Designated Military Officer, please provide the Administrative Review Board the unclassified summary of evidence.

Designated Military Officer: I'm handing the Administrative Review Board the unclassified summary of primary factors that favor this detainee's continued detention

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and those primary factors favoring his release or transfer. This document has previously been marked as Exhibit DMO-1. A translated copy of this exhibit was provided to the Assisting Military Officer in advanced of this hearing for presentation to the detainee. In addition, I'm handing to the Administrative Review Board the following unclassified exhibits, marked as Exhibit DMO-2 through DMO-3. Copies of these exhibits have previously been provided to the Assisting Military Officer.

Presiding Officer: Exhibits DMO-1 through DMO-3 are received and entered into the record. Designated Military Officer, please summarize this information.

Designated Military Officer:

The following primary factors favor continued detention:

Commitment

1. The detainee stated that he saw a copy of a fatwa issued by a sheikh from the al Kasseeb mosque for people to defend the Muslims and Islamic nations/lands against the Northern Alliance. The detainee believed in this fatwa and felt it was his religious duty to fight against people who attacked Muslims.
2. The detainee, one exam away from earning his degree, left school early to travel to Afghanistan, after receiving the fatwa.
3. The sheikh issued a fatwa calling for jihad in Afghanistan. He condoned the 11 September 2001 attacks against the United States.
4. The detainee financed his entire trip to Afghanistan. He departed Saudi Arabia with approximately 5000 to 6000 Saudi Riyals, which is equivalent to approximately 1,333 to 1,600 United States Dollars.
5. The detainee traveled from Saudi Arabia to Konduz, Afghanistan via Damascus, Syria; Tehran, Iran; Mashhad, Iran; Taybad, Iran; Heart, Afghanistan; and Kabul, Afghanistan. This is a heavily used al Qaida infiltration route.
6. While the detainee was staying at a guesthouse in Konduz, Afghanistan, he was shown how to operate a Kalashnikov rifle.
7. The detainee arranged his own travel from Kabul to Knoduz, Afghanistan. The detainee took a taxi with two other men who knew where to go because they had been to the front line before.

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8. The detainee stated that he was in a bunker and would hear mortar shells and artillery. The detainee was instructed not to shoot his Kalashnikov rifle unless he was in immediate danger.
9. The detainee was in the northern part of Afghanistan on the line between the Taliban and the Northern Alliance.
10. The detainee was captured and ordered to surrender his weapon by the Northern Alliance forces near Mazar-e-Sharif and was transported to prison.

Connections/Association

1. The detainee was recruited by a sheikh.
2. This sheikh helped raise money for Usama bin Laden until the sheikh's death in Saudi Arabia in 2001.
3. The detainee's brother is a deceased al Qaida operative who died in July 2004 during a foreign security forces raid. He was listed as number fifteen on the Saudi most wanted terrorist list.
4. The detainee's younger brother was also fighting in Afghanistan.
5. The detainee was given a Kalashnikov rifle with ammunition and was given a tour of the front line area by the front line commander.
6. The detainee's name was among 324 names listed on a document recovered from a safe house raid associated with a suspected al Qaida in Karachi, Pakistan.

The following primary factors favor release or transfer:

- a. The detainee claimed he only went to Afghanistan to find his brother and not because of a fatwa. The detainee claimed that he lied about the fatwa due to pressure he felt in prison.
- b. The detainee stated he never heard of a fatwa issued against the United States or Americans.
- c. The detainee stated he was still in Saudi Arabia when the attack on the World Trade Center occurred on 11 September 2001. The detainee believed the attack was wrong because the Koran stated it was wrong to kill innocent people.

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- d. The detainee stated that he never attended any training camp and that the only training he did receive was at this guesthouse.
- e. The detainee claimed that he has never fired a weapon.
- f. The detainee stated that upon his release he would return home to Saudi Arabia. He said he did not fully understand the situation in Afghanistan prior to his arrival in November 2001, and he would not return to Afghanistan.
- g. The detainee was effective in convincing his brother, another detainee, to drink Ensure, thus breaking his fast.
- h. The detainee's brother has been taken off total voluntary fast status.

This concludes the Unclassified Summary, ma'am.

Presiding Officer: Do either of the members desire more time to review the unclassified summary?

Board Members: No ma'am.

Presiding Officer: Does the Designated Military Officer have any additional unclassified information?

Designated Military Officer: Madam Presiding Officer, I have no further unclassified information for the Administrative Review Board but request a closed session at an appropriate time to present classified information relevant to the disposition of this detainee.

Presiding Officer: Designated Military Officer, your request for a closed session is granted and will be taken in due course. Assisting Military Officer, did the detainee request that you present any information to this Administrative Review Board, including written statements or correspondence submitted on his behalf?

Assisting Military Officer: No, ma'am.

Presiding Officer: Assisting Military Officer, please read the AMO Comments and any additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: The detainee's initial ARB interview was conducted on 22 May 2006. During this initial meeting, the ARB's purpose and procedures were reviewed and the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral

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statement, or have the AMO speak on his behalf, the detainee stated he was hard of hearing and wished to take copies of both the English and Arabic translated Unclassified Summary of Evidence with him to review before making a decision. He asked for four pages of note paper to write comments to each statement in the Unclassified Summary.

AMO and Detainee Comments During Follow-up Meeting:

Assisting Military Officer: Do you plan on attending the future ARB?

Detainee: May I have your name?

Assisting Military Officer: I am the Assisting Military Officer assigned to help you prepare for your future ARB.

Detainee: What happened to the information I gave to the other AMO? That information is still good. Why can't we use that?

Assisting Military Officer: Is the information in the previous Unclassified Summary the same as the one just read to you? Do you want to submit the previous information?

Detainee: I need to get prepared. When is the ARB? I have letters from my attorney and my family but they won't let me have them. I am hard of hearing and didn't hear all you read.

Assisting Military Officer: The ARB will happen soon. This is an Administrative Board and not a legal meeting. We can proceed with the ARB without letters from your attorney. The Unclassified Summary will be read again to you and you can choose to respond to each statement if you wish.

Detainee: Stop reading. I don't want you to read each statement in the Unclassified Summary of Evidence and then have me comment on it. The guards would not let me have the paper you gave me and I needed time to prepare my statements. The letters from my attorney are not legal letters but ones that speak about my degrees and character. You don't give me much time to get my documents together. I am not prepared so do it your way.

Assisting Military Officer: During the last meeting with the AMO, the information discussed with you was that you will continue to be kept at Guantanamo Bay for at least one more year, that you will have another meeting about one year after the date of the last meeting, that the purpose of the meeting will be to decide if there is any reason to keep you here, that we recommend that you write to your family and friends and ask them to send you written statements that will help show the board you are not dangerous to Americans and their allies. Although you do not have the letters with you, I can write down your comments and review them with you before we go to the ARB. Also, the

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ARB's Presiding Officer will ask you if you have any comments that you would like to make.

Detainee: This process you described doesn't really help me. You say you are the military officer here to assist me but you just want to do this your way. I am finished talking.

Assisting Military Officer Additional Comments:

The detainee was very talkative during the initial interview. He seemed agitated that he didn't have access to his documents he wanted and that he couldn't influence time and date of the future ARB. He became progressively silent when told that the ARB would take place whether or not he had the documents.

Presiding Officer: Thank you. Assisting Military Officer, I do have a couple of questions for you regarding the detainee's comments. First of all when he said what happened to the information I gave to the other AMO, what other AMO was he referring to?

Assisting Military Officer: The previous AMO that read the Notification and prepared him for the interviews so this is ARB [Cycle] 2 so it would be the ARB [Cycle] 1 AMO.

Presiding Officer: So it would have been the ARB 1 AMO. Thank you. What additional documents did he want to have access to for presentation to the board?

Assisting Military Officer: He indicated to me that he had documents from his attorney that weren't legal in nature, they were just descriptions of his character, as he put it, in addition to documentation of his education. He also said he had letters from family and friends that will support that he is not an enemy of the Americans and their allies.

Presiding Officer: Was the detainee afforded the opportunity to review these documents and if so, when?

Assisting Military Officer: The initial meeting, he was given the AMO documentation, the Unclassified Summary of Evidence and both the translations in addition to some notepaper to write on. About an hour after the guards and the detainee left, I got a call from the guards that explained to me that due to the detainee's discipline problems, he was only allotted a specific amount of time, 30-60 minutes, to review any information. I did explain to the guard that this detainee should have unlimited access or as much time that was allotted to him. The guard said he would allow him to have access to that material that I handed to him for the specified amount of time.

Presiding Officer: So that's access to the material that you handed him. Does he have access to these other letters from his attorney and family? If so when?

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Assisting Military Officer: The indication I got from the detainee is that he was not allowed to have the information. I did not ask the guards does he have letters in his possession. It was the detainee that told me that he had letters that no one would give to him.

Presiding Officer: Did the detainee state that he wanted to submit these documents to the Administrative Review Board?

Assisting Military Officer: The detainee did indicate that he would like to have access to the letters so that he could show them to me.

Presiding Officer: Very well. Do the other members of the Administrative Review Board have questions for either the Designated Military Officer or Assisting Military Officer regarding either the material presented or their comments concerning it?

Board Members: No ma'am.

Presiding Officer: Very well. This board does need to receive some answers to these questions concerning these additional documents from the attorney and family. The questions being: Do these documents exist, can the detainee be afforded the opportunity to examine them, and does the detainee actually want to follow through with his stated request to submit these documents to the Administrative Review Board? Therefore, this Administrative Review Board will go into recess pending answering these questions or other such questions regarding these documents.

Designated Military Officer: The time is 1052 hours. The date is 25 May 2006.

RETURN FROM RECESS:

Presiding Officer: The Administrative Review Board for ISN#112 is now reconvened. Designated Military Officer please note the current time and date.

Designated Military Officer: The time is 1007 hours. The date is 26 May 2006.

Presiding Officer: At 1052 hours on 25 May 2006, this Administrative Review Board recessed so that it may determine answers to the following questions. The board wished to clarify whether the detainee had the opportunity to review the Unclassified Summary of Evidence and formulate a response, were there additional letters and documents from the detainee's attorney and family, if so, was the detainee afforded the opportunity to review them, and, if so, does he wish to submit them to the AMO for submission to the board? Assisting Military Officer, did the detainee have the opportunity to review the Unclassified Summary of Evidence and formulate a response?

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Assisting Military Officer: Yes, ma'am.

Presiding Officer: Are there additional letters and documents from the detainee's attorney and family?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Was he afforded the opportunity to review these letters?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Does the detainee wish to submit them to the AMO for submission to the Board?

Assisting Military Officer: The AMO will conduct another follow up interview to determine the detainee's intention.

Presiding Officer: Very well. Designated Military Officer, do you desire to comment on this information?

Designated Military Officer: No, ma'am.

Presiding Officer: Do members of the Administrative Review Board have any questions for either the Designated Military Officer or the Assisting Military Officer, regarding either the material presented or their comments concerning it?

Board Members: No, ma'am.

Presiding Officer: Very well. This Administrative Review Board is in recess pending response to the information of whether the detainee wishes to submit any letters to the AMO for inclusion with the Board.

Designated Military Officer: The time is 1009 hours. The date is 26 May 2006.

Presiding Officer: The Administrative Review Board for Abd Al Aziz Sad Muhammad Awshan Al Khalidi also identified by Internment Serial Number (ISN) 112 is now reconvened. Designated Military Officer please note the current time and the date.

RETURN FROM RECESS:

Designated Military Officer: The time is 0848 hours. The date is 05 June 2006.

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Presiding Officer: At 1009 hours on 26 May 2006, this Administrative Review Board recessed so the Assisting Military Officer (AMO) could ensure the detainee had access to his documents and decide whether to submit any documents to the board. In the interim, due to personnel transfers, the preceding [REDACTED]

[REDACTED] The Board Reporter and the AMO shall now be sworn. All rise.

Designated Military Officer: Do you swear or affirm that you will faithfully perform your duties in support of this Administrative Review Board now and herein so help you God?

Assisting Military Officer: I do.

Board Reporter: I do.

Presiding Officer: Please be seated. All other members have previously been sworn. The Enemy Combatant Election Form previously identified as Exhibit EC-B has been re-designated as Exhibit EC-B-1. Assisting Military Officer please provide the Administrative Review Board with the follow-up Enemy Combatant Election Form.

Assisting Military Officer: I am handing the Administrative Review Board the follow-up Enemy Combatant Election Form marked as Exhibit EC-B-2.

Presiding Officer: The document is received and entered into the record. I note from the follow-up Enemy Combatant Election Form that the detainee chose not to be present at this hearing. Assisting Military Officer did you meet with the detainee and inform him of his rights in regards to these proceedings?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Did the detainee appear to understand the process?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Was the Unclassified Summary of the information read to the detainee?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Was a translator used during your interview?

Assisting Military Officer: Yes, ma'am.

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Presiding Officer: Did you confirm that the translator spoke the same language as the detainee?

Assisting Military Officer: Yes, ma'am.

Presiding Officer: Assisting Military Officer please read the AMO comments and any additional comments from the follow-up Enemy Combatant Election Form.

Assisting Military Officer: Yes, ma'am.

Assisting Military Officer Comments during follow-up interview:

Assisting Military Officer: A follow-up interview with the detainee was conducted to clarify statements contained in EC-B1. The detainee's follow-up ARB interview was conducted on 01 June 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he did not wish to attend, nor have the AMO present any information on his behalf. The detainee was very cooperative, attentive, and cordial throughout the interview. A copy of both the English and Arabic translated Unclassified Summary of Evidence was provided to the detainee upon his request. The documents were placed in the detainee's unlocked, plastic document container at his request.

Assisting Military Officer Additional Comments:

Assisting Military Officer: The detainee appeared at his interview wearing a tan uniform and seemed surprised the AMO had possession of the detainee's document container. The AMO explained to the detainee the need to reconduct the interview in its entirety, as if it were the first time, to eliminate all unanswered questions and possible confusion. The detainee was encouraged that if he could not hear or understand the information being presented, to make the AMO aware of it and the situation would be corrected. The Unclassified Summary of Evidence in its entirety was read to the detainee.

The detainee was asked if he completely heard what was being presented. The detainee stated he could hear everything with no trouble. When questioning the detainee why he did not wish to attend or participate in the ARB during the initial interview, the detainee stated that he needed access to his unlocked, plastic document container in order to adequately prepare or make a decision on attending the ARB.

The AMO presented the unlocked, plastic document container for the detainee, as requested by the detainee. The AMO informed the detainee he had full access with no time limit to view and retrieve those documents the detainee deemed necessary in preparation to make a decision on whether or not to attend the ARB. The detainee would

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be authorized to retrieve, and keep in the detainee's personal possession, all documents relevant to the detainee's preparation for the ARB. The detainee opened the unlocked, plastic document container, briefly looked inside for two or three seconds with disinterest, and then closed the box.

The AMO requested the detainee provide clarification to unclear issues posed during the first interview. At the first interview, the AMO was led to believe from the detainee that the detainee had letters from his attorney (not legal documents) and family members addressing the detainee's character reference, which the detainee could not access and did not have time to prepare for his ARB. The detainee stated this was true.

The AMO restated to the detainee that he had complete access to the documents and could choose those documents the detainee felt had relevance to the ARB. The detainee could either present the documents or have the AMO present them on his behalf at the ARB.

During the entire interview the detainee never addressed the statements presented in the Unclassified Summary of Evidence. The detainee was given full, unrestricted and complete access to the detainee's unlocked, plastic document container mentioned in the previous EC-B1. It was verified by the AMO that the detainee had permission from proper authorities for the detainee to keep the original documents he required in his possession for presentation to the ARB.

The detainee appeared confused and surprised when the unlocked, plastic document container was presented to him and the detainee would be allowed to retrieve those documents relevant to the ARB. The detainee displayed little to no interest in the contents of the unlocked, plastic document container. The detainee was asked several times to retrieve those documents from the detainee's attorney and family needed to support statements for the ARB. The detainee made no effort to retrieve the documents he allegedly did not have access to, in order to make a decision about attending the ARB.

After further pursuing the detainee's nonparticipation and refusal to retrieve documents from his plastic, unlocked document container for presentation to the ARB, the AMO asked the detainee for his decision about attending the ARB. The detainee stated it would not make him look good to others if he retrieved his documents, took the documents back to his cell and then decided not to attend his ARB. The detainee stated, I want to do things my way and not according to your procedures or rules.

The AMO reiterated to the detainee, that the detainee had the opportunity to fully access his documents, no time limit or restrictions for review and could select all those documents pertaining to the detainee's case; however the detainee remained uninterested to do so. In fact the detainee did not want to submit or have the AMO submit documents to the ARB. The AMO restated to the detainee for clarification, that the detainee did not want to submit any documents or attend the ARB. The detainee stated that was correct

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and he did not want to attend nor submit any documents or attend the ARB. The detainee stated that was correct and no he did not want to attend nor submit any documents or have the AMO submit anything on his behalf. The detainee stated he might attend next year. That's all I have ma'am.

Presiding Officer: Do members of the Administrative Review Board have any questions for either the Designated Military Officer or the Assisting Military Officer regarding either material presented or there comments concerning it?

Board Members: No, ma'am.

Presiding Officer: All unclassified information having been provided to the Administrative Review Board, this concludes this unclassified Administrative Review Board session. Abd Al Aziz Sad Muhammad Awshan Al Khalidi shall be notified the status of his continued detention upon completion of the review of these proceedings by the Designated Civilian Official in Washington, D.C., if the Designated Civilian Official determines that he should no longer be detained by the United States he will be released or transferred to his home country as soon as arrangements can be made. If the Designated Civilian Official determines that he should continue to be detained he may eligible for another Administrative Review Board in one year.

The open session of this Administrative Review Board hearing is adjourned.

Designated Military Officer: The time is 0858 hours. The date is 05 June 2006.

AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 174

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer confirmed the detainee's first name is Hisham.

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 ARB interview was conducted on 12 June 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to present a written statement to the board. The detainee was very cooperative, attentive, and cordial throughout the interview. Copies of both the English and Arabic translated Unclassified Summary of Evidence were provided to the Detainee, who accepted the Arabic translation.

The detainee's follow up interview was conducted on 13 June 2006, during which the detainee again stated that he would attend the ARB in person. He elected to speak directly to the board rather than continue with the written statement he had made at the

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previous interview in order to avoid confusion or misunderstanding. The English version of his written statement was translated back to Arabic and read to the detainee, in order to confirm that it stated what he intended it to say. The detainee agreed with the translation of the English version and asked that the AMO read the statement at the ARB. The detainee was again cooperative, attentive, and cordial throughout the interview. Copies of both the English and Arabic translated written statement were provided to the detainee, who accepted the Arabic translation.

Presiding Officer: Hisham, is that a good summary of what you and the AMO said during your interviews?

Detainee (through translator): Yes.

Presiding Officer: Hisham, the AMO will read your responses to the comments after the DMO. You may proceed to make additional comments or we will continue on to the next point.

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

Presiding Officer: Hisham, you have chosen to respond to the information in the Unclassified Summary, is this correct?

Detainee (through translator): Not entirely.

Presiding Officer: The DMO is going to read the Unclassified Summary item by item, which you went over earlier this week. The AMO will then respond to the items you have already provided us answers with. When we get to any item that you have not already provided a response to, you will be able to respond if you wish. Hisham, do you understand the process now?

Detainee (through translator): Yes.

Detainee (through translator): I request a chair to put my Koran on.

Presiding Officer: Sure.

[The Assisting Military Officer put a chair across from the detainee upon which the detainee placed his Koran.]

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Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary; we will then provide you and the AMO a chance to respond. The Board Members may ask you questions based on your response.

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 Assisting Military Officer read the Detainee Comments provided during their earlier interview from the Enemy Combatant Election Form, Exhibit EC-B. The detainee responded as well after each item was presented.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment. (3.a.1) The detainee stated he left Tunisia in 1995 for Italy. The detainee claimed he became a drug addict after he lost employment and was consequently arrested and sentenced to three years in prison. The detainee claimed he spent 11 months in jail and was then transferred to a drug rehabilitation center. The detainee claims he escaped after two months and went back to drugs.

Detainee (through translator): Are you going to read one by one?

Presiding Officer: The AMO will provide us with the answers you provided him the other day, and yes, we will go one by one.

Assisting Military Officer (for detainee): In response to the statement that the detainee claimed he became a drug addict after he lost employment and was consequently arrested and sentenced to three years in prison, the detainee agreed. He stated that in 1997 he had been given a preliminary sentence of three years, eight months in a prison in Forli, Italy, pending review of his case, and that the prison could verify his story. (3.a.1)

Assisting Military Officer (for detainee): In response to the statement that the detainee claimed he spent 11 months in jail and was then transferred to a drug rehabilitation center, the detainee agreed. He stated that when he was transferred, he went to the Communita Padre Geovani 23 rehabilitation center. (3.a.1)

Assisting Military Officer (for detainee): In response to the statement that the detainee claims he escaped after two months and went back to drugs, the detainee disagreed. He stated that when he wanted to leave the center, he spoke to the administrator, who told the detainee that if he left the center he would be arrested by the police and have to serve out his remaining sentence plus six additional months. He left anyway. When he left, he called his father by telephone, who was surprised to hear from him so soon. He told his father he had left the rehabilitation center. His father was worried because he was still addicted to drugs and could be rearrested. (3.a.1)

Presiding Officer: Hisham, do you have anything additional you would like to add to those comments? Feel free to answer now.

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Detainee (through translator): What is the relationship between the factors favoring my continued detention and my life in Italy?

Presiding Officer: It shows us the history of your travel and where you have been since 1995.

Detainee (through translator): These factors are not reasons for me being the enemy of the United States.

Presiding Officer: Why did you go to Italy in 1995?

Detainee (through translator): To work.

Presiding Officer: To work at any particular job?

Detainee (through translator): Any job. I am a mechanic in my country in Tunisia. I went to Italy to work and I ended up working in the port as a fisherman.

Board Member: Hisham, was there not any fisherman jobs in Tunisia?

Detainee (through translator): I did not intend to work as a fisherman in Italy. I left Tunisia to go to Italy and that's the first opportunity of work I encountered. In fact, in Italy, the available jobs are either in ports, farms or restaurants.

Presiding Officer: Where exactly in Italy did you end up?

Detainee (through translator): There is an island off the coast called Isola d'Alva and the city of this island is called Marina de Campo. That's where I went.

Board Member: Hisham, when you called your father after you left the drug rehabilitation center, where was your father at that time?

Detainee (through translator): Tunisia.

Board Member: Thank you.

Detainee (through translator): During my stay in Italy, I did not call my parents or father on the phone. I usually write letters. I only called [my father] after I left the rehabilitation center.

Designated Military Officer: (3.a.2) The detainee claims to have met his cousin in Genoa, Italy, and both traveled to Belgium. Then due to detainee's continued use of drugs, troubles started between the detainee and his cousin. The detainee decided to return to Italy with another individual. Upon arriving at the Belgian/French border the detainee was stopped because he had false license plates and was arrested because he had no papers. The detainee claims he assumed the identity of one of his companions living in Italy and was jailed for 62 days in Brussels, Belgium. After being released the detainee claims he returned to drugs.

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Assistant Military Officer (for detainee): In response to the statement that the detainee claims to have met his cousin in Genoa, Italy, and both traveled to Belgium, the detainee agreed. He stated that about four to six months after he left the rehabilitation center, his father called him and told him his cousin (number one) wanted to speak to him. He spoke to his cousin (number one) on the phone, who would not explain why he wanted to meet with the detainee. Then his father told him that his cousin (number one) wanted to take him to Belgium to the house of another cousin (number three) to marry one of her daughters. He reflected on his life and decided he wanted a normal life and to get away from the drug world. He continued to sell drugs, to get some money for the trip to Belgium, until he met with his cousin (number one) and his cousin's (number one) young daughter on 09 September 1998 in Genoa, Italy. His cousin had come over, with his car, from Tunisia and the three of them traveled by car through Italy, France, and Belgium. During the trip, the detainee's cousin suggested that he work in his cousin's (number one) auto shop in Belgium. The detainee carried a small amount of drugs with him on the trip for personal use. (3.a.2)

Presiding Officer: I am a little confused. You were going to marry cousin (number three's) daughter in Belgium, is that correct?

Detainee (through translator): Yes.

Presiding Officer: You met cousin number one in Genoa, is that the same cousin you were going to marry?

Detainee (through translator): No. She was a young girl. She is not the person in question.

Presiding Officer: Did you marry cousin number three's daughter?

Detainee (through translator): No, if I had married her, I would not be here.

Presiding Officer: I know you had a drug problem, but it says here that you continued to sell drugs.

Detainee (through translator): Yes.

Presiding Officer: If you were trying to get off drugs, it does not seem you would want to keep selling them.

Detainee (through translator): It's a long story, but selling drugs would provide me of a lot of money, which I needed. In Italy, I moved from Isola d'Alba to Remini where I have two friends. When I met my friends, they asked me to come with them so they can find me a job because the job as a fisherman was very difficult and hard. When I went with my friends, my intentions were to have them find me a job as a mechanic in that city. They told me they would. At that point, I did not have any experience with drugs. I did not even know its color because I was an athlete. When I stayed with them during the week, I noticed that they were dealing with drugs. I thought this was a very easy job so I started

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selling drugs for the money. There is a lot of money in that business. Unfortunately, I started using drugs.

Presiding Officer: Do you remember the names of your two friends?

Detainee (through translator): I do not want to say their names.

Presiding Officer: That's fine.

Board Member: Hisham, the cousin whose car you drove to Belgium in, is he the same cousin who owned the auto shop in Belgium?

Detainee (through translator): Yes.

Board Member: Thank you.

Assisting Military Officer (for detainee): In response to the statement that due to the detainee's continued use of drugs, trouble started between the detainee and his cousin. The detainee disagreed. He stated that he stayed with his cousin for a week in Belgium, but his cousin suspected him of using drugs in the house. So he moved in with a different cousin (number two), who was the brother of the cousin (number one) he had been staying with, and that there was no trouble between himself and either of his cousins (number one or number two). The detainee worked with his cousin (number one) in the auto shop. When the detainee spoke with his cousin (number three)(a woman) about marrying one of her daughters, she said she didn't know anything about it. The detainee felt deceived and disappointed about not having a fiancée. His cousin (number three) said that her only daughter of marrying-age was already engaged to be married. Later, he argued with the shop manager in the auto shop, demanded his pay and quit working there. He became sick due to drug withdrawal shortly after leaving his job and he asked his cousin (number two) to take him to Brussels. They went to a bar owned by an Algerian woman to buy drugs. His cousin (number two) asked about drugs and was told they are expensive. After the detainee used the cocaine he bought, he was still suffering from withdrawal. He and his cousin (number two) returned home and the detainee eventually recovered totally from the withdrawal. He lived on his money earned in Italy, and when it was gone, he went to Brussels to look for work. He fell in with a group of thieves and started stealing and selling stolen goods. During this time, the detainee met a drug dealer and started using drugs again. (3.a.2)

Board Member: Hisham, where in Belgium were you before you left to go to Brussels to look for work?

Detainee (through translator): In the suburbs of Brussels in a province called Laaken region, Marie Christie Street. I forgot the number of the house.

Presiding Officer: That's fine.

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Assisting Military Officer (for detainee): In response to the statement that the detainee decided to return to Italy with another individual, the detainee agreed. He stated that he became bored with Belgium and wanted to return to Italy, to return to his former life selling drugs, and that his family was not helping him much during this time. (3.a.2)

Detainee (through translator): Yes.

Assisting Military Officer (for detainee): In response to the statement that upon arriving at the Belgian/French border the detainee was stopped because he had false license plates and was arrested because he had no papers, the detainee agreed. He stated that the car belonged to the other person he was traveling with and had bad license plates. (3.a.2)

Detainee (through translator): Yes.

Presiding Officer: Why would you be arrested just because the car had bad license plates?

Detainee (through translator): I don't know.

Presiding Officer: You agreed that you were arrested because you had no papers?

Detainee (through translator): In Belgium, people without any documents are usually arrested for 60 days. The Belgian government usually investigates whether the person has any criminal background. If they [Belgian authorities] had very important charges against me, they would not have let me go 62 days later.

Assisting Military Officer (for detainee): In response to the statements that the detainee claims he assumed the identify of one of his companions living in Italy and was jailed for 62 days in Brussels, Belgium; and after being released the detainee claims he returned to drugs, the detainee agreed. (3.a.2)

Detainee (through translator): Yes.

Detainee (through translator): I had to give a different name when I was captured to keep them [Belgian authorities] from deporting me.

Presiding Officer: What name did you give?

Detainee (through translator): The Belgian government has this name and I also gave it to my lawyer.

Presiding Officer: So you have a lawyer?

Detainee (through translator): Yes.

Presiding Officer: That's fine.

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Detainee (through translator): When foreigners are captured, they invent any name. When it's time for verification, if there is nothing against that name, no criminal background, they are automatically released.

Presiding Officer: I would like to clear up something. Did you mean you have a lawyer here or a lawyer at that time back when you were arrested?

Detainee (through translator): Here. My lawyer's name is Clive Smith.

Presiding Officer: Has your lawyer visited you here? If so, his name should be in your chart and I can verify it? I'll note that you do have representation.

Detainee (through translator): Yes.

Designated Military Officer: (3.a.3) The detainee started going to the Kuba Mosque regularly after being released from prison. The detainee stated if he had frequented a different mosque, he would not have been drawn to the radical camp and would not have ended up in Afghanistan. The detainee met an individual at the Kuba Mosque in Belgium who provided him with a false passport.

Assisting Military Officer (for detainee): In response to the statement that the detainee started going to the Kuba Mosque regularly after being released from prison, the detainee disagreed. He stated that he does not recall the names of any of the mosques he had prayed at and that he prayed at different mosques, not just one. This was in the 1999-2000 timeframe. (3.a.3)

Detainee (through translator): Yes.

Assisting Military Officer (for detainee): In response to the statement that the detainee stated if he had frequented a different mosque, he would not have been drawn to the radical camp and would not have ended up in Afghanistan, the detainee disagreed. He stated that he did not meet anyone at any of the mosques who introduced him to a radical philosophy. (3.a.3)

Detainee (through translator): Yes.

Presiding Officer: Hisham, I ask that you be as honest as you can to the questions that we ask you and we will do the same in responding to your questions.

Detainee (through translator): You can verify with the Italian and the Belgian governments about this information. You don't have to take my word for it.

Presiding Officer: I'd rather rely on you telling me something than what other governments may have written.

Assisting Military Officer (for detainee): In response to the statement that the detainee met an individual at the Kuba Mosque in Belgium who provided him with a false

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passport, the detainee disagreed. He stated that he made an acquaintance who suggested he go to Afghanistan, which was a clean, uncorrupted country where he could study Sharia and further his religious education. Afghanistan did not require a visa and he didn't know what was happening there. His Tunisian passport had expired in 1999, and he could not travel with his Tunisian passport in Europe without country visas, so he needed a new passport. He went to a bar in La Bourse called, "The Sportsman Bar", where he spoke to the bartender about a passport. The bartender agreed to help him find a person who sells passports. He met the passport provider, who was suspicious at first, but the detainee convinced the passport provider to sell him a passport for \$500. He picked up the passport a week later, after providing a photo of himself. (3.a.3)

Board Member: Hisham, your Tunisian passport was not sufficient for you to get across the Belgian/French border prior to your arrest?

Detainee (through translator): My Tunisian passport had expired. Most passports, coming from North African countries or third world countries, usually need visas to go to Europe and I did not have that on my passport.

Designated Military Officer: (3.a.4) The detainee heard from his cousin, who notified the detainee that he was leaving for Afghanistan with his family and that the detainee should do the same.

Assisting Military Officer (for detainee): In response to the statement that the detainee heard from his cousin, who notified the detainee that he was leaving for Afghanistan with his family and that the detainee should do the same, the detainee disagreed. He stated that he spoke with his cousin (number two), who told him that his other cousin (number one) no longer lived in Belgium. The detainee believed that, due to a previous conversation, his cousin (number one) had moved to Afghanistan with his family. (3.a.4)

Presiding Officer: Could you please confirm cousin number one's name?

Detainee (through translator): Omar Sliti.

Presiding Officer: Cousin number two's?

Detainee (through translator): Ali Sliti.

Presiding Officer: Cousin number three is a female?

Detainee (through translator): Yes. Her name is Fatma Sliti. Cousin number two, Ali is an alcoholic.

Presiding Officer: For the record, I am going to substitute Omar Sliti for cousin number one, Ali Sliti for cousin number two and Fatma Sliti for cousin number three, the female. (*Note: The AMO did not change the EC-B to reflect these names provided by the detainee.*)

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Detainee (through translator): By the way, my father's name is also Ali.

Designated Military Officer: (3.a.5) The detainee traveled to London and stayed there two weeks, where a man arranged a visa and airline tickets to Pakistan for him. The detainee arrived in Islamabad, Pakistan, on 20 May 2000 and then traveled to Afghanistan. Upon arriving in Jalalabad, Afghanistan, he was housed in the Tunisian guest house.

Detainee (through translator): I went to London, but stayed there one week, not two weeks. I personally obtained the visa from the Pakistani Embassy.

Presiding Officer: He got it himself instead of giving it to a man.

Detainee (through translator): The visa was legal. If it wasn't, they would not have let him leave London. I arrived in Jalalabad on May 20th and the flight time was nine hours.

Presiding Officer: You said you stayed in London for a week and you got the visa yourself knowing it was legal, but I'd suggest that someone else could get a visa for you that might look legal even though it wasn't and you could still get out of London.

Detainee (through translator): I did not know anyone at that time.

Presiding Officer: You say you had a legal visa; I believe you.

Detainee (through translator): Thank you.

Detainee (through translator): It's a very normal thing. You present your passport and ask for a visa and they give it to you right then. Visas for these types of countries [North African and third world countries] are usually very easy to obtain. You can even go to these embassies and bribe the workers to give you a visa.

Board Member: Hisham, is the passport you got the visa on in London the same as the one you bought at the Sportsman's Bar?

Detainee (through translator): Yes. I had bought the passport to travel. You have said that I have stayed in a Tunisian guest house; this was not a house. It was a room built by Tunisians but it doesn't mean that it was a Tunisian house. This man had built this room for foreigners in Jalalabad to pray and I went to this house to spend the night there. I didn't stay with my cousin in Jalalabad because my religion does not allow me to be with my cousin's wife and four daughters.

Presiding Officer: When they refer to it as a Tunisian guest house, it simply means that Tunisians are staying there. Would you disagree that there were people other than Tunisian travelers?

Detainee (through translator): It's not a house to stay in, it's just a place to pray in, but since I didn't have anywhere to go, I used it to sleep as well. Other people who have

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houses just go there to pray, and then leave. This place exists until today. It's not just for Tunisians, Afghans use it as well.

Presiding Officer: Do other Tunisian travelers use it to sleep as well?

Detainee (through translator): No.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.6) The detainee was arrested in Islamabad, Pakistan, in October 2000 in possession of a fraudulent passport. He claimed that while the police were checking his passport he escaped from the police station and made his way back to the Tunisian house in Jalalabad, Afghanistan.

Presiding Officer: Hisham, why did you escape from the police if you had a legal passport?

Detainee (through translator): My passport was not legal.

Presiding Officer: I thought you said you had bought a legal visa.

Detainee (through translator): As an example: I am dealing passports and someone asks me for a passport. I take this person's picture and put it on an original stolen passport. This passport is still legal, but with a different picture. When they [immigration authorities] entered all the personal information on the computer, everything came up legal. When they looked at my passport at the Belgian Embassy in Pakistan, they could not prove it wrong because everything was still there. They could not tell whether the name on the passport matched its picture. When I got arrested, they told me they were going to call the Belgian Embassy to investigate my passport. I knew they had found out and that it was time to leave.

Designated Military Officer: (3.a.7) The detainee was arrested by Pakistani authorities in December 2001 while trying to flee Afghanistan and was turned over to United States authorities on 30 December 2001. He was using a false name.

Detainee (through translator): I noticed so much killing going on in Afghanistan; I feared for my life and left. There were American airplanes circling around in Jalalabad throwing pieces of papers stating that whoever captured an Arab would get \$5,000. In Afghanistan, there were the opponents of the Taliban. When these people captured an Arab, they either sold him or stole his belongings and killed him. The opponents of the Taliban government have killed 3,000 [people] between Pakistanis and Arabs. They put them inside a closed container and left them there until they suffocated. It seems like another detainee had told this story. I was able to escape because there was a little hole in the container and I was able to breathe. There were too many people harming the population. I had to leave because I feared for my life. I met someone in Afghanistan and offered him money, and in return he took me out of Afghanistan. He took me outside of Jalalabad on the Pakistani border where I found four other people in the house. I asked

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these people why they were there, and they were fleeing just like I was. The owner of the house asked me to move.

Board Member: How come you did not move to Omar's house since he was living in Afghanistan?

Detainee (through translator): Omar had fled with his wife and children.

Designated Military Officer: (3.a.8) The detainee has arrest warrants in Italy for ties to Islamic extremists in Bologna, Italy.

Detainee (through translator): How did you come up with this accusation?

Presiding Officer: One of our government agencies provided it to us.

Detainee (through translator): I did not even pray in Italy.

Presiding Officer: So, you were never in Bologna?

Detainee (through translator): No.

Designated Military Officer: (3.b) Connections/ Associations. (3.b.1) The detainee's cousin was arrested in Belgium in connection with a case of an assassination of a former Afghan Northern Alliance commander.

Detainee (through translator): This does not concern me.

Presiding Officer: Do you know whether your cousin was arrested in Belgium?

Detainee (through translator): Yes. The American government has told me.

Presiding Officer: Would that have been Omar or Ali?

Detainee (through translator): Omar.

Presiding Officer: You don't know whether it's true or false.

Detainee (through translator): I don't know what type of benefits my cousin Omar would derive for killing Masoud, the Afghan Northern Alliance commander. He [Omar] is an Arab and the other [Masoud] an Afghan. Even if he [Omar] wanted to run for elections to become a commander, he could not because he is an Arab.

Designated Military Officer: (3.b.2) Upon capture, the detainee had in his possession an address book, which had telephone numbers of several radical Islamists, some of whom had been arrested in Belgium and Europe. Some of these phone numbers were coded, but Belgian authorities broke the code.

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Detainee (through translator): Where was I captured?

Presiding Officer: When you were captured by the Pakistanis and turn over to the United States in December. So, you are saying you did not have an address book in your possession?

Detainee (through translator): No. I didn't have anything at all for them to take away.

Presiding Officer: Why they would say you had an address book when it's not a bad thing to have one?

Detainee (through translator): If such thing exists, you can find it among my belongings. I never carried anything like that.

Presiding Officer: You say you didn't have an address book. When I follow up and find out that you did, I'll know that you were not being truthful with me.

Detainee (through translator): Bring the original address book, not any fraudulent copy.

Board Member: Traveling to a foreign country, I know it would be difficult to remember addresses especially to your brother Omar in Afghanistan. How were you able to remember where his house was located?

Detainee (through translator): I had a watch in which I recorded addresses and phone numbers. This watch was stolen from me in Pakistan.

Designated Military Officer: (3.b.3) The detainee stated that after the Tunisian guest house split in January 2001, he received permission from an individual to sleep at the Abdullah Azzam Mosque in Jalalabad, Afghanistan. Persons at the mosque told the detainee to leave and go to the Algerian guest house in Kabul, Afghanistan, or go to the front.

Detainee (through translator): This is not true. I had slept in the Abdullah Azzam Mosque in the beginning. A few people at the mosque told me to go to the Algerian guest house, but I didn't want to go there. The Algerian house was in Jalalabad, not in Kabul. Other people also suggested that I went to the front line, but I refused and told them that I was not here to fight.

Board Member: Front line for which side?

Detainee (through translator): I don't know. I assume it was [the] front line to fight the opponents of the Afghani government.

Designated Military Officer: (3.b.4) The above individual was arrested in Brussels, Belgium, and confessed in court that he was planning a suicide attack on the American Embassy in Paris, France.

Detainee (through translator): Are you talking about me?

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Presiding Officer: DMO, who is the above individual that they are referring to?

Designated Military Officer: Sir, that refers to the individual in paragraph three from which the detainee received permission to sleep at the Abdullah Azzam Mosque.

Presiding Officer: The individual who gave you permission to sleep at the Mosque. Do you know his name?

Detainee (through translator): Yes. Nizar Tarabelsi.

Presiding Officer: Nizar is the individual they are referring to as being arrested in Belgium.

Detainee (through translator): I don't know.

Designated Military Officer: (3.b.5) The individual also stated during an interview with a Belgian television station that he planned an attempt against Kleine Brogel Air Base in Belgium instead of the American Embassy in Paris, France.

Detainee (through translator): I don't know.

Designated Military Officer: (3.b.6) The wife of the individual confirmed that as of June 2001, while living in Jalalabad, Afghanistan, her husband had been given the order to carry out a suicide operation in Europe. She further stated that an Algerian, pro-Taliban, al Qaida member provided her husband with training on the handling of explosives.

Detainee (through translator): I don't know.

Presiding Officer: Did you know Nizar while he lived in Jalalabad with his wife?

Detainee (through translator): Yes, he was among all the Arabs there.

Presiding Officer: Thank you.

Detainee (through translator): Is this an accusation?

Presiding Officer: No. You were in Jalalabad and so were Nizar and his wife. I just want to know if you knew him.

Designated Military Officer: (3.b.7) The Algerian had been the deputy at the house of the Algerians in Jalalabad, Afghanistan, and was considered the privileged contact of a senior al Qaida operative. He was a chemical and electronics specialist who, between late 2000 and September 2001, had been responsible for providing training on the use of electronic components for fabricating explosive devices at the house of the Algerians. In mid-November 2001, he was in Tora Bora fighting against the Northern Alliance.

Detainee (through translator): Who is this man?

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Presiding Officer: The Algerian that Nizar's wife talked about in the previous statement who is pro-Taliban and an al Qaida member.

Detainee (through translator): I don't know this Algerian man.

Presiding Officer: Did you have any Algerian friends or acquaintances?

Detainee (through translator): No.

Designated Military Officer: (3.c) Intent. (3.c.1) The detainee stated that there were only two reasons to come to Afghanistan, to fight with the Taliban or to learn religion.

Detainee (through translator): The first one, to fight with the Taliban, is wrong. The pursuit of the Sharia is right.

Board Member: Were you aware of the fighting between the Taliban and the Northern Alliance prior to going to Afghanistan?

Detainee (through translator): Had I known, I would not have been here today. I didn't stay in Pakistan. I traveled the same day to Jalalabad. I was unaware of the fighting. That's why I wanted to come back. I didn't care for the country. It was very hot, dusty and women were ugly. The atmosphere and environment did not agree with me.

Board Member: Hisham, while in Afghanistan, were you in the Taliban or did you know people who were with the Taliban, either fight with them or support them?

Detainee (through translator): If I had fought with the Taliban, you would have captured me with weapons or in war. Fighters do not leave the country. If I were fighting with the Taliban, why did they capture me in Pakistan?

Presiding Officer: You told us that you were fleeing Afghanistan to go to Pakistan.

Detainee (through translator): I fled Afghanistan to go to Pakistan and that's where I was captured. There was no fighting in Jalalabad. I was afraid that the opponents would capture and kill all the Arabs.

Presiding Officer: The individuals you fled with, were they Taliban or al Qaida?

Detainee (through translator): They were normal people with clean clothes. They did not appear to be fighters nor did they have weapons.

Presiding Officer: Did you have a weapon?

Detainee (through translator): No.

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Designated Military Officer: (3.c.2) The detainee has repeatedly assaulted and harassed Guantanamo Bay military police and interrogators. Detainee has incited multiple disturbances within his Guantanamo Bay cellblock.

Assisting Military Officer (for detainee): In response to the statement that the detainee has repeatedly assaulted and harassed Guantanamo Bay military police and interrogators, the detainee disagreed. He stated that the guards had insulted him on several occasions in an effort to provoke him, and he felt compelled to respond to such treatment. He also stated that the civilian interrogators were arrogant and rude to him, and he told camp officials that he did not want to be interviewed by them and that he preferred to be interrogated by military personnel. He also stated that he had been interrogated when he had one hand free and was sitting close to the interrogator, where he could have assaulted his interrogator but did not. He stated that he has never assaulted any interrogators.

Detainee (through translator): You can see in my file that I do not have any problems with interrogators. My hands were always free while sitting next to the interrogators. I got cut on my way over here [showing his right ankle]. Do you think this is humane that they treated me this way?

Presiding Officer: Are the shackles loose enough now so you are not being cut? [*The detainee did have abrasions on his right heel.*]

Detainee (through translator): When I left my cell [on the way to the ARB], the iron [shackles] was directly against my flesh. When I got to the room [waiting room prior to the ARB proceeding], I politely asked the guards to make it loose. They said no. I adjusted the pin myself to make the iron loose. How do you expect someone not to react to such treatment? I show respect to people who respect me just like in this room [referring to the Board]. I was at Camp 5, being interrogated by two men. One of them was a big African American and he hit me with a little refrigerator [dormitory size] even though I was shackled and handcuffed. That same interrogator hit me with an iron chair in my eye.

Presiding Officer: When was this?

Detainee (through translator): Some time last year around August, September.

Presiding Officer: Was he a military guard?

Detainee (through translator): No, he was civilian.

Presiding Officer: Both of them?

Detainee (through translator): They were not guards. They were interrogators in civilian clothes. I am afraid there might be a conflict [referring to the African American Board member since the detainee has alleged mistreatment by a big African American interrogator.]

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Presiding Officer: No [conflict]. He [the ARB member] is a professional.

Detainee (through translator): The white interrogator did not assault me. I don't know whether they were from the CIA or the FBI.

Board Member: Did these assaults cause any injuries to you?

Detainee (through translator): Yes. I don't know whether my injuries have been recorded in my medical file.

Board Member: Did you bleed from these assaults?

Detainee (through translator): Yes.

Board Member: In what part of your body did you bleed?

Detainee (through translator): My eye [pointing above his right eyebrow]. Another detainee had asked the interrogator the reason behind my injury and the interrogator responded that it was in self-defense. That's a lie. I was in the interrogation room, with only one hand cuffed and one foot shackled. The interrogator came forward to shake my hand. The door was secured with codes, and the interrogator hit me with a chair. If the interrogator had problems with me why did I only have one hand cuffed and one foot shackled during the interrogation? Also why did he shake my hand? The interrogator lied about what happened. If it were true that I assaulted an interrogator, I would have seriously injured him because I am a kick boxer.

Presiding Officer: This occurred around August, September 2005?

Detainee (through translator): Approximately.

Presiding Officer: I will look into that.

Detainee (through translator): I have no problems with military interrogators. However, I refuse to speak to civilian interrogators because they are very arrogant and they try to insult me.

Designated Military Officer: (3.c.3) The detainee has fought with guards, threatened to kill a block sergeant, refused instructions and has been caught several times with contraband.

Assisting Military Officer (for detainee): In response to the statement that the detainee has fought with guards, threatened to kill a block sergeant, refused instructions and has been caught several times with contraband. The detainee disagreed. (3.c.3)

Detainee (through translator): I was in my cellblock, N24, in isolation. A block sergeant was distributing food and instead of putting the food on the table, he put it on the floor.

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Some detainees did not eat. I told this block sergeant that one day, referring to judgment day, he will regret this.

Presiding Officer: Was the block sergeant hiding the food?

Detainee (through translator): There are two openings on the cellblock, the appropriate way is to use the upper one for food, but this block sergeant used the bottom one and put the food on the floor. I ate mine with no problems, but other detainees did not eat. I told the block sergeant that there will come a day when he will pay for this type of treatment. I meant on judgment day.

Presiding Officer: Did the other detainees not eat because they did not want to or because the block sergeant did not feed them?

Detainee (through translator): They did not want to accept food from the bottom door. It was degrading to them.

Detainee (through translator): I want to discuss some human rights issues. For fifteen days, I have not showered or changed my outfit. I was deprived of soap, toothbrush and shampoo. I was caught with these items and they referred to them as contraband. I am embarrassed by this. When I hear contraband, I think of cigarettes not toiletries. I just wanted to clean myself.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The detainee denied having any knowledge of the attacks in the United States prior to their execution of 11 September 2001, and also denied knowledge or any rumors or plans of future attacks on the United States or United States interests.

Detainee (through translator): Yes.

Designated Military Officer: (4.b) The detainee was queried regarding any knowledge or planning of internal uprisings at the Guantanamo Detention Facility, with negative results.

Detainee (through translator): I have been in isolation. I am not aware of any uprisings.

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 stated that he had no additional comments.

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The Detainee made the following statement:

Detainee (through translator): Why am I in Cuba?

Presiding Officer: Because the CSRT has determined you to be an Enemy Combatant.

Detainee (through translator): On what basis? What is the evidence?

Presiding Officer: I would have to look at the CSRT results and see what they determined, but since it is classified, I would not be able to give you a direct answer.

Detainee (through translator): I had never been involved in any type of wars before. I have lived in Europe and Afghanistan all my life.

Presiding Officer: Hashim, does that conclude your statement?

Detainee (through translator): That's it.

Presiding Officer: Thank you.

The Assisting Military Officer had the following questions:

Assisting Military Officer: What would be your plan for the future if you were released?

Detainee (through translator): Are you interrogating me?

Assisting Military Officer: No, you don't have to answer.

Presiding Officer: Sometimes, your AMO will ask questions that he knows we are probably going to ask you. It's helpful and you don't have to answer.

Detainee (through translator): If I tell you, would you be able to make it happen?

Assisting Military Officer: I don't think so.

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

Administrative Review Board Member's questions:

Board Member: If released, which country would you want to be released to?

Detainee (through translator): When released I would like to get an asylum. I would not want to go back to Tunisia.

Presiding Officer: For clarification, Tunisia is his home country, unless we have a reason not to send him back to Tunisia, it will be our first choice. But if he wants to give us some reason for asylum and comment here, then we will note it.

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Detainee (through translator): I don't want to go back to Tunisia because it's just crime and torture.

Presiding Officer: That explains what you said earlier. Thank you.

Detainee (through translator): I have never had any criminal dealings. I only have problems with drugs.

Board Member: You never did steal while you were living in Brussels, Belgium?

Detainee (through translator): Yes.

Board Member: You mentioned that you didn't commit any crime, but stealing is a form of crime.

Detainee (through translator): My understanding of a crime is killing or assassination. Everyone steals. I was in a bar in Italy having coffee while watching the president on TV. The bartender and other people stated that the president was a thief and that he had stolen 250 million liras. I asked the bartender why he is concerned with the money the president had stolen. I told the bartender if he found \$100 in front of him, he would steal it too. Now the president of Italy lives in Tunisia. Why don't you call this man a criminal too? A thief is not really a criminal.

Board Member: I understand.

Presiding Officer: If you are transferred or released to go home, what are your intentions? What kind of work or family life are you going home to?

Detainee (through translator): I will go back to being a mechanic. I would do any type of job, preferably a mechanic. I also want to marry.

Presiding Officer: Hisham do you have any other comments. I am getting ready to conclude.

Detainee (through translator): Since I have met the officials [referring to the Board] I have a message. The detainees are under a lot of pressure. If a cup is full of water, it may overflow. The fact is that they assault all these detainees. One detainee cannot move his finger. Sometimes when a person is praying, the guards come in and want him to move behind the line to take the garbage out. A detainee was praying and couldn't discontinue his prayer. Since the detainee was praying, the guard brought six other armed guards in and destroyed the entire cell just to pick up the garbage. The guards have gone in somebody else's cell and have broken his back. As a result, he became handicapped and went to his country in a wheelchair.

Presiding Officer: So, you would like the guards to treat you with some dignity and respect and you would give back the same.

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Detainee (through translator): These guards are the ones who assault all the detainees. If a detainee has done something, then it's OK to punish him. But if he hasn't done anything, don't just assault him. The guards tried to break someone else's finger over insignificant things like taking the garbage out. If a person doesn't fear another, he should fear God. It's time for my prayer.

Presiding Officer: Give me five minutes and I'll wrap it up.

Detainee (through translator): I would like to pray here in the building once we are finished.

Presiding Officer: We will move you to another room [interview room] where you can [start and] finish your prayer.

Detainee (through translator): Is there a bathroom around here?

Presiding Officer: We will make that available as well.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



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